

**9:00 AM**                      **INVOCATION AND PLEDGE OF ALLEGIANCE**

*Present: Chair Hardemon, Vice Chair Russell, Commissioner Gort, Commissioner Carollo and Commissioner Reyes.*

*On the 25th day of October, 2018, the City Commission of the City of Miami, Florida, met at its regular meeting place in City Hall, 3500 Pan American Drive, Miami, Florida, in regular session. The Commission Meeting was called to order by Chair Hardemon at 9:00 a.m., recessed at 11:50 a.m., reconvened at 12:20 p.m., recessed at 12:23 p.m., reconvened at 2:44 p.m., and adjourned at 7:07 p.m.*

*Note for the Record: Commissioner Gort entered the Commission chambers at 9:01 a.m., Vice Chair Russell entered the Commission chambers at 9:03 a.m., Commissioner Reyes entered the Commission chambers at 9:06 a.m., and Commissioner Carollo entered the Commission chambers at 9:32 a.m.*

**ALSO PRESENT:**

*Emilio T. Gonzalez, Ph.D., City Manager  
Victoria Méndez, City Attorney  
Todd B. Hannon, City Clerk*

*Chair Hardemon: Welcome to the October 25 meeting of the Miami City Commission in these historic chambers. The members of the City Commission are Wifredo Gort, Joe Carollo, Manolo Reyes; Ken Russell, the Vice Chairman; and me, Keon Hardemon, the Chair. Also on the dais are Emilio T. Gonzalez, our City Manager; Victoria Méndez, our City Attorney; and Todd Hannon, our City Clerk. You have to excuse me one moment; I'm missing a sheet of paper that my staff should have delivered to me that I don't have. I don't show Mr. Gort is going to help me out. I have it. The meeting will be opened with a prayer by Commissioner Gort, and then I will lead the pledge of allegiance. All rise.*

*Commissioner Gort: Good morning.*

*Invocation and pledge of allegiance delivered.*

**PART A - NON-PLANNING AND ZONING ITEM(S)**

**PR - PRESENTATIONS AND PROCLAMATIONS**

**PR.1            PROTOCOL ITEM**

**5002**

<b><u>Honoree</u></b>	<b><u>Presenter</u></b>	<b><u>Protocol Item</u></b>
City of Miami Assoc. of Fire Fighters	Mayor Suarez	Proclamation
City of Miami Office of Procurement	Mayor Suarez	Certificate of Appreciation
Task Force 2 (126) Members	Mayor Suarez	Certificate of Appreciation
Latino Art Beat Competition Winners (7)	Mayor Suarez	Certificate of Appreciation
Alpha Kappa Alpha Sorority, Inc.	Mayor Suarez & Chair Hardemon	Proclamation

MLK Kitchen Incubator (5) Companies	Mayor Suarez & Chair Hardemon	Certificate of Appreciation
City of Miami Police Commander Castellanos	Commissioner Gort, State Representative Bryan Avila and Dr. Dennis Rod	Florida State Tribute
Employees Who Earned Milestones August - September 2018	Human Resources	Pins
Check Presentation	Senator Anitere Flores, Representative Danial Perez, Judge Steve Leifman and Christina Crespi	Check Presentation

**RESULT: PRESENTED**

- 1) *Mayor Suarez presented a Proclamation honoring the City of Miami Association of Fire Fighters. The City of Miami Association of Fire Fighters serve as prime examples of sacrifice and public service, displaying the nobility to protect the citizens of our community every day. The members are highly dedicated and trained individuals who demonstrate American ideals, the ultimate standard of character and courage in the face of danger. The City of Miami Association of Fire Fighters members selflessly contribute their time and energy fighting for kids and adults with muscular dystrophy, ALS, and other related life-threatening diseases that severely limit muscle strength and mobility by Filling the Boot each year for the Muscular Dystrophy Association. Elected Officials paused in their deliberations of governance and to pay tribute and celebrate the City of Miami Association of Fire Fighters, therefore, proclaiming Thursday, October 25, 2018 as “City of Miami Association of Fire Fighters Day” in the City of Miami.*
- 2) *Mayor Suarez presented a Proclamation honoring and commending the City of Miami Department of Procurement. The department mission is to ethically produce quality goods and services to the best of its ability, and value to the City of Miami, earning the National Institute for Public Procurement’s (NIGP) Outstanding Agency Accreditation Award – OA<sup>4</sup>, which is given to agencies that demonstrate excellence in public procurement. Over 3,000 governmental agencies from the United States, and Canada hold NIGP membership, but only 150 have obtained this prestigious recognition. The Department of Procurement is also the recipient of the National Procurement Institute, Inc. (NPI) 2018 Achievement of Excellence in Procurement Award, which is given to agencies with outstanding public procurement practices. The City of Miami is one of 23 agencies in Florida, and only one of 65 cities in the United States and Canada to receive the Achievement of Excellence in Procurement Award. Elected Officials paused in their deliberations of governance, to pay tribute and celebrate the many accomplishments of the department therefore, proclaiming Thursday, October 25, 2018 as “City of Miami Department of Procurement Day” in the City of Miami.*
- 3) *Mayor Suarez and Commissioner Reyes presented Certificates of Appreciation to 126 members of Task Force 2 for their tireless efforts and selfless assistance servicing as a first responder during the devastation of Hurricane Michael, to numerous members of the Florida Panhandle community. Their noble actions allowed them to protect, assist, and serve many during this challenging time. Elected Officials paid highest tribute the members of Task Force 2 and commended and honored them for their efforts.*

- 4) *Mayor Suarez presented Certificates of Appreciation to the seven winners of the 2018 Latino Art Beat Competition winners and paid tribute to their extraordinary artistic talents and eminent contributions to the elevation of creative expression in South Florida. Elected Officials paused in their official deliberations to wish each recipient utmost success in all future endeavors.*
- 5) *Mayor Suarez and Chair Hardemon presented a Proclamation to Alpha Kappa Alpha Sorority for their involvement with National Mammography Day which is observed annually on the third Friday of October as part of National Breast Cancer Awareness month. Alpha Kappa Alpha Sorority, Inc. strives to help 100,000 women in order to share information concerning breast cancer, and increase awareness regarding the risk factors that contribute to breast cancer through innovative ideas, such as the launch of the Alpha Kappa Alpha Sorority, Inc. mobile mammography unit on the campus of Texas Southern University. The Alpha Kappa Sorority was established in 1908 with the vision of nine dedicated and hardworking Howard University college students, and has flourished to a global sisterhood with approximately 300,000 members. Elected Officials paused in their deliberations of governance, to pay tribute and celebrate the many accomplishments of Alpha Kappa Alpha Sorority, Inc., therefore, proclaiming Friday, October 19, 2018 as “National Mammography Awareness Day” in the City of Miami.*
- 6) *Mayor Suarez and Chair Hardemon presented a Certificate of Appreciation to Palm Construction and Design Group, Florida Power & Light Company, Steve Kneapler, FCA Kitchen and the International Brotherhood of Electrical Workers for their efforts in the Liberty City Culinary Community. With their help, MLK Kitchen Incubator will continue to successfully provide its services to Liberty City entrepreneurs. Through the company’s resilient participation and sustainable actions, the community is able to utilize professional equipment to enhance their skills and practice gastronomic techniques. The Elected Leadership of the City of Miami honored and commends these companies for their assistance with the MLK Kitchen Incubator Program.*
- 7) *Mayor Suarez, Commissioner Gort, State Representative Bryan Avila and community activist Dr. Dennis Rod presented a Florida State Tribute Certificate to City of Miami Police Commander Castellanos. Commander Castellanos has served the City of Miami for over 20 years. His steadfast service, duty, dedication and leadership to the City of Miami were recognized with the utmost appreciation.*
- 8) *Mayor Suarez and Commissioners recognized various City of Miami Employees who earned milestones in their career, presenting them with Service Pins and commending them for their dedication and commitment to the City of Miami.*
- 9) *State Senator Anitere Flores, State Representative Daniel Perez, Judge Steve Leifman and Downtown Development Authority Representative Cristina Crespi presented a check in the amount of \$300,000 to the City of Miami for the establishment of an Involuntary Outpatient Center Pilot Program for increased compliance with mental health care and substance abuse. This program will serve individuals in the City of Miami who receive care under the “Baker Act” Florida Mental Health Act of 1971 and Hal S. Marchman Alcohol and Other Drug Services Act of 1993 “Marchman Act” while preserving dignity and protection to those receiving care.*

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

*Presentations and proclamations made.*

**AM - APPROVING THE MINUTES OF THE FOLLOWING MEETINGS:**

**AM.1** City Commission - Planning and Zoning - Jul 26, 2018 9:00 AM

<b>MOTION TO:</b>	<b>Approve</b>
<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	<b>Joe Carollo, Commissioner</b>
<b>SECONDER:</b>	<b>Manolo Reyes, Commissioner</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo, Reyes

**AM.2** City Commission - Special Meeting - Aug 6, 2018 2:00 PM

<b>MOTION TO:</b>	<b>Approve</b>
<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	<b>Joe Carollo, Commissioner</b>
<b>SECONDER:</b>	<b>Manolo Reyes, Commissioner</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo, Reyes

**AM.3** City Commission - Special Meeting - Aug 14, 2018 10:00 AM

<b>MOTION TO:</b>	<b>Approve</b>
<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	<b>Joe Carollo, Commissioner</b>
<b>SECONDER:</b>	<b>Manolo Reyes, Commissioner</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo, Reyes

*Chair Hardemon: So is there a motion to approve meeting minutes from AM.1, AM.2, and AM.3?*

*Commissioner Carollo: So move.*

*Commissioner Reyes: Second.*

*Chair Hardemon: Properly moved and seconded. Any discussion on that? Hearing none, motion carries. Oh, I'm sorry. See -- is there -- All in favor, say "aye."*

*The Commission (Collectively): Aye.*

*Chair Hardemon: Motion carries.*

**ORDER OF THE DAY**

*Chair Hardemon: We will now begin our regular meeting. The City Attorney will state the procedures to be followed during this meeting.*

*Victoria Méndez (City Attorney): Thank you, Chairman. Good morning. Any person who is a lobbyist, including all paid persons or firms retained by a principal to advocate for a particular decision by the City Commission, must register with the City Clerk and comply with the related City requirements for lobbyists before appearing before the City Commission. A person may not lobby a City official, board member, or staff member until registering. A copy of the Code section about lobbyists is available in the City Clerk's Office or online at [www.municode.com](http://www.municode.com) [sic]. Any person making a presentation, formal request, or petition to the City Commission concerning real property must make the appropriate disclosures required by the City Code in writing. A copy of this Code section is available in the City Clerk's Office or online at [www.municode.com](http://www.municode.com) [sic]. The material for each item on the agenda is available during business hours at the City Clerk's Office and online 24 hours a day at [www.miamigov.com](http://www.miamigov.com) [sic]. Any person may be heard by the City Commission through the Chair for not more than two minutes on any proposition before the City Commission, unless modified by the Chair. If the proposition is being continued or rescheduled, the opportunity to be heard may be at such later date before the City Commission takes action on such proposition. The Chairman will advise the public when the public may have the opportunity to address the City Commission during the public comment period. When addressing the City Commission, the member of the public may first state his or her name, his or her address, and what item will be spoken about. A copy of the agenda items titles will be available at the City Clerk's Office and at the podium for your ease of reference. Anyone wishing to appeal any decision made by the City Commission for any matter considered at this meeting may need a verbatim record of the item. A video of this meeting may be requested at the Office of Communications or viewed online at [www.miamigov.com](http://www.miamigov.com) [sic]. No cell phones or other noise-making devices are permitted in chambers; please silence those devices now. No clapping, applauding, heckling, or verbal outburst in support or opposition to a speaker or his or her remarks shall be permitted. Any person making offensive remarks or who becomes unruly in Commission chambers will be barred from further attending Commission meetings and may be subject to arrest. No signs or placards shall be allowed in Commission chambers. Any person with a disability requiring assistance, auxiliary aids and services for this meeting may notify the City Clerk. The lunch recess will begin at the conclusion of the deliberation of the agenda item being considered at noon. The meeting will end either at the conclusion of the deliberation of the agenda item being considered at 10 p.m. or at the conclusion of the regularly scheduled agenda, whichever occurs first. Please note, Commissioners have generally been briefed by City staff and the City Attorney on items on the agenda today. At this time, the Administration will announce what items, if any, are either being withdrawn, deferred, or substituted. Thank you.*

*Joseph Napoli (Deputy City Manager): Good morning, Mr. Chairman, Mr. Vice Chairman, Commissioners, Madam City Attorney, and Mr. City Clerk. At this time, the Administration would like to defer the following items: To be deferred to November 15, PA.1; to be deferred to November 15, RE.3; to be deferred to November 15, RE.5.*

*Chair Hardemon: Are there any other items that the Commissioners want to withdraw, defer, continue?*

*Commissioner Reyes: If I may, I would like to ask -- particularly ask Commissioner Russell if he would consider deferring -- because I have to leave. I won't be here for the PZs (Planning & Zoning) -- PZ.11? Yesterday I met with -- I had a visit of people from NC-2 [sic], and wanted to clarify certain things and to try to help them more, and getting to an agreement with them. And then also, they wanted to -- I mean, they came out and they explained, and we had a wonderful conversation. And*

*I would like to ask for a deferment for PZ.11 so we can meet -- further meet and try to iron out some of my questions and all of that.*

*Vice Chair Russell: Mr. Chairman?*

*Chair Hardemon: You're recognized.*

*Vice Chair Russell: Thank you, Commissioner. This is first reading on the item, and I have met with these folks as well; some agree; some do not, but my commitment to them is to work on this for first reading, with my commitment that in between first and second that we get everybody to the table -- and you're welcomed as well -- to get this right and make sure that everybody understands what we're trying to do and that there is consensus, but I would like to get through first reading today. There -- it looks like -- it looks to be many folks who had been working on this for a very long time who will be here today to see the item.*

*Commissioner Reyes: Yes. And I want you also to know that I'm also committed to working for the better -- the best thing that could happen to them -- I mean, for their own benefit. You're not the only one that's trying to benefit them.*

*Commissioner Carollo: Gentlemen, we've always have had the courtesy when a member of this body ask for a deferment to defer it, and particularly when the Commissioner that's asking for it cannot be here this afternoon.*

*Vice Chair Russell: This is something we have to take up in the afternoon anyway. We can't make a decision on this right now.*

*Commissioner Carollo: Well, if we have to take a decision, I'd like to take a decision now when we have a full board --*

*Vice Chair Russell: Physically impossible.*

*Commissioner Carollo: No, for a deferment.*

*Chair Hardemon: Well, we can't -- the Vice Chairman is correct in that we can't defer it. We can announce an intention to defer it, but we can't actually defer it at this point.*

*Commissioner Carollo: This is what I'm talking about, to announce our intention to defer, Chairman. And, you know, that -- what I'm seeing now is -- Understand this, we don't have a strong dictator Mayor yet.*

*Vice Chair Russell: Wow.*

*Commissioner Carollo: You might wish we have it after November, but I don't think it's going to happen. So we're not going to be doing things in this Commission the way that things -- some would like to have done after November. Never, that I could recall -- rare occasion, maybe -- when a member of the Commission is not going to be present, we do not grant them the right for a referral -- for a deferral, especially on something that is not life or death.*

*Chair Hardemon: There hasn't been a motion that's been made on the request for deferrals yet, so I would suggest that someone comes up with a motion.*

*Commissioner Carollo: I will make a motion --*

*Vice Chair Russell: At least, we can't vote on PZ items, correct?*

*Commissioner Carollo: -- for the intent --*

*Chair Hardemon: Right, correct.*

*Commissioner Carollo: -- to defer, so that we could announce it.*

*Commissioner Reyes: I second it.*

*Vice Chair Russell: I don't understand the motion.*

*Chair Hardemon: The motion has been made to move -- made and seconded to announce the intention to defer PZ.11.*

*Vice Chair Russell: Mr. Chairman, I'd like to bring this up, because if we're going to start this at 9, it's going to be a long, long day. The tradition that is being broken here is that these are issues affecting a district to which you have not been elected. These are residents on both sides of this issue, for and against, who I've been working with for months and months and months on both sides, coming to this very moment today. Many people are ready to be here today to be heard, and if we defer this item, this -- whether it's 10, 20, 30, or 100 people that show up, they won't be able to speak, and this is their day to speak. They've taken time off of work, and this is people from my district who have elected me, who want to -- all expecting, through public meetings that have happened over this last month, announcements that this will be happening today. This issue does not affect your district one inch. So it's just first reading. It's first reading. And there is a sense that something needs to change. Whether it's going too far, whether it's not enough, all of those things can be worked out between first and second. My hope is simply that there is a respect given to the district Commissioner that there is a change that's needed -- and that is consensus among the district -- that we at least give that courtesy to the residents to show, first reading, that we are going to work on this, and then you have my commitment to work through this from there forward --*

*Commissioner Reyes: Sir --*

*Vice Chair Russell: -- with you and with the residents.*

*Commissioner Reyes: -- once again, I want to remind you that I was elected by a -- for a district, but I am a City of Miami Commissioner. When people from your district, they take the -- I mean, they ask to talk to me, come to my office, and there is a group of people that have concerns about this, it means that they need help. And whatever affects your district, sir, affects me, affects everybody that's been elected. It affects all of us, because we all, every one of us, represents the City of Miami, not a district. You see, probably in -- before I got here, you see, every single Commissioner for every single district thought that that was their own private fiefdom that nobody could get in, and they could do as they please. I don't believe in fiefdom, sir. I believe that we have the responsibility for every single resident of the City of Miami. And if a group of residents from your district -- the same could happen to me. If they come to your district, you can get involved, sir, because you are a Commissioner of the City of Miami. When they come to me, they ask for a meeting with me, and they express their concern, and they want me to address the concern, to work with them, you see, I have the duty, as a Commissioner of the City of Miami, to represent them, too, because let me tell you something, those people that they come to my office, they don't feel that they are being treated fairly, and they are not rightly represented, and that's the only thing that I'm doing. I'm not trying to represent. I'm just trying to work with them and try to reach an agreement. That's it. But remember, that's not your fiefdom.*

*Vice Chair Russell: Mr. Chairman?*

*Commissioner Reyes: District 4 is not my fiefdom either, sir.*

*Vice Chair Russell: Mr. Chairman?*

*Chair Hardemon: You're recognized, sir.*

*Vice Chair Russell: There is no claim of fiefdom here. These are simply the folks that voted for me; they did not vote for you, so you do not represent them in the same way that I am beholden to them.*

*Commissioner Reyes: They come to me.*

*Vice Chair Russell: They cannot -- you would be making -- because a small group of people, who oppose a vast majority of folks, can go to another Commissioner's office -- if I may finish -- to try to undermine the efforts of that Commissioner's office, it should not derail all the efforts.*

*Commissioner Reyes: I am not --*

*Vice Chair Russell: I'm glad that you listened to them. I'm glad that you take their consideration into account --*

*Commissioner Reyes: Listen.*

*Vice Chair Russell: -- and you may vote completely against the issue based on them getting to you, but the other folks haven't come to you. You haven't been to the community meetings.*

*Commissioner Reyes: I --*

*Vice Chair Russell: You haven't been to the meetings that -- where the discussion has gone deep on all sides. You're hearing one side --*

*Commissioner Reyes: No.*

*Vice Chair Russell: -- and --*

*Commissioner Reyes: No, no, no.*

*Vice Chair Russell: It's true.*

*Commissioner Reyes: No. I have met with all sides. And as a matter of fact, where I'm concerned, and group that I -- that they agree with it, but we are going to add certain things, and they want to separate it. It's from NC-2 [sic], you see, that I met yesterday, and I promised them that I was going to do everything on my side, on my power to try to help them bring -- and try to make sense here. It's not -- I have met with all -- everybody that has -- that have to do with this ordinance that you want to pass.*

*Vice Chair Russell: You've met with everybody?*

*Commissioner Reyes: Well --*

*Vice Chair Russell: There's about 200.*

Commissioner Reyes: -- (UNINTELLIGIBLE) -- No, no. I had in my office people in favor and people against, okay? They have come and talk to me, you see. And that's the only thing that I'm asking. Hey, listen, if it is so much trouble and you feel so passionate about it, you see, okay, let us vote -- and this is a democratic body -- and then we do it.

Chair Hardemon: So --

Commissioner Reyes: (UNINTELLIGIBLE), okay?

Commissioner Carollo: Can I say something, Mr. Chairman?

Vice Chair Russell: It's just first reading.

Commissioner Carollo: Ken, look, I can say to you that, to the best of my recollection, I haven't met with anybody on this. I have a very open mind on the subject, because I don't know anything on it, so I need to hear from all sides. I don't know if there is a majority that wants it, like you're saying, or not; you know, I really don't. But I do know that while, yes, we are elected to represent the whole City -- and we should -- we also have a tradition of giving reference [sic] to the district Commissioner, and I believe in that also. But we're not taking anything from you in deferring this. There also has been a tradition that members of the Commission, and particularly, if they're not going to be here, have a right to ask for a deferment. Now, I will tell you that once I hear this, you know, I might vote for you. You have your mind made up. I -- you know, you might have a vote with me there; I don't know. But I also wanted to say this: That this could be one of those items -- and I don't know -- that if I think it's bad for your district, I then don't want something similar crammed into mine later on, and that's a concern, because it's one of those items that it begins in one district, but it could well end up in all of our districts. So it's more than your district, per se; it's your district today, but it could be mine or all of us tomorrow. And I say this to you as straightforward as I can: I have an open mind, and I have to hear from people. I don't really know what this is all about, or how much it's going to affect certain people in our community or not. All that I'm asking is for something that is not going to change anything, to give a Commissioner the deferment that he wants. And I do believe that items such as this, in particular, should be voted upon a full body; not 80 percent of the body.

Chair Hardemon: Okay. So I'm going to say I think -- Do you want to add to the discussion?

Mayor Francis Suarez: Yeah. I mean, just briefly. I don't like to get into deferral discussions among the Commissioners, which, you know, you guys do a great job of handling that. But deferrals for P&Z (Planning and Zoning) items cannot happen until 2, so irrespective of what the Commission decides from a procedural perspective, the deferral decision cannot be made until 2. So Commissioners can express their perspective on whether or not something should be deferred at this point, but the deferral itself and the decision and the vote for a deferral cannot happen until 2 or later, so --

Commissioner Carollo: Mr. Mayor, that was made clear in the motion.

Mayor Suarez: Oh.

Chair Hardemon: Yeah.

Commissioner Carollo: That was made clear in the motion.

*Commissioner Reyes: Intention to defer.*

*Commissioner Carollo: Yeah.*

*Mayor Suarez: An intention to defer?*

*Commissioner Reyes: Yes, sir.*

*Commissioner Carollo: That's correct.*

*Chair Hardemon: (UNINTELLIGIBLE) --*

*Vice Chair Russell: Frankly, I don't understand what that means.*

*Commissioner Reyes: Okay.*

*Chair Hardemon: -- we're discussing -- announcing --*

*Commissioner Reyes: Right. Yes, that was made in the motion.*

*Chair Hardemon: Basically, announcing an intention to defer is a matter of courtesy for people --*

*Mayor Suarez: Sure.*

*Commissioner Reyes: Okay.*

*Chair Hardemon: -- so that they know that they may not want to show up at the 2 o'clock hour --*

*Mayor Suarez: Sure.*

*Chair Hardemon: -- because we, most likely, won't hear the item --*

*Mayor Suarez: Right.*

*Chair Hardemon: -- because it will be deferred.*

*Mayor Suarez: I'm just saying, from a procedural perspective, there's not an agreement on whether or not there will be a deferral. The decision to defer cannot be until after 2.*

*Chair Hardemon: Correct.*

*Mayor Suarez: So --*

*Commissioner Carollo: We --*

*Commissioner Reyes: We know this.*

*Mayor Suarez: -- anyone --*

*Commissioner Carollo: -- that's part of the motion.*

*Commissioner Reyes: That's part of the motion.*

*Mayor Suarez: -- anyone --*

*Commissioner Carollo: That's part of the motion. Maybe you didn't hear it.*

*Commissioner Reyes: That -- we know that.*

*Mayor Suarez: But I heard it. That's an improper motion. You can't have a motion to intend to defer something at a different time.*

*Commissioner Carollo: That's not an improper motion.*

*Mayor Suarez: Of course it is. So --*

*Commissioner Carollo: Well, maybe after November, you can say it's an improper motion and declare it --*

*Mayor Suarez: No. It's an improper motion, procedurally.*

*Commissioner Carollo: -- but today, it's up to this body to decide what an improper motion or not it is.*

*Mayor Suarez: It's (UNINTELLIGIBLE).*

*Vice Chair Russell: Mr. Chairman?*

*Chair Hardemon: I want to --*

*Vice Chair Russell: I understand the intention.*

*Chair Hardemon: Let me call on --*

*Mayor Suarez: Thank you.*

*Chair Hardemon: -- Commissioner Gort first, and then I'll come back to you, Mr. Vice Chairman.*

*Commissioner Gort: Let me tell you all something. Every time any Commissioner ask for a defer, it's been guaranteed. And I think the motion is not to go ahead and defer it today, but to let the people (UNINTELLIGIBLE) come, because I had -- also had a lot of the people come to me. I even have -- my understanding, I told them to give it to the Clerk. They have signature over a thousand people that do not understand how they're going to be affected, so you have a lot of people within your district. Now, I understand -- I respect district more than anybody else, but I, myself, my district was -- I was not respected in a very large position in my district. You guys took a vote on it, and fine; I took it, but it happens. So I would be in favor of deferring later on.*

*Vice Chair Russell: What I'm just trying to find is the courtesy for the people that do intend to show up, who have taken work off today, and my worry -- I knew that there was a potential for deferral on this item today, because I didn't think we would come to consensus, but I at least wanted the people to have the chance to speak so that we hear all sides of everything that's going. It's certainly not their fault that one of us can't be here this afternoon; and so, that's where I simply wanted them to have their public hearing possibility. If we don't have a unanimous vote on this intention, it doesn't send a clear message to them that this is not happening today, but everybody is mobilizing -- And I don't want you to think that this is my initiative to pass this. I*

*am the mediator in this between different sides within this community, who don't quite yet know where this needs to land.*

*Commissioner Carollo: I believe that. Actually --*

*Commissioner Reyes: I believe that, and you can let everybody speak. And then the only thing that I'm asking is that it's going to be an argument and a vote on it, I might vote with you. You don't know how I feel, but I want to have everything clear. You see?*

*Vice Chair Russell: All right. I --*

*Commissioner Carollo: Mr. Chairman, can I make a point of clari --*

*Commissioner Reyes: Let everybody speak.*

*Vice Chair Russell: -- I --*

*Commissioner Carollo: -- can I ask for a point of clarification from the Clerk? Mr. Clerk, the motion that I made, is it proper procedure?*

*Todd B. Hannon (City Clerk): Yes, sir.*

*Commissioner Carollo: Okay. Thank you.*

*Mayor Suarez: Mr. Chair, if I may? Here's the problem with the motion: The motion that he made has no legal effect in the sense that if, at 2p.m., the Commission decides they want to hear the item, then the people who did not come because of the motion of an intent to defer -- right? -- at a time when it cannot be deferred, can sue the City of Miami for saying, "You told us that we were going to defer, and then at 2 o'clock, you heard the item." So it's not proper to intend to defer something that you later on may not defer, because then somebody can come and sue the City of Miami.*

*Chair Hardemon: So the only position that I have about --*

*Commissioner Carollo: Look --*

*Mayor Suarez: Do you have any disagreement with that?*

*Chair Hardemon: Let me say this before anyone responds: In the City of Miami, we have multiple times in which the public has an opportunity to comment on the record; we have a first readings [sic], and we have a second reading. We're gracious with our time here, and we allow public to speak on both first and second readings, when the law only requires that they're able to speak once --*

*Vice Chair Russell: Right.*

*Chair Hardemon: -- once in a decision-making process. So, for instance, they can come today. They can speak on the record.*

*Commissioner Carollo: Sure.*

*Chair Hardemon: They could not speak when an item is heard for the first reading. They could not speak when the item is heard on the second reading. But merely the fact that they were allowed to speak on the item in this process, we've fulfilled our responsibility, so their suing us will be unsuccessful. This matter, when we*

*announce our intention, it's all about just the common courtesy to those individuals, and it'll be heard -- the item will be heard first and second, and I'm sure they'll be able to speak on first and second reading. Now when it comes to -- this is like a clash of our culture in this situation here. There is a lot of regard that is always given to a district Commissioner, but like Commissioner Gort said, there has been times -- it happened in my district -- where we believe strongly for something -- it happened multiple times in my district, actually -- where we believe strongly about an item for our district that does not affect any other district, seemingly; however, it doesn't go the way that that district Commissioner expects. I think that's a part of the way that this system is kind to -- is set up. However, we've also allowed Commissioners to ask for the request for a continuance, because it's a matter of courtesy to each other. This is -- the most recent time I can think about a district Commissioner asking for a continuance on an item that didn't necessarily affect his district probably would have been Commissioner Gort, when he asked for a continuance on an item that I had for the food trucks. And so, we tried to create something that -- because we thought that it would affect his district, and we can come up with some sort of solution. In that sequence of events, I did allow him to get the continuance -- or I didn't fight against it. This may be a little different; it may not be. I'm not here to judge one way or the other. However, it appears, just even from the -- what we've discussed, that --*

*Vice Chair Russell: I see where the body is going.*

*Chair Hardemon: -- a continuance is going -- Right, you know.*

*Vice Chair Russell: I see where the body is going, absolutely.*

*Chair Hardemon: Now, even --*

*Vice Chair Russell: Understood.*

*Chair Hardemon: -- but even if during the afternoon, then there is one Commissioner that is not here, and I vote with you, which I intended to do, it still does not pass, which means that the motion to defer won't pass. That means that the item may be heard, but sometimes when items are heard when there's a disgruntleness [sic] between --*

*Vice Chair Russell: Yep.*

*Chair Hardemon: -- the procedural motion, it may affect the substantive motion, and that's the thing -- I don't want for you to put yourself into a position where if someone votes against because they don't understand, and that's the safest thing to do.*

*Vice Chair Russell: Understood. I agree. We will defer the item this afternoon. We won't take it up today. I need this body to be unified in our courtesy toward each other. And so, I'm trying to find respect for my residents, who have taken the time today to be here, and if we do defer, they can't speak. And a lot of them feel that this has been going on a long time. It's been deferred a few times. We were supposed to bring it up a few months ago. And trying to get it right has taken more time, and the longer we take to clean up our Code -- because there are some controversial parts of this Code change --*

*Commissioner Reyes: Absolutely.*

*Vice Chair Russell: -- and there are some parts that are absolutely needed that can erase some vague language and some loopholes, and those continue to be exploited*

while this is not passed. So there's a lot of urgency to try to get it. So, I -- out of courtesy, I absolutely will wait. We will defer this item. I would welcome a sunshine meeting, because rather than trying to hash this out amongst everybody, I intend to mediate this between the different parties. Like I said, not negotiate it on behalf of what I'm trying to pass. I'm the sponsor of this, because this is my district, and this initiative needs a change, but I'm here to mediate between parties and try to find consensus. And so --

Commissioner Reyes: I welcome a sunshine meeting, and I want all -- I wish that all the parties be there, and we can exchange ideas and concerns. And as Commissioner Carollo stated, you see, and I had stated before, you see, some actions and some measures that we take in our district could also cut -- I mean, affect other -- or they could also be -- try to be implemented in other districts and will be totally negative to the districts that it's going to be implemented.

Commissioner Carollo: Well, I thank you, Commissioner Russell --

Commissioner Reyes: I thank you very much, sir.

Commissioner Carollo: -- for listening to Commissioner Reyes. And again, let me state to you that I'm very open-minded about this. If you want to have a meeting in the sunshine --

Commissioner Reyes: That's --

Commissioner Carollo: -- I'll be happy to attend, and I hope that at the end, I could vote with you on this, once I'm educated on the subject.

Commissioner Reyes: Or we can reach consensus among -- we could try to reach consensus among the residents and ourselves.

Chair Hardemon: Commissioner Gort.

Commissioner Gort: My experience always been, it's been good to refer [sic], and we might come up with a better product. I know sometimes, we want to expedite things, we want to do them right away, but sometimes it takes a little more time to get people together and talk to each other, and we got a better chance of pass it, because if you bring it and everybody's not in agreement and it fails on first reading, what happens?

Vice Chair Russell: Agreed.

Commissioner Gort: So this is something that we have to learn as we work the --

Vice Chair Russell: If you could give me the courtesy to come up with a date of the deferral by this afternoon at 2, but at least for now, we can let the folks know that it won't be happening today. In that way, I can get a general feeling of the public of when we can bring this back, and we'll go from there.

Chair Hardemon: So seeing no objection --

Commissioner Reyes: Thank you.

Chair Hardemon: -- to the motion to announce the intention to defer PZ.11, I'll declare that the motion passes.

Commissioner Carollo: Okay.

*Chair Hardemon: All right. Now, Madam City Attorney, the question is, on items that do not have an applicant -- well, the applicant is the City of Miami, basically, there's no third-party applicant -- whether or not we can actually defer those items, even though they've been announced that they must be acted upon after 2 o'clock? You don't have to respond right now, but that's just a thought that I had about the items.*

*Ms. Méndez: We've talked about that before, that if it's your item of the body, it's something that's brought by the Commission, arguably, you don't have to do this again at 2p.m. The thing is that since it was noticed for 2p.m., the best practice is for you to --*

*Chair Hardemon: Right.*

*Ms. Méndez: -- take the action at 2p.m., but obviously, when it's of the body, when it's yours, when it's the City's legislation, since you are the legislative body, it's very different than when somebody else has a right as an applicant.*

*Chair Hardemon: To be heard at a certain time. Right. So the Chair would like to entertain a motion to defer, as the City Manager stated, PA.1, RE.3, and RE.5.*

*Commissioner Reyes: Move.*

*Chair Hardemon: Properly --*

*Commissioner Carollo: Second.*

*Chair Hardemon: -- moved and seconded. Any discussion on that? Hearing none, all in favor, say "aye."*

*The Commission (Collectively): Aye.*

*Chair Hardemon: That motion carries.*

*Commissioner Gort: By the way, I want you to know that for this item that we just discussed, I have [sic] to have three pages of people I met with from both sides.*

*Vice Chair Russell: Good.*

*Chair Hardemon: All right.*

### **PUBLIC COMMENT PERIOD FOR REGULAR ITEM(S)**

*Chair Hardemon: I'll open up the floor for public comment right now. If you're a member of the public and you want to speak on any afternoon -- I'm sorry -- any morning agenda items that are here, you're allowed to speak, but I also extend it to those who want to speak on the Overtown issue. So once again, if you're a member of the public, now is your opportunity to speak. You have two minutes to address this body. You can approach either lectern, the one that's here to my right or the one that's to my left. State your first name, your last name, you may state your address, and what item it is that you're speaking about. And you're recognized, sir.*

*Brett Bibeau: Thank you, Mr. Chairman. Good morning, honorable City Commission. Brett Bibeau, Managing Director of the Miami River Commission, with offices located 1407 Northwest 7th Street --*

*Chair Hardemon: You may --*

*Mr. Bibeau: -- here to --*

*Chair Hardemon: -- have the highest number of public comment items spoken first during my tenureship here.*

*Commissioner Carollo: It's a long river.*

*Chair Hardemon: He always makes --*

*Commissioner Carollo: It's a long river.*

*Chair Hardemon: -- first --*

*Commissioner Carollo: Right.*

*Mr. Bibeau: I enjoy the policy. I appreciate the policy; it lets me get back out on the River, where work needs to be done.*

*Chair Hardemon: Thank you, sir.*

*Mr. Bibeau: -- here to distribute and read a letter into the record from our volunteer Chairman, Horacio Stuart-Aguirre. "I respectfully recommend approval of Agenda Item PZ.12, which maintains the Zoning Code's current requirements for the Public Miami River Greenway. The Public Miami River Greenway is being implemented consistent with the City of Miami's adopted Comprehensive Plan, the Miami River Greenway Action Plan, the Parks Master Plan, the Miami River Corridor Urban Infill Plan, and the Miami River Corridor Multimodal Transportation Plan. Thanks to a strong positive partnership between the public and private sectors, 6.5 miles, or 65 percent, of the Public Miami River Greenway is complete, with 3.5 miles, or 35 percent, remaining to be constructed. The Miami River Greenway is significantly improving the natural environment and economy, with over 8,000 connecting new residential units, additional 7,450 approved residential units; major hotels, with an additional three approved hotels, featuring an additional 1,160 new hotel rooms; 23 operating restaurants, with an additional 23 planned restaurants; and over 550,000 square feet of retail, which is currently under construction. The Miami River Greenway serves as a safe transportation route for alternate forms of transportation, such as bicycles and pedestrians, and directly connects with two Metrorail stations, two Metromover stations as well, and therefore, it reduces vehicular traffic, gas consumption, and carbon emissions. Finally, walking and biking on the Miami River Greenway improves your physical health. Your time and continued strong support for completing the public riverwalk are appreciated." Thank you.*

*Chair Hardemon: Thank you, sir.*

*Reginald Munnings: Good morning, gentlemen of the Commission. My name is Reginald Charles Munnings. I'm a long-time resident of the Overtown community, and it is my pleasure to be before you this morning and representing -- sentation [sic] of myself as a concerned citizen of the area of Overtown. I would like to thank everyone involved in the support of the homeless issue and substance abuse plague that infested our community, and the use of agencies to assist us for the betterment of the individuals as a whole. Thank you. We need to continue. We need this united*

*front to foster change and better communicate with each -- between each other in order to create the change we want to see in our community. We need strategies to address and identify the issue of homelessness and drug use in our community. All of this is nothing new. We just need to unite and do something about it. There is a history behind all of this, and it can be summed up in one word: Neglect. Also, with all that we have dealt with in Overtown, it is now being proposed to create a circus-like atmosphere in the middle of our community with open invitation to all those concerned on two to three parcels of land. This is what's being asked to be constructed and developed, with extensive and extended hours of operation at the community's expense. I think that we should be careful how we invest in people, places, and things in our community. We have finally began to gain control on one horrific infestation in our community; we should be careful not to create another. The first rule of business is location, location, location. This is just like the other and can become a misfortunate sequence of events. Thank you.*

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

*Anamarie Ferreira de Melo: Good morning, Commission. I'm Anamarie Ferreira de Melo, co-founder of Urban Home Solutions and its non-profit arm, Urban Health Partnerships, located at 425 Northeast 22nd Street, Suite 4001, Miami, Florida. Urban Health Partnerships is devoted to reducing health disparities by creating better environments for all ages and all abilities. For the past seven years, we've been a lead agency in the Miami-Dade age-friendly initiative, alongside Health Foundation of South Florida, AARP Florida, Alliance for Aging, United Way of Miami-Dade, Miami-Dade County, and Miami-Dade MPO (Metropolitan Planning Organization) -- TPO (Transportation Planning Organization), excuse me. Congratulations to the City of Miami for recently becoming an age-friendly city and for devoting your resources and for creating a step-by-step plan of how all older adults in your City will be able to live here for as long as they'd like with dignity, enjoyment, and truly be able to contribute in any way they'd like to. Through the Live Healthy Little Havana Initiative, we have spoken with many older adults, and what they've shared with us is that they spend a long amount of time waiting for a trolley in a bus stop. So although they'd like to fight isolation and they'd like to be healthier, it is difficult for them to get around when they don't have a place to rest. Urban Health Partnerships has secured a community challenge grant that we would like to give and pilot 12 seats for older adults. They're small seats. These are in areas where the City of Miami does not have the right-of-way for full bus stop facilities. And so, these small seats will give a little bit of a relief to these older adults and encourage them to come out. This is Item RE.7, and we encourage and look for your support. I just want to quickly say, thank you so much, Commissioner Carollo, for listening to the community and for supporting this item and for just encouraging us to continue to bring innovative ideas for your district. Thank you.*

*Chair Hardemon: Thank you. Sir.*

*Terrance Cribs Lorrant: Thank you, Chair. Terrance Cribs Lorrant, City of Miami Black Police Precinct and Courthouse Museum. I would like to continue to support the efforts that are moving forward as far as the cleanup and concerns -- and addressing the concerns around the homelessness and hopelessness issues in all of Miami. As all of us are aware that the tourism dollars that impact Miami are massive in the sense of 367 million tax dollars revented all for tourism. The Black Police Precinct and Courthouse Museum is the only one in the nation, and for us to have such a phenomenal experience waiting right in our backyard, but not being readily accessible due to some of the sight sores that we experience in the community can tend to be somewhat a deterrent to those tourism dollars. If you're not aware -- and I'm sure many of you are aware -- our Commissioner has done an excellent job of keeping up with knowing the importance of tourism and the beautification of*

*Overtown. I'm encouraging all Commissioners to continue to look at Miami as the broader perspective. I appreciate what was said today in regards to that. Remember that the Charter of Miami was not established just by white men, but there were black men, 162 of them, one of which stands as the first on the Charter. So when we know the impact of all cultures and all content that comes within Miami, we can maintain the beauty that tours [sic] want to come and spend and enjoy and save and share with their families. Thank you.*

*Chair Hardemon: Thank you very much, sir. Ma'am.*

*Anitrice McKinnis-Jackson: Good morning. My name is -- good morning. I love her. Good morning. My name is Anitrice McKinnis-Jackson, known as Momma Joyce Overtown. My address is 236 Northwest 16th Street. I'm on the Overtown Advisory Board. This is my second term. And I'm not only a resident; I'm a homeowner there. And I'm the advocate for the Lotus House, the Ambassador for Habitat for Humanity, and I have an organization, Nana's Restart Organization. My concern -- I want to applaud each and every one of y'all, just to tell y'all thank you for seeing what we see, and thank y'all for being committed to what you -- you know, what's going on in Overtown. And just like Mr. Williams said, I have the heart of Overtown as well, and I recommend the Chief to stand with us and the City of Miami. I'm just here to say, thank you for seeing the vision and seeing the hearts of the people. And just like Mr. Williams said, we was in a meeting, and even on yesterday, I was pulling out my -- I work at Jackson Hospital for 19 years. I was pulling out my driveway and I saw a guy. He was shooting a needle and dropped the needle behind the Lotus House. And I politely got out my car and tell him -- and I always use this verse. "If you was here" -- "If you was living here and I did what you did, what would you like?" He said, "No. I really appall [sic] you for that; you know, not calling the police." And I said, "I'm not going to call the police. I am the police," because I walk around my community. Me and my grandkids, we pick up too. We go on Saturdays. We go have our trash can, and we pick up. And I'm one that feeds the community. And we also do -- on December 15, we're doing a Winter Wonderland for our community, and the City of Miami going to be a sponsor. So I thank each and every one of y'all for seeing -- For the homeless shelter, I love what y'all doing. And thank you for commending us to stand up here to stand up for our community, because, just like I say, I be around. We -- you don't see that on Brickell. You don't see that down south, but it's only Overtown, and it got to stop. But I thank y'all for even coming together, even allowing us to step out as a team. And I have -- I'm going to leave with this with you. I have a statement say, "Overtake it. Don't let it overtake you." Don't matter what it is. And team work make a dream work. That's from Momma Joyce. I love y'all.*

*Chair Hardemon: Thank you.*

*Lourdes Blanco: Good morning, Mr. Chairman.*

*Chair Hardemon: Good morning.*

*Ms. Blanco: Good morning, Commissioners. Lourdes Blanco, Executive Director, Miami Sports & Exhibition Authority. I'm here today to speak about Item SR.5. Commissioners, I believe that my rights as an employee of the City of Miami, Executive Director of MSEA (Miami Sports & Exhibition Authority), have been violated as appears from the following: In February 23, 2018, the City of Miami Administration asked me to accept a position in Parks & Recreation Department, because someone else was taking over my position as Executive Director of MSEA. After this happens, at the City Commission meeting on March 8, 2018, City Attorney Victoria Méndez requests approval from the City Commission to authorize the Independent Auditor of the City of Miami, Mr. Theodore Guba, to do an audit of*

MSEA. She says I have committed accounting and financial irregularities. City Attorney Victoria Méndez knows that MSEA has just been audited by CPA (Certified Public Accountant) Anthony Brunson, in January 15, 2018, as required by City Ordinance, Section 2-1021. City Attorney Victoria Méndez fails to inform me that this audit, which is the real audit, has not been discussed in public, has not been approved by the MSEA Board and the City Commission. Commissioners, today you're abolishing MSEA without knowing if MSEA is transferring to the City of Miami leases and agreements that are valid and enforceable, or that they can be -- even be connected to signed contracts. Mr. Theodore Guba does not conduct an audit of MSEA. The report he writes is not subject to General Accounting Standard Principles. This subject has -- this document has not been discussed by anyone, and I was not given the opportunity to respond to the final document. It took four months for this document to be made public. When it is made public, Joey Flechas, from the Miami Herald, writes an article about the report prepared by Mr. Theodore Guba. Family members, friends, my banker -- a very prominent banker in Miami -- are concerned about whether I have done something wrong. This is the kind of impact this article has made on people that know me, because the report provides an erroneous impression that what is written is somehow a fault of mine. Mr. Guba, to make (UNINTELLIGIBLE) and confusion, includes in his report discrepancies in budgets, in the amount of \$170 million, in relationship with other 14 authorities totally unrelated to MSEA. My name, my reputation has been dragged in the mud. In September 27, 2011, Commissioner Frank Carollo confront previous Executive Director Kirk Menendez about the revenues not being properly recorded in MSEA's budgets. Kirk Menendez confirms to Commissioner Carollo, "MSEA has in reserve funds \$678,000, of which, 107,460 aren't restricted funds." In September 12, 2013 and in September 9, 2014, Commissioner Frank Carollo questions why the reserves and 22,000 rent revenue that was supposed to be received from the heliport are not reflected in the budgets. City Manager Daniel Alfonso says he has informed that any revenues derived from this facility are restrictive and must be spent in the facility due to FAA (Florida Aviation Association) requirements. Commissioners, the revenues derived from the Watson Island heliport and Chalks are not supposed to be restricted funds. CPA Anthony Brunson corrects and releases the restriction of the funds in the fiscal year 2017 certified financial statements that now have been placed under a rug. The supposedly lost cashier's checks for Chalks rent payment were delivered to me by Kirk Menendez in January 2015. The heliport failed to make any rent payments since the effective date of the agreement dated October 9, 2013. After a (UNINTELLIGIBLE).

Chair Hardemon: Ms. Blanco?

Ms. Blanco: (UNINTELLIGIBLE).

Chair Hardemon: Lourdes, you know I love you. I gave you an additional two minutes, so you spoke for four minutes. And you can supplement the record with the --

Ms. Lourdes: Mr. Chairman, will you allow me to say the last?

Chair Hardemon: That whole entire last paragraph?

Ms. Lourdes: No, the last.

Chair Hardemon: Oh, the last.

Ms. Blanco: Okay?

Chair Hardemon: I'll give you that.

