

City of Miami

*City Hall
3500 Pan American Drive
Miami, FL 33133
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Meeting Minutes

Thursday, January 28, 2010

9:00 AM

PLANNING AND ZONING

City Hall Commission Chambers

City Commission

*Tomas Regalado, Mayor
Marc David Sarnoff, Chairman
Frank Carollo, Vice-Chairman
Wifredo (Willy) Gort, Commissioner District One
Francis Suarez, Commissioner District Four
Richard P. Dunn II, Commissioner District Five
Pedro G. Hernandez, City Manager
Julie O. Bru, City Attorney
Priscilla A. Thompson, City Clerk*

CONTENTS**PR - PRESENTATIONS AND PROCLAMATIONS****MV - MAYORAL VETOES****AM - APPROVING MINUTES****CA - CONSENT AGENDA****SS - SPECIALLY SCHEDULED ITEMS****PH - PUBLIC HEARINGS****SR - SECOND READING ORDINANCES****RE - RESOLUTIONS****DI - DISCUSSION ITEMS****PART B****PZ - PLANNING AND ZONING ITEM(S)****M - MAYOR'S ITEMS****D1 - DISTRICT 1 ITEMS****D2 - DISTRICT 2 ITEMS****D3 - DISTRICT 3 ITEMS****D4 - DISTRICT 4 ITEMS****D5 - DISTRICT 5 ITEMS**

*Minutes are transcribed verbatim. Periodically, agenda items are revisited during a meeting.
"[Later...]" refers to discussions that were interrupted and later continued.*

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

Present: Vice Chairman Carollo, Commissioner Gort, Chairman Sarnoff, Commissioner Suarez and Commissioner Dunn II

On the 28th day of January 2010, the City Commission of the City of Miami, Florida, met at its regular meeting place in City Hall, 3500 Pan American Drive, Miami, Florida, in regular session. The meeting was called to order by Chair Sarnoff at 9:36 a.m., recessed at 12:15 p.m., reconvened at 12:37 p.m., recessed at 2:14 p.m., reconvened at 3:47 p.m., recessed at 5:58 p.m., reconvened at 6:23 p.m., and adjourned at 9:42 p.m.

ALSO PRESENT:

*Julie O. Bru, City Attorney
Pedro G. Hernandez, City Manager
Priscilla A. Thompson, City Clerk*

Chair Sarnoff: I want to welcome everybody to the January 28, 2010 meeting of the City of Miami Commission in these historic chambers. Members of the City Commission -- and I have the illustrious honor of now saying we have a full Commission -- are Commissioner Frank Carollo, Vice Chair, Commissioner Francis Suarez, Wifredo Gort, Reverend Richard P. Dunn, and myself, Marc Sarnoff, Chairman. Also on the dais are Pete Hernandez, the City Manager, Julie O. Bru, the City Attorney, and Priscilla A. Thompson, the City Clerk. The meeting will be opened with a prayer by Commissioner Suarez, and it will be followed by the pledge of allegiance led by Commissioner Gort. Please all rise.

Invocation and pledge of allegiance delivered.

PRESENTATIONS AND PROCLAMATIONS

Chair Sarnoff: It's my understanding, Madam Clerk, there are no presentations or proclamations. Is that correct?

Priscilla A. Thompson (City Clerk): That is correct.

Chair Sarnoff: All right.

MAYORAL VETOES**NO MAYORAL VETOES**

Chair Sarnoff: At this time, are there any Commissioners who wish to either -- or the --?

Priscilla A. Thompson (City Clerk): Excuse me, Chair, if I might. Your Mayoral vetoes.

Chair Sarnoff: Are there any Mayoral vetoes?

Ms. Thompson: No, there are not.

Chair Sarnoff: Thank you.

APPROVING THE MINUTES OF THE FOLLOWING MEETINGS:

Motion by Vice Chairman Carollo, seconded by Commissioner Suarez, to APPROVE PASSED by the following vote.

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

END OF APPROVING MINUTES**Order of the Day**

A motion was made by Commissioner Suarez, seconded by Vice Chair Carollo, and was passed unanimously, to defer to the Commission meeting currently scheduled for March 11, 2010 discussion concerning the approval of the compensation and emoluments to be received by City of Miami Attorney Julie O. Bru, Esquire and City of Miami City Clerk Priscilla A. Thompson.

Note for the Record: For further discussion referencing items SS.2 and SS.3, please refer to said items.

Chair Sarnoff: Why don't we give the City Attorney -- if you open the meeting.

Julie O. Bru (City Attorney): Good morning, Mr. Chair. Welcome, Reverend Dunn, Commissioner Gort, rest of the members of the Commission, Madam City Clerk, Mr. Manager, members of the public. Just a few rules of conduct. Any person who is a lobbyist must register with the City Clerk before appearing before the City Commission. You should note that we have recently adopted an ordinance that requires lobbyist to take an -- a training before they can even register, so please take note of that. The materials for each item on the agenda is available during business hours at the City Clerk's office and online at www.miamigov.com [sic]. If anyone wishes to appeal any decision made by the City Commission for any matter considered at this meeting, you may need a verbatim record of the item. Please, no cell phones or other noise-making devices. Silence those now. Any person making offensive remarks, who becomes unruly in the Commission chambers will be barred from further attending the meetings. And any person with a disability who requires auxiliary aids and services for this meeting, please notify the City Clerk. Thank you.

Chair Sarnoff: All right.

"[Later...]"

Chair Sarnoff: Let me ask the Administration does it have any issues that it wishes to defer, continue, remove from this agenda?

Pedro G. Hernandez (City Manager): Mr. Chair, Commissioners, good morning. There are a few items that I would like to ask for your deferral at this time in order to allow people maybe here for those items to know the action. One of them -- the first one is PH.1, which is the FOCAL (Foundation of Community Assistance and Leadership) agreement. My understanding in conversations with District 5 is that they would like to defer that item to allow them more time to properly review that budget. That's PH.1. Also --

Priscilla A. Thompson (City Clerk): Do we have --? I'm sorry. Do we have a date?

Mr. Hernandez: It would be to February 11.

Ms. Thompson: Thank you.

Commissioner Gort: Be -- it continues?

Vice Chair Carollo: Yeah.

Ms. Thompson: Yes.

Mr. Hernandez: Yes.

Vice Chair Carollo: Could it be --? It is a continuance. Is two weeks enough time? Mr. Commissioner?

Commissioner Dunn: Yes, it is.

Chair Sarnoff: That's PH.1. What was the other one?

Mr. Hernandez: The other one would be SR.1, which is the item dealing with the second reading of increase of fees of -- I know that our CFO (Chief Financial Officer), Larry Spring, has met with Commissioner Carollo, and he's working on developing comparables on 18 items. He's halfway through that. I'd rather have him complete that effort and then bring it before the City Commission. I know that this is very significant to our budget, but at this point, another two weeks -- I think another two weeks is probably worth it to be sure that we properly vet the item and present it properly to you.

Chair Sarnoff: All right.

Mr. Hernandez: And that would be to the 11th, to February 11.

Chair Sarnoff: Any others?

Mr. Hernandez: And in -- there is one in Planning and Zoning that I think it merits bringing up at this time because it's also in District 5. It's PZ.10 and 11, which is the King Orchard development. It's an affordable housing development adjacent to African Square Park. And the Commissioner of District 5 would like to have more time to properly review the item.

Chair Sarnoff: All right. So PZ.10 and 11.

Mr. Hernandez: So that would be deferred, meaning it will go to the second meeting in February. And those are the three items that I have. There may be other Planning and Zoning items -- Oh, there is one that I should mention at this time, which is PZ.26, because that's the one that deals with a Miami-Dade School Board appeal. And my understanding is that they would like to defer that appeal. They're trying to work out another solution, which will not require them to appeal the HEP (Historic and Environmental Preservation) Board decision. And I know that there is a representative of the School Board here today, and I wanted to take this item at this point.

Ms. Thompson: I'm sorry. We're not hearing you. Can you bring the --?

Anna Craft: Attorney Anna Craft, and I represent the School Board. We're requesting a continuance on this issue to find alternative solutions, and we are requesting the continuance 'till next month -- next month's meeting.

Chair Sarnoff: All right. So PZ.26.

Mr. Hernandez: Yes.

Chair Sarnoff: What else, Mr. Commissioner [sic] --?

Mr. Hernandez: That's it at this time --

Ms. Thompson: And the --

Mr. Hernandez: -- Mr. Chairman.

Ms. Thompson: -- date, please, on PZ.26 would be?

Mr. Hernandez: Would be indefinite.

Ms. Thompson: Thank you.

Commissioner Suarez: Mr. Chairman?

Chair Sarnoff: Yes, sir.

Commissioner Suarez: I have one item. I'm not sure if it's appropriate to bring up now or when the item comes up, but you had instructed me in the last meeting to prepare a presentation on the salary structure of the City Attorney. In lieu of the fact that -- or in light of the fact that we had the special meeting on Tuesday and that required a tremendous amount of effort to be ready for, I could theoretically present, if you felt it was absolutely necessary. But I would prefer to have an additional -- at least an additional two weeks, because I feel like it's a very serious matter and one that has to be given full consideration and time. So while we can take up the issue of whether or not to retain the City Attorney, I would respectfully request that we could defer any discussion on the compensation until at least two weeks, if not longer, if you so wish.

Chair Sarnoff: Well, how long --? I mean, I know you're probably going to want to say something with the Clerk. But how long do you actually want? I mean --

Commissioner Suarez: I can be ready --

Chair Sarnoff: -- I don't want -- I want to be reasonably certain you're going to have your time necessary.

Commissioner Suarez: I could -- I can say with a high degree of probability that I could be ready in two weeks. I think I wouldn't have any kind of excuse if you wanted to give me a month. But I mean, certainly within the next two weeks, I can say with a high degree of probability that I could be ready in the next two weeks.

Chair Sarnoff: All right.

Vice Chair Carollo: Mr. Chairman?

Chair Sarnoff: Go ahead.

Vice Chair Carollo: I had the same issue with appointment -- reappointment and salary of the City Clerk. And I do want to mention that when you ask for us to take this, you mentioned that it was, you know, routine, normal for this to happen, which I agree. However, I remember specifically in November of 2003 where the City Commission unanimously asked then-Commissioner Regalado to do the same task and gave him 180 days for both the City Clerk and the City Attorney. So if you break it up, 90 days for each. I'm not saying that I need 90 days, but -- although it's common for a Commissioner to do this, I think two weeks is just too --

Chair Sarnoff: Fair enough.

Vice Chair Carollo: -- narrow of time. So I think at least, you know, a month or so forth so -- And it seems like, in all fairness -- and I don't want to speak for you Commissioner Suarez, but it seems like even two -- an additional two weeks, you're not comfortable. So I -- and I would tell you, I have no problems extending it longer. However, I do want -- just like in the past it's been

done, I do want to do it two parts where we actually bring up a motion whether to reappoint or not, and then at a later time, discuss their salaries and benefits, if that's possible.

Chair Sarnoff: All right. So let's take one issue at a time. Would both of you gentlemen feel comfortable with the second meeting in February?

Commissioner Suarez: I would. But I would defer to the Vice Chair in terms of if he needs more time. I would be comfortable with the second meeting in February. But if he --

Vice Chair Carollo: At this time, I will say, yes, Mr. Chairman. However, as a caveat, I want to make sure because --- I mean, we're dealing with, you know, difficult financial time period. And I want to make sure that, you know, the information is accurate. I just don't want to throw numbers out there. I want to make sure that the information is accurate, correct. And not only that, at least with the City Clerk, I know that already starting to look into this, various City Clerks have various duties. And, therefore, I just want to make an accurate comparison of, you know, our City Clerk's duties in comparisons to other municipalities that I may want to bring up.

Chair Sarnoff: I mean, I'm tempted just to say the first meeting in March so that there won't be any further continuances. It will be a very early start, probably the close of the first quarter.

Vice Chair Carollo: I think that's fair.

Chair Sarnoff: Fair enough?

Commissioner Suarez: That's a --

Chair Sarnoff: All right. So let's continue the discussion item on the salary/compensation for the City Clerk and the City Attorney for the first meeting in March. Is there a motion?

Commissioner Suarez: I make that motion.

Chair Sarnoff: All right. Is there a second?

Vice Chair Carollo: I second for discussion. And I just want to clarify that we still can make the reappointment on today's dais.

Chair Sarnoff: And that's why I bifurcated it.

Vice Chair Carollo: Okay.

Chair Sarnoff: Correct.

Vice Chair Carollo: Okay, second.

Chair Sarnoff: All right. All in -- any further discussion, gentlemen?

Commissioner Gort: None.

Commissioner Dunn: None.

Chair Sarnoff: All right. All in favor, please say "aye."

The Commission (Collectively): Aye.

Chair Sarnoff: Okay. Now let's take the second issue. Do you want to leave it in the place order

that I would bring it up, which we presently have an interpreter here, and we presently have -- I always try to get the Mayor's issues done as quickly as possible.

Mr. Hernandez: Mr. Chairman, if you allow me for one --

Chair Sarnoff: And I have the City Manager there.

Mr. Hernandez: -- quick second.

Chair Sarnoff: Is your contract coming up?

Mr. Hernandez: No, sir. I'm always --

Chair Sarnoff: Okay.

Mr. Hernandez: -- on the bubble. Mr. Chairman, if you allow me. I was just --

Chair Sarnoff: Sure. Go ahead.

Mr. Hernandez: -- speaking to the attorney for Miami-Dade School Board. And on item PZ.26, that I asked for it to be indefinitely deferred, that he would like to have it deferred to the second meeting in February.

Chair Sarnoff: So you want PZ.26 to the --

Mr. Hernandez: To the second meeting in February. However, they are committed to working with the County in trying to find a resolution to the problem that would allow them to hopefully withdraw in February.

Chair Sarnoff: Well, okay. Second meeting in February is -- would be part of a motion. All right. Anything else? Mr. Mayor, you have anything you want to add?

Mayor Tomás Regalado: Sorry?

Chair Sarnoff: No. I -- we have to make a motion with regard to deferrals, and I have something I want to continue as well. Do the Commissioners have any other items they want to continue?

Vice Chair Carollo: Mr. Chairman?

Chair Sarnoff: Go ahead. You're recognized.

Vice Chair Carollo: At the present time, I don't have any items that I see I will want to continue or defer. However, speaking with the Manager, I believe PZ.25 was going to be continued. And I just want to verify.

Mr. Hernandez: I believe so, Commissioner, but I didn't want to do those other Planning and Zoning items until the beginning of the Planning and Zoning agenda because the attorneys representing those parties may not be here.

Vice Chair Carollo: Not a problem. I'm just -- when we spoke yesterday, you mentioned that --

Mr. Hernandez: Yes.

Vice Chair Carollo: -- it was going to be continued.

Mr. Hernandez: Yes.

Vice Chair Carollo: So I just want to make sure that I don't get surprised and plan on a continuance and then everyone's here and we go, you know --

Mr. Hernandez: The same goes for PZ.24 --

Chair Sarnoff: Yeah. I was going to bring that up --

Vice Chair Carollo: Right.

Chair Sarnoff: -- Mr. Manager.

Mr. Hernandez: -- which we were able to talk to the applicants last evening, and they also are agreeing to defer the item.

Chair Sarnoff: So let me put it as part of our anticipated -- or motion. PZ.24 would be continued to the next PZ (Planning & Zoning) agenda.

Vice Chair Carollo: And PZ.25.

Mr. Hernandez: And PZ.25.

Chair Sarnoff: And -- all right.

Commissioner Gort: Mr. Chairman, can we make a motion for all of them or do you have to move them one by one?

Chair Sarnoff: Yeah. I think we -- we can do it all as stated, Madam Clerk?

Commissioner Gort: Okay.

Ms. Thompson: That is correct.

Chair Sarnoff: All right.

Commissioner Gort: So move.

Chair Sarnoff: All right. Is there any other deferrals, continuances? I see the Mayor standing there.

Mayor Regalado: No, no. I just want, Mr. Chairman, to understand. You -- are you voting on the reappointment today and then doing the package in March? Okay. That's all.

Chair Sarnoff: All right. So we have a motion. We have a second. Any further discussion? Hearing none, seeing none, all in favor, please say "aye."

Ms. Thompson: I'm sorry, Chair. No, no. I'm sorry, Chair. You didn't have a motion and a second on your deferrals yet.

Chair Sarnoff: All right.

Commissioner Suarez: I move the deferrals.

Chair Sarnoff: Is there --? Motion by Commissioner Suarez, second by Commissioner Gort. Any further discussion? Hearing none --

Ms. Thompson: If I might, I just want to make sure you're clear. What we have in the record today PH.1 is going to be continued to 2/11; SR.1, 2/11; PZ.10 and 11, 2/25; PZ.26, 2/25; and then PZ.25 and 24 to 2/25. Is that correct?

Chair Sarnoff: Yeah. I didn't hear you mention the discussion items. Did you -- ?

Ms. Thompson: Well, the discussion items on SS.2 and SS.3, you had some discussion there that you're going to continue the benefit portion to 3/11, but you will be taking that up as a discussion on the appointments.

Chair Sarnoff: So that would not be part of this motion?

Ms. Thompson: That's correct. Because if we vote on it, then we've basically closed that out.

Chair Sarnoff: Just make sure you bring that up to my attention one more time when we get to the discussion items.

Ms. Thompson: Yes.

Chair Sarnoff: All right. So gentlemen, it apparently is on PH.1, SR.1, PZ.10 and 11, PZ.26, and PZ.24 and 25.

Ms. Thompson: Correct.

Chair Sarnoff: We all understand what we're voting on?

Commissioner Dunn: Yes.

Commissioner Gort: Yes.

Chair Sarnoff: There's been a motion. There's been a second. There's no further discussion. All in favor, please say "aye."

The Commission (Collectively): Aye.

Chair Sarnoff: All opposed? Okay.

"[Later...]"

Vice Chair Carollo: Mr. Chairman?

Chair Sarnoff: Yes, sir.

Vice Chair Carollo: I know my staff, everyone that worked on my campaign is going to be extremely surprised that I'm saying this. I just don't want to set precedence. I mean, I know we're impressing our two newly [sic] Commissioners and we've gone through without a lunch recess. Now according to our code -- and I don't have it in front of me so I'm not going to quote it, but I can assure you it's there when it talks about lunch recess and it's at 12. Now, again, like I mentioned, I'm sure my staff right now is wondering what's going on, 'cause I'm someone who goes through and, you know, keeps working and working without lunch or without breakfast, lunch, and dinner for that matter, but I'm just -- and I don't mind doing it this time, but I don't want to set precedence. I know we're impressing our new -- our two newly [sic] Commissioners,

but with that said --

Commissioner Gort: Hey (UNINTELLIGIBLE), no problem.

Chair Sarnoff: I was just trying Commissioner Dunn out. I just wanted to see when he said uncle.

Vice Chair Carollo: No. I see that, but --

Chair Sarnoff: And I don't see him saying uncle, so --

Vice Chair Carollo: But I'm throwing him a towel. I'm throwing him a towel.

Chair Sarnoff: I mean, I was the first guy to get up to go to the bathroom. It's obvious who's got the smallest bladder here.

Commissioner Dunn: Well -- no comment.

Commissioner Gort: I had a (UNINTELLIGIBLE) --

Chair Sarnoff: Don't get in the dirt with us.

Commissioner Dunn: Let me say this. After Tuesday night, I can go as long as you guys need me to go.

Chair Sarnoff: Well, my hope really is is just to do the 2 o'clock time certain issue, then we will take at least an hour for lunch. And I actually think we made up some ground. And we still have a long agenda, though, but I think we made up some ground. So can I do --? Man, wish that clock --

Commissioner Gort: Five minutes.

Chair Sarnoff: Five minutes.

CONSENT AGENDA**CA.1 10-00005**

*Department of
Hearing Boards*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ALLOCATION OF FUNDS, IN AN AMOUNT NOT TO EXCEED \$7,000, FOR SPECIAL COUNSEL TO THE NUISANCE ABATEMENT BOARD, INCLUDING ANY REQUIRED RELATED LITIGATION SERVICES; ALLOCATING FUNDS FROM FISCAL YEAR 2009-2010 BUDGETED FUNDS OF THE OFFICE OF HEARING BOARDS, ACCOUNT NO. 00001.311000.531010.0000.00000.

10-00005 Legislation.pdf
10-00005 Summary Form.pdf

This Matter was ADOPTED on the Consent Agenda.

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

R-10-0015**CA.2 10-00006**

*Department of
Hearing Boards*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ALLOCATION OF FUNDS, IN AN AMOUNT NOT TO EXCEED \$23,000, FOR SPECIAL COUNSEL TO THE CODE ENFORCEMENT BOARD, INCLUDING ANY REQUIRED RELATED LITIGATION SERVICES; ALLOCATING FUNDS FROM FISCAL YEAR 2009-2010 BUDGETED FUNDS OF THE OFFICE OF HEARING BOARDS, ACCOUNT NO. 00001.311000.531010.0000.00000.

10-00006 Legislation.pdf
10-00006 Summary Form.pdf

This Matter was ADOPTED on the Consent Agenda.

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

R-10-0016**CA.3 10-00007**

*Department of
Information
Technology*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BID RECEIVED NOVEMBER 16, 2009, PURSUANT TO INVITATION FOR BID NO. 178149, FROM R&S INTEGRATED PRODUCTS & SERVICES, INC., FOR THE PROVISION OF LASERFICHE SOFTWARE, HARDWARE, AND SERVICES, ON A CITYWIDE, AS-NEEDED CONTRACTUAL BASIS, FOR AN INITIAL CONTRACT PERIOD OF TWO (2) YEARS, WITH THE OPTION TO RENEW FOR THREE (3) ADDITIONAL ONE (1) YEAR PERIODS; ALLOCATING FUNDS FROM THE VARIOUS SOURCES OF FUNDS FROM THE USER DEPARTMENTS AND AGENCIES, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED.

10-00007 Legislation.pdf
10-00007 Summary Form.pdf
10-00007 Bid Tabulation.pdf
10-00007 Letter.pdf
10-00007 Addendum 1.pdf
10-00007 IFB.pdf
10-00007 Price Sheet.pdf

This Matter was ADOPTED on the Consent Agenda.

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

R-10-0017

CA.4 10-00009

*Department of
Purchasing*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BID RECEIVED DECEMBER 18, 2009, PURSUANT TO INVITATION FOR BID NO. 145119, FROM BLM TECHNOLOGIES OF FLORIDA, LLC., FOR THE PROVISION OF PRINTER AND SCANNER REPAIR SERVICES, ON A CITYWIDE, AS-NEEDED CONTRACTUAL BASIS, FOR AN INITIAL CONTRACT PERIOD OF ONE (1) YEAR, WITH THE OPTION TO RENEW FOR FOUR (4) ADDITIONAL ONE (1) YEAR PERIODS; ALLOCATING FUNDS FROM THE VARIOUS SOURCES OF FUNDS FROM THE USER DEPARTMENTS AND AGENCIES, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED.

10-00009 Legislation.pdf
10-00009 Summary Form.pdf
10-00009 Bid Tabulation.pdf
10-00009 Addendum 1.pdf
10-00009 IFQ.pdf
10-00009 IFQ 2.pdf
10-00009 Purchase Orders.pdf
10-00009 Purchase Orders 2.pdf
10-00009 IFB.pdf

This Matter was ADOPTED on the Consent Agenda.

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

R-10-0018

CA.5 10-00023

*Department of
Public Works*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, FOR THE MAINTENANCE OF STATE ROAD 9/SOUTHWEST 27TH AVENUE FROM SOUTHWEST 28TH LANE TO SOUTHWEST 8TH STREET, MIAMI, FLORIDA.

10-00023 Legislation.pdf
10-00023 Exhibit.pdf
10-00023 Summary Form.pdf

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

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

R-10-0022

Chair Sarnoff: You're recognized for CA.5.

Vice Chair Carollo: Thank you, Mr. Chairman. I'd like to ask what is the cost of the maintenance per year?

Bill Anido: We have budgeted -- I'm sorry. Bill Anido, assistant City manager. The Public Works Department has a budget of \$40,000 a year for this maintenance. However, let me stress, we anticipate it will be done probably for about half of that. It's fully funded in the budget, as I said, for about \$41,000.

Vice Chair Carollo: So this is something that was not funded in last year's budget. It's a new funding of 40,000 for Southwest 27th Avenue from 28th -- I'm sorry, Southwest 8th Street from 27th to 28 Lane? Is that --?

Mr. Anido: Lane. This is a new maintenance agreement that the -- that is being presented to the City Commission for approval.

Vice Chair Carollo: I understand it's being considered for approval. I'm just wondering, does it take 40,000 of maintenance for --? It doesn't seem like it's a very long stretch. And I'm just afraid if we keep obtaining these beautification projects and so forth, can we constantly keep maintaining them considering, once again, that when I approve this, once again, it's outside the district. You know of the issues that I've had. We're going to be approving another one of these where FDOT (Florida Department of Transportation) constructed a bridge. On one side of the bridge, they did a beautification project. On the other side bridge, which happens to be in my district, they sent me a nice letter saying that, sorry, but, we, you know, weren't able to do it and so forth. So with that said, I mean, can we continue to do these type of maintenances, 40,000 here?

Mr. Anido: No, no. Again, Commissioner, let me stress, we have set aside -- we have a budget of 40,000. We fully anticipate doing it for probably half of this. Most of it will be handled with Public Works staff, which is presently on board. So we anticipate it will be definitely less. However, I did want to mention that it's fully budgeted and for the amount of 40,000.

Vice Chair Carollo: Okay, so it's budgeted for 40,000. Let's say it comes down to 20,000.

Mr. Anido: Right.

Vice Chair Carollo: You know, I'll give your say on it and I'll take your word for it. So for the rest now to perpetuity, we have to now fund 20,000 for the maintenance of this street?

Mr. Anido: Yes. That is the agreement being presented. Yes.

Vice Chair Carollo: So every time that they do one of these beautification projects and we do the maintenance, okay, and we vote up here and do the maintenance, okay, we are in perpetuity saying, yes. We're going to encumber an additional \$20,000 to maintain these streets.

Mr. Anido: That is correct, yes. That is the typical maintenance agreement with the FDOT. Any time the City requests anything outside the typical, let's say, pavement, curb and gutter, sidewalk, et cetera, the City then is committing itself to maintaining those non -- let's say highway items, such as landscaping, special lighting, things of that sort. Yes.

Vice Chair Carollo: My issue is -- and I guess during budget time we're going to have to look at this a little bit more, because it seems like it's not that big of a stretch of streets, and you know, we're paying 20,000. And mind you, it's budgeted for 40. I'm taking your word --

Mr. Anido: Right, right.

Vice Chair Carollo: -- on it that it's going to be 20. So I'm just wondering how many more of these can we actually do, you know, where we get to a point where we say, hey, every year we're growing and growing and growing our Public Works budget, and the revenues are less and less and less. So that's just the issue that I'm having with it. And you know, again, I love beautification projects. I have fought, like you all know, with regards -- and I know, Mr. Manager -- as a matter of fact, I even have the maps, and I don't -- I'm kind of holding back not to bring them out and so forth. But I even have the maps as far as my district. Every time you look in the Internet, my district is in yellow. When Commissioner Sanchez was here, every time you look, my district is painted in yellow. However, when they made the district map as compared to parks for each district, they made mine green. And I think -- you know, I don't want to be cynical about it, but I think maybe that was masqueraded a little bit that there's no green in my district. But with that said, I just want to bring it up to everyone's attention that, you know, every time we agree on this, you know, we're actually growing government, you know. We're adding \$20,000 now perpetuity to maintain this street unless, during the budgeting process, we figure out a way that it doesn't cost \$20,000, that maybe it actually costs less. And maybe that's something that we may have to look at. With that said, you know, I'm not going to continue. I'm not even going to bring out the maps. I don't know if you saw it. I know the Manager saw it. But anyhow --

Chair Sarnoff: All right.

Vice Chair Carollo: -- with that said, I'll move on.

Chair Sarnoff: All right, CA.5. Is there a motion on CA.5?

Commissioner Suarez: So moved.

Chair Sarnoff: Is there a second?

Commissioner Dunn: Second.

Chair Sarnoff: Any discussion? Hearing no discussion, gentlemen, CA.5, all in favor, please say "aye."

The Commission (Collectively): Aye.

CA.6 10-00059

Office of Grants Administration

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, FOR GRANT FUNDING, IN AN AMOUNT NOT TO EXCEED \$24,000, FOR THE CITY OF MIAMI'S TREE CANOPY PROGRAM; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, IN

SUBSTANTIALLY THE ATTACHED FORM, FOR THE SUBMISSION OF SAID GRANT APPLICATION.

10-00059 Legislation.pdf

10-00059 Exhibit.pdf

10-00059 Summary Form.pdf

This Matter was ADOPTED on the Consent Agenda.

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

R-10-0019

Adopted the Consent Agenda

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

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

END OF CONSENT AGENDA

Priscilla A. Thompson (City Clerk): And then you also have your minutes.

Chair Sarnoff: All right. Is there a motion to approve the minutes of the last meeting, was it?

Ms. Thompson: We have the minutes of the December 17 regular meeting and the December 17 supplemental.

Chair Sarnoff: Okay.

Ms. Thompson: So if you want --

Vice Chair Carollo: So move.

Commissioner Suarez: Second.

Chair Sarnoff: Can we take them together?

Ms. Thompson: Yes.

Chair Sarnoff: Okay. All right. We have a motion. We have a second. Any discussion, gentlemen? Hearing none, all in favor, please say "aye."

The Commission (Collectively): Aye.

Chair Sarnoff: Okay.

Ms. Thompson: Thank you.

Chair Sarnoff: Anything else?

Vice Chair Carollo: Mr. Chairman? I thought Mr. Dunn -- I thought Commissioner -- no?

Commissioner Dunn: Yes.

Vice Chair Carollo: Mr. Chairman, I think Commissioner Dunn wants to --

Chair Sarnoff: Did you want to say something?

Commissioner Dunn: Yes.

Chair Sarnoff: I apologize. I didn't --

Commissioner Dunn: No problem. I -- in terms of the -- I didn't know should I vote since I was not present at the -- that was my question.

Chair Sarnoff: Go ahead, Madam Clerk.

Julie O. Bru (City Attorney): Commissioner, we have determined that adopting the minutes, it's a ministerial act, so if you don't feel comfortable, you don't have to vote.

Commissioner Dunn: I'll vote in favor --

Chair Sarnoff: Okay.

Commissioner Dunn: -- of approving. Okay.

Chair Sarnoff: I think the record would reflect that there were no negative votes on that. All right.

Ms. Thompson: Thank you.

Chair Sarnoff: All right.

"[Later...]"

Chair Sarnoff: Okay. Let's go through the consent agendas [sic]. Does anybody wish to pull anything from the consent agenda?

Commissioner Suarez: Yes. Yes, Mr. Chairman.

Chair Sarnoff: Go ahead. Commissioner Suarez, you are recognized.

Commissioner Suarez: One and two. I just want to make a small point. We don't -- I don't even think we have to pull it. I just want to make a point.

Chair Sarnoff: Go ahead. You're recognized.

Commissioner Suarez: My point is they're both relating to special counsel fees, and we've been - as a Commission body, we've been very careful in terms of authorizing appropriations or funding for special counsel of our different boards. And I just want to note for the record that I asked of these two boards the same information that I have of others, and I was pleasantly surprised to know that the amount allotted to each of these two boards, the Nuisance Abatement Board and the Code Enforcement Board, was reduced substantially from last year's budget from 30,000 in the case of the Nuisance Abatement Board to 7,000 for this year; and Code Enforcement from 50 -- approximately 50,000 to 23,000, which is more than 50 percent, so --

Chair Sarnoff: Well, in that case, then the City Attorney must not be sitting comfortably. Just a joke. A good job. That was a great job then. All right. Anybody else wish to discuss any items?

Vice Chair Carollo: Mr. Chairman, I'd like to pull CA.5.

Chair Sarnoff: Pull CH.5 [sic]. Okay, we'll pull CA.5. Any other items, gentlemen, you'd like to have pulled? All right. Hearing none, seeing none, 1 through 6, with the exclusion of 5, is there a motion?

Vice Chair Carollo: So move.

Commissioner Suarez: Second.

Chair Sarnoff: Is there a second? All in favor, please say "aye."

The Commission (Collectively): Aye.

SPECIALLY SCHEDULED ITEMS

SS.1 10-00014

*Office of the City
Clerk*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION WITH ATTACHMENT(S), OFFICIALLY ACCEPTING THE ATTACHED CITY CLERK'S CERTIFICATION OF THE CANVASS AND DECLARATION OF THE RESULTS OF THE CITY OF MIAMI SPECIAL ELECTION HELD ON JANUARY 12, 2010, FOR THE ELECTION OF COMMISSIONER DISTRICT 1 AND COMMISSIONER DISTRICT 5.

10-00014 Memo Certification Of Official Results.pdf

10-00014 SOE Certification of Official Results.pdf

10-00014 Certification And Declaration of OER.pdf

10-00014 Post Election Audit.pdf

10-00014 Legislation.pdf

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

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

R-10-0023

Chair Sarnoff: SS.1.

Priscilla A. Thompson (City Clerk): Thank you. Just -- this is our bit of housekeeping. We now need you all to go ahead and accept the results of our special election that took place on January 12, 2010.

Vice Chair Carollo: So move.

Commissioner Suarez: Second.

Chair Sarnoff: We have a motion and we have a second. Any discussion? Madam City Attorney, by approving this, are you recommending that we do so with the status of a lawsuit?

Julie O. Bru (City Attorney): Yes, I do because this actually is a ministerial act on your part.

Chair Sarnoff: Okay.

Ms. Bru: Given the report from the Supervisor of Elections, you have really no option but to approve it.

Chair Sarnoff: Okay. All right. Hearing that, gentlemen, SS.1. All in favor, please say "aye."

The Commission (Collectively): Aye.

SS.2 09-01363 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ELECTING AND REAPPOINTING JULIE O. BRU, ESQUIRE, AS CITY ATTORNEY OF THE CITY OF MIAMI, FLORIDA; APPROVING THE COMPENSATION AND EMOLUMENTS TO BE RECEIVED BY CITY ATTORNEY JULIE O. BRU.

09-01363 Legislation.pdf

09-01363 Exhibit.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) Carollo, Gort, Sarnoff, Suarez and Dunn II

R-10-0042

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

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

Noes: 2 - Commissioner(s) Carollo and Dunn II

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

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

Chair Sarnoff: SS.2.

Commissioner Gort: I don't know. I might want to discuss this a while.

Chair Sarnoff: I'm sorry? You --

Commissioner Gort: Just kidding.

Chair Sarnoff: Do we want --? Well, we had said that we would bifurcate this and we would --

Commissioner Gort: Right.

Chair Sarnoff: -- talk about the appointment.

Priscilla A. Thompson (City Clerk): Just so I'll remind you, Chair, your records do show that you've already made a motion, had a second, and voted on the deferral of the benefits portion for both SS.2 and SS.3 to March 11. That's already on your record.

Chair Sarnoff: Correct.

Vice Chair Carollo: Mr. Chair?

Chair Sarnoff: Yes. You're recognized.

Vice Chair Carollo: The benefits and salary portion.

Ms. Thompson: Yes, correct. I'm sorry. We're only dealing with the reappointment portion.

Vice Chair Carollo: I know as far as the City Attorney, Commissioner Suarez was the one who headed that up. But -- so I would think that he should make the motion. But if not, hey, I want to move this along. I'll make the motion.

Chair Sarnoff: Okay.

Commissioner Suarez: I'll second the motion.

Chair Sarnoff: All right.

Vice Chair Carollo: No. I didn't -- I said that I would make the motion. I didn't make the motion. I think Commissioner Suarez should make the motion.

Commissioner Suarez: Okay, okay. Again, this -- we bifurcated this process -- and I think it's important to note that we bifurcated this process and, you know, part of the reason why we did that is because we wanted to send a message to the City Attorney that we have confidence in her and her abilities. I have a very finite amount of, you know, interaction with her because I've only been here for two months. She was explaining to me -- and I'm actually very fortunate because a lot of times the decision is made immediately after the November election and so, in essence, I have had some period of time to evaluate her, and I haven't found anything in that period of time that would prevent me from nominating her to continue to serve in the position. Now, once the salary issue is discussed, I'm not so sure that she'll want to serve in that position, but that's her decision. And certainly, you know, we -- her and I have engaged in discussions on her compensation, if she were so reappointed by the Commission. And I appreciate the Commission's deferral, you know, on that item because I think the City deserves -- that, as the Vice Chairman said, that item be very, very, very heavily vetted before it's presented. And, you know, I've received information from the City Attorney and we've discussed it. And I've identified to her some of the issues that I have privately. And, you know, at the relevant moment, we will -- as the Mayor has always established this practice discuss it in the Sunshine in terms of what my recommendation to the Commission is. But in terms of -- oh, and let me just ask a question, Chairman, and I don't know if maybe Madam City Attorney may have to answer it. But in ratifying her tenure, her two years -- it's a two-year tenure, correct, if we were to ratify this -- appoint you?

Julie O. Bru (City Attorney): Actually, if you read the charter strictly --

Commissioner Suarez: Yes.

Ms. Bru: -- it's a four-year tenure, but being an at-will appointee, I think that doesn't really make a difference. I serve until you decide that I don't need to serve anymore. So, yes, the way that the appointment was structured the last time in 2008, it expresses a two-year term, and that was the resolution that was drafted by outside counsel with different recitals, so that is what currently would be continued, a two-year term.

Commissioner Suarez: And I just want to clarify something 'cause it kind of answered my second question in answering that question, which is that you would remain at-will under the resolution. There would not be -- the resolution has nothing to do with your status in terms of being at-will or not being at-will. Because I know that previously there was some issue -- or there may be pending litigation now regarding if the Commission were to terminate you without cause, in other words, they just decided this wasn't working out, you know, we have a new Commission,

you know, conflicts of personalities, et cetera, et cetera -- Are we -- we're not deciding on that aspect of it. I would consider that to be kind of compensation related. So what we're doing here today is based on our experience with you or renominating you or showing you our confidence, and then we'll discuss compensation at a later date. Is that accurate?

Ms. Bru: What you're doing now is just reappointing me to continue to serve as I have been serving, status quo, and later on I know that you're going to be suggesting certain adjustments to the benefits, the salary, and the terms and conditions of employment.

Chair Sarnoff: Well, I don't think that's what he said. I don't -- and I'm not trying to fight one way or the other. If it remains status quo, then it will remain an extension of your previous package.

Ms. Bru: That's correct.

Chair Sarnoff: Right. And I think what you're saying is you don't want any extensions of that package other than she continues to get the same compensation until you change her compensation. However, she does have a severance in there in the event, for personality reasons, you determine within the next 30 days, 20 days to terminate the City Attorney and you would prevail on your vote, you would have a severance obligation.

Commissioner Suarez: Is that correct?

Ms. Bru: That would be part of the status quo, yes.

Commissioner Suarez: So -- and so I guess my question is, as part of the compensation package, will we be able to modify that? Do you understand what I'm saying? In other words, if we're ratifying her today based on, you know, the history -- a very -- I mean, I'm just making -- I would just be making the motion, so it would have to pass -- you know, if the other Commissioners were in agreement. Based on my history, my history with you has been favorable. However, one concern that I have and just generally is, you know, if there is a conflict in personality or just a reason where, you know, the Commission lost confidence or faith, not necessarily for cause, you know, as it would be defined in a contract, but because, you know, you're -- as the City Manager serves at the pleasure of the Mayor, the City Attorney and the City Clerk serve at the pleasure of the Commission and you're part of our team. So if for whatever reason we didn't want you to be part of our team for some reason, then my question is if we ratify you today or right now, would we, in essence, be ratifying our inability to kind of terminate you at will without kind of a severance, or would that be part of our discussion on compensation?

Chair Sarnoff: Why don't you -- if it is a concern of yours, why don't you ratify it with the exclusion in her emolument package of any severance -- of any entitlement to severance? And then once you negotiate with her on her emolument package on March 11, that is a term of your --

Commissioner Suarez: Fine.

Chair Sarnoff: -- that is a term and condition of your compensation.

Commissioner Suarez: So move.

Ms. Bru: Okay. May I say something, Chairman?

Chair Sarnoff: Did I hurt you there?

Ms. Bru: I have to believe that if you're expressing support for me, you've had enough time to

work with me and you're reappointing me because you feel that I am the right person for this job and all that remains to be done is let's work on the emoluments, the salary, the benefits, that -- I don't think that we're going to fall out within the next 30 days. So I don't think you need to worry about that. I mean, you know, you're giving me a vote of confidence now. I don't think that our relationship is going to deteriorate over the next 30 days where you're going to want to fire me without cause. So I don't think that that's really going to be an issue, but that's just my humble opinion.

Commissioner Suarez: I agree with you. I agree with you, Madam Attorney. My issue is I think that aspect of a contractual negotiation is compensation oriented.

Ms. Bru: And that is something that you can bring up when you -- when we sit down to discuss that.

Commissioner Suarez: Right.

Ms. Bru: That will be part of the compensation and benefits.

Commissioner Suarez: And the only thing I wanted clarification on is if we appoint you now, I just want to make sure that we're not appointing you for a two-year period with a -- with that along for the two-year period so that we cannot modify that. If we don't feel that -- and this is not -- again, and I've told you this in private -- this has nothing to do with you specifically, just generally speaking in terms of upper management, you know, and putting together a team, et cetera, et cetera. If the Commission were so inclined to restructure a little bit on how these contracts are done, you know -- that's kind of my question. Do you understand what I'm saying?

Ms. Bru: That is clearly, Commissioner, part and parcel of a package of benefits and compensation. That would be something that we -- you would be negotiating to bring back to the Commission in March.

Commissioner Suarez: So, in essence, what we would be doing by ratifying you is we would be keeping your current package, whatever you have currently, for another -- like kind of deferring for another month and a half or a month and -- you know, and so -- until the compensation is set, we would operate under the same -- it wouldn't be for two years. In other words, if we take the vote today, it wouldn't be for two years. It would be until your compensation is set and then we would discuss all of those specific contractual provisions?

Ms. Bru: Correct.

Commissioner Suarez: Mr. Chairman?

Commissioner Dunn: Mr. Chair?

Chair Sarnoff: Commissioner Dunn, you're going to be recognized, followed by Commissioner Gort.

Commissioner Dunn: Thank you.

Commissioner Gort: No. That was --

Chair Sarnoff: Oh, I'm sorry.

Commissioner Dunn: No.

Chair Sarnoff: I'm sorry.

Commissioner Dunn: Just in light of what Commissioner Suarez was mentioning -- and help me for a point of clarification. Wasn't the previous, Madam Clerk, motion that we made earlier -- does that include the questions that Commissioner Suarez was asking as it related to the compensational benefits? So basically what we're saying, if I'm correct in what I'm hearing, that in principle we -- for SS.2 and SS.3, we will make that decision. Is that correct? Is that what I'm hearing?

Chair Sarnoff: Well, we're dealing with SS.2, so let's --

Commissioner Dunn: I understand, but I'm saying -- but I'm going back to the motion that was made original that I thought that would take care of --

Vice Chair Carollo: Mr. Chairman, since SS.3 is coming, you know, following SS.2, and I'm going to be dealing with the same issue, I was under the impression that it was pretty cut and dry. We were going to make a vote to reappoint them and -- or not reappoint them.

Commissioner Dunn: Yeah.

Vice Chair Carollo: You know, it's the will of this Commission. But we were going to take a vote to reappoint them. Their contract will continue until the meeting where we speak about their new contract and so forth. So it's like in a rental agreement where we no longer have an agreement or so forth. It goes month to month. So as far as their package and salary, goes month to month. However, we have reappointed them. And then the next meeting or whatever meeting we decided on, that's when we'll be discussing about severance pay, compensation, and all that which is part of the salaries and benefits. And that's my understanding. I thought right now we were just going to, you know, make a simple appointment or not appoint, but --

Chair Sarnoff: Well, candidly, here's what's going to happen, gentlemen. It is a holdover clause, and you're going to hold them for however long. And in the event Commissioner Suarez provides a package that the City Attorney does not like, and she chooses either to do one of two things, to withdraw or she chooses to go to vote and the vote is successful, and then she chooses to separate her employment, I'm not sure you wouldn't trigger the severance clause.

Vice Chair Carollo: You're not --

Chair Sarnoff: I'm not sure you wouldn't trigger that severance clause.

Ms. Bru: Chairman, if I can remind you, the severance clause works this way.

Chair Sarnoff: Right.

Ms. Bru: If you terminate me without cause, there's a severance provision. If I resign, there is no severance.

Chair Sarnoff: So if we put a package to you that is unacceptable, you don't think that triggers a severance clause?

Ms. Bru: Well --

Chair Sarnoff: I just want to go on the record hearing it.

Ms. Bru: That's something that I would have to look at.

Chair Sarnoff: Well, that's my point. And I want to make sure everybody knows what they're

voting for. And I'm not -- I hate negotiating from the dais, especially with City employees. I just want you all to go into this with eyes wide open. If Commissioner Suarez presents a package that gets voted on by two other Commissioners, I'm not -- I cannot tell you with certainty you would not trigger the severance clause.

Commissioner Suarez: And that's why I asked the question.

Chair Sarnoff: Right.

Commissioner Suarez: I think that's why I was concerned about, you know, the appointment having other effects or -- I yield the floor.

Commissioner Gort: I have a question.

Commissioner Suarez: I yield the floor.

Commissioner Gort: I'm not an attorney, but my question would be if we set up a package, present it to her, and she does not accept, we're not firing her; she's resigning. I mean, that's --

Ms. Bru: May I say something in all honesty? May I say something? I think I have a very good relationship with all of you, and I expect to establish one with you also, Reverend Dunn. I don't think that you have to be so worried about how I will act in the event that we don't come to an agreement. After all, there are contractual obligations in my package already that I voluntarily, and without having been asked to, undertook for the benefit of the City. In March of 2008, I was supposed to get an 8 percent raise, and I decided not to do so out of the interest of the City, not my interest. So if we should ever come to a disagreement over something, I don't think that you need to worry too much about what my actions would be because I've already shown you what kind of person I am and what I consider to be my commitment to this organization.

Commissioner Suarez: And by the way, that was going to be part of my presentation if we had to present today. I was going to commend you for those actions that you've taken in the past in the best interest of the City. I think a lot of people in the two months that I've been here have taken a lot of actions, financial actions to their detriment in the best interest of the City, and it's encouraging and it's definitely a step in the right direction, so you know --

Chair Sarnoff: Can I --

Ms. Bru: If you're going to have heartburn over the severance provision over the next two months, I can put on the record that if there's a package negotiated that I can't live with and I need to move on, I will move on without asking for severance, if that's such a big issue for you.

Chair Sarnoff: Well, the only reason -- I want them all knowing what they're voting for, Madam City --

Commissioner Dunn: Yeah. I understand.

Chair Sarnoff: -- I fully intend on voting for you.

Commissioner Dunn: I understand.

Chair Sarnoff: I mean, I'll go on the record saying I fully --

Commissioner Suarez: So do I.

Chair Sarnoff: -- intend on voting for you. However, they have not sat where I've sat. And we

are still in litigation with our former City Attorney, Jorge. And you know, I don't want to kid ourselves. I mean, he sued us for grounds extremely similar -- well, a severance package. And his severance package was not the same because we negotiated a different severance package, but we're still in litigation with him.

Commissioner Dunn: But Mr. Chairman --

Commissioner Suarez: At a cost of \$200,000 to the City.

Chair Sarnoff: At a cost of a lot of money, correct. You're recognized, Reverend -- Commissioner Dunn.

Commissioner Dunn: Mr. Chair -- and I yield to your experience and your knowledge regarding that situation, but I do believe, in my recollection, that the issue with the former City Attorney had a whole lot of -- it was different, tremendously different from what we're talking about now.

Chair Sarnoff: His language was much looser.

Commissioner Dunn: Absolutely.

Chair Sarnoff: Absolutely.

Commissioner Dunn: We're talking about in principle now.

Chair Sarnoff: But I also sit here --

Commissioner Dunn: I understand.

Chair Sarnoff: -- having been one of the guys who approved what he put in -- I think I did. Did I approve his contract? I did not?

Ms. Bru: I don't think so.

Chair Sarnoff: Good thing I didn't. See that. I would have recognized it right away.

Commissioner Gort: Feel better.

Chair Sarnoff: I do feel a little better. I -- you know, she's put on the record what she needs to put on the record. I fully support the City Attorney. And let me just say this to you -- to everyone before. I did not support her the first time. I've had a two-year elbow-to-elbow, chin-to-chin, and I would say hardhead-to-hardhead -- as I would expect with any City Attorney -- simply because I'm a hardheaded lawyer. She's an extremely hardheaded lawyer, but a good one, and I've come to absolutely respect her. I respect her work ethic. I respect who she is. And I think she is good for the City. I think we will continue to have an elbow-to-elbow, head-to-head as we just recently did, but I respect her, and she gives it to me as hard as I give it to her; in private and in public, she's nothing but a lady so --

Commissioner Suarez: And I would like to add to that. The human factor here, of course, is that, you know, you build a relationship with someone, and you know, I think one of the things that the City Attorney and I have discussed privately in terms of her compensation is a fairness issue. And so, again, I want to -- unfortunately, you came first on the agenda, you know, chronologically, and you know, there are a lot of things that need to be done in this City to get this City back. We heard some of the numbers in terms of where the City's at financially, et cetera, et cetera. This is nothing -- please, please understand this is nothing personal having to do with you. On the contrary, we've established as well -- and I think, in essence, you kind of get

most of a hard time from two lawyers who -- you know, we're in the same profession so -- but yes, I agree, the variety of different things that you have to know -- and we talked about this. The variety of different specialties that you have to know to be -- to do your job well is just astonishing and you handle that extremely well, and you're always available, and that, for me, is a big, big plus. So, you know, I -- again, this is not anything -- and I love your passion by the way too. I love -- I like the fact that you, you know, exert yourself and you're passionate on issues. You don't -- as a good lawyer, you don't always tell us what we want to hear, which is important. And I -- and with that, I make the motion. I make the motion to reappoint her.

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

Commissioner Gort: Second.

Chair Sarnoff: -- and there's a second. Any further discussion, gentlemen? Hearing none, all in favor, please say "aye."

The Commission (Collectively): Aye.

"[Later...]"

Chair Sarnoff: Now I'm going to move to reconsider the appointment of the City Attorney, so that's my motion. Is there a second?

Vice Chair Carollo: Do you need to pass the gavel in order for -- to make a motion?

Commissioner Suarez: I'll second the motion for discussion 'cause I feel like I created this problem in the first place, so --

Vice Chair Carollo: Hold on, hold on, hold on, Commissioner Suarez. Hold on, hold on.

Commissioner Suarez: Yes.

Vice Chair Carollo: Let's get some order here. I have a motion by Chairman Sarnoff and I have a second by Commissioner Suarez for discussion. Go ahead with discussion, Commissioner Suarez.

Ms. Thompson: No, no, no.

Commissioner Suarez: Thank you, Mr. Chairman.

Ms. Thompson: You have a motion to reconsider.

Commissioner Gort: To reconsider.

Ms. Thompson: So you have to vote on that motion to reconsider first, and then you go into again making a motion, second for the discussion of SS.2.

Vice Chair Carollo: Question, Madam City Clerk. The motion to reconsider, the seconder of the motion, can he second for discussion?

Ms. Thompson: Yes.

Vice Chair Carollo: Yes. Okay, so I have a motion to reconsider by Chairman Sarnoff, and I have a second by Commissioner Suarez for discussion. Go ahead.

Ms. Thompson: No, no, no, no, no.

Vice Chair Carollo: No?

Ms. Thompson: I'm sorry. The first thing you need to do is to --

Commissioner Dunn: Let's vote.

Ms. Thompson: -- approve the motion to reconsider.

Commissioner Dunn: Yeah.

Commissioner Gort: Call the question.

Ms. Thompson: Okay, that's the first thing.

Vice Chair Carollo: Vote it just up or down?

Commissioner Dunn: Yeah.

Ms. Thompson: Yes.

Commissioner Dunn: Yes.

Ms. Thompson: That's the first thing.

Vice Chair Carollo: I have a motion by Commissioner -- Chairman, I have a motion by Chairman Sarnoff. I have a second by Commissioner Suarez. All in favor, say "aye."

Commissioner Suarez: Aye.

Chair Sarnoff: Aye.

Ms. Thompson: Now --

Chair Sarnoff: It dies.

Ms. Thompson: I'm sorry?

Chair Sarnoff: It dies.

Ms. Thompson: I heard --

Commissioner Dunn: I'm not clear.

Commissioner Suarez: We can't discuss the motion for --

Commissioner Dunn: I'm not clear on this. Can we get some clarification?

Commissioner Suarez: -- reconsideration?

Chair Sarnoff: Right. This is a motion for reconsideration.

Ms. Thompson: And I -- and I'm sorry --

Chair Sarnoff: There were two in favor and -- you want to hear the nos. I'm sorry.

Ms. Thompson: What I have on my record here, the mover is Chair Sarnoff. The seconder is Commissioner Suarez.

Vice Chair Carollo: To reconsider.

Ms. Thompson: To reconsider the vote that was taken on SS.2. So now I need my vote, please.

Vice Chair Carollo: Hold on.

Commissioner Suarez: Wait, wait, wait.

Vice Chair Carollo: But we cannot discuss the reconsideration? In other words, what I want to discuss is the reconsideration.

Ms. Thompson: No.

Commissioner Suarez: You cannot?

Ms. Thompson: No.

Vice Chair Carollo: Then I will have to vote it down then.

Ms. Thompson: Because what you're doing -- you're -- you are re -- you have to first open back up S.2 [sic]. So any discussion you make is going to be on S.2 [sic]. If you -- I'm sorry.

Vice Chair Carollo: Right. But what I want to discuss now is the motion of reconsideration. I don't want to discuss now S.2 [sic]. I want to discuss the motion of reconsideration. And I thought Commissioner Suarez second it for discussion to see, prior to our vote to reconsider, if we should go ahead with this reconsideration or not.

Commissioner Suarez: Absolutely. That's perfect.

Commissioner Gort: Right.

Ms. Thompson: Okay. To my knowledge and following my Mason's rules, we stick with that one subject matter, okay, and that's SS.2, okay, and that's all we're dealing with, not a discussion or reconsidering. Either you vote the reconsideration up or down.

Commissioner Dunn: Mr. --

Vice Chair Carollo: Go ahead, Reverend Dunn.

Commissioner Dunn: -- Commissioner Carollo. So if I disagree with the motion that was made by Chairman Sarnoff, then my -- if I disagree, my vote would be no, right?

Ms. Thompson: Correct.

Commissioner Dunn: Okay. All right.

Vice Chair Carollo: Yeah.

Commissioner Dunn: Okay.

Vice Chair Carollo: Without discussion.

Commissioner Dunn: Right.

Vice Chair Carollo: So -- I mean, I'm calling the roll. All in favor, say "aye."

Commissioner Suarez: Aye.

Chair Sarnoff: Aye.

Vice Chair Carollo: All opposed have the same right, say "nay."

Commissioner Dunn: Nay.

Vice Chair Carollo: No.

Ms. Thompson: So it -- your reconsideration was 3-2.

Chair Sarnoff: Right.

Ms. Thompson: You can go ahead now and make a motion to discuss S.2 [sic] again.

Vice Chair Carollo: Is there a motion to discuss S.2 again?

Chair Sarnoff: It was voted no. The motion for reconsideration was no.

Commissioner Gort: That was passed.

Ms. Thompson: It passed.

Chair Sarnoff: It was not passed.

Ms. Thompson: Yes. It was 3-2.

Commissioner Gort: Yes, 3/2.

Chair Sarnoff: Did you vote for it?

Commissioner Gort: Yes.

Chair Sarnoff: Oh, I didn't -- I'm sorry. Okay.

Commissioner Suarez: Okay.

Chair Sarnoff: I thought he voted no. I'm sorry. I -- didn't you get that he voted no?

Commissioner Suarez: I don't know.

Vice Chair Carollo: No. I --

Commissioner Suarez: I don't know.

Commissioner Gort: (UNINTELLIGIBLE).

Commissioner Suarez: Let me discuss this, as I second --

Chair Sarnoff: Go ahead.

Commissioner Suarez: -- for discussion and since, you know, I was the one that brought up the issue that created this conflict in the first place.

Vice Chair Carollo: Commissioner Suarez. And Chairman Sarnoff, do you want the mallet back or --?

Chair Sarnoff: No, go ahead. You're doing great.

Vice Chair Carollo: Okay. Commissioner Suarez.

Commissioner Suarez: Thank you, Vice Chairman/Chairman Carollo.

Ms. Thompson: I'm sorry. Motion?

Commissioner Suarez: We had a motion and a second.

Ms. Thompson: For?

Vice Chair Carollo: For SS.2.

Ms. Thompson: That's what I need. I'm sorry. You made the motion --

Commissioner Suarez: I thought we were talking about SS.1.

Ms. Thompson: No, 2.

Vice Chair Carollo: Yes. SS.2 is with the City Clerk [sic].

Commissioner Suarez: Okay.

Vice Chair Carollo: Do I hear a motion?

Commissioner Suarez: I thought we were reconsidering SS.1 [sic] in light of the fact that we approved SS.2. That's what I thought the Chairman was --

Commissioner Gort: Yes.

Ms. Thompson: Okay.

Commissioner Suarez: -- trying to accomplish.

Chair Sarnoff: Right now, gentlemen, we're on SS.2, and there's no motion pending is what the Clerk is directing us, and she's asking you to now make a motion so there can be a discussion.

Vice Chair Carollo: Is there a motion on the floor? Chairman Sarnoff, will you make the motion, please?

Chair Sarnoff: I will. I'll make a motion to reappoint Julie O. Bru, but with the same emolument package that she had last time, with the exception, as she has so eloquently stated on the record, that she would not seek severance, and the severance would be lined through until such time as we reappoint her with a full emolument package on March 11.

Vice Chair Carollo: There is a motion by --

Commissioner Suarez: Second.

Vice Chair Carollo: -- Chairman Sarnoff. Is there a second?

Commissioner Suarez: I second the motion.

Vice Chair Carollo: Seconded by Commissioner Suarez for discussion.

Commissioner Suarez: I don't need to discuss it. I --

Vice Chair Carollo: You don't need to discuss -- any discussion? Hearing no discussion, I'm going to call the roll. All in favor, say "aye."

The Commission (Collectively): Aye.

Vice Chair Carollo: Any opposition have the same right to say "nay." Motion passes unanimously.

SS.3 09-01364

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ELECTING AND REAPPOINTING PRISCILLA A. THOMPSON AS CITY CLERK OF THE CITY OF MIAMI, FLORIDA, TO HOLD OFFICE AS PROVIDED FOR IN THE CITY CHARTER; APPROVING THE SALARY AND BENEFITS TO BE RECEIVED BY CITY CLERK PRISCILLA A. THOMPSON.

09-01364 Legislation.pdf

09-01364 Exhibit.pdf

Motion by Vice Chairman Carollo, seconded by Commissioner Dunn II, that this matter be ADOPTED WITH MODIFICATIONS PASSED by the following vote.

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

Noes: 1 - Commissioner(s) Sarnoff

R-10-0043

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

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

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

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

Note for the Record: Please refer to item SS.2 for minutes referencing item SS.3.

Chair Sarnoff: All right, SS.3. Commissioner Carollo, you're recognized for the record.

Vice Chair Carollo: Thank you, Mr. Chairman. I am sitting here happy to make a motion to

reappoint City Clerk Priscilla Thompson. That's my motion.

Commissioner Dunn: Second.

Chair Sarnoff: All right. Any discussion, gentlemen?

Commissioner Suarez: In the interest of fairness, I think we should make the same stipulations because as much as I adore -- I mean, admire the Clerk like I admire the City Attorney, I think to be fair, we should make the same, you know -- and I understand, Vice Chairman, this is your purview and I don't mean to step on your toes, but I think we should make the same qualifications because I think that would only be fair and that would be my request of the Clerk, only in the interest of fairness to the City Attorney, who I happen to be evaluating in terms of compensation.

Chair Sarnoff: Does the maker accept the amendment?

Vice Chair Carollo: I don't know what the amendment is.

Chair Sarnoff: I think -- well, I'll let you articulate it.

Commissioner Suarez: It wasn't really an amendment because I think the City Attorney made a statement on the record regarding the possibility that in the interim there would be some sort of reason why she wouldn't accept her compensation package and she said on the record that that wouldn't be an issue because she's, in essence, always acted in the best interest of the City of Miami, and she -- and you know, in my opinion, she, in essence, said that she wasn't going to bring that up in the future, and I think that was a very -- again, consistent with the way that you've acted previously, putting the interest of the City of Miami before your own personal interest and, you know, that's -- it wasn't -- I don't think it was an amendment to the --

Chair Sarnoff: And I was questioning -- Ms. Thompson, do you actually have a severance? I don't remember if you did.

Vice Chair Carollo: Yes.

Chair Sarnoff: She does?

Vice Chair Carollo: Yes, Mr. Chairman, she does.

Chair Sarnoff: Okay.

Priscilla A. Thompson (City Clerk): Yes, I do.

Vice Chair Carollo: However, just like we voted to reappoint the City Attorney, my motion is to reappoint Priscilla Thompson as our City Clerk, and that's my motion.

Commissioner Dunn: I've already second it, right?

Commissioner Gort: Yes.

Chair Sarnoff: There's a second. And do you wish to proffer the amendment?

Commissioner Suarez: I don't think it's an amendment. I think the City Attorney on the record stated that if there was an issue, you know, where -- we have a new body. We're essentially four new members. We're getting comfortable personally -- even though we may have some personal history, we're getting comfortable with the professional relationships that are involved. And you

know, I just had an issue of clarification, and if we're reappointing were we, in essence, creating an issue, which I think you identified better than I did -- you explained better than I did in reference to severance, if the person did not agree to their compensation package and decided to resign, would that trigger a severance obligation that would cost the City I don't know how much money?

Chair Sarnoff: And I don't know the answer. So let me ask the Clerk, would you accept what the City Attorney has said, that you would not demand from the City compensation in the event you separate your employment from this body because of compensation issues?

Ms. Thompson: And please don't think that I'm going -- I'm trying to be coy, Chair. I, in all of my 30 years, have always worked and done what was for the best of the City and the employees, okay. And as long as I work for the City and work as your Clerk, I intend to do just that, whatever is best for the City. Whenever my new benefits and compensation package is reviewed, I will also look for what is best for the City. As far as what is currently on board, again, I will do what is best for the City. I am not here to try and take away anything from any of the residents or anyone else. I will do whatever I need to do to make sure that the City does not suffer.

Chair Sarnoff: And I hear you, but we demanded of the City Attorney an acknowledgment that there would not be severance if there was any separation from employment. And I'm not going to demand one thing of one person and not demand the same thing of another person.

Ms. Thompson: Then I -- forgive me for my misunderstanding, but I didn't think I heard those exact words from the City Attorney.

Chair Sarnoff: I thought I did.

Commissioner Dunn: May -- oh, go ahead. I'm sorry.

Julie O. Bru (City Attorney): The issue that Commissioner Suarez wanted to have clarified is that there is some language in our package that talks about severance. My understanding is is that I am entitled to it if I'm terminated without cause. There's an ambiguity as to whether or not I'm entitled to it if we don't agree on a new benefit package and I decide to seek other employment. So to the extent that there's that ambiguity, I put on the record an acknowledgement that if I decide to seek other employment because we don't reach an agreement, that there would not be severance. I will not be seeking severance.

Ms. Thompson: And that is clear to me. That has nothing to do without cause. That is a choice that I would make based upon what you're presenting to me, and I have no problems with that.

Chair Sarnoff: You have no problems with it?

Ms. Thompson: No, because it's --

Chair Sarnoff: No? Okay.

Ms. Thompson: -- actually, you're giving me a choice. And if I determine I want to make a choice not to stay, that's my choice. Why should you have to pay for my choice? That's Priscilla.

Chair Sarnoff: So to clarify the record, you're saying if for any reason you determine that you're not going to stay with the City of Miami as a result of your compensation package, you would not seek severance?

Ms. Thompson: That is correct.

Chair Sarnoff: Okay.

Commissioner Suarez: And just for clarification as well, that also doesn't mean -- and I think the Vice Chairman will want this clarification as well -- that the severance package itself is not -- it's going to be part of the compensation discussion, which is what I think we also kind of agree with, that whether or not there will be severance without cause or severance with cause and all that, that's part of the compensation package. We're just talking about the interim period here.

Chair Sarnoff: Right.

Commissioner Dunn: Mr. Chair, if I may?

Chair Sarnoff: Go ahead.

Commissioner Dunn: I just -- also as a point of clarification, I wanted to find out if the maker of the motion, Vice Chairman Carollo, are you comfortable with that, what has been proffered?

Vice Chair Carollo: I'm sorry, Commissioner.

Commissioner Dunn: Are you comfortable with the conditions that have been set forth?

Vice Chair Carollo: Well, I don't think there was a condition with the City Clerk. We just voted on her --

Commissioner Dunn: Okay.

Vice Chair Carollo: -- reappointment and she made a statement.

Commissioner Dunn: Okay.

Vice Chair Carollo: I think we're going to do the same thing. I'm not changing my motion --

Commissioner Dunn: Okay.

Vice Chair Carollo: -- because there was no amendment. Like I said, what was the amendment?

Commissioner Dunn: Okay.

Vice Chair Carollo: There was no amendment --

Commissioner Dunn: Okay.

Vice Chair Carollo: -- in the last one. I think --

Commissioner Suarez: I'll second the Vice Chairman's motion.

Commissioner Dunn: Okay.

Vice Chair Carollo: -- the City Clerk, you know, stated her position, and so --

Commissioner Dunn: So we're simply voting for the reappointment?

Vice Chair Carollo: That's correct.

Chair Sarnoff: Well, then let me be clear -- and I don't want to offend the City Clerk, 'cause I will not vote for this. I want to put them on the same playing field. And if you're not going to accept an amendment or what the -- Madam City Clerk says, I will not be supporting this, because I have no intentions of being in any way viewed as favoring or being any way different from one to the other.

Vice Chair Carollo: Chairman Sarnoff, but my point is there was no amendment for the City Clerk.

Chair Sarnoff: There was.

Vice Chair Carollo: No, there was not.

Chair Sarnoff: For the City Attorney, you're saying.

Vice Chair Carollo: I'm sorry, for the City Attorney. There was no amendment for the City Attorney.

Chair Sarnoff: I think --

Vice Chair Carollo: You just asked her on the record and she answered, just like you did of the City Clerk. There was no amendment. It was just a simple appointment. And I mean, Madam City Clerk, correct me if I'm wrong, but it is my understanding with the -- in terms with the City Clerk, there was a simple motion for reappointment. Then there was questionings and so forth, but there was never any amendment and we voted on it. I know you kept saying "I just want to make sure you guys know what you're voting on," and I know what I was voting on.

Chair Sarnoff: Okay.

