

City of Miami

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



Meeting Minutes

Thursday, October 8, 2009

9:00 AM

REGULAR

City Hall Commission Chambers

City Commission

*Manuel A. Diaz, Mayor
Joe Sanchez, Chair
Michelle Spence-Jones, Vice-Chair
Angel González, Commissioner District One
Marc David Sarnoff, Commissioner District Two
Tomas Regalado, Commissioner District Four
Pedro G. Hernandez, City Manager
Julie O Bru, City Attorney
Priscilla A. Thompson, City Clerk*

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D5 - DISTRICT 5 ITEMS

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

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

Present: Commissioner González, Commissioner Sarnoff, Chair Sanchez, Commissioner Regalado and Vice Chair Spence-Jones

On the 8th day of October 2009, the City Commission of the City of Miami, Florida, met at its regular meeting place in City Hall, 3500 Pan American Drive, Miami, Florida, in regular session. The meeting was called to order by Chairman Joe Sanchez at 9:32 a.m., recessed at 11:56 a.m., reconvened at 2:16 p.m., and adjourned at 6:56 p.m.

Note for the Record: Commissioner González entered the meeting at 9:38 a.m.

ALSO PRESENT:

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

Chair Sanchez: All right, ladies and gentlemen, good morning. Welcome to City Hall. Officially, the City of Miami Commission meeting has been called to order. It has been properly advertised. At this time I want to take the opportunity to welcome you to our October 8, 2009 meeting of the City of Miami Commission in these historic chambers. The members of the City Commission that are present today are Michelle Spence-Jones, Vice Chair, Tomas Regalado, Angel González, Marc Sarnoff, and me, Joe Sanchez, as your Chair. Also on the dais, we have our City Manager, Pete Hernandez; our City Attorney, Julie O. Bru; and our City Clerk, Priscilla Thompson. The meeting will be opened with a prayer by our City Clerk, if she does not mind, and then I will go ahead and do the pledge of allegiance, and we'll go on with the presentations and proclamations. As I stated before, I think we're going to take one item out of order, which is to recognize an individual who has done so much for our community, a dear friend to this City and a dear friend to this Commission, Jacob [sic] Tory that's going to be recognized, so -- all right, at this time let's go ahead and do the prayer.

Invocation and pledge of allegiance delivered.

PRESENTATIONS AND PROCLAMATIONS

PR.1 09-01138 CEREMONIAL ITEM

Honoree	Presenter	Protocol Item
Tory Jacobs	Commissioner Sarnoff	Medallion of Honor
Pamela Burns	Mayor Diaz	Retirement Salute

PRESENTED

1. Commissioner Sarnoff presented a Medallion of Honor to Tory Jacobs, "Mr. Brickell," on the occasion of the street co-designation of Southeast 25th Road as Tory Jacobs Boulevard.

2. Mayor Diaz presented a Retirement Salute to Pamela Burns in recognition of 28 years of service to the City of Miami, a tenure representing high-level commitment and competence.

Chair Sanchez: So at this time, I want to take an item -- point of privilege both by Commissioner Sarnoff and the entire Commission to recognize Tory Jacobs.

Presentations made.

[Later...]

Chair Sanchez: At this time we'll continue with the protocol items. I want to recognize the Mayor, who has a retirement salute for Pamela Burns, so Mr. Mayor, you're recognized for the record.

Mayor Manuel A. Diaz: And, Tory, I will sign that resolution before the day is out.

Applause.

Presentation made.

MAYORAL VETOES

NO MAYORAL VETOES

Chair Sanchez: At this time --

Priscilla A. Thompson (City Clerk): Chair.

Chair Sanchez: Yes, ma'am.

Ms. Thompson: We would like to record the mayoral veto part of it.

Chair Sanchez: I'm getting to that right now.

Ms. Thompson: Thank you.

Chair Sanchez: All right. At this time I am in possession of a letter from the Mayor [sic] where there are no veto legislation from the Mayor, for the record.

Ms. Thompson: Correct.

Chair Sanchez: Okay.

APPROVING THE MINUTES OF THE FOLLOWING MEETINGS:

Motion by Vice Chair Spence-Jones, seconded by Commissioner González, to APPROVED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner González, Sanchez, Spence-Jones and Regalado

Absent: 1 - Commissioner Sarnoff

Chair Sanchez: Let's go ahead and try to get some of the approvals of the minutes out of the way. Let's go ahead and have a motion to approve the special City Commission meeting of September 4 --

Vice Chair Spence-Jones: So moved.

Chair Sanchez: -- 209 [sic].

Priscilla A. Thompson (City Clerk): Chair, if I might make it easier for you. You can take them all at one time, if you'd like.

Chair Sanchez: Okay, let's go ahead and -- well, let's put it on the record. We're going to be voting on approving the following minutes: the September 4 special City Commission meeting, the special City Commission meeting also on September 4 on Miami 21, the regular City

Commission meeting on September 10, 2009 [sic], of course; our first budget hearing of September 10, 2009 [sic]. We need a motion to approve all the minutes --

Commissioner González: Move it.

Chair Sanchez: -- for the meetings. There's a motion by the Vice Chair, also --

Commissioner Regalado: Second.

Chair Sanchez: -- by Commissioner González. No discussion on approving the minutes of the following meetings that were read into the record. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries.

END OF APPROVING MINUTES

ORDER OF THE DAY

Chair Sanchez: Before we start, those of you that are here on item RE.2, which is the Bike Master Plan, RE.9, which is the Workforce Green Jobs, PZ.1, which is the Virginia Key Master plan, PZ.2, which is the bicycle parking ordinance, PZ.3, which is the landscaping ordinance, and PZ.4, roof ordinance, PZ.5, non-roof ordinance. Those items are going to be heard after 2 o'clock, so I suggest you come back after 2 o'clock just to -- so you don't sit around the whole day and I give you an opportunity. Once again, it's RE.2, RE.9, PZ.1, PZ.2, PZ.3, PZ.4, and PZ.5. They will be heard after 2 o'clock. We are going to take one item after the presentation of protocols and recognitions, and that's going to be Tory Jacobs. He's going to be recognized.

[Later...]

Chair Sanchez: That concludes the protocol program. And we'll move on with our agenda. Before we move on, Madam Attorney, could you read the procedures to be followed at our Commission meeting?

Julie O. Bru (City Attorney): Thank you, Mr. Chairman. Good morning, members of the Commission, Madam City Clerk, 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 in the City Clerk's office. Anyone wishing to appeal any decision made by the City Commission for any matter considered at this meeting may need a verbatim record of the item. No cell phones or other noise-making devices are permitted in the Commission chambers. Please silence those now. Any person making offensive remarks or who becomes unruly in the Commission chambers will be barred from further attending Commission meetings. Any person with a disability requiring auxiliary aids and services for this meeting, please notify the City Clerk.

Chair Sanchez: Okay.

[Later...]

Chair Sanchez: At this time we'll continue with the regular agenda. Once again, just want to make it very clear that if you're here for RE.2, which is the Bike Master Plan, RE.9, which is the Workforce Green Jobs, PZ.1, which is the Virginia Key Master Plan, PZ.2, which is the bicycle parking ordinance, PZ.3, which is a landscaping ordinance, PZ.4, which is the roof ordinance, PZ.5, which is a non-roof ordinance. All those items are going to be heard after 2 o'clock. So if you're here, maybe there's something else you could do and you could be back at 2 o'clock for

those items.

[Later...]

Chair Sanchez: We'll continue now. As always, do any of the Commissioners or -- at this time the Chair and the Administration will announce which items, if any, are being either withdrawn, deferred, or substituted for the record. Can we get that, Mr. Acting City Manager?

Bill Anido (Assistant City Manager): Yes. CA.1 to be continued to November 15.

Chair Sanchez: Okay.

Mr. Anido: Likewise, PH.1.

Commissioner González: Which one was the first one?

Chair Sanchez: CA.1.

Mr. Anido: CA.1.

Commissioner González: Pardon me?

Mr. Anido: CA.1.

Commissioner González: CA.1.

Mr. Anido: A.1 [sic].

Commissioner González: Okay, CA.1. What's the other one?

Mr. Anido: November 19.

Priscilla A. Thompson (City Clerk): Thank you.

Commissioner González: And what is the other one?

Mr. Anido: PH.1.

Chair Sanchez: I'm sorry?

Commissioner González: P, like a pole.

Chair Sanchez: B --

Mr. Anido: H.1.

Chair Sanchez: BH.1 [sic].

Ms. Thompson: No, no, P, PH --

Mr. Anido: P, p.

Ms. Thompson: -- Public Hearing 1.

Mr. Anido: Yes.

Chair Sanchez: Yes.

Mr. Anido: PH.4.

Chair Sanchez: Okay. Are those being continued or deferred or withdrawn?

Mr. Anido: Continued to the 19th.

Chair Sanchez: All right, so basically, all three that you've stating [sic] are all being continued to --?

Mr. Anido: The November 19 meeting.

Chair Sanchez: Okay.

Mr. Anido: And then RE.7 is being withdrawn, and RE.8 deferred to the next meeting on the -- on October 22.

Chair Sanchez: I'm sorry; which was the last one?

Mr. Anido: RE.8.

Chair Sanchez: Okay. All right, do any of the Commissioners want to pull any of the items? If not, we'll continue.

CONSENT AGENDA

CA.1 09-01039

*Department of
Public Works*

RESOLUTION

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

09-01039 Legislation.pdf

09-01039 Exhibit.pdf

09-01039 Summary Form.pdf

CONTINUED

CA.2 09-01040

*Department of
Purchasing*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BIDS RECEIVED AUGUST 7, 2009, PURSUANT TO INVITATION FOR BIDS NO. 163129, FROM VARIOUS VENDORS, FOR GARBAGE BAGS AND LINERS, CITYWIDE, ON AN AS-NEEDED BASIS, FOR AN INITIAL CONTRACT PERIOD OF TWO (2) YEARS, WITH THE OPTION TO RENEW FOR THREE (3) ADDITIONAL ONE (1) YEAR PERIODS; ALLOCATING FUNDS FROM THE VARIOUS SOURCES OF FUNDS FROM THE USER DEPARTMENTS AND AGENCIES, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED.

09-01040 Legislation.pdf
09-01040 Summary Form.pdf
09-01040 Award Recommendation .pdf
09-01040 Tabulation of Bids.pdf
09-01040 Invitation for Bids-Garbage Bags.pdf

This Matter was ADOPTED on the Consent Agenda.

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0462

CA.3 09-01041

*Department of
Purchasing*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BIDS RECEIVED AUGUST 6, 2009, PURSUANT TO INVITATION FOR BIDS NO. 156128, FROM STEIN PAINT COMPANY (PRIMARY) AND SHERWIN WILLIAMS (SECONDARY), FOR PAINT AND PAINT SUPPLIES, CITYWIDE, ON AN AS-NEEDED BASIS, FOR AN INITIAL CONTRACT PERIOD OF TWO (2) YEARS, WITH THE OPTION TO RENEW FOR THREE (3) ADDITIONAL ONE (1) YEAR PERIODS; ALLOCATING FUNDS FROM THE VARIOUS SOURCES OF FUNDS FROM THE USER DEPARTMENTS AND AGENCIES, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL, AT THE TIME OF NEED.

09-01041 Legislation.pdf
09-01041 Summary Form.pdf
09-01041 Award Recommendation.pdf
09-01041 Tabulations of Bids.pdf
09-01041 Invitation for Bids Paint & Paint.pdf
09-01041-Summary Fact Sheet.pdf

This Matter was ADOPTED on the Consent Agenda.

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0463

CA.4 09-01042

*Department of
Purchasing*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BID RECEIVED AUGUST 27, 2009, PURSUANT TO INVITATION FOR BID NO. 114056, FROM AUSTIN'S DIVING CENTER, INC., THE SOLE RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE PROCUREMENT OF SCUBA DIVING EQUIPMENT AND ACCESSORIES, ON A CITYWIDE, AS-NEEDED CONTRACTUAL BASIS, FOR AN INITIAL CONTRACT PERIOD OF ONE (1) YEAR, WITH THE OPTION TO RENEW FOR THREE (3) ADDITIONAL ONE (1) YEAR PERIODS; ALLOCATING FUNDS FROM THE VARIOUS SOURCES OF FUNDS FROM THE USER DEPARTMENTS AND AGENCIES, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED.

09-01042 Legislation.pdf
 09-01042 Summary Form.pdf
 09-01042 Award Recommendation.pdf
 09-01042 Tabulation Sheet.pdf
 09-01042 Corporation Papers..pdf
 09-01042 Addendum No. 2.pdf
 09-01042 Addendum No. 1.pdf
 09-01042 Invitation for Bid.pdf
 09-01042-Summary Fact Sheet.pdf

This Matter was ADOPTED on the Consent Agenda.

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0464

CA.5 09-01052

*Department of
Parks and
Recreation*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ESTABLISHING A NEW SPECIAL REVENUE PROJECT ENTITLED: "OUT OF SCHOOL TIME SNACK PROGRAM 2009-2010" AND APPROPRIATING FUNDS, IN AN AMOUNT NOT TO EXCEED \$233,188.80, CONSISTING OF A REIMBURSEMENT GRANT AWARD RECEIVED FROM THE FLORIDA DEPARTMENT OF HEALTH, BUREAU OF CHILDREN NUTRITION PROGRAMS; AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AWARD AND TO EXECUTE THE NECESSARY DOCUMENTS, IN SUBSTANTIALLY THE ATTACHED FORM, TO IMPLEMENT ACCEPTANCE OF SAID GRANT AWARD; ALLOCATING SAID FUNDS INTO THE CITY OF MIAMI'S DEPARTMENT OF PARKS AND RECREATION SPECIAL REVENUE ACCOUNT NO. 11550.295999.534000.0.0.

09-01052 Legislation.pdf
 09-01052 Exhibit 1.pdf
 09-01052 Exhibit 2.pdf
 09-01052 Exhibit 3.pdf
 09-01052 Summary Form.pdf
 09-01052 Reimbursement Amount.pdf
 09-01052 Child Care Food Program Memorandum.pdf
 09-01052 E-mail.pdf

This Matter was ADOPTED on the Consent Agenda.

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0465

CA.6 09-01112

*District 3- Chair
Joe Sanchez*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION URGING MEMBERS OF THE UNITED STATES SENATE AND THE UNITED STATES HOUSE OF REPRESENTATIVES TO SUPPORT THE "HUMANITY AND PETS PARTNERED THROUGH THE YEARS (HAPPY) ACT" (HOUSE RESOLUTION

3501), TO CREATE AN INCOME TAX DEDUCTION OF UP TO \$3,500 PER YEAR, FOR QUALIFIED PET CARE EXPENSES; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE ELECTED OFFICIALS STATED HEREIN.

09-01112 Legislation.pdf

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

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0466

Chair Sanchez: At this time I will pass the gavel to the Vice Chair and would make a motion on CA.6.

Vice Chair Spence-Jones: We have a motion on CA.6. Do we have a second?

Commissioner González: Second.

Chair Sanchez: CA.6 is a resolution -- the U.S. (United States) House -- a representative has put together in support of the humanity and adopt partnership throughout the years. It's called HAPPY (Humanity and Pets Partnered Through the Years) Act. That's a House Resolution 3505 [sic] that -- to create an income tax deduction of up to \$3,500 per year for qualified pet care expenses. We all know that the Government giving out bailouts to the banking industries and to the auto industry and Cash for Clunkers. You know, in these tough economic times, people that have pets -- and pets certainly make a difference -- are facing some very tough times. I think this legislation would allow and create an income tax deduction of, once again, \$3,500 for qualified pet care expenses. The bill is right now in the House and Ways Committee. As we all know, I think everyone who has pets know the importance of taking care of their pets. And there is these very tough times, these tough economic times, a lot of people are very tight and, of course, they want to make sure they take care of their pet. So doing some research on this, we came upon this legislation, and I want to take great pride in -- and I know that there's a lot of us up here that are -- we care very much about pets to support this resolution, which really sends a message out there that not only are we pet lovers, but we also want to make sure we provide tax relief deduction for our residents. So I made a motion. I also want to encourage each and every one of you to sign the petition supporting the tax deduction for pet care expenses. And you could visit our website here in the City, which is miamigov.com, District 3, and you could sign up. It's interesting; we've had already about a dozen people that have signed up throughout the world supporting this legislation. And also I want to take this opportunity that -- also, you could go to it on thepetitionsite.com to pet care petition. So once again, it takes great pride in supporting legislation, and I hope that in Washington they do approve this to provide not only a tax break deduction for pet lovers, but also be able to take care of our pets, which we should do. So I'm happy to support this legislation.

Vice Chair Spence-Jones: So we have a motion and a second already, Madam --? I thought we had a --

Priscilla A. Thompson (City Clerk): We need a second.

Vice Chair Spence-Jones: We have a second on this item? I thought we had a second.

Ms. Thompson: Okay, thank you.

Vice Chair Spence-Jones: Okay. We had a motion. All in favor?

The Commission (Collectively): Aye.

Vice Chair Spence-Jones: This item passes.

Chair Sanchez: All right. So once again, please do sign up the petition so we could send it to Washington. Thank you. That takes care of the consent agenda.

Adopted the Consent Agenda

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

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

END OF CONSENT AGENDA

Chair Sanchez: I guess we'll take up the consent agenda. At this time, anyone wishing to pull any of the consent agendas [sic] for discussion? I would like to make a request to pull CA.6. Anyone else wishing to pull any of the consent agendas [sic]? If not, need a motion to approve the consent agenda.

Commissioner González: Motion.

Chair Sanchez: Okay, there's a motion by Commissioner González, second by Commissioner Sarnoff. Discussion on any of the CA (Consent Agenda) items? Hearing none, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries.

PUBLIC HEARINGS**PH.1 09-01043****RESOLUTION**

*Department of
Public Facilities*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO ACCEPT FROM THE MIAMI WOMAN'S CLUB ("CLUB"), IN PERPETUITY, AN APPROXIMATELY TWENTY-THREE (23) FOOT WIDE BAYWALK EASEMENT, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED AND INCORPORATED, OF THE PROPERTY LOCATED AT 1737 NORTH BAYSHORE DRIVE, MIAMI, FLORIDA, FOR THE CONSTRUCTION OF THE BAYWALK TO BE USED AS A PERMANENT PUBLIC ACCESS TO THE WATERFRONT; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT OF EASEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, AND ALL DOCUMENTS WHICH ARE NECESSARY TO EFFECTUATE SAID CONVEYANCE.

09-01043 Legislation.pdf
09-01043 Exhibit 1.pdf
09-01043 Exhibit 2.pdf
09-01043 Summary Form.pdf
09-01043 Memo.pdf
09-01043 Notice of Public Hearing.pdf

CONTINUED

PH.2 09-01044**RESOLUTION**

*Department of
Public Facilities*

A RESOLUTION OF THE MIAMI CITY COMMISSION WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT OF EASEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, ON CITY OF MIAMI OWNED PROPERTY LOCATED AT ELIZABETH STEELE PARK, 3525 EAST FAIRVIEW STREET, MIAMI, FLORIDA, TO FLORIDA POWER AND LIGHT COMPANY, A FLORIDA CORPORATION, OF A TEN (10) FOOT WIDE STRIP BY APPROXIMATELY FOUR-HUNDRED TWO (402) FEET LONG, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED AND INCORPORATED, TO CONSTRUCT, OPERATE AND MAINTAIN UNDERGROUND ELECTRIC UTILITY FACILITIES, WITH THE RIGHT TO RECONSTRUCT, IMPROVE, CHANGE AND REMOVE ALL OR ANY OF THE FACILITIES WITHIN THE EASEMENT.

09-01044 Legislation.pdf
09-01044 Exhibit 1.pdf
09-01044 Exhibit 2.pdf
09-01044 Summary Form.pdf
09-01044 Memo.pdf
09-01044 Notice of Public Hearing.pdf

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

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0467

Chair Sanchez: Let's go ahead and take up -- we could take up the public hearings. We'll take up PH.1.

Priscilla A. Thompson (City Clerk): PH.1 is continued.

Pedro G. Hernandez (City Manager): Commissioner, that was continued.

Chair Sanchez: That was continued. I'm sorry. Yes, PH.1 was continued. PH.2 is an easement. Who's going to address that?

Madeline Valdes (Acting Director): Good morning. Madeline Valdes, Department of Public Facilities. PH.2 is a resolution authorizing the City Manager to execute a grant of easement between the City and FP&L (Florida Power & Light) for Elizabeth Steele Park, located at 3525 East Fairview Street. This easement is being provided so that the adjacent property owner can put in the improvements to light up the park. The adjacent property owner, through his MUSP (Major Use Special Permit), had agreed to put in certain improvements to the park, and this easement to FP&L will facilitate that.

Commissioner Sarnoff: So moved.

Commissioner Regalado: Second.

Chair Sanchez: All right, there is a motion on PH.2 and a second. It is a resolution. It's not open to the public. Well, it is a public hearing; I'm sorry. Anyone from the public wishing to address this item, please step forward. Seeing no one, the public hearing is closed, coming back to the Commission. There is a motion and a second. Any discussion on PH.2? Hearing no discussion on the item, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries. Madam Clerk, PH.2 has been approved, 5-0.

Ms. Valdes: Thank you.

PH.3 09-01045***Department of
Public Facilities*****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT OF EASEMENT ON CITY OF MIAMI OWNED PROPERTY LOCATED AT VIRGINIA KEY ADJACENT TO ARTHUR LAMB JR ROAD, MIAMI, FLORIDA, IN SUBSTANTIALLY THE ATTACHED FORM, TO MIAMI-DADE COUNTY WATER AND SEWER DEPARTMENT, OF AN APPROXIMATELY FIFTEEN (15) FOOT WIDE PERPETUAL NON-EXCLUSIVE SEWER EASEMENT, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED AND INCORPORATED, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND SEWER FACILITIES, WITH THE RIGHT TO RECONSTRUCT, IMPROVE, CHANGE AND REMOVE ALL OR ANY OF THE FACILITIES WITHIN THE EASEMENT.

09-01045 Legislation.pdf
09-01045 Exhibit.pdf
09-01045 Summary Form.pdf
09-01045 Memo.pdf
09-01045 Notice of Public Hearing.pdf

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

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0468

Chair Sanchez: PH.3.

Madeline Valdes (Acting Director, Public Facilities): PH.3 is a resolution authorizing the City Manager to grant an easement of City-owned property of Virginia Key on Arthur Lamb Road to Miami-Dade Water and Sewer of approximately 15 feet nonexclusive easement for construction, operation, and maintenance of underground facilities. This easement is being provided for Miami-Dade County so that they are able to put in this water reclamation that will also provide water for our park at Virginia Key.

Chair Sanchez: All right. Can we get a motion?

Commissioner Sarnoff: So moved.

Vice Chair Spence-Jones: So moved.

Commissioner González: Motion.

Chair Sanchez: There's a motion by Vice Chair Spence-Jones, second by Commissioner Sarnoff. We are on PH.3. It's a resolution. Anyone from the public wishing to address this item? The public hearing is open at this time. Mariano Cruz, good morning.

Mariano Cruz: Good morning. Mariano Cruz, 1227 Northwest 26 Street. When I see there W-A-S-D, WASD (Water and Sewer Department) -- you know how much -- how many complaints we have about WASD, and we giving them this strip 15 feet. I don't -- they don't say how many -- the length. The other one it say (UNINTELLIGIBLE). How many -- what is the length of this street?

Ms. Valdes: This goes all through Arthur Lamb Road all the way down to the water sewer facility.

Mr. Cruz: A lot of prime real estate there for WASD. How much did they pay? Nothing, huh?

Ms. Valdes: They're not paying --

Mr. Cruz: How come we always giving something through the County for free? We give the Orange Bowl, we did this, we give that. They even -- the water and sewer was given to them for free years ago, but you know, I'm going to mention a few cases of WASD, what they do. Just now they stopping a business in Allapattah, a manufacturing business, got 26 people working there. Manufacturing, no paper-pusher or pencil-pusher that they got around here. No. Manufacturing business, 26 jobs because they want \$70,000 to put a pipe there because you know what they want. They want the people to pay for the infrastructure because it's (UNINTELLIGIBLE) from the main water main to the meter. That's the responsibility of WASD. They don't pay, but they want the people to pay. Seventy thousand dollars they want. You know, we loan money from the (UNINTELLIGIBLE) to this business. Every 35,000 that we give them,

they supposed to create a job. Seventy thousand dollars, that's two jobs that they taking for WASD, John Renfrow and his people there. Who they think they are? Oh, they work for us. Actually, we working for them, but you know, these people -- the guy, he can't -- he couldn't come here because he got to be in the business working there. Like many of the people there, they can't come because they have to be working. They manufacture. They sweat. They don't have a pencil-pusher or computer screen or thing there making over \$200,000 like they make at the City. No. These people are the really -- like we have to go back to be a manufacturing place, the industrial revolution. What we are now? Paper-pusher. Madoff people, Madoff. (UNINTELLIGIBLE) Wall Street. No, no. That's not rich. You create rich by manufacture. You transfer metal -- little metal in trucks and make big money there, from little pennies to dollars there. And also, another thing, they -- WASD, they did this.

Chair Sanchez: Mariano --

Mr. Cruz: They fix --

Chair Sanchez: -- in conclusion.

Mr. Cruz: -- 19 Terrace. What? You know, you want me to bring 20 people here? You will see. Next time, I'm going to bring 20. Listen, if -- or I'm going to hire lobbyists and then I'll hire lobbyists, I'll hire Greenberg Traurig, Lucia Dougherty, and they can talk whatever they want. No. I am a taxpayer of the City too.

Chair Sanchez: Thank you.

Mr. Cruz: Okay? I am a taxpayer and resident of the City.

Chair Sanchez: Thank you.

Mr. Cruz: Before you even were born, I was living in the City of Miami.

Chair Sanchez: Thank you.

Mr. Cruz: Okay. Listen --

Chair Sanchez: Mariano.

Mr. Cruz: -- they fix -- they do affordable housing, and you know how much they charge us? Three hundred thousand dollars for 30-some units that were there. Three hundred thousand dollars? That's 30,000 a unit. Affordable housing? That's what WASD is doing to us to the business in Allapattah, and then they fix the street and they leave it full of holes. They just fix 19 Terrace. Go there, 19 Terrace, between 17 and 18 Avenue; full of potholes and they just fix it. They don't do nothing.

Chair Sanchez: Thank you, Mariano.

Mr. Cruz: They don't care. Come down from your ivory towers and go down to the streets.

Chair Sanchez: Thank you.

Mr. Cruz: Yeah. Attention. You running for election.

Chair Sanchez: Thank you, sir.

Mr. Cruz: And he's running for election too.

Chair Sanchez: All right, thank you.

Mr. Cruz: And you running for election.

Chair Sanchez: Anyone else? The public hearing is opened. The public hearing is closed, coming back to the Commission. We are on PH.3. There was a motion and a second. It's a resolution. Any further discussion? Hearing no discussion, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Madam Clerk, passes, 5-0. PH.4 was continued. We move --

Ms. Valdes: Thank you.

Chair Sanchez: That takes care of the public hearings.

PH.4 09-01046

***Department of
Capital
Improvements
Program***

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AFTER A PUBLIC HEARING, ACCEPTING THE RECOMMENDATIONS OF THE GROVE AREA TRAFFIC CALMING STUDY, DATED MAY, 2008, PREPARED BY MARLIN ENGINEERING, INC.; ACCEPTING THE RECOMMENDATION OF A TRAFFIC CIRCLE AT THE INTERSECTION OF MATILDA STREET AND DAY AVENUE, MIAMI, FLORIDA ("PROJECT"); REQUESTING THAT THE MIAMI-DADE COUNTY TRAFFIC ENGINEERING DIVISION APPROVE THE IMPLEMENTATION OF THE PROJECT.

09-01046 Legislation.pdf

09-01046 Exhibit.pdf

09-01046 Summary Form.pdf

09-01046 Memo.pdf

09-01046 Notice of Public Hearing.pdf

CONTINUED

END OF PUBLIC HEARINGS

ORDINANCES - SECOND READING**SR.1 09-00890****ORDINANCE****Second Reading**

*District 2-
Commissioner
Marc David Sarnoff*

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 57 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED: "VEHICLES FOR HIRE," BY CREATING A NEW ARTICLE III, ENTITLED "PEDICABS FOR HIRE", TO REGULATE PEDICABS ON THE PUBLIC STREETS AND SIDEWALKS IN THE CITY OF MIAMI; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.
09-00890 Legislation SR.pdf

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

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

13102

Chair Sanchez: Let's move on to SR.1. These are ordinances on second reading. We'll take up SR.1.

Commissioner Sarnoff: SR.1, Mr. Chair, was a way and a manner for pedicabs to actually have a sustainable future in the City of Miami. If you remember, we had pedicabs for a very short time, but we couldn't allow some advertising on the back of the pedicabs.

Vice Chair Spence-Jones: So moved.

Commissioner Sarnoff: Thank you.

Commissioner González: Second.

Chair Sanchez: All right, there is a motion by the Vice Chair, second by Commissioner González. We are on SR.1. SR.1 is an ordinance on second reading. Anyone from the public wishing to address this item? The public hearing is opened and the public hearing is closed, coming back to the Commission. Any discussion on SR.1, which is an ordinance on second reading? Hearing no discussion on SR.1, Madam Attorney, read the ordinance into the record, followed by a roll call.

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

Chair Sanchez: Roll call.

Priscilla A. Thompson (City Clerk): Roll call.

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

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

SR.2 09-00904**ORDINANCE****Second Reading**

*City Manager's
Office*

(4/5THS VOTE)
AN ORDINANCE OF THE MIAMI COMMISSION AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "ADMINISTRATION," MORE PARTICULARLY BY AMENDING ARTICLE X

ENTITLED "CODE ENFORCEMENT," BY INCREASING THE PENALTIES FOR VIOLATIONS OF ARTICLE 10 OF THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA; CONTAINING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

09-00904 LegislationFR/SR.pdf

09-00904 Summary FormFR/SR.pdf

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

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

13103

Chair Sanchez: All right, SR.2 is an ordinance on second reading. However, this requires a four-fifth vote.

Pieter Bockweg (Assistant to Senior Director of Building, Planning, Zoning): Good morning. Pieter Bockweg, City of Miami, project manager. SR.2 is a ordinance to increase the fines for outdoor advertising signs for up to \$1,000 per day.

Commissioner González: Move it.

Chair Sanchez: All right.

Commissioner Sarnoff: Second for discussion.

Chair Sanchez: There is a motion by Commissioner González, second by Commissioner Sarnoff. Before we open it up for discussion, it is a ordinance on second reading. Anyone from the public wishing to address this item, please step forward.

Mariano Cruz: Myself, yeah. Since I don't get the amount of time (UNINTELLIGIBLE) --

Chair Sanchez: Okay.

Mr. Cruz: -- that way, I get the -- my time.

Chair Sanchez: Mariano, please state your --

Mr. Cruz: Oh, I know the system. I play by the rules.

Chair Sanchez: I understand, but you've got --

Mr. Cruz: Okay. Mariano Cruz, 1227 Northwest 26 Street. And anyway, you increase the penalties. The people in the (UNINTELLIGIBLE) don't tell, but I tell the people. You, as a homeowner, with homestead -- it doesn't care if they give you \$1,000 daily penalty, the maximum, or a million-dollar lien. You are protected by the homestead law of the state of Florida. That's it. It will be an exercise in futility and spend money with the Legal Department to give liens to homeowners for Code violation. Thank you.

Chair Sanchez: Thank you.

Commissioner Sarnoff: Mariano, are you aware of the fact that this is -- this has nothing to do with homeowners? This has to do with outdoor advertising.

Mr. Cruz: Oh, no. Code enforcement.

Commissioner Sarnoff: For outdoor advertising.

Chair Sanchez: Thank you. Okay, anyone else from the public? If not, the public hearing is closed, coming back to the Commission. The item is under discussion. Commissioner Sarnoff, you're recognized for the record.

Commissioner Sarnoff: Just two things, Mr. Manager. One question is has Code Enforcement ever issued any fines to outdoor advertisers in the past five years?

Pedro G. Hernandez (City Manager): Mariano.

Mariano Loret de Mola: Loret de Mola, Code Enforcement director. In reference to the billboards, no, sir, because that was a pending lien. I'm sorry, a suit -- a court case.

Commissioner Sarnoff: And now that everything has been resolved, you're in a position to now -

Mr. Loret de Mola: Yes, sir, I am.

Commissioner Sarnoff: -- Code enforce?

Mr. Loret de Mola: Sure.

Commissioner Sarnoff: Okay.

Mr. Loret de Mola: And I will be better off right now with this.

Commissioner Sarnoff: All right. And, Mr. Manager, I think you received, as every Commissioner did as well, a very interesting photograph yesterday on Biscayne Boulevard. They call it the Burle Marx Billboard, where they hat-racked a tree so that you could see a billboard. Do you recall receiving that?

Mr. Hernandez: I probably did. I haven't seen it.

Commissioner Sarnoff: Okay. I'd like to understand why we're going to hat-rack trees on Biscayne Boulevard so that a billboard -- I mean, we just did the Burle Marx celebration, something 20 years in the making, and apparently, there was -- I don't know if it was City of Miami; could be anyone, but somebody was out there hat-racking a series of trees on Biscayne Boulevard so that you could see a billboard or -- that's the inference that we drew. Are we correct that we hat-racked a tree or some governmental entity hat-racked a tree or a billboard company so that that billboard could be seen? And if so, what can we do about it?

Mr. Hernandez: Commissioner, the hat-racking is improper. The pruning of the tree, I think, is something that is required by state law in order for the billboard to be visible. So I think that it has to be done, but it has to be done by the proper people with the right experience to do the pruning. It should not hat-racked.

Commissioner Sarnoff: Well, I don't think there's any doubt -- and any Commissioner that looked at their e-mail (electronic) can see that that tree was hat-racked, so what action are we going to take?

Mr. Loret de Mola: Is this -- Commissioner, is this in a private property or a County property or what?

Commissioner Sarnoff: Well, I could tell you the tree is --

Mr. Loret de Mola: 'Cause I don't have a complaint.

Commissioner Sarnoff: -- on our public right-of-way --

Mr. Loret de Mola: On public right-of-way.

Commissioner Sarnoff: -- on Biscayne Boulevard.

Mr. Loret de Mola: City public right-of-way.

Commissioner Sarnoff: Right. You got a copy of it. I saw your e-mail. You were copied.

Mr. Loret de Mola: I checked my e-mails today and I don't have a copy.

Commissioner Sarnoff: No? I'll make sure you get it sent to you right now.

Mr. Loret de Mola: Okay. I will be glad to take a look at it.

Commissioner Sarnoff: And would you report back to my office?

Mr. Loret de Mola: Yes, sure.

Commissioner Sarnoff: Thank you.

Mr. Loret de Mola: No problem. Okay.

Chair Sanchez: All right. Any further discussion on the item? If not, it requires a four-fifth vote. Can we read the ordinance into the record, followed by a roll call.

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

Chair Sanchez: All right, roll call.

Priscilla A. Thompson (City Clerk): Roll call.

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

Chair Sanchez: SR.2 passes, 5-0, on second reading.

SR.3 09-00987

*Department of
Finance*

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 4/ARTICLE II OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "ALCOHOLIC BEVERAGES/NIGHTCLUBS," MORE PARTICULARLY BY AMENDING SECTION 4-42 THROUGH 4-76 TO CHANGE THE TERM "LICENSE" TO "BUSINESS TAX RECEIPT" AND TO AMEND THE QUALIFICATIONS FOR APPLICANTS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

09-00987 Legislation SR.pdf

09-00987 Summary Form FR/SR.pdf

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

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

13104

Chair Sanchez: We move on to SR.3. SR.3 is also an ordinance on second reading.

Diana Gomez: Diana Gomez, Finance director. SR.3 is a second reading ordinance amendment to Chapter 4 of the City Code amending qualifications for applicants of nightclub business tax receipts in Sections 4-42 through 4-76 and changing the term "license" throughout to "business tax receipt," per state statute.

Commissioner Sarnoff: So moved.

Chair Sanchez: All right.

Commissioner González: Second.

Chair Sanchez: There is a motion by Commissioner Sarnoff, second by Commissioner González. The public hearing is opened. Anyone from the public wishing to address this item, please step forward. Seeing no one, hearing no one, the public hearing is closed, coming back to the Commission for discussion. If there is no discussion on the item, SR.3 is on second reading, and we need to read the ordinance into the record, followed by a roll call.

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

Chair Sanchez: Roll call.

Priscilla A. Thompson (City Clerk): Roll call.

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

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

SR.4 09-00990

*Department of
Finance*

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 39/ARTICLE II OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), ENTITLED "PEDDLERS AND ITINERANT VENDORS/SIDEWALK AND STREET VENDORS," MORE PARTICULARLY BY AMENDING SECTIONS 39-28 THROUGH 39-31, SECTIONS 39-45 THROUGH 39-46 AND SECTION 39-52, BY DEFINING THE CONCEPT OF BUSINESS TAX RECEIPT, AS OUTLINED IN CHAPTER 31 OF THE CITY OF MIAMI CODE; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

09-00990 Legislation SRpdf

09-00990 Summary Form FR/SR.pdf

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

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

13105

Chair Sanchez: All right. We move on to SR.4. SR.4 is also an ordinance on second reading.

Diana Gomez: Diana Gomez, Finance director. SR.4 is a second reading ordinance amending Chapter 39 of the City Code to define the concept of local business tax receipt and to delineate responsibilities as outlined in Sections 39-32 through 39-43 between the Finance director and the Public Works director.

Chair Sanchez: All right. We are on SR.4. Can we get a motion?

Commissioner Sarnoff: So moved.

Commissioner González: Move it.

Commissioner Sarnoff: Second.

Chair Sanchez: Motion is made by Commissioner González, second by Commissioner Sarnoff. We open it up to the public. Anyone from the public wishing to address this item?

Mariano Cruz: Mariano Cruz, 1227 Northwest 26 Street. I was -- you know, you got to remember all this -- Department of Finance supposed to be for compliance not for castrated to justice. What I have here the DVD (Digital Video Disc) of the other day from the meeting of the Code -- with the Code Enforcement Board. What the Code Enforcement person over there (UNINTELLIGIBLE), when they were talking about the peddlers, Mexican people, the (UNINTELLIGIBLE) -- oh, they have their flag, and then they say how come you cannot catch them? Oh, because they run like cockroach when you flick the light at night. That's what he -- compare the peddlers -- the Mexican peddlers as cockroach, insulting Mexican people (UNINTELLIGIBLE) or father (UNINTELLIGIBLE), people that fought the Spanish, the French, and General (UNINTELLIGIBLE). People -- all these people -- and they here -- once they here, they are taxpayers. And you know what the other one say they were -- oh, we have to punish them. We have to take away their -- that's the word they use. They don't use -- no. We have to bring them into compliance. We have to educate them. No. We have to punish them, and I have the DVD here. You want to see? I can put it right there because I watch this. I don't watch Sabado Gigante or anything. I watch the reruns of Channel 77 and I have -- and then I tape them, okay. I have the proof here, okay. So go ahead and (UNINTELLIGIBLE) try to be -- educate the people to pay the taxes, whatever, but don't insult the people. Oh, this Mexican, taco sellers, Mexican flag, the Mariachi song over there. That's what they were, insulting them. A proud people are Mexican people, okay. Lucky for us, we were speaking Spanish. Only thing the Americans (UNINTELLIGIBLE) 1972 gave away all the (UNINTELLIGIBLE) that belong to Mexico. All that was Mexican land.

Chair Sanchez: Mariano, just out of curiosity, who made those statements? Was it this Commission?

Mr. Cruz: Yeah.

Chair Sanchez: This Commission?

Mr. Cruz: (UNINTELLIGIBLE).

Chair Sanchez: All right. I would have to disagree with you on the issue, but --

Commissioner Regalado: No, he didn't say the Commission. He said that the statement were made --

Mr. Cruz: (UNINTELLIGIBLE).

Chair Sanchez: Mariano, Mariano, Mariano. Okay. All right, SR.4, we have a motion and a

second. Anyone else from the public wishing to address this item? If not, the public hearing is closed and it comes back to the Commission. We have a motion and a second on SR.4. Any further discussion on the item? Commissioner Regalado.

Commissioner Regalado: Mr. Manager, can you comment on that -- on what -- ?

Pedro G. Hernandez (City Manager): Commissioner, I will. I was just writing that down for additional follow-up with Code Enforcement and Mr. Wallace.

Commissioner Regalado: Okay.

Chair Sanchez: Okay. Any further discussion on the item? If not, let's go ahead and read the ordinance into the record and then we'll go ahead and take a vote on it.

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

Chair Sanchez: All right, we are voting on SR.4.

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.

SR.5 09-00991**ORDINANCE****Second Reading*****Department of
Finance***

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING CHAPTER 31/ARTICLE II OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "LOCAL BUSINESS TAX AND MISCELLANEOUS BUSINESS REGULATIONS/LOCAL BUSINESS TAX," BY RE-DEFINING BUSINESS TAX, ADDING THE ENFORCEMENT PROCEDURE, UPDATING THE CATEGORY SECTION, AND INCREASING FEES FOR ALL CATEGORIES BY FIVE-PERCENT (5%); CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

09-00991-Exhibit-SUBSR.pdf

09-00991 Legislation FR/SR.pdf

09-00991 Summary Form FR/SR.pdf

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

Votes: Ayes: 4 - Commissioner González, Sarnoff, Regalado and Spence-Jones

Noes: 1 - Commissioner Sanchez

13106

Chair Sanchez: All right, SR.5 is an ordinance on second reading.

Diana Gomez: Diana Gomez, Finance director. SR.5 is second reading ordinance amending Chapter 31 of the City Code, redefining the concept of business tax receipt, adding an enforcement procedure in the Finance Department, updating the category section, and increasing fees for all categories by 5 percent.

Chair Sanchez: All right. Can we get a motion?

Commissioner González: Move it.

Chair Sanchez: There's a motion by Commissioner González. Is there a second?

Commissioner Sarnoff: Second.

Vice Chair Spence-Jones: Second.

Chair Sanchez: Second both by Commissioner Sarnoff and the Vice Chair. It is a public hearing. Anyone from the public wishing to address this item? We are on SR.5. It's second reading. Mariano.

Mariano Cruz: Yes. Mariano Cruz, 1227 Northwest 26th Street. I am the interim vice chairperson, Allapattah Business Development Authority. Some of the business (UNINTELLIGIBLE) can't come here because they have mostly one and two people working the place; they can't afford to leave there. They are not like City employees that they go at MRC (Miami Riverside Center) and take a break and go there, and they always in the same posture, a meeting, or in the Planetarium, you know, but here now, they tried to go the backdoor to get the money to balance the budget. All of you have got some guts; you couldn't raise the millage for half a mill or one mill, it would have take care of everything, all the layoff, everything. You mentioned employees. I heard the name. They say Rodriguez from the Civil Service Board. She was -- I call it lay off. (UNINTELLIGIBLE) terminated, fire. She won't be getting a paycheck now every two weeks while the Managers and everybody will be getting -- because the daughter or the chief of staff of Pedro Hernandez was hired too, and she's working CIP (Civilian Investigative Panel). Oh, was a hiring freeze, a hiring freeze, and they hired people. Ah, come on, don't tell me that. People tell me everything. They don't come here and tell it because they afraid. No, they have CYA. Well, not me because all my money is federal money. They cannot touch me. No one can touch me, Mariano Cruz, and I can go here and say whatever I want to say because I happen to be -- I am not Cuban American or (UNINTELLIGIBLE). I am a taxpayer. And that's wrong what you're doing here, increasing the taxes. The Mayor want to be -- oh, I am the no-tax mayor. No taxes. I didn't increase the taxes. Oh, now they coming the backdoor, increase the fees, increase that, increase that. Oh, come on, come on. If a guy had to work there like this guy from the restaurant from 5:30 in the morning till 7 at night, 7 days a week. No, you don't have to work like that. People that make over \$200,000 and double-dippers and triple-dippers coming from the County and go from the City or from the City to the County. If you retire, go to the Keys and fish or go and play golf, okay. Leave that job for somebody else. And now they fire a young girl that's working -- a single mother. They don't work. But the other people? No. They work for the Manager. They go to Solid Waste. The chief of staff is in Solid Waste now? How come I know everything? Because people tell me things, and I know -- I was in G-2 in the Army. You know what G-2 is? Intelligence. Gathering intelligence. I got plenty of intelligence. You don't know what I got.

Chair Sanchez: Thank you, Mariano.

Commissioner Sarnoff: So, Mariano, you would have preferred for this Commission to raise taxes and that would be a plat --

Mr. Cruz: Yes, I have to (UNINTELLIGIBLE) --

Commissioner Sarnoff: -- that's your platform, raise taxes, right?

Mr. Cruz: -- or my solid waste fee. (UNINTELLIGIBLE) increase it to \$50.

Commissioner Sarnoff: Right.

Mr. Cruz: (UNINTELLIGIBLE) increase it, give me a dollar.

Commissioner Sarnoff: Just so we're clear, Mariano. Mariano Cruz would have had this Commission raise taxes all across the City?

Mr. Cruz: Sure. Why not?

Commissioner Sarnoff: Okay.

Mr. Cruz: With half a mill, it will -- I will be --

Commissioner Sarnoff: Just want to make -- I want to make --

Mr. Cruz: -- people will pay --

Commissioner Sarnoff: Everybody --

Mr. Cruz: -- \$50 a year.

Commissioner Sarnoff: -- should be clear on where they stand, and I just want to make sure that --

Mr. Cruz: Yeah. I say that.

Commissioner Sarnoff: Okay. -- you would raise taxes?

Mr. Cruz: Sure.

Commissioner Sarnoff: Okay.

Chair Sanchez: All right, thank you. Anyone else --

Mr. Cruz: I solve all these problems that we got here.

Chair Sanchez: Thank you, Mariano.

Commissioner Sarnoff: Just want to be clear. I want to understand that you would have raised taxes.

Chair Sanchez: Thank you, Mariano.

Mr. Cruz: I (UNINTELLIGIBLE) Commission.

Chair Sanchez: Thank you. All right, anyone else from the public wishing to address this item, please step forward. Seeing no one, the public hearing is closed and it comes back to the Commission. Discussion on the item. We have a motion and a second. It is an ordinance on second reading. No discussion on the item. Madam Attorney, read the ordinance into the record, followed by a roll call.

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

Priscilla A. Thompson (City Clerk): Roll call. Vice Chair Spence-Jones?

Vice Chair Spence-Jones: Yes.

Ms. Thompson: Commissioner Regalado?

Commissioner Regalado: Yes.

Ms. Thompson: Commissioner Sarnoff?

Commissioner Sarnoff: Yes.

Ms. Thompson: Commissioner González?

Commissioner González: Yes.

Ms. Thompson: Chair Sanchez?

Chair Sanchez: No.

Ms. Thompson: No. The ordinance has been adopted on second reading, 4-1.

SR.6 09-01064

ORDINANCE

Second Reading

*District 3- Chair
Joe Sanchez*

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 18, ARTICLE IX, DIVISION 2 ENTITLED "FINANCE/FINANCIAL POLICIES/FINANCIAL INTEGRITY PRINCIPLES" BY EXPANDING THE BASIC FINANCIAL POLICIES AND REQUIRING THAT CERTAIN FUTURE MEMORANDUMS OF UNDERSTANDING WITH ANY COLLECTIVE BARGAINING UNIT AND THAT ALL FUTURE COLLECTIVE BARGAINING AGREEMENTS BE SUBMITTED TO THE FINANCE COMMITTEE FOR ITS RECOMMENDATION PRIOR TO RATIFICATION BY THE CITY COMMISSION; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

09-01064 Legislation SR.pdf

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

Votes: Ayes: 4 - Commissioner González, Sarnoff, Sanchez and Spence-Jones
Absent: 1 - Commissioner Regalado

13107

Chair Sanchez: All right, SR.6. Passing the gavel over to the Vice Chair, and I would make a motion on SR.6.

Vice Chair Spence-Jones: This is a -- we have a motion. Do we have a second on this item? Okay, this item fails.

Chair Sanchez: Well --

Commissioner González: What's that?

Vice Chair Spence-Jones: We're on SR.6.

Chair Sanchez: SR.6 is on second reading.

Vice Chair Spence-Jones: I have a motion. Do I have a second?

Chair Sanchez: For the purpose of discussion.

Commissioner González: There is a motion on the item? I'll second the motion.

Vice Chair Spence-Jones: Oh, yeah. That's what I said, there's a motion and a second. Okay, we have a second. We have a discussion?

Chair Sanchez: Want to open up the public first?

Vice Chair Spence-Jones: This is a public hearing. Does anybody have any comments, please; they have the opportunity to speak on it now. All right, the item comes back to the Commission.

Chair Sanchez: Thank you.

Vice Chair Spence-Jones: You're recognized, Commissioner --

Chair Sanchez: Thank you, Vice Chair.

Vice Chair Spence-Jones: -- Chairman Sanchez.

Chair Sanchez: This item is a series of four items that I represented to the Commission last time we met. This item, basically, what it focus on is the recommendations that were presented to us by the Finance Committee. They gave a report to this Commission as to the crisis that we're in in the City as to the salaries and pensions. Well, it basically focuses on having certain future memorandums of understanding with any collective bargaining unit in the future that would have to be submitted to the Finance Committee. Let me tell you why this is important, a step in the right direction to bring this city back on track financially. One, there are a lot of MOUs (Memorandums of Understanding) out there, about a -- there's a -- numerous MOUs that have been negotiated between the City Managers -- and not the City Manager in itself here, our current City Manager, but other City Managers; that these MOUs were negotiated and never brought to the Commission for a vote, and those were memorandum of understandings [sic] between the City Manager and the bargaining units, costing taxpayers millions of dollars. So we need to establish a process where we're going to have these memorandum of understanding between the Administration and the unions to come forth in a process to make sure that they go in front of the Finance Committee, and I'm not saying every MOU. I want to make sure that I amend it here to make sure that it's MOUs that will impact collective bargaining agreements, not little minor MOUs, but any major MOU that would impact collective bargaining agreements must go through that process. And this is a process that we started to make sure that no backroom deals are done between City Managers and members of the union where it end up costing us taxpayers dollars, so this is a -- an ordinance that I believe is an ordinance of fiscal responsibility. It is set forth in a Finance Committee that we have great trust in, experts that are giving us clearly an advice that if we don't start this reform, this city will be bankrupt in a year and a half or two years. So, therefore, I am presenting this ordinance that will require that any future memorandums of understanding with any collective bargaining unit and that all future collective bargaining agreements be submitted to the Finance Committee. So move.

Vice Chair Spence-Jones: We had a motion --

Chair Sanchez: Well, there's been a motion and a second already.

Vice Chair Spence-Jones: Had a motion and a second already. I just have -- so I just want to be clear with Madam City Attorney. Basically, this is just legal language. We're just kind of like cleaning up some language regarding this issue and to make sure that the first step is the

Finance Committee before it goes anywhere else, correct?