*Ms. Lourdes: Yeah, the last. MSEA is not being abolished for financial reasons. MSEA is being abolished for other reasons. Okay. I request that you do an investigation by an external CPA firm to confirm whether the report, written by Mr. Theodore Guba, is correct or not. If it is not correct, the City of Miami, for the benefit of its residents and all of us here, to request from the Miami Herald a retraction of what is said about me in this article, written by Joey Flechas, named "Audit: Miami City Hall employee paid two salaries for job that might not be necessary," dated July 27, 2018. And also, I'm here -- if you want to read it. I wrote everything about the budgets that I have written --*

*Chair Hardemon: Yes, ma'am.*

*Ms. Lourdes: Right? -- which are totally different from the previous budgets.*

*Chair Hardemon: Yes, ma'am.*

*Ms. Lourdes: Thank you so much. I'm going to put this --*

*Chair Hardemon: Thank you.*

*Ms. Lourdes: -- part of the record.*

*Chair Hardemon: Okay.*

*Ms. Lourdes: Okay. Thanks.*

*Chair Hardemon: Now, I'm not going to give you guys any additional two minutes.*

*Ignacio Vega-Penichet: I'm going to be less than two minutes today. Commissioners, good morning. Ignacio Vega-Penichet, Chalks President. I'm going to talk about SR.5. I was here six weeks ago to express my concerns about MSEA's abolishment, and I remember saying that we didn't have anything in favor of or against MSEA's abolishment; that if the City wanted to abolish MSEA for its own internal reasons, that we would not oppose to such abolishment, but to the contrary, we would support it, but that we had some concerns, however, as to the way in which the abolishment of MSEA was being proposed since it could inadvertently, affect our rights. And it took you less than five minutes to decide to defer the hearing. Why? Well, I thought it was because -- as a matter of basic principle, if it's in the City's interest to abolish MSEA, not in the tenant's, the abolishment should be completed without interfering with tenant's rights, especially those easily avoidable. If this Commission, the highest governing body of our community, decided as a matter of basic principles that you wanted to have the attornments completed prior to MSEA's abolishment, the City should do it that way. And here we are, waiting for a one-page agreement that has already been agreed and worded by the lawyers that has not been signed. Commissioners, I think that our community is built on valuable basic principles. We don't like to bother or annoy anybody. If we want to do something, we do it without causing problems or concerns to others. And if that's the way we behave among ourselves with our neighbors, with our community, with our friends and visitors, I think we should ask our own City Administration to behave in the same way. I'm sorry for saying this, but I don't think that the City Administration can put this kind of pressure on this Commission, imposing on you a behavior that clearly proves contrary to the basic principles of our community and that you so clearly embraced in September. And I would respectfully request that you defer this matter and any other matter that violates these basic principles, and instruct the City Administration to either sign the attornment or not to bring back this matter until*

*they have all the attornments in place, in addition to any other matter, of course, that you may consider appropriate. Thank you very much, Commissioners.*

*Chair Hardemon: Thank you.*

*Victoria Méndez (City Attorney): Chairman, with regard to deferring it, we can't do attornments if we don't have the abolishment in place, so we -- what is there to do if it's not done? So unfortunately, we have to, you know, do everything he says right after you make your decision. Thank you.*

*Chair Hardemon: All right.*

*Manny Prieguez: Good morning, Commission. Manny Prieguez, 4000 Malaga Avenue, Miami, Florida 33133. I'm here on behalf of Paul Dudley and the heliport on Watson Island. As I mentioned to you in the last meeting, we are 100 percent in favor of the abolishment of MSEA. We believe that it is in the best interest of the leaseholders on Watson Island that this take place. We think that it will make for a more efficient and well-run facility on Watson Island. And I really don't have any much more to add. I made some mention last time that whenever anything of substance needs to happen, MSEA has to rely on the City staff. So we're just basically cutting out a layer of bureaucracy and letting the experts or our former airport managers, you know, at MIA (Miami International Airport), your Manager, do their job at Watson Island. So respectfully, we request that you vote in favor of the abolishment of MSEA, and thank you very much.*

*Chair Hardemon: Seeing no other person that's here for public hearing, I'm going to close the public comment at this time.*

## **MV - MAYORAL VETOES**

### ***NO MAYORAL VETOES***

*(Pursuant to Section 4(g)(5) of the Charter of Miami, Florida, Item(s) vetoed by the Mayor shall be placed by the City Clerk as the first substantive item(s) for City Commission consideration.)*

*Chair Hardemon: Are there any mayoral vetoes?*

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

## **END OF MAYORAL VETOES**

**PA - PERSONAL APPEARANCE**

PA.1

**PERSONAL APPEARANCE**

4837

A PERSONAL APPEARANCE BY CITY MANAGER EMILIO T. GONZALEZ ON OUR DIGITAL TRANSFORMATION AT THE CITY OF MIAMI.

<b>MOTION TO:</b>	Continue
<b>RESULT:</b>	CONTINUED
<b>MOVER:</b>	Manolo Reyes, Commissioner
<b>SECONDER:</b>	Joe Carollo, Commissioner
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo, Reyes

*Note for the Record: Item PA.1 was continued to the November 15, 2018, Regular Commission Meeting.*

*For minutes referencing Item PA.1, please see "Order of the Day."*

PA.2

**PERSONAL APPEARANCE**

4933

A PERSONAL APPEARANCE BY KEON WILLIAMS REGARDING ISSUES IMPACTING OVERTOWN.

<b>RESULT:</b>	PRESENTED
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*Note for the Record: For additional minutes referencing Item PA.2, please see "Public Comment Period for Regular Items."*

*Chair Hardemon: There is one personal appearance. Personal appearance by Mr. Keon Williams. You're noticed, sir. Please step to the lectern. You have five minutes to address the body.*

*Keon Williams: Thank you. Good morning, Chairman, Vice Chairman, Commissioners. My name is Keon Williams; live at 1975 Northwest 3rd Court, Miami, Florida 33136, and I am here on behalf of the Overtown community as a resident. And I heard a very interesting discussion this morning about being Commissioners of all of City of Miami, not just districts. And so, I want to point that out as I make my comments as it pertains to Overtown. We had a very interesting conversation this past Thursday that occurred at the Overtown Performing Arts Center, where we talked about a number of issues. And one of the things that stood out about this conversation was the drug use and the homelessness issue that was being reported by the Miami Herald, and also from the testimonies from the residents that live, work, and play in that community. And during this discussion, a gentleman brought to our attention the severity of what we're dealing with. He left one of his syringes -- one of the needles that he uses to do his drugs -- on the front seat of the first row in our meeting. And this was a conversation that this community has been having both internally and externally with their families, with their friends, out on the streets, saying, "When are we going to do what's right for Overtown?" And so, and during this discussion, being that it was brought to our attention in that moment, it was clear that Overtown deserves better than this. The reason why folks*

have gotten to the point where they feel as if no one is listening to them is because we've allowed situations like what has been taking place underneath the underpass by 14th Street to build up, large encampments, and not just at 14th, but also 11th and other parts of the neighborhood that we live in. I'm a proud Miami resident. I love Miami. And I'm even prouder Overtown representative. I love my community. This is a very resilient community, despite so many economic and community challenges that continue to face this community. So they're a resilient community. The residents, throughout everything, continue to thrive, continue to be hard workers in our neighborhood. A few of them have shown up here today to also show their support for what we're talking about in our neighborhood. So this is what we're dealing with. And we want to make sure that the Commission, those that have been elected to represent not just their districts, but all the City of Miami, understands that Overtown, too, deserves better. We have issues that -- and again, I don't want to make this a report on bad things going on. We want to bring up the things that affect the quality of life of people who live there every day. And so, we came before this body a few months ago as it pertains to the crossing guards, and I was very excited to see how the City Commission moved to make sure that those crossing guards were being paid for and being present in our neighborhoods at the schools that are there, because prior to that, they were not there, and we had cars that were driving through those school zones at various speeds; today, that has been curbed. Police is present. Crossing guards are present. I've seen several people, you know, who have sped through those school zones get pulled over and get tickets by our esteemed police officers. The Commander, Commander Cook, in the area, has also taken a deliberate approach to making sure that he comes out and listens to the residents. Our NET (Neighborhood Enhancement Team) Administrator, the NET Office, with Brandyss Howard, are making themselves available to hear the complaints, to take action on those things, and a few of those things are still outstanding, but we're still working on them. Is that my five minutes or --?

Chair Hardemon: (UNINTELLIGIBLE).

Mr. Williams: Okay, great. Thank you.

Commissioner Reyes: Keep talking; you're doing good.

Mr. Williams: With that, I just want to bring up a few things as it pertains to the quality of life, in addition to the crossing guards. Some of the street repairs that are taking place -- and I understand, there's a lot of construction taking place, but if we can be mindful -- and Chairman, you know, this is your district, and to the Commissioners that are also here, you know, when you think about a transient neighborhood, a neighborhood that is very walkable, a neighborhood that -- where many folks may not have the right transportation, getting around on -- whether that's a bicycle or on foot, and you have a lot of construction that's taking place poses a challenge day to day, especially if there's some physical limitations that the individual may have. And so, I recognize that some of the roads are being repaired. I would ask that -- also that the thought process behind how the street closures are taking place, the cleanup after those repairs have taken place, be considerate of the people who are walking those sidewalks, who are walking on those streets, who are driving their vehicles; making sure that the potholes that have occurred as a result of the construction is filled immediately, so that way folks are not damaging their vehicles as a result of that. I want to bring up something that I witnessed this past week as well, which was illegal dumping. And I know this is something that's on the radar, but I want to make sure that, to my Commissioner, to know that we have been seeing some interesting things take place with that. I even ran off an individual myself upon seeing it. It was very offensive just to see someone dumping in your community, as if that was a no-brainer for them to do it, to dump trash in Overtown. And so, I spoke to the Commander about that. They're going to be taking a more

*interesting approach in following up with those things. And I just want to bring that to your attention as well, that these are some of the concerns. But then also, I want to talk about the neighborhood cleanups. Now, I recognize that there is an ongoing issue with the City of Miami and the Pottinger --*

*Commissioner Reyes: Yes, sir.*

*Mr. Williams: -- agreement that you all have, and I just want to make sure that I'm expressing a sincere concern about -- The residents are not in protest of people wanting to -- we're not in protest of people trying to, you know, live, trying to sustain themselves. That's not what we're in protest about, but what we are in protest of is that on those sidewalks that we walk our kids to school on, or to ourselves walking to the local businesses, or even to visit our friends and neighbors, those sidewalks are incapable of being walked on, because so many encampments exist there. The health concern that was being reported about whether that was an HIV (Human Immunodeficiency Virus) outbreak, or a Hepatitis C outbreak in the area, should not be associated with any neighborhood in the City of Miami, nor should it be allowed to fester. And so, we want to make sure that we're saying to this body here that Overtown deserves better. Overtown is not just a neighborhood in the City of Miami; Overtown is a part of Miami. It is the beginnings of a lot of the history that has to do with Miami and this rich culture here. And so, I've invited a few of those residents, who were able to take time off their work to be here this morning, to express themselves, at your will, during -- whether that's the public comments period or even after myself -- to make sure that we're being, you know, listened to, and that, you know, we are here for our community. And we would love the support of not only our Commissioner, but also the other Commissioners that are elected for the City of Miami and to coordinate those efforts to make sure that Overtown continues to be a safe place to live, a safe place to work, and a safe place to raise our families. Thank you.*

*Chair Hardemon: Thank you very much.*

*Commissioner Reyes: Chairman -- Mr. Chairman --*

*Chair Hardemon: The --*

*Commissioner Reyes: -- may I make a comment?*

*Chair Hardemon: If you'd like.*

*Commissioner Reyes: Yes. Mr. Williams, I hear you loud and clear. Personally, I have a special place in my heart for Overtown. When I was a young man, see, that I was -- decided to leave Miami High and started working in a body shop, and I spent many years working in Overtown in those little body shops, and drinking in the bars, and all of that; things that goes wrong with when you work in a body shop. And as a professional, I was the economist for the Overtown/Park West Redevelopment Project, before CRA (Community Redevelopment Agency) that was here, and I know what you mean. I know what you mean. What is not permitted in other neighborhoods of the City of Miami, that they are more affluent, it shouldn't be permitted in Overtown also. And we should all, I mean, make an effort that that does not happen. And I promise you, I will do it.*

*Mr. Williams: Thank you.*

*Chair Hardemon: The -- I appreciate you coming today; you, along with residents from the Overtown community. I'll allow you an opportunity to speak during the public comment section, which is just after you speak. I, too, have felt many times*

*that the City of Miami -- not necessarily my Commissioners, but the City of Miami has kind of really turned a blind eye to concerns in Overtown and -- but I'm happy to say that the last few times that we brought it to this body, we've galvanized the support of the City of Miami, the Homeless Trust, the Police Department, and many other partners, including our neighborhoods, to do something about that area there. I think that for a long time, there was a lack of understanding of what was actually occurring there, and I would have many conversations ad nauseam about what's actually happening in these places that have been generalized as homelessness encampments but are really opportunities for people to engage in illegal drug use, sex --*

*Mr. Williams: Yep.*

*Chair Hardemon: -- I've seen people assaulted, certainly overdosing, and a violation of Pottinger, and it's been sad being there on the street and watching families, because you -- that's what you see pass through those thoroughfares. You see families walk through there, where children have to walk in the middle of the street, because there's no way that they can pass on the sidewalk -- or that they should pass on the sidewalk. I know that Mr. Vickers, he gave me a number, and I always hate to -- I'm not going to steal his thunder, just in case he wants to speak, but it was an astonishing number of needles that were found in the area.*

*Mr. Williams: You want me to tell you the number?*

*Chair Hardemon: No, no, don't you -- I want -- because he told me today, so I want to give him the opportunity to announce it. But, you know, I'm not in agreement with a lot of different policies that come from many different governmental agencies that affect my neighborhood. A lot of people tend to believe that the City of Miami is the end all, be all for the Overtown community, but that's not true. We have a County represen -- we have County representation. We have Senate representation on the State level. We have also House of Representatives representation on the State level. We also have that same thing on the Federal level. And so, many times, us in the City of Miami, we bear the brunt of what happens in the place called Overtown, and I actually -- I wear it with a badge of honor, because I know that the people in Overtown recognize that the efforts that have been made to improve that neighborhood have also come from this body, from the City of Miami. So, you know, to take the blame for some of the negative things that happen is just part of the game, it's par for the course, if you will. But we will say that we're not tolerating, thanks to our Chief of Police, illegal drug use. I know that we have cameras that have now been put in the area to discourage that. We are -- we're not tolerating illegal dumping. I, myself, have had, where I live at, someone illegally dump -- well, they were continuously illegally dumping on the east side of my property -- on the west side of my property, rather, and then I witnessed them myself dump on the north -- on the south side of -- on the north side of my property, and it was so much trash that it was something that they -- which was a company where -- the gentleman who was doing the company was arrested. And as a matter of fact, just before the police arrived, another person came with several more mattresses that they were going to place in front; not because they -- I don't know -- part of my reasoning in this, it just has to be that they believe that the City of Miami is a place where the trash is going to be picked up every Monday, and they don't have to pay that cost, but ultimately, they only do it, as much as they do it, in neighborhoods where they believe that the people won't say anything about it. And so, on that day, I was proud of my neighbors for saying, "This is not acceptable." And we haven't had that issue in a very long time. So, you know, this is a sounding cry for everyone. If you're experiencing illegal dumping, if you're experiencing drug use, if you're experiencing crime that's happening in these neighborhoods, you have to say something; say something again and again and again and again, until the City of Miami responds*

*the way that it should, because none of this should be tolerated, because it definitely affects our quality of life. And so, I want someone from Administration, particularly, Mr. Vickers, just to make just a brief statement about the progress that we've made since -- actually, just after you had your meeting in Overtown, because things were already in the plans to start to clean up that space. Mr. Vickers.*

*Milton Vickers (Director of Human Services): Mr. Chairman, Commissioners, Milton Vickers, City of Miami Administration. We had initially scheduled a cleanup of the location between Northwest 14th Street and 13th Street, 2nd Avenue and 1st Place. That was initially scheduled for September 20. We were asked to stand down from that cleanup by the State Health Department, because they felt there may very well have been an outbreak of two different forms of Hepatitis, and they wanted to study and review the area before we went in to clean it up, which would mean the dispersements -- the dispersement of the individuals who were residing under I-395. We agreed to do that, as long as it was done -- the study and the review was done timely. It took them approximately two to three weeks to do and to submit to us a Letter of Finding, and they found the area as a health nuisance. We went in last Friday, cleaned it up. And I can tell you, between 2nd Avenue and 1st Place, right up under -- on the FDOT (Florida Department of Transportation) property that's fenced in, fences don't seem to work in that area, because there were some 600 to 800 needles, hypodermic needles that were found. We had a HazMat (hazardous material) company that the City hired to go in and clean that area up, because we did not want to expose our own employees to it. Today, at 9 o'clock, a secondary location began their cleanup, and it's my understanding that that area has been clean. It's 10th Street and 11th Street, just west of 3rd Avenue. That was an area that was discussed at the Oversight Board meeting last Thursday. This is a difficult task, and it was one that included the partnership of not just City staff, but Behavioral Health Network, Jackson Hospital; any number of sources. In the last two weeks, 35 people were placed in treatment or detox from that location. At today's cleanup, 20 individuals were placed in shelter. So the City cannot be accused of just going in, cleaning it up, and just kicking people out. We've done it with the morality -- a sense of morality that this Commission has directed staff to do, the sense of morality that the Administration has dictated to staff to take place when we're doing these cleanups. So in all, about 50 individuals have found some type of shelter or treatment in the last 30 days. Right now, cleanups are going to be delayed, because, actuality, we have no more shelter space. That's a good thing, because it means we've been active. But there will be additional cleanups. We have our sights on one that's in the Wynwood area that we know is an opioid -- an area of opioid use. The individuals in Overtown, Mr. Chairman, members of the Commission, almost at every meeting that we've had, a number of agencies -- I think the Deputy Manager participated in several of those. We want to make it very clear that what you see under I-395 is not vindictive [sic] of the residents in Overtown. Sometimes, you know, that may fall on deaf ears; most of the time, it does not. But from the Administration's standpoint, we wanted to make it very clear that we have growing up and residing in Overtown good, hard-working individuals. The majority of the individuals that are there under I-395, doing the opioid, the open sex, are individuals who were not residents of Overtown before. I'd love our diversity in our City, but the diversity that was shown -- there was very little diversity under I-395. Individuals were transient and coming in the area. Your action to close off the street, I think, was very beneficial, because it closed off the street to vehicular traffic, which simply mean individuals who were driving through the area to make buys could no longer do that. Cameras were installed. Chief Colina established cameras at -- well, on the 14th Street side, and a number of arrests -- and I think he may want to address that -- were made in the last 30 days regarding drug sales. So for the residents of Overtown, we will be participating in your meetings. Right now, the NET Administrator is there, the Police Department is there, but the City's*

*Department of Human Services will also be there to hear your concerns and attempt to address them.*

*Chair Hardemon: Thank you.*

*Commissioner Reyes: Mr. Chair, may I address --? Mr. Vicker [sic], you know we know each other for a long, long time.*

*Mr. Vickers: We won't say how long, sir.*

*Commissioner Reyes: We were young and skinny at the time. Mr. Vicker [sic], I hear what you're saying, and I commend you for what you did, and that's what it should be done with the homeless, and I had stated this on the dais, you see. You have to identify those that -- they are -- could be rehabbed, and try to place them in certain areas that will benefit them and get them off the street. And I really am glad that you're trying to clean that up in Overtown. None of them are residents of Overtown. But what I want you to do and I want the City to be consistent. This is not the first time that I have seen that we have clean up that area, you see. And then -- I don't know -- we -- there's a little lax of enforcement, and they come back, you see. And people that -- it's just like you were referring, Mr. Chairman, on illegal dumping. If you catch them once and you catch them twice, and that's it, and then people, when they see somebody else comes and do it, they come and do it again. We have to be consistent, and that area deserves that we be consistent and we be very, very much alert that it will not repeat itself, because you know how many times the -- I mean, that area under the expressway have been cleaned; many, many of times. You remember, right? But now what we have to do is keep on keeping it -- those people away from our neighborhood, you see; keep on cleaning that neighborhood; keep on having police presence, keep on the police there trying to get all the criminals away from it and improve, but be consistent so the quality of life of our residents will be improved, you see. That's my only request.*

*Chair Hardemon: There might be a --*

*Commissioner Reyes: Congratulations.*

*Chair Hardemon: -- an innovative way of doing that, if you -- if we announce -- because I notice that we do clean the streets, we post when we're going to clean them, and generally, we're allowed to clean that area. So if we did more frequent cleanings --*

*Commissioner Reyes: Yeah.*

*Chair Hardemon: -- the cleanup would be much less. Each time we clean up, we won't find 800 needles -- right? -- and it relatively keeps that area free from individuals who want to use it as a safeguard to commit crime. So that might be a special way of doing it, three cleanups a week every week, announced to the public. So, Mr. Manager, maybe we can talk about that at some point, to see if we could work that out, but that may be what those areas need, just the constant enforcement of cleaning, because the cleaning in itself is a way that we insure that we don't have the hypodermic needles, et cetera, that are exposed to the children, et cetera. I mean, when you think about the number of hypodermic needles that were found, I mean, that's worse than a mine field, and I've never been to war, but my mother has, but there are places still in parts -- different parts of the world where people don't travel because there are mines that are --*

*Mr. Vickers: Yes.*

*Chair Hardemon: -- that have been in the earth for some time, and I can't imagine traversing through a property that has 800 needles that are spread out throughout the grass.*

*Emilio T. Gonzalez (City Manager): Sir, when we went through 1st Court -- I believe I've met with the gentleman -- we made a commitment to the neighbors that we weren't going to let that place revert back to what we saw that day. Clearly, as Mr. Vickers mentioned, the issue of available beds is something that we have to worry about. People who are opioid-addicted, we have an obligation, if you will, to seek help for them. But at the same time, and as I told other -- you may have been there, sir -- is I understand that we have as a City an obligation to people who are homeless and addicted to drugs. But we also have a greater obligation to the other 400 and some odd thousand citizens and residents of this City who we have an obligation to give them clean neighborhoods --*

*Chair Hardemon: Yes.*

*Mr. Gonzalez: -- and uncluttered throughways, and safe pathways for their kids to go to school. And it's that balance that we have to strike, particularly given some legal issues going on right now that --*

*Chair Hardemon: Right. And Mr. Manager, I'll tell you, I'm happy to hear you say that, because that's part of my frustration with a lot of things that have happened. I've been on the record here saying that the City of Miami has treated homelessness or homeless individuals better than they treated the residents in the City of Miami. And I say that to mean that, you know, we spend a tremendous amount of resources in providing safe spaces for homeless individuals, we build homeless facilities, we provide food, we provide shelters in different facets for individuals that are traveling to the City of Miami and through the City of Miami; meanwhile, across the street, in a single-family home, there's an elderly woman that does not have adequate shelter, she does not have air conditioning, she does not have the food that she needs to survive on a day-day-basis, and she's suffering, trying to pay for medications that she may need to (UNINTELLIGIBLE).*

*Mr. Gonzalez: Sir, I couldn't --*

*Chair Hardemon: And so, when we take that --*

*Mr. Gonzalez: -- agree with you less, because --*

*Chair Hardemon: -- and I -- when we take that -- Mr. Manager, and we even look at our bonding issuance, and this is -- a bond issuance -- and I was having discussion about this earlier with some staff, saying that, "Listen, I want to ensure that the people who live in the City of Miami get the greatest benefit from the bond issuance; not individuals who do not live here, who want to live here. And so, we build facilities for them to come live here, but still neglect the individuals that are residents, that are taxpayers, that are the reasons that we can afford to have this bond issuance.*

*Mr. Gonzalez: And I think you and I have spoken about this. There are people that they're one pay check away from maybe being homeless.*

*Commissioner Reyes: Yes, sir.*

*Mr. Gonzalez: And we need to -- again, and I actually testified to this -- we have an obligation, yes, to take care of those individuals who, through whatever addiction they have, are probably incapable of caring for themselves, but we also have another*

470,000 people that call Miami home, and we need to make sure that they're taken care of and that they get the adequate services that they expect from our City government. So I hear you, and again, I did make the commitment that we will not -- and the Chief and I have spoken about it -- we're not going to let that area or, for that matter, any other area turn into what 1st Court was, and we'll be very proactive there.

Commissioner Carollo: Well --

Chair Hardemon: Thank you.

Commissioner Carollo: -- I hope then, having said that, Mr. Manager, that in the appropriate time, we will send a task force to Jose Marti Park, because after it was cleaned up earlier in the year, it's back. It's worse or worse than before, because now you not only have almost as many people encamped over the James overpass over the street, but on the other side of the park, you have people that have thrown their bags and their tent. And we have the same amount of drug usage that's going on there as in the Overtown area; the sex that's going on openly and worse, and right in the middle of that is a baseball field for our kids and basketball courts, and this is what their surrounded by. So --

Mr. Gonzalez: Sir --

Commissioner Carollo: -- we have an obligation to those young people, to children, and to their families that we're not going to have this kind of city that's beyond Third World, and this is happening right in Miami, the so-called "Gateway to the Americas."

Mr. Gonzalez: -- Sir, I drive through that area quite a bit. I guarantee you, that area is a priority for us. The cleanup that we did along the baseball field, we've tried to maintain that as clean as we can, but as was mentioned, some folks will just go away and come back. But again, you have our commitment that we will be --

Commissioner Carollo: The problem that happened there, Mr. Manager, was that after it was cleaned up, we didn't make sure that it would stay cleaned up, and this is what I'm seeing; that we jump at things when one of us points it out; then, once that's done, we forget about it until the problem arises again.

Commissioner Reyes: Yeah.

Commissioner Carollo: And we have to have a plan that's consistent in whatever we do, whether it's this issue that we're discussing here or others, and I don't see that consistency in anything that we're doing. But this one is a quality of life issue that's of prime importance.

Chair Hardemon: Yes. So I -- when I think about luxury hotels, the one thing I've always noticed about them is someone's always working on maintenance. I always see them with a paint brush. They're always touching up spots. I mean, that's the way you keep the property looking in an immaculate form. And so, maybe we should take a note from that.

Commissioner Carollo: Well --

Chair Hardemon: And in those spaces especially where there is a great need for cleaning, the maintenance, that we just hyper focus on those areas to ensure that the areas (UNINTELLIGIBLE).

*Commissioner Carollo: -- that's key, and this is what I think we're all in agreement on.*

*Commissioner Reyes: Yep.*

*Commissioner Carollo: And that's a good way of describing it, Chairman. You know, you got to keep that paint brush all the time. If not, the graffiti keeps coming back, but you got to have that paint brush to keep cleaning it over. And what I'd like to see is that we create a more general plan, citywide, that we have cameras -- some that are real cameras; some that are dummy cameras, because otherwise, we're not going to be able to afford all the real cameras that we need throughout the City -- so that we could focus in areas like this, and then, in particular, areas that's costing the City millions of dollars on the illegal dumping that we have in many of our neighborhoods, and a lot of that dumping, I have to believe, is coming from people outside the City, because they know if they dump it in the City of Miami streets, we are going to pick up whatever is there, and we have to pick it up.*

*Chair Hardemon: Except for the dressers and the beds and the mattresses, and everything that is located underneath the 836.*

*Commissioner Carollo: Yeah, except --*

*Chair Hardemon: But that's the only illegal dumping that we don't pick up.*

*Commissioner Carollo: -- listen, and the ones in Jose Marti Park, and a few other places like that. And I think Commissioner Gort has some primaries --*

*Commissioner Reyes: That's right.*

*Commissioner Carollo: -- also in his district.*

*Chair Hardemon: Right.*

*Commissioner Carollo: So we need to emphasize on that, because in the part of the illegal dumping, this is causing us millions of dollars more a year. And I see the same thing in Little Havana. You have the same locations that every week, no matter how often we picked it up, you see more beds, more mattress, more dressers, more junk thrown out, and it's impossible that you have that many people moving in or moving out that are throwing stuff out. And we -- you know, we don't have enough manpower to have people in each block, I understand that, but we should have --*

*Commissioner Reyes: Cameras.*

*Commissioner Carollo: -- cameras, and they don't know which ones are real, which ones are not. That's going to be a major deterrent. And then we might have to move them around (UNINTELLIGIBLE) on the dummy ones. And once we catch these people, I mean, punish them to the extent of the law.*

*Chair Hardemon: Yeah, I agree. Commissioner Gort.*

*Commissioner Gort: Mr. Chairman, we began a "Clean Up Miami" campaign about two years ago, and we had the Solid Waste and the police officers, Code Enforcement working very closely together.*

*Chair Hardemon: Yeah.*

*Commissioner Gort: They know where the dumping's taking place. My understanding is, we had acquired more cameras, we have arrested some individuals, and we had to fine them, so they can understand if you dump in the City of Miami, you're going to be fined or you're going to be arrested --*

*Commissioner Reyes: That's right.*

*Commissioner Gort: -- and your vehicle will be taken away. So the follow-up is very important. We know where the dumping is taking place. The Police, Code Enforcement, and Solid Waste are working very close together. And let me tell you, it's an economic impact for the City of Miami. We do away -- I think it's about 22,000 tons a year in illegal dumping. What's taking place right now is the cost -- I don't know what the cost is, but it should be anywhere between 60 to \$70 per ton. So when you do the numbers, it's a big cost. We need to do the follow up, follow up, and follow up.*

*Chair Hardemon: So that's a great way of doing it, under the "Keep Miami Clean" campaign. I know when that campaign rolls out, I mean, it's a massive cleanup. They take a lot of trucks, a lot of manpower, et cetera, but once you start that cleaning process, I believe that if you go in there almost daily, you're going to need much less people. I mean, you're probably just going to need some people to pick up some garbage and some -- what are --? the sprayers that they use to spray the water out. Chief, you want to add something before we close this out? You're recognized, sir.*

*Chief Jorge Colina: Jorge Colina, Chief of Police. Just a couple of quick comments, because a lot of different things came up. First of all, I appreciate Mr. Williams. You know, he loves Overtown, and we need people like him to help us. And he's a big advocate of the neighborhood, along with some of the other folks that I recognize that are here as well. We appreciate them all, because without them, we can't have any level of success, so thank you so much for coming. In Overtown, specifically, last year at this time, Mr. Chairman, we had eight functional cameras in Overtown; none of them were integrated with ShotSpotter. As of right now, we have 50 cameras in Overtown integrated with ShotSpotter. We have a long, long, long way to go in Overtown, but the same way that I gave my word to the Chairman, Commissioner Hardemon, I give my word to you guys. Every day we're going to make sure that we work very hard so we can completely transform that community, like all our communities. We've replaced -- Public Works doesn't get credit, by the way, and all we did was ask, and the work that Public Works has done --*

*Commissioner Reyes: Absolutely.*

*Chief Colina: -- they've already replaced, I think like 38 different lights in Overtown, switching them to LED (light-emitting diodes), working with FP&L (Florida Power & Light). And, you know, they stay quiet back there, but they're doing phenomenal work and we're very grateful to them, because this has to be a team concept. It can't fall solely on Solid Waste with cleanups, or on Police with enforcement, or Public -- No, it's got to be a holistic approach. That's the approach that we're taking. We're working with every department. In the last month alone, we've made a hundred arrests where we deployed the camera. Incredible. Even with the camera there, there will be people that will come and use drugs, and we've made a hundred arrests just in the last -- I don't even think it's been a month, and we're up to a hundred. I know that for a lot of people, you know, that's not the answer, so we're being creative in other ways. As you know, with that "Pre-Arrest Aversion Program" -- for people to get medical treatment, the hope that they, you know, lose their addiction and we no longer have to deal with them in all these different elements -- we're going to go that way. In terms of the illegal -- Well, first*

*of all, I was walking the other day, and the construction workers -- and getting with the Commander -- that are working on that site right off 3rd Avenue, I saw them. I saw them buying food from the food truck, and they think it's okay to leave their stuff there --*

*Commissioner Reyes: That's right.*

*Chief Colina: -- you know, and that's not okay, but we'll be addressing that. The other site where they're working at -- and I think that's a County project. I already spoke to Mr. Vickers about that, to reach out to them to say, "It's not acceptable that your workers can have their lunch and think it's okay to drop their trash on the street. It's not okay." So we're addressing that as well. In terms of the illegal dumping, if I can get the assistance from every one of you, if you give me the sites that you know are the absolute worst so we can be more efficient in our attack, we will deploy cameras at those sites. We know some ourselves that we've put cameras at, and we've actually made arrests of people doing illegal dumping, but I know that there's a lot of areas throughout the City, and we'll deploy cameras. We want to get more cameras that are mobile that we can use in this element so we can deploy them, like Commissioner Carollo was saying. We just got another feed; public/private partnerships that you've heard me speak about before. I'm asking everyone in the City to help us. If you have a business, and you're willing to put in a camera that we could get your feed -- and so, now the Marathon Gas Station, for example. They said, "Well, we'll take you up on that." And so, now we have their feed, and this obviously helps us. It's got to be a complete team effort; you know, the Administration, the Police, every department, and then, of course, the citizens of Miami. If we all work together, there's no doubt that we're going to have success, but we have to be sincere in our approach, and you guys will see. You'll see the progress day by day, I promise you.*

*Chair Hardemon: Thank you, sir. Commissioner Gort.*

*Commissioner Gort: Chief, the Solid Waste Department has all the places where it takes place, because they're the one to pick them up.*

*Chief Colina: We've -- the locations that --*

*Commissioner Gort: I know you worked (UNINTELLIGIBLE).*

*Chief Colina: -- we've gotten, we've gotten from Solid Waste, but sometimes -- and I don't want to assume, you know. You may know of a spot that they don't, that you see it, you see it. "Man, it's like clockwork; every Tuesday." Or maybe they're not aware. So we've gotten their top spots, and those are the ones that we've already deployed and made arrests, but if there's other ones -- I don't want to assume -- so if there's other ones that you know, please send it to the Commander, and we'll address it.*

*Commissioner Carollo: Chief, I think that's the way to go about it, because each of us knows our district better.*

*Chief Colina: Without a doubt.*

*Commissioner Carollo: What I'd like for you to figure out, so that we can implement this plan, is approximately how many cameras for each area you will be able to provide, because I know I'm going to have a lot more locations than anything you could provide to us. This way, we could decide if we got "X" amount of cameras, these are the places that we need them the most.*

*Chief Colina: And what I'm hoping -- and this is a little bit a ways, but, you know, we just made our pitch to the DNC (Democratic National Convention). If they choose us as their site, there is a big security package that comes with that. Part of that security package is, I will be requesting a litany of mobile cameras. Of course, once the DNC goes, we get to keep those. That's going to give us the ability to deploy even more.*

*Commissioner Reyes: Chief, I know that you and your troops, you are overwhelmed with traffic, crime, and all of that, but we have an anti-litter ordinance on our books, and I'm requesting that if you just inform your -- or try to ask your officers that if they see some people littering, at least stop them, and let them know that they cannot do that, because many of times I'm driving behind an automobile, and I see a bag of McDonald's coming out of the window, even soiled diapers coming out of the window, and those people should be stopped, and either they should be given a citation or a warning, but they should know that we have an anti-litter ordinance. And I think that we've been a little bit lax on it. I know maybe, as I said before, you're overwhelmed, but we have to do -- try to keep our streets clean, you see. And some are residents; some are people that they just come through the City of Miami, but I know that -- every one of you have seen that, you see. Every one of you have seen it.*

*Chief Colina: Commissioner, what I'll do is I'll explore to see -- and I don't know why we wouldn't, but I don't want to speak without knowing. I'm going to see if littering is one of the items that we can add to our own civil citation program, where the officers are carrying those books around. And if they see someone, they can issue a civil citation, where it's \$100 fine for that littering, and maybe that would make it a little bit easier to take enforcement instead of counting on anybody else.*

*Commissioner Reyes: I don't know if you have it, but when I came here in 1959, you couldn't even throw a cigarette out of the window --*

*Chief Colina: Right.*

*Commissioner Reyes: -- because they would stop you.*

*Chair Hardemon: Or spit on the sidewalk in front of an officer.*

*Commissioner Reyes: That's right.*

*Chair Hardemon: Thank you very much, Chief.*

*Chief Colina: Thank you.*

### **END OF PERSONAL APPEARANCE**

## CA - CONSENT AGENDA

The following item(s) was Adopted on the Consent Agenda

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	<b>Ken Russell, Vice Chair</b>
<b>SECONDER:</b>	<b>Manolo Reyes, Commissioner</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo, Reyes

### CA.1

4849

**Department of Real  
Estate and Asset  
Management**

#### RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A REVOCABLE LICENSE AGREEMENT ("AGREEMENT"), IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, BETWEEN THE CITY OF MIAMI ("CITY") AND UNITED POLICE FEDERAL CREDIT UNION FOR THE USE OF APPROXIMATELY ONE HUNDRED TWENTY-FOUR (124) SQUARE FEET OF LOBBY SPACE FOR THE PLACEMENT OF AN AUTOMATED TELLER MACHINE EQUIPMENT IN ORDER TO PROVIDE FINANCIAL SERVICES TO CITY POLICE DEPARTMENT EMPLOYEES AND PATRONS IN THE BUILDING LOCATED AT 1000 NORTHWEST 62ND STREET MIAMI, FLORIDA, WITH AN ANNUAL RENTAL FEE OF ONE DOLLAR (\$1.00) FOR A PERIOD OF SIXTY (60) MONTHS WITH TERMS AND CONDITIONS AS MORE SPECIFICALLY SET FORTH IN SAID AGREEMENT.

**ENACTMENT NUMBER: R-18-0468**

**This matter was ADOPTED on the Consent Agenda.**

*Note for the Record: For minutes referencing Item CA.1, please see "End of Consent Agenda."*

### CA.2

4816

**Department of  
Resilience and  
Public Works**

#### RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING AND DIRECTING THE CITY MANAGER TO ACCEPT ELEVEN (11) RIGHT-OF-WAY DEEDS AND ONE (1) QUIT CLAIM RIGHT-OF-WAY DEED OF DEDICATION, AS DESCRIBED IN EXHIBIT "A," ATTACHED AND INCORPORATED (COLLECTIVELY, "DEEDS"), FOR RIGHT-OF-WAY PURPOSES; APPROVING AND AUTHORIZING THE RECORDATION OF SAID DEEDS IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; FURTHER DIRECTING THE CITY CLERK TO KEEP COPIES OF SAID DEEDS.

**ENACTMENT NUMBER: R-18-0469**

**This matter was ADOPTED on the Consent Agenda.**

*Note for the Record: For minutes referencing Item CA.2, please see "Public Comment Period for Regular Items" and "End of Consent Agenda."*

**CA.3****4772****Office of Capital  
Improvements****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE BID RECEIVED ON JUNE 19, 2018, PURSUANT TO INVITATION TO BID ("ITB") NO. 17-18-024, FROM MAGGOLC, INC., A FLORIDA PROFIT CORPORATION ("MAGGOLC"), THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, TO PROVIDE CONSTRUCTION SERVICES FOR THE SOUTHWEST 64TH COURT ROADWAY AND DRAINAGE IMPROVEMENTS – D4 – PROJECT NO. B-30972, IN THE AMOUNT OF \$278,927.48 FOR THE SCOPE OF WORK, PLUS AN OWNER'S CONTINGENCY ALLOWANCE IN THE AMOUNT OF \$11,129.10, FOR A TOTAL NOT-TO-EXCEED AWARD VALUE OF \$290,056.58; ALLOCATING FUNDS FROM THE OFFICE OF CAPITAL IMPROVEMENTS ("OCI") PROJECT NO. B-30972; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NEGOTIATED AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, CONSISTING OF THE ITB DOCUMENTS AND ATTACHMENTS; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL OTHER DOCUMENTS, INCLUDING ANY AMENDMENTS AND EXTENSIONS, SUBJECT TO ALLOCATIONS, APPROPRIATIONS, AND BUDGETARY APPROVAL HAVING BEEN PREVIOUSLY MADE, AND IN COMPLIANCE WITH APPLICABLE PROVISIONS OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ("CITY CODE"), INCLUDING THE CITY OF MIAMI'S PROCUREMENT ORDINANCE, ANTI-DEFICIENCY ACT, AND FINANCIAL INTEGRITY PRINCIPLES, ALL AS SET FORTH IN CHAPTER 18 OF THE CITY CODE, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, AND IN COMPLIANCE WITH APPLICABLE REGULATIONS, AS MAY BE NECESSARY FOR SAID PURPOSE.

**ENACTMENT NUMBER: R-18-0470**

**This matter was ADOPTED on the Consent Agenda.**

*Note for the Record: For minutes referencing Item CA.3, please see "End of Consent Agenda."*

CA.4

4802

*Department of  
Procurement***RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, AUTHORIZING THE ACCESSING OF MIAMI-DADE COUNTY ("MDC") CONTRACT NO. 8757-1/18-1 FOR ELECTRICAL AND ELECTRONIC COMPONENTS, PARTS AND SUPPLIES (PRE-QUALIFICATION POOL), PURSUANT TO SECTION 18-111 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), WITH VARIOUS VENDORS, WHICH WAS COMPETITIVELY SOLICITED FOR AN INITIAL TERM OF FIVE (5) YEARS, WITH AN OPTION TO RENEW FOR ONE (1) ADDITIONAL FIVE (5) YEAR PERIOD, AND WILL EXPIRE ON MARCH 31, 2019, SUBJECT TO ANY EXTENSIONS AND/OR REPLACEMENT CONTRACTS BY MDC; ALLOCATING FUNDS FROM THE CITY OF MIAMI'S ("CITY") VARIOUS SOURCES OF FUNDS, SUBJECT TO AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL OTHER DOCUMENTS, INCLUDING ANY AMENDMENTS, RENEWALS, AND EXTENSIONS, SUBJECT TO ALLOCATIONS, APPROPRIATIONS, AND BUDGETARY APPROVAL HAVING BEEN PREVIOUSLY MADE, AND IN COMPLIANCE WITH APPLICABLE PROVISIONS OF THE CITY CODE, INCLUDING THE CITY'S PROCUREMENT ORDINANCE, ANTI-DEFICIENCY ACT, AND FINANCIAL INTEGRITY PRINCIPLES, ALL AS SET FORTH IN CHAPTER 18 OF THE CITY CODE, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, AND IN COMPLIANCE WITH APPLICABLE REGULATIONS, AS MAY BE NECESSARY FOR SAID PURPOSE.

**ENACTMENT NUMBER: R-18-0471****This matter was ADOPTED on the Consent Agenda.**

*Note for the Record: For minutes referencing Item CA.4, please see "End of Consent Agenda."*

**CA.5****4704****Office of the City  
Attorney****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY OR THEIR RESPECTIVE DESIGNEES TO EXECUTE A SETTLEMENT AGREEMENT ("AGREEMENT") IN FULL AND COMPLETE SETTLEMENT OF ANY AND ALL CLAIMS AND DEMANDS, INCLUDING ALL CLAIMS FOR ATTORNEY'S FEES, AGAINST THE CITY OF MIAMI ("CITY") AND ITS OFFICERS, AGENTS, AND EMPLOYEES IN THE CASES STYLED SWEETBAUM VS. CITY OF MIAMI, PENDING IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, CASE NO.: 17-24680-CIV-ALTONAGA AND DONALD SWEETBAUM VS. CITY OF MIAMI, CASE NO.: 17-25743, PENDING IN THE CIRCUIT COURT IN AND FOR MIAMI-DADE COUNTY; FURTHER AUTHORIZING THE DIRECTOR OF FINANCE TO PAY DONALD SWEETBAUM, WITHOUT ADMISSION OF LIABILITY, THE AGGREGATE TOTAL SUM OF \$375,000.00 TO THE PLAINTIFF UPON THE EXECUTION OF THE AGREEMENT AND A DISMISSAL OF THE CITY WITH PREJUDICE; ALLOCATING FUNDS FROM ACCOUNT NO. 00001.980000.531010.0000.00000.

**ENACTMENT NUMBER: R-18-0472****This matter was ADOPTED on the Consent Agenda.**

*Note for the Record: For minutes referencing Item CA.5, please see "End of Consent Agenda."*

**CA.6****4950****Office of the City  
Attorney****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY ALEJANDRO MENDEZ, WITHOUT ADMISSION OF LIABILITY, FIFTY TWO THOUSAND DOLLARS (\$52,000.00) IN FULL AND COMPLETE SETTLEMENT OF ANY AND ALL CLAIMS AND DEMANDS BY HIM, INCLUDING ALL CLAIMS FOR ATTORNEYS' FEES, AGAINST THE CITY OF MIAMI, ITS OFFICERS, AGENTS, AND EMPLOYEES IN THE CASE OF FRATERNAL ORDER OF POLICE, MIAMI LODGE NO. 20, ET AL. V. CITY OF MIAMI, CASE NO. 98-7760, PENDING IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA, UPON THE EXECUTION OF A GENERAL RELEASE OF HIS CLAIMS AND DEMANDS AND A DISMISSAL OF HIS CLAIMS AGAINST THE CITY OF MIAMI WITH PREJUDICE; ALLOCATING FUNDS FROM GENERAL LIABILITY ACCOUNT NO. 50001.301001.545013.0000.00000.

**ENACTMENT NUMBER: R-18-0473****This matter was ADOPTED on the Consent Agenda.**

*Note for the Record: For minutes referencing Item CA.6, please see "End of Consent Agenda."*

CA.7

4801

*Department of  
Police***RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, ACCEPTING THE BID RECEIVED JULY 10, 2018, PURSUANT TO INVITATION FOR BID ("IFB") NO. 881382, FOR ELECTRICAL MAINTENANCE AND REPAIR SERVICES AT POLICE FACILITIES FROM R & D ELECTRIC, INC., A FLORIDA PROFIT CORPORATION ("R & D"), THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE MIAMI POLICE DEPARTMENT ("MPD") ON A QUARTERLY BASIS AND/OR ON AN AS-NEEDED/EMERGENCY BASIS, FOR AN INITIAL PERIOD OF THREE (3) YEARS, WITH THE OPTION TO RENEW FOR TWO (2) ADDITIONAL ONE (1) YEAR PERIODS; ALLOCATING FUNDS FROM THE POLICE DEPARTMENT ACCOUNT NO. 00001.191501.546000, 00001.191508.546000, AND OTHER SOURCES OF FUNDS, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL OTHER CONTRACT DOCUMENTS, INCLUDING ANY AMENDMENTS, RENEWALS, AND EXTENSIONS, SUBJECT TO ALLOCATIONS, APPROPRIATIONS, AND BUDGETARY APPROVAL HAVING BEEN PREVIOUSLY MADE, AND IN COMPLIANCE WITH APPLICABLE PROVISIONS OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ("CITY CODE"), INCLUDING THE CITY OF MIAMI'S PROCUREMENT ORDINANCE, ANTI-DEFICIENCY ACT, AND FINANCIAL INTEGRITY PRINCIPLES, ALL AS SET FORTH IN CHAPTER 18 OF THE CITY CODE, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, AND IN COMPLIANCE WITH APPLICABLE REGULATIONS, AS MAY BE NECESSARY FOR SAID PURPOSE.

