

City of Miami

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

Thursday, June 28, 2012

9:00 AM

PLANNING & ZONING

City Hall Commission Chambers

City Commission

*Tomas Regalado, Mayor
Francis Suarez, Chairman
Marc David Sarnoff, Vice-Chairman
Wifredo (Willy) Gort, Commissioner District One
Frank Carollo, Commissioner District Three
Michelle Spence-Jones, Commissioner District Five
Johnny Martinez, City Manager
Julie O. Bru, City Attorney
Priscilla A. Thompson, City Clerk*

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MAYOR AND COMMISSIONERS' ITEMS

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

Present: Commissioner Gort, Vice Chair Sarnoff, Commissioner Carollo, Chair Suarez and Commissioner Spence-Jones

On the 28th day of June 2012, the City Commission of the City of Miami, Florida, met at its regular meeting place in City Hall, 3500 Pan American Drive, Miami, Florida, in regular session. The Commission Meeting was called to order by Chair Suarez at 9:00 a.m., recessed at 9:52 a.m., reconvened at 10:01 a.m., recessed at 11:03 a.m., reconvened at 11:06 a.m., recessed at 12:00 p.m., reconvened at 2:00 p.m., and adjourned at 5:53 p.m.

Note for the Record: Commissioner Spence-Jones entered the Commission chambers at 9:16 a.m.

ALSO PRESENT:

*Julie O. Bru, City Attorney
Johnny Martinez, P.E., City Manager
Priscilla A. Thompson, CMC, City Clerk*

Chair Suarez: (UNINTELLIGIBLE) ladies and gentlemen. I want to thank my colleagues, first and foremost, who are here on the dais with me. Welcome to the June 28, 2012 meeting of the City of Miami Commission in these historic chambers. The members of the City Commission are Marc David Sarnoff, the Vice Chair, Frank Carollo, Wilfredo "Willy" Gort, Michelle Spence-Jones, and myself, Francis Suarez, the Chairman. Also on the dais are Johnny Martinez, 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 Ms. Thompson and the pledge of allegiance by Commissioner Carollo. Thank you.

Invocation and pledge of allegiance delivered.

PRESENTATIONS AND PROCLAMATIONS**APPROVING THE MINUTES OF THE FOLLOWING MEETING:**

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

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

Chair Suarez: We will now proceed with the approval of the minutes from the Planning and Zoning meeting of May 24, 2012. Is there a motion?

Commissioner Carollo: Mayoral vetoes.

Vice Chair Sarnoff: So move.

Chair Suarez: Moved by the Vice Chair. Is there a second?

Commissioner Carollo: Second.

Chair Suarez: Second by Commissioner Carollo. All in favor, signify by saying Aye."

The Commission (Collectively): Aye.

END OF APPROVING MINUTES

MAYORAL VETOES**NO MAYORAL VETOES**

Chair Suarez: Madam Clerk, are there any mayoral vetoes to report at this time?

Priscilla A. Thompson (City Clerk): There are none to report, sir.

Chair Suarez: Thank you.

Chair Suarez: I think this is the first time since I've been elected that we don't have any proclamations or presentations so we'll skip that section. We'll now begin the regular meeting. The City Attorney shall state the procedures to be followed during this meeting.

Julie O. Bru (City Attorney): Good morning, Mr. Chair, members of the City Commission, Mr. Mayor, City Manager, Madam City Clerk, and members of the public. Any person who's a lobbyist must register with the City Clerk before appearing before the City Commission. A copy of the Code section about lobbyists is available at the City Clerk's office. Material for each item on the agenda is available during business hours also at the City Clerk's office and online at www.miamigov.com [sic]. Anyone who wishes to appeal any decision made by the City Commission for any matter considered at this meeting may need a verbatim record of the item. Please, no cell phones or other noise-making devices. Silence them now. If anybody becomes offensive or unruly, makes offensive remarks in chambers, they will be barred from attending any Commission meetings in the future. And any person who requires auxiliary aids, please ask the City Clerk for assistance. Mr. Chair will announce any time that this Commission will break. And also, there is -- this is a Planning and Zoning agenda also and there will be special rules announced at the time that that commences.

Chair Suarez: Thank you, Madam Attorney. Just for clarity's sake, last Commission meeting that I was here, the Commission requested that we provide the time certain, so we've tried to make every effort to do so. Right now what we have is two presentations at 9:30; one Planning and Zoning item at 2 p.m., which is PZ.7 through 9; and RE.1 at 5:30. So that's what we'll be doing today.

[Later...]

Chair Suarez: We will proceed with the order of the day. First, does any Commissioner wish to continue, defer or withdraw any items from the regular agenda or the consent agenda? Hearing none, does the --?

Vice Chair Sarnoff: The -- I think there was a --

Chair Suarez: We're going to the Administration now. They're going to -- yeah, I think they have several.

Vice Chair Sarnoff: Okay.

Chair Suarez: Does the Administration wish to continue, defer or withdraw any items from the regular agenda or the consent agenda?

Johnny Martinez (City Manager): Yes, Mr. Chair.

Chair Suarez: Read it slowly so we can all get it here, 'cause I have a feeling there's going to be several.

Mr. Martinez: RE.10, defer to July 26. RE.11, defer to July 26. DI.2, continue to the next

meeting. S -- Supplemental, SI.2, the Jungle Island item, I would like to read a statement into the record, if allowed.

Chair Suarez: Sure. Go ahead.

Mr. Martinez: The deferral of SI.2 on the supplemental agenda will allow us to continue our conversations/negotiations with Jungle Island representatives. Should this matter result in a referendum, the Commission would be required to hold a special Commission meeting no later than July 24.

Chair Suarez: Thank you. Any other deferrals, withdrawals, continuances?

Commissioner Carollo: Mr. Chairman.

Chair Suarez: Yes.

Commissioner Carollo: That last -- could you read that last sentence again, Mr. Manager?

Commissioner Gort: Yeah.

Mr. Martinez: Should this matter result in a referendum, the City Commission would be required to hold a special Commission meeting no later than July 24. This is to allow us time to get the ballot language to the County.

Commissioner Carollo: So we foresee that, once again, we're going to have a special Commission meeting on this?

Mr. Martinez: If it results in us going forward with the -- approving the terms of our term sheet and we want to go forward, it would require that.

Commissioner Carollo: I think this would be the first time --

Commissioner Gort: No way I'm going to vote for it.

Commissioner Carollo: This is the first time since I've been here that we've had two special Commission meetings for one issue. Anyways, that's just food for thoughts.

Chair Suarez: Okay, is there a motion on the deferrals, withdrawals and continuances that the --? Yes, Madam --

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

Chair Suarez: You want me to reread them?

Ms. Thompson: No, no. I have them here. The only question I would have -- I understood the City Manager's statement, but are we then saying that SI.2 is going to be deferred? Is there a date or --?

Chair Suarez: Mr. Manager.

Commissioner Gort: Next year.

Mr. Martinez: Yeah. I said deferred to July 12.

Ms. Thompson: Oh, okay, July 12. Thank you.

Chair Suarez: Okay.

Mr. Martinez: Yes.

Chair Suarez: Is there a motion?

Commissioner Carollo: Mr. Chairman, I'll --

Chair Suarez: Yes.

Commissioner Carollo: I don't mind making a motion, but before -- I'd like to know if he could go through once again so I could make sure of all the --

Chair Suarez: Absolutely. No problem.

Commissioner Carollo: -- since I've been -- you know, since --

Chair Suarez: I have deferral of RE.10.

Commissioner Carollo: RE.10, um-hum.

Chair Suarez: Deferral of RE.11.

Commissioner Carollo: Right, both for July 26. I'm sorry --

Chair Suarez: July 12.

Commissioner Carollo: -- July -- no.

Mr. Martinez: Twenty-six.

Chair Suarez: July 26?

Mr. Martinez: Both of them, July 26.

Chair Suarez: Okay. DI.2 'til July 12, correct? Continue to July 12.

Commissioner Carollo: Yes.

Chair Suarez: Okay. SI.2, I guess, continued 'til July 12 as well.

Commissioner Carollo: SI.2, hold on. Defer --

Chair Suarez: Supplemental item 2.

Commissioner Carollo: -- 12. Give me a second. There was -- also, my understanding from speaking with the Administration, there was going to be a withdrawal of RE.6. Is that continued to --?

Chair Suarez: I was --

Commissioner Gort: Yeah.

Chair Suarez: -- told that as well.

Commissioner Gort: Yeah. It's out.

Chair Suarez: Okay, what -- okay, so your motion will include a withdrawal of RE.6.

Commissioner Carollo: Right, and that's because the Administration in our briefing --

Commissioner Gort: No.

Chair Suarez: That's what I was told as well.

Commissioner Carollo: Okay.

Commissioner Gort: I have (UNINTELLIGIBLE) pull it. It was my --

Chair Suarez: Okay.

Commissioner Carollo: That's fine. I don't have a problem with that. I just want to make sure that we have it because it wasn't in the original motion.

Commissioner Gort: And I'll address it later on when it comes to my pocket item.

Commissioner Carollo: Not a problem. And let me just verify my list to see if there was any other deferral that -- I was told that RE.8 was going to be deferred.

Chair Suarez: Same here. RE.8, which is the payphones.

Mr. Martinez: Commissioner --

Commissioner Gort: Yes.

Mr. Martinez: -- yeah.

Chair Suarez: Yes. Oh, 'cause --

Mr. Martinez: RE.8 --

Chair Suarez: -- I think what I'm picking up is that certain Commissioners may have wanted to --

Commissioner Gort: Right.

Chair Suarez: -- defer it when the item came up.

Mr. Martinez: Right.

Chair Suarez: Is that what's happening here?

Vice Chair Sarnoff: No, no. He made a request and I assumed you -- I apologize. I thought you were just going to make the request. I have no problem with it.

Mr. Martinez: Okay.

Chair Suarez: Okay. So the motion will include a deferral of RE.8 until? Mr. Vice Chair?

Mr. Martinez: September 13.

Chair Suarez: Okay, 'til September 13.

Commissioner Carollo: Right. And again, I'm just going by what, you know, the --

Chair Suarez: That's okay.

Commissioner Carollo: -- Administration told me.

Chair Suarez: That's okay.

Commissioner Carollo: I just want to make sure that we have all these deferrals in.

Chair Suarez: That's fine.

Mr. Martinez: And there's one more deferral.

Chair Suarez: Go ahead.

Mr. Martinez: The D2.2, the homeless report --

Vice Chair Sarnoff: Right.

Mr. Martinez: -- and my notes say to be determined, so I guess it's deferred --

Chair Suarez: A withdrawal and they can bring it back on the agenda, correct?

Mr. Martinez: Okay.

Vice Chair Sarnoff: Right.

Chair Suarez: So it'll be withdrawn for now.

Commissioner Carollo: So D2.2 is going to be withdrawn.

Chair Suarez: Anything else?

Ms. Thompson: Now I would ask before you make your motion --

Chair Suarez: I'll review them again.

Ms. Thompson: -- if you go through the list.

Chair Suarez: Is there any other ones, though?

Ms. Thompson: Okay.

Chair Suarez: Let's make sure that there are no other ones.

Commissioner Carollo: No.

Chair Suarez: Okay, let me start from the beginning. RE.6 will be withdrawn. RE.8 will be deferred until that meeting in September that he mentioned. RE.10 will be deferred until --

Commissioner Carollo: July 26.

Ms. Thompson: July 26.

Chair Suarez: -- July 26; RE.11, the same.

Commissioner Carollo: Same.

Ms. Thompson: Correct.

Chair Suarez: Okay, DI.2, continued to the next Commission meeting.

Ms. Thompson: July 12.

Chair Suarez: Correct. D2.2 will be withdrawn.

Ms. Thompson: Correct.

Chair Suarez: SI.2, supplemental item number 2, will be deferred until the next Commission meeting.

Ms. Thompson: 7/12, correct.

Chair Suarez: Okay. Is there a motion?

Commissioner Carollo: So move.

Chair Suarez: Moved by Commissioner Carollo. Is there a second?

Commissioner Gort: Second.

Chair Suarez: Second by Commissioner Gort. All in favor, signify by saying "aye."

The Commission (Collectively): Aye.

Chair Suarez: Okay, moving right along.

[Later...]

Chair Suarez: It's 2 o'clock. As you can see, we don't have the requisite number of Commissioners for a quorum. We do have an item that will be beginning as soon as the Commission meeting reconvenes with a quorum of Commissioners, which is the DACRA special area plan. That's my intention and then we'll go from there. So as soon as we have the requisite number of Commissioners, we'll get started. Thank you. Thank you for your patience.

[Later...]

Chair Suarez: (UNINTELLIGIBLE) start with the -- try to make up some time here. We're going to have the City Attorney read into the record the procedures to be followed for the Planning & Zoning meeting.

Maria J. Chiaro (Deputy City Attorney): PZ (Planning & Zoning) items shall proceed according to Section 7.1.4 of the Miami 21 zoning code. Before any PZ item is heard, all those wishing to speak will be sworn by the City Clerk. Staff will briefly describe each item as it is heard. The members of the City Commission shall disclose any ex parte communications. The appellant or

petitioner will then present the request or may waive the right to an evidentiary hearing. The order of presentation shall be as described in the City code. Members of the public will be permitted to speak on certain petitions. City of Miami requires that anyone requesting action by the City Commission must disclose before the hearing anything provided to anyone for agreement to support or withhold objection to the requested action. Any documents offered to the City Commission that have not been provided 7 days before the meeting as part of the agenda materials will be entered into the record at the City Commission's discretion.

Chair Suarez: Thank you. Madam Clerk, would you like to swear in any witnesses?

Priscilla A. Thompson (City Clerk): Ladies and gentlemen, may I please have your attention. If you are going to be presenting testimony on any of the P&Z items today, I need you to please stand and raise your right hand so that I could administer the oath.

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

Ms. Thompson: Thank you.

Chair Suarez: Thank you, Madam Clerk. And I have to say, you know, we did start at the regular 2 o'clock time, but we had a press conference at 12, which took up about 45 minutes and, you know, we usually like to give the Commissioners some time to go and get some lunch and take a couple minutes off. So it's not unusual that they're not here yet, but they should be here shortly and we'll get started. So thank you for your patience. And on a housekeeping note, the first item -- first thing we're going to do is we're going to take the deferrals, continuance and withdrawals from the P&Z items. Then we're going to have the time certain DACRA special area plan, which is PZ.7, 8, and 9. And later at 5:30, we have a time certain for RE.1, which is the granting of funds on a roadway, 17th Avenue. So as soon as we have another Commissioner, we'll get started with that. And I think I see Commissioner Carollo right there by the door, so we should have him any minute. Yes.

Niesen Kasdin: Mr. Chair, on PZ.2, that is a request for a deferral on that item.

Chair Suarez: Yes. What we're going to do, Mayor, is we're going to first take up all the deferrals, continuances and withdrawals --

Mr. Kasdin: Okay.

Chair Suarez: -- first.

Mr. Kasdin: Right.

Chair Suarez: We're going to get all that out of the way either from applicants or the Administration, and then we're going to start with DACRA afterwards.

Mr. Kasdin: Okay. Well, we have one deferral as well, is what I was saying.

Chair Suarez: Okay.

Mr. Kasdin: Prior to the DACRA item.

Chair Suarez: Sure. And that's what, PZ.2, you said?

Mr. Kasdin: PZ.2.

Chair Suarez: Okay. I think Commissioner Carollo's stepping into the chambers. I see the door opening there. Great. Okay, so Mr. Garcia -- you want Mr. Garcia to read the deferral list or --? Okay, Mr. Min, could you please --

Barnaby Min (Zoning Administrator): Good afternoon.

Chair Suarez: -- read the deferrals, withdrawals and continuances?

Mr. Min: Barnaby Min, Zoning Administrator. I believe PZ.4 is going to be continued to the July 26. PZ.5 is going to be continued to July 26. PZ.10 and PZ.11, I believe the request is to continue until July 26. PZ.14 will be continued to the meeting in September -- the PZ meeting in September.

Chair Suarez: And we're also -- to the meeting in September. And we're also going to be deferring PZ.2 until when, sir? Mayor? The next like meeting?

Mr. Kasdin: September, if that's okay?

Chair Suarez: Sure. To the --

Mr. Kasdin: Okay.

Chair Suarez: -- September meeting then.

Priscilla A. Thompson (City Clerk): The September meeting is September 27.

Chair Suarez: September 27. Okay, so --

Mr. Min: And I'm sorry, Mr. Chair.

Chair Suarez: Yes.

Mr. Min: I made one misstatement. PZ.4 is actually going to be a withdrawal and not a continuance.

Ms. Thompson: Okay.

Chair Suarez: PZ.4 is a withdrawal. Okay, so let me just -- for the Commissioners who are here, September -- PZ.2, to September 27; PZ.4, withdrawn; PZ.5, continued to the next Planning & Zoning meeting, which is the 26th; PZ.10 and 11, also continued to the 26th; and PZ.14, continued to September 22 [sic].

Vice Chair Sarnoff: What was the last one there?

Chair Suarez: I'm sorry?

Vice Chair Sarnoff: What was the last one?

Chair Suarez: The last one?

Vice Chair Sarnoff: Yeah.

Chair Suarez: Is PZ.14 to September 20 --

Ms. Thompson: Seven.

Chair Suarez: -- is it 2nd or 7th?

Ms. Thompson: Seven.

Chair Suarez: Seventh. Do the Commissioners have any other ones that they would like to continue or defer?

Commissioner Carollo: And just to verify, Mr. Chairman, we're talking PZ.2, PZ.4, PZ.5, PZ.10 and 11, PZ.14?

Chair Suarez: Correct.

Commissioner Carollo: Okay.

Chair Suarez: Okay. Is there a motion?

Commissioner Carollo: So move.

Vice Chair Sarnoff: Second.

Chair Suarez: Moved by Commissioner Carollo, second by the Vice Chair. All in favor, signify by saying "aye."

The Commission (Collectively): Aye.

[Later...]

Chair Suarez: We're going to now go to PZ.7. And by the way, Commissioner, just to fill you in on the deferrals that we had while you were away, we're deferring PZ.2 to September 27.

Commissioner Spence-Jones: Okay.

Chair Suarez: PZ.4 was withdrawn. PZ.5 was also continued 'til -- it was continued to the July 26 meeting. PZ.10 and 11 were also continued to the July 26 meeting. And PZ.14 was deferred to the September 27 meeting, so just to kind of catch you up on where we're at.

PERSONAL APPEARANCE**PA.1****PRESENTATION****12-00618****District 4-
Commissioner
Francis Suarez**

MR. HUSEIN CUMBER, EXECUTIVE VICE PRESIDENT FOR CORPORATE DEVELOPMENT FOR THE FLORIDA EAST COAST (FEC) RAILWAY, LLC, TO ADDRESS THE STATUS OF THE FEC PASSENGER RAIL PROJECT.

12-00618 Personal Appearance - Husein Cumber .pdf

12-00618-City of Miami Presentation 06-28-12.pdf

PRESENTED

Chair Suarez: Okay. Now we're going to go to the two presentations that we have, and we'll begin with the FEC (Florida East Coast) Railway group. Mr. Cumber, you're recognized for the record. You may want to put your name and address on the record.

Husein Cumber: You say address as well?

Chair Suarez: Yeah. Office address is okay.

Mr. Cumber: Husein Cumber, H-U-S-E-I-N C-U-M-B-E-R, executive vice president, Florida East Coast Railway, 7150 Phillips Road, Jacksonville, Florida 32256. Mr. Chairman, Mayor, Commissioners, I appreciate the opportunity to come and speak before you. Presentation's up. I wanted to come before you today to give you a overview of a project called All Aboard Florida that Florida East Coast Industries is embarking on. And this is a project that's distinct from what Florida DOT (Department of Transportation) and the South Florida Regional Transportation Authority have been studying, which is a commuter rail system within the FEC corridor. All Aboard Florida is an inner-city passenger rail system that would connect Miami to Orlando with two intermediate stops in Fort Lauderdale and Orlando. Many of you know the historical significance of Florida East Coast Industries. Now, when FEC Railway was built, it connected the east coast cities and we introduced freight and passenger service. But back in the early days, the railroad provided significant economic development opportunities. For example, Flagler built hotels and other developments that really spurred a lot of the economic activity that we enjoy today. When we looked at the high-speed rail system that was being contemplated in Florida when that project was sunset, we looked at what ways exist to leverage the existing FEC corridor to fill that gap between Orlando and Miami that high-speed rail was going to fill. And given the fact that there was a lot of interest in reintroducing passenger sys -- a passenger service in the FEC corridor, it made sense for us to really start looking at the inner-city market. So we are building the first privately-owned, operated and maintained inner-city passenger rail system in the United States. It would travel 240 miles. As I mentioned, we'd be leveraging our existing right-of-way, which is 200 of the 240 miles, basically from Miami to the Cocoa area is controlled by us and then Cocoa to Orlando would be new track construction. Significant transit-oriented development opportunities would exist, and towards the end of the presentation, I'll talk a little bit about the downtown Miami site that we're looking at. And we believe given the fact that this is a hundred-foot corridor that's been in existence for over 100 years for freight and passenger service over that 100-year term, that there are minimal environmental impacts on the FEC route and we can be operational by 2014. We're looking at a system that travels up to 125 miles per hour. It would travel up to 79 miles per hour south of West Palm Beach, 110 miles per hour between West Palm and the Cocoa area, and then 125 miles per hour between Cocoa and Orlando. Frequent, regularly-scheduled round-trip trains, as I tell people, if businessmen and women are going to use this, they need to be able to walk out of their meeting and if they miss a train, know that the next train is coming within the next hour, not in the next four to five hours. So we understand that that's the type of market that we need to address first in coach class,

Wi-Fi, quality meal service, and like I mentioned, downtown departure locations. Very quickly on the market opportunity, over 50 million people transit the corridor annually between South Florida and Central Florida. Ninety-five percent of those travelers are by car. On an average of a four-plus hour drive versus three hours for the All Aboard Florida system. So when we started looking at these -- this project, we began with focus groups throughout the state. We asked people how long would it have to take to get from downtown Miami to Orlando in order for you to consider getting out of the car or not taking a shuttle flight, and the consensus answer was three hours. So when we went to design the system, we looked at how we could design the system in order to meet that three-hour target. So our due diligence started on March 22, when we publicly announced the project. From an engineering perspective, we've done a 30 percent design of the system so we know what the construction cost is. We continue to look at the route alignment from the east coast of Florida into Orlando. And like I mentioned, we've been able to devise the -- design the system so it travels in three hours and three minutes. We've done an investment grade ridership study. We've also hired a firm that's done a peer review of that investment grade ridership study. We have engaged with many of the environmental agencies, from the Army Corps of Engineers to the Coast Guard, down to Florida DEP (Department of Environmental Protection), as well as County environmental agencies. We're in the process of identifying station locations in Fort Lauderdale and West Palm Beach and Orlando. Last Wednesday there was an announcement by Orlando International Airport that we've executed an MOU (Memorandum of Understanding) with them to locate the station at Orlando airport in return for some infrastructure projects that would be built that would start what would be considered the new south terminal at Orlando airport. And then we're also looking at rolling stock. We've narrowed that down to several vendors who will actually be meeting with us next Monday and Tuesday. After which we plan to narrow it down even further and put an order in within 60 days. That is going to be our long-lead item because most rolling stock, in order for us to meet that 2014 deadline, would have to be put in this summer. The one thing important here is I think is to reiterate the fact that the due diligence costs are being borne by the private sector. Most of the time when passenger service within the FEC corridor has been contemplated, these due diligent costs that we've -- that I just went through have really been borne by the public sector. The service offering will tie into existing and future infrastructure. This is very important for us to create a fluid system throughout the state. Like I mentioned, there are four stations with significant transit-oriented development opportunities. The site that I'll talk to in a second has direct connections to Metrorail and the Miami People Mover. It would also be able to connect into the fast-start South Florida East Coast corridor passenger rail service that's been studied -- that's being studied by FDOT (Florida Department of Transportation) and the South Florida Regional Transportation Authority, as well as the Wave project that was recently awarded a TIGER (Transportation Investment Generating Economic Recovery) grant up in Fort Lauderdale. We'd have express connections to existing Tri-Rail and Amtrak stations, and then this would not prohibit other passenger rail projects from being able to function in the existing right-of-way. So moving to the Miami station, the nine acres that's controlled by Florida East Coast Industries, as many of you know, stretch from the current Miami-Dade Government Center, north to the old Miami Arena. We envision here a significant Grand Central type station that would be built that would fit into the fabric of the community, that would be something that would connect into the two Metrorail stations that are along the west side of that property, as well as the People Mover station. This, you know, has the opportunity to really, you know, provide something that would be special for the City of Miami and Miami-Dade County. And so we are starting the process of engaging station planners, and over the next 30 days, there will be a lot of interaction with public agencies, with cities, with the County, in order to start looking at what we want to put on that site in order to make a significant transit-oriented development presence there. The impact on Florida -- very quickly, the immediate benefits, over 1,200 new construction jobs, and this does not include a multiplier. It doesn't include -- these are straight construction jobs that would be for the project. Four hundred new permanent jobs that would run the passenger rail system itself, everything from maintaining to marketing to operations. Substantial environmental benefits: we're taking cars off the road and inputting people on the rail system, which would also help relieve road congestion. Like I mentioned, 95 percent of the

people that travel between South Florida and Central Florida do so by car. And then you've got the additional benefits of the increase on property values throughout the area, as well as the indirect jobs. Lastly, I just want to end with the project timeline and costs. Like I mentioned, we announced this project on March 22. Our ridership, engineering and environmental reviews will be completed by the end of this quarter, which is in the next few days, and we're right on track with that. Final corridor selection and funding for the project will be done in the third and fourth quarter of this year, with construction commencing in early 2013, with an operational date, like I mentioned, of 2014. I'll answer any questions if there are, but you know, my reason for wanting to come is this project is starting to move very quickly. We wanted to make sure all of you were well aware of the project, as well as our timeline, and we look forward to working with all of you and the City staff in moving this project forward.

Commissioner Spence-Jones: Can --

Chair Suarez: Thank you.

Commissioner Spence-Jones: -- you go back a few --?

Mr. Cumber: Sure.

Commissioner Spence-Jones: I just want to see the location again for downtown. That's the location, right?

Mr. Cumber: In the red trapezoid.

Commissioner Spence-Jones: Yeah, right. I'm just trying to -- maybe I'm just not getting it on the map. What street is that? I know --

Mr. Cumber: So you've got the railroad tracks that are coming in the -- on the west side of that red trapezoid.

Commissioner Spence-Jones: Right.

Mr. Cumber: And I am going to --

Unidentified Speaker: Between 1st and 8th.

Commissioner Spence-Jones: This is --

Mr. Cumber: Between 1st and --

Commissioner Spence-Jones: -- okay, it's off 8th Street. It's off 8th --

Mr. Cumber: -- 8th.

Commissioner Spence-Jones: Huh, 1st and 8th?

Mr. Cumber: Between 1st and 8th.

Commissioner Spence-Jones: Okay, so the current Miami -- old Miami Arena center --

Mr. Cumber: The current Miami Arena -- if you look on the north side of the red trapezoid and go directly east, you'll see the current American Airlines Arena.

Commissioner Spence-Jones: No, not the American, the former one.

Chair Suarez: The Miami.

Mr. Cumber: Oh, the former? On the north end of the trapezoid, just --

Commissioner Spence-Jones: Right.

Mr. Cumber: -- jumping across the track, that's the old Miami Arena site.

Commissioner Spence-Jones: So it's really that strip of land that's already there.

Mr. Cumber: Correct. That's surface --

Commissioner Spence-Jones: Okay.

Mr. Cumber: -- parking lots right now.

Commissioner Spence-Jones: Okay, cool.

Chair Suarez: Mr. -- Commissioner Gort. Well, let me tell you, there's a couple of things. First of all, as the MPO (Metropolitan Planning Organization) representative of the Commission, you know, it was wonderful to participate in the discussions regarding the connectivity that this is going to bring to the state of Florida and to the City of Miami. You know, all of us essentially yesterday were at the Swire groundbreaking, which is a billion-dollar project. And you know, I think one of the sentiments that was expressed there is that Miami is growing up and becoming a world-class city. And I think all of the world-class cities in -- you know, all of us here I think have traveled around the world and have seen all of the world-class cities have mass transit. I mean, that's just a necessary component of being a world-class city. And I just came from Spain not too long ago and they have the AVE (Alta Velocidad Española, Spanish High Speed), which is, you know, a high-speed train that runs essentially across the country and gets you across the country in a matter of hours. It's far less expensive than flying and not that much more time-consuming than flying, and certainly a lot more comfortable than flying. So, you know, as the MPO representative of this Commission, you know, I just wish you the best, and whatever the City can do, at least from my perspective --

Commissioner Gort: Mr. Chairman.

Johnny Martinez (City Manager): Commissioner.

Chair Suarez: Yes. Commissioner --

Mr. Martinez: I have a question.

Chair Suarez: Yes, of course.

Mr. Martinez: What's the estimated passenger cost?

Mr. Cumber: We are still doing the investment grade ridership study, like I mentioned, and that will be included in that study. But what -- you know, Mr. City Manager, what I've been telling people is it needs to be competitive with the cost to drive as well as fly, otherwise you're --

Commissioner Gort: Fly, yes.

Mr. Cumber: -- not going to get people to move out of those modes and we definitely recognize that. So if you were to go on the Web site today and you were to price out a flight four weeks in

advance between Miami and Orlando, it's about 59, \$69. Day of travel, you can get up to, believe it or not, one-way, up to \$400. We're not going to be anywhere close to the 400, but then if you think about driving 240 miles, even if you (UNINTELLIGIBLE) IRS (Internal Revenue Service) reimbursement rate of fifty-five and a half cents, you know, when you think about the price of fuel and the wear and tear on the car, you know, it gives you an idea of where we need to be in order to get people to do a modal shift.

Chair Suarez: Vice Chair.

Vice Chair Sarnoff: Mr. Cumber, I didn't hear -- maybe I didn't listen carefully. Where are the stops intended to be? Or is this --? 'Cause I don't know if this is going to be a regional rail or if this is going to be a commuter rail.

Mr. Cumber: Sure. And I'll clarify that. And I know I went quickly. I was trying to be cognizant of the fact that you have a long agenda today and try to keep it short. But this is not a commuter rail project. This is not the commuter rail project that's being studied by Florida DOT and the South Florida Regional Transportation Authority. This is a project that's to fill the gap of high-speed rail that had a Miami to Orlando leg. So it's inner-city passenger rail, stops in Miami, Fort Lauderdale, West Palm and Orlando, so just four stops.

Vice Chair Sarnoff: So it's not high-speed rail?

Mr. Cumber: It's what's considered higher speed rail. You know, what's interesting is when we started doing our market research -- when the high-speed rail debate was taking place in Florida, if you asked people how fast the train would go, they would say 200 miles per hour. And then if you asked them how long would it take you to get between Orlando and Tampa, in the focus groups, they wouldn't know the answer to that. If you go to Europe, as the Chairman was mentioning, and you asked people how fast does the train go, they actually have no idea. But if you asked them how long does it take to get from Madrid to Seville in Spain, they can tell you the exact time. People who take rail service care about the time from origin to destination, not necessarily how fast the train goes. So then we went and asked how fast or how long does the train have to take in order to get from Miami to Orlando for somebody to consider a modal shift either away from the car or the airplane, and the consensus answer was three hours. So that's why we've designed a system that even though it doesn't go 200 miles per hour, it meets the public's need to do that travel time in three hours.

Vice Chair Sarnoff: And you said this is not a commuter -- is not envisioned to be a commuter system. Is there a schedule that it may be considered a commuter system, same rail, same --?

Mr. Cumber: So -- as I mentioned on one of the slides, this does not -- you know, the last bullet, that it doesn't -- it does not prevent any other passenger rail project from taking place in the corridor, Mr. Vice Chair. The rolling stock that you would use for inner-city passenger rail and the price points for that are very different from, you know, that a customer for commuter rail would want to see. So when you think of the Sun Rail rolling stock and the current Tri-Rail rolling stock, the rolling stock we'd be offering is very different from that. And so you would have to have another system that would be in the corridor to meet the needs of the commuter rail. You know, somebody that's going to pay an inner-city passenger rail price is not going to probably be that same customer that's going to want to go from Miami to Hollywood, for example.

Vice Chair Sarnoff: But for Joe and Jane Public that is looking, hopefully, to see someday that we have a rail system that goes from the north to the south, would it use the same train tracks? Would it be the same train? Would it be --?

Mr. Cumber: It wouldn't be the same train, but it would be the same infrastructure. And you

know -- and so, to the public that sees this, you know, my hope is what they realize is this fulfills the desire to have passenger rail in the corridor. It begins to educate and transform people to recognize a rail needs to be a mode of travel. And then when people in Aventura and North Miami and Hollywood and points north say how do I connect to one of these inner-city passenger rail systems so I can walk off the commuter rail platform, walk across to the inner-city passenger rail platform, the answer's commuter rail. And now, all of a sudden, we've really, you know, been able to create momentum behind that project as well.

Vice Chair Sarnoff: Thank you.

Chair Suarez: Mr. Vice Chair, before -- Commissioner Gort.

Commissioner Gort: You know, as a young man, not too long ago, I had the opportunity to travel on trains and I loved it. It was great. It's also a tourist attraction. I mean, when you travel Europe, you use it quite a bit and I think a lot of people will use it. My question is, I know a lot of individuals from Miami work for the railroad at that time. What is your projection of employment within the City of Miami?

Mr. Cumber: Well, I will tell you that the Miami station will be the Grand Central station for this project. We have an economic analysis that's being done right now. This will be, you know, the heartbeat of this system, without a doubt, those nine acres. And so when you look at Miami, Fort Lauderdale, West Palm and Orlando being areas of interest for this system, Miami by far will have the largest employment presence. But I can't give you a specific number --

Commissioner Gort: Right. Okay.

Mr. Cumber: -- but it will be significant.

Commissioner Gort: Well, good. Hope you're very successful.

Mr. Cumber: Thank you. We appreciate your support.

Chair Suarez: And I just want to finish by kind of apologizing a little bit to the Vice Chair because I think I was confusing in my remarks about the MPO, but I think what I meant to say was this is going to activate the possibility of having a passenger rail line. This is going to get it flowing, and it's going to create mass transit regardless of the, you know, actual number of points. But I think your point is well taken, which is this is not the exact -- exactly the passenger rail line, but I think it's a step in that direction, which is obviously what we all want to see. But you know, again, like I said, I think we're all here in unison saying that, you know, we want to support you in getting going in whatever the City can do to help.

Mr. Cumber: Yeah. And the one thing I'd like to end with, and I should have mentioned this, is we're doing this project without any state or federal grant money --

Commissioner Gort: Great.

Mr. Cumber: -- and without asking for any public agency for an operating subsidy.

Chair Suarez: That's important.

Mr. Cumber: And -- you know, and that's -- and I should have mentioned that during the presentation, but you know, when you look at the commuter rail project and you look at others like that, those obviously need grants. They need operating subsidies. That's, you know, on that long-term planning horizon. But this is something that we can do with private capital that begins the process of getting people to start using rail as a form of transportation.

Chair Suarez: Thank you.

Commissioner Gort: Thank you.

Commissioner Spence-Jones: Mr. Chairman.

Mr. Cumber: Thank you.

Commissioner Spence-Jones: Mr. Chairman, I just have one (UNINTELLIGIBLE).

Chair Suarez: Yes, of course.

Commissioner Spence-Jones: First of all, I want to commend you on your leadership for bringing this item up. So not only -- you're on MPO and --

Chair Suarez: Yes.

Commissioner Spence-Jones: -- you see this every single day or whenever you go to your board meetings, but also, I think it's so important for people watching 'cause they really don't know what's going on so this at least gives the general public an understanding of what's happening. The jobs, as Commissioner Gort has said -- I mean, I think this is going to be awesome for the overall area, and not to mention all the redevelopment things that are going to be happening I know at least in the Overtown and Park West area. I mean, this is definitely going to add a lot of value, you know, to the marketplace, so I think it's awesome that it's happening. So I just wanted to really make comments on that. The station itself, will it -- it'll just be a regular station, or is the idea to have, you know, other things in that station, like, you know, eateries --? You know, is it going to be a real station or just a station for drop-off and pickup?

Mr. Cumber: It will be a real station. And what I would -- you know, if you're trying to visualize what it would be like, I would point you to stations like Paddington Station in the UK (United Kingdom), you know, where you've got everything from, you know, office, hotel and retail. I mean, this is -- this will become a destination, but it won't become something that overpowers the city where it becomes -- what we need to do is we need to be able to create a station that's porous enough that people can get off the platform --

Commissioner Spence-Jones: Yes.

Mr. Cumber: -- and get into the city quickly, but also take advantage of the location where if people get off and they want to spend time on that nine acres, they've got something to do there.

Commissioner Spence-Jones: So there definitely -- 'cause I just asked the City Attorney 'cause I wanted to be clear. So beyond it just being a transit-driven project, it will also have, like you said, perhaps, you know -- I'm assuming you're going to include housing -- you're saying housing or office space as a part --

Mr. Cumber: Everything is on the table, and we will be announcing a, you know, major well-known international firm that will start the station planning process. And part of that station planning process is doing a market analysis of what can be absorbed on those nine acres --

Commissioner Spence-Jones: So --

Mr. Cumber: -- and that will be in a process that we engage with the City and County staff on.

Commissioner Spence-Jones: So Madam City Attorney, my question so -- does this answer my question? So this -- is this a TIF (Tax Increment Fund) generator for the area as well?

Julie O. Bru (City Attorney): If it's a facility that is not otherwise exempt from taxes, it would generate property taxes, which would then augment the TIF revenue for the district, yes.

Mr. Cumber: Correct.

Commissioner Spence-Jones: That sounds like a beautiful thing.

Commissioner Gort: I figured you'd like that.

Commissioner Spence-Jones: I like that.

Chair Suarez: Thank you, sir.

Mr. Cumber: Thank you.

Commissioner Spence-Jones: Thank you.

Chair Suarez: Have a great day.

END OF PERSONAL APPEARANCE

ORDINANCES - SECOND READING

SR.1

ORDINANCE

Second Reading

12-00514

**District 4-
Commissioner
Francis Suarez**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "BUILDINGS", MORE PARTICULARLY BY AMENDING ARTICLE 5, ENTITLED " CODE RELIEF PROGRAM TO MODIFY THE MITIGATION OF FINES DUE TO PARTICIPATION IN THE CODE RELIEF PROGRAM; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

12-00514 Legislation FR/SR.pdf

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

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

Absent: 1 - Commissioner(s) Spence-Jones

13327

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

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

Absent: 1 - Commissioner(s) Carollo

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

Votes: Ayes: 2 - Commissioner(s) Gort and Suarez
Noes: 1 - Commissioner(s) Sarnoff
Absent: 2 - Commissioner(s) Carollo and Spence-Jones

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

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

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

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

Chair Suarez: SR.1.

Commissioner Carollo: Building.

Chair Suarez: Building Department, SR.1 -- or Code. Actually, this is an item that I sponsored in part. And you'll recall that we did something similar in the homestead context, which is essentially that we broke down the last layer because we were charging somebody in the automatic mitigation fee structure the same if they had a fine of \$25,000 or less as we were charging someone who had \$100,000 fine in the automatic fee mitigation schedule. So I thought it would be fair -- fairer to stagger it down the last 100,000. So that's essentially what we're doing here. It creates efficiency from the perspective of businesses that have fines that want to come in, automatically pay and get it done very, very quickly. They don't have to go through the mitigation process, but they're not prevented from going through the mitigation process. They can go through the mitigation process if they think they can -- they have a better excuse or they have a better answer, then they can bring that to the mitigation and they can take their chances. The mitigation -- the special magistrate could impose a higher fine. So it's really up to that discretion. Mr. -- Commissioner Gort.

Commissioner Gort: Let me ask a question while we're addressing this item. We have a lot of individuals here and I receive a lot of calls, they make a purchase and when they find out that there is liens on this property that were acquired by the owners before, the previous owner, what is the procedure for that?

Chair Suarez: And if I may, Commissioner, because I actually do this for a living as a --

Commissioner Gort: Right.

Chair Suarez: -- in my private life. You know, obviously, it's incumbent upon whoever is the lawyer on the transaction to make sure that there are no liens. If someone buys subject to some liens, they have a lawsuit against the lawyer. But what this does actually is it creates an automatic mitigation schedule so anybody, whether it's the prior owner or the current owner, can come in --

Commissioner Gort: It will apply to them also.

Chair Suarez: Right, exactly.

Commissioner Gort: 'Cause a lot of times, the liens, they're not shown and they come out after the closing taken place, and I'm sure you've run into some of those.

Chair Suarez: Thankfully, I haven't had to in my practice, but --

Commissioner Gort: Okay. You've been lucky.

Chair Suarez: I have. I've been very lucky.

Vice Chair Sarnoff: Mr. Chair.

Commissioner Gort: Okay.

Chair Suarez: Yes, Mr. Vice Chair.

Vice Chair Sarnoff: My understanding is that this mitigation, or lowering of fines, if you will, is predicated on the value of the property from --

Chair Suarez: No. It's predicated on the value of the fine.

Vice Chair Sarnoff: The value of the fine.

Chair Suarez: Right. So like let's say you have a fine that's \$25,000 or less, we're letting them mitigate at a lower price, for lack of a better word, than somebody who has a \$100,000 fine, which is -- which makes sense. I mean, it's like the punishment fits the crime. If you are someone who has not let a fine run up to \$100,000, you shouldn't have to pay the same mitigation fee as someone who has. Essentially, you're -- if you're -- you are rewarding good behavior. If you're somebody who comes in and wants to cure, then you're able to do that at a lesser amount if you have a lesser fine. If you have a greater fine -- See, right now the way it currently is, if you have a \$25,000 -- if you have a \$5,000 fine, you have to pay the same mitigation fee as if you have a \$100,000 fine. You understand what I'm saying?

Vice Chair Sarnoff: Well, I do. But the way it was described to me, it was based on the value of the property.

Chair Suarez: I think it's the value of the fine, if I'm not mistaken.

Unidentified Speaker: Of the fine.

Vice Chair Sarnoff: The value of the fine.

Chair Suarez: Yeah.

Vice Chair Sarnoff: So a person who is not so -- been so delinquent in his payment has a schedule in front of him that demonstrates for two year -- is it two years?

Commissioner Gort: One year.

Vice Chair Sarnoff: Three years?

Commissioner Gort: I think it's within a year, isn't it?

Chair Suarez: Yeah.

Vice Chair Sarnoff: Is this a one-year amnesty program?

Chair Suarez: I don't -- Yeah, within one year. It says here, payment options within one year.

Vice Chair Sarnoff: So just the overlying basis is that we are creating a program for one-year amnesty program.

Chair Suarez: Oh, we've already created it.

Vice Chair Sarnoff: Right.

Chair Suarez: The only thing we're doing here is differentiating the bottom 100,000. That's what I -- I thought it was a little unfair that somebody who owes a \$5,000 fine would have to pay the same in mitigation -- you know, it's -- the old -- you know, the people who are in our districts who maybe can't afford to mitigate to the level of \$5,000 -- you may have a \$5,000 fine; your mitigation is \$5,000, so you're not mitigating at all. You understand what I'm saying? So you're giving people who have a lesser fine, somebody who will come in and cure their violation or pay the fine or whatever -- I guess not pay the fine because then you wouldn't have to mitigate, but cure the violation so that the fine doesn't continue to accumulate. You're letting that person pay a lesser amount than you would someone who's let it accumulate to \$100,000 --

Vice Chair Sarnoff: Right. You're --

Chair Suarez: -- someone who's been flagrantly --

Vice Chair Sarnoff: -- saying for a one-year period --

Chair Suarez: Right.

Vice Chair Sarnoff: -- if you owe 100,000 -- well, I guess -- my notes show 50,000 to \$74,099 fine would go down to \$4,000.

Chair Suarez: Right, exactly.

Vice Chair Sarnoff: Okay, so you're saying if you pay within this one year, you will know that you can mitigate \$74,999 to \$4,000.

Chair Suarez: Right.

Vice Chair Sarnoff: Likewise, if you have up to a \$49,999 fine --

Chair Suarez: Right, exactly.

Vice Chair Sarnoff: -- you can mitigate it to \$3,000 --

Chair Suarez: Exactly.

Vice Chair Sarnoff: -- and then -- and so on. So what you're saying is come into compliance for this one year --

Chair Suarez: Exactly.

Vice Chair Sarnoff: -- and thereafter, 366 days later, it goes right back to where it was before.

Chair Suarez: No. I would assume that if they paying and they're complying, that they're going to keep it in a compliant state.

Vice Chair Sarnoff: No, no, no, no. But if somebody --

Commissioner Gort: Now, if they don't do it within the required time --

Vice Chair Sarnoff: -- doesn't take advantage --

Chair Suarez: Oh, right.

Vice Chair Sarnoff: -- of the amnesty --

Chair Suarez: -- correct.

Vice Chair Sarnoff: -- program --

Chair Suarez: That's right --

Commissioner Gort: Yeah.

Chair Suarez: -- that's right.

Vice Chair Sarnoff: -- it goes right back --

Chair Suarez: That's right.

Vice Chair Sarnoff: The amnesty program, I guess --

Chair Suarez: Right.

Vice Chair Sarnoff: -- has a sunshine and a --

Chair Suarez: Sunset.

Vice Chair Sarnoff: -- sunset -- right.

Chair Suarez: Exactly.

Vice Chair Sarnoff: Okay.

Chair Suarez: Is there a motion?

Commissioner Gort: Move it.

Chair Suarez: Moved by Commissioner --

Commissioner Carollo: Second.

Chair Suarez: -- Gort, second by Commissioner Carollo. I just want to -- I think this is a public hearing 'cause this is a second reading --

Commissioner Gort: Yes.

Chair Suarez: -- if I'm not mistaken. So anyone from the public wishing to --? Mr. Muhammad, two minutes.

Grady Muhammad: Good morning. Grady Muhammad, president/CEO (Chief Executive Officer) of Miami Dade First. This is something that's great. And we've also dealt with the staff

because one of the things, as I've stated what we should do, especially for single-family homeowners and even businesses, we have funding with the Affordable Housing Trust Fund, Community Development Block Grants. If these are single-family homeowners, especially if they're homesteaded, and they're fined, we should use some of the funds that are available to assist them to be able to correct those issues so those fines can be mitigated to zero. And I think we should, like I always say, think outside the box. If we're talking about business, we have hundreds of millions -- thousands of dollars for hard cost construction cost, for code enforcement liens. So if a business gets a lien, the only thing the business actually has to do but most of them does not know, if they get a -- cited for, you know, code violation, they actually can take that letter to CD (Community Development) and get CD to pay that, but there is no coordination. There's no thinking outside of the box and I think that's where the coordination needs to start happening, Mr. Chair. Thank you.

Chair Suarez: Mr. Muhammad, I couldn't agree with you more. It's an issue that I brought up not that long ago. I think that is the solution, the only solution right now that -- to -- for example, the illegal efficiency problem that we have in the City of Miami. Why? Because if you have an illegal efficiency, you obviously don't comply with the law, number one. And number two, you probably don't have the money to comply with the law. So you know, I think the only solution is to get -- to utilize CDBG (Community Development Block Grant) money to, you know, help people come into compliance.

Mr. Muhammad: Yeah, bring them into compliance. And some of them potentially can be grandfathered in, but definitely to bring them into compliance, Mr. Chair. Thank you.

Chair Suarez: And it's a quality of life issue.

Mr. Muhammad: Yes.

Chair Suarez: It's a quality of life issue so -- I mean, I prefer to have properties that are compliant even if it means that the government is involved in helping them become compliant than have what we have now, which is right now a state of discompliance [sic] where you have a disastrous impact on our neighborhoods.

Mr. Muhammad: And this would be a great use of the funds that -- and these are what these funds are literally supposed to be used for.

Chair Suarez: And by the way, I would be in favor of, you know, stricter compliance from the judicial sense, and I have talked to Code Enforcement about that in terms of filing lawsuits, getting declaratory judgments. If people, you know, fail to follow the judgment, then they're in contempt of court and they could be --

Mr. Muhammad: Without question.

Chair Suarez: -- subject to arrest so --

Commissioner Gort: Mr. Chairman.

Mr. Muhammad: Thank you.