Julie O. Bru (City Attorney): Right. If I may, we have discussed this with Labor, the City's Employee Relations officer, and I am going to suggest some clarifying language. Specifically, as the Chairman stated, the intent is not to bring all MOUs. As a matter of fact, I think the past practice in the City was that when individual grievances were settled with members of the collective bargaining units, there would be MOUs entered into. We have since recommended -- and I believe that the Administration now is implementing a protocol where they just enter into grievance settlement agreements, not memorandum of understanding. But what I'd like to suggest, and what I've prepared that I would like to amend on the floor just to make it clear that we implement what the Chairman is requesting is that the ordinance read as follow in the first section. In Subsection F it would read such policies require that all memorandums of understanding entered into between the City and any collective bargaining unit that amends, alters, or modifies any existing collective bargaining agreement and that may have a fiscal impact be reviewed by the Budget director and reviewed by the Finance Committee with recommendations to the City Manager. The Finance Committee shall provide its recommendation regarding such MOUs to the City Manager not less than 14 days prior to consideration by the City Commission of any said MOU for ratification. In the event that the Finance Committee is unable to meet within the timeframes provided herein, the City Manager may proceed to the City Commission for ratification. So what we're doing is we're clarifying to make sure that it's MOUs that have a fiscal impact, that alter, amend, or modify the agreement; and then we're also deleting language that was previously in here that required that these agreements be placed on the next Commission meeting because, procedurally and time wise, you know, there may not be -- you know, before the MOU would come to you for ratification, it has to go to the collective bargaining units, so we just can't tie ourselves to a specific timeframe.

Chair Sanchez: All right. The maker of the motion accepts those amendments.

Commissioner Sarnoff: Mr. Chair.

Vice Chair Spence-Jones: You're recognized.

Commissioner Sarnoff: Or Madam Chair; I'm sorry. Hearing the amendment, I just question one man's fiscal impact is another man's that didn't fiscally impact anyone, and it's very subjective, the words you're using, so why don't we put a threshold in there? I mean, I don't think this Commission wants to come in on various MOUs that may affect one, two, or three people, and maybe we do. You know, maybe, if it's enough money, we do. So why don't we put a fiscal -- a floor, if you will, on there of whether it's this Commission's will of 25,000, \$50,000? But it just seems to me that just using one man's subjective intent -- well, that's not a fiscal impact; it's \$5,000. Okay. That's not fiscal impact; it's \$100,000. This Commission should set, as the governing body, what is it our will. What is our will? Is it 10,000? Is it 50,000? Is it 100,000? I'm not saying I know what it is. I applaud Commissioner Sanchez's efforts here. I just think -- I -- when we give this administrative -- Administration a lot of discretion, I think we find ourselves oftentimes on the short end of the stick.

Commissioner González: All right.

Commissioner Sarnoff: No disrespect.

Chair Sanchez: All right. Listen -- No. I'm prepared to accept that. And if you want to put 25,000, it's perfectly fine. But let me just give you the history of why this came up. In the last contract negotiations and doing our homework, as we should, because we have a fiduciary responsibility here, there are -- I'm not going to say hundreds, but there are a lot of memorandum of understandings [sic] that never came to this Commission that were negotiated by previous City managers and the unions costing taxpayers millions of dollars. And in the last

provision of the contract negotiations, the City administration had to put a clause there to start sitting down with these unions and iron out a lot of these MOUs because they were costing us a lot of money. I'm not going to put the blame on anybody. It happened in the past. Things that happened in the past happened in the past. We must start today to get this city back on track, and this ordinance does that. From now on any memorandum of understanding has to go through the Finance Committee. Why do we do that? Because the Finance Committee is there to serve a purpose. It never went through the Finance Committee, and in many, many, many, many, many cases, it never came in front of this Commission. That prevents that from happening. Now, I do understand and I take into consideration that we -- when we discuss this with the City Attorney, it was that we didn't want every MOU. MOU could be an agreement settlement that shouldn't come in front of this Commission, but we need to have a clear process to make sure that we protect taxpayers' dollars in this process. This ordinance sets us in the right direction to make sure that those hundreds of MOUs that were entered by the City Manager and the unions in backroom deals -- possibly done up there in the City Manager's office -- from now on shall not happen ever again. So I, as the maker, accept -- you want to put 25,000, you want to put 20,000, you want to put 10,000? What's the number you want to put?

Commissioner Sarnoff: Well, I -- you know, interesting, I was -- as you were talking, I was wondering what that number should be, and I was actually inclined to go to 50, but I think the number should actually be 40. And the reason I say 40 is that's where we stop the threshold, if you remember, of the salary reductions for the nonclassi -- for the unclassifieds. So I'm prepared to say \$40,000. I --

Chair Sanchez: All right.

Commissioner Sarnoff: -- don't know that we want to look at every MOU or they necessarily want to see every MOU that could potentially affect one or two people. If somebody wants to lower that number, I understand it. The only reason I propose 40, it was because that's where we stopped our salary reductions.

Chair Sanchez: All right. The maker of the motion accepts the 40,000. However, the language must be very clear, that it says that MOUs that would impact collective bargaining agreements. You want to put a cap of 40,000, I'll accept that.

Commissioner Sarnoff: I would put "could potentially affect \$40,000" so that all doubts go in favor.

Chair Sanchez: Anything else?

Commissioner Sarnoff: No. I'm just helping.

Chair Sanchez: Okay. All right, I'll accept the amendment.

Ms. Bru: So the amendment is a fiscal impact --

Chair Sanchez: They could have a potential impact of \$40,000 or more should go before the --

Ms. Bru: Forty or more.

Commissioner Sarnoff: -- Finance Review Committee.

Chair Sanchez: Does the second accept it also, Commissioner González?

Commissioner González: Yes.

Vice Chair Spence-Jones: Yes.

Chair Sanchez: Okay.

Commissioner González: I accept the amendment.

Chair Sanchez: All right. So I would call the question on the item.

Vice Chair Spence-Jones: All in -- so we had a motion and a second, with the amendments. All in --

Chair Sanchez: It's an ordinance.

Vice Chair Spence-Jones: It's an ordinance. Please read it into the record.

Ms. Bru: All right.

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

Ms. Bru: And this is as amended with the provisions that I have explained and read into the record.

Priscilla A. Thompson (City Clerk): Your roll call. Commissioner Sarnoff?

Commissioner Sarnoff: As supplemented and amended, yes.

Ms. Thompson: Commissioner González?

Commissioner González: Yes.

Ms. Thompson: Chair Sanchez?

Chair Sanchez: Yes.

Ms. Thompson: Vice Chair Spence-Jones?

Vice Chair Spence-Jones: Yes.

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

SR.7 09-01068

*City Manager's
Office*

ORDINANCE

Second Reading

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

09-01068 Summary Form FR/SR.pdf

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

Votes: Ayes: 3 - Commissioner González, Sarnoff and Spence-Jones

Noes: 1 - Commissioner Sanchez

Absent: 1 - Commissioner Regalado

13108

Chair Sanchez: All right, so we move on to SR.7.

Commissioner González: Move it.

Commissioner Sarnoff: Second.

Chair Sanchez: All right. Can we put something on the record?

Larry Spring: Commissioners, Larry Spring, chief financial officer. SR.7 is the second reading of the cross the -- across-the-board fee increases of approximately 5 percent that we presented at the last Commission. These fee increases were based on a fee study that was done by outside party. The amounts were included in the budget proposal that was presented to the City Commission. In this particular ordinance, you have the fees affecting Planning, Building and Zoning, Public Works, Fire, as well as the parking fees. Additionally, I'd just like to put on the record that we will be bringing on the 22nd the second half of these fee increases, which will, I guess, end that process that we presented to the full Commission as part of the budget.

Chair Sanchez: All right. Can we get a motion and a second?

Vice Chair Spence-Jones: I thought we had a motion and a second.

Priscilla A. Thompson (City Clerk): We do. We have it already.

Chair Sanchez: Okay, there's a motion and a second.

Vice Chair Spence-Jones: We just don't --

Chair Sanchez: Public hearing. Anyone from the public wishing to address this item?

Mariano Cruz: Yeah, right here. Mariano Cruz, 1227 Northwest 26th. And here we go again. Voodoo economics, you know. We go through the backdoor. Which fees are these? What's fee --? I don't see the fee there, okay. Oh, yeah, the Manager (UNINTELLIGIBLE). We looking for new funding sources. That's why they got this fee, and they got a kangaroo court there, a special magistrate where you are guilty when you go over there and you have to prove you're innocent, different than the English law where you're innocent and then you have to prove you guilty. That's in the kangaroo courts. They have that there. Oh, we are going to fine you 500. You got to pay \$100 because, remember, it's not the problem here of increase the fees. It's the problem of mismanagement, mismanagement. I look at every time the shoes there for (UNINTELLIGIBLE). Somebody close to me is suing the City because they slip on a sidewalk that was raised two inches there, one square, because the Public Works doesn't inspect the sidewalks, so that person slip there, broke the kneecap, and spend like a week in the hospital; major operation. They got to put wire in the whole kneecap, therapy, and the whole thing. Now she's suing the City. (UNINTELLIGIBLE) have to pay. The City have to pay because somebody didn't send an inspector to check that sidewalk there in your district, Southwest 2nd and 2nd, right there on the northwest corner of the (UNINTELLIGIBLE). The roots of the tree raise the sidewalk. A person walk, broke her knee. It's not -- the City's liable. That will be -- pretty soon it will be a settlement here from the Law Department, okay. But we have -- going back to the -- like I said before of the millage. Remember, \$150,000 home pays -- its assessed value is 100,000, assessed value, and how much is that a year? It increase one millage, \$100 a year. (UNINTELLIGIBLE) giving 30 cents a day.

Commissioner Sarnoff: Incredible.

Mr. Cruz: (UNINTELLIGIBLE) we could have serve all the public here or the police and people

be -- old people laid off. No. Termination, fire. You won't get a paycheck in two weeks, but you will be getting all your paychecks and the City Manager, everybody (UNINTELLIGIBLE) --

Commissioner Sarnoff: So Mariano --

Mr. Cruz: They will be getting a paycheck.

Commissioner Sarnoff: -- is the reason that you're impressing upon this Commission that there's -- that we should have and we missed an opportunity to increase --

Mr. Cruz: To raise the taxes.

Commissioner Sarnoff: Right.

Mr. Cruz: A little bit.

Commissioner Sarnoff: And is that the case --

Mr. Cruz: And could have solved all these problems.

Commissioner Sarnoff: I got you. But you don't pay taxes, right?

Mr. Cruz: Well, I pay indirect taxes, whatever I can (UNINTELLIGIBLE).

Commissioner Sarnoff: No, no, no. I remember you coming before this Commission --

Mr. Cruz: No, I don't pay taxes here.

Commissioner Sarnoff: Right, you don't pay taxes, you told us.

Mr. Cruz: Here in the City of Miami, but I pay taxes in the County.

Commissioner Sarnoff: Right.

Mr. Cruz: I pay taxes in Polk County.

Commissioner Sarnoff: So you don't pay City of Miami taxes, right?

Mr. Cruz: No.

Commissioner Sarnoff: So --

Mr. Cruz: Not even debt service.

Commissioner Sarnoff: -- that wouldn't -- so if we raise taxes, it wouldn't apply to you?

Mr. Cruz: Nothing to me, but the businessmen, my fee -- the fee, he will charge me more when I go there and buy (UNINTELLIGIBLE).

Commissioner Sarnoff: So you wanted -- what you wanted us to do is -- was raise taxes on everyone other than you?

Mr. Cruz: Yeah, but the people that get a million dollars says, oh, that will be nothing.

Commissioner Sarnoff: I just want to be clear. I want to make sure I understand what I'm

hearing.

Mr. Cruz: No. That's a different story. I don't pay taxes. Why should I pay taxes? I came inside the boat. I didn't come outside the boat.

Commissioner Sarnoff: I always like to know what motivates people.

Chair Sanchez: All right. Is there anyone else from the public? If not, the public hearing is closed. Do you want to add anything to the record?

Mr. Spring: I would like to add -- I know Mr. Cruz has vehemently talked about the business owners being affected -- the small business owners being affected. In fact, to help sway some of this, I had a meeting this -- yesterday with Leroy Jones and NANA (Neighbors and Neighbors Association) about developing a program through CD (Community Development) or perhaps next year present to the City Commission of coming up with something that will help the mom-and-pop businesses defer some of these costs using some of our other resources, so I'd like to put that on the record.

Vice Chair Spence-Jones: And I just wanted to say --

Chair Sanchez: Vice Chair.

Vice Chair Spence-Jones: -- I -- the only reason that I didn't mention it was because I know that you guys were moving in that. That was going to be my only comment, so you are moving in that direction, right?

Mr. Spring: Yes, we are.

Mr. Cruz: Yeah. All those (UNINTELLIGIBLE) --

Chair Sanchez: Mariano, anything you say, sir, has to be on the record, okay. Thank you so much. All right, no further discussion. There's a motion and a second. It's an ordinance on second reading. Read the ordinance into the record, followed by a roll call.

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

Ms. Thompson: Roll call. Vice Chair Spence-Jones?

Vice Chair Spence-Jones: Yes.

Ms. Thompson: Commissioner Sarnoff?

Commissioner Sarnoff: Yes.

Ms. Thompson: Commissioner González?

Commissioner González: Yes.

Ms. Thompson: Chair Sanchez?

Chair Sanchez: No.

Ms. Thompson: The ordinance has been adopted on second reading, 3-1.

*District 3- Chair
Joe Sanchez*

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, TO PROHIBIT THE ACT OF TEXTING WHILE DRIVING IN A SCHOOL ZONE; PROVIDING FOR IMPLEMENTATION OF THE PROHIBITION; PROVIDING FOR A PENALTY; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

09-01000a Legislation SR.pdf

NO ACTION TAKEN

Discussion on the item resulted in the resolution below:

(SR.8) 09-01000b

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION URGING GOVERNOR CHARLIE CRIST AND THE MEMBERS OF THE FLORIDA LEGISLATURE TO ENACT LEGISLATION DURING THE 2010 LEGISLATIVE SESSION PROHIBITING THE ACT OF TEXTING WHILE DRIVING IN A SCHOOL ZONE; DIRECTING THE CITY MANAGER TO ADD THIS TO THE CITY OF MIAMI'S ("CITY'S") LEGISLATIVE AGENDA; FURTHER DIRECTING THE CITY MANAGER TO IMPLEMENT A POLICY WHICH BANS CITY EMPLOYEES FROM TEXTING WHILE ON CITY BUSINESS OR WHEN DRIVING A CITY VEHICLE, WITH POLICE AND FIRE-RESCUE PERSONNEL BEING EXEMPT; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE ELECTED OFFICIALS STATED HEREIN.

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

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0469

Direction by Chair Sanchez to the City Manager to make this legislation regarding texting while driving in school zones a priority with the State.

Chair Sanchez: SR.8. As you are aware, it's on second reading. This is -- as a matter of fact, just to give you some information, Parkland approved it yesterday. They passed the no texting in -- throughout the city, not just the school zones --

Vice Chair Spence-Jones: Where?

Chair Sanchez: --but -- in Parkland.

Vice Chair Spence-Jones: Okay.

Chair Sanchez: But we wanted to be the first city to send the message to Tallahassee. The good thing is that state representatives and senators are already presenting a legislation in Tallahassee to ban texting while driving through schools, and some even are going to amend it to make it citywide. Now I know that the fines in itself, if you look at the -- Tallahassee generates those fines, and what we want to do is basically do the same thing that Parkland did, which is -- now, there are no fines. What they're doing is that they -- they've issued the -- the City's waiting for the ruling from the State Attorney's [sic] General's Office on the ban's legality, and until then the deputies are only going to be issuing warnings. The whole thing about this is the last time that it was presented, you saw a commercial, a PSA (Public Service Announcement), about the dangers of texting while you're driving, and especially through school zones. So this legislation

will basically just send a message to Tallahassee because I know that Tallahassee's the one that dictates the fines. So what we want to do is take it a step further and ask the City Manager to also present some type of policy where City employees cannot be driving and texting through school zones on this ordinance. So I -- once again, it's about the safety of our children. We have a responsibility in this process, and this legislation is a step in the right direction to send a message to Tallahassee. So therefore, I would make a motion on the ordinance on second reading.

Vice Chair Spence-Jones: So we had a motion. Do we have a second?

Commissioner González: Second.

Vice Chair Spence-Jones: All right. All in favor?

Commissioner Sarnoff: I have discussion.

Vice Chair Spence-Jones: Oh, discussion.

Commissioner González: No. It's an ordinance.

Vice Chair Spence-Jones: I'm sorry. You're right, discussion.

Commissioner Sarnoff: First off, I applaud the Chair for his desire to stop texting. We all understand and know that texting is an extremely dangerous thing to do. And the proper method of doing that would have been a resolution to the proper governmental authority, Tallahassee or state of Florida, if you will, asking them to pass that ordinance. And the reason for that is because Tallahassee has preempted by law pursuant to Florida Statute 316.0075 Subsec (a) that no municipality shall even consider or abridge Tallahassee's authority in which to give any kind of moving violation. So what we're doing here is politics. If you want to do the right thing, what you do is you simply pass a resolution asking Tallahassee to do something. What you should not do is a useless act. No Commissioner up here should do a useless act and pass a body of law that they know is unconstitutional and has been preempted by the State. It's interesting politics. It makes for good reading and some reporters will report it, but it is an absolute gesture that I would strongly urge the fellow Commissioners do not ever do a useless act on this Commission. If you want to convert it to a resolution, I would wholeheartedly endorse it. I absolutely endorsed that the City Manager should issue an ADM [sic] that precludes any City employee, maybe even go so far as to preclude any contractor, from texting while driving. That is a useful act. This Commission should refrain from useless acts.

Chair Sanchez: Local government has a responsibility to send a message to Tallahassee and Washington on good laws. Although you're right about the preempt -- the law preempts that we cannot dictate fines as to traffic, you know, we did it first; now Parkland has done it, and you're going to see many other cities pushing a good legislation in Tallahassee. It sends a clear message out there that this legislation needs to be run with it. I'm glad to see that many representatives and senators have signed on and cosponsor the bills in Tallahassee. As to this legislation, I think what Parkland did is the right thing, which is basically to wait for an opinion from the Attorney General's Office and not to issue any fines, which we cannot under the law, but the City can issue warnings. It is about protecting our children in our school zones, and I witnessed it myself. I saw it firsthand that some lady almost ran over a child while she was texting and not paying attention. All the studies are there. This is good legislation, and I happen to agree that you know what? Government starts local government, and we need to send that message to Tallahassee. It's a clear message. It will be passed, and I take great pride in saying the City of Miami was one of the first cities to push for this law. And you're going to see many other municipalities throughout the state of Florida pushing for this law too.

Vice Chair Spence-Jones: Mr. Chairman, I just have one comment. Madam City Attorney, I mean, you would probably be the only person that would really weigh in -- be able to weigh in on this for us. I mean, what is your legal opinion on this issue? I mean, do you -- are we doing something that's illegal or --? I mean --

Julie O. Bru (City Attorney): Well, I think --

Vice Chair Spence-Jones: -- is it your suggestion that it should be a resolution instead of an ordinance?

Ms. Bru: I think, Commissioner Sarnoff and the Chairman have both acknowledged that Tallahassee has preempted the field of regulating the use of electronic devices while operating -- in fact, they've preempted the field with respect to passengers also, so it's a very broad preemption. Where does that put us? Well, it puts us really with the inability legally to enforce any regulation in this area. Having said that, one of our neighbors jurisdiction, Parkland, went ahead and adopted a similar law with the direction that it not be enforced, that only warnings be given, and they are seeking an opinion from the Attorney General with respect to the extent of the preemption. Really, it is up to you to decide --

Vice Chair Spence-Jones: I know.

Ms. Bru: -- you know, how to proceed.

Vice Chair Spence-Jones: And I don't want to put you on the hot seat, but --

Ms. Bru: Yeah.

Vice Chair Spence-Jones: -- what is your recommendation? What makes the most sense to you?

Ms. Bru: Well, you know, I think that if a neighboring jurisdiction is attempting now to obtain an opinion from the Attorney General's Office, perhaps we should wait to see what happens with that. But I would think that, you know, a strong urging the Legislature to allow for local governments to regulate in this area would be appropriate.

Vice Chair Spence-Jones: So a resolution instead? Is that what you're suggesting?

Ms. Bru: It's really --

Chair Sanchez: It's a policy call.

Ms. Bru: -- I can -- that would be something that could result in some, you know, action that would lead the ability -- you know, that would allow us then to regulate in this area, but -- I mean, this in itself, yes. Does it send a message that we're serious about this? It does. But it does not give us the ability to regulate this conduct.

Commissioner Sarnoff: Well, consider this 'cause you're crossing a threshold. You -- this Commission is about to pass a law it knows it can't pass, and that is a dangerous precedent to set.

Commissioner González: It is.

Commissioner Sarnoff: I absolutely would have agreed had you said I strongly urge the Tallahassee, State of Florida pass this law because you're putting laws on the books that you know cannot be put on the book, and you know, the fact that somebody goes to the Attorney General, you know, that's ear candy because right in the statute, Commissioner Spence-Jones,

Florida Statute 316.0075, it actually says you can't do what you're trying to do. Why you need an Attorney General who, equally, by the way, is running for office, to come up with an opinion that says -- even though it says, I don't think it means it. An Attorney General's opinion, you know what it's worth? The same paper it's printed on. So Tallahassee, which fortunately or unfortunately, passes our laws is worth a lot more than the paper it's written on because they are the lawmakers governing this particular piece of legislation, and this Commission needs to respect that.

Vice Chair Spence-Jones: Mr. Chairman --

Commissioner González: I withdraw my motion -- my second, I'm sorry.

Vice Chair Spence-Jones: Okay. Mr. Chairman, I just want to ask a question 'cause I understand your intent. Your intent is to really address an issue that is --

Chair Sanchez: Well, I -- to be honest, I take offense to Commissioner Marc Sarnoff saying it's ear candy and politics. I think it's an important safety issue. That's why it's being presented. It is an important safety issue to the children in our community that attend schools.

Commissioner Sarnoff: Well, you've mistaken what I said for ear candy. I said the fact that somebody says they're going to the Attorney General is the ear candy. The Attorney General can't violate the law. I mean, just because somebody says oh, we're having a lawyer look at this and he's going to issue an opinion, trust me and trust your City Attorney, it's right in the law. It says you can't do it.

Chair Sanchez: But nothing precludes this City from passing this. Waiting for a legal opinion, passing in Tallahassee, and then we enact it. It's -- either way, you could get it done.

Vice Chair Spence-Jones: Mr. Chairman, I just wanted to -- 'cause I think we've talked about this enough. We've already had someone withdraw the second on it. I just wanted to ask you, Mr. Chairman, 'cause -- it's -- obviously, it's important to -- something that's important to you and probably important to all of us. We just don't want to do anything illegal. Do you have a -- I'm sorry.

Chair Sanchez: That's okay. Go ahead.

Vice Chair Spence-Jones: Do you have a problem, Mr. Chairman, with taking the City Attorney's suggestion to --?

Chair Sanchez: I would like, one, if we want to pass a resolution urging Tallahassee to adopt it. Could be -- I'm fine with that.

Vice Chair Spence-Jones: Okay.

Chair Sanchez: I could support that. I think it's a proper thing to do. Second, I have no problem also moving forward with this legislation, and when it's enacted in Tallahassee, we already have it in our books.

Commissioner Sarnoff: It wouldn't matter.

Chair Sanchez: And also what I'd like to do -- I know it wouldn't matter, but at least it sets the presence [sic] that Miami was the first city to move this legislation forward, and you're going to see other cities throughout the state passing this good legislation. This is good legislation.

Vice Chair Spence-Jones: So you're --

Chair Sanchez: Also -- I would also direct the City Manager to set forth a policy where our City employees -- and maybe we could exclude Police and Fire as Parkland did, but that'll be up to you and you could come back to us -- to pass legislation where our City employees cannot be texting while they're driving through school zones.

Pedro G. Hernandez (City Manager): Mr. Chairman, if I may, and I think that it should go beyond just school zones. It should be everywhere --

Chair Sanchez: All right.

Mr. Hernandez: -- citywide.

Vice Chair Spence-Jones: Okay. So it seems as though we've come to a compromise that we will move this as a resolution instead? Does the seconder --

Commissioner González: I'll second.

Vice Chair Spence-Jones: He'll second on that.

Commissioner González: It's a resolution.

Vice Chair Spence-Jones: Okay. So we have a motion and a second. Anymore discussion on it? Now it's a resolution. Commissioner Regalado, you're recognized.

Commissioner Regalado: No. I think it's important of supporting this resolution because next week, the first meeting of the committees of the State Legislature will be impaneled, and this is when all the state representatives have their time to present their six allowed bills, and I think that we should, number one, go -- I would go and I suggest that this Commission would go to State Represented [sic] Erik Fresen for the reason that the latest fatal accident of a person that was on the phone while driving on a school zone happened in Flagler and 53rd, right across the school there, and that is his district, and this was something that really shock the community there, and I'm sure that Representative Fresen will move this forward in this session. I would suggest that we direct this to Representative Fresen and also Carlos Lopez-Cantera and Julio Robaina, who represent the City of Miami, and if they all become cosponsors, I'm sure that it has a better chance to move out of committees and come. Because I know that the city of Jacksonville, for instance, is also asking the Legislature to ban, but they're doing that citywide, not only on school zones. It's a national trend that is happening, so I think it's important that we all support this resolution.

Vice Chair Spence-Jones: Okay.

Commissioner Regalado: Thank you, Madam --

Vice Chair Spence-Jones: So we -- it seems as though we have a resolution that we have a motion and a second on, correct? Madam City Attorney, is there anything else we need to do besides that?

Ms. Bru: No.

Vice Chair Spence-Jones: All right. So this is a -- we had a motion and a second. All in favor?

The Commission (Collectively): Aye.

Vice Chair Spence-Jones: This item passes. We move on to FR (First Reading) --

Chair Sanchez: Vice Chair, may I just --

Vice Chair Spence-Jones: Sure.

Chair Sanchez: -- ask the City Manager to make this a priority on the next legislative agenda in Tallahassee to add it as one of our priorities?

Mr. Hernandez: Mr. Chairman, it will be added, if it's not there yet.

Chair Sanchez: Thank you.

Vice Chair Spence-Jones: Okay.

Chair Sanchez: All right.

END OF ORDINANCES - SECOND READINGS

ORDINANCES - FIRST READING

FR.1 09-01065

ORDINANCE

First Reading

*District 3- Chair
Joe Sanchez*

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 40, ARTICLE IV, DIVISION 4 ENTITLED "CITY OF MIAMI ELECTED OFFICERS' RETIREMENT TRUST" BY LIMITING THE ELIGIBILITY OF FUTURE ELECTED OFFICERS AND INCLUDING A TERMINATION PROVISION FOR THE EXISTING TRUST; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

09-01065 Legislation FR 10-8-09.pdf

09-01065 Legislation SR.pdf

Motion by Chair Sanchez, seconded by Commissioner Sarnoff, that this matter be PASSED ON FIRST READING WITH MODIFICATIONS PASSED by the following vote.

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones

Noes: 1 - Commissioner González

Direction by Chair Sanchez to the City Manager to provide three options to the City Commission regarding the structure of a 401a plan for City executives, to be brought back at the City Commission meeting currently scheduled for October 22, 2009.

Vice Chair Spence-Jones: So we move on to FR.1.

Chair Sanchez: SR.1.

Vice Chair Spence-Jones: SR (Second Reading) or FR?

Chair Sanchez: Yes.

Commissioner González: Madam Chair?

Vice Chair Spence-Jones: Yes.

Commissioner González: At the last Commission meeting I express my opposition to this item to be passed at this City Commission at this time, specially because we are two weeks away from an election where two new Commissioners will be elected and will be sitting in this dais and should have the opportunity to decide on something as important as it is the future pension of any Commissioner sitting in here. I think that, you know, our -- to respect, you know, whomever those two people are, we should wait. I mean, you know -- I mean, we don't have to do this now. It could be done after November 2 or after November 3 and then, you know, let the two upcoming Commissioners have a vote and have a saying on adopting -- I think the idea is a good idea, but I don't want to take anything away from anybody, you know, and I'm -- I feel pretty bad that we are deciding the future of two persons that are going to be elected in a couple of weeks and are going to be sitting on this dais. Let them be a part of the process. Let them have a briefing. Let them, you know, have the same privilege that we have had as far as information and documentation and everything, and then let them decide. Let them be a part of the vote on something as important as this.

Vice Chair Spence-Jones: Commissioner González, are you asking for a deferral or what are you --?

Commissioner González: I'm asking to be deferred.

Chair Sanchez: All right.

Vice Chair Spence-Jones: You're recognized.

Chair Sanchez: Okay. Thanks. Commissioner González, I respect your opinion on this. I just strongly believe that we need to take action on this, and I do understand that the ordinance in itself when it was first presented was basically going to do away with the elected officials' pensions. And let me just say that Tallahassee mandates that elected officials have a pension. I think that what we want to accomplish here as a legislative body is to break away from defined benefits. We all realize that that's going to bankrupt this city. It's just a matter of time. And you know, we need to lead as an example. Presenting this legislation, which I think it's a start of a long journey to bring financial reform to this city, we got to start somewhere, and I think we need to start today to prevent bankruptcy in this city. Now, we could start today by leading as an example that all new elected officials that come into the City will have a similar system, such as a 401, not a defined benefit, but a 401 where they could contribute money and have a skin in their game. That is the trend around the United States in the private sector, and government's going to have to lead to follow in that direction. So what I am proposing here today is to have this legislation amended to where elected officials will have a retirement, but it's a 401k, not the defined contribution. And the thing is that, you know, we got to -- you know, the one thing that I agree with the unions is when they say clean your house before you clean ours, and we got to start here somewhere. And I think by us doing this, we could sit down with them and have them understand that the future of this city is at risk because our pensions are not sustainable. And this legislation just opens the door to that for new elected officials. All those that are here are grandfathered in; we cannot take away anything that we have. I certainly don't want to take away any pensions that anybody have, but listen, we're going to have to have the will and we're going to have to have the political courage to say there's going to come a time where any new City elected official and new City employee that comes into this city will not enjoy a defined benefit. He's going to have a 401k. That's reality. Because all we did in the last budget was, yes, we did balance the budget, but we basically just kicked the can and we put a Band-Aid on a fatal wound, and we know that coming years are going to be even tougher and this is a start in the right direction to bring financial reform to this city. I just can't see anyone not supporting this legislation when all we've done here is talk about reforming this city, getting pensions in order, getting salaries in order, winning the public trust in these aspects. This is a legislations [sic] that at least opens the door to winning back the public trust.

Vice Chair Spence-Jones: Commissioner -- excuse me -- Chairman Sanchez, I just want to make sure that I'm staying on the right page. Commissioner González has asked for a deferral on the item, so the question becomes are you not supporting the deferral?

Chair Sanchez: I'm not going to support a deferral because --

Vice Chair Spence-Jones: Okay.

Chair Sanchez: -- we cannot continue to delay this.

Vice Chair Spence-Jones: Okay. I just wanted just --

Chair Sanchez: The quicker we address this, the quicker off we're going to be getting the City back on track --

Vice Chair Spence-Jones: I just wanted --

Chair Sanchez: -- and we're going to prevent this city from going bankrupt.

Vice Chair Spence-Jones: I'm just asking --

Commissioner González: *All I'm asking is that the item be defer for the next -- for another three weeks. We're not going to save this city in three weeks. We haven't been able to save it up to today, so we're not going to save it in the next three weeks -- to allow the new Commissioners coming into office to also participate in the process, have an opportunity to look at the scenario, look at all the data, look at the situation of the City, have an input on the process because if I -- let me tell you. If I were termed out to the next week or the next couple of days, I wouldn't suggest something like that. I would let the other people coming in replacing me to also have the same opportunity that I have had to make a decision, and they're going to be sitting here for the next four -- up to eight years, so they should be allowed to have an input, they should be allowed to participate in briefings, to look at the financials of the City, to look at the different options, but they should have the opportunity to participate and be part of the process as elected officers that they're going to be.*

Vice Chair Spence-Jones: *Okay. Commissioner -- okay, thank you, Commissioner González. Commissioner Sarnoff. I just want to make sure that I'm clear. We -- did we have a motion on the deferral?*

Chair Sanchez: *No.*

Vice Chair Spence-Jones: *So it was not a motion on the deferral. Do you have a comment, Commissioner Sarnoff?*

Commissioner Sarnoff: *Well, I -- first off, I'm always very sensitive when any Commissioner asks for a deferral. It is a citywide issue, but I'm very sensitive to it, but then I heard Commissioner Sanchez say that they would have a 401a, but I'm looking at the ordinance and I don't even see a 401a mentioned. And my only concern is not that an elected official have a pension. My only concern is that you attract the best and the brightest, and to attract the best and the brightest means that you are going to have to pay to some degree to get that, and you're asking people to either be career politicians, okay, or you're asking them to take a huge chunk out of their career, put their career on hold, and that is a financial impact. And all I'm asking is that that person be fairly and fully compensated when they sit up here. So all -- and I'm looking at this -- and Madam City Attorney, I'm not really putting the onus on you because I can read this. I just don't see where it says a 401a --*

Chair Sanchez: *Well, it is a policy issue. We could decide whether it's a 401a --*

Commissioner Sarnoff: *It's not here, correct?*

Chair Sanchez: *-- or we could -- 50 percent base of their salary. We could decide that. That's our policy here.*

Commissioner Sarnoff: *But you made a statement it was in here, and I can't see a --*

Chair Sanchez: *No, no, no, no.*

Commissioner Sarnoff: *-- 401a in here.*

Chair Sanchez: *I'm amending it on the floor, Commissioner.*

Commissioner Sarnoff: *Oh, I'm sorry.*

Chair Sanchez: *I'm amending it on the floor.*

Commissioner Sarnoff: *What's your amendment?*

Chair Sanchez: But when you say about benefits -- look, once again, the argument I made last time. When a pension was established for elected officials was when elected officials were being paid \$6,000 a month. They had to create something that attracted people to make up for the lack of salary they were getting. In 2003, the voters of the City of Miami approved a salary for the Commission, \$58,000. Our total package is \$104,000, with the benefits that we receive. That's a good pay. That's a good pay for Commissioners. I don't -- I agree with you, maybe doing away with the whole pension is not, but if we're going to start the trend, if we are going to start the transition of getting people off defined benefits into a similar 401, defined contribution, we need to lead as an example, and that's what I'm asking this Commission to have the political will to start today, to start today, to bring reform to the City of Miami. Because if we don't do it, you all know better than I do that this city will be bankrupt. It's just a matter of time.

Vice Chair Spence-Jones: Okay. Commissioner Regalado, you have any comments on this item?

Commissioner Regalado: I've been trying to understand from -- and I think that Diana knows about this. Because I've been trying to present to this Board something that has to do with me, only me, because leading by example is taking a hit. And I asked Diana, and she says that it can be done. I ask the City Attorney, she says that it can be done. And so it is for me, individually, leading by example, I would ask that in my case, my pension will be reduced 25 percent, which is what they say is allowed by state statute. Now, I don't know if we can do this now, we can do this later. I don't have a problem. I do think that, you know, leading by example will mean that we who are taking a decision will have to take a hit right now. That's -- because we're legislating for the future, and I really believe that we need to start fixing this from the bottom up and from the top down. So I just want to understand -- maybe Diana, you can -- if I can do this?

Diana Gomez: Diana Gomez, Finance director. Whether or not you can personally affect your individual pension, I think that would be something I would need to get clarification from Legal if there's an issue as to what you want to receive on your particular pension not affecting the rest of the plan. In terms of the savings and all that, I can have that figured out with the actuary very easily to get back to the Commission to have that part of the answer.

Commissioner Regalado: But understand this is only about me.

Ms. Gomez: Right, just about yours, and that's something that I would have to clarify whether or not legally we can amend one individual's benefit.

Commissioner Regalado: Well, you said that it was possible. Yesterday you said it was possible. Larry.

Larry Spring: Larry Spring, chief financial officer. Commissioner, what we can do, per our discussion the other day, is meet with our plan administrator, meet with Legal, and figure out how that is affected because you're talking about -- we have a plan that all of you are a party to -

Commissioner Regalado: I understand.

Mr. Spring: -- and now we're just going to amend your benefits and not --

Commissioner Regalado: I understand that.

Mr. Spring: -- the remaining 10 people.

Commissioner Regalado: And this is why I spoke to you --

Mr. Spring: Right.

Commissioner Regalado: -- and to Diana yesterday and to Julie the day before because I wanted to understand if I can do this because I think that the only way that I can participate is leading by example, and you know, we -- so I just want to understand if I can do that.

Vice Chair Spence-Jones: Okay.

Chair Sanchez: Listen, if I may.

Vice Chair Spence-Jones: Mr. Chairman --

Chair Sanchez: Listen, Commissioner Regalado, I admire that, but you know what? That's not going to prevent this city from going bankrupt, okay.

Commissioner Regalado: But it's not about --

Chair Sanchez: What's going to prevent this city from going bankrupt is --

Commissioner Regalado: Commissioner --

Vice Chair Spence-Jones: Okay.

Chair Sanchez: -- if we don't break away --

Commissioner Regalado: -- I have the --

Vice Chair Spence-Jones: Okay, guys, guys, guys.

Commissioner Regalado: Commissioner --

Chair Sanchez: I have the floor.

Commissioner Regalado: -- I had the floor.

Chair Sanchez: I have the floor.

Commissioner Regalado: No. I --

Vice Chair Spence-Jones: No, no, you did not have the floor. Commissioner Regalado was completing what he was saying. Are you done --

Commissioner Regalado: Please.

Vice Chair Spence-Jones: -- Commissioner Regalado?

Commissioner Regalado: Please. It's not -- look, this is not about bankruptcy or this is not about saving millions. This is only about leading with example. That's all that there is to it. It's a symbol. I'm just saying --

Commissioner González: Call the question on the deferral.

Commissioner Regalado: -- that like you said --

Vice Chair Spence-Jones: I am.

Chair Sanchez: All right.

Commissioner Regalado: -- what we're here -- what we're doing here is we're legislating not for us, but for the future. And I understand your concerns. I share totally your concerns. I think that the next Commission should address this in totally as they come in, and there should be alternative, but what I'm trying to say, regardless of what you're trying to do -- because you're legislating for the future -- I'm trying to lead by example, and it's not -- nothing to admire, nothing to thank. It's just that if I'm going to make a decision about people in the future, I need to stand in their shoes and make a decision for me, so --

Vice Chair Spence-Jones: All right.

Chair Sanchez: Could I have the floor?

Vice Chair Spence-Jones: All right, Commissioner Regalado has -- is completed.

Commissioner Regalado: Yes, I have.

Vice Chair Spence-Jones: Mr. Chairman, do we have a motion on your item?

Chair Sanchez: Yes, I will present a motion.

Vice Chair Spence-Jones: Okay, so we have a motion. Do we have a second on the item?

Chair Sanchez: My -- well, let me just put the motion on the floor.

Vice Chair Spence-Jones: Okay.

Chair Sanchez: My motion is to move this ordinances [sic] and amend it to where we break the elected official from a defined contribution to a similar plan, such as a 401k for the elected officials, 401k, all right. And you're right, we have to legislate for the future. This is legislating for the future of Miami not to go bankrupt, so I would make a motion.

Vice Chair Spence-Jones: All right, we have a motion on this item. Do we have a second?

Commissioner Sarnoff: Well, let me second for discussion because I hear you saying we'll have a 401 -- it's a 401a, but what is that going to be? I mean, at what level do you intend on giving them a 401a, at what amount, at what criteria; is it --? And what conversion does it happen? Can they convert that at what age and --? I mean, I just -- to me -- you know, you came up the last time with an ordinance; it had the most line-throughs of anything I've ever seen. You had two weeks to work with the City Attorney and to come up with a new ordinance, and I was told that you had come up with a new ordinance. I was told by the City Attorney it was a very concise ordinance --

Chair Sanchez: It is.

Commissioner Sarnoff: -- and I came up -- I don't deny it is. It doesn't do something for me, which is -- I don't mind converting people to a 401a. I really don't mind that it's defined contribution program because I happen to agree with you that this City needs to visit the ability to go defined contribution versus defined benefit, but then I look at this, after hearing you up here saying that we'll have a 401a, but I don't see it here. I don't see any of the issues or the criterias [sic] of how that 401a will be implemented. Again, I agree with you, there should be a defined contribution and not a defined benefit.

Vice Chair Spence-Jones: So Commissioner Sar --

Chair Sanchez: Could I just add to that?

Vice Chair Spence-Jones: Wait, wait, wait, Mr. Chairman. Commissioner Sarnoff, are you saying that you feel like that this language needs to be worked on further because this is the first reading, right?

Chair Sanchez: We'll do it second reading. We could do this on second reading.

Vice Chair Spence-Jones: Is that --

Chair Sanchez: The City Manager could come back with a clearly defined 401k, whether it's 50 percent -- you know, that's -- he could come back on second reading, and we could pass this legislation --

Vice Chair Spence-Jones: Mr. Chairman, I --

Chair Sanchez: -- which I think we all agree --

Vice Chair Spence-Jones: Mr. Chairman.

Chair Sanchez: -- it's good legislation.

Vice Chair Spence-Jones: Mr. Chairman, I'm chairing, so I was allowing for Commissioner Sarnoff to complete his thoughts. Is it your suggestion that they take more time on it or is it okay that we take it for the first reading and --?

Commissioner Sarnoff: Well, I don't mind it goes to first reading. I want to be sensitive to Commissioner González. Very rarely does he ask for deferrals, and I want to be sensitive -- that's not to say that on second reading I might not move for a deferral on this again and maybe allow that Commission to make the determination. I just -- my philosophy is very simple, to sit in this chair, as all of you do and all of you do it for very different reasons. We all come from very different backgrounds, but you -- you're asked to make the most difficult, complex decisions for the City of Miami, oftentimes unpopular; in certain instances, popular. It all rests squarely on this Commission. I know the Mayor gets all the accolades. He doesn't do any of the heavy lifting. You know, he may create the idea and sometimes he doesn't, and he may present us with a budget, but that budget gets debated. And the words of -- excuse me -- Commissioner González, as he said one day a year I really matter. He happened to have probably mattered three or four days this year, so all I ask is that any Commissioner that sits here who either is going to be a career politician or is going to put their career on hold be fairly compensated for that. Defined contribution is not an issue to me because you should be compensated for the time you make these decisions, so I'll support Chairman Sanchez for right now. I don't know what that language is going to say, but I look forward to seeing it.

Chair Sanchez: Commissioner, what we could do is --

Vice Chair Spence-Jones: So --

Chair Sanchez: -- it'll come back on the 22nd, so by that time we should have a clearly defined 401 package, and then we will vote on it. We could vote it up or down, but I think that we're making progress. We're moving in the right direction. Look, these legislations that are fiscal reform, they're tough decisions to make because we're affecting people, but we also must take into effect that the future of Miami lies in our hands based on the economic crisis that we're in, so I would --

Vice Chair Spence-Jones: Okay.

Chair Sanchez: -- respectfully request my colleagues to support this legislation on first reading. When we define a 401 for the elected officials, then we'll vote it on second reading, then we'll deal with it on second reading on 10/22.

Vice Chair Spence-Jones: Okay. So we had a motion --

Chair Sanchez: And a second.

Vice Chair Spence-Jones: -- and we had a second.

Commissioner Regalado: Madam Chair.

Vice Chair Spence-Jones: Commissioner Regalado, you are recognized. I just -- I'm sorry.

Commissioner Regalado: No. Go ahead, I yield to him.

Commissioner González: Once again, I'm telling you, I got to oppose to this because we want to get this done before the next coming election, which is three weeks ago [sic]. You know, we are away three weeks away from an election where two new persons are going to be elected Commissioners and are going to be sitting here and are not going to have the opportunity to express their concerns or to look at the program or to look at the benefits or to look at whatever. They should be -- I mean, people, I mean, we are to respect those people that are running now that are walking the street, that are knocking on doors, that are raising money, that are doing a tremendous effort to get elected, and in something as important as this, we are not giving them the opportunity to participate in the process. I mean, this -- to me, this is outrageous, you know. And let me tell you, you talk about salary. When I got elected, I got elected with a \$5,000 a year salary, okay, and it is a very good salary, especially when you have a second job and you make another 75 or 100,000, it's a tremendous salary. I never in my life made \$200,000 a year, all right, so you want to talk about how good the salary is. The salary's a decent salary. It is not a good salary. It's a decent salary. In the private sector, you can make \$50,000. With a little bit of education, you can make \$50,000 anywhere --

Vice Chair Spence-Jones: Okay.

Commissioner González: -- all right, so --

Vice Chair Spence-Jones: Okay, Commissioner González.

Chair Sanchez: Call the question.

Vice Chair Spence-Jones: Yes, we're going to call the question, but I know that Commissioner Regalado had a point to make. I just want to just add on this issue. I mean, I agree with both sides of the argument. I mean, clearly, we do need to make a decision on, you know, whether or not we want to continue not having a defined contribution plan. We already know what road that's taken us down. I think we all agree with -- something needs to be done. But I also hear what Commissioner González is saying. I mean, normally, when we ask for a deferral on items, we all respect that, you know, and for some reason, we're not doing it now, but I'm not understanding why we're not doing it now, but I do hear his point of wanting to defer the item to allow for the new body that's coming in to make that decision. But I also hear my Chairman's viewpoint, you know, we have to lead by example. So I think that everybody has made very good points on this issue. The reality is we just need to go ahead and make a decision at this point. We had a motion, we had a second on the item, and now we have discussion on the item. After

Commissioner Regalado makes his point, I would really like for us to go ahead and take a vote.

Commissioner Regalado: Yeah. Just to make sure since we're voting on this, that when this come back, you will have the answer to the question that I have, which is individually. Maybe he has it.

Mr. Spring: We will contact Mercer and work with the Attorney's office to answer your specific question. And we'll try to get that back for you.

Commissioner Regalado: Is that -- it's a specific question --

Mr. Spring: Okay.

Commissioner Regalado: -- it doesn't have to do anything with anybody else --

Mr. Spring: I gotcha. We understand.

Commissioner Regalado: -- because if I'm hearing right, I keep hearing leading by example, and leading by example is I taking a position, so this is all I wanted to understand because otherwise, on the 22nd, we'll be voting for the future, but since I want also to lead by example, I want to include that on the 22nd.

Mr. Spring: We'll get that done. I'm sorry, Madam Clerk. For the record, Larry Spring, chief financial officer. We'll get that done for you.

Vice Chair Spence-Jones: Okay, Larry, please make sure that Commissioner Regalado has it. So we had a motion --

Chair Sanchez: As amended on first reading.

Vice Chair Spence-Jones: -- as amended on first reading; we had a second.

Julie O. Bru (City Attorney): Vice Chair, point of clarification, okay, before you take a vote. What you are voting on today is first reading on an ordinance that's going to terminate the trust that currently exists for elected officials. It's going to grandfather in those of you who are currently holding office and to make it clearer, I would also suggest that we make it clear that it's irrespective whether you -- when you get to your vesting, which is the seven years, it's irrespective whether you're holding office or you hold a successive term. I think that's the intent, correct?

Chair Sanchez: Yes.

Ms. Bru: Okay. Then furthermore, you're directing us that when we come back for second reading, we would have by then designed a plan which is a defined contribution plan for the elected officials, and that will be for any elected official who has not been now grandfather in as a result of this trust.

Chair Sanchez: Correct.

Ms. Bru: Correct. Now, are you going to tell the Manager what the design of that plan is? Is it going to be 10 percent of your salary, 8 percent of your salary?

Chair Sanchez: I'm going to make a suggestion.

Ms. Bru: Are you going to match --?

Chair Sanchez: It's 50 percent.

Pedro G. Hernandez (City Manager): Okay.

Chair Sanchez: In other words --

Ms. Bru: What will be --

Chair Sanchez: -- you put 50 percent, matching percent will be --

Ms. Bru: -- the contribution of the elected official, what will be the contribution of the City --

Mr. Hernandez: Of the City.

Ms. Bru: -- or will it be all the City contribution?

Chair Sanchez: All right. I'll tell you what, he could come back on second reading and give us options.

Ms. Bru: Okay.

Chair Sanchez: How's that?

Ms. Bru: Okay. You'll leave it up to the management --

Mr. Hernandez: Right.

Chair Sanchez: Yes.

Ms. Bru: -- to make the decision. Okay.

Commissioner Regalado: But wait a minute, wait a minute, wait a minute. So you -- you're saying that the City will have a contribution?

Ms. Bru: Well, currently, for the unclassified employees, the unclassified employees pay 8 percent of their salary, and the City contributes 10 percent.

Mr. Spring: No. It's --

Ms. Bru: No? The other way around, the other way around.

Mr. Spring: Larry Spring, chief financial officer. Right now we have a 401a where the employee provides for a 8 percent match --

Ms. Bru: Eight percent.

Mr. Spring: -- and it's matched a hundred percent by the City right now, so that is -- I can tell you -- if we're to come back with options, that would be the first option because that plan is already established, it's already working --

Chair Sanchez: Perfect.

Mr. Spring: -- and we would just add new members to it.

Chair Sanchez: Perfect.

Mr. Spring: That's one option. And we can come up with some others.

Chair Sanchez: Bring us back three options.

Mr. Spring: Okay.

Vice Chair Spence-Jones: Okay. We -- okay, we've already talked about this a lot -- long enough, so we had a motion, we had a second. We had clarification from our Madam City Attorney. Madam --

Priscilla A. Thompson (City Clerk): You need a public hearing.

Vice Chair Spence-Jones: Oh. I'd like to open the mikes for the public hearing.

Commissioner Regalado: But before --

Vice Chair Spence-Jones: If there's no comments on the public hearing --

Commissioner Regalado: -- you --

Vice Chair Spence-Jones: -- it comes back to the Commission.

Commissioner Regalado: -- open the public hearing.

Vice Chair Spence-Jones: I already opened. We're closing it.

Commissioner Regalado: Oh. Are we going to know how much the City, meaning the taxpayers' contribution, is going to be?

Mr. Hernandez: Yes, Commissioner.

Commissioner Regalado: Because it's a set salary.

Mr. Hernandez: And --

Commissioner Regalado: It's a -- it's salary -- the salary was set by the voters, so you cannot change.

Mr. Hernandez: Right.

Commissioner Regalado: The benefits we already reduced them because you reduced the car allowance and the fund allowance. Is that correct?

Mr. Hernandez: Yes.

Commissioner Regalado: Okay. So what part are we talking, contribution on the salary or contribution on all benefit?

Mr. Hernandez: It would be basically as Larry Spring indicated before, option number one would be to, in essence, follow the plan that the City has in effect right now where the employee, I believe, participates 10 percent and the City participates 8 percent.

Commissioner Regalado: So the taxpayers still will be funding?

Mr. Hernandez: Well, at least -- in option one -- my first option that I would recommend to you would be to see how this would play in our current plan, which is 10 percent by the employee or, in this case, the elected officer, and 8 percent by the City, and we can present other options for you.

Commissioner Regalado: Well, you're saying that the taxpayer will still be funding.

Mr. Hernandez: Well, the taxpayer would pay or would support the City contribution, which would be 8 percent as it is in our current plan.

Commissioner Regalado: Okay. Because the idea, as seen here, is that City doesn't pay anymore at all. That's what I perceive by reading --

Mr. Hernandez: Well, I think the -- Commissioner, the intent of the item here is to eliminate the pension as it is, but allows for then the Commission to establish a new pension plan as is required by state statutes, and the --

Commissioner Regalado: I understand.