Vice Chair Carollo: And I'm just -- again, to be fair, I just -- you know, you posted [sic] the question to the City Clerk. She has answered. And we are voting exactly the same as we voted for the City Clerk [sic]. And I can see, man, if this is what we're doing now, boy, boy, in a few weeks or months, there's going to be fireworks here.

Chair Sarnoff: Well, I don't know. I mean, I believed I was voting on --

Vice Chair Carollo: I thought that was the purpose of this.

Chair Sarnoff: -- an issue of a woman that -- a lady, excuse me, who made a statement on the record that was part and parcel a consideration on my behalf as to why I was voting. And, you know, if I have to move to reconsider it, I hope I have a second, 'cause -- because I want to keep them on the same playing field.

Commissioner Dunn: Mr. Chair?

Chair Sarnoff: Yes, sir.

Commissioner Dunn: Can we call to order for the vote?

Chair Sarnoff: Sure. We will --

Commissioner Dunn: Let's do it.

Chair Sarnoff: -- take the vote. All in favor on the appointment of Priscilla Thompson as stated, please say "aye."

Commissioner Dunn: Aye.

Vice Chair Carollo: Aye.

Chair Sarnoff: Opposed? One.

"[Later...]"

Chair Sarnoff: Now I strongly urge you guys to reconsider -- and I voted against it, so I don't know that I have -- in Mason's rules, does a person who voted against the issue have the right to ask for reconsideration?

Ms. Thompson: No.

Vice Chair Carollo: No.

Chair Sarnoff: Okay.

Commissioner Suarez: Okay. I will move to reconsider SS.2 [sic].

Vice Chair Carollo: There is a motion by --

Chair Sarnoff: SS.3, 3.

Vice Chair Carollo: I'm sorry?

Chair Sarnoff: SS.3 is --

Ms. Thompson: SS.3.

Chair Sarnoff: -- what he needs to reconsider.

Vice Chair Carollo: I'm sorry.

Commissioner Suarez: I'm sorry, SS.3. I apologize. I stand corrected. I move to reconsider SS.3.

Vice Chair Carollo: There is a motion on the floor. Is there a second?

Chair Sarnoff: Second.

Vice Chair Carollo: Second -- can you second --?

Ms. Thompson: Yes.

Vice Chair Carollo: Yes.

Ms. Thompson: Yes.

Vice Chair Carollo: Second by Chairman Sarnoff. All in favor, say "aye."

The Commission (Collectively): Aye.

Vice Chair Carollo: Anyone in opposition have the same right to say "nay." Motion passes

unanimously.

Chair Sarnoff: Now --

Commissioner Suarez: For reconsideration of SS.3.

Vice Chair Carollo: Right.

Chair Sarnoff: Now we're on SS.3, and let me conduct it. I believe to be fair and equal and keep this playing field level, we simply reappoint Madam Clerk, who I will certainly support and have always supported; however, with the same proviso that she is not entitled to severance in the event we do not arrive at an emolument package that she deems acceptable. That is my motion.

Vice Chair Carollo: There is a motion by Chairman Sarnoff. Is there a second?

Commissioner Suarez: Yes, I second.

Vice Chair Carollo: Second by Commissioner Suarez. Any discussion? Hearing no discussion, all in favor say "aye."

The Commission (Collectively): Aye.

Vice Chair Carollo: Anyone in opposition have the same right to say "nay." Motion passes unanimously.

END OF SPECIALLY SCHEDULED ITEMS

PUBLIC HEARINGS

PH.1 09-01445

***Department of
Parks and
Recreation***

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, APPROVING AND CONFIRMING THE CITY MANAGER'S RECOMMENDATION AND FINDING THAT COMPETITIVE NEGOTIATION METHODS ARE NOT PRACTICABLE OR ADVANTAGEOUS PURSUANT TO SECTION 18-86(3)(C) OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED; WAIVING THE REQUIREMENTS FOR SAID PROCEDURES; APPROVING THE RECOMMENDATION AND FINDING OF THE CITY OF MIAMI'S ("CITY'S") DEPARTMENT OF PARKS AND RECREATION, THAT THE FOUNDATION OF COMMUNITY ASSISTANCE AND LEADERSHIP ("FOCAL"), INC., A FLORIDA NOT-FOR-PROFIT CORPORATION IS THE MOST QUALIFIED FIRM TO CONTINUE TO PROVIDE AFTER SCHOOL TUTORING, COUNSELING, AND COMPUTER EDUCATIONAL SERVICES FOR AT RISK YOUTH AT THE CITY'S MOORE PARK; AUTHORIZING THE CITY MANAGER TO EXECUTE A PARKS AND RECREATION SERVICES AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH FOCAL TO CONTINUE THE AFTER-SCHOOL SERVICES, FOR THE CONTRACT PERIOD COMMENCING OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010, WITH THE OPTION TO RENEW FOR A ONE-YEAR PERIOD, UNDER THE SAME TERMS AND CONDITIONS, IN AN ANNUAL AMOUNT NOT TO EXCEED \$115,452; ALLOCATING FUNDS, IN THE AMOUNT NOT TO EXCEED \$115,452, FOR FISCAL YEAR 2009-2010, FROM THE PARKS AND

RECREATION GENERAL FUND ACCOUNT NO. 00001.291001.531000, WITH FUTURE FISCAL YEAR FUNDING SUBJECT TO BUDGETARY APPROVAL.

09-01445 Legislation 2-11-10.pdf
09-01445-Exhibit-SUB.pdf
09-01445 Summary Form.pdf
09-01445 Bid Waiver Memo 2-11-10.pdf
09-01445 Notice Memo.pdf
09-01445 Notice of PH.pdf
09-01445-Submittal-Newspaper Articles.pdf

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

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

Note for the Record: Item PH.1 was deferred to the meeting currently scheduled for February 11, 2010.

PH.2 09-01330

*Department of
Parks and
Recreation*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, APPROVING AND CONFIRMING THE CITY MANAGER'S RECOMMENDATION AND FINDING THAT COMPETITIVE NEGOTIATION METHODS ARE NOT PRACTICABLE OR ADVANTAGEOUS PURSUANT TO SECTION 18-86(A)(3)(C) OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED; WAIVING THE REQUIREMENTS FOR SAID PROCEDURES; APPROVING THE RECOMMENDATION AND FINDING OF THE CITY OF MIAMI'S ("CITY'S") DEPARTMENT OF PARKS AND RECREATION, THAT BELAFONTE TACOLCY CENTER, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION ("BTC"), IS THE MOST QUALIFIED FIRM TO CONTINUE TO PROVIDE THE SPORTS DEVELOPMENT PROGRAM AT THE CITY'S BELAFONTE TACOLCY PARK; AUTHORIZING THE CITY MANAGER TO EXECUTE A PARKS AND RECREATION SERVICES AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH BTC TO CONTINUE THE SPORTS DEVELOPMENT PROGRAM, FOR THE CONTRACT PERIOD COMMENCING OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010, WITH THE OPTION TO RENEW FOR A ONE-YEAR PERIOD, UNDER THE SAME TERMS AND CONDITIONS, IN AN ANNUAL AMOUNT NOT TO EXCEED \$86,675; ALLOCATING FUNDS, IN THE AMOUNT NOT TO EXCEED \$86,675 FOR FISCAL YEAR 2009-2010, FROM THE PARKS AND RECREATION GENERAL FUND ACCOUNT NO. 00001.291001.531000, WITH FUTURE FISCAL YEAR FUNDING SUBJECT TO BUDGETARY APPROVAL.

09-01330 Legislation.pdf
09-01330 Exhibit.pdf
09-01330 Summary Form.pdf
09-01330 Memo.pdf
09-01330 Notice Memo.pdf
09-01330 Notice of PH.pdf
09-01330 Sec. 18-86.pdf

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

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

R-10-0024

Chair Sarnoff: All right, gentlemen. We can now go to lunch. We could try to take some PH (Public Hearing) items.

Commissioner Gort: Let's take --

Chair Sarnoff: Take some PHs?

Commissioner Gort: Yeah.

Chair Sarnoff: Okay. Let's do PH.1.

Ernest Burkeen (Director, Parks & Recreation): PH.1 has been withdrawn [sic]. PH.2.

Chair Sarnoff: PH.2? Did we do 1?

Mr. Burkeen: PH.1 has been deferred.

Priscilla A. Thompson (City Clerk): Deferred.

Chair Sarnoff: Deferred. I apologize. PH.2.

Mr. Burkeen: Ernest Burkeen, director of Parks and Recreation. PH.2 is a resolution approving Belafonte Tacolcy to continue to provide a sports program for the community.

Chair Sarnoff: All right. Is there a motion?

Commissioner Suarez: So moved.

Chair Sarnoff: Is there a second?

Commissioner Gort: Second.

Chair Sarnoff: All right. Any discussion, gentlemen? This requires a four-fifths vote. Do I have a public hearing I need to approve?

Ms. Thompson: If it's a PH, yes. It's a public hearing. I just --

Chair Sarnoff: All right.

Ms. Thompson: -- want to make sure your mover was Commissioner Suarez and your seconder was Commissioner Gort. Is that what I heard?

Chair Sarnoff: Yeah. And I will announce it from now on --

Ms. Thompson: Okay.

Chair Sarnoff: -- so it'll help you.

Ms. Thompson: Thank you.

Chair Sarnoff: That -- those are the movers --

Ms. Thompson: Thank --

Chair Sarnoff: -- and the seconder. PH.2, and it requires a four-fifths vote. It is on Belafonte Tacolcy Center. It's a sports development program at the City's Belafonte Tacolcy Park. Anyone from the public wishing to be heard on this item, please step up to the podium. Seeing none, hearing none, it comes back to the Commission. PH.2, gentlemen, do you have any discussion? Hearing none and -- hearing Commissioner Dunn.

Commissioner Dunn: Yes. Just --

Chair Sarnoff: You're recognized for the record.

Commissioner Dunn: I just want to state for the record that Belafonte Tacolcy Center is [sic] been a fixture in Liberty City for many, many years and certainly as it relates to sports, being a former athlete, I realize the impact that athletics has not just on physical fitness but also on mental toughness and emotional toughness so -- many athletes have been steered in the right direction as an alternative to crime. So I support it wholeheartedly.

Chair Sarnoff: All right. Anyone else for discussion? Hearing none, seeing none, calling it. PH.2, gentlemen. All in favor, please say "aye."

The Commission (Collectively): Aye.

Chair Sarnoff: All right. That passes, Madam Clerk, unanimously.

Commissioner Gort: Did we move PH.1?

Chair Sarnoff: PH.3.

Commissioner Gort: 1. How about 1?

Chair Sarnoff: They said 1 was continued.

Pedro G. Hernandez (City Manager): I was to 2/11, February 11.

Ms. Thompson: Correct.

Chair Sarnoff: By the way, when we say deferred, shouldn't we be using the word continued under your vernacular?

Ms. Thompson: It's according to which meeting. If you're going from this meeting to the February 11 meeting, it is deferred because it's not the same like meeting.

Chair Sarnoff: Okay.

Ms. Thompson: When we make up your minutes, we use the correct terminology. We understand what you mean when you say one or the other.

Chair Sarnoff: Do you also correct our votes when we --? No, I'm just kidding.

PH.3 09-01352

*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(A) (1) AND (3) 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 ACQUISITION OF GEOGRAPHIC INFORMATION SOFTWARE BASED SOFTWARE LICENSES, TRAINING, PROFESSIONAL AND ONLINE SERVICES, MAINTENANCE AND PRODUCT SUPPORT FOR VARIOUS ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. ("ESRI") PRODUCTS WHICH INCLUDE, BUT ARE NOT LIMITED TO, ARCGIS DESKTOP, ARCVIEW, ARCDITOR, ARCINFO, ARCIMS, ARCGIS IMAGE SERVER, ARCGIS SERVER (ADVANCED, STANDARD, BASIC), ARCINFO WORKSTATION, ARCGIS DESKTOP AND SERVER EXTENSIONS (3D ANALYST, GEOSTATISTICAL ANALYST, NETWORK ANALYST, SCHEMATICS, SPATIAL ANALYST, SURVEY ANALYST, TRACKING ANALYST, DATA REVIEWER, DATA INTEROPERABILITY, PUBLISHER), ESRI DEVELOPER NETWORK SUBSCRIPTIONS, GIS PORTAL TOOLKIT, MAP PRODUCTION SYSTEM ATLAS, MAPLEX 3.X, MAPSTUDIO, MILITARY OVERLAY EDITOR, NETENGINE, PRODUCTION LINE TOOLSET ("PLTS") FOR ARCGIS, INCLUDING PLTS FOUNDATION AND PLTS SOLUTION AND CERTAIN PROPRIETARY TRAINING COURSES, FOR A PERIOD OF FIVE (5) YEARS, FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY, FROM ESRI, THE SOLE SOURCE PROVIDER, FOR AN INITIAL FIRST YEAR COST NOT TO EXCEED \$87,000; ALLOCATING FUNDS FROM THE DEPARTMENT OF INFORMATION TECHNOLOGY, ACCOUNT CODE NO. 0001.251000.546000.0.0, WITH FUTURE YEARS FUNDING SUBJECT TO THE AVAILABILITY OF FUNDS FROM THE INFORMATION TECHNOLOGY DEPARTMENT'S OPERATING BUDGET AND STRATEGIC REVENUES, OTHER VARIOUS CAPITAL IMPROVEMENT PROJECT ACCOUNTS, GRANTS, AND THE OPERATING BUDGETS OF VARIOUS USER DEPARTMENTS, AND BUDGETARY APPROVAL AT THE TIME OF NEED; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, IN SUBSTANTIALLY THE ATTACHED FORM.

09-01352 Legislation.pdf
09-01352 Exhibit.pdf
09-01352 Summary Form.pdf
09-01352 Notice Memo.pdf
09-01352 Notice of PH.pdf
09-01352 Memo 1.pdf
09-01352 Memo 2.pdf
09-01352 Letter.pdf
09-01352 Text File Report.pdf
09-01352 ESRI Info.pdf
09-01352 ESRI Info 2.pdf

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

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

R-10-0025

Chair Sarnoff: All right, PH.3. You're recognized for the record.

Peter Korinis: Good afternoon, Commission. Peter Korinis, chief information officer. This is a request to approve the acquisition of geographic information systems software from ESRI (Environmental Systems Research Institute). It's a sole source request. We have been using this software for over a decade. It is the best in the business. The money, which is approximately \$87,000 this year, is in the budget for licenses for all the software. And I'll just add, if we were to have to change that out, there would be a tremendous cost involved because we've got 75 layers worth of data that has been accumulated and built over these last decade-plus years and it would be extremely expensive to replace that and redo it. All the maps you see, et cetera, those are all using the GIS (Geographic Information Systems) software.

Chair Sarnoff: All right, gentlemen, PH.3. Do I have a motion?

Commissioner Suarez: Motion.

Chair Sarnoff: Is there a second?

Commissioner Dunn: Yes.

Chair Sarnoff: Second by Commissioner Dunn. Motion by Commissioner Suarez. It's a public hearing, ladies and gentlemen. It is on -- requires a four-fifths vote of this Commission. It is for support services for Environmental Systems Research Institute. Anyone from the public wishing to be heard on PH.3, please step up to the mike. Hearing none, seeing none, it comes back to the Commission. Gentlemen, any discussion? Hearing none, seeing none, PH.3. Do I have a vote? All in favor?

The Commission (Collectively): Aye.

Chair Sarnoff: Any opposed? None. All right, PH.3 has passed.

PH.4 09-01210

Department of Public Facilities

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, CONFIRMING AND APPROVING THE CITY MANAGER'S RECOMMENDATION AND FINDINGS, PURSUANT TO SECTION 18-85 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, WAIVING THE REQUIREMENTS FOR COMPETITIVE SEALED BIDDING PROCEDURES AS NOT BEING PRACTICABLE OR ADVANTAGEOUS TO THE CITY OF MIAMI ("CITY"), FOR THE PROCUREMENT OF SERVICES; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT, IN SUBSTANTIALLY THE ATTACHED FORM, TO THE AGREEMENT WITH GLOBAL SPECTRUM LIMITED PARTNERSHIP FOR THE EXPANDED MANAGEMENT AND OPERATION OF APPROXIMATELY 35,000 ADDITIONAL SQUARE FEET OF MEETING AND CONFERENCE SPACE AT THE MIAMI CONVENTION

CENTER/JAMES L. KNIGHT INTERNATIONAL CENTER LOCATED AT 400 SOUTHEAST 2 AVENUE, MIAMI, FLORIDA; FURTHER APPROPRIATING A TOTAL OF \$277,559 FOR THE OPERATIONS AND MAINTENANCE OF SAID AREA, AS CALCULATED ON A SQUARE FOOT BASIS PER THE EXISTING AGREEMENT, EFFECTIVE UPON EXECUTION BY THE CITY MANAGER AND GLOBAL SPECTRUM LIMITED PARTNERSHIP.

09-01210 Legislation 1-28-10.pdf
09-01210 Exhibit 1-28-10.pdf
09-01210 Summary Form 1-28-10.pdf
09-01210 Notice Memo 1-28-10.pdf
09-01210 Notice of PH 1-28-10.pdf
09-01210 Memo 1-28-10.pdf
09-01210 Floor Plans 1-28-10.pdf
09-01210 Memo 2 1-28-10.pdf
09-01210 Agmt 1-28-10.pdf
09-01210 Text File Report 1-28-10.pdf
09-01210 Minutes 1-28-10.pdf

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

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

R-10-0026

Chair Sarnoff: PH.4.

Daniel Newhoff (Assistant Director): Good afternoon. Daniel Newhoff, Department of Public Facilities. PH.4 is a resolution of the City Commission by a four-fifths vote, pursuant to Section 18-85 of the City Code, waiving requirements for competitive bidding procedures for the procurement of services; and further authorizing the Manager to execute an amendment to the current agreement with Global Spectrum Limited Partnership for the expanded management and operation of approximately 35,000 square feet at the James L. Knight Center; and further appropriating \$277,000 for the operations and maintenance of the said area.

Chair Sarnoff: All right. PH.4, gentlemen, do I have a motion?

Vice Chair Carollo: So move.

Commissioner Suarez: Second.

Chair Sarnoff: All right. I have a motion by Commissioner Carollo, a second by Commissioner Suarez. It is a public hearing, ladies and gentlemen. PH.4, it is regarding a four-fifths vote of Global Spectrum Limited Partnerships [sic] for the expanded management and operation of approximately 35,000 square feet at the James L. Knight Center. Anybody wishing to be heard on this item, please step up to the microphone. Hearing none, seeing none, it comes back to the Commission. Any discussion, gentlemen? Hearing none, seeing none, PH.4. All in favor, please say "aye."

The Commission (Collectively): Aye.

Chair Sarnoff: Okay. It passes unanimously, Madam Clerk.

Mr. Newhoff: Thank you.

PH.5 09-00985 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, CONFIRMING, AND APPROVING THE CITY MANAGER'S RECOMMENDATION AND WRITTEN FINDINGS, PURSUANT TO SECTION 18-85 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, WAIVING THE REQUIREMENTS FOR COMPETITIVE SEALED BIDDING METHODS AS NOT BEING PRACTICABLE OR ADVANTAGEOUS TO THE CITY OF MIAMI FOR THE DISPOSAL OF WASTE COLLECTION SERVICES AND PROCURING SAID SERVICES AT SUN RECYCLING FOR THE DEPARTMENTS OF SOLID WASTE AND PUBLIC WORKS, RESPECTIVELY; ALLOCATING FROM THE VARIOUS SOURCES OF FUNDS OF THE RESPECTIVE DEPARTMENTS, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT TIME OF NEED.

09-00985 Summary Form.pdf

09-00985 Memo 1.pdf

09-00985 Legislation 1-28-10.pdf

09-00985 Notice Memo 1-28-10.pdf

09-00985 Notice of PH 1-28-10.pdf

***SPONSORS:DEPARTMENT OF SOLID WASTE
DEPARTMENT OF PUBLIC WORKS***

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

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

R-10-0027

Chair Sarnoff: PH.5.

Barbara Pruitt: Good afternoon, honorable members of the Commission. Barbara Pruitt, director of the Department of Solid Waste. This is a resolution authorizing a bid waiver process for the use of Sun Recycling Services and is after advertised public hearing ratifying the City Manager's recommendation pursuant to Section 18-85 of the procurement code of the City of Miami, Florida, as amended, waiving the requirements for competitive bidding procedures for the procurement of disposal service from Sun Recycling in the amount not to exceed \$120,000.

Chair Sarnoff: All right. PH.5, gentlemen. Do I have a motion?

Commissioner Suarez: So moved.

Chair Sarnoff: Is there --

Commissioner Dunn: Second.

Chair Sarnoff: -- a second?

Commissioner Dunn: Yes, second.

Chair Sarnoff: Second by Commissioner Dunn. Who was the motion by? Commissioner Suarez, okay. PH.5 is a pub --

Commissioner Gort: I'm sorry.

Chair Sarnoff: That's okay.

Chair Sarnoff: -- public hearing. Anyone from the public wishing to step up? It requires a four-fifths vote. It's regarding services at Sun Cycling -- Sun Recycling. Anyone from the public, please step up to the mike. Hearing none, seeing none, it comes back to the Commission. Any discussion, gentlemen? Commissioner Gort, you're recognized for the record.

Commissioner Gort: Thank you, Mr. Chairman. The -- my question is the (UNINTELLIGIBLE) range from 4.23 [sic] to 62.97. How does that function?

Ms. Pruitt: Okay. The use of Sun Recycling allows us to have a reduced disposal rate and it is cheaper than having to go to the County for those C&D (Construction & Debris) materials.

Commissioner Gort: Right.

Ms. Pruitt: Okay.

Commissioner Gort: But you say your range goes from 40.23 to 62.97. In other words, they can charge us 42 or 62.

Ms. Pruitt: Okay. The amount of 42.23 would be for C&D, which is construction debris --

Commissioner Gort: Okay.

Ms. Pruitt: -- and 62.92 would be for asphalt.

Commissioner Gort: Thank you.

Ms. Pruitt: Okay.

Commissioner Gort: This didn't clarify it.

Ms. Pruitt: Any other questions?

Commissioner Gort: I'm fine.

Chair Sarnoff: All right. Any other discussion, gentlemen? Hearing none, seeing none, PH.5. Do I have a vote? All in favor?

The Commission (Collectively): Aye.

Chair Sarnoff: Okay. That is unanimous, Madam Clerk.

PH.6 10-00024

Department of Public Works

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE PLAT ENTITLED "LAS BRISAS DE VARADERO", A REPLAT IN THE CITY OF MIAMI OF THE PROPERTY DESCRIBED IN "ATTACHMENT 1", SUBJECT TO SATISFACTION OF ALL CONDITIONS REQUIRED BY THE PLAT AND STREET COMMITTEE AS SET FORTH IN "EXHIBIT A", ATTACHED AND INCORPORATED, AND THE PROVISIONS CONTAINED IN SECTION 55-8 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, AND ACCEPTING THE DEDICATIONS SHOWN ON THE PLAT; AUTHORIZING AND DIRECTING THE CITY

MANAGER AND CITY CLERK TO EXECUTE THE PLAT; AND PROVIDING FOR THE RECORDATION OF THE PLAT IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

10-00024 Legislation.pdf
10-00024 Exhibit.pdf
10-00024 Exhibit 2.pdf
10-00024 Exhibit 3.pdf
10-00024 Exhibit 4.pdf
10-00024 Summary Form.pdf
10-00024 Notice Memo.pdf
10-00024 Notice of PH.pdf
10-00024 Notice Memo 2.pdf
10-00024 Notice of PH 2.pdf

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

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

R-10-0028

Chair Sarnoff: PH.6.

Bill Anido: Bill Anido, assistant City manager. PH.6, a resolution accepting the proposed plat of Las Brisas de Varadero, located on the south side of Northwest 7th. It's for the purpose of creating one tract of land by vacating a small alley and creating a new one and also eliminating a small utility easement.

Chair Sarnoff: All right, PH.6.

Mr. Anido: Any questions?

Chair Sarnoff: Do I have a motion, gentlemen?

Commissioner Gort: Move it.

Chair Sarnoff: I have a motion by Commissioner Gort.

Commissioner Dunn: Second.

Chair Sarnoff: Second by Commissioner Dunn. A public hearing, ladies and gentlemen. PH.6, it is a plat of land at Las Brisa de Varadero. It's a replat. Anyone wishing to be heard on this item, please step up to the mike. Hearing none, seeing none, it comes back to the Commission. Any discussion, gentlemen? Hearing none, seeing none, PH.6 --

Vice Chair Carollo: No, no. I have discussion. Mr. Chairman.

Chair Sarnoff: You broke my chain.

Vice Chair Carollo: I know, I know, I know, and I had to. I'm sorry.

Chair Sarnoff: All right. Go ahead. I'm sorry.

Vice Chair Carollo: Mr. Anido, I'm seeing the picture that was provided by you all. It seems that there's a clear alleyway that is -- they're going to pick up and it's going to, in essence, close off the alleyway.

Mr. Anido: No, no, no. They will be -- If I may?

Chair Sarnoff: Please approach.

Mr. Anido: They will be dedicating that --

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

Commissioner Gort: You got to be on the mike.

Ms. Thompson: Here you go, right here. I'm sorry. Thank you.

Mr. Anido: Commissioner, they will be dedicating that little notch such that there will be a continuous alley behind the property.

Commissioner Gort: Additional alley.

Vice Chair Carollo: Okay.

Mr. Anido: As part of this plat.

Vice Chair Carollo: So even --

Mr. Anido: They're vacating an alley right-of-way between these two lots and then they are dedicating this to the south, thereby having a continuous alley behind the property.

Vice Chair Carollo: Okay. So the alley -- 'cause from what I'm seeing in the picture, they're going to pick up the alley and then it's going to block off the whole --?

Mr. Anido: No, no, no, no.

Commissioner Gort: No, no. They're going to open it.

Mr. Anido: This will be open.

Vice Chair Carollo: So they will open it?

Mr. Anido: Yes.

Vice Chair Carollo: Okay.

Chair Sarnoff: All right, PH.7 -- PH.6. PH.6 is a public hearing. Did I open that already? I did. All right, coming back to the Commission. Any further discussion on PH.6? Hearing none, seeing none, PH.6, all in favor, please say "aye."

The Commission (Collectively): Aye.

Chair Sarnoff: Any opposed? Madam Clerk, it passes unanimously.

PH.7 09-01455

Department of Public Works

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE PLAT ENTITLED "BRICKELL FLATIRON", A REPLAT IN THE CITY OF MIAMI OF THE PROPERTY DESCRIBED IN "ATTACHMENT 1", SUBJECT TO SATISFACTION OF ALL

CONDITIONS REQUIRED BY THE PLAT AND STREET COMMITTEE AS SET FORTH IN "EXHIBIT A", ATTACHED AND INCORPORATED, AND THE PROVISIONS CONTAINED IN SECTION 55-8 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, AND ACCEPTING THE DEDICATIONS SHOWN ON THE PLAT; AUTHORIZING AND DIRECTING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE PLAT; AND PROVIDING FOR THE RECORDATION OF THE PLAT IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

09-01455 Legislation.pdf
09-01455 Exhibit.pdf
09-01455 Exhibit 2.pdf
09-01455 Exhibit 3.pdf
09-01455 Summary Form.pdf
09-01455 Notice Memo.pdf
09-01455 Notice of PH.pdf
09-01455 Notice Memo 2.pdf
09-01455 Notice of PH 2.pdf

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

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

R-10-0029

Chair Sarnoff: PH.7.

Bill Anido (Assistant City Manager): Bill Anido again. PH.7 is a resolution accepting the proposed plat of Brickell Flatiron, located on Southwest -- between South Miami Avenue and Southeast 1st Avenue, south of 10th. The purpose of the plat is to create one tract of land. It also involves the closing of a -- of Southeast 10th, and also providing an easement for the Metromover guideway, as well as an access easement.

Chair Sarnoff: All right. Gentlemen, if you would afford me a little latitude?

Commissioner Suarez: Yes.

Chair Sarnoff: Part and parcel in the discussions of this has been the ability of the City of Miami to obtain a pocket park. And the pocket park, for those of you that know this particular configuration of the building -- I think Commissioner Suarez is pretty well familiar with this -- the very point of the building that Lucia Dougherty is pointing to you right there will become a dedicated park to the City of Miami. First, we will be getting a license agreement, which means they will immediately create a park. Subsequent to that, once they build their building, they will create a park, it will remain a park, and they will actually be the maintainers of the park in perpetuity. In addition to that, there is a park on the north end of the property at the very east side. They have agreed to build around that park and build around the trees in that park and they then have agreed to maintain that park as well. So we gain a little green space. We equally don't create any maintenance issues for ourselves, and I think it's sort of a win-win. And I will have a pocket item as soon as this is done and you'll see a license agreement, which more or less dovetails everything that we've discussed in terms of creating two separate parks, one that we already have on the very north end of the building and one that we will be achieving on the very south point, as I like to call it. So why don't I first go through with PH.7, see if there's -- if there could be a motion?

Commissioner Gort: Move it.

Commissioner Suarez: So moved.

Chair Sarnoff: Motion by Commissioner Gort, second by Commissioner Suarez. It's a public hearing. Anybody wishing to be heard on PH.7, which is a replatting of the Brickell Flatiron description of land? Hearing -- seeing no one from the public wishing to be heard, coming back to the Commission. Any discussion, gentlemen? Hearing none --

Vice Chair Carollo: No. Yes, yes. I need to discuss, Chairman.

Chair Sarnoff: Oh, go ahead. Commissioner Carollo.

Vice Chair Carollo: The only thing is that -- well, first of all, you know how I've kept mentioning as far as parks in my district and so forth which, by all means, you know, I -- we got to go to some training together so I could see how you're doing it and so forth. But with that said, the issue I have that I just received this. I mean, I -- I'm basically going to vote on your word 'cause I -- obviously, if I just received this, let's say a minute ago, I won't have time to vote on it or at least read through it. That's my concern.

Chair Sarnoff: Well, I -- and I do understand, and I'm extremely disappointed with not only the private attorneys involved in this, but with the City Attorney involved in this because this was agreed to two days ago. And the fact that we as lawyers could not draft an agreement that everybody could agree to demonstrates an impediment on behalf of both the City and the private firm that should not have brought -- shouldn't even be a discussion item for you. You should have been able to say I've read the three-page agreement. Looks good, feel good about it. I can tell you that I've read this agreement. I help negotiate this agreement. I'd ask you for -- it's not part of PH.7. It is part of a pocket item I want to bring up to you. The reason I want to be as transparent as possible to let you know that the reason we're making any modifications that we're allowing them to make is because we're achieving another park for the citizens of Miami. I think that's always a good thing. From your perspective, that park will never be maintained with one dollar of tax dollars. Secondly, an existing park that exists now, which I would admit to you does not get many tax dollars, but nonetheless will be maintained by the folks that own this property. So I think it's sort of a win-win for everyone.

Lucia Dougherty: And if I could just add something. This --

Chair Sarnoff: Your name for the record.

Ms. Dougherty: Lucia Dougherty, with offices at 1221 Brickell Avenue, and I'm here today with Iris Escarra, who's my new partner. We -- this came to you and it's been percolating for four years with a certain set of public purpose, and that public purpose was negotiated four years ago when we first came in, 'cause this is like the fourth time that this would actually come to the City Commission. The first time is the tentative plat. The second time is the street closure. The third time is the final plat, which is this time. But when it came this time, the Commissioner of the district said, "I don't like those public purposes. I want you to substitute a new public purpose." And the new public purpose is not only the park there; it's another \$35,000 to 1814 Brickell Avenue, and in addition, the maintenance of the existing park. So these -- this is just a sweetener that has come because this is the final plat, and he substitute -- what you're doing is just substituting the public purpose that you had before for a new public purpose that is going to come before the City and actually get built now as opposed to when we build the building. If that was the public purpose that we had before, you would never see the public purpose until we actually build the building. He has actually negotiated a better deal for the City 'cause now you're going to get the park now as opposed to ten years from now, potentially.

Vice Chair Carollo: Mr. Chairman.

Chair Sarnoff: Go ahead. You're recognized.

Vice Chair Carollo: But, in essence, what we're voting on is the change of plat?

Chair Sarnoff: We are. And then there'll be a pocket item which will have the license agreement which will afford us the opportunity to use that immediately as a park. It requires them to create the North Point Park. And I apologize. In addition -- I did not tell you this -- I also received \$35,000 to go towards 1814 Brickell Park that will not cost the citizen taxpayers any money and it will not cost any general fund money, as you know. But instead of using my quality of life dollars, I was able to get from them 35 additional dollars to help start the beginning of Brickell Park.

Commissioner Suarez: I would move this item along, and I would also second the Vice Chairman's motion that we should have some sort of symposium on how it is to convert these private lands into parks because I think my district would benefit tremendously from it. So I commend you for that, Chairman.

Chair Sarnoff: And I'd be more than glad as soon as we have a Sunshine meeting, just the three of us, to sit down, have a beer --

Commissioner Suarez: Of course. In the Sunshine, of course.

Chair Sarnoff: -- and we will talk about how it is you can deal with various attorneys out there. I think Vicky Garcia-Toledo's equally out there. You have to do things very differently with Vicky, a heavy, blunt object.

Vice Chair Carollo: Yeah. If I could pass this along so you could see it, and don't mind that green color. It was just put there for looks. But if you're seeing as far as green spaces in my district, it's very scarce. But for that map that just depicts the parks, they painted it green, but I have to pull it out now. If you can see, the new maps have my district in yellow. The old maps from Commissioner Sanchez has my district in yellow. Yet, when it came to a map on parks, I got a green color. Yet, you could see that there's no actual green space in my district or very little, for that matter. So I'm just putting into the record --

Chair Sarnoff: But you're going to have a heck of a Marlins Stadium out there.

Vice Chair Carollo: Hey, well, you know, that's a start but that's still, you know, not necessarily park green space.

Chair Sarnoff: Understood.

Vice Chair Carollo: With that said, I don't have anything further.

Chair Sarnoff: All right, PH.7. I believe we've opened and closed the public hearing, coming back to the Commission. Gentlemen, any further discussion? I hope not. All in favor, please say "aye."

The Commission (Collectively): Aye.

PH.8 09-01353

*City Manager's
Office*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, CONFIRMING, AND APPROVING THE CITY MANAGER'S RECOMMENDATION AND WRITTEN FINDINGS, PURSUANT TO SECTION

18-85 OF THE PROCUREMENT CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED; WAIVING THE REQUIREMENTS FOR COMPETITIVE SEALED BIDDING METHODS AS NOT BEING PRACTICABLE OR ADVANTAGEOUS TO THE CITY OF MIAMI FOR THE PROVISION OF CUSTODIAL SERVICES AT MIAMI CITY HALL; APPROVING THE AWARD OF SAID SERVICES TO HOPE CENTER, INC., RETROACTIVELY, FOR A PERIOD OF OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2011, WITH OPTIONS TO RENEW FOR THREE (3) ADDITIONAL ONE (1) YEAR PERIODS, AT AN ANNUAL AMOUNT NOT TO EXCEED \$56,155.32; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT, IN SUBSTANTIALLY ATTACHED FORM, FOR SAID PURPOSE; ALLOCATING FUNDS FROM THE DEPARTMENT OF GENERAL SERVICES ADMINISTRATION, PROPERTY MAINTENANCE, OTHER CONTRACTUAL SERVICES, ACCOUNT CODE NO. 05001.242000.534000.0000.00000.

09-01353 Legislation.pdf
09-01353 Summary Form.pdf
09-01353 memo.pdf
09-01353 Notice Memo.pdf
09-01353 Notice of PH.pdf
09-01353 Information.pdf
09-01353 Supported Employment.pdf
09-01353 Corporation Papers.pdf
09-01353 Email.pdf
09-01353 Rates.pdf
09-01353 Email 2.pdf
09-01353 Master Report.pdf
09-01353 Award Sheet.pdf
09-01353 Bid Tabulation.pdf
09-01353 Letter.pdf
09-01353 PSA.pdf

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

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

R-10-0030

Chair Sarnoff: PH.8 requires a four-fifths vote.

Larry Spring: Larry Spring, chief financial officer. Commissioners, this is a resolution of the City of Miami Commission by four-fifths vote ratifying, confirming and approving the City Manager's written finding to waive competitive sealed bidding methods for the provisions of custodial services at City Hall and awarding said services to Hope Center. Hope Center is a nonprofit organization that was established back in 1955 that provides residential and day training services and programs for individuals with developmental disabilities. The Hope Center's goal is to provide opportunities to individuals with disabilities so they may grow physically, mentally, emotionally, and socially and to their fullest potential. Hope Center has been providing service here at City Hall for some time now, and due to the social impact, we are recommending that they be awarded the custodial services contract here at City Hall. They did match the bid that was previously submitted by the lowest bidder for this location. So we respectfully ask for your approval on this item.

Chair Sarnoff: PH.8. Is there a motion?

Commissioner Dunn: So move.

Vice Chair Carollo: So move.

Chair Sarnoff: Moved by Commissioner Dunn --

Commissioner Suarez: Second --

Chair Sarnoff: -- second by --

Commissioner Suarez: -- for discussion.

Chair Sarnoff: -- Commissioner Suarez. And let's just open up the public hearing.

Mariano Cruz: Yes.

Chair Sarnoff: Anyone from -- Let me say it first, Mariano.

Mr. Cruz: Mariano Cruz, 1227 --

Chair Sarnoff: No, let me say it.

Mr. Cruz: -- Northwest 26 Street. I am for that. You know why? 'Cause I come here many, many times a month and never seen those bathrooms on the daytime dirty or anything, paper, everything. Those people -- those young people (UNINTELLIGIBLE), they do a really good job there under Jose there. But --

Chair Sarnoff: And they -- and we're here to discuss --

Mr. Cruz: I am -- no, no, no. But remember --

Chair Sarnoff: I'm going to keep you on subject.

Mr. Cruz: Right. No. I'm going to --

Chair Sarnoff: Accion has passed.

Mr. Cruz: -- speak about the custodial service. The other night --

Chair Sarnoff: Okay.

Mr. Cruz: -- Tuesday night, the bathroom was filthy. It was no paper towels. The Manager was there and he couldn't find paper towel for himself there because they eliminate -- I ask the question say -- no, they eliminate -- I ask somebody -- no, they eliminate the position of custodial, Roberto, at nighttime. So maybe that happened, but I was there. It was a completely different picture from daytime and nighttime. Maybe there was only people here, but I was in the bathroom. No paper towel and the -- those trashcan were overflowing, okay.

Chair Sarnoff: Was that before or after the Manager was in the bathroom?

Mr. Cruz: On Tuesday, Tuesday night, about 10, 11 at nighttime, yeah. You were there. You saw. You were looking for paper towel too. You couldn't find one. I know.

Chair Sarnoff: All right.

Mr. Cruz: Well, because they eliminate the position, but they --

Chair Sarnoff: So you -- are you recommending that we approve this contract?

Mr. Cruz: Yeah, well, sure. They're doing -- they're very good.

Chair Sarnoff: I want to make sure we got your blessing. Anybody from the public wishing to be heard on PH.8? PH.8 is a four-fifths waiver for Hope services. Seeing none, hearing none, coming back to the Commission. I -- Commissioner Suarez wanted to speak on this. Commissioner Dunn, do you want to speak on this?

Commissioner Suarez: I just want to say, Cassie, if you're listening, I saw you back there. You're going to be seeing me tomorrow so it's kind of an inside joke.

Chair Sarnoff: Okay. Anyone else wishing to be heard on PH.8? All right, all in favor, gentlemen?

The Commission (Collectively): Aye.

Chair Sarnoff: Okay, unanimously passes.

9:00 A.M.

A sign language interpreter translated discussion of Item PH.9.

PH.9 09-01447

*Department of
Community
Development*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE TRANSFER OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, IN THE AMOUNT OF \$60,000, FROM THE CITY OF MIAMI DEPARTMENT OF COMMUNITY DEVELOPMENT PROGRAM INCOME; ALLOCATING SAID FUNDS, TO ACTION COMMUNITY CENTER, INC., AS SPECIFIED IN EXHIBIT "A", ATTACHED AND INCORPORATED, FOR PUBLIC SERVICE ACTIVITIES TO PROVIDE TRANSPORTATION SERVICES TO LOW TO MODERATE INCOME ELDERLY INDIVIDUALS; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE.

09-01447 Exhibit.pdf
09-01447 Exhibit 2.pdf
09-01447 Exhibit 3.pdf
09-01447 Summary Form.pdf
09-01447 Public Notice.pdf
09-01447 Letter.pdf
09-01447 Program Narrative.pdf
09-01447-Submittal-Action Community Center.pdf
09-01447 Legislation 1-28-10.pdf

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

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

R-10-0021

Chair Sarnoff: All right. Let's go on now to the PH (Public Hearing). I believe we have -- is it PH --?

Priscilla A. Thompson (City Clerk): 9.

Chair Sarnoff: There was a time certain. PH --

Ms. Thompson: PH.9.

Chair Sarnoff: 9. There you go. Thank you.

George Mensah: George Mensah, director of Community Development. Mr. Chair, PH.9 is authorizing a transfer of Community Development Block Grant funds, in the amount of \$60,000, from City of Miami Department of Community Development, allocating the funds to Action Community Center for the provision of elderly transportation services.

Chair Sarnoff: All right. You're recognized, madam.

Rosemary Oxenberg: We'd like to recognize all the members. We'd like to recognize the Mayor and the City Manager, and we also are grateful to be here once again before the Commission, and we congratulate our new member and a returning member.

Chair Sarnoff: All right. Gentlemen, this is coming back to us from a continuance from the last time. For purposes of discussion, does anybody wish to make a motion?

Ms. Thompson: Chair, if I might, and I apologize, but the young lady who spoke did not put her name on the record.

Chair Sarnoff: Oh, I apologize. Could you put your name on the record?

Ms. Oxenberg: Oh, yes. It's Rosemary Oxenberg, 2025 Brickell Avenue.

Ms. Thompson: Thank you.

Commissioner Suarez: I will move the item for discussion, Chairman.

Chair Sarnoff: All right. We have a motion. Is there --?

Commissioner Gort: Second.

Chair Sarnoff: There's a second by Commissioner Gort. Discussion, gentlemen. Commissioner Suarez, you're recognized for the record.

Commissioner Suarez: Thank you, Chairman. The last time this item was up, the Vice Chairman had some concerns about -- and I think the Chairman also expressed some concerns about the future viability of your entity. I also shared in those concerns. I was given this morning -- and I think, you know, generally speaking, it's always good to give us as much time as you possibly can to, you know, let us analyze documents. But I was given this morning what I call a balanced budget based on the current funding that you have and not prospective funding or, you know -- which I sincerely hope that you're able to get through the other sources, and you explained to me some of the other sources that you are planning to receive funding from. But I did get a balanced budget, which I think for me personally, you know, allays a lot of my concerns in terms of the viability of giving you monies that can be given to some other organization that may be

also worthy, and you know, having those funds being utilized for your services and, you know, not you guys going out of business, and then us being in a situation where we could have given it to another entity. So I just wanted to state that for the record. I appreciate you listening to the Vice Chairman and Chairman's and my concerns in relation to your fiscal health. And that's all I have to say on that, Mr. Chairman.

Chair Sarnoff: All right.

Commissioner Gort: Mr. Chairman.

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

Commissioner Gort: Thank you, sir. One of the reasons I second the motion is the -- this is an organization that has been established for a long time and it provides a lot of services to the -- my community in District 1. A lot of the people that sit here today receive the services and a lot of these individuals, if they didn't have the services, they would not be able to go and get their dinners or their lunch and the recreation they get at the (UNINTELLIGIBLE) centers. And that's one of the reasons why I second the motion. I've also committed to work with the County and the State, whoever is necessary to get additional funds to maintain these services in that community.

Chair Sarnoff: All right. Anyone else wishing to discuss? Commissioner Carollo, you're recognized for the record.

Vice Chair Carollo: Thank you, Mr. Chairman. My question is -- and again, the issue is not Accion or any organization, for that matter. The issue is fiscal responsibility. My first question is to Mr. Mensah. Have they provided the documentations that we requested when we sat with them and so forth?

Mr. Mensah: Yes. They provide it this morning.

Vice Chair Carollo: Okay. Obviously, you know, I haven't seen them because --

Mr. Mensah: Yes.

Vice Chair Carollo: -- everyone provides everything the morning of the Commission meeting and I believe I called your office at about 8:30, 8:45 and you said no, that they had not been provided.

Mr. Mensah: That we didn't have it. Yes, that's correct.

Vice Chair Carollo: So are you -- do you feel comfortable with what they provided?

Mr. Mensah: Yes. As you know, when we went to -- we visited them, we asked that they provide us with a budget. That takes into consideration their current funding, funding that they currently have in place, and to be able to show us that they've cut their services and their administration to the extent that they can maintain the services, even if it's at a skeletal level, until such a time that we're able to assist them in getting additional revenue, and what they provided me is sufficient.

Vice Chair Carollo: Question. Would they be able to survive this year -- in other words, are there a going concern -- so would they be able to continue, without additional fundings [sic] from us this year? And remember, I pointed out in their audited financial statements that were from 2007 that they have a year-end of June, not October. So will they be able to continue without additional funding from the City of Miami as they are?

Mr. Mensah: At the budget that they provided, it goes from 10/01/09 to 09/30/10, 2000 -- year

2010. Based on that budget and the level that they are -- the service they're going to provide, yes, they will be able to go up to that time. My only concern will be to ensure that they do stick to the budget, and that is really my only concern. And I will talk to my staff to ensure that we do monitor and ensure they stick by this budget. If they don't stick by the budget, then of course they will have some problems.

Vice Chair Carollo: So should we approve this funding, which is, I believe, \$60,000 --

Mr. Mensah: Yes.

Vice Chair Carollo: -- they will not need to come before us again for this year to request additional fundings [sic]?

Mr. Mensah: Not according to this budget, no.

Vice Chair Carollo: Not according to this budget. And when did you receive this budget?

Mr. Mensah: This morning.

Vice Chair Carollo: So, obviously, you haven't had the time to, you know, audit it and so forth. I have another question. Should we approve this funding and you then start looking at the numbers and so forth and they either do not comply or you request additional information, or you request information on the past (UNINTELLIGIBLE) --

Mr. Mensah: Yeah.

Vice Chair Carollo: -- and so forth and you don't receive it, do we then have to pay them the money?

Mr. Mensah: No.

Vice Chair Carollo: No.

Mr. Mensah: The money has to be paid based on CDBG (Community Development Block Grant) regulations. We need certain documents that have to be presented to us before we can pay them. So if those documents -- if we don't receive those documents, we cannot make those payments, and they are aware of that. We've already given them all the information that we need to make the payments. Because of the situation they are in, we wanted to make sure that once we have approval and the contracts are executed that we can release the funds as soon as possible, so we gave them prior advance of all the information that we need to be able to effectuate those payments.

Vice Chair Carollo: Okay. So even if we approve this, if they don't provide the documentations required by CDBG and so forth, they will not receive the funding?

Mr. Mensah: That's correct.

Vice Chair Carollo: I have a question. I have another question. In order to obtain CDBG funding, don't you have to go through an application process and all that?

Mr. Mensah: Not really. These are nonprofits. To get CDBG -- we have two processes. One, the City Commission can provide funding to an organization by directly giving them the funds. The City Commission can also provide funding when it comes as a recommendation from Community Development. We usually go through an RFP (Request for Proposal) process to be able to provide those funding. These current funds is, as we know, program income -- that's in

the program income that we are bringing. Usual allocation, which in June we will make, goes through the RFP process and there people will have to apply. At that time Accion will have to apply just like everybody else.

Vice Chair Carollo: Okay. And again, I just want to point out that the issue is not Accion or any entity or organization, for that matter. My issue is as far as being fiscally responsible, giving fundings [sic] to an organization and then that organization not being able to continue, and you know, in essence, the fundings [sic] we provided was in vain. That is, you know, my main concern. So just for the record and just to verify, if we approve this item and they don't provide the documents or so forth, or the documents that they provided are not adequate once you have a chance to really look at them and so forth, then --

Mr. Mensah: They will not be funded.

Vice Chair Carollo: -- they will not be funded?

Mr. Mensah: That's correct.

Vice Chair Carollo: Okay.

Chair Sarnoff: Any other Commissioners? Commissioner Gort?

Commissioner Gort: No questions.

Chair Sarnoff: I have a couple questions. And I saw you brought my nuclear weapon. The UTD (United Teachers of Dade) girls are here, so they're going to watch me very carefully and very closely. That's okay. Ladies, I'll do the best I can. It seems to indicate -- you use the word K. Does that mean thousand?

Ms. Oxenberg: Yes.

Chair Sarnoff: So it says that you do such daily places like cancer treatment, dialysis, chemotherapy, but it says you do approximately 3,000 to 4,000 trips per month.

Ms. Oxenberg: Correct.

Chair Sarnoff: Thousand?

Ms. Oxenberg: Yes.

Chair Sarnoff: And I'm just curious -- maybe he would even ask this question.

Ms. Oxenberg: That would be two-way in case -- for clarification purposes.

Chair Sarnoff: Why the variance of -- why wouldn't you know if you do 3,000 or 4,000? And by the way, I'm having an extreme amount -- we had a person in the last meeting come up to us and made a statement to Commissioner Suarez that he walked to 5,000 homes. And Commissioner Suarez and I -- I know we both walked, and I know that Commissioner Carollo did as well, and I know Commissioner Gort did too. And we know how long it takes to walk 5,000 homes. We estimated it took seven to eight months. Yet, it was 35 days in which he claimed that he had walked 5,000 homes. I'm not saying it's on the same level, but I'm just having a little bit of difficulty believing that you do 4,000 trips a month.

Ms. Oxenberg: Yes.

Chair Sarnoff: You have how many vehicles?

Ms. Oxenberg: We have four vehicles.

Chair Sarnoff: That means each vehicle is doing a thousand trips a month?

Ms. Oxenberg: Per -- each vehicle is doing approximately in completion -- let me clarify. Each trip is -- one-way trips are considered as one trip, so a round trip is considered two trips. The totality of trips approximately would equal 6,000; and it's a combination, including the constant trips, and then special needs are collected, or each member is collected and dropped off and picked up again, and that is how we come up with those numbers.

Chair Sarnoff: Okay. So 4,000 could really be 2,000 the way we --?

Ms. Oxenberg: Well, it's in the gamma. It's in the gamma. That's why I placed between three to four.

Chair Sarnoff: Okay. The 60,000 that you're asking for CDBG program money would be money that has been expended from October 2009 to January 2010, so we'd be paying your arrearage?

Ms. Oxenberg: In part, you would be. And with the cuts that we have adjusted for, we will be able to cover those as we go along, all the way through September.

Chair Sarnoff: And I just received this this morning, as the other Commissioners have. I -- to be honest with you, I'm reading it right now. So forgive me. It appears what you're doing is you're no longer going to have a dispatcher. You're no longer going to have two bus drivers.

Vice Chair Carollo: I still have (UNINTELLIGIBLE).

Chair Sarnoff: Okay. And you're going to do away with an office clerk. Am I getting that right?

Ms. Oxenberg: We will have two drivers and we will double up the clerical -- the clerk will become also the dispatcher, and so there will be double duties being assigned, and then we will cutback on some of those -- the door-to-door, but we will maintain the bulk of the constant route which allows us to provide the majority of service to the majority of people.

Chair Sarnoff: So when you say a bus driver's going to double up, help me --

Ms. Oxenberg: No, not the bus driver, the clerks.

Chair Sarnoff: So the bus driver will be given the so-called pink slip?

Ms. Oxenberg: Well, we will -- we have adjusted the budget to put them in part time to try to allow them to be employed still.

Chair Sarnoff: 'Cause I'm looking at one, two, three bus drivers, and now you have two bus drivers.

Mr. Mensah: Two bus drivers.

Ms. Oxenberg: Yes, that's correct. The first column was prior to --

Chair Sarnoff: Right.

Ms. Oxenberg: -- right -- January 15.

Chair Sarnoff: So somebody's not going to be working?

Ms. Oxenberg: That's correct.

Chair Sarnoff: Okay. And the office clerk -- you had two office clerks, and now you're going to have one office clerk. You're just going to work the clerk harder.

Ms. Oxenberg: We're going to double their work --

Chair Sarnoff: Right, double their load.

Ms. Oxenberg: -- and we'll split it up between the other members of the office.

Chair Sarnoff: And then you have something called fringe benefits and it's in the left-hand column.

Ms. Oxenberg: Yes.

Chair Sarnoff: I'm not Commissioner Carollo, so work with me. I'm not the greatest accountant. It seems to be under the category of 10/1/209 [sic] to 1/15/2010. Is that your projection if you had all those folks -- and I mean by that the executive director, the bookkeeper, the bus drivers, the office clerks -- as stated from 10/1/209 [sic] to 1/15/210 [sic], or is that the resulting number from the 1/16/2010 budget to the 9/30/2010 budget?

Ms. Oxenberg: No. That is from the previous.

Chair Sarnoff: So then you don't account for in this budget FICA (Federal Insurance Contribution Act), worker's compensation, and Florida employment compensation 'cause I don't see it on the right-hand side.

Ms. Oxenberg: That is under the second column a little further down where we have insurance and general liabilities.

Chair Sarnoff: Yes.

Ms. Oxenberg: Those are the numbers that would be included in there.

Chair Sarnoff: Insurance includes FICA, worker's comp, and --

Ms. Oxenberg: And some of our --

Chair Sarnoff: -- Florida unemployment?

Ms. Oxenberg: Right. And some of these -- those numbers would be included under there.

Chair Sarnoff: Okay. So it is factored in?

Ms. Oxenberg: Yes, it is.

Chair Sarnoff: Have you applied --? The County just had on January 23 or 28, forgive me, very shortly ago, the STS (Special Transportation Services) RFP. Did you apply for the County's STS RFP?

Ms. Oxenberg: Yes. We have begun to apply to them, and we have also applied to other

programs for funding, and we certainly do hope and look forward to acquiring other funding throughout the year.

Chair Sarnoff: And I think you answered my question, but I just want to hear a yes/no. Have you applied for the County's STS RFP?

Ms. Oxenberg: Yes.

Chair Sarnoff: And that was as short as five days ago?

Ms. Oxenberg: Yes.

Chair Sarnoff: All right. Now, with reducing your bus -- you're still going to operate 11-passenger bus -- 11-passenger vans/buses. What should I call them?

Ms. Oxenberg: We have passenger vans for 24, and two for aid and for wheelchair capacity, so we will continue to run the larger buses to be able to transport the majority of the persons on the constant route.

Chair Sarnoff: What ordinarily is --? Forgive me, I was behind one of you guys the other day --

Ms. Oxenberg: Okay.

Chair Sarnoff: -- and there were only two people in what appeared to be an 11- or 12-passenger bus or van.

Ms. Oxenberg: Yes.

Chair Sarnoff: What do you ordinarily put in like an 11-passenger van? 'Cause, to me, I was thinking to myself, wow, they could be driving a Ford Escape or a Ford -- a very small Ford and achieve what they wanted to achieve. So my question is probably inartfully [sic] asked. What do you ordinarily expect -- or what do you ordinarily pick up? Is it you pick up 11 people and you go down to 2? 'Cause I followed you for a little while.

Ms. Oxenberg: It's in the -- as it's stated there on that second sheet, we offer combination transportation service where we have a constant route that collects up to 25 people per bus and it's delivered to one location, and we do this throughout the day everyday, Monday through Friday. Separately, we have the special needs that are -- go to door-to-door, as explained, and those needs are also detailed why we have to offer that service in relationship to the client that we serve, so we have both. It's a combination of those two items.

Chair Sarnoff: Would it ever be advantageous for you to have a very fuel, economical, American-made car and to utilize that?

Ms. Oxenberg: Well, as we're going to the new normal, coined by you today, and I think we're all using that, you know, we will make adjustments for the needs because we have to, just like everyone else here is doing. So we will certainly continue to do that and adjust to make everything more efficient, but always trying to provide the maximum service to the client.

Chair Sarnoff: Have you looked into it whether it would be, on certain routes, advantageous to drive a four- or five-passenger car?

Ms. Oxenberg: It wouldn't be advantageous from the standpoint that if we're able to deliver more people to a given destination, then we're serving more people.

Chair Sarnoff: No. And I understand that. I suppose my UTD folks probably are one of those big delivery points?

Ms. Oxenberg: Yes.

Chair Sarnoff: But I think you also said at the last hearing that you occasionally -- and I think somebody referred to it as Cadillac service -- pick up one person and deliver them maybe to their doctor's appointment.

Ms. Oxenberg: It's not exactly in that format.

Chair Sarnoff: Okay.

Ms. Oxenberg: It is not a Cadillac service in that way. What we do provide is door-to-door service because -- in regards to the need of the person and those needs are stated on the second half of this. It is never -- we never have one passenger in a van. We always group them together by location and then deliver them either to the same location or nearby locations to make our service more efficient.

Chair Sarnoff: Do you ever group them in groups of four or five?

Ms. Oxenberg: We usually group in large groups in --

Chair Sarnoff: So bigger than that?

Ms. Oxenberg: Yeah. -- the capacity of our vehicles.

Chair Sarnoff: Okay. All right. Thank you for answering my questions.

Ms. Oxenberg: Thank you for giving me the opportunity.

Vice Chair Carollo: Mr. Chairman?

Chair Sarnoff: Go ahead. You're recognized, Commissioner Carollo.

Vice Chair Carollo: I don't want to open up a can of worms here, but I do have to ask -- and I'm going by your financial statements in 2007 'cause that's what CDBG [sic] had. I know you provided your 2008 financials, and I haven't looked at it yet. But going from your 2007 financial statements, do you own any of those vehicles?

Ms. Oxenberg: One moment, please. They belong to the DOT (Department of Transportation).

Vice Chair Carollo: And the City of Miami?

Ms. Oxenberg: No.

Vice Chair Carollo: Okay. ACC (Action Community Center) has received funds from the State of Florida and the City of Miami to purchase furniture, equipment, and vehicles. The title to these items remain with the funding agencies, which was the City of Miami and State of Florida, and may have to be returned if the related contracts are not renewed. Depreciation is not taken on these items since they are not owned by ACC, which -- Accion Community Center. The change in custodial assets for the 12 months ended June 30, 2007 was as follows -- and it just shows vehicles, the amounts, and furniture and equipment, the amounts, and then the depreciation you've taken. What I'm saying with this, Chairman Sarnoff, is that -- I know when you're mentioning going into cars and so forth, the truth of the matter is, the agency doesn't have

any assets as far as vehicles. We actually have provided that, which goes to an additional question. I would think that the City of Miami most likely owns at least one or two of those vehicles.

Ms. Oxenberg: You do, one.

Mr. Mensah: We own one.

Vice Chair Carollo: We own --

Mr. Mensah: George Mensah -- one.

Ms. Oxenberg: You own one.

Vice Chair Carollo: Okay. So -- and we own one. So as far as -- and which one do we own, the big one, huh?

Ms. Oxenberg: Yeah.

Vice Chair Carollo: The expensive one? I kind of knew that. How did I know, huh? Anyway, with that said -- and I'm just throwing this out now with dialogue. If we wanted to use one of those vehicles for -- let's say there's a building that needs to go to a certain location. Is there a way that I could have my staff -- not even your driver, my staff, and we'll -- you know, we'll either [sic] pay for the gas -- pick up some of the elderly and take them to an organization and so forth, so some of the areas in my district will be, you know, served or can exceed the --?

Ms. Oxenberg: Well, I want to give you some good news. We do serve your area and have for many years. We are not able to just place a driver behind one of our vehicles. There are other items that go into place for legal purposes and understanding.

Vice Chair Carollo: Oh, okay. I just --

Ms. Oxenberg: But we are happy to accommodate special needs that -- or an event, and we do -- for example, we do have contracts in place for emergency situations, such as hurricanes and things like that, to be solely responsible for transporting the elders in certain areas to shelters and place of refuge.

Vice Chair Carollo: Okay. I just wanted to bring that up as a two-prong approach, one being, you know, if we're allowed to use that vehicle for, you know, transferring or transportation of some of the elderly. I know in my district that would actually want additional service or so forth, or instead of being taken to Publix, they want to go to Sedano's or so forth. I know the buildings that you do Publix and so forth in my district and, actually, in other districts too. But with that said -- and the second approach was as far as what you mentioned as far as having, you know, cars, instead of, you know, buses. We actually own one of those buses, and you know, I don't know --

Chair Sarnoff: I was actually thinking that what -- and I think the Mayor would confirm this, that we have some extra cars, and I was just thinking -- I mean, I looked at their gas bill. And if you could reduce their gas bill by \$2,000, it takes the noose off their neck. And are there circumstances, are there situations where a four- or five-passenger car would work? I mean, I believe we have a number of Fords that are not being used at the MRC (Miami Riverside Center) building that have been mothballed. I was actually being a little benevolent or thinking in those terms.

Vice Chair Carollo: Not a problem. Okay. I don't have any further questions. I just -- once

again, for the record, should we approve this and they don't, you know, provide the information we need and so forth, then, you know, they don't receive the funds.

Mr. Mensah: That's correct.

Vice Chair Carollo: Okay.

Chair Sarnoff: All right.

Commissioner Gort: Mr. Chairman?

Chair Sarnoff: Go ahead, Commissioner Gort.

Commissioner Gort: My understanding you're offering them the use of some of the vehicles that we have, if they could use it?

Chair Sarnoff: I just wanted to make sure that they were -- what I saw was two people in what appeared to be an 11-person vehicle. And I just thought, gosh, it gets 8 miles to the gallon, where we could put them in a vehicle that might get 30 miles to the gallon.

Vice Chair Carollo: With that said, though -- and I know where Commissioner Gort is going -- with that said, remember what I asked. I asked could we use one of your vehicles that's City-owned, and they said no because of liability. With that said, I just want to make sure that one of our vehicles that's in our possession, I can have one of my staff on a weekend, should one of these buildings want to --

Commissioner Gort: No problem.

Vice Chair Carollo: So before we give anything up, I want to make sure that, you know, we have first picking at it.

Commissioner Gort: Commissioner Carollo, I'm sure that if you had any need or any transportation for any (UNINTELLIGIBLE), they'll be more than glad to (UNINTELLIGIBLE) for you.

Chair Sarnoff: He's going to be giving a series of speeches and he wanted to make sure that everybody -- the room was occupied and --

Vice Chair Carollo: Hey.

Commissioner Gort: Call the question.

Chair Sarnoff: All right. You ready, gentlemen? All right, call the question. All in favor, please say "aye."

The Commission (Collectively): Aye.

Ms. Thompson: Wait.

Mr. Mensah: Public hearing.

Ms. Thompson: Public hearing.

Mr. Mensah: A public hearing.

Chair Sarnoff: Oh, I'm sorry. I apologize. Let me reopen it. It's a public hearing regarding PH.9, which is funding of community block grant funds in the amount of \$60,000 to Accion. Does anybody in the public wish to be heard on this item? Please come forward.

Commissioner Gort: May I say something in Spanish?

Chair Sarnoff: Sure.

Mariano Cruz: Public hearing.

Commissioner Gort: Excuse me. One of the things I've learned in life is if you're in favor, if you're (UNINTELLIGIBLE) --

Mr. Cruz: No, no, no.

Commissioner Gort: I know you're going to discuss something else.

Mr. Cruz: It's a public hearing, regardless.

Commissioner Gort: No. I know. I understand. You're -- I'm going to let you speak.

Mr. Cruz: I've been here waiting all morning for this and I'm going --

Commissioner Gort: I understand that.

Mr. Cruz: -- to say my piece anyway.

[Comments in Spanish not translated.]

Ms. Thompson: I'm sorry, Commissioner Gort. Before we go on -- Commissioner Gort, we do have an interpreter here for our --

Commissioner Gort: Oh, sorry about that.

Ms. Thompson: No, no. But just to let them know, we do have an interpreter. If our interpreter can make that statement for us. Thank you.

Mr. Cruz: Mariano Cruz, 1227 Northwest 26 Street, Miami, Florida. I'm going to tell you one thing, (UNINTELLIGIBLE). I read --

Chair Sarnoff: Wait, wait, wait, wait. Mariano, hold on. I think they --

Mr. Cruz: -- Newsweek too.

Chair Sarnoff: Mariano, I always give you your two minutes. Let him -- just let -- I think the interpreter wants to say something in Spanish.

Mr. Cruz: Okay.

Paul Seligmann (Official Spanish Interpreter): We're going to be saying about the fact that we're talking about this issue only and this issue. [Comments translated into Spanish.]

Chair Sarnoff: Okay. Now, Mariano.

Mr. Cruz: Yeah. Mariano Cruz, 1227 26 Street, Miami, Florida. I'm going to say one thing. I

read Newsweek too. I was reading last night about the (UNINTELLIGIBLE), the church, the temple there (UNINTELLIGIBLE), and all that. So I read Newsweek too, okay. Remember, I feel -- I've been working social worker in the Little Havana Activity Center in Allapattah since 1977, '78, and Action was there. Action is older than some of you, 39 years or 40 years being there giving service to the people, okay. And this is the first -- I've been here to those Commission meetings. This is the first time I see so much questioning for \$60,000 (UNINTELLIGIBLE) when you come here fiscal responsibility. Look at RE.4. The (UNINTELLIGIBLE) resolution of Miami City Commission authorizing the City Manager to tender a sum in the amount of not to exceed \$54,188.47 to the United States Department of the Treasury, IRS (Internal Revenue Service), for the purpose of paying penalties. Is that fiscal responsibility? The City have to pay \$54,000 now. Is that fiscal responsibility? Don't tell me about -- and now before that, the land in Brickell, 1814 Brickell, two million, two hundred and sixty dollar [sic]. Two million for what? From impact fees or whatever. So, come on. And then the other night you questioned the lady from the Little Havana Activity Center about (UNINTELLIGIBLE) if they could take over Action services. I was here. That's why I attend all the meetings, to make sure that things are done properly. I'm going to be watching here. And I could care less. I am for the money for Action. The lady that works there in Little Havana, she is in the hospital now with cardiac arrhythmia produced by thinking of that. Okay, think of that.

Chair Sarnoff: You don't think I put her there, do you?

Mr. Cruz: Huh?

Chair Sarnoff: You don't think I put her there, do you?

Mr. Cruz: No. But you know, you don't know what you do with the people that worry about -- that's why I don't become a -- I left the social services because you have to come here and beg, beg for the service that you do. Begging, that's what you get -- the people here got to do. When they -- the money they pay in federal taxes is for them, okay. Maybe they don't pay City taxes or county taxes, but they pay federal taxes a lot.

Applause.

Chair Sarnoff: All right. Anybody else in the public wishing to make a popular statement? All right, hearing none -- well, there we go.

Armando Rujol (as translated by Paul Seligmann, official Spanish interpreter): My name is Armando Rujol.

Applause.