Chair Suarez: Yes, Commissioner.

Commissioner Gort: There is social programs, CDBG. I've used it in the past and help some of the homeowners that they have problems.

Chair Suarez: Okay.

Commissioner Gort: So there is that program.

Chair Suarez: Okay. So it's been -- Is there any other member from the public that wishes to speak on this item? Hearing none, seeing none, the public hearing is closed; coming back to the Commission. This is an ordinance.

Julie O. Bru (City Attorney): Thank you, Mr. Chair. And just for clarification purposes, in the ordinance itself, right underneath the schedule of the fines, there's a sentence which says the amounts set forth above in the mitigation chart shall not be construed to prohibit the mitigation of fines that fall below the minimum fine to a lower amount. That should be underlined because that is new language also.

Chair Suarez: Thank you.

Ms. Bru: It's just a scrivener's error.

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

Priscilla A. Thompson (City Clerk): And just before I take your roll call, for clarity purposes, wanting to make sure with the City Attorney that the statement made on the record is not -- I repeat, not -- an amendment or modification. Is that correct?

Ms. Bru: This is just a drafting technicality. That language needs to be underlined for purposes of the -- you know, for the codifier to know that that's additional language.

Ms. Thompson: So it's nothing substantive?

Ms. Bru: No.

Ms. Thompson: Okay. Thank you.

Chair Suarez: No. It's not really a change from what was advertised and sent to the Commission. It just wasn't underlined for whatever reason.

Ms. Thompson: Thank you. Your roll call. Commi -- I'm sorry, Vice Chair Sarnoff.

Vice Chair Sarnoff: With the understanding that this sunsets in one year, yes.

Ms. Thompson: Okay. Commissioner Carollo?

Commissioner Carollo: Yes.

Ms. Thompson: Commissioner Gort?

Commissioner Gort: Yes.

Ms. Thompson: Chair Suarez?

Chair Suarez: Yes.

Ms. Thompson: The ordinance has been adopted on second reading, 4-0.

[Later...]

Ms. Bru: Mr. Chair, I just -- point of clarification. I just heard Commissioner Sarnoff says [sic] that with the understanding that this sunsets in one year.

Chair Suarez: No -- yeah. The ordinance doesn't sunset in a year. The fine -- the mitigation sunsets in a year. In other words, the ability to go in and get a mitigation sunsets in one year.

Ms. Bru: Under this code --

Chair Suarez: Yes.

Ms. Bru: And that's one year from the effective date.

Chair Suarez: That's what it says here.

Vice Chair Sarnoff: Right. I assume from either the date the Mayor signs it or ten days for his failure to do so.

Ms. Bru: Okay, so --

Chair Suarez: Yeah. It says --

Ms. Bru: -- it --

Chair Suarez: -- payment options within one year.

Vice Chair Sarnoff: I could change my vote to no. I have no problem with that.

Ms. Bru: Okay. We'll just make sure that the ordinance says that very clearly. And if that requires a modification, we will modify the ordinance.

Chair Suarez: Yeah. I mean, it says here very clearly, payment options within one year. So I'm assuming it can only be taken advantage of within one year.

Ms. Bru: But it's -- we'll just make it clear in the ordinance what that "within one year" means.

Chair Suarez: Okay.

Vice Chair Sarnoff: Understand, Madam City Attorney, I'm voted -- I voted yes predicated upon this being an amnesty program, not that this being the protocol in future ad infinitum for the City of Miami. If that is what this ordinance says, then let me -- please allow me to do a motion for reconsideration --

Ms. Bru: No, no. We're going to make it --

Vice Chair Sarnoff: Okay.

Ms. Bru: -- clear. If it needs just some -- the drafting needs some tweaking, we will. We'll make it clear that it sunsets within a year.

Chair Suarez: But no, no, no, no. Wait, wait, wait, wait. Time out. This is in effect right now. It doesn't sunset in a year. Right now, it doesn't sunset in a year. The only difference here is that we're changing for the lower category the amount of fines mit -- like that you can mitigate for. So that if you have a \$3,000 fine --

Ms. Bru: Right.

Chair Suarez: -- you don't have to mitigate at 5,000. That doesn't make any sense. That's illogical. Why would anybody mitigate a \$3,000 fine by paying a \$5,000 fine? You would pay a \$1,000 fine under this. That's what we're getting at here.

Ms. Bru: Okay. We will make it clear that this revised payment schedule that's being adopted here will be in effect for one year.

Chair Suarez: No. Okay, they can take advantage of it for one year --

Ms. Bru: For one year.

Chair Suarez: -- but the ordinance is in place forever, unless we change it.

Ms. Bru: Right, right.

Chair Suarez: Okay. I don't know --

Vice Chair Sarnoff: Well, let me do a motion of reconsideration because maybe I -- in good faith, I can't vote for this.

Chair Suarez: No problem. Motion to reconsider. Is there a second?

Commissioner Gort: Second.

Chair Suarez: Second by Commissioner Gort. All in favor, signify by saying "aye."

The Commission (Collectively): Aye.

Vice Chair Sarnoff: And I --

Chair Suarez: Well, you're not going to --

Vice Chair Sarnoff: -- just simply -- you probably want to just redo your vote.

Chair Suarez: Right. Do you want to move it?

Commissioner Spence-Jones: (UNINTELLIGIBLE).

Chair Suarez: Yes.

Commissioner Spence-Jones: (UNINTELLIGIBLE) I wasn't a part of (UNINTELLIGIBLE).

Chair Suarez: Okay, no problem.

Commissioner Spence-Jones: (UNINTELLIGIBLE).

Chair Suarez: Do you want to move the item? I move the item.

Commissioner Gort: Move it again? Yes, I move it.

Chair Suarez: Okay.

Commissioner Gort: No, no. I move it.

Vice Chair Sarnoff: All right. We have a motion, and we have a second by the Chair. Madam City Attorney, it is an ordinance.

Ms. Bru: Okay.

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

Ms. Thompson: Your roll call. Commissioner Gort?

Commissioner Gort: Yes.

Ms. Thompson: Chair Suarez?

Chair Suarez: Yes.

Ms. Thompson: Vice Chair Sarnoff?

Vice Chair Sarnoff: No.

Ms. Thompson: Now the -- that means that the ordinance has been adopted, as modified, okay, on second reading, 2-1.

Chair Suarez: Thank you.

[Later...]

Chair Suarez: No. What happened -- this is what happened. We reconsidered SR.1.

Ms. Bru: Yes.

Chair Suarez: We made a motion to adopt SR.1. The Commissioner changed his vote from yes to no --

Ms. Bru: Right.

Chair Suarez: -- and everything else is the same. The payment options that they have under SR.1, which were in effect before we modified it --

Ms. Bru: Correct.

Chair Suarez: -- were for one year. The only thing we changed was if you have a -- you know, a \$2,000 fine, you can mitigate it to \$1,000. It doesn't make sense if you have a \$2,000 fine to mitigate it to \$5,000. That's not a mitigation. That's the opposite of a mitigation. That's a penalty. So that's the only thing that we did.

Ms. Bru: Okay. SR.2 --

Chair Suarez: Okay.

Ms. Thompson: I'm sorry.

Commissioner Gort: Okay. We're beginning real good today, this morning.

Chair Suarez: Wait, wait, wait, wait, wait. No, no. We'll -- no, we really -- I do want to say this. And here is where there is a confusion -- what's that? This is the whole code relief program? It

does sunset in two years.

Vice Chair Sarnoff: In two years.

Chair Suarez: In two years.

Vice Chair Sarnoff: That's what I thought.

Commissioner Gort: Yeah.

Chair Suarez: Yeah.

Vice Chair Sarnoff: I thought there was -- I thought we had previously agreed --

Commissioner Gort: It was -- yes.

Chair Suarez: It does sunset. I just got that now so --

Vice Chair Sarnoff: And -- 'cause I thought it was Commissioner Gort that brought that program.

Chair Suarez: Do you want to --

Commissioner Gort: Yeah.

Chair Suarez: -- reconsider again?

Vice Chair Sarnoff: I would re -- I'll vote for it if it has a definitive sunset date.

Chair Suarez: It does.

Vice Chair Sarnoff: I mean, I'm okay with my vote as well.

Commissioner Gort: It has to sunset, yeah.

Vice Chair Sarnoff: Yeah. I wanted --

Chair Suarez: It's up to you, it's up to you, it's up to you.

Vice Chair Sarnoff: Let's let it stand but --

Chair Suarez: Okay.

Vice Chair Sarnoff: -- I wanted -- so the record is clear, I just wanted --

Chair Suarez: Right.

Vice Chair Sarnoff: -- to make sure this had --

Chair Suarez: Yes.

Vice Chair Sarnoff: -- a sunset provision in it. Amnesty means you --

Chair Suarez: And that's my fault and I'll tell you why.

Vice Chair Sarnoff: That's all right.

Chair Suarez: Because I was focusing on what we were changing in the ordinance, not on the other part. And if I would have been a little more careful, I would have noticed that it does sunset -- that that was sunset regardless of what we were doing.

Vice Chair Sarnoff: Right. And my understanding was --

Chair Suarez: So, my apologies.

Vice Chair Sarnoff: -- that you were just tweaking the mitigation fees. And I just wanted to --

Chair Suarez: Correct.

Vice Chair Sarnoff: -- make sure that --

Chair Suarez: That's what I was doing, exactly.

Vice Chair Sarnoff: Okay.

Ms. Thompson: Excuse me.

Chair Suarez: So I would love to have your vote on it, but it's okay.

Vice Chair Sarnoff: Move to reconsider. I'll vote for it.

Commissioner Gort: Second.

Chair Suarez: There's a motion and a second.

Ms. Thompson: And if I might --

Commissioner Gort: SR.1.

Chair Suarez: SR.1. We're on SR.1 again.

Ms. Thompson: Okay.

Commissioner Gort: We got to go in order.

Ms. Thompson: So that now I can clear up my confusion --

Chair Suarez: Yes.

Ms. Thompson: -- and make sure that your records are straight, okay.

Chair Suarez: This is what happens when I take a meeting off.

Ms. Thompson: Okay, all right. So --

Chair Suarez: Okay. There's a motion --

Ms. Thompson: -- what we have --

Chair Suarez: -- to reconsider SR.1; moved by the Vice Chair, seconded by Commissioner Gort.

All in favor, signify by saying "aye."

The Commission (Collectively): Aye.

Chair Suarez: Is there a motion on SR.1 --

Vice Chair Sarnoff: So move.

Chair Suarez: -- to --

Ms. Thompson: To do --

Chair Suarez: -- adopt SR.1 as written, okay, as written? There's a motion by the Vice Chair. Is there a second?

Commissioner Gort: Second.

Chair Suarez: Second by Commissioner Gort. It's an ordinance.

Ms. Bru: This is, again, on SR.1.

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

Ms. Thompson: Your roll call on SR.1, as is printed and presented on your agenda. Ready?

Chair Suarez: Yes, I am.

Ms. Thompson: Roll call. Commissioner Gort?

Commissioner Gort: Yes, and --

Ms. Thompson: Vice Chair Sarnoff?

Vice Chair Sarnoff: Yes. Apparently we have launched now. Yes.

Ms. Thompson: And then Chair Sarn -- I'm sorry, Chair Suarez?

Chair Suarez: Yes. Thank you, Commissioner.

Ms. Thompson: The ordinance has been adopted on second reading, as is, 3-0.

Chair Suarez: Thank you, Vice Chair, for your epiphany. Appreciate it.

SR.2**12-00698**

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

ORDINANCE**Second Reading**

AN ORDINANCE OF THE MIAMI COMMISSION AMENDING CHAPTER 37 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "MISCELLANEOUS OFFENSES," BY CREATING NEW SECTION 37-9 TO PROHIBIT THE SALE OR DISPLAY OF PRODUCTS MARKETING OR ADVERTISED AS BATH SALTS IN CONTAINERS LESS THAN SIXTEEN (16) OUNCES; PROHIBITING THE SALE AND DISPLAY OF ANY PRODUCT MARKETING OR ADVERTISED AS BATH SALTS IN CONTAINERS LESS THAN SIXTEEN (16) OUNCES WITHIN TEN (10) FEET OF TOBACCO PRODUCTS OR SMOKING PARAPHANALIA; ESTABLISHING A

REBUTTABLE PRESUMPTION OF HUMAN CONSUMPTION; PROVIDING FOR DEFINITIONS; PROVIDING FOR PENALTIES; CONTAINING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

12-00698 Legislation FR/SR.pdf

12-00698-Submittal-Draft Copy of Ordinance.pdf

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

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

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Chair Suarez: SR.2, Commissioner Gort, I believe you sponsored that.

Commissioner Gort: Yes, we did. And we passed it on the first reading, and I think we're ready for the second reading.

Chair Suarez: Okay. Is there a motion? Is that your motion?

Commissioner Gort: Move it.

Commissioner Carollo: Second.

Chair Suarez: Moved and seconded. This is a public hearing item, SR.2. Anyone from the public wishing to speak on SR.2?

Grady Muhammad: This is a great item. We should definitely band all -- any foreign substance that anybody can use that would just literally mess up the people and I think --

Chair Suarez: Make people go crazy.

Mr. Muhammad: -- especially for the youth that is targeted, so we're definitely in favor. Thank you, Commissioner.

Chair Suarez: Thank you. Are you trying to substitute yourself for Mariano today? Is that what's happening here?

Commissioner Gort: They take turns. Mariano wasn't able to come this morning, so he called him --

Chair Suarez: Okay.

Commissioner Gort: -- and told him to make sure to be here.

Chair Suarez: I believe it's been moved and seconded. It's an ordinance of the City Commission.

[Later...]

Chair Suarez: Okay, SR.2 is -- does the motion and the second on SR.2 still stand, Madam Clerk, or do you want to redo that?

Priscilla A. Thompson (City Clerk): No, no. The motion -- we have a motion by Commissioner Gort, second by Commissioner Carollo, on SR.2.

Chair Suarez: Okay. And it doesn't matter that he's not on the dais, correct?

Ms. Thompson: No.

Chair Suarez: Okay. The -- is there anyone else in the public wishing to speak on SR.2?

Commissioner Gort: They already did.

Chair Suarez: Hearing none and seeing none, the public hearing is closed on SR.2. This is an ordinance.

Ms. Bru: Okay.

Chair Suarez: It's been moved and seconded.

Ms. Bru: Moved and seconded with the modification that has been discussed, right, that this --?

Chair Suarez: Which --

Commissioner Gort: No, no, no, no, no.

Chair Suarez: This is the SR.2.

Ms. Bru: Oh, I'm so -- I'm sorry, I'm sorry, because I really lost track of what was happening here.

[Later...]

Chair Suarez: Okay, we had to kill a couple of minutes anyways before the presentation at 9:30.

Commissioner Gort: No. We're ready to vote on SR.2.

Chair Suarez: SR.2 has been moved and seconded.

Ms. Thompson: Now we're back on SR.2.

Chair Suarez: We're back on --

Commissioner Gort: SR.2.

Chair Suarez: -- SR.2. It's been --

Ms. Thompson: It was moved; it was seconded. I believe --

Commissioner Gort: We had public hearing and we closed the public --

Chair Suarez: We had the public hearing. We closed --

Ms. Thompson: That's right.

Chair Suarez: -- the public hearing and now we're --

Ms. Thompson: And I believe our City Attorney was reading the ordinance.

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

Ms. Thompson: Your roll call on SR.2.

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

Ms. Thompson: The ordinance has been adopted on second reading, 5-0.

END OF ORDINANCES - SECOND READINGS

ORDINANCES - FIRST READING

FR.1

ORDINANCE

First Reading

12-00619

Department of Public Works

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 55/SECTION 55-1 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "SUBDIVISION REGULATIONS/DEFINITIONS," TO INCLUDE THE CITY OF MIAMI DEPARTMENT OF SOLID WASTE IN THE COMPOSITION OF THE PLAT AND STREET COMMITTEE; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

12-00619 Summary Form SR.pdf

12-00619 Legislation.pdf

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

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

Chair Suarez: And we have a quorum; 11 to 11:05, five minutes on the dot. You know me. 11:05, okay. So FR.1, First Reading 1. Mr. Ihekawaba.

Nzeribe Ihekawaba: Ihekawaba.

Chair Suarez: I like that.

Mr. Ihekawaba: Good morning. Zerry Ihekawaba. FR.1 is an amendment to the subdivision regulations of the City code in order to allow for an increase in the membership of the technical committee that reviews all tentative plats. Currently, the committee comprises of representatives of Public Works, Building Department, Planning, Police, Fire-Rescue, GSA (General Services Administration) and the Office of Zoning. The intent is to enlarge this committee to include the Department of Solid Waste. The committee evaluates --

Commissioner Spence-Jones: So moved.

Chair Suarez: This is a public hearing item. It's been moved by Commissioner Spence-Jones. Is there --

Commissioner Gort: Second.

Chair Suarez: -- a second? Second by Commissioner Gort. Anyone from the public wishing to speak on FR.1? Seeing none, hearing none, the public hearing is closed; coming back to the Commission. It is an ordinance.

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.

Chair Suarez: And I want to thank Commissioner Spence-Jones for the efficient motion. Thank you.

Ms. Thompson: The ordinance has been passed on first reading, 5-0.

FR.2**ORDINANCE****First Reading****12-00620*****Department of Capital
Improvements
Program***

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 18/ARTICLE III OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "FINANCE/ CITY OF MIAMI PROCUREMENT ORDINANCE", MORE PARTICULARLY BY AMENDING SECTIONS 18-87 AND 18-89, TO ESTABLISH COMMUNITY BUSINESS ENTERPRISE PARTICIPATION REQUIREMENTS AND COMMUNITY SMALL BUSINESS ENTERPRISE PARTICIPATION REQUIREMENTS FOR COMPETITIVELY PROCURED CONTRACTS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

12-00620 Summary Form SR.pdf

12-00620 2012 Florida Statutes - CH.454 SR.pdf

12-00620 2012 Florida Statutes - CH.453 SR.pdf

12-00620 Legislation (Version 3) SR.pdf

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

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

Chair Suarez: FR.2.

Albert Sosa: Albert Sosa, director of Capital Improvements. FR.2 is a ordinance enacting CBE and CSBE (Community Small Business Enterprise), otherwise known as small business participation, in our construction contracts and consulting contracts. These requirements piggyback on the County's CSBE and CBE program. It requires a 15 percent participation rate on our contracts. It includes a bonus point structure during the selection process to emphasize the use of City of Miami small businesses, and it has a 5 percent amount of retainage on construction contracts that'll be retained until the requirements are met.

Commissioner Gort: Move it.

Chair Suarez: Moved by --

Commissioner Spence-Jones: Second.

Chair Suarez: -- Commissioner Gort --

Commissioner Spence-Jones: Discussion.

Chair Suarez: -- second by Commissioner Spence-Jones. This is a public hearing item. Anyone wishing to speak on FR.2? Let's go, guys. Look alive. Mr. Muhammad.

Grady Muhammad: Grady Muhammad, president/CEO (Chief Executive Officer) of Miami-Dade First. This and the next item is really good because when we're talking always jobs and we're talking contracts, we talk. Now we're trying to put this stuff and codify it in language.

You always talk -- Commissioner Sarnoff -- we need some measurables, we need some deliverables. Well, this is one of the things that will help ensure we have those measurables and deliverables. Thank you.

Chair Suarez: Thank you. Mr. Cruz.

Mariano Cruz: Mariano Cruz, 1227 Northwest 26 Street. No, this is important. But what I worry about is the implementation of this. Make sure that when they say people of the City people work in the City because if I don't remember -- the other day I was talking to Dr. Ahr that build the Camillus House. They were supposed to get some people there from Allapattah, especially from the Dominican community that politically helped them a lot there and they were supposed -- I submit them six resumes, three from Overtown and three from Allapattah. Nobody was called to work there. And you know what happened, they told me, no. It was the Coastal company. Don't tell me the Coastal. You signed the checks for Coastal, so don't tell me -- don't insult my intelligence. So I don't know now with the new thing what they're going to do. If they -- if we give money -- the City give money, make sure that we take care. Charity start at home. Thank you.

Chair Suarez: Thank you, Mr. Cruz. Anyone else wishing to speak on FR.2? Hearing none, seeing none, the public hearing on FR.2 is closed. Commissioner Spence-Jones.

Commissioner Spence-Jones: First of all, I wanted to commend Albert Sosa and the Administration on this issue. I know it's -- since I've been back, this is something that I know I've been harping on forever because if it's not written, it's not real. So I want to commend you guys on -- Mr. Manager and Albert for actually making that happen. The one thing that I -- of course, passing it on the first reading. I just want to make sure that we have a lot of clarity on the penalties for, you know, not meeting the goals and objectives. And I would like to see some sort of monitoring put in it some way so that -- because a lot of times we put things in contracts and agreements, but we have no way to really monitor it. So I would like the next time it comes back for us to consider those two issues be included in this as well, just because I know even on the contracts and stuff we do, you know, recommend for them to include these kind of items, if you don't have anyone monitoring them or some resources set aside to address that issue, then they're not going to meet the goals and objectives.

Mr. Sosa: Including -- included in this ordinance is -- and it's -- it'll be repeated in the next --

Commissioner Spence-Jones: Yeah.

Mr. Sosa: -- FR.3, but included in here is a requirement that the contractor actually hire a third party, somebody independent of himself, to prepare the reporting and provide it to us. And it specifically states that the issuing department of the contract, CIP (Capital Improvements Program), for example, would be responsible for, you know, receiving those and making sure that they're accurate.

Commissioner Spence-Jones: Okay.

Mr. Sosa: So that is in there.

Commissioner Spence-Jones: Wonderful. Thank you.

Chair Suarez: Commissioner Carollo.

Commissioner Carollo: Yes. Thank you, Mr. Chairman. The only thing is that I want to bring up -- I have a question, then I want to bring this issue up to see if it is addressed and if it could be addressed and just, you know, discuss it. Number one is a question. I heard construction and

consulting. Does that mean all consulting?

Mr. Sosa: It's the ones that are covered by Code Section 18-87 and 18-89. They are basically contracts that are tied into construction-type activities, whether it be physical construction or it be consulting in the nature of engineers and architects, for example, that are related to those projects.

Commissioner Carollo: Okay. Thank you for that answer. And the second thing is, it's just something that I just want to bring up, and I want to make sure that we don't find ourselves in a position where we can't hire the best company for, let's say, a specific job or a specific technical job that this company is, you know, let's say, world-known as the best and we can't hire that company because we need for them to hire -- or include whatever percentage of, you know, a small business firm.

Mr. Sosa: Right.

Commissioner Carollo: And that's the only thing that I want to make sure that -- you know, let's say we have -- and I know it's tied to construction. You know, I usually give financial examples, but let's say we -- well, even with attorneys -- I'll use an attorney as an example. And I understand this is not about attorneys; this is about construction. But let's say we are -- there's a lawsuit with regards to X and we don't have that in-house, so we want to go out and seek the best attorney that can deal with X. I just don't want to put us in a position where it's a type of construction that's not your normal construction and we want to get the best company. We know this is the best company and now we're in a position where we can't hire them unless they hire a minority firm.

Chair Suarez: I just want to dovetail off what the Commissioner said.

Commissioner Spence-Jones: And I want to be clear --

Chair Suarez: Yeah.

Commissioner Spence-Jones: To my understanding, participation in small businesses in City contracts. So, you know, small businesses doesn't necessarily mean minority.

Chair Suarez: Well --

Commissioner Spence-Jones: Okay, I just want to be clear.

Chair Suarez: No, and I think --

Commissioner Carollo: That's fine, but --

Commissioner Spence-Jones: Okay.

Commissioner Carollo: -- you get the gist of what I'm saying.

Commissioner Spence-Jones: Yeah. No, I get the gist of what you're saying.

Chair Suarez: I think -- and I think what you're saying is that, you know, there may be circumstances under which we don't want to hold ourselves to that requirement because maybe, let's say, the best company isn't a company that can meet that requirement, for whatever reason. And I think the end of the ordinance does set out certain exclusions. I think maybe we should add, you know, it could also be waived by the City Commission.

Commissioner Spence-Jones: Yeah.

Chair Suarez: Because we may --

Mr. Sosa: Yeah, that's fair.

Chair Suarez: -- you know, also, in addition to the other people who are here, not taking anything away from anyone --

Commissioner Spence-Jones: Yeah.

Chair Suarez: -- but to add the Commission as one of the participants that could waive it for policy reasons. We may say for policy reasons, we want the discretion of waiving that requirement. So --

Commissioner Spence-Jones: Right. No, I --

Chair Suarez: -- that's the only thing.

Commissioner Spence-Jones: Mr. Chairman, I think that's actually an excellent idea --

Commissioner Carollo: Yeah.

Commissioner Spence-Jones: -- so that we all -- we have the opportunity to participate. But we also -- I just want us to all be clear. The whole purpose of us doing this and moving in this direction is that we've seen several contracts go out of the door and companies are being selected left and right and companies in our own communities in which we represent don't have an opportunity to participate. So now people's feet have to be held to the fire, and they have to make sure that there's a conscious effort to at least consider these companies as well. I mean, our job sitting up here is to make sure we support businesses from our City.

Chair Suarez: Not to mention the fact that they are paying taxes in many cases 'cause they own, you know, their businesses and so they have to pay property taxes, and so they're contributing to the money that we're using to construct things and not getting any benefit as a result so --

Johnny Martinez (City Manager): May I add one little thing maybe to clarify?

Chair Suarez: Sure.

Mr. Martinez: The CBE is for professional services, which is architects, engineers and surveyors. So accountants, attorneys and those things wouldn't fall into that group and would not come under this purview.

Commissioner Carollo: Would or would not?

Chair Suarez: But I still think --

Mr. Martinez: Would not.

Chair Suarez: Would not. -- his point is well taken, which is --

Mr. Martinez: Yes. It's very well taken.

Chair Suarez: -- you know, I mean, if we have a certain project that has certain specifications, you know, the Commission may deem it --

Mr. Martinez: Yes.

Chair Suarez: -- or the other people who are listed on the schedule.

Mr. Martinez: Yeah, because the comment applies to an architect.

Chair Suarez: Right.

Mr. Martinez: There may be an architect superly [sic] specialized in an area and you wouldn't want to preclude him because of this requirement, so your point is very well taken.

Commissioner Carollo: Exactly, exactly.

Chair Suarez: Thank you.

Commissioner Carollo: And that's why I wanted to bring it up now on first reading so by the time we get to second reading, we can correct it. For example, we may want an architect that specializes in this type of architectural design.

Chair Suarez: A good example was the, you know, Miami Entertainment Complex. That's something where we could have decided under that circumstance to do that so --

Mr. Sosa: I think the provisions for the -- the exclusionary provisions, if you will, are -- give us some leeway in that and the addition of the City Commission as one of the conditions that could be -- for waiving that, I think it's very feasible to add that, so that can be added between first and second reading.

Chair Suarez: Is the maker of the motion -- I think was Commissioner Spence-Jones, if I'm not mistaken, or was it Commissioner Gort? Commissioner Gort. Would you be willing to amend your motion to --

Commissioner Gort: Yes.

Chair Suarez: -- include that language? Would the seconder be willing to --?

Commissioner Spence-Jones: Yes, I would.

Chair Suarez: Okay. So there's a motion and a second. The public hearing -- we closed the public hearing, correct? Oh, we have not?

Priscilla A. Thompson (City Clerk): Yes. I'm sorry, yes.

Chair Suarez: Oh, we did? Okay. Madam City Attorney, it's an ordinance, as amended.

Julie O. Bru (City Attorney): Okay.

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

Ms. Thompson: Your roll call. Commissioner Sarnoff -- Vice Chair Sarnoff?

Vice Chair Sarnoff: Yes.

Ms. Thompson: Commissioner Carollo?

Commissioner Carollo: Yes, as amended.

Ms. Thompson: Commissioner Spence-Jones?

Commissioner Spence-Jones: Yes.

Ms. Thompson: Commissioner Gort?

Commissioner Gort: Yes.

Ms. Thompson: Chair Suarez?

Chair Suarez: Yes.

Ms. Thompson: The ordinance has been passed on first reading, as amended, 5-0.

Chair Suarez: Thank you.

FR.3**ORDINANCE****First Reading****12-00621*****Department of Capital
Improvements
Program***

AN ORDINANCE OF THE MIAMI COMMISSION AMENDING CHAPTER 18/ARTICLE III OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "FINANCE/ CITY OF MIAMI PROCUREMENT ORDINANCE", MORE PARTICULARLY BY AMENDING SECTION 18-89, ENTITLED "CONTRACTS FOR PUBLIC WORKS OR IMPROVEMENTS," TO ESTABLISH LOCAL WORKFORCE PARTICIPATION REQUIREMENTS FOR COMPETITIVELY PROCURED CONTRACTS; AND BY REPEALING, IN ITS ENTIRETY, OBSOLETE SECTION 18-110, ENTITLED "FIRST-SOURCE HIRING AGREEMENTS"; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

12-00621 Summary Form SR.pdf

12-00621 2012 Florida Statutes - CH.454 SR.pdf

12-00621 2012 Florida Statutes - CH.453 SR.pdf

12-00621 Legislation (Version 3) SR.pdf

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

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

Chair Suarez: FR.3.

Albert Sosa: Albert Sosa, director of Capital Improvements. FR.3 is a partner to the previous item that we heard and this deals specifically with workforce participation, in other words, the labor involved in the construction contracts. This lays out a requirement that 15 percent of the workforce on site be City of Miami residents. It implements job fairs, depending on the size of the project, and it also contains the 5 percent retainage amount until the requirements are fulfilled. So it --

Chair Suarez: Thank you.

Mr. Sosa: -- complements the previous ordinance.

Chair Suarez: This is a --

Commissioner Gort: Move it.

Chair Suarez: -- public hearing. It's been moved by Commissioner Gort.

Commissioner Spence-Jones: Second.

Chair Suarez: Second by Commissioner Spence-Jones.

Grady Muhammad: Grady Muhammad, president/CEO (Chief Executive Officer), Miami Dade
--

Chair Suarez: Public hearing is open.

Mr. Muhammad: -- First. We've had discussions with Albert Sosa, the director, because we have to have an independent monitoring. When you talk about Camillus House, when you talk about the Marlins stadium, when we talk about a whole lot of projects that jobs and aspirations and promises -- even Parrot Jungle, but they're not being lived up to. We have to have monitoring. We have to have a contractor ensure these residents are on these jobs. Because I can assure you, everything Metro Express is doing in Liberty City, they have not one black person on any construction site in Liberty City, and that is just completely -- they're doing it from 62nd to 67th Street. It's a City of Miami CIP (Capital Improvements Program) project, and it's about over \$5 million and not one person from the neighborhood is working there. We have to ensure neighborhood participation so they can get those jobs, they can buy houses and walk dogs. And this is one of those things -- but I think Miami Dade would definitely look forward to being a part of the monitoring piece because we're already doing the monitoring and we'd like to be able to report back to this Commission or to the director what the real numbers are, not the finagled numbers, not the numbers that you can give from the figmentation [sic] of your imagination, and you know, voicing your fantasy. No, we want real numbers, real numbers that we can verify. And once we do that, if they're not, then that 5 percent in that contract can be able to be used to be able to penalize them and then help the residents. Thank you.

Chair Suarez: Thank you. Thank you, sir. Mr. Cruz.

Mariano Cruz: Yeah. Mariano Cruz, chairman of ABDA, the Allapattah Business Development. I live at 1227 Northwest 26 Street. The same thing I said before. It's the -- it's not the -- just the ordinance, but it's the implementation of the ordinance. Make sure the people -- in a way, let the people know that workforce -- let the people know whatever is available. 'Cause I remember even when the Marlins stadium was built, that they didn't hire anybody from my neighborhood there and they -- people went there all -- they got all these things, PR (Public Relations) and all that, (UNINTELLIGIBLE) and nobody was hired from the neighborhood. I know there was a -- They say we create so many jobs there without a job fair. No, they go -- I'm not saying you have to bring the people, the expert consultant from out of town, but you don't need everybody from out of town to be expert in the construction. Get some people -- if we -- Miami, I see a lot of people coming to Miami to make money out of Miami, but they don't live in Miami and they don't care. The only thing they come here is to make money out of the City. Thank you.

Chair Suarez: Thank you, Mr. Cruz. Anyone else wishing to speak on FR.3? Hearing none and seeing none, the public hearing on FR.3 is closed. There's a motion and a second. Yes. Okay. Let's go from right to left. Vice Chair.

Vice Chair Sarnoff: So Mr. Sosa -- see if I understand this. Fifteen percent of the workforce of a contractor for the City of Miami, under Section 18-110, must be from the City of Miami, correct?

Mr. Sosa: That's correct.

Vice Chair Sarnoff: So boots on the ground, right?

Mr. Sosa: That's correct.

Vice Chair Sarnoff: And 5 -- you said 5 percent additional -- what is the 5 percent?

Mr. Sosa: No. The 5 percent is a retainage that we hold until the requirement is met. So it's not an additional amount. It's just we're retaining 5 percent of the contract value --

Chair Suarez: It's like an escrow, like an escrow, kind of.

Mr. Sosa: And it's -- we normally hold 10 percent, so it lives inside that 10 percent. It's just we won't release it until the requirement is met.

Vice Chair Sarnoff: So you won't release the 5 percent until you've determined through an auditing process -- and I suspect through a -- well, does it require this auditor have a financial background? Does it require a CPA (Certified Public Accountant)? Does it require somebody with auditing skills?

Mr. Sosa: No. It's typically -- in the programs I have been involved with in the past outside of the City and at the City in some of the specific projects that we talked about, typically what you'll find is that the way that it's written here, we're requiring a third party so that it's not the contractor himself giving me the report, right.

Vice Chair Sarnoff: No. I saw the third party language, but I didn't see any qualifications for the third party.

Commissioner Gort: Who is the third party?

Vice Chair Sarnoff: And you know, I'm not speaking for Commissioner Carollo 'cause, trust me, he does pretty well for himself, but I would surmise that he'd be suggesting, well, who is this third party? What are their qualifications? Are they comfortable with auditing a person's paperwork and then verifying that that paperwork is the same as the person with boots on the ground? And we're passing an ordinance and -- you know, I always marvel at how everybody says they didn't do this, they didn't do this, they didn't do that. I mean, they're forming conclusions -- and we sit up here, of course, and we listen to the conclusions of either Mr. Muhammad or Mr. Cruz. And you know, I don't know that they've seen their paperwork. I don't know that they've interviewed the workers. I suspect they haven't, but it's a lot of cool stuff to say in front of a Commission. They haven't complied. They haven't complied. So now we're bringing an ordinance to us that is talking about a requirement, talking about a third party. And if I'm going to vote for this, it's going to contain some qualification of that third party, that he's either going to be a CPA or I'm going to listen to, you know, Commissioner Carollo as to what that qualification is that they demonstrate auditing skills.

Mr. Sosa: From my perspective and my --

Commissioner Spence-Jones: That's a good point.

Mr. Sosa: -- experience in these issues, I don't see the function as an accounting function. It's an administrative function where you need to cross-reference the employment application or the employment record versus the physical address within the City limits. So it's more of an administrative function than an accounting function. There are firms out there that do that specific to the construction industry. Some of them are registered as CBEs (Community Business Enterprises), so it benefits -- the contractor who has to meet a CSBE (Community Small Business Enterprise) requirement will hire these types of firms to do that. Is there like a specific

qualification that we -- like a requirement for qualifications, some sort of license or something like that? No, there's not. To be honest with you, there's not.

Vice Chair Sarnoff: See, but it -- and I'll yield in a moment. But if I'm a CPA, I put my license on the line when I sign a statement. If I'm an attorney, I put my license on the line. You, as an engineer, put your license on the line when you say this is safe. And if Jane or Joe, you know, Q. Public that have no license -- you know, aren't I facilitating the argument that -- I don't know what happened at Marlins stadium, I really don't, but I hear the allegations. I don't know who -- what third party did the auditing. But if it was, you know, one of the Big Eight -- Is it down to eight now? Big --

Commissioner Carollo: Four.

Vice Chair Sarnoff: -- Four, sorry, accounting firms.

Chair Suarez: Times two.

Vice Chair Sarnoff: Right. If one of the Big Four firms had put their signature on that, that'd have credibility to me because they're not going to risk their license.

Chair Suarez: Mr. -- Commissioner Carollo, I'm sorry.

Commissioner Carollo: Thank you, Mr. Chairman.

Chair Suarez: I was going to call you by your auditing name. Mr. Auditor.

Commissioner Carollo: Thank you, Mr. Chairman. Definitely, I believe a CPA and a CPA firm will be more than qualified to do that type of services. I don't know if they -- it necessarily needs to be a CPA firm, but at the same time, I disagree with this -- with -- you know, respectfully disagree with our CIP director saying, well, this is just an administrative and, you know, it's not that big of a deal. Yes, I know there are firms that can do that. As a matter of fact, I believe the County has in-house that does it and I don't know their qualification. And by the way, they were at the Marlins stadium checking payroll and employee records and so forth. Can a CPA firm do it? Absolutely. I mean, part of their auditing, you know, they check I-9s and different issues, even, you know, regarding ghost employees and stuff like that, so they check, you know, various -- as an audit, which is, you know, a sampling. They don't check every employee but, you know, they do a sample. So I definitely believe that, you know, a CPA firm, a CPA could definitely do the work. However, there are other firms that I know do that type of work, even the County has in-house and I don't know their qualifications. Now the more specific we get -- and you know I always ask with regards to the source and their qualifications -- the cost increases too, so we got to take that into consideration and see who's going to, you know, take that cost. Is it going to be the company? And then when they give us a price, would that increase and, you know, these are things that we have to, you know, take into consideration and make a prudent decision when we make a policy because the cost to the City may actually increase a little bit because, obviously, if the firm is now going to have these additional requirements, they are definitely going to take that into consideration and see that additional cost.

Mr. Sosa: That's a very valid point. There -- whenever you implement this type of program, there is a cost involved. And ultimately, it's a cost borne by the City because --

Chair Suarez: Yeah.

Mr. Sosa: -- and the contractor will pay it, but that just reflects higher bid prices.

Chair Suarez: Of course.

Mr. Sosa: So it is reflected on this.

Johnny Martinez (City Manager): Albert, aren't there forms that the sub that's meeting that requirement fills out paperwork and affidavits that says that he's actually doing the work? Because there's been a lot of cases where the prime says it sends the sub home and fills out the paperwork and does the work themselves and it's led to a lot of legal --

Chair Suarez: Let's --

Commissioner Carollo: Right.

Chair Suarez: -- do this. This is a first reading. Obviously, there's a lot of things that need to be ironed out, and I want everybody to put their thoughts on the record so that you have clear direction as to how to move forward. So let's -- I think the -- you know, I think both their points are very good points. I was just going to say exactly what you said at the end, which is all these things have a cost. But I have, at the CRA (Community Redevelopment Agency), in particular, before Commissioner came on board, stressed the need -- we had a big discussion -- I don't know -- I'm sure you remember -- about whether we should have two attorneys or three attorneys. And I said, well, instead of having so many attorneys, what I think we should have --

Commissioner Carollo: (UNINTELLIGIBLE).

Chair Suarez: Yeah. is an auditor because we give out a lot of contracts at the CRA level where we have all these, you know, community benefit agreements and who is really monitoring whether they're being enforced. I think there's really no difference here. Here's my concern 'cause I want to put my concern on the record as well. You know I'm always pushing you, Mr. Sosa, to get projects done quick and quicker and quicker. And the community's always pushing me to push you. And so one of the things that concerns me about the fares is I want to make sure between first and second reading that whatever we do doesn't delay projects being started. That's my concern. I think it's -- of course, all these things are wonderful and I want to support all of them because I think they have good objectives. My concern is just simply that, you know, I want to make sure that it doesn't delay the project. You know, there are a bunch of considerations here and I think there's a lot of competing interests, but let's work on that between first and second reading. Commissioner Gort and then Commissioner Spence-Jones.

Commissioner Gort: If you all read the -- I don't know if you all had a chance to read the paper today about the CFO (Chief Financial Officer) for the state of Florida, that he's got some new software and he's checking all the contracts and he's seeing a lot of things that's not taking place 'cause of the lack of supervision in a lot of the contracts. I think -- my understanding is, any contract that we issue, we have different department that have certain responsibility to make sure that the work is being performed. And maybe in thinking about it outside of the box, some of the people within the departments can be doing that. I don't think we need a CPA to do that type of thing. I mean, my understanding is, they would have to fill out certain paperwork where they show the people's address, and we just have to confirm that the people live there and they work for the City.

Chair Suarez: Commissioner Spence-Jones.

Commissioner Gort: Food for thought.

Commissioner Spence-Jones: Okay.

Commissioner Gort: You could do it in-house.

Commissioner Spence-Jones: Right. I just -- there's a couple things I just want to make some quick comments on, and I agree with you, Mr. Chairman, that, you know, we'll deal with this issue in second reading. But the comment that Mr. Grady Muhammad happened to make happens to be an accurate one regarding the issue of, you know, companies being hired to work in neighborhoods and neighborhood people not even participating on these projects. Currently, until we -- we're going to have this ordinance now -- I'm out there monitoring the work. And to go out there and see that there's nobody from community working on these projects has become a problem, and I think that's the reason for this ordinance now is to make sure that this doesn't continue to exist. The other issue and concern I have is a lot of times what I don't want to see happen -- It's about five conversations going on so I'm going to wait. I just want to get your attention. That's all.

Chair Suarez: Sorry.

Commissioner Spence-Jones: Y'all got a lot going on today.

Vice Chair Sarnoff: I thought -- you know what we're doing -- I don't know if anybody knows this, but the Supreme Court just upheld ObamaCare.

Unidentified Speaker: Great.

Commissioner Spence-Jones: Oh, wow.

Chair Suarez: Yeah.

Vice Chair Sarnoff: So that's kind of the little bit of the jazz --

Chair Suarez: Yeah, sorry.

Commissioner Spence-Jones: That's okay. That's really important.

Chair Suarez: It's lawyers talking shop.

Commissioner Spence-Jones: Okay. Anyway, one of the concerns I've had even with these kind of contracts, a lot of times these contracts happen, they'll hire people for five days to say I met the requirement of whatever's in the contract --

Chair Suarez: Yeah, to lose you.

Commissioner Spence-Jones: -- and then after the five days, they lose their jobs. So I just think that definitely having the monitoring company on board and making sure that there's really something in the contracts that makes sense to make sure people are not just being used as cattle or numbers to say we've met our objective, but really making sure that people have, you know, the opportunity to work on real jobs -- on a real job. And then I think one of the biggest issues that will be resolved with this ordinance is the -- if we're utilizing the small businesses that are coming from communities, that most likely will help us pick up some of the neighborhood folks 'cause most of them are hiring people from the neighborhoods because their companies are in the neighborhoods. So I think that that will be resolved in that manner as well. So I just wanted to make sure I put those on -- officially -- that information officially on the record.

Mr. Martinez: And --

Chair Suarez: Mr. Manager.

Mr. Martinez: -- let me just add that many companies that have tried to pull that bait and switch

have been debarred from, you know --

Chair Suarez: Right, from actually doing work.

Mr. Martinez: -- doing business for X"amount of years and (UNINTELLIGIBLE) so the penalties are pretty stiff.

Commissioner Spence-Jones: Yeah.

Chair Suarez: But I think the concern for us is just making sure, number one, monitoring is happening; and number two, bringing it to our attention when something like that happens so that we know about it because I think -- if you don't -- you know, if it -- if it's out of sight, it's out of mind. I think there's some issues to work through. I'll vote in favor of this on first reading, but --

Commissioner Spence-Jones: Yeah.

Chair Suarez: -- I would like to see some work done on this.

Commissioner Spence-Jones: Some adjustments.

Chair Suarez: Yeah.

Mr. Sosa: I think specifically, if I may, I'll work on qualifications for the third party. I'll work on that. I mean, between first and second reading, I'll think of -- I'll work on that item.

Commissioner Spence-Jones: Well done.

Mr. Sosa: And I think we want to add the same thing we did on the previous ordinance, the exclusionary clause at the end --

Chair Suarez: Right.

Mr. Sosa: -- to include the City Commission. I think that was -- should be carried over into this one.

Chair Suarez: Thank you. I think -- believe it's been moved and seconded. Did I close the public hearing?

Commissioner Spence-Jones: Yeah.

Commissioner Gort: Yes.

Chair Suarez: Public hearing is closed. Madam City Attorney.

Commissioner Carollo: Mr. Chairman.

Chair Suarez: Yes, yes.

Commissioner Carollo: Just real quick. What CIP director Sosa mentioned, we are amending it to include the City Commission waiver, correct?

Chair Suarez: Does the maker accept that amendment?

Commissioner Spence-Jones: Yes.

Chair Suarez: I think you're the maker of the motion.

Commissioner Spence-Jones: He was -- yeah.

Commissioner Gort: What was the amendment?

Chair Suarez: It was the same amendment we made in the last one, which is that the --

Commissioner Gort: Right, yes.

Chair Suarez: -- City Commission could waive the requirement.

Commissioner Gort: Yes.

Commissioner Spence-Jones: Yes.

Chair Suarez: Seconder also agrees with that amendment. Madam City Attorney, as amended.

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

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 passed on first reading, as modified, 5-0.

FR.4**ORDINANCE****First Reading****12-00677*****Department of
Finance***

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 31/ARTICLE II /SECTION 31-50 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "LOCAL BUSINESS TAX AND MISCELLANEOUS BUSINESS REGULATIONS/LOCAL BUSINESS TAX (BTR)/SCHEDULE OF ESTABLISHED BTRS," BY DELETING THE CATEGORY FOR REAL ESTATE SALES PERSON, AS REQUIRED BY SECTION 205.067, FLORIDA STATUTES (2012); CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

12-00677 Summary Form SR.pdf

12-00677 Florida Senate 2012 - SB770 FR/SR.pdf

12-00677 Email - Resale List FR/SR.pdf

12-00677 Legislation.pdf

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

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

Chair Suarez: FR.4.

Stephen Petty: Steve Petty, director of Finance. This is regarding an ordinance of the Miami Commission amending the City's schedule of established BTRs -- that's Business Tax Receipts -- by deleting the category for a real estate person. This is as required by Section 205.067 of Florida Statute 2012.

Commissioner Spence-Jones: So moved.

Chair Suarez: Moved by Commissioner Spence-Jones.

Commissioner Gort: Second.

Chair Suarez: Second by Commissioner Gort. This is a public hearing. Anyone from the public wishing to speak on FR.4? Seeing none and hearing none, the public hearing is closed. My understanding is we're just coming into compliance with the State law.

Mr. Petty: That is correct.

Chair Suarez: Madam City Attorney, it's an ordinance.

Julie O. Bru (City Attorney): That is correct.

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

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 passed on first reading, 5-0.

END OF FIRST READING ORDINANCES

RESOLUTIONS

RE.1

12-00539

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT PARTICIPATION AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH MIAMI-DADE COUNTY, FOR A ROAD IMPROVEMENT PROJECT ALONG SOUTHWEST 17TH AVENUE FROM US-1 TO FLAGLER STREET, MIAMI, FLORIDA ("PROJECT"); AUTHORIZING THE CITY OF MIAMI'S CONTRIBUTION OF FIFTY PERCENT (50%) OF THE PROJECT COST, UP TO AN AMOUNT NOT TO EXCEED \$600,000; ALLOCATING FUNDS FROM CAPITAL IMPROVEMENT PROJECT NO. B-30760, FOR SAID PURPOSE.

12-00539 Summary Form.pdf

12-00539 Legislation.pdf

12-00539 Exhibit 1.pdf

**SPONSORS: CHAIRMAN FRANCIS SUAREZ
COMMISSIONER FRANK CAROLLO
DEPARTMENT OF CAPITAL IMPROVEMENTS**

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

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

R-12-0238

Chair Suarez: The time certain is RE.1. I'm not sure if there's anybody from the neighborhood. I don't see 'em, unfortunately. There, Carrie's there. At least we have one person. I know Frank called me and said he couldn't make it, unfortunately. But, you know, RE.1 is really a collaboration between myself, the Commissioner, and Commissioner Barreiro from the County, something that we worked on together in the sunshine, I might say, you know, in sunshine meetings, duly noticed meetings, where we all saw the need for something to be done about 17th Avenue. It has deteriorated tremendously. It's in very, very poor condition. It's the gateway to the Marlins stadium, and I think that's something that we all recognize. And it's a pivotal street, as is 27th Avenue and 22nd, that runs north-south in the City, and it really can serve as something that is a gateway to the Marlins stadium and also brings our neighborhoods back together. So I want to, first of all, thank the Vice -- the Commissioner, who, along with our office, with bond money, allocated \$300,000 from each of our districts. We are giving it to the County. The County's putting -- matching that 600 with their own 600, and they're the ones that are going to be building the project. My hope -- if you haven't seen it yet, Mr. Sosa -- I think you have -- what Rebec -- what Commissioner Rebeca Sosa did on 62nd Avenue --

Commissioner Gort: Right.