Mr. Hernandez: -- goal is to go from a defined --

Commissioner Regalado: I understand that, but --

Mr. Hernandez: -- benefit to a defined contribution.

Commissioner Regalado: -- the perception on this is that the taxpayers cease to participate. That's all. I just want to understand. That's all. Thank you, Madam Chair.

Vice Chair Spence-Jones: No problem, Commissioner Regalado. At this point, we had a motion and a second. All in favor? Oh, I'm sorry. Let's read this ordinance into the record. I'm sorry, Madam City --

Commissioner Sarnoff: Public hearings.

Vice Chair Spence-Jones: I already opened it. Go ahead.

Ms. Bru: Read the ordinance?

Vice Chair Spence-Jones: Yes.

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

Ms. Bru: And as amended.

Ms. Thompson: Your roll call.

Vice Chair Spence-Jones: Roll call. Commissioner Regalado?

Commissioner Regalado: Yes.

Ms. Thompson: Commissioner González?

Commissioner González: No.

Ms. Thompson: Commissioner Sarnoff?

Commissioner Sarnoff: Yes.

Ms. Thompson: Chair Sanchez?

Chair Sanchez: Yes, ma'am, as amended.

Ms. Thompson: Vice Chair Spence-Jones?

Vice Chair Spence-Jones: Yes, as amended.

Ms. Thompson: The ordinance has been passed on first reading, 4-1.

Chair Sanchez: All right. Second reading is on the 22nd. And Mr. City Manager, you should have something to us in maybe five to seven days.

Mr. Hernandez: Yes, Mr. Chairman, we will.

Chair Sanchez: Okay. No. Can we have it by Monday because you have to print the agenda by Tuesday?

Mr. Hernandez: Commissioner, I hate to rush and not have a product this is a quality product for you.

Chair Sanchez: I could respect that.

Mr. Hernandez: If I have to, what I'll do, I'll do a special delivery of the item on Friday as a supplemental agenda, if I have to. But as soon as I have it, we'll make it available to you. We'll discuss it with you. And if we can print with the agenda, we'll do it. If we cannot, we'll do it on Friday.

Chair Sanchez: Okay.

FR.2 09-01066

*District 3- Chair
Joe Sanchez*

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 40, ARTICLE IV, DIVISION 3 ENTITLED "CITY OF MIAMI GENERAL EMPLOYEES' AND SANITATION EMPLOYEES' RETIREMENT TRUST" BY FURTHER LIMITING EMPLOYEE ELIGIBILITY AND ELIMINATING THE RIGHT OF CERTAIN PERSONS TO REJECT MEMBERSHIP; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

09-01066 Legislation FR/SR .pdf

Motion by Chair Sanchez, seconded by Commissioner Regalado, that this matter be PASSED ON FIRST READING PASSED by the following vote.

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
Absent: 2 - Commissioner González and Spence-Jones

Direction by Chair Sanchez to the City Manager to schedule the second reading of this item on the agenda of the City Commission meeting currently scheduled for October 22, 2009.

Chair Sanchez: All right, so we move on to FR.2.

Commissioner Sarnoff: All right. We have FR.2, which is an ordinance proposed by Chair

Sanchez.

Chair Sanchez: Yes. This ordinance is part of my reform package. This deals with basically individuals who are not in GESE (General Employees and Sanitation Employees) and were buying into GESE. There was a loophole allowing certain individuals that were executives that were able to switch over to GESE, and I know that they had an option to do it, but I think that once again, we -- this is a new trend. This is what we need to do in the City. We need to make sure that people who are not in GESE and were buying into GESE, we got to prevent that from happening in the future, you know. And it's very clear that they cannot convert into GESE based on this ordinance. So, Madam Attorney, could you elaborate as we have worked with you and the City Manager to clear this out? And once again, these legislations are tough legislations to pass because we're affecting people in their pocket, but we need to set the ground rule here that new employees that come in that cannot go into GESE cannot buy into GESE anymore because what they're doing is they're one -- except taking 401, they're taking a -- the GESE, which a more generous and more lucrative pension package, and that's what's holding back the City financially. So, Madam Attorney, could you elaborate a little bit on that, what we worked?

Julie O. Bru (City Attorney): This ordinance, what it would do is it would delete certain provisions that are currently in the City's General Employees and Sanitation Employees' retirement trust. It would delete certain provisions that in the past would have required certain individuals in the City, when they were hired or when they were promoted or appointed to a new position to reject membership in that plan. Also, I believe what you've asked us to do is to prepare an ordinance that going forward would make certain individuals in the City ineligible to participate in that plan --

Chair Sanchez: Right.

Ms. Bru: -- so that's what's here before you. What we've done is we've deleted all the language that provided a procedure for rejecting membership in the plan and then identified the persons that from going forward would not be able to participate in the plan, if they're either hired or promoted into those positions. Now we did send this to the pension attorney for his comments because there is language in here that, you know, has to do with transfers and all that. We haven't heard from him yet, but hopefully, by second reading, we will have his comments.

Chair Sanchez: All right. One of the concerns in this legislation that I got feedback from some of the employees that some individuals that have been in GESE for quite some time and they've been in the City for quite some time and if they're going to promote to an executive position, then of course, they would have to leave GESE. That would be a policy decision made by us between first reading and second reading. If we decide that we want to leave those individuals in GESE, then they could stay in GESE. If not -- you know, people that work for the City, you know, I hope they're not doing this for the pension, okay. I hope that they're doing it because they want to serve the community, they have a good job, and they enjoy what they do. But that'll be a policy decision that we could work out between first reading and second reading if we want to allow those individuals to stay in GESE. That is the only sticking point that I'm prepared to turn over to my colleagues so we could work that out. But other than this, this prevents that loophole from allowing employees to switch over to GESE, which basically costs the taxpayers much, much more money. So I would make a motion on first reading and we'll have plenty of time to work it on second reading, as we want to let those individuals stay on GESE or switch them over to defined contribution. So moved.

Commissioner Sarnoff: All right. We have a motion. Do we have a second?

Commissioner Regalado: Second.

Commissioner Sarnoff: We have a second. Any -- public hearing is opened.

Chair Sanchez: Mariano.

Commissioner Sarnoff: Public hearing is closed. Madam City Attorney, will you read the ordinance into the record?

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

Commissioner Sarnoff: Madam Clerk.

Priscilla A. Thompson (City Clerk): Roll call.

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

Ms. Thompson: The ordinance has been passed on first reading, 3-0.

Chair Sanchez: Mr. City Manager, can we have this on the agenda on 10/22?

Mr. Hernandez: Mr. Chairman, we can. I would prefer to have it in November, if at all possible, to allow us more time. I know we have a heavy agenda. If you so desire, we'll do our best.

Chair Sanchez: Ten twenty-second, please.

Mr. Hernandez: Okay.

Chair Sanchez: Okay.

Ms. Bru: And Mr. Chairman, just so that we have guidance on this, is it the Administration that's going to be letting us, the City Attorney, know which -- what provisions are going to be amended so that individuals who are currently in the plan will get promoted? I mean, which positions --? Is it the Administration that we look to?

Chair Sanchez: That would be the Administration working with each Commissioner here to come to an agreement on this legislation, and I think that's the best avenue to take here, so when we come on second reading, everybody knows exactly what's going on. There are no miscommunications. So, yes, we'll turn it over to your leadership to guide us through this legislation.

Ms. Bru: All right.

Chair Sanchez: Okay.

Commissioner Regalado: But are you going to have time in terms of actuarial and other --? I mean, today's the 8th, so --

Mr. Hernandez: Commissioner, we'll have it on the same track as the prior item, FR.1, and if I have to work the whole weekend, then do delivery on Friday of next week as a supplemental, I'll do that so I can have the most time available to do it. But in the meantime, the goal is to be -- work with your offices in the different provisions before we finalize it and, of course, work with the City Attorney.

Chair Sanchez: I'm available tomorrow.

END OF FIRST READING ORDINANCES

RESOLUTIONS**RE.1 09-00992***Department of
Finance***RESOLUTION**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIAMI, FLORIDA, WITH ATTACHMENT(S), SUPPLEMENTING RESOLUTION NO. 07-0586, ADOPTED BY THE CITY COMMISSION ON OCTOBER 11, 2007, RELATING TO THE ISSUANCE BY THE CITY FROM TIME TO TIME OF CERTAIN SPECIAL OBLIGATION BONDS PAYABLE AS TO PRINCIPAL AND INTEREST SOLELY FROM THE PROCEEDS OF CERTAIN DESIGNATED REVENUES DESCRIBED IN RESOLUTION NO. 07-0586 AND NOT DERIVED FROM AD VALOREM TAXES; PROVIDING FOR THE ISSUANCE OF AN ADDITIONAL SERIES OF SUCH SPECIAL OBLIGATION BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$65,000,000, TO BE DESIGNATED CITY OF MIAMI, FLORIDA SPECIAL OBLIGATION BONDS, SERIES 2009 (STREET AND SIDEWALK IMPROVEMENT PROGRAM) ("SERIES 2009 BONDS"), FOR THE PURPOSES OF (I) FINANCING THE COSTS OF ACQUISITION, CONSTRUCTION AND IMPROVEMENTS TO CERTAIN ROADWAYS AND STREETSCAPES AS DESCRIBED HEREIN, (II) FUNDING A DEPOSIT TO THE RESERVE ACCOUNT FOR THE SERIES 2009 BONDS, AND (III) PAYING THE COSTS OF ISSUANCE OF THE SERIES 2009 BONDS; PROVIDING THAT THE SERIES 2009 BONDS SHALL NOT CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISION OR LIMITATION, OR A PLEDGE OF THE CITY'S FULL FAITH AND CREDIT, BUT SHALL BE PAYABLE AS TO PRINCIPAL AND INTEREST SOLELY FROM THE PROCEEDS OF CERTAIN DESIGNATED REVENUES DESCRIBED IN RESOLUTION NO. 07-0586 AND NOT DERIVED FROM AD VALOREM TAXES; PROVIDING THAT THE SERIES 2009 BONDS MAY BE ISSUED IN ONE OR MORE TAX-EXEMPT OR TAXABLE SUBSERIES; DELEGATING TO THE CITY MANAGER AUTHORITY TO DETERMINE THE TERMS OF THE SERIES 2009 BONDS WITHIN PRESCRIBED PARAMETERS; DESIGNATING A SERIES 2009 BOND REGISTRAR AND PAYING AGENT FOR THE SERIES 2009 BONDS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYING AGENT AND BOND REGISTRAR AGREEMENT; FINDING NECESSITY FOR A NEGOTIATED SALE OF THE SERIES 2009 BONDS; APPROVING THE FORM OF AND AUTHORIZING EXECUTION AND DELIVERY OF A SERIES 2009 BOND PURCHASE CONTRACT; APPROVING THE FORM OF AND AUTHORIZING DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND A FINAL OFFICIAL STATEMENT RELATING TO THE SERIES 2009 BONDS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE FOR AND OBTAIN CREDIT FACILITIES AND RESERVE ACCOUNT CREDIT FACILITIES AND TO EXECUTE AGREEMENTS RELATING THERETO WITH RESPECT TO THE SERIES 2009 BONDS; PROVIDING FOR A CONTINUING DISCLOSURE AGREEMENT WITH RESPECT TO THE SERIES 2009 BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS FOR THE BENEFIT OF THE HOLDERS OF THE SERIES 2009 BONDS; AUTHORIZING CITY OFFICIALS TO DO ALL THINGS DEEMED NECESSARY IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE SERIES 2009 BONDS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

09-00992 Legislation.pdf
09-00992 Exhibit 1.pdf
09-00992-Exhibit 2-SUB.pdf
09-00992 Exhibit 3.pdf
09-00992 Exhibit 4.pdf
09-00992 Exhibit 5.pdf
09-00992 Exhibit 6.pdf
09-00992 Summary Form.pdf
09-00992 Master Report.pdf
09-00992 Text File Report.pdf
09-00992 Pre-Legislation.pdf
09-00992 Exhibits to Resolution 07-0586.pdf

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

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones

Absent: 1 - Commissioner González

R-09-0470

Chair Sanchez: All right. Let's go to resolutions, RE.1. RE.1 is a resolution.

Diana Gomez (Director, Finance): Diana Gomez, Finance director. RE.1 is a resolution recommending that the City Commission adopt the attached resolution authorizing the issuance of special obligations bonds, Series 2009 (streets and sidewalk improvement program), in an amount not to exceed \$65 million in aggregate principal. The Series 2009 bonds are being issued for the purpose of paying the cost of acquisition, construction, and improvement to certain roadways and streetscapes. The resolution delegates the City Manager and determine -- the termination of certain matters and details concerning the bonds, including negotiating and obtaining municipal bond insurance policy, if necessary, and a debt service reserve surety for these bonds as well.

Chair Sanchez: All right.

Commissioner Sarnoff: So moved.

Chair Sanchez: All right, there's a motion on Resolution -- RE.1. Is there a second?

Commissioner Regalado: Second.

Chair Sanchez: Any discussion on the item? Hearing no discussion on the item, all in favor, say "aye."

The Commission (Collectively): Aye.

Priscilla A. Thompson (City Clerk): Chair, it's my understanding that there's a substitute, a change to the resolution.

Ms. Gomez: That is correct. I'm sorry. There is a substitute on the project listing. There's some revisions to the names of the properties and the projects. It was handed out earlier. It is just adding clarifying language. I apologize.

Commissioner Regalado: But since these are many millions of dollars, just to -- for the public to understand, this was approved by the City Commission, the issuance of bonds. You issue half--

Ms. Gomez: That's correct.

Commissioner Regalado: -- and now you're issuing the other half.

Ms. Gomez: Right. We had issued \$80 million previously in 2007, and now we're issuing the remainder or almost the remainder of 65 million. We had authorization for up to 150 million.

Commissioner Regalado: Okay.

Chair Sanchez: It's just -- it's a 30-year fixed rate bond?

Ms. Gomez: That is correct.

Chair Sanchez: And what's the cap on it?

Ms. Gomez: The cap rate is 7 and a half percent. Right now current rate is actually coming in better than what I actually have been briefed at. It's coming at about 4.89 all in costs.

Chair Sanchez: Just out of curiosity, how many have you spent from the 207 [sic] street bond issuance?

Ms. Gomez: My understanding that there's about \$3 million left on the 207 [sic] bonds.

Chair Sanchez: So what would you say that would be, 80 percent, 90 done?

Ola Aluko (Director, Capital Improvements Project): I don't have the exact percentage, but it's roughly in the 80 to 95 percent completion.

Chair Sanchez: All right.

Mr. Aluko: There's exactly \$3.1 million --

Chair Sanchez: I just wanted to make sure --

Mr. Aluko: -- left.

Chair Sanchez: -- that, you know, most of it was used for you to go out and bond again. All right, any --

Vice Chair Spence-Jones: And I just --

Chair Sanchez: Vice Chair, you're recognized for the record.

Vice Chair Spence-Jones: Yes. Sorry, Mr. Chairman. And Diana and Ola, I just wanted to make sure that the amended projects have been included from D5?

Ms. Gomez: Yeah. Yes. We did substitute the items.

Vice Chair Spence-Jones: Okay. I know you told me it was.

Chair Sanchez: Did the Finance Committee approve this?

Ms. Gomez: Yes, they did.

Chair Sanchez: Okay.

Vice Chair Spence-Jones: And just real fast, and we're going to start immediately? We're just going to keep rolling until the --?

Mr. Aluko: As soon as we close -- well, as soon as Finance Department closes on the bond issuance, we will begin construction immediately. Some of these projects are ready to go, and some districts we would like to revisit the district office just to reprioritize projects, but, yes, we can begin immediately.

Vice Chair Spence-Jones: Okay.

Chair Sanchez: All right. It's a resolution. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries. I believe --

Ms. Thompson: As amended.

Chair Sanchez: As amended, Madam Clerk. RE.2 will be heard at 3 -- 2 o'clock, I'm sorry.

RE.2 09-01047

Office of Transportation

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ADOPTING THE CITY OF MIAMI ("CITY") BICYCLE MASTER PLAN, PROVIDING RECOMMENDATIONS TO MAKE MIAMI A BICYCLE-FRIENDLY CITY THROUGH THE DEVELOPMENT OF AN INTERCONNECTED BICYCLE FACILITY NETWORK PLAN, BICYCLE INFRASTRUCTURE DESIGN STANDARDS, IMPLEMENTATION STRATEGIES AND SCHEDULE, EVALUATION TOOLS, AND EDUCATION AND PUBLIC AWARENESS STRATEGIES; FURTHER DIRECTING THE CITY MANAGER TO IDENTIFY APPROPRIATE RESOURCES AMONG CITY DEPARTMENTS AND AGENCIES TO ENSURE THE PROMPT AND SUCCESSFUL IMPLEMENTATION OF THE BICYCLE MASTER PLAN, AS IT MAY BE AMENDED AS NECESSARY.

09-01047 Legislation.pdf

09-01047 Exhibit.pdf

09-01047 Summary Form.pdf

09-01047-Submittal-Miami River Commission.pdf

09-01047-Submittal-Miami Bicycle Master Plan.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado

Absent: 2 - Commissioner González and Spence-Jones

R-09-0476

Chair Sanchez: All right. Let's go ahead and pick up on the -- let's see the bicycle plans. Let's take that one up.

Jose Gonzalez (Assistant Transportation Coordinator, Office of Transportation): Good afternoon, Mr. Chairman, Commissioners. RE.2 is a resolution adopting the City of Miami's first bicycle master plan.

Priscilla A. Thompson (City Clerk): Chair, excuse me. May we get a name for the record, please?

Chair Sanchez: Yes, your name, please.

Commissioner González: I'm sorry.

Chair Sanchez: And ladies and gentlemen, we are on RE.2, which is adopting the bicycle master plan.

Mr. Gonzalez: Jose González with the Office of Transportation. RE.2 is a resolution to adopt the City of Miami's first bicycle master plan. The goal of the master plan is to promote the use of bicycle as a safe, viable, and eco-friendly mode of alternate transportation. It was prepared pursuant to the bicycle action plan that was passed by this body in October of last year, and it also complies with the City's complete streets program passed by this body earlier this year. Some of the highlights of the plan include implementation over a 20-year time frame. Therefore, it is a dynamic and flexible plan. It proposes and interconnected network of bicycles and bicycle infrastructure facilities consisting of dedicated bicycle lanes, bicycle boulevards, bike routes, shared use lanes and greenways. It also identifies viable locations for bicycle parking facilities and outlines educational and outreach efforts for the City. Okay. We do have a very brief PowerPoint presentation about three or four minutes.

Collin Worth: All right. My name is Collin Worth, 210 Southwest 11th Street. I'm the bicycle coordinator, and I've had the pleasure of working on this plan. In May we started collecting data. Our consultants, HNTB, the strategic plan collaborative, put together pretty robust master plan in a very short period of time. As I said, in May they started collecting data. The consultant actually rode the entire city collecting data on the streets, on the neighborhoods, on how people ride in those neighborhoods. He spoke with people, took surveyed data from the public. In June, he put together an existing conditions report. In July, we -- he began working on the draft network and in July, we actually had our first bike summit, over 100 people showed up to provide input and to see what we were working on. That was over at Jose Marti Park. We had a second summit in August over at the Grapeland Park. A lot of people showed up for that as well. And our third summit was in the -- in Liberty City at the Tacolcy Center. And throughout this, we've had a lot of feedback and a lot of input from the public. This is a small map showing the existing network that we have here. It's very limited. We have about 70 miles throughout the City, mostly on the east coast, the (UNINTELLIGIBLE) path, the Commodore Trail, the Rickenbacker, and Venetian Causeway. So it's very limited. We have -- the 2030 plan shows the potential bike network map. Within a quarter mile of almost anywhere in the City, you should be able to get on a bike facility and connect -- in a connected way get to wherever you're trying to get to. Some highlights, 285 miles planned. It should complete the Miami River Greenway, and as he said, we'll be having a plethora of different bike facilities. Some shared use lanes. You can see where they'll be on the map, greenways, including the entirety of the Miami River greenway. Bicycle boulevards, which are neighborhood routes, and they go throughout all neighborhoods. And bike lanes and bike routes which are just signage on major streets, so -- you can see the difference between the 20 -- the present and the proposed 2030, and we also include bicycle over parking facilities throughout the City. This will be on public facility -- on public right-of-way and in parks and public facilities. This does not include private. These are some of the different styles that are currently available and currently used and currently in the City. We just have bicycle racks and bike lockers, but there are alternatives for when we get further along in development of the bike -- of being a bike-friendly city. And we also discussed education to educate motorists and bicyclists, expanding that -- working with schools, police, you know, to provide greater education and understanding of the role that people on bikes and in cars should play in interacting together. We encourage it. We provide encouragement through events like Bike Miami Days, Bike Miami Rides, you know. There's a lot of different

ways that we can promote biking -- bike month, as an example. And working with the police providing greater education with the police, who have a pretty robust bike patrol already, so we outlined a lot in the master plan, and like I said, it's very robust and -- so that's the PowerPoint. Jose.

Chair Sanchez: All right. Anything else you want to add?

Mr. Gonzalez: I would just like to thank the Miami River Commission and the Bicycle Action Committee for all of their volunteered time and effort into putting not only this plan, but the previous plan that set the framework for this plan together.

Chair Sanchez: All right. Why don't we get a motion and a second, and then we'll open it up to the public?

Commissioner Sarnoff: So moved.

Commissioner Regalado: Second.

Chair Sanchez: There's a motion by Commissioner Sarnoff, second by Commissioner Regalado. All right, anyone from the public wishing to address this item? We are on RE.2. RE.2, which is adopting Bicycle Master Plan. Anyone? This is adopting the bicycle master plan.

Judy Sandoval: Of course, it's a wonder -- Judy Sandoval.

Chair Sanchez: Name?

Ms. Sandoval: -- Judy Sandoval --

Chair Sanchez: Name and address for the record.

Ms. Sandoval: -- 2536 Southwest --

Chair Sanchez: Thank you.

Ms. Sandoval: -- 25th Terrace. Of course, it's a wonderful plan, very welcomed, and it will be -- advance our city very much in many ways. I just wanted to mention one of the impediments that's in place because these trails are not going to go all over the city for quite a while, and I know I face this as a bicycle rider in my neighborhood a lot. These benches that we have for the bus stops, they have a perpendicular advertisement sticking out. It takes up almost half the sidewalk. There are many places. Twenty-Seventh Avenue is one of them where you can't ride on the sidewalk because of those things. You can't see around them because there might be people or bicycles or whatever coming the other way, and you can't ride in the street because of the traffic and the parallel parking, so I've long advocated that we don't have those kinds of advertisements on one side of the bus stops. I just wanted to mention this to you. Thank you.

Chair Sanchez: Thank you. Anyone else from the public?

Ashley Chase: Hi.

Chair Sanchez: Good afternoon.

Ms. Chase: Good afternoon, Commissioners. Ashley Chase, of the Miami River Commission, with offices at 1407 Northwest 7th Street. Our position has been distributed, but I wanted to state on the record that on October 5, the Miami River Commission reviewed the draft, Miami Bicycle Master Plan, and we just sincerely commend and applaud the City of Miami, specifically

the honorable Mayor Diaz and the honorable City Commission, for undertaking the important creation of this plan, which is a critical alternate form of environmentally friendly transportation in our urban core. We found the draft Miami Bicycle Master Plan to be consistent with the Miami River Greenway Action Plan subject to a few conditions, which have been distributed. The Miami River Commission have since reviewed these recommended revisions with City staff, such as Mr. Jose Gonzalez and Mr. Collin Worth, and they have stated no objections. So thank you for your time.

Chair Sanchez: Thank you.

Commissioner Sarnoff: Let me amend my motion to include the Miami River letter, dated October 8, 2009, which includes a recommended revisions to the draft Miami Bicycle Master Plan.

Chair Sanchez: All right, for the record it has been amended, Madam Clerk, to include the Miami River Commission letter. All right, anyone else from the public? Good afternoon, sir. State your name and address for the record. Welcome to City Hall.

John Hopkins: I'm John Hopkins, from 9192 Southwest 128th Lane, Unincorporated Dade County. I'm here for the Green Mobility Network. We have observed the creation of this plan over the past year and a half, and thoroughly embrace what it's trying to do. This would be a very big step toward establishing that in Miami. The streets are for all the people, and we hope the Commission will not only adopt the plan, but see it through over the coming years.

Commissioner Sarnoff: Thanks, sir.

Chair Sanchez: Thank you, sir. Anyone else from the public? If not, the public hearing is closed, and it's back to the Commission. Commissioner Sarnoff.

Commissioner Sarnoff: Just -- it's about time. I mean, I think it's a great idea. How -- we have -- we had one of the most unfriendly bicycle cities in America probably three years ago or as early as three years ago. We have a city that is acknowledging the place that the bike should and could occupy for an urban core. And it seems like wherever we're redoing streets, we include some element of a bicycle lane, and that's important. Primarily for this city that, as we all know, if there is global warming, this will be first city in America that will be impacted from that. And even if there is not global warming, it just makes absolute utter sense, as -- for those of you that don't know, the City of Miami is the third highest incidence of diabetes in the United States and you get that by being immobile, you get that by not getting on bicycles, you get that by only driving in your cars. A lot of good things come out of this, so I applaud the Mayor, I applaud this Commission to pass this. It's not hard. It's easy. This is why you want to become a Commissioner. You want to have an impact like this and you want to be able to demonstrate that biking is the way to go. Thank you.

Chair Sanchez: All right. Let me just take the opportunity. This is a great way to make Miami a twenty-first century sustainable and bikeable [sic] city, folks. I want to take this opportunity to also to thank everyone who worked so hard on this master plan. Really, it -- the master plan was completed in less than a year, a very good progress for such an ambitious and comprehensive plan, but really, if you look at what we've accomplished here, as Commissioner Marc Sarnoff stated, we took a city that was not a bicycle-friendly city and, through the efforts of many -- nowadays, I mean, you're going to be able to leave your home and, less than a third of a mile, you're going to have a bikeway throughout the city 'cause if there's one thing that we want to make -- Miami is not only a pedestrian-friendly city, but also give people an opportunity to ride their bike. Being in the climate that we live, you know, stop dependency of the automobile and the fuel, so you know, if -- when you look at all this and you see that 285 miles of interconnectability [sic] and bikeways, it is incredible. At one time to get from point A to point

B, there wasn't any connectability [sic], so we do have a plan for the future, and our plan right now as we work -- you know, any new roads that are coming online, of course, there'll have to be a study to see if we could add bicycle lanes. So it is just something that this city should be praised. And once again, the Mayor has focused on the sustainability issue, and I think this Commission has supported him on that, and it's something that we could all be very proud of as residents of the City of Miami. So once again, thank you for all those that worked so hard to put this master plan together. I know that I attended a couple of the meetings, and it was great to see people that not only participated -- I mean, and they got there on a bicycle and they left on a bicycle, so it's just -- it was great to see this type of thing happening in the City of Miami. So I guess we're ready to vote on something that --

Commissioner Regalado: If I may, Mr. Chairman.

Chair Sanchez: Yes, sir. Commissioner Regalado, you're recognized for the record.

Commissioner Regalado: Thank you. Mr. Manager, on the resolution we're about to vote on it, what is the timeline? It says to ensure the prompt and successful implementation of the master plan. Are we -- on the recent plan that we approve of expedite projects, are we including bicycle path?

Mr. Hernandez: Not so far, Commissioner. This is a 20-year plan, but I also believe that whenever we do a new road project, resurface a road or do any kind of improvements to a road, that definitely we have to then take into account providing for the proper bike facility for that corridor. We will look at the bike master plan, and if in that corridor it calls for a bike lane or a bike route that we then have to include it when we do the improvement in that corridor.

Commissioner Regalado: And state roads and county roads, are we going to enter in any interlocal agreement?

Mr. Hernandez: We will be asking both the County and the state to comply with our bike master plan when they do work within the City of Miami. I think that recently we had an experience with the FDOT (Florida Department of Transportation) on a section of -- I think it's Coral Way, where the state exceeded to our request a few months back to include the bike lane as part of their project within the City. So it will give us a blueprint that has been sanctioned by hopefully the City Commission that we can then implement on our projects and ask the County and the state to do likewise in theirs.

Commissioner Regalado: Okay, thank you.

Chair Sanchez: All right. Any further discussion. It is a resolution. Ladies and gentlemen, we will be voting on item RE.2. I think there's one amendment, to include the, what was it, Miami River Commission letter?

Commissioner Sarnoff: October 8.

Chair Sanchez: All right. As amended, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries. That takes care of RE.2. We still have to wait for the Vice Chair for the Virginia Key.

RE.3 09-01048

RESOLUTION

*Department of
Capital
Improvements
Program*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING AN AMENDMENT OF THE CITY OF MIAMI'S LIST OF EXPEDITED PROJECTS, PURSUANT TO ORDINANCE NO. 13045, ADOPTED DECEMBER 11, 2008, BY REPLACING THE CURRENT "ATTACHMENT A", WITH "ATTACHMENT A-10/8/09 REVISED," ATTACHED AND INCORPORATED, FOR THE PURPOSE OF INCLUDING UPCOMING CAPITAL IMPROVEMENT SOLICITATIONS AND PROJECTS.

09-01048 Legislation.pdf
09-01048-Exhibit-SUB.pdf
09-01048 Summary Form.pdf
09-01048 Text File Report.pdf
09-01048 Text File Report 2.pdf
09-01048 Attachment A.pdf

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

Votes: Ayes: 3 - Commissioner Sanchez, Regalado and Spence-Jones
Absent: 2 - Commissioner González and Sarnoff

R-09-0471

Chair Sanchez: So we go to RE.3. RE.3 is also a resolution. That's amending the City of Miami's list of expedited projects.

Ola Aluko: Ola Aluko, City of Miami, director of Capital Improvements. RE.3 is a resolution amending the City's list of expedited projects pursuant to the expedited ordinance. Actually, there is a substitution, I should be making on the floor.

Vice Chair Spence-Jones: Substitution on the floor.

Chair Sanchez: Okay, we do have a quorum. We do have a quorum.

Mr. Aluko: This substitution that will be given to you, Mr. Chair, is adding a project on the expedited list, and that is the dock master building, which was recently awarded between the time we went out to print and today.

Chair Sanchez: All right. We are on RE.3. Is there a motion?

Vice Chair Spence-Jones: So moved.

Commissioner Regalado: Move it.

Chair Sanchez: Motion is made by Vice Chair Spence-Jones, second by Commissioner Regalado. It's a resolution. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Madam Clerk, 3-0, with the absence of Commissioner Sarnoff and Commissioner González.

RE.4 09-01050

*Department of
Zoning*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, GRANTING AN INCREASED NUMBER OF CLASS I SPECIAL PERMITS (BEYOND THE TWO (2) SPECIAL EVENTS

ALLOWED PER YEAR), FOR THE MARY BRICKELL VILLAGE RETAIL SPECIALTY CENTER, LOCATED AT 900 AND 901 SOUTH MIAMI AVENUE, MIAMI, FLORIDA; SPECIFICALLY TO ALLOW TWENTY FIVE (25) BANNERS TO BE ACCOMMODATED AT THE MARY BRICKELL VILLAGE RETAIL SPECIALTY CENTER FOR AN ADDITIONAL EVENT RELATED TO PROMOTING THE BRICKELL VILLAGE AREA FOR A PERIOD OF SIX (6) MONTHS COMMENCING ON OCTOBER 21, 2009 THROUGH APRIL 21, 2010.

09-01050 Legislation.pdf

09-01050 Summary Form.pdf

09-01050 Application for Class I Special Permit.pdf

09-01050 Environmental Graphics Package.pdf

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

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones

Absent: 1 - Commissioner González

R-09-0473

Chair Sanchez: RE.4.

Vice Chair Spence-Jones: So moved.

Chair Sanchez: RE.4 --

Commissioner Regalado: Second.

Chair Sanchez: -- requires a four-fifth vote.

Priscilla A. Thompson (City Clerk): Thank you. Yes, this is four-fifths.

Chair Sanchez: So we'll get back to it.

[Later...]

Chair Sanchez: All right, let's go back to RE.4, which is a four-fifth vote.

Lourdes Slazyk (Zoning Administrator): For the record Lourdes Slazyk, Zoning administrator. RE.4 is a request by Mary Brickell Village to allow temporary event featuring 25 banners, not to exceed nine square feet a piece. The banners are not for any individual business; they just -- they're generic banners in order to promote the Brickell Village area. The banners are -- there's photos in your packets, dining shops, fashion. And the Administration has no objection.

Chair Sanchez: All right. Can I get a motion?

Commissioner Sarnoff: So moved.

Vice Chair Spence-Jones: Second.

Chair Sanchez: Motion by Commissioner Sarnoff, second by the Vice Chair. Let me just add on this. Mary Brickell Village has been a great success to this city. Folks, just go out there any day of the week and go out there on an evening and see what we've been able to turn that area into. I mean, it is a gathering place for people to socialize, take their families out there. I mean, I -- I'm blessed to live close to it, so I'm able to go out there and really have a great time with my

family, but it is just incredible, the redevelopment and the economic vitality that you see out there. I mean, it is just -- it's pleasing to know that we have worked so hard to accomplish that and it's a great success for our city. And I'm glad to say that Delores Pero me Llamo Lolita is -- has been profitable. For the first time the firehouse is making money, and go out there, folks, because it is packed. So I want to take -- I want to praise everyone who's labored so hard to get that accomplished. It's one of the success stories for the City of Miami. All right, it's a resolution with a motion and a second. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, sate "nay." Motion carries.

RE.5 09-01054

*Department of NET
Administration*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION RESCINDING RESOLUTION NO. 09-0327, ADOPTED JULY 9, 2009, IN ITS ENTIRETY; ESTABLISHING A SPECIAL REVENUE PROJECT ENTITLED: "2009 MIAMI-METRO HOMELESS ASSISTANCE PROGRAM-SOUTH" AND APPROPRIATING FUNDS, IN AN AMOUNT NOT TO EXCEED \$138,789, CONSISTING OF A GRANT FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, THROUGH THE MIAMI-DADE COUNTY HOMELESS TRUST, FOR A ONE-YEAR PERIOD, TO PROVIDE OUTREACH, INFORMATION, REFERRAL, ASSESSMENT AND PLACEMENT SERVICES TO HOMELESS INDIVIDUALS IN MIAMI-DADE COUNTY; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS TO IMPLEMENT ACCEPTANCE OF SAID GRANT AWARD.

09-01054 Legislation.pdf
09-01054 Summary Form.pdf
09-01054 Pre Legislation 1.pdf
09-01054 Master Report.pdf
09-01054 Agreement.pdf
09-01054 Master Report 2pdf
09-01054 Pre-Legislation 2.pdf
09-01054 Letter.pdf
09-01054 Technical Submission.pdf
09-01054 Attachment C.pdf
09-01054 Attachment C-1.pdf
09-01054 Attachment D.pdf
09-01054 Attachment E.pdf
09-01054 Attachment F.pdf
09-01054 Attachment G.pdf
09-01054 Attachment G-1.pdf
09-01054 W-9.pdf
09-01054 Attachment I.pdf
09-01054 Attachment J.pdf
09-01054 Attachment K.pdf
09-01054 Attachment L.pdf
09-01054 Attachment M.pdf
09-01054 Attachment N.pdf
09-01054 Attachment O.pdf
09-01054 Attachment P.pdf
09-01054 Attachment Q.pdf
09-01054 Attachment Q-1.pdf
09-01054 Attachment R.pdf
09-01054 Attachment S.pdf

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

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones
Absent: 1 - Commissioner González

R-09-0472

Chair Sanchez: RE.5, Department of NET (Neighborhood Enhancement Team) Administration.

Commissioner Regalado: Move it.

Chair Sanchez: No, no, no, no. Let's get something on the record so people that are watching us know exactly what we're voting on.

Vice Chair Spence-Jones: Know (UNINTELLIGIBLE) on.

Pedro G. Hernandez (City Manager): Mr. Chairman, Commissioners, this is an item that allows for additional -- or dollars that were already part of the grant coming to the City to be used for Administration. The six thousand six hundred and nine thousand [sic] dollars can now be used for Administration as part of the total project. The total project is 138,000.

Chair Sanchez: All right. Can I get a motion now?

Commissioner Sarnoff: Move it.

Vice Chair Spence-Jones: Second.

Chair Sanchez: There's a motion by Commissioner Sarnoff, second by the Vice Chair. We are on RE.5. It's a resolution. It brings nearly 140,000 in grant monies for the Administration for the homeless program. All right, all in favor, say "aye."

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries. Is there an amendment to it or anything you want to add?

RE.6 09-01057

***Department of
Capital
Improvements
Program***

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1, IN SUBSTANTIALLY THE ATTACHED FORM, TO THE PROFESSIONAL SERVICES AGREEMENT WITH RIZO CARRENO AND PARTNERS, INC., FOR ADDITIONAL SERVICES FOR THE FIRE STATION NO. 13 PROJECT, B-60453A, IN THE AMOUNT OF \$59,500, THEREBY INCREASING THE CONTRACT FROM \$462,355 TO A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$521,855; ALLOCATING FUNDS FROM CAPITAL PROJECT NO. B-60453A.

09-01057 Legislation.pdf

09-01057 Exhibit .pdf

09-01057 Summary Form.pdf

09-01057 Table of Contents.pdf

09-01057 Memo.pdf

09-01057 Evaluation Committee Recommendation.pdf

Motion by Commissioner Sarnoff, seconded by Commissioner Regalado, that this matter be ADOPTED FAILED by the following vote.

Votes: Ayes: 2 - Commissioner González and Sanchez

Noes: 2 - Commissioner Sarnoff and Regalado

Absent: 1 - Commissioner Spence-Jones

Chair Sanchez: We go to RE.5.

Priscilla A. Thompson (City Clerk): Six.

Chair Sanchez: RE.5 -- I'm sorry, RE.6.

Vice Chair Spence-Jones: RE.6.

Chair Sanchez: We did RE.5 already. RE.6.

Ola Aluko: RE.6. Ola Aluko, City of Miami, director of Capital Improvements. RE.6 is a resolution to authorize the City Manager to execute Amendment 1 to the professional service agreement with Rizo Carreno and Partners for the additional services of the fire station number 13 project. This increase is from -- is for \$59,500, which would increase their contract from 462,355 to an amount not to exceed 521,855. The increase is due to the City's desire to make this facility a LEED (Leadership in Energy and Environmental Design) certified building.

Vice Chair Spence-Jones: We have a motion on this item?

Commissioner Sarnoff: I'm going to move this for discussion.

Vice Chair Spence-Jones: Okay. I have a motion. Do I have a second?

Commissioner Regalado: Second.

Vice Chair Spence-Jones: We have a second. Discussion.

Commissioner Sarnoff: I'm trying to figure out the significance of having a fire station LEED certified. Why, as a taxpayer, would I want my fire station LEED certified?

Mr. Aluko: The decision to make this LEED certified was a joint decision between the Fire Department, the CIP (Capital Improvements Program) Department and, of course, with the approval of the City Manager's office. We have a policy whereby any facility over 5,000 square feet, we are trying to strive towards the City's initiative of sustainable buildings, and this one qualifies. Being that the funding is available --

Commissioner Sarnoff: Well, you say the funding's available. That's a funny statement. The funding is coming out of the Homeland Security Bond?

Mr. Aluko: That is correct.

Commissioner Sarnoff: And homeland security bond predominantly now has District 2 issues in there and there's a shortfall for the completion of the third tranche of projects which will fall squarely on the shoulders of District 2.

Mr. Aluko: I am not certain I understand what you mean, Commissioner.

Commissioner Sarnoff: Sure. It's pretty self-evident that Commissioner Winton put most of his projects off to the very end, which I've now inherited. However, as a result of cost overruns throughout the Homeland Security Bond project running certainly in the first tranche, substantially in the second tranche, and now the third tranche you may be making up some ground, there will be a shortfall. So as the District 2 Commissioner that represents about 78 percent of the tax base that's going to retire these bonds, why on God's green earth should I vote \$59,000 that will put a dent further in my ability to procure a project?

Mr. Aluko: Mr. Commissioner, I understand now that you've -- what you've mentioned. We went out for a Sunshine State loan, which bridged the gap of the shortfall that you had mentioned.

Commissioner Sarnoff: Right. That the taxpayers will pay that loan.

Mr. Aluko: That is true.

Commissioner Sarnoff: So all you've done is you've built a big house and decided that you wanted to build a bigger house and you borrowed some more money.

Mr. Aluko: Not in that --

Pedro G. Hernandez (City Manager): Ola, if I may.

Mr. Aluko: Yes, sir.

Mr. Hernandez: Are we or CIP impacting any District 2 projects as a result of allocating these dollars to this fire station?

Mr. Aluko: No, not at all. These --

Commissioner Sarnoff: All right. Then answer the question this way. Are you or any CIP project impacting District 2 without using Sunshine State loan money?

Mr. Aluko: I'm sorry, Commissioner. I --

Commissioner Sarnoff: Sure. Take the Sunshine State loan money that you're borrowing, can you accomplish all District 2 projects?

Mr. Aluko: No, we cannot.

Commissioner Sarnoff: Okay. So isn't that the right question, Mr. Manager?

Mr. Hernandez: Well, I think that even beyond the monies that have been borrowed through the Sunshine State loan, we still have projects, yes, that would be unfunded at very end of the program. Isn't it?

Mr. Aluko: That is correct. We had more projects than we had funding.

Mr. Hernandez: Yes.

Commissioner Sarnoff: And most of those projects --

Mr. Hernandez: Yes.

Commissioner Sarnoff: -- are District 2 projects, am I correct?

Mr. Aluko: No, that's --

Vice Chair Spence-Jones: No.

Mr. Aluko: -- not a correct statement. No.

Vice Chair Spence-Jones: And could I just ask a question? I'm sorry.

Commissioner Sarnoff: No. I mean --

Vice Chair Spence-Jones: You have my anymore --?

Commissioner Sarnoff: -- I'm just trying to demonstrate that this may be 59,000 -- and let me go off on one more tangent. What is the cost --? This is a fire station, right?

Mr. Aluko: That is correct.

Commissioner Sarnoff: What is the square foot cost of this fire station all in?

Mr. Aluko: The -- based on the fact that this is designed beyond what we consider a category 5 station or category 5 building, the projected square foot cost is roughly 350 to \$390 a square foot. Now, that's a projected cost. We have been experiencing extremely low bids over the last year, and we believe that if this continues, if the market does not correct itself, this fire station will come in not only within budget, but even lower than the projected costs. The funds --

Commissioner Sarnoff: And --

Mr. Aluko: -- that we're requesting here are well within the projected budget or the budget that

we have on hand.

Commissioner Sarnoff: Well, -- I mean, wouldn't it be fiscally prudent for us not to have to incur Sunshine State loans, put this 59 --? I mean, let me ask this question. Are you going to build the building differently if you don't LEED certify it?

Mr. Aluko: We can certify this on -- by -- on the -- the architect can certify this on the drawings. We don't necessarily have to build this as a LEED building. If the decision is not to build this fire station as a LEED building, we can go that route also.

Commissioner Sarnoff: Let me ask it a different way. Of the \$59,500, how much of that is attributed to LEEDs?

Mr. Aluko: Twenty-five thousand dollars is being given to the -- is being awarded to the architect to make it a LEED certified building.

Commissioner Sarnoff: Right. So some architect is going to sit there, trolley up some numbers, and he's going to get paid 25 grand?

Mr. Aluko: That's correct.

Commissioner Sarnoff: All right. Now, the other \$29,000 is that materials that are going in the building?

Mr. Aluko: No. The other funds are \$17,000 for the revisions. We did have to -- we made the revision during the mid cycle of the drawings. We have a \$5,000 commission fee that's standard.

Commissioner Sarnoff: Commission. Who gets the commission?

Mr. Aluko: The United States Green Council in DC (District of Columbia).

Commissioner Sarnoff: Okay. So that's not material in a building?

Mr. Aluko: That's standard.

Commissioner Sarnoff: And the \$17,000, that doesn't go in the building. That's just changing the diagrams, right?

Mr. Aluko: That's changing the drawings, that's correct.

Commissioner Sarnoff: Okay.

Mr. Aluko: And then the \$12,000 that's not used that's used -- should we decide to actually construct the building green, the \$12,000 will be used for the architect to ensure that the contractors is following all LEED requirements and procedures.

Commissioner Sarnoff: So the answer to my question is none of the \$59,500 is --

Commissioner Regalado: Is green.

Commissioner Sarnoff: -- green?

Mr. Aluko: No. That is correct.

Commissioner Sarnoff: It's all soft costs going to someone?

Mr. Aluko: Soft cost. That is correct.

Commissioner Sarnoff: And -- Mr. Manager, how deep are we -- do you understand the expression "deep"? -- are we into the Sunshine State loans, two 20 million?

Mr. Hernandez: I think overall that figure is higher, right?

Mr. Aluko: Well, with the CIP Sunshine State loan, I believe we did go out for 20 million. That's correct.

Commissioner Sarnoff: All right. And how much do you anticipate going further into Sunshine State loans to make up the differential to get every Commissioner's project done, not just District 2?

Mr. Aluko: It's my understanding -- and I'm speaking on behalf of -- well, for the CFO (Chief Financial Officer) -- that we're not -- we're no longer going for Sunshine State loans.

Commissioner Sarnoff: So you believe that with the 20 --? Well, let me ask it this way. Would you be able -- you could not pay back the \$20 million with the homeland security bond project money, correct, Larry?

Larry Spring: No, you can -- Larry Spring, chief financial officer. Let me go back to the first question you asked. We presented to this Commission I guess over a year ago all of the Sunshine State borrowings that we've done.

Commissioner Sarnoff: Right.

Mr. Spring: We had no -- we have no intention as of today to borrow any additional Sunshine State loan. And in fact, I think you also know as part of the overall budget, we have -- we're paying back, on an expedited basis, the 20 million that we borrowed to deal with the ERP (Enterprise Resource Planning) and IT (Information Technology) modernization, and we're paying back half of that.

Commissioner Sarnoff: Stay with me on just the CIP borrowing. Is that 20 million?

Mr. Spring: No. It was more than 20 million.

Commissioner Sarnoff: I thought it was closer to something like 40 million.

Mr. Spring: It was approximately 50 to 54 million.

Commissioner Sarnoff: All right. Even worse. So we borrowed -- we had this \$250 million Homeland Security Bond project, right?

Mr. Spring: Yes.

Commissioner Sarnoff: And as we went -- progressed through tranche one, as we progressed through --

Mr. Spring: I'm listening. I wanted to correct something that you said early on the record --

Commissioner Sarnoff: I love to be corrected.

Mr. Spring: -- with regards to the homeland defense and the proceeds.

Commissioner Sarnoff: Sure.

Mr. Spring: And just the historic memory of this Commission. The City of Miami went out for that go -- that limited ad valorem bond without having done a lot of design work and development of the projects that were going to be funded.

Commissioner Sarnoff: Oh, we all -- right. We all -- correct. It's called "Napkin Deal."

Mr. Spring: So when you make the statement that we are -- you know, we have blown the budget, it's not really a fair statement. It's really a statement of well, we were -- we had not gone to market in many years. The Commission was very excited. The people were very excited, and they wanted to get stuff moving. So really, you had projects with dollar amounts assigned to them that had really -- I hate to say it this way -- no basis at the time.

Commissioner Sarnoff: Right. The urban lore --

Mr. Spring: Right.

Commissioner Sarnoff: -- of when I became Commissioner was that it was called the "napkin deal." Every Commissioner wrote down on a napkin a project they wanted and they did an estimate as to what that would cost.

Mr. Spring: Right.

Commissioner Sarnoff: And obviously, they got it wrong because who's going to get it right drafting something at a restaurant on a napkin.

Mr. Spring: Without design, without anything.

Commissioner Sarnoff: Right, right, right.

Mr. Spring: So what we have done from a finance perspective, you had your CIP, they've come in, they started designing projects; we've gotten things moving and rolling in a more appropriate manner --

Commissioner Sarnoff: Right.

Mr. Spring: -- and so we went out and borrowed dollars that were available through Sunshine State to help support our overall capital project, and we listed every single HD project so that we would have the additional availability capacity to finish the projects -- and the third tranche projects that you were most concerned about 'cause we -- you know, we saw what was happening. Yes, you know, we thought a park might have been -- it had 2 million and it cost 10 -
-

Commissioner Sarnoff: Right.

Mr. Spring: -- when you really go in and do it, so --

Commissioner Sarnoff: So -- and to add insult to injury, if you will, you learned that in the first tranche, your construction costs were very high and you were competing against a private industry that was doing gang-buster business.

Mr. Spring: Yes. But we also leveraged a lot of dollars. It wasn't just Sunshine State. We got County GOB (General Obligation Bond). We got grants. We got a lot of other things to help

satisfy that Delta, as I'm going to call it, if you will, and not deficit.

Commissioner Sarnoff: Well, staying with your Delta --

Mr. Spring: Okay.

Commissioner Sarnoff: -- I get your Delta.

Mr. Spring: Okay.

Commissioner Sarnoff: The point is if you even got those dollars, it just goes to demonstrate how far off the napkin was.

Mr. Spring: Again --

Commissioner Sarnoff: My --

Mr. Hernandez: Commissioner, if you allow me. Even if you do a program or a bunt program with a certain planning, you are bound to have differences from that initial program development. Now, the one that was done here, I -- not being at the City at that time, we thought that the City had done a great job in actually selling it, and they did. But I wish that they had had more planning in advance and better estimates at an early stage to at least keep us closer to the real cost.

Commissioner Sarnoff: And all I'm saying, Mr. Manager, is -- I wasn't here either.

Vice Chair Spence-Jones: I wasn't here either.

Commissioner Sarnoff: Right. Commissioner Spence-Jones wasn't --

Vice Chair Spence-Jones: Ola was not here either.

Commissioner Sarnoff: Right. We all inherit where we are, but I want to be accurate as to where we are, and I want to be completely upfront and honest, and that is the wish list, if you will, has already cost us what we project to be more than \$300 million verse -- off of a \$250 million bond project. Call it whatever you like, the taxpayers will pay this back, whether it's a Sunshine State loan, whether it's a bond. I like to analogize a bond to a mortgage. Sunshine State loan is not as mortgagest [sic]; it's sort of a shorter term loan and a shorter term obligation that actually Larry has to factor in when he does the general obligation -- excuse me, when he does the budget itself.

Mr. Hernandez: Right.

Commissioner Sarnoff: So all I'm suggesting to you is every dollar we save is one dollar we don't have to spend to finish the list, and I'm just trying to fathom in my own mind why I would approve \$59,500 to make an architect, to make an LEED person, to make a series of -- in the words of some people up here earlier today -- a bunch of paper-pushers more money when it doesn't affect the project itself?

Mr. Hernandez: Commissioner, if I may. The answer here, I believe, is that this is a long-term investment in a City facility. This is a fire station that will be opened 24/7 for 40, 50 years. And definitely by making this investment on a LEED certified building, long-term it's going to pay for itself. I think it's the right approach.