Mr. Rujol: I think I am going to continue in Spanish because my English is small. It would be disrespectful in any way for us to do -- for me to come up here and do a monologue. However, I do come here before you immensely pained -- to say it in a certain way, immensely pained by the things that have been gone during the work of the Action Community Center during the -- because, lamentably, at this time, the lady finds herself in a circumstance that is very disagreeable and everything in the case that (UNINTELLIGIBLE) job that she's been doing with all of her heart, all of her faith, all of her soul for over 30 years. This is one of the oldest programs. I've been giving this program 17 years of work as a driver. I have seen things that if I were to describe them to you, you wouldn't be able to understand them. It would -- also, I would never be able to invent in any way to confuse anyone because I have seen things -- I have been able to see things with humility but were not -- I want to do it with dignity that -- or respond to us -- make you sensitive to the -- to take Action so that you listen what's been heard.

Chair Sarnoff: You need to wrap it up, sir.

Mr. Rujol: And to please serve people --

Chair Sarnoff: Sir.

Mr. Rujol: These are things that I've been witness to --

Chair Sarnoff: Sir.

Mr. Rujol: -- day by day by day for people who are --

Chair Sarnoff: Sir.

Mr. Rujol: -- in a corner --

Chair Sarnoff: Sir, you need to wrap it up.

Mr. Rujol: Okay. Thank you.

Chair Sarnoff: Gracias. Okay. Anybody else from the public wishing to be heard?

Applause.

Miriam Urra: Good morning to all, Chairman Sarnoff, Commissioner Suarez, Commissioners [sic] Carollo, Commissioner Willy Gort, Commissioner Dunn. I'm here -- my name is Miriam Urra, and I'm here representing Allapattah Community Action. The reason of me being here today is the transportation issue with Action. And I'd like to state here today that Action is an agency that is being -- providing transportation services to the low-income elderly of this city for many, many years. They have done a grand -- a wonderful job so far and they do provide transportation services to our agency, to our elderly participants that come for a hot meal everyday. And for me, that's a very important issue. So I'd like to thank you for allowing me to be here today, and just to let you know that we're here supporting this issue and that I ask you -- you all to please support the funding for Action. Thank you very much.

Chair Sarnoff: Thank you.

Applause.

Commissioner Gort: Do they understand that we passed it, that we approved it?

Chair Sarnoff: You know, Commissioner Gort -- I'm going to let Commissioner Gort speak.

Commissioner Gort: Do you all understand -- and I want you to translate it -- that we voted and we approved the issue, the item?

[Comments translated into Spanish by official Spanish interpreter, Paul Seligmann.]

Unidentified Speaker: You did?

Commissioner Gort: Yeah, it's been approved.

Applause.

Ms. Thompson: No, no.

Chair Sarnoff: And just so you know, it was all his idea.

Commissioner Gort: No, no, no. It's been approved.

Unidentified Speaker: Then thank you.

Commissioner Gort: That's it.

Commissioner Dunn: That's it.

Commissioner Gort: That's it. Thank you. That's it. Thank you.

Commissioner Dunn: That's it.

Commissioner Gort: Go to work.

Ms. Oxenberg: I know we want to wrap this up as well. Thank you so very much for your support, and we look forward to continuing the service to our elders in the community and to working with each of you to continue giving service to those in need.

Chair Sarnoff: Thank you.

Vice Chair Carollo: Mr. Chairman?

Chair Sarnoff: Yeah. I think --

Vice Chair Carollo: And our prayers go out to Pilar Albo.

Ms. Oxenberg: Pilar Albo, the other director.

Vice Chair Carollo: Yeah. She said that -- several people -- that she's in the hospital right now.

Ms. Oxenberg: Yes, she is.

Vice Chair Carollo: And I said hello to her husband. I see him sitting there in the front seat.

Ms. Oxenberg: All right.

Vice Chair Carollo: (UNINTELLIGIBLE).

Commissioner Gort: Okay, fine.

Vice Chair Carollo: (UNINTELLIGIBLE).

Chair Sarnoff: Madam City Clerk --

Ms. Oxenberg: Thank you.

Chair Sarnoff: -- do we need to acknowledge that vote again in any manner or shape?

Ms. Thompson: First of all, you need to go ahead and close your public --

Chair Sarnoff: Close public hearing is now closed.

Ms. Thompson: And I need my vote.

Chair Sarnoff: Any Commissioner wishing to change his vote --

Ms. Thompson: No, no. I need --

Chair Sarnoff: We need an actual vote all over again. Can I have a motion?

Commissioner Gort: So move.

Commissioner Suarez: I move --

Chair Sarnoff: Is there a second?

Vice Chair Carollo: Second.

Commissioner Suarez: Yeah, move it, second, okay.

Commissioner Gort: Second.

Chair Sarnoff: All right. All in favor, please say "aye."

The Commission (Collectively): Aye.

Chair Sarnoff: We're going to take a five-minute recess, gentlemen.

Ms. Oxenberg: Thank you.

10:00 A.M.

PH.10 10-00008

***Coconut Grove
Business
Improvement
District (BID)
Board***

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), FOLLOWING AN ADVERTISED PUBLIC HEARING, PURSUANT TO SECTION 197.3632, FLORIDA STATUTES, EXPRESSING ITS INTENT TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS FOR THE COCONUT GROVE BUSINESS IMPROVEMENT DISTRICT ("BID"); PROVIDING FOR THE NEED FOR THE LEVY OF SAID ASSESSMENT; PROVIDING FOR A LEGAL DESCRIPTION OF THE BID AREA THAT IS SUBJECT TO THE ASSESSMENT; PROVIDING FOR A COPY OF THIS RESOLUTION TO BE SENT TO THE PROPERTY APPRAISER FOR MIAMI-DADE COUNTY, THE TAX COLLECTOR FOR MIAMI-DADE COUNTY, AND THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE THE INTERGOVERNMENTAL COOPERATION AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, AND ALL NECESSARY DOCUMENTS TO IMPLEMENT THE CITY COMMISSION'S INTENT, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY.

10-00008 Legislation.pdf
10-00008 Exhibit.pdf
10-00008 Exhibit 2.pdf
10-00008 Exhibit 3.pdf
10-00008 Cover Memo.pdf
10-00008 Cover Memo 2.pdf
10-00008 Notice of PH.pdf

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

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

R-10-0020

Chair Sarnoff: What I'm going to do is go through the time certain, and we're going to go through the consent agendas [sic]. We'll probably break for lunch around 1 o'clock. We'll take about an hour and fifteen-minute lunch. If I could break your arms to an hour, I'd appreciate it, but --

Commissioner Gort: Yes.

Chair Sarnoff: Yes? There we go. All right, PH.10. You're heard for the record. Please state your name.

David Collins: Mr. Chairman, Commissioners, David Collins, executive director of the Coconut Grove Business Improvement District, the BID. I stand to recommend PH.10, which is a straight-forward resolution which provides legal connectivity between the City of Miami and the County so that their tax collector can send out the regular BID assessment to property owners who voted the BID into effect.

Chair Sarnoff: Thank you, David. Is there a motion on PH.10?

Commissioner Suarez: So moved.

Chair Sarnoff: Is there a second?

Commissioner Gort: Second.

Vice Chair Carollo: Second.

Chair Sarnoff: Any discussion, gentlemen? Hearing none --

Mr. Collins: Excuse me.

Priscilla A. Thompson (City Clerk): Sir?

Mr. Collins: Go ahead.

Ms. Thompson: Public hearing.

Chair Sarnoff: I knew that. I was going to open it. There goes Ms. Eisenberg again. All right. This is a public hearing. Anybody wishing to be heard, please come up to the microphone. Hearing none, seeing none, I'm closing the public hearing. We have a motion. We have a second. Any discussion? Hearing none, all in favor, please say "aye."

The Commission (Collectively): Aye.

Mr. Collins: Thank you very much.

2:00 P.M.

PH.11 09-01120b

*City Manager's
Office*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), FIXING A FINAL ASSESSMENT ROLL FOR THE ROCKERMAN CANAL SPECIAL ASSESSMENT DISTRICT ("ROCKERMAN CANAL SAD"); AND ESTABLISHING THE TIME AND MANNER FOR PAYMENT OF THE SPECIAL ASSESSMENT TO THE CITY OF MIAMI FOR PURPOSES OF FUNDING THE IMPROVEMENTS BENEFITING THE ROCKERMAN CANAL SAD.

09-01120b Legislation.pdf

09-01120b Exhibit.pdf

09-01120b Exhibit 2.pdf

09-01120b-Exhibit 3-SUB.pdf

09-01120b Summary Form.pdf

09-01120b Notice of PH.pdf

09-01120b Proposed Allocations.pdf

09-01120b Affidavit.pdf

09-01120b Requested Assessments.pdf

09-01120b-Submittal-Manuel Alonso-Poch.pdf

09-01120b-Submittal-Arnold Hessen 1.pdf

09-01120b-Submittal-Arnold Hessen 2.pdf

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

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

R-10-0034

Chair Sarnoff: All right. Let's take up --

Dorcas Perez (Acting Director, Grants Administration): Thank you.

Chair Sarnoff: -- PH.11.

Julie O. Bru (City Attorney): Mr. Chair, if you want me to just put a little bit of background on the record for the benefit of the Commissioners that were not here.

Commissioner Gort: Please.

Ms. Bru: Pursuant to Chapter 170 of the Florida Statutes, a municipality can levy and collect a special assessment against property benefit for the purposes of ordering the repair, excavation, and stabilization of canals and providing for improvements. Back in September of 2009, the Commission adopted a resolution that created the Rockerman Canal Special Assessment District. We have provided a preliminary assessment roll, and we have advertised this hearing, this public hearing today where you're going to sit now as an equalization board and you can hear from any of the affected property owners with respect to the amount of the assessment. So what you're doing today is not deciding whether or not to go forward with the assessment. That decision has already been made. The only thing you're going to hear today is whether or not the way that the assessment has been apportioned, whether or not it's reasonable. And with that having said,

after you hear from the public, if anybody wants to come up and challenge the amount of the assessment after we conclude that part of the hearing, then you will go ahead and adopt the final roll.

Chair Sarnoff: All right. Mr. Poch, you're recognized for the record.

Manuel Alonso-Poch: Thank you, Mr. Chairman. Manuel Alonso-Poch, 3520 Rockerman Road. I am accompanied today with a number of the neighbors of Rockerman Road who will be affected by the taxing district. And I've just handed out to you some material. One is the map of the taxing district itself. The other is a spreadsheet, which I think was part of the materials on the agenda, which explains what the majority of the neighbors feel is an equitable distribution of the assessments. The Rockerman Canal rehabilitation work that is going to be done is divided into three parts. One is the dredging of the canal, the other is the relocation of some vegetation, and the third part is the stabilization of the shoreline on the park side -- on the City park side, the Kennedy Park side of the canal. And given that the dredging will only benefit 8 of the 15 homeowners, most of the homeowners are in agreement that the ones -- the homes being benefited by the dredging should be the ones that bear the cost of that work instead of all of them. So we have apportioned the cost of the dredging to be applied only to those homes that are benefiting from it. The rest of the work, if you see on the spreadsheet, is spread out among all the homeowners in accordance with the length or the distance of their property in relation to the whole canal. So if you want to hear from some of the other homeowners, you're welcomed to do so. They have all signed a letter stating that they are in agreement with this. Out of the 15, there's letters from 11 here stating that they're in agreement with the apportionment that we have submitted to you. And --

Chair Sarnoff: Let's do this. Let's see if there's a motion. Do I have a motion?

Commissioner Suarez: So moved.

Chair Sarnoff: Is there a second?

Commissioner Dunn: Second.

Chair Sarnoff: Second by Commissioner Dunn. Open it up to the public. Public hearing. Anybody from the public wishing to be heard on this issue?

Arnold Hessen: Yes, Mr. Commissioner. I have some --

Chair Sarnoff: You're going to need to state your name for the record and if you want to provide something to -- Go to the microphone.

Mr. Hessen: My name is Arnold Hessen. I'm an attorney practicing with the law firm of Hessen, Shimell and deCastro. I'm here today representing Nancy Brown who is affected by the proposed special assessment sought to be levied by the City, and I'd like to be heard in that vein. I have some packets that I'd like to present --

Chair Sarnoff: Before we hear you -- Mr. Hessen, is it?

Mr. Hessen: Yes.

Chair Sarnoff: Have you met with Mr. Poch?

Mr. Hessen: Have I met with him?

Chair Sarnoff: Yes.

Mr. Hessen: I know him, and we're, you know, neighbors.

Chair Sarnoff: Okay. And my question then is, have you tried to reconcile your differences or are there differences with him prior to coming here today?

Mr. Hessen: Very briefly. We've spoken on one occasion, but --

Chair Sarnoff: Is there any reason --? 'Cause instead of this panel sitting here for a prolonged hearing, would it be beneficial for you all to meet and try to work something out as opposed to, for the first time, discussing it publicly?

Mr. Hessen: Yes, we could do that. We could do that. There's not a problem. Here's my problem with this. When this resolution was passed back in -- passed in September of '09 -- and I think you were the only one on board at that time. All the other Commissioners haven't been involved in this -- there was no funding afforded to the City for this project. Since then, through FIND (Florida Inland Navigation District) and other funding agencies, there's been funds allocated to this but it hasn't been revised in the resolution. FIND, I believe, the Florida --

Chair Sarnoff: Florida Inland Navigation District.

Mr. Hessen: -- Inland Navigation --

Chair Sarnoff: Right.

Mr. Hessen: -- Division [sic], has extended like \$80,000 on a matching scale to do some of the work just for phase one. Then they intend to do phase two, three, and four. And there's Water Management funding that's being sought into. I was at the park just the other day. They have a conservation sign that's up, and I've, you know, incorporated that in the package that I prepared to give to you.

Chair Sarnoff: Has --?

Mr. Hessen: So my concern is, you know, here the property owners are being specially assessed and it's really like a second tax in the sense because my client's property doesn't really specially benefit -- is not specially benefit her property being assessed. They're redoing the shoreline at Kennedy Park; that doesn't enhance my client's property. That's a public facility and the City's neglected the maintenance of it and they should repair it. Under Chapter 170 of the Florida Statutes, it indicates that there has to be a special benefit to the property. My client pays \$15,000 a year for property taxes, like most other people. They expect the park to be maintained. They don't want to be double taxed again -- you know, she doesn't want to be double taxed. These are hard times. People are struggling. People are hurting financially. And with all due respect, because a few of the wealthier people in the area that maybe haven't been affected by the recession and such can afford to go ahead with this doesn't mean that everybody else is on board. And there's a couple of people that want to express their --

Chair Sarnoff: Well, Mr. Hess [sic], here --

Mr. Hessen: -- opinions.

Chair Sarnoff: -- here's my issue. I don't want to confront this Commission with numbers. If numbers are the issue, I'd rather have you and Mr. Poch and the Administration sit down and make sure that whatever monies that should have been allocated were allocated, any mathematical errors would be worked out. If philosophically your client just doesn't want to go forward, that's a different scenario, but I want to make sure that -- what's difficult for this

Commission to do, especially with the size of the agenda it has, is sit down and crunch numbers. And I've yet to meet the City Manager that has not been able to work out either an equitable or mathematical equation, and I want to make sure you have met with him and you've met with Mr. Poch and there are no --

Mr. Hessen: Yeah.

Chair Sarnoff: -- differences that can be reconciled.

Mr. Hessen: Basically, it's not a matter of crunching numbers. It's my client's position that this special assessment is nothing more than an unconstitutional tax that's disguised as a special assessment. And under the prevailing Florida law, under 170.08, she's entitled to be here and argue the propriety and the validity of this particular special assessment, and that's what she wants to do today. It's not a matter of the numbers.

Chair Sarnoff: I understand.

Mr. Hessen: And I'll be happy to sit down with Manny and go over this.

Chair Sarnoff: You're saying your -- principally, you're not -- you don't -- your client and whoever -- who else do you represent, one person or how many?

Mr. Hessen: Yeah. I'm representing Nancy Brown.

Chair Sarnoff: Okay, so your client does not want to pay the tax. How long will your presentation be?

Mr. Hessen: Twenty minutes, fifteen minutes.

Chair Sarnoff: And how long do you see in terms of rebuttal?

Mr. Alonso-Poch: Two.

Mr. Hessen: If --

Chair Sarnoff: What's your pleasure? You guys want to have lunch? Yes?

Commissioner Suarez: I think that would be wise for all members in the audience.

Mr. Hessen: Yeah. I'm sure they're very hungry and they've worked very hard.

Chair Sarnoff: All right. Here's what we're going to do. We're going to bring this back at 3:30, all right?

Mr. Hessen: Okay.

Chair Sarnoff: Fair enough, gentlemen?

Commissioner Dunn: Fair enough.

Chair Sarnoff: All right. This Commission's in recess 'til 3:30. Thank --

Mr. Hessen: May I distribute these pamphlets --

Chair Sarnoff: Sure.

Mr. Hessen: -- to save time?

"[Later...]"

Chair Sarnoff: All right. Let's go back then -- I think we've heard what you needed to hear, Commissioner. We -- 8 and 9 is what you needed to hear, right?

Commissioner Dunn: Yes, sir. Thank you.

Chair Sarnoff: Let's go back then to PH.11, page 17 in your book, gentlemen. PH.11. And we'll take up the meeting from where we left it. Mr. Manager, you'd like to say something for the record? You're recognized.

Mr. Hernandez: Mr. Chairman, if you allow -- because I have, you know, quite a bit of background on this, and since we have most of the Commission, you know, new and not knowing the background of it, I would like to at least put something on the record. This goes back a number of years where residents have been clamoring that the City take some action to clean Rockerman Canal, to dredge it, to remove the weeds, to clean it up, remove the exotics from the banks. At a meeting in your office I proposed an idea, which is similar to special taxing districts, although in this case this is a special assessment district, to equitably and fairly distribute the cost of the project. I propose that since one bank of the canal is City property, Kennedy Park, that the City would be willing to share half the total cost. That's 50 percent of the frontage, which is Kennedy Park. The other 50 percent of the frontage is private homeowners and it's 15 home sites, and that they would then among themselves divide the other half of the overall costs. I think it's a proper way to handle a difficult issue, that on one side benefits the residents of the City because we can now have more amenities on Kennedy Park. The other half provides an improvement to the private home sites on the other side, which receive a special benefit to them, and that's the main reason for having a special benefit assessment. I stand fully behind it as this being the proper method of achieving such a project and do the improvements that are needed to Rockerman Canal.

Chair Sarnoff: Mr. Manager, I was in that meeting, and Madam City Attorney, I'm going to speak slowly so you can tell me if I need to stop. There was a significant dispute in that meeting as to whether the City was causing all, part, or a portion thereof of the problems experienced in that canal. Fair?

Mr. Hernandez: Yes.

Chair Sarnoff: As a matter of fact, your Public Works director was certainly oppositional in terms of whether we were the whole cause or even part of the cause of the obstruction in the canal.

Mr. Hernandez: You're correct.

Chair Sarnoff: Do you propose this as a mechanism of a compromise versus facing any sort of legal threat or action?

Mr. Hernandez: Yes, I did, Mr. Chairman.

Chair Sarnoff: Okay, thank you. Mr. Hess [sic], you can proceed for the record.

Mr. Hessen: Yeah, again, for the record, we're agreeing to the redistribution of the assessment.

Ms. Thompson: Chair, I apologize. We can't hear him over --

Mr. Hessen: I'm sorry.

Chair Sarnoff: Can you pull the mike as close as you can, Mr. Hess [sic]?

Mr. Hessen: Yeah, yeah.

Chair Sarnoff: You're on.

Mr. Hessen: Yeah. We've agreed during the recess to the reassessment whereby Nancy Brown will be paying \$8,000 less on the first round of assessments, and thereafter, it's my understanding whatever special funding or grants that are received by the City, they will share those one-half with us and they'll be prorated amongst the homeowners as a credit back from monies paid.

Chair Sarnoff: All right, so --

Mr. Hessen: I hope I've gotten that clear. Manny, is that basically what we (INAUDIBLE)?

Mr. Hernandez: Mr. Chairman, let me clarify that because that involves the City. If we are successful in obtaining a grant, let's say from Florida Inland Navigational District, that reduces the cost of the dredging, that savings would be equally divided the same way that we're dividing the costs. If there's a savings, it will be half to the City and half to the property owners on the other side.

Chair Sarnoff: All right.

Vice Chair Carollo: Mr. Chairman?

Chair Sarnoff: You're recognized for the record, Commissioner Carollo.

Vice Chair Carollo: See what a lunch does? See what a little lunch recess does?

Chair Sarnoff: It really makes you a lot nicer. I just want to -- I'm going to bring you some crackers from now on.

Vice Chair Carollo: Oh, not me. They had a chance to get together and work it out. You see that?

Chair Sarnoff: I think when you've never spoken before, it always pays to at least talk. Mr. Manager, is everybody comfortable with this agreement?

Mr. Alonso-Poch: Yes.

Chair Sarnoff: Just on the record.

Mr. Alonso-Poch: Manuel Alonso-Poch, again, Mr. Chairman and City Commissioners. We did discuss the equitable distribution of the assessments over the break, and we arrived at a formula, which all of the neighbors that are here, which is many of them, agree with. And what we have agreed is that the property belonging to Elsa Patton would be assessed an additional \$2,000. That's the first -- property number one on the list that we provided you. Property number two, Nancy Brown, would have a reduction of \$8,000, so the first year assessment for Nancy Brown would be \$16,855 as opposed to \$24,855. Elsa Patton's assessment for the first year would increase by two from 26,296 to 28,296. The property number three, which is my property, Manuel Alonso-Poch, would increase from 28,818 to 30,818. Property number four, Derrick

and Yvonne Faral, would increase from 21,613, to 23,613. And property number five, Robert and Sharon Dixon, would increase from 21,613 to 23,613. All other properties would remain with the same assessment that most of the neighbors have agreed to.

Chair Sarnoff: Okay.

Mr. Alonso-Poch: And that's the -- what all of us here, including Mr. Hessen and Ms. Brown, feel is equitable, given also the fact that the City Manager has indicated that any grants or funding from third parties would go to reduce the totality of the cost of the project, and obviously would then be equitably -- would cause an equitable reduction in both the City's part of the costs and the neighbors' part of the costs.

Chair Sarnoff: Accurately stated, Mr. Manager?

Mr. Hernandez: Excuse me?

Chair Sarnoff: Was that accurately stated?

Mr. Hernandez: Yes.

Chair Sarnoff: Okay. So do we have a motion, as amended?

Commissioner Suarez: So moved.

Commissioner Dunn: Second.

Chair Sarnoff: All right. We have a motion by Commissioner Suarez, seconded by Commissioner Dunn. Any further discussion, gentlemen, on the record? Hearing and seeing none, all in favor, please say "aye" to PH.11.

The Commission (Collectively): Aye.

Chair Sarnoff: Thank you very much, gentlemen.

Mr. Hessen: Thank you.

Mr. Alonso-Poch: Thank you.

END OF PUBLIC HEARINGS

ORDINANCE-SECOND READING

SR.1 09-01136

*City Manager's
Office*

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, AMENDING THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED (THE "CODE"), TO AUTHORIZE THE INCREASE OF VARIOUS FEES THROUGHOUT THE CODE; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

09-01136 Legislation FR/SR.pdf

09-01136 Summary Form FR/SR .pdf

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

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

Note for the Record: Item SR.1 was deferred to the Commission meeting currently scheduled for February 11, 2010.

END OF ORDINANCE - SECOND READING

RESOLUTIONS

RE.1 09-01039

*Department of
Public Works*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A MAINTENANCE MEMORANDUM OF AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, FOR THE MAINTENANCE OF STATE ROAD 933/NORTHWEST 12TH AVENUE FROM NORTHWEST 7TH STREET TO NORTHWEST 15TH STREET , MIAMI, FLORIDA, AS STATED HEREIN.

09-01039 Legislation. 11-19-09 pdf

09-01039 Exhibit.pdf

09-01039 Summary Form.pdf

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

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

R-10-0031

Commissioner Gort: PH.9, we took care of it?

Chair Sarnoff: Yeah. We're up to PH.11, but it's at 2 o'clock. SR.1 was continued.

Vice Chair Carollo: PH.11? Oh, 2.

Chair Sarnoff: It's got a 2 o'clock.

Vice Chair Carollo: Time certain.

Chair Sarnoff: Want to do an RE (Resolution)? RE.1?

Vice Chair Carollo: Go to lunch.

Chair Sarnoff: Mr. Manager, are we capable of RE.1?

Pedro G. Hernandez (City Manager): Yes, sir.

Bill Anido (Assistant City Manager): Bill Anido --

Mr. Hernandez: And I've committed to District 3 that I'll be working with him in improving the green capacity in that district.

Chair Sarnoff: We're only giving you seven minutes of berating. That's it.

Commissioner Gort: I knew we had this one, yes.

Chair Sarnoff: Do you want to eat lunch first?

Vice Chair Carollo: I have to get in a good mood for that one.

Priscilla A. Thompson (City Clerk): I'm sorry. Your mike is not on, Vice Chair.

Vice Chair Carollo: It's on now.

Ms. Thompson: Thank you.

Chair Sarnoff: He was better off not being on. You want to defer? You want to go through this? You want to move on? Let's take it. RE.I, go ahead.

Mr. Anido: RE.I is a resolution authorizing the Manager to enter into a maintenance agreement with FDOT (Florida Department of Transportation) for the maintenance of landscaping on Northwest 12th Avenue from Northwest 7th to approximately Northwest 15th Street.

Chair Sarnoff: All right. RE.I, is there a motion?

Commissioner Gort: Move it for discussion.

Chair Sarnoff: Is there a second?

Commissioner Dunn: Second.

Chair Sarnoff: Second by Commissioner Dunn, motion by Commissioner Gort. Do I need a public hearing on this, Madam Clerk? No, okay. So, coming back to the Commission. Go ahead, Commissioner Gort.

Commissioner Gort: My question is, my understanding this is from 7th Street -- Northwest 7th Street to 15th Street. How much --?

Mr. Anido: That's correct, yes.

Commissioner Gort: What kind of landscaping? I don't see much green area, that I recall.

Mr. Anido: It's fairly limited. It has the -- the bridge was shifted to one side --

Commissioner Gort: Right.

Mr. Anido: -- to be able to widen the bridge.

Commissioner Gort: The landscaping is the parcel right next to the bridge, the green area.

Mr. Anido: Right next to the bridge, there is a -- what we call a detention pond for drainage purposes and a little limited amount of median and right-of-way to one side. It's fairly limited what's available for landscape.

Commissioner Gort: What's in the budget for this?

Mr. Anido: We anticipate that this will cost approximately 15,000 a year to maintain.

Vice Chair Carollo: Twenty plus fifteen.

Commissioner Gort: What do we get back from FDOT for this agreement?

Mr. Anido: I'm sorry.

Commissioner Gort: What do we get back from them?

Mr. Hernandez: No. We don't get anything back. What it is is that the FDOT provides improvements to a certain standard. When you, a city, asks for additional, let's say, amenities on a project, they would normally pay for them but ask for the city to maintain them.

Commissioner Gort: Okay. So we do get something. We get additional --

Mr. Hernandez: And they pay for the initial improvement.

Commissioner Gort: Initial -- okay. Thank you.

Vice Chair Carollo: Chairman Sarnoff?

Chair Sarnoff: Go ahead, Commissioner Carollo. You're recognized for the record.

Vice Chair Carollo: Thank you. Actually, Commissioner Gort, you came out much better than I did. We share that bridge. That bridge is pretty much a boundary. It's actually 7th, but --

Commissioner Gort: Right.

Vice Chair Carollo: -- and if you notice at 7th, I got nothing and you got, you know, beautification or whatever beautification meant, all the way to 15th. So you actually did like a bandit --

Commissioner Gort: I was talking to him before I got elected.

Vice Chair Carollo: Let me tell you something. So you actually did like a bandit. And I've been after -- saying, hey, if the bridge is in the middle, you do one section, yet my section, you know -- and as we could see from the maps, I pretty much have no green. I'm getting no beautification, and to make -- pour salt into an injury, they start pulling trees out of the Orange Bowl and placing it all over the city, except my district. Well, I'm sorry, less than 11 percent was in my district. So, yes, I have to admit you're actually doing much better than I am even when that seat was empty. So I don't know what the secret is, but, man, I'm trying to, you know, get a nut or something because the truth of the matter is, we have no green. And, you know, for the first time, I see that whenever they spoke about green space in my district, they painted my district green. And -- I mean, maybe it's just an irony. You know, maybe I'm -- I don't mean to sound cynical. Maybe it's just an irony. But with that said, a point that I do want to make, 15,000 here, 20,000 before, even though 40 was budgeted. This is in perpetuity. So as we continue next year, we have an additional 35,000 of budgeted expenses that we're going to have. In other words, we continue to grow as far as our expenses. So it's just you know, to keep in mind. And again, you actually did much better than I did, Commissioner Gort.

Chair Sarnoff: All right, RE.1. Any further discussion, gentlemen? Hearing none, seeing none, RE.1, all in favor, please say "aye."

The Commission (Collectively): Aye.

Chair Sarnoff: Okay.

RE.2 09-01450

*Department of
Purchasing*

RESOLUTION

**A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH
ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE**

THE ANNUAL RENEWAL OPTIONS SET FORTH IN THE SPECIAL SERVICE ARRANGEMENT AGREEMENT BETWEEN THE CITY OF MIAMI AND BELL SOUTH TELECOMMUNICATIONS, INC., PURSUANT TO RESOLUTION NO. 04-0694, ADOPTED OCTOBER 28, 2004, FOR THE PURCHASE, INSTALLATION AND MAINTENANCE OF THE POSITRON LIFE LINE 100 ANI/ALI CONTROLLER, FOR THE DEPARTMENT OF POLICE; ALLOCATING FUNDS SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED.

09-01450 Legislation 1-28-10.pdf
09-01450 Exhibit.pdf
09-01450 Exhibit 2.pdf
09-01450 Exhibit 3.pdf
09-01450 Exhibit 4.pdf
09-01450 Exhibit 5.pdf
09-01450 Summary Form.pdf
09-01450 Text File Report.pdf
09-01450 Broward.pdf
09-01450-Summary Fact Sheet.pdf

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

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

R-10-0032

Chair Sarnoff: RE.2.

Vice Chair Carollo: Oh, I remember this one, Commissioner.

Chair Sarnoff: Any good things to report?

Glenn Marcos: Well, Commissioner -- Glenn Marcos, Purchasing director. Of course, RE.2 is an item that was deferred from the last Commission meeting. I think that the instruction from Chairperson Sarnoff was that we wanted to use leverage on this particular item. This item was deferred due to the fact that there are some poles within District 2 that needs to be removed. Of course, as we spoke yesterday on the phone with a representative of BellSouth, she is trying to point me out to the right person. I have every confidence in her that she will do that, but she did acknowledge that there might be some problems with those poles. Up to today, I have no more status, except for the fact that I will continue to provide her the documentation that you gave me. I can see that this has been a pending item since August, I believe, because I did read the thread of e-mails (electronic), and I am involved now. I have not been involved in the past, and what I can tell you is that I will be as adamant as you're being trying to resolve the issue, Commissioner.

Chair Sarnoff: And Mr. Marcos, I've played all the cards I can play on this issue simply because it's a 911 issue. But I will tell BellSouth and I will tell AT&T (American Telephone & Telegraph) and I will tell --

Mr. Marcos: FPL (Florida Power & Light).

Chair Sarnoff: -- Cox Communications -- I don't think it's an FP&L issue. But if it is, I will equally say to FP&L the next issue that comes up that is a nonlife safety issue that requires

Commission action, you know, I'm going to ask my Commissioners, my fellow Commissioners simply not to pass it. I mean, this has been going on time and time again. FP&L hardens the poles, and then they leave the poles right next door, and then the utilities have no desire, impetus to move those utilities. So then the person who takes care of his swale or property has two poles in front of him, one looks like it's in repair, one looks like it's in disrepair. Just I think it's unfair. But I have no intentions of holding up a 911 issue. I've -- as I said to the Manager, I played all my cards I could to the very last moment. I think I've demonstrated to you how long we've been working on this. By the way, the e-mail you saw, there was one a year before that. So this has been going on for over 18 months.

Mr. Marcos: I will keep you abreasted [sic], and I will keep you involved --

Chair Sarnoff: Okay.

Mr. Marcos: -- within those e-mails. Every conversation I have with BellSouth, I will follow it up in writing.

Chair Sarnoff: I'm not sure it's just them, but I -- you're a very capable guy and I know you're going to -- I know you know how to get this done. So RE.2, gentlemen, is there a motion?

Commissioner Gort: Move it.

Commissioner Suarez: So moved.

Chair Sarnoff: All right. We got a motion by Commissioner Gort. second by Commissioner Suarez. Any discussion, gentlemen? Hearing none, all in favor, RE.2, "aye."

The Commission (Collectively): Aye.

Mr. Marcos: Thank you.

Chair Sarnoff: All right, unanimous.

RE.3 10-00066

Office of Grants Administration

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT, IN THE AMOUNT OF \$327,775, FROM THE MIAMI-DADE COUNTY SAFE NEIGHBORHOOD PARKS BOND PROGRAM FOR THE ACQUISITION OF LAND LOCATED AT 1814 BRICKELL AVENUE, MIAMI, FLORIDA; AUTHORIZING THE ALLOCATION OF REQUIRED MATCHING FUNDS FROM NON-GENERAL FUND MONIES IN AN AMOUNT NOT TO EXCEED \$2,260,000 FOR THE PURCHASE OF 1814 BRICKELL AVENUE; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS TO IMPLEMENT THE ACCEPTANCE OF SAID GRANT AWARD, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY.

10-00066 Legislation.pdf

10-00066 Summary Form.pdf

10-00066 Land Acquisition.pdf

10-00066 Attachment 4.pdf

10-00066 Grant Application.pdf

10-00066 Pre Legislation.pdf

10-00066 Master Report.pdf

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

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

R-10-0033

Chair Sarnoff: All right. So we have -- let's do RE.3. And at 2:05, hopefully, we will be taking at least an hour lunch.

Dorcas Perez (Acting Director): Commissioners, good afternoon. Dorcas Perez, Office of Grants Administration. RE.3 is a resolution to accept a grant award from Miami-Dade County Safe Neighborhood Parks Bond, in the amount not to exceed \$327,775, for the acquisition of land located at 1814 Brickell Avenue and authorizing the allocation of the required match from non-general fund monies, not to exceed 2.26 million.

Chair Sarnoff: Okay. Do I have a motion?

Commissioner Suarez: So moved.

Chair Sarnoff: Is there a second?

Vice Chair Carollo: I'll second it.

Chair Sarnoff: All right. I have a second. Any discussion, gentlemen?

Commissioner Dunn: Yes.

Chair Sarnoff: Go ahead.

Commissioner Dunn: Mr. Chair, it was brought to my attention that there was a commitment of some sort, verbal commitment made to District 5 regarding this piece. I would -- Mr. Manager, could --

Pedro G. Hernandez (City Manager): There was -- at the time that the City Commission approved the authorization to purchase the Brickell property, 1814, there was a request and also a request that was also approved by the City Commission for us to pursue the purchase of a property that I think that Madeline Valdes here can provide some details.

Madeline Valdes (Acting Director): Madeline Valdes, Department of Public Facilities. At the time that this item was approved, there was a commitment that we would acquire the property in Buena Vista, 120 Northeast 44th Street. We quickly looked at the property to determine who the owners were and what price we could get for the property. The day after Commission meeting, that property closed on a sale. The property was purchased by an LLC (Limited Liability Company). The LLC is 120 Northwest 23rd -- excuse me, Northeast 44th Street, LLC. The property was purchased for 200 and -- \$200,100. I believe what was going on is the property was in foreclosure, and as such, I guess because of the timing issue that the property closed the day after the Commission meeting. Since then, I believe that there has been no other transactions on the property. We did contact the new property owners to see if they had an intent to resell the property, but they want to keep the structured property. The only thing they're interested in pursuing on a sale would be the adjacent site because it was two lots.

Commissioner Dunn: So in terms of -- I know that the property was purchased by another entity. In terms of the fiscal commitment -- financial commitment, are there monies that have been allocated to look for maybe a further -- another site?

Ms Valdes: I believe what we committed to do was to find grant funds, and we have -- the acting

director for Grants here who can tell you what they can do in order to find grant funds for future acquisition.

Ms. Perez: Yes. We are available through this program, the Safe Neighborhood Parks Bond and other programs, would be happy to look for funding for park space.

Commissioner Dunn: I didn't hear you. Say that again now.

Ms. Perez: That we would be happy to look for grant funding for park space in, you know, the district and we can apply to Safe Neighborhood Parks --

Chair Sarnoff: There you go.

Ms. Perez: -- or other sources. So we will look for that.

Commissioner Dunn: Okay. The only thing I would request -- and if, Mr. Manager -- would you diligently continue to seek out those --?

Mr. Hernandez: Let me ask Madeline. Did we do an appraisal on the property?

Ms. Valdes: No. We have not retained an appraisal on the site. This property was acquired for 210,000. It's a small piece of property. So if we were to do an appraisal, it would only require one appraisal.

Mr. Hernandez: Okay. Commissioner, we'll continue to pursue this item and keep you appraised [sic]. And then, if we're successful in going forward, we'll prepare the right item to bring to the City Commission.

Commissioner Dunn: Very well.

Commissioner Gort: I have a question.

Chair Sarnoff: Sure. Commissioner Gort.

Commissioner Gort: Let me ask a question. My understanding is funds come from the Homeland Defense improvement bonds?

Chair Sarnoff: No.

Larry Spring (Chief Financial Officer): No, no.

Commissioner Gort: No?

Chair Sarnoff: No.

Ms. Perez: The funding is coming from the Sunshine State --

Mr. Spring: No.

Chair Sarnoff: No, no, no, no, no.

Ms. Perez: I'm sorry.

Commissioner Gort: In here it says yes. In this -- item funded by Homeland Defense Neighborhood Improvement Bond.

Chair Sarnoff: Five hundred thousand from me was funded for that, but what we're doing is accepting a grant --

Commissioner Gort: Right.

Chair Sarnoff: -- from --

Commissioner Gort: This is just accepting a grant.

Chair Sarnoff: Right.

Commissioner Gort: Okay.

Ms. Perez: Correct.

Chair Sarnoff: -- from the City -- well, actually, from Miami-Dade County.

Mr. Hernandez: Which, in essence, was one of the components that supported --

Chair Sarnoff: Of the funding sources.

Mr. Hernandez: -- the funding for 1814.

Chair Sarnoff: But I guess Commissioner Gort was asking is there any Homeland Security Defense funds being used. Yes, District 2, quality of life.

Mr. Spring: Larry Spring, chief financial officer. I assume, Commissioner Gort, you're asking about the purchase of the 1814 property. Yes. There is Homeland Defense Bond proceeds being used coming from the District 2 quality of life allocation for the purchase of the property.

Commissioner Gort: How much is that bond -- that allocation? How much is it left?

Mr. Spring: It was a half a million dollars, I believe.

Commissioner Gort: No, but I mean still left to be used?

Mr. Spring: In his --

Commissioner Gort: No, no.

Chair Sarnoff: Quality of life?

Mr. Spring: Oh, you mean of the --

Commissioner Gort: Citywide.

Mr. Spring: -- entire Homeland Defense?

Commissioner Gort: Yeah.

Mr. Spring: We issued our last \$50 million tranche last Nov -- last May it was. So whatever was allocated after that bond issuance has been allocated to the various projects. Commissioner Sarnoff was one of the last Commission districts to receive quality of life allocation so that's why he had those funds available.

Commissioner Gort: Okay. Thank you.

Mr. Spring: But if-- what we can do is provide you with a full --

Commissioner Gort: Provide a report, please.

Mr. Spring: -- a report with all of the allocations of the last tranche.

Commissioner Gort: Thank you.

Mr. Spring: Okay.

Vice Chair Carollo: Mr. Chairman?

Chair Sarnoff: Go ahead, Commissioner Carollo.

Vice Chair Carollo: Welcome, Commissioner Gort. Welcome, Commissioner Dunn. Now you see what I faced and what I've been speaking about for the last two months. I have a question. Was there any sort of agreement by the -- my predecessor with regards to any parkland or so forth also?

Chair Sarnoff: No.

Ms. Perez: Not that I'm aware of, but we're happy to look.

Vice Chair Carollo: Yeah, please do.

Ms. Perez: Okay.

Vice Chair Carollo: I had my nice map that I obtained from the City showing how much green space I had, and obviously, I just gave it away, so I don't have it right now. But if you could please also look for, you know, grants, because District 3 is the district with the least amount of park space. And I'm not saying that it's even close. It's by a long shot, so with that said.

Chair Sarnoff: All right, let's call the question. RE.3, any further discussion? All in favor, please say "aye."

The Commission (Collectively): Aye.

RE.4 10-00051

RESOLUTION

Department of Employee Relations

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CITY MANAGER TO TENDER A SUM, IN THE AMOUNT NOT TO EXCEED \$54,188.47, TO THE UNITED STATES DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE, FOR THE PURPOSE OF PAYING PENALTIES AND INTEREST ASSOCIATED WITH THE CITY OF MIAMI'S FOURTH QUARTER 2008 TAX LIABILITY; ALLOCATING FUNDS FROM ACCOUNT NO. 00001.980000.549000.0000.0000, OR OTHER APPROPRIATE ACCOUNT FOR SAID PURPOSE.

10-00051 Legislation.pdf

10-00051 Summary Form.pdf

10-00051 Notice of Levy.pdf

10-00051 Letter.pdf

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

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

R-10-0035

Chair Sarnoff: All right. We're up to -- correct me if I'm right [sic], Madam Clerk -- SR.1? I don't have your plasma sheet.

Priscilla A. Thompson (City Clerk): Oh, we apologize. We're actually at RE.4.

Chair Sarnoff: RE.4. Alright, RE.4, Mr. Manager.

Pedro G. Hernandez (City Manager): Mr. Chairman, RE.4 is a resolution of the City Commission authorizing the Manager to tender a sum, in the amount not to exceed \$54,188.47, to the U.S. (United States) Department of Treasury Internal Revenue Service for the purpose of paying penalties and interest associated with the City of Miami's fourth quarter 2008 tax liability.

Chair Sarnoff: All right. Mr. Spring, you want to put anything on the record?

Larry Spring: Commissioners, Larry Spring, chief financial officer. As the Manager just stated, this is a resolution requesting authorization to actually remit the amount. I will make one clarification. The amount won't be remitted. The IRS (Internal Revenue Service) has already levied us this remaining amount, so they'll just take it. It's not that we'll be paying it, but we do need to, for budgetary purposes, bring it before the Commission 'cause it is an expenditure that was not part of the -- anticipated in our budget and we're presenting it to you for that appropriation. The -- to get, I guess, into the details of an explanation as to what occurred, back in the fourth quarter of December 2008, the remittance of our biweekly tax on the payroll tax was made approximately three days late due to basically an error of an employee not calling in to the electronic system and making the payment. When the error was discovered, the taxes were remitted immediately. The employee in question or the employees in question that were responsible for this process were all given the disciplinary action at the time and we're just bringing this forth. The Finance staff -- well, it was our payroll staff, but our Finance director attempted to mitigate this with the IRS. We went through a process and at the end of it, because it was simply a late payment, they said no mitigation. You have to pay the interest and penalty, so we did attempt to try to, I guess, mitigate having to pay this amount of interest and penalties.

Chair Sarnoff: Okay.

Vice Chair Carollo: Mr. Chairman?

Chair Sarnoff: RE.4. Let's take a motion just so we can have the discussion. Anybody wishing to do -- move this?

Commissioner Gort: So move.

Chair Sarnoff: A motion by Commissioner Gort, seconded by Commissioner Dunn. Commissioner Carollo, you are recognized for the record.

Vice Chair Carollo: I see that the funds that we are going to allocate or that they're going to simply put -- take from the City is for December 31, 2008.

Mr. Spring: That is correct, sir.

Vice Chair Carollo: However, did this also occur in December 31, 2007 and September 30, 2007?

Mr. Spring: No. On those -- and I know we have that background in the item -- in the agenda summary form. The other two instances that are documented in summary form were 941 incorrect reportings. We went back and made the -- issued 941C's and were able to mitigate those situations, so you know, literally the item that we're presenting is the one that was not able to mitigate. Those were two separate incidences --

Vice Chair Carollo: Well --

Mr. Spring: -- and not -- and they were not performed by the employee in question that did not make the IRS call in this case. In fact, the employee in question that made this error had literally been working for the City for approximately three weeks. And you know, we've dealt with both the employee and the supervisor that managed and supervised this employee with regards to this error.

Vice Chair Carollo: Well, I'm just seeing a pattern of errors. I mean, you got September of 2000 -- you know, you got the third quarter of 2007, the fourth quarter of 2007, and then the fourth quarter of 2008. I'm just seeing a pattern of errors.

Mr. Spring: Well, let me -- I can -- the --

Vice Chair Carollo: I know the 2007s were abated, okay.

Mr. Spring: Yes. Well, no. I was going to tell you what those errors were. The City took on a grant to have volunteers come and do like the Volunteer America program, but the grant required that the City actually pay and remit taxes on behalf of those volunteers. Since they were not City of Miami employees, we hired a third-party payroll processor to actually pay and remit the physical taxes. However, they had to be reported under our -- the City of Miami's EIN (Employer Identification Number) number. That's -- when we sent our 941 at the time, we did not include those -- you know, those grant employees, if you will, or those volunteers, so that is what caused those two errors. Since the time of this -- the missed -- you know, the late payment, if you will, the Department of Employee Relations actually has instituted some new procedures, a checklist, three levels of supervisory sign-off to verify that the timestamp confirmation number is included on that sign-off. And since December 2008, we have not had another incident and now, you know, we're a year beyond this reporting period. So, you know, while I understand, you know, clearly this was a procedural mistake and for a bi-weekly, you know, remitter, you know, this happens 26 times a year. And at some point, a simple checklist on somebody's cubicle wall could prevent this. It simply should not have happened, and we're clear about that, Commissioner.

Vice Chair Carollo: Thank you.

Chair Sarnoff: All right. Any further discussion? All right. Hearing no further discussion, all in favor to RE.4, please say "aye."

The Commission (Collectively): Aye.

Chair Sarnoff: Any opposed? Unanimous.

Mr. Spring: Thank you.

END OF RESOLUTIONS

DISCUSSION ITEMS

5:45 P.M.

DI.1 10-00099

DISCUSSION ITEM

DISCUSSION ABOUT THE CESSATION OF THE SALE OF ALCOHOL AT 3:00 A.M. AND SPECIAL EXCEPTIONS TO ALLOW THE SALE OF ALCOHOL UNTIL 5:00 A.M.

10-00099 Email.pdf

10-00099-Submittal-Commissioner Sarnoff 1.pdf

10-00099-Submittal-Commissioner Sarnoff 2.pdf

10-00099-Submittal-Commissioner Sarnoff 3.pdf

10-00099-Submittal-Martha Lacayo.pdf

10-00099-Submittal-Liliana Dones.pdf

10-00099-Submittal-Mel Meinhardt.pdf

10-00099-Submittal-Barbara Lange-Letter from Arva Moore Parks and Police Dept. Inci

SPONSOR:CHAIRMAN SARNOFF

DISCUSSED

Chair Sarnoff: As a discussion item, I determined to bring the issue of what we colloquially call as "Last Call," and I decided that I would bring this up as a discussion item since a number of people had questioned why we did last call in the Grove at 3 a.m. as opposed to the 5 a.m. And I want to present to this Commission and to the new Mayor the facts, the figures, what we have learned, how this has transpired, and maybe in the inevitable finality of studying the issue on a broader citywide basis just to see a number of our laws and a number of our supper club laws and a number of our various ordinances are very, very old and archaic, but predominantly, I'm going to talk about Coconut Grove tonight. And for those of you that don't know Coconut Grove, it is a residential community that is compressed right next to a village, and that residential community has an enormous number of schools and a lively early morning crowd filled with bikers, joggers, dog walkers. It is not like other parts of the City where we sometimes place late-night establishments, that are in warehouses. What I'm saying is last call very rarely means 3 o'clock you're going home. Usually means that 3 o'clock you could be ordering that last pitcher of beer, you could even be ordering a drink commonly referred to as the "Leg Spreader." You could be ordering drinks from any series of restaurants that have more alcohol in it than just a container of alcohol that you'd expect, so you would consume till 4, 4:15. Equally, at 5 o'clock you would be presenting your last call, you'd be getting that pitcher of beer or whatever other drink you'd call -- there's some other names I could use, but I guess with that joke, I shouldn't continue -- and you would be drinking until 5:30, 6 o'clock, 6:15, and to me what you've done is -- I have created the potential of putting somebody in -- that is, I think, intoxicated -- the way of pedestrians, joggers, bikers, and people who are going to schools, because the Grove has a unique campus. The Grove has 11 schools compressed right next to it, so if you make a mistake at 3:30 in the evening, your mistake is really one of your own, and potentially the number of people you could impact is significantly reduced. But if you make that same mistake at 5:30, 6 o'clock in the morning, I have placed you directly in the lane of travel of what I call the early bird gets the worm, the people who are working hard for a living, people who get up in the morning and exercise, people who are out there walking their dogs. And it's because of this compression on Main Highway, on Bayshore Drive, on Commodore where we have schools all lined up and down this streets, there is a significant potential for danger. That is why this City Commission back in July 2008, which is the effective date of ordinance, changed the Grove's ordinance. I couldn't have done it by myself. I did it with City Commissioners. They all agreed. They all heard the facts. I do want -- and if you would just go to the -- start the program -- you to know that I've asked the City Attorney for an opinion, because I've heard from some folks that there should be some retroactive grandfathering or some grandfathering of one establishment. And I want you to know that in between the first reading back in '08 -- I should

say '07, when we first discussed this, I met with the proprietor, Mr. Moe's, and it was just not possible at that time to grandfather him in, and I'll leave it at that. But the City Attorney has opined -- if you go to the next slide -- it'd be impermissible to retroactively grandfather anyone back in the Grove, and that would mean a wide-open ordinance once again, and that would simply mean that everyone would potentially be allowed to bring back what we had in the Grove years ago. And let me discuss with you -- go to the next slide -- just to give everybody a little bit of an idea of Coconut Grove. Welcome to our village. It is a very compressed, very small, very colloquial place, and you can see Main Highway, which goes directly to Bayshore Drive. Next slide. Let's just talk about the Coconut Grove schools. Next slide. These are the schools in what we categorize close vicinity to the village. Next slide. And this is the placement of the schools all up and down Main Highway, one of them being 30 feet away from one of the establishments. Next slide. So this is what we call the danger zones, and as you can see, the compression of this residential district right next to these drinking establishments. And again, my concern very clearly is last call 5 o'clock doesn't mean you're leaving at 5 o'clock. Last call 5 o'clock means you're getting a drink and you're consuming from 6 to 6:15 to 6:30, the exact same time that five of these schools kids are starting to arrive. Next slide. I want you to know back in 2007 who it was that was pressing the Commission and myself to actually change from the 5 o'clock last call to the 3 o'clock last call. We were getting a lot of pressure from the president of the Coconut Grove Chamber of Commerce. And if I could just share with you -- and it's from the president saying, I totally support your suggestion that the zoning Code be changed so that the clubs and bars do not operate later than 3 a.m. Says that I know that late-night clubs have been much discussed in the past going back several years to the police meetings, at the Sonesta due to noise, rowdiness, disruption to area residents and nearby hotels, including occasional violence. Having resided there briefly, I always marveled at the sensibility of the Canadian ordinances. In Toronto, all bars close promptly at 1 a.m.; does not stop it from being a highly cosmopolitan and sophisticated city. Those who'd wish to continue drinking can do so at home or after-hour clubs located in warehouse districts far away from where anyone sleeps. I'm not saying that we should not have bars open till 3 a.m., but staying out for another two hours cannot possibly result in anything good. And that wasn't the only correspondence we received. Next slide. Subsequent to that, the Chamber of Commerce was e-mailed (electronic) this one. The more so-called supper clubs extend to be open all night, the more quality of life will be diminished not just by the noise and the rowdy crowd, but by the filthy aftermath that comes with several additional hours of drinking. And if I could just advise this Commission and this audience for a moment. When I first took office, we were having the doors, the windows of Mayfair kicked in at about 5:30 in the morning and resulting in obviously a great deal of damage. Nothing was stolen, except there was a pile of vomit and a pile of urine, and it wasn't just once; it was continuous. And you would go to the police and they'd look at you like "We're not going to sit guard at the Mayfair." And you're going to hear from the Mayfair and you're going to hear from CocoWalk as to what they were going through. So as the president continues at the Chamber, as this becomes more of a club scene, quality establishments will be less and less inclined to be a part of this neighborhood. For instance, the club owner that successfully applied for the 5 a.m. exceptions, first two clubs last night, has a quality restaurant in the Gables. I'm not sure if you'd dream of having that restaurant here any more than the Gables would dream of granting him an exception to 5 a.m. The negative impact to the local quality establishments affects us all. I also urge our board -- this is to the Chamber -- that we are in favor of zoning to change to prohibit extension of hours and late-night establishments in towntown [sic] Coconut Grove, the Village Council and several other neighborhoods and condo associations are doing the same. And that was, of course, sent to me by the president of the Chamber. Next slide. And again, it didn't stop. And that was in an email that we received to Yacht Harbor where, again, the Chamber president, I suspect not acting as the Chamber president at that moment, but was asking everyone to write to myself and to the other Commissioners to prohibit the zoning ordinance and allow late night hours. Next slide. And again, it didn't stop there. And again, the Chamber president wrote, we're on a serious slippery slope. The police officers are against the 5 a.m. extension. Officer Tom Braga - - for those of you that remember him, he was our neighborhood resource officer for many, many years -- sent a letter through the NET (Neighborhood Enhancement Team) office, which

somehow did not make it all the way to the board packets, and they got it last minute, and she was referring to the Zoning Board. This does not do for the Grove's business district. It's hard for quality commerce and hotels to exist if the skew continues to change venue by venue into making this late-night boom club district. And she closes by talking about having a reasonable ordinance. Now it wasn't just the Chamber at that time that we were receiving letters from. Continue. We had -- and I think you all know -- Pommès and Pane's Café. He's agreeing with the Chamber president because he's experiencing some of the problems that are going on at that time. And when you hear from Mayfair and when you hear from CocoWalk, you're going to hear about late-night gun play down in the parking garages of the Mayfair. And this is a Commissioner, to me, is -- the thing that concerns me the absolute most, which is how do I protect the residents of Coconut Grove. And we have -- we actually have a hotel that I have to send three police officers in for one police officer to go to the underground parking garage, the Sonesta. Because of the way the Sonesta is made -- and the police refer to it that time as the dungeon -- I have to ask the police officer that's going to look into the issue. There's going to be one officer that's going to be at the end in the line of sight because the radios will not project out of that facility, and then there's going to be one officer outside to call for back up in the event there is an exchange or a problem. So that requires me to take three police officers off of patrol so that one incident can be investigated down at the Sonesta. And if you don't think this City is resource challenged and police challenged, you'll hear about the budget all throughout the next year. So you have to factor into the equation what is the cost of all this protection? What is the cost of all this disruption? And we did. Continue. And this -- for all of you know Isabelle Schuette. She happens to live in Yacht Harbor, and you know, she's a person who says look, she starts working out at 5:30 a.m., she walks to the gym, and she says it's truly shocking. The streets are often have young adults too drunk to walk, some being carried by friends, some vomiting, some just staggering to their cars; sad, ugly, with no redeeming grace. And she wholeheartedly supported our efforts to change the nightclub scene. At this time it's also important to note that University of Miami stopped sending its bus to Coconut Grove, and it stopped sending the bus to Coconut Grove because of the rowdiness, the drunkenness, the vomiting, the urination that was then ongoing in that bus. Only last year, late last year did the provost allow the bus to come back on a trial basis. And you will hear tonight Coconut Grove is the number-one underage drinking establishment in all of the City of Miami, and we have all the police reports from not only our City police department, but Bureau of Alcohol Tobacco and Firearms to confirm the number of arrests that they make for underage drinking. Next slide. This was from Alyn Pruett. He was a former member. I think he was a member at the time of the Village Council. And he's referencing number of issues that are recurring. Next slide. And I'd like to call up at this time Officer Willy Lopez. Do you have a microphone, officer?

William Lopez: Good evening, everyone --

Chair Sarnoff: All right.

Officer Lopez: -- Commissioners, public, officials.

Chair Sarnoff: Could you just give a little bit of everyone here the benefit of your background in terms of police?

Officer Lopez: At the present time I'm a retired police officer with 30 years experience. I worked 20 years in New Jersey. My last 10 years were served with the City of Miami, 7 as a regular police officer, 3 as a police reserve for the City. The last 18 years of my career, I have specialized in crime prevention, crime prevention through environmental design, and community problem-solving. I'm an instructor in community policing. We struck the Sarah model of problem-solving in the community. At the present time, I'm security consultant. My office is located at 4300 Biscayne Boulevard in the City. And I'm here today to answer your questions and this issue.

Chair Sarnoff: Officer Lopez, I asked you to look at crime statistics in Coconut Grove six months before the ordinance went into effect and six months after the ordinance went into effect so that you would have a one-year study period, correct?

Officer Lopez: That's correct, sir.

Chair Sarnoff: You are familiar with what we colloquially call signals?

Officer Lopez: That's correct. Yes, sir.

Chair Sarnoff: And the signals could indicate larcenies, larceny motor vehicles, vandalism, theft, robbery, assault and battery, et cetera?

Officer Lopez: Yes, Chairman.

Chair Sarnoff: I asked you to focus on only events that occurred after 3 a.m., correct?

Officer Lopez: That's correct. That's what we did.

Chair Sarnoff: And did you help prepare a slide presentation?

Officer Lopez: Yes, I did.

Chair Sarnoff: Could you show it to us?

Officer Lopez: Okay. What we did -- police thefts sometimes are not easy to read by the general public, so we broke them down where we did analysis of the police reported incidents. And I want to make that clear, that these are just reported incidents, not all incidents. Sometimes citizens just don't report an incident, but these are reported incidents to the Miami City Police Department. The pre-ordinance of 3 o'clock started January 1 to June 30, 2008. Then, of course, the ordinance kicked in on July 1. And we are -- our analysis go from July 1 to December 31, of 208 [sic].

Chair Sarnoff: All right. And the next slide demonstrates what?

Officer Lopez: Okay. It's the larcenies that occurred again between the hours of 3 and 9 o'clock in the morning. We see that before the ordinance was passed that there were a total of five; post-ordinance, or after the ordinance was passed, of three. We see a reduction -- I just want to clear many people, depending on what state or where you're from, the word larceny is also interpreted as theft, and that's theft that we usually see when -- especially at villages, centers, bars where we're talking about handbags, we're -- cell phones is a big one at the bars and shopping centers, jacket and coats. And I just want to make a note that when people are intoxicated, many times they're more subjected to be a victim because the criminals prey on them. They know that they will not make good witnesses. They're not credible at the time. And most of all, they won't remember what happened many times when they blackout, so many times we see that people that are intoxicated under alcohol or drugs become more target.

Chair Sarnoff: All right. And the next slide depicts what?

Officer Lopez: Larceny, motor vehicle. Again, I'm going to explain that one, also known as car break-ins. Pre-ordinance again between the hours of 3 and 9, we saw that 18 occurred; after the ordinance of 5, so that's a dramatic drop in car break-ins. With car break-ins, again, they're not the theft of the vehicle, but those are knowing expensive drama that people experience when they go back to their car and their window's smashed out. They find that their GPS (Global Positioning System) is gone, their laptops, their shopping. One thing that I also want to make --

you know, we tell people sometime today that put your valuables in the trunk, but people watch that. And today, most cars have a trunk release, so even if you put your valuables and you're being watched, you go into a shopping center, you go into the movies, they'll wait -- they'll break your window and they'll hit the trunk lodge, so they still get into your trunk and get the valuables that you put away. So I guess what I'm saying that trunks are no longer safe.

Chair Sarnoff: And what's the next slide indicate?

Officer Lopez: Vandalism, and that's an interesting one. Pre-ordinance, again before 11, dropped to 3 after the ordinance was passed between those dates and times. And when we talk about vandalism, we're talking about cars that are parked in parking lots are targeted, throwing and breaking of bottles, and smashing windows, and like you were saying earlier, there's -- traditionally, police officers do not make reports when, you know, people open their retail store in the morning, find urination, but I'm telling you that that happens a lot and it's basically not reported as vandalism unless the Miami Police Department has changed that. I don't think it is. But there is a -- I think in my opinion, that is a form of vandalism, and you have to get the people go out there and power wash the sidewalks and people in the morning have to smell and walk over that.

Chair Sarnoff: And the next slide, what does that indicate?

Officer Lopez: Simple assault. And we also saw a great reduction there, again, between the days and times that we're talking about today. Thirteen versus seven simple assault -- and this is also a very interesting topic that we have to talk about because these simple assaults are the ones that many time lead to more serious crimes. You know, you get a fight breaks out at a bar, outside bar, it escalates. Usually, other people join in and then you have mayhem or you have somebody that suddenly draw draws out a weapon or a gun or goes home or goes somewhere and brings back a weapon. This is also where the simple assaults, although we call them simple, I don't -- you know, that's for legal terms and court procedures, but simple. You know, a black eye is not simple, and usually a black eye or busted lip will go down as a simple report, so I don't want anybody to get confused and think that's just a minor push. That could be anywhere from a push and shove, but usually the police mediates that so -- but simple assaults are when people get punched, struck on the head, battered.

Chair Sarnoff: And the next slide.

Officer Lopez: Narcotics. There were -- pre-ordinance were seven, and then we see that there was four afterwards. When we talk about narcotics, we're not talking major dealing, major trafficking. We're talking about that street-level, annoying narcotics where the people are standing on the corner or go into a club and start selling what we call club drugs. And we know that's big all over the country, but we do have a problem with that also in the City of Miami.

Chair Sarnoff: The next slide.

Officer Lopez: Accidents. We see a dramatic drop here where pre-ordinance was 37; post ordinance, 16. And I want to really say something about the accidents. This is not -- you know, people say a police officer or a PSA (Public Service Aide) will come and take a police report. When we have these kind of night accidents, again, the hours we're talking here is 3 -- between 3 and 9, these are serious accidents. These accidents really drain the City resources. It's -- you got to think about this. You have officers out there that are patrolling, patrolling neighborhoods, trying to reduce burglary rates, trying to keep us safe while we sleep, and these officers have to respond to these accidents, and usually involves more than one car. You have to have the officers that's going to take the report. You're going to have to the officer that's going to have to respond and do traffic. The one that has to block off the intersection. Other resources, fire rescue. If you have a very serious accident where we think that somebody may die or has died, a

fatal accident, then of course we have to call out the crime scene and block off the streets, which affects the traffic during the morning hours tremendously.

Chair Sarnoff: And the next slide.

Officer Lopez: Hit and run. And I just want everybody to understand that the hit and run are not part of the 37. Those are independent of the regular accidents that we were talking about. Seventeen and four, again that's a dramatic drop again within those days and hours. And the comment I would make to this slide is that the reason -- and I could say this through my 30 years of experience, and I worked bar patrols. I volunteer to work nights. And with my -- with the -- all the training that I have is that the reason you see a higher rate of hit and runs during these hours is because people are most likely intoxicated. There's no question about that. You have a lot -- and you know, and I was talking to a couple people before I came into the chamber today -- of people that are scared. I am one that will not go late at night out in the streets fearing that an intoxicated person will broadside you and kill your family, so that it takes a tremendous strain on our City resources.

Chair Sarnoff: All right. The next slide.

Officer Lopez: Arrests. Pre-ordinance, 32; post ordinance, 12. I can only imagine is because there's less fights and less conditions that are warranting arrests. These also are known to the police department as direct arrests and those are on-scene arrests. That's when a police officer makes that -- handcuffs that individual and takes that individual to the County jail. Now, the note I want to make with this slide is that when you have off-duty police officers working and some -- many of the clubs and bar areas what they do is they hire them for the parking lots, you know, and to keep them away from the liquor area -- that if that police officers makes an arrest, he is technically off duty and working for the private sector, even though he's in a Miami uniform. He takes a code 46 or he lets the dispatcher know that he's there for his safety, like you were talking about earlier, but he has to call an on-duty unit to make the transport. So that means the officer makes the arrest, he has to call an on-duty unit who's now on City time, again trying to protect us while we're sleeping, that has to now take this person to custody, and if it results as a minor battery or an aggravated battery, now we have to go to Ward D, have to get the guy treated, so you're tying up a police unit for three to four hours when he could have been better spent protecting our neighborhoods.

Chair Sarnoff: And the next slide I asked you to combine everything?

Officer Lopez: Yes. And this is just a recap basically. If you see the graphics, you'll see that there is a great difference in -- I mean, these pictures talk a million words, and there's not much I can say. It's just that this is the -- and we talk about arrests. A 63 -- I know that many people cannot see the screen, so I'll go over there. Arrests, 63 decrease after the ordinance was passed; larceny, 40 percent decrease; break into vehicles, 72; vandalism, 73; simple assaults and batteries, 43; and narcotics, 43 percent. And again, these are decreases, so the ordinance is working.

Chair Sarnoff: And the next slide with regard to accidents.

Officer Lopez: Again, we're showing with the regular accidents -- when I say regular that means that somebody did not flee -- again, 37 versus 16 for a decrease of 57 percent. In the hit and runs, 76, 70 percent decrease which is actually a great thing.

Chair Sarnoff: Okay. Thank you very much, officer.

Officer Lopez: Thank you.