Chair Suarez: -- if you haven't seen it yet, it's incredible. It's --

Commissioner Gort: Yes.

Chair Suarez: -- beautiful. I would recommend that all of us go there. That, I think, could serve as a model. I know what Commissioner Barreiro is intending to do is not close off any through traffic, which is -- was a big concern when FDOT (Florida Department of Transportation) did 27th Avenue. And to the extent that we can have vegetation and landscaping that's very low maintenance -- 'cause we don't want to create more maintenance for Public Works -- and nice like (UNINTELLIGIBLE), lighting, that kind of stuff, that -- I would like to see that. And I'll turn it over to my colleague for a motion and whatever comments he would like to make.

Commissioner Carollo: I make a motion to approve.

Commissioner Gort: Second for discussion.

Commissioner Carollo: Thank you. Mr. Chairman, this is -- you know, I always say that actions speak louder than words and this is actions and not just words. We always mention about teamwork. Well, you -- it's being demonstrated that we are working as a team. Two City Commissioners, which wasn't easy because of the sunshine law. We had to make sure that even when we had our public meeting and a lot of the issues was aired out and that's where we didn't do any closures of the streets or entrances to streets. Two City Commissioners and a County Commissioner -- so now you have two governments also working together -- were able to join their resources and fix something or be in the process of fixing something that for many, many years has been broken. And not just because it's the entrance to Marlins or -- it's just because that street --

Chair Suarez: It's pivotal.

Commissioner Carollo: -- it's right, you know, within the neighborhood of Shenandoah. And the truth of the matter is that, you know, that street should have never gotten to those deplorable conditions. And I'm glad to have been able to team up with Commissioner Suarez, team up with Commissioner Barreiro -- which, by the way, I spoke to him this morning. He may be here, but I'm not certain -- and, you know, fix something that has been an eyesore for many, many years, you know. And I could just go on and on. It goes into public safety, the way, you know, a bicyclist using 17th Avenue -- it's just -- I -- the bottom line is, you are -- actually, this is demonstrating teamwork and it's not just words. Thank you.

Chair Suarez: And I think it's also important to know that there was a lot of teamwork from the professional staffs of the City and the County on how to design the project, on how to estimate the project, on trying to keep the cost down 'cause we're always trying to pinch pennies here. But I see some members of the Shenandoah community who may want to speak very briefly on this issue. Real quick, why don't you guys -- real quick 'cause we're about to finish the Commission meeting.

Commissioner Carollo: And it's important to mention, once again, that there was public input in this.

Chair Suarez: Absolutely. Just state your name and your address for the record.

Luis Trelles: Good evening. Luis Trelles, a resident at 1441 Southwest 11th Street. Yes, I would like to really thank the attention of the -- both Commissioners who have stepped up to make this happen and have done their best to include us, I would say. I think it needs to be said as well that the County has been very, very reluctant to go as far as they should with these improvements for Southwest 17th Avenue. And the street remains a very fast street with all the improvements and we don't see the pedestrian -- the attention to the pedestrian and the bicycle that we would have liked to have seen from the beginning. With that said -- I mean, I think it's important to say it because, yes, we're going to get something done, but after all, we're going to repave the street and plant a few trees. I hope it goes well. But thanks again for your help.

Chair Suarez: Thank you.

Carrie Cleland: I'd like to add another thank you, and I'm speaking for Frank Hernandez, the president of the Miami Shenandoah Neighborhood Association as well. We thank you. You said it all, Commissioner Carollo. You -- everybody worked together. It was a wonderful effort, and it shows what people can do that work with each other. And as far as low maintenance on the median, we have a list. I went to the Native Plant Society and we have a list of good trees.

Chair Suarez: Awesome.

Ms. Cleland: Natives don't need extra care and --

Chair Suarez: That's right.

Ms. Cleland: -- be happy to share it.

Chair Suarez: Thank you.

Priscilla A. Thompson (City Clerk): I'm sorry, Chair. May I ask the last speaker to put her name on the record.

Chair Suarez: Yes. Name and address, please, if you don't mind. Sorry. No, right on the record. Yeah, that'll work.

Ms. Cleland: I forgot. I'm sorry. My name is Carrie Cleland. My address is 1776 Southwest 16 Terrace, Shenandoah.

Chair Suarez: And you're still the vice president, right, Carrie --

Ms. Cleland: Secretary.

Chair Suarez: -- of Shenandoah? Secretary, okay.

Ms. Cleland: Yes, thanks.

Chair Suarez: Thank you.

Ms. Thompson: Thank you.

Ms. Cleland: Okay, thank you.

Chair Suarez: Jose Javier.

Jose Javier Rodriguez: Jose Javier Rodriguez -- hi -- 1683 Southwest 17th Street. I live just on the other side of 17th Avenue from Carrie. I'm going to be redundant in saying thank you so much for all that you did. It's not always that we have two City Commissioners and a County Commissioner who worked so closely with us. And all I will add is that it wasn't just Shenandoah. Through us, you also worked with some residents in Little Havana, as well as Silver Bluff, so thank you once again.

Chair Suarez: Thank you, Jose Javier. Well -- yes, Commissioner Gort.

Commissioner Gort: Mr. Chairman, I think what we're doing in working with the County Commissioners and district is very important. I think we've been very lucky we have been able to establish that relationship. But at the same time, I think the growth of Dade County has been detrimental of the City of Miami. They have ignore a lot of the major routes in the City of Miami. We got 22nd Avenue; we got 27th Terrace that did some repair. But we need to somehow continue to talk to the County. They have a certain responsibility to the City of Miami. I mean, all their street go through our cities and they're not being maintained. And I'm going to continue to work with my Commissioners and I hope all of us here continue to work with our Commissioners so we can get the County to continue to work with us.

Chair Suarez: Yep.

Commissioner Gort: We need a lot more.

Chair Suarez: It's been moved and seconded. All in favor, signify by saying Aye."

The Commission (Collectively): Aye.

RE.2

12-00622

Department of Capital Improvements Program

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER AGREEMENT DETAILING WATER AND SEWER CONNECTION REQUIREMENTS, IN SUBSTANTIALLY THE ATTACHED FORM, WITH THE MIAMI-DADE COUNTY WATER AND SEWER DEPARTMENT, AS A CONDITION FOR WATER AND SEWER FACILITIES TO SERVE MOORE PARK; ALLOCATING FUNDS, IN THE AMOUNT OF \$15,280.14, FROM CAPITAL IMPROVEMENT PROJECT NO. B-35887, FOR SAID PURPOSE.

12-00622 Summary Form.pdf

12-00622 Legislation.pdf

12-00622 Exhibit 1.pdf

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

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

R-12-0231

Chair Suarez: RE.2.

Albert Sosa: Albert Sosa, director of Capital Improvements. RE.2 is a resolution authorizing the City Manager to enter into a letter agreement with the Water and Sewer Department to provide for the water and sewer connection at Moore Park. It's a standard agreement that we enter into with the Water and Sewer Department. The capital costs associated with it are carried inside the capital budget for the project.

Chair Suarez: Is there a motion?

Vice Chair Sarnoff: So move.

Commissioner Spence-Jones: So move.

Chair Suarez: Moved by the Vice Chair, second by Commissioner Spence-Jones. Any discussion? All in favor, signify by saying, "aye."

The Commission (Collectively): Aye.

RE.3**12-00625*****Department of Solid Waste*****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), RELATING TO THE PROVISION OF SOLID WASTE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF MIAMI, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST PROPERTY LOCATED WITHIN THE CITY OF MIAMI; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING FOR SEPTEMBER 13, 2012; AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

12-00625 Summary Form.pdf

12-00625 Legislation.pdf

12-00625 Exhibit 1.pdf

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

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

R-12-0232

Chair Suarez: RE.3.

Commissioner Spence-Jones: What happened to RE.1?

Chair Suarez: We're doing it at a time certain, 5:30.

Commissioner Spence-Jones: Okay.

Keith Carswell: Keith Carswell, director of Department of Solid Waste. RE.3 is the proposed establishing a solid waste fee of \$380 per unit, which is keeping the fleet -- the fee flat, no change.

Chair Suarez: Is there a motion?

Commissioner Gort: Move it.

Commissioner Spence-Jones: So --

Chair Suarez: Moved by Commissioner Gort, second by Commissioner Spence-Jones. Any discussion?

Vice Chair Sarnoff: Yeah, I'd like to have discussion, Mr. Chair.

Chair Suarez: Sure.

Vice Chair Sarnoff: This -- I understand that if we maintain the fee flat, that we will have to reduce our services for solid yard waste cleanup from two times a week, I believe, to one times [sic] per week. No, I'm wrong on that. I think it's one time per week to two times per month. Now while this may or may not affect some of your districts, it will affect the southern part of my district, more particularly, Coconut Grove. It's a highly dense, highly -- a lot of foliage and people use their pits, if you will, pretty frequently. There's been some correlation or some suggestion that allowing that to sit for that length of time creates a rodent problem because obviously there's some -- with the humidity and the ripeness of our fruit, that we may have a rodent problem. I'm prepared -- though this Commission may not be -- to rectify this with increasing the solid waste fee. I also represent from the City of Miami probably the biggest high-rise district in the City of Miami and, more particularly, Brickell and downtown as well. Every time we maintain the fee exactly as is, we are subsidizing solid waste through our general fund. And -- so essentially, a large segment of Miami, about 77,000 people, are paying for solid waste through the general fund and are not receiving those services simply because they have to have their own private waste disposal, I think by ordinance. So I'm going to make a suggestion. And the suggestion is I'd like to know from the Administration what the number would be so that at least the southern part of my district, and more particularly, probably Coconut Grove, would not have to see a reduction of their solid waste pickup services.

Chair Suarez: Go ahead. Can I make a suggestion? Can I make a suggestion --

Vice Chair Sarnoff: Sure.

Chair Suarez: -- before we do that? I do have some friends that live in your district and --

Vice Chair Sarnoff: I thought all your friends lived in my district.

Chair Suarez: What's that?

Vice Chair Sarnoff: I thought all your friends lived in my district.

Chair Suarez: Not all of them; I have some. And some of them have complained to me in the past about the fact that they cannot, for example, get a second bin, a second trash bin because they have, you know, a lot of trash that they accumulate for whatever reason, they have a big house or whatever. And they even said, listen, we're willing to pay for a second bin. We just can't get it, even if we want to pay for it. I think there's people that'd be willing to pay twice the solid waste fee if they could get a second bin or whatever or get more services. I think -- and I've said this before and I don't want to get into a big argument about the constitution -- what I feel is the constitutionality or whether it should be subsidy of the general fund and all that stuff. But I think we should give people the option that if they want to pay, you know, more money to get a second bin or if they want to pay more money so that they -- that there is no reduction in their

services so that it's once, you know, a month, that they're able to do that. But to make it a citywide thing, that's something that, you know, with all due respect -- and I think you know where I stand on this. I've been very consistent from day one. That's just something that I don't think I could support.

Vice Chair Sarnoff: I do. And I'm going to yield to Commissioner Carollo in a moment. But I'm not sure the solution is a second bin. I mean, I happen to have two bins and I happen -- I'm the only guy I know that cuts my waste up to put it into that bin, which is not the easiest thing in the world to do. And I don't have as much foliage -- I live in the center Grove. -- as the south Grove does. I don't know that that is a solution, but I'm voicing my concern.

Chair Suarez: Let me just clarify what I meant 'cause I think -- it's not just about the second bin. It's about services in general. And let me try to clarify 'cause I wasn't very clear with what I said. When we had that huge discussion about the solid waste fee -- I don't know if it was last year or the year before -- one of the things that I said was, it should be a buffet. If you want -- let's say, for example, I don't create a lot of garbage, so I could easily live with one pickup every other week of my garbage or one pickup a week of my garbage instead of two. I could easily live with, you know, once a month bulk pickup versus once a week. That's just what I could live with. And so if my fee, for example, were reduced from 380 to 225 based on what I actually use, I would be in favor of that. I don't think the -- without getting into the constitutionality of the fee or any of that other stuff. By contrast, if there's somebody that says, I want one bulky pickup a week, I want two or three or four trash pickups a week, we should be able to accommodate that. And if they want to pay more for that, then they should be able to pay more for that. I mean, it should be like a fee for service basis. This is a -- you know, that's my humble, you know, kind of opinion and construct on the way it should work. But I think -- hopefully, I explained myself a little better than the first time.

Vice Chair Sarnoff: Right. And I just want to be clear that you're picking on the part of City of Miami that pays the highest taxes and then compounding that, you're picking on a part of the City of Miami that doesn't even get the service. Because if you're talking about Brickell -- and I'm talking about the high-rise community -- they don't even get any solid waste services, yet they're paying for it as a result of us not paying the true garbage fee.

Chair Suarez: I don't think they should be paying for it.

Vice Chair Sarnoff: I agree. Tell me how I cull them out. I don't know. Because as long as --

Chair Suarez: You really want to know?

Vice Chair Sarnoff: Well, I want to represent their interest, and I want to make it very clear that, you know, I would rather not subsidize garbage. I would rather have it paid for by a fee, and I don't know that the Administration has piped in on its intention. And maybe, Mr. Manager, if you would -- you're going to reduce services to -- and I'm just going to pick the Grove because the Grove is the most densely foliated area in Miami. How are you going to --? What is your plan? What is your intent? What is your scheme? What is your strategy?

Johnny Martinez (City Manager): It was just a proposal to reduce the number of pickups. We're having big, big holes in the swales. We pick up so much, people put it in the same spot, and it becomes a maintenance problem in our green swale areas. The County picks up once a year, and I understand we're not the County. But it was just something that we were looking at to try to -- and keep the services at an acceptable level but yet reduce the budget a little bit.

Vice Chair Sarnoff: What --

Commissioner Carollo: Mr. --

Vice Chair Sarnoff: Let me -- last question. What metrics -- and I'll yield, I apologize -- have you used to measure that you could do so effectively in Coconut Grove?

Chair Suarez: Fair question.

Mr. Martinez: Just basically intuition and what other areas are doing.

Commissioner Carollo: Mr. Chairman.

Chair Suarez: Commissioner Carollo.

Mr. Carswell: And if I may add, Mr. Manager and Commissioner, this has been proposed as part of the budget process. And in working with the budget director, we actually had a meeting with the union to discuss ways of not necessarily reducing service but maybe changing the way we provide sanitation services citywide. So it is something that's a proposal, we're taking a look at. One of the things as part of our discussions, if we were to go to every other week collection, then we would look at having crews that will deal with hot spot areas. I spoke to the Commissioner yesterday. For example, on those off weeks, we would send in crews in areas that are very problematic to try to look at delivering that type of service. One of the things that the Commissioner pointed out as well is that you're incurring another expense. When I think we looked at this initially, the savings was close to \$2 million. But then there're some additional costs that had to be factored in that may make that -- I think it was 1.7 million -- 1.2, but then there are some other costs that will be incurred that may actually shrink the amount that you think that you're -- that we believe we're saving. So it is proposed at this point. We're working through the numbers. If we were to keep the rate as is, we will be maintaining the status quo.

Chair Suarez: Commissioner Carollo.

Commissioner Carollo: Thank you, Mr. Chairman. Okay, let me start my statement by saying that I am not going to vote to increase the garbage fee, so I'll start by saying that. Now to your points, Commissioner Sarnoff, and as our director mentioned, we had a good discussion yesterday during our briefing. I'm not necessarily sure -- and at least it hasn't been shown to me -- that by leaving the garbage fee flat, we are going to reduce services. So right when you said that, that has not been demonstrated to me. So I already will argue against that, you know, 'cause your notion in bringing your proposal or possibly bringing your proposal was that if we leave the garbage fee flat, it will reduce services. The Administration has not demonstrated that to me. Now what has been discussed was possibly to save money is to --

Chair Suarez: Strategy.

Commissioner Carollo: Right, a strategy. -- go in bulk pickup instead of once a week, once every two weeks. And I discussed with Director Carswell that although on paper it may seem like a service -- I mean, I'm sorry, like a savings, in reality, it may not. And I'll give you a perfect example. Something that -- and I'm sure you all remember -- I've harped on quite a bit about the illegal dumping in District 3 and you remember all the pictures that I showed with all the couches and all the junk that is been laying around. Well, like you very well said, if that is left there for two weeks, you know, rodents start, you know, living there and it just makes it extremely nasty. So what we would have to do is do individual pickups. So instead of doing every other week -- every week, what would happen is actual special pickups where, let's say a constituent calls or constituents start calling and saying, Commissioner, look at the area. It's full of trash. There's couches everywhere. We would, you know, contact through our City Manager and contact our director of Solid Waste and say, hey, can we actually go and pick this up. Well, since we're not doing it as a grid, it starts becoming more costly. So in reality, I don't know if it's really a savings to go from every week to every other week. So that's been something that has

been discussed --

Chair Suarez: Debated.

Commissioner Carollo: -- and brought out, but I don't think from that discussion there was ever a determination that if we leave the garbage fee flat, it will be a reduction in services. So I would disagree with that. Another thing that you mentioned -- and, you know, our Budget director could chime in, or if not, our CFO (Chief Financial Officer) -- even though the City of Miami doesn't have its solid waste as an enterprise fund -- in essence, most municipalities have it as an enterprise fund. Now -- and like I said, the Budget director could chime in or so can the CFO. Most enterprise funds needs some type of subsidy. Very rarely do you see an enterprise fund -- and in essence, very rarely do you see this type of fund or this type of department be able to operate by just the revenues it generates through the fee. Usually, it needs some types of subsidy from the general fund. So -- and if you take X'number of municipalities and you see the report, you will see very rarely does -- you know, can they actually sustain from the revenues their expenses. So with that said, I'll go back to what I originally said. I am not going to increase the garbage fee.

Chair Suarez: Commissioner Gort.

Commissioner Gort: The -- I agree. I'm not going to increase the fee. I think we can reduce the cost by doing away -- see, I'm sure in Coconut Grove and in Brickell you don't have illegal dumping. I'm sure you don't have illegal dumping. My understanding is at 12 o'clock we're going to have a press conference. They're going to announce how we're going to do away with illegal dumping. I believe if we do away with illegal dumping, that'll be some savings that would take place. 'Cause let me tell you, illegal dumping in our neighborhoods, it's a lot. And that costs a lot of money, for someone to pickup and do the whole thing. But doing away with the paying for the tonnage that we collect, that's something that we need to work on.

Chair Suarez: And by the way --

Commissioner Gort: And that's one way to reduce the cost.

Commissioner Carollo: And Commissioner Gort, if you remember correctly, that was an issue that I had with Code Enforcement and I brought it up even to the degree that, I don't know, a year and a half ago or so, you know, I asked this Commission to put, you know, the revenues or the monies that was going to go to them in a reserve account until we really addressed what were the issues that Code Enforcement were facing because in District 3, illegal dumping is a big problem. And as a matter of fact, I asked members of the Administration at any given day, and I didn't -- they didn't even have to ask me what day, but any given day, just out of the blue, for us to take a ride into, you know, Little Havana so they would see the issues that I'm facing. And Danny took me up on it, and I'm sure -- he saw it. And you know, this is something that, you know, is an issue and we definitely need to address.

Chair Suarez: Commissioner.

Commissioner Gort: I don't know how many foreclosures have taken place within Brickell and Coconut Grove, but in our neighborhoods, especially in mine, there's a lot of foreclosure. People cannot afford -- if you look at the numbers that was presented to us, the amount of people 60 years and older that live within the district that their income is very limited, to them -- to me and to you, a small increase would not mean anything. To these people, it might be, do we have a meal or not, and that's a problem that we have in some of our neighborhoods.

Chair Suarez: And I kind of agree with what the Commissioner said. I mean, we don't have to decrease services. I mean, that's a policy decision. We either make it or we don't make it. We

could say, look, we're dealing with a \$500 million budget, you know. I don't know what the savings are, you know, but let's say even the savings are a million dollars. I mean, it's still relatively small in comparison with the entire budget if we feel from a policy perspective that it's more important for us to maintain that level of service. So I think on that issue, I'm certainly much more persuadable and my guess is that the Commissioner is as well. He's shaking his head. But you know, it's something that we can discuss as things go on. Are we going to vote on this today? Are we going to defer it or is somebody going to make a motion?

Mr. Carswell: We --

Chair Suarez: Okay, we need to do it today?

Mr. Carswell: I respectfully request that you --

Chair Suarez: Okay.

Mr. Carswell: -- vote on it today.

Chair Suarez: Is there a motion?

Priscilla A. Thompson (City Clerk): There is.

Commissioner Gort: Move it.

Ms. Thompson: You have a motion --

Commissioner Carollo: And a second.

Ms. Thompson: -- a mover and a seconder already.

Chair Suarez: Okay. This is not a public hearing, correct?

Ms. Thompson: No.

Commissioner Spence-Jones: Right.

Chair Suarez: Okay. It's been moved and seconded. All in favor, signify by saying "aye."

The Commission (Collectively): Aye.

Ms. Thompson: You need --

Mr. Carswell: Thank you.

Ms. Thompson: Is that unanimous, sir?

Vice Chair Sarnoff: I voted for it.

Chair Suarez: Yeah.

Ms. Thompson: Thank you.

Chair Suarez: Thank you. Let's see if we can get a little bit more work done.

Commissioner Spence-Jones: You fought for your district.

Chair Suarez: What's that?

Commissioner Spence-Jones: He fought for his district.

Chair Suarez: There you go. Anyways, whatever. I'm going to leave it at that.

RE.4

12-00540

***Department of Capital
Improvements
Program***

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING THE CITY OF MIAMI'S ("CITY'S") 2011-2012 MULTI-YEAR CAPITAL PLAN ("PLAN"), ATTACHED AND INCORPORATED, AS REQUIRED BY SECTION 163.3177, FLORIDA STATUTES (2011), AND PURSUANT TO CHAPTER 18/ ARTICLE IX/DIVISIONS 1 AND 2 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "FINANCE/FINANCIAL POLICIES/ANTI-DEFICIENCY ACT/FINANCIAL INTEGRITY PRINCIPLES," TO SET FORTH THE CITY'S FISCAL NEEDS FOR CAPITAL IMPROVEMENTS, SUBJECT TO AN ANNUAL PLAN REVIEW, TO DETERMINE PROJECT PRIORITIES AND TO MODIFY FUNDING ALLOCATIONS AS NECESSARY.

12-00540 Summary Form.pdf

12-00540 Legislation.pdf

12-00540 Exhibit 1.pdf

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

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

Absent: 1 - Commissioner(s) Carollo

R-12-0233

Chair Suarez: RE.4.

Albert Sosa: Albert Sosa, director of Capital Improvements. RE.4 is the annual capital plan approval. It's required by Florida Statute that we have an approved capital plan. And this specific capital plan, which is a little bit of a departure from previous years -- in previous years, we would move money between projects or create new projects as part of the capital plan. This year, we only took a snapshot of the existing projects, where they stand today, and we will continue to make amendments to it through our standard appropriations items, which we hear on a monthly or bimonthly basis. So it doesn't physically move money or create projects. All it's doing is showing us a snapshot of where we are today and it fulfills our statutory requirements.

Chair Suarez: Is -- Question.

Commissioner Spence-Jones: And -- so I guess you just answered it. It's a requirement for you to at least let us know -- 'cause there -- and I don't want to go into all -- that's a lot of projects -- of them, but I do have some questions on some of them, but I'll go ahead and support the item and then we can have a one-on-one discussion about some of the items.

Mr. Sosa: Excellent.

Chair Suarez: Is there --? Yes, Commissioner.

Commissioner Gort: I only have one question. Since we first got here, I had a lot of requests from a lot of people in my neighborhood for traffic calming, I think you call it. And for some reason, I can never get them in District 1 and there's a great need in District 1, like four stop signs in some places that we can't get it. And I've seen traffic calming in places with the -- I'm sure -- I'd like to see the study that was done to verify that they could be accomplished there. I would like to be able to place some of those traffic calming -- not the real expensive one. I mean, there's many way that can be done within my district.

Mr. Sosa: Absolutely. And that's a very valid concern. Commissioner Sua -- or Chairman Suarez had actually asked us to prepare a whitepaper on -- currently today the County has complete control over approving or rejecting those types of devices, any kind of traffic control device within the City limits.

Commissioner Gort: Then my question is going to be -- in some of those traffic calming that were done, what was the argument to allow it? And I'll give you the exact address of all of them.

Mr. Sosa: No, absolutely. And I can get that for you, but we are developing a whitepaper --

Commissioner Spence-Jones: There was none.

Mr. Sosa: -- on how we can perhaps assume some of those responsibilities from the County to give us additional flexibility as it comes to that.

Chair Suarez: And let me, if I may --

Commissioner Gort: Especially on City streets.

Chair Suarez: Yeah, exactly. And what's going on here -- Commissioner, I'm sure you've experienced the exact same thing as we have. We've been rejected for about over 10 studies that we've requested. So every -- pretty much every time we ask for a study, they just reject it. So, I mean, I think our success rate is like 10 percent or less.

Mr. Sosa: That's about right.

Chair Suarez: Right. So what's happening is the anecdotal evidence or the calls that we're getting about traffic control problems does not line up with the so-called empirical data that they are producing. And so there has to be a way for us to reconcile those two things. And I think what I've discussed with Director Sosa is -- and I'm going to discuss with Commissioner Suarez from the County -- that they need to cede control -- and he's a City guy; you know, he came from the City. So they need to cede control within non-arterials -- I'm not even asking for arterials -- neighborhood streets.

Commissioner Gort: Right.

Chair Suarez: Okay. Our neighborhood streets, we should be able to control whether we put a traffic control device there, whether it's a speed hump, whether it's a circle, whatever it is.

Commissioner Spence-Jones: Yeah.

Chair Suarez: We should be able to have the final word on that.

Mr. Sosa: And I think more importantly, along those lines, beyond just the traffic control devices, we need to move away from what I perceive to be the County's policy. I can't speak for them. But it appears to me that their policy is to emphasize vehicles over the other modes. And I

think it's very unfair for the quality of life of our residents to say, hey, this street is failing, so the only answer is to make it wider and put more cars on it.

Chair Suarez: Well, here's the difference, Director Sosa. The County's objective is to get a car from one side of the County to the other. That is not the City's objective. The City's objective is to have neighborhoods where there's a high quality of life, where you can walk, where you can walk your child, your dog, where you can be an elderly and cross the street without fear that you're going to get run over by a car. And right now those two objectives are incompatible with each other.

Mr. Sosa: Correct.

Commissioner Gort: Let me give you one specific example.

Mr. Sosa: Yes.

Commissioner Gort: Northwest 9th Street, 27th Terrace, 28th Avenue, 29th Avenue; 29th Avenue and 28th Avenue, they have four stop signs. Twenty-seventh Terrace does not have -- they only has two, and that's the one people use to get away from the main traffic of 27th Avenue.

Chair Suarez: Cut-through.

Commissioner Gort: And that's a neighborhood. I have been requesting that for the last two years and they keep denying, yet they have two other blocks that they have the four stop signs.

Mr. Sosa: No. I understand your frustration and I think it's something that we share citywide at the technical level and I think at the elector -- the level of the elected officials as well.

Chair Suarez: Commissioner Spence-Jones.

Commissioner Spence-Jones: It's not -- I'm not going to continue to beat the horse 'cause I think we've gotten the point. But what I do want to mention, Commissioner Sarnoff, so if we're not able to talk, you know, outside on the dais, I know that these traffic calming devices are definitely needed. You probably know the constituent -- I just happened to be in the west Grove this week on Charles Avenue. I don't know if you know a Linda Jackson. So this is my opportunity to at least make sure that is one of the options is actually on that -- there's a stretch -- even though there's a stop sign that goes from one block to the next, I mean, I was just standing there and the way that the people just zoom through there, you know, with kids playing out there, you know. So you can officially let her know that, you know, we did communicate that issue as that being, you know, one of her major concerns --

Vice Chair Sarnoff: And --

Commissioner Spence-Jones: -- some way to slow people down in the middle of that. So it doesn't have to be a traffic circle, but my point is, you know, even in little neighborhoods, you know, we feel that it's necessary, we should have the option to --

Vice Chair Sarnoff: And the County's rejected us for that traffic circle right there because they say they're too close to another traffic circle.

Commissioner Gort: By the way, it doesn't have to be a traffic circle, that expensive one. There's many system (UNINTELLIGIBLE) --

Mr. Sosa: It could be anything.

Commissioner Gort: -- reasonable that we can place.

Chair Suarez: There's a variety of alternatives.

Commissioner Gort: Yeah.

Vice Chair Sarnoff: Right.

Chair Suarez: A variety of alternatives. Okay, we're going to recess for our noon --

Priscilla A. Thompson (City Clerk): Excuse me.

Mr. Sosa: We need a vote.

Chair Suarez: Oh, my apologies. Is there a motion and a second?

Commissioner Gort: We need to vote it. It was --

Commissioner Spence-Jones: So moved.

Commissioner Gort: -- moved and second.

Chair Suarez: Moved by Commissioner Spence-Jones, second by Commissioner Gort. All in favor, signify by saying "aye."

The Commission (Collectively): Aye.

Chair Suarez: We're going to be in recess 'til 2 sharp. And I think the Mayor is calling a press conference outside so.

RE.5

12-00655

Department of NET
Administration

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ESTABLISHING A SPECIAL REVENUE PROJECT ENTITLED: "2012 MIAMI-METRO HOMELESS ASSISTANCE PROGRAM-NORTH" AND APPROPRIATING FUNDS, IN AN AMOUNT NOT TO EXCEED \$292,660, CONSISTING OF A GRANT FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, THROUGH THE MIAMI-DADE COUNTY HOMELESS TRUST, FOR A TWELVE-MONTH PERIOD, TO PROVIDE OUTREACH, INFORMATION, REFERRAL, ASSESSMENT AND PLACEMENT SERVICES TO HOMELESS INDIVIDUALS IN MIAMI-DADE COUNTY; ALLOCATING THE CITY OF MIAMI'S ("CITY") REQUIRED MATCHING FUNDS, IN AN AMOUNT NOT TO EXCEED \$69,681, FROM THE CITY'S 2012 MEMORANDUM OF AGREEMENT GRANT ACCOUNT NO. 14800.910501.513000.0000.000000; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, IN ORDER TO IMPLEMENT THE ACCEPTANCE OF SAID GRANT AWARD.

12-00655 Summary Form.pdf

12-00655 Legislation.pdf

12-00655 Exhibit 1.pdf

Motion by Commissioner Spence-Jones, seconded by Commissioner Carollo, that this matter be **ADOPTED PASSED** by the following vote.

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

R-12-0239

Chair Suarez: Okay, RE.1.

Commissioner Carollo: Isn't RE.1 a time certain --

Chair Suarez: I'm sorry --

Commissioner Carollo: -- at 5:30?

Chair Suarez: -- you're right. My apologies. RE.5. Thank you.

Sergio Torres: Good afternoon. Sergio Torres, City of Miami Homeless Assistance Program. RE.5 in front of you is a resolution --

Commissioner Spence-Jones: So moved.

Chair Suarez: Moved by Commissioner Spence-Jones.

Commissioner Carollo: Second.

Chair Suarez: Second by Commissioner Carollo. All in favor, signify by saying "aye."

The Commission (Collectively): Aye.

RE.6**12-00571*****City Commission*****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY ATTORNEY TO PREPARE AN AMENDMENT TO SECTION 36 OF THE CHARTER OF THE CITY OF MIAMI FOR CONSIDERATION AT AN ELECTION ON NOVEMBER 6, 2012, PROPOSING, UPON THE APPROVAL OF THE ELECTORATE, TO REMOVE CERTAIN POSITIONS FROM THE CLASSIFIED SERVICE.

12-00571 City of Miami Charter Provisions Sec. 36.pdf

12-00571 Miami-Dade County Sec. 2-41.pdf

12-00571 Legislation.pdf

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

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

Absent: 1 - Commissioner(s) Spence-Jones

RE.7**12-00658*****District 2-
Commissioner Marc
David Sarnoff*****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION WAIVING, THE TEMPORARY EVENT LIMITATION PER YEAR, FOR PRIVATE PROPERTY, PURSUANT TO SECTION 62-521(B)(4) OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, TO ALLOW THE PROPERTY AT 600 BRICKELL AVENUE, MIAMI, FLORIDA, TO HAVE VARIOUS TEMPORARY EVENTS BEGINNING JULY 1, 2012 AND ENDING DECEMBER 31, 2012.

12-00658 Legislation.pdf

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

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

R-12-0240

Chair Suarez: RE.7. Vice Chair, you want to move this?

Commissioner Spence-Jones: So moved.

Vice Chair Sarnoff: I -- move it. Sorry.

Chair Suarez: Moved by --

Commissioner Spence-Jones: Second.

Chair Suarez: -- the Vice Chair, second by Commissioner --

Commissioner Carollo: Second.

Chair Suarez: -- Spence-Jones. All in favor, signify by saying &ye;."

The Commission (Collectively): Aye.

RE.8

12-00693

**District 2-
Commissioner Marc
David Sarnoff**

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY MANAGER TO DISCONTINUE THE PAYPHONE PILOT PROGRAM ESTABLISHED PURSUANT TO RESOLUTION NO. 01-449, ADOPTED MAY 10, 2001; FURTHER DIRECTING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO REMOVE SAID PAYPHONES FROM ANY AND ALL RIGHTS OF WAY WITHIN THE CITY OF MIAMI, REGARDLESS OF OWNERSHIP.

12-00693 Pre-Resolution.pdf

12-00693 Legislation.pdf

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

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

Absent: 1 - Commissioner(s) Spence-Jones

Note for the Record: Item RE.8 was deferred to the September 13, 2012 Commission Meeting.

RE.9

12-00701

**District 2-
Commissioner Marc
David Sarnoff**

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION URGING PRESIDENT BARACK OBAMA AND THE UNITED STATES CONGRESS TO ABOLISH VISA REQUIREMENTS FOR BRAZILIAN TOURISTS SEEKING TO TRAVEL TO THE UNITED STATES FOR TOURISM, BUSINESS, OR RECREATIONAL PURPOSES; DIRECTING CITY CLERK TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO PRESIDENT BARACK OBAMA, SPEAKER OF THE HOUSE JOHN BOEHNER, SENATE MAJORITY LEADER HARRY REID,

SENATORS BILL NELSON AND MARCO RUBIO AND THE MIAMI-DADE
COUNTY UNITED STATES CONGRESSIONAL LEGISLATIVE DELEGATION.
12-00701 Legislation.pdf

**Motion by Vice Chair Sarnoff, seconded by Commissioner Spence-Jones, that this matter
be ADOPTED PASSED by the following vote.**

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

R-12-0241

Chair Suarez: RE.9.

Commissioner Carollo: You mean RE.8?

Commissioner Spence-Jones: Marc, Marc. You did 8 already.

Chair Suarez: RE.8, I think, is --

Commissioner Spence-Jones: Deferred.

Vice Chair Sarnoff: Deferred to September.

Chair Suarez: Yeah, okay. RE.9.

Commissioner Spence-Jones: Marc.

Vice Chair Sarnoff: Oh, it's me again. Sorry. Move it.

Chair Suarez: Move by the Vice Chair. Is there a second?

Commissioner Spence-Jones: Second.

Commissioner Gort: Second.

Chair Suarez: Second by Commissioner Spence-Jones. All in favor, signify by saying "aye."

The Commission (Collectively): Aye.

RE.10

12-00201

*Office of the City
Attorney*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH
ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE ANY
AND ALL DOCUMENTS CANCELING AND TERMINATING THE LEASE
AGREEMENT BETWEEN THE CITY OF MIAMI AND OLYMPIA BUILDING
PARTNERSHIP, LTD., INCLUDING TERMINATION AND CANCELLATION OF
THE SUBLEASE WITH OLYMPIA RESIDENTIAL BUILDING PARTNERS, LTD.,
TRANSFERRING POSSESSION OF THE COMMERCIAL AND RESIDENTIAL
PROPERTY TO THE CITY OF MIAMI, ASSIGNING ALL EXISTING
COMMERCIAL AND RESIDENTIAL TENANT LEASES TO THE CITY OF
MIAMI, RELEASING OLYMPIA BUILDING PARTNERSHIP, LTD., OF ALL
COVENANTS, CONDITIONS, AND OBLIGATIONS ARISING UNDER THE
LEASE, SATISFYING LEASEHOLD MORTGAGES, AND ACCEPTING THE
TRANSFER OF TENANT SECURITY DEPOSIT FUNDS FROM OLYMPIA

BUILDING PARTNERSHIP, LTD., IN SETTLEMENT OF ANY AND ALL CLAIMS AND DEMANDS AGAINST THE OLYMPIA BUILDING PARTNERSHIP, LTD., IN THE CASE OF CITY OF MIAMI VS. OLYMPIA BUILDING PARTNERSHIP, LTD., PENDING IN THE CIRCUIT COURT IN AND FOR MIAMI-DADE COUNTY, CASE NO. 03-28667-CA-27.

12-00201 Memo - Office of the City Attorney.pdf

12-00201 Legislation.pdf

12-00201 Exhibit 1.pdf

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

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

Absent: 1 - Commissioner(s) Spence-Jones

RE.11

RESOLUTION

12-00363

*Department of Public
Facilities*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A MANAGEMENT AGREEMENT, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR A FIFTEEN (15) YEAR INITIAL TERM, WITH UP TO THREE (3) FIFTEEN (15) YEAR TERM OPTIONS TO RENEW, WITH OLYMPIA CENTER, INC., A FLORIDA 501(c)(3) NOT-FOR-PROFIT ORGANIZATION FOR THE ADMINISTRATION, OPERATION AND MANAGEMENT OF THE RESIDENTIAL AND COMMERCIAL RETAIL PORTION OF THE HISTORIC GUSMAN CENTER FOR THE PERFORMING ARTS PROPERTY LOCATED AT 174 EAST FLAGLER STREET, MIAMI, FLORIDA 33131; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ALL OTHER NECESSARY DOCUMENTS FOR SAID PURPOSE, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, TO COMPLY WITH REQUIREMENTS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, THE CITY OF MIAMI'S OBLIGATION UNDER THE SUNSHINE STATE LOAN POOL PROGRAM AND THE CITY OF MIAMI'S HOMELAND DEFENSE/NEIGHBORHOOD CAPITAL IMPROVEMENTS BOND PROGRAM, SUBJECT TO AN APPROVING OPINION OF BOND COUNSEL.

12-00363 Summary Form.pdf

12-00363 Legislation (Version 2).pdf

12-00363 Exhibit 1.pdf

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

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

Absent: 1 - Commissioner(s) Spence-Jones

RE.12

RESOLUTION

12-00703

*Office of the City
Attorney*

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE EXPENDITURE OF ATTORNEY'S FEES AND COSTS FOR THE ENGAGEMENT OF CHARLES W. THROCKMORTON, ESQ., OF THE LAW

FIRM OF KOZYAK TROPIN & THROCKMORTON, P.A., FOR THE REPRESENTATION OF THE CITY OF MIAMI IN THE CASE OF IN RE WAGNER SQUARE L.L.C., PENDING IN THE UNITED STATES BANKRUPTCY COURT, SOUTHERN DISTRICT OF FLORIDA, CASE NO.: 12-20659-LMI AND IN RE WAGNER SQUARE I, LLC., PENDING IN THE UNITED STATES BANKRUPTCY COURT, SOUTHERN DISTRICT OF FLORIDA, CASE NO.: 12-24697-AJC; ALLOCATING FUNDS FROM THE NON-DEPARTMENTAL ACCOUNT CODE NUMBER 00001.980000.531010.0000.00000.

12-00703 Memo - Office of the City Attorney.pdf

12-00703 Legislation.pdf

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

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

R-12-0242

Chair Suarez: RE.12.

Julie O. Bru (City Attorney): Mr. Chair, members of the Commission, this is a resolution that seeks authorization for the engagement of outside counsel, Charles W. Throckmorton. This is for a matter that is presently in bankruptcy. It is the Wagner Square L.L.C. (Limited Liability Company) matter.

Vice Chair Sarnoff: So moved.

Commissioner Gort: Move it.

Chair Suarez: Moved by Commissioner Gort, second by the Vice Chair. All in favor, signify by saying "aye."

The Commission (Collectively): Aye.

Commissioner Spence-Jones: Discussion, though.

Chair Suarez: Yes, go ahead, please.

Commissioner Spence-Jones: Just one quick question. I know we also have a meeting coming up on this issue as well, right?

Ms. Bru: Okay. At this time I would like to request, Mr. Chairman and members of the Commission, pursuant to --

Chair Suarez: Shade meeting.

Ms. Bru: -- the provisions of Section 286.0118, Florida Statutes, that the next City Commission meeting of July 12, 2012, we have an attorney-client session, closed to the public, for purposes of discussing this pending litigation. This is in re: Wagner Square L.L.C., case number 12-20659-LMI, and the other case being in re: Wagner Square I, L.L.C., case number 12-24697. These -- both cases are pending in the United States Bankruptcy Court, Southern District of Florida. The subject of the meeting will be confined to settlement negotiations or strategy sessions related to litigation expenditures and Mr. Throckmorton will be in attendance.

Priscilla A. Thompson (City Clerk): And --

Chair Suarez: Thank you.

Ms. Thompson: -- may we have a time and a location, please.

Ms. Bru: Mr. Chair.

Chair Suarez: Whatever time you deem --

Ms. Bru: We usually --

Commissioner Gort: Two o'clock.

Chair Suarez: Two o'clock, right, when we come back from --

Ms. Bru: -- do it --

Chair Suarez: So we'll do 2 o'clock at the conference room upstairs.

Ms. Thompson: Thank you.

Chair Suarez: Okay.

(RE.12)

12-00703a

DISCUSSION ITEM

AN ATTORNEY CLIENT SESSION WAS REQUESTED AND SCHEDULED FOR JULY 12, 2012, AT 2:00 PM, AT MIAMI CITY HALL, FOR THE PURPOSE OF DISCUSSING THE PENDING LITIGATION CASES OF: IN RE WAGNER SQUARE, LLC, CASE NO.: 12-20659-LMI; AND IN RE WAGNER SQUARE I, LLC., CASE NO.: 12-24697-LMI, BOTH PENDING IN THE UNITED STATES BANKRUPTCY COURT, SOUTHERN DISTRICT OF FLORIDA, IN WHICH THE CITY HAS APPEARED TO PROTECT ITS INTERESTS.

DISCUSSED

END OF RESOLUTIONS

BUDGET

BI.1

12-00626

***Department of
Management and
Budget***

BUDGET DISCUSSION ITEM

STATUS (SEC.18-542(b) CITY CODE)
I. 2011-2012 BUDGET
II. PROPOSED 2012-2013 BUDGET

12-00626 Summary Form.pdf

DISCUSSED

Chair Suarez: Okay, BI.1, which is the status on the proposed budget. Is Danny available? Mr. Alfonso. We can keep going. Why don't we do Commission discussion items? Oh, no. Here he

comes. Get some exercise, buddy. Let's go. I'm making people run around here. The Vice Chair, this guy, he's pushing me to get things going.

Daniel Alfonso: Good afternoon, Commissioners. Daniel Alfonso, Budget director, City of Miami. Everybody having fun today?

Chair Suarez: Yes.

Mr. Alfonso: All right. Okay, continuing from the last few months, we're continuing to have good performance both on revenue and expenditures. Our year-to-date, we have collected 71 percent of our budgeted revenues. If it was a straight line thing, we would be around 66 percent. So we are running roughly about \$10 million ahead of where we should be. We are looking to do our internal transfers in the month of June, so that -- probably, June will be another good month. Spoke to the tax collector. They've had a successful sale of tax certificates, a hundred and eighty-some million dollars. And the City being roughly 15 percent of the overall County, I think we'll also get another chunk of revenue, probably in the 15 to \$20 million range --

Commissioner Gort: Good.

Mr. Alfonso: -- sometime in August. So I think that we will definitely make our budget numbers for property taxes for the year. In terms of expenditures, we are currently about \$14.5 million below where we were last year. Who (UNINTELLIGIBLE)? We're currently about \$14.5 million below where we were last year at the same time, so we're certainly expending at a lower rate, which is correct where it should be because we have a budget that is lower than we had last year, but certainly, we're staying within our goals. There are a few departments that we're keeping an eye on closely because they are right on that border line and because they are significantly sized departments, like police and fire. In the case of the Police Department, their personnel costs are in line because even though their overtime is on the high side, their regular salary's on the low side because of the vacancies that they have. Where the Police Department is kind of tight is in the other operating expenditures. The price of fuel really has been higher than we had anticipated it would be, so that's putting some pressure on the operating expenses in the budget. For the Fire-Rescue Department, we had a very aggressive budget in their personnel. We had to assume the reduction of \$1.7 million in overtime and attrition of \$1.5 million from vacancies, and they were meeting those numbers for the first six months of the year. The last couple of months, the overtime has been pushed up a little bit. However, overall, we still feel that the department will be within budget, but we're keeping a close eye on it just to make sure that we're not going to be out of whack. Solid Waste is another department where operating expenses are a little bit tight because we had assumed that we would be doing single streaming and save money on the tipping fees. Single stream has not materialized yet. It is something that is being worked on. But we believe that there's still savings that have been achieved in the department that will offset that cost increase. Parks and Recreation is about to go into their summer program. Actually, we're probably already in the summer program. The year-to-date expenses for the department are right on track where they should be, except if you look adding the summer program to it, it might look like it'd go over, but some of the expenditures in that department will be moved to the special revenue funds to offset those costs. So in the general fund side, we have a commitment from the department that they will be okay as well. That's pretty much what I got for '11/'12. If you want to discuss fiscal year '12/'13 a little bit, we have been talking to the labor groups. We have expressed our need for what we need in terms of labor negotiations. In the next few weeks we're going to put out a book that is, in effect, the proposed budget that will talk about what each department is intended to do and what the resources they each need, and we'll explain what -- some of what the needs are in terms of the labor negotiations so that we can have that ready for everybody to view. And we'll have the millage discussion on July 12 and then the millage vote on July 26 and then we go into our August break and September hearings. If there's any questions.

Chair Suarez: We're doing great.

Commissioner Gort: Let me ask -- Mr. Chairman.

Chair Suarez: Yes, of course.

Commissioner Gort: The gas [sic] of petrol has dropped quite a bit in the last three weeks.

Mr. Alfonso: Yes.

Commissioner Gort: Do we have the ability to purchase a larger amount and store it somewhere?

Mr. Alfonso: I would have to ask GSA (General Services Administration). I'm not sure that we have large storage capacity of fuel. We probably have some level of storage, but I don't think we have any large storage capacity.

Commissioner Gort: 'Cause we could save quite a bit right now. The price has gone down for the last three weeks.

Mr. Alfonso: Yes.

Vice Chair Sarnoff: We should get in the business.

Mr. Alfonso: Oil prices have dropped significantly in the past month or so.

Chair Suarez: You're not buying them on the black market anymore? No. Listen, I just -- thank you, Danny. You know, since you've become the Budget director and since we passed that ordinance to talk about this on a monthly basis when we're under reserve, and we still are, I feel like it has really made us focus on the fiscal part of the city. And I know we have a very fiscally conscious group here which was able to do something that I think is impossible for many cities. During the worst of times, we not only were able to close budget gaps, but when we close out the year, we're able to close out the year with money, you know, with reserves, with surpluses versus deficits, and I think that's a testament to this Commission and to you and to the Manager and to the fact that we have really made it a priority. So thank you.

Commissioner Gort: I agree.

Mr. Alfonso: Thank you. Any questions?

Chair Suarez: Thank you. Via con dios.

END OF BUDGET

DISCUSSION ITEMS

10:00 A.M.