**ENACTMENT NUMBER: R-18-0474****This matter was ADOPTED on the Consent Agenda.**

*Note for the Record: For minutes referencing Item CA.7, please see "End of Consent Agenda."*

**CA.8****4906****Office of Grants  
Administration****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT AWARD IN THE AMOUNT OF \$147,441.00 ("GRANT") FROM THE CORPORATION FOR NATIONAL COMMUNITY SERVICES ("CNCS") FOR THE CITY OF MIAMI'S ("CITY") AMERICORPS FINANCIAL LITERACY PROGRAM ("PROGRAM"); FURTHER AUTHORIZING THE CITY'S IN-KIND SERVICES MATCH IN THE TOTAL AMOUNT OF \$181,338.00 FOR A TOTAL PROGRAM COST OF \$328,779.00; ESTABLISHING A NEW SPECIAL REVENUE PROJECT FUND, TITLED "AMERICORPS FINANCIAL LITERACY 2018-2019 PROGRAM"; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, AND ANY AND ALL OTHER NECESSARY DOCUMENTS, APPLICATIONS, RENEWALS, EXTENSIONS, REIMBURSEMENTS, AND MODIFICATIONS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, TO IMPLEMENT THE ACCEPTANCE OF AND COMPLIANCE WITH SAID GRANT, FOR THE PERIOD COMMENCING AUGUST 1, 2018 THROUGH JULY 31, 2019.

**ENACTMENT NUMBER: R-18-0475****This matter was ADOPTED on the Consent Agenda.**

*Note for the Record: For minutes referencing Item CA.8, please see "End of Consent Agenda."*

**CA.9****4969****Office of the City  
Attorney****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING PAYMENT IN THE AMOUNT OF \$70,380.98 TO WEISS SEROTA HELFMAN COLE & BIERMAN FOR ATTORNEY'S FEES AND COSTS RELATED TO MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST COMPLAINT NO. C-15-27 AND FLAGSTONE ISLAND GARDENS, LLC, ET AL. V. CITY OF MIAMI, CASE NO. 17-13829 CA 44 CONDITIONED ON THE REIMBURSEMENT OF \$3,000.00 TO ASSISTANT CITY ATTORNEY ROBIN JONES-JACKSON FOR PAYMENTS PREVIOUSLY MADE; ALLOCATING FUNDS FROM THE PROFESSIONAL SERVICES - LEGAL (NON-DEPARTMENTAL) ACCOUNT NO. 00001.980000.531010.0000.00000.

**ENACTMENT NUMBER: R-18-0476****This matter was ADOPTED on the Consent Agenda.**

*Note for the Record: For minutes referencing Item CA.9, please see "End of Consent Agenda."*

CA.10

4983

*Department of Real  
Estate and Asset  
Management*

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT ("AGREEMENT"), IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, BETWEEN THE CITY OF MIAMI ("CITY") AND BRUCE B. BARTON FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 3701 SOUTHWEST 1ST AVENUE, MIAMI, FLORIDA ("PROPERTY") FOR A PURCHASE PRICE OF EIGHT HUNDRED NINETY THOUSAND DOLLARS (\$890,000.00); FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ANY AND ALL NECESSARY DOCUMENTS, INCLUDING AMENDMENTS AND MODIFICATIONS TO SAID AGREEMENT, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, AS MAY BE NECESSARY TO EFFECTUATE SAID ACQUISITION; ALLOCATING FUNDS FROM THE OFFICE OF CAPITAL IMPROVEMENT PROJECT NO. 40-B183415, DISTRICT 3 PARK LAND ACQUISITION, IN A TOTAL AMOUNT NOT TO EXCEED NINE HUNDRED TWENTY THOUSAND DOLLARS (\$920,000.00) TO COVER THE COST OF SAID ACQUISITION, INCLUSIVE OF THE COST OF SURVEY, ENVIRONMENTAL REPORT, TITLE INSURANCE, DEMOLITION, SECURING THE PROPERTY, PROJECT SIGNAGE, AND RELATED APPLICABLE CLOSING COSTS ASSOCIATED WITH SAID ACQUISITION, IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE AGREEMENT.

**ENACTMENT NUMBER: R-18-0477****This matter was ADOPTED on the Consent Agenda.**

*Note for the Record: For minutes referencing Item CA.10, please see "End of Consent Agenda."*

CA.11

4984

**Department of Real  
Estate and Asset  
Management**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT ("AGREEMENT"), IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, BETWEEN THE CITY OF MIAMI ("CITY") AND DENNIS NIEVES ("SELLER") FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 3699 SOUTHWEST 1ST AVENUE, MIAMI, FLORIDA ("PROPERTY") FOR A PURCHASE PRICE OF SIX HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$617,500.00); FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ANY AND ALL NECESSARY DOCUMENTS, INCLUDING AMENDMENTS AND MODIFICATIONS TO SAID AGREEMENT, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, AS MAY BE NECESSARY TO EFFECTUATE SAID ACQUISITION; ALLOCATING FUNDS FROM THE OFFICE OF CAPITAL IMPROVEMENT ("OCI") PROJECT NO. 40-B183415, DISTRICT 3 PARK LAND ACQUISITION, IN A TOTAL AMOUNT NOT TO EXCEED SIX HUNDRED FIFTY-FIVE THOUSAND DOLLARS (\$655,000.00) TO COVER THE COST OF SAID ACQUISITION INCLUSIVE OF THE COST OF SURVEY, ENVIRONMENTAL REPORT, TITLE INSURANCE, DEMOLITION, SECURING THE PROPERTY, PROJECT SIGNAGE, AND RELATED APPLICABLE CLOSING COSTS ASSOCIATED WITH SAID ACQUISITION, IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE AGREEMENT.

**ENACTMENT NUMBER: R-18-0478****This matter was ADOPTED on the Consent Agenda.**

*Note for the Record: For minutes referencing Item CA.11, please see "End of Consent Agenda."*

**END OF CONSENT AGENDA**

*Chair Hardemon: I'll ask the Commissioners, let's move expeditiously through our last 17 minutes or so that we have. So what I'm asking for at this time -- and I want everyone to listen carefully -- is a motion to approve the CA (consent agenda) agenda and also the PH (public hearing) agenda, and the RE (resolution) agenda, except for, of course, the items that were deferred, which was RE.3 and RE.5, and except for RE.9 and RE.10, because I think we have to meet on both of those. So once again, that's the CA agenda, the PH agenda, and the RE agenda, except for RE.3, RE.5, RE.9, and RE.10.*

*Vice Chair Russell: I'll move.*

*Commissioner Reyes: -- (UNINTELLIGIBLE) agenda --*

*Victoria Méndez (City Attorney): A reminder that there's some four-fifths in there, so it would have to be, you know -- Thank you.*

*Commissioner Reyes: Mr. Chair?*

*Chair Hardemon: Yes.*

*Commissioner Reyes: You are referring also to the SR (second reading) agenda?*

*Vice Chair Russell: Nope.*

*Chair Hardemon: No, not the SR.*

*Commissioner Reyes: Okay. Okay, I move it.*

*Vice Chair Russell: I already moved it.*

*Chair Hardemon: It's been properly moved by the Vice Chairman; seconded by Commissioner Reyes. Any discussion? Is there any discussion about any of the items? I have one question about RE.8. RE.8 is the -- accept the proposal for streetscape in the Street Tree Master Plan. Now, Mr. Manager, there is a plan that was produced that was supposed to bring about the improvements that are noted in this agreement. However, the amount for this plan has been greatly reduced. And so, what I'm trying to figure out is, was there a reduction in the level of service, or is this cost savings? And the reason I'm asking is because I don't want -- you know, I -- one day, I envision my community in District 5 -- all of District 5 -- to look and have a tree canopy similar to what's going on in Coconut Grove. It's just a beautiful thing to see, but you have to invest in the actual planting of the trees for it to happen. It is a must. It is absolute. And so, I don't want to cheapen what we're offering in that neighborhood, so what's happening here?*

*Francisco Garcia: Right. Thank you, Commissioner. Francisco Garcia, Planning Director. So what we've done over the last approximately one year is to meet a number of times with the successful respondents to the RFQ (Request for Qualifications) -- the Curtis and Rogers Design Studio -- to devise a scope that will both properly address the need for a canopy in the public right-of-way throughout the City, and also broaden it slightly to include the actual design of the right-of-way section throughout the City. Now, the entire City cannot be painted with one brush; there are different conditions, different needs, different conditions. And so, what this exercise will result in is essentially a series of standards and guidelines to serve as the norm to improve rights-of-way throughout the City, including, of course, the proper place, spacing, and character, and infrastructure for tree planting. So there has been a revision to the scope, in direct answer to your question, but the revision to the scope has been two-fold: One, to expand, in essence, the area coverage; make it citywide instead of just the southwest portion of the City, because we think there are efficiencies available in that. And also, to take their work and the design product that they will be giving us, less oriented to the technical surveying and specifications, and more directed to standard and guidelines, design standards and guidelines, to inform rights-of-way throughout the City.*

*Chair Hardemon: So how does it affect the actual tree planting in the neighborhoods? How does this change affect it?*

*Mr. Garcia: The resulting document will provide standards and guidelines to effectuate the appropriate planting of trees, to select the appropriate trees, the appropriate specifications of the planting of those trees throughout the City, on a neighborhood-by-neighborhood basis. You -- your respective offices, the Commissioners' offices will be certainly involved and consulted with, as well as the stakeholders in the areas so that we can get it right.*

*Chair Hardemon: So the reduction from one point -- almost three million dollars to \$687,000 is -- it is not a loss of the planting in the beautification of those areas?*

*Mr. Garcia: It isn't. And let me clarify two things. The result of this particular RFQ was never intended to be the actual planting of trees; it is intended to be a design document in the end. That was always the case. The difference in cost between the original scoped-out project and the one that you have now is that a lot of the survey work that was entailed in the first iteration has been eliminated, because the final result will be less technical in terms of how do you intervene in this particular street, and more as design standards and guidelines, which are essentially regulatory documents that will drive design in the future.*

*Chair Hardemon: Is there any further discussion about any other item on the agenda?*

*Commissioner Reyes: I'm just going to ask a simple question. Will this include also sidewalks and infrastructure?*

*Mr. Garcia: Right. So when I say, "public right-of-way," I mean from property line to property line.*

*Commissioner Reyes: Property line.*

*Mr. Garcia: So it's all inclusive.*

*Commissioner Reyes: Okay. Replacement of sidewalks that need to be replaced and all of that, right?*

*Chair Hardemon: No.*

*Mr. Garcia: Not specifically sidewalks that need to be replaced, but the design of future sidewalks and what conditions --*

*Commissioner Reyes: Okay, the design of future sidewalks.*

*Mr. Garcia: -- and (UNINTELLIGIBLE), et cetera. Yes.*

*Commissioner Reyes: Okay.*

*Chair Hardemon: Okay. Seeing no further comments, all in favor of the motion, say "aye."*

*The Commission (Collectively): Aye.*

*Chair Hardemon: All against? Motion carries.*

**PH - PUBLIC HEARINGS****PH.1****4790*****Commissioners  
and Mayor*****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), PURSUANT TO SECTION 18-85(A) OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), BY A FOUR FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, APPROVING, AND CONFIRMING THE CITY MANAGER'S FINDINGS, ATTACHED AND INCORPORATED AS EXHIBIT "A," THAT COMPETITIVE NEGOTIATION METHODS AND PROCEDURES ARE NOT PRACTICABLE OR ADVANTAGEOUS FOR THE CITY OF MIAMI ("CITY"); WAIVING THE REQUIREMENTS FOR SAID PROCEDURES; AUTHORIZING THE ALLOCATION OF GRANT FUNDS FROM THE MAYOR'S SHARE OF THE CITY'S ANTI-POVERTY INITIATIVE IN A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) TO 500 STARTUPS INCUBATOR, L.L.C., A FOREIGN LIMITED LIABILITY COMPANY INCORPORATED IN THE STATE OF DELAWARE ("500 STARTUPS INCUBATOR"), IN SUPPORT OF THEIR PROGRAMS, BOOT CAMPS, AND SPEAKER EVENTS ("PROGRAMS"); FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ANY AND ALL DOCUMENTS NECESSARY, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

**ENACTMENT NUMBER: R-18-0479**

<b>MOTION TO:</b>	<b>Adopt</b>
<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	<b>Ken Russell, Vice Chair</b>
<b>SECONDER:</b>	<b>Manolo Reyes, Commissioner</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo, Reyes

*Note for the Record: For minutes referencing Item PH.1, please see "End of Consent Agenda."*

PH.2

4981

**Commissioners  
and Mayor****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, APPROVING, AND CONFIRMING THE CITY MANAGER'S FINDINGS, ATTACHED AND INCORPORATED AS EXHIBIT "A," THAT COMPETITIVE NEGOTIATION METHODS AND PROCEDURES ARE NOT PRACTICABLE OR ADVANTAGEOUS FOR THE CITY OF MIAMI ("CITY") PURSUANT TO SECTION 18-85(A) OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, AND WAIVING THE REQUIREMENTS FOR SAID PROCEDURES; AUTHORIZING THE ALLOCATION OF GRANT FUNDS FROM THE DISTRICT 2 COMMISSIONER'S SHARE OF THE CITY'S ANTI-POVERTY INITIATIVE IN A TOTAL AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000.00) TO REBUILDING TOGETHER MIAMI-DADE, INC., A FLORIDA NOT FOR PROFIT CORPORATION, IN SUPPORT OF LOW-INCOME SINGLE-FAMILY REHABILITATION IN THE WEST GROVE; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ANY AND ALL DOCUMENTS NECESSARY, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

**ENACTMENT NUMBER: R-18-0480**

<b>MOTION TO:</b>	<b>Adopt</b>
<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	<b>Ken Russell, Vice Chair</b>
<b>SECONDER:</b>	<b>Manolo Reyes, Commissioner</b>
<b>AYES:</b>	<b>Hardemon, Russell, Gort, Carollo, Reyes</b>

*Note for the Record: For minutes referencing Item PH.2, please see "End of Consent Agenda."*

**END OF PUBLIC HEARINGS**

**SR - SECOND READING ORDINANCES**

SR.1

**ORDINANCE****Second Reading**

4620

***Department of  
Resilience and  
Public Works***

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 2/ARTICLE IV/DIVISION 4 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), ENTITLED "ADMINISTRATION/DEPARTMENTS/PUBLIC WORKS DEPARTMENT"; FURTHER AMENDING CHAPTER 22.5/ARTICLE VI OF THE CITY CODE, ENTITLED "GREEN INITIATIVES/SOIL EROSION, WATERWAY SEDIMENTATION, AND AIRBORNE DUST GENERATION CONTROL"; FURTHER AMENDING CHAPTER 54/ARTICLE I/SECTION 54-3 OF THE CITY CODE, ENTITLED "STREETS AND SIDEWALKS/GENERAL/ PERMIT REQUIRED FOR WORK THAT OBSTRUCTS OR CLOSES A STREET, OR SIDEWALK OR IMPEDES TRAFFIC; FEES; WAIVER OF FEES"; FURTHER AMENDING CHAPTER 54/ARTICLE II/SECTION 54-43 OF THE CITY CODE, ENTITLED "CONSTRUCTION, EXCAVATION AND REPAIR/PERMIT FEE FOR STREET EXCAVATION, SIDEWALK REPAIR, PAVING OR RESURFACING OF PARKWAY OR SHOULDER AREA, BUILDING LINE AND GRADE SURVEY, SIDEWALK CONSTRUCTION SURVEY, DRIVEWAY CONSTRUCTION, FLUME EXCAVATION, UTILITY PLACEMENT; UNDERGROUND UTILITY SERVICE CONNECTION EXCAVATION, GROUNDWATER MONITORING WELLS; PERMIT RENEWAL; AFTER-THE-FACT PERMIT, AND REINSPECTION FEES; WAIVER OF FEES" AND CHAPTER 54/ARTICLE II/SECTION 54-56 OF THE CITY CODE, ENTITLED "CONSTRUCTION, RECONSTRUCTION OR REPAIR OF STREET IMPROVEMENTS REQUIRED WHEN ADJACENT PROPERTY IS IMPROVED BY CONSTRUCTION OF \$100,000.00 OR MORE IN VALUE OR EXCEEDING 1,000 SQUARE FEET IN FLOOR AREA; RESTRICTION"; AND FURTHER AMENDING CHAPTER 62/ARTICLE VI OF THE CITY CODE, ENTITLED "ZONING AND PLANNING FEES," TO ADJUST CERTAIN FEES RELATED TO THE PROCESSING AND RECORDATION OF PLATS, STORMWATER POLLUTION PREVENTION PLANS, RIGHT-OF-WAY PERMITS, AND FOR THE PROCESSING AND REVIEW OF OTHER DOCUMENTS CONDUCTED BY THE DEPARTMENT OF RESILIENCE AND PUBLIC WORKS; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**ENACTMENT NUMBER: 13798**

<b>MOTION TO:</b>	<b>Adopt</b>
<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	<b>Wifredo (Willy) Gort, Commissioner</b>
<b>SECONDER:</b>	<b>Ken Russell, Vice Chair</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo
<b>ABSENT:</b>	Reyes

*Chair Hardemon: Madam City Attorney, can you read into the record SR.1?*

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

*Chair Hardemon: Thank you very much. Is there a motion to approve the ordinance?*

*Commissioner Gort: Move it.*

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

*Vice Chair Russell: Second.*

*Chair Hardemon: It's been properly moved and second to approve SR.1. Any further consideration? Hearing no discussion, all in favor of the motion, say "aye."*

*The Commission (Collectively): Aye.*

*Chair Hardemon: All against? Motion carries.*

**SR.2**

**4826**

**Commissioners  
and Mayor**

**ORDINANCE**

**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 10, ARTICLE 5 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "CODE RELIEF PROGRAM," TO ALLOW FOR AN EXTENSION OF THE PROGRAM FOR LEGALIZATION OF EXISTING BUILDINGS; PROVIDING FOR DEFINITIONS; PROVIDING METHODS OF LEGALIZATION OF EXISTING BUILDINGS; ALLOWING FOR MITIGATION OF FINES DUE TO PARTICIPATION IN THE CODE RELIEF PROGRAM; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**ENACTMENT NUMBER: 13799**

<b>MOTION TO:</b>	<b>Adopt</b>
<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	<b>Wifredo (Willy) Gort, Commissioner</b>
<b>SECONDER:</b>	<b>Ken Russell, Vice Chair</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo
<b>ABSENT:</b>	Reyes

*Chair Hardemon: SR.2, please read into the record. SR.2.*

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

*Chair Hardemon: Is there a motion to approve?*

*Commissioner Gort: Move it.*

*Chair Hardemon: Moved by Commissioner Gort; seconded by the Vice Chairman. Any further discussion? Hearing none, all in favor, say "aye."*

*The Commission (Collectively): Aye.*

*Chair Hardemon: All against? Motion carries.*

**SR.3**

**4839**

**Commissioners  
and Mayor**

**ORDINANCE**

**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 10/ARTICLE I/SECTION 4 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "IN GENERAL," TO AMEND THE CODE AND PROVIDE FOR THE EXPEDITED OVERNIGHT REVIEW OF BUILDING PLANS BY THE BUILDING DEPARTMENT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**ENACTMENT NUMBER: 13800**

<b>MOTION TO:</b>	<b>Adopt</b>
<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	<b>Wifredo (Willy) Gort, Commissioner</b>
<b>SECONDER:</b>	<b>Keon Hardemon, Chair</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo
<b>ABSENT:</b>	Reyes

*Chair Hardemon: SR.3, please read into the record.*

*Victoria Méndez (City Attorney): Chairman, did you say "SR.3"?*

*Chair Hardemon: That's correct.*

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

*Chair Hardemon: Motion to -- is there a motion to approve?*

*Commissioner Gort: Move it.*

*Chair Hardemon: Properly moved; seconded by the Chair. Any further discussion?  
Hearing none, all in favor, say "aye."*

*The Commission (Collectively): Aye.*

*Chair Hardemon: All against? Motion carries.*

SR.4

**ORDINANCE****Second Reading**

4588

**Off-Street Parking  
Board/Miami  
Parking Authority**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 35/ARTICLE IV OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, TITLED "MOTOR VEHICLES AND TRAFFIC/PARKING RATES," MORE PARTICULARLY BY AMENDING SECTIONS 35-191 THROUGH 35-196 TO UPDATE RATES AND FACILITIES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

<b>MOTION TO:</b>	Continue
<b>RESULT:</b>	CONTINUED
<b>MOVER:</b>	Ken Russell, Vice Chair
<b>SECONDER:</b>	Joe Carollo, Commissioner
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo
<b>ABSENT:</b>	Reyes

*Note for the Record: Item SR.4 was continued to the November 15, 2018, Regular Commission Meeting.*

*Chair Hardemon: SR.4, please read into the record.*

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

*Vice Chair Russell: Mr. Chairman?*

*Chair Hardemon: You're recognized.*

*Vice Chair Russell: Move to defer, please; November 15 meeting. I'd like to have a full dais to take up this item.*

*Chair Hardemon: Full (UNINTELLIGIBLE). All right. It's been properly moved and seconded --*

*Commissioner Gort: Second.*

*Chair Hardemon: -- to defer to November. Any further discussion? Hearing none, all in favor, say "aye."*

*The Commission (Collectively): Aye.*

*Chair Hardemon: That motion is approved for a deferral to 11/15.*

SR.5

**ORDINANCE****Second Reading**

4656

**Commissioners  
and Mayor**

AN ORDINANCE OF THE MIAMI CITY COMMISSION ABOLISHING THE MIAMI SPORTS AND EXHIBITION AUTHORITY ("MSEA") BY AMENDING CHAPTER 2/ARTICLE XI/DIVISION 2 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), TITLED "ADMINISTRATION/BOARDS, COMMITTEES, COMMISSIONS/STANDARDS FOR CREATION AND REVIEW OF BOARDS GENERALLY," MORE PARTICULARLY BY AMENDING SECTIONS 2-887(B) AND 2-892(4)(A)(1) TO DELETE MSEA FROM SAID BOARDS; AMENDING CHAPTER 2/ARTICLE XI/DIVISION 6 OF THE CITY CODE, TITLED "SPORTS AND EXHIBITION AUTHORITY," MORE PARTICULARLY BY REPEALING SECTIONS 2-1011 THROUGH 2-1023 IN ORDER TO ABOLISH MSEA; AND BY AMENDING CHAPTER 18/ARTICLE III OF THE CITY CODE, TITLED "FINANCE/CITY OF MIAMI PROCUREMENT ORDINANCE," MORE PARTICULARLY BY AMENDING SECTIONS 18-72(A)(2) AND 18-74(C)(6)(R) TO DELETE MSEA FROM THE PROVISIONS OF THE MIAMI PROCUREMENT CODE; TRANSFERRING ALL ASSETS AND LIABILITIES TO THE CITY; ESTABLISHING A SPECIAL REVENUE ACCOUNT; DIRECTING THE INDEPENDENT AUDITOR GENERAL TO CONDUCT AN AUDIT; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**ENACTMENT NUMBER: 13801**

<b>MOTION TO:</b>	<b>Adopt</b>
<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	<b>Joe Carollo, Commissioner</b>
<b>SECONDER:</b>	<b>Ken Russell, Vice Chair</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo
<b>ABSENT:</b>	Reyes

*Note for the Record: For additional minutes referencing Item SR.5, please see "Public Comment Period for Regular Items."*

*Commissioner Carollo: I think we can (UNINTELLIGIBLE).*

*Chair Hardemon: What type of motion will there be on SR.5, before we read it into the record?*

*Victoria Méndez (City Attorney): SR.5 is just a majority, so you only need three. Was that the question?*

*Chair Hardemon: No, no, no. It's an ordinance. I said, before reading it into the record, is there going to be a motion on it or is there going to be a deferral?*

*Vice Chair Russell: Oh, I'll move it.*

*Commissioner Carollo: Yeah, I'll make a motion on it. This is --*

*Chair Hardemon: If it's being moved, then I'll have it read into the record.*

*Commissioner Carollo: This is a prime example. I could play games. I could play politics, and, you know, try to embarrass the Mayor and vote against it. The issues*

that are involved with this are separate than keeping MSEA (Miami Sports & Exhibition Authority) or not. I believe MSEA should have been dissolved back when we built the new American Airlines Arena; it wasn't. It was kept alive for reasons that we all know that weren't right, but I'm not going to vote against it just to get back at someone; I don't do that, or play those kind of games. MSEA should be dissolved. The other issues that have been brought up, they're separate to that. You know, whatever happens with those, you know, it happens, but I'll put the motion. If the Commission would like to defer it, you know, I have no problems with it either, but --

Vice Chair Russell: Second.

Chair Hardemon: It's been properly moved and seconded to approve SR.5. Can you read it into the record, please, and then we'll have --? Well, let me have Commissioner Gort --

Commissioner Gort: SR.5, there's a lot of questions that have been asked in here. I want to make sure that you inform everyone that the same Administration, the same attorneys will continue to work on MSEA, is my understanding; correct?

Ms. Méndez: Yes. We will --

Commissioner Carollo: Commissioner Gort --

Ms. Méndez: -- be able to do the successful transition.

Commissioner Carollo: -- if you have a problem with this --

Commissioner Gort: I don't have any -- no, I don't have a problem with it, but I want to --

Commissioner Carollo: -- I'll pull my motion.

Commissioner Gort: No, I don't have any problem with it. I just want to clarify it to the public so they understand, because there's been a lot of question, very doubt -- too many doubts put into the change of this. The change in reality, it goes from MSEA; it goes to the City Administration. We were the same one that were providing the services before, and the same attorneys are the one that going to be providing the same services.

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

Chair Hardemon: It's been properly moved and seconded. Seeing no further discussion, all in favor of the motion, say "aye."

The Commission (Collectively): Aye.

Chair Hardemon: All against? Motion carries.

## **END OF SECOND READING ORDINANCES**

**FR - FIRST READING ORDINANCE**

FR.1

4979

***Commissioners  
and Mayor*****ORDINANCE****First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 35/ARTICLE X OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), TITLED "PARKING FACILITIES SURCHARGE," MORE PARTICULARLY BY AMENDING SECTION 35-347 OF THE CITY CODE, TITLED "FAILURE TO COMPLY; PENALTIES," TO PROVIDE FOR THE ESTABLISHMENT OF ADDITIONAL PENALTIES, INCLUDING TREBLE PAYMENT OF FEES; DENIAL, REVOCATION, OR SUSPENSION OF THE PERMIT, CERTIFICATE OF USE, TEMPORARY CERTIFICATE OF USE, AND/OR BUSINESS TAX RECEIPT FOR UP TO TWO (2) YEARS; AND/OR DEBARMENT FOR FAILURE TO PROPERLY COLLECT OR REMIT THE SURCHARGE FOR FAILURE TO MAINTAIN OR SUBMIT ACCURATE RECORDS AND FOR FAILURE TO ALLOW EXAMINATION OF RECORDS OR OTHERWISE FULLY COMPLY WITH THE REGULATIONS PURSUANT TO THE CITY OF MIAMI'S PARKING FACILITIES SURCHARGE ORDINANCE; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

<b>MOTION TO:</b>	<b>Pass on First Reading</b>
<b>RESULT:</b>	<b>PASSED ON FIRST READING</b>
<b>MOVER:</b>	<b>Wifredo (Willy) Gort, Commissioner</b>
<b>SECONDER:</b>	<b>Ken Russell, Vice Chair</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo
<b>ABSENT:</b>	Reyes

*Chair Hardemon: Madam City Attorney, read into the record FR.1.*

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

*Commissioner Gort: Move it.*

*Chair Hardemon: It's been properly moved --*

*Vice Chair Russell: Second.*

*Chair Hardemon: -- and seconded. Any further discussion? Hearing none, all in favor, say "aye."*

*The Commission (Collectively): Aye.*

*Chair Hardemon: All against? Motion carries.*

**END OF FIRST READING ORDINANCE**

**RE - RESOLUTIONS****RE.1****4905****Commissioners  
and Mayor****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION PURSUANT TO SECTION 18-72 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), AUTHORIZING THE ALLOCATION OF GRANT FUNDS FROM THE MAYOR'S SHARE OF THE CITY OF MIAMI'S ANTI-POVERTY INITIATIVE ("API") IN A TOTAL AMOUNT NOT TO EXCEED FOUR THOUSAND FIVE HUNDRED DOLLARS (\$4,500.00) TO TEAM PETE BLUE RAYS, INC., A FLORIDA NOT FOR PROFIT CORPORATION, IN SUPPORT OF GENERAL PROGRAM FUNDING; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ANY AND ALL DOCUMENTS NECESSARY, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

**ENACTMENT NUMBER: R-18-0481**

<b>MOTION TO:</b>	<b>Adopt</b>
<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	<b>Ken Russell, Vice Chair</b>
<b>SECONDER:</b>	<b>Manolo Reyes, Commissioner</b>
<b>AYES:</b>	<b>Hardemon, Russell, Gort, Carollo, Reyes</b>

*Note for the Record: For minutes referencing Item RE.1, please see "End of Consent Agenda."*

**RE.2****4904****Commissioners  
and Mayor****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION PURSUANT TO SECTION 18-72 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), AUTHORIZING THE ALLOCATION OF GRANT FUNDS FROM THE MAYOR'S SHARE OF THE CITY'S ANTI-POVERTY INITIATIVE ("API") IN A TOTAL AMOUNT NOT TO EXCEED NINE THOUSAND DOLLARS (\$9,000.00) TO INTERNATIONAL SLOWPITCH SOFTBALL, INC., A FLORIDA PROFIT CORPORATION, IN SUPPORT OF A SOFTBALL TOURNAMENT SPONSORSHIP; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ANY AND ALL NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

**ENACTMENT NUMBER: R-18-0482**

<b>MOTION TO:</b>	<b>Adopt</b>
<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	<b>Ken Russell, Vice Chair</b>
<b>SECONDER:</b>	<b>Manolo Reyes, Commissioner</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo, Reyes

*Note for the Record: For minutes referencing Item RE.2, please see “End of Consent Agenda.”*

**RE.3****4864****Commissioners  
and Mayor****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, PURSUANT TO SECTION 18-72 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED (“CITY CODE”), AUTHORIZING THE ALLOCATION OF GRANT FUNDS FROM THE MAYOR’S SHARE OF THE CITY’S ANTI-POVERTY INITIATIVE (“API”), IN A TOTAL AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000.00), TO BABSON COLLEGE CORPORATION, A FOREIGN NOT FOR PROFIT CORPORATION (“BABSON”), ON BEHALF OF THE WOMEN INNOVATING NOW LAB (“LAB”), IN SUPPORT OF THE LAB’S GENERAL PROGRAMMING; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ANY AND ALL NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

<b>MOTION TO:</b>	<b>Continue</b>
<b>RESULT:</b>	<b>CONTINUED</b>
<b>MOVER:</b>	<b>Manolo Reyes, Commissioner</b>
<b>SECONDER:</b>	<b>Joe Carollo, Commissioner</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo, Reyes

*Note for the Record: Item RE.3 was continued to the November 15, 2018, Regular Commission Meeting.*

*For minutes referencing Item RE.3, please see “Order of the Day.”*

**RE.4****4549****Department of Fire-  
Rescue****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION ESTABLISHING A NEW SPECIAL REVENUE PROJECT TITLED "FISCAL YEAR 2018 – DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA"), URBAN SEARCH & RESCUE ("USAR") COOPERATIVE AGREEMENT," AND APPROPRIATING FUNDS IN AN AMOUNT NOT TO EXCEED \$1,273,990.00 CONSISTING OF A GRANT FROM FEMA TO BE USED BY THE CITY OF MIAMI'S ("CITY") DEPARTMENT OF FIRE-RESCUE ("FIRE-RESCUE") TO ACQUIRE EQUIPMENT, TRAINING, SUPPORT, ADMINISTRATIVE AND PROGRAM MANAGEMENT, EQUIPMENT CACHE PROCUREMENT, MAINTENANCE, AND STORAGE; AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AWARD AND TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, IN ORDER TO IMPLEMENT THE ACCEPTANCE OF, AND COMPLIANCE WITH, SAID GRANT.

**ENACTMENT NUMBER: R-18-0483**

<b>MOTION TO:</b>	<b>Adopt</b>
<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	<b>Ken Russell, Vice Chair</b>
<b>SECONDER:</b>	<b>Manolo Reyes, Commissioner</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo, Reyes

*Note for the Record: For minutes referencing Item RE.4, please see "End of Consent Agenda."*

RE.5

4725

**Department of  
Parks and  
Recreation**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION OF TWO (2) SOCCER MINI PITCHES ("MINI PITCHES"), WHICH HAVE AN ESTIMATED TOTAL VALUE OF ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000.00) AND ARE TO BE INSTALLED, FROM THE UNITED STATES SOCCER FEDERATION FOUNDATION, INC., A FOREIGN NOT FOR PROFIT CORPORATION ("FOUNDATION") IN JUAN PABLO DUARTE PARK; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN ACCESS, INSTALLATION, AND RELEASE AGREEMENT AND ANY AND ALL OTHER NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, IN ORDER TO IMPLEMENT THE ACCEPTANCE OF SAID DONATIONS.

<b>MOTION TO:</b>	Continue
<b>RESULT:</b>	CONTINUED
<b>MOVER:</b>	Manolo Reyes, Commissioner
<b>SECONDER:</b>	Joe Carollo, Commissioner
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo, Reyes

*Note for the Record: Item RE.5 was continued to the November 15, 2018, Regular Commission Meeting.*

*For minutes referencing Item RE.5, please see "Order of the Day."*

RE.6

4955

**Commissioners  
and Mayor**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION PURSUANT TO SECTION 18-72 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), AUTHORIZING THE ALLOCATION OF GRANT FUNDS FROM THE MAYOR'S SHARE OF THE CITY OF MIAMI'S ANTI-POVERTY INITIATIVE ("API") IN A TOTAL AMOUNT NOT TO EXCEED SIX THOUSAND DOLLARS (\$6,000.00) TO THE PRYMUS ANGELS CORPORATION, A FLORIDA NOT FOR PROFIT CORPORATION, IN SUPPORT OF PROGRAMS AND EVENTS; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ANY AND ALL NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

**ENACTMENT NUMBER: R-18-0484**

<b>MOTION TO:</b>	Adopt
<b>RESULT:</b>	ADOPTED
<b>MOVER:</b>	Ken Russell, Vice Chair
<b>SECONDER:</b>	Manolo Reyes, Commissioner
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo, Reyes

*Note for the Record: For minutes referencing Item RE.6, please see "End of Consent Agenda."*

RE.7

5004

**Commissioners  
and Mayor****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM URBAN HEALTH PARTNERSHIPS, INC., A GRANT RECIPIENT OF THE AMERICAN ASSOCIATION OF RETIRED PERSONS, FOR TWENTY (20) NARROW BENCHES WITH AN ESTIMATED TOTAL VALUE OF FOURTEEN THOUSAND FIVE HUNDRED DOLLARS (\$14,500.00), WHICH ARE TO BE INSTALLED AND MAINTAINED BY THE CITY IN VARIOUS PARTS OF DISTRICT 3; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ANY AND ALL NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, IN ORDER TO IMPLEMENT THE ACCEPTANCE OF SAID DONATION.

**ENACTMENT NUMBER: R-18-0485**

<b>MOTION TO:</b>	<b>Adopt</b>
<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	<b>Ken Russell, Vice Chair</b>
<b>SECONDER:</b>	<b>Manolo Reyes, Commissioner</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo, Reyes

*Note for the Record: For minutes referencing Item RE.7, please see “Public Comment Period for Regular Items” and “End of Consent Agenda.”*

**RE.8****4865****Department of  
Planning****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), PURSUANT TO SECTION 18-86 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), ACCEPTING THE PROPOSAL RECEIVED JUNE 27, 2017, IN RESPONSE TO REQUEST FOR QUALIFICATIONS ("RFQ") NO. 16-17-006 FROM CURTIS & ROGERS DESIGN STUDIO, INC., A FLORIDA PROFIT CORPORATION ("CURTIS & ROGERS"), TO PROVIDE PROFESSIONAL URBAN DESIGN AND PLANNING, AS WELL AS LANDSCAPE ARCHITECTURE AND ENGINEERING SERVICES ON A PHASED BASIS, FOR THE DEVELOPMENT OF A COMPREHENSIVE PUBLIC STREETScape AND STREET TREE MASTER PLAN ("SERVICES") FOR THE CITY OF MIAMI'S ("CITY") PLANNING DEPARTMENT ("PLANNING"); ALLOCATING FUNDS FROM THE TREE TRUST FUND, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED; AUTHORIZING THE CITY MANAGER TO EXECUTE A NEGOTIATED PROFESSIONAL SERVICES AGREEMENT ("PSA"), IN SUBSTANTIALLY THE ATTACHED FORM; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ANY AND ALL OTHER DOCUMENTS, INCLUDING ANY SUBSEQUENT PROJECT PHASES, AMENDMENTS, RENEWALS, AND EXTENSIONS, SUBJECT TO ALLOCATIONS, APPROPRIATIONS, AND BUDGETARY APPROVALS HAVING BEEN PREVIOUSLY MADE AT THE TIME OF NEED, AND IN COMPLIANCE WITH ALL APPLICABLE PROVISIONS OF THE CITY CODE, INCLUDING, BUT NOT LIMITED TO, THE CITY'S PROCUREMENT ORDINANCE, ANTI-DEFICIENCY ACT, AND FINANCIAL INTEGRITY PRINCIPLES, ALL AS SET FORTH IN CHAPTER 18 OF THE CITY CODE, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, AND IN COMPLIANCE WITH ALL APPLICABLE RULES AND REGULATIONS, AS MAY BE DEEMED NECESSARY FOR SAID PURPOSE.

**ENACTMENT NUMBER: R-18-0486**

<b>MOTION TO:</b>	<b>Adopt</b>
<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	<b>Ken Russell, Vice Chair</b>
<b>SECONDER:</b>	<b>Manolo Reyes, Commissioner</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo, Reyes

*Note for the Record: For minutes referencing Item RE.8, please see "End of Consent Agenda."*

RE.9

4923

*Department of  
Human Resources*

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING THE COLLECTIVE BARGAINING AGREEMENT ("CBA") BETWEEN THE CITY OF MIAMI AND THE EMPLOYEE ORGANIZATION KNOWN AS THE FRATERNAL ORDER OF POLICE, WALTER E. HEADLEY, JR., MIAMI LODGE NO. 20, FOR THE PERIOD OF OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2021; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CBA, IN SUBSTANTIALLY THE ATTACHED FORM.

**ENACTMENT NUMBER: R-18-0488**

<b>MOTION TO:</b>	<b>Adopt</b>
<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	<b>Joe Carollo, Commissioner</b>
<b>SECONDER:</b>	<b>Manolo Reyes, Commissioner</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo, Reyes

*Chair Hardemon: Okay. These are two different resolutions, so they can be approved in one motion. Is there a motion to approve RE.9 and RE.10?*

*Commissioner Carollo: The motion to approve.*

*Commissioner Reyes: Second.*

*Chair Hardemon: It's been properly moved and seconded to --*

*Vice Chair Russell: Second.*

*Chair Hardemon: -- approve RE.9 and RE.10. Any further discussion?*

*Commissioner Carollo: There is.*

*Chair Hardemon: You're recognized.*

*Commissioner Carollo: The -- for the record, the Manager has recommended this item to us.*

*Chair Hardemon: All right. Any further discussion? Hearing none, all in favor of the motion, say "aye."*

*The Commission (Collectively): Aye.*

*Chair Hardemon: All against? Motion carries. We'll be in recess until 2:30.*

*Ms. Méndez: Thank you, Chairman.*

*Chair Hardemon: You're welcome.*

*Commissioner Reyes: I want to thank the City Attorney, the Chairman, for having this session before (UNINTELLIGIBLE) because -- in deference to my meeting, my problem that -- Thank you very much. I really appreciate it.*

RE.10

5005

*Department of  
Human Resources*

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH THE WALTER E. HEADLEY, JR., MIAMI LODGE #20, FRATERNAL ORDER OF POLICE, INC. ("FOP") TO RESOLVE THE UNFAIR LABOR PRACTICE PETITION FILED BY FOP, LODGE #20, CASE NO.: CA-2010-119 AND BP-2017-013 (RELATES TO CR-2017-001), PENDING BEFORE THE PUBLIC EMPLOYEES RELATIONS COMMISSION, ACCORDING TO THE TERMS OF THE SETTLEMENT AGREEMENT AMONG THE PARTIES.

**ENACTMENT NUMBER: R-18-0489**

<b>MOTION TO:</b>	Adopt
<b>RESULT:</b>	ADOPTED
<b>MOVER:</b>	Joe Carollo, Commissioner
<b>SECONDER:</b>	Manolo Reyes, Commissioner
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo, Reyes

*Note for the Record: For minutes referencing Item RE.10, please see Item RE.9.*

RE.11

4982

*Department of Real  
Estate and Asset  
Management*

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT ("AGREEMENT"), IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, BETWEEN THE CITY OF MIAMI ("CITY") AND AQUELARRE USA, LLC ("SELLER") FOR THE ACQUISITION OF REAL PROPERTY GENERALLY LOCATED AT APPROXIMATELY 1251 SOUTHWEST 7TH STREET, MIAMI, FLORIDA, AND FURTHER IDENTIFIED AS FOLIO NUMBERS 01-4102-011-0370, 01-4102-011-0361, 01-4102-011-0360, AND 01-4102-011-0340 ("PROPERTY") FOR A PURCHASE PRICE OF TWO MILLION TWO HUNDRED FIFTY-FIVE THOUSAND DOLLARS (\$2,255,000.00); FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ANY AND ALL NECESSARY DOCUMENTS, INCLUDING AMENDMENTS AND MODIFICATIONS TO SAID AGREEMENT, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, AS MAY BE NECESSARY TO EFFECTUATE SAID ACQUISITION; ALLOCATING FUNDS FROM THE OFFICE OF CAPITAL IMPROVEMENT ("OCI") PROJECT NO. 40-B183415, DISTRICT 3 PARK LAND ACQUISITION, IN A TOTAL AMOUNT NOT TO EXCEED TWO MILLION THREE HUNDRED THOUSAND DOLLARS (\$2,300,000.00) TO COVER THE COST OF SAID ACQUISITION INCLUSIVE OF THE COST OF SURVEY, ENVIRONMENTAL REPORT, TITLE INSURANCE, DEMOLITION, SECURING THE PROPERTY, PROJECT SIGNAGE, AND RELATED APPLICABLE CLOSING COSTS ASSOCIATED WITH SAID ACQUISITION, IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE AGREEMENT.

**ENACTMENT NUMBER: R-18-0487**

<b>MOTION TO:</b>	Adopt
<b>RESULT:</b>	ADOPTED
<b>MOVER:</b>	Ken Russell, Vice Chair
<b>SECONDER:</b>	Manolo Reyes, Commissioner
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo, Reyes

*Note for the Record: For minutes referencing Item RE.11, please see “End of Consent Agenda.”*

**END OF RESOLUTIONS**

**AC - ATTORNEY-CLIENT SESSION****AC.1****4985****Office of the City  
Attorney****ATTORNEY-CLIENT SESSION**

UNDER THE PARAMETERS OF SECTION 286.011(8), FLORIDA STATUTES, A PRIVATE ATTORNEY-CLIENT SESSION WILL BE CONDUCTED AT THE OCTOBER 25, 2018 MIAMI CITY COMMISSION MEETING. THE PERSON CHAIRING THE COMMISSION MEETING WILL ANNOUNCE THE COMMENCEMENT OF AN ATTORNEY-CLIENT SESSION, CLOSED TO THE PUBLIC, FOR PURPOSES OF DISCUSSING THE PENDING LITIGATION IN THE CASE OF WALTER E. HEADLEY, JR., MIAMI LODGE #20, FRATERNAL ORDER OF POLICE, INC. V. CITY OF MIAMI, CASE NO. BP-2017-013 (CR-2017-001), TO WHICH THE CITY IS PRESENTLY A PARTY. THE SUBJECT OF THE MEETING WILL BE CONFINED TO SETTLEMENT NEGOTIATIONS OR STRATEGY SESSIONS RELATED TO LITIGATION EXPENDITURES. THIS PRIVATE MEETING WILL BEGIN AT APPROXIMATELY 10:00 A.M. (OR AS SOON THEREAFTER AS THE COMMISSIONERS' SCHEDULES PERMIT) AND CONCLUDE APPROXIMATELY ONE HOUR LATER. THE SESSION WILL BE ATTENDED BY THE MEMBERS OF THE CITY COMMISSION, WHICH INCLUDE CHAIRMAN KEON HARDEMON, VICE-CHAIRMAN KEN RUSSELL, AND COMMISSIONERS WIFREDO "WILLY" GORT, JOE CAROLLO, AND MANOLO REYES; CITY MANAGER EMILIO T. GONZÁLEZ; CITY ATTORNEY VICTORIA MÉNDEZ; DEPUTY CITY ATTORNEYS JOHN A. GRECO AND BARNABY L. MIN; DIVISION CHIEF FOR LABOR AND EMPLOYMENT KEVIN R. JONES; ASSISTANT CITY ATTORNEYS STEPHANIE K. PANOFF AND BARBARA DIAZ; LUKE SAVAGE, ESQ.; AND MICHAEL MATTIMORE, ESQ. A CERTIFIED COURT REPORTER WILL BE PRESENT TO ENSURE THAT THE SESSION IS FULLY TRANSCRIBED AND THE TRANSCRIPT WILL BE MADE PUBLIC UPON THE CONCLUSION OF THE ABOVE-CITED, ONGOING LITIGATION. AT THE CONCLUSION OF THE ATTORNEY-CLIENT SESSION, THE REGULAR COMMISSION MEETING WILL BE REOPENED AND THE PERSON CHAIRING THE COMMISSION MEETING WILL ANNOUNCE THE TERMINATION OF THE ATTORNEY-CLIENT SESSION.