Commissioner Sarnoff: Well, I'm -- and maybe I'm willing to indulge your argument, but what

I'm saying to you if I don't simply certify it, it is going to be built the same way, and I'm savings \$59,500. I could use an analogy if you want. You know, you are my contractor and you say to me, "You know, Commissioner, I'm going to build you a house for \$500,000. I'm going to build it green LEED certified, but I'm not going to give you the certificate because if you want the certificate, I'm going to charge you \$550,000." And I'd say to you, you know what, Mr. Manager, I'll take the house at \$500,000 and I'll just tell me friends it is a green house, but it's not a green certified house. Who have I hurt there? 'Cause isn't this ego? Isn't this -- let me finish -- really about ego? Isn't it about the City of Miami being able to say "This building right here, it's green and it's certified" versus saying "It's green"?

Mr. Hernandez: Commissioner, I'd go with the latter. I sort of agree that what counts is the results, and that we have a building that is not just a building for three years, but for 40, 50 years. I don't care so much about the ego or the statements that you can make. I care about the fact that it's a building that is going to operate more efficiently and yield savings.

Commissioner Sarnoff: But I'm -- that's where I'm lost. I'm -- you're still building the same building. You're just not getting the certification.

Mr. Aluko: Mr. Manager and Mr. Commissioner, if I may interject. The certification that you are speaking of is \$5,000. That is the architect -- the Commissioning agency, rather, filling out a form -- a series of forms and sending it to Washington DC, so you are building a different building.

Chair Sanchez: No.

Mr. Aluko: The \$25,000, plus the \$17,000 of monitoring will get you a LEED building. If you choose not to get a LEED building, we can subtract those funds and we will have a regular building. The certification is \$5,000.

Commissioner Sarnoff: Ola, you know what my problem with this project is? It's a 10,655 square foot garage, and it is costing us projected \$5.3 million. Now I am not a CPA (Certified Public Accountant). I am not on the Finance Committee, but by my math, that's \$500 a square foot. Even if it was \$100 a square foot, the private sector could build this building for \$140 a square foot.

Mr. Aluko: That is an incorrect statement, Mr. Commissioner. No building today can be built at \$100 a square feet based on --

Commissioner Sarnoff: I didn't say 100; 140.

Mr. Aluko: I'm sorry?

Commissioner Sarnoff: I said 140, and there're a lot of them out there.

Mr. Aluko: Okay. Again, these are projected numbers that we set. We just recently opened a building yesterday, the Melreese Clubhouse. That also was projected at \$6.3 million. When we bid the project, it came in at \$4.1 million. There had been several other buildings that we bid afterwards and they've been coming well below the dollar amount. We -- even though we have to project this in the numbers that we have based on history, we believe that when we bid this project out in the next three months, it will become -- it will be below the \$5.3 million that we set here. Now, the decision on the table is do we make this a LEED certified building or do we build it as a LEED building and forego the certification. If you choose the latter, then we can save ourselves \$5,000. If you choose not to make this a LEED building, then we simply tell the architect do not design the building to be LEED; just design it as a regular garage as you made it, and the contractor will build it in the same manner and we would save ourselves \$59,000.

Commissioner Sarnoff: Thank you.

Commissioner Regalado: So --

Chair Sanchez: Commissioner Regalado, you're recognized for the record on RE.6.

Commissioner Regalado: -- the station that is being built on Flagler and 59th is not LEED certified.

Mr. Aluko: No, it's not, Commissioner. That was far too gone in the process, and it would have cost a lot more money. We did the analysis. I don't have the documents with me, but we did do the analysis, and it was far too into construction to convert that to a LEED facility.

Commissioner Regalado: So are we going to be ashamed of that building?

Mr. Aluko: No, of course not. It's a beautiful building.

Commissioner Regalado: I'm just saying because I think it's about ego. Personally, I think it's -- I really agree with Sarnoff, but just for the people listening and watching, this fire station that we're building for Flagami is a state-of-the-art fire station. It's not LEED certified.

Mr. Aluko: No, it's not.

Commissioner Regalado: But is according to what the Fire Department needed, right?

Mr. Aluko: That is correct.

Commissioner Regalado: Okay. Thank you.

Chair Sanchez: All right. We're on RE.6. RE.6 is a resolution. Was there a motion and a second, Madam Clerk?

Ms. Thompson: Yes.

Chair Sanchez: Okay. There was -- who made the motion and the second?

Ms. Thompson: The motion was made by Commissioner Sarnoff and seconded by Commissioner Regalado.

Chair Sanchez: All right. So at this time it's a resolution. All in favor, say "aye." Anyone in opposition, having the same right, say "nay."

Commissioner Sarnoff: No.

Chair Sanchez: Okay. For the record --

Commissioner Regalado: Two nos.

Chair Sanchez: Two nos?

Commissioner Regalado: Two nos.

Chair Sanchez: All right, so two yes and two nos.

Commissioner González: It dies.

Chair Sanchez: All right. So what we're going to do is we're going to recess. We'll be back at 2 o'clock.

Mr. Aluko: Thank you.

RE.7 09-00978

*Department of
Public Works*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE BID OF SUPERIOR LANDSCAPING AND LAWN SERVICE, INC., IN ACCORDANCE WITH THE LOCAL PREFERENCE OPTION IN SECTION 18-85(A) OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, PURSUANT TO INVITATION FOR BIDS NO. 08-09-036, RECEIVED AUGUST 11, 2009, FOR THE PROJECT ENTITLED "TRAFFIC CIRCLES MAINTENANCE CONTRACT, M-0020," FOR A TWO (2) YEAR PERIOD, IN AN ANNUAL AMOUNT NOT TO EXCEED \$109,880, FOR A TOTAL TWO (2) YEAR CONTRACT AMOUNT OF \$219,760, TOTAL BID, AS STATED ON THE FORMAL BID DOCUMENT AND THE DEPARTMENT OF PUBLIC WORKS PROJECT FACT SHEET, WITH THE OPTION TO RENEW FOR UP TO THREE (3) ADDITIONAL ONE (1) YEAR PERIODS, IN AN ANNUAL AMOUNT NOT TO EXCEED \$109,880; ALLOCATING SAID FUNDS, FROM ACCOUNT NO. 202000.534000; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PROJECT; FURTHER AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE SAID OPTIONS TO RENEW SUBJECT TO THE AVAILABILITY OF FUNDING AND THE CONTRACTOR'S PERFORMANCE.

09-00978 Legislation10-8-09pdf

09-00978 Exhibit 9-24-09.pdf

09-00978 Summary Form 10-8-09.pdf

09-00978 Letter 9-24-09 .pdf

09-00978 Unit Prices 9-24-09.pdf

09-00978 Letter 2 9-24-09.pdf

09-00978 General Condition 9-24-09.pdf

WITHDRAWN

RE.8 09-00979

*Department of
Police*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BID RECEIVED AUGUST 26, 2009, PURSUANT TO INVITATION FOR BIDS NO. 163128, FROM C.A. MECHANICAL, FOR AIR CONDITIONING MAINTENANCE AND REPAIR SERVICES AT VARIOUS POLICE FACILITIES, FOR AN INITIAL CONTRACT PERIOD OF ONE (1) YEAR, WITH THE OPTION TO RENEW FOR FOUR (4) ADDITIONAL ONE-YEAR PERIODS; ALLOCATING FUNDS FROM THE VARIOUS SOURCES OF FUNDS FROM THE USER DEPARTMENT, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED.

NEEDS REVISIONS

09-00979 Legislation 10-8-09.pdf
 09-00979 Summary Form 10-8-09.pdf
 09-00979 Award Recommendation 9-24-09.pdf
 09-00979 Tabulations of Bids 9-24-09.pdf
 09-00979 Quote 904113 (1) 9-24-09.pdf
 09-00979 Quote 904113(2) 9-24-09.pdf
 09-00979 Quote 911109(1) 9-24-09.pdf
 09-00979 Quote 911109(2) 9-24-09.pdf
 09-00979 Quote 910109 (1) 9-24-09.pdf
 09-00979 Quote 910109 (2) 9-24-09.pdf
 09-00979 Quote 908110 (1) 9-24-09.pdf
 09-00979 Quote 908110 (2) 9-24-09.pdf
 09-00979 Quote 911111 (1) 9-24-09.pdf
 09-00979 Quote 911111(2) 9-24-09.pdf
 09-00979 Addendum NO4 9-24-09.pdf
 09-00979 Addendum NO.1 9-24-09.pdf
 09-00979 Central Headquarters 9-24-09.pdf
 09-00979 Invitation for Bid 9-24-09.pdf
 09-00979-Summary Fact Sheet.pdf

DEFERRED

Note for the Record: This item was deferred to the City Commission meeting currently scheduled for October 22, 2009.

RE.9 09-00889

*City Manager's
Office*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING AMONG THE SOUTH FLORIDA WORKFORCE INVESTMENT BOARD, THE CITY OF MIAMI, AND MIAMI DADE COLLEGE, IN SUBSTANTIALLY THE ATTACHED FORM, ESTABLISHING A PARTNERSHIP TO CREATE GREEN JOBS TRAINING PROGRAMS.

09-00889 Legislation 10-8-09.pdf
 09-00889 Exhibit 9-24-09.pdf
 09-00889 Exhibit 2 9-24-09.pdf
 09-00889 Summary Form 10-8-09.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
 Absent: 2 - Commissioner González and Spence-Jones

R-09-0477

Chair Sanchez: So let's go ahead and take up -- could we take up RE.9? Can we take up RE.9?

Robert Ruano: Good afternoon, Commissioners. Robert Ruano, director of Grants Administration. RE.9 is a resolution authorizing the City Manager to execute a memorandum of understanding with South Florida Workforce Investment Board and Miami Dade College establishing a partnership to create a Green Job Training program citywide, as well as at Miami Green Lab when it's constructed.

Chair Sanchez: All right. Is there a motion?

Mr. Ruano: We have a --

Commissioner Sarnoff: So moved.

Commissioner Regalado: Second.

Chair Sanchez: There's a motion by Commissioner Sarnoff, second by Commissioner Regalado. It is a resolution. Do you want to add something to the record before I open it up to the public?

Mr. Ruano: Yes. We have a representative, Jeffrey Gathercole, the school director from the School of Community Education at Miami Dade College, which -- I'd like to call him up, and he'd like to say a few words.

Chair Sanchez: Yes, sir. Welcome to City Hall, sir. Pleasure to have you here. State your name for the record.

Jeffrey Gathercole: Jeffrey Gathercole, Miami-Dade College. Briefly, I -- first, I'm pleased to bring greetings from Dr. Eduardo Padrón and the board and the administration of Miami-Dade College. As you know, Miami Dade College has always been at the forefront of change in education and now the times are demanding that we address new change, the greening of buildings, our infrastructure, and our workforce. We're so pleased that the City of Miami has taken the initiative to establish the Green Lab as a living model of retrofitting for energy efficiency, and we are excited to join this partnership to bring green training opportunities to citizens of Miami. Miami Dade College has already gotten started on the task of training for the twenty-first century green economy, as we are currently offering training in photovoltaic design and inspection, indoor air quality management, the LEED (Leadership in Energy and Environmental Design) green associate test preparation, xeriscaping, organic gardening, and many others. Through the collaboration that you're approving today, we will be able to bring a wide variety of additional training programs. These programs will train unemployed and underemployed workers in this community for skilled jobs in the new green technologies, as well as offer opportunities for continuing education units for professionals in building and other construction, other trades. We're ready to get started. Thank you.

Chair Sanchez: Thank you, sir. Anyone else wishing to address this Commission? If not, the public hearing is closed, and we come back to the Commission. We are on RE.9, which is an -- execute an MOU (Memorandum of Understanding) with South Florida Workforce Green Job Training. Already, there's been a motion and a second. It is a resolution. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries. Madam Clerk, it passes, 3-0, with the absence of Commissioner González and the Vice Chair.

RE.10 09-01062

**District 2-
Commissioner
Marc David Sarnoff**

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION CODESIGNATING SOUTHEAST 25TH ROAD FROM BRICKELL AVENUE TO BISCAYNE BAY, MIAMI, FLORIDA, AS "TORY JACOBS BOULEVARD;" FURTHER DIRECTING THE CITY MANAGER TO INSTRUCT THE DIRECTOR OF PUBLIC WORKS TO TRANSMIT A COPY OF THIS RESOLUTION TO THE HEREIN DESIGNATED OFFICES.

09-01062 Legislation10-8-09.pdf
 09-01062 Biography 10-8-09.pdf
 09-01062 Application 9-24-09.pdf

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

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0474

Chair Sanchez: As we continue with the protocol program --

Priscilla A. Thompson (City Clerk): Excuse me, Chair. I just want to make sure. You made your presentation; you talked about Tory Jacobs Boulevard. Were you also considering, since you said you took it out of order, RE.10, which is the resolution?

Chair Sanchez: It's -- I'll defer to you, Commissioner. Do you want to take it up now and vote on it or do you want to just wait for the item?

Commissioner Sarnoff: (INAUDIBLE).

Chair Sanchez: All right. Need a motion.

Commissioner Sarnoff: So moved for RE.10.

Vice Chair Spence-Jones: Second.

Chair Sanchez: There's a motion by Commissioner Sarnoff. It's a resolution, yes.

Commissioner Sarnoff: It's a resolution of the City of Miami Commission redesignating Southeast 25th Road from Brickell Avenue to Biscayne Bay, Miami, Florida, as "Tory Jacobs Boulevard;" further directing the City Manager to instruct the director of Public Works to transmit a copy of this resolution herein to the designated offices.

Chair Sanchez: All right, there's a motion made by Commissioner Sarnoff, second by the Vice Chair. Any discussion on the item? Hearing no discussion on the item, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries, 5-0, to honor your name in a street that you worked very hard for. God bless you.

Applause.

RE.11 09-01120

*City Manager's
Office*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION , PURSUANT TO SECTION 170.07, FLORIDA STATUTES, FIXING THURSDAY, NOVEMBER 19, 2009 AT 2:00 P.M. AT CITY HALL, LOCATED AT 3500 PAN AMERICAN DRIVE, MIAMI, FLORIDA 33133, AS THE TIME AND PLACE AT WHICH THE OWNERS OF THE PROPERTY TO BE ASSESSED PURSUANT TO THE PRELIMINARY ASSESSMENT ROLL ATTACHED TO RESOLUTION NO. 09-0421, ADOPTED SEPTEMBER 10, 2009, AND ON FILE WITH THE CITY OF MIAMI CLERK'S OFFICE, OR ANY OTHER PERSONS INTERESTED THEREIN, MAY APPEAR BEFORE THE MIAMI CITY COMMISSION AND BE

HEARD AS TO THE PROPRIETY AND ADVISABILITY OF MAKING THE IMPROVEMENTS, AS TO THE COST THEREOF, AS TO THE MANNER OF PAYMENT THEREFORE, AND AS TO THE AMOUNT THEREOF TO BE ASSESSED AGAINST EACH PROPERTY SO IMPROVED, AS SET FORTH IN RESOLUTION NO. 09-0421.

09-01120 Legislation.pdf
 09-01120 Summary Form.pdf
 09-01120 Pre-Legislation.pdf
 09-01120 Exhibit A.pdf
 09-01120 Exhibit B-1.pdf
 09-01120 Exhibit B-2.pdf
 09-01120 Letter.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
 Absent: 2 - Commissioner González and Spence-Jones

R-09-0478

Chair Sanchez: All right, we'll move on to RE.11.

Bill Anido: Good afternoon. Bill Anido, Assistant City Manager. RE.11 is the second step in establishing the Rockerman Canal Improvement [sic] District. As the resolution states, it fixes Thursday, November 19, at 2 p.m., as a time in which the owners of the properties to be assessed may appear before the City Commission and be heard. At that point, they will have the opportunity to give their opinions on establishing this as a special taxing district.

Commissioner Sarnoff: So moved.

Chair Sanchez: All right.

Commissioner Regalado: Second.

Chair Sanchez: There's a motion by Commissioner Sarnoff, second by Commissioner Regalado. Before we open it up for discussion, anyone from the public wishing to address this item, please step forward and be recognized. Seeing no one, hearing no one, it comes back to the Commission. No further discussion on the Commission. It's a resolution. We will be voting on RE.11. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Madam Clerk, 3-0, with the absence of the Vice Chair and Commissioner González.

RE.12 09-01115

*Office of the City
 Attorney*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CITY ATTORNEY TO TENDER A SUM NOT TO EXCEED \$500,000 TO STATE NATIONAL INSURANCE COMPANY FOR THE PURPOSE OF TRIGGERING THE INSURANCE COMPANY'S DUTY TO DEFEND AND/OR INDEMNIFY THE CITY OF MIAMI IN THE FOLLOWING LAWSUITS: STEVEN K. SCHWARTZ, ETC., VS. CITY OF MIAMI, ET AL., CASE NO.: 07-44810 CA 08; MARGARITTE DINGLE VS. POLISH AMERICAN CLUB OF MIAMI, INC.,

ET AL., CASE NO.: 08-03407 CA 08; SAMMY BROWN, ET AL. VS. CITY OF MIAMI, ET AL., CASE NO.: 08-80065 CA 08; AND THEOANDRIA KENDRICK, ETC., ET AL., VS. THE POLISH AMERICAN CLUB OF MIAMI, INC., ET AL., CASE NO.: 09-44642 CA 08, AND, IF ACCEPTED, AUTHORIZING THE DIRECTOR OF FINANCE TO PAY STATE NATIONAL INSURANCE COMPANY, A SUM NOT TO EXCEED \$500,000, WITH FUNDS ALLOCATED FROM ACCOUNT CODE NO. 00001.980000.515000.0000.00000; AND, IF NOT ACCEPTED, AUTHORIZING THE CITY ATTORNEY TO TAKE ALL SUCH FURTHER ACTIONS NECESSARY TO PROTECT THE INTERESTS OF THE CITY OF MIAMI, INCLUDING, BUT NOT LIMITED TO, THE SETTLEMENT OF ALL THE AFOREMENTIONED CASES, ON TERMS ACCEPTABLE TO THE CITY ATTORNEY, WITH THE CITY OF MIAMI PAYING NOT MORE THAN THE AGGREGATE TOTAL AMOUNT OF \$500,000, AND, IN SUCH CASE, FURTHER AUTHORIZING THE DIRECTOR OF FINANCE TO PAY THE PLAINTIFFS, WITHOUT ADMISSION OF LIABILITY, THE AGGREGATE TOTAL SUM OF \$500,000, IN FULL AND COMPLETE SETTLEMENT OF ANY AND ALL CLAIMS AND DEMANDS, INCLUDING ATTORNEY'S FEES AND COSTS, AGAINST THE CITY OF MIAMI, ITS AGENTS, OFFICERS AND EMPLOYEES, ASSERTED IN THE AFOREMENTIONED CASES, UPON THE EXECUTION OF GENERAL RELEASES OF ALL CLAIMS AND DEMANDS, AND A DISMISSAL OF THE CITY OF MIAMI, WITH PREJUDICE, WITH FUNDS ALLOCATED FROM ACCOUNT CODE NO. 00001.980000.515000.0000.00000.

09-01115 Legislation.pdf

09-01115 Memo 1.pdf

09-01115 Memo 2.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado

Absent: 2 - Commissioner González and Spence-Jones

R-09-0479

Chair Sanchez: We move on to RE.12.

Julie O. Bru (City Attorney): Mr. Chairman, this is a resolution that seeks authorization for two alternative courses of action. This -- these are four cases which have been consolidated. These cases arise out of an incident that occurred at a graduation party at the Polish American Club back on June 17, 2007 wherein two individuals were killed and four were injured. What we're seeking here is authorization to tender \$500,000 to the insurance company in order to trigger its duty to defend and cover the City for these claims. And in the alternative, if we are unsuccessful in achieving that, to authorize us to expend up to \$500,000 to settle all these claims and take all other action necessary in the best interest of the City.

Commissioner Sarnoff: So moved.

Commissioner Regalado: Second.

Chair Sanchez: All right. We have a motion and a second. We are on RE.12. It's a resolution. Anyone from the public wishing to address this item? Seeing no one, hearing no one, the public hearing is closed, coming back to the Commission. Any discussion on the item? Hearing no discussion on the item, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries, Madam Clerk, 3-0, with the absence of the Vice Chair and Commissioner González.

RE.13 09-00788**RESOLUTION*****Department of Risk
Management***

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT ("AGREEMENT"), IN SUBSTANTIALLY THE ATTACHED FORM, WITH BROWN AND BROWN OF FLORIDA, INC., THE TOP RANKED FIRM SELECTED AS A RESULT OF A COMPETITIVE SELECTION PROCESS, TO PROVIDE INSURANCE BROKERAGE SERVICES, FOR AN INITIAL ONE (1) YEAR PERIOD FROM THE EFFECTIVE DATE OF JANUARY 1, 2008, WITH THE OPTION TO EXTEND THE AGREEMENT FOR FOUR (4) ADDITIONAL ONE (1) YEAR PERIODS, WITH THE FIRST SUCH OPTION EXERCISED BY THE CITY OF MIAMI PURSUANT TO THE TERMS HEREOF, IN AN ANNUAL AMOUNT NOT TO EXCEED \$106, 250; ALLOCATING FUNDS FROM ACCOUNT CODE NO. 05002.301001.545000.0000.00000.

09-00788 Legislation.pdf
09-00788 Exhibit.pdf
09-00788 Summary Form.pdf
09-00788 Certificate of Liability Insurance.pdf
09-00788 Pre-Summary Form.pdf
09-00788 Pre-Legislation.pdf
09-00788 Professional Service Agreement.pdf
09-00788 Insurance Brokerage Services.pdf

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

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones
Absent: 1 - Commissioner González

R-09-0480

Chair Sanchez: RE. 13.

LeeAnn Brehm (Director, Risk Management): LeeAnn Brehm, director of Risk Management. RE.13 is a resolution of the Miami City Commission authorizing the City Manager to execute a professional service agreement with Brown and Brown of Florida, Inc., the top-ranked firm selected as a result of brokerage services for an initial period of one year from the effective date of January 1, 2008 with the option to extend the agreement for four additional one-year periods with the first such option already exercised by the City of Miami pursuant to the terms of the agreement in an amount not to exceed \$106,250.

Commissioner Sarnoff: Mr. Manager, would it be possible to hear RE.13 and RE.14 simultaneous?

Pedro G. Hernandez (City Manager): Yes.

Commissioner Sarnoff: I think it would help.

Ms. Brehm: Okay. In addition, RE.14 is a resolution of the Miami City Commission authorizing the City Manager to execute the addendum to the professional services agreement regarding owner-controlled insurance program. This addendum is to the professional services agreement between the City of Miami and Brown and Brown of Florida, Inc. to provide for an owner controlled insurance program for the municipal parking garage project to be located in the proximity of 1501 Northwest 3rd Street, in Miami, Florida, in an amount not to exceed \$625,000.

Chair Sanchez: All right. But we can't -- we got to vote on them separately, though.

Commissioner Sarnoff: Yeah. I thought there was going to be an explanation. Is this the OICD [sic]?

Ms. Brehm: Yes, it is. The OCIP, O-C-I-P (Owner Controlled Insurance Program).

Commissioner Sarnoff: OCIP. And I thought we'd have an explanation of that. I'm intrigued by it, that's why.

Ms. Brehm: I would like to invite Steve Farmer, who's the vice president and senior account executive of Brown and Brown, and in addition, Bobby Barnes, senior vice president of SS Nesbit & Company, and they will be able to address the entire OCIP program and define the parameters for you.

Larry Spring: And they're here. Larry Spring, chief financial officer. Before Steve and Bobby speak, I wanted to, from staff, just give you a layman explanation, if you will. The OCIP will allow the City to do a couple of things. First, we are taking full control of the insurance program for the Marlins garage stadium project. Normally, that insurance procurement would happen by the contractors and the subcontractors and would be built into the cost that is passed on to the City anyways. By taking control of the total insurance program for the entire project, we, through Nesbit in this situation, will take full control of the safety aspects of the project, monitor pay rolls, workman comp claims, and things of that nature, thus allowing us to have more of a hands-on on what's going on and really control the accidents and things of that nature, and they'll go in more detail. The other aspect which, to me, is more of an economic development opportunity for the City is by allowing us to control and to insure everybody working on the site ourselves, we can save money through the procurement of the actual policies themselves, but we also allow a larger field of subcontractors to work on this project, i.e. More CSPEs (Community Small Business Enterprises) and SBEs (Small Business Enterprises) working on the project because some of those contractors may not have the capacity to obtain our minimum requirements on insurance, \$1 million, this, or whatever. So it allows us to really create more jobs, get down more to the small business guys who would normally not be able to compete because of the insurance requirements, so we saw that as a quick win on both sides. We save money and allow for a greater participation in this -- as you guys know, the largest single project that the City's done in -- I think, ever, so --

Chair Sanchez: But --

Commissioner Sarnoff: Anybody want to explain it to me?

Chair Sanchez: Yeah. Before you do, I have some questions just to what you're saying is -- so the whole intent here is to have Brown and Brown to serve as the City's overall insurance broker in a way.

Mr. Spring: Brown and Brown is our insurance broker right now, so they'll --

Chair Sanchez: Right. They are.

Mr. Spring: -- be continuing that capacity.

Chair Sanchez: They'll continue with that on this thing?

Mr. Spring: Right.

Chair Sanchez: All right.

Mr. Spring: In addition to that now, they will be providing us with this additional service of the Owner Controlled Insurance program.

Chair Sanchez: So they'll be providing insurance to all the contractors?

Unidentified Speaker: Yes.

Mr. Spring: It's -- we'll -- procuring. We'll be -- we're the insurer now. The City will control and own the program ourselves.

Chair Sanchez: All right. And you said savings. What are we looking at in savings if we did that?

Mr. Spring: Well, I'll -- very quickly on the record, we looked at several different, if you will, scenarios, and it would be dependent on how many claims and things that happened at the end of the day. Bottom line, we're looking at approximately, if everything goes, I guess normally, if you will, approximate savings of about -- I think it was \$1.7 million between the procurement of the insurance vehicles and the operations of the safety program.

Chair Sanchez: I'd like to hear from you.

Bobby Barnes: Mechanically --

Chair Sanchez: Name.

Mr. Barnes: Bobby Barnes with SS Nesbit & Company, senior vice president. Thank you for allowing us to be here. The concept of the OCIP is you've got one entity here under Larry's guidance, the City of Miami, procuring the casualty insurance and the builders' risk insurance for the entire scope of the project. The pro forma numbers, let's say the estimated hard costs are \$115 million, of which -- of that number, of which \$20.7 million is payroll. Well, payroll is the driver for general liability insurance, workers' compensation insurance, and then the umbrella, the excess, is a function of those two numbers.

Chair Sanchez: Got it.

Mr. Barnes: All right. In the world we live in today, if each individual contractor, subcontractor, sub subcontractor brought their insurance into the bid, we estimate, based on current rates, their number would be about \$3.6 million in their bid costs. The way this process will work is that their insurance costs will be netted out of their bid, thus giving \$3.6 million. Current market conditions, as well as the loss control that would be in place in taking care of the losses, we anticipate the cost to the City of the OCIP, best case, \$1.7 million, resulting in -- what's the math? -- \$1.9 million --

Chair Sanchez: In savings.

Mr. Barnes: -- in savings. That is correct. Now, a lot of that will depend on the loss control and the claims handling within. If a normal project -- the last we were involved in ran about 20

percent claims and losses. That would make that million nine number to be a million four savings. And then Larry mentioned the biggest benefit -- several benefits, the main one to the Commission and to the City, A is the cost savings and B, bringing in all these subcontractors, we will provide the insurance to allow them to participate in the project.

Commissioner Sarnoff: How many OCIPs have you formed or how many OCIPs have you been involved in?

Mr. Barnes: Personally?

Commissioner Sarnoff: Yeah.

Mr. Barnes: I've been involved in about ten.

Commissioner Sarnoff: Ten.

Mr. Barnes: Between our ten -- I mean, between our team -- Steve, I'll let you address --

Steve Farmer: Well, I don't have that number readily available.

Chair Sanchez: Steve, you need to --

Mr. Farmer: Steve Farmer, vice president with Brown and Brown, Incorporated. Obviously, we're a national company and we've participated in hundreds of OCIP programs across the country.

Commissioner Sarnoff: So if I understand it correctly then, Brown and Brown would be the competent man?

Mr. Farmer: I'm sorry; would you repeat that question?

Commissioner Sarnoff: Sure. Brown and Brown would be what is known on a job site as the competent man.

Mr. Farmer: Correct. Brown --

Commissioner Sarnoff: Right.

Mr. Farmer: -- and Brown -- yeah.

Commissioner Sarnoff: And your designee will actually be your -- some person with a pulse and a heartbeat who will have a resume will be the competent man for all various trades?

Mr. Farmer: Yes, sir. Yes.

Commissioner Sarnoff: Okay. And for those of us that don't know what a competent man is, he's the man that OSHA (Occupational Safety and Health Administration), Occupational Health and Safety Regulations [sic], requires for every trade to have so as to insure somebody is looked at the safety equipment and make sure the best practices are in place.

Mr. Farmer: Correct.

Commissioner Sarnoff: I mean, this is the first time I've ever heard of an OCIP. The only thing I can tell you is oftentimes at any job site of almost any building, you have so many overlaying of insurance protections going on that there's such a waste going on that -- I'm surprised

somebody hasn't concocted or thought of this or brought this to bear much, much sooner because it makes perfect absolute sense --

Mr. Farmer: Thank you.

Commissioner Sarnoff: -- and it should be a safer place to work because Brown and Brown has every incentive in the world to make sure that competent man is out there doing a competent job and ensuring a safe work place and best practices are being used at every turn, so --

Mr. Farmer: Correct.

Commissioner Sarnoff: -- I've never heard of a OCIP. I was absolutely intrigued by the fact that somebody has not thought of this about 30 years ago or that I hadn't heard of it. And most lawyers' litigation in the City of Miami is as a result of probably construction litigation, in one varying form or another, has to do with probably the -- not the best practices going on, so I -- I'm actually very intrigued by this. I think it's a great idea.

Mr. Spring: Commissioner, if you will allow me, Mr. Chair, we're using -- well, I hate to say you're using this as a test program, but we have also considered doing it for the overall Capital Improvement Program to again reduce the City's overall costs, help pick the goal that we were talking about earlier today on our overall bond program. The issues -- and we had a discussion when we met about this one how do we put those things together. For instance, right now we're doing citywide streets, sidewalks. Well, how do you link those projects so you can get the same program, looking at Museum Park as possibly another one that we would look at the same type of program on? So you will see us come back again with a similar request.

Commissioner Sarnoff: It's a very strong idea, Larry. I mean, if it works -- and I can't see how it doesn't work -- it's just a very strong idea. You can get the best insurer versus a series of insurers that you're not sure of their viability, and you don't have this overlaying of protection, which is really nothing more than waste, and every job site has an incredible amount of insurance waste and those -- that waste gets put into the bid and that bid gets put into the contract numbers, and that becomes taxpayer cost.

Mr. Spring: Yes, it does.

Mr. Farmer: Correct.

Chair Sanchez: All right. No further discussion on the item. It's a resolution. Anyone from the public wishing to address this item? Seeing no one, hearing no one, the --

Julie O. Bru (City Attorney): Mr. Chairman, it's just -- I'd like to clarify if you're going to vote on the resolutions?

Chair Sanchez: Yes.

Ms. Bru: Okay. On the resolution authorizing the execution of the contract, in fact, we are already into the first extension, so it's actually three more, not four extensions --

Ms. Brehm: Right.

Ms. Bru: -- so three additional years. I think the title says four, but it's three additional years, correct? Is that correct?

Ms. Brehm: Correct.

Ms. Bru: Okay. And I have a question about this. The addendum is a two-page scope of services. There will be a contract that will actually describe what it is, you know, right? I mean, we are going to have a contract that we're going to review, correct?

Mr. Spring: Absolutely, Madam Attorney. And in fact, we want -- we were going to put on the record that -- I know we had some issues and we've talked about the scope of services that was attached. The 625 which is part of the fee associated with RE.14 is all inclusive of the services that are there, so RE.13, Brown and Brown is our normal insurance broker and provides us insurance vehicles. RE.14, we're going -- adding an addendum to RE.13 to add the scope of work, all inclusive 625, so -- and we will be able to clarify that in writing when we finalize the item.

Ms. Bru: And the Owner Controlled Insurance Program for this construction project that we have many mind thus far, the Marlins parking garage, will that mean that the City will be handling the workers comp claims from the subcontractors and their employees? No.

Mr. Barnes: No, ma'am.

Ms. Bru: Okay. So that's not part of the pro -- there will be insurance placed for the workers' comp --

Mr. Barnes: Yes, ma'am.

Ms. Bru: -- through your company.

Mr. Barnes: Through this --

Ms. Bru: Right.

Mr. Barnes: -- through the associate.

Ms. Bru: I guess we do need to flush out and put some meat on the scope of services. Thank you.

Chair Sanchez: All right. We have a motion and a second.

Priscilla A. Thompson (City Clerk): No, not yet. No motion and a second yet.

Chair Sanchez: Oh, I thought we did have a motion.

Commissioner Sarnoff: Let me --

Chair Sanchez: All right.

Commissioner Sarnoff: -- just move it. And --

Chair Sanchez: Yeah.

Commissioner Sarnoff: -- just for clarification, are you comfortable with the scope of services?

Ms. Bru: The scope of services is just a skeletal summary of services. We need a contract. We need something to review that actually describes what the relationship is going to be between the City and this broker and then whoever the third-party administrator is that they select and what the criteria is and what the oversight of the City's going to be during this project, so -- I mean, we do need some language in here. I mean, you can delegate to the Manager the authority to

negotiate those terms and execute that contract, but right now I just have a skeletal summary of what the scope of services is.

Chair Sanchez: So I guess she -- so you're not comfortable with the scope of services because there's no contract?

Ms. Bru: I just have questions about exactly what the program is going to be and who's going to do what and how the City is going to interact with the broker and whoever the broker selects.

Mr. Spring: Mr. Chair, may I? Madam City Attorney, are you comfortable with us at least delegating the completion of that document to the Manager so that we can move forward with the process?

Ms. Bru: I think the Commission understands what you're intending to do. I just want to make sure that they understand that there's going to be additional documentation that we have to review.

Commissioner Sarnoff: Does this need to come back to the Commission?

Ms. Bru: I mean, you're authorizing the City Manager to implement this program now, and it's going to have a cost. The cost of the program is not -- we don't know what it is 'cause it hasn't been procured yet because we don't know what it is yet.

Mr. Spring: Yeah, but --

Ms. Bru: You know what the administrative costs are.

Mr. Spring: The other costs are the insurance costs, which you have delegated to the Manager, via the brokerage of Brown and Brown. We get our policies every year, so -- as part of the 106, so -- if you're fine -- I'm recommending that you delegate whatever additional documentation, it be handled through the Manager's office, and if the resolution needs to be amended to say after approval of the City Attorney, I'm comfortable with that. We're just trying to move forward with the project because of the timing. I think you already know we have already received the bids back from the CM (Construction Manager) at risk. Part of their scope of services is to help us review those to make sure those costs have been properly stripped out and that we negotiate an appropriate amount for all of those, so we're just trying to move forward.

Commissioner Sarnoff: So let me just amend my motion to --

Mr. Spring: Okay.

Commissioner Sarnoff: -- include to the satisfaction of the City Attorney.

Mr. Spring: Okay.

Chair Sanchez: So -- but -- based on your suggestion, it is for the -- subject to the approval of the City Manager and City Attorney?

Mr. Spring: Yeah. Yes.

Commissioner Sarnoff: Yes.

Chair Sanchez: Is that your intent?

Commissioner Sarnoff: Yes.

Mr. Spring: If you're --

Chair Sanchez: All right. So RE.13, which is a resolution, has been amended to include subject to the City Manager's approval and the City Attorney.

Ms. Bru: Actually, that would be RE.14. RE.13 was reauthorizing the execution of the contract that was awarded back in 2007, and then RE.14 is amending the contract to add the new scope of services, so the RE.14 would subject to City Attorney -- City Manager approval and City Attorney --

Mr. Hernandez: Right.

Chair Sanchez: All right.

Ms. Bru: -- approval.

Chair Sanchez: Let's get a motion on RE.14 first.

Commissioner Sarnoff: So moved.

Chair Sanchez: There's a motion on RE.13 by Commissioner Sarnoff--

Commissioner Regalado: Second.

Chair Sanchez: -- second by Commissioner Regalado. Anyone from the public wishing to address this item, please step forward. Seeing no one, the public hearing is closed, coming back to the Commission. It's a resolution. We'll be voting on RE.13. All in favor, say "aye."

Commissioner Regalado: No, no. I have a question.

Chair Sanchez: Okay. Discussion. Commissioner Regalado, you're recognized.

Commissioner Regalado: Okay. I understand because yesterday I had the briefing, but the question is why there is no contract. Why the delay in bringing this without a contract? I mean, I know that the Administration made a mistake by not renewing the first contract, original contract.

Mr. Spring: Executing, yes.

Commissioner Regalado: So that's a -- that was the first mistake. So why there is no contract to -- so we don't have the City Attorney in the middle?

Mr. Spring: Well -- you mean on RE.14?

Mr. Hernandez: Yes.

Commissioner Regalado: Yes.

Mr. Spring: On RE.14.

Commissioner Regalado: On R -- yeah, because -- I mean, we trust --

Mr. Spring: Well, we --

Commissioner Regalado: -- the Administration, but we don't know -- she doesn't know, I mean, how much it's going to cost and all that.

Mr. Spring: Well, we did work with -- you know, all due respect to the City Attorney, we did work with her office. The issues associated with the scope of work not being, I think what was communicated to us, clear enough or -- described fully enough the cost associated with the detail of the services was brought out. It was a issue that we discussed over the last couple of days, and in our discussion, I thought we had come to the conclusion that if we had a change to that scope of work that was sufficient, we could move forward with this process, so I guess the answer to why there is no specific contract, I would have to defer to the City Attorney, you know, no blame being thrown, of course, just --

Ms. Bru: I -- my comment and observation is is that we are engaging the services of a broker to procure and implement a program that's intended to provide all the insurance for a project that is estimated to cost \$110 million, and all that I'm seeing is a two-page scope of service. I think we need to have a comprehensive understanding of what it is that this provider is going to do, under what terms, under what conditions. That's all I'm saying.

Commissioner Regalado: Well, that's important.

Mr. Spring: I never said it wasn't.

Commissioner Regalado: No. But my question is why is -- this is here without a contract? I mean, it's not -- you guys provided a page and a half or whatever, two-page, to the City Attorney, so -- this came from the Administration.

Mr. Spring: Yes.

Mr. Hernandez: Commissioner, if I may. I think that it's important to state on the record that the salient points of this proposal are in, and are in to the point that I feel there're sufficient for us to move forward to develop the contract to my satisfaction and then to the approval of the City Commission so we can move -- or the City Attorney so we can move forward. I think that everything has been spelled out sufficiently for us to carry it forward.

Mr. Spring: And it is an addendum to the existing agreement that we have with Brown and Brown, which is a contract that has been reviewed and approved --

Commissioner Regalado: No, we don't have an agreement. We are voting on an agreement now --

Mr. Spring: You're voting on an agreement, but that agree -- there is --

Commissioner Regalado: -- 'cause you guys missed it.

Mr. Spring: -- a contract associated with that agreement that has been reviewed. This is -- the OCIP is an addendum to that agreement to provide these additional services, so the contract itself would be the Brown and Brown agreement.

Commissioner Sarnoff: Attachment A -- I apologize. Could you --?

Commissioner Regalado: No, no, no.

Commissioner Sarnoff: -- attachment A is the scope of services and bullet points, right?

Mr. Spring: Right.

Commissioner Sarnoff: And that's what we're approving. So there are about 20 -- about 32, 33 bullet points as to --

Mr. Spring: Right.

Commissioner Sarnoff: -- what their scope of services are.

Mr. Spring: Right.

Commissioner Sarnoff: I'm pretty -- these are pretty clear services. I mean, maybe they could be spelled out in terms of paragraphs and commas and things like that, but they're bullet points and you can --

Mr. Spring: Right.

Commissioner Sarnoff: -- really understand what they're doing.

Mr. Spring: Right.

Commissioner Sarnoff: I think -- if the City Attorney approved it, I think we'd be in fine shape.

Chair Sanchez: Well, RE.14, there -- City Manager is going to have to approve it and so is the City Attorney --

Mr. Hernandez: Yes.

Chair Sanchez: -- so it gives us a comfort level --

Mr. Hernandez: Yes.

Chair Sanchez: -- as that we want to accomplish here, so let's go ahead and vote on RE.13 and then we'll vote on RE.14, which will be substituted subject to the City Manager and the City Attorney's approval. All right, so -- there was a motion on RE.13, for the record?

Ms. Thompson: Yes, and a second.

Chair Sanchez: And a second.

Ms. Thompson: Just one point of clarification. Wanting to make sure that on RE.13, there was a modification regarding the contract period, correct?

Ms. Bru: Right. It's just going from the four to the three --

Ms. Thompson: Thank you.

Ms. Bru: -- in the title. Thank you.

Chair Sanchez: All right. So the record has been --

Ms. Thompson: Yes. We're clear.

Chair Sanchez: -- stated. All right, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." RE.13 has been approved, which is a resolution, modified.

RE.14 09-01122**RESOLUTION*****Department of Risk
Management***

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE THE ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT REGARDING OWNER CONTROLLED INSURANCE PROGRAM , IN SUBSTANTIALLY THE ATTACHED FORM, TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MIAMI AND BROWN AND BROWN OF FLORIDA, INC., TO PROVIDE FOR AN OWNER CONTROLLED INSURANCE PROGRAM FOR THE MUNICIPAL PARKING GARAGE PROJECT, TO BE LOCATED IN THE PROXIMITY OF 1501 NORTHWEST 3RD STREET IN MIAMI, FLORIDA, IN AN AMOUNT NOT TO EXCEED \$625,000; ALLOCATING FUNDS FROM ACCOUNT CODE NO. 05002.301001.545000.0000.00000.

09-01122 Legislation.pdf
09-01122 Exhibit 1.pdf
09-01122 Exhibit 2.pdf
09-01122 Exhibit 3.pdf
09-01122 Summary Form.pdf
09-01122 Certificate of Liability Insurance.pdf

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

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones
Absent: 1 - Commissioner González

R-09-0481

Chair Sanchez: All right. Now, RE.14 has been amended to include subject to the City Manager's approval and the City Attorney. Can I get a motion?

Commissioner Sarnoff: So moved.

Vice Chair Spence-Jones: Second.

Chair Sanchez: It's a motion and a second. The public hearing was opened for both of them. If there's anyone that feels that they have been denied due process, please let me know and we'll open up the public hearing again. If not, the public hearing is closed, coming back to the Commission. It is a resolution as amended and modified. All right, we're voting on RE.14. It is a resolution. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries. Madam Clerk, RE.13 and 14 -- they were taken up together -- both have been approved, 4-0, with the absence of Commissioner González.

Larry Spring (Chief Financial Office): Mr. Chairman.

Chair Sanchez: Yes, sir.

Mr. Spring: I will provide each of the Commissioners a very detailed PowerPoint that goes through the OCIP (Owner Controlled Insurance Program) and some more basic terms, if you -- I guess it'll help you all learn more about the program as we start moving forward with it.

Chair Sanchez: Okay.

RE.15 09-01004

*Department of
Public Facilities*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 3 TO THE LEASE AGREEMENT BETWEEN THE CITY OF MIAMI ("CITY") AND BISCAYNE BAY RESTAURANT CORPORATION (D/B/A RUSTY PELICAN) ("LESSEE"), IN SUBSTANTIALLY THE ATTACHED FORM, ("AMENDMENT"), TO PROVIDE FOR: (1) AN EXTENSION OF THE BASE TERM TO EXPIRE ON OCTOBER 1, 2027 WITH TWO (2) FIVE-YEAR OPTIONS TO RENEW, COMMENCING ON THE EFFECTIVE DATE OF THE AMENDMENT; (2) AN INCREASE IN BASE RENT FROM \$48,000 TO \$360,000 ANNUALLY, COMMENCING ON THE EXECUTION DATE OF THE AMENDMENT; (3) AN INCREASE IN PERCENTAGE RENT UPON THE EARLIER OF (I) COMPLETION OF THE PHASE I REQUIRED CAPITAL IMPROVEMENTS OR (II) TWENTY-FOUR MONTHS AFTER ISSUANCE OF THE FIRST BUILDING PERMIT FOR PHASE I, TO 7% OF GROSS REVENUES FROM \$0 - \$12,000,000 ANNUALLY, 8% OF GROSS REVENUES OVER \$12,000,000 ANNUALLY, AND 8.5% OF GROSS REVENUES ANNUALLY THEREAFTER DURING ANY RENEWAL PERIODS; (4) LESSEE'S CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENTS, AT A COST OF NOT LESS THAN \$3,000,000 INCLUDING SOFT COSTS; (5) LESSEE'S CONTRIBUTION OF \$4,000,000 TOWARD THE COST OF CONSTRUCTION OF A NEW PARKING FACILITY; (6) THE CITY'S RIGHT TO ASSIGN ALL OF ITS RIGHTS AND OBLIGATIONS RELATING TO THE CONSTRUCTION OF THE NEW PARKING FACILITY TO THE DEPARTMENT OF OFF-STREET PARKING ("MPA"); INCLUDING THE RIGHT TO RECEIVE LESSEE'S CONSTRUCTION CONTRIBUTION AND LESSEE'S CONSENT TO SAID ASSIGNMENT UPON MPA'S ASSUMPTION THEREOF, ALL AS MORE PARTICULARLY SET FORTH IN THE AMENDMENT; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE OTHER DOCUMENTS AS MAY BE REQUIRED TO IMPLEMENT THE AMENDMENT.

09-01004 Legislation.pdf
09-01004 Exhibit.pdf
09-01004 Summary Form.pdf

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

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones
Absent: 1 - Commissioner González

R-09-0482

Direction by Chair Sanchez to the City Manager to provide the City Commission with a list of revocable leases of City properties, including the expiration date of said leases.

Chair Sanchez: Moving right along, we go to the last RE (Resolution), which is RE.15. That is the -- executing the amended agreement with Rusty Pelican.

Madeline Valdes (Acting Director, Public Facilities): Good afternoon.

Chair Sanchez: RE.15.

Ms. Valdes: Good afternoon, Commission. Madeline Valdes, Department of Public Facilities. RE.15 is a resolution authorizing the City Manager to execute an Amendment number 3 to the lease agreement between Biscayne Bay Restaurant Corporation, doing business as Rusty Pelican, to provide for an extension of their base term, to expire on October 1, 2027, with two five-year options to renew, commencing on the effective date of this amendment; an increase to the base rent from 48,000 to 360,000 annually, commencing on the execution date. This agreement also provides an increase in percentage rent with the earlier of -- after the capital improvements are completed for phase one or after two years the agreement in place. The percentages are included in your package. This agreement also provides for a construction of certain capital improvements by Rusty Pelican in the amount of at least \$3 million. It also includes a contribution of \$4 million towards the cost of the parking. The City is also in this agreement providing for -- the City is assigning its -- all its rights and obligation in this agreement relating to the parking to MPA (Miami Parking Authority), including the right to receive the contribution that is given by Rusty Pelican. Also, this agreement provides for the Manager to have authorization to execute any other documents that may be required to implement this amendment. Are there any questions?

Commissioner Sarnoff: So moved.

Chair Sanchez: All right.

Commissioner Regalado: Second.

Chair Sanchez: Motion and a second. Anyone from the public wishing to address this item?

Ms. Valdes: Commissioners --

Chair Sanchez: Seeing no one --

Ms. Valdes: -- I have the folks from Rusty Pelican here, who'd like to come up to the podium once the public hearing is closed.

Chair Sanchez: Sure. All right, who's going to be --?

Ms. Valdes: I have Mr. Tallichet here and Mr. Howard here.

Lucia Dougherty: Hello, Mr. Vice Mayor [sic] and members of the Commission. Lucia Dougherty, with offices -- I mean, Mr. Vice [sic] Chair -- Lucia Dougherty, with offices at 1221 Brickell Avenue. I'm here on behalf of the Rusty Pelican, and joining me this afternoon is John Tallichet, Peter Kanesovitch (phonetic), and Howard Bell. We'd first like to thank Commissioner Sarnoff and his staff for working very hard with us, as well as Larry Spring, and of course Madeline Valdes, and Julie Bru, and also Olga, who worked very diligently with us all this period of time. We've been your lessee out there for 40 years, and we're very happy that we're finally culminating this particular lease extension. It's been a very complicated one. It's

changed over the several years since we've had this referendum, including provisions for state approvals for the bay walk. It actually increases public access to the bay with a bay walk all the way around the perimeter of the property. It's going to eventually include a public park, and we are very pleased that we're finally at this position.

John Tallichet: Yes. Hi, Commission. Thank you. My name is John Tallichet. I'm chairman of Specialty Restaurants and president of Key Biscayne Restaurant Corporation. I wish my dad was here because he was the one who built the restaurant originally back in 1970, and his dream has been to extend that restaurant and be part of the community and, luckily, today we have a chance to do that for the next 25 years. And I want to thank you and also thank the staff. We really appreciate everybody's assistance to get us to this point today, and we look forward to working with the community and improving the Rusty Pelican for years to come. Thank you.

Chair Sanchez: Thank you. All right. That -- public hearing is closed, coming back to the Commission. Do we have a motion and a second on the floor? It is a resolution. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries. Congratulations.

Ms. Valdes: Thank you.

Chair Sanchez: Mr. City Manager, during our briefings that we have had, I would like you to provide me a list, as well as my colleagues, of all the revocable licenses of City properties throughout the City, and specially [sic] when their leases are up. If you could provide us all that information because this is a perfect example of how we negotiated something that not only is it going to bring additional revenues for the city, there's a lot of properties out there that based on the time that they got these deals done back then, they're very good deals for them, but certainly not for the taxpayers of the City of Miami, so if you could provide us with all that information as we could be informed as to what leases are coming up, what are the non-revocable -- some of the revocable leases that we have throughout the City that I know that we could be making more money than what we're making today.

Pedro G. Hernandez (City Manager): We will do so, Mr. Chairman.

Chair Sanchez: All right, thank you. Listen, we agreed to waive all the board appointments till after the elections. I think it was a proper thing to do. So right now let's go ahead -- Madam Clerk, just for the point of clarification and for good record keeping, I believe we've taken care of everything except -- now we move on to the PZ (Planning & Zoning) items, and then we'll move on to the district blue pages and any pocket items any of the Commissioners may have.

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

Chair Sanchez: All right.

END OF RESOLUTIONS

BOARDS AND COMMITTEES**BC.1 08-01177***Office of the City
Clerk***RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE DISTRICT 1 HOUSING ADVISORY BOARD FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:**NOMINATED BY:**

Commissioner Angel González

08-01177 memo 10-8-09.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
Absent: 2 - Commissioner González and Spence-Jones

Note for the Record: Items BC.1 - 17 were deferred until after the November 3, 2009 municipal election.

Chair Sanchez: (INAUDIBLE) gentlemen, the City of Miami Commission meeting is back in order after a short recess. We're going to continue with the order of the day. The order of the day is the agenda that was properly advertised. We're going to go ahead -- are we going to need the City Manager here for the MOU (Memorandum of Understanding)? All right, let's see if we can get him down here for the MOU. Why don't we do some housecleaning here. Can we, the Commission, agree to defer all the board appointments till after the election?