DI.1

12-00077

DISCUSSION ITEM

DISCUSSION CONCERNING THE CITY ATTORNEY'S PREPARATION OF VARIOUS RESOLUTIONS FOR CHARTER AMENDMENTS THAT CHANGE THE DATES OF THE CITY OF MIAMI'S ELECTIONS TO COINCIDE WITH COUNTYWIDE ELECTIONS.

12-00077 Summary Form.pdf

DISCUSSED

(DI.1)

RESOLUTION

12-00077a

*Office of the City
Attorney*

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY ATTORNEY TO PREPARE AN AMENDMENT TO SECTION 7 OF THE CITY CHARTER CHANGING THE DATES OF THE CITY OF MIAMI MUNICIPAL ELECTIONS FOR THE ELECTION OF THE MAYOR AND COMMISSIONERS FROM ODD YEARS TO EVEN YEARS TO BE ON THE SAME DATE AS THE MIAMI-DADE COUNTY ELECTION IN AUGUST OF EACH EVEN YEAR WITH THE RUNOFF ELECTION TO BE IN NOVEMBER OF EACH EVEN YEAR.

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

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

R-12-0236

Chair Suarez: Okay, the -- we're going to withdraw DI.1, the Charter amendment on City elections.

[Later...]

Commissioner Gort: Why are we defer?

Chair Suarez: What's that?

Commissioner Gort: DI.1, why?

Chair Suarez: Do you want to discuss it?

Commissioner Gort: I don't see why not.

Vice Chair Sarnoff: I'll discuss it. Why not?

Chair Suarez: It's up to you guys. It's the Administration. I was told that --

Vice Chair Sarnoff: Are you withdrawing this, Mr. --?

Commissioner Gort: You guys are not ready to discuss it?

Commissioner Spence-Jones: I mean, we have time to discuss it, right?

Vice Chair Sarnoff: Hey, I'll discuss it. I'll put it as my agenda.

Commissioner Gort: Yeah.

Vice Chair Sarnoff: I'm not --

Commissioner Gort: Yeah.

Vice Chair Sarnoff: -- shy. So you want to do this, Danny?

Daniel Alfonso (Director, Budget): Let's go, sir.

Chair Suarez: Let's go, let's go, let's go.

Vice Chair Sarnoff: Save us the most money.

Commissioner Carollo: Save us the most money?

Vice Chair Sarnoff: Yes.

Commissioner Carollo: Plurality election, and I would say, in August, same as the County.

Vice Chair Sarnoff: Okay. And how much does that save us?

Commissioner Carollo: That saves us -- depending because we have to see if it's a year that the Mayor's running and it's a citywide election or just three districts. It could save us up to 1.5 million, and that's the most that we could save.

Vice Chair Sarnoff: All right, and --

Chair Suarez: And that diametric --

Commissioner Spence-Jones: That's option number one, right?

Chair Suarez: Yeah.

Vice Chair Sarnoff: That's option one.

Chair Suarez: The option --

Commissioner Spence-Jones: Option two?

Chair Suarez: -- that --

Commissioner Spence-Jones: Madam Clerk -- I mean, I know she has this stuff down pat. She's the one that did all of the --

Commissioner Carollo: But --

Commissioner Spence-Jones: -- her and, I'm sorry, the City Attorney.

Commissioner Carollo: By the way, that's not her option one, so just -- you know, but that's a option.

Commissioner Spence-Jones: That's a option.

Commissioner Carollo: Right.

Commissioner Spence-Jones: I'm sorry.

Commissioner Gort: That's an option, the one option --

Commissioner Carollo: Now Commissioner Sarnoff said which was the one that would save the most amount of money, and that's definitely it.

Commissioner Spence-Jones: And what was her recommendation? I'm sorry.

Vice Chair Sarnoff: Well, no, no, no. It was option -- I have right here, \$1,597,579. She has listed it as option number one --

Commissioner Gort: Sure.

Vice Chair Sarnoff: -- so I'm assuming --

Commissioner Carollo: Plurality?

Vice Chair Sarnoff: It says this --

Mr. Alfonso: Right, but her -- I'm sorry, Commissioner. But her option one was listed as status quo, meaning that --

Commissioner Carollo: Right.

Mr. Alfonso: -- it cost you a million five, ninety-seven.

Vice Chair Sarnoff: Oh, I'm sorry. I'm sorry.

Commissioner Carollo: Yeah.

Vice Chair Sarnoff: Total --

Commissioner Spence-Jones: Can we ask Madam Clerk, 'cause she --?

Commissioner Gort: It's right here.

Commissioner Spence-Jones: Madam City Clerk, could you --

Priscilla A. Thompson (City Clerk): Yes. The present --

Commissioner Spence-Jones: -- please chime in on all this work that you and Maria worked very hard to get to the bottom of?

Ms. Thompson: And Dwight.

Commissioner Spence-Jones: And Danny.

Ms. Thompson: And Dwight.

Commissioner Spence-Jones: Oh, and Dwight.

Ms. Thompson: And Danny. When we presented the packet to you, we did have three options. Option one is the status quo, okay. That was if we leave everything as it is right now. Option two talked about piggybacking on the County's election, okay. If we were to have a citywide mayoral election, okay, and a citywide runoff, if we went August/November, right -- August/November -- that meant it would only cost us \$196,163 because --

Chair Suarez: So we'll save 1.3.

Ms. Thompson: -- we would have to have -- we would pay a little over 98,000 for appearing on each ballot.

Chair Suarez: So that one would save 1.3 million?

Ms. Thompson: That one would be -- yes.

Mr. Alfonso: Correct, correct.

Ms. Thompson: Okay.

Chair Suarez: Okay, so --

Ms. Thompson: All right. Then the last option was to go ahead and piggyback on the County's November election and go with the standalone of the City's election.

Chair Suarez: For runoff.

Ms. Thompson: Okay. That one would cost us almost \$695,000 because the --

Vice Chair Sarnoff: Wait, wait.

Chair Suarez: So the savings on that is 900,000, correct?

Vice Chair Sarnoff: Wait, wait, wait, wait, wait. 'Cause if we did a November election plurality --

Ms. Thompson: Then you --

Chair Suarez: That's option number four.

Mr. Alfonso: Save even more.

Vice Chair Sarnoff: That's the same.

Ms. Thompson: Yeah.

Vice Chair Sarnoff: It's the same.

Ms. Thompson: If it's plurality, the only thing --

Vice Chair Sarnoff: Right.

Ms. Thompson: -- you're paying then is the \$98,000.

Mr. Alfonso: Right.

Chair Suarez: Right, so that saves about 1.4, correct?

Ms. Thompson: Correct.

Mr. Alfonso: Correct.

Chair Suarez: Okay. And August/November saves 1.3?

Ms. Thompson: Correct.

Mr. Alfonso: Yes.

Chair Suarez: 'Cause what happened was the last time we discussed this, there was a couple of Commissioners that I think were kind of heading in the direction of plurality, a couple of Commissioners that were thinking about a November runoff, and then I don't -- I'm not sure exactly what Commissioner Gort, which is the one that he fell on. But I haven't changed my perspective, my opinion on it. I may be persuaded to do August/November, which saves 1.3, because I still think it engenders a majority to elect our elected officials, which I think is extremely important in a city of this size, but I don't know how everyone else feels.

Commissioner Gort: I was in favor of August and November also, giving the opportunity to the people to go to an election and then have the runoff because plurality --

Vice Chair Sarnoff: Well, let me take --

Commissioner Gort: -- a lot of times don't give the right to everybody to vote on it. That's the only reason I don't like about plurality.

Vice Chair Sarnoff: We elect the president of the United States with plurality. We elect our congressmen with plurality. We elect our senator with plurality.

Commissioner Carollo: State senator, state representative.

Vice Chair Sarnoff: Right, state senator, state representative with plurality; Coral Gables, plurality; San Francisco, plurality; Oregon -- what's the biggest city in Oregon? I forgot. They actually have an interesting system. They have a write-in option 1, option 2. There's a lot of ways of skinning this cat and, you know, to turn around and say a city like our size -- it's the way we've done it, no doubt about it, and it's something we've grown accustomed to doing. However, we're about to make a pretty big decision for president, and if anybody remembers, Bill Clinton did not win 51 percent of the vote the first time he won.

Commissioner Spence-Jones: So you think we should have -- your --

Vice Chair Sarnoff: I'm suggesting plurality is something that we accept pretty readily as Americans, and to turn around and say it doesn't work for the City of Miami is, you know -- it's just the way we've done it in the past.

Commissioner Spence-Jones: But we all have -- can -- most of us up here have experienced, you know, having runoffs.

Chair Suarez: I think every one of us -- no, except for Commissioner Carollo.

Commissioner Gort: Well, I -- the first time I ran --

Commissioner Carollo: I didn't have a runoff.

Commissioner Spence-Jones: No, not you.

Commissioner Gort: -- in January 2010, mine was plurality. There was no runoff.

Vice Chair Sarnoff: And did you enjoy that runoff?

Commissioner Gort: It was beautiful.

Chair Suarez: Did I enjoy it?

Vice Chair Sarnoff: Yeah.

Chair Suarez: Actually, I enjoyed it very much. No, I'm just kidding. No. I just think that -- I wouldn't -- I personally feel better knowing the fact that I was elected by more than 50 percent of the people in my district. I mean, that to me was a very big deal. I would not have wanted to be elected by 45 percent of the people in my district.

Commissioner Gort: Or 30 percent.

Chair Suarez: Or 30 or 33 percent, you know.

Commissioner Carollo: US (United States) senator also.

Vice Chair Sarnoff: I mean, Marco -- right, Marco Rubio was not elected with 51 percent of the vote.

Chair Suarez: No. I think it's clear that in federal and state races, that's the case. I don't think that --

Commissioner Spence-Jones: I like the runoffs. I like the idea of having --

Chair Suarez: So do I.

Commissioner Spence-Jones: -- a second --

Chair Suarez: And the reason --

Commissioner Spence-Jones: -- shot at it.

Chair Suarez: -- why, you know, I thought that the admini -- or that we were not going to discuss this is because there wasn't any consensus. I don't know that anything had changed since the last time that we --

Commissioner Gort: I think there is.

Chair Suarez: Huh?

Commissioner Gort: August 1, November 2.

Vice Chair Sarnoff: Well, no. It appears the consensus is you want a runoff.

Commissioner Gort: Yes.

Chair Suarez: No, I don't -- well, yeah.

Commissioner Gort: August and November.

Chair Suarez: Between three Commissioners, but --

Vice Chair Sarnoff: Right.

Chair Suarez: -- not -- I don't know that she's convinced on the August/November construct.

Commissioner Spence-Jones: I'm convinced on --

Commissioner Gort: Yeah.

Commissioner Spence-Jones: -- August/November.

Chair Suarez: You want to do August/November? You want to do August/November? I want to -- I will --

Commissioner Spence-Jones: (UNINTELLIGIBLE).

Chair Suarez: I'll tell you what. I like November/November, but I'll be willing to compromise and do August/November as well.

Commissioner Gort: That's the most savings.

Chair Suarez: That'll save -- well, it's the second-most savings. It's 1.3, but it guarantees a runoff. I'm okay with that. Now there's the other issue of adding a year to all of our terms.

Vice Chair Sarnoff: And you have no choice, right?

Mr. Alfonso: Yeah.

Chair Suarez: Well, you can subtract a year from all of our terms as well.

Commissioner Carollo: And have the elections this November? I think we --

Mr. Alfonso: No.

Chair Suarez: No. You wouldn't have to do it --

Vice Chair Sarnoff: I think you're --

Chair Suarez: -- now. You could put it in effect --

Commissioner Spence-Jones: Or you could -- Or could you, Madam City -- I'm sorry. Or could you -- can we make it effective as --

Commissioner Gort: You could have it next year.

Commissioner Spence-Jones: -- make this effective as of a certain day?

Vice Chair Sarnoff: What is our -- isn't our intent to save money? Isn't that --

Commissioner Spence-Jones: Yes.

Vice Chair Sarnoff: -- why we're doing this?

Commissioner Gort: Yeah.

Commissioner Spence-Jones: Right.

Commissioner Carollo: Right. And that's why I said if our intent was to save money --

Vice Chair Sarnoff: Right.

Commissioner Carollo: -- then that's why I said, well, let's do plurality --

Chair Suarez: But --

Vice Chair Sarnoff: Right.

Commissioner Carollo: -- which is the most -- that's what I thought.

Chair Suarez: I don't think -- look, for example, the difference between the August/November and the plurality is \$100,000. I -- for me personally, I don't think it would be wise to go -- at least for me, and this is my personal opinion -- away from the way that we've traditionally elected officials in the City of Miami I think since 18, what, 93 or 96?

Commissioner Carollo: Right, but we're doing it anyways because we're changing from --

Commissioner Gort: Yeah.

Chair Suarez: Let me finish.

Commissioner Carollo: -- having single --

Chair Suarez: Let me finish. Just for \$100,000, to me that --

Commissioner Spence-Jones: The money --

Chair Suarez: -- the meaning of the way we elect our --

Commissioner Spence-Jones: The gap is not that --

Chair Suarez: Yeah.

Commissioner Spence-Jones: Right. The gap is not that --

Chair Suarez: It's not that large, right.

Commissioner Spence-Jones: Yeah.

Commissioner Gort: Let me tell you what the philosophy is. Plurality, we have a lot of sharp people out there that look at the ways they can run and how they could put people and place people to run in certain positions to do certain things. And plurality, you can elect someone with 30 percent of the votes --

Chair Suarez: Absolutely.

Commissioner Gort: -- instead of 50 or more percent of the vote.

Commissioner Carollo: So what you're saying is that anyone up here could be mayor.

Commissioner Gort: Anyone could put games in there where you can run and then you put four or five more and then someone can get elected with 30 percent.

Commissioner Carollo: So what you're saying is that anyone up here could be mayor.

Commissioner Gort: Beg your pardon?

Chair Suarez: No. What we're saying is that --

Commissioner Spence-Jones: No, it's true. He's meaning that. That's exactly what it means. 'Cause if you don't have a runoff, you could have 20 people in the race.

Chair Suarez: Right, exactly. So it leads to a lot of manipulation, like it has happened in Coral Gables so --

Vice Chair Sarnoff: What happened in the Gables?

Chair Suarez: In the Gables, there's been a lot of manipulation of the process by throwing in candidates of a certain ethnicity to try to dilute --

Commissioner Spence-Jones: And that could be very --

Chair Suarez: And Dwight is nodding his head yes.

Commissioner Spence-Jones: -- interesting for some people, but I still like the idea of being able to have an extra option. That's just my -- I'm just one little vote.

Chair Suarez: I'm okay with that. I think now the only issue is if it would add a term [sic] to all of our -- would that make it less palatable. Because this is a Charter amendment that has to be voted on by the people. So I mean, is -- you know, even though it would save \$1.3 million if we do August/November, is that something that the people would be in favor of? I mean, and that's something that we have to decide. I don't know if you want to decide that today or not but -- you know.

Vice Chair Sarnoff: Shouldn't we sort of make this decision and move on? I mean --

Commissioner Spence-Jones: Yeah.

Vice Chair Sarnoff: -- we've had this on the agenda long enough. Either we --

Commissioner Spence-Jones: Well, I thought part of what we just said, you got three up here that says -- say, you know, let's do August/November. I guess the question becomes the extra year. That's really what it's about. Are we okay with that going on the ballot? 'Cause it's really about the extra year now.

Chair Suarez: Right.

Commissioner Carollo: I would yield to the City Attorney, but I think you're going to have -- I think you pretty much have to.

Commissioner Spence-Jones: Have to what?

Julie O. Bru (City Attorney): I think that we have previously advised the Commission that we would recommend against deleting a year from your term --

Commissioner Spence-Jones: Yeah, I --

Ms. Bru: -- because there could be a challenge on the basis that that's an unlawful recall.

Commissioner Spence-Jones: Yeah.

Chair Suarez: I had never heard that, but --

Commissioner Carollo: Yeah.

Ms. Bru: Yeah. I mean --

Chair Suarez: Okay.

Ms. Bru: -- you know, don't -- it could be, you know.

Commissioner Spence-Jones: But it's okay to add the extra year?

Ms. Bru: Yes, because the voters are now actually voting for that, as opposed to the voters voted for you to --

Commissioner Spence-Jones: Taking away.

Ms. Bru: -- serve four years and all of a sudden now there's a year that's being taken away and we're not following a recall process.

Chair Suarez: Can I -- let me -- Can I say something? I think there's consensus for the possibility of doing this. I would like a little bit more time to think about it with your permission or whoever here 'cause I don't know -- I haven't really thought through the implications of -- even though -- I was so focused on like whether we were going to do November/November or August/November, plurality and all that stuff, I didn't really think too much about what kind of an impact would the extra year have on it passing in a referendum.

Commissioner Spence-Jones: Mr. Chairman, you know you're getting good, right?

Chair Suarez: What's that?

Commissioner Spence-Jones: You know you're getting good, right?

Chair Suarez: What's that?

Commissioner Spence-Jones: Nothing.

Chair Suarez: I'm getting good? Is that what you said?

Commissioner Spence-Jones: Nothing.

Chair Suarez: Well --

Commissioner Spence-Jones: Anyway -- so I don't have a problem with you want another election -- another -- election --

Chair Suarez: Deferral.

Commissioner Spence-Jones: -- another -- So can we at least agree on August/November?

Chair Suarez: I'm okay with August/November.

Commissioner Spence-Jones: And then now we'll just table the extra year.

Chair Suarez: Yes, yes.

Commissioner Spence-Jones: 'Cause, quite frankly, we really don't have a choice.

Chair Suarez: Thank you, yes.

Commissioner Spence-Jones: I mean, you know we don't really have a choice.

Chair Suarez: I'm in agreement with the August/November. I'm willing to bend on that issue. We're just talking here, okay.

Commissioner Spence-Jones: It's a discussion item.

Chair Suarez: We're not making a motion or anything. We're saying here for the purposes of the Commissioners who are here, there seems to be consensus -- the first time we've had consensus on any Charter item since I've been here --

Commissioner Carollo: No. We --

Chair Suarez: -- on August/November.

Commissioner Carollo: -- we've had consensus on other items; recall the mayor, you know, that it should be --

Chair Suarez: No, no, but I'm just saying -- right.

Commissioner Carollo: -- in the Charter and stuff like that.

Chair Suarez: Right.

Commissioner Carollo: There's been --

Chair Suarez: But I'm saying -- okay, on this issue --

Commissioner Spence-Jones: Right.

Vice Chair Sarnoff: Great inflection.

Chair Suarez: On this issue -- I think we should just end the meeting 'cause I think we're all just wiped out. Anyways, on this issue, I think, you know, there is consensus that there -- that it could be on an August/November basis, but what's left to be thought through is, you know, what's going to be the impact to the electorate of -- or the signaling effect to the electorate of having another year to everybody's term. And I think that's what I would like to -- a little bit more time to consider.

Commissioner Spence-Jones: And one of the things we got to really be mindful, November, guys -- I don't know if we really understand how huge this ballot's going to be --

Chair Suarez: Right.

Commissioner Spence-Jones: -- so part of the issue --

Chair Suarez: That's the other thing. It doesn't have to be done -- and I know for budgetary perspectives, it would be great because it would -- I think -- well, it would change the '13 elections to '14, correct?

Commissioner Gort: Right.

Commissioner Carollo: Right.

Commissioner Spence-Jones: Yeah.

Chair Suarez: Right. So --

Commissioner Carollo: By the way, last time I was the one --

Commissioner Spence-Jones: Which is great. We need the -- we do need -- look at --

Chair Suarez: Right.

Commissioner Spence-Jones: -- Danny's face over there.

Commissioner Carollo: By the way, I was the --

Commissioner Spence-Jones: I need the money.

Commissioner Carollo: Originally, when we had discussed this, I was the one who brought up about the extra year, and the argument that was used -- and I think it was by Commissioner Sarnoff-- is that, hey, you're allowing the voters to decide whether we obtain -- whether we have an extra year or not so.

Chair Suarez: Are you guys -- let me ask you this question -- going to come along with the three of us if we're on the August/November construct?

Commissioner Carollo: Does it matter?

Chair Suarez: Of course it matters. We're a collegial body. We like to do things collegially.

Commissioner Carollo: Listen, the only issue --

Chair Suarez: I am getting good.

Commissioner Carollo: I'll tell you my point of view. The only issue I would have with that is that usually in November it's all the state --

Chair Suarez: It's a lot of stuff.

Commissioner Carollo: -- candidates, it's all the federal candidates, and that's the only issue I have with that.

Chair Suarez: It's a lot of stuff.

Commissioner Carollo: Right. Usually local elections, you know, tend to be more --

Chair Suarez: You talked about this the first time.

Commissioner Carollo: Right.

Chair Suarez: That was a good --

Commissioner Carollo: I spoke about that.

Chair Suarez: Yeah.

Commissioner Carollo: You know --

Chair Suarez: By the way, that's why you kind of had me convinced almost to go either back to the status quo -- just to stay with the status quo or with the --

Commissioner Carollo: You understand what I'm saying?

Commissioner Spence-Jones: But -- yeah.

Commissioner Carollo: So I think all these neighborhood organizations, the unions, I think all of -- all these organizations that, you know, really, you know, focus on local elections and know the votes and have a vested interest lose a lot of their -- I don't know what's the right terminology but --

Chair Suarez: (UNINTELLIGIBLE).

Commissioner Carollo: -- everyone's focused on the higher offices --

Commissioner Spence-Jones: Yeah, but --

Commissioner Carollo: -- To get commercials, and it's going to be so expensive for local elections.

Chair Suarez: Commissioner.

Commissioner Gort: I believe I'm the only person here that had the experience of going through a plurality election and a November election in an even year, and it worked out fine. And I think that the -- we had more people voting on that election than at any other time.

Commissioner Carollo: Ask that to your opponents.

Commissioner Gort: Huh?

Commissioner Carollo: Your opponent said it didn't work out fine.

Vice Chair Sarnoff: What plurality did you go through?

Chair Suarez: He had --

Commissioner Gort: Well, at the special election --

Chair Suarez: -- a special election.

Commissioner Gort: -- that you guys had me go through.

Chair Suarez: There is no runoff for special elections.

Commissioner Gort: Remember, because of the motion that you guys made, I had to have three elections in a year and a half.

Vice Chair Sarnoff: But why was it a plurality?

Chair Suarez: Because it was a special election.

Commissioner Gort: Because it was a special election in January.

Chair Suarez: They're always a plurality, special --

Vice Chair Sarnoff: So that's only by plurality.

Chair Suarez: Correct.

Commissioner Gort: Right.

Vice Chair Sarnoff: And you were okay with that?

Commissioner Gort: I had to run -- that's the only way -- I didn't have no choice.

Vice Chair Sarnoff: Right. You survived. You look great.

Commissioner Gort: And there was eight of us, yeah.

Chair Suarez: By the way, if you win by --

Commissioner Carollo: So we could do plurality.

Vice Chair Sarnoff: Right. That's what I'm -- am I hearing --?

Chair Suarez: -- more than 50 percent, you're winning by a plurality, by the way.

Vice Chair Sarnoff: So what I'm hearing you say is November plurality's okay with you?

Commissioner Gort: No.

Vice Chair Sarnoff: No.

Commissioner Gort: I've had the experience. I'm discussing the argument that Commissioner Carollo stated, that the people would not be paying attention to a local election. We had a good turnout on that election in November.

Commissioner Carollo: But was it with another -- federal offices and state offices?

Commissioner Gort: Yes.

Commissioner Spence-Jones: And I really think it all boils down to us getting our message out. I mean, there's other items that we're considering to go on the November ballot that I'm assuming we're going to at least promote or make sure that the voters know about it. And when the voters go in, they're going to vote for the president, and whatever items are really important to them, they're going to vote for those as well. It's a matter of us getting the message out. I don't really think that, you know, that is a huge issue, you know.

Chair Suarez: I'm willing to go to the August/November. I wanted the November/November, but I'm -- just to keep things the way they were. But I think it makes more sense -- it's a \$400,000 difference in the option.

Commissioner Spence-Jones: Yeah.

Chair Suarez: So I'm willing to bend and go to the August/November. What I would just like two

weeks to think about is -- and if I had to vote right now, I know how I would vote, but I would like a couple weeks to consider the impact of that message to the voters, that we're giving ourselves an extra year, if that's okay with everyone?

Commissioner Carollo: The issue with that is that I don't know if we really have the time.

Chair Suarez: Oh, we have the time.

Vice Chair Sarnoff: I'm not sure we do.

Commissioner Carollo: I don't --

Commissioner Spence-Jones: Yeah.

Commissioner Carollo: -- know. I think it's going to be close.

Ms. Bru: Let me speak to that 'cause I don't want any confusion.

Commissioner Carollo: Right.

Ms. Bru: And after I finish addressing the Commission, I would like the City Clerk then to also address this issue. First of all, the method by which the City of Miami amends its Charter is set forth in the Miami-Dade County Charter, based on our -- on the home rule charter that the County has. And it requires that for us -- for the City to amend the Charter, the first step is for the City Commission to direct the City Attorney by resolution -- by resolution, the City Commission has to direct the City Attorney to prepare the amendment, and then it comes back to the City Commission to adopt the final resolution. So there has --

Chair Suarez: So --

Ms. Bru: -- it's a two-meeting process.

Chair Suarez: -- it's almost like a second -- first reading, second reading. I have no problem voting on directing you to draft a resolution without committing as to how I'm going to vote on the resolution, but I have no problem voting on that right now if you guys want to do that, someone wants to make a motion and a second and --

Commissioner Spence-Jones: So moved.

Chair Suarez: Moved by Commissioner Spence-Jones.

Commissioner Gort: Second.

Chair Suarez: Second by Commissioner Gort. The motion is to direct the City Attorney to draft ballot language moving the election to even-numbered years, with the primary being in August and the runoff being in November, okay?

Ms. Bru: Okay.

Vice Chair Sarnoff: And the next Commission meeting gets on the ballot. Is that what you're saying?

Chair Suarez: The next Commission meeting, we see the language --

Ms. Bru: At the next --

Chair Suarez: -- and we vote on the language --

Ms. Bru: Right.

Chair Suarez: -- as to whether we want --

Vice Chair Sarnoff: No, no, no, no. But it will make it to the ballot?

Ms. Bru: So --

Mr. Alfonso: Yeah.

Commissioner Carollo: Yes.

Ms. Bru: -- today we will prepare a resolution that memorializes what you did. We bring you back a resolution to call for the election, to -- calling the election to present that Charter amendment, and it makes it to the ballot based on -- and the City Clerk can address this issue -- the information that we have from Miami-Dade County Supervisor of Elections.

Ms. Thompson: And that is that the deadline for submitting charter amendments to the Supervisor of Elections for consideration on the November 6 ballot would be Tuesday, July 24.

Vice Chair Sarnoff: Okay.

Commissioner Gort: Okay.

Ms. Thompson: Okay.

Commissioner Spence-Jones: We got time.

Commissioner Gort: We got time.

Chair Suarez: All in favor, signify by saying "aye."

Commissioner Spence-Jones: Aye.

Chair Suarez: Aye.

Commissioner Gort: Aye.

Commissioner Carollo: Hold --

Vice Chair Sarnoff: Aye.

Commissioner Carollo: -- on, no, no. I don't know -- hold on, hold on. Let me verify -- what's the vote on?

Vice Chair Sarnoff: Just to prepare the language.

Chair Suarez: To prepare --

Commissioner Spence-Jones: Language.

Chair Suarez: -- the language for our consideration --

Commissioner Spence-Jones: You can always amend it.

Chair Suarez: -- as to whether we want to put it on the ballot or not.

Commissioner Carollo: Okay. And what about the extra year or no the extra year?

Mr. Alfonso: Yeah.

Vice Chair Sarnoff: Yeah. That has to be included.

Commissioner Spence-Jones: We're going to talk about that. It's going to be amended.

Commissioner Carollo: So when she brings back language, it's going to have language saying about the extra year? It doesn't have to have that language. It's automatic --

Vice Chair Sarnoff: No. It has to have it.

Chair Suarez: No. What --

Commissioner Spence-Jones: It has --

Chair Suarez: -- will happen is it will change the election date from even number years --

Vice Chair Sarnoff: Right.

Commissioner Sarnoff: -- to -- I'm sorry, from odd number years to even number years, which adds an extra year to all of our terms.

Commissioner Carollo: I got you. And then the primary would be in August, same as the County, in August or late August or early September, whenever they have it --

Chair Suarez: The runoff in the November, just like the County.

Commissioner Carollo: -- and we'll piggyback on the November, the same as the County, okay.

Commissioner Gort: And you got to know, the --

Chair Suarez: What's that?

Commissioner Gort: -- County might change their August to November some day. I don't know.

Chair Suarez: Yeah, that could always happen.

Commissioner Carollo: Right, but should that happen, then we would have to adjust ours --

Chair Suarez: Yeah, we would.

Commissioner Carollo: -- because then we wouldn't have the savings.

Chair Suarez: We absolutely would.

Commissioner Carollo: But right now they have their primaries in late August --

Chair Suarez: Right.

Commissioner Carollo: -- early September, whenever that is, and then they have the runoff in November, okay.

Chair Suarez: So, all in favor, signify by saying "aye."

The Commission (Collectively): Aye.

Chair Suarez: It passes unanimously.

Ms. Thompson: So the -- so that we will have something coming back at the July 12 meeting, okay.

Commissioner Carollo: And the ultimate word will be with the electorate because they will vote on whether they want this change or not, correct? Okay.

DI.2**12-00657****DISCUSSION ITEM**

DISCUSSION CONCERNING THE CITY'S ADOPTION OF A TICKET POLICY UNDER WHICH PUBLIC, COMMUNITY BENEFITS, OR COMPLIMENTARY TICKETS OBTAINED THROUGH CONTRACTUAL NEGOTIATION OR OTHER EXERCISE OF PUBLIC AUTHORITY MAY BE DISTRIBUTED FOR ANY PERMISSIBLE PUBLIC PURPOSE, CONSISTENT WITH THE GUIDELINES PROVIDED BY THE MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST.

12-00657 Summary Form.pdf

12-00657 Memo - Citywide Ticket Policy.pdf

12-00657 Backup Information 06/28/12.pdf

**SPONSORS: OFFICE OF THE CITY MANAGER
OFFICE OF THE CITY ATTORNEY**

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

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

Absent: 1 - Commissioner(s) Spence-Jones

Note for the Record: Item DI.2 was deferred to the July 12, 2012 Commission Meeting.

DI.3**12-00562*****Department of Human Resources*****DISCUSSION ITEM**

UPDATE ON A PLAN FOR FILLING THE UPCOMING VACANCY FOR THE CITY CLERK POSITION.

12-00562 Summary Form 06/28/12.pdf

12-00562 Proposed Timeline 06/28/12.pdf

12-00562 Recruitment & Section Plan.pdf

12-00562 Notice of Application - City Clerk Position.pdf

DISCUSSED

A motion was made by Commissioner Gort, seconded by Commissioner Carollo, and was passed unanimously, to accept the timeline proposed by the Department of Human Resources to fill the City Clerk position, authorize the creation of a selection committee that includes the current City

Clerk, Priscilla A. Thompson as a member, and for Chair Suarez to negotiate the salary of the prospective City Clerk.

Chair Suarez: DI.3.

[Later...]

Chair Suarez: All right. Let's do DI.3, which is filling the upcoming City Clerk vacancy that's on this agenda. Yes.

Mary Leckband (Assistant Director, Human Resources): Hi.

Chair Suarez: You're recognized.

Ms. Leckband: Good afternoon. Dr. Mary Leckband, assistant director of Department of Human Resources. Before the Commission on this item is -- we are requesting the approval of the Commission for the drafted job announcement and advertising sources for the recruitment for the City Clerk's position. Our current City Clerk is slated to leave before the end of this fiscal year --

Priscilla A. Thompson (City Clerk): September 28, 2012.

Ms. Leckband: -- and as such --

Chair Suarez: Not a day later, huh?

Ms. Leckband: -- and at the direction of the City Commission at the May 10 City Commission meeting, the Department of Human Resources has prepared information, a recruitment plan, and job announcement for the vacancy.

Chair Suarez: Quick question. And I wasn't --

Ms. Leckband: Yes, sir.

Chair Suarez: -- here in the last Commission meeting. I think it was discussed a little bit. Have you spoken with the City Attorney to make sure that whatever you're advertising is in accordance with the Charter language? Please tell me that's a yes.

Maria J. Chiaro (Deputy City Attorney): We worked closely on the -

Chair Suarez: Wonderful.

Ms. Chiaro: -- language.

Chair Suarez: Thank you.

Ms. Chiaro: We've reviewed the --

Chair Suarez: That makes my heart warm and fuzzy.

Ms. Leckband: Yes, sir. So from the last City Commission meeting, we have made adjustments to the proposed timeline for a recruitment period to last approximately one month in duration from -- if approved today on the 28th, it will open tomorrow on June 29 and run through July 27, 2012. On August 13, 2012, we will provide to the City Commission all applications and resumes ranked by qualifications. Then on the September 13, 2012 -- at that City Commission meeting,

the City Commission can take action to appoint an interim clerk for this position. At the September 27, 2012 meeting, the selection of the top five candidates would be made by the City Commission and then a correction to your packet that you had, the period of time would be from September 28 through November 22 to allow for the Department of Human Resources to work with your staff to set up any interviews with candidates you may have, as well as at the November Commission meeting, for the Commissioners to select -- in a process similar to that of auditor general -- a candidate for which they would enter into negotiations for compensation in employment.

Chair Suarez: Commissioner Gort?

Commissioner Gort: I apologize. I did not read the whole thing. Do you have the process of who's going to be composed in the selection committee?

Ms. Leckband: Well, this is not a selection committee process. The applications and resumes would be ranked by qualification and --

Commissioner Gort: Who's going to rank them?

Ms. Leckband: -- provided to the Commissioners.

Commissioner Gort: Okay.

Ms. Leckband: Human Resources will be doing all of that screening and providing that to the Commissioners.

Commissioner Gort: You guys are the one that going to do it, Human Resources?

Ms. Leckband: Yes. We're running the recruitment.

Commissioner Gort: I understand. But who's going to -- the qualification, you're going to be doing that yourself?

Ms. Leckband: We will be screening all applications based on the posted requirements of the job announcement --

Commissioner Gort: Right.

Ms. Leckband: -- and then making a spreadsheet for the Commissioners so they can see who has met the qualifications and how they've exceeded each category so that when you come back for your meeting on September 27, you would have identified the top five that you're interested in interviewing.

Commissioner Gort: We are going to -- after you're -- well, I'd like, if possible, to have Priscilla Thompson be a part of that selection of that --

Chair Suarez: That's a good idea actually. That's a very good idea. I think that's a great idea.

Commissioner Gort: For the ranking, in the ranking.

Vice Chair Sarnoff: I think that's what she was trying to avoid.

Chair Suarez: I can't think of anybody better.

Ms. Thompson: If I might, Commissioners. If you would allow --

Chair Suarez: If I might, I don't think so, huh?

Ms. Thompson: No, no, no. If you would allow me --

Chair Suarez: Of course.

Ms. Thompson: -- if you would allow me.

Chair Suarez: Absolutely.

Ms. Thompson: I have no problem serving. The only thing that I had been hesitant about is the fact that I would not want the perception to be out there that if someone who's presently on my team should apply, okay, that I would favor --

Chair Suarez: Right.

Ms. Thompson: -- that person over any other. That's the only qualm that I would have about, you know, sitting on that panel.

Chair Suarez: I hear you. I personally think you are beyond reproach in terms of your integrity --

Commissioner Gort: Same here.

Chair Suarez: -- and I think you have been such a faithful employee of the City of Miami, and I think you love the City of Miami very deeply, and I think you would set aside all personal relationships to make what is the best decision for the City. But that's just my opinion. Whatever the other Commissioners think is --

Ms. Thompson: And I will assure you that I would do what is in the best interest of this City, that I'm not a favorite person, you know what I'm saying; that I will do what is just and right.

Commissioner Gort: I agree with the chairperson.

Chair Suarez: Okay.

Commissioner Spence-Jones: I support that too.

Commissioner Carollo: So what's the decision?

Vice Chair Sarnoff: How come if I said that, it wouldn't have sounded as good?

Ms. Leckband: So as --

Commissioner Gort: I would like to have her be part.

Chair Suarez: Yeah, that's fine. We're all on board.

Commissioner Gort: It's up to --

Commissioner Spence-Jones: All on board.

Chair Suarez: We all agree.

Commissioner Spence-Jones: All on board.

Commissioner Gort: Okay.

Chair Suarez: We all agree. Thank you.

Ms. Leckband: Okay. So then --

Commissioner Spence-Jones: Are you okay with that? Okay.

Commissioner Carollo: I don't have any problem.

Ms. Leckband: -- we can incorporate that into what you approve today without a problem.

Commissioner Gort: Okay.

Ms. Leckband: So then from September 28 through November 22, HR, Human Resources, would assist with setting up interviews with candidates and that time period also encompasses the City Commission selecting someone to enter into compensation negotiations for appointment at the December 13 meeting. As of right now, the City Commission meetings for November are set for November 8 and November 22, which is Thanksgiving Day. So whatever day or dates, if there is a second meeting date, we would allow that time to make sure the Commissioners have enough time for interviews with the candidates.

Chair Suarez: I'll volunteer to negotiate the compensation if nobody else wants to.

Commissioner Gort: You got it.

Vice Chair Sarnoff: It's all yours.

Chair Suarez: Okay.

Ms. Leckband: So the -- that compensation item would then come back to ratify the contract for that appointment to City Clerk on December 13 with a proposed employment start date of January 7, 2013.

Commissioner Gort: Thank you.

Commissioner Spence-Jones: Thank you.

Ms. Leckband: You're welcome.

Commissioner Gort: Motion -- move it.

Commissioner Carollo: Second.

Vice Chair Sarnoff: All in favor?

The Commission (Collectively): Aye.

Commissioner Gort: You got it.

Chair Suarez: Any time, sir. Any time.

Commissioner Gort: Thank you.

DI.4**DISCUSSION ITEM****12-00704****DISCUSSION CONCERNING THE CITY'S REDISTRICTING PROCESS.**

12-00704 Summary Form.pdf

12-00704 Redistricting The City of Miami Commission.pdf

12-00704-Submittal-Miguel De Grandy-Redistricting The City of Miami Commission After The 2010

12-00704-Submittal-Miguel De Grandy-Redistricting The City Of Miami.pdf

**SPONSORS: OFFICE OF THE CITY MANAGER
OFFICE OF THE CITY ATTORNEY****DISCUSSED***Chair Suarez: Mr. De Grandy, if you don't mind, we'll start with your presentation now.**Miguel De Grandy: Sure. You're going to have to give us a minute to --**Chair Suarez: Sure.**Mr. De Grandy: -- set up.**Chair Suarez: You guys want to take five?**Commissioner Carollo: Yeah. Let's take --**Chair Suarez: We'll take a 5-minute recess --**Mr. De Grandy: Okay.**Chair Suarez: -- for you to set up. Thank you. Actually, we'll start exactly at 10 o'clock sharp.**[Later...]**Chair Suarez: (UNINTELLIGIBLE) one of which has a baby. I wish we could count that for quorum. That would be fantastic. Anyhow, if you could just give us a few more seconds until everybody --**Mr. De Grandy: Sure, absolutely.**Chair Suarez: -- comes here 'cause I think everybody's going to want to see this presentation, not just a quorum of Commissioners.**Mr. De Grandy: Absolutely, Mr. Chairman.**Chair Suarez: Thank you. All right, we're almost ready. I think the Commissioner is changing diapers. Okay, here we go. Let her rip.**Mr. De Grandy: Thank you, Mr. Chairman. Good morning, members of the Commission, Mr. Mayor, Mr. Manager, Madam Attorney. For the record, my name is Miguel De Grandy. My address is 800 Douglas Road. My assistant, Sean De Grandy, is passing out two documents. One is the report that I sent you last month and the other is a copy of today's PowerPoint presentation. Now also with me today is my associate, Pablo Tamayo. He's on the other podium. He will be doing the demographic presentation, and we have also Mr. Steve Cody (phonetic), who is also a consultant to the City and the firm on this redistricting. He'll be working the*

technology. Now I saw that there was some Cuban coffee passed around a little while ago.

Chair Suarez: We'll take care of it. Don't worry about it.

Mr. De Grandy: This -- well, this presentation is all about law and numbers, so you should be very well caffeinated for the next half hour --

Chair Suarez: Okay. We'll make sure.

Mr. De Grandy: -- to survive it.

Commissioner Spence-Jones: Half hour?

Chair Suarez: Half an hour, half an hour.

Mr. De Grandy: The report I sent you last month included a proposed redistricting timeline and process, as well as a legal primer on redistricting that informed you on the basic --

Chair Suarez: And if I may, I'm assuming that the reason why you need that time is 'cause you need to put certain things on the record?

Mr. De Grandy: Yes.

Chair Suarez: Okay.

Mr. De Grandy: Yes. -- legal principles that must be employed in this process. Now today's presentation, what we briefly wanted to do was touch on the highlights of the legal principles and provide you with additional demographic data for your consideration. Now at the conclusion of our presentation, we will be requesting policy direction from you as to different redistricting criteria and standards, as well as some process issues. And those issues that we'll be inquiring about at the end of the presentation and seeking policy direction were, I believe, on page 5 of the report that we gave you last month. Then, of course, at the end of our presentation, we'll be happy to answer any questions you have or provide you with any additional information you need. Now having said that, Commissioners, let me proceed with a brief discussion on the key legal principles we need to employ in the redistricting process. In the written submission we sent you last month, we gave you a detailed outline and talked about the differences between congressional, local, state, et cetera, and often these rules can seem contradictory and certainly confusing. And so rather than bore you and confuse you more with another detailed dissertation on the law, I wanted to hit just the highlights. There are three legal principles that I highlighted in our report, and let me go through each one of those. Now the three legal principles that we have to keep in mind are simple. First, each Commission district must achieve substantial equality of population within the deviation permitted by law. Second, the City must not engage in racial gerrymandering. And third, the new Commission districts must not dilute the votes of minority communities. Now let's talk about the first principle. The requirement to redistrict is derived from the 14th Amendment to the United States Constitution. Federal courts have basically held that the 14th Amendment requires legislative districts in state and municipal governments to be apportioned on a population basis and the law requires "substantial equality of population" among the various districts. And so the analysis begins by taking the total population of the City; dividing it by the number of districts, which yields the ideal district population number. The difference between the ideal population and the actual population of a district is referred to as the deviation. Now federal case law has established a safe harbor, if you will, in terms of deviation. And generally, a state or municipal districting plan will not violate the equal protection clause if the difference between the largest and the smallest district is less than 10 percent and there is a rational basis for that deviation. Now the range between the largest and the smallest is called the overall deviation. In the City's current plan, we find that the overall

deviation between the most populated district, District 2, and the most underpopulated, District 5, is roughly 36 percent, and therefore, the City's plan is considered to be malapportioned and cannot be utilized further after the 2010 census. The City's therefore constitutionally mandated to engage in this process. Now one thing to note -- and we'll discuss that at the end -- the remaining three districts are within acceptable parameters. District 1 and 3 are approximately 3 percent under the ideal population, and District 4 is approximately 1 percent over the ideal population. From a constitutional perspective, that means if you were to look at those three districts, your overall would be 4 percent. There's no need whatsoever to do anything with those districts. From a policy perspective, it's therefore your decision whether you want to direct us to do anything with those three districts or not. Now the data, Commissioners, that we're using to analyze these issues come from the official federal census. And although the data is two years old, the use of official census data has been found to be universally acceptable by the federal courts and, therefore, utilization of this data insulates you from a legal challenge. In that regard, let me do an aside and take a moment to talk about the City's census challenge. The City, through a third-party nonprofit organization, has submitted a challenge to the official census numbers of the City of Miami. Challenges to the official census numbers are rarely successful, and moreover, a census challenge may take several years to adjudicate. They have no timeline by which they need to address the issue. In the meantime, the City's plan continues to be malapportioned, and you need to redistrict in advance of next year's election 'cause you cannot use this plan any longer. Federal courts have held that plans which utilize official census numbers will not be held to be invalid even if those numbers are subsequently revised as a result of a census challenge. And so because of the need to allow sufficient time to re-precinct prior to next year's election, because the plan must be enacted before qualifying and because a delay in proceeding may trigger a legal challenge on malapportionment, we have strongly recommended that we proceed so that we can have a plan to you before the end of the year. Now let me go back and talk a little bit about the second and third principles that we need to keep in mind in this redistricting. The constitution prohibits a jurisdiction from engaging in racial gerrymandering, and yet, the Voting Rights Act prohibits dilution of a minority community's voting strength. And so the two principles sometimes seem to be very much at tension with each other. Let's address them one at a time. First, let's talk about racial gerrymandering. The principle that prohibited racial gerrymandering fully evolved in the 1990 redistricting cycle through several Supreme Court opinions, the most notable being *Shaw versus Reno*. Now generally, the courts have held -- without giving you all the little boring nuances and details of the law -- that when race is the predominant, the overriding factor in the creation of a district, it will be subject to the most stringent legal standard, which is called strict scrutiny, and in most instances, that means it will be found to violate the 14th Amendment. Basically, courts look at the intent of a legislative body and whether considerations of race or ethnic background played an overriding role over other customary or traditional redistricting principles. And therefore, while you can be conscious of race as one of several factors, as we will discuss in a minute in the context of the Voting Rights Act, it cannot be the driving consideration of your plan. And that is why policy direction on the use of accepted or traditional redistricting principles, some of which we noted in our report to you, are very important because if you follow traditional redistricting principles, you usually insulate your plan against a challenge on 14th Amendment grounds. We will be discussing those traditional redistricting principles at the end, again, when we seek policy direction from you. Let me go now to the Voting Rights Act. Being conscious of racial or ethnic demographics for the purpose of complying with the Voting Rights Act is not only appropriate; it's mandated by law. Originally, the Voting Rights Act only protected racial minorities. The 1982 amendment did several things. It added protection for language minorities and changed the analysis from one of intent to discriminate to that of a discriminatory effect or result. And so even if a jurisdiction acts in good faith with no discriminatory intent, a plan may violate the Voting Rights Act if it has the effect of diminishing a minority community's equal opportunity to participate in the political process. Now in order to determine the applicability of the Voting Rights Act, the Supreme Court has set forth a three-pronged test in the landmark case of *Thornburg versus Gingles*. The first prong is that you need to find that the minority group in question is large enough and compact enough to form a majority in a single-member district.

The second prong is that the minority group must be politically cohesive, which means that many of its members have political issues in common on which they coalesce and often vote for a preferred candidate. Third, there must be evidence that the majority group in that jurisdiction votes sometimes as a block in a manner which usually results in defeating the minority community's candidate of choice. Now determining whether the three prongs of the Gingles case are met involves a lot of statistical analysis. Once the first prong is established and you see that there is a community that's large enough and compact to constitute a majority in a single-member district, you do several other analyses to determine whether polarized voting exists in the community, and we'll have a couple of sample elections that we'll show you that will show how the different communities in the City of Miami vote in elections. Now in the current redistricting cycle, I could tell you that the Florida Legislature -- I represented the House of Representatives during that process -- we conducted an analysis on a statewide basis and concluded that polarized voting still exists in South Florida. As part of the process of the County Commission redistricting, they also employed experts and they concluded, based on an analysis of data in previous elections, that polarized voting still exists on a countywide basis. Our preliminary analysis indicates the same for the City of Miami. We will be doing a lot more extensive analysis to document our findings and that will be part of our final report when we give you a plan for consideration. At this point, let me turn over the presentation to my associate, Pablo Tamayo. He's going to walk you through some relevant demographic data regarding the City's population and then we'll come back to talk about the issues where we need policy direction.

Pablo Tamayo: Thank you, Miguel. Mr. Chairman, Commissioners, as Mr. De Grandy explained, my portion of the presentation will basically be in two parts. The first part, we'll look at some of the general demographic data of the City and then we'll look at each district individually. So with that, let's take a look at the rate of growth in the City from 2000 to 2010. And we can see here, the next slide, that from 2000 to 2010, the City of Miami -- well, actually, it's -- we're not on the right slide yet -- but the City of Miami's growth from 2000 to 2010 was slightly less than the state of Florida at about 7 percent less and it was comparable to that of Miami-Dade County. And then the City of Miami's population over the last four census cycles, as you can see here, from 1980 to 1990, grew at about 3.5 percent; and then 1990 to 2000, it grew slightly over 1 percent. And then finally, from 2000 to 2010, there was a significant increase, slightly over 10 percent in the growth of population. And now as we look at the demographic breakdown, we note that the census actually allows individuals to self-identify by both race and ethnicity.

