

City of Miami

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



Meeting Minutes

Thursday, February 14, 2019

9:00 AM

Regular

City Hall

City Commission

*Francis Suarez, Mayor
Ken Russell, Chair
Wifredo (Willy) Gort, Vice Chair
Joe Carollo, Commissioner, District Three
Manolo Reyes, Commissioner, District Four
Keon Hardemon, Commissioner, District Five
Emilio T. Gonzalez, City Manager
Victoria Méndez, City Attorney
Todd B. Hannon, City Clerk*

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

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

On the 14th day of February 2019, 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 Russell at 9:06 a.m., recessed at 11:21 a.m., reconvened at 12:40 p.m., recessed at 12:41 p.m., reconvened at 2:45 p.m., and adjourned at 7:04 p.m.

Note for the Record: Vice Chair Gort entered the Commission chambers at 9:08 a.m., Commissioner Reyes entered the Commission chambers at 9:08 a.m., and Commissioner Carollo entered the Commission chambers at 9:10 a.m.

ALSO PRESENT:

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

Chair Russell: Good morning. Happy Valentine's Day. And welcome to the February 14, 2019 meeting of the City of Miami City Commission in these historic chambers. The members of the City Commission are Joe Carollo, Manolo Reyes, Keon Hardemon; Wifredo "Willy" Gort, Vice Chair; and me, Ken Russell, Chairman. Also on the dais are Emilio Gonzalez; City Manager Victoria Méndez -- I'm sorry. Also on the dais are Emilio Gonzalez, City Manager; Victoria Méndez the City Attorney; and Todd Hannon, City Clerk. The meeting will be opened with a prayer by Commissioner Hardemon.

Commissioner Hardemon: All rise, please.

Invocation delivered.

Chair Russell: Please remain standing for the pledge of allegiance.

Pledge of allegiance delivered.

Chair Russell: Thank you.

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

PR.1

PROTOCOL ITEM

5486

<u>Honoree</u>	<u>Presenter</u>	<u>Protocol Item</u>
Remembrance for the Victims of the Marjory Stoneman High School Shooting in Parkland, Florida	Mayor Suarez and Commissioners	Moment of Silence
Jewish Community Services 2-1-1 Help Line	Mayor Francis Suarez and Comm. Gort	Proclamation

Dr. Lillian Rivera	Mayor Francis Suarez and City Manager	Salute
Mayor Francis Suarez on behalf of the City of Miami	AARP (American Association of Retired Persons)	Certificate of Appreciation
Alpha Phi Alpha, Inc.	Mayor Suarez and Commissioner Hardemon	Proclamation
Beta Beta Lambda Chapter of Miami	Mayor Suarez and Commissioner Hardemon	Proclamation
Coral Way P.S.T. Crew (Police)	Mayor Suarez and Commissioner Reyes	Certificate of Appreciation
Commissioner Reyes and Selva Reyes	Mayor Suarez and Commissioners	Salute

RESULT:	PRESENTED
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- 1) *Mayor Suarez and Commissioners observed a Moment of Silence in remembrance of the victims who were tragically impacted by the Marjory Stoneman Douglas High School shooting one year ago in Parkland, Florida.*
- 2) *Mayor Suarez and Vice Chair Gort saluted the Jewish Community Services 2-1-1 Help Line. The Jewish Community Services (JCS) Switchboard 2-1-1 Helpline Services provide free telephone crisis counseling, crisis intervention and information, and referrals that assist families and youth with pressing issues and concerns. In 1997, the United Way of Metropolitan Atlanta launched the first 2-1-1 service as a free way to connect people to resources. Currently, 2-1-1 services assist more than 290 million Americans, in all 50-states and Puerto Rico and in 2018, over 4,000 people contacted JCS Switchboard 2-1-1 Helpline Services for assistance with job training, employment, food pantries, addiction, support groups, and volunteer opportunities. Many residents of the City of Miami have been positively impacted by the services provided by JCS Services Switchboard 2-1-1. The City of Miami supports all efforts that assist City of Miami residents overcome challenging times and spread hope to those in need. The Elected Leadership of the City of Miami paused in their deliberations of governance to pay tribute to the many accomplishments of the Jewish Community Services Switchboard 2-1-1 Helpline Services and thereby proclaimed Thursday, February 14, 2019 as "Jewish Community Services Switchboard 2-1-1 Helpline" in the City of Miami.*
- 3) *Mayor Suarez and City Manager Gonzalez saluted Dr. Lillian Rivera. Dr. Lillian Rivera, recently retired from an extensive and fulfilling career, and served as the first female, Hispanic, and registered nurse to lead a county health department in Florida and receive tenure as Deputy State Health Officer with the Florida Department of Health in Tallahassee. Her leadership, dedication and charisma have positively impacted the lives of many community residents, as well as the Department of Health in Miami-Dade County. Dr. Rivera's efforts have lead the department to earn the Governor's Sterling Award for three years, the Sustained Excellence Award twice, and the 2016 RWJF Culture of Health Prize. In addition to her remarkable career in the public sector, she has served on the board of numerous well-established councils and organizations. Dr. Rivera has served as President of the Florida Sterling Council, member of the Florida Public Health Association, and founding board member of several committees and advisory groups, including the University of Miami's Clinical and Translational Science Institute's Community Advisory Board. The Elected Leadership of the City of Miami paused in their deliberations of governance to recognize and honor Dr. Lillian Rivera.*

- 4) *Mayor Suarez and Commissioner Hardemon presented a proclamation to Alpha Phi Alpha, Inc. Since its founding, the fraternity has continued to abide by its founding principles of scholarship, fellowship, good character, and uplifting humanity. Additionally, Alpha Phi Alpha Fraternity, Inc. has provided a voice to minorities and supported numerous civic right leaders, including Martin Luther King, Jr. Alpha Phi Alpha Fraternity, Inc. continues to operate as an interracial brotherhood in numerous colleges campuses across our communities. The Elected Leadership of the City of Miami paused in their deliberations of governance to pay tribute and celebrate the many accomplishments of Alpha Phi Alpha Fraternity, Inc., thereby proclaiming, Thursday, February 14, 2019 as "Alpha Phi Alpha Fraternity, Inc. Day" in the City of Miami.*
- 5) *Mayor Suarez and Commissioner Hardemon presented a proclamation to Beta Beta Lambda Chapter of Alpha Phi Alpha Fraternity, Inc. Established by African-American men who aspired to generate a positive change in our community, the brotherhood provides numerous programs, such as Knights of Gold Mentoring Program, Alpha-Dade Youth Sports Program, and Alpha/Big Brothers and Big Sisters Partnership, that strive to assist, educate, and mentor residents. Beta Beta Lambda has provided scholarship opportunities to many members of our community and has positively impacted the lives of many City of Miami residents. The Elected Leadership paused in their deliberations of governance to pay tribute and celebrate the many accomplishments of Beta Beta Lambda Chapter of Alpha Phi Alpha Fraternity, Inc. and proclaimed February 14th 2019 as "Beta Beta Lambda Chapter of Alpha Phi Alpha Fraternity, Inc. Day" in the City of Miami.*
- 6) *Mayor Suarez and Commissioner Reyes presented a Certificate of Appreciation to the City of Miami Police Officers that are part of the Coral Way P.S.T. Crew. These officers have proactively patrolled the Coral Way area and assisted to decrease crime in the area. Their hard work, dedication, and self-sacrifice aided in the completion of 1,313 summons, 170 arrest reports, 165 F.I.V.O.'s, and 86 traffic arrests. The Elected Leadership paused in their deliberations of governance to commend this team.*
- 7) *Mayor Suarez and Commissioners recognized Commissioner Reyes and wife Selva "Chacha" Reyes on the 50th anniversary of their nuptials. Selva "Chacha" and Manolo Reyes married on February 15, 1969 in Miami, Florida after a loving and caring relationship. Mr. and Mrs. Reyes are both Cuban natives that immigrated to the United States in search of freedom and democracy. Upon settling in the City of Miami, Mr. and Mrs. Reyes became neighbors and shared numerous friendly conversations, created many joyful memories, and established deep caring roots. Mr. and Mrs. Reyes are blessed to have two children, Meily and Manny Reyes, two beautiful grandchildren, Max and Matthew, and another grandchild on the way. Throughout the years Mr. and Mrs. Reyes have created many unforgettable memories that have created a profound impact in the lives of their friends and family. Therefore, the Elected Leadership of the City of Miami paused in their deliberations of governance to honor Manolo and Selva "Chacha" Reyes.*
- 8) *AARP (American Association of Retired Persons) presented a Certificate of Appreciation to the City of Miami, acknowledging the City of Miami as one of the AARP's Network of Age-Friendly State and Communities affiliate and commended the City of Miami for becoming more age-friendly under the criteria established by the AARP and the World Health Organization.*

Chair Russell: We'll now make the presentations and proclamations. You may have noticed this morning as you drove in that our flag is at half-staff. Today is February 14, and it is one year since the Parkland tragedy, the Marjory Stoneman Douglas High School, where 14 students and 3 adults were killed one year ago this morning. Valentine's Day is meant to be about love, and it still can be, and there's no greater love than that of a parent for their child, so it's very hard to even think of and imagine your child going to school and not coming home. So to take this moment now and look back on this year, when even after everything that's been done and all the awareness and bravery of students and legislation that's passed, another 1,200 kids have still died since that accident till today. It's heartbreaking, it's unacceptable, but the movement that has happened is incredible, it's noteworthy,

and it is progress. This body passed legislation, within a month after the tragedy, several resolutions -- almost a dozen -- and changes to our own procedure, changes to our own commitment in budget for security. I went up to Tallahassee to help make sure and see that those goals that we wanted to get passed were taken on by the Legislature. This body was against high-capacity assault rifles. This body is against bump stocks. This body and our School Board are against teachers being armed in schools. So we didn't get everything we wanted, but we did get positive forward movement, and there has been legislation passed. And here we are, one year later, and I would just like to take a moment before we start our proclamations to think about those families and the children and loved ones that they lost; just for a moment. Thank you. Thank you very much. Mr. Mayor, you have a proclamation?

Mayor Francis Suarez: I have a few. Thank you, Mr. Chair.

Presentations made.

AM - APPROVING THE MINUTES OF THE FOLLOWING MEETINGS:

AM.1

City Commission - Planning and Zoning - Oct 25, 2018 9:00 AM

MOTION TO:	Approve
RESULT:	APPROVED
MOVER:	Manolo Reyes, Commissioner
SECONDER:	Wifredo (Willy) Gort, Commissioner
AYES:	Russell, Gort, Reyes
ABSENT:	Carollo, Hardemon

Chair Russell: Are there any items on the agenda that you'd like to address, Mr. Mayor?

Mayor Francis Suarez: No. That's all for now. Thank you.

Chair Russell: Thank you very much. Can I get a motion to approve the minutes of -

Commissioner Reyes: Move it.

Vice Chair Gort: Move it.

Chair Russell: -- Planning & Zoning, October 25, 2018, please? It's been moved by Commissioner Reyes; second by Commissioner Gort. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed? Motion passes.

ORDER OF THE DAY

Chair Russell: We'll go ahead and begin the regular meeting. The City Attorney will state the procedures to be followed during this meeting. Thank you.

Victoria Méndez (City Attorney): Thank you, Chairman. 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 [sic]. Any person making a presentation, formal request, or petition to the City Commission concerning real property must make the disclosures required by the City Code in writing. A copy of this Code section is available in the City Clerk's Office or online at www.municode.com [sic]. The material for each item on the agenda is available during business hours and at the City Clerk's Office and online 24 hours a day at 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, or at any other designated time. When addressing the City Commission, the member of the public must first state his or her name, his or her address, and what item will be spoken about. A copy of the agenda item titles will be available at the City Clerk's Office and at the podium for your ease of reference. Anyone wishing to appeal any decision made by the City Commission for any matter considered at this meeting may need a verbatim record of the item. A video of this meeting may be requested at the Office of Communications or viewed online at www.miamigov.com [sic]. No cell phones or other noise-making devices are permitted in chambers; please silence those devices now. No clapping, applauding, heckling, or verbal 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 which items, if any, are either being withdrawn, deferred, or substituted. Thank you.

Chair Russell: Thank you very much, Madam City Attorney. Mr. Manager.

Emilio T. Gonzalez (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 and/or withdraw the following items: It's FR.1, is to be deferred. That's FR.1. DI.1, to be withdrawn; DI.1. And we have a time certain for D3.1 for 11 a.m. That's all I have, sir.

Chair Russell: D3.1. Thank you, Mr. Manager. Do any Commissioners have any items they'd like to move or remove from the agenda? Any other items, Commissioners? For --

Todd B. Hannon (City Clerk): Chair --

Chair Russell: Yes.

Mr. Hannon: -- my apologies. Mr. City Attorney, FR.1, is that being continued to the March 14 meeting?

Chair Russell: Mr. Manager.

Mr. Gonzalez: I don't -- sir, I don't have a date certain for that. I'm willing to put it in. Whatever the Commission wishes to do, I'd be happy to, or just leave it to be deferred, and then we can come up with another date.

Mr. Hannon: We can indefinitely defer it and --

Chair Russell: And then bring it back at any time. It's --

Mr. Gonzalez: Agreed.

Chair Russell: -- quite a significant change to the ordinance. It will need some work, so I'd say let's go for indefinite, and then we can bring it back if it's ready, even within a month.

Mr. Gonzalez: Yes, sir.

Chair Russell: So that'll be an indefinite deferral on FR.1. Thank you. For myself, SR.1, the affordable housing covenant. This is a very important ordinance for us that I want us to get right. There are still a few issues that I have a couple concerns on, and I think even on a daily basis, we're coming up with scenarios we hadn't thought of yet that need to be enforced; some were brought to my attention even this morning. So I'd like to defer that item for one month; to bring back SR.1 at the first March meeting, please.

Mr. Gonzalez: That'll be March 14, sir.

Chair Russell: Thank you.

Commissioner Hardemon: Madam City Attorney, I have a question for you, through the Chairman, of course.

Chair Russell: Yes.

Commissioner Hardemon: There is an item that's on the agenda. It is PH.1. PH.1 deals with the land sale in the Overtown community. It's about 2,500 square feet, and it's going to be used for affordable housing. I'm in a predicament where I would like for the restrictions that are afforded to us through SR.1 to apply to PH.1. Today we're obviously not passing SR.1. Is there a way that I could make the amendments to FR -- PH.1, which is the land sale, to provide language that includes that they will be held to the requirements of the law that we're going to create in SR.1, if and when it is created?

Ms. Méndez: We can negotiate that into the deed and into the contract before.

Commissioner Hardemon: I mean, it's a part of it. It's either that or no deal, you know?

Ms. Méndez: Right. We can do that.

Mayor Francis Suarez: Mr. Chair, if I may?

Commissioner Hardemon: Yes.

Chair Russell: Mr. Mayor.

Mayor Suarez: Yeah. This is authority to purchase a property, and that purchase and sale transaction takes time. My suspicion, it'll take more than the 30 days that we need to finish SR.2, so SR.2 should be in effect, and I'll sign it --

Unidentified Speaker: SR.1.

Mayor Suarez: I'm sorry; SR.1 --

Chair Russell: SR.1.

Mayor Suarez: -- should be in effect by the time we close and we take ownership, so it should apply as law. I'll sign it on the same day.

Chair Russell: Madam City Attorney, SR.1, however, whenever it gets passed, will affect all of our covenants, no matter when they were signed; isn't that correct?

Ms. Méndez: Correct.

Chair Russell: So nothing will fall through the cracks, even if we pass it today.

Commissioner Hardemon: Okay. I still want to put the language in there (UNINTELLIGIBLE).

Ms. Méndez: Right, but the -- So, remember that whenever we do anything pursuant to 29-B for affordable housing, we already have certain reverters and covenants and all that, but we will make sure that we put all those restrictions as listed in SR.1 in our contract as well and in our deed.

Chair Russell: So PH.1 can move forward today? Sounds like PH.1 can move forward today? Thank you very much.

Later...

Chair Russell: Mister -- We've completed the order of the day. Are there any mayoral vetoes?

Mr. Hannon: Chair, my apologies. For the order of the day, you need a motion and --

Chair Russell: Ah, thank you. Is there a motion on the order of the day, as earlier discussed?

Vice Chair Gort: Move it.

Commissioner Reyes: Move it.

Chair Russell: It's been moved and seconded. All in favor, say "aye."

Chair Russell: Any opposed? Motion passes. Thank you.

PUBLIC COMMENT PERIOD FOR REGULAR ITEM(S)

Chair Russell: I would like to open up public comment, please. If you are here to speak on any of the items on our agenda, which includes the consent agenda, the public hearing agenda, the resolutions, and the ordinances, please step forward to any lectern at this point and feel free to address this body. You'll have two minutes. You can state your name, you may stay your address if you like, and to address us -- just let us know which item you're here to speak on, and the floor is yours for two minutes. Ms. Holmes.

Renita Holmes: Good morning, each and every one. I'd like to wish you all a very remindful Happy Valentine's Day. I call it Azúcar Day; you know, put a little sugar on everything, including your arsenic. And with that, I'm here -- I kiss my kids every day before I send them out in the street in Overtown. But with that, PH.I, I just -- and some reference to the discussion item, which is on the agenda as well -- I just really want you to think about reasonable accommodation. I hear a lot of speaking on behalf of the public, on behalf of items that affect working mothers and persons with disability that aren't here, but I'm here regardless. But the content of information, I don't know if five days is reasonable, but in that public hearing, public participation, civic engagement, there is a word that talks about fairness, and measures in it, and it says, "reasonable and accommodating." I'm a little bit overthinking, or maybe just a little bit logic, not so much into personalities about what you and I do, but about "we" do in a process that allows someone, much like myself, to have the full understanding and comprehensive when we bring comprehensive items; thus, items of Planning & Zoning, items regarding property, when people get it, what they will build. My comprehensiveness, my level of intellect, my level of interest is public and taxes, is what will be the height, how many people will live there, or what will be their income? That's financial impact to me. So as a taxpayer, I just don't see what it means about nothing has a financial impact. If it's the giving away of a property, and it's okay if it's something like that -- I'm going to close, Commissioner Russell. And I want to thank you all for having an open discussion. But let me tell you how I see it from my perspective, because I'm not sitting with required rationale or authority. I'd like to be able -- and thank you, but one out of a million people here is a fine example. I just want to say, please continue to have this discussion, but stop giving away property in Overtown, talking about it's affordable, when some of us just ain't going to even be able to do what they consider affordable. Give me the information that I need and take the information that I give in a comprehensive process, and I applaud you on that. If you would allow me, Carl Bay in a video went out about that discussion. A lot of people were from Liberty City attended that. It went all over Facebook, Instagram. It was pleasing to see people at a meeting sharing, but those who shared with me was like Ms. Lavern at Curley House; those who are serving people that are supposed to move in that area, the most challenging area, I want to thank you for allowing that. Maybe considering just how little bit that was informational, educational, and inclusive would allow you to be real about what you saying about making sure that the taxpayers are engaged and have equal opportunity for citizen participation, as required by Florida Statute law.

Chair Russell: Understood. Thank you, Ms. Holmes.

Ms. Holmes: Thank you.

Chair Russell: Mr. Rattner.

Sherman Rattner: Is there a quorum?

Chair Russell: You don't need one for public comment.

Mr. Rattner: Okay.

Chair Russell: There are speakers throughout the building, including the bathroom.

Mr. Rattner: Okay. Just as a courtesy, as we listen to you, everybody listens to us, as well. Three items, if I may speak about; one is SR.1. My name is Sherman Rattner. I'm President of 1809 Brickell Tenants Association. I'd like to speak about SR.1, concerning the enforcement of incentive programs.

Chair Russell: Thank you.

Mr. Rattner: And also, the forever bonds, and one other item related to these matters. First, these -- there's been a lot of measures that have made progress in this area, but they -- collectively, they don't seem to go far enough. 7 percent incentive programs, at that rate, it would take centuries to deal with the affordable housing crisis. I would suggest adding to the enforcement program a public database, so everybody can look up and see what programs have been given to each property. I think that would be an important addition to it. And regarding the forever bonds, we talk a lot about the \$400 million, \$100 million dollars for affordable housing, but that money is spread over years. I believe the affordable housing money is perhaps over 10, 15, 20 years, before that will be spent, which comes out to 5, \$6 million a year. This is so inconsequential, given the scale of the problem, that I think it would be appropriate to start considering what other funding programs you might want to add to affordable housing. And the third thing here is that in the last couple of meetings that I've been coming here, it seems to have been so testy, and instead of solving problems, there seems to be personality conflicts -- and this being Valentine's Day, and I hope you will get home by dinner time for your wife; save your marriage -- at least that -- I would hope that, somehow, people can find more productive ways of dealing with these very complex and important issues, because we're all depending on you.

Chair Russell: Thank you, Mr. Rattner.

Mr. Rattner: Thank you very much.

Chair Russell: We have deferred Item SR.1. If you have any recommendations, feel free to please send them to the Administration so we can consider that when the legislation comes back. And your comments are noted about the bond. Is there any further public comment?

Fane Lozman: Fane Lozman, 345 Poinciana. Normally, when I've been to other public meetings -- Commission meetings, City meetings, municipal meetings -- when there's not a majority of elected officials on the dais, the meeting stops, so right now you have three members up there. When you just have yourself and no one else is up there, the meeting should stop until you have two more members.

Chair Russell: Thank you. We are not able to take an action while there is not a quorum.

Mr. Lozman: No. The meeting should stop. That's the way it works.

Vice Chair Gort: Excuse me. Excuse me, excuse me.

Mr. Lozman: But that's your opinion.

Vice Chair Gort: Let me clarify something, which is very important.

Chair Russell: Commissioner Gort.

Vice Chair Gort: Every once in a while we have to go to the restrooms; that's why we have microphones in the restroom, and we listen to everything that's taking place here.

Mr. Lozman: But that's not the way it works. With all due respect (UNINTELLIGIBLE).

Vice Chair Gort: No. I understand.

Mr. Lozman: (UNINTELLIGIBLE) --

Vice Chair Gort: I understand what you're saying. Okay.

Mr. Lozman: -- that's not the way the procedure works, okay? But there's a few things --

Vice Chair Gort: I understand, but I think we've done very good.

Mr. Lozman: -- there's a few things that don't make sense here, relative to how procedures work --

Vice Chair Gort: Okay.

Mr. Lozman: -- relative to the Florida Sunshine Law. Now, the First Amendment Foundation publishes the Government in the Sunshine Manual. I don't know if you guys had a chance to read that.

Commissioner Hardemon: I read it quite often.

Mr. Lozman: Right.

Vice Chair Gort: We have. We have to take the courses --

Mr. Lozman: Right.