Chair Sarnoff: And if we could continue. What I also asked for were the security reports from CocoWalk, and if you could just bring those up. This is the decrease in security problems between the after 3 o'clock from CocoWalk. You could see what it was in 2004, you could see what it was in 2007, you could see what it was in 2008, and you could see the decreases reported. And Mayfair, you can see the results -- they have not had an incident post 3 o'clock since they have removed their 3 o'clock facility. Now -- can we go to the slide that talks about the closed stores? Some people have made the comment, through various manners, that folks that have a 5 o'clock last call are doing so much better than the Grove. And I even heard somebody say to me the reason that Ritchie's Swimwear left was because 5 o'clock last call in the Grove is no longer there. I heard that Xoxo, the shoe store, left because 5 o'clock last call is no longer there. I've checked with Ritchie's and the reason Ritchie left South Miami as well, which has four 5 o'clock last call establishments, is 'cause Ritchie no longer wants to pay rent. He's now an Internet site. I really don't know the reason Xoxo, the shoe store, left, but I'd like to have a raising of hand of all the women in this room that have purchased shoes at 4:30 in the morning. I didn't think so. So Mary Brickell Village. I've heard that Mary Brickell Village is doing so much better than the Grove and gosh begone, and I want you to know a number of the first series of pictures you're seeing are Black Friday. Who knows what Black Friday is? The day after Thanksgiving, the biggest shopping day of the year. This was filmed at about 11 o'clock in the morning. Next slide. These are the vacant stores in Mary Brickell Village. Keep going. Now I'm the Commissioner for Mary Brickell Village. I don't want to see anything bad happen there. I wish them all the success in the world, but they presently have a 70 percent unoccupancy rate. And there is no -- we're trying to figure out a correlation between 5 o'clock last call and retail establishments. So we saw that South Miami has four 5 o'clock last calls, including BT's, the Gentlemen's Club, which would be five establishments. So we tried to see how much better South Miami was doing. And if you would. That's a haberdashery that had been in South Miami for 25 years. South Miami's unoccupancy rate is about 20 percent worse than Coconut Grove's, but they have five establishments that stay open till 5 o'clock last call. So I decided to look at Coral Gables -- they don't have 5 o'clock last call -- just to see how they're doing. And if you would. Their occupancy rate is about 15 percent worse than the Grove. So I looked at a brand-new place. I don't know how many of you have been to the Art House in Merrick; happens to close at 2 a.m. Have you ever seen how packed it is? And if you would. Instant success. I don't know that there's a true correlation between 5 o'clock, 3 o'clock, so long as you have a new, fresh concept, you look like you want to be somewhere. And it looks like a lot of people want to be at the Art House. What is this? This is a Newsweek article -- for those of you that have been following me on the Commission, for about the past nine months I've been talking about the new normal. And lo and behold, Newsweek puts in something called "The New Normal." And what they're talking about is America. And they're talking about at what level of consumption will the new normal America consume. And this is something that is completely outside of any of our control. How much retail shopping we will do. People are starting to save 15 and 20 percent of their income. People are afraid to spend. How many restaurants. How many retail establishments are really needed? I think we're all going to find out because there is a new normal out there. So I actually was in what is known as the most successful community probably by the water in the United States, Sausalito, and I decided to show you how Sausalito's doing in terms of its vacancies. This is something that is systemic. And anybody that can prove to me that staying open till 5 o'clock helps retail, it's just not a true statement. And when it gets exposed to the sunshine and it gets looked at by the facts, it just isn't a fair statement to make, but it's a statement you can make by email, it's a statement you can make by Internet because it really doesn't get much sunshine. There's another part to this, though, that none of us have ever seen. That's the human element. And I don't -- I didn't know this when we first started out, but we have a woman by the name of Martha Lacayo. Is she here right now? Martha Lacayo's daughter was at a Coconut Grove establishment, and I'm going to let Martha tell her story. Good evening.

Martha Lacayo: Good evening, everyone. Commissioners, thank you for having me here tonight. It's an honor for me. My name is Martha Lacayo. I am the mother of Crystal

Dominique (UNINTELLIGIBLE). In the early morning hours of June 3, 2006, my 16-years [sic] -old daughter was killed in a horrific trash after leaving a club from Coconut Grove. Two, not one, impaired drivers cause this crash. One of the drivers was under 21. The crash I am speaking of occur around 4:30 in the morning. This is an hour and a half after last call of 3 a.m. If you use the same timetable, this crash will have occur around 6:30 a.m. At those hours on the morning, kids will be on the way to school, doctors, nurses, teachers their way to prepare for class, police officers and firemen on the way in for shift change. I could go on and on and on. Please understand that when a bar or club call last call, it is not always for one last shot, one glass of wine, a beer, or simple mix. Do you really think they will consume these drinks in less than 30 minutes and be on their way home? I don't. This could take hours to consume and it will place them on the street after 5 a.m. when the city just waking up those hours in the morning. Commissioners, please make sure this community is safer. Keep the bars closed to 3 a.m. Thank you.

Chair Sarnoff: Thank you, Ms. Lacayo. I appreciate you coming in. And interestingly enough, Ms. Lacayo is not the only mother to have lost a daughter in Coconut Grove as a result of late-night drinking. Is Donna Clarit here?

Donna Clarit: Good evening, everyone.

Chair Sarnoff: Good evening, Ms. Clarit.

Ms. Clarit: Like the mother there, in 2007 my daughter Toya and Kasina (phonetic) was killed with a car struck by a drunk driver leaving Coconut Grove bar. They was just leaving a party shortly after then. My girl -- my car was struck from behind. When the cars -- when the drunk driver struck my daughters from behind, my car flipped three times, each time was injecting [sic] a daughter. I'm a mother of a beautiful -- two beautiful kids. Now my girls are gone. I have four grandbabies to raise without a mother due to the alcohol of the time changing in Coconut Grove. I'm here to speak on behalf of the other mothers. If the bars continue to stay open till 5 o'clock, more kids will be killed. My thing is a couple hours compared to my daughters for a extra buck for two hours later, I don't see it. Thank you.

Chair Sarnoff: Thank you, Ms. Clarit. And if I could call up Janet Mondshein.

Janet Mondshein: I'm Janet Mondshein. I want to thank you for the opportunity allowing me to come and speak with you today. I'm the executive director of Mothers Against Drunk Driving. And with your permission, I would like to play this video which addresses this issue.

Chair Sarnoff: Please.

At this time an audio-video presentation was made.

Ms. Mondshein: Thank you.

Chair Sarnoff: Thank you, Ms. Mondshein. Right now I want to have the two major land owners in the actual business core speak. I'd like to have Bob Whelan come up. You're recognized for the record.

Robert Whelan: I'm Bob Whelan, the owner of CocoWalk. Thank you, Commissioners, for the time. Arguably, CocoWalk's the epicenter of Coconut Grove and probably the single largest investment in the Grove as well, and we fully support a 3 a.m. closure, the last call having at 3 a.m. You know, we kind of -- you know, we discuss this internally a lot, and I'll tell you, the -- you have to forgive me; I'm fighting a cold off -- cost benefits just doesn't make any sense. The cost far outweigh any benefits that you can get from the extra couple hours of drinking that it provides the businesses, the extra few hundred dollars or even few thousand dollars for that

drinking time between 3 and 5 doesn't make any sense. And I'll tell you, some of the costs that we've incurred personally at the property, we've incurred -- this is before the change in time limit -- several thousand dollars every weekend from vandalism at our property from nightclubs, and I brought a whole stack of reports that literally just represent incidences after 3 a.m. And as a result of that, we have everywhere from vandalism, broken glass, urination, vomiting, graffiti spray-painted in bathrooms. I mean, pretty much everywhere you can imagine at the property. And all of these incidences are reported after 3 a.m. Some of the other costs obviously that are direct costs, you know, like us having to do 24/7 security, the cost of utilities, all the other things factor in for that small incremental benefit that it may provide to some of these restaurants. In addition, as -- I really appreciated the videos, but certainly the moral implications of people serving alcohol to drunk people between 3 and 5 that I certainly don't need to elaborate on anymore. Some of the other ones we have had alone at CocoWalk as a result of this after 3 drinking time, two stabbings, an attempted rape, and an underage drinker leaving there and be killed in an auto accident, and that's all just from again the hours between 3 and 5. So those aren't minor incidents. Those are very dramatic and traumatic incidents. From a business standpoint with CocoWalk, we've literally talked to hundreds of national and regional retailers to come back fill our space. And again, with my background, I've owned properties all over the country. The retailers are afraid to come here because of the climate here and of a drunkenness party area as opposed to a place for retailers to do business. Yeah, the retailers aren't open at 3 a.m., but it's just the whole persona of the Grove being a place to come and get drunk and stay out all night. That persona is very difficult to overcome when negotiating with these national and regional retailers, and that's been a major obstacle for us retenanting [sic] some of the space at CocoWalk. And as many of you have seen, many of the national retailers actually pulled out of the Grove in the last few years largely because of the, you know, the climate there. One of the prizes that we've been able to secure recently -- I'm sure you're all aware -- is Muvico Theaters. We're going to be backfilling the AMC (American Multi-Cinema) space with Muvico Theaters, and one of the deal points or add-ons that was actually put into the lease is that we would not permit any operations to serve alcohol after 3 a.m., and that was negotiated into the deal. So Muvico would not be coming to Coconut Grove if we were allowed to allow bars to serve alcohol after that (UNINTELLIGIBLE). They just do not want to have their people coming out of the movies -- if they show a 12 o'clock showing, people coming out 2 o'clock in the morning and walking into this drunken environment. It's just not something that I think, as a community that, we would want. I mean, we're trying to change the overall appearance of Coconut Grove through the BID (Business Improvement District), you know, increasing services, capital projects, all these things. None of that's going to do any good if we don't change the overall image of the Grove from one of a drunken party atmosphere to one of a safe, secure environment for people to go out and have a good time. I guess, in conclusion, you know, if we really want the Grove to succeed and to do better, I think the critical thing is to change the imagine of the Grove to really -- for that matter, to the whole country -- to bring those national retailers back to this community, we have to change the image, and I think that's half the start at stopping the last call at 3 a.m.

Chair Sarnoff: You were there when the BID took a vote, correct? You were there when the BID took a vote on the 3 a.m. versus 5 a.m. issue?

Mr. Whelan: Yes.

Chair Sarnoff: You remember what that vote was?

Mr. Whelan: Unanimous?

Chair Sarnoff: No. It was one person --

Mr. Whelan: One person, okay.

Chair Sarnoff: -- one person said no.

Mr. Whelan: Yeah.

Chair Sarnoff: Okay. All right. Thank you, Mr. Whelan.

Mr. Whelan: You're welcome. Thank you for having me, Commissioners.

Chair Sarnoff: Ed Prelaz.

Ed Prelaz: Good evening. My name is Ed Prelaz. I'm the senior real estate manager for the Mayfair. I manage everything except the hotel. We manage the retail, the restaurants, and the parking there. The incidents that were outlined earlier were representative of what happened between 2005 and 2007. Then in early 2008 we had one incident in the parking one level with the Oxygen. I was called and said that there was a fight between the patrons, and the -- one patron left and went outside, waited for the other patron to come out and tried to shoot him, but he was so drunk he shot his own car, and so they -- he and his girlfriend were trying to get the evidence, the bullets out of the car when the police came and arrested him and her for tampering with the evidence. I called the owner the next day, I said, guys, it's time, it's over. Since then, we've had no distinguishable incidents in or around the property, and we feel it's made a huge difference. The noise and disturbance level to the hotel was just incredible. Day after day I was called by the hotel managers over there saying that they'd had disturbances late at night. People leaving the bars and clubs making noise throughout the promenade area, in and around the project, and people constantly called the front desk saying they weren't able to sleep. There was a change in the patronage at some point. I don't know when that happened. But you know, these clubs seemed to work for a while or some period in time, but there was absolutely a change in the type of patronage that came there, and that's what we focused on. I really commend you -- commend you on your comments for the parity. I think having -- but I think throughout the City, I think having Miami as an image of a party city is absolutely -- it provides no -- nothing for us. You know, we're talking about now a quality of life, not quantity of life, quality of life. And I think the quality of life is really important for us here, and that's what we're focused on. I think there's no one more in favor of turning around the Mayfair in Coconut Grove than the ownership of Mayfair. We've pumped millions and millions of dollars in there trying to turn it into a real urban environment. We've converted a lot of it from office, which has made it a nice, stable environment here, and I can tell you right now, we've [sic] highly in favor of the 3 o'clock closing as opposed to 5 a.m.

Chair Sarnoff: Thank you, Mr. Prelaz. Jose Diaz.

Jose Diaz: Hello. Thank you, Commissioners. My name's Jose Diaz. I'm a resident of Metro-Dade, and I'm also a cyclist and a firefighter paramedic. I can tell you personally that I think it's a misjudgment if they think that this is going to profit anybody having the -- close -- bars close at 5 a.m. I just want to share a couple words with you all. Again, I urge you to reconsider or vote against it. I can tell you the risks versus profit does not add up. I see the destruction of drunk driving every day and the wake it leaves behind. Having been on the scene to help the cyclist, Christopher Lecanne -- may he rest in peace -- who was struck on Key Biscayne, I can tell you there's no amount of money that will ease the pain of the family. I believe this is a -- I believe this area and the residents and those who come in from out of town to train for events such as the up and coming ING (International Netherlands Group) and other events will be put at greater risk. These are some of the people who will be bringing extra income and using local bars and restaurants and making the area popular for recurring events. I believe that safety and livelihood is a big concern to us all, and I feel that we should take steps to preserve it. Thank you for your time.

Chair Sarnoff: Thank you, Mr. Diaz. And if I could just go back to the presentation, I just want

to show the Commissioners the support letters that we have received from the various schools and organizations. And the first one, you could see this is from the Carrollton School of Sacred Heart by Sister Susan Cook, where she supports that -- she says that "I do not believe that extending the hours of operation for local bars in exchange for the potential injury or death of our community members is the right thing to do." And I think you'll hear from others that when you compress -- when you have late-night drinking compressed against a residential community, you know, interesting enough, you're going to hear that even in New York City, they have not presented a license for -- they have 4 o'clock closures there. They have not presented a 4 o'clock license closure in three years in SoHo, in Greenwich Village, because the citizens -- the residents will not allow anything beyond 2 a.m. So I'll -- I can tell you, we're not off base. Coconut Grove Elementary. This is Eva Ravelo explaining that her employees -- she is the principal -- arrive at 6:30, and she knows full well that drinking doesn't stop at last call 5 a.m. And the next one, Arts & Minds. Now, remember that this school is 30 feet away from what was potentially at one time a 5 o'clock drinking establishment, and this school people come so far that they actually arrive at 6 a.m. The Vanguard School. You can see that the parents there are equally in agreement. And this is the school that starts Main Highway down from Coconut Grove. You can see the parents -- we just put one parent in this because we have a stack about this thick. And they do not want to see the last call go beyond -- back to 5 a.m. You heard from Mr. Whelan. You heard what he had to say. He's presented letters of support. He does reference that there were 18 voting members of the BID, the Business Improvement District, and only one at that time voted for -- in favor of it. You can see all of the -- you see Mayfair. You'll see all the Coconut Grove homeowners organizations, North Grove, South Grove, Center Grove have all come out in favor of this particular ordinance to remain in effect just the way it is. So I wanted to explain to this Commission what occurred, how it occurred, and why it occurred. And I will open this up for discussion for anyone who wishes to speak. But I wanted to put my side of the story out there, because there was a lot of miscommunication, a lot of things that were said that just simply were not true. I think we do need to study the City in general. I think we need to come up with better laws and better organizations for what we allow in terms of drinking in this town, especially any area that is equally compressed against a residential community, and I'm more than willing to study that and look at that. We have looked at some of the laws; they're extremely arcane. So with that, I will open it up for public discussion. You're recognized for the record.

Elvis Cruz: Thank you, Commissioner. Elvis Cruz, 631 Northeast 57th Street. Congratulations, Commissioner Gort. Welcome to the Commission. I am the secretary of Miami Neighborhoods United. That is a coalition of some 20 residential homeowners associations from across the City of Miami. We discussed this issue at our meeting last week, and we came up with some findings that I would like to verify with City staff or the Chairman. First of all, is it correct that what is called a 3 a.m. closing is actually not a closing, that the bars can stay open after that time; they simply cannot serve alcohol between the hours of 3 a.m. and -- is it 9?

Chair Sarnoff: I believe it's 9 a.m.

Mr. Cruz: Okay. So they can still stay open and make income.

Chair Sarnoff: We never can close any establishment. We can just prevent -- as I always put it, 2:59 you get your last drink and you continue to drink until you've consumed it.

Mr. Cruz: Got it. So they can stay open 24 hours?

Chair Sarnoff: Correct.

Mr. Cruz: Okay. They can still serve food and nonalcoholic beverages after 3 a.m.? Furthermore, is it correct that there is no limit to the size or number of drinks that can be purchased as late as 2:59 a.m.?

Chair Sarnoff: That is our understanding.

Mr. Cruz: Okay. The feeling was that this is fairly weak as it is in light of those previous facts. We also understood that the opposition to 3 a.m., the 5 a.m. proponents, if you will, felt that this was not fair in that it only targeted a relatively small area of the City; is that correct? It only targets a small area of the City?

Chair Sarnoff: Correct.

Mr. Cruz: Okay. Because one of the feelings was that perhaps this should be extended to other areas of the City. Speaking personally as a resident of the Upper Eastside, I'm quite sure that a lot of neighborhoods up there would be quite unhappy if we had the problems that have been mentioned here today with the PowerPoints. Having said all that, the membership of Miami Neighborhoods United did vote to support the 3 a.m. last call. That was vote unanimous.

Chair Sarnoff: Thank you, sir.

Mr. Cruz: Thank you.

Chair Sarnoff: You're recognized for the record.

John El-Masry: John El-Masry from Mr. Moe's. I'd like to first welcome all the new Commissioners to the dais. There's an old saying, "There's lies, there's damn lies, and then there's statistics." You can turn those numbers any way you want. I'd like to first start off by saying that in no way, shape, or form do I condone drunk driving -- drinking and driving. There's no place for it, and I want to get that out there right away. I'd like to also make a correction to Commissioner Sarnoff, that he did not have a unanimous decision on that vote with the City Commission. Mayor Regalado --

Chair Sarnoff: I didn't say we did.

Mr. El-Masry: You certainly did.

Chair Sarnoff: I didn't --

Mr. El-Masry: Check the notes. You did.

Chair Sarnoff: -- say we had a unanimous vote, and I -- Commissioner Regalado --

Mr. El-Masry: You said everybody.

Chair Sarnoff: No.

Mr. El-Masry: Anyway, let me finish, please. The Chamber of Commerce, the Village Council, and the Merchants Association all have recommended that this be revisited. The very same board at the Village Council that you chaired, now you're trying to marginalize. You're bringing in other members that voted against it. They have taken a position. They want this thing revisited, okay. I want everybody in this room to know that -- my heart goes out to the families of the people that got injured. I want to let everybody here know that we -- I think the whole Grove community is in agreement now that we're okay with the 3 a.m. We are okay with the 3 a.m. As long as the entire district is being treated the same way. I don't think anybody's going to argue. The problem that we have right now, guys, is that we -- there's a perception issue that we are no longer a fun-happening place. There are other places that people can go out and stay out longer and hang out longer, not necessarily get drunk, but go out in bars and restaurants that stay open later in different parts of the Commissioner's district. He does not want to allow it for Coconut

Grove. I want to also say that this really, in my opinion, was never about drunk driving. This was about Commissioner Sarnoff living on Virginia Street in the heyday when the Grove was busy. There was bumper-to-bumper traffic. Virginia Street would back all the way up to US 1 and that happens to be a problem for Marc and a few of his supporters because he lives right there on Virginia. He wants pristine silence, so what was the first thing he did? He put a circle in there at the taxpayers' expense to slow down the traffic and curb the amount of people coming down the street. When that didn't work, he enacted the ordinance. He had all the statistics that you see here right now. He had it back in June of 2008 when this ordinance went into effect. Why didn't he do this -- he had -- he was in a position to do this and propose this district wide. He didn't. He just did it in Coconut Grove. If he truly cared about the drunk-driving issue, if that was truly the crux of this whole thing, then he would have proposed it for his entire district. He didn't. I have some stats myself. This is all the 911 calls for all the places -- other places in Marc's district that stay open 5 a.m., 7 a.m., 24 hours. To me it's completely outrageous, it's hypocritical to sit there and say you're going to carve out a tiny sliver of Coconut Grove, four blocks of Coconut Grove, and you're going to prevent all this mess that you see him putting up here. He had his staff, you know, work long and hard and do homework and did a nice little presentation, but I don't know where he came up with half those numbers, but they don't match anything that I have. I would like to see Commissioner Sarnoff right now, in front of the media, in front of the fellow Commissioners, in front of everybody, say that he will immediately, like he did in Coconut Grove almost overnight, enact -- propose an ordinance that would continue this 3 a.m. closing for his entire district. You just heard -- he doesn't need to get another committee together, to get a bunch of people together and make a decision here. Is it good? Is it bad? No. Hell, he already did the study. You see it. It's already up there. It's bad. It's no -- I'm in agreement with everybody, but it must be initially district wide. And then I expect the good Commissioner to absolutely spearhead an initiative, talk with Commissioner Gimenez and force the issue to make this countywide. What sense does it make to all the bicyclists, to the poor woman that lost her daughter, when you have South Beach, a whole bunch of places open at South Beach that are allowing drinking in South Beach; down in South Miami you have them drinking there. How are these bicyclists that say that they're threatening, they're going to go down south? To what? You're going to go right into where all the 5 a.m. drinkers are. It doesn't make sense. It doesn't pass the straight face test. And there was absolutely no reason for him not to take a stand. I was waiting for Commissioner Sarnoff, when this poor bicyclist got killed on Key Biscayne, to get those 6,000 bikers and go park out in front of the place downtown in his district where this guy drank until 8 o'clock in the morning. It would have been a perfect platform and a perfect opportunity for him to go out and say enough is enough. This is this important to me as a Commissioner, and I'm going to make sure this doesn't happen again, period. But what did he do? He brought everybody in here. He called all the bicyclists up and he said, "It's about the Grove again. It's just about the Grove." I say no, it is not. We want equal footing with the rest of the City of Miami. It's only fair, Marc. It's only fair. Everybody -- I don't care if you want to make it 2 o'clock. If everybody in Dade County closed at 2 o'clock, I wouldn't be down 40 percent. I wouldn't -- my businesses wouldn't be hurting, okay. I don't know where you get the stats with all the store -- the stats that I have from Wood Faye (phonetic) Abreu Realty is we have right now, the Grove has approximately two and a half times more vacancies than Brickell -- and this is right off official bid for Coral Gables, right off their web site. You can check it out yourself -- two and a half more times than Brickell. We have three times more than Coral Gables and three times more than -- and South Beach is three times more expensive than us. Now I want to make another correction, that Ron Nelson told me personally that he went down to the place that Marc showed that was filled, the Art House, and told me the place was dead and that it was dying. That's what I heard from him. That place is dead. Now I come back and I hear that it's booming. Well, that's great. Good news for them. I think it's noteworthy also to mention that Coconut Grove has the lowest price per square foot than all the other areas around, with the exception of downtown. Now as far as -- Ed Prelaz is a good friend of mine. I know Bob Whelan. These guys are good guys. Those are privately-owned properties. They have the ability to limit their tenants, the 5 a.m. tenants, 2 a.m. tenants, 3 a.m. tenants. Whatever they want to do, that's up to them. I also would like to say that I believe that part of

the reason CocoWalk is having and experiencing all these problems, they don't have anymore security guards. All they have is cameras. I got news for you guys. Cameras don't stop the crime. They don't. You need to have security there. Like I have off-duty police officers at Mr. Moe's, and I have since the day I opened. You have to have a visible deterrent there or it's not going to work. I'm almost finished. I find it really reprehensible that the Commissioner is using this tragedy to gain political advantage. I hope and I pray that all the Commissioners take heed to what I'm saying. What's good for the Grove should be good for the rest of the City of Miami and the County, for that matter, and vice versa. If it so bad here that it's causing all this mayhem, then spread the goodness everywhere, Marc. Why wouldn't you? Doesn't make any sense. I would get immediately on it and do it. I don't think you'll get any argument from anybody in this room. I -- again, I ask that you put this -- you immediately switch this ordinance to the rest of your district immediately. You don't need any -- do anymore studying. You've already done enough studying on this. It's bad. I agree. Drunk driving is bad. Drinking late is bad. No argument here. We're all on the same page. But it's not fair -- and I think any fair-minded person in this room or listening to this on the TV (Television) is going to say to themselves "It's just not fair." Why are you singling out four blocks of Coconut Grove where you live -- just not so coincidentally where you live -- and think that that's going to actually curb drunk driving? Thank you for your time.

Chair Sarnoff: Next speaker.

Applause.

Mel Meinhardt: Commissioner, my name is Mel Meinhardt. I live at 3075 Virginia Street, Coconut Grove. I walk to work across from the Mayfair, so I'm right in the heart of the matter at (UNINTELLIGIBLE), and I just want to make sure we're talking about the ordinance for Coconut Grove. Is that right? That's what we're limiting our discussion to? I don't have any financial interest in the matter. I represent Grove Condo Association. Three years ago I helped run the campaign to restrict Home Depot's expansion into Coconut Grove and help protect families and business life in the Grove. I'm here to describe three important changes that have occurred in the Grove in the past few years. The first is Coconut Grove residents have organized repeatedly and effective and sustained campaigns to protect Grove families from unintended consequences of businesses. The recommendation to extend liquor sales is the latest example. If it sounds familiar, it is. It's similar to the businesses that wanted to bulldoze our Milam's grocery store and trees in favor of putting up a full-scale Home Depot. It's similar to the businesses who wanted to build skyscrapers at Mercy Hospital and impose upon those neighbors. You remember the outcomes of those campaigns. Former Commissioners Winton, Haskins, González, Sanchez, and Spence-Jones all supported those business interests. Now Chairman Sarnoff and now Mayor Regalado supported the Coconut Grove families and all those folks. The second change is that the number of Coconut Grove families with young children has risen markedly, and young families have decided to stay in the Grove instead of moving out to the suburbs. Children really are now everywhere in the Grove. Coconut Grove Elementary School and the other schools that have been mentioned here right at the heart of the matter here, and they've all gone through rebirths recently. You can look at the playgrounds at Coconut Grove Elementary School and other parks in Coconut Grove. It's very easy to see that a few years ago, these parks were dominated by dogs and now they're dominated by children. It's flat out true. My home has unique window -- my particular home has a unique window on Coconut Grove's pulse because every room in my house -- and this is unique -- actually abuts, lies alongside Virginia Street, which is a major artery outside that leads from downtown and leads to Grove. So my wife and I see and hear everything 24 hours a day that happens up and down Virginia Street. We can't avoid it. Back when alcohol sales continued till 5 a.m., we would frequently hear screeching cars, motorcycles, and drunken partiers stumbling home at 6 a.m. tossing bottles, randomly vandalizing property; my own cars, my own property included. Violence was commonplace. You've heard the statistics. After the Grove sales hours were rolled back to 3 a.m., it's completely different. Now at 6 a.m. the streets are filled with young moms and infants and dads on their early walks and with baby carriages; early-morning bicyclists ride

up and later stop at the cafés you've heard about; early risers are walking their dogs; vandalism and broken bottles are almost gone. My observations are not unusual or personal alone. Numerous formal scientific studies, surveys, analyses repeatedly conclude that extended liquor sales hours even by one hour directly causes increase in public drunkenness, violence, crime, and admissions to the trauma wards and hospitals. Summaries and citations in these formal studies appear in the respective journal of studies on alcohol and elsewhere provided to you for your reference. I personally have great enthusiasm, admiration and respect for businesses and especially entrepreneurs. I travel widely and see many thriving, successful mixed-use neighborhoods like Coconut Grove. None of these places got their way by catering to early-morning drinking. To better understand, I personally researched and prepared the list you've been given demonstrated here -- and we -- and prepared this list of cities and their bar closing times. Across the country, thriving nightlife doesn't seem to depend on selling liquor until dawn. As you mentioned before and from personal calls to New York establishments, New York is rolling back its last call to 2 a.m. It's not suffering for it. Other cities, urban centers are thriving with even more restrictive liquor hours than the Coconut Grove. These are hard times for Coconut Grove businesses, challenged by a tough business environment. In other cities, creative business leaders have found other ways to be successful. As City Commissioners, you can help ours find ways too, but let's not sacrifice Grove families. The Center Grove neighborhood has changed in the past few years, become a stronger, more stable and family-friendly. It's Miami's and the family's interest to keep it going in the right direction. Selling booze until dawn hurts Coconut Grove families. Thank you.

Chair Sarnoff: Thank you. Next speaker.

Nathan Kurland: Nathan Kurland, 3132 Day Avenue. Mr. Mayor, members of the City Commission, residents and friends of Coconut Grove. Photograph them, identify them, out them. They are communists, Castro sympathizers, lawbreakers, evildoers, liars, dictators, censors, and cowards. These are the words of Tom Falco, owner and editor of the Coconut Grove Grapevine, a for-profit blog. You might wonder who Mr. Falco is referring to. Terrorists? Criminals? New York Jet fans? No. He is referring to his Coconut Grove neighbors who support the retention of 3 a.m. last call. Mr. Falco's facts are often incorrect and misleading and his rhetoric inflames and encourages similar remarks from anonymous responders with names such as "that guy," "this guy," but mostly "anonymous." Any resident whose opinion may differ from these anonymous contributors are uniformly subjected to hurtful, disrespectful, over-the-top scorn which tends to destroy and limit any civil discourse. I believe in freedom of speech, but I'm also very wary of its potential to be destructive. Supporters of quality of life issues, such as 3 a.m. last call, have been suggested to other less obvious indignities. Patrick Sessions, president of the Village Grove Council, issued a poll to residents, via the blog, on December 9, 2009. The poll asked residents to choose between two propositions. "One, leave the ordinance as it is and keep the closing time at 3 a.m. in the Grove business district, or two, request that revision pertaining to 3 a.m. closings in the SD-2 Grove commercial district be rescinded and that the Grove be treated the same as other business districts in the City and allow qualified establishments to be opened till 5 a.m." In political science classes, we call this a straw poll, a poll unfairly weighted to achieve a desired result. A true poll would have sounded more like this, one, leave the ordinance as it is and keep 3 a.m. closing, or two, revise the ordinance and allow qualified establishments to be opened till 5 a.m. closing. In addition, both choices contain a fundamental error. No establishment is forced to close at 3 a.m. or 5 a.m. Just stop serving alcohol. Last call is often an acronym for "order up, boys." A vote will be presented to you tonight on behalf of the Coconut Grove Village Council. I believe the results of this vote to be unfairly skewed. Members of the Council who represent or work for establishments directly affected by this ordinance should have identified and recused themselves from this vote. Renita Ross Samuels-Dixon stated, "Since we are an elected officials, perhaps we should take the ethics course." The response from Councilmember was, "If you want to subject yourself to laws with possible criminal implications for a volunteer position in an organization with no real governmental authority, knock yourself out, but don't drag me into it." In the audience tonight

supporting the quality of life 3 a.m. issue are residents and neighbors from a variety of groups, as you heard. The Village of Center Grove Association, Miami Neighborhoods United, Coconut Grove Park Homeowners Association, North Grove; Coconut Grove Neighborhood Association, South Grove, Mothers from MADD (Mothers Against Drunk Driving); HOATA (Homeowners and Tenants Association), West Grove. It begs the question, if representatives of the Center Grove, North Grove, South Grove, and West Grove all support the 3 a.m. ordinance, who is the Village Grove Council representing? In closing, all of us support and know the importance of the business district in the Village of Coconut Grove. We do not believe the economic viability of our village depends upon two extra potential hours of inebriation. We know that in the past year we have seen less crime, less property vandalism, less DUI (Driving Under the Influence) incidents, and less roadways. This may be another occasion where less is more. Thank you.

Chair Sarnoff: Thank you. Next.

June Savage-Bendayan: Good evening. My name is June Savage-Bendayan. I am a lifetime resident of South Florida, and I'd like to thank you for letting me speak this evening. On behalf of the cyclists, which were mentioned earlier, the runners, the mothers, the triathletes, and the neighborhood of Coconut Grove, I'd just like to state that every single morning in Coconut Grove there is approximately 50 to 60 cyclists that do start. They give their husbands or their wives a kiss, they go out, and they hopefully want to come home after their nice ride. There's nothing wrong with that, is there? Would anyone here disagree with me on what happened with Dade County being reactive in the death of the cyclist that was hit by the drunk driver in Key Biscayne? I would like to commend Sarnoff for being proactive and for putting together this meeting for all of us to prevent another accident like that, because it could have been any one of us here, and that's why I'm standing up here today. I'd also like to mention that the ING Marathon, just FootWorks alone, has over 800 registered, trained runners; that the full marathon runners start at 4:30 in the morning down towards Bayshore Drive, 4:30 in the morning so they can practice for this magnificent accomplishment of a human being, a marathon. The half marathon start at 5:30. Today I would like to ask anyone here whether they would like to have blood on their hands because of a drunk-driving incident or a horrible crash or they would like to have a bunch of healthy cyclists, runners, triathletes in a community. Which one are you going to weigh upon yourself? Also, I think I remember that Moe's was in LoopNet and it was for sale, because I was going to bring a nice establishment, a Latin restaurant. Yeah, we had this discussion outside. I think it's been for sale for a while. It's just too big. They had great ribs at one time, but it's just too big of an establishment where it is. Anyways, I would like everyone to vote against the 5 a.m. extension, especially when we have FIU (Florida International University) and University of Miami students playing Beer Pong till 3 a.m. at Moe's. Beer Pong. That's exciting. And I know that there's underage drinkers there playing Beer Pong. I know that for a fact. Coconut Grove closes down when they have college nights. They close a little bit of the street off so the pedestrians do not go into the cars, because they've been drinking and intoxicated. Are we going to extend that to the college students? Are we going to give them a right to drink and play Beer Pong and then drive home and hopefully not hurt somebody? Again, I would like to thank everyone here tonight and to hopefully vote against the 5 a.m. extension.

Chair Sarnoff: Thank you.

Ms. Savage-Bendayan: Thank you.

Chair Sarnoff: Go ahead. Next.

Alyn Pruett: Thank you. Allan Pruett, 2901 South Bayshore Drive. I'm here to speak in opposition to the reversion to the 5 a.m. closings. I had four points to make in that regard. And since the Commissioner mentioned it -- mentioned my name earlier -- in fact, I was on the Coconut Grove Village Council when this issue came before us. So in light of that, the first point

I want to make is in regard to crime. You heard the statistics regarding crime, but I want to add to that what I was hearing on the Village Council in 2008 was where that crime was occurring. It was not just occurring in the commercial district itself. In fact, it was spilling outward into the surrounding single-family and duplex residential areas that are immediately adjacent to our Village Center. Second, as you consider this issue, please think about the planning and the zoning context within which this exist. Current zoning, current land use is not intended to create a nightclub district in Coconut Grove. It's essentially a C-1 district with an SD-2 overlay, which has special exception requirements for anyone wanting to open a bar or a nightclub. We're moving forward to Miami 21. As we do that, that district will change to T5. It also is not a nightclub district. However, there is a caution there, Commissioner, and that is that nightclubs, supper clubs are allowed by right so that if we revert to the 5 a.m. closings, there may be an unintended consequence, and that is allowing a concentration of that type of use which is not intended in that zoning district. Third, and that is in regard to -- we have to equalize ourselves against the competition. We have to ask ourselves as a community, will allowing 5 a.m. closings put a new tenant in the former Borders book shop on Grand Avenue? Will it put new tenants in the vacant commercial space on Florida Avenue? All of those spaces have been vacant for years. Five a.m. closings will not solve that problem. And my last and fourth point is that if the Grove is to succeed and thrive, the Village Center, I think we really need to build on the unique qualities that we have had there for many, many years, and others have said this as well. And certainly, one way to do that, a concrete step in the right direction is let's get the Coconut Grove Playhouse back up and operating. Let's get those patrons --

Applause.

Mr. Pruett: -- back into the Grove because they will support our other businesses. Moving back to a 5 a.m. closing is not moving us in the right direction to give us the other answers we need to solve our problems. Thank you.

Chair Sarnoff: Thank you.

Chiara Manton: Good evening, Commissioners. My name is Chiara Manton. I'm the president of South Florida Triathletes. I'm here on behalf of the 500-plus members of this community to express our commitment and support towards bike and communal safety. Over 2,000 of my fellow cyclists and active citizens came to show their support last Sunday in Key Biscayne. It took Christopher Lecanne's life to show you that we are here and that we are still active in this community. In this day of an era where people are looking to get more active and green, per se, or in this economic environment where families are looking for less expensive means of entertainment or where multinational corporations are scrutinizing more than ever where to place jobs, creating a city where drivers and the active community and retailers and restaurants and bars are respectable to each other and live in a relatively cohesive environment should be our goal and is our goal. Our club is doing its part to educate and promote safety to our members. That's ultimately how you stop drunk driving. And we are also working hard not to promote divisiveness, but to find some sort of a communal balance and that's why I am here tonight. So I urge for your help on your part to consider the many thousands of cyclists, runners, walkers, joggers, skaters, children that are active in the early hours of this community. Thank you.

Chair Sarnoff: Thank you. What was your name again?

Ms. Manton: Chiara Manton.

Chair Sarnoff: Chiara Manton. Thank you. Yes, ma'am.

Martha Martinez: Good evening. My name is Martha Martinez. I am president of the Policy Concept Committee of St. Alban Enrichment Center and also the vice president of the Parents

Association, but also I am the community, I am the statistics. I live on the area. I drive -- I woke up everyday at 5:30 in the morning to drive my daughters to school. My daughter is three years old, one of them, and the other one is a teenager, on her route to college. Right now she's in her last year of high school. And I used to work also in the Grove. Everyday we walk over there, we drive over there, and it's scaring me just to think about what will it be if one day I woke up and I don't see my daughters in their beds, you know. Or what will my daughters do if because of one of the accidents, I am not there? We have no one in this country; just me and the two of them, and they will be -- have to become part of foster care system if I don't have it. I used to work in the Grove in one of the retail shops. And you see, I was rape over there one night. I was leaving at 1:30 in the morning from Victoria Secret. It was -- we were preparing the semi-annual sales display, and I left the job. I park in the \$5 parking garage. And somebody grab me from the back when I was getting into my car. I remember I arrive home with my clothes tear down. All I could tell you is I was going to get married three days after, and I still have my wedding gown hanging in the closet. And when I see my kids every day, I just pray that nothing like that happen to them. And I see the kids -- there's people over there who doesn't have a car. They have to drive and cross the street, and if the last jar of beer is served at 4:59 and these people is walking, when they're walking towards school, their life is in danger, so it's not only drunk driving; it's the safety of the people of the community, and I am the statistics. I am what is not on your books. I am everyone over there. So I am begging you. I am not asking you. I am begging you, please don't allow the bars to serve drinks until 5 o'clock in the morning.

Chair Sarnoff: Thank you.

Ms. Martinez: I was supposed to be in school right now because I'm working toward me [sic] degree in social work. I had a test today, and I decided to miss school just to beg you not to do it.

Chair Sarnoff: Thank you.

Applause.

Chair Sarnoff: Robert.

Robert Loupo: Hi. Thank you very much. I'm Robert Loupo, and I am co-chair with Albert Martinez and -- of the All Grove Crime Watch, and with Andres Lemos, Citizen on Patrol Captain for All Grove Crime Watch. The mission of our All Grove Crime Watch is to make Coconut Grove safer for everyone, residents and visitors alike. And to that end, we have been meeting monthly, every month for the past eight and a half years, and during that time we have worked very hard to see that our mission has been fulfilled. And we're proud to say that with our coming together in a forum in which residents and businesses and business representatives can speak with our police officers, our commander, our neighborhood resource officers, our state attorney, representatives, we've all been able to work together to continually reduce crime here in Coconut Grove. And I think that this recent statistic show that there have been a 15 percent reduction in crime over the past year, and that's a reduction year after year. I say this only because there was a period of time with the 5 a.m. bars when then residents and those who were victims of crimes would come and speak at our forum, at our meetings. And during that time we heard stories about all of the noise, not only the noise, but about the stabbings, about the muggings, about all of the incidents that were occurring in these late hours. So with that, I would just like to ask, as a representative of what we feel in our All Grove Crime Watch -- we, as the crime watch, support your keeping the 3 a.m. and not extending things and bar openings until 5 a.m. And I'll also turn this over to Albert and to Andres, if they have --

Albert Martinez: Just real quick. Albert Martinez, co-chair with Robert. I think the statistics were compelling enough for Coconut Grove, for the entire Commission here to examine this for the entire city going forward. So I just put that out there that we want the entire city to be safe

also, and I think it should be examined in the future. Thank you.

Andres Lemos: I think enough has been said and demonstrated. The 3 o'clock should be in place. Thank you.

Ms. Thompson: I'm sorry, Chair. The last speaker, his name was?

Chair Sarnoff: Andres Lemos.

Mr. Lemos: Andres Lemos. Need the address or --?

Maxine Sigler: Good evening, Commissioners. My name is Maxine Sigler. I am the president of the Mutiny Park Homeowners Condo Association at Sonesta Bayfront Hotel. I am a realtor. I am a wife, a mother, and a grandmother, and as you might be able to tell, I am a former New Yorker. And one thing I do agree with the owner of Mr. Moe's is I think it would be a great idea to change the time from the 3 a.m. to 2 a.m. That would be a wonderful idea. Some of the issues that have been discussed tonight are very emotional. I think that reason and good judgment must prevail. I think you've seen the faces of people in our community. I'm sympathetic to the business owners. I think that, you know, we're in very difficult economic times. I think maybe if these business owners put some concentration on service and cleanliness and good value that would be a good idea to help business, not just serving alcohol for an additional two hours. And while we're talking about business effects, I ask that you also keep in mind that there are, besides residents, other businesses that will be negatively affected by serving alcohol later. Hotels in the area, Sonesta in particular, if you read the reviews on Trip Advisor, the biggest complaint is the noise. When people get drunk, they scream. They rev their engines, they blow their horns that sound like trains, and they scream. They scream from rooftops in Coconut Grove. And I think that when you take away the tourists that are coming here because it's too noisy, then those tourists are not going to the Cheesecake Factory, the Gap, the other businesses that are not open at 3, 4, 5 o'clock in the morning, and those businesses are going to lose money. I don't think there's a question of what the right thing to do here is. I think you cannot -- you can't, at the detriment of everybody else, just extend these hours by two hours. It's absolutely a very, very negative impact on the community. And by the way, one other thing I have to say, Commissioner Sarnoff. I think it's great that you live in Coconut Grove and work here. I don't see how that's a negative. I think it's a wonderful thing that you care about your community, and I think some of the business owners that don't live in the community may not understand that. They just come here to make money. But for the -- you working and living in your community, I commend you for that. Thank you very much.

Chair Sarnoff: Thank you.

Patrick Sessions: My name is Patrick Sessions. I'm here as the chairman of the Coconut Grove Village Council, not personally. Commissioner Sarnoff, just to start off -- and I'll try and keep it short. In fact, I have a statement I'll read to make it quicker, but I wanted to make a couple of comments about some of the things that you presented earlier. I'm baffled, frankly, that you would take an off-duty -- or a retired policeman and use him to present statistics on the Grove when we have the Chief of Police sitting right here. Statistics that I was given by the Miami Police Department are radically different than yours. These statistics came directly from the commander. As an example, where you showed 15 or 20 incidents, there were 400 incidents. Your sample was much too small. You went six months in each direction. I went a year and a half in each direction. And while you are correct, some of the crime did go up; some of it went down and some of it changed insubstantially. Considering that the entire city went down 15 percent during that same time frame, I'm not sure how accurate the numbers that you put on the board were. In fact, I know they're not accurate. And I would just say to you, I understand there were some thoughts of using some sort of a Commission or a committee. I'm sure the other Commissioners are interested or concerned about whether or not you're going to ask them to go

from 5 o'clock to 3 o'clock in their areas, and I think we need to have accurate statistics. And I'd be pleased to sit on that committee and discuss it with your guy and hopefully the Miami Police Department, who should be giving us those statistics. So I just a little confused on your source of information. Having said that, I want to say that, before I read my statement, the Village Council voted for the 5 o'clock based on a lot of input. You apparently have had a lot of input. You made no effort to supply me with that input. You sent no one to the meetings. This is the first time we've seen any of this, and we --

Chair Sarnoff: We supplied you with all the police data you asked for.

Mr. Sessions: Okay, you supplied me with what I asked for. You didn't supply me with any of this that you showed tonight, not one --

Chair Sarnoff: We --

Mr. Sessions: -- you didn't supply me with the gentleman who supplied these statistics. You didn't have him come to one of our --

Chair Sarnoff: Mr. Sessions, I gave you all the police data as it came into our office. I asked you to come back to our office as we got further police data. I supplied you with everything I had. How I presented it is something that I've decided to do as I always said I was going to do, I said I was going to discuss this issue. But I don't want to argue with you. I could tell you that the police data I received, I would say it roundaboutly [sic] comes from the chief of Miami Police Department because that all came from directly the commander of the Grove. So how our data differs, you know, I can't tell you that. I don't want to put Commander Polina (phonetic) up here and put him in a position of having to formulate an opinion or something. I used an ex-City of Miami police officer. I thought it was completely appropriate. He's familiar with the signals. He's familiar with the data. We've changed no data.

Mr. Sessions: Okay. Well, let me just go ahead and read this so I can -- I know everybody's tired. Let me make this quick. It'll -- be about three or four minutes and I'm done. There's no argument about the need for safe streets for joggers, for cyclists, for children going to school. We all agree with that. At our last council meeting, as a result of over three months of hearings and input from residents and business owners, the Council did pass a resolution to reestablish the 5 a.m. closing time. As you know, it only affect one bar at this time, and that would be Mr. Moe's. Three a.m., five a.m., twenty-four/seven, whatever the standard, it should apply to everyone in the city, not a retroactive spot zoning of four blocks in downtown Coconut Grove. If safety really is the issue here, why not apply the 3 a.m. standard to the entire Grove and the entire city? Do the people who live and play near Monty's, which is right down the street, Flannigan's, which is right down the street, Mary Brickell Village, Wynwood, the Warehouse District, and the Upper Eastside deserve any less safety than the Grove? I don't think so. And they entitled to the same thing that you say that we should have in the Grove. Why is the City focusing all of its resources on shutting the Grove down at 3 a.m. when it allows clubs elsewhere in the City to stay open till 5 a.m.? In the Warehouse District they're allowed to stay open 24/7, which has resulted in the murder of Paula Sadowski (phonetic) six weeks ago and the recent death of bicyclist Kristopher Lecanne. These clubs rank among the top in the nation for arrest, drug incidents, police incidents, and all types of trouble. It simply makes no sense. The City is ignoring this and focusing on Coconut Grove. Let's be honest. You brought the people up here that brought us 3 a.m. The influential landowners in this City have spoken again and they spoke last time. What wasn't said was that the Chamber of Commerce, who represents the majority of businesses in Coconut Grove, not just CocoWalk, who has, by the way, no restaurants or bars -- I'm sorry, not CocoWalk; Mayfair -- so I'm not sure how they're relevant in terms of police reports -- they're the ones who caused this. And you know, when we ask both publicly -- we sent out e-mails, I put it on the blog -- I'm not a big believer in the blog. Tom's doing his own thing. That's it. But I know he gets a lot of people reading it -- we asked for a lot of information

feedback, and we got very little of it. And what we got back frankly supported the 5 a.m. And there were clearly some homeowner groups that did not want it, and I'm not going to say there weren't, but the overall impression we got was that people wanted equity and parity for the businesses in the Grove. The BID, which you chair, never gave us an opinion.

Chair Sarnoff: Sorry?

Mr. Sessions: You never gave us an official vote. I repeatedly asked Dave Collins, who's actually on our board, for that vote, and he told me there was not one. And we never got a vote from you. I don't understand how the Business Improvement District, of all people, would not take a formal vote and give it to everyone here and everyone at the Village.

Chair Sarnoff: I don't know what you consider a formal vote. It took a vote. It was 18-1 -- actually, 23-1, but 3 of those people were not owners. But it took a vote; it was 18-1. As a matter of fact --

Mr. Sessions: How many people are on the BID?

Chair Sarnoff: Eighteen.

Mr. Sessions: Okay. Well, it's interesting --

Chair Sarnoff: Nineteen, excuse me.

Mr. Sessions: -- I never got that vote. I got a -- we had a straw vote. We talked about it. We did this. Why wasn't it possible to do an official vote?

Chair Sarnoff: We took a vote.

Mr. Sessions: Okay. Well, that's not the way it was given to us. But anyway, in my conversations with various high-ranking members of the Miami Police Department, they've never stated that they felt the 3 a.m. closings were an effective tool for public safety. In fact, they stated they're ready to enforce the law whatever the closing times, and were equipped to do it. Everyone agrees. If nightclubs or patrons break the law at any time, 3 or 5, the police should enforce it. I keep hearing about this underage drinking. It's not difficult to enforce. Why isn't it being done?

Chair Sarnoff: It is.

Mr. Sessions: Well, then we should --

Chair Sarnoff: You want to see the arrest records?

Mr. Sessions: -- we shouldn't have a problem then. If it's being enforced, then we shouldn't have a problem. The issue is spot zoning. Let's be honest about it. I'm a developer; I understand the zoning process. You used that process to defeat Mercy Hospital, and you're using the same process here in the Grove.

Chair Sarnoff: Wait. You're saying I used spot zoning to defeat Mercy Hospital?

Mr. Sessions: That's one of the arguments you used.

Chair Sarnoff: Are you suggesting that somehow I did something inappropriate --

Mr. Sessions: No. I'm not suggesting it's inappropriate --

Chair Sarnoff: -- for Mercy Hospital?

Mr. Sessions: -- or not. I'm saying that you said that allowing that building to go up in the Grove in Mercy Hospital was spot zoning, and --

Chair Sarnoff: You know, I never made that statement ever, and you could check the record. What I said was it was out of context with the community.

Mr. Sessions: Okay.

Chair Sarnoff: And by the way, your Village Council, not -- your predecessor, voted for it.

Mr. Sessions: I understand that. Okay. In any case, what we do all agree on is that whether it's 3 o'clock or 5 o'clock, that it should be across the city, certainly across your district, and it should be across the city. What we're saying is if you're going to make this your campaign -- and I see that you have, and I applaud you for it, because we all want safety -- then it shouldn't be directed at the Grove. The Grove should be put on a level playing field until you make a decision. If you decide tonight with your fellow Commissioners to study this issue further, appoint a committee, whatever you were going to do, that's great. But if that's going to take a year, it's not fair. It's simply a matter of parity and fairness to the businesses in the Grove. And if you're going to change it back to 3 o'clock, it certainly not anything that I personally or I don't think the Village Council is going to oppose. And I can tell you, Mr. Moe's just got up here and said that he wouldn't oppose it either. We're fine with 3 o'clock. The main issue that the Council had, frankly, was an issue of allowing the businesses in the Grove to compete on a level playing field with a lot of new businesses. The businesses that are beating us up right now didn't even exist five years ago. South Miami didn't exist as a real destination. Mary Brickell Village didn't exist. Upper Eastside really is just coming into its own. So it's a different ballgame, and we need to be on a level playing field. But I will tell you that the Grove stands ready to match any closing time and whether it's 2, 3, or 5 that the rest of the City has, but we don't feel the Grove should be singled out, a four-block area, when businesses that are five blocks away, like Flannigan's and Monty's, are not under the same thing. I don't know how you can argue that this is for safety when you allow -- you don't care about the people on Bird Road or on South Bayshore Drive, where Monty's is and where Jimmy's is. So we're asking for parity. We're asking for fairness. We're not pushing 5 o'clock. It's 5 o'clock -- we're pushing a fair, equal playing field.

Chair Sarnoff: Thank you.

Mr. Sessions: Thank you for your time.

Applause.

Liliana Dones: Hi. I'm Liliana Dones, and I am the protagonist of the slide that Commissioner Sarnoff showed first in the presentation. I'm a resident of Coconut Grove. I live in downtown Coconut Grove at 2901 South Bayshore Drive, Yacht Harbor. I am also the past president of the Coconut Grove Chamber of Commerce. I have also served on the Village Council and served on any number of committees that are for the good of the Grove. I don't think there's anyone in this room or earlier -- I see somehow people have left -- that aren't here tonight because they care about where they live, because they care about the prosperity of this community. I know Commissioner Sarnoff as a person, such as myself, that believe and care about our community. And several years ago when there were incidents in Coconut Grove that were rampant, there was a particular club that was going to open on Florida Avenue. At that time I was asked to write a letter, and I gladly did, and that is the letter you saw up there. That was not the only letter I wrote. I actually wrote on the blog. I actually spoke from this very dais about it in my capacity

as Village Council member, and I mentioned something then, which ironically enough, I mentioned about 45 minutes ago to the person who is also a co-owner of CocoWalk, who's not here anymore, and that is about Toronto. Toronto indeed closes -- or at least it did when I lived there -- at 1 o'clock in the morning. Last call was 12:45. And after that you could go, if you wanted to drink, to an after-hours club that was licensed specifically for that. The beauty of that is that it allows everyone the same playing field. All of Toronto shuts down their liquor serving at 12:45. Last call is called and people are out. They actually close the bars at 1 o'clock. You have to leave the bar. But then you can go to a warehouse-type area where you can dance and drink and stay out all night. And that got me to thinking. Because a number of people came to me having -- I was still -- I had just finished being president of the Chamber, and a number of businesses came to me and said we're hurting, and you know, the Grove is just doing much, much badly than it was at the time when Club Vision and -- actually, it was the same owner who had several of these clubs that a lot of these incidents that are being discussed tonight happened. I don't think any of these incidents ever happened at Moe's. And as a result, I said well, you know, the thing here that's fair is to have the same a.m., and that's where I came up with the slogan and I decided to take an electronic petition, which I present to you now. There's 242 signatures. They've pretty much just been going on. A lot of the restaurants and businesses asked for that logo, and so I went ahead and I gave it to them. In fact, copies were made, and I don't know, other people gave them to other people and so they put them up. But the message there is clear. It doesn't say 3 a.m. It doesn't say 5 a.m. It's the same a.m. And that is really what this should be about. This should be about having the same playing field for everyone. Make Miami be everything. I mean, there's a lot of discussion here about drunk driving. Nobody likes a drunk and nobody likes one behind the wheel. But you know, Coconut Grove is known for its events, its outdoor events that take place during the day. I have been a committee member in a lot of these events. I've been chair of some of these events. And one of the things we always do is we scramble to get a liquor sponsor because they have money. We then serve liquor, beer and rum punch and whatnot from like 11 a.m. in the morning until 6 o'clock at night. And you know what happens? These people get on their cars, a lot of times with children, and they drive home. So the message here really is we need to examine the drinking and driving thing, not how late we serve alcohol, but just how we can deal with it and really get a grip on it. And it's not just alcohol, by the way. It's also texting. I mean, I don't know if you know, but when I was out campaigning for Marc and standing out there with that sign in the middle of McFarlane, I was horrified at how many people came barreling around Main Avenue onto McFarlane while texting. It was really creepy. And that is -- those are the things we should be looking at and finding ways to make the Grove be a better place and not fight like we have been. We've all been pitted against each other when, in reality, we're all here for the same thing, because we love our homes and we want our community to prosper. So please, do this for Coconut Grove. Make it be an even playing field. Thank you.

Chair Sarnoff: Liliana, are you representing any Grove bars or restaurants or --?

Ms. Dones: At all.

Chair Sarnoff: Not at all?

Ms. Dones: Not here. Not for me.

Chair Sarnoff: And you haven't --

Ms. Dones: I mean, I'm -- I do -- I'm a marketing person.

Chair Sarnoff: Right.

Ms. Dones: I do graphics; I do graphics for restaurants, for hotels. I do graphics for jewelers. I do graphics for any number of people.

Chair Sarnoff: But any of the Grove restaurants or bars?

Ms. Dones: No. Ironically enough, the one restaurant that I belong to doesn't even have one of these signs --

Chair Sarnoff: Okay.

Ms. Dones: -- and nor has the subject even been discussed with them.

Chair Sarnoff: Okay. Thank you.

Ms. Dones: Thank you.

Michelle Niemeyer: My name's Michelle Niemeyer. I live at 3400 Pan American Drive. I'm a long-term Grove resident. I guess not as long as some people like Heather, who's behind me and is fifth generation or fourth generation. But I've been here 12 years. I started out living on an apart -- in an apartment on Virginia Street, about a block and a half behind Co -- by CocoWalk. I moved around the corner to Day Avenue, right around the corner from Virginia Street, and for the last year and a half I've been at Dinner Key Marina. So I've had a lot of experience with living in Coconut Grove and living in the neighborhood that is particularly affected by this. I'm also a runner, and I have a lot of experience running 5:30, 6 o'clock in the morning both through the Center Grove Business District to get to the waterfront and along the waterfront in the areas where we're talking about safety for bikers and runners. So I wanted to make sure to point those things out, because I've got years of experience from this perspective and I feel like it's -- it is relevant. I'm very strongly in favor of 5 a.m. closings in the Grove. And I say 5 a.m. closings in the Grove for the reasons that Patrick brought up. It's a parity issue. Nobody expected when this law was passed that the businesses in the Grove would suffer because of it. A lot of us, myself included, paid an enormous premium to own homes in the Center Grove so that we could live close, to where we could walk to go out; we could go to restaurants; we could go to bars; at the time when I moved here, we could go to Dan Marino's Sports Bar, we could go to dance clubs, and we could stay out late if we wanted or not, and we could walk. We didn't have to drive. Since this 5 a.m. closing law has passed, the dance clubs have all gone out of business. We don't have those in the Grove anymore. Mr. Moe's is the only survivor of that situation, and Mr. Moe's is barely hanging on. Mr. Moe's used to be the place of choice for the service industry employees to go after work and eat. A lot of their business after 3 a.m. was food sales for people who worked as servers and as busboys and as bartenders at other places that closed at 3 a.m. Those people all go to Flannigan's now. Six blocks away it's legal for them to serve until 5 a.m. And Flannigan's business has increased probably fourfold or fivefold because of that while Mr. Moe's has lost about 40 percent of its sales. I got very interested in trying to do something about changing this law. And for those of you who aren't aware, I was the Village Council member who proposed initially in a subcommittee that we examine this and ultimately made the motion to ask you to make this change for us. And the reason I did that particularly was the owner of GreenStreet brought up at a merchant's meeting or at a business residents subcommittee meeting of Coconut Grove Village Council that his business had been very badly hurt by the 5 a.m. rule. Now he never had a 5 a.m. license. He has a restaurant and bar. He has a lot of people coming for brunch in the mornings. He has a lot of people really all times of the day, but he's not a 5 a.m. business. He's not a nightclub. A lot of his customers stopped coming because if they're going to drive someplace and they're going to park and go barhopping or go have dinner and then go out dancing afterwards, they'll drive to the place they're going to go, they'll park their car, and they'll stay there, and they stopped going to GreenStreet because of it. And he had people tell him that. That really made me think and I think it really, you know -- I started asking other people in business in Coconut Grove and they were similarly affected by this. I do believe there's a very strong need for enforcement. I always thought that was the case from the beginning. There were -- we've heard about some deaths. I think it's a tragedy what

happened to that woman who was over there with her daughter being killed, and I read the transcript of the information from the first time this was before the Commission. You know, the fact is her daughter was 16 years old. She was being served alcohol at Visions, which was one of the -- really the bar that close -- that caused this problem. Her daughter was being driven by an underage drinker when they left the place. And the fact of the matter is that if Visions had done its job, if CocoWalk had done its job in having proper security, and if the City of Miami police were doing their job, there shouldn't have been a 16 year old drinking at Visions at 2 o'clock, 3 o'clock in the morning to get in a car drunk with another underage drinker. It's a tragedy. It's a very sad situation, but it really didn't have much to do with the time of the closing of the bar. It had to do with enforcement of the liquor laws and enforcement of the age of the drinkers that were being served at that establishment. Now on the safety issue, as a runner who runs early in the morning, I will tell you that as a woman who runs alone early in the morning, I felt safer when there were bars open till 5 a.m. than I did when the bars closed at 3 a.m. because there's nobody on the street. And when the bars were open till 5 a.m. and I ran down Virginia Street to the Center Grove and down McFarlane, there were busboys walking toward the Metrorail; there were people who worked in those places on the streets at those hours and people who were leaving on the streets; and frankly, most of them were not obnoxious, scary, mean drunks who were going to hurt me. They were people on the street. They were eyes on the street. And people on the street in an area where it's dark are a safety factor. When you're alone on the street in the dark, there's nobody there if something happens. So truly, I felt much safer when the bars were open till 5. The bottom line on bike safety and running safety is that sidewalks plus bike lanes equal safety. We don't have sidewalks in a lot of places in the Grove. We don't have bike lanes in a lot of places in the Grove. Rickenbacker Causeway, frankly, I think should be the cause of an enormous, enormous lawsuit against Miami-Dade County because of the fact that they've never addressed the fact that they have a terrible, terrible situation there involving bikers and automobiles, and if you add to the mix somebody who's out-of-his-mind drunk leaving a club at 8:30 in the morning that could cause what happened a couple weeks ago. The fact of the matter is we need to address the issues that have to do with infrastructure and we have to address enforcement issues. From the business perspective, Coconut Grove is dying and it needs to be given parity with the other parts of the City. If there's going to be a rollback to 3 a.m. or to 2 a.m. or to whatever it's going to be, it needs to be a countywide rollback. Because even if it's a citywide limitation, the limitation on the City's businesses will put the City's businesses in the type of anticompetitive stature that Coconut Grove businesses are in right now. It would help, but the fact is that if you want to get in your car and leave the Grove and drive to South Miami, that's not in the City of Miami and it won't be -- it won't help. One of the impacts that I've seen as far as protecting us from drunk driving is that it doesn't, because people who are going to drive to go out and go to a club and go dancing are getting in their cars in the Grove driving to other parts of the City --

Chair Sarnoff: Michelle, you need to wrap it up.

Ms. Niemeyer: -- and then driving back.

Chair Sarnoff: You need to wrap up.

Ms. Niemeyer: That was my final point was that this isn't protecting anyone from anything, but it is hurting the businesses in the Grove --

Chair Sarnoff: Thank you.

Ms. Niemeyer: -- and we'd like to see some parity.

Chair Sarnoff: Thank you.

Ms. Niemeyer: Thank you.

Chair Sarnoff: Yes, sir.

Applause.

Ricardo Metral: Good evening. My name's Ricardo Metral. I am the owner of South Florida Parking Association, the operator at Sonesta parking garage, formerly known as the dungeon, what everybody like to call it. Anyway, as a business owner, I would like nothing better than to see the Coconut Grove business flourish and come to some kind of just peaceful resolution in all this. In the prior years, the Coconut Grove did not have much competition for its patrons. You either went to the Gables, South Beach, or the Grove. Today we have a great deal of new places to go, downtown, Brickell, Midtown, Sunset Place, among other places. We are now competing with these areas for the same number of people. I have watched eight months go by, and as a group -- and when I say a group, I mean business owners -- we have not taken any measures or any real measures to compete with these areas. Combining that with the fact that we're in a recession and you arrive at where we are today, closed businesses, closed restaurants and nightclubs. I wrote to you, Mr. Sarnoff, an e-mail on perception, because of instead of working together on the real issue, we have now started to point fingers and play the blame game. The fact of the matter is the people who think that changing the hours from 3 to 5 is somehow going to save Coconut Grove are extremely setting high expectations. I operate parking facilities on South Beach, downtown, and just recently the Miami Music Festival in Brickell. By 3 a.m. these places are nearly empty. I mean, I encourage anyone to go out there tonight with me at 4 o'clock in the morning, have a drink at any of these places, and see how empty they really are. The issues not for us as a parking operators after 3 a.m. dramatically increased. People start getting into fights, they start destroying properties, and it becomes really, really difficult to deal with individuals. I can speak on this because I'm out there all the time. I'm out there every weekend on the parking lots doing my runs. Now one thing -- I'd like to leave this on a positive note -- that gave me great hope is on December 23, day before [sic] Christmas, I was out in Coconut Grove, and it was live, there were people, the bars were jam-packed, and everybody was having a good time. So people were still coming and loving the Grove. The problem I see is, as the community and business owners, we need to give them a reason to come more often. That's the real issue. If we don't, we're definitely going to lose them for good. And that's not, you know, what we're here for. Thank you very much.

Chair Sarnoff: Thank you, Mr. Metral.

Applause.

Anthony Noboa: Good evening, Commissioners. Thank you for taking the time of all this and -- this very important issue. I'm here -- and my name is Anthony Noboa, president of the Coconut Grove Chamber of Commerce. We did a e-mail poll to our membership. I wanted to find out exactly what the members opinionated on this subject, and I'm going to read it, and I know we're pressed for time. Coconut Grove Chamber of Commerce board of directors decided to poll our membership by way of e-mail to find out how they feel about this important matter. Our goal in polling our membership is to communicate their opinions to the City of Miami, Village Council, and all other entities that would be interested in the results. The Chamber members that responded to the poll will remain anonymous and the following are the results. The poll was sent to 213 voting Chamber representatives, 19 of which are individual residential Chamber members. We sent it out twice, on December 5 and December 30. Just to note, there are 156 Chamber members, some with multiple voting representatives. Out of what we sent, 52 representatives responded; 10 representatives, or 19.2, voted for option 1, which option 1 is to leave the revision to that of the City of Miami Code as it is; 42 representatives or -- yes. Correction, 42 representatives, or 80.8 percent, voted for option 2 to reverse the City of Miami Code; 6 out of the 19 individual residential members that voted, 5 representatives were of option 1, which is to leave the revision as it the today, and one was to vote to reverse it.

Chair Sarnoff: How many -- you have -- I take it then that Chamber people that don't live in the Grove?

Mr. Noboa: Chamber membership is primarily the Grove. There are some that could be outside of the Grove, business.

Chair Sarnoff: No, no. That don't live in the Grove.

Mr. Noboa: That don't live in the Grove?

Chair Sarnoff: Can't tell me, right?

Mr. Noboa: It's anonymous.

Chair Sarnoff: Okay.

Mr. Noboa: Yeah.

Chair Sarnoff: Okay. Thanks.

Mr. Noboa: Okay. Thank you.

Guillermo Vega: Distinguished Commissioners, Commissioner Sarnoff. My name is Guillermo Vega. I am with the Coconut Grove Chamber of Commerce, but I speak in behalf of myself. Been a resident of this City for 41 years, and I've worked out of Coconut Grove for the last eight and a half to nine years. The one thing that I've seen that this situation do is make this community more polarized than ever. What I was going to say has already been said on both sides. I am against the 3 a.m. ruling, and I am for parity. I believe that if South Miami enjoys 5 a.m. and downtown enjoys 5 a.m., so should Coconut Grove. But I also believe that 3 o'clock should be an option that we should look across-the-board. I think that it behooves the leadership of this chamber, of this Commission, you as the chairperson, to find a way to bridge the divisions or divisiveness between the two groups. I've seen people calling each other, calling out their businesses, things said about John El-Masry, which are absolutely untrue. He even runs a very fine establishment, and I enjoy his food, and it's just the place to go. It's a great place to be. But I'm seeing the community divided, and I shudder to think is it because of -- is it for political gain? I -- I'm sure it's not. You're a fine person and this is a fine Commission. I think we have to find a way to put politics aside, which I know is difficult in this day and age, and find a way to speak to the community and see what the community and its merchants and its businesses need in order to thrive and be competitive. You asked the question a minute ago of Tony Noboa, the president of -- are all the people on the Chamber -- Chamber members, are they all residents? I will say right now that I am not a resident. I'm a patron and I work here. But then the question begs is the Commissioner that doesn't live in South Miami one who'll say, well, I'll just keep this into a four-block region versus looking at making it parity with South Miami or downtown? I think that's an unfair question, because it would call your character into question, which I'm not doing. I think that it's important that we look across the board and find a way to create a true Commission that's going to speak to everyone in this community.

Chair Sarnoff: Thank you, Mr. Vega.

Mr. Vega: Thank you.

Christian Carroll: Good evening. My name is Christian Carroll. I live at 3000 Bird Avenue. I'm the proud, single father of this young man right here. I hope he hasn't bothered anybody. I'm just here to bring up my perspective on this. I've lived in Coconut Grove since the University of Miami in 1997, and I've had the pleasure of working at three different establishments here.