<b>RESULT:</b>	<b>DISCUSSED</b>
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*Chair Hardemon: Okay. Gentlemen, the -- what I'm thinking we can do, since we have about 12 minutes here, and we know that we have RE.9 and RE.10 --*

*Commissioner Carollo: Yeah.*

*Chair Hardemon: -- I'm thinking we can go upstairs and see if we can come to an agreement on RE.9 and RE.10, because we have to have a shade meeting. I believe it's called a shade meeting?*

*Commissioner Reyes: Okay.*

*Chair Hardemon: Yeah? So we have a shade meeting. In that way, we can come back and vote on that measure, and then go to lunch, and then come back and address the SR (second reading) agenda and the FR (first reading) agenda.*

*Commissioner Carollo: Okay.*

*Commissioner Reyes: Okay.*

*Chair Hardemon: Make good sense?*

*Vice Chair Russell: Yep.*

*Commissioner Carollo: I'm fine.*

*Commissioner Reyes: I'm fine.*

*Commissioner Carollo: Yeah.*

*Chair Hardemon: All right, let's go on upstairs then.*

*Commissioner Reyes: Whatever you say, sir; you're the boss.*

*Todd B. Hannon (City Clerk): Madam City Attorney, I believe she needs to read a statement in --*

*Victoria Méndez (City Attorney): On October 11, 2018, under the provisions of Section 286.011 (8), Florida Statutes, I requested that this City Commission meet in private to discuss pending litigation in the case of Walter E. Headley, Miami Lodge Number 20, Fraternal Order of Police, Inc., versus City of Miami, Case Number BP-2017-013, CR-2017-001, pending before the State of Florida Public Employees Relations Commission, to which the City is presently a party. The City Commission approved my request, and we'll now, at approximately 11:49 a.m., commence a private attorney-client session under the parameters of Section 286.011(8), Florida Statutes. The subject of the meeting will be confined to settlement negotiations or strategy sessions related to litigation expenditures. This private meeting will conclude approximately one hour later. The session will be attended by the members of the City Commission, which include Chairman Keon Hardemon, Vice Chairman Ken Russell, and Commissioners Wifredo "Willy" Gort, Joe Carollo, and Manolo Reyes; City Manager Emilio González; myself, the City Attorney, Victoria Méndez; Deputy City Attorneys John Greco and Barnaby Min; Division Chief for Labor and Employment Kevin Jones; Assistant City Attorney Stephanie Panoff; Luke Savage and Michael Mattimore, Esquire. A certified court reporter will be present to ensure that the session is fully transcribed, and the transcript will be made public upon the conclusion of the above-cited ongoing litigation. At the conclusion of the attorney-client session, the regular Commission meeting will reopened, and the Chairman will announce the termination of the attorney-client session. Thank you.*

*Later...*

*Chair Hardemon: Madam City Attorney.*

*Ms. Méndez: Yes, Chairman. We're closing out the attorney-client session.*

*Chair Hardemon: Okay. You've announced it?*

*Ms. Méndez: Yes. We're closing it out.*

*Chair Hardemon: Great.*

*Ms. Méndez: You were -- Thank you.*

*Chair Hardemon: Yes.*

**END OF ATTORNEY-CLIENT SESSION**

**BU - BUDGET****BU.1****3245****Office of  
Management and  
Budget****BUDGET DISCUSSION ITEM**

MONTHLY REPORT

- I. SECTION 2-497 OF THE CITY CODE OF ORDINANCES  
(RESPONSIBILITIES OF THE DIRECTOR OF MANAGEMENT AND BUDGET)
- II. SECTION 18-502 (CITY'S ANTI-DEFICIENCY ACT)
- III. SECTION 18-542 (FINANCIAL INTEGRITY PRINCIPLES)

<b>RESULT:</b>	<b>PRESENTED</b>
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*Chair Hardemon: BU.1.*

*Commissioner Carollo: Which one, BU (budget)?*

*Chair Hardemon: Okay, BU.1, yes.*

*Christopher Rose (Director): Good afternoon, Commissioners. Chris Rose, Office of Management & Budget. Soft close of the books for last fiscal year occurred on October 19. It's a bit too early to project the new fiscal year, being only 25 days into it, but it is looking --*

*Commissioner Carollo: Well, Chris, can I give you a hint? In how many days since we started the new fiscal year? 25 days?*

*Mr. Rose: 25, sir.*

*Commissioner Carollo: Okay. We now, as of today, have taken 21 million from the reserves. Does that sound about right?*

*Mr. Rose: We have voted -- I think it'd be closer to 37 million, sir --*

*Commissioner Carollo: Okay.*

*Mr. Rose: -- with all the settlements that we --*

*Commissioner Carollo: Okay.*

*Mr. Rose: -- settlements and prior-year expenditures.*

*Commissioner Carollo: Then we've taken even more now than what I was told and what I had looked at. Was that approved by the Commission, the additional amount? Just a million here or there, right?*

*Mr. Rose: No, sir.*

*Chair Hardemon: No. I think you're talking about from the budget -- from the actual budget that we passed --*

*Commissioner Carollo: Yeah.*

*Chair Hardemon: -- had deductions from the -- you had deductions when we passed this last budget from the reserves?*

*Mr. Rose: No, sir. The budget that was passed had no funding coming from prior-year revenues into it. It was just whatever revenues come in --*

*Commissioner Carollo: That's correct.*

*Mr. Rose: -- were expended.*

*Commissioner Carollo: And now --*

*Mr. Rose: The --*

*Commissioner Carollo: -- to have finished the contracts that we did after the budget was passed with the unions --*

*Mr. Rose: Yes, sir.*

*Commissioner Carollo: -- it's about five and a half million that we got from the reserves from the Fire union and 15.5 from the Fraternal Order of Police union.*

*Chair Hardemon: (UNINTELLIGIBLE) this year.*

*Mr. Rose: Those are the settlement agreements --*

*Commissioner Carollo: Yeah.*

*Mr. Rose: -- the upfront payments for settlement.*

*Commissioner Carollo: Yeah, the upfront for this fiscal year, not for the rest.*

*Mr. Rose: That will now happen in the --*

*Commissioner Carollo: Yeah.*

*Mr. Rose: -- new fiscal year --*

*Commissioner Carollo: Which goes to my point that if we had done this prior to agreeing on the new proposed budget for this fiscal year that we have now, we would have had to have shown that we were going much deeper into our reserves than we showed to balance the budget for the fiscal year.*

*Mr. Rose: The numbers that we've shown you, sir, and all the Commissioners included those and included prior year for those, and any times that the contracts that we had passed would reach back into prior years, so that's why it's a larger number than what you brought up. But you've actually taken the words right out of my mouth. I was going to talk about two budget amendments that are going to need to come before all of you.*

*Commissioner Carollo: And that does not include whatever's going to come down our way in a court case that we lost on Flagstone early next year, when we go to court to see how much we have to pay.*

*Mr. Rose: No, sir. I don't budget for unknowns; we budget for our knowns at this point.*

*Commissioner Carollo: Well, it's a known amount we're going to have to pay; it's just a matter of how big, but the reason I'm putting this on the record, Chris, is so that people can understand how serious of a financial situation we have; not just for this financial year, but for the ones to come. And if we don't start cutting back now and finding new revenue, we're going to be in big trouble for the next fiscal year cycle.*

*Mr. Rose: I agree. I would say we've already had one full-day offsite meeting of senior staff, where we are brainstorming and thinking of ways to do just that; reduce expenditures and increase revenues. I would like to report that this past fiscal year, when we closed on September 30, we do expect to be in compliance with our Financial Integrity Principles, 20 percent, and the unrestricted and restricted 10 percents, as well. But, yeah, the current fiscal year will -- the contracts that we've had in place and the settlements that we've had in place will require some budget amendments. That is -- should not come as a surprise to any Commissioners. And then, you're right, Commissioner, the following fiscal year is going to be a challenge for all of us. We are projecting a deficit at the moment, the difference between revenues and expenses, and we are starting now addressing those.*

*Commissioner Carollo: Thank you, Chris.*

*Mr. Rose: Be happy to take any questions you have, Commissioners.*

*Chair Hardemon: None at the moment. Thank you, sir.*

*Mr. Rose: Thank you.*

## **END OF BUDGET**

**DI - DISCUSSION ITEMS****DI.1****4944****City Manager's  
Office****DISCUSSION ITEM**

DISCUSSION REGARDING THE CITY'S STATE AND FEDERAL LEGISLATIVE PRIORITIES FOR CONSIDERATION BY THE FLORIDA LEGISLATURE AND UNITED STATES CONGRESS IN 2019.

<b>RESULT:</b>	<b>DISCUSSED</b>
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*Chair Hardemon: We have two items that are left on our regular agenda; that is DI.1 and DI.2. So let's start with DI.1, our legislative priorities. When do we need to provide it to you, sir?*

*Nikolas Pascual: Good afternoon. Nikolas Pascual, Senior Advisor to the City Manager. Chairman, Vice Chairman, Commissioners, before you, you have the proposed list of legislative priorities for the City of Miami in 2019. I have provided an updated version to the City Clerk for him to enter into the record, and I also emailed that list to all of you yesterday afternoon. If you have any questions or concerns, I am here to address them.*

*Chair Hardemon: I apologize for missing this, but we can still try to add to it; it's not too late.*

*Mr. Pascual: Correct, you can, yes.*

*Chair Hardemon: Okay. I have some things that I've been thinking about that I think would be pretty interesting, and I would love to share it with our body, so when it comes there, we'll take a look at it. Okay?*

*Mr. Pascual: Okay, perfect.*

*Commissioner Carollo: There was something, Chairman, in the Forever Bonds, that I don't know if they were bringing it up this meeting or not, that they were trying to convince us of recommendations that they wanted, and how to spend park money.*

*Vice Chair Russell: Next month.*

*Chair Hardemon: Well, I know that there's some discussion I need to have with them, as well, regarding that. I mentioned it to the staff earlier, but then I guess by - is it by next meeting we'll be able to have some discussion about the --?*

*Mr. Pascual: Correct, yes. You had a short briefing this week, but they'll take a deeper dive at the November --*

*Commissioner Carollo: Well --*

*Chair Hardemon: Okay.*

*Commissioner Carollo: -- for the record, 60 percent of those funds are going into one district, the richest district in the City, with the most parks of any district. There's no way that I will accept that, and particularly when my district is the one*

*with the least amount of parks, and it's got areas that have poverty as much as any other area of the City. So for whatever that's worth to the Administration, I hope you hear it, because on this one, I'm going to fight tooth and nail.*

*Chair Hardemon: And I think from the very beginning, when it comes to this bond issuance, I've always made it very clear to my constituency; I've made it very clear here on the record that my goal within District 5 -- and that's why when we talked about a lot of affordable housing dollars that we all had different ways and mechanisms in which we could implement affordable housing in our districts that is more representative of what we believe it should be in those districts. In the district that I represent, we've had a vast amount of affordable housing complexes built within the district. We've agreed to build some more; however, I'll be very clear that the plan was always to be able to use our affordable housing dollars to keep housing affordable in the district and to make homes more resilient. And so, I'm not going to stand by and watch a vast majority of the dollars that are designated for the district that I represent to be used as an incentive to lure developers into our district, to invite people who do not live in the district to move there through building new units of affordable housing.*

*Commissioner Carollo: Yeah, absolutely.*

*Chair Hardemon: I would rather take our dollars, especially the vast majority of it - - some dollars will go to new housing, but the majority of the dollars that we have for affordable housing will be used to improve the housing conditions of the people that live in the district. I think when we do that, property values will improve, people will feel stable. They don't have to pay for the improvements to their housing, which keeps housing affordable, and you won't have the mass exodus of residents in the areas through the -- of the face of gentrification. So what I'm saying to you all is that I want this tranche of bond issuance, especially within my district, to reflect that, and that's part of our discussion. I just want to make it plain to everyone. This is something that we've talked about. This is something I'm not hiding. This is something that we believe in, because at the end of the day, I think that if our government takes the time to make improvements by making investments into these areas in our neighborhoods, and we don't just wait on the private sector to do so, then we're going to get to a better community much faster than if we wait another 30 years and we displace another community of people. And it is especially one -- Something that is heartbreaking to me is when we have these areas in these neighborhoods that have been suffering from poverty where someone invested into that home in 1932, 1929, 1965, 1973, and the housing is in such terrible condition, but just in front of them, a stone's throw away, they're looking at an eight-story building, a 12-story building of new affordable housing, of renters, someone who does not pay a property tax to our City government, and they get the granite countertops, the wood cabinets, the H-Vac systems, the pool. They get the amenities that make a neighborhood great, and right across the street, the homeowner is living in pure hell, because they have nothing to protect them from the storm. They can't afford to put food on their table. They still pay their property taxes. School Board says, "We're going to increase them," if they get the opportunity to, and hereby, we're trying to appease them by keeping them happy with our government, but they shouldn't be happy. So I think our government has a responsibility to provide relief to those people, the same way we provided relief to other entities that make millions of dollars in these neighborhoods.*

*Commissioner Carollo: Commissioner Hardemon, I fully agree with what you're saying. This is why I am going to be requesting that each Commissioner that I feel knows their district better than anybody come up with individual plans in their district of how they're going to use those \$20 million. And it's 100 million. There's five of us. It's 20 million per district.*

*Chair Hardemon: It's not 20 million per district the way that it's divided, Commissioner, because -- you weren't on the dais at that time, but it's divided by the poverty -- the level of poverty within each district, so some will get a little bit more; some a little less.*

*Commissioner Carollo: I understand that, even though I also have a problem with how they're coming up with the numbers for my district, because I assure you, if I give you a ride through my district and give you a ride by others, you know, it doesn't add up. Now, your district, by far, is the poorest. There's not an issue there. But whatever the system that we use, whether it's that one or the other one, we need to have the district Commissioner be the one that's responsible on how those dollars are going to be spent within the district. I don't need people that don't understand my district -- they don't live there; they're from the outside -- coming up with these grand ideas of how we're going to spend the money. I have a plan already. I know how we're going to get thousands of units built there. And what I'm looking for is for the units that are going to be built to be owned by people. I don't intend to have any rental units, because we could build them cheap enough and put them out there at a price that people will be paying no more -- maybe less than what they pay for real affordable rent money per month, and that's what I want to do in my district. And this is why I find it really insulting that, you know, with a straight face, I'm told that, "Well, 60 percent of the funds for parks are going to go into one district, because these are the ones we had put together already." Well, you know, we all know how that game is played. And if they took the time to put that together for one district, then we're going to call "time out," and we're going to spend them in other districts, too. But we have to do things a fair way. I don't care about the politics of it. I care about what's fair. And believe you me, I'm going to get more out of that money in my district than any one of you could even come close to.*

*Chair Hardemon: You want a challenge? Is that --*

*Commissioner Carollo: Huh?*

*Chair Hardemon: You're asking for a challenge?*

*Commissioner Carollo: Well, no. You guys, once you see what I do, you all are going to want --*

*Chair Hardemon: No, I understand. You mean --*

*Commissioner Carollo: -- to follow.*

*Chair Hardemon: -- you're going to spend your dollar better, you're saying -- I -- we say this all the time when we campaign.*

*Commissioner Carollo: Yeah.*

*Chair Hardemon: You may get a dollar, I may get a dollar, but I'll spend my dollar better than you do.*

*Commissioner Gort: Set up a competition.*

*Chair Hardemon: Yeah.*

*Commissioner Carollo: Yeah. You know what? I wasn't --*

*Commissioner Gort: Set up a competition.*

*Chair Hardemon: -- talking about you guys. I'm talking about staff.*

*Chair Hardemon: Yeah, I understand.*

*Commissioner Carollo: In your case, you're presenting a plan that I have to look at -- some of that also for my district, because you have a lot of people that have owned their homes for a long time. They're old. They don't have the income they once had. But the taxes are also not what they used to pay before when they were working; they're way high. And, sure, we're going to tell them, "But your home is worth so much." Well, they don't want to leave their home. They want to stay in their home. But -- so what if their homes is worth more now? What they don't want to do is pay so much more taxes. So those people are left without having enough money to maintain their home, to do a lot of the things that they need to keep that home in an environment that we would like to see all of our people live in. And I understand what Chairman Hardemon is saying, and there, he could probably teach me a thing or two, because he's had more experience in that aspect of it than I have. You know, I'm looking right now at building new construction. But he said something that, boy, he's right on target. This is not going to be for people that live somewhere else to move into our district or for all of Kendall or Westchester or South Dade or North Dade. The only way that I am going to be in favor that we give our housing out is that people that have lived in Miami for years prior are going to get first crack of it. So, you know, our homes are going to be for Miamians first. And if we're ever so lucky that we build so much that we could let others that don't live here come in, hey, you know, God bless all of us.*

*Vice Chair Russell: Mr. Chairman?*

*Chair Hardemon: You're recognized, Mr. Vice Chairman.*

*Vice Chair Russell: Thank you. I'm -- it was a couple months ago I brought an item to look for the first potential spend of the bond. Less than -- it would have been exactly one half of 1 percent of the total bond to be spent in my district for single-family home rehab of existing homes that qualified within the level of poverty that they qualified, and I was completely shot down by this board, by the way, and it was money that I needed at that time to help people at that time. We allocated more in other ways, and will continue to do so. But the reason I was told was that we have an overall plan that's being put together in conjunction with FIU (Florida International University) and housing specialists that are all coming together right now to bring us recommendations of how to spend that bond as a city. I completely remember Commissioner Hardemon, when he advocated for the increase in the bond; a significant increase from 20 to an additional 80 million, making \$100 million in affordability, and it was stated at that time the intention of how to divide that up by the formulation that's offered to us on our API (Anti-Poverty Initiative) funds, and we can completely respect that, because that was the intention of that. But I think we need to also keep the flexibility amongst us to work together. If we're really going to wax lyrical about being Commissioners for the City, we can't run like there's a broken piñata and try to grab the money just for ourselves when it breaks. We've got to be ready if a project comes about that we can pool our funds and make a huge difference for the City that we do come together, and that may be about housing; that may be about parks; it may be about culture; it may be about sea level rise and affordability. You never know. But I think we should be flexible. I think we should continue to be flexible, and just like it was told to me when I made the first ask, let's wait and see what the plan comes back as and evaluate it together, and make the best decision we can for the City of Miami.*

*Chair Hardemon: And I'll -- Mr. Vice Chair, and I'll tell you, when you put the motion forward, I had been talking to the staff maybe even before or just after the bond had passed about mobilizing that money. And part of the reason I didn't do exactly what you did is because they begged me, "Please, don't do it yet, don't do it yet." And so, I was blind-sided by the legislation, but I understand it, because I felt the same way. I wanted to get started.*

*Vice Chair Russell: Yeah.*

*Chair Hardemon: So now, we're at a position where some time has passed. The need is still there, if not greater. And so, all of us want to get started, but we want to get a fair start. And so, there's an obvious number of reasons why dollars are spent a certain type of way. There's a lot of money that goes towards resilience. There's an increase in money for parks. I certainly have an idea for a share of some park improvements, besides what the Administration has thought through. And, you know, I just want to be -- to ensure that before I leave this place, we have an opportunity to put in some of the ideas that we have for ourselves in these districts. There'll be more than one tranche that's issued, but this first tranche that I'll probably only have an opportunity to participate in, I want it to make a difference, and I'm sure Commissioner Gort feels the exact same way.*

*Commissioner Gort: I'll tell you one thing: You got to hurry --*

*Chair Hardemon: Yes.*

*Commissioner Gort: -- with me.*

*Chair Hardemon: Yeah, yeah. No, we got to get it done, and I'm with that. And so, that's -- we're not here to play with this.*

*Vice Chair Russell: Yeah.*

*Chair Hardemon: We're here -- very serious about it, our recommendations, because at the end of the day, it does come down to what this City Commission believes is the right thing to do. And so, it was worded this way, we expect it to play out this way. This is not about any other interested party that is outside of the constituency that we serve. This bond is about people of the City of Miami. I'm not going to let anyone deter me from that. And so, I'll keep that vision, and I think that we have Commissioners on this dais that also see it that way. And so, I know lots of people lick their chops when they hear "\$400 million bond issuance," but a lot of that money is geared to protect the people of the City of Miami, and that's what it's going to be used for.*

*Vice Chair Russell: Important note: If you are seeking matching funds and you match Federal dollars with these bond dollars for affordability, we will lose a lot of the flexibility. We have to do exactly what Commissioner Hardemon is asking for. So keep that in mind. We need to be careful there. There was another item within the legislative priorities having to do with anchorage in the historic basin and Virginia Key.*

*Mr. Pascual: Yes.*

*Vice Chair Russell: Is that something that you intend to pursue?*

*Mr. Pascual: Director Rotenberg had mentioned that to me. I would defer to him on any questions on that. If the body --*

*Vice Chair Russell: I'd be supportive of adding that.*

*Mr. Pascual: If you want to add it, you definitely can.*

*Vice Chair Russell: I just want to make sure we don't create an unintended consequence of not allowing certain mooring that we intend as a city, either for events or something like that. We don't want to close it off completely to any boats coming in there. Obviously, with everything we have, the boat show, there is anchorage that happens, so.*

*Mr. Pascual: We can add it, and I'll work with (UNINTELLIGIBLE) to make sure we have the proper language.*

*Vice Chair Russell: I understand what you're trying to eliminate, but let's make sure we word it carefully.*

*Commissioner Gort: You can always have special permit to be allowed to do so, but we have to do something, because everybody discarding all kinds of stuff into the bay. We're complaining about the environment, but we are allowing all those yachts and boats to be out there and discarding all their waste into the bay.*

*Vice Chair Russell: Yeah.*

*Commissioner Gort: So we need to do something on that.*

*Mr. Pascual: Agreed. Thank you very much.*

*Commissioner Gort: But any special event, you can create a special event mooring.*

*Chair Hardemon: Commissioner Gort, when -- you're finished November 2019?*

*Commissioner Gort: November 2019.*

*Chair Hardemon: Yeah. We got -- so we got to get this done, because we (UNINTELLIGIBLE) at least have an opportunity --*

*Commissioner Gort: We got to go fast.*

*Commissioner Carollo: When are you leaving?*

*Chair Hardemon: He's November 2019.*

*Commissioner Gort: Next year, 2019, November.*

*Chair Hardemon: -- to get it done.*

*Commissioner Carollo: You sure?*

*Chair Hardemon: He'll get it done. Okay.*

*Commissioner Gort: I'm going to be going back to school; I got another career that I want to get into. Forget about the bonds. I want to do something else.*

*Chair Hardemon: DI.2.*

*Joe Napoli (Deputy City Manager): Mr. Chairman, can I just mention something about the bond?*

*Chair Hardemon: Yes.*

*Mr. Napoli: As we explained to all of you during our visit, that was an initial plan that was to be coordinated with all of the Commissioners to get their input. They were projects that were ready and that could be done quickly, and they have to be completed within three years. But obviously, that was an initial plan that's intended to be coordinated with the Commissioners to get their input --*

*Chair Hardemon: You'll get our --*

*Mr. Napoli: -- and then we'll move forward.*

*Chair Hardemon: You'll get our input.*

*Mr. Napoli: Absolutely.*

*Commissioner Carollo: Well, I'm very impressed at all the projects that could be done quickly and done right away; 60 percent of them were in one district; extremely impressed. And the chances of that happening by itself are greater than winning the lottery, percentage-wise.*

*Chair Hardemon: I heard a statement that only people in certain areas win the lottery, and then someone in that sort of area won the lottery, so I'm starting to be a believer.*

*Commissioner Gort: Move to adjourn.*

**DI.2**

**5006**

**Commissioners  
and Mayor**

**DISCUSSION ITEM**

**DISCUSSION REGARDING CITY OF MIAMI OPERATED MARINAS.**

RESULT:	DISCUSSED
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*Chair Hardemon: DI.2. This is the last discussion item; City of Miami-operated marinas. I believe that's Mr. Rotenberg. Mr. Rotenberg?*

*Commissioner Carollo: DI.2. This is the last report?*

*Chair Hardemon: Correct.*

*Daniel Rotenberg (Director, Public Facilities): Last one.*

*Commissioner Carollo: Well, this is going to come back, I think, with the one that you and I pulled out.*

*Chair Hardemon: City of Miami-operated marinas.*

*Mr. Rotenberg: This was --*

*Commissioner Gort: Yes.*

*Mr. Rotenberg: Daniel Rotenberg, Department of Real Estate and Asset Management. This was a discussion regarding the marinas, whether or not we were*

going to go out and have a third-party management company, or is this the rates, or both?

Commissioner Carollo: Well, this is --

Vice Chair Russell: Commissioner Gort's district.

Commissioner Carollo: -- it's been a long meeting, I understand. It was -- the City Manager, at my request, had done an analysis of the comparable market rates for our marinas.

Mr. Rotenberg: All right. So we did the study.

Commissioner Carollo: They came originally with an amount that even the Manager had to admit that it was very low. So you guys went back again and got a new number --

Mr. Rotenberg: Yeah.

Commissioner Carollo: -- that I understand is --

Commissioner Gort: Got some good numbers.

Commissioner Carollo: -- about double of what you had before. I still think it's a low number, but nevertheless, you know, I'll come back with my comparison at the next meeting.

Mr. Rotenberg: Okay, fair enough.

Commissioner Gort: Could you go over the numbers? Because I looked at them and there was a pretty large amount, and you were talking about an additional million dollars.

Mr. Rotenberg: We're looking at --

Commissioner Gort: A lot.

Mr. Rotenberg: -- yeah, a little over a million dollars. But we were looking at \$25 a linear foot for wet slips; \$28 a linear foot for transients -- that's on a monthly basis -- and \$5 a linear foot for daily transients, which was up from the 15 -- I think it was 13, 15, and maybe 18, respectively.

Commissioner Gort: The total was a very large number, which we need recurring revenues.

Mr. Rotenberg: Over \$1.2 million a year access, at least.

Commissioner Carollo: How much did this one come up with? How much did this last number come up with?

Mr. Rotenberg: We've figured over -- about \$1.2 million access a year. This is excluding utilities.

Commissioner Carollo: Okay. All right. Well, this discussion, it's clear what the position of the staff is. I'll come back with some numbers, and I'll be happy to sit with you before I bring them up next meeting.

*Mr. Rotenberg: Thank you.*

*Commissioner Carollo: Thank you.*

*Commissioner Gort: That's a month, right?*

*Chair Hardemon: You --*

*Mr. Rotenberg: It's a year.*

*Chair Hardemon: -- Mr. Rotenberg --*

*Mr. Rotenberg: It's a year.*

*Chair Hardemon: -- did you email those numbers to everyone?*

*Mr. Rotenberg: Yes. They were passed around. Everybody has the memo, I believe.*

*Chair Hardemon: Passed around or --?*

*Joseph Napoli (Deputy City Manager): No. We were -- they were emailed to all the Commissioners and their staffs.*

*Commissioner Carollo: Yeah, that is true, they were.*

*Chair Hardemon: So I'll take a look at it in the email, because, you know, email --*

*Mr. Rotenberg: No problem.*

*Chair Hardemon: -- I get lots of emails. All hearts and minds clear? Meeting is adjourned.*

*Commissioner Carollo: Meeting adjourned.*

**DI.3**

**5007**

**Commissioners  
and Mayor**

**DISCUSSION ITEM**

**DISCUSSION REGARDING THE SALE OF WAGNER SQUARE TO  
VETERANS HOSPITAL.**

<b>RESULT:</b>	<b>DISCUSSED</b>
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*Chair Hardemon: All right. What I'll do is, I'll call our attention back to our PZ (Planning & Zoning) agenda.*

*Commissioner Gort: Before --*

*Chair Hardemon: You have something you want to --?*

*Commissioner Gort: I'd like to discuss my -- the discussion item. It's going to be very simple.*

*Chair Hardemon: Okay. That's fine.*

*Commissioner Gort: D3 [sic], which is, my understanding, that the (UNINTELLIGIBLE) Association, that we have a problem with closing the contract,*

so I'd like to remove it and put the land for bid through an RFP (Request for Proposals).

Chair Hardemon: The Wagner Square?

Commissioner Gort: Wagner Square, right.

Victoria Méndez (City Attorney): This is a discussion item on the Wagner Square item?

Commissioner Gort: Right.

Commissioner Carollo: What item are we --?

Commissioner Gort: My understanding is -- that's Discussion Item Number 3 -- we've been dealing with this for the last two or three years, and you can go into the details. And we price this land in according to the use and the use that's going to be for parking. My understanding is, Washington is now changing the whole rules. They wanted to reduce the cost of it, and there was a specific use, because that's CDBG (Community Development Block Grant) funds, and those funds were committed to help some of the project within the City of Miami. My understanding is, this deal is not signed. It should be -- we should get out of it and get more out of it or -- for greater benefits for the residents of the City.

Chair Hardemon: All right, say no more.

Commissioner Gort: My understanding is --

Daniel Rotenberg (Director/Department of Real Estate & Asset Management): Good afternoon, Commissioners.

Commissioner Gort: -- there's nothing signed, so this doesn't have any commitment.

Mr. Rotenberg: Daniel Rotenberg, Department of Real Estate & Asset Management. Commissioner Gort is correct. The Federal Government has changed the terms a bunch of times on this deal. Last time, they were going to be taking an easement from us, and then they decided that if they were to sell the land further on, they wanted to right to sell it and make a profit on it, and didn't want to abide by our reverter. This has been going on for about three years, and it probably is worth more to us to go ahead and take it back ourselves and resell it --

Chair Hardemon: Okay.

Mr. Rotenberg: -- or lease it.

Vice Chair Russell: Is there any backup on this? I'm sorry; I didn't get briefed on this item.

Mr. Rotenberg: It's --

Commissioner Gort: Discussion item.

Vice Chair Russell: But are we looking for an action today or no?

Chair Hardemon: Well --

Commissioner Gort: If we could have an action --

*Chair Hardemon: -- we don't really need --*

*Commissioner Gort: -- I would appreciate the action, because we have a lot of needs to work on other projects that they've been in hold for two years, waiting for those funding to come in.*

*Vice Chair Russell: I'm open to it; I just need a briefing.*

*Chair Hardemon: It's more -- I didn't get a brief on it either.*

*Commissioner Carollo: What would you like to do?*

*Chair Hardemon: But it's more -- he's saying place it back -- place of the bid.*

*Commissioner Carollo: Place --*

*Chair Hardemon: So we don't need the Commission to approve it to place the bid. I think that's a process that you start administratively, but he's basically just letting us -- letting all of us know that we agreed before to work with the Federal Government. Now, since the troubles are coming about, we should just place it for a bid. And so, it's a change of direction, and he brought it back to the Commission just to notify us.*

*Commissioner Carollo: Will this be a Request for Proposal that you're asking for or --?*

*Commissioner Gort: Not at this time. I'll let the Asset Management come back with the best resolutions. My understanding is, there might be some people that might be interested in the idea.*

*Ms. Méndez: So it's a discussion item. Basically, this Commission made a resolution to enter into a transaction; that transaction has not occurred, so I guess the Administration is going to see what the next steps are to probably either sell it or put --*

*Commissioner Gort: It will have to come back to us.*

*Ms. Méndez: Right. And then they'll have to come back again and rescind -- at that time, rescind that resolution --*

*Commissioner Carollo: I see.*

*Commissioner Gort: Yeah.*

*Ms. Méndez: -- and then do whatever is --*

*Commissioner Carollo: All right.*

*Ms. Méndez: -- the next steps, but it's just advising you that that transaction just did not occur --*

*Commissioner Carollo: Okay.*

*Ms. Méndez: -- and there's going to be next steps.*

*Commissioner Carollo: All right.*

*Ms. Méndez: Thank you.*

*Chair Hardemon: Thank you very much.*

*Commissioner Gort: Okay. Thank you.*

**END OF DISCUSSION ITEMS**

**PUBLIC COMMENT PERIOD FOR PLANNING AND ZONING ITEM(S)**

*Chair Hardemon: Okay. So for everyone else that is here for public comment, the items that are left for public comment are PZ.4, PZ.5, PZ.6, PZ.7, PZ.8, PZ.9, PZ.10, PZ.12, and PZ.13. So if you're a member of the public and you're here to speak on any of those items that are remaining on the agenda, now is your opportunity to do so. You have two minutes to address this body. Approach one of the two lecterns, state your first name, your last name, you may state your address, but also please state what item it is that you're here to speak about. So once again, this is the public comment section where you'll have two minutes to address this body. You can approach either of the two lecterns; your first name, your last name, you may state your address, and what item it is that you're speaking about. Is there anyone from the public that'd like to speak on any of the items? You're recognized, sir.*

*Steve Wernick: Thank you, Mr. Chair, Commissioners. Steve Wernick; address, 98 Southeast 7th Street, here on PZ.13, which is a small-scale amendments in Wynwood. I just wanted to say that I think there's broad support from both property owners, as well as the business community; owners of small businesses, in particular, in Wynwood. This is about maintaining character in Wynwood, the types of buildings that have made Wynwood one of the most walkable neighborhoods. And I did also have a letter from Jessica Goldman Srebnick, from Goldman Properties, that I just wanted to read into the record, because she was not able to be here. It says, "Dear Commissioners, on behalf of Goldman Properties, I would like to express my excitement for the proposed amendments to the small-scale legislation planned to be heard on October 25, 2018. The impact the changes will have on the future growth, development, and overall success of Wynwood is exciting. I believe the amendments will result in stable economic growth not only for the developers and property owners, but also for the business owners, while at the same time, protecting the inherent fabric for what has made Wynwood so special. Signed, Jessica Goldman Srebnick, Goldman Properties." And I'll put this in the record.*

*Vice Chair Russell: Okay.*

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

*Fernando Garcia: Thank you, Commissioners. My name is Fernando Garcia. I'm an attorney with the firm of Pena Garcia & Diz. We're at 2600 Douglas Road, Suite 902, Coral Gables. We represent Sunset Villas Phase III Condominium Association, and we have some comments and some objections to PZ.8, and we have various interveners sitting down, who can speak on behalf of themselves. I'm representing the board of directors. I could say that we've had multiple objections in our condominium about this new project; the noise, the excessive traffic congestion, the dust. The developer approached this condominium association months ago with a three- and four-hour presentation. And by the way, Commissioner Gort, I wanted to address my comments specifically to you, because this condominium is in your district.*

*Commissioner Gort: I'm aware of it.*

*Mr. Garcia: We have 400 units, a hundred voters.*

*Commissioner Gort: I know it very well.*

*Mr. Garcia: This project is -- brings in 400 condominium units with -- who are not voters. So getting back to the project and how the developer has dealt with us, I can*

*tell you that there was a question and answer period of about three or four hours in which the developer, Weiss, made various promises to our condominium association in order to utilize an easement on the property, a reservation of an easement, which is questionable, legally, whether that easement has been abandoned or not. But notwithstanding that, we entered into good-faith negotiations. The developer made all sorts of promises to do all sorts of improvements, including a boardwalk of some sort. So this was done in good faith. The developer actually went to the condominium and made this presentation. Obviously, the unit owners were very excited at -- to see what it is that they were talking about and give us some more details as to what this project is about. They subsequently changed attorneys the first time, and subsequent attorney came up with a Letter of Intent that promised a lot less than what was talked about at the meeting; essentially, painting the buildings on our project, some resurfacing, restriping, building a parking garage in our project on condominium association property, in which the condominium association was to be able to use the first two floors of the project. So the Letter of Intent was signed, but there was no further contact from the developer. I pursued it with the developer's third attorney, and the developer's third attorney gave me a phone call and said, "Look, yeah, we'll do it, but we're not going to do the painting; it's too expensive. Get some estimates." And my response was, "This is your problem. You made these promises. We're here to listen. We have a concern about the community. We have a concern about the traffic congestion, about all of your proposed plans, and we don't know what you want to do." So basically, he said, "Well, this is what we're willing to do." And I said, "Well, that's not acceptable." I wrote him a letter last Friday; last Wednesday I got a response. And the response was, again, changing the terms, not just where they're not willing to do the painting, but they wanted us to pay 2.2 million -- \$2.25 million for the parking garage, and we were only going to get the use of one floor, 80 spaces; not two floors. So essentially, developer was getting the use -- they were going to build it on property that wasn't theirs, and the -- their only cost was to build a garage, and we were going to kick in \$2.25 million for the use of 80 spaces. And I said, "That" -- "of course, that's not acceptable." So --*

*Chair Hardemon: Counselor?*

*Mr. Garcia: -- I mean, I'm just saying that all of this activity shows what -- where we're at. Just for the record, Sunset Villas Phase III strongly objects to this project.*

*Chair Hardemon: Thank you very much, sir. When we get to the -- to that item, we'll have an opportunity to discuss more about the procedure that we're going to have with that item, but right now we're just moving through our public comments. So I'm going to continue on to you, young lady.*

*Vice Chair Russell: I have a question for him.*

*Chair Hardemon: You have a quick question for him? One second.*

*Vice Chair Russell: Sir, just a question for you to understand what you said. You had mentioned that the 400 people that moved there would not be voters. Could you clarify --?*

*Mr. Garcia: My understanding is that the Blue Lagoon project has 400 -- I don't know. How many hotel units does it have?*

*Chair Hardemon: Okay.*

*Unidentified Speaker: We'll find out.*

*Unidentified Speaker: No, that's not correct.*

*Chair Hardemon: Okay.*

*Vice Chair Russell: I just didn't understand what you meant. Or if it's outside the City bounds or what (UNINTELLIGIBLE).*

*Mr. Garcia: Well, all I'm saying is that the condominium association before you now --*

*Vice Chair Russell: Uh-huh.*

*Mr. Garcia: -- this -- these are constituents, voters --*

*Vice Chair Russell: I understand that.*

*Mr. Garcia: -- in Commissioner --*

*Vice Chair Russell: I understand what you're saying.*

*Mr. Garcia: -- Gort's district. Thank you.*

*Vice Chair Russell: Thank you.*

*Chair Hardemon: Just to clarify for the attorneys that are here, what's said during the public comment is not a matter of the record for the actual item that's being called, so rest easy that it is the public comment time and is not facts to be considered when making decisions on the matter. You're recognized, ma'am.*

*Marguerite Morris: Yes. My name is Marguerite Morris, and I live in this condominium association that he's representing. I'm very much concerned about parking. We don't have enough parking now, and they're going to take somewhere between 60 and 80 parking spaces that'll be gone while they're building, and I hear it's going to take five years for them to build this -- whatever they're building, but we're going to lose all those parking spaces. I'd invite you to come by 10 o'clock tonight and take a look and see what the parking is like; not only inside the complex, but outside the complex. I mean, there's no place to park. And I can't imagine how they can think that for five years, somebody's going to try and find something, and then it's questionable whether or not we get anything in the -- in this parking garage. And also, why can they build something and not have parking on their property? Why do they have to take it from ours? Thank you.*

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

*Juan Salguero: Well, good afternoon. My name is Juan Salguero. I am a resident and owner in Blue Lagoon. Commissioner Gort, I sent you an email couple months ago regarding this matter. I just wanted to go on whatever record, whatever use this is that I strongly object to the plans of the developer, who now, based on what I heard from the attorney representing my neighboring condominium, will constantly change what they're trying to do. So obviously, you know, it makes me uncomfortable to know that, one, they're going to try to make use of an easement that belongs to -- is used by my con -- you know, the condominium where I live, where my neighbors and I have a certain quality of life at this moment that's going to be negatively impacted by this project. And, you know, I just wanted to go on the record for that; that I think this is, you know, absurd, the amount of new residents in the area without any modifications to, you know, the infrastructure, the -- that*

easement. So I just want to go on the record for that, Commissioner Gort. Thank you.

Chair Hardemon: Thank you, sir. You're recognized, sir.

Alexander Afanasyev: Sir, my name is Alexander Afanasyev, and I owner of one of the condos in the Blue Lagoon Condominium, and I also strongly oppose the rezoning motion. One of the reason is the traffic that it will generate, like -- The proposal I think includes using the same access road to enter the building. It's already like extremely crowded, and I don't know what exactly going to happen. And the second one is the 17 floor, or whatever -- kind of the actual rezoning would adversely affect (UNINTELLIGIBLE) leave -- living conditions of the residents of the condominium, and especially the value of the properties; for example, the ones that have views to the City.

Chair Hardemon: Thank you, sir. You're recognized, sir.

Deepak Matta: Good afternoon, everybody. My name is Deepak Matta, and I have a condo in Blue Lagoon. And my biggest worries, like everybody's, is the entrance to the condominium association. We have only two lanes. And during the peak time, it's almost impossible to get in quickly and get out quickly. So this project is going to affect us very badly in terms of congestion and various other things. So I just would like to place it on the record that I'm not very happy with what's going on, and I would appreciate all your help. Commissioner Gort, I've sent you a couple of emails too. I would appreciate it if you could help us out in making sure that this doesn't happen. Thank you.

Orestes Bermudez: Good afternoon, Chairman. Thank you for the opportunity to talk. I also belong to -- I live in Blue Lagoon Condominiums.

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

Mr. Bermudez: Excuse me?

Chair Hardemon: What's your name?

Mr. Bermudez: My name is Orestes Bermudez. I live in the condominium, and we are very concerned, extremely, because of the impact in the traffic. It's already very difficult to get in and out, as I already spoke to Commissioner Willy Gort once, and we email him concerning about this; not only environmental, but also with the traffic. As it is already, it's almost impossible, because with all the tolls that they have put on the 836, a lot of people are taking 7th Street as an alternative, and that's without the new buildings that they wanted to construct. And as I see, Brickell is already filled, so what the developers are going to do? Go to all around the lake in Blue Lagoon and start building. And so, the road improvement is not there. The traffic is continue worsening, and I don't see no solution for it. So we are against that. And we wanted to live -- and we want the development and the better for the community, but at the same time, we want to go back and inside our condominium with tranquility, to a certain degree, but we would love for you to help us and understanding our position; not only of that of the developers and the planning for the City. So I appreciate it, and thank you very much. I hope you take this in consideration. Thank you.

Chair Hardemon: Thank you, sir. You're recognized, sir.

Ronald Diquez: Good afternoon, Commissioner. My name is Ronald Diquez. I'm a resident of Blue Lagoon. I have also sent an email to the Commissioner, expressing

*my concern about the project. I'm not against progress, but as long as it's a progress -- it's a project that is well-conceived and it does not impact severely our already-tough street and traffic conditions, especially with the additional buildings that are being -- taking place on 7th Street right now, which are under construction, and I can only imagine what the traffic's going to be five years from now. I'm expressing my concern, as everybody else, and I hope you are listening. This helps.*

*Commissioner Gort: Thank you.*

*Chair Hardemon: Thank you, sir.*

*Mr. Diquez: Thank you.*

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

*Maria Claudia Ramirez: Hi. My name is Maria Claudia Ramirez. I live in Blue Lagoon --*

*Commissioner Gort: Maria, bring --*

*Ms. Ramirez: -- live in Blue Lagoon for many, many years. And I'm very concerned, like everybody else. We are here because with that -- because it's a traffic. Right now to get out of Blue Lagoon, it's very difficult. Imagine, the same road for more and more -- many cars. It's impossible. And Orestes says about -- The traffic in the 7th Street is impossible right now, so we are very concerned about this. Please help us.*

*Mr. Hannon: Chair, I'm sorry. If I could get the speaker's name again?*

*Chair Hardemon: Ma'am, can you state your name again for the record? Can you say your name again, please?*

*Ms. Ramirez: Maria Claudia Ramirez.*

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

*Melissa Pais: Good afternoon. Thank you for having made the time. My name is Melissa Pais. I'm actually -- do not live, but I do work in Blue Lagoon. I have been working in Blue Lagoon for almost 10 years. So the traffic -- as I said, I -- all residents come to me and talk to me about traffic, and what we could do. As of now, we are not able to do anything. Now that we're getting more units -- I don't know. Everybody said 1,200 more -- (UNINTELLIGIBLE) another percent, and 400 units more. Pretty much, people are freaking out to me and coming, "How is this going to happen? We're sharing one road in common. How are we going to get in? How are we going to get out?" There's a lot of kids that walk through that road. High school, elementary, they walk through that road. We share that in common. And not only me, not only the people that live there; also the employees. We are all worried about this. The moment our lives -- I know we all live per hour -- we all work per hour; an extra hour of traffic, an extra 30 minutes of traffic that includes in our lives in our commute on what we have to share with our families and with our community itself. So pretty much, that's what we're asking. I know, yes, we are progress. We want progress. We want the City to grow, that's for sure. Everybody wants that in common. But we wanted to do it at a pace that it doesn't become greedy. We want it to be beneficial for everybody, not for one -- only one group. Thank you.*

*Chair Hardemon (as translated by Official Creole Interpreter Genevieve E. Paul and Official Spanish Interpreter Lisseth Edelston): Is there any other person that'd like to speak during public comment?*

*Unidentified Speaker: Can't hear you.*

*Chair Hardemon: Seeing none, I'm going to close the public hearing at this time. For some reason, the Clerk's Office has found another way to make the meeting a little bit longer, but -- should I do -- Would you like to say something?*

*Maria Magdalena: Hi. My name is Maria Magdalena. I live in Blue Lagoon, and I am in the same, like the others --*

*Chair Hardemon: Yes.*

*Ms. Magdalena: -- for our community. I don't like the project at all. So what I have to say more? Everybody is saying the same thing. Not only for our adults, but for kids, for entrance, for the schools, there going to be a mess, so.*

*Chair Hardemon: Thank you, ma'am.*

*Ms. Magdalena: You're welcome.*

*Chair Hardemon: Once again, the public comment is closed. If we may, let's try to get some more business taken care of before we get into the PZ (Planning & Zoning) items.*

*Commissioner Gort: You got another person.*

*Chair Hardemon: We have --*

*Luis Dominguez: Hello. My name is Luis Dominguez. I am also an owner of Blue Lagoon Condominiums, and I also very concerned about what is happening now with the heavy traffic, so we don't want to, you know, to lose that easement, because right now, the traffic is very, very heavy. So we are against. Thank you.*

*Chair Hardemon: Thank you.*

## **PART B: PZ - PLANNING AND ZONING ITEM(S)**

*Chair Hardemon: Good afternoon. Calling the October 25, 2018 meeting of the Miami City Commission back into order. What I'd like to do is get to public comment on the PZ (Planning & Zoning) items, so Madam City Attorney, can you read the script?*

*Victoria Méndez (City Attorney): Thank you, Chairman. PZ items shall proceed according to Section 7.1.4 of the Miami 21 Zoning Code. Before any PZ item is heard, all those wishing to speak must be sworn by the City Clerk. Please note, Commissioners have been briefed by City staff and the City Attorney on items on the agenda today. The members of the City Commission shall disclose any communications, pursuant to Florida Statute 286.011(5) and Section 7.1.4.5 of the Miami 21 Zoning Code. Any person may be heard by the City Commission through the Chair for not more than two minutes on any proposition before the City Commission, unless modified by the Chair. If the proposition is being continued or*

*rescheduled, the opportunity to be heard may be at such later date before the City Commission takes action on such proposition. The Chairman will advise the public when the public may have the opportunity to address the City Commission during the public comment period. When addressing the City Commission, the member of the public may first state his or her name, his or her address, and what item will be spoken about. A copy of the agenda item titles will be available at the City Clerk's Office and at the podium for your ease of reference. Staff will briefly present each item to be heard. For applications requiring City Commission approval, the applicant will present its application or request to the City Commission. If the applicant agrees with the staff recommendation, the City Commission may proceed to its deliberation and decision. The applicant may also waive the right to an evidentiary hearing on the record. The order of presentation shall be as set forth in Miami 21 and the City Code, providing the appellant shall present first. For appeals, the appellant will present its appeal to the City Commission, followed by the appellee. Staff will be allowed to make any recommendations they may have. All persons testifying must be sworn in. The City of Miami requires that any person requesting action by the City Commission must disclose before the hearing anything provided to anyone for agreement to support or withhold objection by [sic] the requested action, pursuant to City Code Section 2-8. Any documents offered to City Commissioners that have not been provided seven days before the meeting as part of the agenda materials will be entered into the record at the City Commission's discretion. Thank you.*

*Chair Hardemon: Thank you very much. Mr. Clerk.*

*Todd B. Hannon (City Clerk) (as translated by Official Creole Interpreter Genevieve E. Paul and Official Spanish Interpreter Lisseth Edelston): Good afternoon, ladies and gentlemen. If you'll be speaking on any of today's Planning & Zoning items, may I please have you stand and raise your right hand?*

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

*Chair Hardemon: Mr. Garcia, I know there are a number of items that wish to be withdrawn or deferred or continued. Can we go over those items now?*

*Francisco Garcia: Thank you, sir. I do have a few. Francisco Garcia, Planning Director. On my agenda, I have the following items to be either withdrawn or continued, as appropriate. I have Item PZ.1, a request to withdraw and also a request, via resolution from the City Commission, to obtain a waiver for the 18-month period they would otherwise have to wait to resubmit. For your consideration, I also have a request to defer Items PZ.2 and PZ.3 to the December meeting. Additionally, it was discussed this morning that Item PZ.11 might be the subject of a deferral or continuance. And lastly, I have a letter from the appellant withdrawing Item PZ.14.*

*Chair Hardemon: Are there any other items that any Commissioners want to withdraw, defer, or continue? On PZ.1, I will tell you that I'm not necessarily open to a withdrawal, where we have a waiver of the 18-month period, but I will accept an indefinite deferral, which is an automatic bringing it back in about six months. It does not have to -- well, it comes back in six months, a more defined period; we can do that, but I don't want to get into the habit of withdrawing and then having to waive that provision.*

*Javier Fernandez: Mr. Chair, if I may, very quickly. For the record, Javier Fernandez, here on behalf of UBC Miami, LLC (Limited Liability Company), which is the new owner. My client acquired this property from the prior owner who had*

*submitted the application, and rather than continue to -- they've been distracted on some projects in New York City; not being able to focus on this application. There were some concerns about the covenant that was proffered by the original applicant, whether they could actually meet those requirements. If it's your preference to have an indefinite deferral, we'll certainly go that route. We thought we would just save staff the time of having this kind of go forward for another six months, potentially, in an indefinite posture, and if we can get the leave to possibly come forward in a year or so with a new application. Again, unlike most applications, we did have a chance of ownership here, which was why we asked staff if they would consider supporting a request to withdraw, with leave to bypass the 18-month prohibition.*

*Chair Hardemon: Yeah. And I understand that.*

*Mr. Fernandez: Sure.*

*Chair Hardemon: But I couldn't imagine -- unless you're telling me that there's going to be something that's substantially different in the application, I can't imagine why the withdrawal and the waiver will be something that's necessary, and that's my only objection to it.*

*Ms. Méndez: In the Miami 21 Code, it says that if the applicant withdraws, they can't come back before 18 months. So unless they have your permission, they can't come back if they withdraw.*

*Chair Hardemon: And I understand that. And it's just that I can't see -- and you have haven't articulated to me something that's going to be so substantially different that you -- Time, I understand you need --*

*Mr. Fernandez: Sure.*

*Chair Hardemon: -- but --*

*Mr. Fernandez: Mr. Chair, we'll happily take --*

*Chair Hardemon: -- six months is six months.*

*Mr. Fernandez: -- the indefinite deferral, if that's your preference.*

*Chair Hardemon: Okay.*

*Mr. Fernandez: Thank you, sir.*

*Chair Hardemon: Are there any other items that there is a wish for continue, defer, or withdraw? If not, the Chair would like to --*

*Vice Chair Russell: Well, I guess we need to make good on the vote we took this morning regarding PZ.11, so that should be added in, as well.*

*Chair Hardemon: Right. PZ.11 is there. So the Chair would like to entertain a motion to --*

*Vice Chair Russell: We need a date for PZ.11, Mr. Chairman. I would recommend we bring it back to the next Planning & Zoning -- well, to the November meeting, if the November meeting isn't too stacked. That would be the first reading.*

*Mr. Hannon: Understood. November 15.*

*Vice Chair Russell: Yep.*

*Commissioner Carollo: That's fine. You need a motion for that, or you're satisfied with that?*

*Chair Hardemon: We will need a motion. The December meeting for PZ is what day?*

*Mr. Hannon: Both meetings in November and December. In November, we only have one meeting, and we take the Regular and Planning & Zoning and have them both on the same day; that'll be November 15. And then there's only one meeting date in December, which we'll have the Regular meeting and the Planning & Zoning meeting, which is December 13.*

*Chair Hardemon: Okay. So right now the Chair would like to entertain a motion to indefinitely defer PZ.1; to defer to 12/13, PZ.2 and 3; to defer to 11/15, PZ.11; and to withdraw PZ.14.*

*Commissioner Carollo: Okay. PZ.1 deferred. PZ.2?*

*Chair Hardemon: Yeah, PZ.1 is an indefinite deferral.*

*Commissioner Carollo: Yeah.*

*Chair Hardemon: PZ.2 and 3 is to the 12/13 meeting date.*

*Commissioner Carollo: Okay. And which is the other one?*

*Chair Hardemon: PZ.11 is the 11/15 date.*

*Commissioner Carollo: Okay.*

*Chair Hardemon: And PZ.14 is a withdrawal. Is there a motion?*

*Commissioner Gort: Move it.*

*Commissioner Carollo: There's a motion. Second.*

*Chair Hardemon: Properly moved and seconded. Any discussion?*

*Vice Chair Russell: Yes. I just wanted for the sake of those who have come to speak, they may not have heard our conversation this morning. PZ.11, on the NCD (Neighborhood Conservation District) amendment, was meant to be taken up today, but we had ample discussion this morning that several of the Commissioners would like to learn more about this, and most importantly, one of our Commissioners is absent this afternoon, and he personally requested a deferral so that he can be here so that we can all vote on this together. We went back and forth a bit, but the consensus at the end was "Yes, that's the right thing to do." So we'll be deferring this item to November 15.*

*Chair Hardemon: Okay.*

*Patrick Alayon: Chairman, if I may. Patrick Alayon, on behalf of Blue Lagoon Condominiums. We're here on PZ.8. We had submitted a request to defer PZ.8. I don't know if the Commission had a chance to read it, or if this is the correct time. I just heard you call if there was any other deferrals on the agenda, and I wanted to make the Commission aware.*

Chair Hardemon: Okay. You're an applicant for PZ.8?