Vice Chair Sarnoff: I just wanted to make sure I heard correctly. We were on par with the County in terms of population growth, but below the state of Florida.

Mr. Tamayo: That's correct, Commissioner.

Vice Chair Sarnoff: Okay.

Mr. Tamayo: And it was the -- the City was about 7 percent less than the state of Florida.

Vice Chair Sarnoff: Than the state, okay.

Commissioner Carollo: And I'm sorry. Real quickly -- never mind. This is the slide that I wanted --

Mr. Tamayo: We will -- Mr. Chairman, Commissioners, we'll be happy to go back to anything. Since we do have an extended presentation, we want to get everything out first, and then we're happy to answer any questions you have.

Vice Chair Sarnoff: So in other words, just sit back and don't ask any questions.

Mr. Tamayo: You can do whatever you want. You were elected; I wasn't. But Commissioners, as you can see here in the demographic breakdown, about 73 percent of the City's population identified as white and then about 19 percent identified as black or African American. And then the remaining population identified themselves as members of other races, including American Indian, Alaskan Native, Asian, Pacific Islander, or they identified themselves as a member of two or more races. And then we can see here in the ethnicity breakdown that 70 percent of the City's population identified as Hispanic; about 18 percent, non-Hispanic/black; and then 12 percent as non-Hispanic/white. And then when we look at a comparison with the last decade census numbers, we see that the Hispanic population has actually grown 4 percent, from 66 to 70 percent, while the non-Hispanic/black population has actually decreased by that same number, from 22 to 18 percent. And then the non-Hispanic/white population has remained the same at 12 percent growth. And then when we take a look at the age distribution within the City and we can see as it's compared to the state of Florida and Miami-Dade County, the data indicates about 16 percent of the City's population is above the age of 65, which is actually a slightly smaller percentage than the population of the entire state. But then, yet, it's still slightly above the percentage of that in Miami-Dade County. And this data also indicates a somewhat smaller school-age population in the City compared to both Miami-Dade County and the state of Florida as a whole. So when looking at the breakdown of the population among the different ethnic and racial communities, we find that over one quarter of the residents that self-identified as black or African American are under the age of 18, a significantly larger percentage than the Hispanic or non-Hispanic/white communities. And then three quarters of the non-Hispanic/white community are in the age group of 18 to 64. And then the Hispanic community has the largest percentage of senior citizens at about 18 percent. And now on this next slide here, we see a huge disparity between voting age population and then registered voter population. And this disparity is usually indicative of a large immigrant or noncitizen population. Now in terms of a partisan breakdown, we find that of those registered to vote in the City, a little over 78,000 are registered as democrats; almost 51,000 as republicans; approximately 42,000 have no party affiliation, and about 2,500 are registered in other minor parties. And so as Mr. De Grandy discussed earlier, as a result of the City's malapportionment, there's a wide disparity in population numbers in all five of the districts, particularly with District 2 and of District 5. And so now we'll take a closer look at some of the districts individually now. And so, again, as we can see here, District 1 has a population 3 percent below ideal population. And now taking a look at some of the demographics in District 1, we see that approximately 82 percent of the total population identified as Hispanic, compared to 6 percent as non-Hispanic/black and then about 4.5 percent as non-Hispanic/white. Now Commissioners, you may note that some of the numbers in the slides do not add up to 100 percent. That's just because we have not included the smaller percentage of individuals that self-identify as members of other races or ethnic groups, the ones that I previously mentioned or those that noted two or more races. So now looking at the registered voters, we find similar numbers with slightly over 80 percent Hispanic, about 6 percent non-Hispanic/white, and then about 8.5 percent non-Hispanic/black. District 1, in terms of party registration, has the lowest number of registered voters in all the five districts. And then we find that of the roughly 29,000 individuals that are registered, there is almost an even split between democrats and republicans, and there is about 7,500 citizens that have no party affiliation. And Commissioners, as you know, the City's elections are nonpartisan. However, some of these statistics are relevant to us in the redistricting process as they tend to indicate political cohesiveness or a lack thereof among or within the different minority groups. And as part of our analysis on polarized voting, we will also analyze several elections during the last decade which will also indicate political cohesiveness and block voting patterns among the different minority groups. And so for purposes of illustration in our presentation today, we will be looking at just the 2010 gubernatorial election and then the 2008 presidential election so you can see some of the marked differences in the voting patterns among the citizens in the different districts. This data also helps to illustrate the correlation between race or ethnicity and then the preferred candidate of the two predominant minority communities in the City. Okay, so as you can see here, even though the partisan numbers between republicans and democrats are virtually

the same, 55 percent of the citizens voted for Governor Scott in 2010, while 42 percent voted for Candidate Sink. And then in the 2008 presidential election, we see the marked difference as President Obama won the district by just one-tenth of 1 percent, which most -- more closely mirrors the registration numbers between republicans and democrats. And then as we move now to District 2, we see again that District 2 is the most malapportioned district, with about 20 percent over ideal population, which reflects approximately 16,000 residents. District 2 is also the most ethnically diverse district; has approximately 52 percent Hispanics, about 32 non-Hispanic/whites, and then about 12.5 percent non-Hispanic/blacks. And then not seen in this chart, but noteworthy is that the Hispanic population grew by several percentage points in the last ten years and then the -- there were proportional decreases actually in the other two groups during that time period. And we can actually see a marked change in these numbers when we look at the percentage of actual registered voters in the district, and we see how Hispanic residents decreased from 52 percent to 40 percent and then non-Hispanic/whites increased from 32 to 40 percent. And then the non-Hispanic/blacks remained at about virtually the same, about 13 percent of all registered voters in the districts. And of course, some of these numbers tend to indicate that there's a large number of noncitizen Hispanic residents in that district. District 2 also has the highest number of registered voters in all the districts, which is no surprise given its overpopulation. And we find that of the 46,000 registered voters, democrats outnumber republicans by an almost two-to-one margin. And then District 2 is also the district with the highest percentage of voters that have no party affiliation. And then as we can see here in the 2010 gubernatorial election, Candidate Sink won overwhelmingly with about 66 percent of the vote to Governor Scott's 32 percent. And then in 2008, we see virtually the same percentages, as President Obama won with about 68 percent to Senator McCain's 31 percent. And then moving to District 3, we see that much like in District 1, it's approximately 3 percent below the ideal population. And then looking at the demographics here, we see that slightly over 90 percent of the residents are Hispanic, about 1.5 non-Hispanic/black, and then about 7 percent are non-Hispanic/white. And then the voter registration by ethnicity, we see similar numbers: 80 percent of the residents, Hispanic; about 6 percent, non-Hispanic/white; and then about 8.5 percent, non-Hispanic/black. And noteworthy here in terms of the party registration is that the lowest -- District 3 has the lowest number of registered voters. And then of the total number of registered voters, about 10,000 are registered as republican, about 8,500 as democrats, and then about 7,300 have no party affiliation. And looking to the 2010 gubernatorial election, Governor Scott won about 58 percent of the vote compared to in 2008; Senator McCain won about 54 percent of the votes to President Obama's 45 percent. As we look now to District 4, we see that it is the plan currently with the least deviation at roughly 1 percent above the ideal population. District 4 is also the most Hispanic district with about 92 percent of the residents self-identifying as Hispanic, about 6.5 percent as non-Hispanic/white, and then about half of 1 percent as non-Hispanic/black. And then again, we see similar numbers: over 83 percent of the voters registered are Hispanic; 11 percent, non-Hispanic/white; and then about, again, half percent of 1 percent -- half of 1 percent are non-Hispanic/black. District 4 is the third-highest district in voter registration, just slightly below District 5. And then registered republicans outnumber registered democrats by an almost two-to-one margin. And then there's about 9,000 citizens who have no party affiliation. And looking to 2010 gubernatorial election, Governor Scott easily won the district with 65 percent of the vote compared to in 2008; again, Senator McCain similarly won the district with 65 percent of the vote as well. And now last, but certainly not least, we turn to District 5, which is the second-most malapportioned district in the City; has a population approximately 16 percent below the ideal population, which reflects, more or less, 13,000 residents. The demographics in City 5 -- I'm sorry, in District 5, reflect about 72 percent of the residents as non-Hispanic/black, close to 24 percent as Hispanic, and then 3.5 percent as non-Hispanic/white. And then in terms of voter registration, we find there's a significant drop in Hispanic percentage compared to the total Hispanic population, which again, tends to indicate a high percent of noncitizen Hispanics; and then over 73 percent of the registered voters identified as non-Hispanic/black compared to about 4.5 percent as non-Hispanic/white. Then we'll also note that District 5 is the second-highest in registered voters with just 18 voters more than in District 4. And as you can see, the registered democrats

are the overwhelming majority in District 5, with only about 2,200 registered republicans who are actually outnumbered by more than two to one with voters with no party affiliation. Now again, looking to the 2010 gubernatorial election, we find that Candidate Sink overwhelmingly won the district with approximately 92 percent of the vote. And then very similarly, in 2008 President Obama won the district with about 95 percent of the vote. So, Commissioners, that concludes my portion of the presentation. Thank you for your time. And with that, I'll turn it back over to Mr. De Grandy.

Mr. De Grandy: And thank you for still being awake. I'll try to move as fast as I can and then get to the issue where we need your input. As you could see for just those two sample elections we have reviewed, there are marked differences among the two minority groups in the City with respect to their party registration, voting patterns and for candidates, indicating that there is significant polarized voting in the City. Now during the final portion of our presentation, we want to respectfully engage you in a discussion regarding standards and policy directives and get your direction to us as to what to utilize in your plan. The issues on which we need input we'll put up on the board in three groups, but they were basically in page 5 of the report that we gave you at the end of last month. The first grouping of issues deal with the potential deviation from the ideal population in your new plan. You have certain flexibility, and I need policy direction from you as to how you want me to go. The first bullet point or first issue in that grouping I think drives the other two, and that is whether the districts should be drawn within the deviations permitted by law, which means that I can go up to an overall deviation of 10 percent, or whether you would like me to draw your districts to an approximate population equality -- in other words, within plus or minus 1 percent of the ideal population. Now, again, the direction you give me on that issue drives the next two points. The second point is whether we should intentionally overpopulate District 5 and underpopulate District 2 to account for expected population changes over the next decade. Now I'll tell you that that's what we did in 2000. We gathered data from the Planning Department and other sources that indicated that all the growth was going to occur, or the significant growth, in District 2. We intentionally underpopulated District 2 so that throughout the decade you would maintain a relative balance. Now there are two things we couldn't have foreseen in 2002; one, that there was a building boom as significant as the one that existed and specifically concentrated in that area. And even if we could have, as we've discussed, were constrained by law to have stayed within the 10 percent. And the current plan that you have today, when it was enacted, was right at that level. So based on the preliminary data we're looking at now, it's my personal opinion that even if we tried to underpopulate District 2, it is going to be malapportioned again by 2020. It is the district where you're going to see the most growth. And keep in mind in that regard -- and again, when you engage in your discussion, I'm here to answer any questions you have. But the more I underpopulate District 2, the more disruption that I have to create. I already have to deal with 16,000 residents that are overpopulated in that area. To underpopulate District 2, I have to move even more residents. Now, as I discussed at the beginning of the presentation, point three, are whether we should modify Districts 1, 3 and 4 or leave them in their current configuration. There is no legal requirement to touch those districts. It's a policy decision for you to direct me on. If you tell me, do what you want, I'll do what I think is best. If you direct me specifically, I will follow that direction. Now let's look at traditional redistricting principles. That's the second grouping of issues that we need your guidance on. Your Charter does not contain any standards for redistricting and most jurisdictions don't. Recently, the State of Florida enacted standards through a citizen initiative, but those don't apply to local governments. And we seek policy direction from you in the same way that we did the last cycle. The principles that were adopted by the City Commission in 2002 and that we utilized for your current plan are listed on page 20 of the written report that we provided you with. Now some of that is not relevant this decade. For example, the need to stay -- keep precincts whole is really not relevant to us in this cycle because Department of Elections is not going to re-precinct 'til 2013, and we plan to have a plan to you by the end of this year, and so some of that criteria is not -- no longer relevant. However, I've put up three on the board that I think, at a minimum, you need to seriously consider. One is whether the proposed plan should attempt to preserve the core of existing districts in order to

minimize voter confusion. And this criterion is of significant concern in an area like the City of Miami, which has a large elderly and non-Hispanic -- excuse me, non-English speaking Hispanic population. The next is whether the proposed plan should use natural and manmade features to the extent possible as the boundaries of the districts. This also helps to minimize voter confusion and provides clear delineation between different districts. And finally, we need your input on whether the proposed plan should attempt to keep communities of interest or traditional neighborhoods intact to the extent that it is feasible; and if so, what methodology to use. There are different parameters that we can use in this regard, depending on your direction. For example, if you so direct, we could be guided by your Miami NET (Neighborhood Enhancement Team) neighborhood parameters that might provide better service coordination if they are, to the best extent possible, kept within a district. We could also use the traditional neighborhoods identified in your Web site as a guide if you direct us to do so. Now, again, before I go to the final part, which is process issue, the importance of having clear direction on these policy issues and guidance is to -- Yes, sir, Mr. Chairman.

Chair Suarez: Could we also use like subdivisions? Because I think --

Mr. De Grandy: You could use -- yes. Any --

Chair Suarez: -- what has happened -- and I don't know if the Commissioners agree -- is certain neighborhoods have kind of characterized themselves on the basis of the subdivision that they're in. For example, Coral Gate is a subdivision. Shenandoah is a subdivision. So I don't know if that could be used as a basis for --

Mr. De Grandy: Absolutely, Mr. Chairman. Communities of interest are defined by that. They're neighborhoods that have interests in common. As I was going to say, the importance of getting a clear direction from you on that and having a record of that is if you were to be challenged either on 14th Amendment grounds for racial gerrymandering or on Voting Rights Act grounds because you, you know, failed to follow the Voting Rights Act, courts look at, okay, what did they do. And if the evidence is that you had objective race-neutral criteria and that it was employed in your plan, it insulates you from a legal challenge. And so that's why it's important to have criteria that we follow. Now let me go to the last point, which is process issues. These include whether you would like us to hold public meetings to gather citizen input; and if so, how many meetings and at what location. Now I could tell you, in the last redistricting cycle, the Commission directed that we hold three public hearings and directed that one be in the north, one be in the central part, one be in the southern part of the City. A total of 75 residents participated in providing input. What we did is we took that input. Your Clerk's office also took minutes, but we took that, reflected in our final report some of that input that was consistent with your policy direction and told you in the report we did this and this because it was consistent with your policy and because the citizens of that area, you know, felt strongly about it. And so that can be important. Now I will tell you, because the City is not that geographically huge, I would recommend, if you choose to have public hearings, that you direct us to have them here in City Hall. It's a central place. It's a known place. It's good for your staff because your staff can -- you know, the Clerk's office will be here to take minutes. It can be broadcast and reach a wider audience that could be engaged in the process. So if you choose to do that, that's my recommendation. It's up to you. Now last, we need direction from you whether at the end of this process you want us to bring you one plan or alternatives. Now my recommendation is one plan. And the bottom line is, once I present it to you, it is your sole providence to say, let's amend this, let's change that. Whatever the majority decides, we go -- we do it for you. Mr. Chairman.

Chair Suarez: Just a quick question on the prior point. How do you notice these meetings? How do you notify the public of them?

Mr. De Grandy: In the same way that you would notice anything else in your public agendas.

Chair Suarez: Planning and Zoning -- a Planning and Zoning item that you actually send -- mail notices to the residents?

Mr. De Grandy: No, no. You would --

Chair Suarez: 'Cause that's what they do in Planning and Zoning.

Mr. De Grandy: -- advertise.

Chair Suarez: Okay.

Mr. De Grandy: You could advertise on your, you know, television channel --

Chair Suarez: Web site.

Mr. De Grandy: -- also, on your Web site. It probably --

Chair Suarez: Just curious.

Mr. De Grandy: -- will engage a lot more people than having it, you know, in some school that's nondescript in some area, et cetera. Going back, Mr. Chairman, then to this final point, if you want to see alternative methodologies, alternative approaches of how to do it, then you might ask me, bring me at least one alternative plan. But again, my recommendation, based on my experience, is at the end of the day, it's simpler to work off one product. And you can, you know, decide whether you want to amend it, change it, whatever, and you have one product that you're all working from. And with that, Mr. Chairman -- again, I apologize for the length of the presentation and the tedium with the numbers and law, but I think all this was necessary to be put on the record.

Chair Suarez: Thank you, Mr. De Grandy. This -- start any questions, right to left. Right to left.

Mr. De Grandy: If I may, Mr. Chairman, what I suggest you may want to do is after whatever questions, just take up the three groupings of --

Chair Suarez: Sure.

Mr. De Grandy: -- issues we need policy direction so you can --

Chair Suarez: And what I would do is invite the Commissioners to make whatever comments they have on those three issues in addition to whatever questions that they may have.

Mr. De Grandy: Yes, sir.

Chair Suarez: Commissioner Carollo.

Commissioner Carollo: Thank you, Mr. Chairman. There were a lot of questions posted, you know, seeking policy direction from us. And I don't -- I didn't memorize them all. I know we have a list that you provided.

Chair Suarez: You can go back on the slide so he can see them.

Mr. De Grandy: I'll go back. Let's go back to the first grouping of issues, which is deviation.

Commissioner Carollo: Although I do believe that we should preserve the core as much as possible, as feasible of each district, at the same time, at least with District 3, I know there's a

underpopulated deviation of at least 3 percent and I'd like to get that up to 0 as much as possible, meaning, you know, to the correct or actual level of population. That's something I would like to see. So if I'm at a minus 3 right now, we should try to get to 0 as more as possible.

Mr. De Grandy: Okay, so that's -- I interpret that as one vote to do a plan with population equality.

Commissioner Carollo: Now, and -- well, let me say that while also saying that it doesn't necessarily have to affect the other districts that are within deviation because some of the growth in District 3 could come from District 2, that obviously needs to, you know, reduce their population. So it doesn't necessarily have to, you know, come from District 1 or -- and by the way, District 3 is right in the middle. I touch every district, so it doesn't necessarily have to come from District 4 or District 1 if they want to leave their district intact. It could come from District 2. So I would like to see, you know, an increase in population in District 3 to be as close to the ideal population as possible.

Chair Suarez: Commissioner Gort. Commissioner Spence-Jones.

Commissioner Spence-Jones: I don't have a lot of comments. I think a lot of this is really going to boil down to D2 (District 2) and D5 (District 5) and us finding, you know, common ground and I'm sure we know that. I just have a couple of things. One, I definitely would like for us to have public meetings. I think it's extremely important for our residents, the people that elected us, to at least have an opportunity to weigh in. So my comment on that first one is, yes, I think we should have public meetings. There -- the communities and neighborhoods, you know, in which D2 and D5 we share, I think that there's also some wonderful opportunities to at least solidify some of these neighborhoods that we both represent. And I'll give you an example. We split a lot of neighborhoods, at least three of them, I know. Overtown is one community that I guess, from the last time around when we went through this process, we cut in the center of Overtown off I think 1st or 2nd -- 1st Avenue, might be. The people are totally confused, you know. They call our office or they see me on the streets and they assume that I'm the Overtown Commissioner, but Marc represents a certain portion of Overtown. So it's just very -- it's a very confusing thing. So I think that that will help address that issue if, you know, we can at least make neighborhoods whole so that there's no confusion about who represents them. Same thing with Wynwood; people are very confused. You know, it's hard to tell a person, well, you're across the street -- you're in Wynwood, but you're across the street; that's Marc's district. And I don't know if Marc has the same issues, but I think making Wynwood whole makes a lot of sense. And then just on the Park West side of it, I am the CRA (Community Redevelopment Agency) chair for Overtown/Park West, and I know that's confusing because on one end, they come to see me about Park West as the CRA chair, and I'm sure they come to see Marc when the noise is too loud. So it's -- I just think that there's some room for neighborhoods. I just think neighborhoods need to -- we need to be very clear about, you know, making neighborhoods whole. Another area that I know --

Mr. De Grandy: Commissioner --

Commissioner Spence-Jones: -- I have confusion on --

Chair Suarez: Yes. I think he has --

Mr. De Grandy: -- may I inquire on that? When you're talking about these neighborhoods, I've gotten, you know, different assessments from different folks, actually, to be frank with you, about the accuracy of your traditional neighborhood plan on the Internet. So do you want me to --? Is that accurate in terms of the three neighborhoods that you're talking about?

Commissioner Spence-Jones: Well, I'm just putting things out --

Mr. De Grandy: Okay, okay.

Commissioner Spence-Jones: -- you know. Marc can chime in on it, but I know -- I'm just telling you what concerns I receive as the district Commissioner. Literally, like right across the street, the same neighborhood. It's hard to tell a resident, well, I don't represent you. You need to go see your district Commissioner.

Mr. De Grandy: No. I understand.

Commissioner Spence-Jones: You understand?

Mr. De Grandy: What I'm saying is if there is a consensus of the body to do exactly what you said --

Commissioner Spence-Jones: I just said try to --

Mr. De Grandy: -- what lines do I follow, is what I'm saying.

Commissioner Spence-Jones: Well, I guess the issues -- right.

Mr. De Grandy: Right.

Chair Suarez: If I may, Commissioner. Maybe -- yeah, I think you can work with the Commissioner, you know --

Mr. De Grandy: Okay.

Chair Suarez: -- and with the other Commissioner to kind of come up with objective criteria to figure out where the --

Mr. De Grandy: As to what the delineations are, okay.

Chair Suarez: -- line should be -- where the neighborhoods start and end, and I think that would work.

Mr. De Grandy: Yes, ma'am, will do.

Commissioner Spence-Jones: And then the other area is the Biscayne Boulevard area where Soyka's is. Literally, I'm on one side of the street with Soyka's and Marc is on the -- or District 2 is like right across the street, you know. It's just -- it's very confusing so people just don't know. I just -- at the end of the day, I'd just like to see the neighborhoods be made whole so that people know who their representatives are, and that's the main thing. One, public meetings I think is important. Two, I think that we need to try to make neighborhoods whole. And then I guess we'll still have our one-on-one conversations about what we feel we need to do just in general to address the overall issue, but --

Mr. De Grandy: Okay.

Commissioner Spence-Jones: -- that would be my thought.

Mr. De Grandy: Now, Mr. Chairman, if I may, just because I --

Chair Suarez: Let me clarify --

Mr. De Grandy: Sure.

Chair Suarez: -- a little bit 'cause I think maybe that'll help. On the three points, from what I'm listening to the body, I think -- I don't know why they took them off. Somebody just took them off. Who's playing with me? Get them all back on there. Is that you, Steve? Are you messing with me, Steve? Deviations. That's fine. The traditional redistricting in principle I think are the same.

Mr. De Grandy: Okay.

Chair Suarez: Okay. I think what I'm hearing -- and if anyone disagrees, just go ahead and chime in -- is that we want to preserve the core of existing districts -- obviously, in 2 and 5, that's not going to be possible -- that we want to use natural manmade features to the extent possible, and that we also -- and I think this is even the most important one from what the Commissioners were saying -- that we want to attempt to keep communities of interest intact and neighborhoods intact. And then we'll have discussions as to how we come about that because I think there's some --

Commissioner Carollo: Right.

Chair Suarez: -- not a consensus as to what the neighborhoods are and how -- which is what you alluded to --

Mr. De Grandy: Yes.

Chair Suarez: -- I think, in your presentation.

Commissioner Carollo: And then a neighborhood like, let's say Shenandoah, where Commissioner Suarez and myself --

Chair Suarez: Share.

Commissioner Carollo: -- you know, share. The truth of the matter is, I don't think we could -- we can actually have one district have all of Shenandoah or the other. I think it's going to be --

Chair Suarez: I'm okay.

Commissioner Carollo: -- impossible because --

Chair Suarez: Yeah, I'm okay.

Commissioner Spence-Jones: I think --

Commissioner Carollo: -- of the other rules and policies that you mentioned.

Chair Suarez: Right. Yeah, and I --

Commissioner Spence-Jones: But I think the -- and the point that I was trying to make -- I mean, clearly, there is a larger portion represented by one particular district Commissioner. And I'm just telling you the -- again, these are my recommendations. I know for a fact Overtown is an issue. I know for a fact Wynwood is an issue. I don't know if Marc has the same issue, but my point is, just since you are considering everything and I am to give you a recommendation to eliminate an issue or a problem, if there's any way that we can consider that, that would be great.

Mr. De Grandy: Okay.

Commissioner Spence-Jones: That's really what my point was.

Chair Suarez: I think we need one more slide over if -- 'cause I think there was some other direction that you needed.

Mr. De Grandy: Yeah, on deviation. Now, if I can, Mr. Chairman, because your --

Chair Suarez: Yes.

Mr. De Grandy: -- Clerk has to memorialize that and I think the Attorney's office is ultimately going to do a resolution on that. What I'm hearing is right now clear direction on Commissioner Carollo's district, bringing it down to zero deviation. And I assume, unless I hear otherwise, that that's a consensus of the board, that the board is okay with that. So that's direction that we will be following. On the traditional redistricting principles, you want us to emphasize all three, with the proviso that you will give us better data as to neighborhoods to use as traditional neighborhoods or communities. And your input, Commissioner Spence-Jones, as to three specific communities of interest that you want to be kept whole in a district wherever possible would be part of that direction. Is that --?

Commissioner Spence-Jones: And public meetings.

Chair Suarez: And the public meetings.

Commissioner Spence-Jones: I think it's important to have --

Mr. De Grandy: Yes, yes.

Commissioner Spence-Jones: -- the public meetings.

Mr. De Grandy: I'm just --

Chair Suarez: And the public --

Mr. De Grandy: -- dealing with --

Chair Suarez: Is everyone okay with the public meetings being at City Hall?

Commissioner Gort: Yes.

Chair Suarez: Okay. I just want to make sure.

Mr. De Grandy: I was just dealing with deviation and principles at this point.

Commissioner Spence-Jones: Do they have --?

Chair Suarez: They don't have to be.

Commissioner Spence-Jones: Okay. I just want to make -- I just wanted -- I would like to have a neighborhood -- I think it's okay to have one here. I don't have a problem with that, but I definitely want to have a district one.

Mr. De Grandy: Okay. Let me -- if I can, Commissioner, before I get to that process issue, if I can go back to deviation for a second. Other than the direction that the Commission's providing

us regarding Commissioner Carollo's district, is there any other wish of the Commission with respect to the remainder of the districts? Do you want me to go all -- you know, have a flexibility to do 10 percent deviation or do you want all of them to stay within 1 or 2 percent?

Chair Suarez: I can tell you that in my district, it's roughly where it should be, and I don't have a problem with it staying, more or less, in that general vicinity. I mean, it doesn't have to -- you don't have to stick to it exactly, but as long as it doesn't get to, you know -- I think that's fine with me, at least personally. I don't know how everyone else feels.

Commissioner Gort: I think we all agree on the public hearings. And I think neighborhood is very important 'cause there's certain neighborhoods that have certain needs different to other neighborhoods and they're being put together and the representation is very important to understand that. So -- and I think you're going to have to sit down with each one of us and --

Commissioner Spence-Jones: Yeah.

Commissioner Gort: -- look at the different maps --

Chair Suarez: And I know for --

Commissioner Gort: -- and come up with the best way not to affect the other districts.

Chair Suarez: And I know that we had a discussion, and one of the things that was important for me is -- and it's in line with the constitutional amendments that were just passed -- for my district to be as compact as possible, just simply from the perspective of getting around and logistics and solving problems. You know, for me, the more compact that my district is, the better. It just makes my job easier and it makes me better able to serve my residents so.

Mr. De Grandy: Understood, okay.

Vice Chair Sarnoff: Mr. Chair.

Chair Suarez: Yes, of course.

Vice Chair Sarnoff: I always wondered when I could use this quote. My favorite movie in the world, it's *A Thin Red Line*. And Sean Penn is in the reeds and obviously in Japan and they are shooting at him; talks to John Cassavetes and he says, "You know, what is this war all about?" And Sean Penn says, "It's the real estate. It's just about the real estate." And probably every war is about the real estate. But I think what we're not here today to discuss is the real estate. We're here to discuss the population. And I want to focus on the population. Obviously, District 2, according to Mr. De Grande [sic], needs to lose approximately 16,000 voters -- I should say residents, I apologize.

Mr. De Grandy: To get to zero.

Vice Chair Sarnoff: To get to -- right, to get to a statistical zero. That's something that through conversations with him, you know, I'm prepared -- obviously, under mandate have to do and that's something I'm going to direct that we should do. With regard to Overtown, Commissioner, I think I have two blocks of Overtown, six voters. I think you're right on that. With regard to Wynwood, depending on where we draw the line, I think you're right on that, but I think it just depends upon where you describe Wynwood. And Park West equally is a description because we're not talking about -- we're talking about real estate, not about voters, because inevitably, you want to keep neighborhoods intact. You know, I heard the Chair say, "I want my district as compact as possible." The one thing about District 2, it is simply not compact. You know --

Chair Suarez: I think that may be unavoidable, though. I don't know.

Vice Chair Sarnoff: No. I think I understand, but it's pretty obvious that it looks like predominantly the Upper Eastside -- it seems like the only way to do this is to allow those neighborhoods to remain intact and to become part of another district Commissioner, looks like District 5. You know, there's not much I can say that's going to be helpful in this process because having just went through an election and knowing the electorate, it's very hard to disenfranchise a person's vote because that's essentially what we're doing in some respects. They made a choice and that choice is going to somewhat change, so I'd like to give this direction to you, Mr. De Grande [sic], on the record. I'd like to keep it within the statistical variation. I'd like to keep neighborhoods intact. Overtown is not an issue. Commissioner Spence-Jones is pretty accurate on that. Wynwood, I'd like to sit down with you and see a description as to what is Wynwood because that's not going to buy you many population at all. Park West -- I've heard people describe Park West all the way as far east as the American Airlines Arena, and I've heard people describe it as far west as the FEC (Florida East Coast) corridor, so it's just a matter of what you describe Park West as being. With regard to Biscayne Boulevard, I think the numbers dictate what the results are going to be. So from that, Mr. Chair -- I'd like my meetings to be here in City Hall.

Mr. De Grandy: Let me make sure I understand, Commissioner. When you said that the deviation within the statistical -- you mean within the 10 percent?

Vice Chair Sarnoff: I would like to see that.

Mr. De Grandy: Okay, so to have that flexibility -- and to the extent where Commissioner Spence-Jones, you are correct, the big changes, of course, are going to occur in those two districts. Are you also okay with a deviation that could be up to 10 percent overall between those two districts?

Commissioner Spence-Jones: I want to see whatever recommendations that you come back with. I mean --

Mr. De Grandy: 'Cause what I would tell you in that regard is if we deviate -- and the issue is whether we underpopulate District 2, which means I have to move even more people --

Commissioner Spence-Jones: I know.

Mr. De Grandy: -- but I could actually end up with your district at 3, 4, 5 percent over, knowing that growth is still going to occur, but that's less disruption to both your districts. And so if you want to give me that flexibility, I'll make my best value judgments --

Commissioner Spence-Jones: I just want -- I would like to see the recommendation from both sides.

Chair Suarez: I think he should work with them --

Commissioner Spence-Jones: Yeah.

Commissioner Carollo: Right.

Chair Suarez: -- and let them, you know --

Commissioner Carollo: Yeah.

Commissioner Spence-Jones: I don't think we can give you an answer today.

Chair Suarez: Right.

Commissioner Spence-Jones: I think today was more of our recommendations based upon what, you know, we think --

Chair Suarez: General guiding principles.

Commissioner Spence-Jones: -- are potential issues.

Chair Suarez: Yeah.

Commissioner Spence-Jones: And then you come back and you say here's scenario A, B, C.

Mr. De Grandy: Okay. I'll -- yeah, I'll bring you a product and you can amend it --

Chair Suarez: Thank you.

Mr. De Grandy: -- as you desire. Okay.

Chair Suarez: Okay. Thank you, Mr. De Grandy.

Mr. De Grandy: All right.

Chair Suarez: Any --

Commissioner Gort: The --

Mr. De Grandy: Oh, last thing --

Commissioner Gort: Suggestion. I don't want to have all the meetings, public hearings in here --

Mr. De Grandy: No, okay.

Commissioner Gort: -- 'cause we're not in the center. We way south of the City of Miami, so we have lot of population up north. Somewhere in between we should have the other meetings.

Chair Suarez: Here's a suggestion. And I don't know how the colleagues feel, but this is what I'm getting from -- we do our CDBG (Community Development Block Grant) annual meetings in our districts so we can do them pretty easily in the same location where we do our annual CDBG meetings. I can -- I know where I do mine, and I know I can do it there fairly simply without it creating much disruption to the Clerk or anybody else. It won't be televised but it will be -- you know, it'll be transcribed and it will be recorded. So maybe the idea is for everyone to do it in their district. I don't know if that's something that you're okay with.

Mr. De Grandy: Not a problem.

Chair Suarez: Okay, so we'll just do one in each district and that's it.

Commissioner Spence-Jones: And Marc, this is your district --

Chair Suarez: You can do yours here.

Commissioner Spence-Jones: -- so you know, it's not like --

Vice Chair Sarnoff: Right. All I'm saying -- I try to promote people coming to City Hall. I mean, I have movie night. I -- this place is great on parking.

Commissioner Spence-Jones: But this is your district, though.

Vice Chair Sarnoff: Right. All I'm saying is, from my district standpoint, I want to promote people coming to City Hall, so I want it to be here.

Chair Suarez: No, no, and -- of course. And it's in your district. You can do it here, of course.

Mr. De Grandy: Can we -- if you would like, do you want me to do the same methodology of one north, one center, one south?

Chair Suarez: No. It would be then --

Commissioner Spence-Jones: No.

Chair Suarez: -- one in each district --

Commissioner Spence-Jones: One each district.

Chair Suarez: -- so there'd be five --

Mr. De Grandy: One in each district, okay.

Chair Suarez: -- instead of three.

Mr. De Grandy: Okay.

Chair Suarez: And you can coordinate with our offices so we can get it scheduled as quickly as possible.

Mr. De Grandy: Okay. We'll do that. Okay.

Chair Suarez: Great.

Mr. De Grandy: Now keep in mind in terms of scheduling, if you could tell your staff we need to move as quickly as possible --

Chair Suarez: Of course.

Mr. De Grandy: -- on setting these things so that we can have a plan to you by the end of the year. And on that note, if I may, Commissioner, do you want one plan at the end of the year?

Chair Suarez: I think it makes sense to do one plan and then we can work from it 'cause -- if that's your recommendation and you've been doing this for how long?

Mr. De Grandy: Too long. When I had hair that looked like yours instead of light.

Chair Suarez: Okay, cool. Anything else, guys?

Commissioner Spence-Jones: I just want to commend Miguel and his team for being --

Chair Suarez: Great presentation.

Commissioner Spence-Jones: -- you know, the ultimate professionals, you know, in -- not only in our one-on-one meetings but just even the presentation today. You made it extremely clear not only to us sitting on the dais but to those that have actually watched it at home. I mean, there's to me a lot of confusion around this process was and, you know, even some of the comments that were made, you know, regarding past articles on this issue. And I -- I mean, the one thing that I respect of my colleagues on this dais is our ability to respect where we all come from. And any outside communication, you know, to create, you know, these racial lines or racial divisions, to me, I think, is just -- it's just disrespectful and not right. So I'm not -- my mission and goal is never to create a problem for anybody that elected anyone to represent them. I mean, that's one of the greatest rights you have, you know. But we are in a situation and we have to figure out a way, you know, to find a solution, you know. So I appreciate your level of professionalism in addressing it.

Mr. De Grandy: Thank you, Commissioner.

Chair Suarez: And I would like to kind of pat ourselves on the back a little bit because these things have a tendency, for whatever reason, to be contentious. They're done on a decade-by-decade basis. And I think it just shows the cohesion that we have and the way we get along and the respect that we have for each other that we can do this process expeditiously, with good professionals and take advice and work together. Thank you.

Mr. De Grandy: Thank you.

Commissioner Spence-Jones: Thank you.

Chair Suarez: I'm going to take a 5-minute re -- bathroom break, recess, and we'll be back in 5 minutes.

Commissioner Spence-Jones: Do we have another presentation?

Chair Suarez: I'm sorry? No, no, that's it.

Mr. De Grandy: Thank you, Commissioners.

END OF DISCUSSION ITEMS

PART B: PLANNING AND ZONING ITEMS

PZ.1

12-00084ac

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), CLOSING, VACATING, ABANDONING AND DISCONTINUING FOR PUBLIC USE A TEN (10) FOOT WIDE ALLEY LOCATED APPROXIMATELY EIGHTY (80) FEET NORTH OF NORTHEAST 36TH STREET, BETWEEN NORTH MIAMI AVENUE AND NORTHEAST MIAMI COURT, MIAMI, FLORIDA.

12-00084ac CC 06-28-12 Fact Sheet.pdf

12-00084ac Departmt Analyses, Maps, Plat & St Cmmtte Rec., & PZAB Reso.pdf

12-00084ac Application & Supporting Documentation.pdf

12-00084ac CC Legislation (Version 2) & Exhibit.pdf

LOCATION: Approximately 80 Feet North of NE 36th Street, between N Miami Avenue and NE Miami Court [Commissioner Michelle Spence-Jones - District 5]

APPLICANT(S): Neisen O. Kasdin, Esquire, on behalf of Fifteen Midtown Properties, LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommends approval.

PUBLIC WORKS DEPARTMENT: Recommends approval.

PLAT AND STREET COMMITTEE: Recommends approval on April 5, 2012 by a vote of 5-1.

PLANNING, ZONING AND APPEALS BOARD: Recommends approval to City Commission on June 6, 2012 by a vote of 9-0. See companion File ID 12-00084zc.

PURPOSE: This will close and vacate a 10-foot wide alley.

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

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

R-12-0234

Chair Suarez: So why don't we do, I guess, PZ.1.

Joel Maxwell: Commissioners, PZ.1 is also Commissioner Spence-Jones.

Chair Suarez: Oh, that's correct. That's true.

[Later...]

Chair Suarez: PZ.1.

Mr. Garcia: Thank you, sir. Item PZ.1 is a proposal to close an alley, an existing alley at a property located approximately on Northeast 36th Street, between North Miami Avenue and Northeast Miami Court. The Planning Zoning Department recommends approval. The Public Works Department has recommended approval. And the Plat and Street Committee has also recommended approval. Before the applicant makes their presentation, I'd like to make perhaps a brief presentation just to clarify a couple of points that have come up recurringly in many of the briefings that I have attended, and it is this. There -- the City, as pertains to the public right-of-way, does not actually own the public right-of-way. It is basically the steward. The City as a municipal entity is the steward of the public right-of-way. Public right-of-way is essentially leased to the City when the property is originally platted. And for as long as the public right-of-way serves its intended use to serve a public purpose, then the City has the responsibility to maintain it. When it ceases to provide a public benefit, then there is a reversionary clause that warrants that the property owners abutting that public right-of-way should be the beneficiaries in equal parts of the vacated public right-of-way. I say that because in this particular case, the applicant owns properties on both sides of what is presently an unimproved alley. So it is not the case that the -- there is an alley improved there that was ever of any purpose. If it had been improved, it would only service this property. It was not improved so never functioned as such. And so, simply, what they are doing is seeking to do away with the -- an existing alley and consolidate the land so that it can be properly developed with that intervening as an obstacle. And for that reason, it is the Administration's recommendation that this proposal be approved.

Chair Suarez: Thank you, Mr. Garcia. And just to clarify, I think what you're saying is that the owner of the adjacent properties owned that property. It was through the platting process

deeded to the City with a reversionary interest. Never deeded? It was just a --

Maria J. Chiaro (Deputy City Attorney): It was not deeded. It was loaned to --

Chair Suarez: Designated.

Ms. Chiaro: -- the public --

Chair Suarez: Okay.

Ms. Chiaro: -- with the City as the steward for the public's use if the public needed it.

Chair Suarez: Okay, so it wasn't even deeded so.

Ms. Chiaro: No.

Chair Suarez: Okay. So it was always the person's --

Commissioner Spence-Jones: But --

Chair Suarez: -- property. Is it like an easement, just out of curiosity?

Mr. Garcia: Actually, I --

Chair Suarez: I'm sorry. Now I'm being a real estate lawyer. I'm sorry. I'm getting off a little bit on a tangent here.

Mr. Garcia: It is, I think, appropriately a dedication, but I would like to yield to the Public Works director, Mr. Zerry Ihekweba.

Nzeribe Ihekweba (Director, Public Works): Good afternoon. Zerry Ihekweba, Public Works. The -- it's considered a right-of-way.

Chair Suarez: Right.

Mr. Ihekweba: However, it's for municipal services, which could be for Solid Waste collection --

Chair Suarez: Right.

Mr. Ihekweba: -- installation of public utilities, such as --

Chair Suarez: Could be a street.

Mr. Ihekweba: -- FPL (Florida Power Light) lights, street lights, or connection to individual homes.

Chair Suarez: And it's your testimony that it's not being used, correct?

Mr. Ihekweba: That's my understanding, yes.

Chair Suarez: Yes. Okay, thank you. Okay. Any other member wishing to speak? I think I -- did I close it out already on PZ.15?

Joel Maxwell: No. This is PZ.1.

Commissioner Spence-Jones: PZ.1.

Chair Suarez: I'm sorry. PZ.1. My apologies. It's a long day. PZ.1. Is anyone from the public wishing to speak on PZ.1?

Mr. Maxwell: Right here.

Chair Suarez: Okay. Is there anyone from the public? You're the applicant, right?

Mr. Maxwell: Applicant, that's correct.

Chair Suarez: Okay. Is there anyone from the public that wishes to speak on PZ.1? Hearing none and seeing none, the public hearing on PZ.1 is closed. Mr. Maxwell, you're recognized.

Mr. Maxwell: Thank you, Mr. Chairman --

Chair Suarez: Sorry.

Mr. Maxwell: -- and members of the Commission. Joel Maxwell, with Akerman Senterfitt, offices at 1 Southeast 3rd Avenue. With me, my colleague, Mr. Javier Fernandez as well, representing Midtown Properties, Inc., the applicant on this particular application. Having heard what the Planning director just said, I don't know if it's really necessary to go much further, other than to say that we -- we're really asking you simply to affirm approval that you gave on this very same property back in 2006 that we have to go through the process again. It's already been voted on (UNINTELLIGIBLE) you in 2006 for closure.

Chair Suarez: Thank you, Mr. Maxwell. Coming back to this Commission, Commissioner Spence-Jones.

Commissioner Spence-Jones: So, Mr. Chairman --

Chair Suarez: Yes.

Commissioner Spence-Jones: -- I just wanted -- not Mr. Chairman. I'm sorry. Francisco, I just want to be clear. What is the -- what was the issue or the propaganda that was creating a concern with this?

Mr. Garcia: I -- the question as it was posed to me is --

Commissioner Spence-Jones: 'Cause when you look at the land, it's obvious that no one's using it, so I'm just trying to understand what is the propaganda.

Mr. Garcia: The question that was posed -- as was posed to me was, Are there any provisions under which the City of Miami could actually sell this property? Since it presently controls it, could it sell it? And would we not be interested in pursuing that course of action? And the answer is that it is not ours to sell. It is not land that it is the City's to sell. It is basically in the trust of the City for as long as it serves the public purpose. When it fails to serve a public purpose -- and in the case of this particular alley, it was never improved, and it happens to be servicing a plot that is otherwise owned by one single property owner. So if that fails to be the case, if it does not serve a public purpose, then the property owners have the right through the vacation process to claim their reversionary rights and take back possession of the property and develop it as they see fit according to the zoning ordinance.

Commissioner Spence-Jones: So it's basically just an interpretation about a matter that is not correct?

Mr. Garcia: That is correct. The City does not have the ability to sell land that it holds in trust as public right-of-way.

Chair Suarez: There's a motion.

Vice Chair Sarnoff: Can you -- 'cause that's important. That's going to come up in front of me again. I want you to be very clear on an issue that has -- this is the general rule of the City: streets and right-of-ways [sic] are not ours and they're not ours to sell.

Ms. Chiaro: That's a general rule of law, not just in the City of Miami.

Vice Chair Sarnoff: Fair enough. And there is no provision under which we can sell those things?

Ms. Chiaro: That's correct.

Mr. Ihekweba: Can I provide a clarification. Zerry Ihekweba. There are specific streets in the City of Miami that actually belong to the City, such as Pan American Drive right in front of here. That's a City street, owned by the City as a deed.

Chair Suarez: Because we own the property.

Mr. Ihekweba: We own the property.

Chair Suarez: Right.

Mr. Ihekweba: We have title to it.

Chair Suarez: It's different, yeah.

Mr. Ihekweba: So there are some other locations like that, like shopping plaza off Biscayne Boulevard that belongs to the City of Miami.

Mr. Maxwell: I may -- if I may add to that --

Commissioner Gort: Question.

Mr. Maxwell: -- Mr. Chairman?

Chair Suarez: Yes.

Mr. Maxwell: Under state law, when -- under state law, Florida Statutes, when a --

Chair Suarez: Yes.

Mr. Maxwell: -- street is closed or vacated, it then (UNINTELLIGIBLE) to the abutting property owners.

Chair Suarez: Right, and it cannot be sold. It cannot be --

Mr. Maxwell: That's right. It's --

Chair Suarez: Right.

Mr. Maxwell: -- not sold.

Chair Suarez: For consideration.

Commissioner Gort: That was a question I asked just a little while ago. If the street no longer have a public use, like some of dead-end streets which is abutting by two -- one -- two property owners --

Mr. Garcia: Right, sir. In this particular case, the reason why the applicant goes through this process is for there to be an affirmative determination that the right-of-way is no longer serving the public use and can therefore be returned to the abutting property owner.

Commissioner Gort: No. I understand this. When I was addressing the question I asked before in the previous matter (UNINTELLIGIBLE) it was a issue that was in front of us.

Ms. Chiaro: The criteria for granting the vacation of a street or easement or right-of-way that was dedicated for public use, not turned over by title --

Commissioner Gort: Right.

Ms. Chiaro: -- includes the criteria of no longer having a public benefit. But there are very -- the criteria is more articulated than not have -- not being used as an alley or right-of-way. In the previous application, that dead-end street, while it was perhaps not used as a street, that access, that right-of-way access did provide access to the water.

Commissioner Gort: Okay.

Ms. Chiaro: So that's a criteria that perhaps went against the vacation for the parcel in the previous item.

Commissioner Gort: Okay. Thank you.

Chair Suarez: Thank you.

Commissioner Spence-Jones: So moved.

Commissioner Carollo: Second.

Chair Suarez: Moved by Commissioner Spence-Jones, second by Commissioner Carollo. This is an ordinance, I believe.

Mr. Maxwell: No, resolution.

Chair Suarez: No, it's a reso too?

Mr. Maxwell: Resolution.

Chair Suarez: Goodness gracious Sorry, guys. I'm on my -- I'm trying, I'm trying. All in favor, signify by saying ðye."

The Commission (Collectively): Aye.

Chair Suarez: It passes unanimously. Thank you --

Mr. Maxwell: Thank you very much.

Chair Suarez: -- Mr. Maxwell. Sorry about the confusion.

PZ.2**ORDINANCE****First Reading****12-00084zc**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM "T6-12-O" URBAN CORE TRANSECT ZONE TO "T6-24-O" URBAN CORE TRANSECT ZONE, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 3601, 3651, 3681 AND 3701 NORTH MIAMI AVENUE; 3610, 3620 AND 3630 NORTHEAST MIAMI COURT; AND 17 AND 25 NORTHEAST 36TH STREET, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

12-00084zc CC 06-28-12 Fact Sheet.pdf

12-00084zc Analysis & Color Maps.pdf

12-00084zc PZAB Reso.pdf

12-00084zc Application & Supporting Documentation.pdf

12-00084zc CC Legislation (Version 3) & Exhibit.pdf

LOCATION: Approximately 3601, 3651, 3681 and 3701 North Miami Avenue; 3610, 3620 and 3630 NE Miami Court; and 17 and 25 NE 36th Street
[Commissioner Michelle Spence-Jones - District 5]

APPLICANT(S): Neisen O. Kasdin, Esquire, on behalf of Fifteen Midtown Properties, LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommends denial.