And I just want to let you guys know that your decision to repeal this law cost me my job, and it cost a lot of people their jobs. John is a very passionate guy. He invested a lot of money into this town, and he's not just passionate because he's lost thousands of dollars; he's had to look in people like myself's [sic] eyes, who's worked for him for 15 years, and tell him that he can no longer provide me full-time employment, he can no longer provide me full-time health insurance. Why? Not because we're not good enough, but because we're down 40 percent because of this decision. I've now had to take a job as a barback. I'm a 35-year-old man. I've also had to take a job cleaning floors at the Tavern in the morning just so I could support him, and I -- in the hours of doing that, it's -- I don't know if any of you have children, but it's impossible not to sit there and question and evaluate how did I get here? Did I do something wrong? And the answer is no, because I -- there are people that also work with me at the Tavern who are managers at Flannigan's. It's literally closer to your house than Mr. Moe's is. And I have to sit there and ask myself why do I -- why is this happening just at Mr. Moe's? Why -- we're really only talking about one bar because all the other places have gone out of business. And you're also talking about families and people who have also lost their job at Visions and all these different nightclubs for none other reason than a group of people just decided that it's not right. I mean, when John and I purchased and went in to do Mr. Moe's, it was on the caveat that we could stay open till 5 o'clock. And because we were able to stay open till 5 o'clock, he was able to offer his managers health care and things that we desperately need in these economic times. I mean, I went from being completely secure with where I was. I'd become a co-general manager of Mr. Moe's at 33 years old, and I went from that to now literally sweeping floors and literally wondering where I'm going to be able to provide for my son. And it's not just me, guys. It's -- you know, just in the last six months, you know, John's had to look at at least 15 different employees: Jim Stewart, Anastasia, Martinez, Kim Wiggins, Joe Struff (phonetic), George Calvo. These are all personal friends of mine, and not just them. The bartenders have lost income. It's not just about managers losing their jobs. It's also about the 30 bartenders that we employ, the 30 servers that we employ that came to Mr. Moe's because they made the extra hundred dollars a night from all the service industry people came in. So I just wanted to bring that up, guys. I -- you know, I think it should be parity, and I think we should have a plain -- same playing field. Because I asked myself why am I in the situation that I'm in when the people at Flannigan's are not in that same situation? Thank you.

Chair Sarnoff: Thank you.

Applause.

Thomas Marrazza: Good evening, Commissioners. I live at 1040 Biscayne Boulevard. My name is Thomas Marrazza, and I live in the so-called warehouse neighborhood. I could tell you from my experience, I see the clubs that are opened 24 hours use huge amounts of police resources. I see the sirens off of my terrace constantly all Friday and Saturday evening. I couldn't have made a better presentation than you did this evening on why these clubs should not be opened past 3 o'clock in the morning. The other huge quality of life issue that I have is that every Friday and Saturday night I need to call the police department, which I don't like to do. I don't like to use those resources, but nobody is enforcing the noise ordinance that is currently in place.

Applause.

Mr. Marrazza: Noise is not supposed to travel more than 100 feet. I live more than 1,000 feet away. I have impact glass and the bass is coming into my apartment. So unfortunately, every Friday and Saturday night I need to call the police to have them turn the music down. The music is turned down maybe, maybe for 15 minutes. It goes back up again. And this goes on until 3 o'clock in the afternoon the following day. I ask you please to give the same quality of life to my neighborhood that you want for your neighborhood.

Applause.

Chair Sarnoff: You live at Ten Museum?

Mr. Marrazza: Yeah, at Ten Museum Park.

Chair Sarnoff: Ten Museum?

Mr. Marrazza: Yes.

Chair Sarnoff: And that's probably Nocturnal --

Mr. Marrazza: Nocturnal and Club Space.

Chair Sarnoff: Okay.

Mr. Marrazza: Thank you very much.

Applause.

Joyce Landry: Hello.

Chair Sarnoff: I'm sorry.

Ms. Landry: It's okay. My name is Joyce Landry, and I am a 20-year resident of Coconut Grove. And I have to say that I feel the pain of the businesses, and I feel the pain of the businesses because I'm a business owner. And I employ with three businesses over 100 people in the Miami area. And I have equally as many hard-luck stories of a lot of my employees who have had difficulties, who we've had to let go, who we had to put on notice, stop their salaries, stop their bonuses last year. We have all worked really hard. But I figured because I'm an entrepreneur, I took that responsibility. That is mine and mine alone to bear. And what we've done is we've come up with creative ways to look for ways to increase movement through our business to increase our revenues. No one asked anybody to be a bar owner. No one asked anybody to be a restaurant owner. Glad that they are. But you know what? I'm responsible for my successful business; nobody else. And I cannot point fingers at anybody else when the economy goes down. One of my businesses is 27 years old, and we've weathered three recessions, September 11, Hurricane Andrew. You name it, we've weathered it, and we've done it because we worked hard. And we started looking at the community to see how we could work together when things got tough. Now, if you look around the Grove, what is it that might not be working with these businesses? Why can't we get together and try to do a charrette, try to figure it out. Look at what can we do to increase business through our area. Some businesses are doing very well. The last time I went to George's, it was packed; you couldn't get into the restaurant; Foccacia, a lovely little restaurant, is always full. You know, if Mr. Moe's or others, you know, aren't doing the right -- maybe it's a different formula. Maybe they need to change the way they do their business. I had to. We all have to. But the one thing I want to say is that I feel the people have already spoken. The residents of Coconut Grove already voiced our opinion. We already fought this battle. I stood here two years ago and spoke to the Commission and I asked how many more people have to die at the corner of Main Highway and Douglas Road before we took a stand against the all-night clubs. And you responded. And I thank you. I'm hugely disappointed in the Village Council to put this back on the table when they know how unpopular this is with the people who live in the Grove. They are not representing me. And as a taxpayer, I will remember that during the next election. What this is all about is pure and simply money and at what expense? It's to make more money between 3 and 5 a.m. at the expense of everybody who lives in our community. And there is a difference between a community that is a village and a community that's in an urban area, and I agree with you on that, Marc, because in

Coconut Grove you cannot get to US 1 and a main artery without going through residential areas. You can do that in South Miami; it's commercial. You can do that in the Warehouse District. One of the clubs is right on US 1, the strip club in South Miami. Coconut Grove is a village. We have neighborhoods. And we all remember what it was like when we had the 5 a.m. closings. Screeching tires, speeding cars, yelling at all hours, police sirens, brawls, accidents, lethal car crashes. I, for one, work really, really hard and I want to come home and have a place that's quieter. And I live off of Douglas Road and there has been a remarkable difference in the last two years. It used to be a speedway. I don't come out in the morning anymore and face ambulances, police trucks, and wonder who got killed at the corner. And yes, I believe in parity. I think we should have that. I do believe in that. And if there's a way for the whole of Miami to roll everything back and have everything close at 2 o'clock in the morning -- I think 3 is ridiculous. You think 5 is ridiculous. I think 3 is ridiculous being -- drinking that late at night. It's fraught with problems. So in closing, I want to say this is not good for the residents or for our quality of life and safety. It's only good for certain people who can make money, additional liquor sales, people who may not even live in the Grove. I don't know. But I'd like to ask them if they do. We're asking the Commission to have a clearer head than the Village Council had and vote no rolling back the bar hours. Thank you.

Chair Sarnoff: Thank you.

Applause.

Andrew Leeds: Good evening, Commissioners. My name is Andrew Leeds, and I'm both a property owner in Coconut Grove as well as an avid cyclist. I choose to -- I chose to open my first business here. I met my wife here, and I even got married in the Grove many years ago. The decision made by the Commission to roll back the hours of operation of bars in Center Grove has been devastating. You have unfairly singled out an area and the chilling effect on the Grove has been quite dramatic. I do not think that that was your intent to put our area at a significant disadvantage over the other districts that we compete with. Ultimately, that has been the outcome. The crowds of patrons that once flocked to the Grove are now gone to South Miami and Brickell. As a cyclist, I made a decision to stay off the roads in Miami. I choose not to risk my life on the streets where bike lanes are intermittent at best, where drivers are preoccupied, and police enforcement of traffic laws is spotty. Placing the blame on Coconut Grove bars has done nothing to solve the problem citywide. Chairman Sarnoff, I'm asking you to reconsider your position. I realize that any politician who feels so strongly about an issue must have good reason for doing so. I do not feel that you have any desire to change your stance even if it is contrary to the will of the people. So I ask you tonight if you won't allow the Grove to revert back to the 5 a.m. hour, then make the whole town 3 a.m. I own a property that was a bar and has since shut its doors since the 5 a.m. license was revoked. As I shopped for a new operator, I must try to overcome the disparity and hours of operation which have scared off most real suitors. The answer to me is that they can open in South Miami or Brickell and avoid exposing themselves to this issue. You're shaking your head. Do you -- would you like --?

Chair Sarnoff: Okay. There are five establishments in South Miami that are open that late. One of them is a strip club.

Mr. Leeds: Okay. But what I'm saying is --

Chair Sarnoff: So all the people that come to you are looking to open up in South Miami?

Mr. Leeds: They would choose to open a bar outside of the Grove because of the fact that we are the only area that is 3 a.m.

Chair Sarnoff: Okay.

Mr. Leeds: I'm not saying I'm in favor of 5 a.m. I'm saying I'm opposed to it only being in Center Grove.

Chair Sarnoff: Understood.

Mr. Leeds: I am positively in favor of a citywide ordinance for 3 a.m., not 5 a.m.

Chair Sarnoff: I appreciate that.

Mr. Leeds: Okay. Or I can abandon the idea of having a bar and I can accept my next best offer, which is from a drug rehab facility. I have struggled with this building prior to it being a bar and maybe it is just time for me to give up and sell it to somebody new. You see, Commissioner Sarnoff, sometimes the unintended effect of restricting the use of a property can lead to an even un -- more undesirable alternative. So Chairman Sarnoff, I put it to you. Can you accept that your decision has led to unintended consequences to our community and that you need to rethink that you have done or will you stand on principle and watch the Grove wither away?

Chair Sarnoff: Well, I'm sure the SD-2 does not allow for a drug rehab facility.

Mr. Leeds: It's a medical facility. We have them throughout the Grove, don't we?

Chair Sarnoff: No. You don't have that kind, but that's neither here nor there.

Mr. Leeds: Okay. Well, that's -- believe me, I don't want to go that route. What I'm --

Chair Sarnoff: You know what? It's the same argument that people made with the Home Depot and then they made with --

Mr. Leeds: I'm merely trying to say make it countywide.

Chair Sarnoff: I understand what you're saying. It's just -- for me it's never been wise to threaten me with a 30- or 60-story building, so instead you get a 28-story building.

Mr. Leeds: I'm not threatening you. I'm telling you --

Chair Sarnoff: I know.

Mr. Leeds: -- what I have in front of me right now.

Chair Sarnoff: I got you. Mr. Leeds, I met you and your father. I've spent time with you. Enough.

Mr. Leeds: As a matter of fact, I think we're even second cousins. If you want to get into that later, I'm happy to. You laugh. It's true. We can discuss it later.

Chair Sarnoff: I was never good at my ancestry.

Mr. Leeds: I understand.

David Collins: Mr. Mayor, I'm honored, Commissioners, again. Thank you for hearing this long conversation. The conversation has been going on much longer, even than this evening, and I think that our primary job in the Grove, not so much your job at this point, is going to be to rebuild the relationships which have been somewhat damaged here. I think the suggestion that 3 a.m. drinking has somehow damaged in a serious way Coconut Grove is a straw horse, a false

assertion. It certainly has damaged Mr. Moe's. There's no question of that. So that if you want to decide on the basis of one institution, Mr. Moe's, how the entire Coconut Grove should be viewed, that's your decision, not one that I would make. In terms of -- I'm sorry. David Collins, executive director, Coconut Grove Business Improvement District, not a simple job right now. The quiet streets and quiet cash registers in Coconut Grove are due primarily to two reasons, and they are not 5 a.m. drinking or 3 a.m. drinking. We have a Playhouse which has been closed for more than four years, which was a constant stream. They didn't, in the last years, get huge attendance, but it was a constant stream. And if you walk down the road literally, Main Highway, from the Playhouse, you will see as you go along the places that were closed in terms of the weeks and months that the Playhouse was closed. And I'm talking about the Tuscany and Señor Frogs and the little place that was there trying to serve other food for what seemed like three weeks. That's the primary reason, because Commodore Plaza lost that feeder core of customers. Recently, in September, much more dramatically than the Playhouse even, with the closure of the theaters at CocoWalk so that a new tenant could build out, we lost -- and it's important to focus on this because the Herald misquoted me. I seem to be misquoted a lot -- we lost 40,000 people a month in the core, in the very epicenter of Coconut Grove. That's not what hurt Mr. Moe's business, but if you look at the sidewalks, that's what hurt the Grove. At this point, with the final permit, I think coming to play soon, the movie theaters will be reopened some time this spring. When merchants look around and say how in the hell is all this happening, why is it so quiet, they have to find a reason, because only a log would sit there and not look for the reason why you don't have customers. Merchants always look for reasons. Unfortunately, with the exception of Mr. Moe's, the reasons that -- as Commissioner Sarnoff pointed out, the reason that a shoe store or a jewelry store has closed has not been because people buy jewelry at 5 a.m. Our problems are the movies, the Playhouse. The movies are coming back, and with your help, the Playhouse will come back, because we're reaching a point where the City of Miami has finally got to stand up and say we want the Coconut Grove Playhouse reopened. We understand that the State said it would take it back if it didn't present theater for "X" months. It's been dark for four years. Somebody's got to have the integrity to say to the current board, you have failed. You've moved forward. And yes, County, we thank you for the \$20 million, but Coconut Grove is suffering. So let's reopen the Playhouse. The movies are coming back. I'm not sure the actual vote of the Village Council was reported. There are nine members of the Village Council. It was 5-2. I was one of the negative votes. The only merchant sitting on that body, the only merchant, Felice Dubin, abstained. Thank you for your ears again.

Chair Sarnoff: Thank you.

Applause.

Scott Silverman: Scott Silverman, member of the Coconut Grove Business Improvement District. I've been a long-time property owner in Coconut Grove. And the BID is -- and a number of other organizations here between the community organizations, the Village Council, a lot of organizations that have the Grove at heart, made a major, major investment and is making a major investment. It just was enacted last April or May in trying to improve services in the Grove. Cleanliness. We've employed additional cleaning crews. Police protection. We've employed additional security. There's certain choices that we made, and a major choice and a major commitment was made in establishing the BID. And we have to let those things come to fruition. One of the choices that you make when you decide where you're going to serve liquor is like a zoning choice. Zoning is about choices, too. I would love to have a casino in my backyard. I would love to install slot machines in my living room, yeah. But we make choices, and we say that certain things can happen in certain locations. So if we want to say that Coconut Grove is going to be of a certain character -- and I'm very pleased to hear, even among the restaurant owners, that it seems that we're very much in agreement that 3 a.m. is an appropriate closing time. In fact, some people even saying it should be earlier. I don't really here anybody advocating in favor of a 5 a.m. closing time, other than I think one of the last speakers. So when we make that choice -- and that doesn't necessarily mean -- and I know this

may hurt a few businesses, but I think it probably benefits many more. And sometimes when we look at the choices between the merchants and the other residents -- the other businesses in the Grove, those are the choices that we have to make. If we're going to make that decision, that doesn't necessarily mean that it has to be the same throughout the City, and that may not be a very popular statement, but you may -- look, you don't want the Grove necessarily to be the Warehouse District because it isn't a warehouse district. So when you look at that -- and I appreciate that the other Council members -- the other Commission members are here tonight because I think a lot of the speakers are talking about parity within the City, and I think each area has to be looked at separately to decide what is the character of that area, and I think when I heard Commissioner Sarnoff make the first statement, that's what he was talking about. He was saying we've made certain decisions about the Grove. We're willing to have a discussion and a dialogue about it, which is what we're having, but that we do need to look at those other areas throughout the City. And parity may not be the answer. I think you have to look and decide is the 24-hour district appropriately a 24-hour district? Maybe that's a 5 a.m. Maybe that's a 3 a.m. You've got to decide what's right for each area because every area of the City isn't the same. If every area were the same, you wouldn't -- you people who have decided to live in Coconut Grove -- and I've lived in the Grove in the past and I hope to move back to the Grove soon -- you wouldn't choose to live here if every area were the same. So every area has a different character. Every area has to be looked at differently. There are some intended consequences. There are always some unintended consequences and we all have to live with them, but we've made certain choices, and I think the choices have been made for Coconut Grove at this time is the appropriate decision. Thank you.

Chair Sarnoff: Thank you.

Applause.

Heather Bettner: Good evening. My name is Heather Bettner, and I'm a 51-year resident here of Coconut Grove. I'm a mother of a 26 year old who likes to go out and dance and have a good time. She is a professional person. And I also have a grandson who's two years old, who I do push around in a stroller and go across street crossings throughout the Grove. First of all, there was a very good presentation in the beginning. Very well put together. It did exactly what I think it was meant to, which scared me. Drunk driving is not exclusive to the Grove, neither is underage drinking and neither is vandalism. I think these happen all across our city, probably every week. I think the Grove was probably punished at some point very unfairly by some businesses that were not responsible here in the Grove. Just recently, a couple days ago, I took a walk from Grand Avenue and 32nd Avenue to Main Highway and Fuller Street and I took a photo of 18 businesses that were shuttered, and I'm not talking about storefronts. I'm talking about buildings. When I see that, that's 18 business owners that have lost their dreams; that's 18 landlords that are not collecting rent; that are employees that have lost their jobs, which translate to families that can't pay their bills. It also translates to a Coconut Grove village district which once was vibrant entertainment district that I enjoy. The reason I live in Coconut Grove is so that I can go out and sometimes not leave my ZIP (Zone Improvement Plan) Code. I like to go to restaurants. I like to go out and have a drink. I like to go out and shop. And slowly but slowly I see those opportunities ebbing away. Now I don't think that 5 a.m. is the silver bullet here, but I do think that Coconut Grove needs to be on a level playing field with the rest of the district and the rest of the City of Miami. I think a club like Space should be totally outlawed. Why that is even operating, to me as a legal club, is terrible, but I don't think that reflects well on decisions that are not mine to make, but I don't think that reflects either on our very responsible bar owners that have become our friends here in Coconut Grove. So I look to you, gentlemen, as our elected officials, to govern and to be wise in your decision-making and help us through this recession and help us all become friends again in this community, because I miss my friends. I don't want to dislike my neighbor. And I want us all to work together to make the Grove the beautiful, vibrant village that it once was. Thank you.

Chair Sarnoff: Thank you.

Applause.

Barbara Lange: My name is Barbara Lange, and I handed out a letter that Arva Moore-Parks, the historian, has written. She's sorry that she couldn't be here, and I hope you all read that. Her last comment, I think, is so well taken. Please do not listen to those who seek an ill-conceived, a quick-fix that is not a fix at all, but something that would hurt the Grove's reputation and future as a place that draws people of all ages and respects those who call it home. And I also -- I live in Coconut Grove. I live on 3495 Main Highway. And when I moved there in 1984, across the street from me there was a GreenStreets [sic], but the GreenStreets [sic] was a clothing store and there was -- Señor Frogs was a office store and there was a bicycle shop and there was a little restaurant called Angelo's Café that closed about midnight. And I've certainly seen the Grove change and I certainly liked it the way it was and I've enjoyed what it's become too. I want to tell you -- and I also want to thank Commissioner Sarnoff and all the Commissioners that voted to close down the 5 a.m. drinking, because there were times when my husband and I would go out and walk the dog early in the morning and we'd look at the street on Main Highway and we'd think that, you know, it was a war zone. There were storefront bashed in with the glass all down on -- beer bottles thrown on the street, the urination. There's -- I remember the one time -- one of the times we thought it was a war zone, the -- there's a car, half in, broken windshield, flat tire, somebody's storefront had been smashed in, drunks on the road, and I'd seen -- when the 5 a.m. bars were in existence, I'd see drunks at the Barnacle Park, I'd see people urinating in our front area, and I really thank you and the Commissioners that brought that about, and I hope you all -- the ones here today would keep that for us, the people that live here. Now as far as the 5 a.m., I handed you out a City of Miami incident report, and this I have from my own experience. About 6 a.m. one morning when I was walking out to walk my dog, there was five police cars and a fire and rescue truck and they were all blocking the entrance, and our security guard was standing there and very upset and nervous and she came to me. I said, what's going on? And she said a girl came running down our driveway nude with no shoes on. And this is the incident report. And the -- and she was curled up in our guardhouse. Somebody had given her a -- our guard had given her a jacket. It took five police cars and a fire and rescue to handle this, and I think that's quite a few resources for the police. And if you look on the last page, it says that she went to Señor Frogs. They took her to Mercy Hospital ER (Emergency Room). They expected foul play. And when they asked her -- the white -- I've crossed out her name to protect her -- female said that of all the persons who were with her last night, the use of illegal narcotics tend to get so high that they forget where they are at. Therefore, losing contact with her and leaving her behind. This was such a sad incident, and anybody who has a daughter would feel this was a tragic, tragic moment. And I wonder how many other incidents like this happen. Since the 5 a.m. have been closed, we've -- I have -- I walk with my husband in the morning, and it's -- there aren't a bunch of broken glass to fall over. I haven't seen any cars broken into. And I haven't seen any storefronts knocked down. But anyway, I also did my report -- my homework, and I found all kinds of police reports and incident reports, and one is even where two bouncers followed somebody down the road and beat the heck out them and he ends up in Mercy Hospital. And I don't think the kind of Grove -- at least the kind of Grove I moved into in 1985 is the kind of Grove that has girls running down my driveway nude and look like she was on drugs and bouncers following somebody out of a -- out of their establishment and beating the hell out of them and they ending up in Mercy Hospital. So thank you.

Chair Sarnoff: Thank you.

Applause.

Nina West: Good evening, Commissioners. Thank you for staying so late and thank you for thinking about this and having a large group of people to speak about it. My name is Nina West.

I live at 3690 Avocado Avenue, in Coconut Grove. I lived here in the '60s, and then I was in the restaurant and bar industry in New York City. I owned a restaurant and bar from 1965 until 1986 when my lease was up, and I decided not to continue. I was a very successful restaurateur because in the '70s there were 13 restaurants around me and all of them went out of business except for me. My address was 213 East 38th Street in Murray Hill. I can tell you from personal experience that I don't think anything good happens in a bar after 2 a.m., and I don't know about 3 a.m. I think that's worse. I've been to after-hours places in New York City where it's very expensive to be a member. I think they are worthless, horrible places. And it's just someplace where a drunk can drink some more, and I think that's the same with these 24-hour establishments. But I also think it's very hard when people are in business for themselves and they are not being helped in the terms of what's going on in the community. So I think it would be very good for Coconut Grove to have a business plan to attract more people, but I don't think that staying open late and having a reputation is just a place to booze it up is going to do anything for more jobs, more people, or anything in Coconut Grove. I can also tell you in the bar and restaurant business, I weathered it through the '70s. At that time I used to have many people from the United Nations eating in my restaurant. They opened their own dining room, and I immediately lost 70 percent of my business. But you have to respond to that. And I remained in business, and my business improved. I found a different business model, a different way to run my business. And I think that that can happen here too. And I think people need help. I got outside consultants to help me, and I talked to people who were very successful in the business. And I belonged to the restaurant association, and I think those things are helpful, and I think the community here can help too. But I don't think having a reputation where people can drink late at night -- and I don't approve of it on Bird Avenue either, you know. I just don't think anything good happens for the community, for the people there, anywhere. Thank you.

Chair Sarnoff: Thank you.

Applause.

Ms. Mondschein: I'm Janet Mondschein, again from Mothers Against Drunk Driving. And I appreciate the opportunity to speak with you today. One thing that was not spoken of was that Miami-Dade County's number one in the state of Florida for alcohol-related car crashes, alcohol-related injuries and death. Now that is for the entire state. So we're just talking about a small area, but I believe that we have to start somewhere. MADD is not against drinking. We're for responsible drinking. We are certainly -- we believe in designating a sober driver before you leave your house. We don't condone excessive drinking. And we're not here to point a finger at one community, one bar owner. We simply want to save lives in a neighborhood whose residents have asked us to help. If it were up to me, I would close all the bars at 2 a.m., you know, across-the-board. I think that that would be great. I would hope that everybody would have a police out there with the -- an Intoxilyzer so that people would know whether they were actually sober enough to drink alcohol. I'm the one who gets the phone calls after somebody's been killed. And what I wanted to do is read you a poem because I think it reflects a family, a mother's loss, a person's loss. This is a poem that was written by Keegan Johns' mom. It's not your birthday, although it draws near, nor is it the anniversary of your death; it comes in the fall of the year. It's just another day. Just another day I didn't get to hold you. Just another day I didn't get to tell you how much I love you. Just another day I didn't get to hear your voice or feel your touch. Just another day of wondering what life held for you. Just another day my heart will long for you and just another day that my tears will fall for you. Just another day gone by until I can see you again and just another day that I will miss you more than words can say. So we're here because we care. We're here because we just clearly -- simply and clearly, we want to save lives. And I commend you for this effort. And I hope that this is the first step and that this will have a snowball effect. And that more and more we'll get people to understand that drunk driving is a hundred percent preventable crime. It never has to happen. And maybe we should be able to get somebody so that -- I mean, we need the enforcement, but people need to understand that they need to be accountable for themselves.

Chair Sarnoff: Thank you.

Ms. Mondschein: And with your help. Thank you.

Stephen Murray: Good evening, Commissioners, especially the new ones. I haven't spoken before the Commission before. This is my first time, so we're all new here, except for the Chairman. My name is Stephen Murray. I live at 3051 Elizabeth Street in Coconut Grove, and I also serve on the Coconut Grove Village Council, which I was elected to my first term in November. In addition to that, I'm a student at the University of Miami studying political science, so this is right up my alley, and I also serve on the County Executive Committee for the Democratic Party, as well as the Selective Service Citizens Board, the local board from Miami-Dade County, which is a federal board. In my relatively short time living in Miami -- I'm a New Yorker, like the Chairman -- I've witnessed Coconut Grove change from a place worth being in and worth spending time in a hot spot to something that resembles a bit of a ghost town. And when I chose to leave campus and figure out where to live, I didn't choose Coral Gables; I didn't choose South Miami because at that time South Miami wasn't a fun place to be. I chose Coconut Grove for a specific reason. We have a great nightlife here. We have restaurants. We had a movie theater at the time, and granted, I don't think that, you know, changing bar closing is going to be, like many people have said, the silver bullet. I think there's a lot of factors that go into the problems we're facing, but I do think that this is an important part of the issue. I wanted to address comments -- I forgot your name. Joyce. I wanted to address Joyce's comments about the Village Council as not being representative of residents. When I ran for this position, I made it very clear that I was in support of returning to 5 a.m. closings, and I know that Michelle Niemeyer did, and I'm assuming there was a couple other ones. There was a crowded field of 18 candidates for 9 seats, and even though I took that stance, I was still elected by residents. And so I feel like I'm doing what I set out to do or what I was elected to do, one of the things I was elected to do, so I don't think that that's a completely accurate statement to say that we're not being representative of the residents. So -- and I'd also like to address Nathan's attack on the Coconut Grove Grapevine. I agree with him to some extent on some of the rhetoric that's used and the nature of the comments, but over the weekend, I released a response to the Chairman's statement about the tragedy that occurred on Rickenbacker, and I outlined a few different things. First of all, I wholeheartedly agree with you, Chairman, that the emergency response was unacceptable, and definitely needs to be addressed, but I also take exception to the assertion that this tragedy is somehow linked to Coconut Grove. I never personally attacked you and, you know, I was merely offering another side to, you know, the issue. And you know, Nathan, to think that the attacks are only coming from this side of issue is very naive. Because on Monday morning I woke up to comments that called me --

Chair Sarnoff: Let's -- we're going to wrap this up.

Mr. Murray: All right. Basically, what I wanted to say is that the level of discourse in this entire issue has been pretty abysmal, and I hope that we as a community can find some level of compromise and decide to move forward in a more positive way. I think same a.m. is a very good middle ground because it addresses a lot of the things that, you know, we want to see. And we just want a level playing field. You know, I wish the best of luck to all the new Commissioners and to the Mayor in addressing a lot of the problems that the City's facing.

Chair Sarnoff: Thank you.

Mr. Murray: And thank you.

Applause.

Tucker Gibbs: Good evening, Commissioners. My name is Tucker Gibbs, and I've been living in

Coconut Grove my entire life. I'm not going to tell you how old I am, and I've been active in the Grove for a long time too. And I got to tell you this is like déjà vu all over again. We have been dealing with this issue in Coconut Grove since I first got involved as a civic activist in the late 1970s and it was about noise, it was about drunk driving, it was about vandalism, it was about crime. It's about everything everybody's talked about tonight. And nobody did anything about it until a couple of years ago when you pulled back 5 a.m. And I have to tell you, as a resident of Coconut Grove, it was a good thing. People could argue about their businesses. They can argue about all the rest of this. But this was a good thing for Coconut Grove. And that brings me to what I wanted to talk about tonight. There are about four things. One, tonight all this discussion about the hours of bars in Coconut Grove really does hide the real issue, because the real issue is what is the identity of Coconut Grove's Village Center? What is Coconut Grove going to be? In 1996, when I was the chairman of the Village Council, we, with the help of the City Commission -- I think Mr. Gort -- Commissioner Gort was on the Commission -- gave to the Planning Department \$100,000 to do this study about what to do with Coconut Grove. And in the study -- and yes, it's 1996 -- it talks about the retail area of Coconut Grove, and it says what are we going to do? Decide on ideal characteristics of the retail mix, a continuation of CocoWalk, a return to neighborhood retail. Those were the issues. What is downtown Coconut Grove? Is downtown Coconut Grove going to be a retail destination area, which is what everybody said they wanted, or is downtown Coconut Grove going to be a nightclub district? And that's the concern. That's always been the concern. Back in the late '80s with Sloppy Joes and Zanzibar and all these other restaurants that came into the Grove, the question was what is it going to be? And people in the Grove -- and Barbara Lange was there. Grady Jenkins, you were there. Jim McMaster, who's going to speak. All these people were there saying no. This is not what the residents, the residents who live in Coconut Grove, want. What we want is a retail center that caters to the needs of the people who live in Coconut Grove and the people who live in the City of Miami. You want to go to an entertainment district? Fine. They said in this planning study, you want Coconut Grove to be an entertainment district? What kind of entertainment district do you want it to be? And people talked about a family entertainment district. At the time that's what CocoWalk was about. CocoWalk was about movies. You take your kids to the movies. You go out to dinner. You go home. This wasn't talking about a bunch of -- pardon the expression -- students coming in to be -- for Coconut Grove to be a hot spot. No. This is not what Coconut Grove was supposed to be under the planning study. That's not what the residents wanted. We had cruising. We had all those things that people fought year after year. And here we are again because people want to remake the Grove. Well, if a majority of the people of the Grove want this, then fine. I don't believe a majority of the people who live, who live, who own property in Coconut Grove believe that. First, let's figure out what we want to do with Coconut Grove, then let's deal with the operational issues like hours of operation. Number two, we hear -- we heard a lot tonight about fairness. And I want to say this isn't about fairness for businessmen and women who have made business decisions. I don't want to harp on that because the issue's already come about. But it's about what the residents of Coconut Grove want and need for their community. We don't want drunk drivers. We don't want people urinating and throwing up in our neighbors -- in our yards. We don't want people parking in our neighborhood and fighting when they get out of a bar. We don't want gunshots in our neighborhood. And finally, the idea that was brought up at -- Commissioner Sarnoff, you brought it up -- undertaking an examination of the City's various codes and laws regarding nightclubs, supper clubs, bars, and the rest of it. That's a great idea. It's a great starting off point, because we do need to look at those. You said it yourself, we've got a lot of different laws and they've been around for a long, long time. So why don't we start there. Why don't we start cleaning up the Code, finding out and looking at the different neighborhoods? I don't necessarily buy in that you have to treat every single neighborhood the same, exact way. Every neighborhood has different needs, different desires, and those neighborhoods should be heard, and we shouldn't treat everybody exactly the same because the issues in one neighborhood are not the issues in others. So before we make any changes to this ordinance, let's look at the big picture. The big picture in the Grove is where does the Grove want to be? Where should the Grove be? And the big picture in the City is let's look at our laws see what they do and deal with

them. But for God sake, let's not change it now.

Chair Sarnoff: Thank you.

Applause.

Joan Morris: Wow. He said what I'd like to say or what I was going to say. Joan Morris, 3803 Little Avenue. I bought my first house in Coconut Grove probably before any of you were born, and I'm not going to tell my age either. What Tucker said kind of wraps it up. Marc, people are talking to you as if you -- all you have to do is say well, I want to change the whole County or I want to change the whole City. This has been going on for two years. I was here two years ago. All of us were here two years ago. What it boils down to -- what I think it boils down to is that the Grove residents do not want a 5 a.m. stop serving beer or liquor. We want it to stay at 3. There's even a movement to change it to 2. And that's what it's all about. It's as simple as that.

Chair Sarnoff: Thanks, Joan.

Applause.

Time Ryan: Hokey smoke, what an exciting evening this has been. Tim Ryan. I live at 3333 Rice Street, which is the corner of Rice and Florida, which is right across from the Fountaine, if you've seen it there. And I was here about a year ago. Spoke to you about -- to my issues of concern as a resident of that area and how I'd learned new ways to use the "F" word because of what I heard after -- between -- at 5 o'clock in the morning. But I've learned a couple of additional things since then. I've learned that I've had a 100 percent reduction in shootings. Before I came before the Commission last year, there were two shootings events outside my street. And I got to call and I got to know dispatcher number 11. Number 11 used to answer my calls because I used to call and talk to him about the latest event that was going on. The officers that came and had to deal with that was a lot of fun as well, trying to figure out what to do with the folks that were out there. The screaming and yelling that went on. I saw some positives tonight. You know, I actually agree with Mr. Moe's in that make it the same. Let's make it about 2 a.m. as the rest of the America tends to have that. I didn't think when I moved to Miami that was so unique that we would have to have something extra. As a resident, I don't need any more of the bad language that goes on, I don't need any more of the bottles thrown, I don't need any more of the yelling and screaming that goes on. I certainly don't need anymore gunshots. I don't need any of that type of stuff to go on in my neighborhood, and I'm probably one of the closest folks to all of this. It's time that we make a policy decision. Public policy is what you folks do. It's public policy to make some change for us that's positive. By moving to 3 a.m. it is absolutely a positive direction in public policy. I commend you for that. That needs to be done. It needs to move ahead across the entire city and you know, if it went across the nation, that's probably even better. Somebody has to start it. I thank you, Marc, for what you have done, and I thank you all for last year's vote. I don't think you ought to change it one iota. It was a great vote last year. It's going to be a great vote for the future. Keep it the way it is now or move it back to 2 a.m. Thank you very much.

Chair Sarnoff: Tim, you're in a unique position. Why don't you tell everybody what your job is?

Mr. Ryan: I'm director of Corrections for Miami-Dade County. And work with the police chief and others that are over there.

Chair Sarnoff: You run our -- you run the jail, don't you?

Mr. Ryan: Yes, sir, I sure do. And I don't need to see anymore officers from Coconut Grove, Miami PD (Police Department) coming in there. One of the things that was not mentioned is the cost to the City of the fact of the arrests that come after 5 a.m., that's usually on overtime in some

fashion, at least a couple of hours of overtime just to get through the jail operation. With the City --

Chair Sarnoff: And how long does it take a police officer to effectuate an arrest in your facility?

Mr. Ryan: Well, the arrest may take about 45 minutes. The booking process -- we are hoping to get under an hour, sir -- but it moves anywhere from 45 minutes to 2-plus hours. And at that time in the morning, depending on courts and everything else that's going on, it can extend for extended periods of time, so most of that comes to overtime to the City. If the arrest was to occur at 3 a.m., there's a good chance it'll get done before they go off shift, so you'll be saving money by keeping it just the way it is. I don't need anymore people in custody. We have about 6,000 people in custody right now and one of those individuals is the person that is accused of the death of the three children, Hector Serrano, Esmerelda, and Amber, who were killed last year by a drunk driver driving into the back of them at something like 5 a.m. in the morning. Those types of terrible, terrible incidents do not need to be part of any of our conscience that are out here. This is a future that we don't want it to have, and none of us need that on our conscience. I think what you have done here is set a standard for the rest of the community that is outstanding and you need to keep it. Thank you very much.

Chair Sarnoff: Thank you.

Applause.

James McMaster: Good evening. Jim McMaster, 2940 Southwest 30th Court. Welcome back, Commissioner Gort. As you know, I came down here many years fighting to protect my community and I'm back here again tonight. There's been a lot of talk about treating the whole City the same way. That makes absolutely no sense. The neighbors in the City are very different. For 12 years it's been my job to go to different schools in the City of Miami and give presentations, so I pretty much seen every neighborhood. I'd like to know what Flagami has in common with Little River, Shenandoah, Liberty City, Lemon City, Coconut Grove, Brickell, Hadley Park, Allapattah, downtown, the hospital district, Morningside. I almost left out Little Havana. The fact is these are all very different districts. We have a zoning code that recognizes that we have a river, we have a Latin specialty district in Little Havana. We have a Brickell corridor. We have a village center SD-2, South Bayshore Drive district. So I think that when we're talking about bars and bar hours and closings, different neighborhoods should have different closings. I commend the Commissioner on 3 a.m. I think that that -- as you've heard, we have major problems in Coconut Grove. I live on -- right off of Bird Road, one house off of Bird Road. The noise late at night is really much better. I don't hear the screeching tires, the boom boxes, the motorcycles going by. I don't go out in the morning now. Thirtieth Court is a cut-through off of US 1 to the Village Center. I don't find the beer bottles and all the trash out in the front. There have been some solutions suggested tonight. We need infrastructure. We need Enforcement. We need to educate people. We're talking about alcohol here, and I have no problem with alcohol. The fact is it's part of our culture. It's not going to go away. We tried that and that didn't work. But the fact is -- because I have an alcoholic father; I know about alcohol. I'm not a wild and crazy person, but at the age of 19 in college, I found myself 12 or 12:30 at night, I wasn't near the college, and when I looked out the front of my car, I couldn't see the road, but I could look out the driver's door and see the white line down the road and that's how I got back. About a half an hour later, I was sober enough that I could see through the front window and I noticed that a car appeared to be coming towards me in my lane. And being a wide country road in Virginia, there's enough room on the side to actually pull up off the wide shoulder. And so I pulled off on the wide shoulder about 1 o'clock in the morning and I ended up having someone else pass me doing 60 or 70 miles an hour in my lane. So I think the issue here is we're dealing with a drug, with a substance that is part of our society, there's nothing we can do about it, but we need to control it. You know, this fantasy that just because someone is running a nice bar -- you know, what do you do between 3 and 5 a.m. in the morning? You

know, what's happening between 3 and 5 a.m.? A lot of very bad things. And I think we need to control it. When I first came to the Village Center in the 1970s, I remember standing on the corner of Commodore and Main Highway and I was very surprised to see that across the street the trees and the woods and the single-family homes. The fact is is that our Village Center, if you stand at one end of Commodore Plaza and in front of the Playhouse, what you see across the street are single-family homes and town houses. Right behind the Playhouse, behind Commodore Plaza is Thomas, Charles, Williams Avenue. If you go to the other end of Commodore Plaza and you look towards CVS (Consumer Value Stores), if you look over the parking lot of CVS, you see the single-family homes on Florida Avenue, including Grady Denkins' house. If you look the other way over the Post Office, you see the single-family homes in the 3100 Block of Florida Avenue. We are a residential community. North/South Grove, Center Grove, West Grove. We are overwhelmingly residential. We have a very small slice in the center that is commercial that everyone has to get through to get to these restaurants and bars. There was a Village Council meeting last night and the restaurant bar owners and their supporters repeatedly stated that the residents who bought homes adjacent to the commercial area need to put up with whatever they want to do. The fact is is that -- as Barbara mentioned, when she bought here, GreenStreets [sic] was a clothing store -- we didn't have sidewalk cafés until the mid to late 1980s. I think that's a good example of what could happen here. A lot of people opened up sidewalk cafés. It wasn't quite legal. They didn't have onsite parking for a restaurant, and the City responded because of something prompted a response. And they came up with some good laws. I am urging you tonight to go ahead and look at the City. There are certain neighborhoods that should keep 5 a.m. There are other neighborhoods that shouldn't. And I'd like to sort of end up with what the gentleman just before me talked about. The fact is is that there was a family that had three children and a year ago in South Dade County, they were sitting on US 1. There was no one to watch the kids while the husband took the wife every morning at 6 a.m. to Metrorail, and they had the kids in the backseat, and a drunk rear-ended them on US 1 and killed all the kids. More recently on January 7, this article was in the Herald about the lady downtown who was at the club. They were in a good club. She had a fight with her boyfriend. They threw the boyfriend out. She ended up being killed and thrown in a Dumpster. The same day, in the same Miami Herald, helpful driver thought to have hit two victims. Now, I guess things really are different in the Florida Keys because the two victims were bar-hopping. They were leaving Hog Heaven about 4:30 a.m. Sunday when a man driving a small two-door sports truck -- car struck them. He drove them to the hospital and dumped their bodies off. So I guess they do do things different in the Keys. I would like to thank you, Commissioner. This is a quality of life issue. It's a health safety issue. I would urge you to study the entire city, and I think that there are a lot of other neighborhoods, Allapattah. There are a lot of sections of Allapattah that you have commercial districts that abut into single family. They should not -- 8th Street, Flagler Street, Flagami. We have these long commercial corridors that crisscross our city both north, south and east/west. And we should not allow bars opening at 5 a.m. in these commercial -- in these residential neighborhoods. Thank you.

Chair Sarnoff: Thank you. All right. This is it. Last speaker.

Katherine Komis: And I'm going to be very brief. Most of --

Chair Sarnoff: Well, the Mayor's the last speaker.

Ms. Komis: -- what I plan to say has been said. I just want -- you know, my name is Katherine Komis. I live at 3304 Virginia. I live in the heart of it all. Couple of other neighbors have been up here speaking about that. And the difference since the -- we've reverted back to 3 a.m. has been -- has made the quality of our lives incredibly different and much better. I would like to reiterate that I don't think that the issue of staying open for two extra hours is going to be the economic engine to draw at the Grove, but I do wish that all of this energy and people were this excited about getting the Playhouse back and making sure that that movie theater comes back. Those are our driving forces. And I'm a movie-goer. And during that period of Christmas when I go to lots of movies, I felt bad for every time I went to Sunset and bought a movie ticket, paid to

park, bought a cup of coffee, went to the book store. I spend all my money in the Grove. I consciously work at spending all of my money in the Grove, the cleaners, everything. And it was terrible to have to leave. And I think that -- I wish we could put this kind of energy toward moving the City to do something about the Playhouse. But I thank you for the 3 a.m. It's been a tremendous, tremendous difference in our lives. Thank you.

Chair Sarnoff: Thank you. Mr. Mayor.

Sue McConnell: Can I just do one --

Chair Sarnoff: Sure. Go ahead.

Ms. McConnell: -- real quick? Excuse me. I'm the president of Village of Center Grove. My name is Sue McConnell, 3090 Virginia Street. I'm a member of the Business Improvement District. I'm very proud of that. I'm also a board member of the Chamber of Commerce. And I was one of the people that voted in favor of 3 a.m. I'm proud of that vote. I live on Virginia Street. It's almost the main artery to the Grove. It goes between CocoWalk and Mayfair. We see a lot of traffic that way. As president of the Village of Center Grove, I followed Marc Sarnoff in his position there. He generated a program called Code 33, which is a benefit to people that live or work in Coconut Grove where you get a discount. The whole idea is to keep people eating and shopping in the Grove. I pound the pavement trying to get merchants signed up for this. We've got about 4,000 members. I care about the merchants and I care about the Grove. I don't think a two-hour window is going to make a big difference in Coconut Grove for one or two businesses. Thank you.

Chair Sarnoff: Thank you, Sue.

Applause.

Chair Sarnoff: Mr. Mayor, I know you're going to have the last word.

Mayor Regalado: No. The people have the last word, but --

Applause.

Mayor Regalado: Mr. Chairman, Vice Chair, Commissioner Gort, Commissioner Suarez, residents, merchants. It's been very informative. I could have stay out of this controversy and you know when people ask, well, where's the Mayor? Well, he was very busy because mayors are supposed to be busy, but I sat here all night and I really enjoy the dialogue, the debate, and I was informed. And I believe that out of this night, we can get things done. Number one, I just want to put some things on the record, because I've been hearing that this Commission and the City has been accused of sort of -- we need parity and parity. In the past, recently the City had an operation on different areas of the municipality, Allapattah, Little Havana, Coral Way, Flagami where bars and restaurants were visited by police, and had they not comply with 49 food/51 drinks, the owner, the manager was arrested and that was something that was not apply actually in the Grove or Brickell, even if you have what they call 4 COP (Consumption on Premise), which is beer, wine, and liquor, the City still must enforce the 49/51 ratio. So it's not the Grove has been treated differently than Allapattah and Little Havana and other areas. People have said, well, let's do the City one rule. However, we have in downtown Miami a panhandling ordinance because the Commission and the DDA (Downtown Development Authority) choose to get an area, specific area -- because we've been talking about areas here, specific areas -- and the City Commission choose to take an area and say, well, panhandling is prohibited here because we need this for the merchants and the nightlife of the City. We could have not done it for the whole City. It would have been unconstitutional [sic], but the Commission choose to do that. So there's things that have been done for certain areas,

according to the needs of the residents at that time, and the residents in downtown Miami requested that. And I think that what we need in Coconut Grove is for the City to work as a whole in Coconut Grove to help the Grove in this new normal situation that we have. Number one, we need -- everybody agrees with that -- to work to bring back what has been a signature place, the Playhouse, and we could. We would because it would bring people. The new Muvico, it would bring a lot of people, but we need to do more. We need to bring light to the streets of Coconut Grove, the residential and the commercial. Ms. Denkins just mentioned that two of her lights in her street, Florida, are out for weeks, I think -- three month. And the residents of the Ritz Carlton complained the other day about two lights on 27th Avenue out, and they complain that they cannot walk at night, and it's very dangerous. So we need to focus on that. We need to work with Florida Power & Light and we need to remember what we discussed, to bring -- with the stimulus money maybe bring lighting to the streets, residential, and commercial in Coconut Grove. Light is one of the most important things that we can do to bring people to any area of the City. People feel safe, as Willy probably and the chief will say, when they see light. Then we need to address the parking. The parking situation in the Grove is like in downtown. It's difficult. And if you add the enforcement or the strict enforcement, it's worse. You know, Maria Freed had an idea that she was discussing -- I don't know whatever happened to it -- of getting some kind of decal for residents to be able to park during the day because they have to run errands and all that. You know, you can go to the restaurants. You can even go to the movies. You can -- so we need to address that. We need to get the Parking Authority to facilitate more parking during the night and no towing, no enforcement because people are concern. If your car is towed or if you get a parking violation, you will not come back to that restaurant or that street. That is worst than the 3 and 5 a.m. And then you have the pan handlers. I mean, I have heard the people -- and I -- myself, people sitting in Jaguar and some people panhandling. I mean, it is sad. It is important that we show solidarity with the people in need, but at the same time, that's the same reason that downtown requested the panhandling ordinance because people were accosted on the streets café. So there are many things that we can do to help the Grove as a whole. I have been in communications and marketing all my life, and I can tell you that I don't think that two hours makes a difference for a whole town to collapse, and I just believe that we need to work with every merchant in the Grove and even those who are or would be affected by this issue. So Mr. Chairman, I just wanted to come and say number one, I have heard the residents. I believe that quality of life is important. I believe it's paramount. We want quality of life for each and every one of the areas in the City of Miami. Commissioner Suarez, I fought hard and hard when people complained about a bar that was open for the longest hours and -- on your district -- former district, and we were able to send the police and bring --

Commissioner Suarez: It's still your district, Mayor.

Mayor Regalado: No. But I mean -- I understand. And the quality of life of the people was the paramount concern at that time. And so I understand. I understand totally. And I -- the only thing I can tell you, Mr. Chairman, members of the Commission, I think that we should work to help the Grove, but we should keep the residents in mind first. And we should try through marketing, through parking, through lighting, to exposure to the media, put in the resources that the City have to help bring back the Grove, the work for the possibility of the Playhouse to come back as in the old times, and have a Coconut Grove where everyone can be proud of, not only the merchants, but mainly the residents. Thank you, Mr. Chairman.

Chair Sarnoff: Thank you, Mr. Mayor.

Applause.

Chair Sarnoff: All right. This was a discussion item, and what I have committed to do was to form a committee which is to study our laws, and I will put a downtown operator, a Brickell operator, a police officer, probably a commander, and a citizen/attorney, as well as a citizen on

the committee. I'll disclose who that committee will be in probably about a two weeks' time, and they will provide, based on the commitment of chief of Police to me, the accurate police records so that we can study this issue and come up with a good decision. I don't know that every district gets treated the same because I happen to agree. If you could find a uniquely compressed district with 11 schools around it and a residential community as robust and built up as ours, then that place should equally be at a 3 o'clock closure. But when you go into a district such as Wynwood and you consider you're in a warehouse, I don't see that as being the same as the Grove. And if you really see it as the same, are you really a Grovite? All right. Thank you all very much for coming.

Applause.

Chair Sarnoff: Meeting's in recess.

Mayor Regalado: Motion to adjourn.

Chair Sarnoff: Motion to adjourn? Second?

Vice Chair Carollo: So moved.

Chair Sarnoff: Got a second?

Commissioner Suarez: I second it, I third it. I'm in favor of it.

Chair Sarnoff: Thank you. All in favor, "aye." I'm sorry.

DI.2 10-00100

DISCUSSION ITEM

DISCUSSION ABOUT UPDATING THE CITY OF MIAMI CHARTER AND CODE, CHAPTER 4 ALCOHOLIC BEVERAGES.

10-00100 Email.pdf

10-00100 Chapter 4 Alcoholic Beverages.pdf

SPONSOR:CHAIRMAN SARNOFF

NO ACTION TAKEN

END OF DISCUSSION ITEMS

PART B: PLANNING AND ZONING ITEMS

Chair Sarnoff: (INAUDIBLE) in the meeting. Does anybody in the audience -- does anybody need an interpreter? If you don't need an interpreter, I can save the City of Miami some money. All right, Madam Clerk, you can release your interpreter.

Priscilla A. Thompson (City Clerk): Thank you.

Chair Sarnoff: All right, out of courtesy to Commissioner Dunn, we're going to hear PZ.8 and PZ.9, then we'll come back to your issue. So Mr. -- well, I guess we have to open up the PZ (Planning & Zoning) -- do we have to open up the PZ agenda?

Ms. Thompson: Yes, sir, we do.

Chair Sarnoff: Do I need to recess the other agenda?

Ms. Thompson: No, no, no. It's the same agenda, same meeting. Do you want the City Attorney

to read the PZ order of the day?

Julie O. Bru (City Attorney): On the PZ agenda, all those who are going to be testifying, could you please stand up so the City Clerk can swear you in? You're going to be testifying, if you're going to be giving evidence.

Ms. Thompson: If, as the City Attorney said, you're going to be testifying, I need you to please stand and raise your right hand, anyone testifying on PZ items.

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

Ms. Thompson: Thank you.

PZ.1 09-01019xc RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING A SPECIAL EXCEPTION, REQUIRING CITY COMMISSION APPROVAL, AS LISTED IN ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ARTICLE 4, SECTION 401, UNDER CONDITIONAL PRINCIPAL USES OF "PR" PARKS, RECREATION AND OPEN SPACE (2), TO ALLOW SUPPORTING SOCIAL AND ENTERTAINMENT SERVICES FOR THE **MUSEUM PARK MIAMI** (SUCH AS RESTAURANTS, CAFES AND RETAIL), WITH A TIME LIMITATION OF TWELVE (12) MONTHS IN WHICH A BUILDING PERMIT MUST BE OBTAINED SUBJECT TO CONDITIONS, FOR THE PROPERTY LOCATED AT APPROXIMATELY 1075 BISCAYNE BOULEVARD, MIAMI, FLORIDA.

09-01019xc Analysis.pdf

09-01019xc Zoning Map.pdf

09-01019xc Aerial Map.pdf

09-01019xc Application & Supporting Docs.pdf

09-01019xc Plans.pdf

09-01019xc ZB Reso.pdf

09-01019xc CC Legislation (Version 2).pdf

09-01019xc Exhibit A.pdf

09-01019xc CC 01-28-10 Fact Sheet.pdf

LOCATION: Approximately 1075 Biscayne Boulevard [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommended approval with a condition*.

ZONING BOARD: Recommended approval with a condition* to City Commission on October 19, 2009 by a vote of 6-3.

*See supporting documentation.

PURPOSE: This will allow restaurants, cafes and retail for the proposed **Museum Park Miami**.

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

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

R-10-0036

Chair Sarnoff: All right, let's see, we're going to PZ.1.

Priscilla A. Thompson (City Clerk): You do have your discussion items, Chair. I don't know if you want to take those up.

Chair Sarnoff: Time certain.

Ms. Thompson: Okay.

Chair Sarnoff: PZ.1.

Roberto Lavernia (Chief of Land Development): PZ.1. For the records [sic], Robert Lavernia, with the Planning Department. PZ.1 is a special exception with City Commission approval for the Museum Park of Miami. This is part of the master plan that was approved by this Commission and what is proposed comply 100 percent with what was anticipated in the master plan. It went to the Zoning Board and was recommended approval with conditions, and Planning Department recommend the same thing, which is approval with a condition. The condition is to submit the final plans for illumination of the signage prior to the building permit for review and approval by the Planning Department. Thank you, sir.

Chair Sarnoff: All right. PZ.1, is there a motion? PZ.1.

Commissioner Suarez: I'll move it.

Commissioner Dunn: Second it.

Chair Sarnoff: All right. We have a motion by Commissioner Suarez. We have a second by Commissioner Dunn. This is a public hearing. Ladies and gentlemen out there, anybody wishing to be heard on PZ.1, which is allowing social entertainment services for the Museum Park Miami, such as restaurants, café, and retail? Anyone from the public wishing to be heard on PZ.1? Hearing none and seeing none, it comes back to the Commission for discussion. Anyone from the Commission wishing to discuss this? Commissioner Carollo.

Vice Chair Carollo: Thank you, Mr. Chairman. The way the Administration explained this to me, this was one restaurant, one kiosk, and one café. Now, I see here such as restaurants, plural, cafés, plural, and retail. So I just want to verify.

Enrique Nunez (Chief of Urban Design): Yes. Good afternoon, Commissioners. My name is Enrique Nunez. I'm with the City of Miami Planning Department, involved in the master planning process for the Museum Park project. The master plan calls for one restaurant and one café kiosk along the waterfront. If I may. The master plan -- north being straight up, the causeway along the top, the museums parallel with the causeway, the FEC (Florida East Coast) slip on the south, the American Airlines Arena at the south. And the buildings that you see over here on the southwest corner of the property, this building right here is the main restaurant. The building adjacent to the gardens is a park pavilion with restrooms and concessions for the park. The gazebo is along the waterfront.

Vice Chair Carollo: Question. I actually was the one who deferred this item the last time. Why has it taken so long for me to see this drawing? This is the first I've seen of this drawing.

Mr. Nunez: Well, this project is in construction documents within the Department of Capital Improvements. The adoption of the actual master plan was back in March 13, 2008, at which time it moved into our Department of Capital Improvements for implementation. The north portion of the site, which is an eight-acre tract, are -- is the site dedicated to both museums, the Museum of Science, closest to the waterfront -- I mean, the Museum of Art, closest to the waterfront, and the Museum of Science, to the west along the boulevard. At this time the museums independently are designing each of their buildings. The park itself is under -- completing construction documents which includes an underground parking garage and is nearing completion and --

Vice Chair Carollo: Right. But my question was, why it has taken so long for me to see this? Is it my responsibility to go to CIP (Capital Improvement Projects) and request this map and so forth? Or -- I thought when the Administration comes to brief us, you know, they should at least -- at the very least, say hey, there's, you know, this available or so forth. And you know, Mr. Manager, usually I'm pretty, you know, thorough with it, but this is the first I've seen of this.

Mr. Hernandez: Commissioner, I think that in our briefings, you've seen the 8 1/2 by 11 version. Even yesterday we were discussing one of those 8 1/2 by 11 versions of the proposed Museum Park. It's just that this one is much more impressive.

Vice Chair Carollo: Well, I don't remember seeing any one to that degree of detail. Again, I could be wrong, but I'm pretty sure.

Mr. Hernandez: And, Commissioner, I --

Vice Chair Carollo: I'm not one of these Commissioners that have a bad memory. I'm pretty sure I haven't seen a map to that great detail. And as a matter of fact, I remember when we discussed it yesterday, I definitely didn't see it then.

Mr. Hernandez: Well, I think that in our briefing yesterday, I pointed out the area where the -- talking about the Volvo Ocean Race, where the boats would be berthing and what area would be needed and so forth. But I also have to apologize in the sense that we haven't had the opportunity, Commissioner, truly, to go back to the master plans and do a briefing with you on the Museum Park master plan or even the waterfront park master plan and are things that we need to do.

Vice Chair Carollo: Right. We -- you know, the map that we used, we discussed as far as the Volvo Ocean Race, where it was going to be and so forth. We never at that time discussed the cafés as far as where they're located on a map, you know --

Mr. Hernandez: No, no. We didn't go over the details of the master plan itself. And when this item makes references to the cafés and restaurants and so forth, it's borrowing the language from the code in the plural, although, in this particular case, per the master plan, it's only one restaurant, one kiosk, and one pavilion.

Vice Chair Carollo: Okay.

Commissioner Gort: I think the green got your attention.

Vice Chair Carollo: Well, you know, everything that's green now catches my attention 'cause obviously there's no green spaces in my district, and I think we've made that -- and as a matter of fact, look at the map right here. We have it right here. Do you need for me to pass it down or -

-? Listen, the truth of the matter is, I deferred the last time 'cause I expected more briefing on it and so forth. I don't think I received it, so I -- you know, I'm not going to try to defer it, but I will end up voting no.

Chair Sarnoff: All right. Anyone else have any -- wishing to have any further discussion on PZ.1? Hearing none, it's a resolution. All in favor of PZ.1, please say "aye."

Commissioner Suarez: Aye.

Commissioner Gort: Aye.

Chair Sarnoff: Aye.

Vice Chair Carollo: No.

Chair Sarnoff: Okay, 4-1, Madam Clerk.

PZ.2 06-00357cm RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING A MODIFICATION TO A DECLARATION OF RESTRICTIVE COVENANT ("ZONING COVENANT") DATED APRIL 3, 2007 AND RECORDED IN OFFICIAL RECORDS BOOK 25502, PAGE 1811-1821, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 1000, 1012 AND 1022 NORTHWEST 1ST AVENUE, MIAMI, FLORIDA, IN ORDER TO AMEND CERTAIN SECTIONS OF THE COVENANT IN THE MANNER DESCRIBED THEREIN.

06-00357cm Analysis.pdf

06-00357cm Zoning Map.pdf

06-00357cm Aerial Map.pdf

06-00357cm Letter of Intent.pdf

06-00357cm Class II Special Permit No. 09-0107.pdf

06-00357cm Recorded Declaration of Restrictive Covenants.pdf

06-00357cm Partial Release of Declaration of Restrictive Covenants.pdf

06-00357cm Supporting Documentation.pdf

06-00357cm Plans.pdf

06-00357cm CC Legislation (Version 1).pdf

06-00357cm CC 01-28-10 Fact Sheet.pdf

LOCATION: Approximately 1000, 1012 & 1022 NW 1st Avenue [Commissioner - District 5]

APPLICANT(S): Ryan D. Bailine, Esquire, on behalf of ARK Development/Overtown I, LLC and Royal Palm Miami, Downtown, LLC

FINDING(S):

PLANNING DEPARTMENT: Approval with conditions*.

*See supporting documentation.

PURPOSE: This will allow a modification to the existing covenant.

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

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

R-10-0039

Chair Sarnoff: All right, PZ.2. I'm sorry. Please.

Roberto Lavernia (Chief of Land Development, Planning): PZ.2 is a partial modification of a covenant. What happened is that in September 2006, as part of a zoning change, there was a voluntary covenant offered by the applicant with the condition that any new construction that it propose for this development of the properties, included in the exhibit A, which describe all the properties, will be reviewed to obtain approval from the Miami City Commission. In June of 2009 the Planning Department received a request for a Class II Special Permit for a partial construction on that site. We granted the Class II, not only that it's not going to be approved until this City Commission approve the project, and that's what is in front of you today, the release -- the partial release of that covenant. The Planning Department has no problem, but they put the condition: 1), that the applicant should comply with all conditions specified at the final decision of the Class II Special Permit; 2), that any modification to the plan presented as part of a Class II Special Permit have to meet the approval of the Planning Department; and 3), that any project for development on the rest of the property, not included on this proposal, will require review by the Planning Department and the approval of this City Commission. Thank you.

Chair Sarnoff: Thank you. All right. This is a resolution, PZ.2. Is there a motion, gentlemen?

Commissioner Dunn: So moved.

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

Commissioner Gort: Second.

Commissioner Suarez: Second.

Chair Sarnoff: Second by Commissioner Gort. This is a public hearing. Anyone from the public wishing to be heard on PZ.2 -- we have somebody -- please step up. Yes, sir.

Ryan Bayline: Ryan Bayline, 201 South Biscayne Boulevard, here on behalf of the applicant. And in the event any of the Commissioners have questions, we're happy to answer them. Thank you very much.

Chair Sarnoff: All right. Public hearing is opened, and the public hearing is closed on PZ.2, coming back to the Commission. This is a resolution, gentlemen. Any discussion? All in favor, please say "aye."

The Commission (Collectively): Aye.

Chair Sarnoff: All right, passes unanimously.

Mr. Bayline: Thank you.

Chair Sarnoff: Thank you.

PZ.3 09-00030ec RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), CLOSING, VACATING, ABANDONING AND DISCONTINUING FOR PUBLIC USE AN EASEMENT LOCATED EAST OF

NORTHWEST 2ND AVENUE FROM NORTHWEST 3RD STREET TO
NORTHWEST 4TH STREET, MIAMI, FLORIDA.

09-00030ec Analysis.pdf
09-00030ec Zoning Map.pdf
09-00030ec Aerial Map.pdf
09-00030ec Public Works Analysis.pdf
09-00030ec Public Works Letter.pdf
09-00030ec Application & Supporting Docs.pdf
09-00030ec Tentative Plat.pdf
09-00030ec Survey.pdf
09-00030ec ZB Reso.pdf
09-00030ec CC Legislation (Version 2).pdf
09-00030ec Exhibit A.pdf
09-00030ec CC 01-28-10 Fact Sheet.pdf

LOCATION: Approximately East of NW 2nd Avenue from NW 3rd Street to NW
4th Street [Commissioner - District 5]

APPLICANT(S): Javier F. Aviño, Esquire, on behalf of Miami-Dade County
GSA R/E Mgmt-DGC, a Publicly Owned Subdivision of the State of Florida

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PUBLIC WORKS DEPARTMENT: Recommended approval with conditions*.

PLAT & STREET COMMITTEE: Recommended approval on October 1, 2009
by a vote of 5-0.

ZONING BOARD: Recommended approval to City Commission on December
14, 2009 by a vote of 6-0.

*See supporting documentation.

PURPOSE: This will allow a unified development site for the
previously-approved **Children's Courthouse**.

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

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

R-10-0040

Chair Sarnoff: PZ.3.

*Roberto Lavernia (Chief of Land Development, Planning): PZ.3 is the closing, vacating,
abandoning of this -- and discontinue for public use an easement located east of the Northwest
2nd Avenue for -- from Northwest 3rd Street to Northwest 4th Street. This is part of the
Children's Museum [sic] project that was previously approved. The Planning Department
recommend approval. The Public Works Department recommend approval. The Plat and Street
Committee recommend approval. And the Zoning Board recommend approval on December 14.
Thank you.*

Chair Sarnoff: All right, PZ.3, gentlemen. This -- is there a motion?

Commissioner Dunn: So moved.

Commissioner Gort: Second.

Chair Sarnoff: All right. Motion by Commissioner Dunn, second by Commissioner Gort. This is a public hearing. Anyone from the public wishing to be heard on PZ.3, which is the vacating, abandoning, and discontinuing for public use of an easement in regards to the Children's Courthouse? Hearing none, seeing none, the public hearing is now closed, coming back to the Commission. I got a motion and a second. Is there any discussion? All right. All in favor, gentlemen?

The Commission (Collectively): Aye.

Chair Sarnoff: Passes unanimously. Do you get paid when you don't speak? 'Cause I'm trying to save your client some money. Isn't that part of that agreement --?

Lucia Dougherty: Speeding it up will actually save them a lot of money.

Chair Sarnoff: Right. I --

Ms. Dougherty: Correct.

Chair Sarnoff: Just 'cause it was the County, I wanted to make sure it worked, okay.

PZ.4 08-00400lu ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO §163.3187, FLORIDA STATUTES, BY CHANGING THE LAND USE DESIGNATION OF THE ACREAGE DESCRIBED HEREIN OF REAL PROPERTY LOCATED AT APPROXIMATELY 2744 SOUTHWEST 7TH STREET, MIAMI, FLORIDA, FROM MEDIUM-DENSITY MULTIFAMILY RESIDENTIAL TO RESTRICTED COMMERCIAL; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

08-00400lu Analysis.pdf

08-00400lu Land Use Map.pdf

08-00400lu Aerial Map.pdf

08-00400lu School Board Impact Analysis.pdf

08-00400lu Application & Supporting Documentation.pdf

08-00400lu PAB Reso.pdf

08-00400lu & 08-00400zc Exhibit A.pdf

08-00400lu CC Legislation (Version 4).pdf

08-00400lu CC SR 01-28-10 Fact Sheet.pdf

LOCATION: Approximately 2744 SW 7th Street [Commissioner Francis Suarez - District 4]

APPLICANT(S): Rodolfo Lleonart, President, on behalf of Rollert Investments, Inc.

FINDING(S):

PLANNING DEPARTMENT: Recommended denial.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on May 21, 2008 by a vote of 5-3. See companion File ID 08-00400zc.

PURPOSE: This will change the above property to Restricted Commercial.

WITHDRAWN

Chair Sarnoff: All right, PZ.4.

Roberto Lavernia (Chief of Land Development, Planning): Yes. PZ.4 and PZ.5 are companion items, change of the future land use map and the zoning atlas. This is the second reading. At the first reading, as part of item number 5, which is the zoning change, the applicant offer a covenant for this property. We review the draft covenant, and the Legal Department reviewed the draft covenant, too. We are okay with the covenant offer. I'm going to pass Harold Ruck. He's going to put the same statement about the land use map.

Chair Sarnoff: Madam City Attorney, which item will the covenant be provided on, on PZ.4 or 5?

Maria J. Chiaro (Deputy City Attorney): On PZ.5.