Commissioner Sarnoff: Yes.

Commissioner Regalado: Yes.

Chair Sanchez: Okay. Can I get a motion to defer all the board appointments and committees until after the election?

Commissioner Sarnoff: So moved.

Commissioner Regalado: Second.

Chair Sanchez: The motion has been proffered by Commissioner Sarnoff, second by Commissioner Regalado. No further discussion on the item. All the board appointments and committees have been deferred.

Priscilla A. Thompson (City Clerk): We need a vote.

Chair Sanchez: Yes, we're going to vote. Has been deferred till after the election. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Madam Clerk, all appointments have been deferred till after the election.

Ms. Thompson: Thank you. So that takes care of BC.1 through BC.17.

BC.2 08-01260

Office of the City Clerk

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION CONFIRMING THE APPOINTMENT OF CERTAIN INDIVIDUALS AS MEMBERS OF THE CIVILIAN INVESTIGATIVE PANEL FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

Civilian Investigative Panel

- 08-01260 memo 10-8-09.pdf
- 08-01260 members 10-8-09.pdf
- 08-01260 applications 10-8-09.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
Absent: 2 - Commissioner González and Spence-Jones

Note for the Record: Items BC.1 - 17 were deferred until after the November 3, 2009 municipal election.

Note for the Record: For minutes related to Items BC.2 - BC.17, see Item BC.1.

BC.3 09-00324

Office of the City Clerk

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE AUDIT ADVISORY COMMITTEE FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

Chair Joe Sanchez

Commissioner Angel González

Commissioner Tomas Regalado

09-00324 memo 10-8-09.pdf
09-00324 members 10-8-09.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
Absent: 2 - Commissioner González and Spence-Jones

Note for the Record: Items BC.1 - 17 were deferred until after the November 3, 2009 municipal election.

Note for the Record: For minutes related to Items BC.2 - BC.17, see Item BC.1.

BC.4 09-00413

Office of the City Clerk

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE NUISANCE ABATEMENT BOARD FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

Vice Chair Michelle Spence-Jones

Commissioner Angel González

09-00413 memo 10-9-09.pdf
09-00413 members 10-8-09.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
Absent: 2 - Commissioner González and Spence-Jones

Note for the Record: Items BC.1 - 17 were deferred until after the November 3, 2009 municipal election.

Note for the Record: For minutes related to Items BC.2 - BC.17, see Item BC.1.

BC.5 09-00538

Office of the City Clerk

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE LIBERTY CITY COMMUNITY REVITALIZATION TRUST FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

Vice Chair Michelle Spence-Jones

(youth non-voting member) Vice Chair Michelle Spence-Jones
 (for an unexpired term ending 11/12/09) City Manager Pedro G. Hernandez

09-00538 memo 10-8-09.pdf
 09-00538 members 10-8-09.pdf
 09-00538 applications 10-8-09.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
 Absent: 2 - Commissioner González and Spence-Jones

Note for the Record: Items BC.1 - 17 were deferred until after the November 3, 2009 municipal election.

Note for the Record: For minutes related to Items BC.2 - BC.17, see Item BC.1.

BC.6 09-00593

Office of the City Clerk

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING A CERTAIN INDIVIDUAL AS A MEMBER OF THE FINANCE COMMITTEE FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE:

NOMINATED BY:

Commissioner Tomas Regalado

09-00593 memo 10-8-09.pdf
 09-00593 members 10-8-09.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
 Absent: 2 - Commissioner González and Spence-Jones

Note for the Record: Items BC.1 - 17 were deferred until after the November 3, 2009 municipal election.

Note for the Record: For minutes related to Items BC.2 - BC.17, see Item BC.1.

BC.7 09-00660

Office of the City Clerk

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE PARKS AND RECREATION ADVISORY BOARD FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

(for an unexpired term ending 7/9/10) Commissioner Angel González

(for an unexpired term ending 5/7/10) Commissioner Tomas Regalado

(for an unexpired term ending 7/9/10) Mayor Manuel Diaz

(for an unexpired term ending 7/9/10) Mayor Manuel Diaz

09-00660 memo 10-8-09.pdf
09-00660 members 10-8-09.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
Absent: 2 - Commissioner González and Spence-Jones

Note for the Record: Items BC.1 - 17 were deferred until after the November 3, 2009 municipal election.

Note for the Record: For minutes related to Items BC.2 - BC.17, see Item BC.1.

BC.8 09-00667

*Office of the City
Clerk*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE COMMUNITY RELATIONS BOARD FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

Chair Joe Sanchez

Chair Joe Sanchez

09-00667 memo 10-8-09.pdf
09-00667 members 10-8-09.pdf
09-00667 resumes 10-8-09.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
Absent: 2 - Commissioner González and Spence-Jones

Note for the Record: Items BC.1 - 17 were deferred until after the November 3, 2009 municipal election.

Note for the Record: For minutes related to Items BC.2 - BC.17, see Item BC.1.

BC.9 09-00705

RESOLUTION

Office of the City Clerk

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE WATERFRONT ADVISORY BOARD FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

- Chair Joe Sanchez
- Chair Joe Sanchez
- Vice Chair Michelle Spence-Jones
- Vice Chair Michelle Spence-Jones
- Commissioner Angel González
- Commissioner Angel González
- Commissioner Tomas Regalado
- Mayor Manuel A. Diaz

- 09-00705 memo 10-8-09.pdf
- 09-00705 members 10-8-09.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
Absent: 2 - Commissioner González and Spence-Jones

Note for the Record: Items BC.1 - 17 were deferred until after the November 3, 2009 municipal election.

Note for the Record: For minutes related to Items BC.2 - BC.17, see Item BC.1.

BC.10 09-00865

Office of the City Clerk

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE EDUCATION ADVISORY BOARD FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

- (Voting Member)
- (Ex-Officio Non Voting Youth Member)
- Vice-Chair Michelle Spence-Jones
- Commissioner Angel González
- Mayor Manuel A. Diaz
- Pedro G. Hernandez
- Pedro G. Hernandez

09-00865 memo 10-8-09.pdf
 09-00865 members 10-8-09.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
 Absent: 2 - Commissioner González and Spence-Jones

R-09-0483

Note for the Record: Items BC.1 - 17 were deferred until after the November 3, 2009 municipal election.

Note for the Record: For minutes related to Items BC.2 - BC.17, see Item BC.1.

09-00865

*Office of the City
 Clerk*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE EDUCATION ADVISORY BOARD FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

Daniel W. Yoder
 (Voting Member)

Edelma Zuniga
 (Ex-Officio Non Voting Youth Member)

NOMINATED BY:

Pedro G. Hernandez

Pedro G. Hernandez

09-00865 memo 10-8-09.pdf
 09-00865 members 10-8-09.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
 Absent: 2 - Commissioner González and Spence-Jones

R-09-0483

Note for the Record: For additional minutes related to Item BC.10, see Item BC.1.

Chair Sanchez: All right. We still have one more item that the City Manager needs to make an appointment to a board in order for the board to have a quorum. So, Mr. City Manager, you're recognized for the record of a board appointment.

Pedro G. Hernandez (City Manager): Thank you, Mr. Chair. It's under boards, BC.10, and it's the Education Advisory Board. And I have one appointment, which is a voting appointment. The name of the individual is Dan Yoder. Last name is Y-O-D-E-R. And then there is a nonvoting member who is the student. And the name is Endinada Zuniga. That's Z-U-N-I-G-A. A student from Miami High.

Commissioner Sarnoff: So move.

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

Commissioner Regalado: Second.

Chair Sanchez: -- for the appointments, the names that have been proffered by the City Manager. There's a motion and a second. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries.

BC.11 09-00866

*Office of the City
Clerk*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE MIAMI SPORTS AND EXHIBITION AUTHORITY FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

Chair Joe Sanchez

Vice Chair Michelle Spence-Jones

Vice Chair Michelle Spence-Jones

Commissioner Angel González

Commissioner Angel González

Commissioner Tomas Regalado

09-00866 memo 10-8-09.pdf

09-00866 members 10-8-09.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado

Absent: 2 - Commissioner González and Spence-Jones

Note for the Record: Items BC.1 - 17 were deferred until after the November 3, 2009 municipal election.

Note for the Record: For minutes related to Items BC.2 - BC.17, see Item BC.1.

BC.12 09-00867

*Office of the City
Clerk*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE PLANNING ADVISORY BOARD FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

Vice Chair Michelle Spence-Jones

Commissioner Angel González

Commissioner Angel González

09-00867 memo 10-8-09.pdf
09-00867 members 10-8-09.pdf
09-00867 applications 10-8-09.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
Absent: 2 - Commissioner González and Spence-Jones

Note for the Record: Items BC.1 - 17 were deferred until after the November 3, 2009 municipal election.

Note for the Record: For minutes related to Items BC.2 - BC.17, see Item BC.1.

BC.13 09-00868

Office of the City Clerk

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES/CATEGORY:

NOMINATED BY:

(Landscape Architect)

Vice Chair Michelle Spence-Jones

(Architectural Historian)

Commissioner Angel González

(Alternate)

Commissioner Angel González

09-00868 memo 10-8-09.pdf
09-00868 members 10-8-09.pdf
09-00868 applications 10-8-09.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
Absent: 2 - Commissioner González and Spence-Jones

Note for the Record: Items BC.1 - 17 were deferred until after the November 3, 2009 municipal election.

Note for the Record: For minutes related to Items BC.2 - BC.17, see Item BC.1.

BC.14 09-00869

RESOLUTION

Office of the City Clerk

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE CODE ENFORCEMENT BOARD FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

(for an unexpired term ending 5/13/12)

Vice Chair Michelle Spence-Jones

Commissioner Angel González

(Alternate-at-Large)

Commission-at-Large

(for an unexpired term ending 9/10/11)

09-00869 memo 10-8-09.pdf

09-00869 members 10-8-09.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado

Absent: 2 - Commissioner González and Spence-Jones

Note for the Record: Items BC.1 - 17 were deferred until after the November 3, 2009 municipal election.

Note for the Record: For minutes related to Items BC.2 - BC.17, see Item BC.1.

BC.15 09-00870

RESOLUTION

Office of the City Clerk

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE URBAN DEVELOPMENT REVIEW BOARD (UDRB) FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

Vice Chair Michelle Spence-Jones

Commissioner Angel González

Commissioner Angel González

Commissioner Marc David Sarnoff

Commissioner Marc David Sarnoff

Commissioner Tomas Regalado

09-00870 memo 10-8-09.pdf
09-00870 members 10-8-09.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
Absent: 2 - Commissioner González and Spence-Jones

Note for the Record: Items BC.1 - 17 were deferred until after the November 3, 2009 municipal election.

Note for the Record: For minutes related to Items BC.2 - BC.17, see Item BC.1.

BC.16 09-00871

*Office of the City
Clerk*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE VIRGINIA KEY BEACH PARK TRUST FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

Chair Joe Sanchez

Vice Chair Michelle Spence-Jones

Commissioner Angel González

Commissioner Marc David Sarnoff

Commission-at-Large

Commission-at-Large

Commission-at-Large

Mayor Manuel A. Diaz

09-00871 memo 10-8-09.pdf
09-00871 members 10-8-09.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
Absent: 2 - Commissioner González and Spence-Jones

Note for the Record: Items BC.1 - 17 were deferred until after the November 3, 2009 municipal election.

Note for the Record: For minutes related to Items BC.2 - BC.17, see Item BC.1.

BC.17 09-01082

*Office of the City
Clerk*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE OAB/OVERTOWN COMMUNITY OVERSIGHT BOARD FOR TERMS AS DESIGNATED

HEREIN.

APPOINTEES:

(appointed seat)

(appointed seat)

(youth member)

(youth member)

NOMINATED BY:

Vice Chair Michelle Spence-Jones

Vice Chair Michelle Spence-Jones

Vice Chair Michelle Spence-Jones

Vice Chair Michelle Spence-Jones

- 09-01082 memo 10-8-09.pdf
- 09-01082 members 10-8-09.pdf
- 09-01082 applications 10-8-09.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
Absent: 2 - Commissioner González and Spence-Jones

Note for the Record: Items BC.1 - 17 were deferred until after the November 3, 2009 municipal election.

Note for the Record: For minutes related to Items BC.2 - BC.17, see Item BC.1.

END OF BOARDS AND COMMITTEES

PART B

Chair Sanchez: So let's go ahead and do the PZ (Planning & Zoning) items. Anyone wishing to address this Commission or testify, give any testimony in front of this Commission, whether in favor of or against any of the items, you need to stand up, raise your right hand, sign in to speak, and be sworn in by our City Clerk.

Ms. Thompson: Once again, if you are going to be speaking on any of the P&Z items on our agenda today, I need you to please stand up, raise your right hand.

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

Ms. Thompson: Thank you.

[Later...]

Chair Sanchez: Mr. City Manager, are there any other items we need to take up?

Pedro G. Hernandez (City Manager): Just a comment that the PZ (Planning & Zoning) items that you just heard, PZ.2, PZ.3, 4, and 5, our plan is to place them back on the 10/22 agenda, October 22 agenda.

Chair Sanchez: All right. Well, let me tell you something. Don't cram that agenda.

Mr. Hernandez: No. We are keeping it light.

Chair Sanchez: My office will work with you to try to keep that agenda light. All right. Any other items anyone may want to --? If not, the proper motion is a motion to adjourn.

Commissioner Sarnoff: So move.

Chair Sanchez: Motion has --

Commissioner Regalado: Second.

Chair Sanchez: -- been proffered by Commissioner Sarnoff, second by Commissioner Regalado. All in favor, say "aye." Ladies and gentlemen, the City of Miami Commission meeting has been adjourned. Good night and have a good weekend.

PZ.1 09-00579**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING IN PRINCIPLE, THE VIRGINIA KEY MASTER PLAN, HEREIN REFERRED TO AS THE "VIRGINIA KEY MASTER PLAN", AS THE GUIDING TOOL, FOR THE FUTURE DEVELOPMENT OF VIRGINIA KEY; CREATING A VIABLE WATERFRONT WITH RECREATIONAL AND PUBLIC SPACES; AND PROTECTING AND ENHANCING THE NATURAL RESOURCES LOCATED ON THE ISLAND.

09-00579 Zoning Map.pdf
09-00579 WAB Reso.pdf
09-00579 PAB Reso.pdf
09-00579 CC 10-8-09 Legislation (Version 2).pdf
09-00579 Virginia Key Master Plan Presentation.pdf
09-00579 CC 10-08-09 Fact Sheet.pdf
09-00579 CC 10-8-09 Executive Summary.pdf
09-00579-Submittal-Don Worth.pdf
09-00579-Submittal-Kissinger.pdf
09-00579-Submittal-Waterfront Advisory Board.pdf
09-00579-Submittal-Greg Bush.pdf
09-00579-Submittal-Laura Reynolds.pdf
09-00579-Submittal-Blanca Mesa.pdf
09-00579-Submittal-Fran Bohnsack.pdf
09-00579-Submittal-District 5.pdf
09-00579-Submittal-Stuart Sorg.pdf

LOCATION: Approximately East of Biscayne Bay along the Rickenbacker Causeway [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

WATERFRONT ADVISORY BOARD: Pending recommendation on September 18, 2009. Made a motion to approve, which failed, constituting a denial of the recommendation of approval to City Commission on June 9, 2009 by a vote of 0-9.

PLANNING ADVISORY BOARD: Opposed the Plan as presented on June 17, 2009 by a vote of 8-0 because the Plan needs to be reconsidered to better address: The Marine Stadium historic site, sustainability concerns, a green environmentally-friendly waterfront space, and that city staff amend the Plan as a result of this process to be better aligned with the public input for the Virginia Key Master Plan.

PURPOSE: This will approve in principle the Virginia Key Master Plan.

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

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones

Absent: 1 - Commissioner González

[Note for the Record: This item was deferred to the first City Commission meeting in May 2010.]

Direction by Commissioner Sarnoff to the City Attorney to provide information during the current City Commission meeting regarding reverter clauses related to Virginia Key.

Direction by Vice Chair Spence-Jones to the City Manager to appoint representatives from the Capital Improvements Program and Economic Initiatives to work with her office along with the Virginia Key Beach Park Trust to immediately address the remediation of Virginia Key.

A motion was made by Commissioner Sarnoff, seconded by Chair Sanchez, and was passed

unanimously, with Commissioner González absent, to (1) immediately allow a 7.5 acre mountain bike facility on North Point, (2) immediately move forward with the remediation of the landfill and utilize the \$45 million in Miami-Dade County funds for same, and (3) to ensure the Virginia Key Beach Park Trust has the flexibility in its efforts to construct, operate, or maintain the proposed Civil Rights Museum complex and any other facilities as the Trust may deem necessary in order for the Museum to survive.

A motion was made by Chair Sanchez, seconded by Commissioner Sarnoff, and was passed unanimously, with Commissioner González absent, to defer Item PZ.1 to the first scheduled City Commission meeting in May 2010.

Chair Sanchez: All right, so we go to PZ (Planning & Zoning) items, and let's go ahead and take up PZ.1, the Virginia Key Master Plan. Let's have the Administration, all the presentations, and then we'll open up to the public, and we'll -- it'll come back to the Commission for deliberation.

Ana Gelabert-Sanchez (Director, Planning & Zoning): Good Afternoon. Ana Gelabert, Planning director. In April of 2005, the City Commission directed the Planning Department to complete a master plan, a master plan for Virginia Key that would return the island to what it should be, a public park for all the people of Miami. As I recall, Commissioner Sanchez, I believe, it was you who asked us to go back to look at the island in a comprehensive manner. For too long it has been a dumping ground for governmental uses, uses that we need but none of us want to live near, a landfill at home for dredge spoils, a waste water treatment plant. Of the more than 1,000 acres on the island, we have master plan 257, out of which 200 acres, 77 percent are presently unusable. This master plan, which you're about to see the presentation and the one we have here in front of you, provides a vision, a vision that restores public waterfront access, provides active and passive recreation for all ages, restores the national environment, reclaims polluted and dredge fill lands, and preserves the best of the island's history. At this time, I would like to present Paul Kissinger, principal of EDSA and his team who will be making this afternoon's presentation. Thank you very much.

Paul Kissinger: Thank you, Ana. Thank you very much. We're very glad to be here today. It's been a very long planning process. There's been tremendous input from the public. We've worked very hard to try to balance the needs of the residents, as well as the needs of the region and the lovers of Virginia Key, no matter where they are. The plan has changed significantly, I think, since you've looked -- first looked at it in June, and we've had this PowerPoint presentation up since about mid-September in preparation for the Waterfront Advisory Board meeting that we had the beginning of the week. As I mentioned, we've been through a consensus voting process throughout the life of the project. In June 2009, this was a package that was presented -- was going to be presented to Commission that's been deferred until this point, and we've made changes -- significant changes to the master plan since then. This is the revised master plan. And what I'd like to do very briefly is go through those changes to the master plan. Ana had mentioned already the amount of -- the thousand -- within the thousand acres, we really had the opportunity to plan about 257; and 200 of those acres currently now, really the North Point and the landfill, are not accessible to the public, so we're excited at the opportunity that these may be accessible to the public in the future. You can see the areas to the North Point, the 60.3 acres, about -- approximately 117 acres for the landfill, as well as the little fringe area here, the basin, and of course, the shrimpers lagoon area. We were not planning the Virginia Key Beach Park Trust area. That's been approved as a master plan and been operating, though we provided for connections to that as that's certainly part of the jewel of the Key. One of the things that we look at from a circulation standpoint, there's a lot of opportunities from a circulation standpoint within the island. We think there could be water taxi stops. There could be an island wide circulator as a public tram. That was one of the comments from the public, as well as really a tremendous amount of opportunity for pedestrian in bikeway trails. Understood earlier in the meeting today, you passed a bike -- the bike master plan for the City. This could be one of those destinations that the bike master plan could lead to. We actually have added about

9.25 miles of trails within it. Miami has certainly tried to be a leader in sustainability and being green. I was just actually up in Chicago and they've done tremendous things, and I think Miami has also done tremendous things. We clearly believe that Virginia Key can be -- continue to be a classroom for sustainability, and there's a variety of criterias [sic] that we put together to promote that on the Key. As we look at the bay scenario properties -- and I'm going to kind of go around the different areas -- you can see the existing conditions. Obviously, the Rusty Pelican, which is now certainly going to continue to be a fixture on the Key, the Miami Marine Stadium, MAST (Maritime and Science Technology) Academy, the large parking lot. We came forth with a plan in June that looked at reorganizing marinas. Basically, a little bit more wet slips and dry slips than what you currently have at this point. Dry slips meaning dry stack, maintaining the Marine Stadium. Parking garages because you need to park these activities. We felt that using a parking garage with a smaller footprint would certainly be more sustainable than having large areas of surface parking. We got a tremendous amount of impact -- input and so we've gone back and kind of tailed things back, pulled the marina off to the end here with 215 wet slips and 40 moorings, but the opportunity of about 2200 linear feet of side tie dockage. Dry-stack storage improved that footprint, about 750 dry racks, and really putting back what you have already, but in a much state-of-the-art, much more safe, functional facility with about a hundred more spaces, certainly an opportunity to use that roof for solar energy and/or a green roof. That could potentially be a phase one. Phase two, again, the Marine Stadium remaining in its existing condition. We've opened up views. That was one of the criticisms of the plan. So we opened up more views to the Marine Stadium, as well as the basin. Looked at doing some green spaces instead of pulling up those -- the parking areas as potential phase two, and then phase 2A, with the idea of really what I would call marina-related commercial services; buy a sandwich, buy a paddle for a scull or a dragon boat. Those kinds of activities. The footprint is about the size of two pharmacies, about 30,000 square feet, so it's about -- very small, related to kind of servicing the folks that would come out and utilize the space. And then there's the overall plan put together. As we looked at -- one of the things that we've looked at over the years at the Key is boat ramps and access to the waterfront. Two opportunities potentially have come up. We think one is got -- is much more of an opportunity than the other, which is on the North Point. We looked at some of the existing area that is here. Arthur Lamb Road comes by pushing the road over, having a berm to screen the sewage treatment plant and putting your trailer parking away from some of the activities along Rickenbacker Causeway. There are some concerns from an environmental standpoint. We heard from Miami-Dade County. We have ATM (Applied Technology & Management) here, which is our marina consultant. They've looked at that. There's opportunities for mitigation. Nothing's easy with respect to that, but there's an existing channel of boats that get out into the Shrimpers Lagoon currently, so that was an opportunity. The other opportunity was suggested to do that along Rickenbacker Causeway. We think there's a lot of challenges with this site from a congestion standpoint, from a safety standpoint. It's also on County right-of-way, so you have issues related to that. So although -- and -- alternative, we don't think it's a very viable alternative, but we understand boat ramps may be a possibility. We think also there could be looking at the Crandon Park Marina Boat Ramp as an alternative site, as well as possibly up on the Rickenbacker waterway south of the toll. So we looked at a couple different kinds of alternatives. If you look at the active recreation park, currently --

Commissioner Regalado: Excuse me. Can I --?

Mr. Kissinger: Yes, sir. Absolutely.

Commissioner Regalado: The Crandon Park Marina is a County facility --

Mr. Kissinger: It is.

Commissioner Regalado: -- you know.

Mr. Kissinger: Yes, it is.

Commissioner Regalado: And you know that there been limiting the spaces?

Mr. Kissinger: We are.

Commissioner Regalado: So you're saying that the alternative will be -- --

Mr. Kissinger: Well, what we're saying is that there may be an opportunity to utilize that as an existing boat ramp that is within proximity to Virginia Key 'cause that's what we were tasked at looking is [sic] what are the alternatives of a boat ramp on Virginia Key. The challenges with a boat ramp, if I may, within this facility here where the marina is is that a boat ramp and a marina are really conflicting uses because of the trailer parking. That's --

Commissioner Regalado: Right. But did you --

Mr. Kissinger: Yes, sir.

Commissioner Regalado: -- went to the County since the County is down sizing Crandon Park Marina. You spoke to the County and they say yes, no?

Mr. Kissinger: My understanding is that through the last couple of months because this boat ramp issue has kind of heated up again with respect to the locations is that working with City staff, there's been communications back and forth with the County as an alternative location, meaning -- and I can't speak for the County and I don't choose to speak for the -- certainly can't speak for the County, but that is an existing boat ramp facility possibility that's there, as well as on the other side on Rickenbacker Causeway. Did I answer your question? Okay. If you look at the active recreation park, currently, the landfill, we know that the County has -- is pursuing a landfill closure plan, as well as the City, looking at the next steps at that closure plan. It's a tremendous opportunity, we believe, for an active recreation park for the City of Miami.

Commissioner Sarnoff: Do you know what the square footage in the landfill is?

Mr. Kissinger: It's about 116 acres, that whole area.

Commissioner Sarnoff: Thank you.

Mr. Kissinger: In June we, in the preliminary master planning process, put together really what we believe could potentially fit based on market conditions from a recreational standpoint and based on our understanding, discussing with Parks and Recreation staff here at the City, of the needs of the type of recreational facilities, baseball, softball, soccer fields. One of the things that we also were tasked with doing was parking for the tennis tournament for the County, which necessitated 3,000 parking spaces. Again, our challenge was to -- how to fit that in a sustainable way. We -- there's a lot of discussion about the park. We then tailed back and looked at a variety of phases -- incremental phases. Once the landfill's been cleaned and made safe, which could be surface parking, which would include basically turf area or passive field, the next phase you begin to implement possible ball fields, baseball fields and softball fields. The next phase may be soccer fields and open -- and more open meadows. The next phase may be track and field for high school events, as well as a parking garage, and we looked at a parking garage because I think the opportunity for the demand to use this site is as well as a series of -- a small campus-like feel, and I say "small" campus feel" where you might have classrooms environmental education, yoga, aerobics, those kinds of activities. And so this was the plan that we then are looking at from a change standpoint where we've pulled back from the amount of recreational field.

Mr. Kissinger: And again, this will be something -- as the needs change over the years, this may adjust as well, but we believe the opportunity for active recreation is certainly tremendous, as well as all the trails within this from a biking standpoint. The North Point, again, really remnants of a spoil pile. Currently, you can't get out there. DERM's done a wonderful restoration here on North Point. We've looked at being very passive as a recreational activity. In June, we had mountain biking, a BMX (Bicycle Motocross) course, a confidence course for, you know, Boy Scouts, Girl Scouts. There was a community meeting facility that may have the opportunity of dormitories at that point. We, again, got more comments with respect to that. We pulled back and based on what our understanding of the survey from the Parks and Recreation master plan went to more passive rec -- even more passive recreational uses with multipurpose trails for both pedestrians and bikes, as opposed to a mountain bike facility and a BMX facility, so we took those off. We think there's a total of about four miles of trails on the North Point, the confidence ropes course for the Boy Scouts and Girl Scouts kind of thing, eco-camping sites, which are literally either the ground or potentially a wood platform, and North Point Recreational Center, basically, potential for bathrooms and a classroom.

Commissioner Regalado: Let me ask you.

Mr. Kissinger: Yes, sir.

Commissioner Regalado: Is this presentation includes the -- all the amendments presented and approved by the Waterfront Advisory Board, or is this --?

Mr. Kissinger: I was -- This was the presentation that we gave to the Waterfront Advisory Board.

Commissioner Regalado: But this is the presentation that you're giving us, the same --

Mr. Kissinger: The same presentation.

Commissioner Regalado: Without the amendments.

Mr. Kissinger: Correct, and then we were going to go -- we assumed during discussion -- we have those amendments listed -- that we would be happy to discuss and --

Ms. Gelabert-Sanchez: Commissioner, we were going to have Paul finish the presentation, and after -- before you started discussion, I was going to read to you the amendments -- the conditions that the Waterfront Advisory Board had. So it was after the presentation. I was just going to read what the recommendation was.

Commissioner Regalado: I understand --

Ms. Gelabert-Sanchez: Okay.

Commissioner Regalado: -- but --

Ms. Gelabert-Sanchez: But it's the same presentation.

Commissioner Regalado: -- what I was trying to understand is whether or not you are -- you were including the amendments already.

Mr. Kissinger: Yeah, not in this presentation.

Commissioner Regalado: Because you keep saying "we decided," "we pulled back," "we did this," "we took this action."

Mr. Kissinger: Certainly, we defer to the honorable Commission to make decisions. As master planners, what we are trying to do is to put forth our best recommendation for your decisions, and that's what I meant by that.

Commissioner Regalado: Okay.

Mr. Kissinger: I meant no disrespect.

Commissioner Regalado: Okay.

Mr. Kissinger: As we moved on to the Shrimpers' Lagoon area, really, what we think there are opportunities for is boardwalk paths within the existing environment, kind of cleaning up the Jimbo's area for the film activities to continue to happen, enhance some of the beach areas, as well as, you know, build upon what you've already started in the coastal hardwood hammock, which is a very sensitive area with environmental educational signage improving potentially those trails and really building upon what you've already done. With respect to the Bill Sadowski Critical Wildlife area, we believe that we'd like to maintain pedestrian access along this edge all the way out to the Point to see really some tremendous views out to the skyline, and then on one of the spoils piles, to have the opportunity for really what we heard is just an observation tower, just to be able to walk up and get to the top of the observation tower and to kind of overlook the Sadowski Critical Wildlife area, similar to some of the images that we have here up above. From a roadway improvement standpoint, again, we believe that certainly the biking is paramount to the roadway cross-section, maintain that within Rickenbacker Causeway, as well as improve what the right-of-way is within Virginia Key so that we not only have what I call the serious cyclists, which has the head down and going quite fast on the roadway, as well as provide an opportunity separated by a planting median for more of a pedestrian bike multipurpose path. So you get the families, the roller bladers, the cyclists that have the handlebars up high feeling comfortable on that bikeway and there's an opportunity to do that throughout Virginia Key. We know the County is looking at some potential improvements within Rickenbacker Cause -- we went ahead and looked at an idea of potentially improving the fishing pier on the south side in its current condition to, again, utilize that as another way for the public to get out to the waterfront, and with the opportunity for an underpass connection underneath the causeway to get back over by the marina and the Rusty Pelican. And with that, I defer to Ana.

Commissioner Regalado: I just want to ask you a question. Excuse me, Ana. How many times have you revised this master plan?

Mr. Kissinger: Pardon me?

Commissioner Regalado: How many times you have revised this master plan?

Mr. Kissinger: How many times we revised the master plan. The main intervals, probably four or five times based on input that we've had at public meetings.

Commissioner Regalado: Four or five times?

Mr. Kissinger: Yes.

Commissioner Regalado: The input -- Do you -- are you including in this presentation the input by the last --?

Mr. Kissinger: The Waterfront Advisory Board?

Commissioner Regalado: No. The Urban Environmental [sic] League, September 26, where they gather more than 100 people and they made a lot of comments and recommendations. So that would be a possibility of another revision, right?

Mr. Kissinger: It could be, certainly. We prepared this in preparation for the Waterfront Advisory Board and posted this about mid-September, prior to the charrette, which was -- that the Urban Environment League put on separate from our planning process. We were not part of that charrette process. We --

Commissioner Regalado: You were not invited?

Mr. Kissinger: -- were not in attendance.

Commissioner Regalado: You -- but you were -- you were not invited?

Mr. Kissinger: I --

Ms. Gelabert-Sanchez: There were certain things when --

Commissioner Regalado: No, no, no. Wait a minute. These people --

Mr. Kissinger: I received --

Commissioner Regalado: -- are getting paid a lot of money, and you're saying that they were invited and they didn't attend?

Ms. Gelabert-Sanchez: What I would like to clarify is that I believe we actually posted -- the amendments that you're seeing on the plan today, the one that the presentation -- they were posted and completed prior to that charrette.

Mr. Kissinger: Yes.

Ms. Gelabert-Sanchez: What I can add is that at the day of the Waterfront Advisory Board, there were some recommendations that were made, and I believe we did say that we did not have an objections to a series of them. There were certain recommendations that were made. We said there were no -- we didn't have any objections to them. But I just would like to say this presentation you're seeing and the amendments to the plan were posted prior to that charrette. So, therefore, if --

Commissioner Regalado: That's okay.

Ms. Gelabert-Sanchez: -- they would have gone or not gone, the plan --

Commissioner Regalado: This gentleman just said --

Ms. Gelabert-Sanchez: -- was completed.

Commissioner Regalado: -- that -- and this is why I asked him this -- this master plan has been amended four or five times, he mentioned, after they got the public input. So I would think that if there was a spontaneous public input meeting, they would attend. So you guys did attend, I'm sure. But -- so what I'm trying to understand here is if the whole purpose of the changes and the evolving of the plan was to get public input, why you weren't there?

Mr. Kissinger: I received no personal invitation, nor did my colleagues, to that workshop. And we've been take -- we take direction from the City, our clients, Planning staff.

Commissioner Regalado: You were not invited either?

Ms. Gelabert-Sanchez: I -- they did send an invitation e-mail (electronic). They did send an electronic invitation and announcement that they were having the charrette. But again, I just want to go back. We did have the --

Commissioner Regalado: No, no, but --

Ms. Gelabert-Sanchez: -- I guess it's just to clarify --

Commissioner Regalado: -- and you didn't go?

Ms. Gelabert-Sanchez: I did not go. No, sir.

Commissioner Regalado: Can you tell me why? I mean, is it because you were busy or because it was too late or --

Ms. Gelabert-Sanchez: I --

Commissioner Regalado: -- because you didn't want to?

Ms. Gelabert-Sanchez: -- do not recall. I can only tell you that we had incorporated the changes and the amendments to the master plan based on the prior public workshops and meetings we had had. And then we had also -- we had gone to the Waterfront Advisory Board and those amendments and those changes are the ones that were presented and completed prior. We did put them on the Web just to make sure that there was ample time for those who are in attendance in the hearing yesterday -- I mean, on the 5th and today to be able to see them. At this point, as you know, with every master plan, there's always comments and changes. The -- like I said again, the comments that were made at the Waterfront Advisory Board were some recommendations which we said we would -- obviously, it's the will of this Commission, but the -- we would not have a problem putting them in or in this agreement with them. Both the amendments were done prior to that charrette. If you -- if I may, I can read to you what --

Vice Chair Spence-Jones: Yes. Can we at least get --

Ms. Gelabert-Sanchez: -- the Waterfront --

Vice Chair Spence-Jones: -- staff's presentation, Commissioner Regalado, so we could be at least done with that part of it? I am very interested in hearing what the public has to say, so --

Ms. Gelabert-Sanchez: Yes.

Vice Chair Spence-Jones: -- if you can go -- Are you finished with your presentation?

Mr. Kissinger: Unless --

Vice Chair Spence-Jones: Great.

Mr. Kissinger: -- there's questions.

Vice Chair Spence-Jones: Great. Can you please give us --

Ms. Gelabert-Sanchez: Yes. What I --

Vice Chair Spence-Jones: -- what the recommendation from --?

Ms. Gelabert-Sanchez: -- would like to read is the Waterfront Advisory Board.

Vice Chair Spence-Jones: These -- it's not just the Waterfront; it's all the recommendations, right?

Ms. Gelabert-Sanchez: Yeah. This is the Waterfront Advisory Board, the motion, and I just would like to put it on the record. It's a motion of the Miami Waterfront Advisory Board recommending to the Miami City Commission to accept the Virginia Key master plan, as presented, with the following additions and inclusions: A welcome center on the Marine Stadium site and restoration of Marine Stadium; a transportation plan to and from the Marine Stadium Park and passive use areas; no hotel or hotels on site; inclusion of one or two of the identified boat ramps included in the plan; re-inclusion of the BMX and mountain bike trail in the plan; creation of an implementation committee; cleaning up the landfill and examine possible leaking from the site into the bay, proper remediation; increase the buffer areas between nature areas, mangrove, and the proposed playing fields; historic Virginia Key Beach continued restoration. That was the Waterfront Advisory Board, October 5, 9-0, passed.

Vice Chair Spence-Jones: Okay, so that was the recommendation from the Waterfront Advi --

Ms. Gelabert-Sanchez: Waterfront Advisory Board on October 5.

Vice Chair Spence-Jones: So all these different hearings that they were talking about -- that Commissioner Regalado was talking about, there was nothing else besides what the Waterfront - - everything has already been included?

Ms. Gelabert-Sanchez: What the Commissioner asked is if -- I understood that --

Commissioner Regalado: No, no. I first asked if, in his presentation, this was included. He said no.

Ms. Gelabert-Sanchez: No. No, they were not.

Commissioner Regalado: So the presentation that we are getting, if we did not watch the Waterfront Board, is the presentation that you all decided. Now you say this. What I'm saying is that the whole purpose of this master plan was to get public input. Now we have -- I mean, we have paid you like a million dollars to do this master planning. So the Urban Environmental [sic] Leagues [sic], with the hundred bucks, calls and brings a lot of people and a lot of people that donated their time and their work and their knowledge and the City didn't bother even to attend or send a representative or ask them that work for you to attend to listen to the people?

Ms. Gelabert-Sanchez: Again, I just want to -- with -- this is a process that has been for three years. Many of the members that are in attendance today had been --

Commissioner Regalado: So you're saying the public hearing is closed?

Ms. Gelabert-Sanchez: Not at all, sir. What we were asked to do is to bring this in front of you so there's certain time where -- that we pretty much have to bring it in front of you. What we were trying to do by finishing the process, making sure that after we went to the PAB (Planning Advisory Board) and the Waterfront Advisory Board --

Commissioner Regalado: Yeah, but that's not my point, Ana. My point is --

Vice Chair Spence-Jones: Okay.

Commissioner Regalado: -- excuse me --

Vice Chair Spence-Jones: Okay, guys. We going --

Commissioner Regalado: -- why --

Vice Chair Spence-Jones: Ana knows -- she knows --

Commissioner Regalado: -- the City choose not to attend the public meeting.

Vice Chair Spence-Jones: -- Ana knows exactly what your point is.

Commissioner Regalado: That's my question, yes or no.

Vice Chair Spence-Jones: You know exactly what his point is. So, I mean, you guys are going to go back and forth and he's saying that, you know, this meeting took place and that somebody should have been there, should have been a part of the meeting. You're saying you got the notice. You don't remember why you didn't go. I'm going to go back and forth.

Commissioner Regalado: Okay.

Vice Chair Spence-Jones: At this point, I'd like to hear from the public. Hopefully, there's somebody from the Urban Environmental [sic] League here. Are they here?

Mr. Kissinger: They're going to do a presentation.

Vice Chair Spence-Jones: Okay, great. So we'll get a chance to hear from you ourselves, right? Okay. Are you guys finished?

Ms. Gelabert-Sanchez: We're finished.

Vice Chair Spence-Jones: Okay. So at this time, Madam City Clerk, this is a public hearing, correct? Like to officially open it up to the public. Everybody has signed in already and they've already been sworn in. So let's just start from -- you want to -- Are you starting, Mr. Bush? You have anything else you --?

Mr. Kissinger: Is he going to do the PowerPoint next? Okay, I just didn't want to -- if you needed any questions. Let me just unplug.

Vice Chair Spence-Jones: Okay. Is there anybody else making comments on this? Okay. Well, while he's setting up, let's go 'head [sic] and starting hearing at least. Is there anybody --?

Unidentified Speaker: We're going to start with him.

Vice Chair Spence-Jones: Oh. So there's no -- everybody's with him? Are there any separate people that's not? Okay, can I please have somebody that's not with them?

Judith Sandoval: I'll speak.

Vice Chair Spence-Jones: Thank you. We just want -- it's going to take him time to get it all set up, so I'm saying let's keep the hearing going. Judy, you okay?

Ms. Sandoval: No. I'm limping, that's all, you know. Judy Sandoval, 2536 Southwest 25th Terrace. The first thing I wanted to say is that beside this last charrette, we had many others. I

attended several on Virginia Key run by the City, and we all had tables and we made all of our suggestions and it all went back to the City. They didn't use a lot of our suggestions at that time. It was just like Miami 21. We tell them this, we tell them that, we tell what they want, the different citizens' groups; they get it back upstairs and they ignore most of it, same process. Okay. I just wanted to read you some of the language in the deeds regarding that spit of land where the Marine Stadium is. Here's one. This is a County deed dated March 12, 1963. This deed of conveyance is made upon the excess condition that the land hereby conveyed shall be perpetually used and maintained for the operation of a marine stadium and allied purposes only. And in the event the use of said land for such purposes shall be abandoned, then in such event the title to said land revert to the grantor therein. That means what's going on in that piece of land -- I don't have the map right now, but it extends that whole spit of land -- is to be used for allied purposes only, not commercial purposes, not little shops, not little restaurants, or the County can take it back. Okay, Virginia Key Beach Park, old County park, County deed dated April 5, 1982. In the event the City does not use the property as a public park or conveys or attempts to convey all or a portion of the property, then the property described hereon will revert back to the County or its successors or assigned as the option of the County. One more. North Point deed and restrictions, trustees of the Internal Improvement Fund of the State of Florida, February 20, 1953. This conveyance is made on the condition that the area above described is to be used by said City of Miami for harbors and airport constructions and development, and should any of the said area be used for purposes other than harbor and airport constructions and development, the title to said land is automatically reverted and becomes the property of the trustees of the Internal Improvement Fund of the State of Florida. The City of Miami and Dade County are presently in violation of the covenant of the deed as the site is now used as dredge material disposal area. This was clearly not the area's intended use expressed by the trustees and the land should revert to State control. So as you see so far, the City and the County have not been terribly good about enforcing these recommendations, these deeds. This is the map, the Miami 21 map of Virginia Key. They have T6 and T8 from the Rusty Pelican all down in front of the Marine Stadium to the innermost curve of that bay, that lagoon. T6-8 permits huge buildings to be built there. The only place other than the City that has that designation in a narrow strip along the waterfront is Bayside. Once Miami 21 is passed -- you will be asked to do that on the 22nd -- they can build another -- no matter what you pass today, the City of Miami can build -- permit to be built with commercial connections a Bayside Marketplace in front of the Marine Stadium. There are a lot of things wrong with this thing that's going on here today and you should not pass it. Thank you.

Vice Chair Spence-Jones: Thank you, Judy.

Commissioner Sarnoff: Wait a minute. Madam City Attorney, I heard three reverter clauses. One -- the first one, if the land conveyed to Marine Stadium and it said "allied purposes." What is allied purposes?

Maria J. Chiaro (Deputy City Attorney): I know that we looked at that issue when the plan first started, and so I don't have a dispositive answer for you right now, so I don't know. I mean, I'm unaware of any County actions enforcing any misuse of the property, but I don't know the answer.

Commissioner Sarnoff: Well, is the word "allied" the one that you would ordinarily see in a dictionary or is that a term of art?

Ms. Chiaro: I don't remember. I -- we looked at it when we first -- when the plan was first -- when we first went out to do the plan, but I will try to get the answer for that. Generally --

Commissioner Sarnoff: Can you get that during this Commission meeting? It doesn't seem like it'd be that tough to find out.

Vice Chair Spence-Jones: Yeah. Madam --

Ms. Chiaro: Yeah.

Vice Chair Spence-Jones: -- City Attorney, can you --

Ms. Chiaro: I will --

Vice Chair Spence-Jones: -- while we're doing the hearing, if you can get the answer --

Ms. Chiaro: Yes.

Vice Chair Spence-Jones: -- for that, that'd be great.

Ms. Chiaro: I--

Commissioner Sarnoff: Also --

Ms. Chiaro: -- we are looking at it right now.

Commissioner Sarnoff: -- with regard to the Virginia Key Trust or that particular site, I didn't hear that it had to be any type of purpose. I didn't hear any --

Greg Bush: Park, public --

Commissioner Sarnoff: Park public?

Mr. Bush: -- public park purpose only.

Commissioner Sarnoff: Public park.

Ms. Chiaro: But --

Mr. Bush: With a reverter clause.

Commissioner Sarnoff: Right. And that reverts back to who?

Vice Chair Spence-Jones: County.

Mr. Bush: County.

Commissioner Sarnoff: County?

Ms. Chiaro: The County.

Commissioner Sarnoff: Okay. And then North Point appears to be conveyed from the State?

Mr. Bush: Yes.

Commissioner Sarnoff: And I heard something about -- forgive me, 'cause sometimes you don't hear Judy all that clearly -- airport construction.

Ms. Chiaro: I'm not sure what that reference was.

Commissioner Sarnoff: It says this conveyance is made under the condition that the above

described area to be used by said City of Miami for harbors and airport construction. I don't know about airport construction. Oh, I got you, World War II. So if we don't use it as an airport, we got to give it back to the State?

Robert Weinreb (Project Manager): Commissioner --

Commissioner Sarnoff: This is a hell of a way to run an airline.

Chair Sanchez: Doesn't make a lot of sense.

Mr. Weinreb: Commissioner, Robert Weinreb, City --

Vice Chair Spence-Jones: Yes.

Mr. Weinreb: -- Manager's office. That was used during World War II as some military facility, and then it was turned over to the State and then turned over from there.

Commissioner Sarnoff: So has anybody determined that we have to use it as an airport or we lose it?

Vice Chair Spence-Jones: Madam City Attorney?

Mr. Bush: It's a State issue. Theoretically, it's a State issue.

Commissioner Sarnoff: So is it your position that if we don't use it as an airport, we lose it?

Chair Sanchez: No.

Mr. Bush: No.

Commissioner Sarnoff: Well, I just want to understand why somebody would say you must use it as an airport --

Chair Sanchez: Or lose it.

Commissioner Sarnoff: -- or lose it. I --

Mr. Bush: Nobody -- I think it's been forgotten, you know, in many ways.

Commissioner Sarnoff: Okay. I -- it's being --

Mr. Bush: Legally forgotten.

Commissioner Sarnoff: -- put to us like if we don't use these things for these purposes, we lose them. I just want to be clear, that's all, and I want to find out what "allied purpose" means.

Vice Chair Spence-Jones: Okay. All right. Mr. Bush, how long is your presentation?

Mr. Bush: I'm going to try to keep it to about ten minutes.

Vice Chair Spence-Jones: Okay. I know that -- was it vice mayor, Village of Key Biscayne, asked for a point of privilege. Where is --?

Chair Sanchez: He's here.

Vice Chair Spence-Jones: Oh, okay. Do you mind him doing his --

Mr. Bush: No.

Vice Chair Spence-Jones: -- quick little pre --? Okay.

Michael Davey: Thank you for your time.

Vice Chair Spence-Jones: Welcome.

Mr. Davey: Mike Davey, vice mayor for the Village of Key Biscayne. I am speaking as a resident of Key Biscayne. I don't represent the views of everybody on our council. In listening to the presentation, I just wanted to raise some of our concerns, again, we've raised before about this development and its impact not only on us but on the County park, the State park, where we've got the increase in traffic. I know your representative of -- your consultant had put forward the parking garages will be reduced from 1,050 and 600. He didn't state a number. I'd like to know just what kind of reduction are we talking about. Is it going to be 599 now instead of 600? Additionally, I do applaud what you're talking about doing with the active recreational space. I think that's great. I think you've got a great property over there, and I'd really like to see it well developed. I think the landfill is, you know, unfortunate. So I do applaud that, but I would like to make sure that you really consider the potential impact to our residents and to the users of the County and State park if we see the increase in traffic that any development here will bring. So thank you very much.

Commissioner Sarnoff: Mike --

Mr. Davey: Yeah.

Commissioner Sarnoff: -- you don't oppose putting baseball diamonds out there or Little League diamonds or --

Mr. Davey: Absolutely not.

Commissioner Sarnoff: -- soccer fields?

Mr. Davey: No, not at all. I like your --

Commissioner Sarnoff: You just oppose if we bring a lot of City of Miami folks there and park in there.

Mr. Davey: No, no. I hope City of Miami people come out there. I hope they use the fields. I just -- what I'm concerned about is when you're talking about the commercial space. I'd rather that not be really heavily developed. You're talking about two big parking garages there. I'm not talking about the parking over by the active recreational. My concern is truly -- when you're going along Rickenbacker, you've got the two additional parking garages there now. Now you're talking about a really heavily -- heavy increase in flow of traffic over there. I know your consultant had suggested some number --

Commissioner Sarnoff: Well, if we maintain the same amount of parking that we have now on surface but decided to green it and not use it as broken up asphalt -- It looks like the moon to me right now, lunar landing.

Mr. Davey: Yeah, it doesn't look great. I'll give you that.

Commissioner Sarnoff: Right.

Mr. Davey: Absolutely.

Commissioner Sarnoff: But if we were to take those number of parking available to the City of Miami and put them in a parking garage, you would oppose that or you would --?

Mr. Davey: No. I would like to know what kind of numbers we're talking about. He said he was reducing it and I didn't know what the numbers are. So I'd like to find out what --

Commissioner Sarnoff: Also, let me ask you this question because I believe Marine Stadium holds 6,500 seats, which, theoretically, that could bring -- let's say everybody carpooled -- 3,000 cars. Would you oppose that?

Mr. Davey: I have really haven't looked at the Marine Stadium situation, you know. That's something you guys are going to decide on and then --

Commissioner Sarnoff: But the Marine Stadium, it may be a good use to have a parking garage for it, in the event that we --

Mr. Davey: If there are people coming to it, I would assume you'd want some parking over there, yeah.

Commissioner Sarnoff: Right. But you wouldn't oppose that?

Mr. Davey: No, I wouldn't.

Commissioner Sarnoff: Okay.

Vice Chair Spence-Jones: Thank you, Mr. Vice Mayor.

Mr. Davey: Thank you.

Vice Chair Spence-Jones: Sorry, Mr. Bush.

Mr. Bush: That's fine.

Vice Chair Spence-Jones: You're recognized.