PLANNING, ZONING AND APPEALS BOARD: Recommends denial to City Commission on June 6, 2012 by a vote of 9-0. See companion File ID 12-00084ac.

PURPOSE: This will change the above properties to "T6-24-O" Urban Core Transect Zone.

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

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

Absent: 2 - Commissioner(s) Gort and Spence-Jones

Note for the Record: Item PZ.2 was deferred to the September 27, 2012 Commission Meeting.

PZ.3**ORDINANCE****Second Reading****12-00086zc**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM "T4-R" GENERAL URBAN ZONE TO "T4-O" GENERAL URBAN ZONE, FOR THE PROPERTY LOCATED AT APPROXIMATELY 832 SOUTHWEST 12TH AVENUE, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A

SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

12-00086zc CC 06-28-12 Fact Sheet.pdf

12-00086zc Analysis & Updated Color Maps.pdf

12-00086zc PZAB Resos.pdf

12-00086zc Application & Supporting Documentation.pdf

12-00086zc CC Legislation (Version 4) & Exhibit.pdf

12-00086zc-Submittal-Correspondence-Florida Department of State.pdf

LOCATION: Approximately 832 SW 12th Avenue [Commissioner Frank Carollo - District 3]

APPLICANT(S): Inés Marrero-Priegues, Esquire, on behalf of Elias & Son Investments, Inc., Gustel Enterprises, Inc., Cristhel Enterprises, LLC, J&J Holdings, Inc., and Joaquin and Carmen Alvarez, Owners (Edgewood Investment Partners, LLC, Contract Purchaser)

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommends approval as modified by the City Commission on First Reading.

PLANNING, ZONING AND APPEALS BOARD: Recommends denial to City Commission on April 18, 2012 by a vote of 8-0. Recommends approval as a second motion to City Commission on April 18, 2012 by a vote of 8-0 for the property at 832 Southwest 12th Avenue to "T4-O" General Urban Zone.

PURPOSE: This will change the above property to "T4-O" General Urban Zone.

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

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

Absent: 1 - Commissioner(s) Gort

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Chair Suarez: PZ.6? Or, I'm sorry, PZ.3.

Vice Chair Sarnoff: Yep, Commissioner Carollo.

Francisco Garcia (Director, Planning): Yes, sir. Item PZ.3 -- if we're ready to proceed with that.

Commissioner Carollo: I'm ready.

Chair Suarez: Let's go.

Mr. Garcia: Yes. Item PZ.3 is a request for a zoning change. This is before you on second reading. The request pertains to a property at approximately 832 Southwest 12th Avenue, the intersection of Southwest 8th Street and 12th Avenue. And the net proposal will be -- the verbiage is slightly different, and I'm sure the applicants will go into more detail. But the net result of the requested proposal would be to change the zoning for one parcel from T4 R, which it presently is, to T4 O. I will yield to the applicants to explain the nature of their request and the reason for it. And I will be happy to answer any questions you may have.

Chair Suarez: Thank you.

Commissioner Carollo: Mr. Chairman.

Chair Suarez: Yes.

Commissioner Carollo: If you could just give her a quick second. Remember, we've moved through these items pretty quickly.

Chair Suarez: Of course.

Commissioner Carollo: And I just want to make sure that you get your wind.

Ines Marrero-Priegues: I'm ready.

Commissioner Carollo: Okay.

Ms. Marrero-Priegues: Good afternoon --

Chair Suarez: You've never not been.

Ms. Marrero-Priegues: -- Mr. Chairman. No, I couldn't find a parking space. I had to park --

Chair Suarez: It's okay.

Ms. Marrero-Priegues: -- in the marina parking.

Chair Suarez: Well, blame the Mayor for that. That was the press conference.

Ms. Marrero-Priegues: Hopefully, not long enough to be towed. Ines Marrero, attorney with offices at 701 Brickell Avenue, on behalf of the applicants. Yes, the net result of this application is -- the intent is to develop the corner of Southwest 8th Street and 12th Avenue with a banking facility with a drive-through -- with drive-through lanes. And the zoning on one lot does not allow drive-throughs. So as we progress the zoning with the City, what they're recommending is that we rezone one lot, the one lot that does not allow the drive-through from T4 R to T4 O, and we are in agreement with that. I -- the last meeting, there were some representatives from the community who raised an issue of historic preservation. I don't know if the Commission would like me to address that just for the record. But I can tell you that the -- as you know, the intended user is TD (Toronto - Dominion) Bank, and TD Bank cares a lot about their corporate image. And they contacted the Florida Department of State Division of Historical Resources to get an assessment as to the historic nature or value of any of the properties at stake, and I have a letter that I will introduce into the record. I have provided your historic officer -- I'm sorry. I'm still catching my breath.

Chair Suarez: It's okay. Take your time.

Ms. Marrero-Priegues: -- Mr. Adams, with a copy of it, so he's aware of it, where I will say that the proposed under -- in effect, the proposed undertaking, the rezoning of all these properties and demolition of any of these properties will not affect historic properties. That's the conclusion of the state.

Chair Suarez: Okay. Anything further? Commissioner Carollo, it's your district.

Commissioner Carollo: Thank you, Mr. Chairman. I spoke to our Planning director with regards to any issues that any residents had. Mr. Director, I know you reached out to them. Were you able to make contact, or could you just elaborate on exactly what we spoke about in the last Commission meeting?

Mr. Garcia: Happy to do so, sir. Yes, I have been able to establish contact with some of the parties interested in this item. Their concern, as you've properly expressed, has to do with the unique character of Southwest 8th Street and what regulations we may put in place to ensure that some of it is preserved and some of it continues to happen as the corridor develops forward. We have agreed to meet next week. Unfortunately, we were not able to meet before today's meeting. I would hasten to add that as pertains to this property in particular, we certainly -- and I didn't put this on the record, so I'll just take a moment to do so now, if you'll allow. Our recommendation continues to be of approval, as modified in the record. And this is actually -- the structure that fronts onto 8th Street, which would presumably be of concern, is one that has been abandoned, derelict for some time and would, in our opinion, benefit greatly from the sort of redevelopment that is proposed as part of this application.

Ms. Marrero-Priegues: If I can add to that, the development of the project that we contemplate will require approval of a warrant. The warrant will have to undergo design review. And I've already contacted the client, and we're happy to converse with the Planning Department and design a facility that blends appropriately with the character of Little Havana that is something that is going to be welcoming to the visitors and is compatible with what's already there.

Commissioner Carollo: With that said -- you know, with that caveat, with that said, I make a motion to approve this.

Chair Suarez: There's a motion by Commissioner Carollo.

Commissioner Spence-Jones: Second.

Chair Suarez: Is there a second? Second by the Vice Chair. This is a public hearing, PZ.3. Anyone from the public wishing to speak on PZ.3? Hearing none and seeing none, the public hearing is closed. I just want to say a couple things. One, first of all, thank you for making the effort, you know, to investigate the historic properties of the property based on, you know, some of the concerns that were expressed by the Commission and the desire to always want to try to make both parties happy and -- but I think, you know, obviously in the ideal world, it's great to be able to preserve all the properties or character or whatever, but that's -- you know, that's not always possible. The private sector dictates what's going to go in a certain property versus another. And the fact of the matter is what they're getting for the neighborhood is actually a great property because -- not only because it's a bank and, you know, they have access and that's good for the neighborhood, but it's a very low-scale building. You can build on that property -- I believe it's T6-8, if I'm not mistaken. Not on the one that we're -- but on the adjacent one, I think it's T6-8.

Mr. Garcia: That is correct, sir.

Chair Suarez: Yeah, so you could build an 8 -- you know, 6- to 8-story building if you had the -- you know, the right lot size or whatever. So, I mean, they're getting a very low impact, low scale, you know -- and the banks are popping up everywhere. I mean, we have in Coral Way -- if they're good enough for Coral Way, they're good enough for Calle Ocho. So anyhow, I just wanted to throw in my two cents supporting the district Commissioner. It's an ordinance.

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.

Chair Suarez: Thank you.

Ms. Marrero-Priegues: Thank you very much.

PZ.4**ORDINANCE****Second Reading****12-00087zc**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM "T5-O" URBAN CENTER ZONE AND "T6-8-O" URBAN CENTER ZONE TO "T6-8-O" URBAN CORE ZONE AND "T6-12-O" URBAN CORE ZONE, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 566, 570 AND 650 NORTHWEST 8TH STREET, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

12-00087zc CC 06-28-12 Fact Sheet.pdf

12-00087zc Analysis, Color Maps & PZAB Reso.pdf

12-00087zc Application & Supp. Docs. - New Covenant.pdf

12-00087zc CC Legislation (Version 2) & Exhibit A.pdf

LOCATION: Approximately 566, 570 and 650 NW 8th Street [Commissioner Michelle Spence-Jones - District 5]

APPLICANT(S): Gilberto Pastoriza, Esquire, on behalf of Windsor Investment Holdings, LLC, Owner and Miami River Village, LLC, Contract Purchaser

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommends denial.

PLANNING, ZONING AND APPEALS BOARD: Recommends denial to City Commission on March 21, 2012 by a vote of 8-1.

PURPOSE: This will change the above properties to "T6-8-O" Urban Core Transect Zone and "T6-12-O" Urban Core Transect Zone.

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

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

Absent: 2 - Commissioner(s) Gort and Spence-Jones

PZ.5**ORDINANCE****Second Reading****11-00806zt****TO BE CONTINUED BY THE ADMINISTRATION**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, AMENDING ORDINANCE NO.13114, THE MIAMI 21 CODE, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, BY MODIFYING ARTICLE 1, SECTION 1.2. ENTITLED "DEFINITION OF TERMS" AND ARTICLE 3, SECTION 3.6.3, ENTITLED "ADDITIONAL OFF-STREET PARKING REGULATIONS", TO ESTABLISH CONDITIONS AND STATIONING REQUIREMENTS FOR RECREATIONAL WATERCRAFTS; CONTAINING A

SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

11-00806zt CC 07-26-12 Fact Sheet.pdf

11-00806zt PZAB (10-00963zt1) Reso & CC Legislation (Ver. 2).pdf

LOCATION: Citywide

APPLICANT(S): Johnny Martinez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommends approval.

PLANNING, ZONING AND APPEALS BOARD: For File ID 10-00963zt1, recommended approval to City Commission on May 18, 2011 by a vote of 7-1.

PURPOSE: This will establish regulations and requirements for recreational watercrafts.

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

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

Absent: 2 - Commissioner(s) Gort and Spence-Jones

PZ.6

ORDINANCE

Second Reading

12-00563zt

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 5 ENTITLED, "SPECIFIC TO ZONES", TO MODIFY SECTION 5.6.4 ENTITLED "PARKING STANDARDS", TO ALLOW ADDITIONAL FLEXIBILITY FOR PARKING GARAGES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

12-00563zt CC 06-28-12 Fact Sheet.pdf

12-00563zt PZAB Reso & CC Legislation (Version 3).pdf

LOCATION: Citywide

APPLICANT(S): Johnny Martinez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommends approval.

PLANNING, ZONING AND APPEALS BOARD: Recommends approval to City Commission on June 6, 2012 by a vote of 9-0.

PURPOSE: This will modify regulations for parking standards in the primary frontage to allow additional flexibility for parking to extend into the second layer.

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

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

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Francisco Garcia (Director, Planning): Item PZ.6 is before you on second reading. This is a text amendment to Miami 21, the zoning ordinance.

Commissioner Spence-Jones: So moved.

Chair Suarez: Moved by Commissioner Spence-Jones.

Commissioner Gort: Second.

Chair Suarez: Second by Commissioner Gort. This is an ordinance, right? Okay, so this requires a public hearing. Anyone from the public wishing to speak on PZ.6? Hearing none and seeing none, it is an ordinance.

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, 5-0.

PZ.7**11-01196lu****ORDINANCE****First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES, SUBJECT TO §163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION OF THE NORTHWEST PORTION OF REAL PROPERTY LOCATED AT APPROXIMATELY 150 NORTHEAST 42ND STREET, MIAMI, FLORIDA, FROM "DUPLEX RESIDENTIAL" TO "MEDIUM DENSITY RESTRICTED COMMERCIAL"; AND THE WEST PORTION OF REAL PROPERTY LOCATED AT 4218 NORTHEAST 2ND AVENUE, MIAMI, FLORIDA, FROM "MEDIUM DENSITY MULTIFAMILY RESIDENTIAL" TO "MEDIUM DENSITY RESTRICTED COMMERCIAL"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

11-01196lu CC 07-26-12 Fact Sheet.pdf

11-01196lu Analysis, Maps, Sch. Brd. Conc. & PZAB Reso.pdf

11-01196lu CC Legislation (Version 2) & Exhibit.pdf

LOCATION: Approximately Northwest Portion of 150 NE 42nd Street and West Portion of 4218 NE 2nd Avenue [Commissioner Michelle Spence-Jones- District 5]

APPLICANT(S): Neisen O. Kasdin, Esquire, on behalf of Flagler Holding Group, Inc and FCAA, LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommends approval.

PLANNING, ZONING AND APPEALS BOARD: Recommends approval to City

Commission on June 6, 2012 by a vote of 9-0. See companion File IDs 11-01196ap and 11-01196da.

PURPOSE: This will change the above properties to "Medium Density Restricted Commercial".

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

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

A motion was made by Vice Chair Sarnoff, seconded by Commissioner Spence-Jones, and was passed unanimously, to waive in this particular instance for Ms. Eliz Plater-Zyberk, Article VI, Sec. 2-654 (a), Miami City Code, upon Ms. Plater-Zyberk's oath that she will take the ethics course required for lobbyists in the near future.

Chair Suarez: PZ.7. That's -- go ahead.

Commissioner Carollo: I think -- hold on.

Chair Suarez: PZ.7 is the Dacra special area plan.

Francisco Garcia (Director, Planning): Yes, sir. Item --

Commissioner Carollo: Yeah. The only thing is the district Commissioner isn't present.

Chair Suarez: Oh, okay. Do you want to wait for the district Commissioner? I have no problem waiting for the district Commissioner.

Commissioner Carollo: Yeah. I think --

Chair Suarez: Yeah.

Commissioner Carollo: -- you know, that's been the practice.

Chair Suarez: Yeah, I didn't know. I wasn't sure if it was --

Commissioner Carollo: Yeah.

Chair Suarez: See, that's the -- that's where the lines for me get a little -- I wasn't sure if it was Commissioner Sarnoff or Commissioner Spence-Jones. Okay, great.

Commissioner Carollo: Yeah. That's been the practice in the past.

Chair Suarez: Okay, we'll wait for Commissioner Spence-Jones to arrive, and then we'll do PZ.7, 8 and 9.

[Later...]

Chair Suarez: And now we're going to have the special area plan for Dacra, which is PZ.7. Mayor.

Francisco Garcia (Director, Planning): By way of brief introduction --

Chair Suarez: Sure.

Mr. Garcia: -- Mr. Chairman, items PZ.7, PZ.8 and PZ.9 are all companion items, all of them pertaining to the Design District and the application by Dacra that you will hear in a moment.

Chair Suarez: Excuse me one second.

Mr. Garcia: Yes.

Chair Suarez: Can we -- Madam Clerk, can we open the record for all three items at once and then any public discussion will be on all three of those items?

Priscilla A. Thompson (City Clerk): Correct. And you will vote individually on each one.

Chair Suarez: Correct.

Mr. Garcia: Thank you, sir. And they are integrally connected so it makes every bit of sense to do that. And just to explain very briefly, PZ.7 pertains to the land-use change component of the application. PZ.8 pertains to the special area plan itself, so the zoning for -- the proposed zoning for the special area plan. And item PZ.9 then is the development agreement. I know that the applicants have a very complete presentation to make to you, so I will yield to them and certainly answer any questions you may have.

Neisen Kasdin: Thank you, Chair Suarez. If you would have the monitors be --

Chair Suarez: Activated.

Mr. Kasdin: -- linked up, activated.

Chair Suarez: Is there a --? Can you get the --? They're going to --? They're listening to me now? Okay, please activate the monitors.

Mr. Garcia: While this is taking place, I also wanted to --

Chair Suarez: There we go.

Mr. Garcia: -- add that our recommendation is for --

Chair Suarez: Excellent.

Mr. Garcia: -- approval on all three items and that the Planning, Zoning and Appeals Board also recommended approval unanimously for the presentation.

Mr. Kasdin: Thank you. Neisen Kasdin, Akerman Senterfitt, 1 Southeast 3rd Avenue, along with Javier Fernandez, representing the applicant for this special area plan. With us today are -- on the team include the principal, Craig Robins, who you'll be hearing from briefly, David Holtzman (phonetic), who is in charge of this specific project, the master planner for the Design District, Liz Plater-Zyberk, and Christina Miller, a partner with DPZ (Duany Plater-Zyberk). We also have here John McWilliams, Kimley-Horn, who is doing the civil and traffic, and Tom from Walker Parking, as well as Nathan Browning, the landscape architect. They will all be available as well for questions that you may have. This is a very unique project. I'll try to make my presentation brief because I think most of you are well familiar with this, the neighborhood and what is being proposed. But to just give you an overview and some of the highlights, I'd like to start with just a comment that was made recently in Atlantic City by Richard Florida, the noted futurist. Speaking specifically about the Design District, Florida said, "This is a bold experiment for luxury brands moving their shops out of one of the most affluent malls in the country into an urban center which is essentially untested. It's something of a bellwether, an

unmistakable sign that the economic and commercial center of gravity is shifting away from the suburbs back to the urban core." And finally, he calls it an inflection point today to the one we experienced in the 1970s when retail abruptly decamped to the suburbs. What this represents, and the other investment that you have seen in your community, is a return to the urban core as a true center of this region. It's a tremendous occurrence. It is great for the City, great for jobs, great for the neighborhoods, and in fact, great for our region. I don't think I need to tell you about Dacra and its principal, Craig Robins. I think you're well aware of his history as a pioneering rehab developer in South Beach; the developer, along with the planner of that, Liz Plater-Zyberk, of the internationally acclaimed Aqua residential development on the site of the old St. Francis Hospital. And most recently -- and I think he would probably tell you most importantly -- the work he has done in the Design District, which since the mid-90s, he accumulated substantial portion of the property in that area, took a district that was moribund and bereft of jobs and employment opportunities, was unsafe, and has made it into one of the shining stars of Miami and this region, in fact, achieving international acclaim. In the last few years, he has embarked on an additional approximately \$90 million in acquisitions to round out his holdings and to now evolve the Design District from what it is known for today, as the center of design for retail business, arts, entertainment, as well, to becoming a truly important shopping destination that would serve not only the City but the region, and in fact, attract people from outside of the state and the -- outside of the United States, in fact. The -- what you see there on the board is an overview of the plan for the Design District. Liz will take you through the -- those elements in more detail in just a moment. I think you're all well aware that the Design District is centrally located in Miami-Dade County, and in fact, this region. It's close to Miami Beach. It has great expressway access; people come from the north and the south. And therefore, it represents an addition of retail and activities heretofore not present in the urban core of the metropolitan area but by virtue of its central location, easily accessible. As you drill down, you see in this slide the exact -- the Design District, which lies roughly north of 38th Street, south of 42nd Street, east of Northeast 2nd Avenue, although a portion of it -- rather, west of Northeast 2nd Avenue, although a portion goes all the way to Biscayne Boulevard, and to North Miami Avenue on the west. This shows you the very different uses that will be made in the Design District, which we'll explain in more detail. They're keyed by number. And you can see there will be new anchor department stores, additional new retail. Much of the existing retail will be retained; some of it will be repositioned. The properties in the Design District will be interconnected in a pedestrian way. In addition to the central spine that you see there, which is the extension of the existing Oak Court, there will be connections to the buildings on the sides, much like the V is off of Worth Avenue in Palm Beach. There will be some -- there will be a hotel -- boutique hotel in the Design District; residential above some of the retail. There will be garages interspersed throughout the district to provide sufficient parking, but also to disperse the traffic throughout the district as well. And there is existing live/work which will be retained. So this is truly a mixed-use urban district and it is unique in its conception. Some of the facts that I think are important for you to be aware of with respect to the Design District. I've mentioned to you, of course, this critical location, the center of Miami-Dade County, with great access throughout the entire region, enabling all of that business an opportunity from outside of the area to come into the urban core. The development of this special area plan is estimated to cost \$312 million, excluding the land acquisition and developer costs. It will create, we believe through our economic study, at least 1,230 full-time employment positions, approximately 3.3 million annually in tax revenue to the City of Miami; 2,314 person years of construction employment during a period of construction that will last approximately 4 years. Very significantly, this project retains and works with the character of the existing neighborhood. Many of the existing structures, the historic structures, as well, will all be retained. The low scale of the district will be retained. The buildings are predominantly two and three stories, except for the boutique hotel, which will be a little taller. And so it is very much in keeping with the character and scale of the neighborhood, while at the same time, evolving it in a very positive way. The -- Liz can talk more about the architecture that will be able to be introduced to this project, which I think each -- in and of itself will be a feature and an attraction in the City of Miami. And of course, although this will create the kind of shopping destination that we believe

will attract people from around the world, it will really be a neighborhood shopping district in terms of its style and character, so it'll integrate with the neighborhood and be accessible to people in the neighborhood to use and to work in. The project, of course, complements significant other private and public investment in this community, including Midtown Miami, which is just on the other side of I-195. And when you realize it, when you include what is happening from the high-end retail to the retail that every person can use, you'll be able to obtain that in Miami's urban core within walking distance of each other. That's really a mark of a truly great city and that's what this project is bringing. That shows you now the changes that we are seeking -- the special area plan area, of course, is approximately 19 acres, 19.08 acres. In order to accomplish a special area plan, we must make some minor modifications to both the land use and the zoning. As you see there on the map that's before you, north of 42nd Street, there are some small land-use changes which are being introduced which will enable the introduction of a larger format retail north of 41st Street, as well as some limited commercial activity along Northeast 2nd Avenue, extending up to about 43rd Street, I think it is. The zoning changes, as well, are also minimal. They reflect the land use changes to allow the area north of 42nd Street, the additional retail and some additional limited commercial activity, as well as to allow in the center of the project, which you will see there on 1st Avenue, some slight increase in zoning to allow accommodation for what'll be the boutique hotel, which will be sort of in the center of this shopping village and is an appropriate place for having a taller structure. So those are the items that are before you. We can go into more detail on any of those changes as well, as you wish. The overall master plan, you see there I've gone through with you before what the different elements are, will result in approximately 951,718 square feet of commercial and retail development, 96 residential units, approximately 52 hotel units, supported by a parking inventory in excess of 2,500 spaces. And the development agreement, which is also before you, development order, will allow for a variance of approximately 10 percent above these proposed thresholds. Before I introduce Craig Robins to briefly discuss the project, his concept and vision for this, I would like to mention a couple of other things that may not be in your package right now. Between first and second reading, with respect to the development agreement -- and you are aware that a special area plan requires the property owner to enter into a development agreement with the City, which commits the developer to undertake certain obligations and binds them by certain restrictions, and at the same time gives the developer the protection that this zoning and development can be maintained for years into the future. Those changes include a -- in the public benefits section, that there will be a commitment to make best efforts with respect to local hiring and preference for both employment for locals, as well as selection of local firms to undertake work in the design district. And that will be added to the development agreement and brought before you when this is here on second reading. And in that regard, I would also like to make a special recognition and thank Commissioner Spence-Jones and her office for working with the applicant, Dacra, and connecting them to the community and as well as helping refine the elements of the development agreement that I've discussed here at this time. And that, I think, concludes the presentation. Yes, and although this was mentioned actually and this was agreed to at the P&Z (Planning & Zoning) -- PZAB (Planning, Zoning and Appeals Board) meeting, we now have a handout with respect to specific limitations of the heights along 42nd Street, which we are handing out this page showing the table and how the table is modified to incorporate those height limitations along 42nd Street. And with that, I'd like to introduce Craig Robins and then the master planner for this special area plan, Liz Plater-Zyberk will present. Craig.

Craig Robins: Thank you, Mr. Chairman. I just want to say that since the last time we met -- 'cause I was here not too long ago -- we continue to make incredible progress with the project. Things are moving forward very, very quickly. We anticipate, even though we started several components of the construction, that we'll be more vigorously under construction by the end of the year. The reaction that we've received from brands from all around the world is extremely positive. Since I started working in the City of Miami and developing property here in the mid-90s, I've never experienced personally so much excitement about our city and what's happening in our city and I'm really proud of that. Even more so, I'm pleased to tell you that since we've met, we've conducted meetings with all of the neighborhood associations around the

Design District and have received unanimous support from each of those neighborhood associations, not only support but have forged a spirit of collaboration where we're working together with them with a common goal of making not only a great neighborhood in the Miami Design District, but having the Design District facilitate great neighborhoods all around it. And so I think that the impact that we're all going to see from this project is going to reverberate in many different and special ways. Finally, I was also delighted at the response from the Planning & Zoning Board not only to receive a 9-0 approval of our SAP (Special Area Plan), but also the -- the just very generous and wonderful comments that were made about the project. I don't want to take up your time. I know you're busy, but I want to thank you for everything you all do. And of course, we would greatly appreciate your blessing today in supporting the project.

Chair Suarez: Thank you. Ms. Plater-Zyberk.

Elizabeth Plater-Zyberk: Good afternoon. Liz Plater-Zyberk, 1023 Southwest 25th Avenue. I have about 20 slides and I will try also to run through them very quickly but --

Chair Suarez: Excuse me one second.

Ms. Plater-Zyberk: Yes.

Chair Suarez: Madam Clerk.

Priscilla A. Thompson (City Clerk): Excuse me, Chair, but I do need to let you all know that she's not registered as a lobbyist --

Chair Suarez: Okay.

Ms. Thompson: -- and that is required, so that I think some explanation may be due you all as to what will be taking place and whether or not you all will agree to let her go ahead and speak.

Chair Suarez: Does anyone object to her speaking on the basis of the lobbyist requirement? I don't --

Mr. Kasdin: I would also --

Vice Chair Sarnoff: Why don't we do a motion to waive it?

Chair Suarez: Sure.

Vice Chair Sarnoff: So --

Ms. Thompson: Then I need clarification. If you're saying a motion to waive "it," I need to know what do you mean "it," because your ordinance requires that they be registered --

Chair Suarez: I think the motion is for the purpose of this meeting and this item, to waive the requirement that she have to pass the ethics or attend the ethics course.

Mr. Kasdin: Well, she -- I would also note for the record, Mr. Chair, she is -- Liz is registered for the ethics course and will take --

Chair Suarez: Okay.

Mr. Kasdin: -- the course.

Chair Suarez: Thank you. There's a motion by the Vice Chair.

Vice Chair Sarnoff: So move, right.

Commissioner Spence-Jones: Second.

Chair Suarez: Second by Commissioner Spence-Jones. All in favor, signify by saying "aye."

The Commission (Collectively): Aye.

Ms. Thompson: Thank you.

Chair Suarez: Ma'am, please continue.

Ms. Plater-Zyberk: Thank you. So I'm going to pause on this slide just a little and then run through the others more quickly to say a few things about the plan as a whole and the character of the place that is envisioned. You know, about a decade ago, we worked on a master plan for the Design District for the City, my firm did. And one of the things we noted about the character of the Design District was that it had various cut-throughs through the long blocks. These are very long blocks, like much of the City of Miami has. And some of them were gardenesque and some of them were parking lots that people walked through. But I think we had an idea then that that should become the character of the whole place to facilitate pedestrian movement and future development. That followed by Dacra's initiative on Palm Plaza, which cut between -- made a paved passage and storefronts facing the space between 39th and 40th. And so this plan, in particular the beige four-block-long pedestrian passage that you see on the plan, follows the alignment of that original development. It is anchored at both ends by larger courtyards and engages all of the streets and the landscape plans that you see, the public space embellishments that you'll see along the way are intended not only for this pedestrian passage but also for the existing city streets and sidewalks. So the number twos, of course, that you see are all the new retail. It is a challenge to do mixed use when the retail component of urban development often does not want to be part of something else. As Neisen pointed out, many of these retailers are coming out of mall conditions or situations and they're more accustomed to be part of that kind of situation. But nevertheless -- and so the zoning -- some of the rezoning that you've just seen presented by Mayor Kasdin in fact relates to the sites where mixed-use could occur with less interference with the retailers. Everything is within a block of each other so it's all walkable and certainly should be considered mixed. Many of the existing buildings in -- where you see some of the number threes already have passages through the buildings and so not only is there a north-south pedestrian passage, but there are east-west connections to those existing passages through the buildings, like the Moore building and so on. And so one can truly refer to the villas in Palm Beach because there is a more complex system of movement. It's not just one path, but a series of connected paths. The parking plan shows a significant amount of parking, as you heard. In this diagram what you see in yellow exists and beige and blue. What you see in gray, some of it exists underground under existing buildings; where it's lined in blue, where it's lined in red, it represents new parking. In blocks one and four, the largest pieces, they are underground. The two blocks to the west of first that have significant parking have several stories of parking with retail below. There is -- there will be an orientation system for parking which shows electronically as people drive into the district where parking is located, where it might be full or where there might be spaces open. These are new systems, as you know, and this is one example of what one looks like. And then, of course, there is a full panoply of signage design, which is being worked on for the entire district and it might look different than the one that you've seen on the prior slide and this is one of the studies of another way to do the way-finding for parking. We're talking -- speaking as well with the Public Works departments about slight alterations to the standard City signage, the traffic signage which might, again, represent the unique identity of this part of the City, and so those are some things that are being worked on. Besides vehicle transportation and parking, of course, this is an area that's already served quite richly by buses and there are bicycle lanes and one might imagine that all of that will only expand over time.

And here are some maps from Miami 21 which just point out that the Design District and Midtown have always been perceived of as a stop along a future transit on the rail line, as well as part of the trolley -- one of the downtown trolley routes. So at the level of detailing how to make the parking available, signage, lighting, landscape art and architecture, a great deal of thought has gone into this project and the comprehensive area management, which is intended and part of the development agreement will be dealing with both installation and maintenance of those things. Just some examples, along 38th Street, which is the street immediately to the north of the highway, there is a lot of attention being paid to the department store wall, the potential department store wall, the shops facing the courtyard to the north in terms of locations for public art, street lighting and landscaping. A typical east-west street, either this could be 39th Street or 41st -- we want to be careful about not being specific, although we've shown brands that it's not going to be necessarily these in this location. We're showing the types of design in which each brand will appear to be in a separate building. If you were to go back to that master plan drawing, you would see that indeed some of the stores do have a completely separate building. It really will give it a very nice urban -- small-scale urban feeling. But even some of the buildings, like the Buena Vista building, which in its renovation will allow the brands to, in a sense, standalone as urban elements and not just a sign in a shopping center or mall structure. To that end, one of the reasons to do the SAP was to ask for some code modifications to façade requirements, but a much higher standard will be requested of the retailers as they develop their own designs. And so here are some of the views that show the south plaza entry. This is from the entry from 38th Street. The paseo view was taken between 40th and 41st. That requires -- this particular view shows -- requires a cut-through one of the existing buildings and the remaining blank wall on the right, which would become partially store window, partially water wall, partially landscape, is intended to show you the kind of rich experience of surface that's intended for these paseos. You'll also notice there are trees on the roofs. The paseo is a narrow dimension, good for shopping, but in term -- and will be often shaded by the buildings themselves, but additional shading will come from above. The design, especially along 42nd Street, reflects discussions with the neighborhood, and there is a setback of the building which faces 42nd. The neighborhood asked for certain things, the setback, the meandering path, potentially a door to the department store, if there is one there, but essentially otherwise no frontage facing the neighborhood. As Craig said, a number of buildings are already being worked on within the existing regulatory structure, including 41, which is being renovated. You might remember this is across from DASH (Design and Architecture Senior High) and it used to have a bridge across 2nd Avenue which came down some time ago. The support letters from the neighbors, I'm sure, have been put into the record, but here you can see some of the associations that have expressed their support and as well as have many business owners, as you could imagine. And then just some illustrations to show the ambition of this project. These are images from other parts of the world where these retailers have strived to use up really the latest in architectural design. As you know, that's something that Dacra has committed itself to is bringing the highest and newest standards for art and architecture to our city. That other part -- other places that we have looked at and that are, in a sense, examples or places where some of these brands have worked within the context of a city include parts of London, SoHo (South of Houston) in New York, and then the public spaces as model -- places that are models of landscape and public use. Of course, we've looked to places like Las Ramblas, Marbella, the narrow medieval streets of Mediterranean towns are really quite a wonderful example. These are the -- some of the drawings which show the ideas of landscape in the south courtyard where you see Palm Court, as it will be called, with the entrance to the garage below, the trees on the roof along the walkways, additional trees on the street, trees with the idea of using, especially mature trees, which is an extra effort but something that everyone is committed to. There is increasing knowledge about how to make green walls. There's actually an experimental one on our river here in Miami, and so we hope that that will be an important part of what we're doing. Some of IPC's suggestions about bringing large trees onto the streets as well. And this is a few photos of a mature tree being placed on the roof of a new building just west of the Moore building, the (UNINTELLIGIBLE) building, which has recently been constructed and is just being finished. Lighting is also an important factor and so there's some interesting ideas about lighting, various

kinds of ambient and indirect lighting that might give character to the spaces as you move through them. We've been speaking with the Public Works Department about possibly even a colored or blue light that would light the streets, the pedestrians being given the brighter lighting. And this is just a diagram that shows how that might play out. A picture of the south court, the south plaza lit at night. The architects have already been selected, the design architects for this area; and that is a real Buckminster Fuller dome, which will be the way down to the parking and will bring natural light into the parking below. In summary, all of this, we hope, will bring us to become -- to be able to be the first LEED (Leadership in Energy and Environmental Design) neighborhood -- LEED ND (Neighborhood District) designated place in South Florida, and that's being worked on currently. There is a schedule which perhaps Neisen would like to speak to, and then I have two slides to finish with after that.

Chair Suarez: No. You're on a roll. Go ahead.

Mr. Kasdin: Go ahead, yes.

Ms. Plater-Zyberk: All right. You know, Craig talked about the excitement that has been generated by this project already and so there is copious coverage of it in that -- with that enthusiasm, which we wanted to point out to you. And then just to reiterate that you're working with a group that has a long-time commitment, is from the region and intends to continue its commitment to bringing the best aesthetic embellishments to our city and to our region. Do you want me to go back to the calendar?

Mr. Kasdin: If you would, thank you. As you can see, they are on a fast timetable here, second reading, and we are now looking at July -- I think the 26th actually, right? -- 26 for second reading and then construction will start this fall, and the grand opening of phase I will be in the fall of 2014 in time to make the retail reason for 2014/2015. As you know, retail developments have to open in time for the shopping season, and so that's why we're on the schedule we're on. The construction for phase II will commence while phase I is still under construction, with the grand opening in the fall of 2015. And with that, Mr. Chair, just -- I'd like to briefly just highlight a couple of things. This is actually -- the special area plan allows some flexibility from the guidelines of Miami 21, but the amendments that we are seeking are really very modest in scope. And just so that it is clear, I just want to review very briefly with you the specific zoning changes which are accompanied by land-use changes as needed to accommodate that; that is that the area along Northeast 2nd Avenue, north of 42nd Street, will go from T4 L to T4 O, open, to allow limited additional commercial uses; along 41st Street, it will change from T4 O to T5 O to allow the larger format retail. The next two changes, the north side of 40th Street, west of 1st Avenue, will go from T5 O to T6-8; and south of 40th Street and east and the west side of 1st Avenue, from T5 O to T6-12. This will allow the boutique hotel and some of the residential. And I also want to be clear that east of Federal Highway, the Tuttle Street properties, there will be a change from T6-12 L to a T6-12 O, so not changing the intensity; just somewhat of a liberalization in the uses. The other changes are text changes in the code to accommodate a development of this nature, which is principally retail oriented. What Mr. Fernandez, who has worked very diligently on this project, also wanted me to make sure to bring to your attention is that as a result of our ongoing discussions with the neighbors, the T5 that is fronting Northeast 42nd Street shall have a minimum setback of 10 feet and an additional setback of 5 feet at the second story. So it steps back from the Buena Vista neighborhood and will be very heavily landscaped. And the T5 north of 41st Street shall have a maximum height of 50 feet, which is significantly under the allowable height for T5. The resulting development -- and this is very important to understand, how restrained this development is. The development program, as I mentioned to you, is 951,718 square feet, and there's an ability to vary this by up to 10 percent. This is significantly less than the intensity and mass of development allowed under -- currently allowed or allowed in the future under the underlying zoning. So Mr. Robins and his partners are leaving an awful lot of development rights on the table in going forward with this project in the fashion in which they're going forward. And I would just like to conclude as well -- I know I

speak on behalf of Craig and his partners in wanting to extend their heartfelt thanks to the Planning staff for working so closely with the Dacra team in developing this SAP; thank Commissioner Spence-Jones for helping facilitate dialogue on this project throughout with respect to the neighbors; and I know Mr. Robins would also particularly like to thank the neighbors and neighboring groups, particularly Buena Vista East Homeowners Association, for working so closely with them to make this such a magnificent project. We thank you. We're here for your questions.

Chair Suarez: Thank you.

Mr. Kasdin: And we request your support. Thank you.

Chair Suarez: Thank you, Mayor.

Ms. Chiaro: Mr. Chair, before you proceed, I just want it to be clear about the waiver that you gave prior to be --

Chair Suarez: Sure.

Ms. Chiaro: -- getting this. In order to protect your authority to grant those waivers, I need it to be clear on the record that what you did was allow Ms. Plater-Zyberk to speak today upon representation that she would, upon completion of the course, register as a lobbyist.

Chair Suarez: Yes. Thank you for that clarification. And that suffices for testimony or evidence on PZ.7, 8, and 9. And we will now open up the public record for also PZ.7, 8, and 9. Anyone wishing to speak on any of those three items? Sir, you're recognized.

Kent Harrison Robbins: Good afternoon. Kent Harrison Robbins. I'm an attorney. I represent Essie Investment Holdings, LLC (Limited Liability Company). That's a Florida corporation which owns property right in the middle of this proposed SAP. The property's located at 120 Northeast 39th Street. Just a moment. I just want to make it very clear. My name is Kent Harrison Robbins. That's with two Bs and Craig is with one B. And very often there is usually literary reference because very often it's asked, Are you the Robins with two Bs or not two Bs? So I just wanted to let you know that that's something that we have faced in the past.

Commissioner Gort: He's the not to be.

Mr. Robbins: I want to make it real clear that our entity has actually filed a challenge in the past and it's pending in the courts, a challenge to the closing of Northeast 1st Court between 38th and 39th Street. That challenge is still pending in the Third District Court of Appeal. It's in briefing at this point. We are concerned about and we are still discussing possible ways of mitigating the adverse impact that is being imposed on our property by the closing of Northeast 1st Court between 38th and 39th Street. And as I represented to the Planning and Zoning, there are conversations going on at least between counsel about ways of trying to resolve that, but right now we do have a fundamental problem with this SAP to the extent that it does expect to close Northeast 1st Court. We own a storefront right on 39th Street, just right there. It's a small rectangular property surrounded on three sides by the proposed development right between Northeast 1st Court and Northeast 1st Avenue on the south side of 39th Street. The proposed underground parking garages in the diagrams at least show a parking -- underground parking facility on our property lines to the south, east and west. Now, it is no doubt that eventually, with the right engineering that can be exercised, a garage could be built, but it seems to be -- it would be very difficult. And we have concern that -- and there's a risk -- our property could be damaged during the course of construction given that they're planning to build below us and right to our property line. As we well recognize, there's a common law duty of property owners to adjacent property owners to provide lateral support. And we've discussed that -- in fact, Mr.

Kasdin and I discussed that today, and we're hoping that we will address those issues and incorporate them into conditions at the next hearing. We are concerned about construction cutting off access to our property. Given that we're completely surrounded, we would request that the City work with us to establish a traffic plan to assure that access is not cut off to our property during the course of construction. I'd ask that to be a specific condition of any type of development agreement and the SAP to assure that we're not adversely impacted during the course of construction. And we're, of course, still concerned about the blocking of traffic along Northeast 1st Court between 38th and 39th Street. We believe that if, in fact, the street closing is reversed by the courts that this matter would have to come back for a reconsideration. We do not believe that this project can go forward with the reversal of that decision. We hope that we'll sit down with the developer and work out these issues. There have been preliminary discussions, and we're hoping that it will work out. So given those objections, we'd ask that this Commission direct staff and direct the developer to try to figure out a way of resolving our issues so this project, which is a very ambitious project and I personally as a member of the Miami Beach community who's been with Craig for 20, 25 years and watched him with the success elsewhere, I hope the best for his success, but sometimes he may have to work with us to be able to prevent adverse impact upon his neighbors. Thank you very much.

Chair Suarez: Thank you, sir. Next speaker. Is there anyone else that would like to --? Thank you.

Wendy Stephan: Hello. My name is Wendy Stephan. I live at 101 Northeast 43rd Street. I'm here today representing the Buena Vista East Historic Neighborhood Association and their board. Our president, Rich Strayman (phonetic), apologizes for not being able to be here today. He was traveling. So I am here today in support of the three items. You probably saw our letter of support in the packet and you might have noticed that it was dated November of last year. So we have been part of this process from not the beginning but well along, and we really appreciate the opportunity to have been at the table, as it were, as the project sort of started shaping up. And we were able to have sort of direct conversations about the interface between the project, which is largely commercial in our residential single-family neighborhood to the north. It is a historic neighborhood, so we're under a lot of restrictions in terms of what we can do. And we have that opportunity to make a few really important changes to the project or ask for these changes, and they have been very receptive in including them. So the 50-foot height cap of course is one that's critical. That was the handout that you just received. That language is going to be incorporated in the final before the second reading. We had hoped it would be there today, but we're making progress and that's good. So also, an additional setback there which allows for the increased landscaping in that area, because 42nd Street actually directly abuts the historic neighborhood and there are several contributing structures, homes, very beautiful homes, historic homes on that street itself. So we had a concern for preserving that. So in general, we're very pleased about the project. Overall, I mean, it's a low-scale, low-density project. That's really a relief. And for us, in terms of big picture, this project, the special area plan will essentially settle the question of what the character of the Design District is. We have dealt with a lot of speculation in the Design District in the former SD-8 area, huge amounts of speculation which led to big holes in the ground over years and years and years as projects were proposed and failed. Some of those projects were 200 to 430 feet, I think was the largest project that we did oppose. So this is very encouraging in the sense that this -- because it's so large and it incorporates such -- so much area that essentially we know now what the Design District is going to look like going forward, so it's a huge relief to us in that sense. We're very pleased about the project being green literally and figuratively; lots of trees. Our neighborhood is very walkable. We've worked with the City and the County to put in new sidewalks, increase trees, and we've seen the benefit of that: a lot of people out walking. And the fact that this project will also be walkable is a wonderful thing, because it'll tie us -- tie into existing walking patterns. We're always walking to Midtown and back and forth. This will give us even more destination, so that's exciting. We like the fact that it's also environmentally sensitive. We think that's a very nice thing. Obviously, this is going to bring tremendous amount of traffic to the neighborhood.

We recognize that, and that will be a challenge. But we do like the fact that the parking has clearly been well thought out. It's spread out through the project. It's underground. These are all elements that protect us. We do recognize there will be challenges going forward, and we have a partnership and a commitment between Dacra and our neighborhood association to continue working, you know, and communicating on issues of security, beautification, traffic and construction, noise debris, that type of thing. So thank you very much. We hope that you can support the project.

Chair Suarez: Thank you. Anyone else from the public wishing to speak on --? Sir, you're recognized.

Terence Riley: Hi. How are you? Terry Riley --

Chair Suarez: Very well.

Mr. Riley: -- 168 Northeast 43rd Street. I'm here as a neighbor, a double neighbor, I would say. I live on 43rd Street, and I have my office in the Design District. So in some ways, my day-to-day existence, which used to involve some level of commuting, has been transformed by what's happening in the Design District. I walk to work. I -- the Design District, which when I moved to Miami had one restaurant and was dark at night, is now a vibrant place with all sorts of amenities, very nice restaurants, but also cafés and pizza parlors that are certainly not what you would call excessively expensive. It is becoming this mutual relationship with the Design District and the nearby Buena Vista neighborhood. It is becoming an example of what the urban core in Miami can be. It can be a place for living. It could be a place for working. And it could be a place where cars are playing less and less of a role. When I started living in this neighborhood, there was no problem with parking, nobody was on the streets. It was just not an issue. And I think that both in terms of the neighborhoods and the proposed special area plan, this is being taken care of, but certainly, it's a great sign. And from a macro point of view, I'm also -- I was previously the director of the Miami Art Museum for four years. I commuted every day from 43rd Street to Flagler, passing Museum Park to see the construction there, which I still do, and the -- At that time not only was there one restaurant in the Design District; 50 acres of Midtown was inappropriately being used as a container facility, and we all know what some of the problems were with downtown. The confidence I have in seeing what's happening in the Design District, Midtown, downtown, and the Biscayne makes me think that Miami has a great future in terms of the urban development of the urban core. Thank you very much.

Chair Suarez: Thank you, sir. Thank you for abiding by the time requirements. Is there any other member of the public that wishes to speak on PZ.7, 8, or 9? Seeing none, the public hearing for the three are closed. Coming back to this Commission, is there a motion or a Commissioner that wishes discussion?

Commissioner Spence-Jones: Discussion, yes.

Chair Suarez: Sure.

Commissioner Spence-Jones: So moved.

Chair Suarez: Moved by Commissioner Spence-Jones.

Commissioner Carollo: Second.

Chair Suarez: Second by Commissioner Carollo. Commissioner Spence-Jones, you are recognized.

Commissioner Spence-Jones: First of all, I want to say on the record so that -- Madam City

Attorney, just so that there's no issues on any Jennings or any related issues to Jennings, that I was able to have a conversation with both neighbors and a conversation with the Dacra group and their representatives regarding this overall project. And I just wanted to at least put on the record that I'm glad that all parties were able to sit down and work through the concerns and issues I had upon my returning. This was never about supporting this project. We know this project is wonderful for -- not only for our district, District 5, but it's wonderful for the City. That was never the question. I'm glad we were able to work through the differences regarding the jobs and employment in the area. For me that was a sticking point, and I know that we're going to deal with that in the item number 9, but just knowing that we were able to sit down and really work on and plan that make sense for all of the residents of the City of Miami. Also, I want to -- I know there's two additional items. We're passing it on the first reading. But there's two additional items that we just wanted to make sure will be added in this actual community benefits agreement, and it was centered around the items that we actually voted on today which dealt with jobs and small businesses, making sure that that's also included in this upcoming language in the second reading. I just think it's important that we keep everything consistent across the board by adding that language. I also want to mention -- and, no, I don't want to ignore when other property owners come to put something on the record. I think it's important that the City Manager works to not -- for not just for only this property owner, but if there are any other property owners in the overall area that will be affected by the construction, that there is some sort of system put in place to address their issues as well, because we know that that is going to become a problem for their business as well. So I want to make sure that that is also addressed. I think that was it. I want to acknowledge on the record Javier Fernandez. Where's Javier? I want to especially commend Javier for his hard work and his dedication to make sure that all sides were happy. And at the end of the day, as the elected official, I have a responsibility not just to my -- to property owners in the area; I have a responsibility to those that also elect me. And I know for a fact that Javier went out of his way to do whatever was necessary to make sure, you know -- of course, his clients were happy, but at the same time, the businesses in the area, the smaller businesses that are in that area, the homeowners associations and residents in the area also benefited from it. I want to also acknowledge Craig, because I know we had our little head-butting session in the first one. But I appreciate you stepping back and humbling yourself on the issue and to really look at all the issues, you know, that affect the -- everybody; and even going beyond that to work with us on the Hospitality Institute by partnering us up with other individuals that may be able to help some of the residents that actually go through the hospitality training program or partnering us up with Fontainebleau to make that a reality for residents that aren't necessarily in that area but, you know, that can benefit from being a part of that partnership, and you didn't have to do it. So I wanted to at least acknowledge your support on that. And then last but not least, the Administration. I'd like to definitely acknowledge Francisco. I think that this project was probably my first project on my way coming back, and I know that I gave him an extremely hard time on this issue, but he always kept a smile on his face, even though he probably wanted to strangle me. But I appreciate your patience in allowing for us to work through our differences to make sure that everyone was pleased in the end. So the only thing I would like to see happen is the second reading on these items, just to make sure those additional things are included in the changes.