Chair Sarnoff: 5. Can we take them together?

Ms. Chiaro: Yes, you may take these together, but you may want to listen to a statement from the Planning Department first.

Chair Sarnoff: I was going to listen. I just wanted to know if I was supposed to consider it together.

Ms. Chiaro: Yes, you are to consider them together.

Chair Sarnoff: Thank you.

Ms. Chiaro: I'm sorry.

Harold Ruck (Planner II): Harold Ruck, with the Planning Department. And just as we did with PZ.8, this particular item, which is requested medium density multifamily residential, because of the Miami 21 atlas legislation changed -- this particular property's been changed to medium-density restricted commercial. Because of this, staff believes that the FLUM (Future Land Use Map) change at this location isn't necessary, and we believe the applicant concurs.

Chair Sarnoff: So we do not --

Mr. Ruck: Thank you.

Chair Sarnoff: PZ.4 is withdrawn?

Ms. Chiaro: That's correct. And just as a -- so PZ.4 is withdrawn because the uses that are being requested in PZ.5 are already permitted in the land use -- land -- in our land use plan. In your agendas in the future, we will take care of this technicality for these pending applications before you get the materials.

Ana Gelabert-Sanchez (Director, Planning & Zoning): Just as a point of clarification --

Chair Sarnoff: Name for the record.

Ms. Gelabert-Sanchez: Ana Gelabert, Planning director. This -- and I think we have one more that will be the same situation. It's because they were applications that came prior to the adoption of the FLUM on Miami 21. But after this, it should be just the Miami 21 FLUM.

Chair Sarnoff: Okay.

PZ.5 08-00400zc ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 33, OF THE ZONING ATLAS OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, BY CHANGING THE ZONING CLASSIFICATION FROM "R-3" MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL TO "C-1" RESTRICTED COMMERCIAL, FOR THE PROPERTY LOCATED AT APPROXIMATELY 2744 SOUTHWEST 7TH STREET, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

08-00400zc Zoning Map.pdf

08-00400zc Aerial Map.pdf

08-00400zc Application & Supporting Documentation.pdf

08-00400zc ZB Reso.PDF

08-00400lu & 08-00400zc Exhibit A.pdf

08-00400zc Analysis - NEW.pdf

08-00400zc CC Legislation (Version 3).pdf

08-00400zc CC SR 01-28-10 Fact Sheet.pdf

LOCATION: Approximately 2744 SW 7th Street [Commissioner Francis Suarez - District 4]

APPLICANT(S): Rodolfo Lleonart, President, on behalf of Rollert Investments, Inc.

FINDING(S):

PLANNING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended denial to City Commission on June 9, 2008 by a vote of 5-0. See companion File ID 08-00400lu.

PURPOSE: This will change the above property to "C-1" Restricted Commercial. **The applicant will proffer a covenant for this property.**

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

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

13130

Chair Sarnoff: All right, so PZ.5 is what we're hearing. Anyone -- well, let me get a motion first. Is there a motion on PZ.5?

Commissioner Gort: Move it.

Commissioner Suarez: Move it for discussion.

Chair Sarnoff: All right. Motion by Commissioner Gort, second for Commission -- by Commissioner Suarez. Commissioner Suar -- Tell you what, let's get public hearing. Anyone from the public wishing to be heard on PZ.5, please step up to the mic. It is a change from multifamily density to restricted commercial.

Gilberto Pastoriza: Gil Pastoriza, 2525 Ponce. I'm here just to answer questions and to turn in the originally executed covenant.

Chair Sarnoff: You know, that doesn't count for your client, those few words.

Mr. Pastoriza: No, not at all.

Chair Sarnoff: If you earn your money, we're going to let you know it.

Mr. Pastoriza: And by the way, I became certified this week.

Chair Sarnoff: Did you go to that Ethics --

Mr. Pastoriza: I sure did.

Chair Sarnoff: -- Commission as well?

Mr. Pastoriza: And there's a number of us lawyers --

Commissioner Gort: Certify what?

Mr. Pastoriza: -- here that went to the certification.

Chair Sarnoff: All right. You must have been sitting next to Lucia Dougherty, who I heard --

Mr. Pastoriza: Well, we were sitting --

Chair Sarnoff: -- passed as well.

Mr. Pastoriza: -- in proximity, yes.

Chair Sarnoff: I heard you had to take the test twice. Is that true?

Lucia Dougherty: He flunked it twice.

Chair Sarnoff: No, no, no. It was you I was talking to.

Ms. Dougherty: No. I passed it.

Chair Sarnoff: So you could see the [sic] at work lobbying issue. All right. Gentlemen, we have a motion, we have a second. Discussion. Commissioner Carollo.

Commissioner Suarez: No. It was me that --

Chair Sarnoff: I'm sorry. Commissioner Suarez. I apologize.

Commissioner Suarez: -- asked for discussion. That's okay. I just wanted to ask --

Vice Chair Carollo: I must be on your mind.

Commissioner Suarez: -- the Mayor --

Chair Sarnoff: I worry about you.

Commissioner Suarez: -- I have the benefit of having the Mayor being the prior district Commissioner for me, so I just wanted to know -- since this is an item that's been kind of going on for a long time, I wanted to know what your thoughts were on it. If this is next to (UNINTELLIGIBLE).

Mr. Pastoriza: Mr. Mayor, if I could refresh your memory, you -- okay.

Mayor Regalado: No. I know exactly what it is, and it's -- what we're trying to do is to rectify something because it's already there, right?

Mr. Pastoriza: Right.

Mayor Regalado: And it's a parking lot that wants to be a parking lot, so I move that item.

Mr. Pastoriza: Back in January 29, 2009.

Mayor Regalado: Right.

Commissioner Suarez: You support it.

Mayor Regalado: I did.

Commissioner Suarez: Then I have no problem with it.

Chair Sarnoff: All right. Any discussion? Anyone else on the -- up here on the Commission? Hearing none and seeing none, it's an ordinance, Madam City Attorney.

Priscilla A. Thompson (City Clerk): Before you take your reading on the ordinance, Chair --

Chair Sarnoff: I didn't --

Ms. Thompson: -- do you want to close your public hearing?

Chair Sarnoff: Yes, I do.

Ms. Thompson: Thank you.

Vice Chair Carollo: She's good.

Chair Sarnoff: Public hearing. She is. She missed one today. She owes us lunch. All right. Public hearing is now closed, coming -- she's got (UNINTELLIGIBLE) that's better than -- coming back to the Commission. Madam City Attorney, it is an ordinance.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Ms. Thompson: Your roll call.

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

Ms. Thompson: The ordinance has been adopted on second reading, 5-0.

Mr. Pastoriza: Thank you.

PZ.6 07-01024lu1 ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO § 163.3187, FLORIDA STATUTES, BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTIES LOCATED AT APPROXIMATELY 61 NORTHWEST 37TH AVENUE, 3667 NORTHWEST FLAGLER TERRACE, AND 58 NORTHWEST 36TH COURT, MIAMI, FLORIDA, FROM DUPLEX RESIDENTIAL TO RESTRICTED COMMERCIAL; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

07-01024lu1 Analysis.pdf

07-01024lu1 CC Land Use Map.pdf

07-01024lu1 Aerial Map.pdf

07-01024lu1 School Board Concurrency.pdf

07-01024lu1 PAB Resos.pdf

07-01024lu1 Application & Supporting Documents.pdf

07-01024lu1 CC Legislation (Version 2).pdf

07-01024lu1 & 07-01024zc1 Exhibit A.pdf

07-01024lu1 CC SR 01-28-10 Fact Sheet.pdf

LOCATION: Approximately 61 NW 37th Avenue, 3667 NW Flagler Terrace, and 58 NW 36th Court, Miami, Florida [Commissioner Francis Suarez - District 4]

APPLICANT(S): Javier F. Aviño, Esquire, on behalf of Hasred, Inc.

FINDING(S):

PLANNING DEPARTMENT: Recommended approval for Lots 9 and 12 and denial for Lots 13 through 16.

PLANNING ADVISORY BOARD (PAB): Recommended approval for specifically Lots 9 and 12 on Block 9, "Twelfth Street Manors;" on September 16, 2009 by a vote of 7-0. The PAB also recommended denial (as presented) for specifically Lots 13 through 16 on Block 9, "Twelfth Street Manors;" on September 16, 2009 by a vote of 7-0. The PAB also recommended to the City Commission on September 16, 2009, that if the City Commission is inclined to accept the applicant's voluntary proffer of the plans as presented or any other documentation binding this applicant to the set of plans presented, and approves the Land Use Change to "Restricted Commercial" for Lots 13 through 16 on Block 9, "Twelfth Street Manors," the Board has no objection, by a vote of 7-0. See companion File ID 07-01024zc1.

PURPOSE: This will change the above properties to Restricted Commercial.

WITHDRAWN

Chair Sarnoff: PZ.6, or do we -- no. I'm sorry. PZ.5. We did -- I'm sorry. PZ.6.

Roberto Lavernia (Chief of Land Development, Planning): PZ.6 and PZ.7 are also companion items, land use and zoning change that --

Chair Sarnoff: Can we withdraw PZ.6?

Mr. Lavernia: No.

Chair Sarnoff: Madam City Attorney.

Maria J. Chiaro (Deputy City Attorney): I'm sorry; I didn't hear the question posed.

Chair Sarnoff: There's two of you there; maybe one of you heard it. PZ.6, do we need to hear it?

Harold Ruck (Planner II, Planning): Need to state something for the record, probably.

Ms. Chiaro: It's the same, 6 and 7. You may hear -- I'm sorry. I didn't hear the -- you may hear both of them together.

Chair Sarnoff: Correct. Do we need to hear PZ.6?

Ms. Chiaro: Do we need -- if the -- it's the same -- the land use is permitted -- the zoning is permitted and the land use --

Chair Sarnoff: All right, that's lunch too. That's now the second lunch.

Ms. Chiaro: -- so it's the same as before. To clarify the record, the land use permits the zoning that is being requested. Therefore, you do not need --

Chair Sarnoff: So PZ.6 --

Ms. Chiaro: -- to --

Chair Sarnoff: -- is withdrawn?

Ms. Chiaro: That is correct, you do not need to hear --

PZ.7 07-01024zc1 ORDINANCE**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 33, OF THE ZONING ATLAS OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, BY CHANGING THE ZONING CLASSIFICATION FROM "R-2" TWO-FAMILY RESIDENTIAL TO "C-1" RESTRICTED COMMERCIAL, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 61 NORTHWEST 37TH AVENUE, 3667 NORTHWEST FLAGLER TERRACE AND 58 NORTHWEST 36TH COURT, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

07-01024zc1 Analysis.pdf
07-01024zc1 Zoning Map.pdf
07-01024zc1 Aerial Map.pdf
07-01024zc1 Application & Supporting Docs.pdf
07-01024zc1 Survey.pdf
07-01024zc1 ZB Resos.pdf
07-01024zc1 CC Legislation (Version 2).pdf
07-01024lu1 & 07-01024zc1 Exhibit A.pdf
07-01024zc1 CC SR 01-28-10 Fact Sheet.pdf
07-01024zc1-Exhibit-Declaration of Restrictive Covenants.pdf

LOCATION: Approximately 61 NW 37th Avenue, 3667 NW Flagler Terrace and 58 NW 36th Court [Commissioner Francis Suarez - District 4]

APPLICANT(S): Javier F. Aviño, Esquire, on behalf of Hasred, Inc.

FINDING(S):

PLANNING DEPARTMENT: Recommended approval for Lots 9 and 12 and denial for Lots 13 through 16.

ZONING BOARD: Recommended approval to City Commission on October 19, 2009 by a vote of 6-3; more specifically, Lots 9 through 12, Block 9 and recommended denial of Lots 13 through 16, Block 9. Also recommended to the City Commission to request the city manager and/or Planning Department to conduct a study of the impact of zoning changes in the area of NW 37th Avenue from Flagler Street to the 836 Highway in regards to the economic impact and the preservation of neighborhoods, by a vote of 7-1. See companion File ID 07-01024lu1.

PURPOSE: This will change the above properties to "C-1" Restricted Commercial. **The applicant will proffer a covenant for these properties.**

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

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

13131

Chair Sarnoff: And we're hearing PZ.7?

Maria J. Chiaro (Deputy City Attorney): That's correct. I apologize to you, Mr. Chairman and to the rest of the Commission.

Chair Sarnoff: Don't worry. We enjoy the lunches.

Commissioner Gort: How does that work?

Vice Chair Carollo: Yeah. We're --

Chair Sarnoff: I haven't figured it out.

Commissioner Gort: I haven't heard this yet. Wait a minute.

Vice Chair Carollo: I keep hearing this, but I haven't had one lunch yet, so I --

Commissioner Gort: I didn't get -- I didn't have lunch today.

Chair Sarnoff: I think, come the summer session --

Vice Chair Carollo: Do you need a (UNINTELLIGIBLE)?

Chair Sarnoff: -- we're going to make them just take us all to Joe's; we're going to have one big lunch.

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

Chair Sarnoff: The fried chicken's cheap there. It's really good.

Mr. Hernandez: Mr. Chairman.

Chair Sarnoff: Yes, sir.

Mr. Hernandez: For one of the last meetings, you had mentioned that staff owed me a lunch.

Chair Sarnoff: And I -- I'm counting that one too.

Mr. Hernandez: They came through.

Chair Sarnoff: They -- there you go. See, the Manager is enjoying this. We have got to figure out how to enjoy this ourselves.

Roberto Lavernia (Chief of Land Development, Planning): As part of PZ.7, a covenant was offered. We review the covenant and the Legal Department review the covenant also. We have no problem with what was established in the covenant. Thank you.

Chair Sarnoff: Okay. So PZ.7 comes with recommendations. Let's get a motion on PZ.7.

Commissioner Suarez: So move.

Chair Sarnoff: All right, motion by Commissioner Suarez --

Commissioner Dunn: Second.

Chair Sarnoff: -- second by Commissioner Dunn. Public hearing. Let's open up to the public. Anybody wishing to be heard on PZ.7, please step up. It is a residential classification from R-2 two-family residential to C-1. Hearing none, seeing none, the public hearing is closed, coming back to the Commission. Anybody wishing to be heard on PZ.7?

Commissioner Suarez: I just have one quick question. Between first read -- after -- at first reading, I should say, the neighbor had expressed some concerns. Were you able to meet with the neighbor and --?

Lucia Dougherty: We did meet with the neighbors.

Commissioner Suarez: And you were able to --

Vice Chair Carollo: Mitigate.

Commissioner Suarez: -- mitigate his concerns or --?

Ms. Dougherty: Well, we're talking --

Commissioner Suarez: Well, he's not here today, so --

Ms. Dougherty: Correct. We are talking to them about potentially purchasing their property.

Commissioner Suarez: Oh, okay. I just wanted to know what the --

Chair Sarnoff: Doesn't get any better than that.

Commissioner Suarez: -- status was and --

Commissioner Gort: Great mediation.

Commissioner Suarez: -- he's not here today, so -- I mean --

Commissioner Gort: Yeah. That's the best way.

Chair Sarnoff: You've just handed us a declaration of restrictive [sic] covenants. Madam City Attorney's going to say on the record, did you go on the record with the declaration of restricted covenant.

Ms. Dougherty: Yes, we did. This is the same thing that we proposed before, and both the staff as well as the City Attorney has reviewed it.

Chair Sarnoff: Okay. Gentlemen, any further discussion? Okay. Hearing none, it is an ordinance. Madam City Attorney.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Priscilla A. Thompson (City Clerk): Your roll call.

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

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

Chair Sarnoff: All right. PZ.8 and 9 I think we've heard.

Ms. Dougherty: Thank you very much.

Chair Sarnoff: PZ.10 has been continued.

Ms. Thompson: 10 and 11.

Chair Sarnoff: PZ.11 --

Vice Chair Carollo: Companion with --

Chair Sarnoff: -- companion with PZ.10.

Vice Chair Carollo: Yes.

PZ.8 09-01007lu ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH

ATTACHMENT(S), AMENDING ORDINANCE NO. 10544, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, AS AMENDED, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO §163.3187, FLORIDA STATUTES, BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTIES LOCATED AT APPROXIMATELY 6886 NORTHWEST 7TH AVENUE A/K/A 755 NORTHWEST 67TH STREET AND 890 NORTHWEST 69TH STREET, MIAMI, FLORIDA, FROM "MEDIUM DENSITY MULTIFAMILY RESIDENTIAL" TO "HIGH-DENSITY MULTIFAMILY RESIDENTIAL"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

09-01007lu Analysis.pdf
09-01007lu Land Use Map.pdf
09-01007lu Aerial Map.pdf
09-01007lu School Board Concurrency.pdf
09-01007lu PAB Reso.pdf
09-01007lu Application & Supporting Documents.pdf
09-01007lu & 09-01007zc Exhibit A.pdf
09-01007lu Legislation (Version 3).pdf
09-01007lu CC SR 01-28-10 Fact Sheet.pdf

LOCATION: Approximately 6886 NW 7th Avenue A/K/A 755 NW 67th Street and 890 NW 69th Street [Commissioner - District 5]

APPLICANT(S): Iris V. Escarra, Esquire, on behalf of The Village Miami, Ltd

FINDING(S):

PLANNING DEPARTMENT: Recommended denial.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on October 7, 2009 by a vote of 7-2. See companion File ID 09-01007zc.

PURPOSE: This will change the above properties to "High-Density Multifamily Residential".

WITHDRAWN

Chair Sarnoff: All right, you're recognized for the record.

Roberto Lavernia (Chief of Land Development): For the records [sic], Roberto Lavernia, with the Planning Department. PZ.8 and PZ.9 are companion items. One is the petition to change the future land use map of the Comprehensive Plan, and the other item is to change the designation of the zoning atlas. This is the second reading. In first reading it was presented and the applicant offered a covenant limiting the things that can be done on this property and draft of the ordinance -- of the covenant was presented to the Planning Department. We read it. We're okay with the covenant. It's the same thing that they offered at Commission. I have Harold Ruck that has a comment.

Chair Sarnoff: We're on PZ.8, correct?

Mr. Lavernia: I'm presenting PZ.8 and PZ.9.

Chair Sarnoff: Okay, just want to make sure.

Mr. Lavernia: Because the covenant was offered on PZ.9.

Chair Sarnoff: Madam City Attorney, can we listen to PZ.8 and PZ.9 at the same time?

Maria J. Chiaro (Deputy City Attorney): Yes.

Chair Sarnoff: Okay.

Harold Ruck (Planner II, Planning Department): Okay, Harold Ruck, from the --

Chair Sarnoff: Gentlemen, understand if there's any covenants that are going to be tendered, it's going to be tendered pursuant to PZ.9.

Mr. Ruck: All right. I'm Harold Ruck, with the Planning Department. And this is referencing PZ.8, the land use change. And at this time, would like to note that the future land use designation at this location has changed from the medium-density multifamily residential to the restricted commercial as a result of the Miami 21 atlas legislation. And so because of this, we feel that -- the staff believes that the future land use change at this location is no longer necessary and we feel that the -- I think the applicant would concur with this.

Lucia Dougherty: That is correct. You -- we no longer need to amend the future land use map 'cause it already got amended in connection with Miami 21, so PZ.8 can be basically either withdrawn or not acted upon.

Chair Sarnoff: All right. So what is the appropriate remedy, Madam Clerk?

Priscilla A. Thompson (City Clerk): I'm sorry. I missed that, sir. I apologize.

Chair Sarnoff: Okay. That's lunch for all of us.

Ms. Thompson: I -- wherever you want to go.

Ms. Chiaro: You may consider PZ.9.

Chair Sarnoff: So we do not need to hear PZ.8?

Ms. Chiaro: No. It is already consistent --

Chair Sarnoff: All right.

Ms. Chiaro: -- enough so that you may consider the zoning change on PZ.9.

Chair Sarnoff: I just want to know procedurally and mechanically do we need to take any action?

Ms. Chiaro: You do not.

Chair Sarnoff: Okay, so PZ.9 that we're hearing. And since we were listening to PZ.8 and PZ.9 together, correct?

Ms. Chiaro: But you needed that explanation on the record.

Chair Sarnoff: I understand.

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 12, OF THE ZONING ATLAS OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, BY CHANGING THE ZONING CLASSIFICATION FROM "R-3" MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL TO "R-4" MULTIFAMILY HIGH-DENSITY RESIDENTIAL, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 6886 NORTHWEST 7TH AVENUE A/K/A 755 NORTHWEST 67TH STREET AND 890 NORTHWEST 69TH STREET, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

09-01007zc Analysis.pdf

09-01007zc Zoning Map.pdf

09-01007zc Aerial Map.pdf

09-01007zc Application & Supporting Docs.pdf

09-01007zc Survey.pdf

09-01007zc ZB Reso.pdf

09-01007zc Additional Warranty Deed.pdf

09-01007zc CC Legislation (Version 2).pdf

09-01007lu & 09-01007zc Exhibit A.pdf

09-01007zc CC SR 01-28-10 Fact Sheet.pdf

09-01007zc-Exhibit-Declaration of Restrictive Covenants.pdf

LOCATION: Approximately 6886 NW 7th Avenue A/K/A 755 NW 67th Street and 890 NW 69th Street [Commissioner - District 5]

APPLICANT(S): Iris V. Escarra, Esquire, on behalf of The Village Miami, Ltd

FINDING(S):

PLANNING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended approval to City Commission on November 9, 2009 by a vote of 8-0. See companion File ID 09-01007lu.

PURPOSE: This will change the above properties to "R-4" Multifamily High-Density Residential. **The applicant will proffer a covenant for these properties.**

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

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

13128

Note for the Record: Please refer to item PZ.8 for minutes referencing item PZ.9.

Chair Sarnoff: So is there a motion for PZ.9?

Commissioner Dunn: So moved.

Chair Sarnoff: All right. Commissioner Dunn, there's a motion on behalf of him.

Commissioner Gort: Second.

Chair Sarnoff: Second by Commissioner Gort. This is a public hearing, Madam Clerk? All right. So members of the public, we're hearing PZ.9, which is a change of the zoning ordinance of the City of Miami under Section 401, Article 4, R-3 multifamily density to R-4 multifamily high-density residential for properties located at Northwest 7th Avenue and 755 Northwest 67th Street. Anyone from the public wishing to be heard on PZ.9, please step up to the podium. Seeing none, hearing none, it comes back to the Commission for discussion. Any discussion, gentlemen?

Commissioner Dunn: Mr. Chairman?

Chair Sarnoff: Go ahead. You're recognized for the record.

Commissioner Dunn: Thank you for your courtesy. I have absolutely no problems with the change.

Chair Sarnoff: Okay. Anyone else? All right. PZ.9 is an ordinance. Madam City Attorney.

Maria J. Chiaro (Deputy City Attorney): And just -- before I read the ordinance, I did not hear a proffer of any covenant on the record. Was there that proffer made?

Chair Sarnoff: I heard one, but if she'd like to do it again.

Ms. Dougherty: Yes. I proffered the same covenant that we made on the first reading, which we've also passed out, and we would like that incorporated into the record and we will -- the client will sign the covenant and record it.

Ms. Chiaro: Just as long as the record reflects the proffer. It is an or --

Ms. Thompson: Now, Chair -- I'm sorry, Chair. I am sorry. I want to make sure that we're going to take a separate vote -- reading and vote on PZ.8 because PZ.8 was the second reading ordinance listed. No?

Ms. Chiaro: PZ.8 is withdrawn.

Ms. Thompson: Okay, thank you. Thank you.

Ms. Chiaro: And PZ.9, under consideration right now.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Ms. Thompson: Your roll call.

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

Ms. Thompson: The ordinance has been adopted on second reading, 5-0.

Ms. Dougherty: Thank you very much.

PZ.10 08-00680lu ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES, SUBJECT TO § 163.3187, FLORIDA STATUTES, BY

CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY LOCATED AT APPROXIMATELY 1421 NORTHWEST 61ST STREET, MIAMI, FLORIDA, FROM PARKS AND RECREATION TO MEDIUM DENSITY MULTIFAMILY RESIDENTIAL; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

08-00680lu Analysis.pdf
08-00680lu Land Use Map.pdf
08-00680lu & 08-00680zc Aerial Map.pdf
08-00680lu School Board Concurrency.pdf
08-00680lu PAB Reso.pdf
08-00680lu CC Legislation (Version 2).pdf
08-00680lu & 08-00680zc Exhibit A.pdf
08-00680lu CC SR 02-25-10 Fact Sheet.pdf

LOCATION: Approximately 1421 NW 61st Street [Commissioner Richard P. Dunn II - District 5]

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended denial to City Commission on September 16, 2009 by a vote of 7-0. See companion File ID 08-00680zc.

PURPOSE: This will change the above property to Medium Density Multifamily Residential.

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

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

PZ.11 08-00680zc ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION WITH ATTACHMENT(S) AMENDING PAGE NO. 12, OF THE ZONING ATLAS OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, BY CHANGING THE ZONING CLASSIFICATION FROM PR PARKS AND RECREATION TO SD-1.1 KINGS HEIGHTS ORCHARD VILLA SPECIAL DISTRICT, FOR THE PROPERTY LOCATED AT APPROXIMATELY 1421 NORTHWEST 61ST STREET, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

08-00680zc Analysis.pdf
08-00680zc Zoning Map.pdf
08-00680lu & 08-00680zc Aerial Map.pdf
08-00680zc PAB Resos.pdf
08-00680zc CC Legislation (Version 2).pdf
08-00680lu & 08-00680zc Exhibit A.pdf
08-00680zc CC SR 02-25-10 Fact Sheet.pdf

LOCATION: Approximately 1421 NW 61st Street [Commissioner Richard P. Dunn II - District 5]

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD (PAB): Recommended denial to City Commission on September 16, 2009 by a vote of 7-0. Also on September 16, 2009, the PAB recommended to the City Commission to consider increasing the size of the existing "Parks and Recreation" zoning in this area and direct the Planning Department to re-examine the existing "R-3" zoning on this block and surrounding blocks, by a vote of 7-0. See companion File ID 08-00680lu.

PURPOSE: This will change the above property to SD-1.1 King Heights Orchard Villa Special District.

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

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

PZ.12 09-00752zt ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 6, SECTION 620, "SD-20" EDGEWATER OVERLAY DISTRICT; "SD-20.1" BISCAYNE BOULEVARD EDGEWATER OVERLAY DISTRICT, IN ORDER TO MODIFY USE REGULATIONS TO ALLOW FOR ACCESSORY PARKING ON "R-4" DESIGNATED PROPERTIES, ABUTTING "C-1" DESIGNATED PROPERTIES FRONTING BISCAYNE BOULEVARD BY SPECIAL EXCEPTION; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

09-00752zt Zoning Map.pdf
09-00752zt Aerial Map.pdf
09-00752zt PAB Reso.pdf
09-00752zt CC Legislation (Version 2).pdf
09-00752zt CC SR 01-28-10 Fact Sheet.pdf

LOCATION: "SD-20" Edgewater Overlay District; "SD-20.1" Biscayne Boulevard Edgewater Overlay District [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on July 15, 2009 by a vote of 7-0.

PURPOSE: This will allow for accessory parking on "R-4" designated properties abutting "C-1" designated properties fronting Biscayne Boulevard by Special Exception.

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

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

Absent: 1 - Commissioner(s) Carollo

13129

Chair Sarnoff: PZ.12.

Roberto Lavernia (Chief of Land Development, Planning): PZ.12 is also second reading, an amendment to 11000 ordinance in order to allow accessory parking on R-4 designated properties abutting C-1, designated properties fronting Biscayne Boulevard by a special exception. It was approve on first reading on September -- December 10. Thank you.

Chair Sarnoff: Okay. All right, PZ.12. Is there a motion, gentlemen?

Commissioner Suarez: So moved.

Chair Sarnoff: All right. We have a motion by Commissioner Suarez. We have a second by Commissioner Dunn. I'll open it up to the public hearing. Anybody wishing to be heard on PZ.12? It is an SD-20.1 Biscayne Boulevard Edgewater Overlay in order to modify use regulations to allow for accessory parking on R-4 designated properties abutting C-1. Anyone wishing to be heard, please come up to the podium. Seeing none, hearing none, the public hearing is now closed, coming back to the Commission. PZ.12, any discussion, gentlemen?

Commissioner Dunn: No.

Chair Sarnoff: Hearing none, seeing none, PZ.12, it is an ordinance, Madam City Attorney.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Priscilla A. Thompson (City Clerk): Your roll call.

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

Ms. Thompson: The ordinance has been adopted on second reading, 4-0.

PZ.13 09-00753zt ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 6, SECTIONS 602.3,

"CLASS II SPECIAL PERMIT" AND 602.5 ENTITLED "PERMITTED ACCESSORY USES AND STRUCTURES," TO ALLOW OPEN AIR GREEN MARKETS IN THE "SD-2" COCONUT GROVE CENTRAL COMMERCIAL DISTRICT; SUBJECT TO LIMITATIONS AS SET FORTH; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

09-00753zt Zoning Map.pdf

09-00753zt Aerial Map.pdf

09-00753zt PAB Reso.pdf

09-00753zt CC Legislation (Version 2).pdf

09-00753zt CC SR 01-28-10 Fact Sheet.pdf

LOCATION: "SD-2" Coconut Grove Central Commercial District [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval with modifications to add the colors of yellow and orange to Section 602.5.1, Item 9 of the legislation, to City Commission on July 15, 2009 by a vote of 7-0.

PURPOSE: This will allow open air green markets in the "SD-2" Coconut Grove Central Commercial District by Class II Special Permit.

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

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

13132

Chair Sarnoff: PZ.13.

Roberto Lavernia (Chief of Land Development, Planning): PZ.13 is also second reading. In order to allow open air green markets in the SD-2 Coconut Grove Central Commercial District, subject to limitation, which is Class II Special Permit required for those markets. It was passed on first reading on December 10 also. Thank you.

Chair Sarnoff: All right. Is there a motion on PZ.13?

Commissioner Gort: Move it.

Commissioner Dunn: Second.

Chair Sarnoff: Motion by Commissioner Gort, second by Commissioner Dunn. It's a public hearing. Anyone wishing to be heard on PZ.13 to allow open air green markets in SD-2 commercial central Grove district, please step up to the podium. Hearing none, seeing none, the public hearing is now closed, coming back to the Commission. Any of the Commissioners wishing to be heard? Hearing none, seeing none, it is an ordinance, Madam City Attorney.

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

Priscilla A. Thompson (City Clerk): Your roll call.

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

Ms. Thompson: The ordinance has been adopted on second reading, 5-0.

PZ.14 09-00872zt

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 23 OF THE CODE OF THE CITY OF MIAMI, AS AMENDED, ENTITLED "HISTORIC PRESERVATION", BY AMENDING SECTION 23-2, ENTITLED "DEFINITIONS", BY ADDING A DEFINITION OF DEMOLITION BY NEGLECT; FURTHER ENACTING A NEW SECTION 23-6.2(J), ENTITLED "DEMOLITION BY NEGLECT", WHICH WILL PROHIBIT DEMOLITION BY NEGLECT OF DESIGNATED HISTORIC PROPERTIES; REQUIRE AFFIRMATIVE MAINTENANCE OF THESE PROPERTIES; PROVIDE MINIMUM MAINTENANCE STANDARDS; PROVIDE FOR RELIEF DUE TO ECONOMIC HARDSHIP; PROVIDE FOR CODE ENFORCEMENT REMEDIES; PROVIDE FOR CIVIL PENALTIES AND INFRACTIONS INCLUDING LIENS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

09-00872zt HEPB Reso.pdf

09-00872zt CC Legislation (Version 1).pdf

09-00872zt CC SR 01-28-10 Fact Sheet.pdf

LOCATION: Citywide

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: See Historic and Environmental Preservation Board recommendation.

HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD:

Recommended approval to City Commission on August 4, 2009 by a vote of 6-0.

PURPOSE: This will prohibit demolition by neglect of designated historic properties; require affirmative maintenance; provide minimum maintenance standards; provide for relief due to economic hardship; provide for code enforcement remedies; and provide for civil penalties and infractions including liens.

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

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

Absent: 1 - Commissioner(s) Dunn II

13133

Chair Sarnoff: PZ.14.

Ellen Uguccioni: Good afternoon, Mr. Chairman, members of the Commission. Ellen Uguccioni, preservation officer. This is an ordinance on second reading to allow a provision in

Chapter 23, the Historic Preservation ordinance, for demolition by neglect. It gives the City greater authority to have a civil suit levied if someone allows a building to -- a historic building just to deteriorate.

Chair Sarnoff: All right. Do we have a motion on PZ.14?

Commissioner Suarez: So move.

Chair Sarnoff: Moved by Commissioner Suarez, second by --

Commissioner Gort: Second.

Chair Sarnoff: -- Commissioner Gort. This is a public hearing. Anybody wishing to be heard on PZ.14, which is demolition by neglect in a historic neighborhood? Public hearing is now open. The public hearing is now closed, coming back to the Commission. Anyone wishing to be heard on PZ.14? All right.

Commissioner Gort: I have a question.

Chair Sarnoff: Commissioner Gort.

Ms. Uguccioni: Yes, sir.

Commissioner Gort: What procedures do we have to determine the neglect -- that the property's being --

Ms. Uguccioni: Neglected.

Commissioner Gort: -- before it gets to that --?

Ms. Uguccioni: Yes, sir.

Commissioner Gort: Can we stop it before it gets there?

Ms. Uguccioni: We hope so. We use the Code Enforcement Department routinely. And when we first notice that something's awry, we would notify Code Enforcement and go through that process, giving them time to repair and correct the situation.

Commissioner Gort: So your NET (Neighborhood Enhancement Team) offices within the districts will have someone that will be looking for the historic sites?

Ms. Uguccioni: We generally hear from people in the neighborhood, sir, that live there. We don't actually have a person that's out there. The Code Enforcement Department, I don't want to speak for them, but they do have people assigned to different areas of the City.

Commissioner Gort: Okay. Thank you.

Chair Sarnoff: All right. Any other Commissioners wishing to be heard? Madam City Attorney, it is an ordinance.

Priscilla A. Thompson (City Clerk): Chair, I'm sorry, before you read the ordinance, I have in my possession a substitution.

Victoria Mendez (Assistant City Attorney): Mr. Chairman, it's a substitution based just on numeric changes. It's nothing substantive. We had a problem with Municode and how it was

codified, so we had to make some changes as to the numeric parts of the Code, but nothing substantive.

Chair Sarnoff: All right. Based on a representation that it is not substantive, why don't we have -- read it into the ordinance.

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

Ms. Thompson: Your roll call.

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

Ms. Thompson: The ordinance has been adopted on second reading, 4-0.

PZ.15 09-00873zt**ORDINANCE****Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 62 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "ZONING AND PLANNING", BY AMENDING ARTICLE VII, ENTITLED "HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD", AND SPECIFICALLY SECTION 62-189, ENTITLED "PROCEEDINGS", BY CHANGING THE NUMBER OF VOTES REQUIRED FOR ALL DECISIONS OF THE HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD (WITH THE EXCEPTION OF DESIGNATION ACTIONS) SO THAT PASSAGE OF A MOTION REQUIRES A SIMPLE MAJORITY RATHER THAN A CONCURRING VOTE OF FIVE MEMBERS OF THE BOARD; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

09-00873zt HEPB Reso.pdf

09-00873zt CC Legislation (Version 1).pdf

09-00873zt CC SR 01-28-10 Fact Sheet.pdf

LOCATION: Citywide

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: See Historic and Environmental Preservation Board recommendation.

HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD:

Recommended approval to City Commission on August 4, 2009 by a vote of 6-0.

PURPOSE: This will eliminate the requirement of obtaining five affirmative votes for the passage of certain decisions of the Historic and Environmental Preservation Board.

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

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

13134

Ellen Uguccioni (Preservation Officer, Planning): Yes, sir. This is an ordinance on second reading as well. This is a change -- a minor change to Chapter 62, which allows the Historic Preservation Board to have other than five affirmative votes when they vote on such things as certificates of appropriateness. Before we had to have five votes, and there's -- not that often, but sometimes they don't agree with each other, and we want to ability to use the simple majority.

Chair Sarnoff: All right.

Commissioner Suarez: So move.

Chair Sarnoff: Motion by Commissioner Suarez, second by --

Vice Chair Carollo: I'll second it.

Chair Sarnoff: -- Commissioner Carollo. It is a public hearing. It is a -- PZ.15, ladies and gentlemen, changing the number of votes for required decisions of the Historic and Environmental Preservation Board so that a simple majority rather than a concurring vote of five members be heard. Anyone wishing to be heard, please step up to the podium. Hearing none and seeing none, the public hearing is now closed, coming back to the Commission for discussion. Gentlemen, anyone wishing to discuss this? All right, Madam City Attorney, it is an ordinance.

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

Priscilla A. Thompson (City Clerk): Your roll call.

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

Ms. Thompson: The ordinance --

Ms. Uguccioni: Thank you.

Ms. Thompson: -- has been adopted on second reading, 5-0.

PZ.16 09-00955zt**ORDINANCE****Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 6, SECTION 610.3.2 ENTITLED "CONSIDERATIONS IN MAKING CLASS II SPECIAL PERMIT DETERMINATION," TO ALLOW CANTILEVER COMPONENTS PROMOTING ENERGY EFFICIENCY, TO PROJECT INTO YARDS ADJACENT TO STREETS; SUBJECT TO LIMITATIONS AS SET FORTH; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

09-00955zt PAB Reso.pdf

09-00955zt CC Legislation (Version 2).pdf

09-00955zt CC SR 01-28-10 Fact Sheet.pdf

LOCATION: "SD-10" Medical Health Care, Hospital and Research Park Overlay District [Commissioner Wifredo (Willy) Gort - District 1 and Commissioner - District 5]

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on September 16, 2009 by a vote of 7-0.

PURPOSE: This will allow for cantilever components promoting energy efficiency to project into yards adjacent to streets, subject Class II Special Permit approval, in SD-10.

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

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

13135

Chair Sarnoff: PZ.16.

Roberto Lavernia (Chief of Land Development, Planning): PZ.16 is also second reading of amendment to 11000 ordinance in order to allow cantilever components promoting energy efficiency to projects into yards adjacent to street. This was related to SD-10 specifically. It was approved by the Planning Advisory Board, and first reading was on December 10.

Commissioner Gort: Move it.

Chair Sarnoff: All right, we have a motion on P --

Commissioner Suarez: Second.

Vice Chair Carollo: (UNINTELLIGIBLE).

Chair Sarnoff: -- then we have a second by Commissioner Carollo. Boy, I just want to say to the guys to my left, with myself included, everything old is new again. I mean, is this not the way it used to be years ago? And now all of a sudden they realize this is green. All right, PZ.16, ladies and gentlemen, is a public hearing. It is to allow for cantilever components promoting energy efficiency. Anyone from the public wishing to be heard, please step up to the podium. Seeing none, hearing none, it comes back to the Commission. Anyone wishing to discuss PZ.16? All right, Madam City Attorney, it is an ordinance.

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

Priscilla A. Thompson (City Clerk): Your roll call.

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

Ms. Thompson: The ordinance has been adopted on second reading, 5-0.

PZ.17 09-01051zt

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, BY AMENDING ARTICLE 9, SECTION 916,

ENTITLED "INTERIM PARKING", LIMITING THE LOCATION OF SHORT-TERM EVENT PARKING, CREATING AN INTERIM TEMPORARY PARKING PILOT PROGRAM, PROVIDING FOR NEW CRITERIA AND SPECIAL PERMIT REQUIREMENTS, AND ALLOWING FOR TIME EXTENSIONS WITH REFERRALS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

09-01051zt PAB Resos.pdf

09-01051zt CC Legislation (Version 3).pdf

09-01051zt CC SR 01-28-10 Fact Sheet.pdf

LOCATION: Citywide

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD (PAB): Recommended approval to City Commission on October 7, 2009 by a vote of 9-0. The PAB also recommended that the City Commission direct the Planning Department to conduct a longer term parking study also on Biscayne Boulevard corridor so that temporary measure wouldn't be necessary, on October 7, 2009 by a vote of 8-0.

PURPOSE: This will limit the location of the short-term event parking, create an interim temporary parking pilot program, provide for new criteria and special permit requirements, and allow for time extensions with referrals.

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

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

13136

Chair Sarnoff: All right, PZ.17.

Roberto Lavernia (Chief of Land Development, Planning): PZ.17 is also an amendment to 11000 ordinance and this is the second reading in order to allow limiting the location short-term event parking, creating an interim temporary parking pilot program and providing for a new criteria. It was recommended for approval by the Planning Advisory Board and the first reading on December 10. There was a request of Chairman Sarnoff to add statement regarding the illumination that is included in this second reading. It's on page 4 of 5 --

Chair Sarnoff: Thank you.

Mr. Lavernia: -- what you requested.

Chair Sarnoff: Thank you.

Mr. Lavernia: Thank you, sir.

Chair Sarnoff: All right, PZ.17, gentlemen. Do we have a motion?

Commissioner Gort: Move it.

Chair Sarnoff: We have a motion by Commissioner Gort --

Commissioner Suarez: Second.

Chair Sarnoff: -- second by Commissioner Suarez. Ladies and gentlemen, this is PZ.17. It is creating an interim temporary parking pilot program, which now includes lighting. Anyone from the public wishing to be heard on this item, please come up to the podium. Hearing none, seeing none, the public hearing is now closed, coming back to this Commission. Any Commissioner wishing to discuss PZ.17?

Vice Chair Carollo: Mr. Chairman.

Chair Sarnoff: Go ahead. Commissioner Carollo, you're recognized for the record.

Vice Chair Carollo: No. I just want to -- when I spoke to -- with the Administration yesterday with regards to PZ.17, they were mentioning -- I was mentioning to them an issue I have in my district and this maybe solve it. So I just want to make sure that -- I see Mr. Toledo there. Mr. Toledo. Just so you don't forget, 'cause I don't want later when I come to you and I bring PZ.17 and so forth, you know -- remember, I mentioned there was an issue --

Orlando Toledo (Senior Director, Building & Zoning): Yes.

Vice Chair Carollo: -- that we wanted to discuss and --?

Mr. Toledo: Yeah, you did mention it. Orlando Toledo, director of Building and Zoning. You did mention it. And any time we have the address, we'll go ahead and sit down and address it.

Vice Chair Carollo: Thank you.

Chair Sarnoff: All right. Anyone from the Commission wishing to discuss this any further? Hearing none, PZ.17, Madam City Attorney, it is an ordinance.

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

Priscilla A. Thompson (City Clerk): Your roll call.

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

Ms. Thompson: The ordinance has been adopted on second reading, 5-0.

PZ.18 09-01071**ORDINANCE****Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION DESIGNATING THE PUBLIC RIGHT-OF-WAY ALONG BISCAYNE BOULEVARD FROM APPROXIMATELY THE MIAMI RIVER NORTH TO NORTHEAST 36TH STREET, THE RIGHT-OF-WAY WIDTH IS AS FOLLOWS: FROM SOUTHEAST 4TH STREET TO SOUTHEAST 2ND STREET (100'), FROM SOUTHEAST 2ND STREET TO NORTHEAST 6TH STREET (230'), FROM NORTHEAST 6TH STREET TO NORTHEAST 8 STREET (168'), FROM NORTHEAST 8 STREET TO NORTHEAST 9TH STREET (150'), FROM NORTHEAST 9TH STREET TO NORTHEAST 12TH STREET (220'), AND NORTHEAST 12TH STREET TO NORTHEAST 36TH STREET (100'), MIAMI, FLORIDA, AS A SCENIC TRANSPORTATION CORRIDOR PURSUANT TO CHAPTER 17, SECTION 17-31 (B) (3), OF THE CODE OF THE CITY OF

MIAMI, FLORIDA, AS AMENDED, ENTITLED "ENVIRONMENTAL PRESERVATION DISTRICTS"; AMENDING THE OFFICIAL HISTORIC AND ENVIRONMENTAL PRESERVATION ATLAS OF THE CITY OF MIAMI; SUBJECT TO LIMITATIONS AS SET FORTH; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

09-01071 Land Use Map.pdf

09-01071 Zoning Map.pdf

09-01071 Aerial Map.pdf

09-01071 Designation Report.pdf

09-01071 HEPB Reso.pdf

09-01071 PAB Reso.pdf

09-01071 CC Legislation (Version 2).pdf

09-01071 CC SR 01-28-10 Fact Sheet.pdf

09-01071-Submittal-PowerPoint Presentation-Sean Paul Melito.pdf

09-01071-Submittal-Carol Garvin.pdf

LOCATION: Approximately the Public Right-of-Way along Biscayne Boulevard from Approximately the Miami River North to NE 36th Street, the Right-of-Way Width is as Follows: From SE 4th Street to SE 2nd Street (100'), from SE 2nd Street to NE 6th Street (230'), from NE 6th Street to NE 8th Street (168'), from NE 8th Street to NE 9th Street (150'), from NE 9th Street to NE 12th Street (220'), and NE 12th Street to NE 36th Street (100') [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: See Historic and Environmental Preservation Board recommendation.

HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD:

Recommended approval to City Commission on September 1, 2009 by a vote of 8-0.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on October 7, 2009 by a vote of 9-0.

PURPOSE: This will designate sections of Biscayne Boulevard as a scenic transportation corridor and amend the Official Historic and Environmental Preservation Atlas to reflect this designation.

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

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

13137

Chair Sarnoff: All right, PZ.18. We should remember this.

Ellen Uguccioni (Planning): And again, Ellen Uguccioni, preservation officer. This is on second reading again. Gentlemen, this is an ordinance that allows Biscayne Boulevard from the river to Northeast 36th Street to be designated as a scenic transportation corridor, and that is something that we don't often bring to you. But essentially what it is a street that has special significance to us because of the landscape qualities and sometimes the man-made qualities.

The Morningside Civic Association brought this to us, and on first reading made a wonderful presentation and an impassioned plea to have this designated so that the City has some ability to talk about what happens to Biscayne Boulevard in terms of the landscape and that kind of thing.

Chair Sarnoff: All right. PZ.18, is there a --?

Commissioner Suarez: So moved.

Chair Sarnoff: All right. We have a motion by Commissioner --

Commissioner Gort: Second.

Chair Sarnoff: -- Suarez, second by Commissioner Gort. PZ.18, ladies and gentlemen, is an ordinance to promote essentially Biscayne Boulevard as a scenic transportation corridor. Any from the public wishing to be heard on PZ.18, please come up to the podium. Hearing none, seeing none, comes back to the Commission. Gentlemen, anyone wishing to discuss PZ.18?

Commissioner Gort: I have a question.

Chair Sarnoff: Okay.

Commissioner Gort: How come it only goes to 36th Street, because you got a lot of history beyond that? I mean, before --

Ms. Uguccioni: Yes, sir.

Commissioner Gort: -- people used to travel from up north and would come down US 1.

Ms. Uguccioni: Right, and that's a very good question. And I -- the reason it was proposed to Northeast 36th Street, my understanding from the applicant was that there have been so many changes made to the median and landscape there that we felt it wasn't in its original state enough, so --

Commissioner Gort: And the new construction that's taking place, any idea when it will be over?

Ms. Uguccioni: I'm not sure. I think I understand it was a two-year project, but I would have to confirm that, sir.

Commissioner Gort: Thank you.

Chair Sarnoff: All right. Any other questions, Commissioners? Madam City Attorney, it is an ordinance, PZ.18.

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

Priscilla A. Thompson (City Clerk): Your roll call.

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

Ms. Thompson: The ordinance has been --

Ms. Uguccioni: Thank you very much.

Ms. Thompson: -- adopted on second reading, 5-0.

PZ.19 09-01421zt ORDINANCE**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, PASSED ON OCTOBER 22, 2009, ADOPTING A NEW ZONING CODE, TO BE KNOWN AS THE "MIAMI 21 CODE", FOR THE ENTIRE CITY OF MIAMI, FLORIDA, IN ORDER TO EXTEND THE ACTUAL EFFECTIVE DATE OF ORDINANCE NO. 13114 FROM FEBRUARY 19, 2010, TO MAY 20, 2010; AND ALSO TO EXTEND THE REPEAL OF ZONING ORDINANCE NO. 11000, TO MAY 20, 2010; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

09-01421zt CC Legislation (Version 1).pdf

09-01421zt CC SR 01-28-10 Fact Sheet.pdf

LOCATION: Citywide

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: N/A.

PURPOSE: This will extend the actual effective date of the adoption of the new "Miami 21 Code" and the "Miami 21 Atlas" for the entire City of Miami to May 20, 2010.

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

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

13138

Chair Sarnoff: All right. PZ.19.

Roberto Lavernia (Chief of Land Development, Planning): PZ.19 is a second reading of -- the continuance of the date in -- for Miami 21 --

Chair Sarnoff: All right.

Mr. Lavernia: -- from February 19 to May 10 -- 20.

Chair Sarnoff: Okay. Is there a motion?

Commissioner Gort: Move it.

Commissioner Dunn: Second.

Chair Sarnoff: Motion by Commissioner Gort, second by Commissioner Dunn. It is a public hearing, PZ.19. It is an extension of approximately 90 days from Miami 21's effective date. Anyone from the public wishing to be heard, please step up to the podium. Hearing none, seeing none, comes back to the Commission. Gentlemen, any discussion? Hearing none, Madam City Attorney, it is an ordinance.

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

Priscilla A. Thompson (City Clerk): Roll call.

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

Ms. Thompson: The ordinance has been adopted on second reading, 5-0.

PZ.20 09-01423zt ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13116, PASSED ON OCTOBER 22, 2009, WHICH AMENDED CHAPTER 23 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, ENTITLED "HISTORIC PRESERVATION", TO REFLECT THE PROVISIONS AND LANGUAGE OF THE MIAMI 21 CODE; IN ORDER TO EXTEND THE ACTUAL EFFECTIVE DATE OF ORDINANCE NO. 13116 FROM FEBRUARY 19, 2010, TO MAY 20, 2010; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

09-01423zt CC Legislation (Version 1).pdf
09-01423zt CC SR 01-28-10 Fact Sheet.pdf

LOCATION: Citywide

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):
PLANNING DEPARTMENT: N/A.

PURPOSE: This will extend the actual effective date of Ordinance No. 13116 to May 20, 2010.

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

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

13139

Chair Sarnoff: PZ.20.

Roberto Lavernia (Chief of Land Development, Planning): PZ.20 is also the same subject because of Miami 21, the extension for the Chapter 23, entitled "Historic and [sic] Preservation" chapter, from February 19 to May 20, part of Miami 21.

Chair Sarnoff: All right. Is there a motion on PZ.20?

Commissioner Suarez: So moved.

Commissioner Gort: Move it.

Chair Sarnoff: Moved by Commissioner Carollo, second by Commissioner Gort. Ladies and gentlemen, it is PZ.20. It is an amendment to Chapter 23 of the City of Miami Code, providing for an extension to an effective date of May 20, 2010. Anyone from the public wishing to be heard on this item, please step up to the podium. Hearing none and seeing none, the public

hearing is now closed, coming back to the Commission. Any of the Commissioners wish to be heard on this item? Madam City Attorney, it is an ordinance.

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

Priscilla A. Thompson (City Clerk): Roll call.

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

Ms. Thompson: The ordinance has been adopted on second reading, 5-0.

PZ.21 08-01084lu ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO §163.3187, FLORIDA STATUTES, BY CHANGING THE LAND USE DESIGNATION OF THE ACREAGE DESCRIBED HEREIN OF REAL PROPERTIES LOCATED AT APPROXIMATELY TWO UNASSIGNED ADDRESSES, HAVING FOLIO NUMBERS 01-4103-037-0430 AND 01-4103-037-0431, MIAMI, FLORIDA, FROM "DUPLEX RESIDENTIAL" TO "MAJOR INSTITUTIONAL, PUBLIC FACILITIES, TRANSPORTATION AND UTILITIES"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

08-01084lu Analysis.pdf

08-01084lu Land Use Map - NEW.pdf

08-01084lu Aerial Map - NEW.pdf

08-01084lu PAB Reso.pdf

08-01084lu Miami-Dade County Public School Concurrency.pdf

08-01084lu Letter of Intent - Revised.pdf

08-01084lu Letter of Intent - Original Request.pdf

08-01084lu Application & Supporting Documentation - NEW.pdf

08-01084lu CC Legislation (Version 3).pdf

08-01084lu Exhibit A.pdf

08-01084lu CC FR 01-28-10 Fact Sheet.pdf

08-01084lu-Submittal-Andres Vazquez.pdf

LOCATION: Approximately Two Unassigned Addresses, Having Folio Numbers 01-4103-037-0430 and 01-4103-037-0431 [Commissioner Frank Carollo - District 3]

APPLICANT(S): Gilberto Pastoriza, Esquire, and Estrellita Sibila, Esquire, on behalf of The District Board of Trustees of Miami Dade Community College, Florida

FINDING(S):

PLANNING DEPARTMENT: Recommended denial.

PLANNING ADVISORY BOARD: Recommended approval of the original request, which included all properties, to City Commission on March 18, 2009, except for the North 25 feet parallel to SW 5th Street, which is to remain with

the "Single-Family Residential" Land Use designation, by a vote of 7-0. See companion File ID 08-01084zc.

PURPOSE: This will change the above properties to "Major Institutional, Public Facilities, Transportation and Utilities".

NOTE(S): The City Commission indefinitely deferred the original request, which included all properties, on June 25, 2009.

WITHDRAWN

Chair Sarnoff: PZ.21.

Roberto Lavernia (Chief of Land Development, Planning): PZ.21 and 22 are companion items, change in the land use change and the atlas change. I just want to make a little history of this just to remind where are we and what is the application that you have in front of you tonight. This is the property -- originally, there was an application to go from R-1 and R-2 to G/I (Government Institutional). There was original application that went to PAB (Planning Advisory Board). The PAB approve it -- recommended for approval, with the condition that the north 25 feet remain single family in order to protect the residential area that is at the north. It went to the Zoning Board. The Zoning Board recommended denial as presented and approved for the whole property to change to SD-12. It came for City Commission, and it was deferred because all parking and modifications to be approved by City Commission and to get with the neighborhood and get it -- an agreement with. The application was modified. They -- the application now is for this portion from R-1 to R-1 with an SD-12. It's for this portion from R-2 to G/I. It went to the -- they don't have to go back to the Planning Advisory Board because they complied with the requirement and condition of the Planning Advisory Board on the first submittal but for the Zoning Board, yes. They went to the Zoning Board and the Zoning Board recommend again the whole property to be SD-12. So you have -- that the petition of the applicant is here, SD-12 and here, G/I. And the Zoning Board recommend everything SD-12. This is what you have in front of you today.

Chair Sarnoff: All right.

Mr. Lavernia: And also the land use, this remain because it -- they don't need it, and the -- (UNINTELLIGIBLE) will go to G/I.

Chair Sarnoff: So PZ.21, we do not need to hear 21?

Gilberto Pastoriza: Yes.

Chair Sarnoff: We do.

Mr. Pastoriza: Yes, you do.

Mr. Lavernia: Yes. We need to hear both --

Commissioner Gort: You have --

Mr. Lavernia: -- 21 and 22.

Chair Sarnoff: And 22.

Commissioner Gort: -- you're going to have public --

Victoria Mendez (Assistant City Attorney): It's not the same as the other applications. This one -

-
Chair Sarnoff: Understood. I understand. All right, so can we hear them together, though? Can we hear the issue together?

Ms. Mendez: Yes, Mr. Chairman.

Chair Sarnoff: Okay. All right, so PZ.21, can I get a motion?

Vice Chair Carollo: I will move it, but I have to -- I have discussion on it.

Chair Sarnoff: All right. So PZ.21 --

Commissioner Gort: Second.

Chair Sarnoff: -- we have a motion by Commissioner Carollo, second by Commissioner Gort. Let me open up to the public hearing. PZ.21 is a land use change of some complications, so I won't try to restate it. Anyone wishing to be heard on PZ.21?

Mr. Pastoriza: Mr. Chairman, members of the Commission, Gilberto Pastoriza, 2525 Ponce De Leon. I just want to briefly explain a little bit more what Mr. Lavernia said, because you may remember that this application came to this Commission by -- about three or four months ago. And the application that came before this Commission was an application that basically asked for everything in this to be turned blue -- everything in blue, except for a 25-foot strip that was going to remain residential R-1. The Commission at that time asked me to bring back an application that showed everything parking, and that if any changes to that applications were made, that it had to come back to this Commission. So the application that the College is bringing back is an application that does exactly that, because one of the things that staff failed to mention -- and by the way, staff is now supporting the modified application, and it needs a little bit of explaining, so let me try to explain it to you. Fifth Street, sixth street, twenty-seventh, twenty-fifth, the application right now, like the staff mentioned to you, everything that is fronting in yellow here, the light yellow, is R-1 and will remain R-1 with an SD-12 overlay. The two lots that are closest to 6th Street, those lots are G/ -- are R-2, and those lots will go to G/I. Now what was not mentioned before, which I will mention to you now, is that in order for me to be able to use the SD-12, your Code requires that I come back with a special exception, and that special exception has to show how the parking is going to be laid out and everything about, you know, the application properly. The application that we have right now already in process is an application that looks like this. This is the area that will remain R-1 with an SD-12. This up here was the area that was R-2 with a G/I -- to G/I. Now, remember that this Commission told us I want an application that eventually everything is parking. Everything is parking here. The second thing that this Commission instructed the College to do was that if there was any changes to this parking situation, that this -- I believe the whole thing had to come back to you, since I'm going to require a special exception, and the special exception is going to be tied to a plan, and the plan is this. Any change that I do here has to come back through the whole loop again. Has to go back to the Zoning Board and has to come back to this Commission. So in essence, this application, the modified application, which staff supports, is an application that addresses the two concerns that staff -- I mean, that this Commission had the last time we were before this Commission. I think that you will see that everything is parking, and whatever change we'll make here comes back to you. Now, why did we leave those two lots G/I? The reason why we left those two lots G/I is twofold. The first is it provide us with some flexibility. Because under the SD-12, I cannot access the property from the SD-12. The SD-12 doesn't allow you to access the property. You got to access from some other property. One. Two, it gives me the flexibility that I can put the driveways on my G/I and access the property under the G/I. The other reason is that the only -- which it goes to the purpose of what the College is doing here, which is to create parking and to provide parking. If this property becomes SD-12, then I got to do my

20-foot buffer with a wall, and I lose 13 parking spaces. So really it limits the ability of the College to provide more parking, which is what the College has to do. And at the same time, it complies with the wishes of this Commission. I would just like to reserve some time for rebuttal, Mr. Chairman, when we are said and done.

Chair Sarnoff: All right. Go ahead. Do you want to respond?

Mr. Lavernia: It's a matter of clarification. There was a motion for approval, but it was not specified if it's approval the application as it's presented now or the recommendation of the Zoning Board. We need that clarification, please.

Chair Sarnoff: Who's the mover? The mover was --

Mr. Lavernia: Commissioner Carollo.

Vice Chair Carollo: I was moving the way it shows here on PZ.21, as the ordinance reads.

Mr. Lavernia: So as presented? As the new application presented? Are you okay, Victoria? Okay. Thank you.

Chair Sarnoff: You okay with that? You understand what he meant by that?

Vice Chair Carollo: Yes. Whether I'm moving with what was recommended or if I'm moving with what we have present in front of us.

Chair Sarnoff: Right. He thinks you're moving what is presented.

Vice Chair Carollo: Right.

Chair Sarnoff: I would imagine that's the entire presentation today?

Mr. Pastoriza: Let me tell you what so that you understand. The Zoning Board --

Vice Chair Carollo: Actually it's -- shouldn't it be --

Chair Sarnoff: Upside down, yeah.

Commissioner Gort: This is the 5th Street and this is 6th Street.

Chair Sarnoff: To match that.

Commissioner Gort: Yeah.

Mr. Pastoriza: Well, to match that is this way.

Chair Sarnoff: There you go.

Commissioner Gort: Okay. Now you got it.

Vice Chair Carollo: There you go.

Commissioner Gort: You were driving me crazy.

Vice Chair Carollo: There you go.

Chair Sarnoff: I must be dyslexic; you had me -- 'cause you had me perfectly fine.

Mr. Pastoriza: So the application -- the modified application, which, by the way, staff supports the modified application, is to come up with a -- with this area, the two lots to the south on 6th to go from R-2 to G/I, the balance R-1 with the SD-12. That's the modified application that was presented -- that is presented. What the Zoning Board recommended is for this whole thing --

Vice Chair Carollo: To be SD --

Mr. Pastoriza: -- to be SD-12.

Vice Chair Carollo: And what's the difference between the SD-12 and the G/Y [sic]?

Mr. Pastoriza: Well, there are two -- there are reasons why we did that, and the two main reasons are, number one, that I would lose this row of parking, because if I -- if this becomes SD-12, then I got to put a buffer of 20 feet with a wall, so I would lose this parking. And doing the G/I here gives me flexibility. I would have to enter it -- the parking would have to be entered through here and not through here. I mean, through another College property. That's the difference.

Vice Chair Carollo: All right. Public hearing?

Chair Sarnoff: Yeah. I -- we have a motion. We have a second. Any -- well, I think I did open a public hearing. Anybody else from the public wishing to be heard on this item?

Andres Vazquez: Yes, sir, we do.

Chair Sarnoff: Go ahead.

Mr. Vazquez: My name is Andy Vazquez. I reside at 2540 Southwest 4th Street. May I approach to give you a little packet?

Chair Sarnoff: Sure.

Mr. Vazquez: Thank you.

Ms. Mendez: Sir, do you have one for the City Attorney's Office?

Priscilla A. Thompson (City Clerk): And for the Clerk, please.

Ms. Mendez: Thank you.

Mr. Vazquez: Before you you have some notes that I wrote down about this process as it has become developing over the course of the year, and you also have some very significant photos of the circumstances and situations that we face on a day-to-day basis in the early morning hours when we have to go to work and in the afternoon hours when we come home from work. We have nothing but a major traffic jam on a residential street. We have difficulty getting in. We have difficulty getting out. You'll see in one of the photos there's a paramedics van coming down the street that had difficulty trying to get through the street because there's no room for him to get through the street. You'll see in another picture two cars coming in the opposite direction. I had turned into that street just five minutes prior to taking that photo. I mean, this is a situation that could create a potential harm. Now we come here, after we've tried several times to get this problem resolved, and we've been to this Commission before. It's been deferred. The original plans that were presented had been rejected by the Zoning Board and rejected a second time by the Zoning Board. Now, there's a whole bunch of notes and stuff that I want to touch

upon, but now we have an amended application, which is new to us as well. We're not looking to get no -- please. I only have --

Mr. Pastoriza: Yeah. Go ahead.

Mr. Vazquez: -- a limited amount of time.

Mr. Pastoriza: Yeah.

Mr. Vazquez: We're not looking to eliminate the college from the area. No one has ever said that. We don't have a problem with the college being here. What we have a problem is with the college on its outward growth. It's slowly and surely buying all of the property bordering each one of those sides of 5th and 25th and they'll surely come into 4th Street at some point and eventually to 3rd Street because the ultimate plan, if there is an ultimate plan -- they don't never want to say it, but if there is an ultimate plan, it's eventually to make the school from one end to the other, 'cause we got Miami High on the other side. The SD-12 that was agreed upon was an SD-12 that was a buffer on all of 5th Street, the south side of 5th Street, and all of 25th Avenue. At one point they rejected that as well because it came with a plan that then wanted a G/I on that corner. We're not accepting of the G/I, even if you then run (UNINTELLIGIBLE) for a special exemption [sic] when he intends to build -- or when he decides to build something. His special exemption [sic] only has -- only makes him come here. It doesn't make him change anything. Once he has the G/I, he can build whatever he wanted. Today is a beautiful thing; we get to drive in through this side. And tomorrow it's a huge building. We don't know what they want to put in there. We do know that they want to bring in more students. More students means more cars. More cars means the same problem, until they buy the next block. It's like putting a 500-pound person in a size 32 pair of pants; it doesn't fit. This college is too big for this neighborhood, and it continues to grow outward instead of upward. They had other options. They have buildings available across the street on 8th Street where the school first originated. That building is available. It has thousands of spaces in there. They have their own parking. They don't go for that. They said that they have to retrofit it, and that it costs so much money. What plans have they used in order to determine that retrofitting cost a lot of money? We don't know that they've used any kind of plans. They haven't presented a plan to you guys. They haven't presented a plan to anybody. Nobody knows what they want to build there. They want to put the cart before the horse. And as a neighbor, I am concerned that I will eventually lose my house as we continue to buy properties and eliminate and grow the school, and I'm just one. You know, we're looking at -- about a neighborhood that has people who have been living there for decades, not weeks or a couple of years, decades. Most of these people are either in retirement or near retirement. By the time this gets built, those people are going to lose their houses. Then where are you going to put them? So it's really ultimately the decision of, you know, this panel to determine whether or not the G/I even needs to be there. They already have G/I on that side of 6th Street. Surely they can make their concession. We already pay for parking in front of our house, only to leave our house in the morning and have stress before we make it to the corner. You know, it costs us money to park in front of our house because this college has this parking problem. They have ways right now to resolve this parking issue. They can move their entrance to the other -- to the last end of 6th Street and eliminate all that incredible long line of cars and they can have them come in and come all the way back double down this way. They don't see it that way. I appreciate you giving me the time to speak. There's a couple of more people who just want to use a couple of minutes. And I thank you very much. And I hope that you can just take a look at this for what it is --

Chair Sarnoff: Mr. Vazquez --

Mr. Vazquez: -- a play on taking every --

Chair Sarnoff: -- quick question. It says you reside at 2540 Southwest 4th Street, right?

Mr. Vazquez: Yes, sir.

Chair Sarnoff: Do you or a member of your family own that property?

Mr. Vazquez: Yes, sir.

Chair Sarnoff: Okay. Thank you.

Ronald Mazzaropp: Ronald Mazzaropp, 2534 Southwest 3rd Street. I'm opposed to this application solely based on the conversion of the G/I. If it wasn't for the G/I, I would be in favor of their SD-12. I don't believe there's a necessity to change this G/I and to do this because the -- from 25th Street down 6th to where the meeting is of the existing G/I, which is those two lots are R-12, is 119 feet. Their entrance they're worrying about -- that they're talking about from 25th down is 100 feet. We're talking -- and that driveway width is 15 feet -- a difference of 19 feet. If they were to move that entrance 19 feet, they would be on their existing G/I property and not need to change the zoning. I don't believe they've properly demonstrated a need or a hardship to require the zoning to be changed. So I ask you to please uphold the Zoning Board's decision and your previous decision, reject the zoning, and I would definitely be in support of them having the SD-12 if that was done. Thank you.

Chair Sarnoff: Thank you. Yes, ma'am. You're recognized for the record.

Lisa Young: Hi. Lisa Young, 2534 Southwest 3rd Street. I am also opposed to the G/I. I have no problem with the SD-12. The only thing I would ask with that is the residents of 25th Street also get the buffer that -- 25th Avenue -- Southwest 5th Street is. There are the same amount of residents and everything. Everybody should be treated equally. I would ask that you also respect the Zoning Board's decision and not pass the G/I. Thank you.