Vice Chair Gort: -- every five -- two years.

Mr. Lozman: I was the First Amendment Foundation's Man of the Year in 2017 for the efforts I've done since 2003 to uphold Florida Sunshine Law, Florida's public records laws, and what have you. I'm looking at your agenda today. And in your agenda, it states that any person who seeks to address the City Commission on any proposition before the City Commission is invited to do so, and shall as soon as possible inform the City Clerk of his or her desire to speak, giving the City Clerk his or her name. At the time the item is heard, that person should approach the microphone. Today -- or last time when I talked to City Clerk, he says, "You have two minutes at this time to talk on all the items on the agenda."

Chair Russell: Yes.

Mr. Lozman: Okay. That is violative of Florida Statute 286.0114. You have to be a reasonable -- you have to have a reasonable opportunity to speak on each individual proposition.

Commissioner Hardemon: Is that what it says? Does it say, "each and every"? Is that what the proclamation [sic] says?

Mr. Lozman: Yes.

Commissioner Hardemon: No, the statute.

Mr. Lozman: On each proposition.

Commissioner Hardemon: No, read the statute. Read the statute that you described.

Mr. Lozman: Sure. I think I'm better off getting my phone and reading the statute that way, if you want to take a minute? I'll go get my phone.

Chair Russell: If you have the statute -- Because Commissioner Hardemon enacted this practice, and it hasn't -- it has been tested over these last few years as being sufficient and reasonable.

Commissioner Hardemon: But I agree --

Mr. Lozman: All right. No, we can go --

Chair Russell: That in fact --

Mr. Lozman: -- get 286.0114.

Commissioner Hardemon: You can go get it, but we're going to move on with our meeting.

Chair Russell: Yeah. We'll -- I'll be glad to hear this, because this is not on an item we have today, but on the general procedure of the body.

Commissioner Hardemon: But Mr. Clerk --

Chair Russell: And --

Commissioner Hardemon: -- and Mr. Clerk -- and Mr. Chairman, if that's what it says in our document that's being read --

Victoria Méndez (City Attorney): Right. We need to fix it.

Commissioner Hardemon: -- we just need to amend that. That's all.

Ms. Méndez: It's in the template on the back of the agenda. Apparently, that's been an oversight that we need to fix, and we'll speak to our Agenda Coordinator and fix it. Mr. Lozman, congratulations on your awards. I know that you have done a lot for making sure that the public is heard, but I will guarantee you that this Commission, more so than any Commission, allows the public to speak at several times. Florida Statute only allows for you to speak once; this Commission lets

people speak at the lower boards, at first reading, at second reading, at -- so you do not have to worry about this Commission, but thank you very much.

Chair Russell: Mr. Lozman, there was a period where -- and the reason it's in our process notes to speak on each item, where we did each and every item, and the public come to be heard. One person could come and speak on every single item for their full two minutes, and we were here several times until 2 to 3 a.m. in the morning to get through our agenda, and that might be considered a little unreasonable, because if everyone in this audience came to speak for two minutes on every single item, we would never be able to get done with the business of the City. So this idea that everyone is able to come at 9 a.m. and 2 p.m., instead of having to wait throughout the day for their item to come up, and never knowing when it may come up, and take eight hours out of their day to get to their item, could actually be considered a more reasonable method to make sure they know they can come before work or at their lunch break, be heard by the Commission, and go about their day. But I do understand, I do understand, because it's been done differently here and it's been done differently elsewhere. For us, it's always finding that balance of efficiency, reasonable ability to be heard, and transparency.

Mr. Lozman: You have to give --

Vice Chair Gort: Mr. Chairman?

Mr. Lozman: -- a reasonable opportunity to be heard on each proposition. Two minutes is not a reasonable opportunity to be heard on all the propositions on the agenda, but why is your agenda saying you can come up, inform the Clerk (UNINTELLIGIBLE) --

Chair Russell: He just explained. It's a leftover template from a previous methodology that was used before the Chairman -- the previous Chairman changed.

Mr. Lozman: Then you should have your City Clerk put the new language --

Chair Russell: You're absolutely right.

Mr. Lozman: -- of what the procedure is on there. I do not believe your new procedure, Ms. Méndez, would survive a legal challenge, okay? You have to give a reasonable opportunity to be heard on each proposition. You go to the Palm Beach County Commission meeting, you can talk on each item. You go --

Chair Russell: Mr. Lozman, you --

Commissioner Hardemon: That's --

Mr. Lozman: -- (UNINTELLIGIBLE) so I'm just saying that you --

Chair Russell: You have spoken well beyond the two minutes.

Mr. Lozman: -- you're violating --

Chair Russell: But let me say this.

Mr. Lozman: -- you're violating --

Commissioner Hardemon: Not true.

Mr. Lozman: Yes, you are. You're violating --

Chair Russell: Mr. Lozman?

Commissioner Hardemon: It's not true.

Mr. Lozman: -- the right of the public to participate in a meeting by limiting them --

Commissioner Hardemon: It's not true.

Mr. Lozman: -- to the -- to this two minutes.

Commissioner Hardemon: It's not true.

Chair Russell: Please.

Mr. Lozman: Well --

Chair Russell: This is important.

Commissioner Hardemon: But you can test it. Test it, I invite you.

Mr. Lozman: You want me to file a lawsuit to challenge your ruling?

Commissioner Hardemon: Yeah, test it.

Chair Russell: No. What I -- here's what I would like, Mr. Lozman.

Mr. Lozman: (UNINTELLIGIBLE). I don't have a problem doing that.

Commissioner Hardemon: I know you don't. That's what I'm saying, but I'm just telling you --

Mr. Lozman: Because (UNINTELLIGIBLE).

Commissioner Hardemon: -- I would --

Chair Russell: Please, please, everybody --

Mr. Lozman: When you go (UNINTELLIGIBLE) --

Chair Russell: -- through the Chair. We'll have some order so that the Clerk, for their sake, can get the minutes correct for everyone to read --

Mr. Lozman: Sure.

Chair Russell: -- in perpetuity. If I may, the true test of this -- because I've seen you here -- since I became Chairman, just two meetings ago, and before the first meeting that I chaired, you told me that I was out of order with the statute --

Mr. Lozman: That's correct.

Chair Russell: -- that I was violating the law, and you'd never even seen how I run a meeting yet. Give it a chance. If anyone comes here to speak on four items, five items, see if I give them a little more than two minutes, and then tell me if I've not given them reasonable amount to be heard.

Mr. Lozman: Then you need to inform --

Vice Chair Gort: Mr. Chairman?

Mr. Lozman: -- your Clerk what the procedure is --

Vice Chair Gort: Mr. Chairman?

Mr. Lozman: -- because he did not say (UNINTELLIGIBLE).

Chair Russell: This body can allow anyone to speak beyond that. That is not a policy of the Administration; it is just the practice of this body. And if anyone has additional things they -- if anyone wants to ask more questions of you -- we've gone way beyond the two minutes here. Are we violating our own law, ordinance, policy? No. It's the will of the body to actually give you that time and hear you out, and debate a little bit, because it's important. Commissioner Gort.

Vice Chair Gort: Mr. Chairman, I also like to add -- no, don't go away -- although you come here and you speak for two minutes, any items that come up, you're asked to -- able to speak, and the Chairman allows you to speak. In other words, you -- they have the public hearing at first, where all the public make their presentation, but at the same time, if you have one item that you have interest in it, while it's being discussed, you want to speak, you're allowed to speak, the Chairman allows you to speak.

Chair Russell: I have done that --

Vice Chair Gort: Okay?

Chair Russell: -- despite the two minutes that -- as we're in transition of Chairmanship, some policies may change. I'm feeling it out to see how I believe is the right balance between efficiency, transparency, and obviously public input, which is very important; you're absolutely right. We may not agree on exactly the methodology and the timing of the day and everything, but we will not carry out a process that is unreasonable and definitely not one that's illegal.

Mr. Lozman: Certainly, you have the discretion to conduct the meeting as you feel fit. You have the discretion to tell individual Commissioners, "You have five minutes to talk to an item, and we're moving on." I'm just saying, relative to the statute, I don't believe you have the discretion that the City Manager thinks you have when it - - as far as not giving a specific set time for each individual agenda item. It shouldn't come down to discussion.

Chair Russell: Thank you very much.

Mr. Lozman: It's more formal than that.

Commissioner Carollo: Mr. Chairman, can I get another five seconds for him?

Chair Russell: Sure.

Commissioner Carollo: I'm just curious.

Mr. Lozman: Sure.

Commissioner Carollo: Are you a resident of the City of Miami (UNINTELLIGIBLE)?

Mr. Lozman: I'm a property owner in the City of Miami.

Commissioner Carollo: Okay, but you don't live in the City of Miami?

Mr. Lozman: Because I'm a public figure, Commissioner Carollo, having destroyed a lot of corrupt politician's careers in North Bay Village, and also having done some -- I've had -- you know my background.

Commissioner Carollo: I don't, sir. I don't --

Mr. Lozman: I've won two case --

Commissioner Carollo: -- know who you are; that's why I was asking.

Mr. Lozman: I've been on the front page of Miami Herald half a dozen times for winning two cases at the United States Supreme Court. I'm the only person in modern history that's won two different cases in U.S. Supreme Court.

Commissioner Carollo: What were the cases?

Mr. Lozman: One involved maritime issue, and one involved retaliatory arrests on First Amendment grounds. It was decided by the Supreme Court last June. You can look it up.

Commissioner Carollo: Well, that's impress --

Commissioner Hardemon: Before you walk away, just to have your attention, because we gave you ours. The -- first, what you just said, congratulations on that. As a lawyer, it's incredible to make it to the Supreme Court, and then also to win, so I really do wholeheartedly congratulate you on that. And we can talk offline, because I know we're going to move on with our meeting, but I just want you to understand that this board wouldn't do anything to be violative of the reasonable opportunity to be heard. And so, the reason I kind of chimed in is because I was the initial person that came to talk about how we're going to do the public comment period. And so, I will assure you that it is well within the guidelines of the Florida statutes, and we can -- I can show it to you, and you may still disagree, but I did it so that people had an opportunity to truly be heard, and that we can get the business of this body done. And this board, as was stated earlier, give extra opportunities for people to speak on items when we feel like there needs to be additional time. So we appreciate your concern for holding up the law; I really do, because I don't want anyone to violate the law, or I don't want to be a part of violating the law. I want things to be fair, I want things to be equal, and I want people to have an opportunity -- to truly have an opportunity to really speak to us as they -- as necessary, through the Florida Statutes.

Mr. Lozman: All right.

Chair Russell: Thank you.

Mr. Lozman: Thank you.

Chair Russell: And Mr. Lozman, I think you'll recognize just by your approaching the bench this -- the dais this morning that full time was given to anything you wanted to say. You weren't cut off at any point, and this is a pretty open body, while you may feel our policies are strict. It's up to the body how we handle public comment, and this body wants to hear the public. It's always been that way. Thank you very much.

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 Russell: Are there any mayoral vetoes?

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

END OF MAYORAL VETOES

CA - CONSENT AGENDA

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

RESULT:	ADOPTED
MOVER:	Joe Carollo, Commissioner
SECONDER:	Manolo Reyes, Commissioner
AYES:	Russell, Gort, Carollo, Reyes, Hardemon

CA.1

5358

**Department of
Police**

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ESTABLISHING A NEW SPECIAL REVENUE PROJECT TITLED "2018-2019 U.S. MARSHALS SERVICE"; AUTHORIZING THE CITY MANAGER TO ACCEPT REIMBURSEMENT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) FOR OVERTIME EXPENSES INCURRED BY MEMBERS OF THE MIAMI POLICE DEPARTMENT ("MPD") FELONY APPREHENSION TEAM ASSIGNED TO ASSIST THE UNITED STATES MARSHALS SERVICE ("U.S. MARSHALS") PURSUANT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. MARSHALS AND THE CITY OF MIAMI; AUTHORIZING THE CHIEF OF POLICE OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR THE ACCEPTANCE OF REIMBURSEMENT FUNDS.

ENACTMENT NUMBER: R-19-0054

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

5361

**Department of
Resilience and
Public Works**

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO ACCEPT FIFTEEN (15) RIGHT-OF-WAY DEEDS OF DEDICATION AS FURTHER DESCRIBED IN EXHIBIT "A," ATTACHED AND INCORPORATED, FOR HIGHWAY/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-19-0055

This matter was ADOPTED on the Consent Agenda.

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

CA.3

5436

Office of the City
Attorney

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY MELANIE WILLIAMS, DWAIN SANDERS, AND THEIR ATTORNEYS, STEINLAW, P.A., WITHOUT ADMISSION OF LIABILITY, THE AGGREGATE TOTAL SUM OF ONE HUNDRED FIFTY-FIVE THOUSAND DOLLARS (\$155,000.00) 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 CASE STYLED MELANIE WILLIAMS & DWAIN SANDERS VS. CITY OF MIAMI, PENDING IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA, CASE NO.: 17-23319 CA 23, UPON THE EXECUTION OF GENERAL RELEASES AND SATISFACTIONS OF JUDGMENT AS TO ALL CLAIMS AND DEMANDS AND A DISMISSAL OF THE CITY WITH PREJUDICE; ALLOCATING FUNDS FROM ACCOUNT NO. 50001.301001.545011.0000.00000.

ENACTMENT NUMBER: R-19-0056**This matter was ADOPTED on the Consent Agenda.**

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

END OF CONSENT AGENDA

Chair Russell: Is there anything from the consent agenda anyone would like to remove to speak on it specifically? Seeing none, can I get a motion to approve the consent agenda?

Vice Chair Gort: Move it.

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

Todd B. Hannon (City Clerk): Chair, did you want to --?

Chair Russell: I will do public comment. Thank you. Is that what you were going to ask?

Mr. Hannon: Yes, sir.

Chair Russell: Yes, sir. There's a motion; seconded by the Chair on the consent agenda. I was remiss.

Later...

Chair Russell: We are going to move on now to the consent agenda if there is no other public comment. Anyone else here for public comment on any item on the agenda?

Commissioner Carollo: If you could hold on for a second, even though I'm not the public.

Chair Russell: Is this a pocket discussion item?

Commissioner Carollo: I don't believe so.

Chair Russell: Just kidding, Commissioner.

Commissioner Carollo: I don't believe so.

Commissioner Reyes: Not now.

Commissioner Carollo: Do I get my two minutes, or do I get five?

Chair Russell: I'm just kidding, Commissioner.

Commissioner Carollo: Or do I got to overrule you? No. It's a short consent agenda; it's fine.

Mr. Hannon (City Clerk): So, Chair, just for the record, the public hearing was closed, and we're moving on to the consent agenda.

Chair Russell: Yes. Thank you, Mr. Clerk. Is there a motion on the consent agenda?

Commissioner Carollo: There's a motion.

Chair Russell: There's a motion --

Commissioner Reyes: Second.

Chair Russell: -- and a second.

Vice Chair Gort: It has been made.

Chair Russell: Is there any comment from the dais on the consent agenda? Seeing none, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed? Motion passes. That's CA.1, 2, and 3.

PH - PUBLIC HEARING**PH.1****2864*****Department of
Housing and
Community
Development*****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, APPROVING, AND CONFIRMING THE CITY MANAGER'S FINDING, ATTACHED AND INCORPORATED AS EXHIBIT "B," THAT COMPETITIVE NEGOTIATION METHODS AND PROCEDURES ARE NOT PRACTICABLE OR ADVANTAGEOUS FOR THE CITY OF MIAMI ("CITY") PURSUANT TO SECTION 29-B(A) OF THE CHARTER OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, AND SECTION 18-182 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED; WAIVING THE REQUIREMENTS FOR SAID PROCEDURES; AUTHORIZING THE CITY MANAGER TO SELL THE CITY-OWNED PARCEL OF LAND LOCATED AT 1812 NORTHWEST 2 AVENUE, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," ATTACHED AND INCORPORATED, TO YOLO MIAMI, LLC ("YOLO") FOR \$25,000.00 FOR THE CONSTRUCTION OF AFFORDABLE HOUSING; 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-19-0057

MOTION TO:	Adopt with Modification(s)
RESULT:	ADOPTED WITH MODIFICATION(S)
MOVER:	Keon Hardemon, Commissioner
SECONDER:	Manolo Reyes, Commissioner
AYES:	Russell, Gort, Carollo, Reyes, Hardemon

Note for the Record: For additional minutes referencing Item PH.1, please see "Order of the Day" and Item SR.1.

Chair Russell: PH.1, please.

Commissioner Hardemon: So I would like to make an amendment -- well, I would like to modify PH.1 to include language that it -- language that there is notice that when the affordable housing covenant of SR.1 -- that's on today's agenda -- is passed that all the parameters of SR.1 will apply to PH.1.

Commissioner Reyes: I second that.

Commissioner Hardemon: So that's my motion with the --

Commissioner Carollo: Now, does --

Chair Russell: So there's been a motion on PH.1, and a second by Commissioner Reyes, with amendments.

Commissioner Carollo: Yeah, but I got a question. Since you're amending and changing some of the language, does that make it a pocket item? Then, since it has financial impact, we can't hear it today or --?

Chair Russell: It is a friendly amendment to his own motion.

Commissioner Hardemon: I don't believe so.

Commissioner Carollo: I figured you'd say that.

Commissioner Reyes: (UNINTELLIGIBLE).

Chair Russell: So if I just understand correctly, though, if we're adopting the tenets of SR.1 into PH.1, but when SR.1 later gets heard, there are amendments to that and changes, does that change retroactively what we passed today on PH.1?

Victoria Méndez (City Attorney): What we will do is, since we have to have a contract for sale, we will place all the tenets of SR.1 --

Chair Russell: Got it.

Ms. Méndez: -- as presently placed -- in -- now in the contract for the sale, and we will put any reverters and deed provisions and all that into the deed. So everything that -- as a guideline, Commissioner Hardemon is telling us "Everything that's in SR.1, I want it to apply," so we will place it in the contract. We don't need to wait for SR.1 to pass or not. If the people that we are dealing with, Yolo I believe, do not accept that, then there's no deal, so.

Chair Russell: Thank you very much. That's clear. Are there any further comments on the motion and second with amendments?

Commissioner Carollo: Just that you could see here what some of us were trying to explain on pocket items before; that's why we should be gentle, like we have been, with one another.

Chair Russell: Understood. Thank you.

Commissioner Carollo: Thank you.

Chair Russell: You only live once, Yolo. All right. Is there any further discussion on the dais on PH.1, please? Hearing none, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed? This is a four-fifths; it passes, PH.1.

END OF PUBLIC HEARING

RE - RESOLUTIONS**RE.1****RESOLUTION****5319*****Department of Fire-Rescue***

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CITY MANAGER TO ACCEPT SUPPLEMENTAL FUNDING, IN THE AMOUNTS OF \$46,901.00 (EMW-2016-CA-0019A) AND \$70,010.00 (EMW-2016-CA-0019B) FROM THE DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA") FOR THE FISCAL YEAR 2016 – COOPERATIVE AGREEMENT FOR THE FLORIDA URBAN SEARCH AND RESCUE ("USAR") TASK FORCE, THEREBY INCREASING THE SPECIAL REVENUE PROJECT FOR "FY 2016 – DEPARTMENT OF HOMELAND SECURITY – FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA") – URBAN SEARCH AND RESCUE ("USAR") READINESS COOPERATIVE AGREEMENT" FROM \$1,216,082.00, PREVIOUSLY APPROVED BY RESOLUTION NO. 16-0482 ADOPTED ON OCTOBER 13, 2016, TO \$1,332,993.00; APPROPRIATING FUNDS IN AN AMOUNT NOT TO EXCEED \$116,911.00 (\$46,901.00 + \$70,010.00) CONSISTING OF THE GRANT FROM FEMA TO BE USED BY THE DEPARTMENT OF FIRE-RESCUE FOR COMMUNICATIONS EQUIPMENT RECAPITALIZATION; AUTHORIZING THE CITY MANAGER TO ACCEPT THE GRANT AWARD AND TO NEGOTIATE AND EXECUTE 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-19-0058

MOTION TO:	Adopt
RESULT:	ADOPTED
MOVER:	Manolo Reyes, Commissioner
SECONDER:	Wifredo (Willy) Gort, Commissioner
AYES:	Russell, Gort, Carollo, Reyes, Hardemon

Chair Russell: RE.1, please. Is there anyone from the Administration, or is there a motion on RE.1?

Commissioner Reyes: Move it.

Chair Russell: It's been moved. This is FEMA (Federal Emergency Management Agency) and USAR (Urban Search and Rescue).

Vice Chair Gort: Second.

Chair Russell: It's been seconded by Commissioner Gort. Is there any discussion on the dais for RE.1?

Commissioner Carollo: RE.1.

Chair Russell: Increasing special revenue project for FEMA. All in favor of the item, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed? Motion passes.

RE.2**5353****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 DISTRICT 3 SHARE OF THE CITY OF MIAMI'S ANTI-POVERTY INITIATIVE ("API") IN A TOTAL AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS (\$10,000.00) TO PRESIDIO POLITICO HISTORICO CUBANO, INC., A FLORIDA NOT FOR PROFIT CORPORATION, IN SUPPORT OF AN EDUCATIONAL MONUMENT HONORING THE CUBAN GUERILLAS; 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-19-0059

MOTION TO:	Adopt with Modification(s)
RESULT:	ADOPTED WITH MODIFICATION(S)
MOVER:	Manolo Reyes, Commissioner
SECONDER:	Joe Carollo, Commissioner
AYES:	Russell, Gort, Carollo, Reyes
ABSENT:	Hardemon

Chair Russell: RE.2, API (Anti-Poverty Initiative) for Presidio Politico Historico Cubano, Incorporated.

Commissioner Carollo: Yes.

Commissioner Hardemon: If I could, if I could make a motion? Can I -- may I move RE.2, 3, 4 and 5?

Chair Russell: I would like to take these individually, if I could, please.

Commissioner Hardemon: Okay.

Victoria Méndez (City Attorney): RE.2, you were -- passed out a substitution. Commissioner Carollo, would you like me to read the change?

Commissioner Carollo: Of course.

Ms. Méndez: The funds will be used in this way: "Whereas, Presidio Politico Historico Cubano, Inc., a Florida non-for-profit corporation, is seeking support for the operation and maintenance of Presidio Politico Historico Building, and to provide assistance to former political prisoners of the Cuban communist regime." So we added the -- what the funds will be used for. Thank you.

Chair Russell: Thank you very much.

Commissioner Reyes: Move it.

Chair Russell: RE.2 has been moved by Commissioner Reyes. Is there a second?

Commissioner Carollo: Second.