Mr. Bush: Thank you. My name is Greg Bush. I'm vice president of the Urban Environment League, and I live at 6261 Coral Lake Drive, Miami. And as many of you know, we did hold a design workshop September 26 at the Rusty Pelican. About 100 people showed up, planners, professionals, everyday people from all over the County, the City, et cetera, and it was one of the more successful ones I've been involved in, a lot of creative ideas, and I want to present some of what we've come with from that. We're particularly interested in planning and public voice and making sure that the public voice is heard and in constructing a vision for Virginia Key on a very human and natural scale with a lot of inclusion in it. This master plan is a longtime coming, as I assume a lot of you know. It's a hodgepodge of land uses without very little oversight starting (UNINTELLIGIBLE) since 1945 with the Virginia Key Beach 1987 master plan. Then, as some of you know, 1995 voters rejected an RV (Recreational Vehicle) campground. There was a successful charrette and master plan for Virginia Key Beach 2000/2003. There's something of a model. And then since 2004/5, if you will, this master plan process has been going on and on and on at a cost of a million dollars and we're questioning if it should really be pushed and brought to completion too quickly at this point. Now the City's exit plan, as of May 2009, that you saw before, in our view had far too intensive sports complex on the old landfill site, a large commercial complex on the Marine Stadium site; docks -- there was no island transportation

plan whatsoever and overwhelming number of parking garages. And even Manny Diaz, the Mayor, was quoted the other day as saying, "We got rid of those crazy parking garages. It's more passive and green now." Well, the UEL (Urban Environment League) Coalition and City advisory boards responded to these early plans. Starting in February 6, 2007, when Commissioner Sarnoff actually showed up and the City Manager to try to push the process along, if you may recall a couple of years back, there was the charrette back in May of 2007, with some serious questions about the nature of that charrette. And then in 2009, in June, there was unanimous opposition, as you may well know, to the EDSA plan by the Planning Advisory Board and the Waterfront Board. And that brought on our charrette, which we thought would be useful to do, in September. Bottom line is there's still hope for a better plan for this island and we face an important test in building a sustainable future here. The summary of some of our critique, very briefly, is there's jaw-dropping potential for this island blending natural, cultural, educational, and recreational features. Yet, where is the thematic unity in the EDSA plan? Why is this prolonged, illusive and sporadic EDSA City process now artificially accelerated right at the end? The EDSA plan clearly has moved in a positive direction, and we want to thank everybody for that since June, but a delay in passage is needed at this point to fully implement publicly endorsed ideas. What's the rush at this stage and after all this time, all this money and a fitful public input in a number of respects? The public input has immeasurably improved the quality of the EDSA plan. Why give up now is our view. Now the Virginia Key Planning Coalition represented a whole series of groups, and I won't go into them all, but I just want to say it's not just us, a number of groups. It's important to recall too that this is also a County issue, waste water treatment plant, leases, spoil area. The County paid a portion of the funds for the master plan. The County attorney is now examining the legal issues that you talk about, and they indicate that the Marine Stadium deed restrictions are valid and need to be adhered to from everything we hear now. So, clearly, it's supposed to be a joint plan, folks. Now some of the serious problems -- process problems that we've identified. The long-time lack of respect or oversight of deed restrictions. This needs to be investigated, as far as we're concerned. Why were these deed restrictions not dealt with in years past? Where did the ideas come from in the May 2009 EDSA plan? There's more accountability needed here, as far as we're concerned. Who drove the bus along the hyper garage route, if you will? There has been, in many ways through this process, a great deal of lack of transparency. Why was there no Marine Stadium in the DOT (Department of Transportation) exercise in the 2007 charrette? There was no Marine Stadium until Blanca Mesa in the audience, I think it was, tacked a little one up so people could think about that. What happened to the old governing board slide showing the domination almost exclusively of developers in the May 2009 EDSA show? Who were and how were the stakeholders identified and consulted in the process? How were neighborhood residents involved? Hardly at all is the answer. There was clearly a lack of regular collaboration between the County and the City, and there was some unnecessary tension that built up there. And overall, why was the public input so cleverly ignored for so long, and why would people want to participate in the future when there's such exercises like that? So we're hoping that one thing that's positive that comes out of all of this is that there's a better public process that's more regularly instituted in the future. I won't repeat all that Judy Sandoval talked about in terms of the deed restrictions, but clearly, there was no oversight of them. So what are some of the results of our design workshop? Let me go through these very quickly. First of all, we came up with the clear notion that we need a Virginia Key Planning and Oversight Board. They need to assess how the -- the longtime neglect of the island. It needs to be multijurisdictional, including representatives from the City, the County, Key Biscayne, planning professionals, biologists, environmental neighborhood groups and others. We had some discussion with the City Manager, representatives in the Mayor's office, and Commissioner Sarnoff several days ago about this. The board would create sustainability guidelines for any building on the island, provide ongoing oversight of deed restrictions, oversee proposed construction, be involved with cost estimates, phasing, facilitate public involvement. We believe, secondly, that Virginia Key can become a model for a sustainable urban environment, but it needs an island transportation plan, which it hasn't had. It needs linkages to Key Biscayne, Miami Beach, and Miami by water taxis and other conveyances. Buildings need to be created related to a sea level rise because so

much of that is going to be important in the future. There need to be environmental standards created for any planned facility, with bike path linkages, et cetera. Now there's a shot, as you can see, of the Marine Stadium basin and here we have opening a door to our recent oversight of public facilities, and that should, it seems to me, give everybody pause about what's going on in that space. What's going on here is essentially demolition by neglect, and the City, in many respects, and the County should be rather ashamed of having left that facility like that. So reflecting a lot of the opinion I know of Marine Stadium advocates in particular, there need to be guarantees to try to preserve it to the best possible way. What are the zoning classifications that are relevant here? Need to respect the guidelines of the HEP (Historic and Environmental Preservation) Board. I have a question too. What happened to the FEMA (Federal Emergency Management Agency) money that went there after 1992? I mean, I think we have some idea, but that's an open question. There's a lot of federal dollars that may well have been misspent in relation to that.

Commissioner Sarnoff: What if we told you where it went?

Mr. Bush: Pardon?

Commissioner Sarnoff: What if we told you where it went?

Mr. Bush: I have some idea. Why? Bayfront Park of some sort or --

Commissioner Sarnoff: Right. And what are we going to do about 1992 today?

Mr. Bush: I just think it's really misspending federal dollars that --

Commissioner Sarnoff: Oh, I absolutely agree.

Mr. Bush: -- need to be accounted for. That's all. Obviously, we're not going to get it back. I mean, I understand that. I think you need to provide explicit guidelines for mass and scale for the Marine Stadium Village. Clearly, no hotels would go there with the deed restrictions, no shopping center, as per the deed restrictions. And is the retail compatible with public purpose? Those are serious questions. Limit dry dock intrusion regarding the view corridors and the mass. What does it look like? We don't really know from these drawings yet. The process that I think we talked about a couple of days ago was RFLI and then an RFP, providing adequate time to determine its viability and adaptive -- potential adaptive use or reuse or redesign. We would, in general, promote environmentally sensitive surface parking, like the approach to MIA (Miami International Airport) on LeJuene Road. Some of that is debatable in terms of -- rather than a parking garage. And to get into the boat ramp question is, of course, long and involved and in one sense, I think we're going to avoid that right now. But clearly, the Marine Stadium is a very unique and historic place. Remember, Sammy Davis, Jr. hugging Richard Nixon there, 1972. No comment. Fourth, we called for a Virginia Key Welcome Center located, hopefully, in the Marine Stadium or nearby building. It would be a modest scale introduction to island features, including bike trails, environmental features, cultural and entertainment facilities, and beaches. It would include panels, small exhibits, orientation to Biscayne National Park, linkages to historic Virginia Key Beach Trust, maps, videos, and island-wide kiosk that'll be linked. We planned for this future for our kids, not for today's necessarily crisis-driven problems. Fifth, in terms of the landfill area, we believe that completion of the remediation plan is needed to determine real costs and timetable for environmental cleanup and what structures and recreation areas, if any, might be permitted on the site. We -- it's our understanding that it's going to cost far more than the \$45 million that the County has identified for that cleanup. Where's that money going to come from at this point? We think the design is premature. I don't think anybody's against having sports fields there, et cetera, but to have this grand vision for that space is premature. Clearly, the area needs to be closed down at sundown. Nighttime lights harm sea turtle nesting and surrounding wildlife. Nobody wants to talk about Jimbo's, I think it's

safe to say. But I think a lot of people agree that you need to retain the human scale there, clean up the place, enhance the place, but have kayaks and small uses in that area, by and large. In terms of the North Point, I can let others talk to that, but I think most of us agree there needs to be a bike path around the perimeter. We, in general, do not like the BMX course mostly because of liability questions. We --

Commissioner Sarnoff: I'm not sure I understand BMX --

Mr. Bush: Sure.

Commissioner Sarnoff: -- but I happen --

Mr. Bush: I don't --

Commissioner Sarnoff: -- to represent a group of people that want to have a mountain biking course. Is that -- connote BMX? I don't know what BMX is.

Mr. Bush: I don't -- I think that's separate. Those are two different things.

Commissioner Sarnoff: Two different things?

Mr. Bush: I don't think anybody has -- to my knowledge, has much of a disagreement --

Commissioner Sarnoff: Is BMX motorized biking? Is that --?

Mr. Bush: No.

Commissioner Sarnoff: No?

Chair Sanchez: No.

Laura Reynolds: I can speak to that.

Mr. Bush: It's a --

Chair Sanchez: Yes.

Ms. Reynolds: This is Laura Reynolds from Tropical Audubon. A BMX course is actually a competition course, and we are not in favor of that. However, we are in favor of the four miles of biking, mountain biking.

Commissioner Sarnoff: Thanks.

Mr. Bush: Just quickly, too -- and I'm almost done here. We are firmly of the feeling that there should be no corporate facility with overnight accommodations, not matter what it's called. We need to follow the deed restrictions from the State on this. And final thing that I think is important having worked in this field for a long time, we believe there's a children's campground that should be there, and it should be named for -- I assume several of you know at least -- Mabel Miller, who was such a longtime champion --

Applause.

Mr. Bush: -- and a Virginia Key activist. The Virginia Key wastewater treatment plant, one of three in the County, it ain't going anywhere, as we all know, sadly, so we won't even go there. And in terms of the Virginia Key historic park -- I won't go into a lot of the history. I assume a

lot of you know that, but that's been a woebegone place until quite recently with all the work done by a lot of people from 1999 to the present. And as you well know also, they have zero funding with some bridge funding. Our concern is the potential loss of the \$15 million in County bond funds that is basically unacceptable to all of this, and we basically need to find a way to create a better operational plan to access that money down the line. The rich cultural history of that park -- you can see in a couple of the photographs here -- is just a wonderful and important legacy that needs to be preserved and enhanced and continued. We are hoping that within half a year, a year, create operational funding stream in order to activate that bond money. No hotels are acceptable, adhering to the existing deed restrictions. The Virginia Key Trust should continue with limited staff for events, development, and grants, and a level of service overseen by the Trust for the City parks maintenance, natural areas, management, concession stand should continue. We might be not adverse to limited restaurant in that area to bring some revenue in, perhaps, with a redesigned museum linked to Marine Stadium facility and island-wide kiosk. Overall -- and I'm almost finished here -- we believe there needs to be better thematic integration of the island, some kind of an urban environment theme. Environmental education, stop and think of all the uses; they're cultural, historical, passive and active recreation, entertainment, eating being one, and there needs to be trails, bike paths, signage information, orientation, et cetera. The Waterfront Board passed the revised plan, as you know, with the amendments, most of which we can support. Yet, the revised version has not been heard by the Planning Advisory Board, nor the Parks Advisory Board of the City. Why not? Why shouldn't they get a crack at this as well? Our position is basically take the time to do it right. What's the rush after all this time? This RFP can wait. The big picture in one sense. Do we want Virginia Key to be another overbuilt Watson Island or a natural landscape, a well-planned hybrid? There are pressures clearly from developers that have been strong and persistent but behind the scenes. Until recently, there's been a clear history of inadequate consultation with the public in the overall process. And the overall political fragmentation has accounted for this neglect of this island. A new board, we believe, is needed with some teeth in it. What are -- final thought too -- our civil rights to public space in 2009? Can or should all of our parks be leased out for private ventures? Of course not. But who stands up for the parks versus overdevelopment? You all presumably know there's a Don Paul County Charter amendment number VII requiring a public referendum for any buildings more than 1,500 square feet on County parkland. Perhaps, the City should consider passing a similar amendment of its own like that. There's also the Carollo amendment. Unless there are three bids for proposed waterfront development, there must be a citywide vote before moving forward. Is additional legislation or our charter amendments needed to protect public land in the City of Miami? You betcha. I think there needs to be more. On the left -- final note too -- is an aerial photo, thanks to the Sierra Club, of the horseshoe bend on Virginia Key, one of the three areas on Virginia Key Judy Sandoval made mention to under Miami 21 as urban core that can take six to eight stories. That would clearly in many ways destroy that basin. This natural treasure needs more attention by public officials and ongoing vigilance by the public in an organized fashion. It's been the victim of many years of official neglect. Virginia Key is an urban jewel, part of the aqua necklace around Biscayne Bay. The Miami Herald, this morning, as some of you may have seen, said the Virginia Key master plan is not nearly good enough to warrant approval. There should be explicit orders to downscale and, in some cases, discard proposed building projects. To defund the parks trust now would be tantamount to telling Miami's black residents that, in the eyes of the City Commission, they are still second-class citizens. The public has spoken and the City Commission must heed its call for Virginia Key's green future. Conclusion. Great strides clearly were taken by EDSA in listening to the public voices after the loud outcry in June 2009, so we applaud the City for finally beginning to listen to these voices. Yet, more detail and conceptual fine-tuning needs to be accomplished collectively in order to create a viable final master plan. The present plan is close, but still inadequate. More public consultation is needed. Let's create a plan we can all point to with pride for many years to come. Thank you very much for your indulgence.

Vice Chair Spence-Jones: Thank you. Thank you, Mr. Bush. Any other speakers? If you're going to be speaking, please stand to the podium.

Ms. Reynolds: Hi. Laura Reynolds, with Tropical Audubon, 5530 Sunset Drive. I'd like to pass around a map, if I could. Should I --?

Vice Chair Spence-Jones: Yeah. Just give it to the Clerk.

Ms. Reynolds: So what I'm trying to do here is give you an example of why we think -- and this is just one section. We're just going to be talking about North Point, but based on Greg's presentation, this is an example of what could come out of each and every aspect of the EDSA plan. And what we've done here is showed you a graphic of the charrette for the North Point. And what we've done is changed it up a little bit. You can take a look at this, and we can talk about it in detail, but I want to point out just a few things. I think there is a misunderstanding about the biking, for example, even with the Waterfront Advisory Board's recommendations of the BMX course. Again, those are two different things, so we are not in favor of the BMX course. We are in favor of a biking path and also, if you look at number two on the map, four miles of mountain biking trails in the green area. So just so there's no confusion, we are not against biking, passive biking.

Commissioner Sarnoff: Are you opposed to a larger area than four miles of mountain bike trails?

Ms. Reynolds: Well, I think if you include one as a possible perimeter path, that would be a lot more than four miles.

Commissioner Sarnoff: So if it went to six to eight miles, would that offend you?

Ms. Reynolds: I don't think so. I think it just needs to be clear that there is a buffer of the critical wildlife area, and it needs to be in the best interest of the area. And one of the reasons why we're concerned with this area is the whole thousand acres of Virginia Key serves as a migratory route for neotropical birds. It's a very sensitive area on the North Point, and I think it's clear from this redrawing that we've done that everything is more passive. The camping has even been moved back so that there's a buffer; the biking, moved back. There's a 200 foot-plus buffer all around everything. The parking has been moved off of the dunal area where their beach peanut is. And so we've kind of redesigned everything. We've taken out the buildings. We put a visitors' center and bathroom facility next to the parking lot in the front. And this is what came out of the charrette process. And we were sorry to see that EDSA wasn't there. And I thank you, Mr. Regalado, for bringing that up. I think that was a really good point. I know that they were invited. And I think in general it's not ready for you to pass it today. And so what I'd ask you to do is if you bring it to a vote, we need to give the information that came out of that charrette, including this, to the EDSA plan so that they can represent it to you and incorporate some of these things because I think we're all in consensus here. And so what I'd like to ask you to do tonight is to be sure that you allow that process to take place. So, with that, I will just thank you for taking these considerations into account and denying the vote as it stands before you, denying the plan the way that it stands. Thank you.

Vice Chair Spence-Jones: Thank you. Mr. Tinnie.

Gene Tinnie: Good afternoon, Madam Chair, Commissioners, Mr. Manager. Gene Tinnie, 80 Northwest 51st Street, City of Miami. And I'm, as usual, kind of in dual role as ordinary citizen and also semi representing the Virginia Key Beach Park Trust. At the risk of being redundant, I would say I concur with, you know, much of what's been said and observed about the plan, the future of the island, the Miami Herald editorial and so forth. I think when Mr. Kissinger was speaking, his idea that the whole island can be -- take on a persona of being green and educational, I think, is the beginning of shedding some light. I guess I might sound a little bit like the devil's advocate, but you know, I think we recognize that this thousand-acre island, this is one of the two southernmost valued islands in the continental United States. I learned that

from Mabel Miller, who was just mentioned. And it's like the closest thing that we have to a natural preserve within the city limits. So in a way, you know, we really need to go back and ask, well, why do we need to build anything at all, or what is it about this island that just requires any kind of development? And in that process, I think we can come to just rational answers. In our own case, for example, we had a very public charrette back in 2000, and we understood that the historic site had so many stories to tell, not only human history, but natural history and environmental and that that required the park to be made into kind of an outdoor museum with a building that could tell those parts of the story that can't be told otherwise. I think the same kind of reasoning has to apply to a whole thing about development. The environmental health, I think sometimes this gets lost -- and this is the private citizen talking. We sometimes look at this issue as, well, you know, should we be nice to the little animals and that kind of thing. And I think a much more rational and holistic way of looking at this is that environmental health is our health. I mean, I've spoken to students and I've pointed out that even our use of the word "environment" is sometimes a misnomer because we're thinking of it as something that surrounds us, that we're spectators and we can argue about it and, you know, how should we manage it, what should we do with it, but we are a part of it. So our thinking really does need to be -- as we were pointing out ten years ago looking at the whole island, you know, there has to be some generation of adults that stands up and says, okay, now let's pass on a really meaningful legacy to our future generations in such matters as, for example, the cleanup of the former waste dump. I would suggest that before we even think about anybody playing anything there, let's get that cleaned up. Let's get that back to natural and clean. I think the last point I would make is that regarding the historic site -- and now I plan to go more into my official role -- the original concept when the EDSA plan was launched was that here was a site that already had a master plan process that was approved. It was -- that came out of a genuinely public process; old, young, rich, poor, black, white, male, female. It was truly a cross-section where folks listened and people who -- even came with all kinds of strong ideas, just through respectful dialogue, came to a real consensus. And I think that really set the --

Vice Chair Spence-Jones: Mr. Tinnie, I need you to -- in conclusion. I let you go over a little 'cause I know the Trust need to have their input on this in a big kind of way, but --

Mr. Tinnie: Okay. I --

Vice Chair Spence-Jones: -- I want to do --

Mr. Tinnie: -- know. I understand, but I think you understand --

Vice Chair Spence-Jones: If you could just tell me in conclu --

Mr. Tinnie: -- I've been patient too, okay. Just to conclude this then, is -- I think that the process that went into the planning of the historic park ought to be the model for planning around the whole island, and I would simply, respectfully, suggest that with so many issues unanswered, so many remaining --

Vice Chair Spence-Jones: Questions.

Mr. Tinnie: -- questions that this be deferred for further discussion, further the public input. Thank you very much.

Vice Chair Spence-Jones: Thank you, Mr. Tinnie.

John De Olazarra: Hi. I'm John De Olazarra. I'm a resident at 1689 South Bayshore Lane. I spend a lot of time on Virginia Key with my family, and I participated in two of the charrettes and at the Urban Environment League's recent charrette. And I've listened to some folks get up and talk about the process and they talk about balance of the needs of residents, and they talk

about consensus building, and it -- sometimes it seems to me that this process is one of a made-to-order. Mr. Bush referenced a need for transparency and what really drives this planning process. And I would suggest the charrette process is more of a charade rather than a charrette because in -- having sat in on these meetings to see the first plan come out from EDSA and to see the intensive development of the island was rather shocking. Credit for the process to then, you know, bring that level of development down, but I think we've lost sight. I mean, I think, as a city, we need to look at these assets for the true value that's inherent in those lands. And instead of looking at them as an opportunity to generate revenues and to create public-private partnerships, we need to really look at the value that's inherent in these properties in their undeveloped state, in their natural state. These are -- we lack public parks. We're woefully, you know -- the number of parks per resident in the City of Miami, we're at the bottom rung. And this is an opportunity for the Commission to rescue an asset that has been neglected, abused, degraded [sic] and to rehabilitate it. There's plenty of examples of what can be done. Gary Milano, with DERM, has done some fantastic work, albeit in a very small, you know, area on the site, but it just goes to show you what you can do. If you look at the replanting and re-vegetating of the tip of Key Biscayne at Bill Baggs Park, that site was wiped clean as a result of --

Commissioner Sarnoff: Andrew.

Mr. De Olazarra: -- Hurricane Andrew. We're 17 years later, and you walk through there, you've got 20-foot, 30-foot trees. It's a spectacular site, and it's one that all of you need to go and spend some time with your families and look at what we can do with a little bit of forward thinking. You don't have to plant mature trees. You plant it immature, it'll grow. And in 20 years time, you'll look back and say, wow, what a great thing we've done. We didn't build more retail shops. We didn't build more, you know, classrooms and wellness centers, and a lot of these other, you know, uses that today on paper is one thing but tomorrow is going to get manipulated and distorted, and you're going to get something that was not the intent, but because of the zoning or the rules and regs, it's been abused and manipulated to create something else.

Vice Chair Spence-Jones: In conclusion.

Mr. De Olazarra: In conclusion, I would recommend you to, you know, take this planning process and to revisit it. Let's try to -- less is more. It's a beautiful site, and it'd be a shame to squander it. Thank you.

Vice Chair Spence-Jones: Thank you.

Sam Van Leer: Good afternoon. My name is Sam Van Leer. I'm executive director of the Urban Paradise Guild. We have projects from Miami Gardens to Virginia Key. And I'm here to first of all endorse everything that every other speaker has said. I am 100 percent in agreement with this. I was one of the organizers of the charrette and assisted -- facilitated with the North Point natural areas and Jimbo's. I can go over the letter that I sent each of you in -- earlier today, however, my focus is going to be on the zoning of North Point. The current zoning of North Point is CS, which my understanding is this is Civil Space. This is not a park. It allows for 25 percent of the area to be covered with buildings. In fact, if you'll look closely, most of the Marine Stadium area is zoned CS. That's an example of what can take place there. What we need is an alternative. We need something that ensures that on the one hand people have the recreation that they need. On the other hand, we also need the conservation mechanisms in place that will assure us that we'll have a natural environment going forward into the future. We really need to turn North Point into an asset for our fight against (UNINTELLIGIBLE). This is something that if you look at the maps using (UNINTELLIGIBLE) of Virginia Key, it is especially dramatic. It will go away. So we need to fight this. Instead of having our hands tied behind our back, we need to really aggressively go for this. Let's turn it into a natural area. I'm very

excited about the possibility of turning this into recreation plus conservation. Thank you very much.

Vice Chair Spence-Jones: Thank you. You're recognized, Michelle.

Michelle Niemeyer: Michelle Niemeyer, 3400 Pan American Drive, and I'm here both in my capacity as a resident and boater and as a member of the Coconut Grove Village Council, who is the chair of the waterfront subcommittee of that council. As you'll recall, this Commission passed the Coconut Grove Waterfront Master Plan, which includes the removal of a boat ramp -- I won't say removal -- the reallocation of the boat ramp next to the Expo Center as part of a sailing center use. The reason for doing that was to take the power boats coming in off that ramp away from the path which would then be blocked by small children and sailboats when the sailing center is built. So there's a real serious safety concern there. That plan was passed in part in reliance upon the understanding that there would be a good, significant functional boat ramp at Virginia Key. And we've seen several versions of this. I'm very, very concerned, having been at some of these meetings and talked to Gary Milano from DERM, about the realistic probability of the boat ramp being able to be built at North Point. I believe, personally, if it is realistically able to be built there, it's the best location for it. It seems to be a good location as far as functionality goes, as far as getting that away. And frankly, Judy's comments today were the first that I knew that we have a deed restriction that requires a harbor. Well, guess what a boat ramp is? It's a harbor. State's not going to be taking away our land if we have a boat ramp there and we can say, look, this is a place where boats are coming and going from the City of Miami. That being said, what I hear from DERM is it's not feasible to permit a boat ramp in that location. I don't know why. I'm being told that the water isn't deep enough, but the boats from Jimbo's get in and out just fine. So I'm not really sure. I think it's something that nobody's really looked into sufficiently. And if we were to pass this plan at this point with a boat ramp at North Point, we could potentially end up with no boat ramp, which would be a real loss for the City. And I wanted to make sure everybody here was aware of that. My request would be to defer this until the homework is done and we know what can be done with this. Thank you.

Vice Chair Spence-Jones: Thank you.

Enrique Nunez (Chief of Urban Design, Planning Department): If I may.

Vice Chair Spence-Jones: You got a comment?

Mr. Nunez: Commissioner, Enrique Nunez, from the Planning Department. As part of the EDSA consulting team, we have members here from ATM, which are the environmental engineers that did study the area north of Jimbo's as a potential public boat launching facility. We can provide some information on that. There were reports that were created on that and -- which then, in turn, DERM responded to with an alternative location.

Vice Chair Spence-Jones: But -- so in other words, DERM -- they said, yes, it could be done, and then DERM said something else?

Mr. Nunez: That's right. That's absolutely --

Vice Chair Spence-Jones: So --

Mr. Nunez: -- right.

Vice Chair Spence-Jones: -- okay, but DERM --

Mr. Nunez: There is -- there are obvious, you know, concerns --

Vice Chair Spence-Jones: -- but --

Mr. Nunez: -- voiced by not only DERM but other environmental permitting agencies.

Vice Chair Spence-Jones: So they're saying it can't be done there, DERM?

Mr. Nunez: What they are saying it would be very difficult for it to be done. Our --

Vice Chair Spence-Jones: But it's in our plan.

Mr. Nunez: -- and our environmental engineers state that although it may be hard through environmental permitting, it would -- may be possible. You know, there's possibilities for that. And --

Vice Chair Spence-Jones: Okay.

Mr. Nunez: -- based on the master planning process, if we want additional information, we have them here to share that.

Vice Chair Spence-Jones: Thank you very much. You're recognized.

Commissioner Sarnoff: Well, can I ask a question?

Vice Chair Spence-Jones: Sure. You're recognized.

Commissioner Sarnoff: Enrique, how do we move forward with that? How do we learn whether it can or can't be done and what's the process?

Mr. Kissinger: In order to determine that, you would take it to another level of design other than a master planning and kind of begin those preliminary permitting discussions. So you'd have to take it -- do more detailed design and environmental study of it so you'd understand the impacts.

Commissioner Sarnoff: Is that the only way of doing it? You can't ask -- See, this is the sad part. You cannot ask an agency is it feasible to have a state-of-the-art boat ramp at that particular place without having to give them detailed designs? 'Cause it seems --

Mr. Kissinger: We've done that -- first -- I'm sorry; I didn't mean to interrupt.

Commissioner Sarnoff: That's all right. I don't --

Mr. Kissinger: But we've done --

Commissioner Sarnoff: -- get upset.

Mr. Kissinger: Introduce Rob Semmes from ATM. They -- we had done some preliminary investigation with respect to that, and I'll have Rob speak to that to answer that question.

Robert Semmes: There is a pre --

Commissioner Sarnoff: She's going to ask your name and address.

Mr. Semmes: Robert Semmes, sorry, Gainesville, Florida --

Commissioner Sarnoff: Okay.

Mr. Semmes: -- Applied Technology and Management). Boat ramps are usually one of the easier things to permit out there, but you know, any process -- any environmental agency that's responsible for permitting that is not going to flat-out say, yes, you can do it. They -- you have to go through all your resource surveys, show your corridors, calculate your impacts from your fill and that sort of thing. So you would have to do some level of conceptual design beyond master plan.

Commissioner Sarnoff: What kind of cost are we talking about?

Mr. Semmes: For the ramp or for getting to that stage?

Commissioner Sarnoff: To get to that stage, just to know whether it's a yes, no, maybe.

Mr. Semmes: Ten, fifteen thousand dollars, something like that.

Commissioner Sarnoff: Okay. And there's no other way of doing it?

Mr. Semmes: You could --

Mr. Nunez: In contrast, we have Gary Milano here from DERM, who was part of the team that was requested by the City Manager's office to look at alternative locations and the problems observed.

Gary Milano: Good afternoon. Gary Milano, with DERM, 610 Southwest 22nd Road. We've worked with this planning process. I assisted to try to bring in all of the resource managers, the Bill Sadowski preserve manager, the aquatic preserve manager, the Army Corps of Engineers regulatory, the State of Florida regulatory, the DERM Class I regulatory people. We all sat down at the Manager's conference room upstairs and we discussed this site, this specific site as far as reasons why this isn't a good site. We have very shallow sea grasses there. We have turtle nesting. We have endangered plant species. We have manatee issues. We have many, many issues. As the consultant is saying, you need to invest money to get a definitive answer. That is, you need to submit for an application with the --

Commissioner Sarnoff: So we got to --

Mr. Milano: -- specifics.

Commissioner Sarnoff: -- spend 15,000 for you to say no.

Mr. Milano: Well, it's not me. Again, Commissioner, I am not regulatory and I'm not speaking -

Commissioner Sarnoff: No, I know. I'm teasing.

Mr. Milano: -- here --

Commissioner Sarnoff: My point is you're indicating to us that here is so many insurmountable barriers that in order to get past that barrier, you'd have to submit a plan, a permit. This will cost you between 10 and \$15,000, and the likelihood of getting it passed is not very high.

Mr. Milano: That's correct, and there would be additional mitigation dollars needed. That is -- and we all know this with projects. If we cover up a square foot of sea grass, we have to replace that sea grass. And you know the cost is very highly experimental as far as sea grass restoration. So here we're talking about a very large footprint. We're talking about a facility where we're pouring concrete on a public beach, a turtle nesting beach. That's why -- I mean,

again, I try to be neutral in these things, but you know, from looking at this thing trying to stand to the side, it just is like fitting a square peg through a round hole. So that's why we talked to the Manager. We tried to look at other sites. We identified some other options, but this site alone, I just wanted to say something to you today.

Commissioner Sarnoff: There were two other sites mentioned, one that they didn't seem too particularly charmed by, and that was, I guess, the one that park -- the trailers alongside what I know now to be the Australian pines, but for all I know, the County's taken them out by now. Or --

Mr. Milano: That's correct. When I went into the process, we identified an existing boat ramp that's in the Marine Stadium lagoon that's closed to the public right now. We identified that as a potential site. We then heard the consultant say that there was limiting parking. There was a concern about the conflicts with the dry stack storage. I went forward and talked to our Public Works Department and to WASA (Water and Sewer Authority), who has the right-of-way through that swale that is adjacent to the roadway. I got permission to use that right-of-way for weekend parking for trailers. Again, you have to realize, if you go over to Crandon Park right now to the marina, you go to (UNINTELLIGIBLE), those marina parking areas are empty. It's only a weekend or a holiday event where you have heavy traffic, heavy trailer traffic. What I suggested personally was let's take a look at compromising the dry stack storage so we could incorporate some sort of boat ramp within the Marine Stadium lagoon. This fits with the manatee protection plan. We have deepwater access to the intercoastal waterway. We could provide for to address concerns about the rowers and boaters within the Marine Stadium lagoon. We could provide for a parallel channel, marked channel that runs along the corridor along lagoon edge where the dry stack storage boats go out from right now where we could have boat traffic from a boat ramp to go out there. It's just a matter of compromising and maybe balancing the dry stack with the boat ramp for weekend use. And --

Commissioner Sarnoff: Where would you park the trailers?

Mr. Milano: There's lots of places. It's a matter of sitting down and looking at a design. I identified the swale, which is --

Commissioner Sarnoff: Right. I -- that's --

Mr. Milano: -- a linear sort of area for --

Commissioner Sarnoff: Right.

Mr. Milano: -- parking. I know there's conflicts here, but it's a matter of working out solutions. At the charrette that we had with the Urban League, which I really want to say that these people are not getting paid a dime, and they worked hard to organize it, to get a room reserved and to conduct this thing, and there were University of Miami people there that the -- they came up with a vision, some creative ideas about ways that we could maybe modify this. And I'm going to stop there.

Vice Chair Spence-Jones: But can I ask this quick --? I'm sorry, Mr. -- Commissioner Sarnoff: You had anything else?

Commissioner Sarnoff: I just have one last one, which --

Vice Chair Spence-Jones: Okay, go 'head [sic].

Commissioner Sarnoff: -- forgive me, there was one other slide that was shown to us. It appeared as soon as you went over the bridge -- I'm sorry, the toll plaza off to the left that there

was some sort of a -- I don't know, it just looked like a dot on there to me that said --

Mr. Milano: Yes. There were --

Commissioner Sarnoff: -- you could have --

Mr. Milano: -- two dots. One was at the Crandon Marina, which Commissioner Regalado questioned, and the other one was on the first causeway, which I call it on the north side. According to the dot, it's on the north side. There would be some issues there. It would be something to look at, but at least it's taking a step into the creative realm.

Commissioner Sarnoff: Okay.

Vice Chair Spence-Jones: I just have a question. And actually, you're on my blue pages for later on, a issue around DERM-related issues. So I definitely want to speak to you before you leave the building today regarding some issues that we're having with small businesses in all of our districts. But you were on the team --

Mr. Milano: The team of?

Vice Chair Spence-Jones: -- with -- you were working with the consultants. You were part --

Mr. Milano: Yes. I --

Vice Chair Spence-Jones: -- of this whole thing, right?

Mr. Milano: -- mean, I'll let Enrique answer that, but I believe I was helping, yeah.

Mr. Nunez: Yes.

Vice Chair Spence-Jones: Okay.

Mr. Nunez: Absolutely.

Vice Chair Spence-Jones: It's just -- it's yes or no.

Mr. Nunez: Yeah. All along, we had --

Vice Chair Spence-Jones: So he was engaged in the process?

Mr. Nunez: -- participation, absolutely.

Vice Chair Spence-Jones: He was engaged in the --

Mr. Nunez: Yes, and they --

Vice Chair Spence-Jones: Okay.

Mr. Nunez: -- and DERM was asked to assist in finding alternative locations.

Vice Chair Spence-Jones: Okay. What's your name again?

Mr. Milano: Gary Milano.

Vice Chair Spence-Jones: Gary. Because quite frankly, when I just heard you speak, obviously,

the harbor thing can't even work. You know, it's not an option. So for us to even be discussing it, it's not really an option. I mean, we're not going to push the sea turtles and remove the sea grass. That's not an option for us, so -- But in hearing you -- and you were a part of this team -- I'm gathering -- Well, let me ask you this very pointed question. Do you feel that this plan, we need more time on --? Do you feel we need more time on this plan? Tell -- we want to hear that.

Mr. Milano: Again, you know, I'm -- I can only --

Vice Chair Spence-Jones: Yes or no?

Mr. Milano: -- on a personal side, I can answer that. On an agency side, I can't.

Vice Chair Spence-Jones: I want it on the personal side.

Mr. Milano: Yes.

Vice Chair Spence-Jones: So you feel like we need more time?

Mr. Milano: Yes.

Vice Chair Spence-Jones: Okay. Thank you very much.

Chair Sanchez: All right. I have a question. Sir, on the boat ramp, which I think it's very important. I mean, people who have boats, they care about the access to the water. I mean, they have to have the ability to get their boats in the water, those that can't avoid dry space and marinas.

Mr. Milano: Absolutely.

Chair Sanchez: And one of the concerns that we have now here in Miami is that, you know, basically, we're losing them as we move forward. I mean, now anybody who has a boat in Miami, of course, you're blessed to have Seminole boat ramp, but the future of it may not be there any longer. Now you would have to either go to Watson Island or you would have to go down to Key Biscayne and put your boat in the water. I mean, we got -- we have to make sure that looking at the sites that have been projected based on the ones that you -- they've identified, my understanding that as of now none of them --

Mr. Milano: Commissioner Sanchez --

Chair Sanchez: -- could be accomplished.

Mr. Milano: -- I think we need to take a look at the big picture. And again, this is coming from me personally. I can't speak for the agency today. You need to take a look at the big picture. You have Crandon Park Marina, which within this North Point site that they have identified is very close too. So if -- you're trying to take a boat ramp out of Dinner Key and replace it on the North Point of Virginia Key, it just doesn't meet. You've got people that pay \$10, I think, to get a trailer across the causeway, and then another 10, \$15 for parking; ends up \$25 before they put gas in their boat. This is not an alternative to come across the causeway to provide a boat ramp at Dinner Key. There's people that object to taking away the boat ramp in Dinner Key. I know the master plan for Dinner Key went through, taking out the boat ramp that's there. But I'm not going to bring up old stuff, but there's a lot of people out there that are upset about that. And still -- and yeah, they weren't here when the master plan was approved and they weren't here at the podium to say that's not a great idea, guys, but you know, maybe that's not such a great idea.

Chair Sanchez: All right. Well --

Mr. Milano: I'll plant that seed today. Maybe we should look at maybe doing some different things in Dinner Key and not eliminating a boat ramp in Dinner Key so that we have to fit a square peg through a round hole on Virginia Key.

Chair Sanchez: And maybe you're right --

Mr. Milano: Yeah.

Chair Sanchez: -- on that issue. But once again, the whole issue about -- you know, people are going to -- they have to put their boats in the water.

Mr. Milano: That's right.

Chair Sanchez: And if you deny them an area here, then they're going to have to go someplace else. And I agree with you, by the time you put your boat in the water, if you spend \$25 without putting any gas, I mean, that's --

Mr. Milano: Absolutely.

Chair Sanchez: -- a burden on you.

Mr. Milano: There's reports out with 80 -- we have -- there's -- we need more boat ramps. There's no question about it. And again, I'm not speaking for the agency, but you know, to take away one and try to put one somewhere else --

Chair Sanchez: But this is the point -- the logic that I'm trying to make here. You said it yourself. If you go out there on a Monday through Friday, you don't have a problem. You could put your boat in the water and you could park right in that parking lot. You could pay what you have to pay and that's fine.

Mr. Milano: Right.

Chair Sanchez: It's these holidays and weekends where you have that overspill everywhere you go. You could go to Black Point. You could go down to Crandon. You could -- anywhere you go, there's that overspill. Based on what we talked about, the options that exist under this plan, one of them is the one by the pines. I guarantee you that on a weekend or a holiday, those cars are going to be parking along Rickenbacker Causeway because there's going to be so many people putting their boats in the water that there's not going to be enough space to park the trailers.

Mr. Milano: Let's look at the reality of our community. We're never going to be able to provide enough for everybody. Right now the Causeway's backed up. When they're having a big function at the Seaquarium, you can't even get through the tollbooth. So you know, there are opportunities within the City of Miami to enhance your boat launching facility. Morningside Park is a great one. You go to that park. It's a humongous park. It's an underutilized boat ramp. Build your facility there. Open up that, you know. Talk with the homeowners association first so they don't --

Chair Sanchez: Well --

Mr. Milano: -- you know, get mad at you, but --

Chair Sanchez: -- I'll guarantee you, those homeowners association aren't going to be too thrilled.

Mr. Milano: But look at that site. That's a site to look at as far as -- that's a beautiful boat ramp. It's wide. Nobody uses it. So take a look at that and maybe let's take another look at Dinner Key. That's another option. So, again, this is all coming from Gary Milano, not from DERM, so --

Chair Sanchez: I understand that, and I thank you for your honesty, sir.

Mr. Milano: Okay. Thank you.

Mr. Nunez: Before we proceed, ATM would just like to add some information based on the requirements for this boat ramp study or the types of things that need to be looked at. Elaborate, please.

Chair Sanchez: Okay, and then we're going to go ahead with the public.

Mr. Nunez: Yes.

Chair Sanchez: Let's get -- the public's -- you know, you've been here since 2 o'clock. I don't want to hold you back. I want to give you an opportunity to -- Sir, you're recognized for the record.

Mr. Simmes: Robert Simmes, Applied Technology and Management. I just wanted to clarify again what we talked about earlier. We don't have any base information. There's been no environmental resource surveys. We know the area's being used for boater traffic now. We don't know that the beach is compatible with sea turtle nesting. Boat ramps don't have a large footprint on beaches. We don't -- we haven't done any avoidance and minimization to even know if mitigation would be required for sea grasses. I mean, there's just so many things that are unknown about that site. Until those things are known -- and we've permitted, you know -- we've done probably, you know, 500 environmental permits in the state of Florida, so it's -- we've done this stuff all the time and that site has just not been looked at in any detail yet, so we're -- I think we're just kind of talking about something that needs a little more investigation.

Chair Sanchez: All right.

Mr. Simmes: And it looks very feasible from the aerials.

Chair Sanchez: All right. You made a --

Mr. Simmes: Thank you.

Chair Sanchez: -- good point. All right. Let's open it up to the public, folks. I do apologize. As always, got to get the experts and got to get the Administration and allow the opportunity of the organizations to make their presentation. Now is -- the public hearing is opened. Sir, you're recognized for the record. Just state your name and address.

Ruben Arias: Ruben Arias, 111 Northwest 1st Street. Good afternoon, Commissioners, Mr. Manager. I'm here on behalf of County Commissioner Carlos Gimenez, who sends his greetings. We're here on two minor things, and I'll be very brief. One thing is, again, to voice the Commissioner's support, continued support of the Virginia Key Beach Park Trust and whatever the City needs to continue to do to continue to make it a very viable entity. And the second thing is just an issue affecting -- that is being considered this afternoon that affects the north end, which is the mountain bikes and the MDX component of the proposal that you have in front of you as was recently approved and forwarded to you by the Waterfront Advisory Board. We have, in our office, received over 100 calls of mutual constituents that support that aspect of it,

and we're just here to voice that concern.

Chair Sanchez: Thank you, sir.

Mr. Arias: Thank you.

Chair Sanchez: All right, next speaker.

Charles Flowers: Good afternoon, Commissioners. Charles Flowers, 1000 Northwest North River Drive, Miami, Spring Garden area. I'm going to make it short and brief. I'm here for Virginia Key Trust. I'm here to find out -- and I hope I'm speaking for Ms. Range and Mr. Art Teele, who are no longer with us and hope they could speak from the grave through me. And I'm here to ask the funds was there for the Trust for operational purposes. I understand the funds are no longer there. So my only question is, what happened to the funds? Difficult to answer?

Chair Sanchez: Mr. City Manager, can you answer that question? What happened to the funds?

Mr. Hernandez: The funds were, in essence, reduced and/or eliminated via the budgetary process for the year 2010. My understanding is that the Trust has like \$250,000 in carryover and the decision was made by this Board on September 29 not to fund the Trust.

Mr. Flowers: Thank you, sir. But there was a Commission meeting -- Commissioner Teele was here at the time and also others was here -- and you had voted to have the money in a separate account to not be used in the general fund for the City of Miami and now you're saying that you decide not to fund something that had been funded. I don't understand.

Mr. Hernandez: Well, through the various years, the City Commission and the City had been funding the Trust and they had been accumulating the money that was not used and they had a carryover account. And they have now been using it as a result of reduced funding from the City. However, in this proposed 2010 year, there is no funding allocated to the Trust. The City Commission, in looking at all the priorities that the City had, elected that the money should be going to other, let's say, more pressing needs and the Trust was not fund for the year 2010.

Mr. Flowers: So, Commissioners, something that was already funded and there was the need at the time and the Commissioners, in their wisdom now see that there's no reason to utilize the funds for the Virginia Key Trust. You know, let me say this. I was on Virginia Key back in the '30s and '40s, before any of you guys probably was born, so Virginia Key holds a very secret part in my heart. I was on Virginia Key when there was no bridge. There was a ferry, okay. There was nothing there but coconuts, no homes at all. So I'm listening to all this and it really burns me to listen to see that something was funded for, as someone said, the black community and now been taken away. And someone said we're second-class citizens, and we still are second-class citizens according to what I'm hearing. So these are the things that really turns me off, not you, per se, I'm just saying the thing that happen. So that was my question. I will be back again. It seem like this thing could be brought back before you later on, and I'll come back with more concrete information because I'd like to have concrete solution --

Chair Sanchez: Thank you, Mr. Flowers.

Mr. Flowers: -- of where the funds went. Thank you.

Chair Sanchez: Thank you, sir.

Mr. Hernandez: Mr. Chairman, if you allow me, you know, to clarify for the record reference the Virginia Key Beach area. The maintenance activities will continue to be funded --

Chair Sanchez: By the Parks Department.

Mr. Hernandez: -- because the Parks Department is the one providing the maintenance. There are other funding associated, I believe, with gate proceeds that would be used to maintain the concessions and the building that are there. What is not funded, in essence, is the staffing for the Virginia Key Trust, their staff. That's what's not funded. With reference to the capital improvements, any capital improvements that -- or needs that are there will be absorbed and assumed and led by the Capital Improvements Department of the City.

Mr. Flowers: Thank you, Commissioner.

Chair Sanchez: Thank you. Next speaker.

Mary Jane Mark: Hello. Good afternoon, Commissioners, City Manager. My name is Mary Jane Mark, 9380 (UNINTELLIGIBLE) Street. I am coming because I represent thousands of mountain cyclists in Dade County. I own a bicycle store. I sell mountain bikes. People are desperate for a safe place to ride their bicycles. Bicycling is the number two activity in the country after walking. Everybody can ride a bicycle it seems. You don't need fancy sports equipment or ball fields or a team or a referee. Cyclists are environmentally friendly. The facilities they use would not be bulldozed. It doesn't include concrete. It's daytime facilities only. And one thing that hasn't been brought up here today but I can bring up is the cyclists locally will build the facilities themselves. It will add no cost to the City. If the City wants to charge for parking, it can generate quite a bit of revenue. Oleta Park, which is the closest facility to us, is on Northwest 100 -- Northeast 183rd Street. They had over 150,000 cyclists visit there last year at \$5 a person. It's not a bad return. Thank you very much.

Chair Sanchez: Thank you, ma'am. Next speaker.

Nina West: Nina West, 3690 Avocado Avenue, Coconut Grove. I'm here to make a plea to the Commission. And it's unfortunate that none of you were able to personally attend the charrette, but some have sent representatives, and we really appreciate that. I know that Commissioner Regalado has a personal interest as a member of the group for the Marine Stadium. But what impressed me most -- and I have been a community activist for quite some time, as most of you know -- is that the quality of the expertise that came together in the charrette to give up their time, which is very expensive time. I'm sure it's cost every bit as much as these consultants do, and their willingness to give more time to make this a plan that's really great. Because we have a final opportunity. We have ruined the zoning for Virginia Key. It could be fixed. We are about to have a hodgepodge of shopping and stadium and this and that and the other thing. But every idea that's come out of the charrette group has been a terrific idea. The people from Miami University, the architects, are offering to give a lot of their time. They're not here today because they have the flu, a very severe case of the flu and they didn't want to infect everybody else. But they are offering to go -- give a whole year's time with their students. So I think to say that the plan has to be passed at this moment today is not going to derail a plan. I think, if we could just take a little more time -- I mean, out of two meetings, you've gotten all of these improvements which are before you. And if we have some time for -- a little bit more time to do a little bit more, we could have a jewel here. And when you talk about visitors, we have no place to send the people from the ships. The stores -- the retail's closing in Coconut Grove, so we miss out on that in the City. They go to Miami Beach. But this is a place that tourists could really come to. There are people who come from Germany just to look at the type of flora that we have. And the last thing I wanted to talk about, which we haven't talked about, is the cleanup. And that's something I'm interested in since I was a Planning Board member. And right now we are leaching ammonia south and that goes into the Biscayne National Park, as well as our state park. And we could turn around and find ourselves in big trouble with the federal government and the federal EPA (Environmental Protection Agency) and state EPA. So I think we ought to think about the cleanup before we think about putting anything on that piece of property.

Chair Sanchez: Thank you.

Ms. West: Thank you.

Chair Sanchez: Next speaker.

Lee Marks: Good afternoon. Lee Marks, 2935 Seminole Street, here in Coconut Grove. Chairman Sanchez, Commissioners Regalado and Sarnoff, just feel I should put my two cents in. I appeared before this Commission many years ago, if you might remember, about the closing of a certain gate, and it was reopened because it dealt with access to Key Biscayne for hundreds of cyclists, runners, and skaters that we packed the chambers with. So this -- you know, it may sound redundant, but it is truly a historic opportunity for this Commission to put its stamp on Miami's green future, realizing that the highest use presently of Virginia Key is bicyclists. It's a low-impact use, and it's almost like I'm asking you now to put a gate on increased development, increased traffic out on Key Biscayne because, you know, you don't want to create a situation where you're just overloading Miami's last sacred green space with boats and cars and -- when it could have such a high use with cyclists and runners and skaters. So be patient and be smart. Thank you.

Chair Sanchez: Thank you. Next speaker.

Blanca Mesa: Hi. My name is Blanca Mesa, 714 (UNINTELLIGIBLE), Coral Gables. I want to thank you, Commissioner, and all the Commissioners for allowing the public to speak today. My first comment is regarding the North Point. I think Commissioner Sarnoff had some questions. That land was given to the City. It was during the World War II. I just wanted to clarify. It was for a port for the defense. And in 1994 the City of Miami actually wanted to put a hotel on that site and asked the State of Florida to lift those deed restrictions. They said we obviously can't build a port; there's a port. We can't build an airport, so give us the land. We want to put a hotel on it. And you know what the State said? You can't get it. I'm sorry. That land was given to you for the public use at a time of defense in the public interest. And all lands the State gives are held in the public trust to be held in trust by the government for the benefit of all the people. But the reason -- I think this is really a symbol. You know, it's emblematic of what the issue is. We and you all are just passing through, but Virginia Key is held in the public trust. It's public lands. It's wild lands. It's land that now, you know, is the home of endangered and threatened species. It's our last open green space. Marjorie Stoneman-Douglas, I think, said it really well. So there must be progress, she said, certainly, but we must ask ourselves what kind of progress we want and what price do we want to pay for it in the name of progress. If, in the name of progress, we want to destroy everything beautiful in the world and contaminate the air we breathe and the water we drink, then we are in trouble. And I think we're in trouble today with this Virginia Key master plan. I'm very glad it finally came to the Commission so you can see all the issues that are out there and all the issues that haven't been resolved. Everything from the zoning, which is -- you know, some parts of it are urban core, to the scale and mass of these buildings, which were not shown to you today. How can you make a decision when you don't know, you know, that -- what the uses of this retail shopping center are? You don't know -- for example, you weren't told that these parking garages are five stories high, that the boat storage facility is five to six football field lengths, you know, in length and five stories tall. The reason you can't find a place for the public boat ramp, which actually exists to be opened, is 'cause it's so huge that it takes up the entire area. It cuts off the public from that -- one-third of that basin and does not allow people that don't have their boats in dry dock storage to use that boat ramp. There is a boat ramp there. It worked successfully for many years. So those are the kind of issues that need to be explored. And you don't have to do this alone. This is a very expensive process. Already millions of dollars in federal funds have been used to restore the island, and there's many other entities -- there's the county, state, and federal that can work together. This is not something that EDSA explored in the plan. The Sierra Club has filed an application with

Environmentally Endangered Lands, for example. The County program has millions of dollars at its disposal. It already had qualified parts of Virginia Key to continue to do the maintenance and preservation of the lands. That's money that's available and that the City, in partnership, could work. So a lot of issues need to be explored. There's \$4 million, for example, you just approved that the Rusty Pelican is to give to the City for parking facilities. It doesn't have to be a five-story garage. There's \$4 million. One million dollars or more that's been accumulating in Bayside because the City took Bayside, was public parkland, and money from the parking surcharge is supposedly accumulating in an account in the City (UNINTELLIGIBLE) million dollars supposed to be for a waterfront park that's never happened and that agreement is still valid with the State of Florida. There's the \$1 million of FEMA money. There's millions of money [sic] already spent and available for federal funds, and there's the \$15 million in County funds.

Vice Chair Spence-Jones: In conclusion.

Ms. Mesa: Well, I want to say in conclusion that the Virginia Key is held in public trust for the benefit, use, and enjoyment of the public. And although we're just passing through, Virginia Key has always been here. It was here -- home to thousands of years ago to endangered species or now endangered. It was home to the Tequesta Indians. Ponce De Leon sailed by it. It was where black Army servicemen trained, and it was the home of the designated colored beach. So the decisions for the future really have to consider the (UNINTELLIGIBLE). There's great public interest. It's not ready to be voted on today. There's too many questions and too many good things that still need to be explored to really make this a great plan. So --

Vice Chair Spence-Jones: Thank you.