Chair Sarnoff: Thank you. Yes, ma'am. You're recognized for the record.

Adyeren Vazquez: Thank you, sir. Good afternoon. My name is Adyeren Vazquez, and I'm representing my parents, Susana and Bertin Santos, who reside at 25 --

Commissioner Gort: Excuse me. Speak into the mic.

Ms. Vazquez: Oops, sorry. I'm an awful public speaker.

Chair Sarnoff: I think you're doing pretty well.

Ms. Vazquez: I'm representing my parents, Susana and Berlin Santos, who reside at 2522 Southwest 4th Street, and who oppose the zoning change as it is presented here today. For those that are not familiar with our area, the little sketches they have here really don't show our particular little neighborhood. Our neighborhood is very small. We're bordered by Flagler. We're bordered by 8th Street. We're bordered by 27th Avenue. And we have (UNINTELLIGIBLE) coming right across the way. That makes us a type of little triangle. This - - during the years the City has made those areas all commercial, making it a high vehicle and high pedestrian traffic area. We are opposed to the proposed change, as are most of our neighbors not only because of the traffic, but the College growth has also brought to our area littering, loitering, and increase in crime. This change will allow the College to expand further into our neighborhood, which is zoned R-1 and R-2. As a resident of over 30 years, I am saddened by the lack of regard the City has shown our neighborhood over the years. We have been here before and have been dismissed, saying that this has -- it had nothing to do with our neighborhood, and here we are today, almost 15 years later, and it's in our backyard. The decisions we make today will be reflected upon tomorrow. When MDC (Miami-Dade College)

proposed the first zoning change, we were before the Commission. And as reservations were presented and the zoning petition was presented at that time, again, I -- we came here and we were told that since it had nothing to do with our particular address, we didn't have a say. MDC possesses, by their own admission, to create building in the area which will house not only parking, but additional classrooms. With no concrete plans, this means to us that if you provide the zoning change, they may build as high as City Code permits in the future and continue to make our area more dangerous and unlivable. They have demolished homes without regards to the families that have sacrificed so much to own them -- My dad, for example, held four years two full-time jobs and two part-time jobs. This is his livelihood. This is all he has to show for all his work. -- and have made coming and going into our homes impossible for at least two hours a day. What is to stop them from continuing to grow in the future? These are so -- there are so many other things that we would like to share. Businesswise, the College -- contends that they have brought new business into the area. I tell you that I've been living there for 35 years, and the present building -- businesses in the area have been there four years. As a matter of fact, when I first moved into that area, Ed Dorado was there. They moved out of there and now they're back again. So they really haven't brought any new business. The one that did bring new business was that big building that we say that MDC might look into using, which was their original place of business, that building on the corner of 8th Street and 27th Avenue, because they were put there as an outreach center. They were never meant to be a full-scale campus.

Chair Sarnoff: I need to have you wrap up a little bit, if you --

Ms. Vazquez: I am done. Thank you for hearing me. I know I was a little long on that, but my parents weren't here to say what they wanted to say.

Chair Sarnoff: You did a great job, and they should be proud of you.

Ms. Vazquez: Thank you, sir. Thank you all.

Chair Sarnoff: All right. Anyone else from the public wishing to be heard on PZ.21? Hearing none, the public hearing comes --

Mr. Pastoriza: Mr. Chairman, two minutes, just very briefly.

Chair Sarnoff: You heard something you need to rebut?

Mr. Pastoriza: Yes.

Chair Sarnoff: Okay.

Mr. Pastoriza: Just want to do a couple of things. First of all, one of the things the College has done, we had an entrance to the parking on 5th Street --

Vice Chair Carollo: Can we flip it so we could match apples to apples?

Mr. Pastoriza: We had an entrance to our parking right here. We closed that, okay. We closed that because all -- you know, the complaints that the neighbors had when we started this application. That's -- so, therefore, right now there is really no access on 5th Street to the parking. There is none. So putting access on 6th Street makes sense, and it makes sense because that takes the traffic away from 5th Street where the neighbors are. One thing that I need to reiterate to you that we -- if this plan gets approved and I come in with the special exception, which I, by law, have to come back to you with this parking scenario, I cannot do anything on this property except what is shown on these plans, because the special exception will be tied to the plans. So it's not that because I have the G/I on these two lots I can do whatever I want. That's not true. That is not true, because the special exception tied to the plans, which is the next

step in the process, will not allow me to do that. Thank you, Mr. Chairman --

Chair Sarnoff: Thank you.

Mr. Pastoriza: Commissioners.

Chair Sarnoff: All right. Coming back -- any from -- anyone else from the public? Coming back -- the public is now closed, coming back to the Commission. Commissioner Carollo.

Vice Chair Carollo: Thank you, Mr. Chairman. I have a question, if possible. Would you object to making it SD? 'Cause I think the majority of the neighbors would not mind if -- you know, that piece that you want G/I [sic] will be an SD. I have a -- I mean, as far as them building out there -- I'm seeing here, first of all, what was represented from staff yesterday. And what I'm reading here is that these are allowed to a maximum density and intensity equivalent to at least intense abutting zoning district, so it seems like subject to the same (UNINTELLIGIBLE) locations. It seems -- from my representation that I received from staff and from what I'm reading, it seems that the abutting will be single-family residential, so the highest that they could build it is what, two stories, or something like that?

Mr. Pastoriza: Would be --

Vice Chair Carollo: Mr. Manager.

Chair Sarnoff: For the G/I you're talking about?

Vice Chair Carollo: Yeah.

Chair Sarnoff: Oh, trust me, that's not the way it's going to work.

Lourdes Slazyk (Zoning Administrator): For the record --

Chair Sarnoff: Some of us in the Grove have a lot of experience with that.

Vice Chair Carollo: Well, that was the representation that they gave me yesterday, so that's why I want it on the record and --

Ms. Slazyk: Okay. For the record, Lourdes Slazyk, Zoning administrator. What the G/I category allows is your government and institutional uses. It's an FAR (Floor Area Ratio) of 1.72, and it's an unlimited height. But in order to put any use on G/I, the introduction of any new use is going to require public hearings and special exception. The least intense abutting district is only if you have a G/I property that ceases to be used for government or institutional purposes. Let's say you have a G/I property where you've got a college facility. The college decides to sell it and somebody else wants to come in and develop it. If they don't rezone it, they can only use it in accordance with their least intense abutting district. So if there's R-1 next door, even with a G/I zoning, all they can put there is a single-family home.

Vice Chair Carollo: Right. And --

Ms. Slazyk: That's what it -- but in this case they are using it for an institutional purpose, which is the college -- which is the parking for the college. So it isn't that they can't use it for the parking for the college, the -- you know, that they only have to do a single-family home. That would be if they abandoned it and somebody else buys it. That's the protection for the neighborhood that you're not going to get some other high-rise there.

Vice Chair Carollo: See -- and let me tell you something. This brings up a big issue that I have,

because the representation that was given to me was that they could not go any height except the abutting neighbor, which is single-family residence. And what you're telling me right now is that not in this case. The only case that this abutting to --

Ms. Slazyk: Least intense abutting district. Yeah.

Vice Chair Carollo: Yes -- is should they sell and someone else come in.

Ms. Slazyk: Right.

Vice Chair Carollo: So I would say that the Administration misrepresented what they were allowed to do, and I have an issue with that. And that's why, Mr. Manager, I'm constantly reading up on this and so forth, and I just can't drop my guard.

Mr. Hernandez: Commissioner, I believe that -- I believe you're referring to the statements by Mr. Toledo. He's here at the podium and he will clarify any concerns.

Vice Chair Carollo: You know, and I'm extremely upset about this, because, you know, you just can't drop your guard here.

Orlando Toledo: Commissioner, Orlando Toledo, director of Building and Zoning. When we went ahead and yesterday we gave you the presentation, as part of the presentation, the same thing that Lourdes mentioned was what I mentioned, that at the point of -- that G/I can -- the only reason they're using G/I, two reasons, and it's what the attorney just mentioned. One, that way they don't eliminate the 13 parking spaces on the avenue side, and the only way they could come into the SD-12 is having a G/I because of how they could come into the parking lot. At any time that they sell the property, then they will go ahead and come back to you because they'll have to rezone it.

Vice Chair Carollo: Right. But I think we're mixing apples with oranges here. And if it was represented the correct way yesterday, then, you know, that's fine. I just need to know what are the facts and so forth and have some time to think about it. With that said, I think we're mixing apples with oranges here because if that is now G/I, they could build a big building there.

Mr. Toledo: Not without coming back to City Commission for approval.

Vice Chair Carollo: And my question is, if it's for parking, why not just, you know, do the SD-12? Your reasoning is because of the wall and the 25-foot.

Mr. Pastoriza: I lose parking here, okay, which is -- the reason what we're doing this whole thing is for parking. And you know, I would tell you that since the special exception is here, even if the College would sell this property, if anybody comes in and does one single-family home on this plan, they got to come back to the Zoning Board and to you because they have substantially changed the site plan. This site -- the special exception will be tied down to this plan.

Vice Chair Carollo: So you're saying if it's even -- okay.

Mr. Pastoriza: Even with this G/I -- what the G/I allows us to do, the College, is number one, allows us to be able to put more parking and gives us a little bit of more flexibility on the way that we design our entrance and exits.

Vice Chair Carollo: Okay. So could there be some type of covenant and we get some type of covenant that what you're going to do is parking?

Mr. Pastoriza: You're going to see the special exception here coming to you next month. You're

going to see it. I have to bring it back to you. I have to bring -- because the SD-12 requires me to do a special exception to go along with it. It's --

Vice Chair Carollo: Right, right, right, but --

Mr. Pastoriza: And in the past, Mr. Carollo -- Commissioner Carollo, in the past it used to be that I would come before you with everything for approval, the rezoning and the special exception. Recently, there's been a change in policy, which I cannot do the special exception until I get the rezoning, and that's why you cannot see the two things merging at the same time.

Vice Chair Carollo: Okay. And help me, Ms. -- Madam City Attorney. If that's the case, what needs to be proffered or how can it be worded so that the only thing allowed in that G/I is parking?

Mr. Toledo: A covenant.

Vice Chair Carollo: I mean -- a covenant?

Ms. Mendez: The special exception provides the safeguards that you need. I mean, it does. The problem is when you have the G/I, it's not going to have the buffers that the neighborhood wants, and that's one of, you know, the differences between the two applications. But the special exception, which Mr. Pastoriza is going to need to be able to bring all this to fruition, gives you the safeguards you need. And there -- that is true as Ms. Slazyk said, and Mr. Toledo can elaborate. You could put special conditions in the special exception when it comes before you.

Mr. Toledo: In addition, as the special exception comes to you, you could put conditions on exactly what you want to be allowed under that special exception, and it will be coming in in February.

Mr. Pastoriza: We all right got it -- we already started the process.

Mr. Toledo: Right.

Vice Chair Carollo: And by the way, for the residents of that area, I think some of you may know -- I think I've seen some of you when I was walking door to door -- the reason why I didn't go out there like I normally would was because of a ruling called the Jennings Rule or Jennings --

Mr. Pastoriza: Jennings.

Vice Chair Carollo: -- Jennings Ruling [sic], and -- which doesn't allow me to go there and speak to you and so forth. If not, I would have definitely been out there and speaking with you and talking, so you know, I apologize. And that's why I'm in this scenario which -- I guess I'm going to need to start getting used to it, but it's a little awkward for me 'cause for the most part, I'd be out there, you know, active, seen, you know, discussing it with you and so forth. So that's why I didn't reach out to you like I normally would have. And some of your res -- and some of your neighbors too, which, as you know, I do know.

Commissioner Gort: Can you yield for a minute?

Vice Chair Carollo: Go ahead.

Commissioner Gort: I have a couple of questions. My -- your objection is because of the -- you want the 25-foot on the -- on 25th Street, right?

Mr. Pastoriza: It's a 20-foot.

Commissioner Gort: Twenty foot. Well, the green area, it's on 27th Avenue, right?

Vice Chair Carollo: Right.

Commissioner Gort: Why can't you just move the whole thing that way?

Mr. Pastoriza: Because the Code requires that I have "X" percent landscape open space.

Commissioner Gort: Provide it on the other side.

Mr. Pastoriza: Where?

Commissioner Gort: Just move the whole thing.

Mr. Pastoriza: Put it here?

Commissioner Gort: Yeah. All you have to do is move it. My understanding also is --

Mr. Pastoriza: Well, we could do that. I mean, yeah, we can do that.

Commissioner Gort: That would take care of the neighbors. But my problem is they're on 4th Street. There's no one here for 5th Street. How come all the traffic is on 4th Street? I think this is also a problem of --

Vice Chair Carollo: I think they own all of 5th Street.

Mr. Pastoriza: No. We only own the south side of 5th Street.

Commissioner Gort: Fifth Street, okay. So the -- and I can see the problem and the worries of some of the residents in the area. That began -- and let me tell you, I'm very proud of Miami Dade. I'm a product of Miami Dade. And if it hadn't been for Miami Dade, I would not have the titles that I have today, so -- but at the same time, this is a neighborhood. I remember Miami Dade began as a international small center. It has grown quite a bit, and you've been very successful. Their worry, how much more you're going to expand? I mean, how many more classrooms you're going to have? How many more students you're going to add? That's an area where it's very limited. I think that's one of the main worries, not only the traffic but the idea of the --

Vice Chair Carollo: Expansion.

Commissioner Gort: -- expansion. I think that's something that the -- Miami Dade should come up with a master plan. Look, this is what we're going to do. This is the whole idea of what we want to do in the neighborhood. And really, I don't see you growing much more in that area. You got a beautiful residential area. You got some beautiful homes in there and they should be maintained. And the traffic flow -- somehow you got to have a traffic study and have some kind of a -- get together with the Department of Transportation or Public Works and create a traffic flow with the one-way streets and so on so get the people off. Because I've been through there sometimes when -- in the afternoons or in the morning and it gets bad. And this is just food for suggestions. I think you can change that whole thing and put the landscaping on the other side. Just a suggestion.

Vice Chair Carollo: Is it possible to do that suggestion so --

Mr. Pastoriza: Absolutely.

Vice Chair Carollo: -- we could have some type of --?

Mr. Pastoriza: Absolutely.

Chair Sarnoff: Maybe the thing to do is continue this? I could tell you right now, I don't think you have my vote, so -- and I'm -- and maybe they're --

Mr. Pastoriza: Let me ask you this. If -- and the neighbors -- I think I've talked to some of the neighbors. Because for us to provide the buffer here really, it's almost the equivalent as just creating the SD-12, okay, everywhere.

Chair Sarnoff: Mr. Pastoriza, they showed me some photographs, and they showed me photographs what appears to be something like a wasteland. And you know, it -- in the words of Commissioner Carollo, who likes to show green, he must be very glad to see a lot of green there. But when I look at the real photograph, I just see asphalt and I see burnt out shrubs that don't look like they've been taken care of, followed by blacktop, which looks like it's been blacktopped six or seven times, followed by, you know, a chain link fence that is in reasonably good shape, followed by a bunch of signs that say "student parking." If I lived there, I don't think I would want to see what they have to go through. And when you live in an urban setting, maybe it's time you start planning urbanely [sic] and not continue to expand, you know, width, but to go up horizontally.

Mr. Pastoriza: Well, I think what I was going to say is I think what some of the neighbors have said that for us -- because really, this is not -- we're not trying to play a game with the G/I. For us to put the buffer here, it's basically like doing an SD-12 because the SD-12, we're required a buffer. So what I'm trying to say is listen, the College will go along with this application, all of it being SD-12, which I think is what some of these neighbors --

Vice Chair Carollo: Okay.

Mr. Pastoriza: -- have said.

Vice Chair Carollo: And --

Commissioner Gort: That's what this does.

Vice Chair Carollo: -- Mr. Chairman, if I may. I don't mind continuing. However, before continuing, I want to discuss -- because I can't go out there and speak to the neighbors, so I want to see if the neighbors agree with that as far as all -- an SD-12. That way, we could possibly resolve it now and that's what I want, because, unfortunately --

Chair Sarnoff: Let them come --

Vice Chair Carollo: -- I can't go out there.

Chair Sarnoff: I know. Let them come back up if you want.

Unidentified Speaker: Fine.

Vice Chair Carollo: You're okay with it?

Unidentified Speaker: That's fine.

Unidentified Speaker: Okay with it.

Chair Sarnoff: Is Mr. Vazquez okay with it?

Vice Chair Carollo: Mr. Vazquez.

Mr. Vazquez: Yes, sir.

Vice Chair Carollo: Are you okay with the SD-12?

Mr. Vazquez: Yes.

Vice Chair Carollo: Seems like the rest --

Ms. Thompson: I'm sorry.

Vice Chair Carollo: Thank you.

Ms. Thompson: I'm sorry, Vice Chair. That's not recording.

Chair Sarnoff: Mr. Vazquez indicated yes to Commissioner Carollo's question, whether it was okay.

Mr. Vazquez: The answer to the question is yes.

Ms. Thompson: Thank you.

Vice Chair Carollo: Can you all -- 'cause I know all three --

Mr. Suarez: State your name for the record again.

Vice Chair Carollo: -- of you also spoke.

Mr. Vazquez: Oh, I'm sorry. For the record, the answer for your question was yes, we're in agreement with that.

Vice Chair Carollo: Yeah. Could you -- I'm sorry. Could all three of you, you know --?

Ms. Young: Lisa Young.

Vice Chair Carollo: Just your name and address just really quick again, and --

Ms. Young: Lisa Young, 2534 Southwest 3rd Street. Yes.

Vice Chair Carollo: Thank you.

Mr. Mazzaropp: Ronald Mazzaropp. For the record, yes.

Vice Chair Carollo: Thank you.

Ms. Vazquez: Adyeren Vazquez for Susana and Bertin Santos, yes.

Vice Chair Carollo: Thank you. Okay. I -- what will I need to do now? I need to reconsider my motion or withdraw my motion?

Mr. Pastoriza: Move it according to the Planning and Zoning Board's recommendation.

Chair Sarnoff: Right. Correct.

Vice Chair Carollo: So I would then --

Chair Sarnoff: Why don't you -- why doesn't the maker of the motion withdraw his motion?

Commissioner Gort: Withdraw his motion.

Vice Chair Carollo: Right. I withdraw my motion.

Commissioner Gort: I withdraw my second.

Chair Sarnoff: All right. Now make a new motion.

Vice Chair Carollo: I make a motion to -- for approval with the recommendation --

Mr. Pastoriza: Of the Zoning Board, which is the entire property SD-12.

Vice Chair Carollo: Okay. -- of the Zoning Board, and I need to look -- hold on.

Chair Sarnoff: He's right.

Vice Chair Carollo: Yeah. I need to verify that, the Zoning Board.

Mr. Lavernia: Commission --

Chair Sarnoff: He's --

Mr. Lavernia: Mr. Chairman.

Vice Chair Carollo: I have it here.

Mr. Lavernia: If that is the motion, they have to withdrew [sic] the land use application --

Mr. Pastoriza: I will withdraw --

Mr. Lavernia: -- and change only --

Mr. Pastoriza: -- application 21.

Mr. Lavernia: -- the zoning application for SD-12 on the whole property.

Chair Sarnoff: Right. They're withdrawing the application they put before the City Commission today and they're --

Mr. Pastoriza: The 21, which is the comp plan.

Mr. Lavernia: The comp plan application.

Ms. Mendez: Well, I -- Mr. Chairman, for item PZ.21, then it's being withdraw [sic] because if it -- it's not needed if it's done --

Chair Sarnoff: Fair enough.

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 34, OF THE ZONING ATLAS OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, BY CHANGING THE ZONING CLASSIFICATION FROM "R-1" SINGLE-FAMILY RESIDENTIAL AND "R-2" TWO-FAMILY RESIDENTIAL TO "R-1" SINGLE-FAMILY RESIDENTIAL AND "R-2" TWO-FAMILY RESIDENTIAL WITH AN "SD-12" BUFFER OVERLAY DISTRICT, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 2508, 2524, 2534, 2538, 2590, 2600, 2610 AND 2620 SOUTHWEST 5TH STREET AND THREE UNASSIGNED ADDRESSES, HAVING FOLIO NUMBERS 01-4103-037-0280, 01-4103-037-0430 AND 01-4103-037-0431, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

08-01084zc CC Analysis - NEW.pdf

08-01084zc Zoning Map - NEW.pdf

08-01084zc Aerial Map - NEW.pdf

08-01084zc Letter of Intent - Revised.pdf

08-01084zc Letter of Intent - Original Request.pdf

08-01084zc Application & Supporting Docs - NEW.pdf

08-01084zc Surveys.pdf

08-01084zc ZB 04-13-09 Resos.pdf

08-01084zc ZB 09-21-09 Resos.pdf

08-01084zc CC Legislation (Version 5).pdf

08-01084zc Exhibit A - NEW.pdf

08-01084zc CC SR 02-25-10 Fact Sheet.pdf

LOCATION: Approximately 2508, 2524, 2534, 2538, 2590, 2600, 2610 and 2620 SW 5th Street and Three Unassigned Addresses, Having Folio Numbers 01-4103-037-0280, 01-4103-037-0430 and 01-4103-037-0431 [Commissioner Frank Carollo - District 3]

APPLICANT(S): Gilberto Pastoriza, Esquire, and Estrellita Sibila, Esquire, on behalf of The District Board of Trustees of Miami-Dade Community College, Florida

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

ZONING BOARD: Recommended approval, which failed, constituting a recommendation of denial, to City Commission on September 21, 2009 by a vote of 3-5 of the second request to change "Parcel A" (Approximately 2508, 2524, 2534, 2538, 2590, 2600, 2610 and 2620 SW 5th Street and One Unassigned Address, Having Folio Number 01-4103-037-0280) to "R-1" Single-Family Residential with an "SD-12" Buffer Overlay District; and "Parcel B" (Two Unassigned Addresses, Having Folio Numbers 01-4103-037-0430 and 01-4103-037-0431) to "G/I" Government and Institutional. The board also recommended to the City Commission that the board will not object to an "SD-12" Overlay for all parcels included on the application, to achieve the parking needs of Miami-Dade College, by a vote of 5-3.

PURPOSE: This will change the above properties to "R-1" Single-Family Residential and "R-2" Two-Family Residential with an "SD-12" Buffer Overlay

District.

NOTE(S): The Zoning Board recommended denial to City Commission on April 13, 2009 by a vote of 3-2 of the original request to "G/I" Government and Institutional for all of the properties. They also recommended to the City Commission that the board will not object to an "SD-12" Overlay to achieve the parking needs of the Miami-Dade College, by a vote of 4-1. On January 28, 2010, the companion Land Use item (File ID 08-01084lu) was withdrawn.

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

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

Chair Sarnoff: So now we're on to item --

Gilberto Pastoriza: 22.

Chair Sarnoff: -- 22. And I know Commissioner Carollo's motion was geared towards 22.

Vice Chair Carollo: Okay. Hold on.

Chair Sarnoff: So the record should reflect his motion will be made on 22.

Vice Chair Carollo: I'll make a motion on PZ.22, accepting the recommendation of the Zoning Board.

Commissioner Suarez: Second the motion.

Chair Sarnoff: I'm sorry. Is there a second?

Commissioner Suarez: Yes.

Commissioner Dunn: Yes.

Commissioner Suarez: Second the motion.

Chair Sarnoff: Second by Commissioner Suarez. It's an ordinance. I just want to say something, Mr. Pastoriza. If I lived here and I had to look at this -- and obviously the school had intended that there was going to be some shrubbery there, but obviously the shrubbery is just not there -- what I would do as a good neighbor is I'd put an irrigation system in there and I'd replace that shrubbery and I'd also consider taking a whole lot better care of my parking than they do. Because this does face -- I mean, look at the neighborhood. It's a beautiful neighborhood, beautiful big trees. I mean, I would think you'd want to do a better job than what you're doing, and I know resources are limited, but if you want to expand, I think you have to take care of what you already have. And I hope you'd go back to Dr. Padrón and convey the sentiment of this entire board.

Mr. Pastoriza: I think that there are members of the College here that have heard you --

Chair Sarnoff: Okay.

Mr. Pastoriza: -- and will take that under consideration.

Chair Sarnoff: I hate that consideration thing.

Commissioner Gort: Yeah. Miami Dade is a wonderful institution, and I think you can be very good neighbors.

Chair Sarnoff: All right. Let's -- it's an ordinance, Madam City Attorney, PZ.22.

Victoria Mendez (Assistant City Attorney): Mr. Chairman, this is an ordinance of the Miami City Commission, with attachments, amending the zoning atlas of the ordinance, as amended, the zoning ordinance of the City of Miami, Article 4, Section 401, schedule of district regulations, by changing the zoning classification in accordance with the Zoning Board recommendation. On second reading we'll be able to amend the title of the ordinance. Thank you.

Commissioner Gort: What was that again?

Vice Chair Carollo: Roll call.

Ms. Mendez: You can vote at this time. It's in -- an ordinance based on your recommendation to be in line with the Zoning Board recommendation. At second reading we'll be able to properly change each parcel in accordance with your motion at this time.

Chair Sarnoff: Madam Clerk.

Priscilla A. Thompson (City Clerk): Just to make sure. That means that when we record the vote, it would show as amended?

Chair Sarnoff: Correct.

Commissioner Gort: Right.

Ms. Thompson: Thank you. Your roll call.

Ms. Mendez: Correct.

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

Ms. Thompson: The ordinance has been passed on first reading, 5-0 --

Mr. Pastoriza: Thank you.

PZ.23 09-01372zt**ORDINANCE****First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, BY AMENDING ARTICLE 10, SECTION 10.6.3.7. SD-7 CENTRAL BRICKELL RAPID TRANSIT COMMERCIAL-RESIDENTIAL DISTRICT, IN ORDER TO MODIFY THE SIGN REGULATIONS FOR HOTEL USES IN THE SD-7 ZONING DISTRICT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

09-01372zt PAB Reso.pdf

09-01372zt CC Legislation (Version 2).pdf

09-01372zt CC SR 02-25-10 Fact Sheet.pdf

LOCATION: "SD-7" Central Brickell Rapid Transit Commercial-Residential District [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on December 16, 2009 by a vote of 7-0.

PURPOSE: This will amend regulations for hotel signs in SD-7.

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

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

Absent: 1 - Commissioner(s) Dunn II

Chair Sarnoff: All right. I think our last issue might be PZ.23.

Lourdes Slazyk (Zoning Administrator): Correct. For the record, Lourdes Slazyk, Zoning administrator. PZ.23 is an amendment to the Zoning ordinance. This is here on first reading. This is in order to amend the sign regulations for SD-7, which is the Central Brickell area for hotel uses. What this amendment does is it allows an increase in the size of the individual letters by 30 percent by Class II Special Permit, and in addition, allows for a third building top wall sign where today only two are allowed. The purpose of this amendment is for the hotel uses in the Central Brickell area because they are difficult to see. As you know, most of the five-star hotels are actually on Brickell Avenue. And what you find in the Central Brickell area is the non-five-star hotels, which is more for, you know, tourists and business travelers. This will make the visibility of those a little bit better for the visitors to downtown Miami who are not staying on Brickell Avenue. So it was recommended for approval by the Planning Advisory Board and approval by staff.

Chair Sarnoff: Okay. PZ.23. Gentlemen, do I have a motion?

Commissioner Gort: Move it.

Chair Sarnoff: All right. I have a motion by Commissioner Gort.

Vice Chair Carollo: You need me now.

Chair Sarnoff: We always need you. Do we have a second?

Vice Chair Carollo: Second for discussion.

Chair Sarnoff: All right, second for discussion by Commissioner Carollo. It is a public hearing. Anyone wishing to be heard on PZ.23, please step up to the podium. You're recognized for the record, Ms. Toledo.

Vicky Garcia-Toledo: Vicky Garcia-Toledo, on behalf of Mr. Wolfson. We are here on behalf of a hotel that is being built in the area and would -- certainly is supportive and expresses the fact that there is a need for this slight amendment, which is only for the SD-7 area --

Ms. Slazyk: Correct.

Ms. Garcia-Toledo: -- in the center --

Ms. Slazyk: Brickell.

Ms. Garcia-Toledo: -- I guess it's West Brickell, and it's only for hotels use, and we would ask that you support it.

Chair Sarnoff: All right. Anyone else from the public wishing to be heard? Hearing none, seeing none, comes back to the Commission. Anyone wishing to discuss PZ.23? Go ahead, Commissioner Carollo.

Vice Chair Carollo: Yes. I just want to verify. I asked for some drafts or some type of drawings as far as what it would actually represent. I just want to make sure that --

Ms. Garcia-Toledo: The -- currently, the Code allows for signage on only two sides of the building above 50 feet. The idea would be to allow it on three sides. So the signage -- this type of signage is already permitted by Code, but only on two sides of the building tower.

Vice Chair Carollo: Which would be the third side, and do you have a drawing of that?

Ms. Garcia-Toledo: The other --

Vice Chair Carollo: 'Cause that's what scares me. That third one, which is now what's --

Ms. Garcia-Toledo: I don't know that we have the other --

Ms. Slazyk: I think --

Ms. Garcia-Toledo: -- side of the building, but we have the difference of the signage. Here it is. These are the three elevations and the sign on the three elevations.

Vice Chair Carollo: So it wouldn't increase by size, but more or less --

Ms. Garcia-Toledo: The change --

Vice Chair Carollo: -- that's to scale?

Ms. Garcia-Toledo: -- allows for an additional -- on a third side and an increase of 30 percent of the lettering. And here's the proportional difference between what is permitted and what the new amendment will allow.

Vice Chair Carollo: Okay.

Ms. Garcia-Toledo: Thank you.

Chair Sarnoff: All right, so we have a -- it's an ordinance, Madam City Attorney.

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

Priscilla A. Thompson (City Clerk): Roll call.

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

Ms. Thompson: The ordinance has been passed on first reading, 4-0.

Ms. Garcia-Toledo: Thank you.

PZ.24 09-00800x

RESOLUTION

TO BE CONTINUED TO MARCH 25, 2010.

A RESOLUTION OF THE MIAMI CITY COMMISSION WITH ATTACHMENT(S) DENYING OR GRANTING THE APPEAL, AFFIRMING OR REVERSING THE DECISION OF THE ZONING BOARD AND THEREBY DENYING OR GRANTING A SPECIAL EXCEPTION AS LISTED IN ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, ARTICLE 9, SECTION 924.11, TO ALLOW EXTENSIONS OF DOCKS AND PIERS INTO WATERWAYS EXTENDING MORE THAN 35 FEET IN LENGTH, FOR THE PROPERTY LOCATED AT APPROXIMATELY 3300 SOUTH MOORINGS WAY, MIAMI, FLORIDA, PURSUANT TO PLANS ON FILE, CONDITIONS SET FORTH, AND SUBJECT FURTHER TO A TIME LIMITATION OF TWELVE (12) MONTHS IN WHICH A BUILDING PERMIT MUST BE OBTAINED.

09-00800x Analysis.pdf

09-00800x Zoning Map.pdf

09-00800x Aerial Map.pdf

09-00800x Application & Supporting Docs.pdf

09-00800x Plans.pdf

09-00800x ZB Reso.pdf

09-00800x Appeal Letter.pdf

09-00800x CC Legislation (Version 3).pdf

09-00800x CC Legislation (Version 4).pdf

09-00800x Exhibit A.pdf

09-00800x CC 02-25-10 Fact Sheet.pdf

LOCATION: Approximately 3300 S Moorings Way [Commissioner Marc David Sarnoff - District 2]

APPELLANT(S): Bruce G. Hermelee, Esquire, on behalf of The Moorings Property Owners Association, Inc., Lawrence D. Tornek and Gerald Kelfer, Residents

APPLICANT(S): Richard A. Brunnell, President, on behalf of SkyScrappier, LLC

FINDING(S):

PLANNING DEPARTMENT: Recommended denial of the appeal and approval of the original request.

ZONING BOARD: Granted the Special Exception with conditions* on October 19, 2009 by a vote of 9-0.

*See supporting documentation.

PURPOSE: The approval of this appeal will not allow extensions of docks and piers with more than 35 feet into waterways.

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

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

PZ.25 09-00616za RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), DENYING OR GRANTING THE APPEAL BY AMANDA L. QUIRKE, AFFIRMING OR REVERSING THE DECISION OF THE ZONING BOARD, THEREBY UPHOLDING OR REVERSING THE ZONING ADMINISTRATOR INTERPRETATION DATED MAY 20, 2009, RELATED TO THE ISSUANCE OF A PERMIT FOR AN OUTDOOR ADVERTISING SIGN IN LUMMUS PARK, REGARDING A PROVISION CONTAINED IN ARTICLE 10 OF ZONING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA.

09-00616za ZB Reso.pdf
09-00616za ZB 09-14-09 Backup Documentation.pdf
09-00616za ZB Appeal Letter & Supporting Documents.pdf
09-00616za CC Legislation (Version 3).pdf
09-00616za CC Legislation (Version 4).pdf
09-00616za CC 02-25-10 Fact Sheet.pdf

LOCATION: Approximately 350 NW 2nd Street [Commissioner Richard P. Dunn II - District 5]

APPELLANT(S): Amanda L. Quirke, Esquire, on behalf of Outlook Media of South Florida, LLC

FINDING(S):

OFFICE OF ZONING: Recommended denial of the appeal and uphold the zoning administrator's interpretation.

ZONING BOARD: Denied the appeal on September 14, 2009 by a vote of 4-2.

PURPOSE: The approval of this appeal may result in the reversal of a zoning interpretation.

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

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

PZ.26 08-00698ha RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION GRANTING OR DENYING THE APPEAL FILED BY MIAMI-DADE COUNTY PUBLIC SCHOOLS AND AFFIRMING OR REVERSING THE DECISION OF THE HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD OF THE CITY OF MIAMI, FLORIDA, WHICH DENIED A TREE REMOVAL PERMIT FOR EIGHT (8) BISHOPWOOD TREES AT MIAMI SENIOR HIGH SCHOOL LOCATED AT SOUTHWEST 3RD STREET BETWEEN SOUTHWEST 24TH AND SOUTHWEST 25TH AVENUES, MIAMI, FLORIDA, AFTER FINDING THE TREE REMOVAL DOES NOT COMPLY WITH THE CRITERIA FOR TREE REMOVAL SET FORTH ARTICLE 8.1 OF THE ZONING ORDINANCE.

08-00698ha Zoning Map.pdf
08-00698ha Aerial Map.pdf
08-00698ha CC Appeal Letter.pdf
08-00698ha HEPB Reso.pdf
08-00698ha HEPB 01-05-10 Fact Sheet.pdf
08-00698ha Miami-Dade County Landscape Manual.pdf
08-00698ha City of Miami Code of Ordinances Sec. 17-37.pdf
08-00698ha City of Miami Code of Ordinances Sec. 24-49.9.pdf
08-00698ha City of Miami Excerpts from Sec. 8.1 of the Zoning Code.pdf
08-00698ha Proc. Fla. State Hort. Soc. 97, 1984.pdf
08-00698ha HEPB Appeal Letter with Plans & Pictures.pdf
08-00698ha Regina Hagger Email #2 Regarding Protest.pdf
08-00698ha Neil D. Kolner Letter.pdf
08-00698ha Regina Hagger Emails #1 Regarding Protest.pdf
08-00698ha Department of Public Works Notice Posted.pdf
08-00698ha Tree Permit Application.pdf
08-00698ha CC Legislation (Version 2).pdf
08-00698ha CC Legislation (Version 3).pdf
08-00698ha Handed out by Residents.pdf
08-00698ha CC 02-25-10 Fact Sheet.pdf

LOCATION: Approximately 2450 SW 1st Street [Commissioner Frank Carollo - District 3]

APPELLANT(S)/APPLICANT(S): Luis M. Garcia, Esquire, on behalf of Miami-Dade County Public Schools and Zyscovich Architects

FINDING(S):

PLANNING DEPARTMENT: See Historic and Environmental Preservation Board decision.

HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD: Denied a motion to approve the appeal of the decision of the Public Works director of a Tree Removal Permit on January 5, 2010 by a vote of 6-3.

PURPOSE: The approval of this appeal will allow the removal of eight Bishopwood trees at Miami Senior High School.

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

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

END OF PLANNING AND ZONING ITEMS

MAYOR AND COMMISSIONER'S ITEMS

CITYWIDE

HONORABLE MAYOR TOMAS REGALADO

M.1 09-01453 DISCUSSION ITEM

DISCUSSION REGARDING THE STATUS UPDATE ON THE PENSION AND UNION NEGOTIATIONS.

09-01453 Discussion Page.pdf

DISCUSSED

Mayor Tomás Regalado: The other item, Mr. Chairman, is the status of the update on the pension and unions. You all received yesterday a memo from the Administration regarding the actuarial violation of the City of Miami Firefighters and Police Officers Retirement Trust, FIPO, and the City of Miami General Employees and Sanitation Employees Retirement Trust, GESE. The numbers are, of course, of great concern. And, you know, we just have a new Commissioner. Commissioner Gort is here only a week now. It's -- it will be unfair to overwhelm -- the Commission started discussing the numbers, and now -- but I will ask you for some time to discuss the pension and what should we do in terms of the Administration and follow your directions, but --

Chair Sarnoff: Mr. Mayor, do we have a present projection on the shortfall for this fiscal year coming up? I mean, just a ballpark.

Mayor Regalado: Forty.

Chair Sarnoff: Forty million? That's better than I expected.

Mayor Regalado: If we do in the next four, five weeks --

Vice Chair Carollo: I'm sorry. Mr. Chairman, if I may?

Chair Sarnoff: Go ahead.

Vice Chair Carollo: I'm sorry. Do you mean for 2009 budget --

Mayor Regalado: No.

Vice Chair Carollo: -- we are expecting --

Mayor Regalado: For 2000 --

Vice Chair Carollo: -- it -- 'cause I thought it was a lower number.

Mayor Regalado: No, no. I'm talking -- no. He's talking about this budget and next budget.

Chair Sarnoff: Next budget.

Mayor Regalado: But for 209 [sic] --

Vice Chair Carollo: Right, for 209 [sic], which is being audited right now.

Mayor Regalado: Twenty-seven million.

Vice Chair Carollo: Twenty-seven million. That's what I was expecting, somewhere in the area of 30 million. So you mean that 30 million in last year's budget, and in this year's budget, we're -- okay.

Mayor Regalado: Yeah. I mean, by April, we will know exactly. But last year's budget, the budget that is behind us, is 20 million -- 27 million shortfall.

Vice Chair Carollo: Right. That's what I thought.

Mayor Regalado: And this year, like 40. So this -- it's important. And --

Chair Sarnoff: Let me be clear, 'cause I want to -- I don't want numbers just thrown out there. What you're saying is our audited financials of the fiscal year we completed is going to show a \$27.5 million shortfall, which will have to come out of the reserve account. Fair enough?

Mayor Regalado: Yes, sir.

Chair Sarnoff: Okay. And my question to you is, simply only pensions, our pension obligation for the '09 -- '010 [sic], '011 [sic] budget, do we have a projection?

Mayor Regalado: One hundred and one million.

Chair Sarnoff: That's what I thought. 'Cause when I heard 40 million, I was --

Mayor Regalado: No. I'm talking about the shortfall on this. But the pension obligation, 101 million.

Commissioner Gort: (INAUDIBLE) pretty good.

Chair Sarnoff: Yeah. I was feeling good about us for a second.

Mayor Regalado: One hundred and one million.

Chair Sarnoff: One million dollars. All right. So the 40 million you referenced is -- and now it really scares me -- that your anticipated shortfall -- let me just get it out 'cause I want to make sure I get this right -- from the '09-'010 [sic] budget?

Mayor Regalado: Yes.

Chair Sarnoff: Really?

Vice Chair Carollo: Mr. Chairman?

Chair Sarnoff: Yes, sir.

Vice Chair Carollo: Yeah. That's why I made the faces. And at the same time, that's why I've been up here preaching fiscal responsibility. That's why at the same time that item that was deferred again, you know, in the last meeting, I made such an issue about it, because it's from the last year's budget, and we still have not taken a vote on it, and I just want to make sure that should it not pass, that there was a plan B as far as where they were going to come up with that money and the fiscal impact. As a matter of fact, when I finally pressed and pressed and pressed in the last meeting, there was going to be a fiscal impact of 2.5 million. After sitting down and, you know, having some educated discussions with Mr. Spring, that number came down to one point something million. But the bottom line is, what I'm trying to say here is that -- and I've mentioned it to you many times, Mr. Mayor. I don't want to be up here -- I don't want to be the bad guy. I don't want to be the bearer of bad news, but when a lot of people come before us asking for funding -- I mean, the truth of the matter is, we're in a serious financial situation that we need to address. So the issue isn't any one organization or so forth. The issue really is fiscal responsibility. Thank you.

Mayor Regalado: And Mr. Chairman, Mr. Vice Chairman, if we do now, the Administration, some of the things that we needed to do, we may be able to be okay in terms of this year's budget and we won't have that much deficit if we do the things that we need to do. And I guarantee you that we're trying to do this, but we have the issue of the pension, which is another issue that will be discussed.

Chair Sarnoff: Mr. Mayor, I'm sorry. And I'm sitting here in sort of disbelief. And I'm not -- not because of you. Maybe because, as they say, the messenger is a hard message to deliver. Are you actually saying -- 'cause we sat here together on the last budget. You're saying the 0 -- and I'm just -- I hate to repeat myself, 'cause it's just not registering. The '09-'010 [sic] budget is projected to be \$40 million out of budget?

Mayor Regalado: I think that is a number that was thrown if things kept going this way. However, we are taking steps. I believe that if we do take those steps -- just yesterday and the day before yesterday there were some steps that were taken -- we cannot show that number. I guarantee you. Now, Pete, you want to --

Pedro G. Hernandez (City Manager): Right. Mr. Chairman, Commissioners, the figure that the Mayor gave you is based on an early, let's say, preliminary run based on the first two months of the year that, in essence, hasn't been scrubbed. There are many things in that projection that have to be corrected, plus we have -- we're in the process of implementing and confirming some of the actions that we needed to take in order to comply with the 2010 budget. So our goal is still to make all the actions necessary in order to be balanced for 2010.

Chair Sarnoff: I'm sitting here -- and I don't even feel like I'm sitting on my chair. I mean, we went through a budget that was as rugged as anything I've ever seen. And I could understand the Mayor coming up and saying we're 5 million over budget. I guess I could understand that. But he made a statement of \$40 million. And we're 27.5 million from the last year's budget over. That completely wipes out your reserves. Now, assuming for a moment you scrub it, you get it nice and clean, you put some rubbing alcohol on it, and you put a nice bow on it, and it's 30 million, it's 25 million, it's 15 million, how can we be so out of budget?

Mr. Hernandez: I think that the initial report that was done doesn't reflect, for example, the furlough days that employees have to take. It extrapolated payouts that were made for individuals that have left the City. And it extrapolated, like, charging us for every month in the future for that, which is not correct. There are things that are there that we have to work through, and our goal -- making all the changes that we have to make -- is to be balanced. And that's what we're working towards. The Mayor put -- you know, told you the figure that when Budget first ran a projection on -- based on October and November, is what they were giving them. However, we feel that there is quite a bit of work that has to be done to clarify those numbers.

Mayor Regalado: And, you know, the reason I said that to you is because everything is about transparency, you know. You should know, the people should know, but also, we need to tell the people of Miami that we have a commitment to fix this. And I understand. And I understand your concern. It's a logical concern. It's important that you express that in public, and it is good that you express it in public because then the Administration understand that there is no -- not only the pressure from the Mayor, but also the whole legislative body, that wants to bring this to a non-deficit budget, and we will try to do that. And we will report to you not only on your briefings that you're going to have besides Miami 21, but in public. We would report to you in public. And this is --

Chair Sarnoff: Mr. Mayor, I would hope by the next Commission meeting there's been some process of scrubbing, Mr. Manager. Because --

Mr. Hernandez: Um-hmm.

Mayor Regalado: We will detail that to you in public.

Chair Sarnoff: It's not even -- yeah. I mean, I'm sitting here, and I think I'm the guy who

probably has some connection to the last budget. And to hear that we passed a budget that is already 40 million over and out of balance -- and granted, there could be mistakes made. But even to be 5 million over budget, that's our contingency right there. That means we're going into the reserves further, not even accounting for the fact that if we don't resolve the pension issue, we're 101 million over budget. Not even accounting for the fact based on -- and I'm not you, so understand a lawyer is saying this, not an accountant -- I believe the next budget will be \$470 million as opposed to the \$505 million, for two reasons. Ad valorem will go down as a result of property values going down. The sales tax share revenue will continue to diminish. And if I'm not mistaken, Mr. Mayor, I believe it takes 420 million of those \$470 million to keep everybody employed here. I call it the all-in. That leaves \$50 million for gas, tires, pencils, pens, and if I recall correctly, I believe it takes us \$70 million for gas, tires, pencils, and pens. So the numbers I'm being told now, I hope there's a plan C, and I don't think anyone's going to like the plan C.

Mayor Regalado: There is a plan A and a plan B. And --

Commissioner Gort: Mayor, we appreciate this. This is a great welcome for us. I knew we were going to have to work on the '10-'11, but '09-'10, okay.

Mayor Regalado: No, no. And this is why I'm telling you. By the next meeting, we'll give you a report of what has been done. And you will decide, is this enough or should we do more? But I would -- I will tell you that we understand. We understand the gravity of the situation.

Chair Sarnoff: Thank you, Mr. Mayor. Anybody else?

Mayor Regalado: It's all about money.

Commissioner Dunn: Mr. Chair?

Chair Sarnoff: Go ahead, Mr. Dunn -- Commissioner Dunn.

Commissioner Dunn: Just want to say to the Mayor and to my fellow Commissioners, I appreciate at least knowing what it is. And it's up to us now to try to do our best to -- you know, 'cause sometimes things are camouflaged and hidden and whatever. And that's a false perception. At least we --

Mayor Regalado: Commissioner, one thing that this Mayor will never do is to tell you that things are okay, that don't worry about it; we'll be okay. I will tell you the truth as I get the information. If I get the information wrong, I'll give you the wrong information. When I get it right, I'll give you the right information. But I would not tell you, don't worry about it. I would tell you everything that is going on month by month. In fact, I will commit to you to have a report -- a monthly report. Well, on February 11, you will get a report, but on month by month, of what the things are doing. All I'm asking through the Administration is to know how much are we getting, how much are we spending each month, and this is what we need to know, and we need to fix it right away. If we fix it right away -- if we do things right away -- we will probably be at the 5 million or 6 million, 7 million.

Chair Sarnoff: I'm going to give you a chance to give a new state of the union address.

Mayor Regalado: That will be March.

Commissioner Dunn: Thank you, Mr. Chairman.

Mayor Regalado: Now, the last item, Mr. Chairman. I --

Chair Sarnoff: I'm sorry. Commissioner Suarez, I think, wanted to say --

Mayor Regalado: Oh.

Chair Sarnoff: -- something, Mr. Mayor.

Commissioner Suarez: Mr. Mayor, thank you. Thank you for taking all of our questions on this. My question has to do with the pension, and just a point of clarification. The 101 million, is that our -- just for clarification purposes and for the record -- Gates obligation?

Mayor Regalado: Well, that's the number that the pension trust actuaries are saying to the City. Now, the City has to do the due diligence in looking at it. There are talks going on, and the different unions are willing to continue. We have a proposal of \$7 million reduction for one pension that the Administration is looking at. That will be 7 million. We have other proposals from the unions. And so -- and we don't have our numbers yet, so --

Commissioner Suarez: And I have a couple of follow-up -- Is there something on that issue? I have a couple of follow-up questions.

Chair Sarnoff: Go ahead. I'm --

Mr. Hernandez: What I wanted to say was that what we have are the initial projections on both, from the actuarial reports, 65, and I think it's 35; 65 for FIPO, 35 for GESE, and we are working with FIPO and with GESE in identifying ways to be able to reduce the impact. The one that the Mayor mentioned before is a change in cost allocation from aggregate to (UNINTELLIGIBLE) that could result in about 7 million, plus or minus. We have --

Commissioner Suarez: Okay.

Mr. Hernandez: -- other more elaborate plans that involve also a closing of the present COLA (Cost of Living Allowance) structure, opening up another COLA that would be funded with a dedicated revenue source that will have a more significant impact. There's some other issues that we're discussing with them that we'll continue to report to you. I know that for the next meeting, we'll also have our actuary, Mike Tourney (phonetic), available to be able to answer questions on those concerns. In working with GESE, one of the plans that we have there is to increase the employee contribution citywide to 13 percent, including those executives who are not part of the union, but are GESE participants. We've also discussed at the recent meeting the pros and cons of going to a death-defying contribution plan, the issues with that. And we have also a meeting with our actuary and GESE's coming up in the next week.

Commissioner Suarez: So, Mr. Manager, what you're saying, in essence, if I understand you correctly, is that you're trying to work down our Gates obligation from 101 million --

Mayor Regalado: Well -- but --

Mr. Hernandez: And -- it's not --

Mayor Regalado: -- the employee --

Mr. Hernandez: -- really --

Mayor Regalado: -- the general employees --

Commissioner Suarez: Okay. That's what I'm trying to clarify.

Mayor Regalado: -- gave up -- just gave up Gates contributions several years ago. So this is

their actuarial.

Chair Sarnoff: I think it's more than that. I think it's a component. I think what they're trying to say -- the \$101 million, gates is a component of it, but it is not the only component.

Commissioner Suarez: Okay. And I guess my follow-up question -- go ahead.

Larry Spring (Chief Financial Officer): Mr. Chair, may I clarify?

Chair Sarnoff: Absolutely. You're recognized for the record, Mr. Larry Spring --

Mr. Spring: Larry Spring --

Chair Sarnoff: -- chief financial officer.

Mr. Spring: Thank you, for the record. To clarify, the \$101 million that the Mayor and the Manager have talked about, that is our draft or projected actuarial payment requirement for next October. That's --

Commissioner Suarez: That's everything?

Mr. Spring: That's it for both --

Vice Chair Carollo: Total.

Mr. Spring: -- the fire and police union --

Vice Chair Carollo: The total.

Mr. Spring: -- pension trust and the --

Commissioner Suarez: So --

Mr. Spring: -- General Employees and Sanitation Pension Trust.

Commissioner Suarez: Okay. So then I misunderstood it completely.

Mr. Hernandez: But it's hard to clarify -- this is important.

Commissioner Suarez: Yeah.

Mr. Hernandez: It's FIPO and GESE, which is the bulk of it. It doesn't include the EORT (Elected Officials Retirement Trust).

Mr. Spring: It does not include the EORT, which is the elected officials pension, and it does not include the contributions that they make -- matching contributions they make on behalf of the individuals that are in the 401a plans.

Commissioner Suarez: Okay. And I'm just following up on a question that the Chairman had, which is -- I'm a little confused then as to what the 101 million is. Is the 101 million for fiscal year 2010 or is it for fiscal year 2000 --?

Mayor Regalado: Two thousand ten. No, no, 2011.

Commissioner Suarez: Fiscal year --

Mayor Regalado: Two thousand eleven.

Commissioner Suarez: -- 2011.

Mayor Regalado: Next -- the payment of next October. The other -- the next fiscal --

Commissioner Suarez: That's going to be our next obligation for fiscal year 2011, so we're working on --

Chair Sarnoff: The '010 [sic] --

Commissioner Suarez: -- that one right now is what you're saying.

Chair Sarnoff: -- '011 [sic] budget.

Mayor Regalado: No, no.

Commissioner Suarez: Great.

Mayor Regalado: This year is done.

Chair Sarnoff: Right.

Commissioner Suarez: Okay.

Mayor Regalado: It's done.

Commissioner Suarez: Perfect.

Mayor Regalado: Just that the projection for next year's budget is 21 million more --

Commissioner Suarez: I see what you're saying.

Mayor Regalado: -- than this year.

Commissioner Suarez: I see what you're saying.

Mayor Regalado: But that's the projection.

Commissioner Suarez: Right. And we're working on bringing that number down, which is what you're reporting to us today as part of the negotiations.

Mayor Regalado: It's what they said, yeah.

Commissioner Suarez: Okay. My question, I guess, then is about -- well, you know, we've harped a lot -- everyone here has harped a lot on fiscal year 2010's budget and the challenges that that's going to present for us, you know, going forward and, you know, I just want to say that I share the concerns that my colleagues have expressed here and that the Mayor has expressed in terms of, you know, getting our budget -- I looked at numbers that -- and for -- you know, we had talked in the last Commission meeting about trying to get the numbers as quickly as possible. But I had seen some numbers on closing out November -- I'm sorry, closing out September, which was the first month of the fiscal year, that projected a deficit of -- in the mid-30s, which brings into question --

Mayor Regalado: October.

Commissioner Suarez: -- you know --

Commissioner Gort: October's the first month.

Commissioner Suarez: I'm sorry, you're right, October. Which brings into question whether the budget was balanced to begin with, you know, because --

Mayor Regalado: October. The figure I gave you was based in the October and November.

Commissioner Suarez: Okay. Thank you, Mayor.

Commissioner Dunn: Thank you.

Chair Sarnoff: Thank you.

M.2 10-00088

DISCUSSION ITEM

DISCUSSION CONCERNING HOW TO BRING PROPOSALS REGARDING MIAMI 21 BEFORE THE CITY COMMISSION.

10-00088 Memo.pdf

DISCUSSED

Chair Sarnoff: Let's -- How long do I have my interpreter for?

Priscilla A. Thompson (City Clerk): Until, I think, 12.

Chair Sarnoff: Mr. Mayor, I always want to try to put you up first. Do you mind going up first?

Mayor Tomás Regalado: I'm sorry?

Chair Sarnoff: I like to put your items up first.

Mayor Regalado: Whatever you want to do.

Chair Sarnoff: Okay, 'cause I think the interpreter is going to be here 'till 12, so I think we're fine.

Mayor Regalado: Okay.

Chair Sarnoff: We will take up the Mayor's agenda, which is in the back of your pages, gentlemen. I believe it's on page 52. M.1, M.2, M.3, and the Mayor is now recognized for the record.

Mayor Regalado: Thank you, Mr. Chairman, Vice Chairman, Commissioner Gort, Commissioner Suarez, Commissioner Dunn. It's glad to see this side also occupied, and we're very, very happy and ready to move forward with the many challenges that we have and I -- all of you I know are up to the task. Mr. Chairman, you and the members of the Commission granted an extension on Miami 21, and I know that there have been several days since that happened. Now is the time that we start the process, so we can reach the extension limit that you place with legislation and fulfill the commitment to the people of Miami that we will implement Miami 21 but with different amendments if need be. I know that already the Planning Department is revising -- there have been some scrivener's errors that need to be brought back to you. However, there are some amendments that are being proffered that have to go to the Planning Board, and then to you at the City Commission to make a decision whether or not this

will be part of the amendments to Miami 21. There's some amendments that already I communicated to the City Attorney, and she has said that this is the process that we need to do. So some of the amendments the Administration knows already. For instance, I would like you to consider the possibility of changing the structure of the new Planning and Zoning Board. As you know, it is too, too technical. It's an architect for this, an engineer for that, a landscaping engineer, and we're missing citizens. And the whole purpose of Miami 21 was for the residents. So that would be one of the amendments for you to consider, to change the structure of the board. There are other amendments, but the most important thing is that the Administration, and Mr. Manager, we need to have the Planning Department meet with each one of you, so they will know what are the issues that you have, the questions, the amendments that you want to propose so they can explain to you the different scrivener's errors that are in the package, everything. But we need to do this as soon as possible, because we need to get on the agenda for the Planning Board, I'll say, in February, so in March it would be before you here, and then you might want to defer or do something, and then we are within the 90 days. There's some things that really need to be addressed. There is a project in Brickell that will not be possible if we do it with Miami 21. And that is important. I mean, we need to look at that, and I would really like if you all can have time whenever it's convenient to meet with the Planning Department in the next 10 days, so we can have everything ready for you to revise, then to go to the Planning Board. We will proffer different amendments. One proffered by residents on Vice Chair district, on Commissioner Suarez district, on everyone district, Chairman, Commissioner Gort, and Commissioner Dunn. So I just need, Mr. Manager and Ana, the commitment that we will be on time. Because if we don't have this amendment ready for the Planning Board, it would be up to the Commission to either extend or not another time, and this is really going to really look bad because the people may think, well, you know, they want to kill Miami 21. We do not want to do that. None of us want to do that. So I just hope that we have a commitment from you to meet the deadline to get on the Planning Board in February.

Mr. Hernandez: Mayor, if you allow me. I was just talking to Ana Gelabert a little while ago. I expressed your concerns to her, and we're fully committed and available to meet with the Commissioners as soon as they're available, and do a compilation of all the amendments or the concerns so we can put together an item that will go before the Planning Advisory Board in a timely way and then come to the City Commission to be ready and to be incorporated into Miami 21 by the proposed effective date of May 20.

Chair Sarnoff: All right. Thank you. So then, we have the commitment that this will occur -- I'd ask each of my fellow Commissioners -- and I know the Mayor went through this. We probably were briefed 40, 50 times for Miami 21. We just -- it was the biggest briefings I've ever been through. Please give it as much attention as you can. It's complicated. I think worthwhile. And I don't think you'll get it the first briefing, unfortunately. I know it took me the better part of ten briefings to understand the principles behind 21. So it's an arduous task, but it's a task that's worthwhile.

Vice Chair Carollo: Mr. Chairman?

Chair Sarnoff: Go ahead. You're recognized.

Vice Chair Carollo: With that said, let's keep in mind, also, that we have a lot of other tasks, and, you know, as I'm sure my colleagues will all agree with me, you're a highly intelligent man, and if you're saying that it took you more than ten meetings and so forth, just keep that in mind when Administration starts, you know, requesting that it's done right away, and we have to vote on it and so forth. So I guess you opened the door for that one, huh?

Chair Sarnoff: Yeah, I guess I did.

Vice Chair Carollo: So with that said --

Chair Sarnoff: I don't know that I'd agree I'm a highly intelligent man. I think it took me my time. And I think you gentlemen need your time. What I'm asking you to do is make as much time as you can, 'cause you think about this, if 21 is going to take us the better part of March/April, we're right in the thick of budget.

Vice Chair Carollo: Exactly. And no -- with that said, remember, I was the one who was adamant about moving all the different -- I think there were PZ (Planning & Zoning) items at that time which included all the different areas of Miami 21, including the board that is going to combine the PAB (Planning Advisory Board) and the Zoning Board, and I have the same issue as you, Mayor Regalado. And as a matter of fact, I'll go a step further. I don't know if we can have that board actually proffer covenants. I know right now the PAB board cannot proffer covenants and so forth. So, you know, there's a lot of things there that I think we could all work at to make it a better board and a better, you know, zoning code. Thank you.

Chair Sarnoff: All right.

Mayor Regalado: And Mr. Chairman, yes, you're right. I don't think it will take ten meetings and ten briefings because they need to be briefed on some of the changes and decide whether you agree this for your district and to bring it under discussion, not the whole Miami 21.

Vice Chair Carollo: Mr. Chairman.

Chair Sarnoff: Go ahead.

Vice Chair Carollo: All I'm saying is if all of your colleagues agree that you're a highly intelligent man, and you say you had at least ten meetings, I just want to be, you know, on the record that, you know, we need some time to digest all this, just like a highly intelligent man did, okay?

Commissioner Gort: We're going to need 20 meetings.

Mayor Regalado: You're all highly intelligent. But thank you. Thank you. And thank you for agreeing.

Chair Sarnoff: Worth repeating, huh?

Mayor Regalado: Thank you for agreeing. I think, Mr. Chairman, we should meet the deadline of --

Chair Sarnoff: I agree.

Mayor Regalado: -- February in the Planning Board, so you will have time just in case there's some deferrals and all that.

M.3 10-00089

DISCUSSION ITEM

DISCUSSION CONCERNING THE FLAGSTONE PROPOSAL.

10-00089 Memo.pdf

10-00089-Submittal-Mayor Regalado to Commission regarding Flagstone.pdf

MOTION

A motion was made by Commissioner Gort, seconded by Commissioner Dunn, and was passed unanimously, to extend the contract to March 11, 2010 in order for the City Manager to further negotiate with Flagstone representatives the terms and conditions as outlined in the January 27,

2010 memorandum that the Mayor provided to the Commissioners, the January 26, 2010 letter that Flagstone Properties LLC provided to Mayor Regalado, and in accordance with what was discussed at today's Commission meeting.

Mayor Tomás Regalado: Mr. Chairman, the last item is the Flagstone item. You gave us the direction of talking to the Flagstone people regarding Flagstone Island Gardens Watson Island project. You have a letter regarding this proposal that I'm presenting to you. You all know that we already have in the bank \$501,000 that pay their obligations through January 30, that is, until Saturday, 2010. We had had many conversations regarding the terms for a fourth amendment to the agreement to enter. I -- Yesterday, I think, or the day before, I cannot even remember, but I gave you a letter from Flagstone with the whole history of the project, what they have done, what we have done, the current status. They had looked at the different possibilities of financing, and we have come up with a proposal. And the basis of this proposal is if you grant the extension, during the first 12 months Flagstone will pay the City payments during the first 12 months in monthly installments of \$300,000. During the next 12 months, \$500,000, and then the third year, \$750,000. After 36 months or -- it's important, this word -- upon Flagstone commencing construction of both the marina and retail parking component, whichever occurs first, Flagstone will commence paying the City construction rent at the rate of \$1 million per year. And then what we are proposing is that if they don't pay, we get the property back. We get the key of the property. The effective date of the amendment shall commence on February 1. And upon the City and Flagstone signing the fourth amendment for such extension, Flagstone shall commence payment retroactive to February 1, 2010. So, basically, what this does is -- well, there is a -- there are many issues in the letter with the history and the current status and what they're trying to do to get the financing. And some of the things that they request is simple things in terms of, well, the City -- if they -- suppose that they bring investors. They would want to meet with each one of you, and the Mayor, and the Manager, and you know, we support the project. Everybody does. We don't want to have the site tied up in court for a year or two, and then probably a new RFP (Request for Proposals) process of another year or year and a half and so -- a public referendum. So they say that they are -- they would comply by this agreement. We told them, you know, we also want to act in good faith. We want the project. We need the project, but we do need the payments, too. So if payments are not made within the 10-days window every month, then the property comes back to the City. And -- so it's important. I recommend this proposal to you. I think the Administration also is in support. And we have the representative of Flagstone here, if you want to hear from him.

Chair Sarnoff: Gentlemen, do you want to proceed with a motion to approve the parameters of this and then have a discussion?

Commissioner Gort: So moved.

Chair Sarnoff: All right. We have a motion. Is there a second?

Commissioner Suarez: Second.

Chair Sarnoff: Second by Commissioner Dunn [sic].

Vice Chair Carollo: For discussion.

Chair Sarnoff: Open for -- for discussion. Who would like to be recognized?

Vice Chair Carollo: I could start.

Chair Sarnoff: Commissioner Carollo.

Vice Chair Carollo: Thank you, Mr. Chairman. I received the contract that you give -- that you

gave to me, Mr. Mayor, and I have serious issues with it, to be honest with you. I could tell you right now, I will not approve this contract. I don't know if you want me to get into the details, if you want them to present first, but I could tell you right now, I will not approve this contract the way it's written. I mean, no doubt about it. If you notice here, the payments that they are saying that they would, you know, give to the City for consideration of use will be credited over time. So, in other words, we're really not making any additional monies because that's monies that, supposedly, if the project was going to be built was going to be coming to us anyways. So, realistically, what you're doing is crediting those funds, so I don't agree with that.

Mayor Regalado: Mr. Chairman, if I may. The credit will be \$30,000 out of the million dollar a year rent. For the 36 months that they pay us, they will be credited 30,000 out of the million dollar a year payment, 30,000 a month.

Vice Chair Carollo: I mean, in all fairness, I'm seeing it where, you know, you break it up into three years, and the difference each year, the first year being -- the first 12 months, 300,000, the second, 500,000, and the third, 750,000. You know, I would say why break it up that way? Why just not, you know, within a three-year period, do the average, maybe about \$45,000 a month, so you know, it's more clearer?

Brian May: The reason is --

Vice Chair Carollo: Doing the different structures of payments, you know, it starts clouding up exactly what we're doing. And I'll tell you, why do we have to credit, you know, these monies that, you know, we are charging as rent? Let -- if I may, Mr. Chairman, I have a question. And I don't know if to ask the director of Asset Management or to address -- and actually, it's going to end up being to both of you. Can we currently rent that property?

Madeline Valdes (Acting Director, Public Facilities): We can certainly come to agreement with Flagstone to allow us to utilize the property in the interim while this period of time is given to them for this extension.

Vice Chair Carollo: But my question is, at the present time --

Chair Sarnoff: Right.

Vice Chair Carollo: -- can we rent out City-owned property that has not been used because realistically they haven't been able to obtain the financing?

Ms. Valdes: We can't rent it, but we can allow permits if Flagstone chooses to allow -- give us that approval.

Chair Sarnoff: I think his question is a little different. Right now Flagstone has some degree --

Ms. Valdes: He has rights.

Chair Sarnoff: -- of control of the property.

Ms. Valdes: That's correct.

Chair Sarnoff: I think his question is, do you still think they possess any degree of control of that property?

Ms. Valdes: Yes, I do.

Chair Sarnoff: Okay.

Vice Chair Carollo: Is -- can the City -- and this may be a two-part question -- generate fundings [sic], outside from Flagstone, from that property, making it an asset-producing property at the present time?

Ms. Valdes: You can do both. You can continue to allow Flagstone its rights to the property and get --

Mr. May: That's not what he's asking.

Vice Chair Carollo: Yeah. I'm sorry.

Mayor Regalado: Can I --?

Vice Chair Carollo: Sure.

Mayor Regalado: Mr. Vice Chair --

Commissioner Gort: (UNINTELLIGIBLE).

Mayor Regalado: -- I understand the question. And if I can clarify. During the meetings of the first time that they went here and we went back to meet with them, it was said and we asked them exactly that. During the time that you don't do any construction, can we rent the property? There was the possibility, although they requested that in 30 days, if they need the property to begin construction, we should get out of the property. And I understand what you're saying. My idea now and in the future, if you approve this, is try to work with them. For instance, a festival, parking for the boat show, or renting part of the property to DOT (Department of Transportation) for construction of the port. When we have the briefing on the port, one of the things that I requested from Secretary Gus Pego was, well, you going -- you're going to need a lot of staging facilities for your port tunnel project. Maybe we can rent that, and they, in principle, agreed. Now we have an issue with the parking in the Children's Museum that FDOT (Florida Department of Transportation) wants to like cut in half the -- because it's their right-of-way that the City didn't know or nobody realized that, and we may very well use the Flagstone property for parking in the future and I -- so I don't know. Madeline, you -- but what she's saying is that they have some control. And in order for us to do whatever we can, number one, we cannot assign the property to other entities because we have to go through the RFP process. We need three -- or a public referendum to assign that. Can we rent it? Can we rent it in a -- for a weekend or for a week, and permit? You know, we can get just permits to rent it. So we can do both. We can get the rent, and also we can get the rental. However, if we would want to terminate the agreement totally, I don't know if we can rent the property if we are in litigation. I'm not sure.