Chair Russell: Seconded by Commissioner Carollo. Discussion on the dais. I have a question as to the poverty aspect to this. Is there another fund that we could use to pay for this so that your anti-poverty funds remain maximized for other issues? And I believe -- everyone here believes this is a noble cause, a good statue, and needs to be placed, but I'd ask Chris Rose if there is another budget location from which we could help, because I think we're all in support of this; just want to make sure it comes from the right source.

Ms. Méndez: I believe that the change is because it is not for a statue; it is for their programming. Commissioner Carollo?

Chair Russell: That's not the change I -- I'm sorry. If that's the case, that changes things.

Commissioner Reyes: That's right. And there is a lot of poverty there, sir.

Commissioner Carollo: And let me be specific.

Commissioner Reyes: Yes, sir.

Chair Russell: If I could, though, just to understand the change, because it still says for a not-for-profit corporation, seeking support for the operation and maintenance of the Presidio Politico Historico Building, and to provide assistance to former political prisoners; understood. Commissioner Carollo.

Commissioner Carollo: When I spoke to them, we had spoken on -- two \$10,000 contributions; one that I was going to help them raise in time, and the other was the one that has been read today. Apparently, they felt or thought that this is the one that we were going to be presenting, and I was going to help them with private funds for the other one. That's not the case. This should not have been put on the agenda in the way that it was.

Chair Russell: Understood.

Commissioner Carollo: That's why you have what you have today. Now, this organization, I don't know how well you know it or not, Commissioner, but this is the main organization for former political --

Chair Russell: Prisoners.

Commissioner Carollo: -- prisoners, men and women, in Cuban prisons. It's a very large organization. They have their own property on 13th Avenue. They are the main organization that is taking the task of helping former political prisoners from the Cuban communist prisons, and this is in line with what has been approved from these funds for years and years by former Mayors, present Mayors, Commissioners, former Commissioners, and, you know, it -- the work that they do helps relieve the poverty in my district and in other districts in the City, frankly, so I have no problem in assigning them \$10,000. In the past, you've seen a lot of dollars go to -- even to the main museums and the old museum park; other museums; many other institutions

that, you know, we would all be asking ourselves, "Well, does it make sense or not?" But they were, because that's how it was. So I hope I clarified that.

Chair Russell: You do. And through the clarification, I do support it. Procedurally, from a question, this was brought as a substitution, and this goes back to whether this --

Commissioner Carollo: Yeah.

Chair Russell: -- should be a substitution or an amendment on the floor, Madam City Attorney; either way, achieves the same thing --

Ms. Méndez: Right.

Chair Russell: -- but note this: So this substitution was brought for me on the dais while we were already doing the business of the day. It's very hard for me to have noticed there is no reference anymore to statue. I haven't had the time to look at it. However, if it were brought as an amendment, it would be fully explained, just as Commissioner Carollo did. So why do we do it as a substitution?

Ms. Méndez: So the substitution is just when we give you the documentation ahead of time. This is an amendment. The way that he is going to --

Chair Russell: This is an amendment?

Ms. Méndez: -- the Clerk -- Right. It's an amendment --

Chair Russell: Okay.

Ms. Méndez: -- to the legislation.

Chair Russell: Thank you.

Ms. Méndez: I just had the time quickly to --

Chair Russell: Understood.

Ms. Méndez: -- draft it. When I don't have the time to draft it quickly, it's an amendment, and I do it after the fact. So this is just going to go and --

Chair Russell: Thank you. So the motion and second is as amended.

Commissioner Reyes: As amended.

Chair Russell: Thank you very much.

Commissioner Reyes: And I want to add to what Commissioner Carollo was saying. And this organization helps political prisoners, and many people don't realize that we still receiving former political prisoners that -- they were let out of jail, and they couldn't come, and some that they had been recently let out of jail. And people don't realize that in Cuba, there are many, many -- I mean, thousands of political prisoners.

Chair Russell: No. It's very -- it's a very noble cause. I fully support the amended resolution. When I understood it to be about a statue, I was going to seek from the entire body and the City to help with it, because I would like to see that as well, but I want to make sure you maximize the API funds.

Commissioner Reyes: (UNINTELLIGIBLE), and I thank you for it.

Chair Russell: So is there any further discussion on the dais for this item, as amended? There is a motion and a second. Hearing none, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed? Motion passes.

RE.3

5354

**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 DISTRICT 3 SHARE OF THE CITY OF MIAMI'S ANTI-POVERTY INITIATIVE ("API") IN A TOTAL AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS (\$10,000.00) TO MUSEO BRIGADA DE ASALTO 2506, INC., A FLORIDA NOT FOR PROFIT CORPORATION, IN SUPPORT OF THE MAINTENANCE AND IMPROVEMENT OF THE BRIGADE 2506 MUSEUM AND LIBRARY; 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-19-0060

MOTION TO:	Adopt
RESULT:	ADOPTED
MOVER:	Manolo Reyes, Commissioner
SECONDER:	Joe Carollo, Commissioner
AYES:	Russell, Gort, Carollo, Reyes
ABSENT:	Hardemon

Chair Russell: RE.3, is it the same --?

Commissioner Carollo: The same concept, but this is for a different organization. And by the way, these both are in Little Havana.

Chair Russell: Understood.

Commissioner Carollo: In District 3.

Chair Russell: Is there a motion on RE.3?

Commissioner Reyes: I --

Commissioner Carollo: There's a motion on RE.3.

Chair Russell: Is there a second?

Commissioner Reyes: I move it.

Chair Russell: Moved by Commissioner Reyes, seconded by Commissioner Carollo.

Commissioner Carollo: Yeah.

Chair Russell: Any further discussion on the dais? Hearing none, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed? Motion passes. Thank you very much.

RE.4

5475

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, BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, BETWEEN THE CITY OF MIAMI ("CITY") AND MGR BUILDERS LLC ("SELLER") FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 1320 SOUTHWEST 21 STREET, MIAMI, FLORIDA ("PROPERTY") FOR A PURCHASE PRICE OF SIX HUNDRED THOUSAND DOLLARS (\$600,000.00); ALLOCATING FUNDS FROM THE OFFICE OF CAPITAL IMPROVEMENT PROJECT NO. 40-B183415, DISTRICT 3 PARK LAND ACQUISITION, IN A TOTAL AMOUNT NOT TO EXCEED SIX HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$625,000.00) 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; 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.

ENACTMENT NUMBER: R-19-0061

MOTION TO:	Adopt
RESULT:	ADOPTED
MOVER:	Keon Hardemon, Commissioner
SECONDER:	Manolo Reyes, Commissioner
AYES:	Russell, Gort, Carollo, Reyes, Hardemon

Chair Russell: REs.4, 5, and 6, please. Is there a motion for the purchase and sale agreement of 21st Street, validating the Miami Forever Bond issues, and amending and operating the budget for the labor agreements?

Commissioner Carollo: I'd like to do them separately, if I can.

Chair Russell: Fair enough. RE.4, please; purchase and sale agreement, 21st Street.

Commissioner Carollo: Can you explain, Dan?

Daniel Rotenberg (Director): Commissioners, Daniel Rotenberg, Department of Real Estate and Asset Management. This is resolution for a purchase and sale contract, 1320 Southwest 21st Street. It's a lot -- corner lot of 7,692 square feet. We have the two appraisals; the value came underneath. The average appraisal was \$497,500. However, since this is a corner lot, and it's very hard to come by, and it is located off of Southwest 21st Street, right off of Cuban Memorial Boulevard Park, and this is an ideal area for a park, we felt it was warranted for the difference of the \$100,000 on average to go ahead and bring it in front of the Commission and have a four-fifths vote.

Commissioner Hardemon: So moved.

Chair Russell: It's been moved by Commissioner Hardemon.

Commissioner Reyes: Second.

Chair Russell: Seconded by Commissioner Reyes. Is there any further discussion on the dais? Hearing none, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed? Motion passes. Thank you.

Commissioner Carollo: This one, by the way, is a pocket park. You asked the last time, Commissioner.

Chair Russell: That's great.

RE.5

5384

*Office of
Management and
Budget*

RESOLUTION

*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), PROVIDING FOR THE ISSUANCE AND VALIDATION OF AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING FOUR HUNDRED MILLION DOLLARS (\$400,000,000.00) IN ONE OR MORE SEPARATE SERIES OF CITY OF MIAMI, FLORIDA ("CITY") OF TAX-EXEMPT AND TAXABLE LIMITED AD VALOREM TAX BONDS ("MIAMI FOREVER BOND PROGRAM") PAYABLE FROM AD VALOREM TAXES LEVIED ON ALL TAXABLE PROPERTY IN THE CITY, FOR CAPITAL PROJECTS TO REDUCE FLOODING RISKS, IMPROVE STORMWATER INFRASTRUCTURE, IMPROVE AFFORDABLE HOUSING, ECONOMIC DEVELOPMENT, PARKS, CULTURAL FACILITIES, STREETS AND INFRASTRUCTURE, AND TO ENHANCE PUBLIC SAFETY WITH INTEREST PAYABLE AT RATES NOT TO EXCEED THE MAXIMUM RATE ALLOWED BY LAW (COLLECTIVELY, "MIAMI FOREVER LIMITED AD VALOREM CAPITAL PROGRAMS BONDS"); PROVIDING FOR THE LEVY AND COLLECTION OF SAID LIMITED AD VALOREM TAXES FOR PAYMENT OF THE MIAMI FOREVER LIMITED AD VALOREM TAX CAPITAL PROGRAMS BONDS PROVIDED THAT THE OVERALL CITY CAPITAL PROJECTS DEBT MILLAGE SHALL NOT EXCEED THE RATE OF 0.5935 AS APPROVED BY REFERENDUM OF THE VOTERS ON NOVEMBER 7, 2017; IN THIS MASTER RESOLUTION DESCRIBING, PROVIDING FOR, AND AUTHORIZING IN FURTHER DETAIL FOR BOND VALIDATION (1) THE MIAMI FOREVER CAPITAL PROGRAMS APPROVED BY THE VOTERS, BALLOT PROCESSES, ELECTION RESULTS, AND ELECTION CERTIFICATION ATTACHED AND INCORPORATED AS COMPOSITE EXHIBIT A, AND (2) ISSUANCE OF AND THE GENERAL DETAILS FOR ALL SERIES OF ALL MIAMI FOREVER LIMITED AD VALOREM TAX CAPITAL PROGRAMS BONDS, INCLUDING BUT NOT LIMITED TO, PLEDGED REVENUES FOR THE REPAYMENT THEREOF, INTEREST RATES, CREDIT ENHANCEMENT, RESERVE FUNDS, DENOMINATIONS, NEGOTIATED PUBLIC OFFERINGS AND PRIVATE PLACEMENT METHODS OF SALES, REGISTRATION, NOTICES, AND REDEMPTIONS; ALSO AS A SERIES RESOLUTION DESCRIBING, PROVIDING FOR, AND AUTHORIZING THE ISSUANCE IN FURTHER DETAIL FOR BOND VALIDATION OF THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING FORTY-THREE MILLION, SIX HUNDRED FIFTY-THREE THOUSAND, THREE HUNDRED THIRTY-NINE DOLLARS (\$43,653,339.00) IN ONE OR MORE SEPARATE SERIES OF CITY OF MIAMI, FLORIDA TAX-EXEMPT LIMITED AD VALOREM TAX BONDS (MIAMI FOREVER CAPITAL PROGRAMS: INFRASTRUCTURE PROJECTS 2019) ("MIAMI FOREVER INFRASTRUCTURE PROGRAMS 2019 BONDS") INCLUDING BUT NOT LIMITED TO, (A) THE PARTICULAR INFRASTRUCTURE PROJECTS TO BE UNDERTAKEN BY THE CITY AS GOVERNMENTAL PROJECTS OWNED AND OPERATED BY THE CITY AS DESCRIBED IN THE ATTACHED AND INCORPORATED COMPOSITE EXHIBIT

B, (B) PROVIDING A SECONDARY SOURCE OF PAYMENT FOR SUCH MIAMI FOREVER INFRASTRUCTURE PROGRAMS 2019 BONDS FROM NON AD VALOREM REVENUES, (C) MAKING CERTAIN FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH, (D) DETERMINING THE PARTICULAR METHOD OF SALE, CREDIT ENHANCEMENT, IF ANY, RESERVE FUNDS, IF ANY, DENOMINATIONS, INTEREST RATE(S), (E) AUTHORIZING ALL REQUIRED ACTIONS BY THE CITY MANAGER, CITY ATTORNEY, CITY CLERK, BOND COUNSEL, FINANCIAL ADVISOR, DEPUTY CITY MANAGER, CHIEF FINANCIAL OFFICER, FINANCE DIRECTOR, BUDGET DIRECTOR, RISK MANAGEMENT DIRECTOR, AND ALL OTHER CITY OFFICIALS TO UNDERTAKE ALL NECESSARY STEPS IN CONNECTION WITH BOND VALIDATION, BOND ISSUANCE, NEGOTIATION, EXECUTION, AND DELIVERY OF RELATED BOND PURCHASE AGREEMENT, OFFERING AND SALE DOCUMENTS, TAX COMPLIANCE AGREEMENT, CONTINUING DISCLOSURE AGREEMENT, PARTICULAR CREDIT ENHANCEMENT AGREEMENT, IF ANY, PAYING AGENT AND REGISTRAR AGREEMENT, AND ALL OTHER NECESSARY DOCUMENTS, INSTRUMENTS AND AGREEMENTS TO BE NEGOTIATED, EXECUTED, AND DELIVERED BY THE CITY, ALL IN A FORM ACCEPTABLE TO THE CITY ATTORNEY AND BOND COUNSEL, AND (E) RATIFYING, APPROVING, AND CONFIRMING CERTAIN NECESSARY ACTIONS BY THE CITY MANAGER AND DESIGNATED DEPARTMENTS IN ORDER TO UPDATE THE RELEVANT FINANCIAL CONTROLS, CAPITAL PLANS, AND COMPUTER SYSTEMS IN CONNECTION THEREWITH; AND PROVIDING FOR SEVERABILITY AND APPLICABLE EFFECTIVE DATE.

ENACTMENT NUMBER: R-19-0062

MOTION TO:	Adopt with Modification(s)
RESULT:	ADOPTED WITH MODIFICATION(S)
MOVER:	Manolo Reyes, Commissioner
SECONDER:	Wifredo (Willy) Gort, Commissioner
AYES:	Russell, Gort, Carollo, Reyes, Hardemon

Note for the Record: For additional minutes referencing Item RE.5, please see “Public Comment Period for Regular Items.”

Chair Russell: RE.5, validating the Miami Forever Bond.

Christopher Rose (Director): Good morning, Commissioners. Chris Rose, Office of Management & Budget, and a Happy Valentine's Day to each of you. RE.5 is a legal requirement of general obligation bonds, whereby we are asking approval of the City Commission to enter the State court system to validate what we have in the infrastructure portion of the Miami Forever Bond. We will be coming back in two meetings, on March 14, with the housing and economic development portion of the bond for validation as well. Be happy to take any questions.

Chair Russell: Thank you. Is there a motion on RE.5?

Commissioner Reyes: Move it.

Chair Russell: It's been moved by Commissioner Reyes; seconded by Commissioner Gort. Any questions from the body?

Commissioner Carollo: Yes.

Todd B. Hannon (City Clerk): It's my understanding, this is to be amended?

Commissioner Carollo: This is only for (UNINTELLIGIBLE)?

Barnaby Min (Deputy City Attorney): There's a substitution that was previously distributed, and I believe there is --

Chair Russell: Just a moment; Commissioner Carollo is speaking.

Mr. Min: Oh, I'm sorry.

Commissioner Carollo: This is only for the courts to certify this, correct?

Mr. Rose: Yes, sir. It's a preventive measure to ensure that future bond holders are protected and that the City is protected.

Commissioner Carollo: Okay. And this is part of what by law you have to do in order to move forward?

Mr. Rose: Yes, sir, according to Chapters 163 and 166 of the Florida State Statutes.

Vice Chair Gort: Validation (UNINTELLIGIBLE).

Chair Russell: Thank you. City Attorney.

Mr. Min: Yes, that's correct, it does need to be -- it's a legal requirement in order to proceed with the bonds. And to answer, I believe, the City Clerk's question, there was a substitution that was distributed, so it will need to be adopted, as amended.

Chair Russell: Thank you very much. Did we get a motion and a second on this one?

Vice Chair Gort: Yes.

Mr. Hannon: Yes, sir.

Chair Russell: Yes. Thank you. As amended, both mover and seconder?

Mr. Hannon: Commissioner Reyes was the mover; Commissioner Gort was the seconder.

Vice Chair Gort: Yes.

Chair Russell: I'm sorry. Commissioner Reyes, you're the mover. We just need to know that you're accepting the substitution as an amendment?

Commissioner Reyes: Yes.

Chair Russell: Thank you. And seconder as well. Any further questions or comments on this item?

Commissioner Carollo: One final comment, even though I don't agree with -- as I stated before, that's why I voted originally against this motion, and how it was being divvied up, how it was being spent, we do have an obligation that whatever is put forward, we follow State law on it, so this is the reason that I will be voting "yes" on this; not that I'm in favor of it, the way that it was broken up. So I just wanted to put it on the record.

Mr. Rose: Thank you, Commissioner.

Chair Russell: Thank you very much. Any further discussion or questions? Hearing none, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed? Motion passes. That's RE.5.

RE.6

5380

**Office of
Management and
Budget**

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AMENDING APPROPRIATIONS RELATING TO THE GENERAL FUND, DEBT SERVICE FUND, SPECIAL REVENUE FUND, AND INTERNAL SERVICE FUND FOR THE FISCAL YEAR 2018-2019 PURSUANT TO ORDINANCE NO.13790, ADOPTED SEPTEMBER 27, 2018, FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; RATIFYING, APPROVING, AND CONFIRMING CERTAIN NECESSARY ACTIONS OF THE CITY MANAGER AND DESIGNATED DEPARTMENTS TO UPDATE THE RELEVANT FINANCIAL CONTROLS, PROJECT CLOSE-OUTS, ACCOUNTING ENTRIES, AND COMPUTER SYSTEMS IN CONNECTION THEREWITH AND FOR GRANTS IN PROGRESS; AND PROVIDING FOR APPLICABLE EFFECTIVE DATES.

ENACTMENT NUMBER: R-19-0063

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

Chair Russell: RE.6, please.

Christopher Rose (Director): Good morning, Commissioners. Chris Rose, Office of Management & Budget. RE.6 is a budget amendment to the current year budget, whereby -- it's what I've been telling you about for several months, where we are moving money from the non-departmental account to the departments, in accordance with what has been negotiated in our labor agreements and settlements, and we're reaching backwards into prior year fund balance to pay for damages and any prior year expenses also in those contracts and settlements. Be happy to take any questions.

Commissioner Carollo: Move.

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

Commissioner Reyes: Second.

Chair Russell: Seconded by Commissioner Reyes. Any further discussion from the dais? Hearing none, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed?

Commissioner Hardemon: I have comments.

Chair Russell: Yes.

Commissioner Hardemon: First, I have a question for you. As I read through the "whereas" clauses -- let me mind the exact one to be clear. Section 4 of the where -- Section 4 -- so from the actual resolution, under "now therefore," Section 4, if you go to the -- it appears to be the last in sentence of Section 4. It reads, "The City Manager is also authorized to transfer any excess, unrestricted monies from other funds to the general fund, provided that those are appropriated monies which are no longer needed to implement the original purpose of the appropriation, which are legally available at the time of such transfer, and whose expenditure is not limited to use for any other specific purpose." The question that I have about that that I wanted to make very clear is, first, does that mean that if there are funds that, for instance, were being used to renovate park space in one of our districts, and there was some left over money that we would usually take and we would apply to other projects within the district, say it's \$95,000 or \$5,500, or whatever the amount may be, does that mean that if it's not restricted dollars that you're sweeping those into -- to fold into this document, this measure?

Mr. Rose: Through the Chair?

Chair Russell: Yes.

Mr. Rose: Thank you, sir. If I may, it sounds like you're talking about capital projects. This relates only to the operating budget; and so, it is moving monies within what the Commission has already approved. This language was in the adopted budget as well. So it's not -- this is not added language on top of anything else. But this I don't believe would give us the authority to move money on capital projects; just move within the operating budget, as already approved.

Chair Russell: It allows you to send it to the general fund, but not allocate it to a project?

Mr. Rose: Correct. That would take another step before the Commission.

Commissioner Hardemon: All right. I just want to make it -- I want you to tell me whether or not in any of our districts we're losing any funding that we would normally have to be able to sweep to other things that come up, because sometimes we have unrestricted dollars that we apply to something and then there's a small savings and we like to apply those savings to other things within the district.

Mr. Rose: Okay. Today there is -- that situation does not exist today, and it's not impacted by RE.6. There is a future legislation before the City Commission today,

FL.1 that does address some of those things. And we are -- both the Office of Capital Improvements and the Office of Management and Budget are working on a process by which we're looking at every project and seeing what's available, both completed, cancelled, anything along those lines, and we are reallocating it faster than we ever have before. Anything that is appropriated would have to come back to this Commission, though.

Commissioner Hardemon: Thank you.

Chair Russell: Certainly, the settlement as a whole reduced the amount of money we can spend as a body and the general fund, but I think we're glad that we did it rather than potentially lose much, much more in the case.

Vice Chair Gort: Yes.

Chair Russell: So thank you very much. Are there any further questions on RE.6? Hearing none, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed? Motion passes.

Mr. Rose: Thank you, Commissioners.

END OF RESOLUTIONS

SR - SECOND READING ORDINANCE**SR.1****ORDINANCE****Second Reading****5194*****Commissioners
and Mayor***

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 62 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED; MORE SPECIFICALLY BY ADDING ARTICLE XVII, TITLED "COVENANTS FOR AFFORDABLE OR WORKFORCE HOUSING," TO INCORPORATE SPECIFIC ENFORCEMENT PROVISIONS, PENALTIES, AND REQUIREMENTS FOR RESTRICTIVE COVENANTS ASSOCIATED WITH AFFORDABLE OR WORKFORCE HOUSING THAT MAY PROVIDE PROPERTY OWNERS OR DEVELOPERS WITH DEVELOPMENT INCENTIVES OR BENEFITS; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION TO:	Continue
RESULT:	CONTINUED
MOVER:	Manolo Reyes, Commissioner
SECONDER:	Wifredo (Willy) Gort, Commissioner
AYES:	Russell, Gort, Carollo, Reyes
ABSENT:	Hardemon

Note for the Record: Item SR.1 was continued to the March 14, 2019, Regular Commission Meeting.

For minutes referencing Item SR.1, please see "Order of the Day," "Public Comment Period for Regular Items," and Item PH.1.