Mr. Alayon: No, no. Your honor, we are the -- we are opposing PZ.8.

Chair Hardemon: Are you a respondent?

Mr. Alayon: We are a neighboring condominium.

Chair Hardemon: So you're not a party just yet?

Mr. Alayon: We're not a party yet.

Miguel Diaz de la Portilla: Mr. Chairman, I'm -- Hi. Good afternoon. I'm Miguel Diaz de la Portilla. I'm the attorney for the applicant on the item that Mr. Alayon has just referred to, PZ.8.

Chair Hardemon: Okay. Well, give me a second. I'm going to handle the motion on the floor right now. Seeing no further discussion about the motion that is on the floor, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Hardemon: All against? That motion carries.

The following item(s) shall not be considered before 2:00 PM

**PZ.1**  
**3517**  
*Department of Planning*

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM "T6-8-L," URBAN CORE - LIMITED, TO "T6-12-L," URBAN CORE - LIMITED, OF APPROXIMATELY 0.55 ACRES (23,939 SQUARE FEET) OF REAL PROPERTIES LOCATED AT APPROXIMATELY 1136 NORTHWEST 8 AVENUE, 1146 NORTHWEST 8 AVENUE, 1145 NORTHWEST 11 STREET ROAD, AND 1157 NORTHWEST 11 STREET ROAD, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

<b>MOTION TO:</b>	<b>Indefinitely Defer</b>
<b>RESULT:</b>	<b>INDEFINITELY DEFERRED</b>
<b>MOVER:</b>	<b>Wifredo (Willy) Gort, Commissioner</b>
<b>SECONDER:</b>	<b>Joe Carollo, Commissioner</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo
<b>ABSENT:</b>	Reyes

*Note for the Record: For minutes referencing Item PZ.1, please see "Part B: PZ - Planning and Zoning Items."*

**PZ.2**

**ORDINANCE**

**First Reading**

**4414**

**Department of  
Planning**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO SECTION 163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION FROM "DUPLEX RESIDENTIAL" TO "MEDIUM DENSITY MULTIFAMILY RESIDENTIAL" OF THE ACREAGE DESCRIBED HEREIN OF REAL PROPERTY LOCATED AT APPROXIMATELY 1015 SOUTHWEST 29 AVENUE, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

<b>MOTION TO:</b>	Defer
<b>RESULT:</b>	DEFERRED
<b>MOVER:</b>	Wifredo (Willy) Gort, Commissioner
<b>SECONDER:</b>	Joe Carollo, Commissioner
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo
<b>ABSENT:</b>	Reyes

*Note for the Record: Item PZ.2 was deferred to the December 13, 2018, Planning and Zoning Commission Meeting.*

*For minutes referencing Item PZ.2, please see "Part B: PZ - Planning and Zoning Items."*

**PZ.3**

**ORDINANCE**

**First Reading**

**4415**

**Department of  
Planning**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM "T3-O," SUB-URBAN TRANSECT ZONE-OPEN, TO "T4-R," GENERAL URBAN TRANSECT ZONE-RESTRICTED, FOR THE PROPERTY LOCATED AT APPROXIMATELY 1015 SOUTHWEST 29 AVENUE, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

<b>MOTION TO:</b>	Defer
<b>RESULT:</b>	DEFERRED
<b>MOVER:</b>	Wifredo (Willy) Gort, Commissioner
<b>SECONDER:</b>	Joe Carollo, Commissioner
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo
<b>ABSENT:</b>	Reyes

*Note for the Record: Item PZ.3 was deferred to the December 13, 2018, Planning and Zoning Commission Meeting.*

*For minutes referencing Item PZ.3, please see “Part B: PZ - Planning and Zoning Items.”*

**PZ.4**

**4233**

**Department of  
Planning**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO SECTION 163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION FROM “DUPLEX RESIDENTIAL” TO “LOW DENSITY MULTIFAMILY RESIDENTIAL” OF THE ACREAGE DESCRIBED HEREIN OF REAL PROPERTIES LOCATED AT 3710 NORTHWEST 13 AVENUE AND 1329 NORTHWEST 37 STREET, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT “A”; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

<b>MOTION TO:</b>	<b>Deny</b>
<b>RESULT:</b>	<b>DENIED</b>
<b>MOVER:</b>	<b>Ken Russell, Vice Chair</b>
<b>SECONDER:</b>	<b>Keon Hardemon, Chair</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo
<b>ABSENT:</b>	Reyes

*Chair Hardemon: I'll call our attention to PZ.4. Mr. Garcia anywhere around?*

*Commissioner Gort: He's here.*

*Victoria Méndez (City Attorney): Chairman, which PZ (Planning & Zoning) item?*

*Chair Hardemon: PZ.4.*

*Ms. Méndez: Thank you.*

*Chair Hardemon: Can you read it into the record?*

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

*Ms. Méndez: And it has a companion, Item PZ.5.*

*Chair Hardemon: Mr. Garcia, do you want to give us a brief introduction of the item?*

*Francisco Garcia (Director, Planning): Thank you, sir. Basically, to set forth, as the record reflects, that our recommendation was for a denial, although the Planning, Zoning & Appeals Board recommended approval unanimously. The reason, predominantly, for our recommendation for denial has to do with the fact that there is no other presence of T4-R as a zoning designation in the immediate vicinity. And although it would fit nicely as a transitional zoning designation, it would follow the logical sequence between T6 and T5, which are also conditions prevalent in the area. If that were the case, then we would be in favor of studying the entire corridor or the properties in similar situations as a stand-alone recommendation, because it would be anomaly, continues to be one for denial.*

*Commissioner Gort: Mr. Chairman, I'd like to have a disclosure -- a Jennings disclosure. I have meetings with the different attorneys on this project; that will not change my vote in any way.*

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

*Alejandro Uribe: Good afternoon. My name Alex Uribe, with offices at 2525 Ponce de Leon Boulevard. I'm here on behalf of the applicants, STW Real Estate, LLC (Limited Liability Company), and Soto Holding and Investments, Inc. Thank you for the opportunity to present the item. As noted by staff, this property's in Allapattah, and our request is to go from T3-O to T4-R. Now, if we look right here -- so if we look right here -- and this is kind of the surrounding area -- our subject property is here, and you can see that it fronts the very intense commercial development that's along Northwest 36th Street. It also is right here, about 920 feet from the Allapattah Metrorail Station. As staff noted, our request is going to provide a T4-R transition, between the T6 and T5 that come off of here, to the T3, which is in the rest of the area. And staff is right; there is no other T4 around there, but if you look at staff's report, they note that this area, because it is so close to the transit corridor and the Metrorail Station, it is consistent with the Comprehensive Plan's goals and intents of increasing density near transit access, and they said it -- this area generally is a good candidate for density increase. Some of staff's concerns in their report was incompatible uses allowed by T4-R. Those incompatible uses would be childcare and a marina. We don't have any water around; however, we are going -- we have proffered -- and staff has, and we will work to have executed by second reading a restrictive covenant, voluntary restrictive covenant that will restrict the uses to strictly residential. On top of that, staff had another concern with the massing and the difference between T3-O and T4-Rs in terms of the building's form. We've addressed that in the covenant as well, and what we're doing is, we are going go ahead and limit the height of three of the four lots that make out the property to two stories, which is consistent with what's allowed in the rest of the T4. There is one vacant property in the corner, which would be allowed under our covenant, to do the full three stories that are allowed by T4-R. Now, that property and that corner -- on that corner, it fronts already an existing six-unit multifamily, and it's the closest corner to Northwest 36th Street. Additionally, staff said one of the issues that it had with this application was that the property's not close enough to the park. Staff say -- staff has pointed that the concurrency level for parks is dependent on the property being within a 10-minute walk of the nearest park or half a mile. We Googled the distance between the park, Moore Park, which is a major park with a football field, tennis facilities, basketball courts, baseball diamond. Using sidewalks and marked crosswalks, it's less than a half mile, a nine-minute walk by Google's -- by Google Maps, so it's consistent there with the Comprehensive Plan. And finally, as Mr. Garcia said, staff feels that addressing just this property, without looking at the rest of the neighborhood, which also fronts T5 and T6, would be inappropriate, because it would create a condition where there's only one T4. We agree that we would love to see the area, as consistent with their analysis, increase in density, because it's the proper area for it. Unfortunately, Miami 21 allows us only to apply for the property that we have control over. We cannot apply for the rest of the area. Now, beyond staff's concerns, we've met with the neighbors, and we've -- we invited all of the neighbors around and all the blocks around here, here, here, here, all the way around, to come to our property and talk to us about what the issues were in their neighborhood and how, hopefully, we can help uplift the area. The number-one concern that we heard was security. And the residents told us that the primary reason that they were having break-ins, and that they had crime reported, is because people were coming in and out, in and out, moving in, moving out; nobody had any sense of buy-in into the neighborhood. So I spoke with the applicants, and the applicants have agreed that for their new buildings, they will not have any leases for*

*less than one year. Hopefully, that can help create some buy-in, create some stability for the area, and it should improve the security.*

*Chair Hardemon: They can't have any leases for greater than one year either, though, right?*

*Mr. Uribe: Excuse me?*

*Chair Hardemon: They can't have any leases greater than one year either, though, right?*

*Mr. Uribe: We can't have leases greater than one year, but currently, a lot of these can go month-to-month, and there's no -- there's nothing holding or creating a sense of buy-in, a sense of community. Hopefully, this measure can help.*

*Commissioner Gort: Mr. Chairman, may I ask a question?*

*Chair Hardemon: Of course.*

*Commissioner Gort: You're talking about that the use is the Airanb [sic]?*

*Mr. Uribe: Excuse me?*

*Commissioner Gort: The use that is being used is Airanb [sic]?*

*Mr. Uribe: No, no, no, no. I'm talking about that a lot of these are available for rent from month to month. And so, people come in, and abruptly, they can leave, and they have a lot of turnover as far as tenancies go. When we met with the neighbors, we also talked about what would the impact of a new building be; slightly larger, little bit more density, but a new building? We heard some positive feedback on a lot of the homeowners there who would like a new building to go ahead and help uplift the property values and kind of promote some more interest in the neighborhood. Finally, we worked with -- the applicants worked their numbers to address the concerns of their existing tenants, who are here on their property currently; their tenants, in a couple of -- in three duplexes there. We came up with a plan -- and this will all be in the covenant -- that the phasing of the project will go so that nobody of the existing residents will be displaced during construction. The applicants will develop the vacant property first. And when that phase of construction is done, they're going to offer -- before these are torn down for construction, they're going to offer to either ride out their lease in a new unit or have the option to renew for one year in the new unit, as if they were in their original units. And the -- and last but not least, the -- these applicants, their desire to do something good for the community and make sure that these apartments, being new and with this area redeveloping and kind of gaining importance again, they're willing to restrict all of their units to workforce housing to serve people between the 80 and 140 AMI (average median income) percentages. Excuse me --*

*Commissioner Gort: What were the percentages?*

*Mr. Uribe: -- 60 to 140 percent AMI percentages; a hundred percent of all new units. So we feel that this application meets all of the goals and intents of the Comprehensive Plan and Miami 21. We've provided this covenant, which we feel is going to assuage [sic] the concerns that Planning has, for the most part. Obviously, we can't do -- you know, we can do the study and rezone all the properties, but we feel that this has merit. This would be a great first step. This could hopefully spur and show that this does work. And, you know, we welcome the Planning staff to do*

*their homework, but we hope that you all feel that this application also has merit and would be good. And I'm here to answer any questions you may have. Thank you.*

*Vice Chair Russell: Mr. Chairman?*

*Chair Hardemon: Go ahead.*

*Vice Chair Russell: Question for the Director. The denial from staff, was it based more substantively or more on the geometry of the fact that it doesn't line up with the existing transect zone?*

*Mr. Garcia: Thank you for the question. The geometry certainly is the clearest manifestation of the underlying principle that is at issue here, which is the very purpose of zoning regulations are to create a predictable development environment, and the basic point -- And the reason why this application, regardless of its merits -- and there are some -- would not fare well on its own is the fact that the property owners who purchased property around or who have lived there for some amount of time have a reasonable expectation that the development that would take place on this property would be similar or essentially the same as theirs, which is, in this point in time, duplex residential; no more, no less. So the argument here is one of predictability and stability. If the Commission is persuaded by the argument that an increase in density is merited in this particular area, then that should not apply to this property on a stand-alone basis; it should apply to either the entire neighborhood or a portion of the neighborhood, and we would welcome the ability to study that, because there are some points that are being made by the applicant that, frankly, resonate with us as well. However, I have to emphasize, on a stand-alone basis, it really does go against the principles of the Comprehensive Plan and the Zoning Ordinance to zone this particular parcel on a stand-alone basis to a different zoning designation that does not exist in the immediately vicinity. The other point I wanted to bring up -- and I appreciate the opportunity to do so -- is that although the terms proffered in the covenant that has been submitted by -- or mentioned by the applicant are worth considering to a significant extent, some of them are, frankly, difficult to enforce, not to say unenforceable, by us in our Code compliance capacity. And as pertains to the affordability of the units, I would propose to you that at those levels -- so 60 to 140 percent AMI -- that is, frankly, market rate for the area; no lower than that.*

*Chair Hardemon: So I will say that of the property that is the subject of this application, two parcels in that area where you're talking about duplex residential -- so T3-O properties -- these two properties represent two out of maybe 60 -- or more than 60 portfolios in that space. So the change in zoning, it sticks out like a sore thumb. And, you know, in the City of Miami, I think we have to do as best a job as we can in protecting our single-family home areas, and then second from single-family home are your duplex areas, and your duplex areas doesn't necessarily mean that they're duplexes on the property, but they're allowable. So you have many single-family homes that are on these duplex areas, or you may have a single-family home with a granny flat in the back that has -- that is perfectly fine to be there. And so, the duplex is what helps it become more affordable. That designation, in and of itself, allows us to have more properties on one site than the other. And, you know, when I consider this space, I'm drawn to the discussion, and to the argument and analysis that the staff is making by saying that, "Look, this is inconsistent with the area that is there." When you look at this map, you know, what's not highlighted is the T3-O. Every other property line -- every other piece of -- parcel of property that is north of that T5, east of that T5, and west of the D1 that you have designated there is T3-O designation. You want to respond to that?*

*Mr. Uribe: May -- Yes. That's true. That doesn't, though, reflect the existing conditions, that there are existing multifamily here. And again, most of the items that staff has mentioned are being addressed in the covenant, and the City very properly may consider the covenant and they may not, but they have -- you, the Commission, have the power to consider it, and we're happy to engage proactively with you, with your office, to check on enforcement and, to your satisfaction, go forward with it. And this can be the basis for Mr. Garcia's study of the relationship between T5 and the rest of the neighborhood, because the neighborhood right now -- what these duplexes face is that. It goes from this to a duplex, and that is not good transition. Our T4-O -- sorry -- our T4-R provides that buffer and that very slow transition. And at this one, in particular, with what the covenant is requiring, which can be very easily enforced at the building permit stage, two floors; not unexpected with what comes in a T3-O neighborhood.*

*Chair Hardemon: The only issue that we have with that is that in order for us to create an appropriate buffer from the T5 that you speak of to this, and then to a T3-O, is the elimination of the zoning of T3-O to all the properties that are east and west of you. And to do that -- the only reason that it will make sense for someone to even wish to accept that is if they were monetizing in some way. So they're going to do as what you're doing; tear down their property to increase the density on the parcel to then make it more affordable for people to move in there, but -- I mean, that's really going to be up to the market. Just because you have a certain number of residences from -- going from two to four doesn't always mean that it's more affordable, because if the area is desirable to be, then even the four units are growing to be -- they could be higher than the market -- they could be at a market rate and not necessarily depressed from it. So, you know, it's one of those things where in order for this to work the way that you expect it to work, I believe that people will be displaced, and I'm not saying that in the area that there is not -- I don't know who owns all of the properties there. I can't tell you if a great majority of the ownership is invested into one person or two or three. It could very well be; it could not, but what I'm saying to you is that, as of today, this is one of those areas where people enjoy a relatively low level of density, and by amending it simply for your parcel would stand out like a sore thumb. And ultimately, what I would see is that it wouldn't lead to a transition at all; it would rezone everything from T3-O to possibly the low density multifamily residential, or T4 that you're requesting, because the next thing is going -- this next parcel, someone is going to say is, "Well, why stop at 38th Street? Why not just take it to State Road 112; it's the highway?" Just go higher there. And so, you know, I'm weary of that. I just don't know if this is timely. Certainly, I believe it's against and a slap in the face of what the zoning currently is there, and it almost stands out as simply to benefit only this property owner, and I can't say that that's consistent with what the neighborhood has right now. That's the way that I see it.*

*Mr. Uribe: If you're unwilling to support it at this time, could I ask for a continuance, and maybe let us have a chance to have a little bit more input from Planning, maybe a little more input from the applicants, who wish they could have been here, but they were called out of town at an emergency, so I -- and see if there's something else we can do?*

*Chair Hardemon: What else could you possibly see that will make this something that is appropriate?*

*Mr. Uribe: It could be about AMI. It could be about a --*

*Chair Hardemon: Not with two -- not with --*

*Mr. Uribe: -- lowering density. It could be a -- several variables that could bring this back.*

*Chairman Hardemon: Commissioner Gort, this is one of those spaces that you and I share very closely. I mean, I can walk -- I'm within a ten-minute walk to Moore Park, as well from my personal --*

*Commissioner Gort: You can walk across the street. Northwest 36th Street, some change in the zoning has taken place in 36th Street, especially after the improvement of the road by the DOT (Department of Transportation), it makes traffic a lot easier. It's close -- it is close to rapid transit. It's close to -- what do you call them? -- public movement and -- On 36th Street, I don't have any problem on 36th Street.*

*Chair Hardemon: Yeah, on 36th Street, especially south of 36th Street, but what we're discussing this now -- it's almost like one of those little jewels. It's like driving on 7th Avenue and discovering Spring Garden.*

*Commissioner Gort: But, you know, I don't see any harm in a continuance, and maybe they can come up -- Sometimes, when you do a continuance, they can come up with a better project, a better activity.*

*Chair Hardemon: Is there anything from T3-O -- the next step up is your T4. There's no transition in between.*

*Mr. Garcia: That is correct, sir. They are asking for the next zoning designation up from what they have right now. There's nothing in between. I will add -- because I've been doing the research in the meantime to try to supplement the conversation -- that a -- an admittedly informal survey, but it's very telling, is that there is a very high level of homestead exemption recorded here in the area, and there is also a significant amount of single-family residential development in what is presently a duplex zone.*

*Chair Hardemon: Oh.*

*Mr. Garcia: In other words, people have not availed themselves fully of the existing density today.*

*Chair Hardemon: And that's the sort of thing that scares me about this. So, essentially, you know, this is a duplex zoning, high homestead, which is something that, you know, I'd love to have within my district, but (UNINTELLIGIBLE) -- because there are many places where we have a high rental ratio, and now the actual development of the properties reflect more of a single-family home structure than even a duplex.*

*Mr. Uribe: We did a homestead search of all the properties here north of 36th Street, and I believe east of Jackson Senior High. We found that it was 38 percent full homestead, 11 percent partial; meaning, one of the two duplexes, and it was 49 percent non-homestead.*

*Chair Hardemon: Well, I'm sure if you look east of Jackson, you have a lot of apartment buildings that are there, so they wouldn't have any homestead there, but the subject area that we're discussing and its immediate proximity in a T3-O, that's probably -- that probably has (UNINTELLIGIBLE).*

*Mr. Uribe: Correction. (UNINTELLIGIBLE). My associate -- we studied the T3 area north of here and found those numbers.*

*Vice Chair Russell: Mr. Chair?*

*Chair Hardemon: You're recognized.*

*Vice Chair Russell: Mr. Director, by the definition, how do you not find this as spot zoning, if it's --? Because I'm -- and I'm --*

*Chair Hardemon: Stay away from saying the word, but --*

*Vice Chair Russell: Yeah. And just -- but I know Francisco has a very clear definition of what qualifies and doesn't qualify, and so, I wanted to go through that, because --*

*Mr. Garcia: Right. So probably the most frequently asked question in depositions that I have to attend from time to time. And the simple answer, Commissioner, is that, no, it wouldn't, strictly speaking, be spot zoning, in that the applicant both complies with the required minimum lot size for the rezoning application, and clearly, otherwise, they wouldn't be before you with the application. And also, spot zoning talks about a condition that will be generated, that would be completely incompatible with the surrounding conditions. And as set forth very clearly at the beginning of my presentation, as well as the applicant's presentation, in this particular case, the rezoning would result in a transitional zone that is compatible both with the zoning to the south, T5, and the zoning to the north, T3, because it would be transitional in that regard.*

*Chair Hardemon: So that's the only saving grace; that that one parcel could serve, if you had a transition, as a transition?*

*Mr. Garcia: Right. And so, my argument -- just to complete the thought -- my assertion to you is that my difficulty with recommending approval for this particular application has to do with the fact that it is an application on a stand-alone basis and not one that really completes that transitional zone. If one were to be implemented, that would be desirable in principle, but frankly, again, our assessment is that the present conditions don't warrant it.*

*Vice Chair Russell: So for the legal definition of spot zoning, you don't need it to touch another existing T4 to make this -- it does qualify -- it passes the test with regard to spot zoning; it simply doesn't fit, as you're saying, in that area. I'm curious why it got an 8-0 approval at the Planning, Zoning & Appeals Board, and maybe you all can speak to what swayed the PZAB in favor of your --*

*Mr. Uribe: In all honesty, it was 7-1, but I'll take what I can get. I presented the same presentation. We talked about the safeguards that we were going to put in a covenant. We talked about the access to transit. It has, again, everything that the comp plan says higher density should go here, it goes here. Staff's report says the area is appropriate for higher density. I understand Mr. Garcia's reservations. And, you know, we've addressed the neighbors' concerns. We met with them. We have some support. And, you know, we think that this new building here could provide a spark --*

*Vice Chair Russell: Mr. Chairman?*

*Mr. Uribe: -- in this area that, you know, a lot of the neighbors want to see.*

*Vice Chair Russell: I don't mean to lead this conversation, but I just want to point out the difference here between PZAB and this board is you have an elected representative who knows that community, who walks those spots, and knows the*

*type of homes that are on either side, which you might not see from a map; and on paper, the things that you're offering and bring certainly could benefit the neighborhood. Could we go deeper into AMI? Could we use City AMI instead of County? Would that help? Could we go through a larger percentage of --?*

*Mr. Uribe: I'm --*

*Vice Chair Russell: At the end of the day, the Commissioner of the district knows that neighborhood, and what he's been elected to represent and fight for that is right or wrong. And so --*

*Mr. Uribe: I would be happy to bring the applicant and work on something if we can continue this, and talk about it, and find something workable. Absolutely.*

*Vice Chair Russell: I'll support you.*

*Mr. Uribe: Absolutely.*

*Chair Hardemon: I just don't see the appropriateness here. I don't think there's any major wiggle room, not for two parcels; not in an area that is already affordable to live in; not in an area that has a lower zoning that gives people the assurance of enjoying a neighborhood as they should, and not necessarily being up-zoned, or lots of parks are being put together to build something more monstrous in the space.*

*Mr. Uribe: Once I speak to my client -- and I can't speak to him now, unfortunately -- we can maybe come down on height more, and that'll come down on intensity, that'll come down on density, but I would need to have the opportunity to talk to him.*

*Chair Hardemon: And I wish he was here, but he's not, and --*

*Mr. Uribe: He's out of the country, unfortunately.*

*Chair Hardemon: The Chair would like to entertain a motion to deny.*

*Vice Chair Russell: Second.*

*Chair Hardemon: It's moved by the Vice Chairman; seconded by the Chair.*

*Vice Chair Russell: Oh, you need a primary motion from myself.*

*Chair Hardemon: Right.*

*Vice Chair Russell: I'm sorry.*

*Chair Hardemon: Any further discussion?*

*Todd B. Hannon (City Clerk): And, Chair, that'll be -- Mr. Planning Director, that motion is on PZ.4 and 5, correct? This way, you can address both at the same time.*

*Chair Hardemon: Well, PZ.5 needs to be --*

*Ms. Méndez: Right. So we would --*

*Chair Hardemon: -- read into the record. So we're on PZ.4 now. That's already been read into the record.*

*Ms. Méndez: Right. We're only on PZ.4. If PZ.4 is denied, you really don't --*

*Commissioner Gort: Need PZ.5.*

*Ms. Méndez: -- you can't really hear PZ.5.*

*Mr. Hannon: Right. But it would be nice to be able to close out the file in our system, so -- denial on 4 and 5 --*

*Chair Hardemon: The motion is on 4 --*

*Ms. Méndez: I haven't read it in --*

*Chair Hardemon: -- has been read into the record. And Commissioner Gort, you had some unreadiness?*

*Commissioner Gort: No, no. I'm ready to vote.*

*Chair Hardemon: Okay. All in favor of the motion, say "aye."*

*The Commission (Collectively): Aye.*

*Chair Hardemon: All against?*

*Commissioner Gort: Francisco came out with some suggestion; you should look at them.*

*Mr. Uribe: Thank you.*

*Later...*

*Chair Hardemon: Yes, sir.*

*Unidentified Speaker: One other item, Mr. Chair.*

*Chair Hardemon: I know you have one more.*

*Mr. Uribe: I'm very sorry. Alex Uribe again, 2525 Ponce de Leon Boulevard. May I just ask on PZ.4 and 5 if we can waive the time to reply in case the study comes up and --?*

*Chair Hardemon: There's a re-application time for a denial, as well?*

*Ms. Méndez: Right. So once it's denied, it can come back either 12 or 18 months. I don't -- 18 months.*

*Vice Chair Russell: But if different, it could come back any time.*

*Ms. Méndez: Hmm?*

*Vice Chair Russell: If different --*

*Chair Hardemon: If different.*

*Vice Chair Russell: -- if complete different --*

*Ms. Méndez: If it's a different applica -- the thing is, I believe it's address-specific for the location.*

*Mr. Garcia: That in order to at least partially address, I think, the question that's being asked, that would not preclude us in the Planning Department, should it be appropriate, to conduct a study that would recommend to you a wholesale rezoning of the entire area.*

*Chair Hardemon: If it was appropriate --*

*Mr. Garcia: If it were appropriate.*

*Chair Hardemon: -- for the area. I don't see how that would change within the next 12 months or so. An application from the department would be something completely different, but that does not mean that they won't be denied, either, you know. So I can't make promise to you.*

*Ms. Méndez: So it says, "The same rezoning or any part or all of the same property for a period of 12 months."*

*Chair Hardemon: All right. I'll be gone soon.*

**PZ.5**  
**4412**  
**Department of Planning**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM "T3-O," SUB-URBAN – OPEN, TO "T4-R," GENERAL URBAN – RESTRICTED, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 3710 NORTHWEST 13 AVENUE AND 1329 NORTHWEST 37 STREET, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; ACCEPTING THE VOLUNTARILY PROFFERED DECLARATION OF RESTRICTIVE COVENANTS; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

<b>MOTION TO:</b>	<b>Deny</b>
<b>RESULT:</b>	<b>DENIED</b>
<b>MOVER:</b>	<b>Ken Russell, Vice Chair</b>
<b>SECONDER:</b>	<b>Keon Hardemon, Chair</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo
<b>ABSENT:</b>	Reyes

*Note for the Record: For additional minutes referencing Item PZ.5, please see Item PZ.4.*

*Victoria Méndez (City Attorney): And then I'm reading PZ.5 into the record.*

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

*Chair Hardemon: Chair would like to entertain the same motion.*

*Vice Chair Russell: So moved.*

*Chair Hardemon: Seconded by the Chair.*

*Commissioner Gort: Second.*

*Chair Hardemon: Seeing no further discussion, all in favor, say "aye."*

*The Commission (Collectively): Aye.*

*Chair Hardemon: All against? The motion passes. Sorry, sir.*

**PZ.6**

**4664**

**Department of  
Planning**

**ORDINANCE**

**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING A SECOND AMENDMENT TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BETWEEN FLAGLER HOLDING GROUP, INC., MONTE CARLO ASSOCIATES (DEL.) LLC, HALF-CIRCLE PROPERTY (DEL.) LLC, NORWEGIAN WOOD ACQUISITIONS, LLC, LOVELY RITA ACQUISITIONS, LLC, OAK PLAZA ASSOCIATES (DEL.) LLC, BEN NEWTON LLC, SWEET VIRGINIA ACQUISITIONS, LLC, DACRA DESIGN MOORE (DEL.) LLC, FCAA, LLC, DACRA DESIGN 4141 LLC, PENNY LANE ACQUISITIONS, LLC, UPTOWN GIRL DEVELOPMENT, LLC, SUN KING, LLC, MDDA MORNING DEW, LLC, TINY DANCER ACQUISITIONS, LLC, AND THE CITY OF MIAMI ("CITY") REGARDING THE MIAMI DESIGN DISTRICT RETAIL STREET SPECIAL AREA PLAN ("MDDRS SAP") FOR THE PURPOSE OF RELEASING FLAGLER HOLDING GROUP, INC. ("FLAGLER") FROM THE MDDRS SAP DEVELOPMENT AGREEMENT AND REMOVING THE PROPERTY LOCATED AT APPROXIMATELY 4218 NORTHEAST 2 AVENUE, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED AND INCORPORATED WITH THE INTENTION THAT FLAGLER WILL ENTER INTO A NEW DEVELOPMENT AGREEMENT WITH THE CITY THAT IS SUBSTANTIALLY SIMILAR IN NATURE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**ENACTMENT NUMBER: 13802**

<b>MOTION TO:</b>	<b>Adopt</b>
<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	<b>Ken Russell, Vice Chair</b>
<b>SECONDER:</b>	<b>Keon Hardemon, Chair</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo
<b>ABSENT:</b>	Reyes

*Chair Hardemon: PZ.6, can we have it read into the record, please?*

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

*Chair Hardemon: Mr. Kasdin, your argument was spectacular. The Chair --*

*Neisen Kasdin: Thank you.*

*Chair Hardemon: -- would like to entertain a motion to approve the item.*

*Mr. Kasdin: Thank you, Mr. Chair.*

*Vice Chair Russell: So moved.*

*Chair Hardemon: Been properly moved; seconded by the Chair. All in favor of the item --*

*Commissioner Gort: I have a question. My understanding, this -- when this was incorporated, there was an agreement that was made by all of the individuals and all the streetscapes and all the work that's going to be done within that district. As you separate this Flagler, will they maintain the same agreements?*

*Mr. Kasdin: Yes. Yes, Commissioner. And, in fact, that is -- The Planning staff had encouraged other non-Dacra-affiliated property owners to join, because they would be bound by the same streetscape, the same design guidelines, et cetera. It proved to be unworkable to have them all in one development agreement, but they have to comply with all the requirements of the SAP (Special Area Plan).*

*Commissioner Gort: Okay.*

*Chair Hardemon: Seeing no further unreadiness, all in favor of the motion, say "aye."*

*The Commission (Collectively): Aye.*

*Chair Hardemon: All against? Motion carries.*

*Mr. Kasdin: Thank you.*

**PZ.7**

**4665**

**Department of  
Planning**

**ORDINANCE**

**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING A DEVELOPMENT AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BETWEEN FLAGLER HOLDING GROUP, INC., A FLORIDA PROFIT CORPORATION, AND THE CITY OF MIAMI ("CITY"), RELATED TO THE PROPERTY LOCATED AT APPROXIMATELY 4218 NORTHEAST 2 AVENUE, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED AND INCORPORATED, ASSOCIATED WITH THE PREVIOUSLY APPROVED "MIAMI DESIGN DISTRICT RETAIL STREET SPECIAL AREA" ("MDDRS SAP") FOR THE PURPOSE OF REDEVELOPMENT OF SUCH LAND FOR MIXED USES; AUTHORIZING THE FOLLOWING USES INCLUDING, BUT NOT LIMITED TO, RESIDENTIAL, COMMERCIAL, LODGING, CIVIC, EDUCATIONAL AND CIVIL SUPPORT, PARKING GARAGE, AND ANY OTHER USES AUTHORIZED BY THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN – FUTURE LAND USE MAP DESIGNATION AND THE CITY'S ZONING DESIGNATION; AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEVELOPMENT AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**ENACTMENT NUMBER: 13803**

<b>MOTION TO:</b>	<b>Adopt</b>
<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	<b>Ken Russell, Vice Chair</b>
<b>SECONDER:</b>	<b>Wifredo (Willy) Gort, Commissioner</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo
<b>ABSENT:</b>	Reyes

*Chair Hardemon: Madam City Attorney, read PZ.7 into the record.*

*Alex Uribe: Thank you.*

*Victoria Méndez (City Attorney): PZ.7.*

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

*Chair Hardemon: Is there a motion?*

*Vice Chair Russell: Moved.*

*Chair Hardemon: Properly moved --*

*Commissioner Gort: Second.*

*Chair Hardemon: -- and seconded. Any discussion?*

*Vice Chair Russell: Mr. Chairman, I'd like to know if the Director has any plans for future SAP (Special Area Plan) applications that we can anticipate and avoid divorces.*

*Francisco Garcia (Director, Planning): Right. That is -- that was certainly mentioned at the original reading of this ordinance, and that is something that we are looking into.*

*Vice Chair Russell: Thank you.*

*Mr. Garcia: Special Area Plans, as we've commented on before, are certainly, we think, desirable and valid vehicles for wholesale re-zonings of entire districts, and it allows for the applicants to master-plan a significant portion of the City; and so, there is value to them. However, to the extent that some of its mechanisms are quirky and don't provide well for the development of individual properties, we would do well to restudy that.*

*Vice Chair Russell: Thank you.*

*Neisen Kasdin: Through the Chair, may I comment to that, at the risk of snatching the victory from the jaws of defeat for (UNINTELLIGIBLE) victory.*

*Chair Hardemon: You're not.*

*Mr. Kasdin: The -- just -- you know, having worked on the first two SAPs in this town, Brickell City Centre and the Design District, the -- and worked closely with the Planning Department -- this gets actually to Commissioner Gort's question, as well. There was a desire -- because what you're doing is coming up with common right-of-way public improvements; streets, sidewalks, lighting, common design scheme, significant public spaces. There's a desire to include other property owners that are adjacent in the SAP, but it becomes highly impractical to do that if they have to be*

part of the same development agreement, because in any sign-off on any perm -- on anything has to go -- get different parties together. So that's what we learned in the process. Now there's another -- there's already another independent development agreement in the Design District; the one with the Helm properties and it works. And they each comply with the design guidelines, the criteria of the SAP, they file the annual reports, et cetera, et cetera. So as a practical matter, if we want to get any other properties to be part of the SAP, which is a -- which is good public policy, we need to allow separate agreements, development agreements.

Chair Hardemon: I found it to be a matter of knowing who you're marrying.

Mr. Kasdin: (UNINTELLIGIBLE).

Chair Hardemon: If you know who you're marrying before you get married, you have no problem.

Ms. Méndez: Right. But it -- the Vice Chairman --

Mr. Kasdin: And you have the last word on that, too, as well, if there's going to be a separate one.

Ms. Méndez: Right. But the Vice Chairman brings up a very good point, and I think it's something that may -- or should be addressed through certain legislation, because then what could happen is people get together -- I mean, not that you would represent anyone that would do this. However, people could get together, say, "Okay, we're going to be together for these nine acres," and then will -- which is what you need for an SAP -- and then they could say, "Well, in the future, we'll just divvy it up" -- I mean for -- I think for public policy purposes, it's something that should be addressed in legislation.

Mr. Kasdin: Yeah.

Chair Hardemon: Right. The only thing that I see that does not happen here is that they're still abiding by the same restrictions of the SAP. But certainly, it is a fear, which is why we were asking many questions when this came up for first reading --

Mr. Kasdin: Right.

Chair Hardemon: -- because I was having issues, really, with where you were going with this, but I understand that it's a practical matter as of today, and I just think that in our future legislation, we have to make some sort of consideration for it, and keep it that way. But this is a much more difficult mix of properties, because it is truly not one property owner that has different companies that are basically operating under the same leadership, but different property owners operating together; and so, it has its hiccups.

Mr. Kasdin: And Mr. Chair, if I may, I would -- having worked on those first two and the ones with multiple property owners, I'd be happy to work with staff. I mean, you always have it in your discretion. Let's say someone comes -- 10 different property owners come before you for an SAP. You can always just say, "No, we're not going to grant it." Really, in my experience where it works is you have one property owner who meets the requirements on its own, you know, the nine acres or more. But there are additional property owners that would -- the neighborhood would benefit and the project would benefit by having them included. So you can avoid what the City Attorney proper is concerned about by keeping that nine-acre threshold at the one property owner level, and I would agree with that. Thank you.

*Chair Hardemon: Seeing no further discussion, all in favor of the motion, say "aye."*

*The Commission (Collectively): Aye.*

*Chair Hardemon: All against? Motion --*

*Mr. Kasdin: Thank you very much.*

*Chair Hardemon: -- carries.*

**PZ.8**

**4856**

**Department of  
Planning**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM T6-8-L, "URBAN CORE – LIMITED," TO T6-12-L, "URBAN CORE-LIMITED," OF THE PROPERTIES LOCATED AT APPROXIMATELY 4865, 4875, AND 4885 NORTHWEST 7 STREET MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; APPROVING AND ACCEPTING THE VOLUNTARY DECLARATION OF RESTRICTIVE COVENANTS PROFFERED BY THE APPLICANT, ATTACHED AS EXHIBIT "B"; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

<b>MOTION TO:</b>	Continue
<b>RESULT:</b>	CONTINUED
<b>MOVER:</b>	Wifredo (Willy) Gort, Commissioner
<b>SECONDER:</b>	Ken Russell, Vice Chair
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo
<b>ABSENT:</b>	Reyes

*Note for the Record: Item PZ.8 was continued to the November 15, 2018, Planning and Zoning Commission Meeting.*

*Note for the Record: A motion was made by Commissioner Gort, seconded by Vice Chair Russell, to grant intervenor status to the Blue Lagoon Condominium Association, pursuant to Section 7.1.4.3(d) of Miami 21, for Item PZ.8. This motion was not voted upon at the October 25, 2018, Planning and Zoning Commission Meeting and will carry over with this agenda item to the November 15, 2018, Planning and Zoning Commission Meeting.*

*For additional minutes referencing Item PZ.8, please see "Part B: PZ - Planning and Zoning Items" and "Public Comment Period for Planning and Zoning Items."*

*Chair Hardemon: I assume you have an objection to a request for a continuance?*

*Miguel Diaz de la Portilla: We do, Mr. Chairman. We're ready to proceed. We've been, you know, at this for almost two years now, and I think we're ready to move forward.*

*Chair Hardemon: Okay. So what I'll do is, we'll get there when we get there.*

*Mr. De la Portilla: Okay.*

*Chair Hardemon: Because right now --*

*Mr. Diaz de la Portilla: I just heard the item, and so I came from the back of the room.*

*Chair Hardemon: It makes good sense. Welcome back.*

*Mr. Diaz de la Portilla: Thank you.*

*Chair Hardemon: So we haven't made a decision yet on the substance of that just yet, so if you wait around for just a little bit when we get through some items, then we'll come back and we'll address all of the issue. Okay?*

*Mr. Diaz de la Portilla: Thank you, Mr. Chairman.*

*Chair Hardemon: Because I think there's some other requests in there, as well, that may be coming forward, right?*

*Mr. Diaz de la Portilla: There are -- there were a few. I just figured this was --*

*Chair Hardemon: Okay. Understood.*

*Mr. Diaz de la Portilla: (UNINTELLIGIBLE).*

*Later...*

*Chair Hardemon: We are at PZ.8 now. First, let's read PZ.8 into the record, and then let's clarify some of the issues that we have going before we get into the substance of it all.*

*Victoria Méndez (City Attorney): An ordinance --*

*Commissioner Gort: Mr. Chairman, I got a Jennings disclosure. I (UNINTELLIGIBLE) as a City Commissioner, and I (UNINTELLIGIBLE) with both of the Weiss family, their attorneys, and with the -- with Willy Martin and some of the -- couple of people of the Blue Lagoon, and we discussed some of implication of PZ.8. Street -- this discussion will not predispose me to any decision of this item. My decision is solely based on (UNINTELLIGIBLE) records and the testimony presented from the public here today. I also received hundreds of emails in protest to this.*

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

*Vice Chair Russell: Thank you, Madam City Attorney. You are here as?*

*Patrick Alayon: Yes, Mr. Vice Chairman. We are representing Blue Lagoon at 5077 Northwest 7th Street. We are the immediate neighbor of the parcel that's requesting the rezoning. Additionally, we have an -- our only easement for access that completely traverses the parcel that's requesting the rezoning.*

*Vice Chair Russell: Are you seeking to have a specific status in this discussion?*

*Mr. P. Alayon: Yes, Mr. Vice Chairman. We're seeking to have intervenor status. We have a motion that we're ready to discuss with the Commission. But prior to that, we also have a motion to defer, given certain facts that impact the PZAB's*

*(Planning, Zoning and Appeals Board) consideration and passage of the resolution, upon which the Commission is now passing.*

*Vice Chair Russell: Thank you. Yes, sir. You are the applicant -- representative of the applicant.*

*Mr. Diaz de la Portilla: Thank you, Mr. Chairman. Miguel Diaz de la Portilla. I'm an attorney at Saul Ewing, 200 South Biscayne Boulevard, 36th Floor, Miami, Florida. I'm here on behalf of the applicants, which include Mrs. Caroline Weiss; 7 at Blue Lagoon 1 and 7 at Blue Lagoon 2; two LLCs (Limited Liability Company). And we object to the motion to defer that is before you.*

*Vice Chair Russell: Do you have an objection to this -- these folks being intervenors?*

*Mr. Diaz de la Portilla: I do, as well, and I can argue both of them before you at this juncture. They have -- initially, they have something called a motion to strike, which is not anything that is recognized under your Code or under any procedure before, you know, this body. So they filed three items last night, yesterday, late in the evening. And then they have a motion to defer. And basically, the motion to defer is based on three different things. One is that they have a lawsuit in an independent action that they filed in the wrong division. There's a motion to dismiss on that lawsuit. Then they have a lawsuit that they filed in a prior action, and the courts haven't decided that. But that lawsuit and none of that affects this procedure from going -- this process from going forward -- this application before you from going forward. And then the final thing they have is a writ -- a petition for writ of certiorari, which was also inappropriately filed. Your County -- your City Attorney, rather, has filed a motion to dismiss that, because you can't -- your Code and the law doesn't allow you to file a petition for writ of certiorari in the Circuit Court for a non-final agency action. And what they are, in essence, trying to appeal, if you will, with a petition for writ of certiorari is the PZAB's unanimous 7 to 0 recommendation of approval to you. But that's advisory on a recommendation. It's not a final agency action. You're the final agency action. And besides, what they filed in the court in their petition for writ of certiorari, and it named the PZAB as the defendant; failed to name us. The PZAB isn't even sui juris; they're not an entity that can be sued. So your Attorney has a motion to -- your City Attorney has a motion to dismiss that petition for writ of certiorari. There is -- there are motions to dismiss the lawsuits that have been filed. And quite frankly, we believe that those are just being done for purposes of delay. We've been around with this -- through this process for almost two years now. We've paid -- two and a half years, my client reminds me. She knows better. I am the third attorney on this matter -- but paid hundreds of thousands of dollars in fees to the City; not to mention, you know, other fees. And what we have before you today is, quite frankly, a request that is just a simple zoning change that doesn't add density at all, not one single unit of density; and doesn't add intensity or FLR (Floor/Lot Ratio).*

*Vice Chair Russell: Let's not get into the item yet. What I'd prefer to do is establish exactly where we are and who we are in this moment, and the first would be to see if we have an intervenor here. And if they qualify, then we'll take up the deferral side of things. And then, for sure, I'd like to hear from the Commissioner of the district; how he'd like to see this directed.*

*Commissioner Gort: Let me tell you what I can do. And what I want to do is make sure -- we have a lot of people here, and I want everything to come up here today; that they're going to do their presentation; let them do the arguments against the presentation. I'm definitely going to defer this item, because there's a lot of questions that have not been answered. But I want to make sure we get all the*

questions right now and right here, so we can be able to answer and see what restrictions we can put, if any is necessary. Okay? That's --

Vice Chair Russell: So your hope is to take up the item and defer it once --

Commissioner Gort: Yes. I want to make sure --

Vice Chair Russell: -- all the cards are on the table?