Ms. Valdes: You wouldn't be able to rent it, but you can still do the permitting for events at that site. In order to rent it, you would have to go through that RFP process.

Vice Chair Carollo: Maybe with an example, I could clarify one of the points or questions that I'm trying to ask. If Cirque du Soleil -- and I'm just throwing out -- a name out there -- wants to rent that property or -- the bottom line is, you know, ask for the permits -- for the bottom line is to be there and have their show and so forth and provide revenues to the City of Miami, can they do that right now?

Ms. Valdes: It's a temporary use. And yes, we would be able to get a permit as long as Flagstone allows us to do so.

Vice Chair Carollo: And has Flagstone allowed us to do that in the past?

Ms. Valdes: Yes, they have. They've been cooperative with us in the past.

Mr. May: Extremely.

Vice Chair Carollo: So right now do you know of any organizations, companies, festivals, on and on and on, that would like to use that property?

Ms. Valdes: Yes, we do. We have had inquiries. We have been waiting to determine whether something will happen today in order for us to approve those uses.

Vice Chair Carollo: So in other words, should Flagstone go away, it's not like we have no use for that property and it's just going to be sitting there and it won't be an asset-producing property. There's actually interest -- aside from a big project -- and I understand what you're saying, Mr. Mayor. And in all fairness, you know, financing is an issue, but aside from a big project, there's still entities out there that would like to rent, or however you want to -- technical name you want to use -- would like to use that property and will pay the City of Miami, or we will actually receive revenues from that usage?

Ms. Valdes: That is correct, yes. They are interested. However, the Mayor pointed out if we are in active litigation, then they could stop us from utilizing the property.

Vice Chair Carollo: Another question. Has it been used for that in --? Has this property --? Have we been allowed in the past -- I don't want to talk about the future now -- in the past have we been allowed to have some of these entities have their shows or so forth in order for the City of Miami to obtain additional revenues?

Ms. Valdes: When we've received requests before, if they're limited in time, we have been able to allow the uses. Cirque du Soleil did approach us some time ago. However, they walked away when they found a better price elsewhere, and we couldn't provide them certainty because we weren't sure what was going to happen with Flagstone. But we have had interested parties, and as long as it's a limited time, we can certainly continue to make revenues from the use of that property.

Vice Chair Carollo: So should Flagstone go away with the project, realistically, it's not like it's going to be an asset just sitting there that we won't be able to obtain any revenues from?

Ms. Valdes: No, no, no. We will be able to retain revenues.

Vice Chair Carollo: We will be able to. Would we need their approval? And I'm sorry. You know, that lease is yea wide. And once again, it seems like we're constantly doing more and more. And yes, I'm going to be involved in the budgeting process, Mr. Regalado -- I mean, Mayor Regalado, and in the pensions and all that, and those are the additional projects that I'm sure it's going to take quite a long time. But with that said, I know it's a rather large and extensive lease and --

Ms. Valdes: Today they have to ask for their permission.

Vice Chair Carollo: So today we have to ask for their permission. So, in other words, in the past we've had to ask for their permission?

Ms. Valdes: That is correct.

Vice Chair Carollo: So when Cirque du Soleil wanted to do something like that, did we obtain their permission?

Ms. Valdes: We were -- before obtaining their permission, we were trying to ascertain how much Cirque du Soleil was willing to pay for the property. When those discussions were taking place, we were negotiating actively with Flagstone on that fourth amendment, and we weren't sure whether they were able to proceed or not, so we couldn't give certainty to Cirque du Soleil that the property would be available because they actually needed a response immediately. They have to secure the site a year before their event.

Vice Chair Carollo: So would it be fair to say that we lost additional revenues from Cirque du Soleil because we were in some type of negotiations with Flagstone and we lost those revenues?

Ms. Valdes: You could say that. However, Cirque du Soleil was shopping, so I don't know if that was necessarily all that occurred.

Vice Chair Carollo: That's fair.

Mayor Regalado: Mr. Vice Chairman, if I may. On Cirque du Soleil, the prime location that they wanted was Bicentennial Park. They didn't actually wanted [sic] Watson Island. The problem was that because of the museums taking possession of the land, Cirque du Soleil did not have the certainty that they could come back every year, and this is why the board that you chair and the executive director could not assure them because they wanted Bicentennial actually, but because of the museum taking possession and because of the construction equipment, they couldn't accommodate that. And I know that the Chairman had some item that the museums didn't like, but it makes sense what he wants to do. Your board can generate a lot of money with Bicentennial. You just had a circus there and -- and Cirque du Soleil wanted -- the problem is that they do, like Madeline said, want a year in advance. And at the time that they came to make a deal with Bicentennial, with Bayfront Trust, the museums were saying that they were about to start construction and they didn't want to do that. I'm all for renting the property, and I don't think that they have a problem renting the property. We have rented for the boat show, the Watson Island parking and other parking, and I'm sure that we can make some money out of FDOT with the construction. And I'm sure that we can have, I would say, flea markets, you know, weekends and all that. But that -- the Flagstone representative has to tell us whether it's okay by them, the temporary rental.

Chair Sarnoff: Why don't we let them speak for a moment?

Vice Chair Carollo: And, Mr. Chairman, if I may real quick, just as a follow-up with what Mayor Regalado said?

Chair Sarnoff: Go ahead.

Vice Chair Carollo: I want to make perfectly clear that my issue is not Cirque du Soleil. That's not my issue. My issue -- I just used Cirque du Soleil as an example, so I want to point that out. In other words, there are entities out there -- and I used Cirque du Soleil as an example -- that are willing to come and use that property and pay the City revenue. So I'm just -- my point is that that still can be an asset-producing property, so it's not the Cirque du Soleil. I don't want to deviate the subject whether they could have come here and why they couldn't and -- You understand what I'm saying?

Chair Sarnoff: Sure.

Vice Chair Carollo: Okay.

Chair Sarnoff: Sure.

Vice Chair Carollo: Thank you.

Chair Sarnoff: You want to respond to some of the things you've heard?

Mr. May: Sure. And I appreciate that, Mr. Chair. First of all, I want to thank --

Chair Sarnoff: Just state your name for the record. Sorry. (UNINTELLIGIBLE).

Mr. May: My name is Brian May, with offices at 235 Catalonia, in Coral Gables, representing Flagstone. I first want to congratulate Commissioner Dunn and --

Commissioner Dunn: Thank you.

Mr. May: -- Commissioner Gort, as well, on one appointment and one election to the Commission. It's good to see five seats filled. Let me just say -- first of all, I want to thank the Mayor and his staff for the time and the patience that they've undertaken over the course of the last month or so to try to work with us and listen with an open mind as to, you know, really what are the, you know, issues facing the project moving forward. And those issues, you know, very much define what we're able to pay in terms of consideration of use payments and define things such as, you know, needing a credit of what we pay on consideration of use back against the construction rent. So we appreciate that. And also, we appreciate your time and your patience in listening and undertaking the issue and granting the extension of a month. With that being said, I think the first question, Commissioner Carollo, that you asked, if I understood it correctly, was if Flagstone was not there, was it -- could the property be utilized in some way that would be an asset-producing, you know, property for the City. I think, without a doubt, the answer to that question would be yes because in the past, at Flagstone's, you know, blessing, we have certainly allowed the City to use the property while we were not using it to do a number of things, parking, events, events around the Super Bowl, a number of things, all of which have inured to the benefit of the City and not to Flagstone. Important point. But I would doubt very seriously that any revenues that you would derive over making those temporary rentals of the property by permit are going to even rise close to the amount of revenue that we are committing to pay you here today. And you did mention that you had some concerns with the gradual payment of consideration of use payments, 300, 500, and 750,000 respectively over the three years. The reason for that is that we do need a break in the first year because we're going to be expended again significant revenues, okay, to get the project back up in terms of identifying construction costs estimates, you know, that are now differently defined in a market where construction costs have come down. We have to make our presentation to lenders all over again. And the reality is, we're not going to be able to do that in the year 2010. Everybody that we have talked to has basically said commercial lending in terms of construction loans for 2010 is basically gone. It's not going to happen. So we are seeking some break in the first year in terms of the consideration of use payments. Let me also point out that under the original agreement to enter, there never was a consideration of use payment. It was never contemplated until Flagstone sought an extension of time. And at the time that we sought that extension, the only reason we agreed to consideration of use payments is because financing for the project at that point in time with commitment letters was in place and we expected to break ground and start construction very soon, so the payments that we expected to make in terms of consideration of use payments we thought were going to be minimal because we would be able to get out of the ground. Unfortunately, where we are today is in order to ensure that the project is financeable going forward and is attractive to lenders and additional investors in terms of equity in the project, we really need to make sure that the numbers make sense to the lending and investor community. And while we don't mind paying significant revenues upfront to the City in the form of consideration of use, the one thing that will make it attractive, those payments attractive to lenders and investors, if they are credited back against the million dollars a year, the construction rent that we would be paying to the City. So that is really the reasoning and the logic behind it, and I just wanted to answer that and put that on the record for you.

Vice Chair Carollo: Mr. Chairman?

Chair Sarnoff: Go ahead. You're still recognized. Have a colloquy.

Vice Chair Carollo: Thank you. First of all, I want to thank you and Flagstone for actually paying the monies that it owed the City.

Mr. May: One point one million thus far, yes.

Vice Chair Carollo: Well, you owed us 500,000, and that's where we were last time, so I want to thank you for actually paying us what you owed us. And -- you know, and not using it as leverage or, you know, reconsidering it now and you know, not paying us the money and then, you know, negotiating.

Mr. May: Sure.

Vice Chair Carollo: So I appreciate that. With that said, again, I mean, I have a problem. So what you're saying realistically is the first 12 months we're really not going to be making any monies whatsoever because you're going to credit that money once the project starts construction, correct?

Mr. May: Whatever we pay in consideration of use payments would be credited against the construction rent once we start construction of the project --

Vice Chair Carollo: Right. So in other words --

Mr. May: -- at a rate of \$30,000 a month.

Vice Chair Carollo: -- the rental that we will be getting, the full amount will be credited "X" amount for the monies that you're paying us now?

Mr. May: Yes.

Vice Chair Carollo: So you're just paying us ahead of time, but realistically --

Mr. May: Sure.

Vice Chair Carollo: -- you know, we're not making additional monies.

Mr. May: No, you're not making additional monies.

Vice Chair Carollo: Right.

Mr. May: But I want to point out that in the original agreement that we entered into with the City, we never originally agreed to make consideration of use payments, okay, before we started construction. It was only at a time where we needed some addition -- when -- some extension time due to lawsuits that we defended on behalf of ourselves and the City and, you know, due to the fact that we took all of the permitting risks, which we agreed to do under the RFP to actually permit a mega yacht marina at that site, which, you know, is not apparent to everybody sitting on the dais, but is a very, very difficult undertaking. That took 28 months to get accomplished. So, you know, we did need a legitimate extension of time. We thought we would be getting out of the ground with construction, so we agreed at the time to make consideration of use payments. I believe, you know, Commissioner Sarnoff was the one who really negotiated those consideration of payments. He can speak to that. And I believe it was disclosed to him and to the Commission

at the time that we thought we would be out of the ground and therefore we agreed. So we certainly weren't considering consideration of use payments at that time for a three-year period -

Chair Sarnoff: Yeah. Let me --

Mr. May: -- more like a three-month period.

Chair Sarnoff: -- speak to that for a moment 'cause maybe coming from me it'll sound differently. At one point in time, their payments were -- and correct me if I'm wrong -- in the \$40,000 range or some number maybe a little lower than that. When times were good and they were coming in for, I think, the third extension, I upped their payment to \$83,000 a month, which to me was, I think, \$1.1 million a year.

Mr. May: One million.

Chair Sarnoff: And I thought it was justified based on the circumstance, the timing, the economy was still doing extremely well, and I just thought if they were coming in for an extension -- at that time, with all due candor, I didn't think he was proceeding as quickly as maybe he should have. And I thought it would act two purposes. One, he wouldn't want to make that payment for very long, and number two, it would speed him along in trying to get the construction rent to start establishing. And by the way, to be candid and honest, your client warned me that I was asking too much.

Mayor Regalado: And if I may, Mr. Chairman and Mr. Vice Chairman. You're right. And he's right. On the original contract, they would not be paying any rent until construction, and then on the first -- you weren't here -- amendment --

Chair Sarnoff: Right.

Mayor Regalado: -- we in the Commission demanded -- and I think I was the one -- and then on the third amendment, Commissioner Sarnoff -- and I supported him at that time -- up the rental, the nonexistent rental and it became a rental, every month to \$83,000.

Vice Chair Carollo: Mr. Mayor, Mr. Chairman, we keep mentioning the original contract, the original lease, and I do agree it's way thick, but if -- I believe, in the original contract, this February 1 we will be making \$1 million of rental income, is that correct? In the original contract. We should start collecting \$1 million of rental income February 1. That's true, right?

Mr. May: Absolutely.

Vice Chair Carollo: So we keep mentioning the original contract. The original contract, we should be getting \$1 million starting in February. We are not going to be receiving that. As a matter of fact, we're not going to be receiving anything because the amount that you're going to pay us, you're going to credit it. So, realistically, we're going to give you an extension of time, an additional year for free. I mean, am I wrong?

Commissioner Suarez: Mr. Vice Chairman, can I --?

Mr. May: I would never say that you're wrong, Commissioner.

Vice Chair Carollo: No.

Chair Sarnoff: Maybe not always right.

Vice Chair Carollo: Listen, Mr. May. With all due respect, you know -- but I'm a big boy. If I'm wrong, then, you know, stipulate and we could discuss this. But the truth of the matter is, from what I'm seeing -- and I'm only saying this because you keep mentioning the original contract, the original contract. Well, in the original contract, I wanted to see a million dollars coming into the City of Miami general funds, and the truth of the matter is it's not happening, and that's why we're having these discussions and these negotiations.

Mr. May: And the reason --

Vice Chair Carollo: And on top of that -- I'm sorry -- you know, whatever monies you're going to pay now for the extension is going to be credited. So, realistically, this first year, we're not going to get paid anything.

Chair Sarnoff: All right. Let's let Commissioner Suarez speak. Commissioner Gort, I think, wants to speak next, and Commissioner Dunn can speak after that.

Commissioner Suarez: I think I look at, Mr. Vice Chairman, a little bit differently. The way I look at it is, first and foremost, the principle idea here is to have the project go forward.

Commissioner Gort: Yes.

Commissioner Suarez: I think -- you know, I think the Mayor would like to see that. I think we would all like to see that. And so, you know, that is -- that's the overall objective. The consideration of use payments, the way I saw it, was we would get unbudgeted dollars coming in the door that if the project never got off the ground, we would keep. No questions asked. Then, if the project did get off the ground, which is what we would ultimately want to see, then in essence -- I understand the way that you look at it, which is that, in essence, they're getting -- it's almost like the payments were never made. But another way to look at it is they're going to be making construction payments, which are going to be up to the 80, the \$90,000 range. So, in essence, their construction payment will be reduced, so we'll still be getting unbudgeted dollars in the door. It'll be \$55,000 a month instead of, you know, \$90,000 a month. So we'll be getting unbudgeted dollars in the door, and so we will still be collecting money while the construction, you know, goes on. Again, one of the main issues that I had when we first negotiated or first discussed this proposal was -- and I think it's addressed in this letter, and I commend you, Mr. Mayor and Flagstone for getting together and hashing out all of the issues based on the concerns that we expressed, which was -- my biggest concern was, being an attorney, you know, the litigation prospect, that if, you know, we litigate this starting February 1, we're not going to get any money and we're not going to be able to rent it out. I think you made a great point with reference to being able to rent it out in addition to the consideration of use payments, which Flagstone has generously allowed us to keep those monies. So if we go to litigation, we won't be able to use the property, won't get any money from it. And I think, you know, the last issue that I had was if they don't pay by the tenth of the month, they, as the Mayor kind of concisely put it, give us back the keys. So -- which is kind of different, I think, from the way it currently is right now. And I think I spoke with the City Attorney about drafting language that would be extremely clear that would waive defenses and things of that nature so that we wouldn't be in a litigation process if they failed to make payments by the tenth, that they would agree to vacate, which would, I think, be a huge asset to the City of Miami to be able to move forward with that property and do something productive with it.

Vice Chair Carollo: Mr. Chairman.

Chair Sarnoff: Well, let me let the other Commissioners speak. So let's go to Commissioner Gort.

Commissioner Gort: I have a few questions. My understanding is this was a project in 19 -- in

2001, it was approved, or 2000, and it went to the voters?

Mayor Regalado: It went to the voters, yes.

Commissioner Gort: Right. The voters voted for it.

Mayor Regalado: It went -- the RFP process was -- I think you were here.

Commissioner Gort: Yeah. I was here at that time. That's why I'm bringing it back.

Mayor Regalado: And then it went to the voters and the voters --

Commissioner Gort: And the voters had a vote for this --

Mayor Regalado: -- approved --

Commissioner Gort: -- to approve this project. I feel very much the same way as Commissioner Suarez. I think it's a win-win situation. We would like to see -- the total cost of the project is about a billion dollars, was it or --?

Mr. May: It's about -- in the range of 450 to \$550 million today.

Commissioner Gort: Okay. So that's additional ad valorem taxes. At the same time, we can make part of the agreement -- As an attorney, I'm sure that Commissioner Suarez and Commissioner Sarnoff would look into the agreement. My understanding today is to recommend the Administration and the Mayor to continue to negotiate and come with a document that we can work with, a final document where we can stipulate all this. First of all, is that on the tenth, if the payments are not received, we take the property over. Number two, that they allow the City of Miami to use the facilities --

Mayor Regalado: For rental.

Commissioner Gort: -- for rental facility to get some additional revenues. And my question is to you -- because I know there's got to be a market out there -- how many solicitations have you had for that property? And what do you think is the total funds can you receive from that property from past experience?

Ms. Valdes: I'd have to check because some of the revenue has been derived by another department. We have special events. So I'd have to check and give you that number.

Commissioner Gort: Right. But I mean --

Ms. Valdes: I have no idea.

Commissioner Gort: Okay. Thank you.

Mayor Regalado: If I may, Mr. Vice Chairman?

Vice Chair Carollo: Go ahead, Mr. Mayor.

Mayor Regalado: MSEA, Miami Sports and Exhibition Authority, also has done some events there, and it's part of the revenues that the City receive. To me, the most important item in this contract that we're presenting to you is number eight. And to me, the most important is in the event Flagstone defaults for nonpayment, Flagstone will also agree to waive its defense as to nonpayment against the City and turn all permits and plans over the City immediately. That is a

guarantee that we do not have to litigate, you know, in terms of getting the permits that they have paid for already and the plans to proceed with the other projects.

Vice Chair Carollo: I do want to mention something or clarify something. Commissioner Gort, you mentioned as far as what we're voting on is to continue negotiations or to negotiate with them further?

Mayor Regalado: No.

Vice Chair Carollo: Okay. I don't believe that. I think we are -- what we're voting is on this contract in front of us.

Commissioner Gort: On this contract, but it's got to come --

Mayor Regalado: On the extension.

Commissioner Gort: -- but we can amend this contract, and it's going to come back to us, an official contract, from the Attorney's office.

Mr. May: Mr. Chairman, I --

Vice Chair Carollo: Yes, Mr. May.

Mr. May: -- need to put on the record just so that there's no confusion or nobody is misled. What we have before you in terms of the proposal and these basic business terms, we are not prepared to change these terms. In terms of what we are understanding would be a logical outcome today if the Commission concurs is that the City would work with Flagstone to prepare documents, amendments, a fourth amendment to the agreement to enter into the ground lease that will contain these terms. We have -- and I must put this on the record 'cause it's the truth and I don't want anybody to think any other way. This is as far as Flagstone can go. We are not prepared to make any additional payment, agree to any additional terms. And so, I just -- I'm not saying that to rebut anything that's been said I just want there to be clarity and understanding in terms of where Flagstone is with -- relative to moving forward, so --

Vice Chair Carollo: And --

Commissioner Gort: Mr. Chairman.

Vice Chair Carollo: -- that was my understanding, that we are voting on this and this is what -- you know, the proposal, and this is what the contract is going to be. Mr. Gort.

Commissioner Gort: Mr. Chairman.

Chair Sarnoff: Go ahead, Commissioner.

Commissioner Gort: My question is -- and I understand that your payments and -- well, I would like to see an amendment where we have friendly relationship with you where the City would be able to use the facility to get some additional revenue.

Mr. May: It always has.

Commissioner Gort: Okay.

Mr. May: And we're -- we would cooperate.

Chair Sarnoff: Commissioner Dunn.

Commissioner Dunn: Yes. I wanted to -- Thank you, Mr. Chairman. I wanted some clarity as it relates to the grace period in the event there's a default in payment. I know usually sometimes that's --

Mayor Regalado: Ten days.

Commissioner Dunn: Ten days.

Mayor Regalado: Commissioner --

Commissioner Dunn: If it's one -- if it's ten days, that's it?

Mayor Regalado: On the tenth of the month --

Commissioner Dunn: On any --

Mayor Regalado: -- on any given month --

Commissioner Dunn: That's it.

Mayor Regalado: -- they have to walk away.

Commissioner Dunn: Thank you.

Chair Sarnoff: Mr. Mayor, I may have an idea and I have a concern. First off, I guess to some degree I feel like the person who may have put you in this position, for all the right reasons, don't get me wrong, for increasing your conditional -- consideration of use payment at a time that I thought it was appropriate. And let me just say categorically, I have always said I believed in this project. Absolutely. I think then-Commissioner Regalado and I would joke, and we always both believed in this project. I especially believe in the water side of the project. I always thought the land side was ambitious. But you know what? I hope it works. I think it can work under maybe a different criteria than he does, but you're not -- that's not my expertise. The water side, you know, I just think not only is it a home run, but if you know anything about big yacht owners, they never stay on their boats. Don't know why. They have these zero speed stabilizers that they pay almost a million dollars for them, their boats barely move, but they're so wealthy that they end up owning a condo right on Biscayne Boulevard. That's always been my dream. I always thought that would happen. And I thought we'd fill the condos on Biscayne Boulevard as we would have likely 30 to 40 large yachts on that particular facility. So -- and I really -- my hat's off to the Mayor because I think you've demonstrated a great term, meaning you've negotiated a fair rental rate, consideration of use, if you will, under the circumstances that exist now City of Miami, South Florida, state of Florida, worldwide. You know, you're going to hear something from me later today. It's called "The new normal." We're in what's called the new normal. Are we going back to 2006, 2005, compensations, amount of money people made? Are we back to 2001, 2000, 1999? Was that a blip that all that money that was made and all that extravagance --? Are we in the new normal? And I cannot -- and forgive me being the former chair of the Bayfront Trust and having intimate knowledge of the amount of money they were able to raise through various Cirque du Soleils, Cavalias, great events, pales in comparison to a use fee of 25,000 per month, which is the minimum use fee that you'll be paying for the first 12 months. And again, my hat's off to you, Mr. Mayor, on the \$500,000 because this Commission has two very discreet issues in front of it. We are facing a short-term budget crisis. And I'm going to start and continue to use the word we're in crisis mode. And until and unless we figure out ways to fill the short-term crisis mode, there may not need to be any long-term planning in the City of Miami 'cause it may not be us behind this dais planning the City of

Miami. It could be a group of other people that are going to come in here and say, I have a plan for the City of Miami. And you know what all you are going to say out there? I didn't vote for you. Then we're going to say, yeah, but they took it away from us. You know, they took the keys to the Cadillac away from us all because we didn't have any short-term vision. Long-term vision, there is long-term vision here. It is the project the voters approved. It is the project that they wanted to see go forward. So, Mr. Mayor, my hat's off to you in terms of the way you've structured this. You've satisfied the short-term crisis, the short-term issue of the City of Miami. I'd like to see you bring back another 50 of these, if you would, sir, 'cause if my numbers are right, that will satisfy the number I heard --

Mayor Regalado: That's right.

Chair Sarnoff: -- a few minutes ago.

Mayor Regalado: That's right.

Chair Sarnoff: And I may have one suggestion to Madam City Attorney and Madam Director of Asset Management. And forgive me, I'm going to be a little bit of a litigator here. The biggest problem with Flagstone is -- and I mean this with all due respect -- you've allowed a number of judgments to come against you and you have a number of garnishments against you. Not a good thing. Any money that shows up in anybody's bank account in the United States will be subject to those garnishments. That means the law firm cannot harbor the money, at all. That money's going to have to be transferred directly from Turkey, a place that will not satisfy and acknowledge that judgment through garnishment. So that's an issue I think we need to face. Secondly, it's always interesting when someone says I waive my defenses. With all due respect, I think when Mr. Behar got up here, his defenses were waived. However, Madam City Attorney, there may be a way to satisfy the garnishment, and at the same time, satisfy the City that there are no defenses. If, in fact, you -- both of you were to enter into a lawsuit against each other, abate the lawsuit, enter into a consent judgment that would afford you and allow you to demonstrate those rent payments are owe and due and payable, you may be satisfying a term of a garnishment. And I'd ask you to look at that. I could certainly advise you on that. I'd certainly hope that you would be willing to consider that. All I'm trying to do is mechanically ensure the City of Miami gets the rental payments -- consideration of use payments, I apologize, while you still have garnishments out there. And I think that should not be an amendment of your term. I think you'll see it as a way of fulfilling what you really want to do, which is put the money in the City of Miami's revenue account so that the taxpayers have a taxable entity that they are now relieved of some of their tax obligations. You understand what I'm saying?

Mr. May: I do, Mr. Chairman. And certainly, I appreciate the concern. And certainly, you know, our counsel, Alex Tachmes, is here today from Shutts. I know that he would be willing to work with the City Attorney with regard to anything that could make, you know, all of our lives collectively easier. You know, that being said, I, you know, just -- I do want to point out that, you know, our terms of payment under the extension are, you know, very severe. If we do not pay in ten days, there's no notice that has to be issued by the City in default. It's -- we are just simply in default and --

Chair Sarnoff: I'm trying to manage your --

Mr. May: -- you know, turn out the lights, so --

Chair Sarnoff: -- existing garnishment that's out there.

Mr. May: Yeah. And I think that we should -- but we're happy to work with you, as you know that.

Chair Sarnoff: I think you'd find -- I've done this twice before.

Mr. May: Yes.

Chair Sarnoff: It's a very creative -- I shouldn't say that on the record. It is a way of getting around a garnishment. And I think if the City Attorney would work with me on this, I could help her show that. And I think if you were willing to consider that, I could support this amendment.

Mr. May: We'll consider it.

Chair Sarnoff: Okay. All right.

Julie O. Bru (City Attorney): Mr. Chair, before you vote on this, I'd like to put some things on the record. If we're going to be directed to work on some sort of fourth amendment, that is going to be a lot of resources that are going to be expended on that. So I want to make sure that we're clear on what Flagstone is willing to agree to. There's a couple of notes here that I've taken after discussing this very briefly this morning with the management staff. The first thing is the issue of a security deposit. I don't see anywhere where they're proffering that they will replenish a security deposit. That might be a legal issue. I'm not going to get into business issues because, quite frankly, that's your purview, but I just want to raise the legal issues. The RFP required a security deposit, so I'd like to hear on the record whether or not they would be willing to deal with some sort of letter of credit or performance bond.

Mr. May: We will consider anything that's in accordance with the RFP and with the agreements that are at hand. You know, it's not our intention to put up another \$500,000 as a security deposit. We've -- we paid that security deposit out in good faith, not knowing that we would have any extension whatsoever. We've tried to put our best foot forward. But we are in an environment that Commissioner Sarnoff pointed out. I like the term "new normal" 'cause I've experienced the new normal myself. And you know, new normal is not something that allows us to simply put up another \$500,000 into a bank account that is just going to sit there and not do anything for the project. So we'll be willing to work with the City Attorney to try to satisfy any requirements under the RFP and the ground lease and the agreement to enter, but it's not our intention to put \$500,000 into a bank account for a security deposit.

Ms. Bru: All right. Let me move on to the next point. So what I'm hearing is is that to the extent that it's legally required, they're willing to work on it with us?

Mr. May: Yes.

Ms. Bru: Okay. The second point I'd like to raise is that there continues to be defaults because of the liens that are -- the mechanics' liens, the vendors' liens that exist on the property. I didn't hear anything in this proposal as to how we're going to deal with those.

Mr. May: As we've agreed to previously, we have agreed to extinguish all liens on the property and work with the City Attorney's office to do that because, at the end of the day, it is the City's property and we need the City's concurrence and assistance to do that.

Chair Sarnoff: I think what she's asking for is that your counsel would take the lead -- and it's only justified and fair that you -- whatever cooperation you may need from her office in terms of documents and things like that, but that you would do the laboring ore and pay to have those liens extinguished.

Mr. May: Yes.

Chair Sarnoff: Okay.

Ms. Bru: Okay. The next point is, I have heard lots of discussion today about retaking our interest in the property. And let's get this clear. They really don't have the full possessory interest in this property 'cause they don't have a lease yet. What they have are easements that allow them to use the property on a nonexclusive basis. Now, I don't have enough, you know, detailed information on how -- as to how the relationship -- the parties have been conducted, but I do know that they do have some kind of interest in possession, and they are agreeing that upon a default, a payment-related default, that they will waive their defenses. But what I'm not hearing is that they will waive defenses against claims and setoffs not just related to nonpayment, but related to all other kinds of defaults. So if we're really interested, as the Mayor has said kind of, you know, illustrative, getting the key back, which is kind of, you know, the concept that you take everything back -- all those little sticks that are in the bundle of (UNINTELLIGIBLE), you take them all back, including the permits and the licenses and all of that. We need to talk about a way to be able to waive all those defenses, not just defenses as to nonpayment 'cause that doesn't get us all our sticks back.

Chair Sarnoff: You understand that?

Mr. May: I do understand. I'm going to have Alex Tachmes from Shutts address that, but I did want to put just one thing on the record that the City Attorney did refer to. We do have easements to the property and some notion of possession, and I just want to put on the record that we have paid for that easement. We have paid \$600,000 to the City for that easement, in addition to the 500 that, you know, we let go with the security deposit. And to the balance of the question, Mr. Tachmes.

Alex Tachmes: Thank you. Alex Tachmes, for the record, Shutts and Bowen. Madam City Attorney, we understand your point. I would just ask that we deal with the minutia of those issues when we're drafting the document. We know that the way we drafted it is not as broad as you would like. Give us an opportunity to work out language with you, and I'm comfortable that we'll make everybody happy.

Ms. Bru: Okay. As long as we both agree that what I just said is not minutia 'cause it's very important.

Mr. Tachmes: I'm sorry?

Ms. Bru: I mean, the idea is is not to get tied up in litigation, to be able to retake back the property, and quite frankly, just waiving your rights regarding nonpayment doesn't quite do it. There's a lot of other defenses that we need to address.

Mr. Tachmes: I understand the distinction. Just give us an opportunity to work with it, and we'll get back with our client. I'm confident we'll resolve it.

Chair Sarnoff: And I hope you would both consider the opportunity of the lawsuit and the abatement.

Mr. Tachmes: The -- talking about the consent judgment you talked about?

Chair Sarnoff: Well, you file a lawsuit for language you'd agree with. You would enter into a -- you would then abate it and enter into consent judgment, which would be effective upon the nonpayment for a 10-day period, and thereby you have a court order right there, right then by consent judgment that would extinguish all your rights. I think this is cogent to your conversation you're having right now. I hope you consider it. I've done it twice. And you won't -- and it will satisfy one of your garnishment issues.

Ms. Bru: Right.

Mr. Tachmes: Well, certainly, I think that's an aggressive way to do it. I compliment you on that.

Chair Sarnoff: I know Shutts. I think it was against Shutts that I did it. They were very aggressive. I think I still have the road map on my back.

Mr. Tachmes: Again, we'll -- you know, we understand the City's position, that you don't want litigation. You want -- If we default, you want us out immediately. We'll work with you to get what you want.

Chair Sarnoff: Okay. Anything else, Madam City Attorney?

Ms. Bru: Last but not least, there is a statement in the proposal about the City cooperating and not impeding their ability to obtain financing. And I think that we can come up with a concept that we can memorialize that will still afford this body, not just as a proprietor of this property and a party to a contract, but recall that they still are a legislative body and we cannot waive their ability to legislate, so we can work on that.

Mr. May: Certainly.

Mayor Regalado: If I may, Mr. Chairman. That phrase was placed because of them wanting to have potential investor meet with you, the Mayor, the Manager, and say, you know, we like that project. I mean, not that they bring somebody here from New York or from Paris and (UNINTELLIGIBLE) we don't want to meet with you because we don't like these people, you know.

Chair Sarnoff: Yeah. I call it the cheerleading clause.

Mayor Regalado: Right. And that's basically --

Commissioner Gort: The (UNINTELLIGIBLE).

Chair Sarnoff: Right.

Mayor Regalado: -- the spirit of that phrase.

Mr. May: Yeah. Mr. Mayor, if I could just add. You know, look, we've been through, you know, this ordeal dating back to last summer. You know, we've all been through quite a bit in terms of, you know, the project and the payment and resuscitating it and the extension. And you know, there's been a lot of public, you know, stuff written about it, and so we just want to have, you know -- in the spirit of partnership and cooperation, we just want to start anew after all that and really get all on the same page and be able to work with you, the City Commission and the Mayor, in terms of, you know, attracting the lending community and the investor community that's going to be necessary to move it forward, so that is the spirit in which it's made.

Chair Sarnoff: All right.

Vice Chair Carollo: Mr. Chairman.

Chair Sarnoff: Commissioner, you're recognized, and then we're going to have -- then we're going to call the question.

Vice Chair Carollo: Thank you. As a matter of fact, I hadn't finished asking questions, and

some of the questions that Madam City Attorney asked were questions that I had. The truth of the matter is, it seems like Mr. May said that there was not going to be any changes to this contract, and then I see all this [sic] things popping up that were called minutia. And I'm actually quite surprised because the truth of the matter is, it seemed that their contract is up February 1, unless we were going to be receiving a million dollars of revenue income per month. And now I hear that should we just, you know, go on and terminate the contract or have the contract expire, that there's going to be lawsuits and so forth. So I don't know realistically this -- of them -- within the 10-day grace period they don't pay us, that that's it. They turn over the property and there's no other lawsuits and so forth. So with that said, I heard -- saying that, you know, we will work at it or, you know, consider it, but how can I vote on something that you're still working at and considering and so forth? I mean, it seems like all the topics that we touched upon, like the deposit and so forth, you know, we'll work with the City, but you're asking me to vote on this right now.

Chair Sarnoff: Well, it -- Correct me, Madam City Attorney. Couldn't we be voting on a 30-day extension of the previous contract for the Mayor to negotiate in accordance with the terms and conditions of what's been provided to us to be bring [sic] back before this Commission for our approval?

Ms. Bru: Yeah. What you would have to do today is extend that February 1 date.

Chair Sarnoff: Right, to 30 days.

Ms. Bru: (UNINTELLIGIBLE) extend it however many days you want to extend it.

Vice Chair Carollo: Right. But that's not what we're doing right now. The motion on the floor is not that. The motion on the floor is to approve this contract, and I said that I could not vote for this contract.

Commissioner Gort: There's a motion?

Vice Chair Carollo: And -- yes.

Chair Sarnoff: There was --

Vice Chair Carollo: You made the motion, Mr. Gort, and I think it was seconded by Commissioner Dunn.

Chair Sarnoff: Right.

Vice Chair Carollo: And so there's a motion on the floor for this contract, and I clearly said that I could not vote for this contract. Now what --

Mr. Tachmes: Mr. Vice Chairman, if I could jump in?

Vice Chair Carollo: Sure.

Mr. Tachmes: I'm sorry. What you have in front of you is essentially a --

Chair Sarnoff: Term sheet.

Mr. Tachmes: -- agreement on terms, a term sheet, if you will. And the idea would be that you would grant us -- as was indicated by the other Commissioners, we would have a 30-day window in order to memorialize that in a multipage amendment that would deal with -- forgive the use of the word -- minutia, the details, the technical aspects to make the City comfortable on defaults

and issues of that type. So this was -- these deal terms were negotiated with the Mayor over the last number of weeks, and we're just coming to you to get the Commission's blessing on those general terms, which will then be memorialized in a contract. This is not a contract.

Vice Chair Carollo: I understand that, but we're talking two different things. What Chairman Sarnoff is saying that we extend for a month, which I can agree with. We can extend for a month, and then further negotiate with time this contract that you're putting before us, okay. That's one. That's what Chairman Sarnoff is saying, and correct me if I'm wrong, Chairman. The other thing is actually voting on this as -- yes, it's not a contract, but in essence, all it is is just, you know, typing up and so forth as an original contract, but we're voting on agreeing to these terms. And I'm sorry; I cannot agree to these terms.

Chair Sarnoff: Let me see if I can get this under control. Would the maker of the motion like to withdraw his motion?

Commissioner Gort: I'll withdraw my motion.

Chair Sarnoff: Would the seconder accept?

Commissioner Gort: Yes.

Commissioner Dunn: Yes.

Chair Sarnoff: Would there be a motion made to extend the contract as it is, presently a third amendment, for a 30-day extension for the Mayor to -- and the City Man -- I'm sorry. I should say for the City Manager to negotiate in accordance with the January 27, 2010 memo that the Mayor has provided to this body, together with the January 26, 2010 letter Flagstone has provided to the Mayor, which I believe we've all been CC'ed (Carbon Copied), in accordance with those terms and conditions so that they can come back to this board, this Commission, and we can approve a contract that fits the parameters of not only what is discussed in these two documents, but in accordance to what we have discussed today at Commission? Is there such a motion?

Commissioner Gort: So move.

Commissioner Dunn: Second.

Mayor Regalado: Mr. Chairman.

Chair Sarnoff: I hate when you guys raise your fingers when I thought it came out good.

Ms. Bru: No. I would just --

Commissioner Gort: You did real good.

Ms. Bru: -- suggest that you extend it to March 11, which is the Commission meeting in March.

Chair Sarnoff: As amended to March 11.

Commissioner Gort: March 11.

Mr. Hernandez: Right.

Chair Sarnoff: Does the maker accept that?

Commissioner Gort: I accept that.

Chair Sarnoff: Does the seconder accept that?

Commissioner Dunn: Yes.

Chair Sarnoff: Mr. Mayor.

Mayor Regalado: Thank you. I think it's a good idea, but I'm just -- I would like to understand, because the terms that we agreed will be the ones coming back to you in terms of money. The only -- the minutia, as they say, is the City Attorney getting satisfaction on the money that could be used for payment, is getting satisfaction on the legality of them getting out of the property. But the terms would remain as --

Chair Sarnoff: The monetary numbers would remain as stated.

Mayor Regalado: Right, the monetary numbers. So you all understand, so we don't have --

Chair Sarnoff: Right.

Mayor Regalado: And I understand. I mean, you don't approve it, you don't approve it. That's what -- it is what it is. But the terms, if you allowed us, will be the same that we have here --

Commissioner Gort: Right.

Mayor Regalado: -- in this letter.

Chair Sarnoff: Correct, Mr. Mayor. I'm going to call the question.

Vice Chair Carollo: Mr. Chairman, real quick.

Chair Sarnoff: I'm going to give you 30 seconds.

Vice Chair Carollo: Gee, thank you. I truly appreciate that. I feel privileged.

Chair Sarnoff: Let me just say this to you. We're about to lose our interpreter. Accion folks and my folks at UTD (United Teachers of Dade) are going to get lunch at noon. We've got to move, so let's go.

Vice Chair Carollo: I feel privileged. With that said, Mr. Mayor, all I ask is why limit ourself [sic]? If we got an additional 30 days or so forth, maybe we can speak about the terms. I'm just throwing it out there. I'm just saying why limit ourselves. Yes. Even though I have a problem with the escrow and the deposit and as far as the actual wording with regards to any litigation and so forth -- yes. I mean, in all fairness, I do have a problem with the terms. I mean, realistically, I said it already before, you know, all the payments that they're going to be giving us for this first year is going to be credited later on, so realistically, I mean, this year is going to be for free. And I won't say any more. I'm just saying why limit us, you know?

Mayor Regalado: I -- no. I understand. Commissioner, I was you.

Chair Sarnoff: No, you weren't.

Mayor Regalado: No, no, in terms of questioning and questioning and questioning. And I understand totally. What I'm saying to you is that the -- what would come back to you will be these terms, in terms of numbers, and then, you know, you support it or you -- Thank you.

Chair Sarnoff: All right.

Commissioner Dunn: Thank you.

Chair Sarnoff: All right. Let's call the question. All in favor of the motion which has been stated -- Madam City Attorney, you got the motion -- Madam Clerk? Excuse me?

Priscilla A. Thompson (City Clerk): Yes, we do. Thank you.

Chair Sarnoff: Okay. All right. All in favor, please say "aye."

Commissioner Suarez: Aye.

Commissioner Gort: Aye.

Chair Sarnoff: Aye.

Commissioner Dunn: Aye.

Chair Sarnoff: Any opposed? There you go, gentlemen.

Vice Chair Carollo: I -- no, no. Hold on. I didn't vote. I just want to say that the term -- are we getting monies for this month that we're extending,? And if not, is there a deposit or some -- or so forth? And I'm sorry, I hate to bring it up. I haven't voted yet, but --

Ms. Bru: If we come to an agreement, it will be retroactive to February 1.

Vice Chair Carollo: If we come to an agreement. But if we don't come to an agreement this month that, you know, we extended, we won't -- not be getting paid for?

Mayor Regalado: The terms tell us that they will be paying us for this month, commencing February 1, 2010.

Vice Chair Carollo: I'll vote aye.

Chair Sarnoff: Sorry?

Vice Chair Carollo: Aye.

Chair Sarnoff: Okay.

END OF CITYWIDE ITEMS

DISTRICT 1

COMMISSIONER WIFREDO (WILLY) GORT

END OF DISTRICT 1

DISTRICT 2

CHAIRMAN MARC DAVID SARNOFF

CHAIRMAN MARC D. SARNOFF WOULD LIKE A DISCUSSION ABOUT THE CITY OF MIAMI'S "HEAD COUNT".

CHAIRMAN SARNOFF WOULD LIKE TO KNOW HOW MANY FULL-TIME EMPLOYEES WERE EMPLOYED AS OF SEPTEMBER 15TH, 2009 AND HE WOULD LIKE TO KNOW HOW MANY FULL-TIME EMPLOYEES WERE EMPLOYED AS OF JANUARY 15TH, 2010.

DISCUSSION WILL COVER THE MEDIAN INCOME OF A CITY OF MIAMI EMPLOYEE.

DISCUSSION ABOUT THE EFFECT OF "HEAD COUNT" ON THE CITY OF MIAMI BUDGET.

DISCUSSION ABOUT THE "HEAD COUNT AND THE BUDGETING PROCESS.

10-00022 Email.pdf

NO ACTION TAKEN

D2.2 09-01296 DISCUSSION ITEM

VISUAL PARK INITIATIVE - POSSIBLE ENHANCEMENT

DISCUSSION ABOUT CHAIRMAN SARNOFF 'S VISUAL PARK INITIATIVE AND IT'S GOAL TO CREATE TEMPORARY VISUAL PARKS IN APPROPRIATE LOCATIONS THROUGHOUT THE CITY OF MIAMI.

FLORIDA STATUTES 193.501 (1), (3) A. PROVIDE DETAIL AND INFORMATION ON CONSERVATION EASEMENTS THAT WOULD BENEFIT MUNICIPALITIES AND PROPERTY OWNERS. FS 193.501 CURRENTLY REQUIRES A CONSERVATION EASEMENT OF NOT LESS THAN TEN (10) YEARS. DISCUSSION ABOUT A RESOLUTION REQUESTING THE FLORIDA LEGISLATURE TO REDUCE TEN (10) YEARS TO PERHAPS FOUR (4) TO FIVE (5) YEARS.

DISCUSSION ABOUT STEPS TO STIMULATE THE VISUAL PARK INITIATIVE PROGRAM.

DISCUSSION ABOUT THE CITY OF MIAMI'S ABILITY TO BUY APPROPRIATE SITES WHILE REAL ESTATE PRICES ARE REPUTEDLY LOW.

09-01296 Email 1-28-10.pdf

NO ACTION TAKEN

D2.3 09-01297 DISCUSSION ITEM

MIAMI-DADE COUNTY TAX BILL

CITY OF MIAMI WASTE FEES

DISCUSSION ABOUT MIAMI-DADE COUNTY REAL ESTATE PROPERTY TAXES AND THE RECENT 2009 NOTICE OF AD VALOREM TAXES AND

NON-AD VALOREM ASSESSMENTS.

IS IT POSSIBLE THAT MANY CITY OF MIAMI PROPERTIES DID NOT RECEIVE ACCURATE BILLS? IS IT POSSIBLE THAT PROPERTIES RECEIVED INACCURATE BILLS PERTAINING TO CITY OF MIAMI WASTE FEES? IF YES, WHAT CAN BE DONE?

09-01297 Email.pdf

NO ACTION TAKEN

END OF DISTRICT 2

DISTRICT 3

VICE-CHAIRMAN FRANK CAROLLO

END OF DISTRICT 3

DISTRICT 4

COMMISSIONER FRANCIS SUAREZ

END OF DISTRICT 4

DISTRICT 5

COMMISSIONER

END OF DISTRICT 5

NA.1 10-00114

DISCUSSION ITEM

CONGRATULATIONS TO RICHARD P. DUNN, II AS THE NEWLY APPOINTED DISTRICT 5 COMMISSIONER.

DISCUSSED

Chair Sarnoff: I know that we're going to take a photograph, and I know that Jorge is over there to take the photograph. As Chairman, I just want to welcome Commissioner Dunn, as well as Commissioner Gort, actually, to his first regularly scheduled Commission meeting, as opposed to our specially set meetings. And I thought I would give our newly minted Commissioner Dunn a moment if he'd like to say something.

Commissioner Dunn: Thank you, Mr. Chairman. To the fellow Vice Chairman and fellow Commissioners, and to all the officials of this great City of Miami, to the residents of District 5 and the City as a whole, I'm honored for the opportunity to serve during this time period that we agreed to, and I will do my God best to be the best Commissioner in this timeframe. I thank you for the opportunity.

Chair Sarnoff: Thank you, Commissioner. All right. I apologize to everybody, but we're going to take a group shot. The only person I know that tells everybody what to do is our photographer, Jorge. So let's take our group shot.

Commissioner Gort: You know, my dad used to say that. The only guy that can tell a person

what to do is me. I'm a photographer.

Chair Sarnoff: Right.

NA.2 10-00123

DISCUSSION ITEM

DISCUSSION CONCERNING IEXPENSE AUDIT ISSUED BY CITY OF MIAMI'S AUDITOR GENERAL VICTOR IGWE.

DISCUSSED

Commissioner Gort: Can I ask a question?

Chair Sarnoff: Absolutely. Commissioner Gort, you're recognized for the record.

Commissioner Gort: I don't know if you'll be able to answer this at this time, but what is the cost of gas for the City?

Mr. Hernandez: Cost of gas?

Commissioner Gort: Yes.

Mr. Hernandez: I'll have either Mike Boudreaux or Kelly Barket come up and they'll provide that information, the overall cost of fuel.

Commissioner Gort: The cost of fuel for the whole year. Mr. Chairman, the reason I ask this question, I believe that we can also suggest ideas in how to re-operate some of the operations that we have, and I'm sure we can save some funds in there.

Mayor Tomás Regalado: One of the things --

Commissioner Gort: I mean, there's some -- let's face it. We got to cut expenditures somehow, and we got to look at all of them.

Mayor Regalado: Commissioner Gort, and Chairman, Commissioner, one of the things that we need to address immediately is the P-Card report issued by the Auditor General. There's some very legitimate issues, but there's a lot of discrepancies in different departments. I just want to be -- I don't want to take a lot of time 'cause I have another issue. But I will tell you something. I was sitting there and there, and he was sitting there, and there were some other Commissioners, and we had a very lively discussion about using the P-Card to pay the fines of City cars that took tolls, didn't pay tolls. And we were told at that time that that would be fix. The auditor found that at least City cars committed 160 toll violations and parking tickets that were paid by the P-Card, value almost \$5,000. I think it was in the last three month [sic] of last year -- no, it was, I think, September, October, or November, or -- three months. And I remember that at that time we directed the Administration to, you know -- if you take a toll, you pay. You, because you did it. And so that's just a minor thing, but I'm --

Mr. Hernandez: Mayor, the period that the audit makes reference to goes back to, I think, the early part of '09, from January to April. And since then, we have taken steps to correct and avoid those situations. I think that most departments now are in good compliance. We still have a few stragglers that we're dealing with, but obviously, that's their responsibility, unless you have an emergency vehicle actually responding to an emergency. Otherwise, they got to pay.

Mayor Regalado: And you must understand that emergency vehicles have a way to advise the toll that they can go, so these were not emergency. I'm just pointing that out to you as a minor thing.

NA.3 09-01455a RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF MIAMI ("CITY" AS LICENSEE) AND BRICKELL FLATIRON LLC ("OWNER/DEVELOPER" AS LICENSOR), FOR THE USE OF APPROXIMATELY 8,900 SQUARE FEET OF LAND, DESCRIBED IN "EXHIBIT A," ATTACHED AND INCORPORATED, OWNED BY OWNER/DEVELOPER, HOLDING AN APPROVED MAJOR USE SPECIAL PERMIT PURSUANT TO RESOLUTION NO. 06-0400, ADOPTED JUNE 22, 2006, AND LOCATED AT 1121 SOUTH MIAMI AVENUE, MIAMI, FLORIDA, FOR THE CITY TO OPERATE A PASSIVE PUBLIC PARK (TO BE NAMED "POINTE PARK"), INCLUDING IMPROVEMENTS AND MAINTENANCE TO SAID PARK; AND ADDITIONALLY TO PROVIDE FOR THE MAINTENANCE OF THE CITY'S ALLEN MORRIS PARK, LOCATED AT 20 SOUTHEAST 10 STREET, MIAMI, FLORIDA; AND TO PROVIDE A CONTRIBUTION OF THE AMOUNT OF \$35,000, TO A NEW PARK LOCATED AT 1814 BRICKELL AVENUE, MIAMI, FLORIDA, IN FURTHERANCE OF THE CITY'S OPEN SPACE INITIATIVES AND IN LIGHT OF THE OWNER/DEVELOPER'S REQUEST FOR EXTENSION OF SAID RESOLUTION NO. 06-0400, AND MODIFICATION OF OTHER SUBORDINATE APPROVALS.

09-01455a-Exhibit-License Agreement.pdf

09-01455a-Exhibit A.pdf

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

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

R-10-0044

Chair Sarnoff: I'm going to bring up my pocket item. The pocket item is to approve the license agreement by and between the City of Miami and the owner-developer, Brickell Flatiron LLC (Limited Liability Company). Do I have a motion?

Commissioner Suarez: So moved on -- well, yeah, so moved.

Chair Sarnoff: All right. And is there a second?

Commissioner Dunn: Second.

Chair Sarnoff: Second by Commissioner Dunn. Any further discussion on this, gentlemen?

Commissioner Gort: And this pocket item does not have a fiscal impact on the City?

Chair Sarnoff: No fiscal impact on the City.

Commissioner Gort: Great.

Vice Chair Carollo: Mr. Chairman?

Chair Sarnoff: Yes, sir.

Vice Chair Carollo: And I will be voting on it 'cause I'm taking your word for it.

Chair Sarnoff: And if you -- you're welcome to bring it back up if there's a problem.

Vice Chair Carollo: You got it.

Chair Sarnoff: All right. All in favor, please say "aye."

The Commission (Collectively): Aye.

Chair Sarnoff: Thank you very much, gentlemen.

Lucia Dougherty: Thank you.

Chair Sarnoff: And I do apologize it coming to you last minute.

NA.4 10-00115 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE USE OF THE FLORIDA EAST COAST SLIP AND A PORTION OF BICENTENNIAL PARK TO BE USED FOR THE VOLVO OCEAN RACE 2012, OCCURRING MAY 24, 2012 THROUGH JUNE 11, 2012, WITH AN AGREEMENT TO BE BROUGHT BACK TO THE CITY COMMISSION FOR APPROVAL SHOULD TEAM MIAMI, LLC WIN SAID BID.

10-00115-Submittal-David Pina.pdf

10-00115-Submittal-Commissioner Sarnoff.pdf

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

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

R-10-0038

Chair Sarnoff: I'd like to -- Gentlemen, I've put in front of you a pocket item. It is merely a resolution asking us to authorize the use of the FEC (Florida East Coast) slip and a portion of the Bicentennial property, which I'll ask Enrique to put that back up. Enrique, stand still. There you go. Act like a good easel -- there you go -- and let the Manager explain it.

Pedro G. Hernandez (City Manager): Since we're on the item of the Museum Park master plan -
-

Mr. Hernandez: Commissioner Carollo, I have to apologize. This is what we have in the package, so obviously it's not green. This is not green.

Vice Chair Carollo: That's what we spoke about with regards to the Volvo Ocean Race, but not with regards to --

Mr. Hernandez: But my commitment on the record is that we'll work on greening the yellow on your district map.

Vice Chair Carollo: Not a problem.

Mr. Hernandez: We have an opportunity, Mr. Chairman and Commissioners, to extend an offer and ask for the Volvo Ocean Race, which is like a Super Bowl in the sailing club that actually happened in the -- in Miami or came through Miami like six, seven, eight years ago, and is a very significant item. It can have a very positive impact in our economy. The event is happening

again in 2012, and this pocket item deals with offering to the Volvo Ocean Race the ability to use the area on the north edge of the basin or the south side of Bicentennial to berth their boats and to use a strip of land a hundred feet wide on the land side of that seawall just north of the basin for them to do their staging, their operation. And it's -- the intent is for them to use it for a period of two weeks. It's also significant to note that if we do that, we also have to stage future construction of Museum Park in such a way that we don't impact this area and we leave it available for the Volvo Open [sic] Race. I think that at this point that it would behoove the City to extend this invitation to the Volvo Ocean Race, invite them to come to Miami in 2012, and what we're offering is their ability to berth on the north side of the basin and to use that 100-foot strip of land alongside the basin.

Chair Sarnoff: The -- we -- Miami is one of three cities in North America that is vying for this cup, and they do this every two years. The 2010 was just completed -- I hope I said that right. It may be 2009 that was just completed, and they had over one billion viewers 'cause they put -- on the Internet they will put the actual guys doing the sailing, and obviously they sail all around the world, but we are vying to be one of -- the one city in North America. We're vying with Boston. We're vying with Rhode Island and Miami to be the one city that comes up from likely South America to be this cup. This is not a financial impact -- and I say that yet. All we're doing is saying we'd like to be considered. We would provide you the landmass. We are in the process of trying to raise private capitol to meet the obligation. And all it's just saying is keep us considered for right now and nothing more, nothing less. I don't want to quote numbers to the -- to my fellow Commissioners. The numbers that I remember being quoted were substantial in what this can bring revenue to the City of Miami. But I don't want to say a number and get it completely wrong 'cause I don't remember it off the top of my head. David, you're out there, aren't you? You want to just mention the number or how it comes in sometimes?

David Pina: Thank you very much. My name is David --

Chair Sarnoff: State your name.

Mr. Pina: -- Pina. I'm representing the bid offer for the City of Miami through the Volvo Ocean Race Committee. We are one of three in North America to have this opportunity. It's an event that not only takes part as a sailing event, but as a venue for two weeks that allows entertainment, music, and not to mention the excitement of sailing to the City of Miami. It brings bed tax -- or beds, butts, and benefits to the City, so I think it's a big opportunity for us to look at. Of course, I want to bear in mind that we are still bidding on this. We have not been rewarded. We will be notified probably around the first or second week of March. The numbers that we're looking at in just total quantity of participants that take place in showing up for the venue, for instance, Cape Town was 40,000 people showed up; Boston, 150,000 people showed up. So we're looking at a significant number for a two-week period. We're looking at also the opportunity of what it provides us with in drawing attention from a global perspective to downtown Miami. I think from just the general media involvement, it's very beneficial to establish Miami, the downtown Miami as a pulse point of commerce, entertainment, and business. We're also a gateway. So as we start to look at major corporate sponsorships, everywhere from Telefonica to Ericsson that participate in this, it allows us to get that much more exposure as a city. So I'm putting it up to the Commission to honor what we're looking to try to achieve. And the property that we've actually worked out that's outlined here would hopefully be agreed to and we can proceed ahead. Of course, our deadlines are very, very tight, and I apologize for the pocket issue on this, but I appreciate all the efforts that you put in.

Chair Sarnoff: So you all know, when I was in London last week, they actually had me meet the person who has a license agreement out there, and that was as short a notice as I've ever had a meeting in Europe within about 20 -- 12 hours' notice, so -- I happened to have been on a business trip, so it worked out just fine, but --

Commissioner Gort: Good.

Chair Sarnoff: -- time is of the essence, and I apologize for -- just for bringing it as a pocket item, but it has zero cost to us as of yet.

Commissioner Dunn: Mr. Chair.

Chair Sarnoff: Go ahead, Mr. -- Commissioner Dunn, and then Commissioner Gort.

Commissioner Dunn: Yeah. First of all, I appreciate the visionary effort of this perspective hopefully windfall. When you look at the fact you -- I believe you mentioned that Boston had approximately 150,000. Do you know -- you don't have to give me an exact figure -- what that translates into dollars and cents, roughly?

Mr. Pina: I have a --

Commissioner Dunn: You don't have to put the exact --

Mr. Pina: -- Deloitte basic number on that, and it was -- I'm -- it's in the millions, but I would hate to quote that and put that in as record. But it's significant. And I think from a general perspective of -- I look at it two ways. I don't look at the -- the dollars and cents is very important to the City and what it generates for the economy is one major benefit from this, but also the exposure that -- it's hard to put a number on when you think about your --

Commissioner Dunn: Sure.

Mr. Pina: -- global perspective.

Commissioner Dunn: Sure.

Mr. Pina: There will be two boats from Spain that will be representing. I think Telefonica. There will be one boat from Italy, one boat from France, one boat from Ireland, and one possible vote from Germany, so there might be as many as ten boats all represented by major global sponsorships. So in theory, it's a major opportunity for us. And to talk a little bit about what Chairman Sarnoff had mentioned is the Internet and multimedia aspect of it and the mention of Miami as part of the event that takes place over a year and a half, almost two years. So there's a carryover. It's almost like when we watch the Miami Heat and every time they mention the American Airlines Arena, it's a significant bump for that market, and we look at that same opportunity for Miami as -- again, what I had mentioned.

Commissioner Dunn: If I might add to that even -- you know, sometimes when you're at one of the restaurants and you overlook -- I just want to put this for the record -- I don't think we really appreciate the beauty that we have in this City and the potential. It is a paradise, but it's coupled with an urban setting, which gives you really the best of both worlds. Usually, when you go to the Caribbean, you know, to the various vacation spots, it is a paradise but without the urban aspect. So when you can couple that together and that be showcased from a global standpoint, I think it's a win-win situation.

Mr. Pina: I'm from Chicago, and I definitely recognize that. We take very much -- lot of pride in our waterfront and the urban environment that it encapsulates.

Chair Sarnoff: Commissioner Gort.

Commissioner Gort: Well, I want to thank -- I think it's a great event. We had it the year before, and it was very favorable. My question is, you said there'd be about ten boats or more?

Mr. Pina: Yes.

Commissioner Gort: Well, my suggestion, if you don't have enough room, you can always bring it up the river to Allapattah and we can put them in there also.

Mr. Pina: The depth might be --

Vice Chair Carollo: To Jose Marti Park.

Commissioner Gort: We'll split it.

Chair Sarnoff: All right.

Commissioner Dunn: Thank you, sir.

Chair Sarnoff: Any further discussion? All right.

Commissioner Gort: The Mayor.

Chair Sarnoff: Oh, I'm sorry. Mr. Mayor.

Mayor Regalado: Thank you. I just want to say that we did wrote [sic] a letter in support about three days ago of this event, and I think it will be extraordinary for the City of Miami, so I'm supporting that.

Chair Sarnoff: And I will say this: For anyone who has any hesitation based on what happened -- forgive me, and I don't know the full events four or five years ago -- trust me, it's being scrubbed, it's being thought about, and it's being revisited as to anything that went right as well, and I emphasize anything that went wrong to make sure it does not go wrong again. So why don't we call the question.

Mr. Hernandez: Mr. Chairman, do you want me to call -- to read it into the record?

Chair Sarnoff: Would you?

Mr. Hernandez: Yes. It's a resolution of the Miami City Commission authorizing the use of the FEC slip and a portion of Bicentennial Park to be used for the Volvo Ocean Race 2012, occurring May 24, 2012 through June 11, 2012, with an agreement to be brought back to the City Commission for approval should Team Miami, LLC (Limited Liability Company) win said bid.

Chair Sarnoff: Thank you, Mr. Manager. All right, calling the question. All in favor, please say "aye."

Priscilla A. Thompson (City Clerk): I'm sorry. You need a mover and a seconder.

Chair Sarnoff: Oh, I'm sorry. I thought I had that. Is there a motion?

Commissioner Gort: Move it.

Commissioner Suarez: So move.

Commissioner Dunn: Second.

Chair Sarnoff: Moved by Commissioner Suarez, second by Commissioner --

Commissioner Gort: Dunn.

Chair Sarnoff: -- Dunn. I apologize. I'm going to get that.

Commissioner Dunn: Not a problem.

Chair Sarnoff: All in favor, please say "aye."

The Commission (Collectively): Aye.

Chair Sarnoff: Okay. It passes unanimously. Thank you, gentlemen.

Mr. Pina: Thank you, Commissioner. Thank you, Chairman. Thank you, Mayor.

NA.5 10-00124**DISCUSSION ITEM**

COMMISSIONER DUNN EXPRESSED APPRECIATION TO THE COMMISSION FOR BEING APPOINTED AS DISTRICT 5 COMMISSIONER; FURTHER ACKNOWLEDGING HIS IMMEDIATE ACTION IN SCHEDULING A TOWN HALL MEETING TONIGHT AT 6 PM IN WHICH HE NEEDED TO ATTEND.

DISCUSSED

Chair Sarnoff: I think Commissioner --

Priscilla A. Thompson (City Clerk): -- as modified.

Chair Sarnoff: -- Dunn may want to say something.

Commissioner Dunn: Thank you, Mr. Chair, Vice Chair, and Commissioners. First of all, I want to thank you for your vote of confidence on Tuesday tonight. As stated in the conditions, they are what they are. As you and I both witnessed -- all of us witnessed on Tuesday night, District 5 is in a state of some -- somewhat of a state of chaos, and one of the first things that I did was to try to schedule a town hall meeting immediately to allow some of the same residents of the district to voice and vent in an orderly manner some of their frustrations. And prayerfully and hopefully by your swift, prompt, and prudent actions to fill the vacancy, we can begin now to move forward. So with that being said, I do ask that you would accept my apologies. I have scheduled a town hall meeting right in the heart of the district, scheduled for 6 p.m. I did not realize the meeting would last this long, but I just wanted to say for the record that I'm not shirking my responsibilities, but prayerfully that these actions will help to make even the smoothest, not just District 5, but the entire City of Miami.

Chair Sarnoff: Thank you, Commissioner.

Commissioner Dunn: Thank you.

Chair Sarnoff: Good luck in your meeting.

Commissioner Dunn: Thank you. Please pray for me.

Commissioner Suarez: We will.

Commissioner Gort: You can assure them that we'll be supporting them.

NA.6 10-00110 RESOLUTION

*District 2-
Commissioner
Marc David Sarnoff*

A RESOLUTION OF THE MIAMI CITY COMMISSION, BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, GRANTING AN INCREASED NUMBER OF CLASS I SPECIAL PERMITS (BEYOND THE TWO (2) SPECIAL EVENTS ALLOWED PER YEAR), FOR THE FUNDRAISER EVENTS FOR THE RICKIA ISAAC FOUNDATION/INDIGO, LOCATED AT 613 NORTHWEST 72 STREET, MIAMI, FLORIDA; SPECIFICALLY TO ALLOW A SERIES OF FUNDRAISING EVENTS TO BE ACCOMMODATED AT THE SITE FOR A PERIOD OF FIVE (5) MONTHS COMMENCING ON JANUARY 15, 2010 THROUGH MAY 15, 2010, WITH CONDITIONS AS STATED HEREIN.

10-00110-Legislation.pdf

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

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

Absent: 1 - Commissioner(s) Dunn II

R-10-0041

Chair Sarnoff: All right. I said that we would take a brief recess before we would hear D1 [sic] and D2 [sic]. However, I do have a brief pocket item, gentlemen. It would take all four of you to be here. It is a resolution of the City of Miami, by a four-fifths affirmative vote, granting an increased number of Class I Permits beyond the two special events allowed per year for the fundraiser events for Rickia Isaac Foundation/Indigo, located at 613 Northwest 72nd Street, Miami, Florida, specifically to allow a series of fundraising events to be accommodated for the site for a period of five months, commencing January 15 through [sic] 2010 through May 15, 2010. This would have no impact to our budget.

Commissioner Gort: Move it.

Chair Sarnoff: All right. We have a motion. Is there a second?

Vice Chair Carollo: Second for discussion.

Chair Sarnoff: Go ahead, second.

Vice Chair Carollo: Not so much on the item itself. I just want to know, as far as pocket items, I know they used to be all towards the end, and some people have mentioned, oh, only two, only three, and I have seen that you can do unlimited. But as far as pocket items, I'm getting, I guess, caught off guard a little bit because they're coming at different periods of the meeting. So I just want to, you know, just ask not necessarily, you know, with regards to this, you know -- I would, you know, back you on this, but you know, as far as pocket items, I just want to, you know -- and I don't even mean that I want to set rules or so forth. I just want to know if this is going to be norm or --?

Chair Sarnoff: No, it's not. And in case you're wondering, this has been something that's kind of been welling up as we didn't have Commission meetings, and then I needed a four-fifths vote. It's not hard to figure out we haven't had four Commissioners for --

Vice Chair Carollo: I agree.

Chair Sarnoff: -- a long, long time. And I would -- I'm probably the most resistant Commissioner to pocket items, and I don't like what I've done to you today, not on the substance but on the procedure.

Vice Chair Carollo: No. I hear you. And you said that you've had this for a while. I just wish you could have, you know, like brought it to us beforehand where --

Chair Sarnoff: Sorry.

Vice Chair Carollo: -- that's the only thing. And listen, Commissioner, there's emergencies, and I'm going to have emergencies where I'm going to need pocket items and so forth, so I understand that. And, you know, we're a team up here, but I just wanted to know, you know, the norm and so forth, okay?

Chair Sarnoff: Right. All right, so it's a resolution. All in favor, please say "aye."

The Commission (Collectively): Aye.

Chair Sarnoff: Okay, let's take a 15-minute break.

A motion was made by Vice Chair Carollo, seconded by Commissioner Suarez, and was passed unanimously, with Commissioner Dunn absent, to adjourn today's meeting.