END OF SECOND READING ORDINANCE

FR - FIRST READING ORDINANCE

FR.1

ORDINANCE

First Reading

5351

MAY BE DEFERRED.***Commissioners
and Mayor***

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 36 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, TITLED "NOISE;" MORE PARTICULARLY BY AMENDING SECTION 36-4, TITLED "OPERATION OF RADIOS, PHONOGRAPHS OR OTHER SOUND-MAKING DEVICES; BANDS, ORCHESTRAS AND MUSICIANS—GENERALLY; EXEMPTION," TO PROVIDE FOR THE PROHIBITION OF OUTDOOR MUSIC BETWEEN SUNDAY THROUGH THURSDAY DURING THE HOURS OF 9:00 P.M. AND 7:00 A.M. THE FOLLOWING DAY AND BETWEEN FRIDAY THROUGH SATURDAY DURING THE HOURS OF 11:00 P.M. AND 7:00 A.M. THE FOLLOWING DAY IN AREAS THAT ABUT T3, T4-R, T4-L, T5-R, OR T6-R TRANSECT ZONES; FURTHER ADDING SECTION 36-10, TITLED "FINES AND PENALTIES FOR VIOLATION; APPEAL; MEANS OF ENFORCEMENT," TO PROVIDE FOR ENFORCEMENT OF THIS CHAPTER, AN APPEAL PROCESS, AND ENFORCEMENT PROCEDURES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

MOTION TO:	Indefinitely Defer
RESULT:	INDEFINITELY DEFERRED
MOVER:	Manolo Reyes, Commissioner
SECONDER:	Wifredo (Willy) Gort, Commissioner
AYES:	Russell, Gort, Carollo, Reyes
ABSENT:	Hardemon

Note for the Record: For minutes referencing Item FR.1, please see "Order of the Day."

END OF FIRST READING ORDINANCE

AC - ATTORNEY-CLIENT SESSION**AC.1****5480*****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 FEBRUARY 14, 2019 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 CASE OF AIRBNB, INC., ET AL. V. CITY OF MIAMI, CASE NO. 2017-008999 CA 01, PENDING IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, 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 10:00 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 KEN RUSSELL, VICE-CHAIRMAN WIFREDO "WILLY" GORT, AND COMMISSIONERS JOE CAROLLO, MANOLO REYES, AND KEON HARDEMON; CITY MANAGER EMILIO T. GONZÁLEZ; CITY ATTORNEY VICTORIA MÉNDEZ; DEPUTY CITY ATTORNEYS JOHN A. GRECO AND BARNABY L. MIN; DIVISION CHIEF FOR GENERAL LITIGATION CHRISTOPHER A. GREEN; AND ASSISTANT CITY ATTORNEY RACHEL DOOLEY. 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.

RESULT:	DISCUSSED
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Chair Russell: I'd like us to now break for our attorney-client session, please, and then --

Victoria Méndez (City Attorney): I just need to read the little statement as we go up.

Chair Russell: Yep. And then just for clarity, from that, we will then go to lunch, and we will come back at 2 o'clock.

Ms. Méndez: You and I need to come downstairs really quickly.

Chair Russell: I -- Yes, you and I will come back, but just for the Commissioners and for the public, we'll be back at 2 o'clock to take up the final two discussion items.

Ms. Méndez: On January 24, 2019, under the provisions of Section 286.011(8) Florida Statutes, I requested that the City Commission meet in private to discuss pending litigation in the case of Airbnb, Inc., et al. versus City of Miami, Case Number 2017-008999 CA 01, pending in the Circuit Court of the Eleventh 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. The City Commission approved my request, and now, at approximately 11:20 a.m., commence a private attorney-client session under the parameters of Section 286.011(8) Florida Statutes. This private meeting will conclude approximately one hour or less later. The session will be attended by the members of the City Commission, which include Chairman Ken Russell, Vice Chairman Wifredo Gort, and Commissioners Joe Carollo, Manolo Reyes, and Keon Hardemon; City Manager Emilio González; myself, the City Attorney, Victoria Méndez; Deputy City Attorneys John Greco and Barnaby Min; Division Chief for General Litigation Christopher Green; and Assistant City Attorney Rachel Dooley. A certified court reporter will be present to ensure 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 Chairman will announce the termination of the attorney-client session. Thank you.

Ms. Ewan: Commission stands in recess.

Chair Russell: Thank you.

Later...

Ms. Méndez: We concluded upstairs.

Chair Russell: I'd like to announce the close of the shade meeting.

Ms. Méndez: And we're coming back when, at what time?

Chair Russell: We'll be reconvening after lunch at 2:30; originally scheduled at 2. We'd like to push an additional 30 minutes. We are reconvening the City Commission meeting at 2:30.

Ms. Méndez: Okay. Thank you.

END OF ATTORNEY-CLIENT SESSION

BC - BOARDS AND COMMITTEES**BC.1****5337****Office of the City
Clerk****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING A CERTAIN INDIVIDUAL AS A MEMBER OF THE ARTS AND ENTERTAINMENT COUNCIL FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE:

Ian Welsch

NOMINATED BY:

Commissioner Wifredo (Willy) Gort

ENACTMENT NUMBER: R-19-0064

MOTION TO:	Adopt
RESULT:	ADOPTED
MOVER:	Joe Carollo, Commissioner
SECONDER:	Wifredo (Willy) Gort, Commissioner
AYES:	Russell, Gort, Carollo, Reyes, Hardemon

Chair Russell: So Boards and Committees, please.

Nicole N. Ewan (Assistant City Clerk): Good morning, Chair and Commissioners. BC.1, Arts and Entertainment Council: Vice Chair Gort will be reappointing Ian Welsch.

Chair Russell: All in favor, say "aye."

Commissioner Carollo: Aye.

Ms. Ewan: Need a motion and a second.

Chair Russell: I'm sorry. Is there a motion?

Commissioner Carollo: It's a motion. Second.

Chair Russell: Moved and seconded.

Vice Chair Gort: Second.

Chair Russell: All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed? Motion passes.

BC.2

3685

Office of the City
Clerk**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING A CERTAIN INDIVIDUAL AS A MEMBER OF THE AUDIT ADVISORY COMMITTEE FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE:

Ignacio Abella

NOMINATED BY:

Commissioner Wifredo (Willy) Gort

ENACTMENT NUMBER: R-19-0065

MOTION TO:	Adopt
RESULT:	ADOPTED
MOVER:	Manolo Reyes, Commissioner
SECONDER:	Ken Russell, Commissioner
AYES:	Russell, Gort, Carollo, Reyes, Hardemon

A motion was made by Commissioner Reyes, seconded by Chair Russell, and was passed unanimously, to appoint Ignacio Abella as a member of the Audit Advisory Committee; further waiving the term limits of Section 2-885(b) by a unanimous (5/5) vote of the members of the City Commission, as it relates to Ignacio Abella as a member of the Audit Advisory Committee.

Nicole N. Ewan (Assistant City Clerk): BC.2, Audit Advisory Committee: Vice Chair Gort will be reappointing Ignacio Abella, who requires a five-five term waiver.

Chair Russell: Is there a motion?

Commissioner Reyes: Moved.

Chair Russell: Moved. Seconded. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed? Motion passes.

BC.3

5440

Office of the City
Clerk**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING A CERTAIN INDIVIDUAL AS A MEMBER OF THE BAYFRONT PARK MANAGEMENT TRUST FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE:

Stephen Kneapler

NOMINATED BY:

Commissioner Manolo Reyes

ENACTMENT NUMBER: R-19-0066

MOTION TO:	Adopt
RESULT:	ADOPTED
MOVER:	Manolo Reyes, Commissioner
SECONDER:	Wifredo (Willy) Gort, Commissioner
AYES:	Russell, Gort, Carollo, Reyes
ABSENT:	Hardemon

Chair Russell: We are now going to break for our attorney-client session.

Commissioner Reyes: Before we do that --

Chair Russell: Oh, I'm sorry; you had another appointment.

Commissioner Reyes: That's right, I had an appointment that -- it was not mentioned.

Nicole N. Ewan (Assistant City Clerk): Yes. It's for Bayfront Park Management Trust. I believe you wanted to reappoint Steve Kneapler?

Commissioner Reyes: Yes. Move it.

Commissioner Carollo: Discussion.

Vice Chair Gort: I will move it.

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

Commissioner Carollo: You sure you want to appoint --?

Commissioner Reyes: Yes.

Chair Russell: Seconded by Commissioner Gort. And discussion, Commissioner Carollo.

Commissioner Carollo: No discussion. I was just kidding.

Chair Russell: Okay. All right.

Commissioner Reyes: I got you, Joe.

Chair Russell: No four fifths. No waivers.

Ms. Ewan: No waivers. No four-fifths.

Chair Russell: Thank you very much. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed? Motion passes.

BC.4

5441

***Office of the City
Clerk***

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE CITY OF MIAMI BEAUTIFICATION COMMITTEE FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

Mayor Francis Suarez

Commissioner Ken Russell

Commissioner Keon Hardemon

City Manager Emilio T. Gonzalez

RESULT:	NO ACTION TAKEN
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BC.5

5196

***Office of the City
Clerk***

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE CODE ENFORCEMENT BOARD FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

Commissioner Manolo Reyes

Commissioner Keon Hardemon

RESULT:	NO ACTION TAKEN
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BC.6**5340****Office of the City
Clerk****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING A CERTAIN INDIVIDUAL AS A MEMBER OF THE COMMUNITY RELATIONS BOARD FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE:

Jorge Mario Vasquez

NOMINATED BY:

Commissioner Wifredo (Willy) Gort

ENACTMENT NUMBER: R-19-0067

MOTION TO:	Adopt
RESULT:	ADOPTED
MOVER:	Wifredo (Willy) Gort, Commissioner
SECONDER:	Manolo Reyes, Commissioner
AYES:	Russell, Gort, Carollo, Reyes, Hardemon

Nicole N. Ewan (Assistant City Clerk): BC.6, Community Relations Board: Vice Chair Gort will be reappointing Jorge Mario Vazquez.

Vice Chair Gort: So moved.

Chair Russell: Is there a motion? Second?

Commissioner Reyes: Second.

Chair Russell: All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed? Motion passes.

BC.7**5443****Office of the City
Clerk****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING A CERTAIN INDIVIDUAL AS A MEMBER OF THE COMMISSION ON THE STATUS OF WOMEN FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE:

Cynthia Arcena

NOMINATED BY:

Commissioner Wifredo (Willy) Gort

ENACTMENT NUMBER: R-19-0068

MOTION TO:	Adopt
RESULT:	ADOPTED
MOVER:	Wifredo (Willy) Gort, Commissioner
SECONDER:	Manolo Reyes, Commissioner
AYES:	Russell, Gort, Carollo, Reyes, Hardemon

Nicole N. Ewan (Assistant City Clerk): BC.7, Commission on the Status of Women: Vice Chair Gort will be reappointing Cynthia Aracena.

Vice Chair Gort: So moved.

Chair Russell: It's been moved --

Commissioner Reyes: Second.

Chair Russell: -- by Commissioner Gort; seconded. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed? Motion passes.

BC.8

5198

Office of the City Clerk

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE EDUCATION ADVISORY BOARD FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

(Voting Member)

(Post-Secondary Education Representative)

(School District Representative)

(Children’s Trust Representative)

(Ex-Officio Non-Voting Member)

(Ex-Officio Non-Voting Youth Member)

Commissioner Manolo Reyes

Commissioner Keon Hardemon

City Manager Emilio T. Gonzalez

RESULT: NO ACTION TAKEN

BC.9

3855

***Office of the City
Clerk***

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE EQUAL OPPORTUNITY ADVISORY BOARD FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

Commissioner Ken Russell

Commissioner Ken Russell

Commissioner Joe Carollo

Commissioner Joe Carollo

Commissioner Manolo Reyes

Commissioner Manolo Reyes

Commissioner Keon Hardemon

Commissioner Keon Hardemon

IAFF

FOP

AFSCME 1907

AFSCME 871

RESULT: NO ACTION TAKEN

BC.10

5450

Office of the City Clerk

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE FINANCE COMMITTEE FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

Mayor Francis Suarez
Commissioner Ken Russell
Commissioner Joe Carollo
Commissioner Keon Hardemon
City Manager Emilio T. Gonzalez

RESULT: NO ACTION TAKEN

BC.11

1599

Office of the City Clerk

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE HEALTH FACILITIES AUTHORITY BOARD FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

Commissioner Ken Russell
Commissioner Joe Carollo
Commissioner Manolo Reyes

RESULT: NO ACTION TAKEN

BC.12

RESOLUTION

5451

Office of the City Clerk

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE MAYOR'S INTERNATIONAL COUNCIL FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

Mayor Francis Suarez

Commissioner Keon Hardemon

RESULT: NO ACTION TAKEN

BC.13

RESOLUTION

5199

Office of the City Clerk

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING A CERTAIN INDIVIDUAL AS A MEMBER OF THE MIAMI FOREVER BOND PROGRAM CITIZENS' OVERSIGHT BOARD FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE:

NOMINATED BY:

Commissioner Keon Hardemon

RESULT: NO ACTION TAKEN

BC.14

5039

Office of the City Clerk

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE OVERTOWN ADVISORY BOARD/OVERTOWN COMMUNITY OVERSIGHT BOARD FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

Mayor Francis Suarez

Commissioner Keon Hardemon

(Youth Member)

RESULT: NO ACTION TAKEN

BC.15

5452

Office of the City Clerk

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE PARKS AND RECREATION ADVISORY BOARD FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

Mayor Francis Suarez

Mayor Francis Suarez

Commissioner Joe Carollo

Commissioner Manolo Reyes

City Manager Emilio T. Gonzalez

RESULT:	NO ACTION TAKEN
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BC.16**5345****Office of the City Clerk****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING A CERTAIN INDIVIDUAL AS A MEMBER OF THE PLANNING, ZONING AND APPEALS BOARD FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE:

Miguel Soliman

NOMINATED BY:

Commissioner Joe Carollo

ENACTMENT NUMBER: R-19-0069

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

Nicole N. Ewan (Assistant City Clerk): BC.16, Planning, Zoning & Appeals Board: Commissioner Carollo will be appointing Miguel Soliman.

Commissioner Carollo: Moved.

Commissioner Reyes: Second.

Chair Russell: Been moved and seconded. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed? Motion passes.

BC.17**5346****Office of the City Clerk****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING A CERTAIN INDIVIDUAL AS A MEMBER OF THE SEA LEVEL RISE COMMITTEE FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE:**NOMINATED BY:**

City Manager Emilio T. Gonzalez

RESULT: NO ACTION TAKEN

BC.18

5043

Office of the City Clerk

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE SENIOR CITIZENS' ADVISORY BOARD FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

- Mayor Francis Suarez
- Commissioner Ken Russell
- Commissioner Joe Carollo
- Commissioner Manolo Reyes
- Commissioner Keon Hardemon

RESULT: NO ACTION TAKEN

BC.19

3693

Office of the City Clerk

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE STARS OF CALLE OCHO WALK OF FAME COMMITTEE FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

- Mayor Francis Suarez
- Commissioner Joe Carollo
- Commissioner Joe Carollo
- Commissioner Joe Carollo
- Commission-At-Large
- Commission-At-Large
- Commission-At-Large

RESULT: NO ACTION TAKEN

BC.20
5453
Office of the City Clerk

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE URBAN DEVELOPMENT REVIEW BOARD (UDRB) FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

- Commissioner Wifredo (Willy) Gort
- Commissioner Ken Russell
- Commissioner Ken Russell
- Commissioner Joe Carollo
- Commissioner Manolo Reyes
- Commissioner Manolo Reyes
- Commissioner Keon Hardemon
- Commissioner Keon Hardemon

RESULT: NO ACTION TAKEN

BC.21
5201
Office of the City Clerk

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING A CERTAIN INDIVIDUAL AS A MEMBER OF THE VIRGINIA KEY ADVISORY BOARD FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE:

NOMINATED BY:

Mayor Francis Suarez

RESULT: NO ACTION TAKEN

BC.22

5454

Office of the City
Clerk**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING A CERTAIN INDIVIDUAL AS A MEMBER OF THE VIRGINIA KEY BEACH PARK TRUST FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE:

Maud Newbold

NOMINATED BY:

Commissioner Wifredo (Willy) Gort

ENACTMENT NUMBER: R-19-0070

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

A motion was made by Commissioner Carollo, seconded by Commissioner Reyes, and was passed unanimously, to appoint Maud Newbold as a member of the Virginia Key Beach Park Trust; further waiving the term limits of Section 2-885(b) by a unanimous (5/5) vote of the members of the City Commission, as it relates to Maud Newbold as a member of the Virginia Key Beach Park Trust.

Nicole N. Ewan (Assistant City Clerk): BC.23 [sic], Virginia Key Beach Park Trust: Vice Chair Gort will be reappointing Maud Newbold, who requires a five-five term waiver.

Vice Chair Gort: Move it.

Commissioner Carollo: Move

Commissioner Reyes: Second.

Chair Russell: It's been moved and seconded. Term waiver is -- oh, for a term limit waiver?

Ms. Ewan: That is correct.

Chair Russell: Understood. Thank you. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed? Unanimous. Motion passes.

BC.23

5455

Office of the City
Clerk**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING A CERTAIN INDIVIDUAL AS A MEMBER OF THE WATERFRONT ADVISORY BOARD FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE:

W. David Moore

NOMINATED BY:

Commissioner Wifredo (Willy) Gort

ENACTMENT NUMBER: R-19-0071

MOTION TO:	Adopt
RESULT:	ADOPTED
MOVER:	Wifredo (Willy) Gort, Commissioner
SECONDER:	Manolo Reyes, Commissioner
AYES:	Russell, Gort, Carollo, Reyes, Hardemon

A motion was made by Vice Chair Gort, seconded by Commissioner Reyes, and was passed unanimously, to appoint W. David Moore as a member of the Waterfront Advisory Board; further waiving the attendance requirements in Section 2-886 of the Code of the City of Miami, as amended, by a four/fifths (4/5ths) vote of the members of the full City Commission, as it relates to past absences on record for W. David Moore as a member of the Waterfront Advisory Board.

Nicole N. Ewan (Assistant City Clerk): 24 [sic], Waterfront Advisory Board: Vice Chair Gort will be reappointing David Moore, who requires a four-fifth attendance waiver.

Vice Chair Gort: Move it.

Commissioner Reyes: Second.

Chair Russell: It's been moved by Commissioner Gort; second by Commissioner Reyes. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed? Motion passes.

Ms. Ewan: That --

Commissioner Hardemon: May I be recognized, Mr. Chairman?

Chair Russell: Of course. Thank you very much. These were all regular agenda items on which anyone could speak from the very beginning. Would you like to make a comment on any of these board appointments?

Commissioner Carollo: Or would you like to be appointed to something?

Fane Lozman: Fane Lozman. This is my last comment today, and then I'm going to depart. The way you're conducting public comment portion of the meeting, again,

respectfully, is not in keeping with the spirit of the Sunshine Law and it's supposed to be liberally construed, okay? For example, like what you just did, you had all these names that you read off, they weren't on the agenda. So somebody who's supposed to comment for the two minutes at the beginning of the meeting about somebody maybe they didn't want to give a term limit extension to. At the end of the day, even though it's a pain, and you may have to spend more time sitting in those chairs, you have to make sure that the public can participate. And the way you're doing it, trying to jam that into two minutes before the meeting, is -- it's not with the spirit of the Sunshine Law; it's not what the Florida Supreme Court said, as far as liberally construing the Sunshine Law. And if you look at the majority of municipi -- I've never been to a municipality or a county meet -- or -- especially in Palm Beach County, where they do not add the --when the item's called, that's when the public participation happens. And say somebody comes in here and wants to talk about 10 items at the beginning of the meeting. Are you going to give them 20 minutes to talk about all 10? Probably not.

Chair Russell: But you don't know that.

Mr. Lozman: But it's not reasonable to do it. So the way it's doing really -- I think it's going to have to be challenged so that a precedent can be set.

Commissioner Hardemon: I -- but that's what we said.

Mr. Lozman: How do you conduct public comment?

Commissioner Hardemon: We told you the challenges. Because the bottom line is this: If you have 50 people with you, this board has every right, through the Florida Statute, to allow only one person to speak to represent the interest of all 50, or five people from the group.

Mr. Lozman: Of a group.

Commissioner Hardemon: What I'm describing to you is --

Mr. Lozman: But that's not the case here right now.

Commissioner Hardemon: -- that we have to give everyone a reasonable opportunity to be heard. That's what we must do. And knowing the law, "reasonable opportunity to be heard" is something that's very subjective, and we're allowed the discretion to be able to create the guidelines to have people to speak and to also carry on the business. So the public does not have -- they don't have to debate with the Commissioners. Like what we're doing right now, this is totally inappropriate, but we're doing it, because we want to educate about this whole matter. But the bottom line is that if you want to debate the issues, and you want 50 minutes to speak, then you should get elected and become a Commissioner. And even then, 50 minutes is a very long time for a Commissioner to speak, and I think there'll be some objection (UNINTELLIGIBLE)

Commissioner Carollo: He's sending a hint to you, Commissioner Carollo.

Commissioner Hardemon: No. So --

Mr. Lozman: With all due respect --

Chair Russell: -- (UNINTELLIGIBLE).

Mr. Lozman: -- Commissioner Hardemon, I've talked to Pat Gleason, the Assistant Attorney General, State of Florida --

Commissioner Hardemon: That's good.

Mr. Lozman: Barbara Peterson, Executive Director --

Commissioner Hardemon: That's good.

Mr. Lozman: -- Sunshine Law; you are wrong.

Commissioner Hardemon: That may -- Listen --

Mr. Lozman: But you're (UNINTELLIGIBLE) --

Commissioner Hardemon: -- prove it.

Mr. Lozman: -- relevant --

Chair Russell: Please, this is not a debate.

Mr. Lozman: -- (UNINTELLIGIBLE).

Commissioner Hardemon: Prove it.

Chair Russell: This is not a debate.

Mr. Lozman: Right. We will challenge it in court --

Commissioner Hardemon: Please.

Mr. Lozman: -- and then we will give (UNINTELLIGIBLE) a precedent.

Commissioner Hardemon: You will do good for everyone in the State of Florida by challenging it, because you just give more law that it can be described more concretely, but do it.

Mr. Lozman: But the distinction is --

Commissioner Hardemon: But as of right now, I (UNINTELLIGIBLE) my agenda.

Mr. Lozman: -- you have to have a reasonable notice on each proposition. Your rules and the discretion that your Chairman wants to exercise during the meeting --

Chair Russell: Please step up to the mike a little bit; it's a little bit hard to hear you. Thank you.

Mr. Lozman: I said, your rules at the beginning of the meeting is circumventing the spirit of public participation.