Commissioner Gort: -- the -- all the information comes out, all the questions comes out, and then I'm going to defer. I'm going to tell you right now, I'm going to defer the item; give an opportunity -- but I want to listen to the opposition. There's a lot of problem in this project. There's been a lot of project [sic] for many years with this property, and maybe we can take care of everything today -- not today, because we're going to defer.

Vice Chair Russell: Thank you, Commissioner. Madam City Attorney, what are the criteria by which these folks need to establish themselves as an intervenor?

Ms. Méndez: Pursuant to our Code, "An intervenor shall mean a person whose interests in the proceeding are adversely affected in a manner greater than those of the general public." So Mr. Alayon, Jr., would you like to express that, or Sr.?

Richard Alayon: First and foremost, I'd like to say hello to all the Commissioners who are sitting here today, giving us all of their time and effort in trying to decide an issue. But I'm going to suggest at the very outset that we can probably achieve a win-win. And I agree with Commissioner Gort and his instincts for that. Deferral will allow us to achieve that win-win. But first, let me establish to the Vice Chair's satisfaction that we are an intervenor. Do you have the --?

Vice Chair Russell: Speak to the mike, please. Sorry.

Mr. R. Alayon: Okay. First of all, good afternoon. Thank you for being here. My name is Richard Alayon, and I'm with my son, Patrick Alayon, and with Fernando Garcia, representing the objectors. Our primary basis for intervenor status is that we are more affected than the public. And the reason we're more affected is the reality that is before you. You're approving a site plan. And when you approve a site plan, you get vested rights. When you get vested rights, you affect somebody. In this case, you're affecting us. We have an easement that -- We can argue till the cows come home, and I can give you a very interesting rendition of the common sense approach to why the easement will be completely obliterated, but I'm going to reserve that for the substance of the issue. As an intervenor, we are directly affected, because the easement that is part of our Declaration of Condominium -- was approved by the City when this project was originally developed by Lazaro Milton -- is within the property in question that's being rezoned. This easement was originally a non-exclusive easement, but Ms. Weiss is here and -- whose testimony I'd like to take on the record if I'm granted intervenor status -- entered into litigation. For many years, she entered into litigation. Mr. Milton prevailed, and Mr. Milton caused Ms. Weiss and her prior attorneys -- you gentlemen were not her attorneys, I understand -- to enter into an agreed order --

Vice Chair Russell: Does this lead toward an adverse impact that is unique to you?

Mr. R. Alayon: I'm about to get to there.

Vice Chair Russell: All right.

*Mr. R. Alayon: -- entered into an agreed order that said that not only is a non-exclusive easement in place, but she will not interfere -- and I'm using the exact language -- with our use of the easement. Right now, we have 688 apartments. I think it's fair to say that every apartment has two cars, so we've got 1,200 and something cars that pass through there every day. And right now, we have an expert who will testify that that, as it sits today, is an inadequate easement for the existing property. Now, let's take that number, which is a common sense approach, and apply it to another 888 units and 294 hotel rooms. That's what this project will bring to the area, using the same easement that is already overburdened with 688 cars. If you approve this site plan, you will be giving vested rights to our opponents to put in the apartments and to use our easement. If we were to allow this to happen without objection, then when we go to court to seek judicial intervention in an order basically preventing this, we would be deemed to have waived, and would be estopped from asserting those rights. So we're here today not because we consider this the primary area where we should fight, but because this is an Enron. This is a side attack on the issue. Our real area where we're intending to fight this is in court. We have -- as Mr. Diaz de la Portilla mentioned, we have a suit for declaratory relief where we're saying, "Court, we have this prior court action. Now they're seeking to interfere with our use of the easement. We want you to declare the rights." In addition to that, we disagree with Mr. Diaz de la Portilla, and I'll tell you why we disagree. I had worked with Ben Fernandez on an issue involving the Little River Club, where Ben Fernandez had a decision made by Lourdes Slazyk, who was then the Planning Director, under which the current Planning Director trained --*

*Ms. Méndez: Zoning.*

*Mr. R. Alayon: -- and she made -- oh, zoning --*

*Ms. Méndez: Zoning Director.*

*Mr. R. Alayon: -- she made a decision. And when the appeal was made of the actual zoning decision by the board, by the Commission, the Appellate Court said, "No. You should have appealed Lourdes." So we said, "Listen, what we're really dealing with here is we're dealing with a situation where the Planning and Zoning Board was sitting in a quasi-judicial capacity. So the issue was for that specific Zoning Board, were we deprived of our rights to present evidence to cross-examine witnesses? We couldn't even prove that we were entitled to intervenor status, because the Chairman wouldn't allow us to present evidence. And the answer is, yes, we were prevented by final action from doing that very thing that we were entitled to do under City of Miami's 21 Code. Now here we are before you, and we're telling you we meet the criteria, and we're asking for that status. Thank you.*

*Vice Chair Russell: Understood. And are you representing an individual or a homeowners association?*

*Mr. R. Alayon: We're representing the homeowners association. And if I may, I'd like to present the motion for the record.*

*Vice Chair Russell: The motion of the homeowners association?*

*Mr. Diaz de la Portilla: Correct.*

*Vice Chair Russell: Let's hold that until we get the status, because that goes more toward the substance, if I'm not mistaken.*

*Mr. R. Alayon: Actually, it goes to the status, Mr. Vice --*

*Vice Chair Russell: It's a resolution asking for intervenor status?*

*Unidentified Speaker: It's a motion to grant --*

*Mr. R. Alayon: It's a motion to grant Blue Lagoon Condominiums a party status, with attachments that prove as evidence.*

*Vice Chair Russell: You may submit. Thank you.*

*Mr. R. Alayon: Thank you.*

*Vice Chair Russell: Madam City Attorney, do you need a motion of the body to grant intervenor status?*

*Ms. Méndez: Yes; to make it so, yes.*

*Vice Chair Russell: All right. Commissioner Gort, how do you -- what do you feel about this?*

*Commissioner Gort: Move it.*

*Vice Chair Russell: We have a motion to grant intervenor status. Is there a second?*

*Brian Dervishi: May I be heard on that, Your Honor -- Mr. Commissioner?*

*Vice Chair Russell: Once we get the motion, and see if there's a second for the motion. The Chairman will second, and we'll open for discussion.*

*Mr. Dervishi: Good afternoon. My name is Brian Dervishi. I'm at Weissman and Dervishi, 1 Southeast 3rd Avenue, Miami, Florida. I'm the lawyer that's dealing with the litigation in the Circuit Court case, and I just wanted to make a few points. And the first is that the characterization of the litigation that led to the agreed final judgment and the injunction is inaccurate. It's not supported by the record; and in fact, the record no longer exists, other than the injunction itself, which is agreed on. And it only limits the right of ingress and egress to and from the property. The second point in terms of whether or not they're entitled to intervene, they have to establish that they were adversely affected by the -- in a manner greater than that of the general public. And the Planning, Zoning and Appeals Board heard several hours of testimony by the traffic study people, and they made the determination that there was no establishment of an adverse effect. So under Section 7.1.4.3, Sub-Paragraph "D," they are -- they have not established that they are adversely affected, and they're not entitled to intervene. And the concern that we have here -- they can be heard, they can voice their position, but the concern that we have is like in the Circuit Court, where they didn't file in the lawsuit that has case jurisdiction in which this injunction issue, they filed a new lawsuit, like the petition for a cert that was taken from a decision -- from a recommendation by the Planning, Zoning and Appeals Board. And then they didn't add correctly the City, and they didn't add us as parties. And then now filing an amended petition, without leave of the court, it's just further delay, it's further obstruction, and that's our concern; that that will continue on in this proceeding, so that's why I join in our strong opposition to intervention, and I don't believe that they've established the basis for it.*

*Chair Hardemon: Can you help tell us a reason where you have an adverse impact that is greater than the general public?*

*Mr. Dervishi: I would love to.*

*Mr. R. Alayon: Mr. Chair, if I may? Richard Alayon.*

*Commissioner Gort: Put the mike up.*

*Mr. R. Alayon: Mr. Chair, if I may? Richard Alayon. We have an easement over the property that's being rezoned. The easement is for our use. I respectfully disagree with my opponent. To say to you that we don't -- we haven't estab -- we had a hearing before the Planning, Zoning and Appeals Board where we were allowed to put in two hours of evidence is a complete and utter and blatant misrepresentation. We were actually told by the Chair that, "You can't prove intervenor status, because you don't have the ability to present evidence. So first, we have to determine if you have intervenor status before you can present evidence." So the chicken came before the egg. We were unable to tell the board, "Look, here's our proof." And our proof is very simple. If you rezone their property using the site plan that has been presented to you, all of their traffic will be run through our easement. The easement was granted. It's a non-exclusive original easement, which was modified by agreed order entered by a Circuit Court, and the order says -- find me the order. I will get assistance here. This is all we have. As my opponent said, there is no record, except this order. This was recorded in the public records, and it says very clearly, Paragraph 3, "The plaintiff's request for permanent injunctive relief set forth in the amended complaint is granted." Paragraph 4, it lists all the defendants, including Ms. Weiss, and it says that she is prohibited from interfering with plaintiff's right of ingress and egress to and from property, in Exhibit "A," attached to the Declaration of Easement; prohibited from interfering, adding 1,600 more cars from the apartments, averaging two cars per apartment, plus all the commercial traffic from the hotel, plus 294 hotel rooms, plus every frickin' Uber in Miami will certainly interfere with our use of the easement. And if we're not intervenor status, there is no intervenor status, because we are directly affected by their site plan. Now, going back to the win-win, which I mentioned when you weren't here, Mr. Chairman, the Commissioner of the district suggested that he's going to let us speak, and then he's going to move for a deferral, and that allows us to achieve a win-win. A win-win requires the developer to say, "I want to negotiate with you and reach an agreement where we can both live in the same area, and we can reach a resolution." And I can tell you that -- we don't have the exhibit up, but if I may, right now, our easement is on the right side of the property that she owns, Ms. Weiss. We're saying, "Maybe we can move it to the left side." Nothing's been discussed. There has been absolutely no meeting, whatsoever, between planning experts on both sides, to try to come up with a win-win. A win-win can be achieved, but we can't do that unless we present evidence, and unless we're allowed to cross-examine, because here's the key: You're not required to enter into an agreed order; you're a lawyer, just like me. When somebody enters into an agreed order, that's it. They're saying, "I give up," and that order has to be enforced strictly. And there's nothing ambiguous in this order. It says she shall be prohibited from interfering with our use of the easement. And again, this will definitely and most seriously impact us more than the general public.*

*Chair Hardemon: You know, I can hear the conclusory statement that it'll impact you greater than the general public, but I don't think that's been necessarily demonstrated. But if -- you know, I'm willing to listen to the district Commissioner, because if he's saying that, "Look, we're not ready to make a decision on the intervening [sic] status," then, you know, we're not; if not, I -- almost like you want to reserve it until another time. But certainly, there has to be an impact that's greater than the general public. And also, simply rezoning something does not necessarily interfere with your easement; and so, that's the kind of trip that I'm having. Now, a possible development could, and, I mean, you have remedies in the law for that, and it doesn't extend to us. It extends to another court of law. And so, that's something that --*

*Mr. Diaz de la Portilla: Mr. Chairman?*

*Chair Hardemon: -- can be discussed later. But I want to give Commissioner from the district an opportunity to speak, as well.*

*Commissioner Gort: Let me tell you what I'm trying to accomplish. This has been going on for a few years, and the feud between the two property owners has been going forever. I'd like to hear both cases, and I'd like to hear all the complaints, and we'll listen to them in here today so we can have it on record and -- because this is not a discussion about the easement (UNINTELLIGIBLE) in the property where they have go in and go up (UNINTELLIGIBLE) on the other side, which they have to go up to. At the same time, I want the public to understand what can be built in that area, which is very important; what's the density, what they can do. And without coming in front of us -- and sometimes, we like to see what is the least of the two evils. But I'd like to hear everything today. I want all your questions to come up, all the -- because, you know, it's a lot of back and forth, that they promised this, they promised that; the easement, we have problem with the easement, they do have problem with the easement. So that is what's got to be explained somehow; something that has to be approved. And this is the thing we need to discuss here.*

*Unidentified Speaker: If I could just --*

*Mr. Diaz de la Portilla: So Mr. Chairman, on --*

*Chair Hardemon: Before you respond, what's the motion that's on the floor?*

*Vice Chair Russell: Move to enter -- grant intervenor status.*

*Chair Hardemon: Oh, there's a motion to grant intervenor status. Okay.*

*Mr. Diaz de la Portilla: On the motion, I just -- again, Miguel Diaz de la Portilla. I'd like to say why the motion -- They made the same motion at the PZAB, and the motion was denied after an hour and a half of this; easements, litigation, and all this kind of stuff that you just heard here now. And the reason why it was denied after the City Attorney explained the standard, which is, you have to show that you're adversely affected. They were allowed to introduce documents. Among the documents that they introduced, they introduced that agreed order. They introduced the Declaration of Easement. They gave testimony. They had people come up and speak. They weren't able -- or the PZAB found that they weren't able to show that they were adversely affected. Why? Because the reality of the matter is that the applica -- for two reasons: One, the easement that they're talking about, first of all, is an easement over property that is owned by Weiss. So Weiss owns the property. They have an easement. All the easement allows them to do is to be able to ingress and egress over Weiss's property to go into theirs. The easement is non-exclusive. Nowhere does the Declaration of Easement, the Declaration of Condominium, or any piece of docu -- any piece of paper that they can produce say that they have exclusive use of that easement, and that Weiss is somehow deprived from using her own property, over which they have an easement granted, to access her property. Nowhere does it say that. And it goes against the law, as well, because Easement 101 doesn't dispossess the property owner of title and of the property. And it also doesn't mean that the property owner -- in this case, Weiss -- doesn't have a right to use that easement, also. Every piece of paper -- and you can read that one, and I will show you the Declaration of Restrictions right now. And the PZAB saw this, as well, which is why they weren't granted intervenor status -- says it's a non-exclusive easement; meaning they can't exclude us. What -- now, we can't -- the most they have is we can't block them from using it. We can't keep them from having ingress and egress to their property; that's all that means. It doesn't mean that they get to*

turn around and deprive Weiss of using her own property for access to her parcel, her vacant parcel. So because of that, and for the second reason that -- what we are requesting the zoning change for doesn't add one single unit over what can be built by right today, without coming to this board; doesn't add square footage over what can be done by right today, without coming to this board. So because of those reasons, after an hour and a half of this easement stuff that you just heard now, the PZAB unanimously said, "Look, we're going to let you continue to make your arguments. You can submit all the papers you want." They got the same amount of time we did, but they didn't grant them intervenor status for those reasons, and that's what happened below. Now, again -- and you can ask your City Attorney about the second part. They took an appeal -- a petition of writ of certiorari over an advisory decision, which is non-final agency action, and that's why the City saw the motion to dismiss on that. So even though they put a lot of things out there, I would submit to you that they are diversionary tactics, because the reality is that the only purpose of the application before you today to just change from T6-8-L to T6-12 is to be able to go three stories taller; not a single additional unit, not -- in terms of density, it's 150, which is what it's always been; not a single foot of FLR that they can't already get. In fact, what we're proposing in the site plan -- which we're not here for site plan approval. That's another misstatement. But the site plan that we're tying ourselves to for purposes of the covenant is about a million-six square feet, and under the Zoning Code, under the current Zoning designation that we have -- or transect that we have, we can do another 250,000 square feet that we're leaving on the table. The reason for the request before you is just to go taller, have better view corridors to the Blue Lagoon, have more open space, have slimmer, more attractive buildings. And so, because we're not adding density, because we're not adding FLR, and because we have the same right to use that road -- which, by the way, we're adding a lane to -- two lanes to, okay? -- and they can't exclude us from using it. That's why the PZAB said, 7 to 0, "No, you don't have intervenor status. You don't get party status." But they gave them free rein to argue, and they argued at will. And if, you know, you want to -- if you're up late one night and want to watch, you can click on that. It'll -- I guarantee you, it just goes on and on and on; meaning their presentation. Ours was long, too; I have to admit. But that's what happened below; that's why the PZAB didn't give them intervenor status in that -- and why you shouldn't. Now, the Commissioner is the Commissioner from the district, and I respect whatever the Commissioner from the district wants to do. If you want to all table the motion to intervene and hear them out, just like the PZAB did, and you could make decisions when you make decisions, then that's fine, too, and I think that'll expedite the whole process. It'll allow us to demonstrate to you with facts, with testimony and with facts that everything that I've said in terms of our right to use the -- our own property to ingress and egress, the improvements that we're making to that property to add an extra lane out and an extra lane in, and with the request that is before you that it doesn't add density, that it doesn't add FLR, and that it simply is to build a better project, we'll be able to show that to you; be able to show it to the Commissioners; and quite frankly, show it to the neighbors, because from the four or five people who came up who actually live in the area -- there was one person who works there, doesn't live in the area, and she spoke against our application -- I think there's a lot of misinformation, and I think the Commissioner is wise to allow a full exposition of the facts, because maybe if people are properly informed, they'll know that Weiss today has a right to put the same exact number of units; that Weiss has the same 150 units per acre density that they have; that the height that Weiss is requesting for her building is the same height -- 160 feet -- as Blue Lagoon's buildings right next to us. So, you know, I think the folks in the audience need to know that, those watching on TV (television) need to know it, and I think it's a wise thing if this motion to intervene is tabled. Of course, the motion to defer, as you know, Mr. Chairman, is in order at any time -- Robert's Rules -- you know, that's a basic thing. But I think we can all at least, you know, flush these facts out for the public, and also for the people at Blue Lagoon, and at Sunset 3.

*Chair Hardemon: Mr. Vice Chairman.*

*Mr. Fernando Garcia: If I may be heard --*

*Vice Chair Russell: Mr. Chairman, thank you.*

*Mr. Fernando Garcia: -- because I haven't been heard yet, and --?*

*Chair Hardemon: One second. Let's hear from the Vice Chairman.*

*Vice Chair Russell: Thank you very much, and I apologize. We use Mason's Rules, which means we can pretty much do whatever we want. Robert has no say-so here. Would it -- now, we got into a little bit of a substance there to decide whether or not the intensity of the project would make them an intervenor or not. But I think we should step back and not think of that part yet, because what if the density that was being applied for and the intensity was so big? Would we be able to say at that point it affects them adversely more than the general public? And I would think that's a "yes." And I'm not saying that I would in any way agree that your project does hurt them or not hurt them, but to say that they, with a shared easement, could be subject to an adverse impact greater than others if your project were more than it should be. I don't know. I think I would agree with the Commissioner of the district to that respect, with regard to the intervenor status; not weighing in at all on the quality of the substance. But I think this is something interesting, and we've been through this before, to see what really qualifies as an intervenor, and what advantages or disadvantages that grants them. I don't quite understand how we take up the entire issue before establishing that, because as an intervenor, they have certain rights in the process to -- in the back and forth.*

*Mr. Diaz de la Portilla: Right. But if I may, through the Chair, they have to at least make a prima facie showing that they are adversely affected, and they weren't able to do that, and they're not able to do that, because the easement is non-exclusive.*

*Mr. Fernando Garcia: If I could just say a couple things?*

*Commissioner Gort: Wait, wait. Hold on.*

*Mr. Diaz de la Portilla: And the gentleman who is speaking now spoke earlier, and he's not an intervenor; he's a different party. I don't know --*

*Mr. Fernando Garcia: Correct, I am a different party.*

*Mr. Diaz de la Portilla: So, you know, I don't --*

*Chair Hardemon: I would dare to say --*

*Mr. Diaz de la Portilla: -- know why he's going to get a second shot at this here when he's not a part.*

*Chair Hardemon: -- and I'll give you two an opportunity to say something -- that we could delay our decision on whether or not the intervenor status is granted. We could allow you to do cross-examination, as if you were an intervenor. We could allow the evidence to come out, because I think we can supplant the record with lots of information that could be used, not only in the intervenor status determination, but also in the determination of whether or not this application should be approved. And so, because the Commissioner seems to want to hear the testimony -- and I don't necessarily agree that the intervenor status should be granted, because I haven't*

*heard the evidence -- but maybe when you get to the presentation, it could come about, and if it does come about, then it's granted, along with maybe disapproval or approval of the application. If it doesn't come about, then it won't be granted, along with the disapproval or approval of the application. But that is a moment where lawyers are allowed to work, and I know you all enjoy working. So that's my first thought that comes to my mind.*

*Mr. Fernando Garcia: If I could be heard just very quickly? And then we can go back to --*

*Chair Hardemon: I'll let him do a quick response, and then I'll let you speak. Can you grab the microphone, though?*

*Mr. R. Alayon: Quick response. Mr. Diaz de la Portilla and I respect each other. He knows what happened. He knows that the same arguments he made were made to quelch [sic], to prevent me from putting on evidence to show that we were more directly affected than the public. One of the bits of evidence Mr. Diaz de la Portilla - - and I submit to this Commission -- was our traffic engineer. He was not allowed to testify. So if our traffic engineer was not allowed to testify in concurrency, as part of Miami 21, and it also affects our use of the easement, how could anybody have put on a case for intervenor status? I can't just get up here and say, "Use your common sense." You know it. We need an expert. We had an expert. He wasn't allowed to testify. I wasn't allowed to cross-examine his expert or his client or his architect to show that his project was going to create a tremendous impact on our project. How could I prove intervenor status? Well, that's the question. I have a traffic engineer who submitted his report. It shows that the levels of service will drop considerably. That alone should give us intervenor status. It affects our easement. It affects our use of Southwest 37th Avenue, of Southwest 7th -- of Northwest 7th Street, and 47th Avenue. We are a clear-cut case of intervenor status; couldn't be clearer if the light were shining on us from above. And if you look at the actual tape of what happened, you have one of the finest lobbyist lawyers in Dade County, who basically convinced a seven group of -- a seven-group panel -- a seven-person panel that had a quasi-judicial hearing that we weren't entitled to present evidence to show that we were an intervenor; again, the chicken before the egg.*

*Chair Hardemon: Thank you, sir.*

*Mr. Diaz de la Portilla: I would add to that -- just a quick response. They were able to submit a traffic study, but the reality is -- and there was no cross-examination on either side, by the way, so there was no advantage granted to the applicant, who's -- you know, who's -- the applicant in this process that they didn't have in that they were able to submit a traffic report, which was basically disregarded, because it -- it's -- it doesn't take into account the improvements that we are making to ingress and egress of -- for the property. But they were able to present them, and there was no cross-examination on either side.*

*Mr. P. Alayon: We were actually not able to present a traffic study. I was there, so.*

*Chair Hardemon: Okay. Now, I want to be clear without the "we's" are.*

*Mr. P. Alayon: I'm sorry; Blue Lagoon. My father and I represent 5077 Northwest 7th Street. That's the Blue Lagoon Condo.*

*Chair Hardemon: Right.*

*Mr. P. Alayon: Mr. Garcia will tell you who he represents.*

*Mr. Fernando Garcia: Fernando Garcia, Sunset Villas, Phase 3. I addressed earlier the Commission.*

*Chair Hardemon: Yes.*

*Mr. Fernando Garcia: We're not part of the intervenor --*

*Chair Hardemon: Request?*

*Mr. Fernando Garcia: Right.*

*Chair Hardemon: Okay.*

*Mr. Fernando Garcia: I see their arguments, okay, and I happen to believe that they are adversely affected, as we are. I just want to reiterate the concerns of our community. And the concerns of our community is that things were promised and not delivered. We have not been advised as to what is --*

*Mr. Diaz de la Portilla: I'm going to object to that.*

*Chair Hardemon: Let him speak.*

*Mr. Diaz de la Portilla: No, no, I will object, and I'll tell you why I'm going to object. This is the same repetition of the same spiel he gave when the meeting --*

*Mr. P. Alayon: Miguel, you're very good at intervening.*

*Mr. Diaz de la Portilla: -- started. Hold on.*

*Chair Hardemon: (UNINTELLIGIBLE).*

*Mr. Diaz de la Portilla: This is a repetition of the same, and it's inaccurate.*

*Chair Hardemon: It's not evidence yet to be considered.*

*Mr. Diaz de la Portilla: I know. I'm just not going to let him repeat the same inaccurate testimony twice.*

*Chair Hardemon: I hear your (UNINTELLIGIBLE). (UNINTELLIGIBLE) you object. I want to hear what he has to say.*

*Mr. P. Alayon: Okay. Miguel basically ignored my request via email, repeatedly, for a long period of time. He calls me yesterday, last night, and talks to me this morning. I still don't understand -- we don't understand what it is that they proposed, other than the fact that they're constantly eroding their proposal. We don't understand. They reserved an easement in the Declaration of Condominium. It is arguable -- and we may have to argue -- whether that easement's been terminated by abandonment, but we can get to that issue at some point. If they want to get to our property -- maybe you don't. Maybe you want to have access through another way. You haven't told me, okay? The owners, the unit owners, the board of directors of Laguna Club Phase -- Laguna Phase 3, Sunset Villas Phase 3, objects to this -- to what's going on. We haven't been advised, and we just have a concern about the overall effects of this project, with deferring this, so that we can come to an agreement, if that agreement -- if we can come to an agreement. I don't know if we can or not. I don't know what it -- what your plans are, because you haven't disclosed your plans.*

*Mr. Diaz de la Portilla: Well -- but hold on now. First of all, if he's going to address me, Mr. Chairman, then I'd like to address him --*

*Chair Hardemon: I'll give you an opportunity to address him, sir.*

*Mr. Diaz de la Portilla: -- through the Chair. And let's make it real simple. This has nothing to do with intervenor status. You're not requesting intervenor status. This is going far afield over what is -- you're being consider -- or what you're considering now. It's the same repetition of basically a private negotiation between two parties. And by the way, the offer that Weiss made now -- You know, Mr. Garcia didn't even know the scope of the project when he spoke with you before, because I guess he didn't look into it, because everything that the project is, is a matter of public record. It's been filed. There's a site plan. There's a Declaration of Restrictions that ties us to that site plan. So everything is there, and it's been the same, pretty much, for about six months. Now, in terms of the -- hold on now. Let me finish. Now, in terms of the private conversations and discussions, the value of what Weiss had offered to these folks at Sunset 3 was in the millions of dollars, okay? And an offer was made by prior counsel in March. They let it lapse -- or the - - not Fernando, but the lawyer who represented the association before -- let it lapse, didn't really do anything with it, didn't even respond to it. And so, yes, we've had some exchange of different ways to try to work something out for mutual benefit with them. But the reality is that they're not even -- they're not a party. They don't have a motion to intervene. And these are just private negotiations where we actually were trying to propose a win-win solution for them over a separate easement, by the way; a separate easement that we have over their property. So it's taking us outside the scope of the application.*

*Mr. P. Alayon: The only thing I'd like to say, Commissioner --*

*Mr. Diaz de la Portilla: It has nothing to do with what's before you.*

*Chair Hardemon: One person speaks at a time, and right now, I'm the person that's --*

*Mr. P. Alayon: The only thing I'd like to say to --*

*Chair Hardemon: -- right now, I'm the person that's going to speak. So on this demonstrative that's in front of me, that -- this property that's being highlighted in yellow, whose property is this? Who represents this property?*

*Mr. P. Alayon: That is the Blue Lagoon Condominiums. We represent it; my father and myself.*

*Chair Hardemon: Okay. So then, the property that is just adjacent to it, that is the vacant parcel of land, as indicated by -- through the application, is owned by Ms. Weiss?*

*Unidentified Speaker: That's us, yes.*

*Chair Hardemon: Okay.*

*Mr. Fernando Garcia: And it's actually three parcels.*

*Vice Chair Russell: (UNINTELLIGIBLE) point at it, please?*

*Chair Hardemon: Right here. No, back it up some. Yeah.*

*Unidentified Speaker: We're here.*

*Chair Hardemon: Right. So now, the question --*

*Mr. Diaz de la Portilla: See, this is the easement.*

*Vice Chair Russell: If you put it on the easel, the cameras can see it, as well, right here.*

*Chair Hardemon: Right. That's the only part -- Okay. Now, my next question is, the property owners that you represent, what parcel of property is that, sir?*

*Mr. Fernando Garcia: (INAUDIBLE). This whole area.*

*Todd B. Hannon (City Clerk): Chair, as best as possible, I'm going to need --*

*Chair Hardemon: Okay, I want one counselor to tell me, through the microphone --*

*Unidentified Speaker: What avenue is this here?*

*Mr. Fernando Garcia: I think this is Sunset, Sunset Villas Phase 3.*

*Chair Hardemon: So the south side here -- well, I'm assuming it's the south -- it is the south side. The south side here on 7th Street, yeah.*

*Commissioner Gort: Uh-uh (negative).*

*Chair Hardemon: The south side here on 7th Street, that is south of Ms. Weiss's property. So this is 7th Street here?*

*Unidentified Speaker: This is 7th Street.*

*Chair Hardemon: So what property is that counselor who has the microphone --*

*Mr. Hannon: Chair, we're really not capturing these comments on the record. We do have a second microphone here on the podium, Mr. Diaz de la Portilla, if you --*

*Chair Hardemon: Okay. I see where you --*

*Mr. Diaz de la Portilla: Thank you. Thank you.*

*Chair Hardemon: Is it one condo building --*

*Mr. Fernando Garcia: Yes.*

*Chair Hardemon: -- or is it a --?*

*Mr. Fernando Garcia: Yes.*

*Chair Hardemon: It's one condo.*

*Mr. Fernando Garcia: Various condo buildings.*

*Chair Hardemon: Various --*

*Mr. Diaz de la Portilla: Several buildings.*

*Chair Hardemon: So it's the --*

*Mr. Fernando Garcia: 140 units.*

*Chair Hardemon: Understood.*

*Mr. Diaz de la Portilla: And this is just an example of what intervenor status means, in that you're going to have a royal mess here in terms of cross-examinations and the like, like you've never seen before.*

*Chair Hardemon: Right, but we only have one person that's requesting the intervenor status, so let's have everyone go back to their appropriate lecterns. Commissioner Gort, would you like to address the intervenor status now, or would you like to --?*

*Commissioner Gort: Look, what I wanted tonight is the people that are here and they're watching on television, and they're listening on Facebook or whatever to get all the information about the use of this land, how much -- what they can do. At the same time, I want my Attorney, my City Attorney to let me know how the easement -- because the easement's got a lot to do with this. I don't know if those easements were given by the property owner first, so the other people could build, and what's the ownership of that easement. And I want all that explained. At the same time, I want the Planning Department to explain what they can build in there without any rezoning, okay?*

*Chair Hardemon: So let's start with --*

*Mr. Diaz de la Portilla: The applicants.*

*Chair Hardemon: -- the Administration, through the Planning Department, and tell us what can be done there. We'll follow that up with the discussion about the easement; and if necessary, then we'll move to the applicant to start his presentation. And what I assume is, from the discussion about the easement, we may come up with a resolution to the intervenor status, granting or denying it.*

*Vice Chair Russell: You need us to table it? You need any motion?*

*Chair Hardemon: Right now, we're just not there yet. We're just not going to call it to question yet, but we're not actively allowing them to cross-examine just right now, so let's have first the discussion about the parcel that's being discussed, and what we can do with it now, what could be done with it later. Let's have that first discussion. And can someone take this demonstrative down, please?*

*Francisco Garcia (Director, Planning): Briefly, and in a somewhat admittedly superficial fashion, what I'd like to do is describe essentially what -- the development capacity, so the rights for development are for the site as it stands today. Then I will address what additional development capacity or development rights are being requested, and some of the particulars, as have been addressed by the speakers thus far. This is an approximately six-, six-and-a-half-acre parcel of land, and it is presently zoned T6-8-L. And what that allows is for predominantly residential development to take place. The density, which, as stated previously, does not change as part of his request. It's presently at 150 units per acre. And so, in this particular scenario, the amount of units that could be built by right today is approximately 1,350, and that remains the same; that will not change; cannot change. That said, the development capacity in terms of square feet that they can presently enjoy, based on the present zoning designation, is approximately 1,502 -- I'm sorry -- that's 1,502,000 square feet. And through a bonus provision that exists, that could actually*

go all the way up to about 2 million and change. With the requested change, that might go up to one million-point-eight, by right, and that could go up to 3 million square feet of development capacity through the bonus program. The key difference -- and I'd like to zero in on this for a moment -- that results from the zoning change requested is additional height they would be able to enjoy. At present, the zoning designation allows for eight stories by right, and up to 12 stories through participation in the Public Benefits Program. The zoning change requested would allow a by-right height of 12 stories, and it could go up to 20. That said, the applicant has proffered a series of covenants that would begin to restrict that development envelope, both in terms of height and square footage, and I believe the intent, as expressed previously, is to leave it essentially in the same condition while still retain the ability to enjoy some additional height, which they will likely argue is convenient to them, and perhaps to the betterment of the project. So I hope that suffices to sort of address the general sense of development capacity on the site. In addition, and probably the topic of highest importance to us in the review of this particular proposal -- and that is likely going to be discussed here today -- has to do with traffic congestion in the area, generally speaking; and in particular, access to this property and the fairly unusual condition that access to other abutting properties can only be accomplished through the property that is the subject of today's application, through the easement that has been addressed. To that end, what I wanted to present to you, also -- it hasn't been mentioned, but it should be, I believe -- this property, the subject property, prior to any development, will have to be re-platted, and that re-platting process will result in the parcelization [sic] of the property into discrete parcels for development. And certainly, access to each and every one of those parcels for development, as well as consideration for access to the abutting properties that depend on the access easement that has been discussed will be properly addressed by then, by that process, by all the attending technical departments, and that will have to be addressed prior to the issuance of the first building permit. Happy to answer any questions, or add, as appropriate.

*Chair Hardemon:* Thank you very much. I'll let you -- I'll allow you to begin before we hear from the City attorney to start with your presentation so that we have an understanding of what exactly is being presented here today.

*Mr. R. Alayon:* Mr. Chair --

*Mr. Diaz de la Portilla:* Okay, wonderful. Thank you.

*Mr. R. Alayon:* -- excuse me. I apologize for interrupting. The reason for intervenor status would be -- right now, would be asking the Planning Director some questions that I think would help the Commission in understanding that, basically, what he has just said is that the easement that we have restricts development of their parcel. The reason why it does that is because --

*Chair Hardemon:* You'll have an opportunity to ask for your intervenor status formally; we'll give you that opportunity. I'm going to allow him to present first, and then we'll cross that bridge next.

*Mr. Diaz de la Portilla:* Okay. Thank you. Again, Miguel Diaz de la Portilla. I'm representing the applicant. I'm with Saul Ewing Arnstein and Lehr, 200 Biscayne Boulevard, Miami, Florida. What we have before you is a request to rezone property that is T6-8-L to T6-12-L. As your Planning Director just said very clearly -- very, very clearly -- we are not adding any density, zero density to what we can do by right. Under the current comp plan, we can do 150 units per acre. That's the same density per acre that the folks at Blue Lagoon to our west have; the same density that they -- that the folks to the east have and the folks to the south have. All the properties in this area have 150 units per acre density that is allowed under the

*comp plan. To the north is Unincorporated Dade County, but it's a similar density in the -- on the County side. So as your Director said, zero increase in density; meaning that without coming here today, Weiss can build the same exact number of units that are being proposed. Not one more unit is being proposed today than what can be built under existing law, under existing rights, under the existing master plan. So let's talk about FLR, floor/lot ratio, the intensity, square footage. Your Director mentioned -- and the numbers are slightly different between your Director's calculations and the calculations that our architect, the well-known, well-renowned Kobi Karp, who is our architect, came up with. Under the T6-8-L, the FLR that is allowed as of right -- your Director said a million-five-oh-two. We have a million-five-oh-three. With bonuses, we could build 1,878,831 square feet, according to Kobi Karp's calculations, which is in the neighborhood of what your Director testified to. The project that we're proposing and we're tying to a site plan is 1,647,000 square feet -- 465 square feet -- 1,647,465 square feet. We are leaving, if you will, over 200,000 square feet in terms of intensity on the table than what is allowed with bonuses under the T6-8-L. And, of course, your Director is correct. Theoretically, theoretically -- and this is important, and I want the folks in the audience to hear this, as well, because, again, I think there's a lot of misinformation out there, and it's important to be very, very clear and very precise. And what I'm saying is exactly in line with what your professional staff told you in terms of square footage. Theoretically, a T6-12-L could allow you, with bonuses, upwards of 3 million square feet. But again, because we are tying our zone -- change of zoning request to a specific site plan that has 1,647,465 square feet, I can say to you with 100 percent certainty, as certain as I am that I am standing in the City of Miami, before the City Commission today, that what we are proposing doesn't request additional density nor additional intensity. And here it is in visual form before you, and you heard it from your Director. So we go back to the neighborhood now. And what we have is an 8 -- I'm sorry -- a 6.89 acre parcel, close to seven acres. That is the last piece of vacant land north of Northwest 7th Street, in the Blue Lagoon area. The area is built out. We are requesting the re -- the zoning change so that we can go get an additional three stories in height over what we can get with the T6-8-L. Under T6-8-L, we can go up to 12 stories in height. Under T6-12-L, with bonuses, theoretically -- and again, this is the -- important between theoretical and what is actually proposed. Theoretically, you could go up to 20 stories, theoretically, but we're not. We're proposing to go up to 15 or 16 stories, no more than the 160 feet -- and it depends how you measure a story -- but no more than the 160 feet that the folks who are here objecting and trying to intervene have. They have 160 feet of height in their building, and there's many others in the area that have the exact same height. So what it all boils down to, as I said at the very beginning, is that the purpose for the request is to simply go from 12 stories to the 160 feet, which we are capped by the FAA (Federal Aviation Administration) and by a covenant that we are giving you that says it will not be taller than 160 feet in height; the same height that they enjoy -- "they," meaning the Blue Lagoon Condo Association -- and the same height that many other projects in the immediate area -- and I can give you their addresses in a second -- enjoy. So why do we want to go taller? And Kobi Karp will get into this when he explains what this site plan is about. And when the neighbors see what this site plan is about, and after they understand that we're not adding density and we're not adding square footage, they'll see that this is a tremendous project that would actually provide tremendous amenities for them and for everyone who visits the area, and a vast improvement, if you will, in the quality of life in the area, because we are addressing the road issue. We have -- and I'll get into that very, very shortly, as well. The reason we want the taller buildings, the reason we've gone through this expense for the taller buildings -- again, it's not to add units and it's not to add square footage. It's to have a better project. And a better project, I submit to you and to the good folks in the audience and to my opponents here is better for everyone. You had a conversation about property values. You had a conversation -- you've had a conversation about revenues in the City and the budget,*

and what have you. This project, when built out, will pay in the neighborhood of \$6 million in taxes to the City; not to mention the taxes to other jurisdictions to whom you pay taxes. So it takes us then to -- and I'm going to get into the other part of the Declaration of Restrictions, which is very important -- a very generous Public Benefits Program; a very, very generous Public Benefits Program. Among other things, in the Public Benefits Program that we negotiated with your staff, we have priority in jobs, in hiring for the people who live in the five immediate zip codes in the area. So it's a potential for jobs in the -- for the people who live in the immediate area. That is a priority that we are giving to the five immediate zip codes in the area, and then to the people -- the rest of the people in the City of Miami, and that's in the Declaration of Restrictions. We're bound to that. That's legally binding. It's a commitment to 53 affordable housing units in the project; 84 workforce housing units for our teachers, our firefighters, 84 workforce housing units; tremendous improvements to the neighborhood park, Antonio Maceo Park. And so, Commissioner Gort knows the area very well. I know the area, as well. I've lived in Miami my entire life, 55 years now, and I represented that area in the Florida Senate at one time, so I know the Blue Lagoon area very, very, very well. Antonio Maceo Park is a park that could use a redesign. It could use an infusion of dollars and of life. And so, we are committing to \$150,000 to help redesign Antonio Maceo Park to make it an active -- a more active park; active with families, with children. That's \$150,000 for -- through a program called Crime Prevention through Environmental Design. Crime Prevention through Environmental Design. We're adding \$60,000 for playground equipment for the children of the neighborhood; not just for our project, but for the benefit of the entire neighborhood; Blue Lagoon, Moon 1, Sunset 1, 2, 3, and others in the immediate area; 60,000 in playground equipment; \$20,000 for an art for seniors in the park. All these commitments to Antonio Maceo Park, 150,000 for design, 60,000 for playground equipment, 20,000 art for seniors, that's in the Declaration of Restrictions. A trolley stop on our site. The City wants to promote the trolley. It's actually -- it's in your master plan. And so, we're following those goals and objectives of your plan to have a trolley stop at our expense for the City and for the people of the area inside the proposed project, which is called 7 at Blue Lagoon; a narrator for the lagoon, in the private part of the lagoon, to improve the quality of sea life there and the quality of the water; \$5,000 each for Henry Flagler Elementary and Kenloch Elementary, 5,000 for each; 50,000 for Art in Public Places to the City's Art in Public Places Program; 50,000 for the Arts in Public Places Program; \$10,000 for "welcome" signage. And now, we get to the traffic improvements, which are important. And by the way, I would submit to you that I know it's important to the people who live in Sunset 3, I know it's important to the people at Blue Lagoon, and it's important to Caroline Weiss, and it's important for our 7 at Blue Lagoon Project, because if the traffic doesn't flow right and if it doesn't work, it doesn't work for us, either. And if you're going to make an investment of hundreds of millions of dollars to build something, you want the traffic to work. And so, I mentioned the traffic improvements. I'm going to get the traffic board now real quickly. We have an unsteady podium here, so -- or easel. We're going to go with this. Thank you. So we want traffic to be able to flow in and out, and we want it to be able to do so smoothly. What you see here -- and we're looking at it and -- I'm sorry, Commissioner. Can you see that? No. The angle isn't (INAUDIBLE).

Commissioner Gort: Make sure that people see.

Mr. Diaz de la Portilla: They could focus in on it. But currently, the existing conditions are -- this is Northwest 7th Street at the bottom. This is approximately the 4800 Block, Northwest 4800 Block, heading from south to north. Currently, what you have, the existing conditions -- meaning what Blue Lagoon has now, what these folks -- this is Blue Lagoon here. This here is the Weiss property. They have one lane in that then heads from the south to the north, and then heads west, and about

100 feet from the Blue Lagoon guardhouse, bifurcates into a residents' entrance and a visitors' entrance. They have one exit lane from the Blue Lagoon, egress lane from the Blue Lagoon Condominium, and that one lane continues, as it goes east, turns south and heads south. So there's only one way out today; meaning that if you're waiting to egress the Blue Lagoon Condo Building and you want to make a right turn, and someone in front of you is making a left turn, you have to wait for that car in front of you to make the left turn first. You, in essence, have that existing condition. What we are proposing -- and again, this is in the Declaration of Restrictions. And by the way, this is all land owned by Weiss, over which they have a non-exclusive -- meaning they can't use it just by themselves, and they can't exclude anybody else -- non-exclusive easement. We are adding one egress lane from the north to the south so that you have a dedicated right-turn lane and a dedicated left-turn lane; one dedicated right-turn lane, one dedicated left turn. On the way in, you have the one lane in, and then you have, going east to west, an additional lane going in that does two things: It allows folks coming to the 7 at Blue Lagoon Project access, and it creates an additional entry lane for Blue Lagoon, and additional cueing space for Blue Lagoon. Those are the improvements. Those improvements are on property owned by Weiss, and those improvements are in the Declaration of Restrictions. Now, we didn't just come up with these improvements, you know, like out of the blue -- and I know the word "blue" has been used a lot here. We studied this, and we hired Keith and Schnars as our traffic engineers. And Keith and Schnars is a well-known, reputable, established engineering company; conducted a traffic and cueing analysis for the project. So -- and we're going to have our traffic engineer testify here in a minute, but I'll give you a quick summary of what they did, and a quick summary of what the conclusions were, and that is with existing conditions, meaning no improvements to the entrance, no improvements to that area, as they are today, and with the improvements that we're proposing with our project at full buildout. So Keith and Schnars conducted, as I said, a traffic and cueing analysis. We have Mark Kline, our traffic engineer from Keith and Schnars here, who will show you and walk you through the study. But they did a number of things to capture the current conditions, and then they ran a model called the Synchro Model, and they used that to say what the future conditions would be after the improvements that I just mentioned would be. And so, in essence, they went out there, they did three days of two-way traffic counts with those hoses that you see (UNINTELLIGIBLE) traffic counts. They did cue observations during the peak period at the southbound approach on Northwest 7th and the 4800 Block, and they did cue observations at the guardhouse to the Blue Lagoon Condo Association. I will tell you, parenthetically, that the level of service for Northwest 7th Street, the level of service standards set by the City, the level of service standard is Level of Service "E" plus 20, "E" plus 20. With the improvements that we're proposing, you have, in essence, a wash over existing conditions; meaning that the improvements offset the traffic from the 7 at Blue Lagoon Project. And Mr. Kline can go into more detail about this, but the facts are that with the project, the southbound delays of cars, how long it takes cars to clear onto 7th Street heading southbound on -- let's call it "the easement," for lack of a -- or the road entering into the property -- are within one second of what they are today; meaning there is slightly -- a very slight difference, no difference. The exit lane, the one exit -- the additional exit lane for right turns makes the cues shorter than what they are today, and makes the travel times on that within one second of what they are today. The traffic analysis by Keith and Schnars also shows that the 4800 Block driveway will operate at an overall Level of Service "C"; "C" or better, in 2023 at project buildout; meaning that that's a good and highly acceptable level of service. Now, the site plan that we presented to the City that the City reviewed and that is incorporated and ref -- by reference and referenced in the Declaration of Restrictions was reviewed by your traffic analyst, Collin Worth. It was reviewed by your Public Works Department. It was reviewed by the Planning Department and by the Zoning Division, as well. And the site plan that we're tying our plans to were all signed off, with no objections by each and

every one of those departments, including your Public Works Department and your Traffic Department. I'm going to have Mr. Mark Kline now address in a bit more detail what they did to determine existing conditions; meaning the existing traffic, and how the roads work; what they did to then test what the improvements would do (UNINTELLIGIBLE) to the project, the 7 at Blue Lagoon Project, at full buildout, and how they arrived at their conclusions. Mr. Kline.