Ms. Mesa: -- I really just wish you to take more time with it.

Vice Chair Spence-Jones: Thank you.

Ms. Mesa: Thank you.

Carolina Paeani: My name is Carolina Paeani. I live 26 Northeast 88 Street, Miami 33138. I'm going to briefly speak as a designer, as an environmentalist, and as a mother. When I was studying and getting my thesis at New World School of the Arts as a designer, my teacher told me that I should take my job as important as a neurosurgeon, and I tried very, very hard to do that everybody. I'm a set designer for film, and I design commercials that are filmed in Miami, obviously. My point here is I think that the word "green" has been extremely violated. When I hear the plan saying we're going to be very green, we're going to put this because we are green - - making a five-story garage with a sculptor that he designs walls with plants is not being green. Building -- all these things that are put like basically planting trees doesn't mean being green. We can plant trees anywhere. Being green means thinking ahead, thinking in structures that are already created a lot in Europe, a lot in some of the states in our country that are truly the future. These plans just look like something that could be anywhere, not in a precious island. As an environmentalist, I studied 13 years working with animals, abused and neglected dogs and cats in Dade County only. And I start a spay and neuter program in 2003 which spay and neuter the first time 30 cats that were living in a parking lot that was City-owned in the middle of downtown Miami. I was asked to pay \$40 for the parking, although I paid myself \$35 a cat to have them fixed. So my problem with this is -- and 700 cats came after that only in the City of Miami. My point is I always find an imbalance between the beauty of the architecture and what we're taking out of it, which means what are we going to do with all the birds that get tangled and all the fishing that we're trying to put? What are we going to do with all the manatees? I can't do it anymore. I stopped rescuing four years ago after picking up a thousand dogs and rehoming them and fixing a total of 700 feral cats. I can't afford it anymore.

Vice Chair Spence-Jones: In closing.

Ms. Paeani: As a mother, I have two-year-old daughter, which has not seen her grandmother on the weekends because we can't drive to Key Biscayne to see her. Thank you very much, and I hope --

Vice Chair Spence-Jones: Thank you.

Ms. Paeani: -- this is a great, great project.

Fran Bohnsack: My name is Fran Bohnsack. I'm speaking today as the president of the Urban Environment League. Most of what I wanted to -- You want my address. I live in unincorporated Miami-Dade County, 5700 Southwest 67th Avenue. Most of what I would say today has already been very ably said by Dr. Bush. But I did want to introduce to the conversation one concept that came out of the charrette, and that is that most of us and most of the users that you've heard here today or many of them, if not most, view Virginia Key as a regional park, not just a City entity. And so I would urge that if you do create a management oversight implementation committee, that you choose stakeholders from these various groups, not just limited to the City, but to the County as well. Secondly, I'd like to share with you two exhibits. And I'll pass this around. I'll start with you, Commissioner. But this is on -- from Miami-Dade County Environmental Resource Management. It's a field investigation conducted in 1997. And what it shows is the landfill. And there's a picture of a broken pipe with sludge discharging into the Key Biscayne dump -- or the Virginia Key dump. The sludge is pictured here. There's a list of 55-gallon barrels that contain Sevin, a very dangerous pesticide, dichloride herbicides, et cetera. It's a very ugly picture, and a lot of it's still there. One thing. The second exhibit comes from a document that's titled "Limited Implementation of the Contamination Assessment Plan, former Virginia Key Landfill." It's dated July 2, 2009, Department of Capital Improvements and Transportation in the City of Miami. I'm going to give you this report, but all you need to do is turn directly to the page near the end that says conclusions and recommendations. There are several bullets, three exactly, under the conclusions that list the amounts of cyanide, mercury, EDB (ethylene dibromide), volatile organics, TDS (Total Dissolved Solids), et cetera. Very scary. This is July 2, 2009. And then the recommendation is quite simple. It's one sentence. It says based on the groundwater quality data collected from the locations provided and approved by DERM, further assessment as provided in the cap with modifications appears warranted. Further investigation appears warranted. So I would suggest instead of being in a rush to approve a plan with many question marks still remaining in it, maybe we should rush to clean up the landfill as a top priority. Thank you.

Applause.

Vice Chair Spence-Jones: Thank you. In closing.

Jack Attias: Good afternoon. My name is Jack Attias, and I'm a resident of Dade County. I've been here since 1949. I was raised on Miami Beach, came down and went to school here right through. I'm representing myself. I don't believe you really have a plan. I think you, four or five times, have seen these people presenting things, and I think the emphasis has been misplaced. I think what you're about to do is very, very significant, and it doesn't come along often. I think you have an opportunity that I would categorize as once in a lifetime. I don't think anything of this nature has ever been before you before. What to do with a thousand acres, an island right in the middle of Miami, Dade County, a major metropolitan area. And I think your emphasis is totally misplaced. I think it's a no-brainer as to what you want to do with this area. I think what you want to do with this area is keep it as natural and as primitive and as pristine as you can. I don't -- I think you do not want any development in this area. You want to have this area used by people to walk on, to drive their bikes on, to minimize any motor vehicle. I would put it in where

you come in by carriage with a horse or you walk in or you come in with a cart. I think that --

Commissioner Sarnoff: Are you speaking about the entire Virginia Key?

Mr. Attias: Who am -- who's talking?

Commissioner Sarnoff: Look at right in front of you.

Mr. Attias: Oh, I'm sorry.

Commissioner Sarnoff: You know, you keep saying this -- are you saying --?

Mr. Attias: I'm talking about the area --

Commissioner Sarnoff: The North Point, the --

Mr. Attias: This area.

Commissioner Sarnoff: North Point.

Mr. Attias: I'm comfortable with what exists because it exists.

Commissioner Sarnoff: I got you.

Mr. Attias: I'm talking about this main area here. And it would be a travesty to do anything but to keep it the way it is. And I think it's a no-brainer, and I think you've wasted a tremendous amount of money in having someone give you plans that you could have had some groups, some public groups just getting information from them and say what do you think we should put here and let's have some meetings, rather than have a million dollars spent on these people, which, of course, that's their business and they're doing great and they'll be coming back here for the next five years and for another couple of million dollars. So I think -- don't blow this one. This is so important. This is not something you're going to put through and make people a lot of money. This is something you're going to give for many, many generations to come. Think of it as a Central Park in the middle of New York City. That's what you've got here, and it's much better because it's an island. It's an island with water all around it. I -- when I was raised here, you could go diving, you could go fishing. The migrations were tremendous. Everything was so beautiful. Fifty thousand people resided in Dade County when I lived here. I lived across the street from Joe's Stone Crab. I had the ocean two blocks away and the bay two blocks away, right where the Icon is, and I'm sure you know what that condominium is valued at. I was very fortunate and I was blessed as a child to work at Joe's and to live there and to go to school here and be raised here, and I haven't left yet. I'm fortunate now that I live on Key Biscayne, which is a jewel. That's beautiful, although they've exploited it and they've done things to it in terms of increasing density that is insane for anybody who lives there. And these people who run the government should know that and they should not allow anything like that, but they allow it and I can't believe it. It's like to excrete where you live. You don't do that. So the bottom line is please take your time and, you know, good luck.

Vice Chair Spence-Jones: Thank you.

Don Worth: My name is Don Worth. I'm a resident at 1390 Ocean Drive, in Miami Beach. I'm also a cofounder of the Friends of Marine Stadium. I think I won the trifecta today. Becky Roper Matkov can't make it. (UNINTELLIGIBLE) Candela and George Hernandez are both sick. So I'm going to really have to carry on for them. I'd like to go through first George Hernandez's remarks. And really, both of us stick close to the purview of the Marine Stadium because there are about 900 people on our e-mail list and we really only believe that we really can talk about those issues. And by the way, for anybody at home who would like to find out

more about the Marine Stadium, go to www.marinestadium.org [sic] and sign up for the e-mail list. George's comments are as follows. First, we really appreciate the Administration not pursuing any appeal on the historic designation of the Marine Stadium and basin. It's very important to us. We very much appreciate it. George believes -- and I certainly agree -- that the new plan is really much improved. We do have several concerns. We're not aware of the height and the massing of the buildings. The zoning -- the underlying zoning appears to allow a lot more than what's there. We believe that parking may be accommodated with environmentally-sensitive surface lots. The student study last year showed that, in general, I think a pause may be reasonable. We've made some good progress but, as a practical matter, in a month there's going to be a new Administration and a new Commission, and I think it's really only fair to give them some leeway to carry on that process. I'd like to make my remarks now. Just to give you a little sense of where our group is headed because a plan is a plan. We've talked vaguely about the Marine Stadium. You should understand where we are. The first document we've got is the last page of the engineering study that the City did in 1993 on the Marine Stadium to document the nature of the repairs and the costs for those repairs after Hurricane Andrew. I'm going to read to you the last sentence of that study. We've determined no direct relationship between the need for any of the above repairs and the occurrence of Hurricane Andrew. Hurricane Andrew never damaged the stadium. It just shows it's amazing how myths seem to develop. The City did an engineering study last year on the stadium and they specified a very broad range of concrete restoration costs, really anywhere from 5 to \$17 million. As you may know, we've just funded a (UNINTELLIGIBLE) study led for us by the World Monuments Fund, which really is going to document the nature of those concrete costs. No City money was used. It's a coalition of national and local organizations. The fieldwork was done for it last week. Ironically, without knowing it, World Monuments Fund recommended we use Simpson, Gumpertz and Heger, which turns out to have been the same engineering firm that studied the stadium 17 years ago. In fact, the same project manager, Michael Braynard (phonetic) followed through and he -- he's a lot more senior now, but he's involved in that. We hope to have the results in a couple of months. One issue that always comes up is, well, when are you going to use the stadium? What are you going to do with it? The next page shows a list of 24 promoters and event organizations who've expressed strong interest in using the stadium. We've spent a lot of time really researching this. You can see many letters of support from these folks on our Website. Many of them spoke in January. Personally, I've spoken to too many smart people, experienced organizations who do this kind of thing for a living not to think that the stadium has a marvelous future. Not only does this help us kind of scope out feasibility, but it really helps us for what's down the road because, at a certain point, the City is going to issue some sort of RFP for, perhaps, management of the Marine Stadium. We're now in a position to sit down with the management entities. And there're not many groups that are capable of managing a unique facility like this and really helping to show them a business model of how they can be successful and acquaint them with some of the exciting opportunities that I am sure they are not aware of. These are events that could all go on tomorrow if the stadium were renovated, but I'd like to just let you dream a little bit. Go to the next page. We've looked for models for this facility and it's very hard to find anything. The closest we've found is a facility that was just built in Singapore. It's a public facility by a bay, and if you look at the floating stage, it might strike you that the floating stage is a soccer field. That's right. They built a temporary soccer field. And if that doesn't give you any idea of what could go on here, it certainly is exciting. But there are other very exciting things that could happen without a temporary soccer field. The city of Vancouver has a marvelously successful series, fireworks, live classical music, synchronized fireworks to the music. Teams come from all over the world. Red Bull Airways, a wonderful race that's been going around. It's an air race in eight cities around the world. They looked at Miami. The shipping lanes make those many places difficult. This could be -- Cirque du Soleil, their best show is a show called O, a water show in Las Vegas. What could they do here? This is just to let you think that -- if you think of something like South Beach Food & Wine Festival, that is a site-specific event that could only happen on Ocean Drive that has significant economic consequences for this community. That is the potential for this stadium. One other issue I'd like to deal with is financing. We all know that financing is hard

and our group realizes that the more non-City sources of funding that we can provide, the better. One thing we've looked at is tax credits. Some people have said you can't use tax credits; it's City-owned property. Actually, you can if you set up a couple of subsidiaries. That next thing is a chart put together for us by NTCIC, which is --

Vice Chair Spence-Jones: In closing.

Mr. Worth: Can you please give me two more minutes? I'd really appreciate it.

Vice Chair Spence-Jones: Is somebody going to donate their two minutes to you?

Mr. Worth: Leslie did. Leslie signed up and she donated --

Vice Chair Spence-Jones: Okay.

Mr. Worth: --for me. Thank you.

Vice Chair Spence-Jones: All right.

Mr. Worth: Okay. I'll be quick. Thank you. But -- and then a second letter from (UNINTELLIGIBLE) Associates, which did the tax credit study on Orange -- on the Orange Bowl as well. The point of all of this is to let you know that we are not just advocates for the stadium. We're seriously trying to figure out how this thing is going to work, and we're looking very hard at all of the operational problems and we want to be a partner with the City in doing that. This is very tricky. You're not going to be able to issue an RFP to an organization that will both manage and finance the stadium. We're going to need to be involved. We're not interested in a monument. We're not interested in failure. We're going to keep working. What we're looking for you for right now is not money. You may not have it, and if we ask you for it, you're probably tired of having people ask you for it. What we want from you is leadership, to understand the value that this place could be and kind of use the bully pulpit to say that what we've heard for years, oh, the City doesn't want the stadium. They've got developers. This whole thing has been under a cloud for a long time. We'd like you to say the goal here is to restore the stadium for its uses. We'll work with our group and other interested parties to lead to the solution of those problems, and if you're a developer looking for a large parcel on the waterfront, you really need to look elsewhere and you're going to need to give us time. We've got a big hole to dig ourselves out from with the restoration costs, but we're really determined to work with you. Just in closing, I'd like to say when I look at this, I think you could probably make an equivalent to Ocean Drive, which for many years was nothing but a bunch of decrepit hotels that were outmoded, didn't work. Any consultant who would have been called in to do an RFP would have said knock 'em down. You know what happened. They got reinvented. This is the opportunity we have right now, to reinvent. So I'm asking you not just to do the RFPs. You'll do that. And we're going to work on the substantive portions. We're asking you to lead and lead this community and help us restore this facility and we'll work with you. Thank you.

Vice Chair Spence-Jones: Thank you. You're recognized.

Harry Gottlieb: Good afternoon. I'm Harry Gottlieb, at 3173 Shipping Avenue, in Coconut Grove. I'll begin by saying in conclusion -- get that out of the way -- I am against this abomination of a project. I said it when I first saw it several months ago at the Museum of Science. And they've brought it down 25, 30 percent and it's still pretty much of an abomination. And I think most of us want some kind of an eco-friendly project out there that's going to be more natural and that's going to attract people and that's going to attract wildlife. And what we don't want is overdevelopment that we've had in the rest of Miami. We don't understand why, all of a sudden, this project is being pushed down our throats at the eleventh hour, or I should say the eleventh hour and forty-five minutes of this Administration. I think that we need to pause. We

have to look and see what is good about this and what is not so good about this. You have to delay this decision. I don't think -- I would appreciate it very much if you would all vote to delay this decision until we get to review this a little bit further, especially after the new Commissioners and the new Mayor take possession of the Administration. I think that this is a desperate act because we're running out of places to develop or the developers need more things to do because they're not busy enough. And I think that we really need to sit back and pay attention to what the people are saying. And I heard earlier they talked about the charrettes, the difference between the charrettes and the charade (UNINTELLIGIBLE) charade, as in the movie. And I think that this has been a charade. And I really would appreciate it very much if you would all vote this down so we can give it some more time. Thank you.

Vice Chair Spence-Jones: You're recognized.

Stuart Sorg: You wouldn't believe that, but I've been dealing with this thing since 1981. Can you believe that? I brought a seal team down here and we did a cast and recovery in the Marine Stadium. Anyway, my name is Stuart Sorg. I live in Coconut Grove. And I just wanted to say a couple of things. I know you're tired and I am too, but I just wanted -- this Virginia Key has the most incredible natural growing trees and plants and bushes and I just -- it's so impressed with it. Even the signs over there say protect the natural area, and I think that's what we need. All we need to do really is get that place landscaped right now, find some people to do it, and I'd like to recommend somebody to you, Mr. Sarnoff. I'd like to recommend that we form the Virginia Key --

Commissioner Sarnoff: Who sang "YMCA"? I mean, does this not look like the group that sang "YMCA"?

Chair Sanchez: Oh, come on.

Mr. Sorg: You see how long I've been defending your country. I'd like to recommend that it just needs landscaping right now. I'm going to get to my part in just a minute, but I think we ought to form a Virginia Key volunteer taskforce and let's see how many people will turn out and actually do the landscaping on that property over there. We don't need anything else. That's what we need primarily. Remember, also, that the City -- that the Waterfront Board accepted the plan. They didn't approve the plan. We just accepted it so it could be brought to you right now. Let me just get to my three major areas. Jimmy Buffet Marine Stadium, incredible. Don was so right about that. That'll bring people from all over the world when we get this thing. Miami will be known again more than the Marlins and more than the Dolphins. The Marine Stadium will be the place to come to see, so that's a critical thing. The second thing to me is the rowing club. The rowing club has the most incredible potential in the whole world. As you know, recently the New York Times did a story on its front page with Chinese rowers, and the whole story was about rowing as the fastest growing sport in the world. So let's give some strength and some funding to the rowing club. Let's bring some more recognition to our good, great city. The last thing is the marine patrol. I did a plan, which I gave to the consultant. We need to move the marine patrol out of the Miami Yacht Club, put them in the Marine Stadium. Four years ago, Joe Arriola gave me \$650,000 to buy police boats, which we did. You remember that? Where were you? Were you --? You hadn't gotten here, but that's what we did. We got the best police boats in the world. And we --

Commissioner Sarnoff: What'd you do with that money, Pete?

Vice Chair Spence-Jones: That wasn't him, he said.

Mr. Hernandez: We're going to do an audit of Stuart.

Commissioner Sarnoff: Okay.

Mr. Sorg: So where are the police boats? They're over at the Miami Yacht Club. So here's what we need to do. We need to move the -- relocate the marine patrol to the Miami -- to the Marine Stadium basin. Why is that? They'll have direct access up the Miami River. They're five minutes from Coconut Grove. But let me just tell you why that's important. Coconut Grove has now installed 175 managed moorings. A hundred and thirty-five people have already accepted the opportunity to put their boats in the moorings. That means we're creating a marine town facility. We're going to need police presence over there a lot. We need to coordinate the boats with the helicopters. It's a great police opportunity. We cannot blow that. So all I'm saying to you is right now give first choice to moving the marine patrol out of the Miami Yacht Club where they're jammed into these little rooms. The boats are packed around in little parking spaces. Give them the right to move to the Marine Stadium where they practice anyway. Anyway, ladies and gentlemen, thank you very much and remember who defends your country.

Commissioner Sarnoff: The Village People. That's who that was.

Mr. Sorg: Huh?

Commissioner Sarnoff: The Village People.

Mr. Sorg: Exactly.

Commissioner Sarnoff: It looks just like the Village People.

Mr. Sorg: The guy in the middle there ran the -- won the Budweiser -- the Hydroplane Regatta that day for the -- with a boat called Ms. Budweiser.

Vice Chair Spence-Jones: In conclusion. Thank you. Last one. Anybody else?

John Van Leer: Yes. I'm John Van Leer, from 1200 Northeast 89th Street. And I'm teaching at the University of Miami, as I have for 38 years. I sit on the Miami-Dade County Climate Change Taskforce on their Science and Technology Committee. And each time I come up here, I make the same observation, namely, the sea level will rise between three and five feet by the end of the century, and so a lot of the material you guys are thinking about in the way of building infrastructure and retail and all of that stuff, a significant amount of it will be flooded by that time. And so, the city of Amsterdam -- because the Dutch are aware of their vulnerability to sea level rise -- have decided to become carbon neutral. And I've suggested to the Mayor that we make this a solar park with a theme of conserving energy, using solar energy instead of fossil fuel as an example. Instead of making the entire city carbon neutral, as Amsterdam has proposed to do, let's start with a piece of it that's already fairly natural, namely, Virginia Key. We also happen to have a number of laboratories from the University of Miami, NOAA (National Oceanic and Atmospheric Administration) and the MAST Academy, which can support ecological education and also energy conservation education. We have an opportunity to do this right. Solar trims, instead of SUVs (Sports Utility Vehicles). Fitness instead of fatness. Let's encourage exercise, the kind of use that the rowing club gets out of it, the rowers, the kayakers, the dragon boat people, and the bicyclists who are growing. It seems every weekend the number of bicyclists has increased. I've been involved with Virginia Key for a very long time. There are extra lanes on all the bridges because I held out for them during the causeway redesign process and limited the number of opportunities that cars had to hit bicyclists by having a group of stakes installed all along there so they can only get at the bicyclists in a limited number of places. I was on the Property Taxpayers Commission in Key Biscayne before it became its own municipality. We fought a World's Fair that was planned for the area and about a half a dozen other things. So the number of crazy schemes for Virginia Key has been almost without limit since I've been down here 38 years. And so I would appeal to you guys to slow down. We have some really good public input. The charrette that was held on the 26th sponsored by UEL and a

number of other institutions was highly successful. There were a group of people who are really engaged, motivated, and I think the plan has moved towards that concept. I don't think we're ready to shut that planning process off. I think we should keep the people involved. We're just getting up the temperature on this thing. You know, it's time to revisit the system. There's plans for retail space out there. None of the people in any of the charrettes I've been to, the public, actually requested retail space. Somehow it's there. Anyway, I would appeal to you guys, please, please, pretty please, let's save this Key and do it right. Thank you.

Vice Chair Spence-Jones: Thank you. Is the hearing officially closed? Did you --? I thought you donated your two minutes.

Leslie Rivera: I'm sorry?

Vice Chair Spence-Jones: Did you donate your two minutes? I mean, you can come up, but I thought -- Didn't you say she donated --?

Mr. Worth: I did. But she just want to just speak for a second (INAUDIBLE).

Vice Chair Spence-Jones: That's fine. I just know that you pointed to her to say she donated -- but you're more than welcome. Go ahead.

Ms. Rivera: My name is Leslie Rivera, 324 Ridgewood Road, in Coral Gables. I work with Becky Roper Matkov at Dade Heritage Trust. I'll be brief. I'm really here representing Dade Heritage Trust. We, of course, support the Marine Stadium and the future of it. We thank the Commission for all you've done and hope to work with you all in the future. We support the environmentally sensitive areas of Virginia Key and we hope to work with you on that too. Thank you.

Vice Chair Spence-Jones: Thank you. Okay. Any more comments from the audience? Okay, so it officially comes back to the Commission. And I'm going to start with the district Commissioner on this item. I just -- if you don't mind me, I just want to make one little statement. I'll wait.

Commissioner Sarnoff: You know, I guess, as the district Commissioner, I spend a lot of time out at Virginia Key, always have before I became Commissioner, still do to this day; have been a big part of promoting triathlons out there. I've been a big part of getting the bikers out there; have even been privy to the request for the mountain biking trail. And maybe out of respect to this Administration, have not pressed as far and as hard as I should have. But sometimes when I listen to everybody, I think to myself, do they see the same thing I do? 'Cause I go out there -- I saw Rusty Pelican -- and I have had not less than seven meetings with Rusty Pelican, the first one of which I actually asked -- with all due respect to the old man -- I asked him to leave my office when he came with a plan that I thought was horrible. Yet, I'm very well aware of the fact that he has a referendum from the citizens of Miami to remain just where he is. It was my intent, it was my hope and it is still my desire to green the isthmus, or if you will, the peninsula that is so-called Rusty Pelican. If you have seen their phase three, Pete Hernandez endured at least 11 meetings with me, and in phase three, you will find a peninsula that has minor parking and has a great deal of public amenities, public opportunities and greening of that particular facility. If you look at Rickenbacker Marina, we equally are going to green that part of the peninsula, but it can only be done, folks, if you have a parking garage. You cannot take up the blacktop that exists there -- and in case you are wondering, there are 35 acres of blacktop. If you prefer to have outdoor parking, you got what you want. You have no master plan, no reason for it. There you are, all done. You have exactly what you want. But I got to tell you, when I go out to Virginia Key, I look out there and I say to myself, who is the Commissioner of this -- I usually say a bad word -- place? And I'm always embarrassed to say, oh, that's right, it's me. And I'm always embarrassed to think people are really going to think this is my district, this is the best I can do for them. And what a shame that that's -- I am the Commissioner of Virginia Key. What

an embarrassment that I am the Commissioner of Virginia Key. And I really feel that way. And yet, there are a great many opportunities out of Virginia Key, and I think you have to understand that you have to look at it separately and differently. I absolutely agree with the sentiment on the North Point. The North Point of Virginia Key, when I looked at the plan, I thought to myself, I've been out there many times. I've been out there many times on a bicycle. Have you ever smelt what that water treatment facility smells like? Have you ever seen when their little perfume thing goes down or what it really is like out there? Folks, you ain't never going to put nothing nice out there 'cause, trust me, what looks good on paper, go out there practically and see what it is. Only a mountain biker will go to the North Point, get dirty, grungy and really won't care. And he really won't care. Whether you have the successful opportunity of putting a ramp out there -- you know, my experience with government and Gary Milano is he usually tends to know what he's talking about. Gary Milano is a pretty capable guy, and we probably have to take a lot of guidance from him. You're probably not going to have the opportunity for a ramp access for power boating on the North Point for probably a host of many, many reasons. And you think about this, the landfill, this -- by the way, it is estimated -- if you research it, there should be three bodies in there. Three human carcasses should be in there. There should equally be a bulldozer which fell in. I think it was 1977. And you equally should have four vehicles in there. And we allow it to go on and on and on and on. And I'm the Commissioner of that place. I don't usually say place. And I think to myself there's \$45 million of County money that has been appropriated, yet not spent. I'm told most of the time it's adequate amount of money to do what they call -- Pete Hernandez likes to call it a Chevy plus remediation. And I think to myself, in the financial condition that we're in and where we sit today, we're going to allow the County to hold on to that \$45 million for how much longer? How many Commissioners here were approached to defund the CRAs (Community Redevelopment Agencies) and take their money back? So let's let 'em hold it a little longer 'cause Miami is very good and we're very successful at doing what? Nothing. We're great at doing nothing. Sitting in my office is a photograph given to me by Spillis Candela, one of the most interesting photographs I have ever seen, and that is of Marine Stadium today and the condition it's in -- and the City Manager knows exactly where he has to sit, directly across from it. And we always say to him what? Demolition by neglect. And he knows it, and he's got to sit there. And at one point in every meeting, we look up to him and he goes, I know, Commissioner. Demolition by neglect. Now I don't know that Marine Stadium works or doesn't work. I know that everybody out there is getting longer in the tooth, as I am myself. And we all suffer from auld lang syne. And if, in fact, Jimmy Buffet comes out there and we fill the stadium, I only ask one consideration. Let me have the Niagara concession. I don't know if it works. I really, truly don't. I hope it works 'cause I would love to see Marine Stadium come back. I don't know if children today, kids today, teenagers today could eat a Kit Kat bar, go outside without air conditioning and watch an event. 'Cause it seems to me they like to go in an electronic format, in air conditioning with very big, cushy chairs and enjoy themselves. They didn't grow up like we grew up. Whether it works or not, I certainly hope it works. It is an iconic structure, and that's the point here. The point is you want to preserve the iconic structure. You want to preserve the roof. What use that roof will be attached to -- what you do is you do RFLIs, requests for letters of intent. You work together, then you come up with an RFP, and you'll find out what it is -- what it can and can't be done out there. I can tell you this. If you're going to park Marine Stadium, you have a choice. You could leave the (UNINTELLIGIBLE) concrete -- that's not concrete, I apologize -- asphalt and moon landing, lunar landing it looks like out there or you could put a parking garage out there. And you could green it. Would that be smart? That's what this district Commissioner intends on doing. And listen carefully 'cause that is what I intend on doing. Simply put, outdoor parking is not attractive, is not productive, and should not be part of a park like that. You have to put a parking garage there. What size that parking garage is, I concede that. It shouldn't be higher than any other structure that exists out there. It shouldn't interfere with the beautiful entrance of what could be a marine stadium. Almost everything the Waterfront Board said here is a fair and accurate statement as to what should happen. Now, you know, as master plans go, I always wonder -- and I mean this respectfully to this Commission -- what value they have. I -- 'cause when I got here and the Sasaki water -- master plan was put up there, someone said to me, that's the 17th master plan

that'll go up on somebody's shelf. So I always wonder what we're fighting over. And I almost sometimes don't know what we're fighting over. Because the end of the day -- we started out this Commission meeting today being criticized for allowing 83 people from the City of Miami to be fired. And if you don't start utilizing all opportunities from the City of Miami, more people next year will be fired. That's an assurance. I can guarantee you. Unless you take in more revenue, more people will be fired. On the other hand, you say to yourself, you've got to make an investment in this. With what? How? It's not going to come from general fund dollars. It's not going to happen via general fund dollars. Some of you say there can be no facilities at Virginia Key Trust Beach, and how do you expect them to survive? Under what certain circumstance do you expect them to generate revenue? How -- do you think it's going to be from the general fund? It is not. You're not going to fire a police officer. You're not going to fire a Fire-Rescue personnel, and you're probably not going to fire an AFSCME (American Federal, State, County, and Municipal Employees) person or three or four of them to somehow start coming from the general fund. This Commission needs to think outside of the box. This Commission needs to find alternate ways of funding the things that you absolutely deserve in a park that is truly a treasure. And folks, there is enough room out there for everyone to fit, believe it or not. You can all have your fiefdoms and you can all claim whatever it is you think you need to claim and there's plenty of room for everyone to have pretty much what they want. I will concede one thing. This is probably rushed, truthfully. This one probably got done a little too soon. So I'm going to make an interesting motion, and I hope that it will be endorsed. First, the easy part. I'm going to move to allow a 7.5-acre mountain bike facility immediately to be allowed to start up at the North Point.

Chair Sanchez: Second.

Commissioner Sarnoff: All right. I'm going to move to -- I'm going to move with the City Manager to start working and start creating the landfill remediation to utilize the \$45 million from the County now so that money doesn't get lost in somebody's budget process.

Chair Sanchez: Second.

Commissioner Sarnoff: I'm equally going to move to defer the rest of the master plan until the first meeting in May 2010 so that you now have a date and you now have a time to do whatever it is you think you need to do with EDSA. I have no idea whether EDSA will or will not meet with you. I have no idea whether EDSA has any money left in its previous contract. But you know what, that's the date. May 2010, you're going to have a master plan. Maybe it'll be UEL's, maybe it will be EDSA's, and maybe it will be a hybrid plan. But listen to what I'm saying. Everybody needs to give a little. It's a hybrid world out there. For all you black and whitists, this and thatists, must be and must not bes, try a little compromise. Try to think of your fellow man next to you. Try to think about what he wants and needs out of this huge landmass, Virginia Key. There is plenty to go around for everyone. That's my motions.

Vice Chair Spence-Jones: We --

Chair Sanchez: All right.

Vice Chair Spence-Jones: -- so we had two motions, correct?

Chair Sanchez: Yeah. You could combine them. They're both --

Vice Chair Spence-Jones: All right. I want to add on to that, but I'm going to actually defer to Commissioner Regalado. He had some comments he'd like to make.

Commissioner Regalado: Thank you, Madam Chair. I was just remembering when a few hours ago -- few minutes, we did the Rusty Pelican lease. It was November 2003. There were three

items in the ballot. It was called three items of good government. It was the lease for the Rusty Pelican, which will bring to the City new revenue. It was the parking surcharge and the salary of the Commissioners. That was 2003. What the contract called was what we got today. For us now, a huge jump in the rent that they pay to the City. And yet, it was delayed almost six years because there was negotiations and now it's a better deal for the City of Miami. So finally, we did it, six years. Now they going to tell us, the Administration and the planners, we had had already 158 public meetings and we need to move this planning. Exactly what they say with Miami 21. We had already so many public meetings, but the fact is that this afternoon, the Administration had been batting zero, zero hits, zero runs because all of the people that spoke have requested some kind of time pause to keep working at making it a better plan. I agree with Commissioner Sarnoff. I think it's very intelligent to start the process of cleaning, although I'm not very optimist about that. I mean, those spray things are not remedying the situation there. But that, we need to do. That we need to do. And the County needs to do because day after day there are complaints from the wealthiest area in the United States, which is Fisher Island, right across the landfill. And when the wind changes, they don't like what they smell. So being the wealthiest community in the United States, these people have clout, and I'm sure that the County will probably start doing something. I agree with that. Bicycling -- I agree with your other proposal because the bicycling community will build that. It is something that they do throughout the United States and it -- they will do it. There will be people in line to get this done. I don't agree with you on the Marine Stadium. I think that the Marine Stadium will be, when it's repaired, one of the biggest hit that we have in South Florida for several reason. Number one, we saw how you, as Chair, and the past Chair, moved with a contract of Live Nation for the Bayfront Park. And what we had in Bayfront Park and what we have and will have is an open theater, no air condition, no roof. And yet, Live Nation, which is the biggest promotion company in the world, wanted to tap into this because they saw the success of the different festivals, thousands of thousands of persons. I will tell you that if we have a Trust and a management company, the Marine Stadium will be book for more than 70 or 80 or 90 events a year, while we have the Gusman; only 17 a year. I just think that we need to do this in the order of what we can do, what we can achieve without money. I just want to read something, if you allow me, from a person that I met when EDSA, on the first draft, decided that the Marine Stadium should be demolished. And I even spoke to the Manager. It would be expensive to repair. It's impossible. The structure, it's totally destroyed. And then (UNINTELLIGIBLE) Candela came to my office and he said, look, I heard this, and what can we do? And then Don Worth and then all the people -- and (UNINTELLIGIBLE) Candela was able to bring people to do an inspection, and they found that it was safe; that the inspection that the City had done, or the analysis, was wrong, at best. They made a mistake, let's think, in good faith. The Rusty Pelican wasn't in the first draft. There were grandiose plans to do a huge marina and all that and build the whole thing. So (UNINTELLIGIBLE) Candela has sent this. As a member of the board of Dade Heritage Trust and as a founding member of the Friends of the Marine Stadium, as well as the architect of this landmark facility, I would like to express my appreciation for the work of the City of Miami and its consultant in producing the current revised plans for Virginia Key master plan, including the Marine Stadium and its adjacent land. It is a plan in the right direction, but it's just that, a head start, again, in the right direction. I wish to go on the record before this Board that there is a very large amount of information that has been researched, gathered, and studied by community groups over a period of over one year with the sole intention to help the City achieve the best for our community. What (UNINTELLIGIBLE) Candela is asking is to -- for the City to take a pause. And I know that we -- what we are pushing here today is just a headline in tomorrow's paper. Nothing is going to change. Just, you know, the (UNINTELLIGIBLE) for the Diaz Administration, all the vision complete, but no one is going to deny in the future that Mayor Diaz wanted to push this. No one. I mean, people forget, but not that soon. So what they're trying for us to do is just to facilitate a headline in tomorrow's paper because everything is going to be the same. I really agree with Commissioner Sarnoff that we should move forward with the remedy of the land and that we should start the process of the bicycle because that would be something that will send a message that the place will be taken care of. I just -- I was thinking as I was watching all of you and watching the

EDSA plan. I was thinking, what would Teddy Roosevelt say about this plan from EDSA and the City of Miami in Virginia Key? You know, he would say, look, fellows, if you want to make money, do not develop the place because more tourism will come and more bicycles will come and more people, more photographers, more shootings for pictures and magazines will come because there is nothing else around here. So I just wanted to say that I want to thank the Urban League because they did do a lot of work. And hopefully, the Administration will listen. Hopefully, we will try to incorporate some or most and sort of clarify the confusion because the plan that we are looking at says something and Miami 21 says another thing about the development there. Probably they just drew a line -- a direct line. So the only thing that I could support is what Commissioner Sarnoff has just proffered. I cannot support to approve this plan now, although it's a step in the right direction. But I think that by May of next year, we should have a perfect and detailed plan and maybe we can probably be witness of the first step for the reconstruction of the Marine Stadium and the bike project. Thank you.

Commissioner Sarnoff: Commissioner, just to clarify, I moved to defer this --

Vice Chair Spence-Jones: Yeah.

Commissioner Sarnoff: -- until the first meeting in May 2010 so that they could continue to work together.

Commissioner Regalado: Right. Yeah.

Vice Chair Spence-Jones: Yeah.

Commissioner Sarnoff: Okay. I didn't move to approve this.

Vice Chair Spence-Jones: No.

Commissioner Regalado: No, no, no, no. I understand that.

Vice Chair Spence-Jones: No, he got it. He understood it.

Commissioner Regalado: No. I said that I totally agree with you that we should move with the remedy of the land, but I could only support your deferral -- that the only thing that I would support will be your motion of deferral.

Commissioner Sarnoff: Okay.

Commissioner Regalado: I cannot approve this. If somebody wants to bring it for a vote now, I'll just vote no and they will keep saying that I vote no for always. But the fact is that we need to take a pause and look at this. Basically, history will judge what we did with this and it's important to get it right. Thank you.

Vice Chair Spence-Jones: Thank you, Commissioner Regalado. Commissioner Sanchez, you have comments?

Chair Sanchez: Thank you, Madam Chair. I think this is the right thing to do. I got to say that we can make it work. I think that we have made progress. You know, I remember the first time that this plan came to us. I mean, if there's one thing that we agree is that the -- ecologically, that is a rich island with a lot of ecology and we have to make sure that we protect that. The first plan that came to us, as you all are aware, it made sense for us to withdraw the item, the original blueprint that was in front of us. In my opinion and in many people's opinion, it was just overstuffed and ecologically insensitive to the area. And through the process, we've been able to work with all the groups -- and you have to understand there's a lot of people involved in this

process and, you know, at times, you've got to give a little and you've got to take a little. And you know, the one thing that I was glad to see was the reduction of concrete, and especially, asphalt in that area and especially those monster -- you know, those large parking garages that were in front of Marine Stadium. That was just not a good site. It really -- like it hid the treasure that was there, which is Marine Stadium. Now let's talk about what we've been able to accomplish here and how we made it work. First of all, we were able to save Marine Stadium. I think we all agree on that and we're making progress in that -- in the whole concept. Now if you look at -- I think that how it's designed right now, you have 96 percent of open space. You have 2 percent existing structure and 2 percent of new structure that'll be going on in the -- so I look at it and I say to myself, you know, we have done what we need to do, which is to protect the open space and to make something out there that we could all be very proud of and basically, not something that clutters the public-owned island with buildings and asphalt and parking garages. Now having said that, I think the steps that we're making today here are the correct ones. One, we've directed, through a motion, the Administration to get going on the things that I think are going to put us on the map. They are things that don't cost us any money and going to be providing an entertainment to people that will be attending Virginia Key and seeing it for themselves if they have not been out there. That's the bicycle -- the mountain bike course. Yes, ladies and gentlemen, it is very popular. Lolita [sic] State Park is popular for it, and if you go throughout state parks, riding mountain bikes have become something that's very popular. So we're going to be getting people to go out there and at least visit the area that have never visited, so they'll get educated on the issue. Now the Waterfront Advisory Board made some recommendations that I think are excellent recommendations. I would like to take the BMX out of that because there's two different -- they're totally different. BMX is competitive bicycle racing. That's where, you know, kids go out there and they put helmets and they have a track and they run around the track. The mountain bike is a more passive, you know, bike trail where you ride your bike. You're not racing anybody. You're just out there having a good time. I think that that fits more of what we want to accomplish out there. Now out of all the conditions that they put out there, I think I would want to amend that -- be one of them. I would like to add a camping site, and I'll tell you why. I have children, and when I want to go camping with my kids, guess where I -- Well, it's not in there, is it? Oh, it is in there. Oh, I apologize. I thought that it wasn't in there. Okay, well, I'm glad to see that. Because, you know, when I want to take my kids camping, guess where I have to go? Either up north or down south to the Keys to take my kids camping. And if we want to accomplish what we want to accomplish here at Virginia Key is that we're going to have an area that basically you have nature welcoming urbanism, where you could be able to get in a water taxi, which is one of the forms of transportation that we need to look into and have people go out there in a water taxi, not use their cars or ride their bikes out there and really experience what we have not been able to experience ever here, which is a green, open space, big park, which cannot be a Central Park because it's not in the central [sic] of the city, but it could be our signature park showcasing Miami's great opportunity. Also, ladies and gentlemen, we're going to make such great advancements, going from a city that did not have enough green space to one of the cities that will have adequate green space throughout the city. So I just wanted to put that in there. And you know, we talk about who's going to be here and who's not going to be here. I certainly hope that whoever is here and making these decisions realize that the great potential that we have to move this city forward by having a vision is to do what's right out there. And I think if we continue to work together and compromise, we could do it. But let's take something into consideration here, that is, the fiscal responsibility that we have. I think by working together, we must make that island -- And look, I don't want to put a hotel out there. I want to make sure that it's very limited as to anything that's out there in retail. But we got to think about this. We've got to make sure that that area is self-sustained, that it creates a tax base, that, you know, we don't have dip into the reserves or we won't have to raise taxes. It could be done with a minimal impact as to having any overdevelopment out there. I don't think anybody wants more concrete and more hotels. Nobody wants that out there. But we've got to make sure that we have a plan so we could be able to bring some money into the area to be able to pay for the expenses that that area is going to bring. We need to think that way, taking into consideration that once we work together -- and

we may agree to disagree -- at the end of the day, I think we could accomplish what was set out that we could make it work. So whoever's here, whether it's -- whoever the Mayor may be or whoever the Commissioners may be, I hope they have a vision for this city, and I think we're doing the right thing by allowing us to go to May -- is it May, Commissioner, where you want to bring this back? It gives the new elected officials an opportunity to know, get educated on the issue and have an opportunity to meet with the organizations and bring out and support this plan. But I really support this plan. I think we're moving forward and I think with -- giving it a little bit more time, I think that we could, you know, gap the differences that we have, and we could build something out there that we could all be very proud of and, of course, something that's ecologically sensitive to our community.

Vice Chair Spence-Jones: Thank you, Mr. Chairman. I'm not going to say that much more. I mean, basically, the three of you guys have already said more than enough. I just want to, perhaps, add on to what we've heard today. From what I'm understanding, Madam City Attorney, or gathering, at this point we are deferring the master plan until May 2010 to allow more community input. Because what I've heard today is that the community would like to see more input, and I guess that's what we're getting today. I want to just be very clear that's what I'm hearing, correct? Okay. So I think that was going to be my feeling on the whole thing after listening to everyone and then even listening to people that are on the actual team not feeling comfortable with the plan and it being ready. So I am in total agreement with waiting on that. I would like to add, however, there -- I know Commissioner Sarnoff -- this falls within his district, but of course, you know, this beach is for the whole entire city -- or the area is for the whole entire city. You added two additional motions -- and I'm assuming you added those two additional motions to at least get something started on the island, correct?

Commissioner Sarnoff: Correct.

Vice Chair Spence-Jones: And I just want to be clear, Madam City Attorney, 'cause I'd like to add onto that an additional motion, so there'll be three motions, but I want to be very clear about the two that he's asked for.

Ms. Bru: Yes. There were directions to the Manager to start implementing certain projects.

Vice Chair Spence-Jones: Okay. Can I -- can we hear what the two --? So -- 'cause I want them to also be clear of what the two --

Commissioner Sarnoff: It's move to allow a 7.5-acre mountain bike facility on the North Point. The second was move forward with the capping of the landfill of the 116-acre brownfield.

Chair Sanchez: Which is 45 million, correct?

Commissioner Sarnoff: Correct, \$45 million.

Vice Chair Spence-Jones: Okay. So we got that. What I would like to add -- of course, you know, I sit here serving more than one function and the function that I want to speak on this behalf is sitting here as a young African-American woman that understood how important or how significant the beach meant to many African Americans in this city. And I've heard both viewpoints, and I thank Mr. Bush and the whole entire team of folks that have come out to support the black beach in a very big kind of way. That -- so that's -- and that's good to see people unified on this issue. It doesn't matter what color you are when it comes to the issue. It's that it should be respected and it should be valued. I, however, understand just based upon -- and Mr. Tinnie, you know, you always been in the fight and in the struggle to make sure that we don't ever forget, even for my babies' babies, that we never forget. I just want to make sure that in the midst of all of this -- we've seen in the last budget hearing how we went from having money to operate a museum or to build a museum to not having the resources to operate period.

And whether or not we support it as a body, there's another group that may come up here that you may not have that kind of support, and I do not want us to ever be in a situation when it comes to this particular beach where we're struggling to survive or we build the operation or build the building, the civil rights museum and not have the funds to operate it. I've been saying this for three years sitting up here, three and a half years. What is the revenue-generating plan or opportunities that are going to be put in place to make sure that we don't build this beautiful building, like I have in the heart of Overtown, which is the Lyric Theater, and you know this, we all know this, that is only operating maybe, what, two months out a whole entire year because they don't have the resources to sustain themselves. I don't want this beach or the civil rights museum -- it's too important to not have the resources necessary in order for that to happen. So what I'd like to add a motion to -- and I understand that I've already talked -- I spoke to the Chairman and he's comfortable with it, and I already spoke to the Manager and he's comfortable with it, so I just want to make sure that I'm clear -- is that my motion will include making sure that the Virginia Key Beach Trust has the flexibility in its efforts to construct, operate or maintain the proposed civil rights museum complex and any other facilities that they deem are necessary in order for the museum to survive. Now I'm glad that Commissioner Sarnoff has now added the May timeframe because a part of that, I think, was missing in this whole community vetting process is that I don't ever recall the African-American community ever being called for a special meeting to address the issue of the black beach. And I've heard it from all these different other groups that -- and it's -- and I respect it, but the reality is, if you're talking about preserving culture and history and what the beach meant, then every organization that has some sort of ties to the African-American experience should have been included somehow. I was told that it was not. So since we have more time, I would like for the Administration to definitely ask -- as we begin to expand on this overall plan, that we have some sort of community charrette that includes every single black organization that has had some sort of significance to the City of Miami and Miami-Dade County 'cause we all use -- our family's families all use this beach, to actually participate in the process so that at least there is inclusion from all different perspectives. And then last but not least, I would like to make sure -- I know that there's an issue on the \$15 million that have already been set aside for the building of the museum that's being held up in the County. Is that correct? At this point, the money's not moving, the project's not moving, all of those things. And I think the reason why the project is not moving is because the County's now saying that you have to have an operational plan in place to make sure that you're able to maintain the building before you build it. Is that correct, Mr. Manager?

Mr. Hernandez: Well, the County does have 15 million allocated for the project. However, if the City was to accept those funds at this point, the City would have to be responsible for the operation and maintenance. So it behooves us to be sure that we have a project that is sustainable --

Vice Chair Spence-Jones: Okay.

Mr. Hernandez: -- before we accept it.

Vice Chair Spence-Jones: But I guess that kind of went around -- the County still does have the \$15 million set aside?

Mr. Hernandez: I believe they do.

Vice Chair Spence-Jones: In the GOB (General Obligation Bond), correct?

Mr. Hernandez: Yes.

Vice Chair Spence-Jones: Virginia Key Beach. At this point, I'm being told that they will not allow for the project to move ahead because there's no operational plan in order to maintain and operate the overall museum. Is that correct?

Mr. Hernandez: Well, I think the County would give us the money if the City is willing to accept the responsibility for the operation and maintenance of the buildings. So unless we have a plan -

Vice Chair Spence-Jones: But that's what I just said, Mr. Manager.

Mr. Hernandez: -- that is sustainable --

Vice Chair Spence-Jones: I just said the same thing. I'm saying the County's not going to give us the \$15 million unless we have a operational plan for the museum, correct?

Mr. Hernandez: Unless we're willing to take that responsibility.

Vice Chair Spence-Jones: Right. You're saying you're willing to take it or Virginia Key Beach is willing to take it?

Mr. Hernandez: Well --

Vice Chair Spence-Jones: It's the same entity.

Mr. Hernandez: -- the -- I think the City would have to be able to accept it because the County's dealing with the City. The County will be holding us responsible.

Vice Chair Spence-Jones: Okay. So I'm just asking, in closing, in order for us to fast-track the building of the museum, I'm asking that the Manager, along with the Trust and any of the other entities that we have within the City Administration, to work on creating a revenue-generating plan so that we don't have the money sitting over there in the County and the project not move. Just as my fellow colleague wants to see the bicycles ride up and down and the \$45 million get moved and projects happening, I want to see, you know, the \$15 million get moved so that we can continue to, you know, at least build this civil rights museum. I want to see the same energy in trying to make those two things happen as well.

Mr. Hernandez: Commissioner, that will be plan of the -- part of the remaining work that has to be done. That will be brought back when the master plan comes back. Although, I think that we need to have ideas flushed out and discussed well in advance so when we get to that time in May of 2010, that we're ready with a plan that includes this.

Vice Chair Spence-Jones: So I just wanted to make sure that the Trust, the Chairman is very clear of the direction so that they're not feeling as though they're being held up for any other reason and that we move in that direction. I would like to ask my fellow colleague -- even though I know that it's within his district -- I would like to take leadership in working with the Trust, if you don't mind, and the African-American community to at least come up or work with the Administration and EDSA -- is that it? -- to really vet it out within the community to make sure that there's full participation regarding this project. So I would -- if you don't mind, I'd like to work along with them in doing that and helping them put together a plan so that we can actually get the museum moving.

Commissioner Sarnoff: Maker of the motion is okay with that amendment --

Vice Chair Spence-Jones: Okay.

Commissioner Sarnoff: -- and certainly with the spirit in which it's offered.

Vice Chair Spence-Jones: Thank you. All right, so with that being said, we are -- Mr. Manager

got his hand up. That means he's not --

Mr. Hernandez: Thirty -- no, 30 seconds. It's just that I wanted to clarify for the record that with respect to the landfill project, we do have an RFP right now on the street to be able to complete the site assessment report and the remedial plan and the implementation. And so we'll be knowing very soon, you know, how the market reacts and the industry reacts to our RFP and our ability to be able to have a project that would be acceptable to the County and would be also within the monies that are allocated. And we'll be keeping this Commission abreast --

Commissioner Sarnoff: Yeah. You're just --

Mr. Hernandez: -- of those developments.

Commissioner Sarnoff: -- advising us where you stand. I got it.

Vice Chair Spence-Jones: Okay.

Mr. Hernandez: Yes.

Commissioner Sarnoff: I wasn't aware of that, but thank you.

Vice Chair Spence-Jones: Okay, so -- and if I can, Mr. Manager, is there anything else you want to add? Bill has something.

Mr. Hernandez: No. I just wanted to clarify because, you know, his motion, you know, dealt with the landfill and the landfill is moving independently as the highest priority of anything in Virginia Key now that we have the Rusty Pelican agreement done.

Commissioner Sarnoff: Okay.

Vice Chair Spence-Jones: And Mr. Manager, if you can -- if you don't mind, I would like to ask that you appoint maybe perhaps CIP (Capital Improvements Program) along with your economic initiatives group, to work along with my office and Virginia Key Beach to begin immediately on this issue. I'm very concerned --

Mr. Hernandez: Not a problem.

Vice Chair Spence-Jones: -- that that money's sitting --

Mr. Hernandez: We'll be --

Vice Chair Spence-Jones: -- there and nothing's happening with it.

Mr. Hernandez: -- glad to do that.

Vice Chair Spence-Jones: Okay. Thank you.

Priscilla A. Thompson (City Clerk): Before we move on, Commissioners, we have either three or four motions on --

Commissioner Sarnoff: You have --

Ms. Thompson: -- the table. Just bear --

Commissioner Sarnoff: -- four motions. I can name them, if you'd like.

Ms. Thompson: Just one second. Two of which do not have seconds, so --

Vice Chair Spence-Jones: Okay.