Commissioner Hardemon: So before (UNINTELLIGIBLE) --

Mr. Lozman: And (UNINTELLIGIBLE) discretion --

Commissioner Hardemon: -- before we were violating the rule --

Mr. Lozman: (UNINTELLIGIBLE) it's about.

Commissioner Hardemon: -- you had a specific statute; now it's the spirit.

Mr. Lozman: A speci -- no, I'm talking about the spirit of the Sunshine Law in general.

Commissioner Hardemon: No. I understand what the Sunshine Law is.

Mr. Lozman: For each proposition, you have to give a reasonable opportunity, to each one; not one proposition (UNINTELLIGIBLE).

Commissioner Hardemon: No, no. The reasonable opportunity to be heard is for the people. The reasonable opportunity to be heard, the person reserves a reasonable opportunity to be heard.

Chair Russell: Thank you.

Mr. Lozman: You're talking about a group of people. You're right; if you have 50 people from one group, you can pick one, but if you have 50 individuals, you can reduce the amount of time (UNINTELLIGIBLE) --

Commissioner Hardemon: But that's an old point.

Mr. Lozman: -- but you cannot deny them the opportunity to speak.

Commissioner Hardemon: That is an old point.

Chair Russell: Thank you very much.

Commissioner Reyes: Thank you, sir.

Chair Russell: Now, please --

Commissioner Carollo: Can I ask him another --

Chair Russell: -- do not walk away from the lectern.

Commissioner Carollo: Can I ask him --

Chair Russell: We're still speaking with you.

Commissioner Carollo: -- one more --?

Commissioner Reyes: Don't (UNINTELLIGIBLE).

Chair Russell: I mean, you can leave, but I imagine you've come up to have a discourse, so I'm -- I'd like to --

Mr. Lozman: I apologize. I thought the topic was terminated. I apologize.

Chair Russell: We hadn't. And in fact, I just want to make two or three points here. One, what you stated has -- is noted and is interesting. Mr. Clerk, when we do Boards and Committees, when are the names published?

Todd B. Hannon (City Clerk): The item is published on the agenda, but the names are usually indicated at the Commission meeting.

Chair Russell: And are they available in the morning before the meeting or only once each Commissioner's item comes up and it's stated verbally?

Mr. Hannon: If we have the names, then they're available.

Chair Russell: Normally, by habit of this Commission, do you receive the names with enough time to have them available to the public in the morning?

Mr. Hannon: Not on the agenda, but they'd be available to the public.

Chair Russell: Right, they wouldn't be on the written agenda, but you could have them there, and that's fairly noted. Obviously, you may have an issue with a person that's being appointed, who may have a history that you know of you'd like to bring to our attention, or there's a five-fifths waiver that you disagree on; that was noted. There is a five-fifths waiver on here. So that's noted, and we'll look into that procedure. Beyond that, I don't believe that -- I do believe that you may be fishing for another Supreme Court case, but I don't believe you're going to find it here, because you definitely cannot say that anyone in this room today was denied their ability to address this Commission to the fullest of their intent. Can you?

Mr. Lozman: I think I could.

Chair Russell: Really? Who did we cut off? Everybody went over time.

Mr. Lozman: No.

Chair Russell: Everybody spoke when they wanted to.

Mr. Lozman: I'm not --

Commissioner Hardemon: His time to speak right now is unreasonable. This is unreasonable.

Chair Russell: I agree with that. I agree with that, but I think we're just --

Mr. Lozman: This is not a place or time to debate your policy. I know --

Chair Russell: But you chose that.

Mr. Lozman: I came up here to make a comment that when I try to ask the gentleman here, the City Clerk, about --

Chair Russell: Yes.

Mr. Lozman: -- an item that had come up a little bit earlier in the agenda, he said, "Oh, that's when your two minutes" (UNINTELLIGIBLE) --

Chair Russell: Yes.

Mr. Lozman: -- "beginning of the meeting." What I'm saying is that the discretion that you are exercising during the conduct of the meeting, after your two-minute time frame is not in the spirit of liberally construing the Sunshine Law, number one; and two, I think it's violative of Florida Statute 286.0114(2), but that's really not our call; that's for a court of law to determine, and the Supreme Court has nothing to do with this.

Commissioner Reyes: Sir --

Mr. Lozman: This has to do with an interpretation of Florida's Anti (UNINTELLIGIBLE) --

Chair Russell: Correct.

Mr. Lozman: (UNINTELLIGIBLE) law --

Commissioner Reyes: Sir?

Mr. Lozman: -- and why it was put into --

Commissioner Reyes: Excuse me, sir. For what I gather, it is that you are going to take us to court. Well, just go right ahead. I mean, what are you saying, you're implying that this should be discussed in a court of law. That means that -- I mean, I -- that give me the idea or the impression that you already have your mind set, and you're going to take this to court.

Mr. Lozman: Well, you're --

Commissioner Reyes: Yes or no?

Mr. Lozman: You have the leadership skills -- both of you Commissioners have a lot of leadership skills, and you could say, "You know something? Let's step back. Let's review the statute. Let's talk to our City Attorney again. Let's see how they do it an" -- "in other municipalities, in other counties." Then say, "You know something? I'm right." You are --

Chair Russell: Commissioner Reyes.

Mr. Lozman: -- violating -- So you could solve the problem yourself. You could (UNINTELLIGIBLE).

Chair Russell: You have brought two recommendations, and both of them have been given to our management to actually change the policy that we have, so thank you. You've actually brought items to our attention. We will now look at our process of how we put names on board -- agenda -- appointments. And also -- previously, you also had a suggestion that we will take up, so I think you've been successful here. I don't think anyone's been violated, but thank you.

Commissioner Reyes: Another question: You said, "reasonable time." Could you define "reasonable"? It could be three minutes, five minute, two hour, three hours and a half. I mean, that is very subjective.

Mr. Lozman: Reasonable, given the size of this City, would be two minutes on each proposition. If somebody wanted to talk about 20 propositions, unfortunately, you'd have to give them two minutes on all 20 propositions.

Chair Russell: That's not true.

Mr. Lozman: That's the problem that people (UNINTELLIGIBLE).

Chair Russell: That's not defined, and it's not true.

Commissioner Carollo: Can --?

Chair Russell: But I believe we've been reasonable here, so I am going to cut you off now. And thank you very much for your participation.

Commissioner Carollo: No, no. Can he stay up for a second, because I --?

Chair Russell: Commissioner Carollo would like to engage --

Commissioner Carollo: Please, sir.

Chair Russell: -- in further debate.

Commissioner Carollo: Please don't go.

Commissioner Reyes: I have an appointment before (UNINTELLIGIBLE). It wasn't mentioned (UNINTELLIGIBLE) --

Commissioner Carollo: Yeah, we'll --

Commissioner Reyes: -- an appointment for (UNINTELLIGIBLE).

Chair Russell: (UNINTELLIGIBLE).

Commissioner Carollo: Please don't go. Look, I don't know you, I don't know who you are, so I have a very open mind. And frankly, this is one area of the law that I don't have any expertise in. So I've heard what my colleague has stated, and I'm sure he's studied the law in that aspect well, but I'm going to defer to our City Attorney on this; that I -- we all need to defer to her. But I will take up your recommendation. I'm going to look into it a little further. I will say to you that when I was Mayor, we did it in the way that you're suggesting. Does it mean that that's the only way that it could be done or not? I don't know. This is the way that it's been done for numerous years, since I came back a little over a year ago, and brings up the question that I wanted to ask you. If this has been done now for numerous years in this fashion --

Chair Russell: Yeah, that's true.

Commissioner Carollo: -- did you bring this up to the City's attention before, or is this the first time?

Mr. Lozman: It's the first time I've addressed this, Commissioner.

Commissioner Carollo: Why would you have waited so long? Because this has been going on for years that the City's been doing it this way.

Mr. Lozman: (UNINTELLIGIBLE) property owner in the City of Miami recently.

Commissioner Carollo: Okay. So it was because you became a property owner recently, even though you don't have to be a property owner to come and speak and challenge the City on issues such as this.

Mr. Lozman: Right. But I had not attended any City of Miami meetings until a month ago --

Commissioner Carollo: Okay.

Mr. Lozman: -- or two months ago. So this is my -- only my second meeting, and when I saw it -- The First Amendment Foundation has what they call "Members of

the Sunshine Brigade.” These are members of the First Amendment Foundation that uphold the Sunshine Law. And when you see the sunshine law being violated, you speak up about it, and over the last, you know, 15, 16 years, I’ve done that, when I’ve seen the Sunshine Law that’s not being -- it’s being misinterpreted, it’s being blatantly violated, whatever. So I just happened to be at a meeting -- my first meeting in the City of Miami, and I saw what was going on, and I said, “I’m going to speak up. That’s not” -- I think you’re doing it wrong. I think, when you were Mayor, you were doing it correctly. I think this new way they’re doing it is wrong. It’s that simple.

Commissioner Carollo: Well --

Chair Russell: Thank you very much.

Commissioner Carollo: Thank you.

END OF BOARDS AND COMMITTEES

DI - DISCUSSION ITEMS

DI.1

5481

***Commissioners
and Mayor***

DISCUSSION ITEM

A DISCUSSION REGARDING MIAMI FOREVER BOND FUNDS FOR AFFORDABLE HOUSING.

MOTION TO:	Withdraw
RESULT:	WITHDRAWN
MOVER:	Manolo Reyes, Commissioner
SECONDER:	Wifredo (Willy) Gort, Commissioner
AYES:	Russell, Gort, Carollo, Reyes
ABSENT:	Hardemon

Note for the Record: For minutes referencing Item DI.1, please see “Order of the Day.”

DI.2

5490

***Commissioners
and Mayor***

DISCUSSION ITEM

A DISCUSSION REGARDING THE CITY MANAGER.

MOTION TO:	Defer
RESULT:	DEFERRED
MOVER:	Joe Carollo, Commissioner
SECONDER:	Manolo Reyes, Commissioner
AYES:	Russell, Gort, Carollo, Reyes, Hardemon

Note for the Record: Item DI.2 was deferred to the February 28, 2019, Planning and Zoning Commission Meeting.

Commissioner Carollo: One last question to the Manager.

Chair Russell: I'm sorry. We need to move this item.

Commissioner Carollo: Oh, we haven't --?

Chair Russell: The last one. Can I get a deferral of DI.2 to the next City Commission meeting?

Commissioner Carollo: There's a motion, a deferral, DI.2.

Commissioner Reyes: Second.

Chair Russell: Motion and a second. Any further comments? All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed? Motion passes. We are adjourned. Thank you. Happy Valentine's Day.

END OF DISCUSSION ITEMS

D3 - DISTRICT 3**COMMISSIONER, DISTRICT THREE JOE CAROLLO****D3.1****4899****Commissioners
and Mayor****DISCUSSION ITEM**

TIME CERTAIN OF 11:00 AM - DISCUSSION REGARDING CODE ENFORCEMENT.

RESULT:	DISCUSSED
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Note for the Record: For additional minutes referencing Item D3.1, please see Items NA.3 and NA.4.

Chair Russell: Right in time for 11 o'clock, which we have a time certain discussion item. Commissioner Carollo, are you prepared for this item now or --?

Commissioner Carollo: Yes. Yes, we could go with it now.

Chair Russell: Thank you. The floor is yours. How much time do you need for this item? I'm just going to try to schedule out, because the only thing we have left on the agenda is the Boards and Committees, one other discussion item, and I believe, if I'm not mistaken, that is it.

Victoria Méndez (City Attorney): And an attorney-client session.

Chair Russell: Yes, yes.

Commissioner Carollo: Mr. Chairman, I am going to need no less -- maybe more -- than one hour on this item, and at the same time, that's still not going to be enough, so I'm going to have to put the next meeting for additional parts. This is not a pleasant time for me to have to bring this up to this body, but as you could see from the record, I had been putting it off, putting it off, and it only has gotten worse from that time, so I have no choice but to deal with it now. And like I said, I know I'm not going to finish in the hour, hour-plus, but at least I'd like to get as much as I can during this time.

Chair Russell: Understood. Commissioner Carollo, I certainly want to give you the time to bring this forward. It's more for a procedural respect for the body to understand what we're about to get into, and maybe measure out the days' other items, as well.

Commissioner Carollo: Well --

Chair Russell: The scope of this, I assume, is to shine a light on deficiencies within a department.

Commissioner Carollo: That, and more. I want this body to look at this, and possibly take some action, if it so see fit. Now, if you like, if we could try to move and take care of a few more items and give me more time, I'd be willing to, if need be, bring this up as the first item after lunch; this way, if you want, we could finish the agenda, and if we do the shade meeting, we could do it. You know, I don't mind

doing that, so that we're not in the middle, and it interferes with some of the other stuff.

Chair Russell: If that's okay with you, I think that would be helpful, because then we're open-ended on the backside --

Commissioner Carollo: Yeah.

Chair Russell: -- without other items pending.

Commissioner Carollo: (UNINTELLIGIBLE) that rush the Commission -- (UNINTELLIGIBLE) not rush, or maybe other people that are coming for some other particular items or not.

Chair Russell: Yeah.

Commissioner Carollo: So if we could say that we will bring this back as the first item after lunch?

Chair Russell: It'll pretty much be the only item left by that time --

Commissioner Carollo: Okay. Well --

Chair Russell: -- yes, other than your other discussion item.

Commissioner Carollo: Right. Thank you. So I don't mind -- those are the only two items that we're bringing back to back.

Chair Russell: Gladly. And as I said, it's always the will of the body how far or how deep we want to go into something. From my side as the Chair, I just do want to make a distinction between shining the light on things, and asking questions and giving direction to staff, and a full-on investigation, which we do under Section 14 of the Charter have the ability to do as a body, which we have subpoena power, we have the ability -- I only want to caution that we're careful in anything that comes up specifically to addresses and people that could be considered -- that could put the City in any position of liability if something has yet to be discovered and it comes out that they may or may not be guilty of such a thing, that they then have a recourse on the City. So the specifics -- the less specific, the better, but that maybe not be where you're going, and that's completely up to you, once you have the floor, and then, of course, this body. But I understand what your intention is on this item, and I want to give you the room to say your piece. So thank you very much. We'll --

Commissioner Carollo: Mr. Manager, I had requested of you, if you would have been so kind as to have brought some employees for the 11 a.m. Would there be any problem if -- as many of them as you can, have them here then after lunch, when we reconvene again?

Emilio T. Gonzalez (City Manager): Sir, I received your email last night, and I have decided that I am not going to ask those employees to join us. We have sufficient people here to answer any of your questions, and I don't want any of our employees to feel at any moment intimidated, under a microscope. I will gladly -- if you could provide us questions for an individual employee, I would gladly pass it on --

Commissioner Carollo: Does that mean --

Mr. Gonzalez: -- but the Administration has decided that we will not.

Commissioner Carollo: Okay. Does that mean that you're also not going to allow directors, which I think that most of the people that I had were at that capacity?

Mr. Gonzalez: Sir, the directors are here, the Chief is here, the Fire Chief is here --

Commissioner Carollo: Okay.

Mr. Gonzalez: -- our Assistant City Manager, our Deputy City Manager, our new Code Compliance Mana -- we're all -- all the directors are here, but I wanted to keep it at our level, respectfully. I didn't want to bring these people in and feel like, perhaps, they were being unduly singled out.

Commissioner Carollo: No. And you know that's not the case at all --

Mr. Gonzalez: No, sir, but I --

Commissioner Carollo: -- but we needed information.

Mr. Gonzalez: -- wanted to err on the side of caution.

Commissioner Carollo: How 'bout -- well, I'm not going to get into what you said now, Mr. Manager. The stuff that I'll bring out will speak for itself, but besides the Fire Chief, does that apply to the Fire Marshall also?

Mr. Gonzalez: I believe the Fire Chief and the Police Chief are here to speak on behalf of their departments, sir.

Commissioner Carollo: I didn't say that. Does that apply to the Fire Marshall also?

Mr. Gonzalez: Yes, sir. The Fire Chief is here to represent his department.

Commissioner Carollo: Okay. So the Fire Chief will represent whoever the Fire Marshall is, which I don't even know?

Mr. Gonzalez: Yes, sir.

Chair Russell: Thank you very much. So here's our hope. Let's go through the Boards and Committees now. Madam City Attorney, how much time do you need for the attorney-client session?

Ms. Méndez: I believe 30 minutes will do it.

Chair Russell: Okay.

Ms. Méndez: We just need direction from you. That was the purpose of it.

Chair Russell: Understood. And then we'll see where we stand. We may actually have time to get into this before lunch, and if not, we'll table it for after lunch.

Later...

Chair Russell: Good afternoon, ladies and gentlemen. Welcome back to the Valentine's love fest that we call "City Commission;" back in session. We have two items left for the day. D3.1 is a discussion item on Code Enforcement, and the remaining discussion item, the City Manager. Commissioner Carollo, the floor is yours.

Commissioner Carollo: Thank you. Good afternoon. Mr. Manager -- thank you -- I was going to start with the City Attorney, but she's running a little behind, I understand, so I'll start with you. Do you remember, on or about --?

Mr. Gonzalez: Excuse me, Commissioner. I can barely hear you. I'm sorry.

Commissioner Carollo: Okay. Well, let me try to get closer and see if I could speak up a little louder. Do you remember, on or about February 3, of last year, where we went throughout parts of my district, and I was pointing to you a variety of violations to the Code, or potential violations to the Code? Do you remember that evening, approximately that time?

Mr. Gonzalez: Yes, sir, I do.

Commissioner Carollo: Okay.

Mr. Gonzalez: And I know we also went during the day, as well, later on.

Commissioner Carollo: Yeah, there was -- but that was much later. That was much later than that. In fact, there's a third time that I think we met up in February; had the date here, but let's start with that first one that was at night. Do you remember that we went to a location, that there was a 20-foot container that had been spruced up so that they could sell sandwiches out of it? Okay.

Mr. Gonzalez: Yes, sir, I do.

Commissioner Carollo: Okay. Do you remember that I pointed to you to see if you could find axles anywhere in that container?

Mr. Gonzalez: Yes, sir.

Commissioner Carollo: And did you find any axles in the container?

Mr. Gonzalez: Not that I recall, no.

Commissioner Carollo: Okay. And do you recall that the reason that you didn't find any axles in the container was because there's no way to have put them? In the back, there was a sliding gate that would have hit the axle and could have moved; and in the front, there was wood planks that were higher, so you couldn't put one.

Mr. Gonzalez: Yes, sir, I recall that.

Commissioner Carollo: Okay. Do you also remember that we looked at that sliding gate, and it was clear that it had been moved numerous feet from the front, where it was, to the back, to make room for the container?

Mr. Gonzalez: Yes, sir. You pointed that out to me.

Commissioner Carollo: And -- but you saw the trackings before --

Mr. Gonzalez: Yes.

Commissioner Carollo: -- and everything, and the asphalt. And you remember that the gate was electrical, so it needed electricity from somewhere?

Mr. Gonzalez: Yes, sir.

Commissioner Carollo: And the sandwich place had electricity coming to it, if you remember that or not?

Mr. Gonzalez: I do.

Commissioner Carollo: Okay. And I believe I told the other time that the electricity was coming from the building next to it. I believe it was 1641 Southwest 8th Street --

Mr. Gonzalez: I don't know what the address was, but, yes, I remember you mentioning that.

Commissioner Carollo: -- to the building next to it, which was illegal, because in a container unto itself like that, you just can't throw electricity through the ground without getting permits and doing it the appropriate way to any standing structure. But let me go back to the axles. When I asked you if you could see any axles, and you rightly said, "No" -- and I -- again, you remember that, that you looked --

Mr. Gonzalez: Yes.

Commissioner Carollo: -- and there was no axles. And I then showed you -- Anthony, can you put a picture of the axle? I don't remember if we had two or one, but we have one here anyway. That's the container fixed up. And this picture here is good, because, as you have testified, in the front you have all that wooden plank, so you can't put any axles there; and in the back, you saw the gate. Can you go back to the other one for a second, please? You see the gate with the motor that couldn't open up, if there were any axles there. If you go back to the axle now. Now, this is the axle that I was sent, that I showed you, and I explained to you that we were told that this axle was connected to this particular spruced-up container. And since you had not seen any axles there, your statements to me at the time was, "This picture has been Photoshopped." Is that, more or less, the statement you recall you made when you saw the picture and you saw there were no axles there?

Mr. Gonzalez: Yes, sir. I think everything you've said so far is correct.

Commissioner Carollo: Okay. And I appreciate that, you know, your memory's correct on this. In fact, what happened with this picture was that the former, recently departed Zoning Director had given some kind of opinion to the people that were doing this business here that if they would place axles on this container, it would then be legal for them to be there, because that would make it a moving vehicle and -- like one of those food trucks -- and that they could be parked there legally. Even if you had a food truck, the opinion was wrong, because you just can't do it like that. But the worst part was that the individuals here had sent information to the City that, "Here's the axles. Now we're legal, and we could be there," when, in fact, there was no axle; it was Photoshopped. And I submit to anyone that's listening that the reason you've never seen a 20-foot container with wheels -- axles out on the road is because they just don't exist. First of all, the weight of these containers are a lot; and especially if they're loaded, they're tremendous. So you've got to put very large axles in there, much larger than the Photoshopped small axle they put there. Secondly of all, they would take two lanes of traffic to be able to move them, because the 20-foot container that are eight-foot wide, or so, take one lane; and with the axles hanging out, they're going to be taking two lanes of traffic. This is why there's no Federal or State agency that has ever, to my knowledge -- and I certainly looked for it -- given any license for these containers to be out with axles like that, because they would require more than one lane, and the weight of them would require tremendous amount of axles, and probably, like 18-wheelers, more than two wheels in the back. But the reason I'm pointing this out is so that we could

begin seeing the lies, and how individuals working for the City have gone out of their way to give selected protection with some in this City. The -- If I could move on to another date, Mr. Manager, and that's -- and I'm trying to go by sequence, if I can. Let me go to -- this is also in February, a little after that, and it's February 10, a week after this. This was a Saturday. I did this, I mean, as close to the book as you can. I -- Mr. Mayor, I appreciate if you could let the Manager concentrate on this and not speak to him while I'm talking, so he could listen, because I'm -- he's going to --

Mayor Francis Suarez: I think he's paying attention.

Commissioner Carollo: -- have to address me.

Mayor Suarez: He's paying attention to you.

Commissioner Carollo: Well, it might be hard if you're speaking to him aside.

Mayor Suarez: Don't worry about it.