Mark Kline: Hello. Good afternoon.

Chair Hardemon: Before -- I don't want to hear any evidence just yet. I think you did a good job of telling us where you're going, almost like an opening statement as to where we're going. And what we're going to do is, I'm going to allow them in their intervenor status request to put on evidence to show that -- because you basically said, "This is where we're going." And I would like you to finish that, because you may have some things you wanted --

Mr. Diaz de la Portilla: I do.

Chair Hardemon: -- to include. And then I'll come back to you after they've spoken --

Mr. Diaz de la Portilla: Okay.

Chair Hardemon: -- in your case in chief to put on evidence that may or may not be tested by someone who may or may not have intervenor status.

Mr. Diaz de la Portilla: Okay.

Chair Hardemon: So I'll allow you to continue telling us what this project is all about, and then you'll be able to add more evidence for us to reconsider substantively.

Mr. Diaz de la Portilla: Understood, Mr. Chairman. Thank you for that very clear explanation. I know exactly what you're looking for. And so, let's -- I wanted to talk a little bit about the compatibility of what is being proposed, and that's a very important concept in zoning, and the staff's own zoning -- the staff's own report says very, very, very clearly that what we are proposing is compatible with the built environment and the intensity of the built environment, and the height of the built environment. For example, as I said, you have the Blue Lagoon Condo Association right west of us, abutting our property, as they said, and as we recognize, at 160 feet in height; the same height that we're proposing for our project, and we're capping our project at 160 feet in height. You have the 5311 Northwest 7th Street Project at 15 stories, approximately 150-some feet in height, built in 2009. You have the 5617 Project, Northwest 7th, 14 stories, built in 1990. And then you have 725 Northwest 57th, built at 15 stories. You have numerous buildings in the area -- and please, we'll have -- by the way, my wife, Elinette, who works with me, she's also an attorney and co-counsel here at Saul Ewing -- put up the board. But this shows you what the built environment looks like. It shows you numerous buildings of exactly the same height that we're proposing; exactly the same height. And your Planning Director in his report has recognized that what we're proposing in terms of height is compatible with the actual built environment that we have all around us. So you have compatibility in terms of height. You have from your staff analysis, as well, that we are consistent with the established density and intensity of the neighborhood and of the built environment. And so, what we are asking for is compatible with what is already there, with what the built environment is, and consistent with the City's neighborhood plan or mas -- Comprehensive Neighborhood Plan. I want to talk just real briefly as part of my opening on the issue of the easement again, and we talked

*a little bit about this before, but I want to just do a little bit on Easement 101 here, if I may. As I said, the driveway is owned -- meaning that entrance -- is owned by Weiss. The Blue Lagoon Condo Association has an easement, non-exclusive easement for ingress and egress only. Every single document of record, every single document of record shows that the easement is non-exclusive, and that includes the Declaration of Easement itself, dated August 18, 1986, and the pertinent pages of the Declaration of Condominium for Blue Lagoon. The case law makes it very, very, very clear that the easement right is limited and must be exercised in a reasonable manner upon the servient tenement. So you have the dominant tenement; meaning the people who have the easement; and then you have servient. And so, what the law says is that you want to tread very, very carefully on the rights of the people who actually own the property, which would be Weiss. It says that the burden of the easement cannot be something that causes injury to Weiss, to the owner of the property. And the only thing that the agreed order that they've referred to really prevents Weiss from doing on the easement is blocking their access by erecting fences, structures, and other obstacles on it.*

*Vice Chair Russell: Can we hold one moment for quorum?*

*Mr. Diaz de la Portilla: Quorum.*

*Vice Chair Russell: Thank you.*

*Mr. R. Alayon: Are we in filibuster mode?*

*Vice Chair Russell: I'm sorry?*

*Mr. R. Alayon: Are we in filibuster mode?*

*Vice Chair Russell: It's riveting filibuster, but we just need one more ear up here to listen.*

*Mr. Diaz de la Portilla: Yeah. I think what you have is no quorum at this moment, so.*

*Vice Chair Russell: Correct. We're going to take a five-minute recess, everyone. All right? Thank you.*

*Mr. Diaz de la Portilla: Thank you.*

*Vice Chair Russell: Sorry for your wait. Do we need a recess?*

*Chair Hardemon: No.*

*Vice Chair Russell: Strike that. We're back on.*

*Mr. Diaz de la Portilla: So Mr. Chairman, we were referring to Easement Law 101 here, and it's rather basic; basically says that, "The right of easement is limited and must be exercised in a reasonable manner" -- meaning their right of easement -- "so as not to injuriously increase the burden upon the property owner." Granting an easement doesn't preclude the same use to Weiss -- the owner of the property -- that the Blue Lagoon folks have. And by the way, the Weiss parcel has currently the exact same property rights in terms of 150 units per acre, in terms of the commercial restricted designation that everyone in the area east, west and south -- and north, as well, although north is Unincorporated Dade -- have. And so, it's unreasonable for somebody to say that, because they have an easement that they deprive the actual property owner from accessing his or her own property; particularly when it's very,*

*very clear on the face of every document that the easement rights that they have just allows them ingress and egress. We can't block it, but it doesn't mean that they can turn around and block Mrs. Weiss to use her own property to access her parcel. And so, this whole easement argument boils down to that. I think Mrs. Weiss is -- would like to just finish -- close for me, and say a couple of words to the Commission, and then we can proceed as you indicated, Mr. Chairman. Mrs. Weiss, Mrs. Caroline Weiss, who has owned the property for 38-plus years.*

*Caroline Weiss: Yes. My name is Caroline Weiss. I have been living in Miami since '63, and started development in 1969. On that particular street, I was the first developer, and I have built over 2,600 units. Yes, the property is owned by us for 38 years, and I have been paying taxes, approximately \$200,000 a year, which will make it about \$7,600,000. And this particular project, I think it's the best use for it. We are not using it to final density, and the reason for that is because I love landscaping, and I wanted to see a lot of trees. We are making tremendous improvement to that street; not only within the project itself, but we'll be putting palm trees from 47th Avenue to Jose [sic] Maceo Park on both sides, and I'm saying royal palm trees, because to make a statement, and an impact in the area for further growth and for further upgrading in construction. In this particular project, we are coming up with cash in excess of \$8 million between Sunset 3, Sunset 1, Sunset 2, Blue Lagoon, and Moon project. These numbers -- we are doing it because we want to, not because it is imposed on us, so that the whole area can be fully improved, so that other buildings will be compensating themselves [sic], not as the lower projects, but as a better projects in the area. I believe that this project -- yes, we have had it for 38 years, and we could not get an architect that could do something with it, because of the configuration of the land, which is extremely difficult. So therefore, we came to Kobi Karp, and finally, because has international architects within his firm, and he came up with the best and perfect use for the project. We are meeting the need of the community, because this is a project that has affordable housing and workforce housing. The workforce housing that we are giving is almost 60 units, and that comes up to quite a few million dollars, which -- averaging each unit at about \$400,000 apiece. These are not just blink at, but these are real dollars. I feel the time has come for me to move forward with this project. It seems like that I have to be extorted in order to make this project. Please --*

*Mr. R. Alayon: Objection.*

*Ms. C. Weiss: And we have been making the best that we can, and giving the funds to make the area much better. So with that said, I would like the Commission to think very seriously about this project, and we should be approved for it. Thank you very much.*

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

*Alitza Weiss: Good afternoon, ladies and gentlemen, Commissioners. Sunset Villas 1, 2, 3, Blue Lagoon Condominiums, and all of the rest of the neighbors that are here on Northwest 7th Street. I'm very proud of this project that my family has done -- that we are planning on doing. And one of the things that I have noticed about all of the condominium owners is that they have completely been unaware of what we are trying to do for them, at no cost to you. Sunset Villas Number 3, for example, is in a very deprecated state. The parking lot, the striping, the landscaping, the pool that you illegally filled in, the seawall, the painting of the building, the cracks in the building, your entrance to your --*

*Unidentified Speaker: Talk to the Chair.*

*Ms. A. Weiss: Oh, I'm sorry, I'm sorry, I'm sorry. Your entrance to your property, the security guardhouse, everything that's on there is completely inadequate. We are proposing \$3.2 million in improvements alone for that property. Why? My mom built that property a long time ago, and it has not been taken care of properly, whatsoever, because the condominium association is broke. They can't afford it. So now we have offered them \$3.2 million worth of improvements, and supplying them an extra 90 parking spaces, which they do not have; besides which of the -- that they have overtaken our easement illegally, and we have not said anything about it. And so, the opposing counsel wants to say, "All right. Well, we're" -- "you vacated it, because you didn't use it." Well, that's not the case. So now we are wanting to build a four-story parking structure on there, where they will have covered parking. And what do they have to pay? A dollar a day. You tell me where in the City of Miami, anywhere that you're paying a dollar a day for parking, covered parking. All right. Number two: Sunset Villas 1 and 2, which is specifically on Northwest 7th Street, my parents also built that one; also, the same thing. We are redoing landscaping on there. We're making it -- we're beautifying it, we're painting it, we're improving the area. My mother's 80 years old and I'm next in command, and she wants to make this her great legacy to show me the -- all of the great things that she's done here in the City of Miami. And I'm very proud of my mother. She has been a person that has created Miami from the 1960s. Blue Lagoon, we are -- that easement -- the easement's going to stay, but it's going to be widened. And you will see by the computerized traffic analysis, ladies and gentlemen, that the traf -- there will be no problem with traffic. I'm reiterating (UNINTELLIGIBLE), on Northwest 7th Street. Royal palms, as you know, are very expensive. And as you know, this area of Flagami has been neglected by the City of Miami, by the residents, by the neighbors, by the area, by developers, and we'd like to improve it and make it a nice neighborhood. And that's it. And I think that there's a lot of exaggerations in form that is going on here. The opposing -- the -- Mr. Alayon said that we never tried to sit down with him. I have so many messages and emails that I can prove to you that I tried to do it, and that hasn't happened.*

*Mr. R. Alayon: Not one --*

*Ms. A. Weiss: That's all I wanted to say. Thank you very much.*

*Mr. Diaz de la Portilla: Thank you, and that's our opening, Chair. Thank you, Commissioners.*

*Chair Hardemon: Thank you very much. Okay. So at this time, we've heard the presentation, just in the opening, of what this project is all about. The next step that we're moving into is an opportunity for the Alayon group to explain why an intervenor status should be granted. Now, to do that, I'll allow you to put on evidence, if you choose to put on evidence, to show that you -- well, to meet the standard of the intervenor status. And if you meet that status -- I think the City Attorney is probably going to opine thereafter, and we'll have some discussion on the dais, and we'll make a decision from there.*

*Mr. R. Alayon: Mr. Chairman, I think we can -- with your concurrence, I think we can do both at the same time.*

*Commissioner Gort: You got to speak in the mike.*

*Mr. R. Alayon: With your concurrence -- I think this mike is off. With your concurrence, I think we can do both at the same time.*

*Chair Hardemon: Okay. How?*

*Mr. R. Alayon: Let me start, and then if you disagree, we can move in another direction.*

*Chair Hardemon: I'm hoping you're going to put on some evidence, though, because I want to --*

*Mr. R. Alayon: I'm going -- I have to show you something, because I can't do it, except the way it's --*

*Chair Hardemon: I would suggest, take the microphone -- What I usually do is I usually put it on my chin.*

*Mr. R. Alayon: I'm going to put it on my chin, but --*

*Chair Hardemon: It may be weird, but when you put it on your chin --*

*Mr. R. Alayon: -- I'll do my best.*

*Chair Hardemon: -- it -- you project into it.*

*Mr. R. Alayon: Thank you. Earlier -- and we, as trial attorneys, develop a theme; a theme that's designed to capture what is happening in a way that the mind can seize upon our message. Earlier, I told you that we were putting the chicken before the egg. And I'm going to show you the egg now, and I'd like to take you through the process of how it became a chicken. And it sounds funny, but it's not. It's really intended to show you that what you have here today is a landlocked parcel. You're -- we're witnessing history here. We have a landlocked parcel that actually gave up ingress and egress to their parcel in exchange for a mortgage; defaulted on the mortgage; lost the parcel; fought with Lazaro Milton, and Lazaro Milton won, and got an agreed order with a permanent injunction. And that landlocked parcel owner is coming in here and saying, "Listen, don't look at the egg. Come look at this other chicken I have," instead of looking at the egg and watching it develop. Well, let me show you how it develops. The first thing you have, the thing that's really the elephant in the room is the easement. Do you agree with me on that? We're all arguing about the easement. He says, "Easement 101," and he tries to quote law. I'm telling you that the very basic element of an easement is what's written. If you can't start with what's written, you can't even get to the issue applying the law. So first, if I may, I'd like to show you what's written. I've highlighted the portions of the easement. I've handed it to your City Attorney. Can you get me a copy of the easement? The highlighted portions point out exactly what the easement was for. I mean, Ms. Weiss, God bless her. I wish I had more people like Ms. Weiss in the City of Miami who want to spend \$3 million of her own money on adjacent parcels, because they look too bad. But the reality is that while she may have a nice donative intent, she's taking away something that's very valuable to us that makes us a party. And what is that? The easement was granted for our personal access, ingress and egress in vehicular traffic. At the time, her parcel was undeveloped. The easement had to exist at a certain level, because if it didn't exist at a certain level, it didn't meet the traffic requirements. I'm going to show you something else. Can I get the pictures? These are pictures of 7 a.m. traffic on the current easement.*

*Chair Hardemon: And it makes me think of something, what he just said. I have to check the record to see if Ms. Weiss ever owned my home. Maybe if she owned my home at some point, she could help contribute to the renovations. No, it's just a joke. It's just --*

*Mr. Diaz de la Portilla: She said, "Yes." She just answered you.*

*Chair Hardemon: Keep going, sir.*

*Mr. R. Alayon: I'm showing you some pictures that were taken by one of our members in the association that show the traffic backing up in the easement at 7 o'clock in the morning. And I've shown you that the easement was granted to us as part of a loan transaction that basically failed. So she got consideration for giving up rights, valuable rights over her property. I mean, she didn't just say, "Hey, you know, you're taking my property." She has a property that, for all intents and purposes, is worth less, because she allowed an easement to run through it. And why did she do it? She got a mortgage, and there was a foreclosure. Can you hand me the foreclosure part?*

*Ms. C. Weiss: When?*

*Mr. R. Alayon: And the easement starts out by saying it's temporary while you pay the loan, but if the loan gets foreclosed upon, then all of a sudden, what happens is you end up having a permanent easement. I'm handing your City Attorney a copy of the judgment and the corrected, final amended judgment. So again, this is a person who is a developer. And I've represented many developers, and they're good for the City sometimes; sometimes, they're not good for the City. But the point here is not whether she's good or bad, and the point here is not whether her project's beautiful. The point here is whether the City is being duped into basically granting vested rights on a site plan that's being approved that has the actual vehicular traffic that they're adding over an easement right that was granted to my client. And while their argument is that we can't prevent them from using the easement, let's flip it back at them and say, "Hey, you can't use the easement in such a way that you render our use a nullity," and there's plenty of case law that says they can't do that. I'll give you an example. Let's say all of a sudden, they decide to put a trucking plant on their land, and the City somehow improperly grants them the rezoning, and they start running trucks every morning, back to back, for five hours a day in that easement. They've basically prevented us from using the easement. So what we're saying to you is, "Look, this is a situation that's very premature." Why is it premature? They haven't established their legal rights; they gave them up. And now, they're coming to you and saying, "Hey, your lawyers, your judges give us the rights we gave up voluntarily in the form of a signed document that was recorded." Like he said, they're all recorded; agreed order that was not only entered by a court of law, but was recorded in the public records. And as clear as day, it says they can't interfere with our use of the easement. And then it says, "In addition, you shall not put up any obstacles, including, but not limited to, walls, fences," et cetera. So it's actually a very expansive decision they made. They made a voluntary decision to give up their rights. And why did they do that? They wanted money. They wanted a loan. Then Mr. Milton foreclose -- ended up with a title to the property, and he built Blue Lagoon. Blue Lagoon has only one way in and one way out, and this is it. Now, the site plans that we've seen -- I haven't seen any one, and I asked Mr. Diaz de la Portilla to show me one; maybe I'm wrong -- that shows that they've expanded the easement from 40 feet to something else. Did I miss -- there's something that I missed, Mr. Diaz de la Portilla?*

*Mr. Diaz de la Portilla: Are we doing questions and answers right here?*

*Mr. R. Alayon: I'm just asking rhetorically.*

*Mr. Diaz de la Portilla: Oh, it's rhetorical. Okay.*

*Mr. R. Alayon: Rhetorical, yeah.*

*Mr. Diaz de la Portilla: You were looking at me, so I thought you were actually expecting an answer.*

*Mr. R. Alayon: Right, because you're so nice to look at. Rhetorically, I haven't seen a single expansion. You know why?*

*Mr. Diaz de la Portilla: It's there. It's in the plans.*

*Mr. R. Alayon: Okay.*

*Mr. Diaz de la Portilla: But thank you for asking.*

*Mr. R. Alayon: I haven't seen it. If you'd like to show it to me, I'd like to see it. But the reality is this --*

*Mr. Diaz de la Portilla: The staff can show it to you. It's a site plan --*

*Mr. R. Alayon: -- if you look at the easement itself, the easement document --*

*Mr. Diaz de la Portilla: -- and it's a public record document.*

*Chair Hardemon: All right.*

*Mr. R. Alayon: -- if you look at the easement document, they're prohibited from building anything on the easement area; not one darn thing can they build. They can't even expand it with our approve -- without our approval. We've asked them to come to the table. I have not heard from Mrs. Weiss or her daughter. I heard from Vicky Leyva, who did, in fact, come out -- a very professional attorney -- and did meet with us and put before us some potential resolution. But honestly, it was like taking your best and prized cow and selling it for a penny on the dollar. We have a right. It's a recognizable property right. It's a legal right that was held up by a court of law, who actually created a permanent injunction. So here's the City exposing itself to making a decision on a site plan that says, "You are permanently enjoined in a court of law," and the City granting this person the right to build 888 units, accessed by this very easement that is now permanent. So why are we here? Man, the project looks nice. Kobi's a great architect. This nice, you know, presentation by Mr. Diaz de la Portilla about Antonio Maceo Park is heart rendering. If that were the only issue, I guarantee you, we would not be here. The issue is the easement. Mr. Gort was right; the issue is the easement. It is the big pink elephant in the room. This Commission should not put itself in a position where it grants vested rights to Ms. Weiss that later can come back in the form of another lawsuit that increases your exposure from the 37 million you've already spent that we learned about this morning to maybe 100 million. You have Bert Harris rights that will attach that we submit to you that could be 30,000 a unit times 688 units. They may claim to have Bert Harris rights, but they're the ones that gave up their rights. They have no rights at this moment, except a reasonable use of the easement, maybe. We're not conceding that. We're saying that the order that they entered into that was agreed basically converts our easement into something more than non-exclusive. We also have evidence that we intend to introduce in the form of a traffic study. The traffic study shows that the levels of service will decrease so dramatically as to make this set of pictures we sent you a nice condition. In other words, for those of you who've driven in the Long Island Expressway, like I've done in the past, it will rival the traffic on segments of the LIE (Long Island Expressway). Go ahead and give it to the Clerk. We have a traffic engineer who can testify. We can have him come up here. He can make a general presentation, like the traffic engineer from the other side, if the Commission will allow it. Mr. Chairman?*

*Chair Hardemon: One second before we get there. I have a quick question.*

*Mr. R. Alayon: Sure.*

*Chair Hardemon: The -- this document that you gave to us, which is the amended final -- Corrected Amended Final Judgment of Foreclosure, this is a foreclosure on the property that you represent; is that what I'm understanding?*

*Mr. R. Alayon: Yes, Mr. Chair. What happened is --*

*Chair Hardemon: So the property that the condominium --*

*Mr. R. Alayon: Yes, sir.*

*Chair Hardemon: -- The condominium itself was foreclosed upon is what you're saying?*

*Mr. R. Alayon: The property, including the easement. See, what people have to understand is you can't --*

*Chair Hardemon: I just want to be clear of what I'm looking at.*

*Mr. R. Alayon: Absolutely.*

*Chair Hardemon: So the property where the condominium is --*

*Mr. R. Alayon: Yes, sir.*

*Chair Hardemon: -- was foreclosed upon?*

*Mr. R. Alayon: Absolutely.*

*Chair Hardemon: And it went from ownership --*

*Mr. R. Alayon: Of Ms. Weiss and one of her companies.*

*Chair Hardemon: -- of Ms. Weiss to who you represent today?*

*Mr. R. Alayon: Mr. Milton --*

*Chair Hardemon: Okay.*

*Mr. R. Alayon: -- who then developed Blue Lagoon Condominium.*

*Chair Hardemon: But the property that they're discussing now was not foreclosed upon?*

*Mr. R. Alayon: No. They landlocked it. What they ended up doing -- let's just --*

*Chair Hardemon: I want to be clear.*

*Mr. Diaz de la Portilla: I'm just going to object to that. There was never a foreclosure, and that's been clarified by my client; now by Mr. Dervishi.*

*Mr. R. Alayon: They were.*

*Mr. Diaz de la Portilla: So that's one of the many misstatements --*

*Mr. R. Alayon: I object to the --*

*Mr. Diaz de la Portilla: -- that (UNINTELLIGIBLE) presented and some your staff will clarify.*

*Mr. R. Alayon: -- opposing counsel --*

*Chair Hardemon: I'm reading --*

*Mr. R. Alayon: -- discrediting a recorded document in the public records that speaks for itself. The fact that they settled -- or whatever -- may have ultimately settled the case does not render the document that's before the Commission a nullity. It reads for -- it speaks for itself, it reads clearly, and the Commission must take notice of the evidence, as opposed to conjecture and argument from counsel.*

*Chair Hardemon: And I do.*

*Mr. R. Alayon: Thank you. And Mr. Chair, if I may, just one brief moment.*

*Chair Hardemon: So, I want --*

*Mr. R. Alayon: Yes, sir.*

*Chair Hardemon: -- make sure we're on the same page. So the adjacent property, which is the condominium --*

*Mr. R. Alayon: Yes, sir.*

*Chair Hardemon: -- adjacent to the condominium, there's a -- there's the property that is in question. But also, part of what's onto that property that's in question is a parking lot, and that parking lot is where the easement is.*

*Mr. R. Alayon: What --*

*Chair Hardemon: Is that correct?*

*Mr. R. Alayon: Let me be more precise. Can you put that up, please? Just by way of words, if you come in from Northwest 7th Street, you make a right, there's a 40-foot easement. When you go back, it doglegs left, for those who play golf. There's a property immediately to the west of the entrance of the easement that's owned by Ms. Weiss. It's part of the site plan in the requested approval of the site plan. They could very easily have taken that property and turned it into a larger entrance and exit for the -- both projects, and they haven't, because, again, they want to maximize the use of the property for development, and no one can hold that against them. But don't do it when you sacrifice our use of our easement.*

*Chair Hardemon: So point to the easement so I can see it.*

*Mr. R. Alayon: The easement is going to be -- one second. It's right here. If you have your laser pointer --*

*Chair Hardemon: I under -- I see it.*

*Mr. R. Alayon: It comes right here. Then she owns part -- a parcel over here, and there's land available --*

*Chair Hardemon: That piece of it, correct.*

*Mr. R. Alayon: -- I mean, there's land available for her to come in and out without using our easement, except maybe a small portion.*

*Chair Hardemon: Now, but this Declaration of Easement was filed 1986 --*

*Mr. R. Alayon: Yes, sir.*

*Chair Hardemon: -- which is before the 1993 foreclosure.*

*Mr. R. Alayon: Yes, sir. I'd like Junior, Mr. Alayon, who spent a lot of time looking at that advising the panel, if possible.*

*Mr. P. Alayon: If I may, Chairman, what you're looking at is an easement that was filed at the time -- or around the time that Ms. Weiss and her companies got a mortgage. They received money in exchange. The bank got a lien on the property. The parcel that you now see in yellow, that's now Blue Lagoon. As part of that lien, the bank, obviously, was asking, "How am I going to get access to this" -- "to Northwest 7th Street if I foreclose on this property?" Well, as part of the answer to that question, they entered into the easement, the 1986 easement that you see in front of you. Now, when the bank foreclosed on that property, they took possession of the property and the easement, as well, and the property was sold to FNB, who was basically a sub-company of the bank, who then sold it to Mr. Milton by way of Blue Lagoon Airport Club, Inc., who then developed the condominium, and then turned over the condominium to the association. That's the chain of title that gets us here today.*

*Chair Hardemon: So you -- your position is that you own that easement.*

*Mr. P. Alayon: In fact, if you look at our Declaration of --*

*Chair Hardemon: And you're saying it's not an easement. You're saying that's property owned by --*

*Mr. R. Alayon: (INAUDIBLE).*

*Chair Hardemon: Speak into the microphone.*

*Mr. R. Alayon: We have a classic example of a free hold versus non-free hold estate. That's how you distinguish between fee simple interest and rights that you give people by burdening the property. Mr. Diaz de la Portilla correctly talked about burdens, but he flipped it and said we had a burden and they didn't have a burden; quite the opposite. They have the burden. They gave up property rights. They said to the bank, "Bank, please give us a mortgage on raw land," which is very hard to get, for those of you who are familiar with mortgages. And the bank said, "We're not going to give you mortgage on raw land unless you dedicate an easement so that there's entrance and exit from Northwest 7th Street." And they did. And the easement was temporary unless it was foreclosed upon, because if it were foreclosed upon, it became a permanent easement. They fought it like heck, the same argument and other arguments, and then they ended up losing and they ended up entering an agreed order that said very clearly in para -- the first half of the paragraph -- they shall not interfere with our use of the easement. The second half was: They shall not put anything in the way of our use of the easement, include -- and take all appropriate steps to give us access. Now, why did that happen? Because they fought it tooth and nail the way they fought it -- they're trying to fight it today and trying to use the Commission as an Enron around the court. In effect, what's*

*happening here -- Look, I don't know much about Bert Harris rights, okay? But I know enough to know that when I see something that looks like Bert Harris, I worry about it. We have a very valuable right, and if by any chance you guys take official action that goes ahead and dilutes that right, what happens is our -- the value of our units will go down. We estimate at least 10 percent. That's \$30,000 a unit times 688. What -- our clients are going to say, "What should we do?" And quite frankly, that's where they're putting you. And I don't understand why some -- If I were on his side -- and I apologize to Mr. Diaz de la Portilla. I'm not implying negatively that he did anything wrong -- but I would certainly say, "Listen, we've looked at Bert Harris, and we've concluded this is why it doesn't apply." But if Bert Harris clearly applies, then here we are, fighting for our rights, preventing an Enron. And the Enron here is, again, trying to get you guys to nullify -- effectively nullify an easement by giving them a site plan that goes through all the approvals, including Mr. Garcia -- Fernando's approval. And now, they say, "We're entitled to build as of right over the easement, and use the easement as of right." I submit to you that is not right.*

*Vice Chair Russell: Mr. Chair?*

*Mr. R. Alayon: So when we go through this -- Mr. Vice Chair, did you have a question?*

*Vice Chair Russell: Yes, I do. So are you asserting that the permanent easement you have would be exclusive to yourselves?*

*Mr. R. Alayon: We're asserting we're in the gray zone of almost exclusive.*

*Vice Chair Russell: I'm not familiar with that legal term.*

*Mr. R. Alayon: And I can tell you that this is not our creation. We're simply operating under the documents that exist. And the reason these documents exist is because they created them. Our people relied on those documents --*

*Vice Chair Russell: Right.*

*Mr. R. Alayon: -- when they bought their units. And the documents make it clear that this was granted, a right -- the mortgage -- If you look at the legal description on the mortgage, it's clear. It says: The fee simple absolute title to the property that the Blue Lagoon Condos were built on, plus the easement. And the Condo Declaration that was approved by the City, the State, and everybody who had to approve it refers to the properties, including the easement.*

*Vice Chair Russell: But we are all in agreement that it's a non-exclusive easement, correct?*

*Mr. R. Alayon: We're in agreement that the language, "non-exclusive," is used in the easement, but if you look at the rights that they granted by agreed order -- which I had nothing to do with, but I'm just interpreting it -- they gave more rights than non-exclusive. The question is: Is it exclusive or not? We're going to submit that they are exclusive.*

*Vice Chair Russell: But neither their site plan nor your intention takes away the rights of access to either party, correct? Both are open to having mutual access on this easement.*

*Mr. R. Alayon: Mr. Vice Chair, this is a situation that requires us to step back and not be lawyers or Commissioners, or anything but --*

*Vice Chair Russell: I'm just trying to break it down to laymen's terms.*

*Mr. R. Alayon: Exactly, in laymen's terms. In laymen's terms, they're saying to you, "Let us pack 888 units, 294 hotel rooms, and use the easement that we granted Blue Lagoon for all those uses," which will render the use of the easement by Blue Lagoon a nullity. I mean, if you look at the pictures like this --*

*Vice Chair Russell: You're going beyond my question, and I apologize to interrupt you. I wasn't asking about how intensely --*

*Mr. R. Alayon: Right.*

*Vice Chair Russell: -- they intend to use it. I'm trying to find the simple common ground that it seems both parties want mutual access. Nobody is trying to remove access from the other side. Is that at least something we can agree on?*

*Mr. Diaz de la Portilla: I think it's clear that the Blue Lagoon folks want to deprive us of access, even though there isn't a single document in here, agreed order or Declaration of Restrictions, that say they have an exclusive right to use that property. In fact, the words that are used are "non-exclusive." It's very clear. I challenge them to show you where it says, "exclusive" anywhere.*

*Vice Chair Russell: Well, it seems -- and correct me if I'm wrong -- their assertion is that by the intensity of this project, they will be deprived of their access to it, because of the additional usage that will go on it.*

*Mr. R. Alayon: Absolutely.*

*Vice Chair Russell: So --*

*Mr. R. Alayon: And there's case law that says exactly that.*

*Vice Chair Russell: -- just so I understand where you're coming from, but nobody's saying the other side should not have access.*

*Mr. R. Alayon: If I may, the answer is --*

*Vice Chair Russell: Am I --?*

*Mr. Diaz de la Portilla: They are.*

*Mr. R. Alayon: -- Mr. Diaz de la Portilla is concerned -- and I understand why he would be concerned -- with the language in the agreed order. I'm saying that we would be willing to sit down and negotiate a fair resolution, but from our perspective, if we were to -- if we were put against the wall and we had to argue, we would argue that they amended the damn thing -- excuse me -- the darn thing by the agreed order and have virtual -- have turned it into a permanent easement that is exclusive. But we are willing to sit down and discuss a reasonable use of the easement. Let them make the effort to do so. That's why we're here.*

*Mr. Diaz de la Portilla: So just to address that one point, Commissioner, the one question that you asked, again, I challenge you to look at the agreed order, the Declaration of Easement. Nowhere does it say that they have an exclusive right to the property that is owned by Weiss over which their easement lies. In fact, it says very clearly, "non-exclusive." And the second thing is, as we've already said and showed, and it's part of the site plan -- and we're not here for site plan approval, by the way. You may want to ask your staff that, because that's not what is before you;*

*it's just a rezoning action, and it's an important thing to clarify with your staff. But there is no Bert Harris here. There is no -- none of those issues. Your attorney could address those, as well. We're adding capacity to the ingress and egress by adding the exit lane and the additional entrance lane. So that's what we're doing. And the cues are actually shorter with our improvements than they are today, and the travel times are the same. So, you know --*

*Chair Hardemon: What's interesting --*

*Mr. Diaz de la Portilla: -- nothing happens to it.*

*Chair Hardemon: But what's interesting here in the easement, on Page 3, Paragraph 3, it reads that, "Upon satisfaction and discharge of record by an appropriate satisfaction of mortgage instrument of the grantee's mortgage, encumbering the mortgaged property, the easement herein and hereby granted and declared shall be deemed to have been terminated and cancelled." So there was a time -- there is -- they thought of a time that the easement could have been cancelled.*

*Mr. R. Alayon: Had they paid the note.*

*Mr. P. Alayon: Had they not defaulted.*

*Chair Hardemon: Right. Okay.*

*Mr. R. Alayon: But they defaulted, so it became permanent --*

*Chair Hardemon: So --*

*Mr. R. Alayon: -- and (UNINTELLIGIBLE) permanent.*

*Chair Hardemon: -- in the default, Paragraph 5 says, "In the event that the easement hereby granted and declared shall become fully operative in the manner as aforesaid. Grantee is (UNINTELLIGIBLE), including any purchaser at a foreclosure sale of the grantee's mortgage shall have the right to remove any obstruction which may now or hereafter lie, or be within the 40-foot easement area described herein." Paragraph 6: "The provisions of this Declaration of Easement shall be binding upon the grantor, any successors, and assigns, and shall be a covenant running with and binding upon the servient property."*

*Mr. R. Alayon: Yes, Mr. Chairman. And Mr. Chairman, if I can, this is very simple. And again, Miguel did not draft this. Mr. Dervishi did not draft this. This is what -- this is a horse they're confined to riding. It's very clear. It says in Paragraph 4 of the agreed order -- and Mr. Chair, this order, I guarantee you, went through 50 different reviews. It says very clearly, defendants Caroline Weiss, and a bunch of related entities, any affiliated party, agents and employees, are hereby enjoined and prohibited from interfering with the plaintiff's right of ingress and egress to the property. Mr. Chairman, they're going to be interfering with our right to ingress and egress to the property by putting in 888 apartments, 294 hotel rooms, having commercial traffic use our easement, and having 1,600 cars a day going through this easement.*

*Chair Hardemon: I don't know if I agree with that argument.*

*Mr. R. Alayon: Think about it. The word, "interference," is very clear. There's no substantial interference, there's no material interference, there's no adjective. It's a simple verb.*

*Chair Hardemon: No, I understand what you're saying.*

*Mr. R. Alayon: Now what I've said to Mr. -- to the Vice Chair was -- and I --*

*Chair Hardemon: But I -- (UNINTELLIGIBLE) when I hear "interfere with ingress and egress," to me, that means causing you not to be able to ingress --*

*Mr. Diaz de la Portilla: Correct.*

*Chair Hardemon: -- and egress.*

*Mr. R. Alayon: By parking a car in front of you.*

*Mr. Diaz de la Portilla: Correct -- no.*

*Chair Hardemon: That would be --*

*Mr. R. Alayon: Parking a car, effectively having parked cars in front of you for 20 minutes at a time every time you go out, that's interference.*

*Chair Hardemon: You talking about traffic? Are we talking about traffic?*

*Mr. R. Alayon: We're talking about --*

*Chair Hardemon: Traffic?*

*Mr. R. Alayon: -- cars that are parked, waiting to move.*

*Mr. Diaz de la Portilla: Mr. Chairman?*

*Mr. R. Alayon: The problem that we have is this -- Again, they did this to themselves. Our clients relied on that and went ahead and bought condo units, and Mr. Milton developed the property, based upon the very documents they created. They're stuck with it. There's a rule of construction that says, "Whoever does something like that has to eat it," because, effectively, they had the right to change it. Now, the Vice Chair was asking me earlier questions about, if I remember correctly, the easement and how it operated; whether it was permanent. Here's the problem: The word, "interference," changes the actual document that they gave us the easement in. And this thing is recorded in the public records. If you look at the document, it was for use of vehicular traffic and ingress and egress.*

*Chair Hardemon: So --*

*Mr. R. Alayon: Now they're interfering with our use.*

*Chair Hardemon: -- but -- So our issue is this: That we're not going to be able to solve your easement issue.*

*Commissioner Gort: No.*

*Mr. R. Alayon: Exactly, which --*

*Chair Hardemon: That's not going to happen here. So I think we can agree to that, right?*

*Mr. Diaz de la Portilla: Correct.*

*Chair Hardemon: There's another forum that's going to solve your easement and ingress issue. So what we're here now --*

*Mr. R. Alayon: (UNINTELLIGIBLE).*

*Commissioner Gort: Yeah.*

*Chair Hardemon: -- talking about is whether or not this zoning change materially -- or affects you greater than the general public --*

*Mr. R. Alayon: Right.*

*Chair Hardemon: -- the zoning change. Not the --*

*Mr. R. Alayon: Let's talk about what's happening. Hold on.*

*Chair Hardemon: -- easement. I'm not discussing the easement. We're discussing the zoning.*

*Mr. R. Alayon: I understand, but here's the problem: They have a site plan that has been circulated. It's not before you; and, in fact, I'm sure it wasn't brought for that purpose. For the PZAB, the site plan was identified as, "This is what we're traveling under," because he can't -- your Planning Director can't review it unless he has a site plan. And the site plan --*

*Mr. Diaz de la Portilla: The site plan is in the record. Your staff has it, if you were to ask the staff.*

*Mr. R. Alayon: There you go.*

*Mr. Diaz de la Portilla: That's not accurate.*

*Mr. R. Alayon: So the site plan shows they're using our easement and interfering with the use of our easement. And I'm saying to you that what they're doing is they're using you guys as an Enron to say, "Now we have the right to develop the property with easement." Had they done the opposite, which is go to court and say, "We want a declaration of our rights. Can we build 888 units here in this parcel and a hotel at the entrance of the actual project, given the fact that we have an agreed order, given the fact that we have an easement?" and then come to the Commission and say, "Listen, the court said we could do it," instead of having this whole thing play out in front of the Commission. You're not judges. While you may be in a quasi-judicial capacity, you're not here to render a decision of a District Court that's non-appealable and final, a nullity.*

*Chair Hardemon: Right. So now, let's do this: So we understand better where you are, is there any evidence that you want to put on --*

*Mr. R. Alayon: Yes.*

*Chair Hardemon: -- that shows that you should have the intervenor status? I want to give you the opportunity now.*

*Mr. R. Alayon: We've submitted that, and we'd also like to submit the intersection traffic study with our expert that will show that we are more affected than the public, because the actual traffic, as opposed to Mr. Diaz de la Portilla had been told by his expert, is actually far worse.*

*Chair Hardemon: All right. So we'll take that in the record. We don't have him here to put testimony on ore tenuously, so --*

*Commissioner Gort: It's in the record already.*

*Chair Hardemon: Huh?*

*Commissioner Gort: It's on the record.*

*Chair Hardemon: It's on -- yes, it's in the record. It's in the record. Is there any other evidence that you wanted to put on?*

*Mr. R. Alayon: We have substantive issues with respect to Miami 21 that directly affect us; if we can go through that quickly.*

*Chair Hardemon: Substantive issues to Miami 21?*

*Mr. R. Alayon: Yes.*

*Mr. P. Alayon: Because, as you recall, the intervenor status is actually part of Miami 21. And the question that we were asking the intervenor status: Are we, Blue Lagoon, more -- or adversely affected in a manner different than the general public? One of the questions you're going to be asking yourselves when you consider this application is whether it's consistent with the goals, policies, and objectives of the Comprehensive Plan. One of those goals, policies, and object -- or one set of those goals, policies, and objectives is a traffic section. I will submit to you that there are several issues having to do with this property on the traffic section; not just on the easement, but on the intersection of that easement, on Northwest 7th Street. Now, whatever position the board -- excuse me -- the Commission would like to take on the easement, the issue still remains open as to how this new rezoning request is going to affect Northwest 7th Street (UNINTELLIGIBLE).*

*Chair Hardemon: So we're not going to take any position on the easement.*

*Mr. P. Alayon: What's that?*

*Chair Hardemon: We're not taking any position on the easement.*

*Mr. P. Alayon: Well, I -- we're --*

*Mr. R. Alayon: If I may?*

*Mr. P. Alayon: I was --*

*Mr. R. Alayon: If I may? We're taking the position on the easement that the easement --*

*Chair Hardemon: You may; this board is not.*

*Mr. R. Alayon: The board may not wish to take a position, but again, if there's a site plan that they're seeking approval that includes their use of the easement, you are taking a position.*

*Chair Hardemon: Right. No --*

*Mr. R. Alayon: So I would submit that if you're not taking a position, then the site plan can't be considered.*

*Chair Hardemon: All right. Before you continue, I want to recognize Francisco.*

*Mr. Francisco Garcia: Thank you, sir. In an effort to perhaps get us over this particular hurdle, the site plan that has been submitted has not been requested and is not before you for approval today. Right? The purpose of that document is to illustrate a potential development scenario for the site. And as I mentioned before, I want to stress that ultimately, all of the issues that have been mentioned to you thus far will be sorted out, reviewed, and ultimately approved through the re-platting process, which has not even begun yet. And the reason why this precedes the re-platting process is that they need to know what zoning designation they have before they submit the appropriate paperwork for the re-platting process. Rest assured, though, that in the end, whatever the arrangements or solutions for the easement issue are, no parcel in the City of Miami can in the end be landlocked, and there are a series of mechanisms in place to prevent that from happening. So regardless of the outcome of the easement matter, both properties, the abutting property and the subject property, will in the end have proper access from the major corridor, the publicly owned property -- public corridor, which happens to be Northwest 7th Street.*

*Chair Hardemon: What island is that that's in -- is that in Miami Beach that there's an island that's very exclusive; the only way to get there is on a boat? What is that called?*

*Mr. P. Alayon: Fisher Island, Chairman.*

*Chair Hardemon: Those of us who've been to Fisher Island, say "Fisher Island." Is Fisher Island landlocked?*

*Mr. Francisco Garcia: Not to the extent that it is actually a part of Miami-Dade County. It just so happens that the access -- the means of access is that ferry that takes you there.*

*Chair Hardemon: Is that a nice way of saying, "yes"?*

*Mr. Francisco Garcia: That -- not -- and I emphasize that it is not part of the City of Miami. It is part of another municipality.*

*Chair Hardemon: That's a better answer.*

*Commissioner Gort: They can get there on boat.*

*Chair Hardemon: It's not our problem.*

*Commissioner Gort: They can use a boat.*

*Mr. P. Alayon: Mr. Chair, the --*

*Chair Hardemon: Right.*

*Mr. R. Alayon: -- only thing I'd like to ask if I were -- basically say, without cross-examining the Planning Director, is why then does someone submit a site plan? And I'll tell you why. Because it shows the actual development that's intended --*

*Chair Hardemon: Right, but the --*

*Mr. R. Alayon: -- not the potential. And if I can, what's happening here is every bit of --*

*Chair Hardemon: I don't like to really get in -- the one thing that I emphatically don't like getting into, which we typically get into, because typically, neighbors and everyone wants to see the project. But I want to be very clear that when we're changing the zoning, there is no project; it is a zoning change. It is merely the best use of that space. And so, it could become many a things, greater than what it is today, within the new zoning change, or it can be lesser in the new zoning change; it depends on how much money they end up having in five years when they want to develop this thing. However, my point is that -- so when you're describing to me what the project will be, even though they may present us nice pictures, they have a wonderful architect and he presents us great images, I don't marry myself to those images, because it may not be what it is. What I see before us is a zoning change; and so, that's what we're here to consider.*

*Mr. P. Alayon: And that zoning change may, indeed, entitle them to 3 million square feet of intensity than if they're not tied to this plan.*

*Mr. Diaz de la Portilla: No.*

*Mr. P. Alayon: Under the bonus program, it would.*

*Mr. Diaz de la Portilla: No, no.*

*Mr. P. Alayon: T6-12 --*

*Mr. Diaz de la Portilla: No, because that's why there's a Declaration of Restrictions --*

*Mr. P. Alayon: May my opponent let me talk?*

*Mr. Diaz de la Portilla: There's a declaration --*

*Mr. P. Alayon: You're misstating the facts.*

*Mr. Diaz de la Portilla: -- of restrictions that --*

*Mr. R. Alayon: Mr. Chair, I'd like --*

*Mr. Diaz de la Portilla: -- very specifically ties it to something substantially in the form of what we presented, and it's 1,600,000 square feet.*

*Mr. R. Alayon: Mr. Chair --*

*Commissioner Gort: That's what happens when you got so many attorneys.*

*Mr. R. Alayon: -- I think you're on to something. I think you're on to something.*

*Vice Chair Russell: (UNINTELLIGIBLE) speaking one at a time.*

*Commissioner Gort: Yes.*

*Mr. R. Alayon: I think you're on to something, Mr. Chair. If Mr. Diaz de la Portilla were to say on the record that his client is not tying itself to this site plan and that nothing that this Commission does shall have any vested right effect on their use of the easement, and that we can continue fighting that out in court, we may be headed*

*in the right direction. But I also think that we're probably -- we should follow the lead, also, of the Commissioner from the district, allowing us to have time to sit together and try to work this out by deferring the issue, because we can be here all night.*

*Chair Hardemon: No. Listen, we're almost where we need to be. We've had a presentation of the facts -- or a precursor, if you will, because he hasn't presented any substantive evidence of the facts. But it's enough for the residents to get an opportunity to see what's coming. It's enough where the district Commissioner and all of us have an opportunity to see the zoning that's being proposed and what the potential effects of that zoning could be. And so, I think we're somewhere. Now, the next question that we have is whether or not this intervenor status needs to be granted to you, because, of course, the intervenor status comes with a whole different slew of rights; rights to cross-examine --*

*Mr. R. Alayon: Absolutely.*

*Chair Hardemon: -- rights to present evidence, rights to participate in this as if you were --*

*Mr. R. Alayon: Absolutely.*

*Chair Hardemon: a --*

*Mr. R. Alayon: To be notified --*

*Chair Hardemon: Yeah. So --*

*Mr. R. Alayon: -- to be included in any negotiations and meetings with the Planning Director, Zoning Director.*

*Chair Hardemon: So because of that, that's where we are now. And we've given you, I believe -- I think you're finished with presenting whatever facts that you needed to present on the intervenor status. So what I'll do now is transition to our City Attorney for her opinion, because Commissioner Gort wants to hear an opinion from his attorney regarding intervenor status with the facts that have been put on the record today.*

*Mr. Diaz de la Portilla: Before you do, Mr. Chairman, just real quickly, I'd like to -- and it's already part of the record -- introduce the traffic study that we did that shows that there is no adverse impact at all on the entrance and egress to the property.*

*Chair Hardemon: Right.*

*Mr. R. Alayon: Mr. Chair --*

*Chair Hardemon: So this traffic study -- I know you hadn't presented any -- thank you. You hadn't presented the -- you have a witness that was going to testify to the facts into this --*

*Mr. Diaz de la Portilla: Correct.*

*Chair Hardemon: -- but this suffices without him necessarily --*

*Mr. Dotson: For now, for the summary that you asked.*

*Chair Hardemon: Right.*

*Mr. Diaz de la Portilla: It's part of the record. It was presented and introduced at the PZAB, so it should be part of your packet. But it's there, and it basically shows --*

*Chair Hardemon: And we'll also take in consideration that you stated on the record that you'll be increasing the lanes so they'd have more ingress and egress to those properties, so it won't be that single --*

*Mr. Diaz de la Portilla: Correct.*

*Chair Hardemon: -- lane, in and out.*

*Mr. Diaz de la Portilla: Correct, correct.*

*Mr. R. Alayon: Mr. Chair, they don't have the right to do that. They gave up that right.*