Mr. Garcia: Yes, ma'am, gladly.

Chair Suarez: Great. Any other Commissioner? It's been moved and seconded. I just want to say a couple things real quick. First of all, I love the ideas, the concepts that are shown. I mean, I just came from Europe, and I know I keeps [sic] repeating it, but it's incredible what Miami can be, and it takes visionaries like Craig and the private sector to make it a reality. The signage, I love the idea of having different kind of signage. I think that's one of the -- and, you know, I think I've discussed it before in open chambers with the Vice Chair. That's one of the things that I think can unlock the key [sic] to downtown as well. And the last thing I was wondering was if Mr. Robins got a patent on the black-rimmed glasses, because all the NBA (National Basketball Association) players are wearing it, and I don't know if you're getting a royalty from that.

Madam City Attorney. Hold on a second, I'm sorry. Commissioner Gort would like to say something.

Commissioner Gort: A statement was made. It was the joint venture, public sector and private sector. What is the portion of the public sector?

Mr. Kasdin: When we speak in terms of a joint venture -- this is a very complex project -- first and foremost, it's the work that has been done over the months with your City staff and Administration. But it also includes, among other things, acquisition of property from the Miami Parking Authority to develop one of the parking facilities, and they'll be jointly working on street improvements in the designs that you saw here to benefit the entire district. We have worked as well, collaboratively, on potential legislative initiatives. So -- although this is not the same kind of public/private project as the Midtown Miami was where there was a huge infusion of CRA dollars, there is extensive cooperation, without which this couldn't happen, Commissioner.

Commissioner Gort: Okay. I just want to make sure 'cause that was mentioned. People were aware of what kind of contribution was from the public sector.

Mr. Kasdin: Yes.

Commissioner Gort: Thank you.

Chair Suarez: And I think it's very relevant what the Commissioner is saying, because we were at a project groundbreaking yesterday, which was a billion-dollar project where there was also no public subsidy. And it's what Mr. Robins said. You know, people -- the belief in Miami has reached the crescendo. And these two projects, a billion dollars and, you know, three hundred million dollars, which will create, I think in between the two of them, over 5,000 permanent and full-time jobs.

Commissioner Gort: Yep.

Chair Suarez: It's really unbelievable, particularly coming out of a recessionary period in this country. So it's been moved and seconded. Madam City Attorney.

Ms. Chiaro: And the motion was directed to PZ.7.

Chair Suarez: Right.

Ms. Chiaro: Before I read the ordinance, I wanted to clarify again the record that the comments by Commissioner Spence-Jones related to the community benefits language are to be included in the development agreement if it is approved on first reading and to come back on second reading as PZ.9.

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.

Chair Suarez: And I just want to say that I'm going to push -- and I think it's already been contemplated and I know that the Vice Chair has been a big advocate of making sure that our trolley system, which is receiving I think three times -- 300 percent the amount of ridership that was originally projected is connected from, you know, Biscayne to the Design District, and that's something that I'm going to be advocating for and I'm sure the Vice Chair and everyone else here will be advocating for as well.

Ms. Thompson: So just wanting to make sure that on --

Chair Suarez: Unanimous.

Ms. Thompson: -- the record, your PZ -- I'm sorry, PZ.7, your first reading ordinance, has been passed on first reading, 5-0.

Chair Suarez: Correct.

PZ.8**ORDINANCE****First Reading****11-01196ap**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING WITH CONDITIONS, PURSUANT TO ARTICLES 3 AND 7 OF THE MIAMI 21 CODE, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, REZONING CERTAIN PARCELS FOR THE DEVELOPMENT OF APPROXIMATELY 19.08 ACRES FOR THE "MIAMI DESIGN DISTRICT RETAIL STREET SPECIAL AREA PLAN ("SAP")", COMPRISED OF SELECTED PARCELS, BOUND APPROXIMATELY BY NORTHEAST 43RD STREET AND NORTHEAST 42ND STREET TO THE NORTH, NORTH FEDERAL HIGHWAY AND BISCAYNE BOULEVARD TO THE EAST, NORTHEAST 38TH STREET TO THE SOUTH, AND BY NORTHEAST MIAMI COURT AND NORTH MIAMI AVENUE TO THE WEST, MIAMI, FLORIDA, AS DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 1,109,488 SQUARE FEET OF FLOOR AREA SPLIT AMONG 51 PARCELS: A) APPROXIMATELY 951,718 SQUARE FEET OF EXISTING AND PROPOSED COMMERCIAL SPACE; B) APPROXIMATELY 96 RESIDENTIAL UNITS; C) APPROXIMATELY 53 HOTEL UNITS; D) APPROXIMATELY 2,571 ABOVE GROUND AND BELOW GRADE PARKING SPACES; E) APPROXIMATELY 41,735 SQUARE FEET OF CIVIC SPACE; AND F) APPROXIMATELY 35,191 SQUARE FEET OF OPEN SPACE; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

11-01196ap CC 07-26-12 Fact Sheet.pdf

11-01196ap Analysis, Maps & PZAB Reso.pdf

11-01196ap CC Legislation (Version 3) & Exhibits.pdf

11-01196ap Binder Cover.pdf

11-01196ap Binder Table of Contents.pdf

11-01196ap CC Binder Section A. Project Information.pdf

11-01196ap Binder Section B. Overall Project Description.pdf

11-01196ap Binder Section C. Thoroughfares and Circulation.pdf

11-01196ap Binder Section D. Examples and Illustrations.pdf

11-01196ap Binder Section E. Landscapes and Views.pdf

11-01196ap CC Binder Section F. Regulating Plan.pdf

11-01196ap Binder Section G1. Supporting Documents.pdf

11-01196ap Binder Section G2. Supporting Documents.pdf

LOCATION: Selected Parcels, Bound Approximately by NE 43rd Street and NE 42nd Street to the North, North Federal Highway and Biscayne Blvd to the East, NE 38th Street to the South, and NE Miami Court and North Miami Avenue to the West [Commissioner Marc David Sarnoff - District 2 and Commissioner

Michelle Spence-Jones - District 5]

APPLICANT(S): Neisen O. Kasdin, Esquire, on behalf of "Miami Design District Retail Street SAP" Applicant Entities Described in Exhibit "B" and the City of Miami

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommends approval with conditions*.

PLANNING, ZONING AND APPEALS BOARD: Recommends approval with conditions* to City Commission on June 6, 2012 by a vote of 9-0. See companion File IDs 11-01196lu and 11-01196da.

*See supporting documentation.

PURPOSE: This will allow the rezoning of certain parcels for the development of Approximately 19.08 acres for the "Miami Design District Retail Street SAP".

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

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

Chair Suarez: PZ.8, it's an ordinance.

Maria J. Chiaro (Deputy City Attorney): I need a motion.

Commissioner Carollo: So moved.

Commissioner Spence-Jones: Second.

Chair Suarez: Moved by Commissioner Carollo, second by Commissioner Spence-Jones. You usually need that, right, before you can get going?

Ms. Chiaro: Well, I can read it without if you want me to.

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.

Chair Suarez: Can you say that three times fast?

Ms. Thompson: Your roll call.

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

Ms. Thompson: The ordinance has been passed on first reading, 5-0.

PZ.9

11-01196da

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING A DEVELOPMENT AGREEMENT, PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BETWEEN "MIAMI DESIGN DISTRICT RETAIL STREET SPECIAL AREA PLAN (SAP)" APPLICANT ENTITIES AS DESCRIBED IN EXHIBIT "A" AND THE CITY OF MIAMI, FLORIDA, RELATING TO THE REZONING OF CERTAIN PARCELS

FOR THE DEVELOPMENT OF APPROXIMATELY 19.08 ACRES FOR THE "MIAMI DESIGN DISTRICT RETAIL STREET SAP", COMPRISED OF SELECTED PARCELS, BOUND APPROXIMATELY BY NORTHEAST 43RD STREET AND NORTHEAST 42ND STREET TO THE NORTH, NORTH FEDERAL HIGHWAY AND BISCAYNE BOULEVARD TO THE EAST, NORTHEAST 38TH STREET TO THE SOUTH, AND NORTHEAST MIAMI COURT AND NORTH MIAMI AVENUE TO THE WEST, AS DESCRIBED IN EXHIBIT "A", FOR THE PURPOSE OF REDEVELOPMENT OF SUCH LAND FOR MIXED USES; AUTHORIZING THE FOLLOWING USES INCLUDING, BUT NOT LIMITED TO: RESIDENTIAL, COMMERCIAL, LODGING, CIVIC, EDUCATIONAL AND CIVIL SUPPORT, PARKING GARAGE AND ANY OTHER USES AUTHORIZED BY THE "MIAMI DESIGN DISTRICT RETAIL STREET SAP", AND PERMITTED BY THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN - FUTURE LAND USE MAP DESIGNATION AND THE MIAMI 21 CODE, THE CITY OF MIAMI ZONING ORDINANCE DESIGNATION; AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEVELOPMENT AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

11-01196da CC 07-26-12 Fact Sheet.pdf

11-01196da CC Legis. (Ver. 2), Developmt Agmt & Exhibits.pdf

LOCATION: Selected Parcels, Bound Approximately by NE 43rd Street and NE 42nd Street to the North, North Federal Highway and Biscayne Blvd to the East, NE 38th Street to the South, and NE Miami Court and North Miami Avenue to the West [Commissioner Marc David Sarnoff - District 2 and Commissioner Michelle Spence-Jones - District 5]

APPLICANT(S): Neisen O. Kasdin, Esquire, on behalf of "Miami Design District Retail Street SAP" Applicant Entities Described in Exhibit "A"

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommends approval. See companion File IDs 11-01196lu and 11-01196ap.

PURPOSE: This will allow the development of approximately 19.08 acres for the "Miami Design District Retail Street SAP".

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

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

Chair Suarez: PZ.9. Is there a motion?

Commissioner Spence-Jones: So moved.

Commissioner Gort: Move it.

Commissioner Carollo: Second.

Chair Suarez: Motion by Commissioner Spence-Jones, second by Commissioner Gort. It's an ordinance.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Priscilla A. Thompson (City Clerk): Just wanting to make sure that with the statement made by the City Attorney earlier, is this PZ.9 going to show a modification or is it as is?

Ms. Chiaro: It is as is read here and will come back on second reading with language as discussed on the record.

Ms. Thompson: Thank you. Your roll call. Commissioner Carollo?

Commissioner Carollo: Yes.

Ms. Thompson: Vice Chair Sarnoff?

Vice Chair Sarnoff: Yes.

Ms. Thompson: Commissioner Gort?

Commissioner Gort: Yes.

Ms. Thompson: Commissioner Spence-Jones?

Commissioner Spence-Jones: Yes, as amended.

Ms. Chiaro: This item is as is the changes that were discussed on the record will be included for the City Commission to approve on second reading. So the item as it appears in this agenda package does not have amendments in it. The amendment --

Commissioner Spence-Jones: (INAUDIBLE). 32150

Ms. Chiaro: That's correct.

Ms. Thompson: Then Chair Suarez?

Chair Suarez: Yes.

Ms. Thompson: The ordinance has been passed on first reading, 5-0.

Chair Suarez: PZ.15.

Craig Robins: Thank you very much, Mr. Chair and Commissioners, and especially Commissioner Spence-Jones. Thank you for your very kind thoughts.

Chair Suarez: You're welcome. Good luck.

Commissioner Gort: Start working.

Commissioner Spence-Jones: Mr. Chairman.

Chair Suarez: Yes.

Commissioner Spence-Jones: I just want to be clear. I know 10 and 11 is out, right?

Chair Suarez: 10 and 11 are out. We still have 12, 13 --

Commissioner Spence-Jones: So you're just skipping -- you're going straight to 15 --

Chair Suarez: Yeah, 'cause --

Commissioner Spence-Jones: -- time certain?

Chair Suarez: No. It's -- the person is getting a flight and they asked if --

Commissioner Spence-Jones: Oh.

Chair Suarez: -- we could take up their item.

PZ.10**11-00700lu****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 PROPERTY LOCATED AT APPROXIMATELY 840 NORTHEAST 78TH STREET, MIAMI, FLORIDA, FROM "MEDIUM DENSITY MULTIFAMILY RESIDENTIAL" TO "MEDIUM DENSITY RESTRICTED COMMERCIAL"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

11-00700lu CC 07-26-12 Fact Sheet.pdf

11-00700lu Analysis, Maps, School Concurrency & PZAB Reso.pdf

11-00700lu Application & Supporting Documents.pdf

11-00700lu CC Legislation (Version 2) & Exhibit.pdf

LOCATION: Approximately 840 NE 78th Street [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Lynn M. Summers, Authorized Representative, on behalf of Marine Max East, Inc., Owner

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommends approval.

PLANNING, ZONING AND APPEALS BOARD: Recommends approval to City Commission on October 5, 2011 by a vote of 8-1. See companion File ID 11-00700zc.

PURPOSE: This will change the above property to "Medium Density Restricted Commercial".

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

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

Absent: 2 - Commissioner(s) Gort and Spence-Jones

PZ.11

ORDINANCE**First Reading****11-00700zc**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM "T5-R" URBAN CENTER ZONE-RESTRICTED TO "T5-O" URBAN CENTER ZONE-OPEN, FOR THE PROPERTY LOCATED AT APPROXIMATELY 840 NORTHEAST 78TH STREET, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

11-00700zc CC 07-26-12 Fact Sheet.pdf

11-00700zc Analysis, Maps & PZAB Reso.pdf

11-00700zc Application & Supporting Documents.pdf

11-00700zc CC Legislation (Version 2) & Exhibit.pdf

LOCATION: Approximately 840 NE 78th Street [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Lynn M. Summers, Authorized Representative, on behalf of Marine Max East, Inc., Owner

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommends approval.

PLANNING, ZONING AND APPEALS BOARD: Recommends approval to City Commission on October 5, 2011 by a vote of 8-1. See companion File ID 11-00700lu.

PURPOSE: This will change the above property to "T5-O" Urban Center Zone-Open.

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

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

Absent: 2 - Commissioner(s) Gort and Spence-Jones

PZ.12

ORDINANCE**First Reading****11-00823lu**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO §163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION OF REAL PROPERTIES LOCATED AT APPROXIMATELY 457, 465, 473 AND 485 NORTHEAST 77TH STREET ROAD, MIAMI, FLORIDA, FROM "MEDIUM DENSITY MULTIFAMILY RESIDENTIAL" TO "PUBLIC PARKS AND RECREATION"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

11-00823lu CC 07-26-12 Fact Sheet.pdf
11-00823lu Analysis, Maps & PZAB Reso.pdf
11-00823lu CC Legislation (Version 2) & Exhibit.pdf

LOCATION: Approximately 457, 465, 473 and 485 NE 77th Street Road
[Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Johnny Martinez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommends approval.

PLANNING, ZONING AND APPEALS BOARD: Recommends approval to City Commission on May 16, 2012 by a vote of 9-0. See companion File ID 11-00823zc.

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

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

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

Chair Suarez: PZ.12 and 13.

Francisco Garcia (Director, Planning): Yes, sir. Items PZ.12 and PZ.13 are land-use and rezoning requests, respectively. The City is the applicant. This is actually to change the land use and the zoning for a given parcel of land which, although by default has been used as a park, has never been zoned as such. Our recommendation is for approval and so did the Planning, Zoning and Appeals Board recommend approval unanimously.

Commissioner Gort: Move it.

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

Commissioner Spence-Jones: Second.

Chair Suarez: Second by Commissioner Spence-Jones. This is a public hearing item as well. PZ.12, anyone wishing to speak on PZ.12? Seeing none, hearing none, the public hearing on PZ.12 is closed. This is an ordinance.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Priscilla A. Thompson (City Clerk): And your roll call.

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

Ms. Thompson: The ordinance has been passed on first reading, 5-0.

Chair Suarez: And I just want to clarify that the public record was on PZ.12 and 13, which are companion items.

Ms. Thompson: Correct.

Chair Suarez: Okay.

PZ.13

ORDINANCE**First Reading****11-00823zc**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF THE PROPERTIES LOCATED AT APPROXIMATELY 457, 465, 473 AND 485 NORTHEAST 77TH STREET ROAD, MIAMI, FLORIDA, FROM "T4-R" GENERAL URBAN TRANSECT ZONE-RESTRICTED TO "CS" CIVIC SPACE ZONE; MAKING FINDINGS CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

11-00823zc CC 07-26-12 Fact Sheet.pdf

11-00823zc Analysis, Maps & PZAB Reso.pdf

11-00823zc CC Legislation (Version 2) & Exhibit.pdf

LOCATION: Approximately 457, 465, 473 and 485 NE 77th Street Road
[Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Johnny Martinez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommends approval.

PLANNING, ZONING AND APPEALS BOARD: Recommends approval to City Commission on May 16, 2012 by a vote of 9-0. See companion File ID 11-00823lu.

PURPOSE: This will change the above properties to "CS" Civic Space Zone.

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

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

Chair Suarez: Is there a motion on PZ.13?

Commissioner Gort: Move it.

Chair Suarez: Moved by Commissioner Gort.

Commissioner Carollo: Second.

Chair Suarez: Second by Commissioner Carollo. It's an ordinance.

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. Commissioner Spence-Jones?

Commissioner Spence-Jones: Yes.

Ms. Thompson: Vice Chair Sarnoff? Vice Chair?

Vice Chair Sarnoff: I was looking --

Ms. Thompson: Oh, okay.

Chair Suarez: Vice Chair?

Ms. Thompson: He's checking something.

Vice Chair Sarnoff: I'm just looking at something. Sorry.

Chair Suarez: Oh, I'm sorry.

Ms. Thompson: Okay.

Vice Chair Sarnoff: I'm looking at this.

Ms. Thompson: So I'll move on.

Vice Chair Sarnoff: Go ahead.

Ms. Thompson: Okay. Then Commissioner Carollo?

Commissioner Carollo: Yes, on first reading.

Ms. Thompson: Commissioner Gort?

Commissioner Gort: Yes.

Ms. Thompson: Vice Chair? Thank you. And then Chair Suarez?

Chair Suarez: Yes.

Ms. Thompson: The ordinance has been passed on first reading, 5-0.

Chair Suarez: Thank you.

PZ.14

12-00252za

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), DENYING OR GRANTING THE APPEAL BY GILBERTO PASTORIZA, AFFIRMING OR REVERSING THE DECISION OF THE PLANNING, ZONING AND APPEALS BOARD, THEREBY UPHOLDING OR REVERSING THE ZONING ADMINISTRATOR INTERPRETATION 12-0001 DATED FEBRUARY 16, 2012, REGARDING ACCESSORY PARKING.

12-00252za CC 06-28-12 Fact Sheet.pdf

12-00252za PZAB & Zoning Adm. Appeal Docs.pdf

12-00252za CC Executed Legis. (Vers. 3 & 4) & Interpretation.pdf

LOCATION: Citywide

APPELLANT(S)/REQUESTOR(S): Gilberto Pastoriza, Esquire, on behalf of Barlington Group, LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommends denial of the appeal

and uphold the Zoning Administrator's Interpretation.

PLANNING, ZONING AND APPEALS BOARD: Denied the Zoning Administrator Interpretation appeal on April 4, 2012 by a vote of 5-3.

PURPOSE: The approval of this appeal may result in the reversal of a zoning interpretation regarding accessory parking.

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

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

Absent: 2 - Commissioner(s) Gort and Spence-Jones

Note for the Record: Item PZ.14 was deferred to the September 27, 2012 Commission Meeting.

PZ.15

12-00486ha

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION GRANTING THE APPEAL FILED BY BRUCE A. WEIL AND REVERSING THE DECISION OF THE HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD, WHICH APPROVED WITH CONDITIONS A CERTIFICATE OF APPROPRIATENESS FOR MAJOR RENOVATIONS, ADDITIONS AND SITE WORK TO A CONTRIBUTING HOME AT 5901 NORTH BAYSHORE DRIVE, MIAMI, FLORIDA, WITHIN THE MORNINGSIDES HISTORIC DISTRICT.

12-00486ha CC 06-28-12 Fact Sheet.pdf

12-00486ha Color Maps.pdf

12-00486ha HEPB Appeal Letter, Reso, Fact Sheet, Application & Plans.pdf

12-00486ha CC Legislation (Versions 2 & 3).pdf

12-00252za-Submittal-Weil Property.pdf

12-00486-Submittal-Commissioner Sarnoff.pdf

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

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

R-12-0235

Francisco Garcia (Director, Planning): Item PZ.15 is an appeal of a Historic and Environmental Preservation Board denial of a request to erect a wall in a historic district taller than 6 feet. Our recommendation is for denial. The guidelines for historic districts provide very clearly for a capping of any wall, including any other protrusions at 6 feet, and the applicant has not made a case that this particular application has any extenuating circumstances. Having said that, I know they have a presentation, and I'll be glad to make comments or provide additional information as appropriate.

Vice Chair Sarnoff: You're recognized for the record.

Bruce Weil: Bruce Weil, 5901 North Bay Shore Drive, Miami, Florida. Good afternoon, Vice Chairman and ladies [sic] and gentlemen of the Commission. I live in Morningside. I bought there in 1995 with my wife. We now reside there with our two young children. The house was erected in 1943. When we moved in the home -- our home is adjacent to a cul-de-sac, which goes to the bay, and that cul-de-sac is a area where people frequent, where they fish; at night they drink beer; in the morning, we find all types of -- me and my neighbors go there every Friday -- every Saturday and Sunday morning with a garbage bag and clean up the beer and

paraphernalia and things of that nature, and it's just loud -- it's loud and noisy. When we moved into the home in 1995, there was a large 10- or 11- or 12-foot fence there, which was grandfathered in because they had bought -- they built the house in 1943 and there was always a very large wall there. Unfortunately, when we decided to remodel our home, when you take it down, it's no longer grandfathered in. So we applied to the Commission when we were having -- doing renovations to our home to also, as part of the renovations is to bring the wall back up, and we'd like a maximum of 8 feet, and I'll tell you why we want 8 feet in a second. We went to the Historic Board. We spent about 98 percent of the time talking about the house itself and the renovations and very little time on the wall, so it seemed like the discussion on the wall almost went by the wayside; there was very little discussion as to why it was needed. It was almost -- you know, went out the door before we could even get into discussion. By the way, I just want to put in perspective, here's a picture of the home. It's on the bay. This actually is the street, 59th. It goes directly to the bay. It's an open public right-of-way. This is our home that's about 85 -- 8 -- about 70 percent complete for the renovations. The wall in front is going to remain that height. It's a 5-foot wall so you can see across the front yard. In fact, it's only 3 feet with fencing in between it. The wall where --

Priscilla A. Thompson (City Clerk): I'm sorry. We're going to give him the handheld mike so we can record.

Commissioner Gort: You have to speak in the mike.

Mr. Weil: I'm sorry.

Chair Suarez: You could step away from that mike if you want.

Mr. Weil: Okay. And the wall that we're asking to erect height than 6 feet is the wall only that runs from 10 feet from the front of the home to the back, and I'm going to show you why in a second it's so important to us. And if I may, I'd like to -- these were not provided seven days prior to, but all it is is a copy of the Historic Preservation deadline rules and regulations, as well as some pictures of the property so you can put it in perspective, and we also have about a dozen letters from neighbors in support of our application. If I may?

Chair Suarez: Yes.

Mr. Weil: Should I pass them one by one?

Chair Suarez: Go ahead and give them to the Clerk and she will enter them into the record and pass them out.

Mr. Weil: Okay. And as you're going to see from the pictures in a second, one of the reasons why this is so important is because the elevation of the street is about a foot and a half, two feet lower than the elevation where a pool is in the back of our house. So if you're walking on the street and you're looking over a six-foot fence, you're looking at someone about this level. I have a 14-year-old daughter, an 11-year-old son that are in that backyard with their friends. An incident just happened three or four weeks ago when my daughter ended her summer vacation, a bunch of her friends came over. They're a bunch of teenagers and kids in their 20s on the seawall fishing and there was a little altercation where the kids started yelling profanities at my daughter and her 14-year-old friends who were in bikinis. It's just very uncomfortable as a father to have that. But the first I want to show you is, now that you have the documents -- and I want to go through them quickly -- the approved changes to the historic guidelines, effective 2008 for Morningside walls. And the second page you'll see that Morningside allows 8-foot high walls. They just don't allow it if you're a corner lot, which makes no sense because that's where all the traffic and street is. That's where you want the highest walls. You're not necessarily worried about your neighbors looking over your wall. You're worried about people who aren't

your neighbors looking over your wall. Most of the people that come down the end of our street are great. We've talked to them. They fish. But there are the ones that are the troublemakers. And this page 2 shows how corner lots are only allowed to have 6-foot walls. But if you go -- and it shows also how the rest of Morningside can have 8-foot walls in various places. But the very last page, section 6 of Exceptions: Exceptions may be made to any of these guidelines and authorized by the Historic and Environmental Preservation Board if said exception is historically appropriate to a particular party or of an extenuating circumstance can be demonstrated. Now the next -- now I'm going to -- I submit to you that I'm going to be able to show you extenuating circumstances. If you look at the next picture, this is a picture of our street at the end of the block. You can see the 6-foot wall to your left and you can see to the end of the cul-de-sac. The next picture is another picture of the -- basically of the same thing. You can see our house on the left-hand side being erected. The third picture, you can see there's a 6-foot wall, and you can see how you can see directly into the windows of the home, because not only is the back yard a foot and a half higher but then the house, for flood purposes, is another 2 or 3 feet higher. So, essentially, you can never open up these shades in your home because someone is basically looking straight through. The next picture is a picture of my family standing in the back yard. That's a 6-foot wall. I'm on the street taking this picture. My wife is only 5 foot 4, so you can imagine the difference if you're looking at someone 5 foot 8, et cetera. And if you step up to go into the house, you're another 2 or 3 feet higher. Now, I know I can't put a 10-foot wall, but I'm just trying to do as much as I can without being obnoxious or asking for too much. There's another picture of my family also behind the 6-foot wall. And on the other side of the property, we are in the middle of erecting a gazebo, which is right here. That gazebo is also the same elevation of the house because you have to build it for zoning purposes that much higher. So from where my family's standing, it's going to be 3 feet higher. So, essentially, a 6-foot wall just does me no good. I think that we've shown extenuating circumstances. I've attached letters from my neighbors. They're all aware of it, 'cause me and my neighbors are always the one that are there in the mornings and on weekends picking up all the garbage from the people who leave it there from the night before. So I would respectfully request you allow me to put a wall up to 8 feet high and that would include -- we have piers every 12 feet so that -- the top of the pier would have to be 8 feet, so the actual wall would be less than 7 feet 'cause the pier goes up 5 or 6 inches, I believe. So that's what we're asking for and respectfully request that you grant the application.

Vice Chair Sarnoff: All right. You done?

Mr. Weil: Yes, I am.

Vice Chair Sarnoff: All right. Mr. Garcia, you want to comment?

Mr. Garcia: I do, sir. Mr. Weil brings new evidence to this body that we were previously unaware of and we're certainly glad to consider it. He correctly points out that there are circumstances, mitigating circumstances that might justify an exception to the otherwise established rule of 6 feet. We would then like to request that this item be continued. We will work with Mr. Weil and come back with a revised recommendation accordingly.

Vice Chair Sarnoff: Why -- let me ask you this. Why have Mr. Weil come back? Why would we --? I mean, I want to do what you want to do, Mr. Garcia, because obviously we work together. Why have him come back? Why can't we just do this right now?

Mr. Garcia: Because, sir, if it is a case, as Mr. Weil points out, that there are mitigating circumstances that would justify additional height to his wall, we would then want to make a recommendation to you upon having verified that evidence that in fact gives merit to your approval.

Vice Chair Sarnoff: Well, let me tell you why I'm having trouble with this, because I believe we

met on May 15 and this information was provided to me and you on May 15. It is now -- I believe we did.

Mr. Garcia: I'm sorry, sir. I certainly don't mean to disagree, but respectfully, this is the first I hear of this information.

Mr. Weil: I'm sorry; Alex was there.

Vice Chair Sarnoff: Oh, Alex. I'm sorry. Alex Adams was there. I'm just having difficulty asking a citizen to come back when I feel very prepared to make a decision. Yet, I don't want to seem uncooperative to you either.

Mr. Garcia: Very well. Then may I request, sir, that you make your findings and that you make your decision subject to verification by staff, if that's possible? I certainly don't mean to dispute Mr. Weil's testimony, but I simply don't know any better.

Vice Chair Sarnoff: Well, go ahead, and then I'll -- I'm going to --

Mr. Weil: Just for the record, I've been to now two HEP (Historic and Environmental Preservation) Board meetings --

Vice Chair Sarnoff: I got it.

Mr. Weil: -- a City Commission meeting; my architect provided them elevations weeks ago, 'cause they sent me the e-mail (electronic) confirming it, and this was all brought up --

Vice Chair Sarnoff: (UNINTELLIGIBLE) -- don't --

Mr. Weil: I'm sorry.

Vice Chair Sarnoff: I'll give you some advice a judge gave me once: never snatch from the jaws of victory defeat. However --

Mr. Weil: Good advice.

Vice Chair Sarnoff: -- I'd love to get Mr. Garcia's recommendation. You want to -- I don't mind dismissing him, tabling this so you can have a few minutes to talk to Mr. Adams or whatever you'd like to do, and then go back on the record. I mean, I'm ready to make my decision; I think, possibly, the rest of the Commission. I'm going to recognize Commissioner Carollo 'cause he wants to speak, but --

Commissioner Carollo: No. I think the request is definitely reasonable, and I'm ready to render a decision also.

Commissioner Gort: Yeah.

Vice Chair Sarnoff: Well, the Chair is back so.

Chair Suarez: Commissioner Gort.

Commissioner Gort: I'm ready too. I think the only difference is that Francisco would like to come back with a favorable recommendation. That'll be the only difference. I think that's the only reason why he want to get together. But I do have a question, because I have a similar program within my district. On the other side of the dead-end street, is that one property or several property [sic] facing that street?

Mr. Weil: The other side of the --

Commissioner Gort: On the --

Mr. Weil: West?

Commissioner Gort: -- south side of the street.

Mr. Weil: Yes. On the other side of the street --

Commissioner Gort: Yes, sir.

Mr. Weil: -- there's only one property.

Commissioner Gort: Only one property.

Commissioner Carollo: And Mr. Chairman?

Commissioner Gort: My question is -- my understanding is, if two property owners agree, they could close that, work out a deal with the City where they could --

Mr. Weil: We tried; didn't happen.

Commissioner Gort: Just a question.

Mr. Garcia: I'd like to make a suggestion that perhaps would be able to satisfactorily address the issue, which is the following. Given that the standards set forth in the historic district is that the height of the wall be 6 feet, if the finding and the subsequent recommendation of this body were to be that this 6 feet will be measured from grade level within the property as opposed to from the public right-of-way, that I believe would achieve a desired effect of --

Commissioner Gort: That'll make the difference.

Mr. Garcia: -- providing privacy.

Chair Suarez: Thank you.

Mr. Weil: Well, there's one more issue and that is that the City about eight years ago -- I don't know if the City was DERM (Department of Environmental Resource Management) -- the seawall that's at the end of 58th Street -- 59th Street, I'm sorry, was falling in so they redid the seawall, which is about 3 feet wide. When they redid the seawall, on top of all this, they raised the seawall a foot higher to protect --

Ms. Thompson: I'm sorry, Chair.

Chair Suarez: Yeah.

Mr. Weil: I'm sorry.

Chair Suarez: You need the mike again.

Mr. Weil: -- to protect the water --

Chair Suarez: Or you can take the --

Mr. Weil: I'm sorry.

Chair Suarez: -- you know, mike --

Mr. Weil: I won't move.

Chair Suarez: -- if you want to walk away from the podium.

Mr. Weil: -- protect the salt water from coming over into the street.

Chair Suarez: Looks like a trial lawyer, moving around there and --

Mr. Weil: I'm sorry.

Chair Suarez: It's okay.

Mr. Weil: So now --

Vice Chair Sarnoff: (UNINTELLIGIBLE).

Mr. Weil: -- not only do we have the issue as to the street, you have the seawall that's now a foot higher, so it's compounding. You know, the --

Chair Suarez: What about 6 feet from the seawall?

Mr. Weil: From the top of the seawall?

Chair Suarez: Yeah, yeah, from the top of the seawall.

Mr. Weil: I don't know which was higher, the top of the seawall or --

Chair Suarez: I don't know.

Mr. Weil: I think that the seawall's a foot and the inside of our elevation of our pool is I think a foot -- 1.8 or 1.6. It's higher.

Commissioner Gort: Inside the property.

Chair Suarez: Yeah.

Mr. Weil: I would just ask for 8 feet, including the piers, which would give us -- Don't forget, the rest of Morningside has 8-foot walls.

Chair Suarez: Right.

Mr. Weil: I just can't have it 'cause I'm a corner lot.

Chair Suarez: Yeah.

Commissioner Carollo: Mr. Chairman.

Chair Suarez: Yeah, Commissioner Carollo and then the Vice Chair.

Commissioner Carollo: Yeah. I mean, all I was going to say -- and definitely no disrespect to

our director, Mr. Garcia, and I think I've established many, many times how much I seek your guidance. But this is, you know, I have to admit, one of the few times that something has come up that it's like a no-brainer. It's so reasonable that I just don't see having to go into --

Mr. Weil: Thank you.

Commissioner Carollo: -- you know, all the extra steps, even though, for the most part, you know I would yield to you in taking the extra steps. But out of all the items that has come before me in these last two years, this one really seems like a no-brainer, an easy one.

Vice Chair Sarnoff: So --

Commissioner Carollo: Thank you.

Chair Suarez: So does --

Vice Chair Sarnoff: Mr. Chair.

Chair Suarez: -- anyone make a motion?

Vice Chair Sarnoff: Yeah. First off, let me say, Mr. Garcia, you command from this Commission an unusual amount of respect. And I wanted to hear some sort of recommendation, 'cause I don't want to do anything ever that you don't recommend. However, having said that, I have met Mr. Weil. I probably have to make a Jennings disclosure. On May 15, 2012 -- I'm going to make my notes part of the record. So I don't know, Mr. Chair, if you want to see if there's anybody here that is opposing this so they can cross-examine me.

Chair Suarez: Is there anyone here -- and we have to open up the public record on this anyway. So it's PZ.15. Is anyone from the public wishing to speak, oppose this application?

Vice Chair Sarnoff: All right, Mr. Chair.

Chair Suarez: I think there's your answer. The public hearing is closed on PZ.15.

Vice Chair Sarnoff: I'll make my -- and I would have made my notes public to anybody who wishes to cross-examine me on them. And with that, I would make a motion to deny -- to sustain the appeal and reverse the opinion of the PZAB (Planning, Zoning and Appeals Board) -- I'm sorry --

Commissioner Carollo: HEP Board.

Chair Suarez: The HEP Board.

Vice Chair Sarnoff: -- HEP Board.

Chair Suarez: Yeah.

Commissioner Carollo: second.

Chair Suarez: It's been moved and seconded. It's an ordinance.

Ms. Thompson: No, it's a resolution.

Chair Suarez: Oh, it's not? I'm sorry. My apologies.

Ms. Thompson: And I -- and Vice Chair, I apologize, but I'm not clear on --

Chair Suarez: What -- let me see if I can clarify.

Ms. Thompson: Thank you.

Chair Suarez: There is an appeal from a decision of the HEP Board. He is granting the appeal.

Ms. Thompson: Okay.

Chair Suarez: He's moving to grant the appeal and reverse the HEP Board decision. It's been seconded by Commissioner Carollo. All in favor, signify by saying "aye."

The Commission (Collectively): Aye.

Chair Suarez: Passes unanimously.

Mr. Weil: I just want to be clear.

Ms. Thompson: Thank you.

Mr. Weil: So that wall height could be a maximum of 8 feet, including the piers?

Chair Suarez: That's correct.

Mr. Weil: Thank you. Thank you, Commissioners. I appreciate your time.

Chair Suarez: Okay. Thank you, sir. Have a good day.

END OF PLANNING AND ZONING ITEMS

MAYOR AND COMMISSIONERS' ITEMS

CITYWIDE

HONORABLE MAYOR TOMAS REGALADO

END OF CITYWIDE ITEMS

DISTRICT 1

COMMISSIONER WIFREDO (WILLY) GORT

D1.1

12-00674

DISCUSSION ITEM

UPDATE ON THE EFFICIENCY INITIATIVE FROM THE DISTRICT 1 OFFICE.

12-00674 Email - Efficiency Initiative Memo.pdf

DISCUSSED

Chair Suarez: All right, all right. What's left? Okay, discussion items, D1.1, efficiency initiative. Commissioner Gort, you're recognized.

Commissioner Gort: I think you all received a draft of -- it was in your agenda. And this is an item that we talked and discussed a long time ago, that we all should try to find different department to work with and have certain relationship. When you look at the document that I sent to you all, you've been able to see -- and this is working with the Administration. We have inherit a lot of things that we need to work on. And by thinking outside of the box and getting together with the departments and the Administration, we've been able to come up with several solutions and agreements that you all have the -- you had this in front of you for a whole week, so I'm not going to read it over again. And more or less, what I'm saying is we all should get -- continue to work with the different department. If we can think of any idea or as we have done in the past, to do so. By the way, all this statements made in here, we have all the documentation to back -- the back material to back this up.

Chair Suarez: Thank you. Any further questions? I just want to thank you for documenting the work that you've done and really enjoyed working with you and your office, as well as the other Commissioners in initiatives that benefit the City.

END OF DISTRICT 1

DISTRICT 2

VICE-CHAIRMAN MARC DAVID SARNOFF

D2.1

12-00641

DISCUSSION ITEM

DISCUSSION REGARDING THE CITY OF MIAMI TROLLEYS.

12-00641 Email - City of Miami Trolleys.pdf

DISCUSSED

Chair Suarez: D2.1, City of Miami trolleys. Vice Chair.

Vice Chair Sarnoff: I was hoping that Mr. Sosa would give us a slight update on how we're doing trolley wise.

Chair Suarez: I'm excited to hear it.

Priscilla A. Thompson (City Clerk): The microphone.

Vice Chair Sarnoff: Am I not on?

Chair Suarez: I think he's on.

Ms. Thompson: Oh.

Vice Chair Sarnoff: No? You can't hear me?

Ms. Thompson: Yes, you're recording. Thank you.

Vice Chair Sarnoff: Mr. Sosa, I was hoping that you could give us an update on how we're doing on some of the trolleys and what you envision the trolleys -- the direction they're going to be going to. In other words, where do we go from here.

Albert Sosa: Yes, thank you. Albert Sosa, director of Capital Improvements and Transportation.

Okay, thank you for giving me the time to present how we're doing with the trolleys. I think it's been an exciting time for us in this program and launching it. We've had a lot of success. This Sunday there was a -- in the Herald, there was a cover article that specifically featured the trolleys, which I thought was great for us and the program and what we're trying to do. I just wanted to spend a couple of minutes discussing about where we are and where I think we need to go. We currently have received 15 trolleys and that pretty much limits how much coverage we can have today. Towards the fall of this year we'll be receiving an additional 19, which will represent the balance of our capital investment in terms of trolleys. At that point, we'll be maxed out on the number of trolleys that we're going to be receiving. The phase one, what we've rolled out already, is the Health District/Stadium route, the Brickell/Biscayne route. And in two weeks we'll actually be starting the Overtown/Health District route and that, again, will absorb the trolleys we have today. We'll be receiving additional trolleys later this year. At that point, we'll be launching the Overtown/Allapattah route as well as the Coral Way route. What I'd like to do and talk about in one of the slides later is we're looking at -- what we're calling a phase three is an extension of the Brickell/Biscayne route. Based on the success that we've seen on that route and the ridership we've seen from day one, as well as feedback from the customers and the folks that are using it, we want to extend that route down to Mercy Hospital at the south end and up to the Wynwood/Midtown/Design District area on the north end, and I'll go into that in a couple of slides later. This slide is just showing the hours of operations of different routes and the amount of trolleys that are running on the routes. So far we've served more than 160,000 people in the first three months, and the ridership is growing month over month, so it's been very successful for us. We also did a cost analysis, which we found very intriguing. Our cost per passenger at the City in May is approximately \$2 a passenger and that is -- at the bottom of this slide you'll see a comparison to other systems in the area, Miami-Dade Transit, Broward County, SFRTA (South Florida Regional Transportation Authority), and Palm Tran, and they're up in the 3 to \$4 a passenger range. This has to do with the way that we bought the trolleys, the way that our trolleys are smaller in nature so we're much more efficient in the terms of the amount of passengers we carry in our trolleys versus some of the larger buses that other folks are running. So we compare very favorably there in the cost per passenger served. In the Health District we're currently averaging, including event days, approximately 956 passengers a day. When you look at non-event days, our average is about 563 riders a day and that is still -- it's stepping up month over month. Our projection there was to have 900 passengers per day on non-event days. So it's --

Chair Suarez: It's catching up.

Mr. Sosa: We're still growing and that's normal. I mean, any time you launch a new service, it's going to take you about 18 months to get it to where you -- your ridership is where you expect it to be. So we're steadily increasing. Hopefully, within the next year we'll be up at that 900 passenger a day number on the non-event days. On event days at the stadium, we do great. I mean, we serve -- there was days that we served 2,000 people going to the stadium. On average, we're getting about 1,200 folks going to the stadium on those days, so it's a very popular route and a very popular way to get to the stadium. Some of the items to note on that route, 87 percent of our boardings are between 6:30 a.m. and 7 p.m.

Chair Suarez: That's interesting.

Mr. Sosa: We see a very light ridership at night. But you -- one thing that we -- we went on and interviewed the passengers that are using this service at night. Even though they're few, they're very -- the type of rider that we really want to serve. They're transit dependent. They're going to Miami Dade College, for example, that has a campus there on 7th and 20th and they have -- once they get out of class at 10 o'clock at night, they have no way to get to the Metrorail station if it wasn't for this.

Chair Suarez: Can I stop you for a second? I just want to ask a question. 'Cause one of the

things we're seeing, obviously, is on game days, a tremendous amount of spike in ridership for, you know, going to the -- obviously, the stadium. You know, one of the things that might make sense -- and I love to see what the Commissioner of the district's opinion is -- is for the Coral Way trolley to also have connectivity with the stadium because I think that would open up, you know, and -- Go ahead.

Commissioner Carollo: Absolutely. I'll be honest with you, it's something that I had mentioned and I just backed off from it. I think you will get a lot of ridership if you make an extension from Brickell to the stadium on game days as --

Commissioner Gort: Yes.

Commissioner Carollo: -- a special route. Not every day, but for game days, I'm sure a lot of the business personnel from the Brickell area would take the trolley into the stadium, so yes.

Chair Suarez: I agree with that.

Commissioner Carollo: Not only do I agree with Coral Way, from Brickell I think we'll also get a lot of ridership and that -- I don't know if for that special route we do charge something minimum, like a dollar or so, but I think it would take a lot -- it will get a lot of ridership. And again, it's something I had mentioned in the past but I backed off from it until, you know, we get this started. But we're seeing the success, and I think that, yes, it's something that we should do definitely for Coral Way and definitely from Brickell.

Chair Suarez: Yeah.

Mr. Sosa: Definitely, that's something that we can look at as we get additional trolleys to provide that service. Some notes of interest here at the Health District. We were surprised that -- what we call the outer loop, which is the one that goes to the stadium, gets three times as many riders as the inner loop, the one that focuses in the hospital area. And the bulk of those riders that are on the outside loop are actually riding it from the Metrorail stop down to the courthouse. So it's -- they're not health-related -- unless I guess the court case is health related, but they're not health-related riders --

Commissioner Carollo: Right.

Mr. Sosa: -- which kind of surprised us, to be honest with you, but you know, it works out, and we're serving a lot of folks there, and I think it's getting more and more popular as we go.

Chair Suarez: Commissioner Gort.

Commissioner Gort: Talking about the health group, I would like to see and not -- before the Christmas comes up and the big shopping comes up, start going to 20th Street, 'cause it's the second major shopping center that we have after downtown Miami.

Mr. Sosa: Right. The Allapattah/Overtown route that we will launch when the additional trolleys come in, that'll serve that area, and I have a map to show that actually. Talking about Brickell/Biscayne, same type of graphic. We projected 1,500 riders a day. June -- which is a projection 'cause we don't have it all. We're extrapolating from mid month. We've been averaging about 1,500 riders a day and that is over all days. We've been offering service on Sundays based on the demand, and we found that on average, we're seeing about 750 riders on this route on Sunday, which was very surprising to us. So we are going to begin offering regular service on Sundays, like an 8 to 8 type service. It works out well. If you actually back out those Sundays which represent a lower number, our average is actually up in the 1,700 rider a day range and this is from like the second week of operations, so it's been a very popular route. It

exceeded our expectations in terms of weekday riders from the inception, so it's definitely a route that we want to focus on and expand to serve more people. Some just observations: 91 percent of our boardings are between 6:30 a.m. and 8 p.m. And again, here at night we do have that transit -- we interviewed some of the riders at night just to see who they were and how we could better serve them, and we found that they were generally transit-dependent people who had no other option and were either going to Miami Dade College or working at the FIU (Florida International University) building that doesn't close until after 10 or the college that doesn't close until after that time, so we're serving a very -- while it's a smaller number, we are serving a very needy population in the late nights on this specific route. We talked about the Sunday boardings. And in -- just a note on this one, the plurality of the passengers that we found to date are actually in the Mary Brickell/Brickell Key area. That's where the bulk of our ridership is, so that Brickell station is actually very popular for us. The upcoming routes include the Overtown/Health District alignment, which will begin in approximately two weeks. Then the Overtown/Allapattah alignment, which is Northwest 20th Street going down 3rd Avenue and then over to the Omni on 14th Street. We have the Coral Way alignment. What we're showing on the Coral Way alignment is a modification that we intend on making based on what we've learned so far, which is to connect to the Metrorail stations. So we want to connect this one up to Government Center and the park and ride lots along the 2nd Avenue corridor there, as well as, you know, just the Flagler area there in downtown. It's an easy connection for us -- an easy jump for us to make and it would -- we think based on the customers that we're seeing, it would serve a very big population without -- you know, it's just pushing it a couple of blocks north.

Chair Suarez: Yeah. And I think the neat thing about this is you're connecting downtown to Brickell to Coral Way to Coral Gables and that is an interesting set of connectors in terms of commercial areas. But I do think the Commissioner was right in advocating for the line to go to the stadium. And I think if the line goes to the stadium, particularly on game days, obviously, maybe in the future if it becomes a big commercial hub with the -- with all of the commercial development, then, you know, it could be more frequently. But you know, for now, for game days, I think you'll see the ridership because there'll be people from Brickell and from Coral Way that will just jump on the trolley to go to the game.

Mr. Sosa: I think we'll be very ready to do that for the 2013 season --

Chair Suarez: Okay.

Mr. Sosa: -- so at that point we --

Chair Suarez: Cool.

Mr. Sosa: -- can look at that, absolutely.

Chair Suarez: Cool.

Commissioner Carollo: And I'm sorry.

Mr. Sosa: Yes.

Commissioner Carollo: Could we go back one?

Mr. Sosa: Okay.

Commissioner Carollo: There we go. And what I'm seeing is 3rd Avenue, Coral Way, correct, the yellow -- red line?

Mr. Sosa: That's Coral Way. That's correct. That's Coral Way into the Brickell station.

Commissioner Carollo: Right. So 3rd Avenue Coral -- and then into Coral Way. Third Avenue is part of Coral Way.

Mr. Sosa: Correct, correct.

Commissioner Carollo: Okay.

Mr. Sosa: The phase three that we're calling it, which is the next step that we want to take, is to extend the Brickell/Biscayne route. We want to extend it down to Mercy Hospital at the south side. That area is becoming an educational facility. It's an employer of -- it has about -- I think it's 4 or 5,000 employees. And you have -- as well, Baptist just opened a medical center near there, so we want to serve all of those locations. And then going north, the logical step is to go to Wynwood, Midtown, the Design District, to tie in these high-density areas and, you know, create that one-seat ride between all of these locations. We think that'll be a very popular route.