Commissioner Carollo: Thank you. On February 10, sometime in the afternoon, I called you, and told you that as I was riding on 8th Street, between 17th and 16th Avenue, that traffic was extremely slow, if not at a standstill almost; that there were people walking through the streets with open containers of alcohol, basically beer; and that there was a wrestling ring behind a beer joint; that also, on the other side, you had some other places of business, like a doughnut shop and some other businesses. You told me that you were going to be calling and sending Code and Police over. In fact, you yourself came pretty quick after that. Do you remember the incident?

Mr. Gonzalez: Yes, sir, I do.

Commissioner Carollo: Okay. And Mr. Manager, to the best of your recollection, when you came, what did you observe?

Mr. Gonzalez: An alleyway full of people and a wrestling ring in the back, with some cars parked, perhaps.

Commissioner Carollo: Okay. Do you remember people with plastic drinking cups in hand?

Mr. Gonzalez: Yes, sir, because I believe the establishment next door was hosting a party, a bar.

Commissioner Carollo: Okay. And in fact, did you confirm that there was no permits, at all, that they had for that event?

Mr. Gonzalez: When I asked our Code Enforcement personnel and police officer to come and restore order, that information was then passed on to my staff for further analysis. To my knowledge, there was not a permit that had been let for a wrestling match.

Commissioner Carollo: And as of this date, I think we pretty much know that there was no permits issued for any wrestling ring or anything else; therefore, you instructed our Code and/or Police to shut it down.

Mr. Gonzalez: That is correct.

Commissioner Carollo: Okay. Did you happen to speak to the owners of that place?

Mr. Gonzalez: At the time, I believe they were outside. If I did, I'm not sure what I may have told them, other than the fact that the crowd was unruly, and that, at that moment, I didn't think that they were permitted for a wrestling ring, but I don't even recall the individual, but I know a couple of the proprietors came out.

Commissioner Carollo: And I believe that that's what you told me afterwards, and as recently as maybe a couple of months ago, so that goes along with what I recollect that happened. At the same time, and on that afternoon, did you see the -- in the back where the wrestling ring was that it was dirt in the back?

Mr. Gonzalez: Yes, I did, sir.

Commissioner Carollo: Okay.

Mr. Gonzalez: And I think you and I were both there long enough for the -- they actually started taking it apart while we were still there.

Commissioner Carollo: That might have been. I was out, I think, when that happened, but then I came back when I heard you had come, and we started seeing that happen. Do you recollect also that the week before, when we went out at night, I had pointed that place to you, because it was not a proper parking lot?

Mr. Gonzalez: I don't recall, sir, but you may have. I'm sure you did.

Commissioner Carollo: That's fine. That's -- all right. Let me go to one other place, Mr. Manager, and I'll jump to the next part. We met one other time in the day time; I believe it was morning. I think it was when Eugene was around and --

Mr. Gonzalez: Yes, sir. I recall that day.

Commissioner Carollo: Yeah. He was with you, and I think a Sergeant-of-Arms [sic]; I believe I had someone from my staff with me, and I brought you again -- because that first night, on February 3, you had been there, one of these places, even though it was night, but you might remember that there was a homeless sleeping in one of these empty kiosks that were, in effect, containers cut either in one-third or in one-half.

Mr. Gonzalez: Yes, sir. I remember going --

Commissioner Carollo: Okay.

Mr. Gonzalez: -- with you in the evening and also in the day.

Commissioner Carollo: Okay. In the day, I explained to you -- and the reason that I asked you to come was to have you not only observe this during the daytime, but at the same time, to inquire of you why the Zoning Director had signed on your behalf a permit for a farmers' market that he could not issue, because of several reasons that I'll go into now that were illegal. Do you remember something to that effect?

Mr. Gonzalez: Yes, sir. And I also believe you may have given me copies of some memoranda to that effect.

Commissioner Carollo: Well, this is what I have in my hands now, and this was a email that was sent by Victoria Méndez on Friday, May 4, 2018, to Rachel Dooley, and cc'd (carbon copied) to Devin Cejas and Marta Gomez, and it stated -- and

truly, this is 101 Zoning. On May 4, 2018, at 5:10 p.m. -- is when she received it -- Rachel Dooley wrote -- This is, I think, in answering the City Manager's subject, "Farmers' Market Requirement." And she said on May 4, 2018, Rachel Dooley: "62.622, see 'Permitting Process.' Notwithstanding any contradictory language in the Zoning Ordinance, property owners who wish to host a farmers' market must submit an application for a temporary farmers' market permit, to be approved by the City Manager, or designee, at least 30 days prior to the date of the farmers' market, pursuant to Division 2. An applicant must submit a site plan, detailing the location of all tables, booth, stands, outside parking, landscaping, and restroom facilities. Spillover parking into any residential area is strictly prohibited. Any temporary farmers' market permit may be extended for an additional six-month period for an additional fee as detailed below." And it's marked here -- or highlighted, "No temporary farmers' market permit shall be issued to a property that has any outstanding Code Enforcement violations or City liens." The Zoning Director answered at the time -- same date, May 4, 2018, referenced "Farmers' Market Requirement -- he answers, "That's clear." However, a month plus, two months later -- approximately two months later, it wasn't clear to him, obviously, because he did, in fact, sign, as your designee, a permit for a farmers' market there that not only was illegal, based on our laws that you cannot issue a temporary farmers' market permit, or, for that matter, any other permit, when a property has outstanding Code Enforcement violations or City liens. In fact, this property had, which he knew, Code violations. But beyond that, there's also a requirement that the area -- not the size of the lot, as the City Attorney interpreted for a farmers' market, the clear area that you have -- has to be 5,000 square feet, minimum. As the City Attorney's Office measured, it was under 5,000. There was another issue that was never looked at, because if it would have been, I believe the answer would have been that it was also illegal for a third reason. The parking that they were going to be taking away there, that if we would look into the requirements for the business establishments that are there, that would have been a requirement for them, but nevertheless, it was illegal, based on the Code violations, and the Code Director acknowledged that on May 4 that that was clear, but he still went ahead, two months later, and signed off on this, as your designee; the same Code Enforcement Director that stated that if they would just put axles in a container that would make it legal to put anywhere you want, because that would make it into a food truck. And as you already have testified, the axles that were put in the picture that were sent to us, the City, were Photoshopped; they were never there. Furthermore, you might remember a meeting with the principals that owned the container, in my office, where you were there, some of your assistants were there, City Attorney, some of my staff, where I asked the principal about the axles, and he made a statement that they had -- were in order from Australia, and they would be sent soon. Do you remember that one, too, or not?

Mr. Gonzalez: I remember the meeting in your office, yes.

Commissioner Carollo: Do you remember that statement about Australia?

Mr. Gonzalez: Yes, that they were --

Commissioner Carollo: Okay.

Mr. Gonzalez: -- bringing in from the outside.

Commissioner Carollo: So what I'm establishing here, Mr. Manager, at least with one individual -- granted, it's a former employee now -- the series of lies, the series of going out of their way to help individuals; what I would call "selected protection," and he never had a price to pay, never had a price to pay. I never saw any reprimands. I never saw anything, which is a concern. And I thank you for

being honest in the statements that you have made on some of our meetings when I took you out there. I know we walked in other places and so on that I showed you, but for the meantime, I want to limit this to this, with the only other exception, which was the famous telephone pole that had electricity going inside a Mexican restaurant, in an alleyway that could not be enclosed, could not be covered with a roof. It was -- and it had 34 seats, with tables outside. Do you remember that I pointed that out to you; not necessarily the amount of tables or anything, but --?

Mr. Gonzalez: Yes, sir. Yes, sir. I know the location.

Commissioner Carollo: Okay. And the first time that I pointed that out to you, I think was February 3, when we went out at night at that time. I also showed you different places that illegal parking was happening in residential areas that were affecting the quality of life in the neighborhood. Now, let me go into some other areas. On March 3, 2018, my office contacted -- not myself -- Code Enforcement -- it was a Saturday -- because we saw next to Pizza Hut a place that I believe now is a very small, tiny sushi restaurant, maybe takeout. I don't even know if they have any chairs. And we were seeing people working there. All the windows were covered. We don't know if it was illegal construction or not. To this day, I don't know who owns that place, the business or the property. The -- Code sent an individual from Coconut Grove over, because that was the only person available on a Saturday, and he checked the place out. They did have permits, and he told them to place it on the glass, so you could see them, like they're supposed to. But we were happy they had permits. I asked the officer at the time if he had any extra time; that I would like to point out to him some other possible locations that had Code violations. He said, yes, he did. I said, "Would you like to follow me?" And he invited me to go in his vehicle. I believe it was a truck. And I showed him five places. I had asked back in October 22 for any and all reports, documentations made, photos taken, and citations issued by Code Enforcement Officer Denis Uriarte on March 3, 2018, pertaining to the six locations he visited on Southwest 8th Street, in Little Havana. Additionally, provide all reports and documentation made, photos taken, and citations issued as a result of any follow-up to Mr. Uriarte's visit for March 3, 2018, including the status of any actions taken. My response from Lazaro Orta was that after we were told verbally there wasn't anything, the following response was, "I believe this should fulfill the request." And what we got were pictures that he took on the different locations, and a small paragraphs describing what he observed or so, or what he thought that was stated to him. In one of those locations, in particularly, he stated to me -- he wanted me to go inside with him. I said, "No. I will stay in your car." He came out, and he said that he had issued the place a Notice of Violation, because there was illegal work being performed. He took pictures, which we're going to see at some point in this presentation. And he said that they refused to let him go up to the second floor; that they claimed they didn't have the keys, where he felt that the illegal work was being performed. On March -- and by the way, so I won't forget, and I did, on February 10, where the illegal wrestling ring was that you've acknowledged and testified to, I also asked -- and I'll read it on the record -- any and all reports and documents from Police and Code Enforcement, including any photos taken and/or violations issued by Police and/or Code Enforcement on the afternoon of February 10, 2018, behind 1547 Southwest 8th Street, otherwise known as Unit Beer, for any illegal event with wrestling ring and matches located behind said address that cause crowds to gather in the street, that slows -- stop traffic on Southwest 8th Street, with scores of individuals consuming alcohol from containers. I was told there are no response or records for this request. Now, here's a place that you testified to that we shut down. There was at least one Code Enforcement Officer that was there. I don't know if there was a second, but I think there was only one. Do you remember, Mr. Manager?

Mr. Gonzalez: I remember at least one and maybe a couple of police officers --

Commissioner Carollo: Yeah.

Mr. Gonzalez: -- if I recall. It's been a while.

Commissioner Carollo: Yeah. But there certainly weren't 15 to 20 Code Enforcement Officers.

Mr. Gonzalez: No, sir.

Commissioner Carollo: Because I believe we only have a handful working on Saturday.

Mr. Gonzalez: Sir, we only have, I believe, 58 working in the entire City, so --

Commissioner Carollo: Yeah.

Mr. Gonzalez: -- it's a little bit (UNINTELLIGIBLE).

Commissioner Carollo: And Saturday, we're very low. But I'm told that there's not a single record in writing, photograph, anything that this incident ever happened.

Mr. Gonzalez: That's --

Commissioner Carollo: You know, maybe the Chief can explain if this is normal, that if officers are called in something of this nature that there's not going to be anything in writing that they could get. I don't know. But I just want to place this on the record so that everyone could understand why I'm feeling the way that I am. March 14, 2018, on that morning, I met up with the new Code Enforcement Director at the time, Officer Bernat, James Bernat. I didn't know he was going to have a whole group. I think he had one supervisor from Code Enforcement and two officers. He had a female officer that I found out was his assistant that worked with him. I brought some people that I felt were knowledgeable in that field to help me, and it's what I (UNINTELLIGIBLE) Bernat say was the "baton march," because he's never walked this much, I don't think, even when he was a beat cop, if he ever was one. We went for several miles that day, walking up and down 8th Street. I know for a fact that there were places that got cited. In fact, one place that an outside patio was shut down; others that were sent Notice of Violations, or what have you, and there was scores of pictures and notes taken. In fact, in the same parking lot where the wrestling ring was that we brought Mr. Bernat, the same one that we described, I find out months later -- because I didn't walk back there; I stayed in the sidewalk when he and the whole crowd went in and were taking pictures -- I found out months later that he was politely told, "Get the" (expletive) "out of here." The response to me, when I asked for photos, information that we know for a fact exists, "There are no response of records to this request." This is from your main individual in Code Enforcement, Lazaro Orta. This is what I was saying, Mr. Manager. Numerous properties that we have reported from all the way to Northwest 7th Street and 17th Avenue, in that area -- in fact, three properties there, and all three happen to be connected with bars, and very busy bars, on weekends. Do you have those from Northwest 7th Street, Anthony? If you can, if you could show them while I'm talking. But here's what I get from one that's on 1700 Northwest 7th Street. This one is unimproved lot -- no, no, that's not it. No. That's not it at all. Maybe you don't have them, but it's fine. This is on Northwest 7th Street, so none of those will be it. Okay. You see parking lots, Northwest 7th Street, 600; might get some there. Okay. This is one of them. No, this is not 7th Street; this another one. This is on Northwest 1st Street, but save that. Here we go. These are some of the ones that are near the Marlins Stadium, and then you have the one that's

totally unimproved. These are some of the others. You see vehicles here. This is what I get, and I got this only Friday. I got it, and a three-page of different properties, black and white; doesn't say where it's coming from, who wrote it, what; just black and white. On the Northwest 1700, it says, "On and about September 17, '18, a complaint was received, reference illegal parking. The vehicles were removed, and no additional action was needed." Mr. Manager, every weekend, it's a free for all there. Every weekend. 601 -- Well, 600 Northwest 17th Avenue, nothing was then given to me. 601 Northwest 17th Avenue, it says, "On and about September 17, 218 [sic], a complaint was received, reference several violations. At the time of the inspection, an inspector opened a case for parking on unimproved surfaces, outside storage, failure to maintain the swale, no CU (Certificate of Use), no BTR (Business Tax Receipt); failure to maintain the lot, and failure to maintain the exterior fence. On October 21, 2018, a follow-up inspection revealed the violations outstanding, and the property was scheduled to appear before the board on December 12. On December 4, 2018, the property was in full compliance, and the case was closed." While I compliment the officers in going and doing what they're supposed to, if there's illegal parking, whether it's more than illegal parking, they got to mark it down. I cannot, for the life of me, understand how they could close a case when, again, every weekend, it's the same free for all. The -- let me go to some other. On -- by the way, the -- where the wrestling ring that we talked about, that you went the first time, February 3, you went again with me February 10, Napoli visited with me, the Mayor was pointing this out when he went one time with me. In fact, he has gone to the doughnut place where it's behind, and you could see the entrance to it. I brought, in March 14, the Code Enforcement Director; everybody took pictures. The pictures that don't appear and no reports that appear -- that I was told -- there's nothing there. Finally, when I put this in the agenda this time, that I wanted a time certain, because I wasn't going to wait anymore, I'm given in the same page that on and about January 30, 11 months later, is when finally someone writes something on this location; 11 months later, after I'd been pointing out the illegal parking, the free for all; not only that, but there's illegal construction back there, also. On or about January 30, 2019, a complaint was received, reference illegal parking. An inspector visited the property and found cars being parked in the rear. A case was opened at the property for nonconforming parking lot. Well, I'm going to read to you the next one, so you can see why I'm not all excited, because I know what's going to happen with this. In fact, Anthony, do you have pictures that show -- right there, right now today, you sent officers to that location, and they've never stopped for one day, day or night, parking illegally at that location. This is -- no, that's a different address -- 1551, if you have anything on 1551. Not that one, either. Okay. Those are not it. That was just taken out. But let me jump to the last one that I want to bring out in this, 1530 Southwest 7th Street. On 1530 Southwest 7th Street, on and about September 15, 2018, a complaint was received, reference an illegal business. It was illegal parking, but this is what I got. At the time of inspection, the inspector spoke with the person on site, who advised that they were not conducting any type of business. The property was being used to park vehicles of employees at Ball and Chain. A case was opened at the property for no CU and illegally operating a business. After several follow-up inspections, the inspector found that cars were no longer being parked at the property, and the entrance has been chained closed. On November 29, the case was closed after verification of no additional violations dealing with parking. Mr. Manager, since day one, September 15, before and up to now, you could send whoever you want out there and see it. They've never have stopped parking in a property in the front that's multifamily. They cannot park, but particularly in a lot that is not conforming to being able to park. And the house in the front is -- you could see it right through the windows; not just what I was told -- it's being used for storage, and it's full from one end to the other, apparently, from when you're seeing -- in the windows, you can see it from the road. How in the world can they claim that they found that no longer are cars being parked at the property and the entrance has been chained and closed;

therefore, no additional violation dealing with parking, and the case is closed? I mean, I've never seen the likes of it, and these are the soft marks. Can you put the -- ?

Vice Chair Gort: Commissioner, let me ask you a question.

Commissioner Carollo: Yeah.

Unidentified Speaker: Microphone.

Vice Chair Gort: Is that 1530 Southwest 8th Street?

Commissioner Carollo: Southwest 7th Street.

Vice Chair Gort: 7th Street.

Commissioner Carollo: 7th Street, yes, which is all multifamily. This is the back of it that I'm talking about, right here that you're seeing. You see how that lot looks. Now, the back of it -- all the front, from the house to this fence, is a residential part. The back from the fence is to that building, the small part, that's commercial. That lot is also unimproved, where you won't be able to park in it, but you cannot go through residential multifamily property, even if it's the same owners, to get into a commercial area. Can -- and you see, in the residential here, the house that I'm talking about, all the cars parked. And this is like this every day. But I'm being told that that was taken care of; everything is hunky-dory. And in fact, don't call on anything here, because it's going to be taken care of. Tower Hotel. Can we get up pictures? Okay. These two pictures that we're seeing are the front of the Tower Hotel that's located on 1450 Southwest 7th Street. The picture on your left was taken by the Chief of Unsafe Structures in Miami at the time on May 31, 2012. You see it stamped. Now, Joe Carollo wasn't a Commissioner back then. I didn't get sworn in until December 2, 2017. I wasn't around. On May 31, 2012, which I'm going to show you more pictures in a moment, the Chief of Unsafe Structures was out and about. He saw people working in that building. He decided to check it out, and found that there were no permits for them working there. He went inside, and what he basically found was a building that was gutted that I'm going to show you in a minute. He cited them. He cited them, and he shut them down. You see that picture to your right, that's June 25, 2012, 25 days later. You see the difference? They didn't care. They kept construction. Look how they took out the air conditions and made windows in the bottom. In the top, they took out the type of windows that they had so they could make different types of windows. I mean, it's there in black and white. If you could go on to how the place looked inside. This is how the place looked inside. As you could see, all these pictures are stamped May 31, 2012. I wasn't a Commissioner back then. You see the roof, everything there. Look at the inside. Electrical all over the place. More electrical. More walls. You could see how everything is gutted inside. Keep going until -- You see the hallways, the rooms, the stairs going up, how everything is gutted. And to your left, you see the Stop Work Order that was issued on June 2012, on 1450 Southwest 7th Street. To your right, you would think, after all these years, they would learn something. Again, on January 22, this year, more violations for people doing work with permits. Now, you said you had no problem with me speaking to Directors, Mr. Manager. The Fire Chief, is he here? I believe the Manager said you would speak for the department. The Fire Marshall is not here, but I'm sure, Chief, if you were a Fire Marshall yourself at one point in your career, you should be knowledgeable enough on what a Fire Marshall needs to do. What I have here is, a "Certificate of Use" that was issued on this property that you see in the condition that it's in on May 30. The -- from the pictures that you saw, May 31, the day after that the City issued the Certificate of Use is when our Chief of Unsafe Structures took the pictures that

you've seen, one day after. When you issue a Certificate of Use, you're saying that everything is fine to be open, correct, Chief?

Joseph Zahralban (Fire Chief): Chief Zahralban -- Joseph Zahralban, Fire Chief (UNINTELLIGIBLE).

Commissioner Carollo: Sir?

Chief Zahralban: Joseph Zahralban, Fire Chief, Department of Fire Rescue.

Commissioner Carollo: Yeah.

Chief Zahralban: Commissioner, the Certificate of Use, as we use it, is actually a trigger for us to go and inspect. We receive a list of buildings that are generated from Certificate of Uses that are issued through the City, and then we would go and inspect these properties.

Commissioner Carollo: Okay. I have here fire prevention, May 24, 2012, signed off by a Fire Marshall that is no longer with you, I am told, that said, "Okay." Do you think there's something that doesn't jive? You sign off on a Certificate of Use, and you see a buildings in that condition?

Chief Zahralban: Commissioner, to be perfectly honest, I'm not familiar with the case that you're describing. I'd have to look at the material in order to intelligently comment on it.

Commissioner Carollo: I -- yes. But Chief, you're seeing a building that's gutted. To put a building in that shape takes a while. I'm telling you -- and I could show it to you, if you want to see it. You come up here, I'll give it to you -- that someone from your department signed off on this just days before the Certificate of Use is issued that said that everything was okay. Forget about whether you know the full knowledge or the history or not in this building. I don't know the whole history of it. All that I know is that a Certificate of Use is issued; it's signed off by a Fire Marshall, besides other City employees, and this is the condition that this place is in. Anthony, can you put back at least some of the other pictures so he could see them? So, would you agree with me that this place was in no shape, from what you've seen, to be given a Certificate of Use in that condition?

Chief Zahralban: Again, Commissioner, I would like time to investigate the actual case, but on the surface, on face value of what you're saying, based upon the pictures that I'm seeing in front of me, would I believe that something like this would be approved? The answer is absolutely not.

Commissioner Carollo: Okay. Well, that's, you know, what I want to get from you, a black and white, whether you believe or not, and you stated, "No." And again, you don't have all the history of the place; I don't either, frankly.

Chief Zahralban: Yes, sir.

Commissioner Carollo: The funny thing is that Code Enforcement signed off on it, too, and while your former Fire Marshall -- I don't know how many of them you've had, Chief. Is there several of them that are Fire Marshalls or --?

Chief Zahralban: There's only one Fire Marshall at any particular given time, but we do -- you know, they do either promote or retire --

Commissioner Carollo: Right.

Chief Zahralban: -- so there are successions of Fire Marshalls.

Commissioner Carollo: Well, again, the Fire Marshall who signed off on this, I am told, is not around anymore, but the Code Enforcement Officer that did sign off on this is around, and he is a supervisor, and he is a supervisor that walked with the new Director, Bernat, and I and others, on March 14, where no records are found when I asked for them. Out of all the pictures, all the notes that were taken, and violations that we know, or Notice of Violations and citations that were issued, including at least one place that we know their outside patio was shut down. The -- well, you answered straight, Chief, and I appreciate that. If -- Mr. Manager, if I could get the Code Enforcement Director now. Thank you, Chief. I appreciate your statements.

Adele Valencia (Director, Code Compliance): Good afternoon.

Commissioner Carollo: Ma'am.