Chair Sanchez: His motions have seconds. Her motions don't have seconds.

Vice Chair Spence-Jones: Okay. Can I --?

Commissioner Sarnoff: And I --

Ms. Thompson: The one --

Commissioner Sarnoff: -- accepted hers as an amendment, so if my seconder accepts the amendment --

Chair Sanchez: Yes.

Commissioner Sarnoff: -- we're okay.

Ms. Thompson: Okay, so we're going to combine the motion that Vice Chair put on the table, her motion, with yours.

Commissioner Sarnoff: Correct.

Ms. Thompson: So that one we will not have to deal with. Is that what you're saying?

Chair Sanchez: Yes. We're combining all four motions into one. He made the motion, I second it. As a seconder, I accept the amendments.

Ms. Thompson: Thank you.

Vice Chair Spence-Jones: Okay.

Commissioner Sarnoff: That's it.

Vice Chair Spence-Jones: And at this --

Commissioner Regalado: Now -- and now I will second the motion to defer --

Vice Chair Spence-Jones: To defer, okay.

Commissioner Regalado: -- the master plan until May 2010.

Chair Sanchez: Wait, wait, wait.

Vice Chair Spence-Jones: Okay.

Chair Sanchez: You got to vote one at a time.

Vice Chair Spence-Jones: He just did. You voted -- you've -- to defer the item.

Commissioner Sarnoff: No. We didn't vote, but there are four motions pending.

Vice Chair Spence-Jones: We just did those.

Commissioner Regalado: No, we haven't voted.

Commissioner Sarnoff: We haven't voted yet.

Vice Chair Spence-Jones: Okay.

Ms. Thompson: No.

Commissioner Sarnoff: Now, if you want to call the question --

Vice Chair Spence-Jones: All in favor?

The Commission (Collectively): Aye.

Chair Sanchez: But that's on his four motions that he accepted as one.

Commissioner Regalado: Now on the deferral.

Chair Sanchez: Now we need a motion to defer.

Ms. Thompson: One of the motions --

Commissioner Sarnoff: Was to defer, correct.

Chair Sanchez: All right.

Commissioner Sarnoff: There were three motions altogether --

Chair Sanchez: All right.

Commissioner Sarnoff: -- dealing substantive issues. The motion to defer was incorporated. We're done.

Chair Sanchez: No. We need a motion to defer.

Commissioner Sarnoff: We -- that was the motion.

Vice Chair Spence-Jones: I just want to make sure all of my items, Madam Clerk, was included, those three -- those two that I asked for.

Ms. Thompson: I think what you need to do to make sure that your record is correct, you should combine your substantive items in one motion --

Vice Chair Spence-Jones: Right.

Ms. Thompson: -- and have a separate motion to defer.

Chair Sanchez: To defer.

Vice Chair Spence-Jones: Yes. I agree.

Chair Sanchez: So on the sec -- on the separate motion to defer, I would make a motion to defer.

Commissioner Sarnoff: Second.

Vice Chair Spence-Jones: All in favor?

The Commission (Collectively): Aye.

Vice Chair Spence-Jones: This item --

Chair Sanchez: Now you have a clear record.

Vice Chair Spence-Jones: -- passes.

Chair Sanchez: All right.

Commissioner Sarnoff: That'd be the first meeting in May 2010.

Chair Sanchez: Okay. Ladies and gentlemen, thank you. All right.

Applause.

Chair Sanchez: Careful driving home.

PZ.2 09-00927zt

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 9, BY ADDING A NEW SECTION 921 ENTITLED "BICYCLE PARKING", TO PROVIDE BICYCLE PARKING FACILITIES; SUBJECT TO LIMITATIONS AS SET FORTH; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

09-00927zt PAB Reso.pdf

09-00927zt CC Legislation (Version 5).pdf

09-00927zt CC SR 10-22-09 Fact Sheet.pdf

LOCATION: Citywide

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to the City Commission on September 16, 2009 by a vote of 7-0.

PURPOSE: This will include off-street enclosed bicycle parking requirements for new developments with limitations.

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado

Absent: 2 - Commissioner González and Spence-Jones

Chair Sanchez: Okay. We move on to the next item. We're going to take up PZ.3. PZ.3.

Unidentified Speaker: PZ.2. That was 1.

Vice Chair Spence-Jones: PZ.2.

Chair Sanchez: Oh, I'm sorry. PZ.2, sorry. We're going to take up PZ.2. All right. Listen, why don't we do something. Before we go to PZ.2, we have -- did we have -- we have a gentleman that's been here since this morning to give us a presentation on solar panels. Why don't we get him out of the way?

Commissioner Sarnoff: He's -- yeah. He was a -- it was my blue page for me. I was going to ask your permission to demonstrate the solar panel.

Chair Sanchez: Yeah. Let's go ahead and do that now. Sir, you've been here since this morning?

John Kimball: No. I've only been here for about four hours.

Chair Sanchez: Well, listen, don't say that 'cause I'll ask you to sit back down.

Mr. Kimball: But it seems like it's been.

Chair Sanchez: All right.

Priscilla A. Thompson (City Clerk): If I might, Chair and Mr. Ruano. Can you please tell me with the solar panels so I can record --?

Chair Sanchez: It's a blue page item. Sir --

Commissioner Sarnoff: D2.1.

Chair Sanchez: -- we'll take --

Ms. Thompson: Okay, thank you.

Commissioner Sarnoff: D2.1, Madam Clerk.

Chair Sanchez: All right. Listen, Commissioner -- let me take control of this meeting, all right.

[Later...]

Chair Sanchez: All right. Listen, we still have -- if I'm not mistaken -- PZ.3, 4, and 5 -- and 2, I'm sorry.

Pedro G. Hernandez (City Manager): There's a PZ.2.

Chair Sanchez: So let's --

Mr. Hernandez: Right.

Chair Sanchez: -- take up PZ.2, and then we'll go to PZ.3, PZ.4, and PZ.5, and that should do it.

Alexander Adams (Planner II, Planning Department): All right. Good evening, Commissioners.

Commissioner Sarnoff: Move PZ.2.

Mr. Adams: PZ.2 is related to two other items today. This is for bicycle parking in the City of Miami. As you know, we passed the bicycle master plan, additional trails on Virginia Key, infrastructure in the past as far as the CIP (Capital Improvements Program) projects and so forth. As we see an increase in bicycles on the road, obviously, there becomes a problem where they need a place to park. We don't want these bicycles attached to every light pole and everything else around the City. PZ.2, this amendment is to Zoning Ordinance 11000 to include off-street bicycle parking requirements for new developments of R-3 zoning or higher intensity with the limitations set forth in the new section 921 under Article IX. If there's any questions, I guess we're here to answer any questions.

Commissioner Sarnoff: Move it.

Priscilla A. Thompson (City Clerk): Chair, I'm sorry. May I get his name for the record, please?

Chair Sanchez: Yes.

Mr. Adams: It's Alex Adams, with Planning Department.

Ms. Thompson: Thank you.

Chair Sanchez: All right. There's a motion. Is there a second?

Commissioner Regalado: Second.

Chair Sanchez: All right. There's a second. This is an ordinance on first reading. It'll come back to us. Anyone from the public wishing to address this item, please step forward and be recognized.

Bill Mathisen: I'm Bill Mathisen. I live in the Upper Eastside, 770 Northeast 69th Street. I'm an avid cyclist, and I wanted to just be very brief and say that I'm in favor of anything to do with cycling and the promotion of cycling in the City of Miami. Thank you.

Chair Sanchez: Thank you.

Commissioner Sarnoff: Thanks, Bill.

Chair Sanchez: Well, this certainly makes us a super sustainable, green, bicycle-friendly city now. It's a mouthful, but what exactly -- what's the breakdown? For every 20 parking spot [sic], you'll be required to have 1 bicycle rack?

Mr. Adams: Yes. The way it reads is the minimum number of bicycle parking spaces required shall be one for every twenty required vehicular spaces. So wherever in the Code we have typically off-street parking for vehicles, this would require --

Chair Sanchez: And the bike racks need to be covered?

Mr. Adams: That was an issue that we actually took out of this motion because there was some concerns about small business owners and others that may not be able to afford to have that. It is our intent that where parking garages are to be utilized -- generally, you know, there's corner spaces and things where cars can't park and it's very easy to install bicycle parking, just like we did at MRC (Miami Riverside Center).

Commissioner Sarnoff: Where you have interior parking garages, is that a requirement of this ordinance that they be inside the park -- the bike facilities?

Mr. Adams: It doesn't specifically say that. It says --

Commissioner Sarnoff: Could we amend that on second reading? 'Cause if you're going to have interior parking, you should demand that the bike racks equally be interior.

Chair Sanchez: That's the whole purpose.

Mr. Adams: Okay.

Chair Sanchez: I mean, when you have -- and just taking into concept these majors like -- you know, these big retails, like when you go to Mary Brickell, when you go to Cocowalk --

Mr. Adams: Correct.

Chair Sanchez: -- I mean, if you're able to have your bicycle parked underneath -- maybe it's the parking garage or something, it just gives you a better, you know -- it's just a better concept --

Mr. Adams: Correct.

Chair Sanchez: -- than having it out on the street.

Mr. Adams: Correct. We can come back with that revision.

Chair Sanchez: Okay.

Mr. Adams: It's simple.

Chair Sanchez: All right. Okay. It's an ordinance on first reading. It'll come back on second reading. We'll have plenty of time from here to the next reading to amend it. Madam Attorney, read the ordinance into the record, followed by a roll call.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Chair Sanchez: All right, roll call.

Ms. Thompson: Roll call.

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

Ms. Thompson: The ordinance has been passed on first reading, 3-0.

PZ.3 09-00949zt

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, TO PROVIDE FOR A NEW ARTICLE 8.2 ENTITLED "LANDSCAPE ORDINANCE"; CONTAINING A SHORT TITLE AND APPLICABILITY, INTENT AND PURPOSE, DEFINITIONS, PLANS SUBMISSION, MINIMUM STANDARDS, PLANS REVIEW CRITERIA, ENFORCEMENT, MAINTENANCE AND POLICIES THAT ENCOURAGE THE USE OF ENVIRONMENTALLY-PREFERRED LANDSCAPE AND IRRIGATION METHODS FOR THE CITY OF MIAMI ("CITY"); CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

09-00949zt PAB Reso.pdf
09-00949zt CC Legislation (Version 3).pdf
09-00949zt CC SR 10-22-09 Fact Sheet.pdf

LOCATION: Citywide

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on September 16, 2009 by a vote of 7-0.

PURPOSE: This will establish minimum landscape standards that apply to all public and private development when a permit is required.

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
Absent: 2 - Commissioner González and Spence-Jones

Chair Sanchez: All right, PZ.3.

Enrique Nunez (Chief of Urban Design, Planning Department): Yes.

Chair Sanchez: PZ.3 is also on first reading.

Mr. Nunez: Yes. Good afternoon, Mr. Chairman, members of the Commission. My name is Enrique Nunez. I'm with the City of Miami Planning Department. This item is amending Zoning Ordinance 11000 with the new Article 8.2, which is the City of Miami landscape ordinance. As part of the City's green initiatives and followed by the adoption of the City's water conservation ordinance on June 11, 2009, the City has prepared its version of the County landscape ordinance Chapter 18A in an effort to clarify the differences in zoning designations between the County and the City and to strengthen the City's minimum landscape standards that will conserve potable water and promote effective landscaping and efficient irrigation. The purpose of the landscape ordinance is to establish minimum landscape standards that apply to all new public and private development when a permit is required. If you wish, I can go through highlights of the ordinance.

Chair Sanchez: Please do.

Mr. Nunez: Yes. First portions of the ordinance deal with intent and purpose that I've shared. In applicability and it's extremely important with regard to single-family residences is that these minimum standards that apply to all public and private development when a permit is required except for existing attached or detached single-family and duplex dwellings, including any future additions or expansions shall be exempt from the provision of this ordinance. So this is solely for new construction. If there is existing single-family residential or duplex and they want to have additions or expansion, this landscape ordinance does not apply.

Chair Sanchez: All right. This requirement increases for larger development, right?

Mr. Nunez: What this does is that it establishes minimum landscape standards for each of the different zoning designations. There is a chart within the ordinance that establishes that. Since 1998 the City Planning Department has been applying the County landscape ordinance to our

projects that have required special permits, so this is at a time when we can go ahead and make improvements to a very deficient landscape ordinance. So we're moving forward with this -- our version.

Chair Sanchez: Okay. It's on first reading. Is there a motion?

Commissioner Sarnoff: So move.

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

Commissioner Regalado: Second.

Chair Sanchez: There's a second. It's a public hearing. Anyone from the public wishing to address this item, please step forward. The public hearing is open and closed, coming back to the Commission. Hearing no discussion on the item, Madam Attorney, read the ordinance into the record, followed by a roll call.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Priscilla A. Thompson (City Clerk): Roll call.

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

Ms. Thompson: The ordinance has been passed on first reading, 3-0.

PZ.4 09-00953zt

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, TO CREATE SECTION 951 ENTITLED "HEAT ISLAND EFFECT - ROOF" TO ADD SECTIONS THAT PROVIDE FOR ENVIRONMENTALLY RESPONSIBLE CONSTRUCTION OF BUILDING ROOFING SYSTEMS DESIGNED TO DECREASE THE ABSORPTION AND REMITTANCE OF ATMOSPHERIC HEAT IN CITY OF MIAMI; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

09-00953zt PAB Reso.pdf

09-00953zt CC Legislation (Version 5).pdf

09-00953zt CC SR 10-22-09 Fact Sheet.pdf

LOCATION: Citywide

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to the City Commission on September 16, 2009 by a vote of 7-0.

PURPOSE: This will reduce the heat island effect in the City of Miami and reduce energy consumption and bills for buildings within the City.

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
Absent: 2 - Commissioner González and Spence-Jones

Note for the Record: Due to a procedural issue, a second roll call and vote occurred on Item PZ.4.

Chair Sanchez: All right, FR.4 [sic]. It's an ordinance on first reading too. Hey, anybody going to talk on PZ.4? Once again, this is only for new construction, correct? The difference from RE.4 [sic] and RE.3 [sic] that it only applies to RE.3 [sic] and higher, correct?

Robert Ruano (Director, Grants Administration): Yes.

Chair Sanchez: Okay.

Mr. Ruano: Robert Ruano, director of Grants Administration. PZ.4 is an ordinance entitled "Heat Island Effect - Roof," to add sections providing for environmentally responsible construction of building roofing systems designed to increase the absorption and remittance of heat in the City of Miami. And essentially, what this -- this ordinance has multiple benefits. It stands to reduce the heat island effect in our urban core. It will have a decrease in energy consumption of buildings because roofs that absorb less heat and cause buildings (UNINTELLIGIBLE) to work less translating into a cost savings for the building owner and will reduce emissions through the decrease in use of electricity. It will definitely be a benefit to human health and comfort, and it will be an improvement on water quality because rooftop surfaces transfer their heat to storm water. Essentially, what this roof -- this ordinance will do will require new buildings -- and this is a little bit -- Commissioners, this is a little bit different -- and those replacing 50 percent or more of their roof, exempting R-1 and R-2, to install roofing materials with a high solar reflectance, allowing for differences in slow-sloped and steep-sloped roofs. And these requirements would be verified by testing product, having manufacturer provide test results or having been rated by either the Cool Roof Rating Council or be an Energy Star qualified product.

Chair Sanchez: All right. So let me ask you a question.

Mr. Ruano: Yes.

Chair Sanchez: Hypothetically, let's say I own a R-3 --

Mr. Ruano: Yes.

Chair Sanchez: -- and I'm going to redo my entire roof.

Mr. Ruano: Yes.

Chair Sanchez: I have to fall into these compliances?

Mr. Ruano: Yes. It would have to be a light-colored roof.

Chair Sanchez: All right. Any questions? If not, we need a motion.

Commissioner Sarnoff: So move.

Chair Sanchez: The motion has been made by Commissioner Sarnoff, second by Commissioner -

-

Commissioner Regalado: Second.

Chair Sanchez: -- Regalado. Commissioner Regalado?

Commissioner Regalado: Yeah, yeah.

Chair Sanchez: Okay. All right. Any discussion? Before we go to discussion, anyone from the public wishing to address this item, please step forward. Seeing no one, the public hearing is closed, coming back to the Commission. Any discussion on PZ.4? If not, it's an ordinance on first reading. Read the ordinance into the record, followed by a roll call.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Chair Sanchez: Roll call.

Priscilla A. Thompson (City Clerk): Roll call.

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

Ms. Thompson: The ordinance has been passed on first reading, 3-0.

[Later...]

Chair Sanchez: All right. So we need to correct now PZ.4. So what do we do?

Maria J. Chiaro (Deputy City Attorney): I'll just read the ordinance. You may vote --

Chair Sanchez: Read --

Ms. Chiaro: -- on it. The presentations are clear in the record. I just need to read the ordinance for the record so that you can vote on it.

Chair Sanchez: Okay.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Chair Sanchez: All right, roll call, PZ.4, for the record.

Ms. Thompson: Will we have the same mover and seconder?

Commissioner Sarnoff: So move.

Commissioner Regalado: Yeah.

Chair Sanchez: Yes.

Ms. Thompson: Thank you. Your roll call. Commissioner Regalado?

Commissioner Regalado: Yeah.

Ms. Thompson: Commissioner Sarnoff?

Commissioner Sarnoff: Reconsideration.

Ms. Thompson: No. Chair Sanchez?

Chair Sanchez: Yes, ma'am.

Ms. Thompson: The ordinance has been passed on first reading, 3-0.

PZ.5 09-00954zt

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, TO CREATE SECTION 952 ENTITLED "HEAT ISLAND EFFECT - NON ROOF" TO ADD SECTIONS THAT PROVIDE FOR ENVIRONMENTALLY-RESPONSIBLE METHODS FOR COOLING AND SHADING OF HARDSCAPES IN CITY OF MIAMI; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

09-00954zt PAB Reso.pdf

09-00954zt CC Legislation (Version 5).pdf

09-00954zt CC SR 10-22-09 Fact Sheet.pdf

LOCATION: Citywide

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to the City Commission on September 16, 2009 by a vote of 7-0.

PURPOSE: This will reduce the heat island effect in the City of Miami by requiring that at least 50% of the hardscape surfaces at new construction sites (1) use reflective hardscape materials, (2) provide shading for hardscapes within five years, (3) use vegetative paving systems, or (4) some combination of the above.

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado

Absent: 2 - Commissioner González and Spence-Jones

Chair Sanchez: All right. We move on to PZ.5.

Robert Ruano (Director, Grants Administration): Commissioners, this is a similar ordinance, but affecting -- entitled "Heat Island Effect - Non-roof," essentially, for the hardscape surfaces. And again, this will have the same multiple benefits that we had with the roof, reducing storm water runoff and water quality. In this case, because of the permeable pavements, it'll allow water to soak into the pavement and soil. It'll improve local comfort due to the fact that cool pavements allow for a more comfortable environment. It will have definitely a reduction in the heat island effect and a reduced cost of electricity due to cooler outside air which causes the AC (Air Conditioning) to work less. And another effect would be the better nighttime visibility because reflect pavements can enhance visibility at night. And this would specifically require new buildings and those replacing 50 percent or more of their site hardscape, again, exempting R-1 and R-2, to install hardscape surfaces with a high solar reflectance or at least 50 -- of at least 50 percent of the site. They could also provide pervious pavement, install trees that will shade the site within five years or a combination of these practices. And if they choose to not do

any of these, they can simply put 50 percent of their parking spaces under cover with a reflective roof.

Chair Sanchez: All right. Is there a motion?

Commissioner Sarnoff: So moved.

Commissioner Regalado: Second.

Chair Sanchez: Is there a second? There's a motion and a second. We are on PZ.5. It's an ordinance on first reading. This is a heat island effect - non-roof. Madam Attorney, read the ordinance into the record, followed by a roll call.

Priscilla A. Thompson (City Clerk): Public -- I'm sorry, Chair. You want to open up your public hearing?

Chair Sanchez: Is there anyone from the public wishing to address this item? The public hearing is opened. There's no one here. Everybody's here is City employee and reporters. Anyone from the public? The public hearing is open and closed, coming back to the Commission. All right. Madam Attorney, read the ordinance into the record, followed by a roll call.

Maria J. Chiaro (Deputy City Attorney): Mr. Chairman, I believe I read this for the last item.

Chair Sanchez: I -- is it the same one?

Ms. Chiaro: It's -- I read item 5 when you voted on 4 so, in effect, you've already voted on this item. You've received both presentations, so let me read item 4 so you can now vote on item 4, which is the roof item, so the record will be clear.

Chair Sanchez: All right. So let's clear the record. You read -- when you were supposed to read PZ.4, you read PZ.5.

Ms. Chiaro: That's cor --

Chair Sanchez: They have the same title. It could happen to anybody. All right. So why don't we do something. Let's vote on PZ.5, and then we'll make a motion to reconsider PZ.4 and we'll vote on it again officially, then the record is set.

Ms. Chiaro: Or I --

Chair Sanchez: All right.

Ms. Chiaro: -- can just read it. It's -- I'll read 5 right now though.

Chair Sanchez: All right.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Chair Sanchez: All right, roll call.

Ms. Thompson: Roll call on PZ.5.

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

Ms. Thompson: The ordinance has been passed on first reading, 3-0.

END OF PLANNING AND ZONING ITEMS

MAYOR AND COMMISSIONER'S ITEMS

CITYWIDE

HONORABLE MAYOR MANUEL A. DIAZ

END OF CITYWIDE ITEMS

DISTRICT 1

COMMISSIONER ANGEL GONZÁLEZ

END OF DISTRICT 1

DISTRICT 2**COMMISSIONER MARC DAVID SARNOFF****D2.1 09-01078****DISCUSSION ITEM**

DISCUSSION ABOUT OFFSHORE FACTORIES AND SPECIFICALLY DISCUSSION ABOUT THE SOLAR POWER INDUSTRY WHICH IS GAINING SALES AND MANUFACTURING OFFSHORE. APPLIED MATERIALS, A CALIFORNIA BASED COMPANY WITH \$10 BIL IN SALES, HAS OPENED 14 SOLAR PANEL FACTORIES WORLDWIDE IN THE PAST TWO YEARS. NOT ONE IS IN THE UNITED STATES. WHY NOT?

WHAT PERCENTAGE OF SOUTH FLORIDA'S ECONOMY IS BASED ON TOURISM AND WHAT PERCENTAGE IS BASED ON MANUFACTURING? IS IT FINANCIALLY FEASIBLE TO ATTRACT MANUFACTURING?

WHAT CAN BE DONE TO ENCOURAGE THE USE OF SOLAR PANELS IN FLORIDA?

A RESOLUTION MIGHT RESULT.

09-01078 Email.pdf

DISCUSSED

Chair Sanchez: All right. So you know what. Let's get the solar --

Robert Ruano (Director, Grants Administration): Okay.

Chair Sanchez: -- power industry --

Mr. Ruano: Mr. Chair, thank you very much.

Chair Sanchez: -- gentleman out of the way.

Mr. Ruano: Robert Ruano, director of Grants Administration. Based on the discussion item, I wanted this gentleman to come. John Kimball is the president of Sun Electronics, the largest distributor probably in South Florida, but definitely, in Miami-Dade County of solar panels. And I wanted you to hear straight from him. He actually also provided the panels that are out here.

Commissioner Sarnoff: Please, sir.

Chair Sanchez: Sir, a pleasure to have you here. Sorry to make you wait four hours.

John Kimball: That's okay. No problem. It's nice to be here. Sun Electronics is --

Chair Sanchez: I need your name, sir.

Mr. Kimball: John --

Chair Sanchez: Name --

Mr. Kimball: -- Kimball --

Chair Sanchez: -- and address.

Mr. Kimball: -- 555 Northeast 15th Street, Miami, Florida 33132. I've been in the solar energy business since 1973. I'm from Tucson, Arizona, and I started the Tucson Energy Center in the Arab oil embargo in October '73. I worked for Congressman Morris K. Udall and Congressman George E. Brown, who was chairman of the House Science and Technology Committee. And I worked for the Arizona Solar Energy Commission for Governor Bruce Babbitt in Arizona before I went to work for two other major manufacturers; one was Photo Watt and another one was Kyocera Solar. It was a big Japanese manufacturer. So I've had my own business, Sun Electronics. At the same address or next door, we're just on the north side of the Miami Herald, over by Plaza Venetia, the Venetian Causeway is right there near Biscayne Boulevard. But we're just to the north of the Miami Herald building and we have a small 5,000 square foot building there that's solar powered. And the warehouse is 50,000 square feet and we just did inventory the other day. We have \$4.5 million worth of solar panels and inverters and batteries and wind generators. And our primary market is the United States, but we also ship all over the world and particularly to the Caribbean basin and that's -- our market is twofold. One is battery backup systems for people in Haiti, which is just about the majority of our walk-in customers. They get two hours of electricity a day, as you probably know, for a few million people down there. And in Dominican Republic, they only get about six hours of electricity a day. They even have riots. People have been killed over electricity in the Dominican Republic. But there's probably more solar panels in Haiti per capita than anywhere else in the world 'cause they just can't keep running those generators so they -- at some point, they have to turn them off. They go out on their batteries that have been charged and then those go off. They just can't keep buying fuel, so they buy solar panels to keep the basic necessities on like the refrigerator and everything below that, lights and TV (Television) and entertainment. So I have about 30 employees, and we do about 20 million a year. And Miami and the South Florida, as far as I know, there's no other company this size and there's no manufacturing plant anywhere. And what we're trying to do is not require state and federal incentives in order to make solar cost-effective. Because once you pull the rug out from -- with that, then the whole industry will collapse, and that's what happened in the solar water heating industry. It disappears overnight. So we never had many incentives down here in Florida like California and some of the other states had. So we've always been operating over the last 20 years trying to make solar energy cost-effective. And the way we've done that is we buy scratch-and-dent solar modules. We buy refurbished inverters. And by doing that, you can buy solar panels, which are normally, say, \$4 a watt; you can get them for \$2 a watt. And instead of paying \$1,000 for an inverter, you pay \$750 or \$700 for an inverter. And by doing that -- and you can reduce the cost of your solar system by about 30 percent. And then the people we sell to, we don't try to sell to people that have electric power. We try to find people that don't have power lines or people that have power but it constantly goes on and off everyday like Haiti and the Dominican Republic. And that way, the solar systems are cost-effective from the day you put them in and the backup power systems are cost-effective from the day you put them in without any incentives from anybody. This business of buying solar systems and then having somebody else pay for them requires somebody who's very wealthy that can afford to put up all this money. You're talking \$50,000 for a typical solar installation that has a payback of 40 years without incentives. So even if you do throw in incentives, the only people that can afford to get the free money are the people that are the most wealthy. So it's really kind of a crazy situation, but it's political. I think it's part of the green thing that's taking over the mentality of the world. It's as if you could cure the common cold if you threw billions and billions of dollars to researchers to do it. Some things just can't be done. The cost of solar hasn't really gone down much in the last 30 years. It used to be \$7 a watt and now it's somewhere around \$4 a watt, but that's taken a long time just to get that small decrease in cost. So I'll take the state money and I'll take the federal money to help my business grow, but if you really want to be cost-effective, you're going to have to come up with some better ways to do it. So one idea we have is to buy the cells that have slight cosmetic blemishes, which are available, you know -- to say by the ton wouldn't be appropriate, but it's thousands of tons. And these are

cells that have tiny little chips -- we're talking about millimeters where little bits of the cell have been broken off. The industries wants to be so perfect, they won't put them in their modules. They don't want anything to do with them. So instead of paying \$2 a watt for 'em, which is the going rate, you can get them for 50 cents a watt. So my idea is to take these cells, which are available from not only American manufacturers that make the best quality cells or German or Japanese, but also from the Chinese. And you can put these cells together in -- on the glass with the EVA (Ethylene Vinyl Acetate) and the Tedlar and the junction box, frame 'em up in aluminum and you can sell them at about half the cost of the regular solar panel to the export market. You can't sell them into the United States because they won't have UL (Underwriters Laboratories). So you can't get them certified, but they're perfectly good panels that can be sold and exported, and that's what I do. I buy about \$15 million worth of off-grade modules that are using those cells from different manufacturers all over the world, primarily, Germany, the United States and China.

Chair Sanchez: Who's your biggest buyer?

Mr. Kimball: My biggest buyer of solar panels of those types of panels, people who live off the grid in the Caribbean basin and also off the grid in the United States, where they don't have such stringent requirements by building inspectors where they -- first of all, most building inspectors will never look for the UL label on a solar panel 'cause the guys that inspect the systems are electrical inspectors and they don't normally go up on the roof. Most of them are -- they say they're too fat so whatever. They (UNINTELLIGIBLE) look at the electrical stuff in the garage. So that's kind of an idea we had for making solar panels. But whoever makes solar panels, you know, they would, of course, be interested in coming to Miami. I talked to Evergreen Solar out of Massachusetts today. And you know, I said, would you guys -- I got to go make a talk in front of the City of Miami. Would you guys be interested in putting a plant in Miami? And they said sure, but we'd have to get a lot of help. And of course, they're talking about \$200 million for a typical solar plant. So they said tell 'em we just need some big low-interest loans and we would be willing to come down there and talk about putting in a solar plant. But the solar plant that I would be interested in putting in would be one where you buy used laminators, you buy used cell Tedlars, and you would buy the off-spec solar cells and you could cut the cost of solar by 50 percent.

Commissioner Sarnoff: Is there any Obama money for that? I mean, is there an incentive program for that?

Mr. Kimball: You know, I really don't know. We have seven lines and all seven lines are busy all day long.

Commissioner Sarnoff: Robert, is there any Obama money for this?

Mr. Ruano: Yes.

Mr. Kimball: Yeah.

Mr. Ruano: Yes. As a matter of fact, I'm glad you asked that, Commissioner, because at the federal level, just last week, the Senate proposed the Clean Energy Jobs and American Power Act --

Commissioner Sarnoff: That's what I thought.

Mr. Ruano: -- which does have the continuation of the EECBG, Energy Efficiency and Conservation Block Grant. So there are dollars that could be used, hopefully, in the future for this. The current EECBG funding can be used for this also.

Commissioner Sarnoff: And it -- are you -- in any -- is this idea -- I guess, whatever they say, it's a notion, then it becomes an idea and then a reality. So it looks like it's a notion right now. Is -- are you working with this notion of putting a solar factory somewhere in Miami?

Mr. Ruano: Well, actually, the first time we were -- started looking at the -- putting one here is the discussion that we received the discussion item from you and the article that mentions that there's -- they're mostly overseas.

Commissioner Sarnoff: Yeah. The reason I brought this up for discussion was to learn that we really don't have any manufacturing of solar in the United States.

Mr. Kimball: Well, we do.

Commissioner Sarnoff: Well, not at the percentage level --

Mr. Kimball: Correct.

Commissioner Sarnoff: -- of the Germans, not at the percentage level of the Japanese, and not at the percentage level of the Chinese. And it seems like we're the ones that are pushing -- or it seems right now we're the ones that are pushing to become clean, green, energy efficient, and yet, we are so far behind curve the it looks like if we just backed up, we might run into the Germans.

Mr. Ruano: Yes. Well, if I could, Commissioner, very briefly, 'cause I know it's been a long day. The article you sent me had three points. One reason why it's being done in other places that a business or homeowner can generate solar energy -- that's one thing that can change. Municipalities, for example, we need to go to the state and the Public Service Commission and get authorization for municipalities to be able to generate solar energy and then sell it to others. Perhaps, even like Connecticut has done is developing an energy district and sharing power or selling power to people in that district, and it could be, hopefully, renewable energy. Also, we need to -- the other mention that was -- in the article that you sent is that utility has the buy power for predictable period at a price that would be a no-brainer for and a good deal for a family or business supporting solar panels. There's actually something that's been done in Gainesville with a private utility. It can be done in other places. California is looking at it also. It's basically a (UNINTELLIGIBLE) system like they have in Germany, where if you put solar power and sell it back to the grid, they would pay you instead of 12 cents --

Commissioner Sarnoff: Right.

Mr. Ruano: -- a kilowatt, say 32 cents a kilowatt --

Commissioner Sarnoff: Right.

Mr. Ruano: -- and that has a real potential. Those are two things that we could definitely do. The other thing is look at the renewable portfolio standards. The PSC (Public Service Commission), in January, submitted a portfolio standard draft rule to the Legislature. The Legislature failed to rule on it this past year. We really need to hold them to that this year. Basically, what it says -- it tells the utilities you have to produce 20 percent of all your power with renewable power -- renewable energy by 2020. And that's something that if we can do, it will increase the demand and, hopefully, the supply of panels in this state.

Commissioner Sarnoff: Thank you, Robert.

Mr. Ruano: Thank you.

Chair Sanchez: But Robert, let me just get back to the gentleman because --

Mr. Kimball: Yes.

Chair Sanchez: -- his concept is that he buys -- you know, he said he bought \$15 million worth of panels that are -- for whatever reason, maybe defaulted in a very minute manner. They're so high with standards that he could buy those panels, but based on the government regulations, he cannot sell them here in the United States. He sells them abroad. That's the concept that he brings. I mean, where does that fall in? Because, you know, I think it's a good -- anything that has to do with renewable energy is a good concept. But what he is offering, we cannot use here.

Mr. Ruano: Yeah, but --

Mr. Kimball: No, no, no.

Chair Sanchez: Well, tell me if I'm correct or wrong. Maybe I got -- maybe I have a misunderstanding.

Mr. Kimball: You're absolutely right. If you put -- if you don't have UL on them, most states' building inspectors -- it's a local jurisdiction thing -- they won't be approved for use. But I still sell \$15 million worth of 'em without very much trouble to people in the United States that put them in on off-grid applications. If you live off grid, solar's cost-effective from the moment you put it in because your only other alternative is a generator. If you're going to do grid connect --

Chair Sanchez: Well, let's explain to people that off-grid means you don't have a power line, correct?

Mr. Kimball: Yeah.

Chair Sanchez: Well, people don't understand that. Off-grid means you don't have a power line. Your power comes from a generator.

Mr. Kimball: Well, in order to put 'em on --

Chair Sanchez: Or --

Mr. Kimball: -- grid, you have to have UL. We sell those too. It's not like that's the only panel -- we don't sell.

Commissioner Regalado: I think that what he's saying is that in the city, within the city -- first of all, because it has to be within the city because your clientele is the Caribbean basin and, mind you, Nicaragua is having 12 hours blackout everyday and Costa Rica and also in Guatemala. But the worst is in Haiti where electricity, it's three or four hours a day; in Port-au-Prince, sometimes a little more, but in the countryside, it's worse and --

Mr. Kimball: Yeah. In a place like Nicaragua where you do have power for enough hours, if you get six hours of electricity a day, you can just use an inverter/charger so you can -- with a bank of batteries, you charge it and run the house when you have power. And when the power goes off, you have enough -- so in other words, with six hours of electricity, you've got 24 and you don't --

Commissioner Regalado: No.

Mr. Kimball: -- have solar panels. That's just a solar system without solar panels. But when you get down to two hours a day, like Haiti, and then it might be off for three hours -- three days

in a row, I mean, then you got to have something else because you can't run the generator that long.

Commissioner Regalado: And what I'm saying is that what you offering is a -- is to create some kind of factory around the river. Actually, because the river is the main conduit for the Caribbean basin. It would be cheaper to produce it and cheaper --

Mr. Kimball: Yeah. We're five blocks from the river.

Commissioner Regalado: Yeah, I know. So I'm -- I just think that we need to think in probably how to use the stimulus money to create that possibility because the river is the natural road for you to send the products and it will be very cost-effective, no transportation even. So I think it's a good idea.

Mr. Kimball: We've sold 250,000 systems to the Dominican Republic and Haiti for backup power in the last 15 years. And each one of those houses in the Dominican Republic and Haiti have a 50-pound inverter/charger. So when the power's on, it's charging, and when the power goes off, it immediately inverts and sucks the power you stored out of the batteries and runs the small business or the home. So we sold 250,000 of those. No one had ever heard of them before. All of these people went out and bought generators. And then, all of a sudden, they found out, gee, we don't need a generator. I could run my refrigerator, my freezer, my lights, my TV, my computer just with a box that weighs 50 pounds, which is an inverter/charger, and ten golf cart batteries and that's it, and a fuse. So that was the first big market that we had in Miami for export. It was huge. It was -- just no one had ever heard of it. So -- and then Nicaragua went off, then Colombia went off; Guatemala was off for a while. So you just wait for these -- if they don't get enough rain -- all these countries in the Caribbean basin depend on hydroelectric power. So all of a sudden, they have to start rationing the electricity. And when they start rationing, you know, it's -- if you have that product, it's a very easy market to sell to. But we're more -- much more interested in selling the solar systems. So thank you very much.

Chair Sanchez: All right. Thank you, sir.

Commissioner Sarnoff: Thank you.

D2.2 09-01125

DISCUSSION ITEM

DISCUSSION ABOUT THE SUCCESSFUL GREEN MARKET WHICH HAS TAKEN PLACE ADJACENT TO LEGION PARK ON BISCAYNE BLVD AT 66TH STREET IN THE UPPER EAST SIDE NEIGHBORHOOD OF THE CITY OF MIAMI.

DISCUSSION ABOUT A POTENTIAL RELOCATION OF THIS SUCCESSFUL GREEN MARKET TO ANOTHER SITE WITHIN THE SAME NEIGHBORHOOD. ADVICE AND HELP WITH PERMITTING MIGHT BE REQUIRED.

09-01125 Email.pdf

DISCUSSED

Chair Sanchez: But still, we have Commissioner Marc Sarnoff's blue pages.

Commissioner Sarnoff: And I'll defer 2.2 and just go with 2.1.

[Later...]

Chair Sanchez: All right. Let's go ahead and --

Commissioner Sarnoff: D2 --

Chair Sanchez: -- take up the next item, which is the marketplace.

Commissioner Sarnoff: Yeah.

Chair Sanchez: Yeah, come on. We'll get you out.

Commissioner Sarnoff: Come on up. This is a discussion about the success of the Green Market, which, as you know, is on Legion Park. I believe they are now interested in moving over to Soyka's. And I believe, Mr. Manager, we're going to have to enter into some sort of a interim permitting process to allow them to go over there. We did it, I believe, on the Upper Eastside when they were experimenting with going up to -- I forgot the name of the place.

Claire Tomlin: Vagabond.

Commissioner Sarnoff: -- Vagabond. Maybe it's appropriate that we take away the Vagabond's permit and move it down, if you will, Mr. Manager, to Soyka's. Soyka's is a no-brainer. This is great parking, great access. The City of Miami's responsibilities are pretty much done once we get the permitting in place. And that means that, to their credit, I won't have to fund them in whole or in part. I'd subsidize it. But I will tell you this. The market up there was a great success. We've just learned you cannot run it in the summer. And other than not running it in the summer, they're on the verge of, in a week or two, having a great green market, one that everyone in the City of Miami should be proud of. It's right next to Commissioner Spence-Jones' neighborhood. I think it's something that everybody will really enjoy. I just ask you to work with them to make sure there's no interruption. I know they have the ability to go one, two, or three weeks in a row. I don't want them to be interrupted.

Pedro G. Hernandez (City Manager): If you allow me, Commissioner, I would like to have Lourdes put some words on the record reference certain criteria that may -- they may meet that will allow us to provide the permit.

Lourdes Slazyk: Thank you. For the record, Lourdes Slazyk, Zoning administrator. What we did last year was we actually adopted an amendment to SD-9 to allow these kinds of markets. The Vagabond was operating under a Class I for special event. They never came in to actually finish getting their Class II to make it a permanent market over at that location, but the legislation is in place. There are certain minimum requirements they'd have to meet, at least 15,000 square feet of lot area, certain setbacks from single-family, the hours of operation. But they can come in and file for a Class II whenever they want. I haven't seen plans yet so that they can get their Class II. In the meantime, they can do the two special events, which would give them four weeks. A Class II takes between 30 and 45 days, so there may be an interruption unless they can come in very, very quickly with the Class II.

Commissioner Sarnoff: Would I be able to make a motion now to give them an additional two weeks?

Ms. Slazyk: That is a -- that's the same thing that was just done for the banners this morning on Mary Brickell --

Commissioner Sarnoff: Right.

Ms. Slazyk: -- Village. We can probably bring that to you the next meeting and you can --

Commissioner Sarnoff: Okay.

Ms. Slazyk: -- do it then so we can get the legislation written.

Commissioner Sarnoff: Thank you.

Ms. Slazyk: But in the meantime, they should file their Class II as quickly as possible.

Chair Sanchez: All right.

Commissioner Sarnoff: Bill, you're over there. I know you're capable of filing. Make sure it gets done.

Ms. Tomlin: Is tomorrow early enough?

Commissioner Sarnoff: Is tomorrow -- okay, as long we know how to do it.

Chair Sanchez: You got to be there tomorrow at 9 o'clock in the morning with the paperwork ready. All right.

Priscilla A. Thompson (City Clerk): If I can --

Commissioner Sarnoff: Thank you very much.

Chair Sanchez: No action taken on this.

Ms. Tomlin: Thank you for your support.

Ms. Thompson: Name.

Commissioner Sarnoff: You need to put your name on the record.

Chair Sanchez: Name. Ma'am, name and address.

Ms. Tomlin: Pardon me. I'm Claire Tomlin. I own the Market Company.

Chair Sanchez: Thank you.

Ms. Tomlin: Thank you.

Chair Sanchez: Thank you so much.

Commissioner Sarnoff: Thank you very much for being a great market.

END OF DISTRICT 2

DISTRICT 3

CHAIR JOE SANCHEZ

END OF DISTRICT 3

DISTRICT 4

COMMISSIONER TOMAS REGALADO

END OF DISTRICT 4

DISTRICT 5**VICE CHAIR MICHELLE SPENCE-JONES****D5.1 09-01058****DISCUSSION ITEM**

DISCUSSION REGARDING AN UPDATE ON CURLY'S HOUSE SITE IN LIBERTY CITY TO FACILITATE A SENIOR CITIZENS' FEEDING PROGRAM.

09-01058 Email.pdf

CONTINUED

Chair Sanchez: Vice Chair Spence-Jones will defer her items. She apparently has to take off. That leaves us with PZ.2, 3, 4 and 5.

D5.2 09-01059**DISCUSSION ITEM**

DISCUSSION ABOUT THE IMPACT ON SMALL BUSINESS REGARDING DERM'S APPROVAL AS A PREREQUISITE ON THE CITY'S ISSUANCE OF A CERTIFICATE OF USE, BECAUSE OF THE COUNTY'S POSITION THAT ALL LICENSES, BUILDING PERMITS, AND CERTIFICATE OF USE OF MUNICIPALITIES MUST GO THROUGH DERM.

09-01059 Email.pdf

CONTINUED

Note for the Record: For minutes related to Item D5.2, see D5.1.

END OF DISTRICT 5

NON-AGENDA ITEMS**NA.1 09-01141 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION WITH ATTACHMENT(S), RATIFYING THE MEMORANDUM OF UNDERSTANDING, BETWEEN THE CITY OF MIAMI AND THE EMPLOYEE ORGANIZATION KNOWN AS MIAMI GENERAL EMPLOYEES AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, LOCAL 1907, AFL-CIO, IN ORDER TO ADDRESS PROJECTED DEFICIT IN THE 2010 FISCAL YEAR BUDGET, INCLUDING AMENDING ARTICLES 24, 29 AND 37 OF THE 2007-2010 COLLECTIVE BARGAINING AGREEMENT.

09-0114-Submittal-Memo-City Manager.pdf

09-01141-Exhibit.pdf

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

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado

Absent: 2 - Commissioner González and Spence-Jones

R-09-0475

Pedro G. Hernandez (City Manager): Mr. Chairman --

Chair Sanchez: Oh, I'm sorry.

Mr. Hernandez: -- if you could indulge. We have --

Chair Sanchez: Yes.

Mr. Hernandez: -- a pocket item that I think is timely. It's the MOU (Memorandum of Understanding) for the AFSCME (American Federal, State, County and Municipal Employees) union --

Chair Sanchez: All right, let's take that item up. It'll be the last item --

Mr. Hernandez: -- the 1907.

Chair Sanchez: -- and then we'll see you back at 2 o'clock.

Mr. Hernandez: And then, in essence, this is the same item that was discussed on December 29. It was the one that Mr. Cox put on the record, and it was based at that time on a straw vote. Since then he had the formal vote, and this is the MOU that reflects that, so --

Chair Sanchez: Out of respect, I mean, why can't we take this first item after 2 o'clock so we could read it and --?

Mr. Hernandez: Sure, if you so desire.

Chair Sanchez: I mean, I think it's appropriate for us to read an MOU --

Mr. Hernandez: Right.

Chair Sanchez: -- that's just been handed to us right now.

Mr. Hernandez: Right. No, but what I wanted to clarify, Commissioner, is that it's exactly the same terms that were put on the record not only by Mr. Cox, but by Michael Boudreaux, our budget director, on September 29.

Chair Sanchez: But what --

Mr. Hernandez: It has not changed.

Chair Sanchez: All right. With all due respect, what's the difference of doing it now or the first item at 2 o'clock?

Mr. Hernandez: Whatever you desire.

Chair Sanchez: All right, we'll do the -- take it up at 2 o'clock. City of Miami Commission stands in recess. We'll be back at 2 o'clock. Thank you.

[Later...]

Chair Sanchez: At this time we do have the City Manager. Let's go ahead and get one item out of the way, a pocket item being presented by the City Manager, and that is the pocket item with AFSCME Local 1907. Mr. City Manager, you're recognized for the record.

Mr. Hernandez: Mr. Chairman, Commissioners, this is the memorandum of understanding, the MOU with AFSCME 1907. It's exactly the same agreement that was presented back on September 29 on which AFSCME 1907 at that time had had a straw vote support. It was then -- the same agreement was then formalized and presented to the memberships, who then approved it, and it's now before you for ratification.

Chair Sanchez: Okay. Can we get a motion?

Commissioner Sarnoff: So moved.

Chair Sanchez: Can we get a second?

Commissioner Regalado: Second.

Chair Sanchez: Second on this MOU. Are there any questions, any discussion on the item? Questions. Commissioner Regalado, you're recognized for the record.

Commissioner Regalado: Thank you. Mr. Manager and Charlie, maybe, as of today, how many employees -- union employees of AFSCME have been laid off? Do we know? Because we don't know.

Mr. Hernandez: Commissioner, as of this moment, none, and the reason for that is that we're in the process of completing the reorganization of NET (Neighborhood Enhancement Team) that will allow us to bring back about 22, 23 employees, and we're also at the same time then completing the analysis of every one of those employees to determine rollback rights before we can actually issue a letter, so we're doing those two things. So once we complete that, then we will have to issue letters, but the number of course will be decreased by the number of employees that will be going back to NET. And I also have possibly one or two other opportunities where a few more employees may be saved, so I'm conducting that, and at the same time, Employees Relations Department is doing the analysis of every position to determine -- every person to determine rollback rights. Once we complete that, the remaining employees will be receiving letters.

Commissioner Regalado: *But some people have been laid off. That's --*

Mr. Hernandez: *Excuse me.*

Commissioner Regalado: *Some people have been laid off.*

Mr. Hernandez: *The ones that have been laid off have been nonunion employees.*

Commissioner Regalado: *Okay. Thank you.*

Chair Sanchez: *All right. Any other questions? Mr. City Manager, maybe you could explain for me paragraph F, which is the last one, pertaining to the layoffs.*

Mr. Hernandez: *Commissioner, that's the language that was agreed upon by the attorneys for AFSCME 1907 and also for the, you know, City Attorney's Office, and it's a right that they do have; that they can grieve any action that we take reference layoffs. That's a right that they have.*

Chair Sanchez: *Okay. Let me just for a point of clarification, they're okay with the 86 layoffs. They would aggrieve anything over 86. Is that correct?*

Mr. Hernandez: *No. No, no. I think what he -- what this says is that -- let's say that I layoff one of those 86 people that they have the right to grieve it. That's what it says.*

Commissioner Sarnoff: *Yeah. They're not agreeing to anything.*

Mr. Hernandez: *But that's a right that, in essence, you know, they do have to grieve.*

Chair Sanchez: *All right. So basically, by entering into the agreement, they do not waive any arguments or defense that they may make in any grievances or other proceedings regarding the up to 86 layoffs?*

Mr. Hernandez: *Right. Here in that same "F" it says that in consideration for the above concessions and efforts from both parties, the City agrees not to layoff more than 86 bargaining unit members. That's correct. Now, they do retain the right to grieve any layoff of any employee within that group of 86.*

Chair Sanchez: *So they can file a grievance by you firing one of those individuals?*

Mr. Hernandez: *Yes.*

Chair Sanchez: *Charlie, you want to add something on the record?*

Charlie Cox: *Not to that. I mean -- number one, this ain't about -- this is not -- Charlie Cox, Local 1907 -- a backroom deal. I've done a backroom deal in my life. It's right in front of you. Did we agree to those concessions? Yes, and you blasted me for not agreeing to enough of them. And you know what? That's what my membership passed; that's what I'm stuck with just like they're stuck with. When the layoffs come, I have that right, and -- you know, we've always held that right. It's --*

Chair Sanchez: *Charlie, I don't want to deny you that right. You have that right. My thing is -- and I know the situation you were put in as president -- is that the union -- your union had an opportunity to save those jobs.*

Mr. Cox: *My membership --*

Chair Sanchez: Your membership didn't --

Mr. Cox: -- had spoken.

Chair Sanchez: -- so --

Mr. Cox: It's like when you're a representative of the PBA (Police Benevolence Association), when your membership speaks, you have to listen to them. That's as simple as it gets. I mean, I can't --

Chair Sanchez: But it's --

Mr. Cox: -- put something out to them that they're not going to ratify because then I'd be lying to myself and lying to all of you.

Chair Sanchez: I agree with you. But because of their vote, 86 people are losing their jobs, not the City. We're not -- you know, the burden should not fall on us. In other words, your voters -- your reg -- your membership voted and they voted against the agreement, and 86 people are being fired. Now, the question that I have is if the City Manager go ahead and sends the first pink slip out, you have an option to file that grievance [sic].

Mr. Cox: Yes, absolutely.

Chair Sanchez: All right.

Mr. Cox: Grievance, civil service, court order, whatever it takes.

Chair Sanchez: I know the process. All right.

Mr. Cox: I thought you did.

Chair Sanchez: So there's a motion and a second. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: All right. So the MOU passes. Boy, I'll tell you, we always get the short end of the stick.

NA.2 09-01142

DISCUSSION ITEM

CHAIR SANCHEZ RECOGNIZED MICHAEL DAVEY, VICE MAYOR OF KEY BISCAVNE VILLAGE.

DISCUSSED

Chair Sanchez: Okay. Let's go ahead and -- the Vice Chair is running a little late. She's asked for the Virginia Key item for her presence, so we're going to allow her that. She should be here a bit. But let me take this opportunity, as a point of privilege -- I do believe that we have Vice Mayor -- is it Davey? -- here from the village of Key Biscayne. Sir, want to take this opportunity to welcome you to City Hall. Thank you for being here.

Motion to Adjourn

A motion was made by Commissioner Sarnoff, second by Commissioner Regalado, and was passed unanimously, with Vice Chair Spence-Jones and Commissioner González absent, to adjourn today's meeting.