*Chair Hardemon: The right to what?*

*Mr. R. Alayon: If you look at our easement, they can't build anything on our easement. They can't rely on anything at all. They gave up the right. So now they're coming in with this, you know, story.*

*Chair Hardemon: Let me ask you a question. This is a technical question. Right now, this is a 40-foot easement. How -- what's the -- and I'm assuming 40 feet; meaning the --*

*Mr. P. Alayon: The width.*

*Mr. R. Alayon: The width.*

*Chair Hardemon: So the width, right. So now you have the two lanes.*

*Mr. R. Alayon: Yes, sir.*

*Chair Hardemon: You can't chop that 40-foot width into any smaller divisions, right? Are you adding width outside of that 40-foot width?*

*Mr. Diaz de la Portilla: Yeah. Right now --*

*Mr. R. Alayon: I've yet to see it. I'd like to see it.*

*Mr. Diaz de la Portilla: Yeah. Right now, what we're doing is we're adding, as we showed you, an egress lane for the right turn. And then when you get to the north -- the part that -- at the north end, the part that heads from east to west, we're adding another lane. And I'll have our traffic engineer show you exactly what that is.*

*Mr. R. Alayon: Mr. Chair, I'd like your question answered, which is, "Are they adding any width?" And I'm -- I don't think that they are; and maybe I'm wrong, but I'd like an answer.*

*Chair Hardemon: Commissioner Gort.*

*Commissioner Gort: Let me ask a question. Either side of the present easement, who owns the property? Is it Blue Lagoon, or is it the Weiss?*

*Mr. R. Alayon: We own the easement. They own the --*

*Commissioner Gort: You own the easement, but I -- the property south, east, and west of it -- or north and south of it, who owns it?*

*Mr. R. Alayon: North of us is the Blue Lagoon.*

*Mr. Diaz de la Portilla: We own the property.*

*Unidentified Speaker: We own it.*

*Mr. Diaz de la Portilla: We own the property. They have an easement.*

*Commissioner Gort: North and south.*

*Mr. Diaz de la Portilla: Yes.*

*Commissioner Gort: Okay.*

*Mr. Diaz de la Portilla: We own it. Correct, Commissioner.*

*Mr. R. Alayon: And we own the easement.*

*Commissioner Gort: Oh, (UNINTELLIGIBLE) understand.*

*Mr. R. Alayon: I mean --*

*Commissioner Gort: That's up to the court. I mean, the lawyers will take care of that and the court will take care of that.*

*Mr. R. Alayon: Absolutely.*

*Mr. Diaz de la Portilla: Right. But Commissioner, they have an easement right (UNINTELLIGIBLE)*

*Commissioner Gort: No, I understand.*

*Mr. R. Alayon: And the right is a property interest. We lost quorum.*

*Mark Kline: Sir --*

*Vice Chair Russell: No, we still have it. He's on the dais. He's asking a question about --*

*Mr. R. Alayon: Mr. Vice Chair, we were not allowed to introduce our own traffic study since one was given. I oppose --*

*Vice Chair Russell: The Chair is on the floor, so please address the Chair.*

*Chair Hardemon: It's been introduced into the record.*

*Vice Chair Russell: Right to the Clerk, please. Thank you.*

*Mr. R. Alayon: Okay. We've confirmed that now the Clerk has the study.*

*Chair Hardemon: So I assume -- we have not answered the question of whether or not any lane width is being added to the easement, and Commissioner Gort wants some clarification on that.*

*Mr. Kline: Yes. Mark Kline here. The easement is 40 feet wide, 40 feet wide. Today they have two lanes in that. Two lanes -- the actual width of two lanes of traffic is less than 40 feet. Our proposal is to come back and add an extra lane. Now, a lane width is typically 10, 11, or 12 feet. Regardless of going three times 10, three times 11, three times 12, it fits in 40 feet. So we'll be putting our additional lane within the 40-foot easement, providing an improved traffic flow.*

*Mr. R. Alayon: So basically, we're getting the same 40-foot easement with three lanes that Mr. Diaz de la Portilla said during his opening currently doesn't work, because one car has to go out so -- for the other car to go out. So now, we're going to have to have two cars go out so one can go in. It's crazy. You're being -- this is --*

*Mr. Diaz de la Portilla: No. The reality is --*

*Mr. R. Alayon: -- an Enron over a court decision.*

*Mr. Diaz de la Portilla: -- and we can show with the Synchro model how it works.*

*Chair Hardemon: Everyone, please, please, please. One person speaking at a time, please.*

*Mr. Diaz de la Portilla: Sir, if I may, just to respond to that --*

*Chair Hardemon: No, no, no. Everyone --*

*Mr. Diaz de la Portilla: -- to clarify.*

*Chair Hardemon: -- I just need to gain some control. Mr. Garcia.*

*Mr. Francisco Garcia: Thank you, sir. Briefly, to remind this Commission, respectfully, that the particular configuration, or even the dimension of the proposed access to this site is not before you today for consideration, so no action taken by this body will result in an approval or anything to that effect for the proposed means of ingress and egress for the property.*

*Mr. R. Alayon: But it will create a site plan that will go through approval process, which will show --*

*Chair Hardemon: I don't even want to talk about the site plan. I don't want to talk about the site plan. All I want to talk about is zoning.*

*Mr. P. Alayon: Let's do that.*

*Chair Hardemon: Right. So here we are.*

*Mr. P. Alayon: Let's do that.*

*Chair Hardemon: So I believe we're waiting on an opinion from our City Attorney. And then from there, and as I understand Commissioner Gort, you wanted to defer -- well, I'm not sure. I can't -- but I thought there was a question about the action today.*

*Commissioner Gort: The reason -- I've been seeing a lot of these cases. Whatever decision we take, the people are not in agreement. It's going to end up in court.*

*Chair Hardemon: Yes.*

*Commissioner Gort: That's for sure. So the best solution for here -- the reason I wanted to defer this, because I wanted them -- to give them an opportunity for the people to see what they can build without the change in zoning, so they can see what they're going to get with a change in zoning. And let me tell you what the example is. When you come out of here, 22nd Avenue and U.S.1, there's a building there, four story high. I was in the Zoning Board back in the '80s, and sitting here, and the bank wanted to do a drive-through in that corner. The neighbors came against that drive-through. That's what they have now. So we got to find out what the rights -- what they can do by right, and what kind of design they're going to have on the building. At the same time, there's a lot of thing you need to clarify. You're talking about \$8 million that you had to agree with other condominiums. You got to sit down with them and you got to tell them what you're going to do. The traffic study, my suggestion is -- I know he's got his own traffic study, you got your own. I understand about studies. I think you need to sit down with the County, also, because one of the biggest problem we had, the traffic light we have in that building is controlled by Central. And Central allows that to trigger very few minutes, because they want to get the 7th on. So you got to talk to the County. You guys got to make a deal with the County -- all of you -- to make sure you can expedite, you can allow more time for the green light to be -- for the people to be able to get out; get out, get in. And the traffic study is something you do need to work with her.*

*Chair Hardemon: Commissioner Gort, is there a time -- another date that you want this deferred to?*

*Commissioner Gort: It's -- I want to make sure they get together with the neighbors. I want to make sure they sit down with them, because if they're not in agreement, we're going to be in court for the next three to four years.*

*Mr. R. Alayon: Commissioner Gort, we -- I submit to you, as counsel for Blue Lagoon, that you were not wrong in saying that we should defer. I believe that Mr. Diaz de la Portilla --*

*Commissioner Gort: Excuse me, excuse me. From the beginning, I said I was going to defer.*

*Mr. R. Alayon: Yes, sir.*

*Commissioner Gort: But I wanted this to take place, because I wanted people to understand.*

*Mr. R. Alayon: Absolutely.*

*Commissioner Gort: Because what happens is people start get -- issuing rumors.*

*Mr. R. Alayon: Yes.*

*Commissioner Gort: This is what's going to happen, this is what they're going to build, they're going to do this, they're going to flip it, they're going to do this, and they're going to do that.*

*Mr. R. Alayon: Yes.*

*Commissioner Gort: So I want to make sure you guys get together and you (UNINTELLIGIBLE) together.*

*Mr. R. Alayon: Yes.*

*Commissioner Gort: And then if you all come to an agreement, it's great.*

*Mr. R. Alayon: Thank you, Commissioner Gort. I will tell you that Mr. Diaz de la Portilla and I have a very good relationship. We were talking about potential resolutions, but unfortunately, this came upon us like in a very short order. We thank you for your guidance. So if you give us a time, I think we can come up with a resolution.*

*Commissioner Gort: And you can understand -- and I know Mrs. Weiss for a long, long time. But in that place, she's -- that neighborhood has not been -- it's been affected quite a bit by a lot of things that happened in there. She has taken care of it, but -- and you all need to get together. You need to sit down. Your neighbors are asking for certain things right now, to clear and cut some of the trees you got there. Those branches are going right next door.*

*Mr. R. Alayon: Thank you for your leadership.*

*Commissioner Gort: Simple things like that. Okay?*

*Mr. R. Alayon: Thank you, Commissioner.*

*Commissioner Gort: So I move to defer.*

*Chair Hardemon: What date?*

*Commissioner Gort: The --*

*Chair Hardemon: Which item -- which month? Which --*

*Commissioner Gort: Can you guys get together by December?*

*Mr. R. Alayon: Can we do this --*

*Mr. Diaz de la Portilla: We'd like to come back in November, if we can.*

*Mr. R. Alayon: Can we do something --?*

*Commissioner Gort: Well, you got to get together with him. Make sure you make the presentation. Show both plans, what it would look like, because you got -- you have the right to use it.*

*Mr. Diaz de la Portilla: Of course. Yes, sir.*

*Commissioner Gort: But also, I want to see a plan, if it passes, how you're going to handle the traffic during the construction; where you're going to park and where you're going to put it.*

*Mr. Diaz de la Portilla: We will. We'll come back with that. I think we can get together; come back in November, and hopefully --*

*Mr. R. Alayon: November is too close in time, Mr. Gort. I think December or January would give us the time to work it out. And if we work it out beforehand,*

which I anticipate we will, if Mr. Diaz de la Portilla is allowed by his client to do his work --

Commissioner Gort: That's an --

Mr. R. Alayon: -- we can ask for another day.

Ms. A. Weiss: Commissioner Gort, I really --

Commissioner Gort: Excuse me. I'm --

Ms. A. Weiss: Sorry.

Commissioner Gort: -- talking to your attorney. Sorry.

Mr. R. Alayon: Thank you, Commissioners, for the time to present our case.

Mr. Diaz de la Portilla: We'd like to come back as soon as possible. I think we can -  
-

Commissioner Gort: What's the meeting in November; what day?

Chair Hardemon: The meeting in November -- is that the 15th, is the one with the PZ (Planning and Zoning)?

Mr. Diaz de la Portilla: It's 20 days. We can do it.

Mr. R. Alayon: If I may --

Commissioner Gort: Well, we'll try. But if you don't have it ready, it might be against you.

Mr. R. Alayon: December is a good date.

Mr. Diaz de la Portilla: 20 days is plenty of time.

Chair Hardemon: Okay, give it a try. I'm not going to hear any arguments in 20 days if you're not ready.

Commissioner Gort: They don't believe they can do it within 20 days --

Mr. R. Alayon: No, no, I don't.

Commissioner Gort: -- then we're going to be in the same show again.

Mr. Diaz de la Portilla: Could we ask for a special meeting in 30 days?

Chair Hardemon: No, I'm not doing a special meeting. However, we could -- if we set it for 20 days, you're either going to come in and you're going to say, "We've come to an agreement," or not. That's it; no arguments. If you have, great.

Mr. R. Alayon: Mr. Chair --

Chair Hardemon: If you have not, then we push it to December. I think that's the best way to do this.

Mr. Diaz de la Portilla: Okay.

*Mr. R. Alayon: -- in preparation for your eventual appointment to the bench, can we --*

*Chair Hardemon: You're not going to beat up on me all day.*

*Mr. R. Alayon: -- can I suggest something? Has the Commission ever appointed a mediator?*

*Chair Hardemon: We have. Well, no, I can't speak to the specific facts. However, let's not get there. If you can work something out, let's do that.*

*Mr. R. Alayon: I think that a mediator will allow --*

*Commissioner Gort: By the way, let me give you a suggestion. Your kid is doing real good. He's got it -- he's a good lawyer, so let him speak.*

*Mr. R. Alayon: Thank you.*

*Commissioner Gort: He's good.*

*Mr. R. Alayon: You're very kind.*

*Commissioner Carollo: Mr. Chairman, I didn't miss anything, did I?*

*Chair Hardemon: Oh, no. You just missed the moon and the stars.*

*Commissioner Gort: (UNINTELLIGIBLE).*

*Chair Hardemon: The cow jumped over the moon. So here we are. So right now --*

*Commissioner Carollo: I figured that.*

*Chair Hardemon: -- there's a motion, moved by Commissioner Gort, to defer this item; seconded by the Vice Chairman, to 11/15. Now, putting some caveat to that on the record. If there's not an agreement between these individuals -- can't call them "parties" -- on 11/15, we will not hear any discussion or any argument regarding the item. It's going to be continued to the December PZ meeting date. Also, the motion that is made for intervenor status, we're not going to decide on that issue yet, so that motion will travel along with this item.*

*Mr. Diaz de la Portilla: Okay.*

*Chair Hardemon: Okay?*

*Mr. P. Alayon: Thank you.*

*Commissioner Carollo: Are you guys serious? You're kidding me, right? After three hours, you're deferring this?*

*Chair Hardemon: No, it's only --*

*Commissioner Carollo: Why didn't you do it in the beginning? My God.*

*Chair Hardemon: -- been 25 minutes.*

*Commissioner Gort: Commissioner, you've been here a long time and you know the rumors that go around and different things, so I just want to give an opportunity for everybody to find out what really is in front of them.*

*Commissioner Carollo: I'm teasing.*

*Commissioner Gort: No, I know that.*

*Chair Hardemon: All in favor --*

*Commissioner Gort: But that's the reason. I want to make sure people understand.*

*Chair Hardemon: -- of the motion, say "aye."*

*The Commission (Collectively): Aye.*

*Chair Hardemon: All against? That motion for deferral carries.*

*Mr. R. Alayon: Thank you.*

*Mr. Diaz de la Portilla: Thank you.*

*Commissioner Gort: What's next?*

*Ms. A. Weiss: Commissioners, I just want to tell you thank you very much for your time and for your patience in listening to all of us.*

*Chair Hardemon: Thank you.*

*Ms. A. Weiss: Thank you.*

*Commissioner Gort: Thank you.*

*Ms. Méndez: Mr. Chairman --*

*Ms. A. Weiss: And we missed you, Joe.*

*Commissioner Carollo: I was listening.*

PZ.9

**ORDINANCE****First Reading**

4857

**Department of  
Planning**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING ORDINANCE NO. 10544, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, AS AMENDED, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO SECTION 163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION FROM "MEDIUM DENSITY RESTRICTED COMMERCIAL" TO "GENERAL COMMERCIAL" OF THE 0.318 ± ACRES OF THE WESTERN PORTION OF REAL PROPERTY LOCATED AT 201 NORTHWEST 21 STREET, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A-1"; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

<b>MOTION TO:</b>	<b>Pass on First Reading</b>
<b>RESULT:</b>	<b>PASSED ON FIRST READING</b>
<b>MOVER:</b>	<b>Wifredo (Willy) Gort, Commissioner</b>
<b>SECONDER:</b>	<b>Ken Russell, Vice Chair</b>
<b>AYES:</b>	Hardemon, Russell, Gort
<b>ABSENT:</b>	Carollo, Reyes

*Chair Hardemon: All right. Everyone, I ask for a bit of decorum. If you're having discussions, I ask that you move those discussions outside of the chambers, please, and decorum. I'm about to read into the record the next item. Madam City Attorney, can you read into the record PZ.9?*

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

*Chair Hardemon: This is PZ.9. Mr. Garcia, can you give us some (UNINTELLIGIBLE)?*

*Victoria Méndez (City Attorney): And Chairman, it's also companion to 10.*

*Chair Hardemon: Understood.*

*Francisco Garcia (Director, Planning): That is correct, sir. PZ's.9 and 10 are companion items. They are respectively a land use change and a rezoning for a property at 201 Northwest 21st Street. The request on the land use map change would be to take it from medium density restricted commercial to general commercial; and on the zoning side, from T4-L to T5-O. The recommendation from the Planning Department is for approval. This particular site is one unified site which actually has mixed zoning, so a zoning line that travels through it, and shifting that zoning line to allow for the entire property to be zoned in the same designation would be, generally speaking, compatible with the overall pattern in the area. We have recommended approval, and your Planning, Zoning and Appeals Board did, as well, unanimously. Happy to answer any questions.*

*Chair Hardemon: Thank you very much. I have a question for the applicant.*

*Edward Martos: Yes.*

*Chair Hardemon: I get confused at times. Is there an improved structure on this plot of land?*

*Mr. Martos: There is a warehouse, built in 1941.*

*Chair Hardemon: Okay. And what's housed in that warehouse today? Is it vacant?*

*Mr. Martos: It's operating as a warehouse.*

*Chair Hardemon: It is operating as a warehouse. Is it vacant?*

*Mr. Martos: Allow me a moment. Yes.*

*Chair Hardemon: So just speaking in candor here. So it will be demolished?*

*Mr. Martos: We don't have plans, and that is candid. We would like to examine what our options are. Financing for renovations or for demolition and new construction would turn and be amplified by this modification, so that's one of the reasons. I can go into more details during my presentation, if you'd like.*

*Chair Hardemon: So the improvement on the property expands both designations?*

*Mr. Martos: Correct. The split goes right down the middle of the warehouse.*

*Chair Hardemon: Mr. Garcia, when you split something down the middle of a warehouse of an improved property, I'm assuming, that was there before this designation was made, is that one of those things that just happens by mistake? Because it appears that it's not one parcel. I don't understand what happened.*

*Mr. Garcia: Right. No, sir. It's actual a legacy condition. And so, when the translation was made from the previous Zoning Ordinance to the present Zoning Ordinance, that line was already in place, which means, in my mind, that the structure that's there today responds to a Zoning Ordinance that was in place a long time ago with different zoning designations, or the alternative is that it was built under a Zoning Ordinance that had two zoning designations, and it simply availed itself of the rights granted by the lower zoning designation at the time. That being the case, the structure that sits there today is rendered incompatible with a T4-L zoning designation on a portion of the property, which is why we think this application makes sense.*

*Chair Hardemon: Right. And so --*

*Mr. Martos: If I may approach, I've got an exhibit that's included in part of the package. That gives you an idea of what portion of the building is being cut.*

*Chair Hardemon: That's smaller than I thought.*

*Mr. Martos: And what I would highlight -- Mr. Chair, what I would highlight is that the buildings from 1941 -- and Francisco can correct me -- I think that predates any Zoning Code of the City of Miami.*

*Mr. Garcia: There was zoning present at the time, but certainly, any with an institutional memory, I can safely say that.*

*Mr. Martos: Right. There was no zoning present. So a Zoning Code was created after this building was built. And at some point -- I don't know if it was with the very first Zoning Code or the second or the third, but they decided to put that line there.*

*Chair Hardemon: Mr. Garcia, if this building was demolished, could they build the size -- I mean, with the -- looks like a zero setback sort of structure. Could they build that if this building is demolished?*

*Mr. Garcia: Under the present Zoning Ordinance, the T4-L component of the zoning of the site would not allow them to do that; the T5-O would, and that is why they're asking for a rezoning to T5-O for the entire site.*

*Chair Hardemon: But T5-O would allow them to have basically this zero setback?*

*Mr. Garcia: Essentially, a zero setback, yes. There's a minimum setback on the front of the property.*

*Chair Hardemon: But the rear and the sides --*

*Mr. Garcia: Right.*

*Chair Hardemon: -- came all the way to the property line?*

*Mr. Garcia: Exactly right.*

*Mr. Martos: Commissioner --*

*Chair Hardemon: Yes.*

*Mr. Martos: -- if I may, my client is happy to proffer a setback if that's the concern. We recognize that this --*

*Chair Hardemon: No, I'm not necessarily saying that, because I don't want to create disharmony on the block. I know that --*

*Mr. Martos: Understood.*

*Chair Hardemon: -- many of those buildings there on the frontage don't have necessarily a setback; some do. On your block, it appears that just north of you, there is a parking lot, but there's no telling if that can be developed. I don't -- I mean, I'm not sure that may be able to redevelop.*

*Mr. Martos: Well, I need to have full disclosure, and this was part of our application.*

*Chair Hardemon: He owns that, too.*

*Mr. Martos: He owns that, too.*

*Chair Hardemon: Yeah.*

*Mr. Martos: Okay.*

*Chair Hardemon: Okay. I mean -- all right. The Chair will be open to entertaining a motion to approve PZ.9.*

*Commissioner Gort: Move it.*

*Vice Chair Russell: Second.*

*Chair Hardemon: It's been properly moved and seconded to approve PZ.9. Any further discussion?*

*Commissioner Gort: No.*

*Chair Hardemon: Hearing none, all in favor of the motion, say "aye."*

*The Commission (Collectively): Aye.*

*Chair Hardemon: All against? Motion carries. Please read PZ.10 into the record.*

*Mr. Martos: Commissioner, if I may, just for the record, my name is Edward Martos, offices at 2525 Ponce de Leon Boulevard. Thank you.*

**PZ.10****4858****Department of  
Planning****ORDINANCE****First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM T4-L, "GENERAL URBAN TRANSECT ZONE-LIMITED," TO T5-O, "URBAN CENTER TRANSECT ZONE-OPEN," FOR APPROXIMATELY .318 ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY 201 NORTHWEST 21 STREET, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A-1"; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

<b>MOTION TO:</b>	<b>Pass on First Reading</b>
<b>RESULT:</b>	<b>PASSED ON FIRST READING</b>
<b>MOVER:</b>	<b>Ken Russell, Vice Chair</b>
<b>SECONDER:</b>	<b>Keon Hardemon, Chair</b>
<b>AYES:</b>	Hardemon, Russell, Gort
<b>ABSENT:</b>	Carollo, Reyes

*Victoria Méndez (City Attorney): PZ.10.*

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

*Chair Hardemon: Is there a motion?*

*Vice Chair Russell: So moved.*

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

*The Commission (Collectively): Aye.*

*Chair Hardemon: All against? Motion carries.*

*Edward Martos: Commissioners, thank you very much for your time and for sticking with us until the late hour. I appreciate it. You have a great evening.*

*Chair Hardemon: Thank you very much.*

PZ.11

**ORDINANCE****First Reading**

3001

**Department of  
Planning**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, SPECIFICALLY BY AMENDING APPENDIX A, TITLED "NEIGHBORHOOD CONSERVATION DISTRICTS", BY REPLACING SECTION A-2: "VILLAGE WEST ISLAND DISTRICT AND CHARLES AVENUE (NCD-2)" AND SECTION A-3: "COCONUT GROVE NEIGHBORHOOD CONSERVATION DISTRICT (NCD-3)" WITH NEW REGULATIONS, STANDARDS, AND GUIDELINES FOR FUTURE DEVELOPMENT WITHIN THE COCONUT GROVE NEIGHBORHOOD CONSERVATION DISTRICTS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

<b>MOTION TO:</b>	Continue
<b>RESULT:</b>	CONTINUED
<b>MOVER:</b>	Wifredo (Willy) Gort, Commissioner
<b>SECONDER:</b>	Joe Carollo, Commissioner
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo
<b>ABSENT:</b>	Reyes

*Note for the Record: A motion was made by Commissioner Carollo, seconded by Commissioner Reyes, and was passed unanimously, expressing the intent of the City Commission to defer Item PZ.11 to a future City Commission meeting date.*

*Note for the Record: Item PZ.11 was continued to the November 15, 2018, Planning and Zoning Commission Meeting.*

*For minutes referencing Item PZ.11, please see "Order of the Day" and "Part B: PZ - Planning and Zoning Items."*

PZ.12

**ORDINANCE****Second Reading**

2773

**Department of  
Planning**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, BY AMENDING ARTICLE 1, SECTION 1.2, TITLED "DEFINITIONS OF TERMS", AMENDING ARTICLE 3, SECTION 3.11, TITLED "WATERFRONT SETBACKS", AND ADDING DIAGRAM 1 IN ARTICLE 3, SECTION 3.11, TITLED "WATERWAYS & WATERBODIES WITH WATERFRONT PROPERTIES"; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**ENACTMENT NUMBER: 13804**

<b>MOTION TO:</b>	Adopt
<b>RESULT:</b>	ADOPTED
<b>MOVER:</b>	Ken Russell, Vice Chair
<b>SECONDER:</b>	Keon Hardemon, Chair
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo
<b>ABSENT:</b>	Reyes

*Chair Hardemon: PZ.12. You're leaving your demonstrative, counselor. Okay.*

Edward Martos: *Oh, thank you.*

Victoria Méndez (City Attorney): *An ordinance of the Miami City Commission amending --*

Chair Hardemon: *I don't blame you.*

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

Vice Chair Russell: *I'll move the item.*

Chair Hardemon: *It's been properly moved; seconded by the Chair. Any further discussion on the item?*

Commissioner Gort: *Yes.*

Chair Hardemon: *This is the waterfront setback standards, PZ.12. PZ.12, the waterfront setback standards. You have some discussion about it or --? All right. All in favor, say "aye."*

The Commission (Collectively): *Aye.*

Chair Hardemon: *All against? Motion carries.*

**PZ.13**  
**4204**  
**Department of Planning**

**ORDINANCE**

**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, MORE SPECIFICALLY BY AMENDING APPENDIX J: NEIGHBORHOOD REVITALIZATION DISTRICTS ("NRD"), SECTION 3.1, TITLED "OFF-STREET PARKING AND LOADING STANDARDS," AND SECTION 5.1, TITLED "URBAN CENTER TRANSECT ZONE," BY MODIFYING THE STANDARDS FOR SMALL-SCALE COMMERCIAL BUILDINGS AND APPLICABLE PARKING RELAXATIONS WITHIN THE NRD-1 BOUNDARIES; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**ENACTMENT NUMBER: 13805**

<b>MOTION TO:</b>	<b>Adopt</b>
<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	<b>Ken Russell, Vice Chair</b>
<b>SECONDER:</b>	<b>Keon Hardemon, Chair</b>
<b>AYES:</b>	Hardemon, Russell, Gort
<b>NAYS:</b>	Carollo
<b>ABSENT:</b>	Reyes

*Note for the Record: For additional minutes referencing Item PZ.13, please see "Public Comment Period for Planning and Zoning Items."*

Chair Hardemon: *PZ.13.*

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

*Commissioner Carollo: You want to make a motion?*

*Vice Chair Russell: He's reading.*

*Chair Hardemon: Give me one second, please.*

*Commissioner Carollo: Must be serious; the Chairman's reading. He's usually way ahead of us.*

*Commissioner Gort: My understanding, this would not affect the -- my district?*

*Francisco Garcia (Director, Planning): It does not, sir. The amendment to the proposed herein is exclusively to the Neighborhood Revitalization District 1, which is in the Wynwood area, generally speaking.*

*Commissioner Gort: Right. Okay.*

*Mr. Garcia: And they are provisions tailored --*

*Commissioner Gort: Just let me tell you, within my district, I have a lot of problems with parking.*

*Mr. Garcia: I understand that, sir.*

*Commissioner Gort: We're aware of that.*

*Commissioner Carollo: Can you give us a little more information while the Chairman is thinking it through? Because --*

*Mr. Garcia: Absolutely. Thank you, Commissioner.*

*Commissioner Carollo: -- I got into the history of it, and I see how I voted the last time.*

*Mr. Garcia: Glad to do so, sir. And I'll also address some of the questions that were asked the last time; they are certainly within memory. Basically, the intent of this ordinance is to provide additional flexibility for small-scale developers within the Wynwood area. Right now, without some of the clarifications and provisions in this ordinance, every small-scale property owner would have to provide all parking required onsite if they were to add square footage to the buildings that may exist on the property. And as you know, in Wynwood right now, many of the structures are legacy structures, and to the extent that you want to add to them, you find yourself as a developer with the difficulty of not being able to provide parking onsite. This ordinance provides relief for those small-scale property owners and flexibility, and it allows them to provide parking offsite; and also, payment in lieu of parking onsite to contribute to a Parking Improvement Trust Fund that then benefits construction of parking in the entire area, as well as other improvement, studies, et cetera, as needed.*

*Chair Hardemon: What's the cost for the payment in lieu of providing the parking?*

*Mr. Garcia: I believe -- I'm going to double check on that, but I believe we had set it forth at \$12,000 per space.*

*Commissioner Carollo: If you'd like to defer this, Chairman --*

*Chair Hardemon: No, no, no. I don't have a need to defer it, but the fee -- the payment in lieu is provided to the Parking Trust Fund, like the -- in the Wynwood area?*

*Mr. Garcia: That is correct, sir.*

*Chair Hardemon: So does that Parking Trust Fund determine that fee amount? I know it's -- because it's not written, necessarily, in this document.*

*Mr. Garcia: Right. That is already established in the ordinance.*

*Chair Hardemon: So it is established in the part -- "payment in lieu" --*

*Mr. Garcia: Yes, sir.*

*Chair Hardemon: -- ordinance?*

*Mr. Garcia: Yes, sir.*

*Chair Hardemon: Okay. All right. I'm fine.*

*Vice Chair Russell: I'll move the item.*

*Chair Hardemon: Seconded by the Chairman. Is there any further discussion? Hearing none, all in favor, say "aye."*

*Vice Chair Russell: Aye.*

*Chair Hardemon: All against?*

*Commissioner Carollo: Against.*

*Chair Hardemon: Motion carries. One against?*

*Commissioner Carollo: Yeah.*

*Chair Hardemon: Okay. Ladies and gentlemen, we have concluded our PZ (Planning and Zoning) agenda.*

**PZ.14****4788****Office of Zoning****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION GRANTING/DENYING THE APPEAL FILED BY SET MIDTOWN, LLC AND REVERSING/AFFIRMING THE DECISION OF THE CITY MANAGER'S DESIGNEE PURSUANT TO SECTION 62-609(B) OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, FOR THE LOCATION CHANGE OF MURAL PERMIT NO. 16-0041 TO THE PROPERTY LOCATED AT 70 NORTHWEST 37TH STREET, MIAMI, FLORIDA, BY BECKER BOARDS MIAMI, LLC.

<b>MOTION TO:</b>	<b>Withdraw</b>
<b>RESULT:</b>	<b>WITHDRAWN</b>
<b>MOVER:</b>	<b>Wifredo (Willy) Gort, Commissioner</b>
<b>SECONDER:</b>	<b>Joe Carollo, Commissioner</b>
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo
<b>ABSENT:</b>	Reyes

*Note for the Record: For minutes referencing Item PZ.14, please see "Part B: PZ - Planning and Zoning Items."*

**END OF PLANNING AND ZONING ITEM(S)**

**D3 - DISTRICT 3****COMMISSIONER, DISTRICT THREE JOE CAROLLO****D3.1****4899****Commissioners  
and Mayor****DISCUSSION ITEM**

TIME CERTAIN OF 3:00 PM - DISCUSSION REGARDING CODE ENFORCEMENT.

<b>MOTION TO:</b>	Continue
<b>RESULT:</b>	CONTINUED
<b>MOVER:</b>	Joe Carollo, Commissioner
<b>SECONDER:</b>	Manolo Reyes, Commissioner
<b>AYES:</b>	Hardemon, Russell, Gort, Carollo, Reyes

*Note for the Record: Item D3.1 was continued to the November 15, 2018, Regular Commission Meeting, with a time certain designation of 3:00 p.m.*

*Chair Hardemon: So what I'm going to do is this: I'm going to ask for some -- it's 11:19. We have an 11 o'clock time certain. We have not had public comment. I want to get my public comment complete, and then accept one or two motions on the regular agenda, and then we'll go into that 11 o'clock item. The motion is, of course, going to be --*

*Commissioner Carollo: Mr. Chairman --*

*Chair Hardemon: -- heavy.*

*Commissioner Carollo: -- I realize that we're short on time, because Commissioner Reyes has to leave --*

*Chair Hardemon: Right.*

*Commissioner Carollo: -- so we have to get as much as we can while we have a full board here.*

*Chair Hardemon: I think we can.*

*Commissioner Carollo: What I would proffer to the Chair -- and particularly, since I have not received a lot of the information that I requested, that it's important to be very thorough in the presentation that I'm going to make -- if we could just defer this item for the following meeting, time certain. And hopefully, after November 6, I will certainly have all the information that I need when the dust settles so that I could be accurate in my eye-opening presentation.*

*Chair Hardemon: Now, for the time certain, is it possible that we can have it in the afternoon time certain?*

*Commissioner Carollo: Sure, we could do it in the afternoon (UNINTELLIGIBLE).*

*Chair Hardemon: All right. So I'm thinking, I'll accept it as a motion, and maybe a 3 o'clock time certain.*

*Commissioner Carollo: Okay, 3 o'clock will be fine.*

*Chair Hardemon: Okay. So it's a motion made by the --*

*Commissioner Reyes: I second it.*

*Chair Hardemon: -- Commissioner from the third district --*

*Commissioner Carollo: It's a motion.*

*Chair Hardemon: -- and seconded by --*

*Commissioner Reyes: And I really have to say that, because I want to be present.*

*Chair Hardemon: Okay. Seeing no discussion about it, all in favor, say "aye."*

*The Commission (Collectively): Aye.*

*Chair Hardemon: It's --*

*Commissioner Carollo: Thank you.*

*Chair Hardemon: -- continued.*

**END OF DISTRICT 3**

**NA - NON-AGENDA ITEM(S)****NA.1****5062****Office of the City  
Clerk****ATTORNEY-CLIENT SESSION**

UNDER THE PARAMETERS OF SECTION 286.011(8), FLORIDA STATUTES, A PRIVATE ATTORNEY-CLIENT SESSION WILL BE CONDUCTED AT THE NOVEMBER 15, 2018 MIAMI CITY COMMISSION MEETING. THE PERSON CHAIRING THE CITY OF MIAMI COMMISSION MEETING WILL ANNOUNCE THE COMMENCEMENT OF AN ATTORNEY-CLIENT SESSION, CLOSED TO THE PUBLIC, FOR PURPOSES OF DISCUSSING THE PENDING LITIGATION FLAGSTONE ISLAND GARDENS, LLC AND FLAGSTONE DEVELOPMENT CORP. V. CITY OF MIAMI, CASE NO. 17-13829 CA 44, PENDING IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY TO WHICH THE CITY IS PRESENTLY A PARTY. THE SUBJECT OF THE MEETING WILL BE CONFINED TO SETTLEMENT NEGOTIATIONS OR STRATEGY SESSIONS RELATED TO LITIGATION EXPENDITURES. THIS PRIVATE MEETING WILL BEGIN AT APPROXIMATELY 10:00 A.M. (OR AS SOON THEREAFTER AS THE COMMISSIONERS' SCHEDULES PERMIT) AND CONCLUDE APPROXIMATELY ONE HOUR LATER. THE SESSION WILL BE ATTENDED BY THE MEMBERS OF THE CITY COMMISSION, WHICH INCLUDE CHAIRMAN KEON HARDEMON, VICE-CHAIRMAN KEN RUSSELL, AND COMMISSIONERS WIFREDO "WILLY" GORT, JOE CAROLLO, AND MANOLO REYES; GONZALO DORTA, ESQ.; MATIAS DORTA, ESQ.; AND LAURA BESVINICK, ESQ. A CERTIFIED COURT REPORTER WILL BE PRESENT TO ENSURE THAT THE SESSION IS FULLY TRANSCRIBED AND THE TRANSCRIPT WILL BE MADE PUBLIC UPON THE CONCLUSION OF THE ABOVE-CITED, ONGOING LITIGATION. AT THE CONCLUSION OF THE ATTORNEY-CLIENT SESSION, THE REGULAR COMMISSION MEETING WILL BE REOPENED AND THE PERSON CHAIRING THE COMMISSION MEETING WILL ANNOUNCE THE TERMINATION OF THE ATTORNEY-CLIENT SESSION.

<b>RESULT:</b>	<b>DISCUSSED</b>
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*Victoria Méndez (City Attorney): Mr. Chairman, may I read a script to request while we're getting people out?*

*Chair Hardemon: For what?*

*Ms. Méndez: For a shade meeting; a script request while people are --*

*Commissioner Gort: Shade meeting?*

*Ms. Méndez: Yeah. But for next time; not for today.*

*Chair Hardemon: Yeah, you can hurry.*

*Ms. Méndez: Mr. Chairman and members of the Commission, pursuant to provisions of Section 286.011(8), Florida Statutes, I am requesting that at the City Commission meeting of November 15, 2018, an attorney-client session, closed to the*

public, be held for purposes of discussing the pending litigation in the matter of Flagstone Islands, LLC (Limited Liability Company) and Flagstone Development Corp. versus City of Miami, Case Number 17-13829-CA-44, pending in the Circuit Court of the 11th Judicial Circuit, in and for Miami-Dade, Florida, to which the City is presently a party. The subject of the meeting will be confined to settlement negotiations or strategy sessions related to litigation expenditures. This private meeting will begin at approximately 10 a.m. or as soon thereafter as the Commissioners' schedules permit, and conclude approximately one hour later. The session will be attended by the members of the City Commission, which include Chairman Keon Hardemon, Vice Chairman Ken Russell, and Commissioners Wifredo "Willy" Gort, Joe Carollo, and Manolo Reyes; Gonzalo Dorta, Matias Dorta, and Laura Besvinick, Esquire. A certified court reporter will be present to ensure that the session is fully transcribed, and the transcript will be made public upon conclusion of the litigation. At the conclusion of the attorney-client session, the regular Commission meeting will be reopened, and the person chairing the Commission meeting will announce the termination of the attorney-client session. Thank you.

NA.2

5063

Office of the City  
Clerk**DISCUSSION ITEM**

DISCUSSION BY COMMISSIONER CAROLLO REGARDING A FEE WAIVER FOR A POLICE DEPARTMENT EQUIPMENT REQUEST STAFFING FEE IN THE AMOUNT OF \$369.60 (INVOICE NO. 102318S2).

<b>RESULT:</b>	<b>DISCUSSED</b>
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Chair Hardemon: DI.2. We do have DI.2, City of Miami operating marinas.

Commissioner Carollo: DI.2 -- I got two pocket items that are brief; one is for the police. So while he's looking for that, one is a pocket item for the Police Department that is a fee waiver -- that it's no money out of our pockets, because it's not costing us anything -- for \$369.60 for equipment, request to staffing fee, et cetera, 20 chairs we got from other parts of the City, tents, et cetera. It doesn't make any sense that we're charging our own departments fees for stuff that we have that's not costing us any money out of pocket. I mean --

Vice Chair Russell: I don't understand. What event was it?

Commissioner Carollo: This is an event that they've been doing in different parts of the City.

Vice Chair Russell: The Police have?

Commissioner Carollo: Yeah, the Police have. And they did it in the Domino Park Promenade. I mean, I found out the same day they were doing it, and I was wondering if they had permits, and they did. So I was impressed they did it the right way. And when I found out that we were actually charging them for the permits -- I don't think it's right, because it's not money that's coming out of our pockets. We don't want to make money from one department to another, so this is why I'm presenting this motion for the fee waiver for --

Chair Hardemon: Is there a invoice number that you can put on the record?

Commissioner Carollo: Yeah. Invoice Number 10231882. Check it out. Your eyes are better than mine. It's small.

*Vice Chair Russell: I don't understand. There's permitting involved. Is there a cost from our side for the permitting activity that we're trying to recover?*

*Commissioner Carollo: No, there wasn't any cost for that. That's stuff that we have; it's our own.*

*Chair Hardemon: The invoice number is 102318S2.*

*Commissioner Carollo: Yeah, okay.*

*Chair Hardemon: So 102318S2.*

*Victoria Méndez (City Attorney): So is it a fee waiver for what exactly? Because we have a few fee waiver provisions.*

*Chair Hardemon: It's an equipment request staffing fee.*

*Commissioner Carollo: Yeah.*

*Chair Hardemon: That's what it is.*

*Ms. Méndez: A what?*

*Chair Hardemon: It's \$369.60.*

*Commissioner Carollo: For equipment that we have in the City, and we park there.*

*Ms. Méndez: Right. But is it going to be used, like in a park scenario? Is it going to be --?*

*Commissioner Carollo: It was used already in a park scenario, yes.*

*Ms. Méndez: Okay. So there's park fee waivers under Section 38 -- upon Chapter 38, if the City Manager approves it, and then a recommendation.*

*Chair Hardemon: Yeah. Usually, recommendations are made --*

*Ms. Méndez: So if you can pass over the paperwork, and maybe we can look at it.*

*Joseph Napoli (Deputy City Manager): Yeah. We'll take a look at that, Commissioner. Customary, they ask for a fee waiver, and we grant it. Perhaps that did not take place during this time, but it is customary.*

*Commissioner Carollo: No, they didn't.*

*Mr. Napoli: Okay.*

*Commissioner Carollo: I mean, they -- the one thing that impressed me, Mr. Assistant City Manager, was that they followed procedure. They went and got their permits, and then they got hit with this. And they were going to pay it, but when I heard about it, I didn't think it was appropriate, because, you know, it's not costing us any money.*

*Mr. Napoli: Right.*

*Commissioner Carollo: So why should we be making Police pay money that's not costing us anything to service?*

*Vice Chair Russell: No, we don't need it.*

*Chair Hardemon: No, it could be handled administratively. I mean, that's certainly something that I've seen in my district, where we've handled certain events and --*

*Commissioner Carollo: All right. That's fine.*

*Vice Chair Russell: Can we do discussion items?*

*Commissioner Carollo: So -- well --*

*Vice Chair Russell: I got to go.*

*Commissioner Carollo: -- we'll get it to you so you could handle it.*

**NA.3**

**5064**

**Office of the City  
Clerk**

**DISCUSSION ITEM**

DISCUSSION BY COMMISSIONER CAROLLO REGARDING CITY OF MIAMI RESOLUTION NO. R-18-0280; ADOPTED ON JUNE 28, 2018; SPECIFICALLY INVOLVING A MODIFICATION TO THE LEGISLATION THAT WILL REQUIRE A CHANGE FROM THE TERM MARKER DESIGNATIONS TO MONUMENT.

<b>RESULT:</b>	<b>DISCUSSED</b>
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*Commissioner Carollo: The other pocket item that I have is one that we approved, but this had to do with a resolution that was approved several months ago, on June 28, and it had to do -- it was unanimous approval. A resolution of the Miami City Commission, authorizing the placement of marker designation, pursuant to Section 51-1361 of the Code of the City of Miami, Florida, as amended, in the public right-of-way located at the traffic separator on Southwest 13th Avenue, also known as Cuban Memorial Boulevard, between Southwest 11th Street and Southwest 12th Street, and adjacent to the property located at 1140 Southwest 13th Avenue, Miami, Florida, to commemorate the Cuban men and women that fought the guerrilla war against Castro's communist dictatorship between 1960 and 1966; subject to all applicable permitting requirement. And at the time, we had said that either at this location or in the front, right behind the Brigade 2506 Monument; either place that it was okay for. But Public Works says that we should not have called it "marker designation"; that they wanted the word, "monument," even though we spoke it here in the record, "monument." So to please Public Works, I'd like to present this motion again. And anywhere that it says "marker," it should say "monument."*

*Vice Chair Russell: Could we just amend the original so that we don't have to have new legislation that has a new date?*

*Victoria Méndez (City Attorney): So, Commissioner, I believe we did that based on the Code section in the Code that allows for us to do markers. So do you know what -- how big the monuments are? Can you --?*

*Commissioner Carollo: It's not a major monument; it's medium-sized, compared to what we have there right now. And, of course, they're paying for all the engineers, the placing of the monument. It's not costing the City anything; they're paying for everything. And this is what we had discussed here when it was presented and approved, except the word "marker" was used instead. And even the testimony that we had on the record talked about monuments.*

*Chair Hardemon: Is there a --*

*Ms. Méndez: Okay. Let me --*

*Chair Hardemon: -- (UNINTELLIGIBLE). Is there --?*

*Ms. Méndez: -- because maybe we don't need to amend it. So just give me one second, just so that I can --*

*Commissioner Carollo: I didn't think so, but it seems my district and Commissioner Reyes' district, everything we try to move forward, we're getting problems with these days. Maybe after November, that'll change.*

*Ms. Méndez: All right. So a monument is a statue, building, or other structure erected to commemorate something, and -- I mean, I think they're synonymous. Just give me one second. I don't think we have to amend it.*

*Chair Hardemon: Okay.*

*Commissioner Carollo: I mean, we've basically wasted since June all this time, because Public Works has not wanted to go forward.*

*Chair Hardemon: So --*

*Commissioner Gort: My recollection is when we passed that, it's -- they were suggesting back there, but at the same time, it says that Public Works accepts being up front, it could be done.*

*Commissioner Carollo: Yeah, either way. But --*

*Commissioner Gort: Either way.*

*Commissioner Carollo: Either way, yeah. But we're not talking about the location now; that's clear.*

*Commissioner Gort: Right.*

*Commissioner Carollo: They're saying that because it stated "marker," even though we discussed the monument and everything, that they can't even look at their plans, because we didn't approve a monument. Hey --*

*Chair Hardemon: Isn't a marker a monument, but a monument's not a marker? Is that how this goes?*

*Vice Chair Russell: I don't (UNINTELLIGIBLE).*

*Chair Hardemon: So we don't have an official position from Public Works just yet.*

*Ms. Méndez: So, Commissioner, is there any way that we can look into this? Because probably, we can -- depending on the sizing, because the markers, I think, have a particular standard size. So if the monument is --*

*Chair Hardemon: Reasonable.*

*Ms. Méndez: -- reasonably sized, the same as the marker, maybe we can resolve it without --*

*Commissioner Carollo: Well, it's no bigger than that big spider that they put up on 8th Street in the wall; that if it falls, it goes right into the sidewalk. In fact, it's overhanging the sidewalk --*

*Ms. Méndez: That one's pretty big, though.*

*Commissioner Carollo: -- that our blind Code Enforcement officers don't see; no bigger than that.*

*Commissioner Gort: My understanding was that the plans were to be --*

*Ms. Méndez: That's pretty big, though.*

*Commissioner Gort: -- presented to Public Works.*

*Ms. Méndez: Okay. We'll address it within the confines of the reso.*

*Commissioner Carollo: Okay. Well, look, Joe, the City Manager can determine this with that department. Is there anyone up here that is objecting that a monument goes in this resolution that was passed by us?*

*Commissioner Gort: It was -- the motion was for a monument to be taking place.*

*Commissioner Carollo: That's what we talked about. Unfortunately, "marker" was put in, and this is the game that's being played. So do you think that the Administration could handle this, Joe? If it can't, then please put it back in the agenda.*

*Chair Hardemon: Right. If it can't be done, bring it back to us.*

*Ms. Méndez: Right. Well, we'll do that.*

*Chair Hardemon: Okay.*

*Joseph Napoli (Deputy City Manager): Okay.*

*Vice Chair Russell: Last item.*

*Chair Hardemon: Thank you.*

*Commissioner Carollo: Thank you.*

*Mr. Napoli: Understood.*

## **ADJOURNMENT**

*The meeting adjourned at 7:07 p.m.*