Ms. Valencia: My name is Adele Valencia. This is my ninth day on the job. I was -- I've grown up in the City of Miami. I learned how to fish with my dad in the Dinner Key Marina, and this is an exciting first Commission meeting.

Commissioner Carollo: What'd you used to fish?

Ms. Valencia: We used pinfish.

Commissioner Carollo: King fish?

Ms. Valencia: We used to catch -- we used to get the bait from the Easy Quick (UNINTELLIGIBLE).

Commissioner Carollo: But you used to fish for what?

Ms. Valencia: Anything we could catch out in the bay.

Commissioner Carollo: Oh, okay.

Commissioner Hardemon: Is fishing in Dinner Key, is that legal?

Ms. Valencia: Sometimes there were crabs.

Commissioner Carollo: Look, I --

Ms. Valencia: I was six.

Commissioner Hardemon: When you're learning how to fish, who cares, right?

Commissioner Carollo: That's something good that she said. That's a plus for her, because --

Mayor Suarez: A Code violation.

Commissioner Carollo: -- that's close to my heart. When I was 15, we had just moved from Chicago to Miami, and my dad loved fishing. He would take me out there. Back then, you didn't have to go far, and you would catch everything. And we would come back -- my dad was a good fishermen, and we would come back with dozens of king fish, mackerels; you name it, so.

Commissioner Hardemon: See, I learned how to fish in my mother's fish tank. She had a big fish tank, and I would take the little green scooper in and scoop up -- couple of them out of there.

Commissioner Carollo: Yeah. Listen, we only had a little 15, 16-footer back -- then when it got real bad, that all the fish were, you know, driven away, we had to go five miles out. And I'd say, "Dad, you know, it's too much." And, you know, one day, I saw a huge hammerhead, the size of the boat, and I think he understood then we needed to get closer, but anyway.

Ms. Valencia: If I may, sir, I'm here to work with all of you. I know that each of you are public servants, who have great insight into the communities that you represent. Having grown up in Miami, I appreciate how complex and diverse our city is. We have five cities in one, and I look to you as partners to help better inform how Code compliance, not Code Enforcement, can serve our residents to improve quality of life equally. We have 58 men and women to serve the entire half-million population, 56 square miles of City. So I'm happy to answer any questions that I have -- may have, but --

Commissioner Carollo: Well, thank you.

Ms. Valencia: -- you may have, but I'm limited in my knowledge.

Commissioner Carollo: Thank you, Adele. But Code Compliance is a good word to use with the average resident that doesn't know, can make a mistake, or maybe it wasn't a mistake one time, but is not a constant violator.

Ms. Valencia: Repeat offender.

Commissioner Carollo: Repeat offender, that's the word. And that's where you have to make sure that there's some bite to Code Enforcement. What you have seen here that I described, that one of the Code Enforcement Officers signed off on a CU for something of this sort, what kind of impression does that give you? I mean, you see how the building was three stories, and when you sign off on a Certificate of Use, that means that it's hunky-dory; door's open.

Ms. Valencia: Right. I'm the mother of --

Commissioner Carollo: Do you see something wrong with that picture?

Ms. Valencia: -- of two tiny children, a toddler and a five-month-old.

Commissioner Carollo: Yeah.

Ms. Valencia: So my concern is for life safety of our residents. I don't know --

Commissioner Carollo: Describe --

Ms. Valencia: -- where that is; I've never been to the property.

Commissioner Carollo: Yeah.

Ms. Valencia: And again, I can't take responsibility for the last decades of Code Compliance.

Commissioner Carollo: Well, I'm not asking you to; neither can I.

Ms. Valencia: But certainly, that does not seem like something that would be friendly for the public to walk into.

Commissioner Carollo: Okay. So you certainly would not have signed off on a CU in a place like that?

Ms. Valencia: I'm not authorized to sign off on CUs, but I don't think that any --

Commissioner Carollo: Well, an inspection?

Ms. Valencia: No.

Commissioner Carollo: Okay. Well, if you get a copy of this -- I've shown it to -- from the Manager on down; I'll show it to you here. If someone could make a copy once I'm done, and I'll get it to you, so --

Unidentified Speaker: (UNINTELLIGIBLE).

Commissioner Carollo: No, no. This is the City of Miami. Well, DERM (Department of Environmental Resource Management) is for another part that they sign off, but DERM doesn't actually go there. The -- Fire and Code does go there. The -- this place I wanted to bring up, because I wanted people to get the feel of what is going on, to the extreme of what is going on here. Now, supposedly, if you get caught, like they did, not once but twice -- after they got caught the first time, they kept working until they went back again and really stopped them. They were sent to the Unsafe Structures Panel -- Board. I don't know how they could have gotten a CU again. I don't know the whole story there. I go by 7th Street sometime back. I'm seeing air conditions on top of the roof. I go by there now, the air conditions are gone. You know, I really don't know what's going on in that place. It's kind of like the Hotel California, you know.

Ms. Valencia: You can check out any time of night, but you can never leave?

Commissioner Carollo: I don't know. But let me move on.

Ms. Valencia: May I be excused, sir, or would you like me to stay?

Commissioner Carollo: Well, if I could ask you one more question, since --

Ms. Valencia: Gladly.

Commissioner Carollo: -- you are the new Director. Could -- and since this is an ongoing issue, not just in my district, but I suspect citywide, could you tell me what you feel are the requirements to have a legal parking lot?

Ms. Valencia: I'd have to defer to my colleagues, who are more knowledgeable. I can commit to you that I'm happy to research the matter and understand it. All I have is my integrity on the line. And part of the reason I've been hired, as I understand it, is to improve processes, to help our hard-working Code Enforcement - Code Compliance inspectors work better.

Commissioner Carollo: Well, I'm not doubting, that --

Ms. Valencia: Thank you, sir.

Commissioner Carollo: -- your integrity, at all, and please, I want to establish that. We met the other day --

Ms. Valencia: Yesterday.

Commissioner Carollo: -- second time -- yeah, yesterday. And this is the second time that we have spoken, so I'm not doubting your integrity. I just want to --

Ms. Valencia: Appreciate it. I mean --

Commissioner Carollo: -- find out about your knowledge, since you are the Director --

Ms. Valencia: Yes, sir.

Commissioner Carollo: -- of Code Enforcement, and that's why I'm asking you if you know -- or at least give me your idea what you think --

Ms. Valencia: I don't want to speculate, because I trade in facts, but I'm happy to enlist my Assistant City Manager.

Commissioner Carollo: No, no, no.

Ms. Valencia: No?

Commissioner Carollo: No. This is for you. Is your answer is that you don't know what is required to have a legal parking lot in the City of Miami?

Ms. Valencia: I'd have to pull out the legal documents. If you give me a moment, I'll come back and do that.

Commissioner Carollo: Okay. But you don't know it right now?

Ms. Valencia: Off the top of my head, no, sir.

Commissioner Carollo: Okay. Thank you for being honest.

Ms. Valencia: Thank you.

Commissioner Carollo: I appreciate it.

Ms. Valencia: I always will be.

Commissioner Carollo: Sure. Thank you, ma'am.

Ms. Valencia: Is that all?

Commissioner Carollo: For now. I might need to call you back up one more time.

Ms. Valencia: I'll be here all day.

Commissioner Carollo: Thank you. I appreciate it.

Ms. Valencia: Thank you.

Commissioner Carollo: All right. Let's move on to the next thing, and I'll try to -- I know it's Valentine's Day, but as you all know, I've been very patient for many, many

months. Can we go to 5/21, and as you're putting -- can you put the pictures, Anthony, of what we have there now, the --? I'm talking about the pictures of the bar, lounge. Certainly, it's not a restaurant on top. Okay. This is from "Miami.com." I believe that's the Miami Herald. And it says, "This new cocktail lounge in Little Havana is kind of hidden. Here's how to find it." And it doesn't say "restaurant, cafeteria"; it says, "cocktail lounge." And as you see here, this is a picture from inside the place. If it -- any of my colleagues disagree that this looks like something other than a cocktail lounge, I, you know, certainly would like to (UNINTELLIGIBLE), but in guidance.

Commissioner Hardemon: I've never been to anywhere besides a cocktail lounge, so I don't know. I can't help you. If they don't sell burritos, I've never been there.

Commissioner Carollo: Well, the -- hold on. Can you go back to this one? The seating here, by the way, the front, where you got the big couches, you got four areas like that; one couch seats three; the other, two; and the two side chairs, one each, so it's -- 7 times 4 is 28. In the back, where you see the, you know, curtains, as best as I could see, there's five of them. Some of the advertising claims there's only eight places altogether, but I see five, plus the other four. You got a couch and it sits three, and two each, so 5 times 5 is 25; and 28 is 53, correct?

Commissioner Reyes: Yes, sir.

Commissioner Carollo: Okay. Here, as you see, you definitely don't see food being served here. You don't see food there. The little tables with everybody having a good time here, and in the higher table, you don't see any food; it's all booze. Go ahead. You see people having a good time, with drinks. This is the front at night. This is what our sidewalk looks like; that anyone that tries to walk through there would have a difficult time, let alone anybody in a wheelchair, and/or to go to the site to go upstairs. Go ahead. As you see that, everybody's waiting in line to go to the side door to go up the stairs and go up to the lounge. In the bottom, you have a restaurant that's been there for quite a few years. This is what the inside looks like. You see all the lamps, electricity; a lot of lamps and electrical work that went into this. You see how crowded this is. Chief, you see how crowded this is over here?

Chief Zahralban: Yes, sir, I do.

Commissioner Carollo: Okay. If you could hang with us for a minute, so he can go to more to show you. Go to the next one. You see how crowded this is? Go to the next one. This is a view from the downstairs -- from the back stairs, rather, stairs, looking down into what used to be a parking lot, and should be a parking lot for people to park cars, but it's not anymore; there's tables back there. Go ahead. And here are the hours. This is called Los Altos. They're closed on Sunday, Monday, Tuesday, and Wednesdays. They're only open three days a week, the action days. If you could leave it in the one with the nice crowd there. If you could leave it there while I speak. Here -- and I'm going to need your help on this, Chief, because this is a life/safety issue, first and foremost; and secondly, it's a quality of life issue for the neighborhood. On -- let me get the report that I was given. Okay. Let's see if I could get the Assistant Manager. Can I get Casamayor to come up? Fernando?

Fernando Casamayor (Chief Financial Officer/Assistant City Manager): Sir, good afternoon.

Commissioner Carollo: Okay. Let me -- you want to see this here for a minute; just if you can verify it, if this is what you gave me last Friday, I believe it was, or -- no, not last Friday. Yeah, last Friday, I think.

Mr. Casamayor: Yes, sir, I believe this is what was sent to you.

Commissioner Carollo: Okay, those three pages. Okay, that's the three pages, black and white; just goes down on different locations, different names, and what has happened. Thank you. If you could go down to the 521 -- you could keep this up here, if you want, so you could see it. I apologize. I'm sorry. Thank you. Thank you for your patience. And here, I'll give you one, or -- you know what? You can go up there now. That's fine. It says here, "On and about November 17, 2018, Interim Supervisor Marcus, en route to another inspection, observed a crowd waiting to enter the above-referenced property. At the time, he entered the establishment and began to inquire on the Certificate of Use and business tax receipt. Shortly after, he was asked to leave the premises by the manager on duty." This is what you were told, correct?

Mr. Casamayor: That is correct, sir.

Commissioner Carollo: Were you also told that he was told by that manager to "Get the" (expletive) "out of here"?

Mr. Casamayor: Sir, I have heard the allegation that they were told that. We asked Inspector Marcos point blank what exactly was told to him, because I was not there. And if you give me a moment, I can tell you exactly what he mentioned.

Commissioner Carollo: Because --

Mr. Casamayor: He stated -- the individual that told him to leave stated, quote, "I do not wish for you to be on my property. Please leave my property."

Commissioner Carollo: Okay. So what you had confirmed to me at another occasion is rumors. Mr. Marcos has given you a different --

Mr. Casamayor: It is what I had heard at the time, sir.

Commissioner Carollo: Okay. Was there a police officer with Mr. Marcos when we went there? I understand that there was.

Mr. Casamayor: Yes, I believe that there was a police officer.

Commissioner Carollo: An Officer Coss?

Mr. Casamayor: Yes, sir.

Commissioner Carollo: Was there anybody else? I mean, was this a task force that went out there? Were they on their own?

Mr. Casamayor: No, sir, not a task force. They were just driving around at night. They are inspectors. We have inspectors at night. We have two to four, depending on the day.

Commissioner Carollo: Yeah. I just didn't know that you just had --

Mr. Casamayor: They noticed --

Commissioner Carollo: -- an inspector with a police officer.

Mr. Casamayor: Yes. -- a large crowd.

Commissioner Carollo: Yeah.

Mr. Casamayor: And the police officer is with the inspector at night for their safety, for the inspector's safety.

Commissioner Carollo: Well, that's good. I'm glad to hear that. I just didn't know that. I thought they only went -- police went with the task force. Okay. So, nevertheless, whether they were told to get out and with the (expletive) wording that I was told and confirmed by you before or not, they were told to leave?

Mr. Casamayor: They were asked to leave; yes, sir.

Commissioner Carollo: Okay. We did not return there. Well, let me back up. Is -- and this is the question that I'm going to have for the Police Chief, if he's still around here. Chief, is it normal operation if an officer that has a right to go into an establishment that's selling liquor, with a Code Enforcement Officer, we have every right to go there, is it normal that if that officer is refused to enter that he just goes away and accepts it? Does he write a report? Does he put anything in writing, or does he just tucks it under his pillow, you know, and leaves it there?

Chief Jorge Colina (Police): Well, let's speak specifically about this officer, because I don't want to speculate about what another officer might do.

Commissioner Carollo: I don't know.

Chief Colina: Well, no. You brought it up, so we'll talk about it.

Commissioner Carollo: Yeah, that's right.

Chief Colina: Right. This officer went there with Code Enforcement. This was an impromptu check --

Commissioner Carollo: That's right.

Chief Colina: -- not one that was preplanned. So I appreciate the initiative to see that there was a crowd, and they found that on, and they went in. The inspector was told, after the gentleman was complying with all the requests, "We'd like to see this. We'd like to see that. We'd like to see this." When they requested to go upstairs is when the manager there then was less cooperative; told the inspector, "I no longer want you here." The inspector went outside; the officer followed. And the officer asked the inspector, "What would you like to do?" And the inspector said, "We will go back. We will check to see what they have on file, and then we will schedule an inspection with the task force, and we will come back with ABT inspectors, armed with the knowledge of what they're allowed to have and not have, and then take the appropriate action."

Commissioner Carollo: Okay. Are there any notes or reports that are usually made when something like this happens, so that you'll remember that you're going to come back with that Task Force?

Chief Colina: There is an After-Action Report that would be prepared on the law enforcement side. So when the task force responds to a location, there'll be an After-Action Report that will be generated that'll state what action, if any, was taken.

Commissioner Carollo: So let me see if I understand what you're telling me. And again, I don't know Officer Coss. I don't know this Inspector Marcos. I don't believe

I ever met him. You're telling me that they would have done an After-Action Report so that the task force would know then where to go, where to come, what to do.

Chief Colina: No. I'm telling you that when the task force responds, there will be an After-Action Report --

Commissioner Carollo: Right.

Chief Colina: -- generated on what action was taken.

Commissioner Carollo: But I'm talking about these two officers. You're obviously Police. You can't answer for Code, obviously; that they don't do any kind of report, or something like that then, or anything, where they went; anything?

Chief Colina: I'm not going to speculate. I don't know if they generated a report on that day; if they wrote down on their notes, "Let's come back next week or next month."

Commissioner Carollo: But --

Chief Colina: I'm not going to speculate.

Commissioner Carollo: -- wouldn't you expect that if an officer is going at a place like this that they put something in writing of what they did, Chief? I mean, I can't believe that they're told they can't go into a place, and there's nothing in writing.

Chief Colina: Well, I don't know that there is something in writing. I don't know that --

Commissioner Carollo: Well, I've been told that there's nothing in writing. Again, like some of the other stuff that I mentioned.

Chief Colina: Well -- but I -- and I don't know who tells you what and what their motivation is and why. You know, the --

Commissioner Carollo: The --

Chief Colina: Excuse me. -- Assistant --

Commissioner Carollo: -- Administration.

Chief Colina: -- City Manager came up and said that they were told to "Get the" (expletive) "out." That didn't occur. And that's what happens when we deal in rumor and innuendo, and conjecture. That's not appropriate. We should deal in fact here. These gentlemen -- the Code Inspector was asked to leave. And the police officer there, who's essentially there for his protection, in case something gets violent, asked him, "What would you like to do?" "Oh, we're going to go get prepared, and we will come back," which I think is the appropriate action, because if there's only two people there, don't think that's the time to start playing, "Quien es mas macho?". Go back, get prepared, which is what they did --

Commissioner Carollo: Chief --

Chief Colina: -- and then they come with the task force.

Commissioner Carollo: -- Chief, this is not "Quien es mas macho?" And you've been around this force long enough to know that this is not what we're talking about here. Now --

Chief Colina: You wanted them to take a specific action. They thought independently of what was best at the time with the information that they wanted --

Commissioner Carollo: Chief, I'm trying to --

Chief Colina: -- and you were not pleased with their action --

Commissioner Carollo: No, no.

Chief Colina: -- and now you want to act like --

Commissioner Carollo: No, no, no, Chief.

Chief Colina: -- we're in some -- on the Carollo court --

Commissioner Carollo: No, no.

Chief Colina: -- and we're a defendant here --

Commissioner Carollo: Chief?

Chief Colina: -- and that doesn't fly with me.

Commissioner Carollo: Chief?

Chair Russell: Please, gentlemen, one at a time.

Commissioner Carollo: Wait a minute. Wait a minute.

Chair Russell: One at a time, if we could, please.

Commissioner Carollo: This is not --

Chief Colina: Yeah, I'd like to finish my response.

Vice Chair Gort: (UNINTELLIGIBLE).

Chief Colina: That's not how we operate here, okay? If you're not happy with the action of a police officer, you have --

Commissioner Carollo: I'm trying --

Chief Colina: -- every right to report that to me, and I will investigate it fully.

Commissioner Carollo: Chief --

Chief Colina: I'm sorry that you're not pleased with his reaction that day, but I can tell you that the task force went back and took the appropriate action.

Commissioner Carollo: -- I'm trying to get information based upon what I was told. Have I said, "I'm not happy"? I'm trying --

Chief Colina: The specific question then.

Commissioner Carollo: -- I am trying to get information from you, Chief --

Chief Colina: And I'm here to help you.

Commissioner Carollo: -- and -- I don't know who you're trying to defend, but you're certainly not trying to defend this officer, because I'm not accusing this officer of anything, Chief.

Chief Colina: I'm not saying that you did.

Commissioner Carollo: I was told --

Chief Colina: I'm giving you the response.

Commissioner Carollo: -- directly by someone in this Administration, the assistant in charge of Code, that they were told to "Get the" (expletive) "out of here." Whether they were told that or not --

Chief Colina: Is inconsequential.

Commissioner Carollo: -- to whatever happened there. The bottom line is that, by law, no one that operates any kind of liquor establishment in this town has a right to deny a Code Enforcement Officer, that's accompanied by a police officer, the right to go in. And because I'm asking questions, trying to find out what was written, what report, you're coming here super-defensive, Chief.

Chief Colina: I'm not defensive.

Commissioner Carollo: Yes, you are.

Chief Colina: But I don't appreciate --

Commissioner Carollo: You're coming here, attacking me --

Chief Colina: -- this going around in circles here, when you can --

Chair Russell: One at a time.

Chief Colina: -- just ask a specific question --

Commissioner Carollo: No. I am -- I --

Chief Colina: -- and I'll give you a specific answer.

Chair Russell: All right. Gentlemen --

Commissioner Carollo: You're not --

Chief Colina: Listen, you're not going to bully me, like you do the other people.

Commissioner Carollo: Listen --

Chief Colina: I'm not intimidated here.

Commissioner Carollo: -- Chief -- And I'm not intimidated by you.

Chief Colina: And this is absolutely ridiculous --

Commissioner Carollo: No.

Chief Colina: -- that we have spent this --

Commissioner Carollo: What's ridiculous --

Chief Colina: -- much time on this already.

Commissioner Carollo: -- is, Chief, is your attitude, coming here. It's obvious that -
-

Chair Russell: All right, order.

Commissioner Carollo: -- the people --

Chair Russell: Gentlemen, let's bring it back to order.

Commissioner Carollo: -- that employ you --

Chief Colina: (UNINTELLIGIBLE) with you.

Chair Russell: Please.

Chief Colina: I've responded.

Commissioner Carollo: I am in charge.

Chair Russell: One moment, please. Please, let's take a deep breath, gentlemen.

Chief Colina: You are not pleased with the way that they responded that day --

Chair Russell: Please, we need order.

Chief Colina: -- and you stated that.

Commissioner Carollo: Chief, I am in shock of your attitude here, when all --

Chair Russell: Commissioner, one moment, please.

Commissioner Carollo: -- that I'm doing is asking questions.

Chair Russell: I've asked for order; one moment, please. We've been at this for a little bit over an hour.

Commissioner Carollo: Let me --

Chair Russell: Please. I don't want a back-and-forth debate or argument or accusation, defensiveness. That's not how this body functions. One at a time. We'll speak through the Chair, if necessary, to keep control and keep things civil.

Commissioner Carollo: If I could --

Chair Russell: And if -- Here's where I see things going, because what this body really needs is to understand the direction of the discussion item, so that --

Commissioner Carollo: I --

Chair Russell: -- we can bring it to a point of either decision; whether this is to bring light to inefficiencies within our system or bad actors in the community, or bad actors in the system. What I wanted to be very careful of is that we don't take a discussion item and become an investigation. We do have a mechanism for that. We have the ability to audit. We also have, as the body, have the ability to launch an investigation. We have subpoena power, where we can actually bring people in and question them in a manner that's starting to be what's happening here. The problem with the way we're doing it here is a lot of the people that are being questioned are not present to defend themselves; a lot of the addresses being shown, the owners are not present to defend themselves. So what we're getting is a one-sided story, which may be true, but we're not able to really get to the truth. And so, we're making a lot of -- it's a lot of motion without potential. If you want to do it in the absolute proper way, we could launch an investigation.

Commissioner Carollo: Commissioner?

Chief Colina: Mr. Chair, if I may?

Chair Russell: And I just want to bring it to a direction, rather than another hour of more --

Commissioner Carollo: No.

Chair Russell: -- photos of bad actors and --

Commissioner Carollo: I --

Chair Russell: I mean, we're not even sure of these addresses and --

Commissioner Carollo: I'm going to finish with this item, Commissioner, for now. And Chief, thank you very much for coming up here.