Vice Chair Sarnoff: Could you make sure that when you project this and do this that you would also consider making just a stop at Carroll Manor? 'Cause there --

Mr. Sosa: Absolutely. Down at Mercy, absolutely. That would be -- I don't show it here, but it is a --

Vice Chair Sarnoff: Okay.

Mr. Sosa: That's how we would do it, yes. The other thing I just wanted to briefly note is that we have been running special routes, kind of experimenting with them, seeing how they work for us. We've been serving several community events, Folk Life Fridays, Big Night in Little Haiti. Next, in July, we'll start doing the second Saturdays in Wynwood, and I think in July we'll start also the Little Havana last Friday event. We've had limited success with those. Right now we have a limited number of vehicles so it's hard for us to -- we can't always schedule as many as we would want and just really promoting these non-daily routes 'cause I think most of our ridership comes from people who see the trolley go by everyday and then they figure -- they ask questions about it. For those (UNINTELLIGIBLE) type events that are maybe once a month, it's -- we find that most of the people that go to those are actually not from the immediate vicinity of the location. They're actually driving in from outside. So we'll keep experimenting with that and see how we can serve those events better. We did have a very successful event this weekend with the American Black Film Festival and --

Chair Suarez: That was awesome.

Mr. Sosa: -- we got -- on Wednesday night, it was about 120. On Saturday -- I don't have the figures yet, but it was greater than that. And that event was promoted very well and actually people were gotten to sign up ahead of time to take these trolleys into Overtown, into Little Haiti, into Little Havana. So it was promoted very well and that led to its success, and I think we need to copy that -- we need to talk to the people that run like Big Nights in Little Haiti, the second Saturday in Wynwood so they -- we tie it -- we tie the promotion in and get people aware of the service.

Chair Suarez: Commissioner Gort.

Commissioner Gort: My suggestion is promotion is very important. That's something we talked about at the beginning. We got to have the right marketing. And the people that receive the benefits from the marketing is the one that should be pushing it. Like whenever you start doing it, my understanding is you're going to go up 20th Street all the way to --

Mr. Sosa: Twenty-seventh Avenue.

Commissioner Gort: -- 27th Avenue. Whenever we get ready, let me know and I'll make sure we talk to the merchants in the area so they can do their own advertising also. And that would be very important. We need a system, letting people know that it exists there.

Mr. Sosa: Absolutely.

Commissioner Gort: And we want it to be very successful because in the long run, it has to be able to pay for itself.

Mr. Sosa: Absolutely.

Commissioner Spence-Jones: And that's one of the things I did want to mention -- and thank -- I want to thank you also, Albert. You guys -- your whole team did an outstanding job. And the whole purpose of us doing this whole heritage tour was to, you know, at least get people to go into neighborhoods and spend money. I do want us to look at or would like for us to explore down the line ways that we can also generate revenue for the trolley system. Because what's happening now from this one tour, we've had at least the Convention and Visitors Bureau, 'cause they have the huge Web site on our whole Discover Miami site through the Bureau. They're getting conferences and conventions and family reunions wanting to book the same tour. So -- and it's usually on a Saturday, which the timeframe is usually earlier than we, you know, have a lot of trolleys out there on the road. I would like for us to explore a cost associated with them doing it. Because if people are coming in town and they want to experience these neighborhoods, I don't know if there's a rate we could put on that for those riders. So I would like for us to kind of think about that as well, 'cause it could be a revenue generator.

Mr. Sosa: Okay.

Vice Chair Sarnoff: I just wanted to thank you, and I wanted to acknowledge the Chairman and I -- then Vice Chairman, which was Carollo, who pretty much fought pretty hard to make sure that these trolleys would remain free, and I was the one that was kind of opposed to that. And just want to acknowledge that you guys were right, and I guess I'm reaping the benefits of it 'cause everybody thinks I was pushing that. But I want to publicly acknowledge that you guys were right, and it's probably the most popular thing to happen in my district, and I want to thank you for helping me see the light.

Chair Suarez: And I knew -- I mean, I hate to say this, but I had spoken to a couple merchants and they were willing to pay for a trolley system. So I knew -- and with the critical mass of people that were there -- that it was one of those, if you build it, they will come type of situations.

Commissioner Carollo: Yeah.

Chair Suarez: And once we got it going -- I mean, it's only going to get better, by the way. In that area -- we need to -- once we have enough data, we should, you know, think about tweaking the times because I think we may want to go a little later in that area where, you know -- I mean, during the Heat celebration and all that, I mean, you had people partying until, you know, 2, 3 o'clock in the morning.

Mr. Sosa: We ran until 1:30 on the championship night.

Commissioner Carollo: Right.

Vice Chair Sarnoff: I just want --

Chair Suarez: Kudos to you.

Vice Chair Sarnoff: -- I want to thank Albert for one thing, though. I took the trolley down to a Heat game. I think it was number -- the fifth game at the Celtics. We didn't win the game, so it was a bummer for me.

Chair Suarez: I went to that one too. We lost it, though.

Vice Chair Sarnoff: Right. And for the ticket thing -- I paid my own ticket; just want to be clear.

Chair Suarez: Yeah, same here. Ditto for me.

Vice Chair Sarnoff: But as I took the trolley back, I was expecting to take the trolley back as well, only to find out they had been turned off. So --

Commissioner Gort: You had to walk back.

Vice Chair Sarnoff: -- that was a little weird. I called Albert. He picked me up, which is very gracious of him. You know, I guess he had to get out of bed and, you know -- Just kidding.

Commissioner Carollo: Mr. Chairman.

Chair Suarez: Yes.

Commissioner Carollo: I'd like to thank Commissioner Sarnoff for, you know, those kind words he said about us. But at the same time, something that I always say, we work up here as a team. I mean, the truth of the matter is, you know, there was the Health District loop and I came to my colleagues and I said, listen, I think that loop can be extended just over the bridge into the stadium and I think it could be a real winner, you know. I'm seeking your support. And by the way, in the near future, once we start establishing the retail there and the restaurants and so forth, I think it would actually get even more ridership on non-game days. But at the same time, like I said, you know, we work here as a team, and you know, I thank all of you for, you know, helping me and backing the extension of that route. And as we see now, it has been very successful, so thank you.

D2.2

12-00675

DISCUSSION ITEM

DISCUSSION REGARDING DOWNTOWN DEVELOPMENT AUTHORITY'S HOMELESS TASK FORCE REPORT.

12-00675 Email - DDA Homeless Taskforce Report.pdf

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

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

Absent: 1 - Commissioner(s) Spence-Jones

D2.3

12-00676

DISCUSSION ITEM

STATUS OF HIRING POLICE OFFICERS.

12-00676 Email - Status - Hiring Police Officers.pdf

DISCUSSED

Chair Suarez: D2.3. Congrats, Albert.

Vice Chair Sarnoff: I know you guys are probably getting a little tired of this, but I'm going to keep it on the agenda. It is the status of the hiring of police officers.

Commissioner Spence-Jones: You're not dealing with the homeless task force stuff?

Vice Chair Sarnoff: No.

Chair Suarez: No.

Vice Chair Sarnoff: No.

Commissioner Spence-Jones: Okay.

Vice Chair Sarnoff: We withdrew that. Chief, I made a -- while you weren't here, I think the last Commission meeting, I made a suggestion. And my recollection of our meetings is -- was that we are 94 officers down, but potentially, we will have 30 officers hired in the next --

Chief Manuel Orosa (Police): Thirty-eight. By the end of next week, they'll be on board.

Vice Chair Sarnoff: As an FTO, field training, or they'll be -- actually be out there?

Chief Orosa: Well, actually, they will go into a four- to five-week training session and then they'll be handed over as FTOs.

Vice Chair Sarnoff: Okay, so we're still, fair to say, two months away from the 38 actually fulfilling their duties --

Chief Orosa: Correct.

Vice Chair Sarnoff: -- and then we are -- if I just -- I'm not Suarez.

Chair Suarez: Forty less ninety is about fifty down then so --

Vice Chair Sarnoff: I think we're down more than that. It's 30 -- yeah, in the high 50s.

Chair Suarez: Approximately in the 50s, yeah.

Vice Chair Sarnoff: Right. So --

Chair Suarez: I did it fast.

Vice Chair Sarnoff: -- and I -- my understanding is in the high 50s, we'll remain there probably for a rigorous one-year period?

Chief Orosa: No, because what we're going to do is HR (Human Resources) is finalizing the list. We should have it by the end of next week. The list is 560-something applicants. We're going to hire 20-something from there and send to the police academy. But as we're processing that list, we're going back to the certified list and catching up some more that we have from the certified list. So we're probably going to be doing another 15 or 20 from the certified and then that will help our numbers. And then the ones that we have to send to the police academy, we're hoping to do 20-ish and possibly more.

Vice Chair Sarnoff: You gave me a number where you said it's statistically not a significant -- was it 40 officers down or something like that, or 35 officers where you said I can pretty much handle this?

Chief Orosa: Yeah.

Vice Chair Sarnoff: So you're going to be at 35 by when?

Chief Orosa: I'm hoping within the next four to five months.

Vice Chair Sarnoff: Okay. Is --

Chief Orosa: And then the balance will be people we're sending to the academy.

Vice Chair Sarnoff: -- there any sense -- 'cause I asked the Manager this. Well, I'll ask it publicly. Is there any sense for some of the people who are retiring -- and I'm not talking about lieutenants, captains, chiefs. I'm talking just beat officers. Is there any sense in extending any of them so that you can make up the shortfall? Meaning, giving them a contract at \$20 an hour --

Chief Orosa: Well, Commissioner, the only prob -- there's a few problems with that. If they've been separated for more than 30 days, we got to do the background, we got to do the polygraph, we got to do the fingerprinting again, and that's FDLE (Florida Department of Law Enforcement) standards. The other issue with that is DOJ (Department of Justice) can come back and say, wait a minute. You're hiring people in a different way. You're trying to backdoor our consent decree, and we may wind up getting in trouble with them.

Vice Chair Sarnoff: I don't -- you know, I feel like I'm as comfortable talking about that as you are.

Chief Orosa: Yeah.

Vice Chair Sarnoff: Having --

Chief Orosa: And then the other issue, which I'm not an attorney, but I -- there could be a problem with Article 44, which prohibits non-service job replacement by civil service jobs. So I'm not --

Vice Chair Sarnoff: Yeah, that I don't know.

Chief Orosa: -- sure if that is applicable, but that's something that we have to talk it over with the City Attorney because Article 44 of the collective bargaining agreement, there is language that prohibits that. We cannot replace a union employee with a nonunion employee.

Vice Chair Sarnoff: I -- here's how I phrased it to the Manager, and I take this as a safety issue. You're still presently 94 officers down, and you will be 94 officers down, we both agree, for another two months. You will then be high 50s down for another, let's say, six months. I just want to make sure -- 'cause all we do is budget up here.

Chief Orosa: Correct.

Vice Chair Sarnoff: All we can do is give you the resource known as the dead presidents -- and I don't mean that too euphemistically -- but we give you the resource to do what you need to do. I just don't want anybody ever criticizing any Commissioner up here saying, "How can you guys let yourselves be 94 officers down?" And to me, it's a safety issue. And I'll finish -- I'm not

going to talk forever. I know these guys want to get out of here, and they're right. But I want to make sure that you're exploring every avenue possible 'cause you did have an uptick in crime. We did. I mean, whether it was because we didn't have enough -- nobody can ever say why. As you might say, sometimes it's just got to happen. But on the other hand, I want to give you every avenue, every resource possible to put as many boots on the ground -- 'cause that seems to be your philosophy. Your philosophy seems to be, you know, an ounce of prevention is worth a pound of cure.

Chief Orosa: Right.

Vice Chair Sarnoff: That's -- the time that I've known you, you believe the more police officers on the street, the more they're seen, the less likely there is crime.

Chief Orosa: Correct.

Vice Chair Sarnoff: I just want to explore every option possible that would afford you the opportunity to put as many police officers on the street as you possibly can within our budget, and we've budgeted for these guys.

Chair Suarez: Commissioner Gort.

Commissioner Gort: Let me ask you a question, 'cause this is something we've been discussing for the last two years. And I've asked every department director, take this book, civil service, look at it and tell me what impediments do you have to have your full membership there. Now my understanding is we've had how many -- I don't even know -- I think maybe 100 individuals that have gone through our police academy. They have paid \$10,000. They're certified by the state. They're ready to come on board. Why can't we bring those?

Chief Orosa: I'll defer to HR.

Commissioner Gort: See, that's what the problem is.

Mary Leckband (Assistant Director): Mary Leckband, Department of Human Resources. We have been talking with, upon your direction, the police department about different opportunities for recruiting for certified police officers, stating hiring preference will be given to graduates of the Miami Police Academy who pass their FDLE exam. Because that is one of the positions that is looked at by the Justice Department, we would work in conjunction with the Law Department to make sure that there would be no objections to that.

Commissioner Gort: I understand. And also the consent agreement that we have, I think that's something that we have complied with it. If you look at the numbers, I think we are going beyond it was required of us to comply with. And somehow, we got to work with this things, sit down with our directors, find out and -- later on I'm going to address something that -- I sat down with the unions. I've talked to the unions. There's a lot of things that we can agree to work with to make some changes to make it a lot easier. I mean, just read this book. But we have to work with -- and see if we need to change some things in the system, let's change them, 'cause that's the problem that he's had. He's got plenty of qualified people to select from, but he can't do it because we got too many rules and tells you how not to do it.

Chair Suarez: Okay.

Vice Chair Sarnoff: I'm done. I mean, I keep bringing it up. I apologize, Mr. Chair.

Chair Suarez: No. On the contrary, we want you to bring it up until --

Commissioner Gort: I think --

Chair Suarez: -- the problem is solved.

Commissioner Gort: -- you're doing the right thing because --

Chair Suarez: I think you're doing the right thing too.

Commissioner Gort: -- we got to make some changes. I mean, we have to make some changes. Next year not only policemen [sic]; we're going to have at least 300 people out.

Chair Suarez: Look, the most important thing that we do in this city is police our streets. So the fact that, you know, you want to continually bring this up, I invite you to do it until you feel satisfied that we have solved the issue.

Commissioner Carollo: Mr. Chairman.

Chair Suarez: Yes.

Commissioner Carollo: And as I always do, I piggyback with the dispatchers also, so I just --

Chair Suarez: Piggyback. I like that.

Chief Orosa: The dispatchers -- we hired seven dispatchers. Unfortunately, four of those resigned, for whatever reasons. And our current list, we're going to hire two more, then that current list is going to be exhausted. HR is already in the process of doing another recruitment drive for them. As soon as that recruitment drive is over and we have the applicants, we'll start processing those applicants.

Vice Chair Sarnoff: Do you --

Commissioner Gort: By the way --

Vice Chair Sarnoff: Sorry. Do you know any reason why these guys left? I mean --

Commissioner Carollo: Now -- and the ones that left, were they from the seven that you hired or were there previous ones?

Chief Orosa: They're from the seven. And basically, these are individuals that wanted a job, got hired, and then, for whatever reason, they said this is not for me and they resigned.

Commissioner Carollo: Were they already trained or were there going through --?

Chief Orosa: There [sic] were in the beginning of the 18 months training period that --

Chair Suarez: It's not an easy job, is it?

Chief Orosa: -- we provide them.

Vice Chair Sarnoff: It could be they bit off--

Chair Suarez: Pretty intense.

Vice Chair Sarnoff: -- more than they could chew.

Commissioner Carollo: And it -- and Chief, is that common? 'Cause I know like, you know, at

least in the past, years back, when you get a group of applicants for police officer -- you know, I forgot what was the number -- but 1 out of 50 will make it or something like that. Is it something like that? Like out of a group --

Chief Orosa: One out of twenty.

Commissioner Carollo: -- of individuals that apply for dispatcher, is there usually like a drop rate, like "X" amount won't make it or --?

Chief Orosa: Well, usually when we hire dispatchers, we usually keep them, but there's always a minutia of people that think the job is one thing and then they realize it's another and, for whatever reason, they decide it's not for me and they leave.

Commissioner Carollo: And I'm sorry, these were people that had not previously worked as a dispatcher, right?

Chief Orosa: Correct.

Commissioner Carollo: They were going through the training and --

Chief Orosa: Yes.

Commissioner Carollo: Gotcha.

Vice Chair Sarnoff: All right. Anybody else?

END OF DISTRICT 2

DISTRICT 3

COMMISSIONER FRANK CAROLLO

END OF DISTRICT 3

DISTRICT 4

CHAIRMAN FRANCIS SUAREZ

D4.1

12-00660

DISCUSSION ITEM

DISCUSSION REGARDING POSSIBLE AMENDMENTS TO ARTICLE IV OF THE CITY CODE, ENTITLED "REGISTRATION OF VACANT, BLIGHTED, UNSECURED OR ABANDONED STRUCTURES," TO REQUIRE REGISTRATION OF PROPERTIES IN IMMINENT DANGER OF FORECLOSURE.

12-00660 Possible Amends.- Abandoned Structures.pdf

DISCUSSED

Vice Chair Sarnoff: Okay. Who's got a district page? District 4, Chair. He's not here.

Commissioner Spence-Jones: I thought we were going to deal with item number RE.1. Are we not?

Commissioner Carollo: We still have RE.1.

Vice Chair Sarnoff: We have RE.1?

Priscilla A. Thompson (City Clerk): 5:30.

Vice Chair Sarnoff: Let's go to R -- not yet.

Ms. Thompson: We had it listed for 5:30. They announced 5:30.

Vice Chair Sarnoff: 5:30 time certain.

Ms. Thompson: Yes.

Commissioner Carollo: RE.1.

Commissioner Gort: Can we take five?

Commissioner Spence-Jones: Want to take five?

Chair Suarez: Can we do --? No, no, no. Can we do the --

Vice Chair Sarnoff: Oh, we could do your district page.

Chair Suarez: -- Can I do my discussion item? We have a supplemental item as well, so we have two items and then we have --

Vice Chair Sarnoff: Oh, we have your district page.

Chair Suarez: By that time, we'll be at 5:30.

Vice Chair Sarnoff: Okay.

Chair Suarez: Yeah. My district item is pretty straight-forward. It, you know, involves something that we've all been discussing and legislating on for a while. The City code currently requires the registration of vacant structures and -- which is at zero cost. You can just register and you don't have to pay a fee -- or blighted, unsecured, and abandoned structures, which is different from a vacant structure. It's 262.50 to \$525 fee, depending on the -- and I think that there's a third category that we can add to this -- to the first two, which is properties that are in imminent danger of foreclosure. The lenders would be required to register properties when they send out letters of default. The cost would be about 100 to \$200 annually, and there are currently over 5,000 properties in the City of Miami that would qualify for this program. The benefits are pretty obvious, but I'll just state them: Identify potentially problematic properties before they become a problem; number two, identify the lending institution that is responsible for these properties; number three, develop a partnership with the lenders to cure any code/building violations; and number four, create a new revenue stream that the City can use to monitor and police these properties. So, I mean, we already are doing a lot of this. This is kind of going a step further and kind of being -- instead of reactionary, as the other ones are, a little bit more proactive in the process. So, you know, just a discussion item. Love to hear what your thoughts are on it.

Vice Chair Sarnoff: Which --? First of all, I like it a lot, and I never even thought of it, and I'm

thinking to myself, is that legal? And why not is it legal? Of course it's legal.

Chair Suarez: It's actually been done in other cities.

Vice Chair Sarnoff: Okay.

Chair Suarez: So -- yeah.

Vice Chair Sarnoff: Which is the one we -- they -- you said one is registration of vacant and blighted -- Which one is not paid for and which one is paid?

Chair Suarez: A vacant -- if you just have a vacant structure that's not blighted or unsecured or abandoned, then it's a zero. It's just -- you just can just register it as a vacant property.

Vice Chair Sarnoff: You just register.

Chair Suarez: For example, if you go out of town for six months, it's not an abandoned property. You just -- it's just vacant. You have to register it.

Vice Chair Sarnoff: You have to register.

Chair Suarez: You have to, but it's a zero cost.

Vice Chair Sarnoff: Okay.

Chair Suarez: Just register it.

Vice Chair Sarnoff: And then which is then you pay for?

Chair Suarez: Blighted, unsecured, and abandoned. If it's blighted, unsecured, or abandoned.

Vice Chair Sarnoff: And do people actually register those?

Chair Suarez: I think you were the one that sponsored that legislation.

Vice Chair Sarnoff: Did I really?

Chair Suarez: I think so, if I'm not mistaken. I could be wrong. But --

Vice Chair Sarnoff: Want to bet some dinner on it?

Chair Suarez: No, I don't. I'm not sure. But anyhow, it doesn't matter. The point is that that's on the books right now. That's one of the things that's on the books, and I'm not sure to what extent banks are complying with that. I know that this idea, this third category is something that has been done in other cities, and I know that banks are compliant with it in other cities. But -- and I see Mike over there kind of -- do you have --? Is there anything --? He's giving me the thumbs up. That means I'm covering everything. So anyhow, it's just something -- food for thought. If you guys want, I can bring a resolution or an ordinance that we can look at and debate in the future and go from there.

Commissioner Gort: Yes.

Vice Chair Sarnoff: Yeah, great idea.

Chair Suarez: Okay.

Vice Chair Sarnoff: I think it's a good idea.

Chair Suarez: Thank you.

Commissioner Gort: Agree with it.

END OF DISTRICT 4

DISTRICT 5

COMMISSIONER MICHELLE SPENCE-JONES

END OF DISTRICT 5

NA.1

DISCUSSION ITEM

12-00767

CHAIR SUAREZ ANNOUNCED A PRESS CONFERENCE CONCERNING OPERATION CLEAN SWEEP TO OCCUR ON JUNE 28, 2012 AT 12 NOON IN MIAMI CITY HALL.

DISCUSSED

Chair Suarez: Before we go to FR.4, I was passed a note asking by the Administration that I announce that they're going to have a press conference at 12 to discuss Operation Clean Sweep, so just to inform the members of the Commission and the public.

NA.2

DISCUSSION ITEM

12-00770

BRIEF DISCUSSION BY COMMISSIONER CAROLLO REGARDING THE STATUS OF THE FINANCIAL ANALYSIS REQUESTED REGARDING THE GROVE PROPERTIES.

DISCUSSED

Commissioner Carollo: Point of privilege?

Chair Suarez: Yes, yes, of course.

Commissioner Carollo: You're saying that we're going to have a charter language for a Charter amendment going to the voters in the next Commission meeting and information that we have discussed here several times already regarding the analysis and -- the financial analysis that will say, yes, we're doing it, we're going to have it for you, has still not been presented to me and any other Commissioners?

Henry Torre: Commissioner, I can answer that. Henry Torre, director of Public Facilities. That report has been finished. It's being reviewed tomorrow, and it will be available to the Commissioners Monday or Tuesday of next week.

Commissioner Carollo: Okay, as soon as --

Mr. Torre: A week in advance -- you know, a week and a half before the actual Commission meeting.

Commissioner Carollo: I mean, that's plenty of time 'cause I'm sure that, you know, we all don't

have anything other -- anything else to do and we have plenty of time to, you know, just review that report. But just, again, this is something that I've said. It wasn't last week or the last Commission meeting. I've been saying it for a while, so I guess I got a little taken back [sic] when the City Attorney mentioned that in the next Commission meeting we will be voting for the Charter amendments for all the Grove properties.

Julie O. Bru (City Attorney): Referendum.

Commissioner Carollo: Referendum.

Ms. Bru: It's a difference between a referendum and a Charter amendment.

Commissioner Carollo: Right, sorry. I'm not the attorney up here. But -- so I guess I was taken back [sic] a little bit when the City Attorney said that, and I still haven't received any of the information that has been requested so.

Chair Suarez: Okay.

NA.3

12-00747

*District 5-
Commissioner
Michelle
Spence-Jones*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ALLOCATION OF FUNDS, IN AN AMOUNT NOT TO EXCEED \$18,000, FOR FEES AND COSTS ASSOCIATED WITH THE 2012 FOURTH OF JULY CELEBRATION ON JULY 4, 2012 AT CHARLES HADLEY PARK; ALLOCATING SAID FUNDS FROM THE NON-DEPARTMENTAL ACCOUNT FESTIVALS RESERVE CODE NO. 00001.980000.548000.0000.00000.

12-00747-Legislation.pdf

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

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

R-12-0243

Commissioner Spence-Jones: Okay. And I have -- I don't have a --

Chair Suarez: You have a pocket item?

Commissioner Spence-Jones: I have a pocket item --

Chair Suarez: You want to do it now?

Commissioner Spence-Jones: -- for the 4th of July stuff.

Chair Suarez: You want to do it now?

Commissioner Spence-Jones: You want me to just do it now since I won't have --?

Chair Suarez: Let's go.

Commissioner Spence-Jones: Okay. I think you might have been -- you all might have already received --

Chair Suarez: We got this before, yeah.

Commissioner Spence-Jones: -- the information.

Chair Suarez: Yeah, I got it before.

Commissioner Spence-Jones: This is just in reference to the 4th of July event that's happening in Hadley Park. It's been a tradition there.

Commissioner Gort: Move it.

Chair Suarez: Moved by Commissioner Gort.

Commissioner Spence-Jones: Motion. All in fav --

Chair Suarez: Second.

Commissioner Spence-Jones: Second.

Vice Chair Sarnoff: Wait, wait, wait.

Chair Suarez: Second by Commissioner Spence-Jones.

Vice Chair Sarnoff: 'Cause I want to discuss this and I mean --

Chair Suarez: Yeah.

Commissioner Spence-Jones: Sure.

Vice Chair Sarnoff: -- no --

Chair Suarez: I want to discuss it too, so I'm not going to take a vote until we discuss it.

Vice Chair Sarnoff: Okay. I mean no dis --

Chair Suarez: But it's been moved and seconded.

Vice Chair Sarnoff: -- respect by what I'm about to say --

Commissioner Spence-Jones: Yes.

Vice Chair Sarnoff: -- but I want to say it. We're voting on a pocket item, an allocation of money, which we pretty much have said we won't do. Now we've broken it once or twice. But having said that --

Commissioner Spence-Jones: Yes.

Vice Chair Sarnoff: -- I know you were here when it was then Commissioner Sanchez gave us the Bayfront Trust money. Remember the --

Commissioner Spence-Jones: Yes.

Vice Chair Sarnoff: -- park money? I've held that money for years, years, and years to pay for the Coconut Grove fireworks celebration and it was not easy to do, if you get what I'm saying --

Commissioner Spence-Jones: Yeah.

Vice Chair Sarnoff: -- because, you know, it's a real -- I fired people, to be honest with you, to come in budget just before you got here. I know what the fireworks cost in Coconut Grove. I know it's a little -- right at around \$5,000. I don't know what the \$18,000 is for. And all I'm --

Commissioner Spence-Jones: Right.

Vice Chair Sarnoff: -- suggesting is I just want to see a budget breakdown. I happen to like fireworks celebration, so I will probably be supportive of it. But having had a little bit of experience with it --

Commissioner Spence-Jones: Right.

Vice Chair Sarnoff: -- and having been judicious and actually holding on to Bayfront money and then firing people was not easy, I just ask that we make it a policy -- and I think you have time if you bring it back to the next Commission meeting and just show us the budget.

Commissioner Spence-Jones: My only issue, 4th of July is Wednesday.

Chair Suarez: No. We don't have time to bring it to another --

Vice Chair Sarnoff: We don't have time.

Commissioner Spence-Jones: And then --

Chair Suarez: No.

Commissioner Spence-Jones: -- part of the issue so you know that -- 'cause this is an item that I wanted to bring up the last time around. Because this was a City-related event -- this is something the City sponsors in the park. This is something they do every year in Hadley. It was communicated in the very beginning, it's just a part -- it would be just a Parks event. But the Manager just wanted to make sure that the lines were clean and that there was no issues on it, so that was the reason why I had to bring it as an item. I was actually bringing it the last City Commission meeting to address it, but I was advised that we should not do it that way.

Vice Chair Sarnoff: Is there anyone from the City that could tell us what the 18,000's being spent on? I mean, if it's a City-sponsored event, somebody must have an idea what the 18,000 is for.

Commissioner Spence-Jones: Right. I do know that it not only includes the fireworks. I also know that it includes, like the staging and the sound and everything like that, so I think it's a combination -- if I'm not mistaken --

Commissioner Carollo: Wouldn't that be in-house?

Commissioner Spence-Jones: -- the fireworks is like --

Vice Chair Sarnoff: Yeah, that --

Commissioner Spence-Jones: -- almost --

Vice Chair Sarnoff: Isn't that our in-house stuff?

Commissioner Carollo: Yeah.

Vice Chair Sarnoff: Isn't that --? No?

Commissioner Spence-Jones: No.

Vice Chair Sarnoff: So you're having a concert; is that it?

Commissioner Spence-Jones: Yeah. It's rides and stuff for the kids right in the heart of Liberty City. And just so we're clear, these are the -- this is the leftover money that we did not use from MLK (Martin Luther King) parade.

Vice Chair Sarnoff: Right.

Commissioner Spence-Jones: So these are the ---

Chair Suarez: Goombay.

Commissioner Spence-Jones: Yeah.

Chair Suarez: Right. Can I --?

Vice Chair Sarnoff: I --

Commissioner Spence-Jones: And there's still money left in there. There's still money left in that account.

Vice Chair Sarnoff: No, I know. And I'm -- candidly, I'm going to bring something at the next Commission meeting, but I want to bring a budget. I want to show you the budget. I want to show you what we're using it for, what we've done in the past.

Commissioner Spence-Jones: I got you.

Chair Suarez: And that's kind of what I wanted to say, which was, you know, I have full faith in the Commissioner's decision making. She has --

Commissioner Spence-Jones: I didn't --

Chair Suarez: -- demonstrated --

Commissioner Spence-Jones: -- want to do it this way but --

Chair Suarez: No, no.

Commissioner Spence-Jones: -- this was the way it was communicated --

Chair Suarez: She's demonstrated a track record --

Commissioner Spence-Jones: -- to be done.

Chair Suarez: -- of doing things in the right way and in spending money in the right fashion. However, I agree with you. I would have liked to have seen -- and I think the practice has been that all expenses are documented as far as how they're going to be spent. The second thing that I have is more of a global issue that I had when we first started doling out this money, which is that, you know, it has gone essentially to two and a half districts in the entire city. And what I would like to see next year, Danny, is that it be divided by district so that every district has their fair share. And if, for example -- Calle Ocho being a good example. District 4 benefits from Calle Ocho obviously because we touch the end of Calle Ocho. So, obviously, I would be willing

to participate with District 4 funds to help finance Calle Ocho. But you know, I think --

Commissioner Carollo: Right. Before you say that, we didn't use any money from the City for Calle Ocho. What we did was Three Kings parade.

Chair Suarez: I'm sorry, Three Kings.

Commissioner Carollo: Yeah.

Chair Suarez: My apologies.

Commissioner Carollo: Three Kings parade.

Chair Suarez: I'm sorry. I apologize, yes.

Commissioner Gort: Calle Ocho, we paid quite a bit.

Chair Suarez: Well, I don't know. I know it was Three Kings parade, you're right. It was Three Kings parade. But the point is that it should be apportioned, in my humble opinion, by district. You know, there are things that are a parade that will impact the whole city and I would be willing to contribute to that, you know, the district's fair share. But this year it went to two and a half districts. That's just a fact. And so that's the only -- it's a global comment. I'm going to vote in favor of this, but I want to make that global comment and agree with Commissioner that, you know, I want to see things --

Commissioner Carollo: And let me -- if I may, Mr. Chairman.

Chair Suarez: Of course, of course.

Commissioner Carollo: Let me say what I'm seeing. When we first -- and I want to make sure that all the Commissioners are, you know, listening so -- 'cause I'm sure it's going to be brought up fact when it come budget time.

Commissioner Spence-Jones: You're waiting for me?

Commissioner Carollo: Yeah.

Commissioner Spence-Jones: Okay. Go ahead.

Commissioner Carollo: When originally this was brought up in the budget during budget time, the discussion was that I -- and I still do believe that the two well-known parades that have been going on for I don't know how many years, 40-something years, that are, in essence, you know, a part of our culture should continue and we should continue backing and supporting them. One was the Three Kings parade. The other one was the Martin Luther King parade. At the same time, there was a dollar amount placed for parades and I specifically asked, wait a second. I want the breakdown. I want the breakdown of the dollar amounts to see exactly where is this money going to be allocated to. At that time -- and once again, I understand it was 3 o'clock in the morning -- 3:30 in the morning, you know. I don't think many wanted to get into the details, but we left it at 275,000. I went along with my colleagues. Now what I am seeing is instead of these two signature parades, there has been a lot of other events, and I support it. And by the way, I'm going to support this also. But it goes away from the two signature parades that was my intention. I think Three Kings parade this year was about \$70,000 and -- Mr. Budget Director, could you elaborate? Was it about that?

Daniel Alfonso (Director, Budget): Yeah. That is correct. The ultimate -- or the final cost for

the Three Kings to the City that the departments asked for in reimbursement was just short of \$70,000.

Commissioner Carollo: Just short of 70,000.

Mr. Alfonso: And the --

Commissioner Carollo: And the --

Mr. Alfonso: -- Martin Luther King was \$44,000.

Commissioner Carollo: So we're talking about 114 -- less than 114,000 in total; 70 plus 40 --

Mr. Alfonso: A hundred and fourteen and change.

Commissioner Carollo: Okay.

Chair Suarez: What happened to the other hundred and fifty?

Commissioner Carollo: Okay, but we allocated 275,000.

Mr. Alfonso: For those two parades in particular when they came to the Commission, it was 100 for one and 50 for the other, so it was 150,000 for those two events --

Vice Chair Sarnoff: Correct.

Mr. Alfonso: -- which ended up costing 114. That's why we have \$36,000 left right now.

Commissioner Carollo: But we still allocated 275,000 for those events. Now -- correct, for the parade --?

Vice Chair Sarnoff: It was special events 'cause it -- we knew --

Commissioner Carollo: For special events.

Vice Chair Sarnoff: And if you remember, then we had -- we allocated more money --

Chair Suarez: Goombay.

Vice Chair Sarnoff: -- for the Three -- not for Three Kings -- for the Martin Luther King. They came back and asked for, I think, an additional 25 and then --

Commissioner Spence-Jones: Yeah, but it was for the candlelight service.

Chair Suarez: We did a candlelight vigil.

Commissioner Carollo: Right. This was --

Vice Chair Sarnoff: Right, right, right, right, right.

Commissioner Carollo: -- a separate -- it was a separate --

Vice Chair Sarnoff: Right.

Commissioner Carollo: Okay. Now where I'm going with this is that -- and I'm touching upon

what Commissioner Suarez says, what Chairman Suarez -- which I would normally agree with. However, I would have to disagree and I'll explain why. Like this event -- this event, it deals with the parks.

Commissioner Spence-Jones: Yeah.

Commissioner Carollo: Look at the Park's budget and analyze from that Park's budget how much of that budget goes to District 3. Very, very little. Therefore, this Three Kings parade, in essence, is an event --

Chair Suarez: For the City.

Commissioner Carollo: Yeah.

Chair Suarez: Yeah.

Commissioner Carollo: For the City and --

Chair Suarez: That makes sense.

Commissioner Carollo: -- for that area that, realistically, don't have many events, that don't have, you know, much parks events or, you know, cultural events. So when you said as far as dividing X amount, I would normally agree, except, you know, if that's the case, I would say, yeah. But when it comes -- and I haven't made that big of a deal, only that District 3 has the least amount of park space and I've harped on that quite a bit and we're working to fix that. But anyways -- so when -- if we allocate, let's say 275,000 five ways, I mean, in essence, I could make the argument, hey, well, the Park's budget --

Chair Suarez: It should be divided, right.

Commissioner Carollo: Yeah.

Chair Suarez: No. I -- look, I think that's a wonder -- I think that's a good argument. I think that's a very good argument. I hadn't actually thought of it that way. My thing is, just like you fight for your district in terms of parks, I want to be able to fight for my district in terms of events that are important. And what I have done is essentially what the Vice Chair said. I have basically used the little Bayfront Park, you know, money that I have left --

Commissioner Carollo: From the past.

Chair Suarez: -- which is minimal --

Commissioner Carollo: Yeah.

Chair Suarez: -- for park-related -- you know, I've basically told people, if you want something, it's got to be in a park and, you know, these are the requirements and all that. So little by little, I know that fund is going to run out very quickly. And -- but I have tried to avoid going into the general fund. I have tried to avoid coming to this Commission for those kinds of things, you know.

Commissioner Spence-Jones: Mr. Chairman.

Chair Suarez: What -- I don't think what I would be requesting in a given year is an exorbitant amount in comparison with other districts, but I just -- maybe it's not right to do it by district, like you argue, but I think there should be some recognition of the fact that there's other needs in

other districts that are going to need funding.

Commissioner Spence-Jones: And Mr. Chairman --

Chair Suarez: Yes.

Commissioner Spence-Jones: -- I just want you guys to know I'm officially nailed to the stake and I accept being nailed to the stake on this item.

Chair Suarez: Okay.

Commissioner Spence-Jones: Okay, so I officially accept being nailed to the stake on this item.

Chair Suarez: She's being facetious though. She's not being literal.

Vice Chair Sarnoff: Boy, that sounded like me. I liked it.

Chair Suarez: Yeah. All in favor, signify by saying "aye."

Vice Chair Sarnoff: Wait, wait, wait. Can I just --?

Commissioner Spence-Jones: I -- but I wasn't --

Vice Chair Sarnoff: I'm going to vote for it, but we just --

Commissioner Spence-Jones: -- finished with my comment on it --

Vice Chair Sarnoff: Oh, I didn't think you were either.

Commissioner Spence-Jones: -- but go ahead.

Vice Chair Sarnoff: Okay.

Commissioner Spence-Jones: No. But I wanted to at least acknowledge me being nailed to the stake on this issue and it won't happen again.

Chair Suarez: Touché.

Commissioner Spence-Jones: I do -- I mean, in the past, the history, we have allocated taking the special events money for each one of the districts and allow for us to use those monies to support whatever initiatives, special events, parades, or things that were important to our district. As we go into the next budget season, maybe that's something we should consider. And even though you may not have parks in your district, Commissioner Carollo, I know that you have several cultural related events that I know need support. Before you got here, for instance, I know we used to support Viernes Cul --

Chair Suarez: Viernes Culturales.

Vice Chair Sarnoff: Culturales.

Commissioner Spence-Jones: First Fridays. First Fridays in Little Havana.

Chair Suarez: Cultural Friday.

Commissioner Spence-Jones: And they're struggling right now. So, you know, you may -- that

may not be something that you really want to push or support or, you know, have monies support them, but I do know that that was one of the things that they used to tap into those dollars for, just to help them with some of --

Commissioner Carollo: And in all fairness, the lion's share of that -- and I have to be -- you know, I have to be honest and fair. The lion's share of that was Commissioner Bruno Barreiro in the County. If you really look into -- yes. He --

Commissioner Spence-Jones: When you say lion's share, meaning what?

Commissioner Carollo: As far as supporting monetary with Viernes Culturales --

Commissioner Spence-Jones: Well, I mean, I'm just saying the four years that I was here -- and because I had the same thing in my district, which is Soul on 7th, and you guys had First Fridays. I know for a fact that we gave monies to support those events. I know that 'cause actually we copied what Little Havana was doing in Liberty City. So -- but it's -- so it's neither here nor there.

Commissioner Carollo: Right.

Commissioner Spence-Jones: I officially got it. No problem. It won't happen again.

Chair Suarez: Okay. All in favor, signify by --

Vice Chair Sarnoff: Wait, wait. I'd just like to say --

Chair Suarez: Oh, I'm sorry.

Vice Chair Sarnoff: -- I'm going to vote in favor of it. I'm just asking to have the opportunity at the next Commission meeting to see an after-the-fact budget.

Commissioner Spence-Jones: Oh, yeah. No problem.

Chair Suarez: I agree with that. I think that's a reasonable --

Commissioner Spence-Jones: Not a problem.

Chair Suarez: -- request.

Commissioner Spence-Jones: Not a problem, not at all.

Chair Suarez: And you know what -- and there's been a couple of times where this has happened and I know the Commissioner's been very good about that.

Commissioner Spence-Jones: Yeah.

Chair Suarez: And in the CRA (Community Redevelopment Agency), it's happened a couple of times and we've gotten that as well. So all in favor --

Commissioner Spence-Jones: Not a problem.

Chair Suarez: -- signify by saying "aye."

The Commission (Collectively): Aye.

Vice Chair Sarnoff: And --

Chair Suarez: Passes unanimously.

Vice Chair Sarnoff: -- Mr. Chair.

Chair Suarez: Yes.

Vice Chair Sarnoff: Just to keep one thing in mind, to all you guys. When I think about -- 'cause I did this analysis and I think I'm about to floor you. When you think about who walked in those parades, you know, and they're all friends of ours, Ileana Ros-Lehtinen, Marco Rubio, do you know the amount of discretionary money that walked in that parade? In other words, in their office budgets --

Chair Suarez: I can only imagine.

Vice Chair Sarnoff: -- it was -- in the Three Kings, was over \$7.5 million --

Chair Suarez: Wow. Yeah, you are --

Vice Chair Sarnoff: -- of discretionary money --

Chair Suarez: -- you floored me.

Vice Chair Sarnoff: -- walked in that parade. In -- and what I was able to see of the Martin Luther King parade -- a little less, but about \$3.6 million.

Chair Suarez: Wow. You floored me.

Vice Chair Sarnoff: And here we are sort of struggling.

Chair Suarez: Right.

Vice Chair Sarnoff: I mean, a County Commissioner has \$750,000 of -- give that person 10, give that person 30, give that person 60.

Chair Suarez: That's a good point.

Vice Chair Sarnoff: A congressman -- and this is not clear, I'll admit -- has between 1.8 and \$6.7 million, just depending upon what you call discretion --

Chair Suarez: Wow.

Vice Chair Sarnoff: -- to spend from his office budget. And a senator -- and this is the little known dirty fact -- has over \$20 million, so --

Chair Suarez: That is dirty.

Vice Chair Sarnoff: -- you know, here we are sort of struggling.

Chair Suarez: That's a good point.

Vice Chair Sarnoff: And has anybody ever --? And this is why I said maybe we should make sure and look at is there another way of funding these things because, you know, you're asking the smaller --

Chair Suarez: Or at least making them pay their fair share.

Vice Chair Sarnoff: Exactly 'cause they certainly --

Commissioner Spence-Jones: I do know that the County does -- on the MLK part of the parade, they do kick in something on there and --

Commissioner Carollo: Yeah.

Commissioner Spence-Jones: -- they actually spend more money than we do.

Chair Suarez: Yeah. I think you're right about that.

Commissioner Spence-Jones: I'm sure that they have to put something on the Three Kings. I'm not sure what that is, but I know that they put a number. But when you talk -- when you're talking about congressional and state representatives, that's a little different. I mean, that's just -- I think that's really a decision that we all have to make because we know how important all these things are in each one of our district so.

Vice Chair Sarnoff: But what I'm saying is let's --

Commissioner Spence-Jones: Let's start talking to them now.

Vice Chair Sarnoff: Yeah, let's go out now and say -- look, I'm sure -- Marco's a great guy, you know. David's out there. Ileana's out there. Hey, how about \$30,000 a walker?

Chair Suarez: Yeah.

Vice Chair Sarnoff: You want to walk in the parade, 30 grand.

Chair Suarez: It's about 5 grand a block.

Vice Chair Sarnoff: Exactly.

Chair Suarez: All right, guys. I think we -- did we vote on it? Yes.

Vice Chair Sarnoff: Yes.

Commissioner Spence-Jones: Yes.

Chair Suarez: Okay, cool.

NA.4

12-00772

DISCUSSION ITEM

BRIEF DISCUSSION BY COMMISSIONER GORT REGARDING THE CREATION OF A LABOR MANAGEMENT COMMITTEE.

12-00772-Submittal-Commissioner Gort.pdf

DISCUSSED

Direction by Commissioner Gort to the City Attorney to bring back a resolution creating a labor management committee to be used for collaboration between the Administration and the City's Unions on various issues.

Chair Suarez: All right, SI.1. I'm sorry. Commissioner Gort, do you want to do your pocket item as well?

Commissioner Gort: Yes. One of the things -- and I've been meeting with the -- Tony and the unions and we have discussed several items. And one of the things that I'd like to bring back -- because I hate to see what's happening today, the Administration against the unions and this and we never had that before. We've always had great relationship. We sat down with the unions. We discussed things, year round, not only during the negotiation. Now we did have the labor management committee. I don't know if you all had the experience of having the labor management committee.

Chair Suarez: I don't -- yeah.

Commissioner Gort: What it was is --

Chair Suarez: Sounds like a good idea.

Commissioner Gort: -- all the contract, the (UNINTELLIGIBLE) contract that we used to have, they have the labor management committee. They didn't discuss the term of the agreements that we had with the unions, but it gives an opportunity to the unions to sit down with the management, discuss the different issues, and work things out before we come to -- really to the time of discussion. This is something I think we should try to consider to bring it back. And what it is is the Department of Labor Management Committee should meet at least once a month -- that could be changed. My understand [sic] sanitation still have it but they meet every two months or something like that. Such a meeting should be scheduled during normal business hours. The purpose of these meetings will be to discuss quality of work life, productivity, service, communication, and objective mutual concern, not involving matters which have been in the area subject to collective bargaining. This is what the whole thing is all about. It's talking to each other. The problem we have here is it seems like, hey, we're enemy. We're not. We're all the same team. We all want the same thing. And I think, Mary, you were part of that.

Mary Leckband: Mary Leckband, assistant director --

Commissioner Gort: Will you elaborate on that, please?

Ms. Leckband: -- of HR (Human Resources). Yes. I remember when I started with the City back in 1997, there were labor management committee meetings held. And in fact, they were recognized as part of the Blue Ribbon Taskforce that was put together as a management practice. I don't know the exact year that those processes stopped, but it was probably close around 2000 or thereafter. And looking at the current union contracts, only two of the union contracts out of the four have an article which provides for labor management committee meetings; one being AFSCME (American Federation of State, County and Municipal Employees) 1907 and the other being AFSCME 871.

Commissioner Gort: Thank you.

Chair Suarez: Would you like --?

Anthony Hatten: Anthony Hatten, union president of Local 1907, 4011 West Flagler. I'll be -- I'll look forward to sitting down with management any time.

Chair Suarez: You have a wonderful Commissioner, by the way.

Mr. Hatten: Yes, I do.

Chair Suarez: Okay. Anything else, Commissioner?

Commissioner Gort: No. I think it's just something we really should look into.

Chair Suarez: Should we do a reso -- I mean, should we bring back a resolution to establish it?

Commissioner Gort: I would like to bring it back as a resolution, if we all agree to it.

Chair Suarez: Or does it have to be done through collective bargaining?

Commissioner Gort: I think we can have it as part of the collective bargaining.

Commissioner Spence-Jones: Okay, can you bring --?

Chair Suarez: Part of collective bargaining?

Commissioner Gort: Yeah. Was there a resolution before?

Julie O. Bru (City Attorney): Yeah, it was. It was a resolution back in -- I know in 2002 there was a resolution, but I think during the management tenure of Mr. Arriola that was discontinued. So if you'd like to revive that kind of collaboration between management and labor, it would be appropriate for you to adopt a resolution.

Chair Suarez: Let's bring back a reso.

Commissioner Gort: Bring it back --

Commissioner Carollo: Yeah.

Commissioner Gort: -- as a resolution.

Commissioner Carollo: Bring back 'cause I like -- you know, I'm a little confused on what exactly we're asking for so I at least want to take time to be able to, you know, just study.

Vice Chair Sarnoff: And can I make the suggestion? We had -- our office looked into what labor management committees are, and the federal government has promulgated a pamphlet on labor management committees. I will have my office share them with you. It's about a three- or four-page document that explains what they do and how they interact and what their purposes are.

Chair Suarez: Cool.

Vice Chair Sarnoff: And it's written pretty easily.

Chair Suarez: Cool.

Commissioner Gort: Sounds good.

Chair Suarez: I want to go ahead and take the time certain, 5:30, and then go to the supplemental and we're going to --

Commissioner Gort: Thank you.

Chair Suarez: -- wrap things up. Thank you.

Mr. Hatten: Thank you very much.

Ms. Leckband: Thank you.

Commissioner Gort: Thank you.

The meeting adjourned at 5:53 p.m.