Chief Colina: You're welcome, sir.

Commissioner Carollo: Thank you very much for accusing me of what I am not, when, at no time -- and you know it, because you understand English as well as I do -- have I made any accusation against any police officer, or anyone else. I'm trying to get facts, so I could go to the next point of what I have here. But I won't ask you for anything else, Chief, because I know where you're coming from. This is about protection, and not protecting your police officers. So accuse me of anything you want, but you know what? I'm not going to ever be what some others are in this City. And what I've shown here, Commissioner, is not innuendo. I've been showing facts, point by point, of what is happening and what I'm being told, and what is happening. So let me go, you know, back --

Chief Colina: Chair, if I may respond, please?

Chair Russell: Yes, Chief.

Chief Colina: Commissioner, I am not accusing you of anything, sir. I am simply saying the --

Commissioner Carollo: But you did; you came to insult me, sir.

Chief Colina: No, sir.

Chair Russell: One at a time, please. Please allow the Chief to answer.

Chief Colina: I answered your question about --

Commissioner Carollo: Maybe the Manager -- the Mayor are happy, , the ones that appointed you --

Chief Colina: Mr. Chair?

Chair Russell: Please, Commissioner --

Commissioner Carollo: -- and might want to give you a raise --

Chair Russell: -- one at a time. Please let the Chief respond.

Chief Colina: I am not accusing you of anything. What I am saying is that I responded to your question about what they did there, when they left. You were not pleased with the --

Commissioner Carollo: No, sir.

Chief Colina: -- action that they took --

Commissioner Carollo: No, sir. I'm asking questions.

Chief Colina: -- because you're clearing criticizing the action that they took and --

Commissioner Carollo: I am (UNINTELLIGIBLE) --

Chief Colina: -- they shouldn't have left.

Chair Russell: Commissioner, just please let him finish.

Chief Colina: That is what you said. And what I am simply telling you is I don't know what they documented that day. I do know that they went back with the task force later; that there is an after-action report that is generated by the Police Department. I don't know what Code writes down or what they don't write, or what their rules are. I honestly don't know that. I can tell you this is what occurred. I don't want to speculate or deal in anything other than we know for certain. What I know for certain is they responded there that day on their own accord, self-initiated. They were told to leave; that is true. I can -- I verified that myself -- and they left. What they wrote down, I don't know. I know that they went back later with a task force, including ABT, and took action, and that action was documented. I know that, as well. Beyond that, there's nothing further to discuss.

Commissioner Carollo: Chief, the only thing that I know of is that I was told there was nothing put in writing. And what I also know is that that's hard to swallow and to believe --

Chief Colina: And Commissioner, by the way --

Commissioner Carollo: And end of story.

Chief Colina: -- just for the record, I'm not here protecting anybody. I -- by the way, I couldn't pick Bill Fuller out of a two-person lineup. I don't even know who that gentleman is; I don't care. I can tell you this, and this will go for every

Commissioner here: I catch anybody doing anything illegal, I don't care who you are, who you know, you'll go to jail. And I think I've shown that in my year as Chief, with the amount of policemen that we've arrested and fired. It doesn't matter to me. I've been charged with a task that I take very serious, and I'm going to restore integrity to the Police Department. And I don't care who it is; if you're doing something wrong and I catch you, you're in trouble. And if you're doing the right thing, I'm going to pat you on the back and thank you very much for the help. That's the way that I operate.

Commissioner Carollo: Anything more, Chief?

Chief Colina: I'm sorry?

Commissioner Carollo: Anything more that you'd like to say?

Chief Colina: No.

Commissioner Carollo: Okay.

Chief Colina: I think I'm done. Thank you.

Commissioner Carollo: Thank you very much, Chief.

Chief Colina: You're welcome.

Commissioner Carollo: After they went there on November 17, they were told to leave. Now, I am told that they were never told to leave in the fashion they were; they were just told to leave, and no reports written by anybody, no notes, no anything that I asked. The task force that the Chief alluded to returned on or about -- let's see -- December 15, I believe it was; on or about that day, more or less. I think the report was written on November 18. Now, what did the task force write? And I'm getting this from several sources; one is a Police After-Action Report, and the other is a Code Enforcement Report. It says, "Fire Department violation: No occupant load for patio area, missing flickers. Code violation: Notice of violation for not having a CU," and it says, "For illegal lounge. Notice of violation for illegal outside patio seating; Zoning warrant needed. No BTR for souvenir shop. Notice of violation: Alcohol served without food, \$500 ticket. Unable to provide documentation for sales, \$500 ticket." This is what I was given. Mr. Mayor, you keep looking at me, like moving your hand, like saying, "So what?" You know, what -- you want to add anything to it?

Chair Russell: Please, let's -- through the Chair, please.

Mayor Suarez: Sure. I --

Chair Russell: Let's continue, Commissioner Carollo, to make your case.

Mayor Suarez: I think what you're saying -- no let me --

Chair Russell: I don't want to get in a back-and-forth debate.

Commissioner Carollo: No, no, no, no, no.

Chair Russell: Please, we are not in a colloquy here. I would like to keep it through the Chair.

Commissioner Carollo: Okay. The bottom line here is that a whole month later, for a place that would not let in a Code Enforcement officer, a police officer, is the time that we took. And, gee, they only went back when -- I guess -- I found out what had happened. And what I was -- I guess -- erroneously told then, that they were told, in not a polite way, "You can't come in." But having gone through these violations, what I was given in this blank page is -- after I had one of these reports that I guess people forgot that I got -- was given a different one here. The one that I got here was that on or about November 17, 2018, interim Supervisor Marcus, en route to another inspection, observed a crowd waiting to enter the above-referenced property. At the time, he entered the establishment and began to inquire of the Certificate of Use and Business Tax Receipt. Shortly after, he was asked to leave the premise by the manager on duty. A follow-up inspection -- the one that I just read from -- was conducted by Code, Fire, and ABT. On or about December 18, a case was opened at the property for failure to have a CU for a gift shop, failure to have a BTR for the gift shop, and failure to have a warrant. ABT found no issues with the operation or alcohol license. And Fire found several violations; one for not using counters for minor patrons; missing occupant load for the outside seating area, which is illegal, so I don't know why you would have an occupant load; fire extinguishers not serviced, and kitchen hood not serviced. All fire violations have complied. The outside seating warrant is being processed, but has not been finalized. The property is scheduled to appear before the board on March 13, 2019. Building permits, dating back to 1995, reflect a restaurant at the location, and additional permits are under review by the Building Department.

Chair Russell: Commissioner?

Commissioner Carollo: This is -- well, no. This is important, Commissioner --

Chair Russell: I understand.

Commissioner Carollo: -- because this that I'm given doesn't talk about at all that they were given a notice of violation for alcohol served without food, \$500 ticket. They were not -- didn't mention that they were unable to provide documentation for sales, another \$500 ticket; nor that they were given a notice of violation for not having a CU for illegal lounge. Now, going to that -- because the license that they had at the time, Commissioner, for the alcohol -- I don't know what they might have now or what they're applying for -- the license that they had is a license that is limited on how you could use that license. You have to have certain requirements. And the -- here it is. This is the license. That's a SFX (Single Use License) license that is otherwise known as "restaurant only" license. It requires at least 2,500 square feet. I'm assuming they have that; be equipped to serve meals to 150 patrons at one time. I understand this means that you got to have the tables so they could eat the meals; otherwise, it's hard to eat them standing up -- and have at least 51 percent of revenues derived from food, non-alcoholic-beverage sales. This is why I'm assuming our police officers did their job and gave them a notice of violation for not having a CU, for illegal lounge, and the two \$500 tickets for alcohol served without food, and unable to provide documentation for sales. So going back -- Anthony, could you put the second sets of pictures that we have here?

Chair Russell: Commissioner, how much more of the evidentiary side of this --?

Commissioner Carollo: Just a few more, you know.

Chair Russell: Because I would like to bring it to a close --

Commissioner Carollo: Well, we -- you know --

Chair Russell: -- to just fully understand what you would like to do.

Commissioner Carollo: I will, but let me finish with this site. I won't go into any other site, okay, until I'm finished with this, if you would.

Chair Russell: Of course.

Commissioner Carollo: Because I think -- You see the piles that are here. These were taken on March 3, 2018. Now, that's the day that I mentioned that the Code Enforcement officer went over there. I stayed in the car. I pointed out numerous locations to him on Southwest 8th Street; three that this individual had nothing to do with. And the officer went in. He asked me to go inside. I said, "No, I will wait for you in the car." When he came out, he told me that he had issued them a notice of violation for doing work without permitting; notice of violation for doing work without permitting. In this picture here that he took, you see on top plumbing. The way those tube stands up, that plumbing has to come from -- certainly appears that it come from bathrooms; that it was taken out. You got additional plumbing. You see electrical wires connected to the piping. You see lighting that's thrown out there. Keep going to the pictures.

Unidentified Speaker: Got it.

Commissioner Carollo: You see the lighting out here; the tubing, the electrical tubing that I'm talking about; all kinds of construction debris that has been taken out in a demolition. There's more. Now, this is the same site that the officer confirmed to me that there was illegal construction going on without permitting; that he had issued them a notice of violation. And when I asked for the information, I was told that nothing exists at first. Finally, they said, "Oh, we have these pictures and these small notes," and nothing else was sent to me; no notice of violation, nothing else. Now, I ask you, if any Code Enforcement officer sees this kind of debris out there -- and they told me that it was illegal construction -- how could nothing more have happened there? Nothing happened. Absolutely nothing happened with that. Now, let me go forward. And we've seen the pictures of the lounge and what it looks like inside. I think you all agree that's not a restaurant. Well, I was given -- and I took an interest in this once I heard what had happened. And like you heard from the testimony, I had nothing to do in sending any Code or police over there. They ran into this as they were going down 8th Street. The Fire Department has, as of December 14, 2017, an occupant load of 132 seating upstairs. The Fire Department has, as of December 14, 2017, 68 seating downstairs, where the restaurant is; upstairs is a lounge. It's a total of 200 seating that they have. The Building Department, which I don't know if the Director is here or not, when I asked for all permits that had been issued here from January 1, '17 to the present --

Jose Camero (Director, Building): Correct.

Commissioner Carollo: -- you told me, Director, I think yesterday it was --

Mr. Camero: Correct, sir.

Commissioner Carollo: -- that there were two permits issued.

Mr. Camero: Correct.

Commissioner Carollo: One was for a total of \$5,000 of work to be done in the downstairs.

Mr. Camero: That is correct. There was a demolition.

Commissioner Carollo: Demolition that was to remodel, but nothing to do with plumbing --

Mr. Camero: No, sir.

Commissioner Carollo: -- nothing to do with electrical, taking any electricity out or any wires.

Mr. Camero: Nothing -- on the plans that we saw --

Commissioner Carollo: Yeah.

Mr. Camero: -- nothing to do with it.

Commissioner Carollo: That's what I'm going by. That's all we could go on; the plans they gave you. So that was -- and the contractor signed it, I think, November 8, '17. And that was closed on when, if you remember, Director?

Mr. Camero: It was closed either -- my memory might be --

Commissioner Carollo: If I give you this here --

Mr. Camero: Yes.

Commissioner Carollo: It's here. Can you --?

Mr. Camero: I would say March or May of 2018.

Commissioner Carollo: Okay. So it was closed on 2018 --

Mr. Camero: Yes.

Commissioner Carollo: -- based on this. The only other permit that you found was an electrical meter that was being put in, and that was for \$10,000 --

Mr. Camero: Correct.

Commissioner Carollo: -- and that was on March 5, a Monday, that they went to get the permits.

Mr. Camero: Correct. And it --

Commissioner Carollo: Now, for the record, when I went with the inspector, the inspector that took these pictures of illegal construction that he told me that's what he found, and the pictures sure give witness to that, the inspector that told me that he had given them a notice of violation, that was on March 3. March 5, these -- the owners of this place here go and get a permit for a meter outside; is that correct?

Mr. Camero: There's an electrical service repair meter --

Commissioner Carollo: Yeah, okay.

Mr. Camero: -- and some panels --

Commissioner Carollo: Yeah.

Mr. Camero: -- that they repaired.

Commissioner Carollo: I'm sure one thing had nothing to do with the other that an inspector went by there, and that's why they were there to get a meter on Monday; and particularly, since they never received any notice of any violation, because I'm told it doesn't exist. The one thing that I do know that happened that one of the supervisors in Code Enforcement contacted not the present Code Enforcement Director at the time, but the previous one, and they were told to do certain things at that time relating to what I was being accused of, of violating the Charter or -- I don't know what. But for the record, these are the only two?

Mr. Camero: Those are the only two permits --

Commissioner Carollo: Okay.

Mr. Camero: -- that we have on file --

Commissioner Carollo: Right.

Mr. Camero: -- for that facility.

Commissioner Carollo: So therefore, the pile of debris that the Code Enforcement officer took pictures of on March 3, none of that plumbing, none of the electrical could be coming from the permits they pulled?

Mr. Camero: No plumbing, sir.

Commissioner Carollo: Yeah. Anthony -- Thank you, sir. I appreciate it. Anthony, could you put the map of the -- blueprint, rather --

Mayor Suarez: Mr. Chair, if I may, while he's preparing the next --?

Chair Russell: Yes, Mr. Mayor.

Mayor Suarez: I just want to make a few comments. One is, I've toured 8th Street twice with you, going no further west than 17th Avenue and no further east than, I believe, slightly east of 95. I've told you repeatedly -- at least on two occasions that I can remember; one at Scotty's, and the other time in your office -- that if you have any Code Enforcement cases that you feel are not being properly or thoroughly investigated to feel free to email my office. To date, I have received no emails from your office regarding any Code Enforcement matters that you think are not being properly investigated. I'm going to make a public records request of your emails, because I want to know how many constituents are complaining about these businesses, because I can tell you, if you make a public records request of Commissioner Reyes' emails or my emails, as Commissioner, and you put, "Home Depot public records request," you're going to get a couple of trees' worth of complaints from residents who are constantly complaining about noise and all the things that they claim are happening with those Home Depots that we are constantly -- and have been working constantly to try to make their quality of life better. Finally, I'm not protecting anyone; this Administration is not protecting anyone. The only protection that anyone has in the City of Miami is to follow the law. I think the Chief articulated that very clearly. I'm sure the Manager would agree with me, and I'm sure every senior member of this Administration would agree with me. Again, I'll reiterate to you in public what I told you in private. If you have any issue with any specific case or any specific property that you think is not being professionally or thoroughly investigated, send me an email, and as long as it complies with the Charter and my responsibilities under the Charter, I'll make sure that it's

investigated professionally, and you'll receive a professional response. If you don't like that response, then we can discuss why you don't like it, or what you think about it is incorrect or improper, and you'll get a professional response to your issues that you have with the Code Enforcement decision.

Commissioner Carollo: Thank you, Mr. Mayor.

Mayor Suarez: You're welcome.

Commissioner Carollo: And I'd like to response [sic] to what you said when I'm finished with everything here. I think it'd be more appropriate, but I will response [sic]. I had asked of the Building Department for blueprints so I could see what was the mystery in that second floor. The Building Department told me -- and the Director, I think, would confirm that -- that they only had A1, A2, A3, which only talked about the downstairs. They had nothing A1-04, which is the upstairs. I asked the Assistant Manager if he could go to Fire, since we had asked it already before, because in order to get an occupant load, like I said to him, there has to be on file a blueprint of the upstairs. Can you show the blueprint upstairs? If you look to your -- I guess this one here; there you go. This is the blueprint that the Fire Department has on file; Building Department doesn't have it; you would think they would, especially with the permits that were being asked. It shows all chairs of four -- that the whole place is covered by tables -- of four seats each, with one of two; and to one side, it's got bathrooms. I don't see those bathrooms in the pictures that we've seen. But if you could look at this here, this is a totally different picture than the lounge that I've shown. That lounge, as I said before, has 53 seats that you can eat upon in a dinner; not 132. Therefore, it's in violation of the license that this establishment had at the time that our officers went, because they not only not had the appropriate seating, it was a lounge, a bar; not a restaurant, as you see in the pictures and now you see in this fake -- if I could call it that -- as plans. These might have been old plans, but these weren't the plans that are there now, by far. And if something would have been done in March when I reported illegal construction -- and there was, and it was confirmed, like you see here -- we wouldn't be going through all this, and officers wouldn't have had to have gone over there with Code Enforcement, whatsoever. But it was all swept under the rug at the time. Now, if I may ask the Fire Chief in this, because this is a life safety issue, Chief. You're seeing here the plans that you have, but these plans, I think, go to -- I think they were stamped September of '17 or so. They -- this is an occupant load issued by your Department December 14. You do see -- can you go back, Anthony? -- and you see in this -- can you put the lounge again, the chairs in that lounge? You -- okay. You see the difference here. This is not what's in the plans that the Fire Department has; is it, Chief?

Chief Zahralban: Joseph Zahralban, Fire Chief.

Commissioner Carollo: Sir.

Chief Zahralban: You are correct, Commissioner, that this does not seem to be reflective of what has been shown in the plan. Now, again, without speaking to a specific structure, let me first speak to occupancy load in general.

Commissioner Carollo: Yeah.

Chief Zahralban: Occupancy load, obviously, is important to us, and it is derived from the intended use, along with the Certificate of Use. And we have a formula through the Fire and Life Safety Code, Section 101, whereby we determine, based upon on intended use, what would be the maximum occupancy that we -- that could be occupied in this facility safely.

Commissioner Carollo: Those are State guidelines; right, Chief?

Chief Zahralban: I'm sorry?

Commissioner Carollo: They're State guidelines?

Chief Zahralban: Yes, sir. Well, it's actually national guidelines, through the National Fire Protection Association.

Commissioner Carollo: Okay, but at least they're State, so.

Chief Zahralban: So in this particular case, the application that was on file, as you pointed out, was relative to tables and chairs. 132 was the occupancy load that was derived based upon that plan that was submitted. Now, what's important to us is occupancy load not being exceeded; means of egress not being obstructed; alarm systems active, functioning; sprinkler systems, if required, active and functioning. Now, in the particular case that you demonstrate here, it would be important to point out that had they come back and submitted a new plan and applied for an additional review of the occupancy load, it would likely be much higher than it is with all the tables and chairs in there. As it sits right now, whether the -- not saying that the change in floor plan is okay without resubmitting -- but as it stands right now, they are being held to the more restrictive Code of 132.

Commissioner Carollo: Yeah. But as you would see in the pictures, Chief, it appears from those pictures that they're superseding the 132 load for the chairs that's there.

Chief Zahralban: For the chairs or for the occupancy load?

Commissioner Carollo: For the occupancy load.

Chief Zahralban: Well, the occupancy load is as stated; 132.

Commissioner Carollo: Right, as stated. But you saw the pictures; that it seems pretty crowded, and you see the lines that's there. So it appears that it's more than 132. But what you stated, I believe is accurate in what you stated, because I tried to educate myself a little bit in this. If you don't have any chairs or tables, it's two times two; four feet standing up. So each four feet, you could put one person. You take away from the chairs -- from the tables and chairs, you only count the people that are sitting down there or in the bar. You take away the bar space, you take away bathroom space and so on, and that's how you come to --

Chief Zahralban: Net value.

Commissioner Carollo: -- yeah, your net value. The problem here was that, apparently, the license, you know, the -- it's got a name -- it's a quarter license. It's a very expensive license, whether you buy it or whether you lease it. And they applied for a specific license that's very inexpensive. The old SRX (Special Restaurant License) is now the SFX, which requires certain areas, and they require 150 seats. And this is why I believe -- I can't think of any other reason, whatsoever -- you got plans the way that you did. Now, this whole area here, based upon the piles of trash; debris of plumbing, electrical, and others, you could tell that this whole thing has been remodeled, done -- look at all those new lights everywhere here, and so on -- without permits, because, as the Building Director stated, there were only two permits issued; one for \$5,000, downstairs, a remodeling work, no electrical, no plumbing; and one for the new meter, 600 watts. Now, when you put a new meter,

600 watts, you're talking that you're needing more electricity; that's where you're putting it. Obviously, with all the people that you're seeing there in those pictures, you needed more electricity to keep people cool. Anthony, can you go back and show the upstairs to the roof more? You see in the inside that it's obvious that there's all kinds of work that's happened on that second floor, without any permits, whatsoever, and the proof is in the demolition that the Code Enforcement officer on March 3 took the pictures of, but no follow-up was done. You go up on the roof --

Chair Russell: Just a moment. Vice Chair Gort, did you want to say something?

Vice Chair Gort: I want him to finish, because I had some of the same frustration, and I want to know -- with the problems that we've had. I been working on this for the last three years. We had to change a lot of the BTR, the way it was issued. We had to change a lot of the CUs, the way they were issued, because there was a lot of ignorance in part -- we had bars -- I have a bar that my wife just (UNINTELLIGIBLE), "You're in Commission. You can't do anything?" every time I'm going home. So I want him to finish; then I want him to explain what the process that we had -- the problems that we had with, yeah.

Commissioner Carollo: Okay. Well, we're almost finished in this one, and then I do want to answer the Mayor. If you could go up into the roof, and air -- ACs. Thank you. Okay. What year was this picture; the one you have up here?

Chief Zahraban: On March 2018.

Commissioner Carollo: March 28?

Chief Zahraban: March; the year, 2018.

Commissioner Carollo: March 2018. If you could see on the left, right at the tail end of that tree's canopy, you see AC units, correct? And from here, they look new. We made a closer up, and they looked new. Can you go to the year before? What year is this; '16?

Chief Zahraban: It's 2016.

Commissioner Carollo: You don't see those units there, do you?

Chair Russell: I think I see them; it's just from a lower angle.

Commissioner Carollo: No, no, no. It's the same angle. You see the big units. You don't see those big units up front. They're not there. From the top -- can you show from the top? Okay. The -- where the car is in the front, the tree canopy, that's 8th Street. You don't see those big units on the side of the tree canopy, like you see in the pictures. So this is why on March the 5th, Monday, after the Code Enforcement inspector went and took those pictures of all the illegal construction and demolition going on, they went and got a new meter -- a permit to have a new meter installed. I don't know if it was installed already or not, but they got the permits, because they needed more juice in that place for air condition units that, obviously, you needed to make it into a lounge and bar, and put all those people up in the second floor. Now, Mr. Manager, I've been trying to get information. I don't care who likes me, don't like me, supported me, don't support me. What I care is for people to follow our Code and building laws; not to be pounding their chest and bragging how they owned Little Havana, they own Miami. And when -- I also have individuals that have come to me and given me information of meetings that they were present in, and what they were told. That's a great concern to me. And I'm going to tell you what one individual told me. While they were meeting, they were told, "We own

Little Havana. If you need anything in Code or Building, for a little bit of money, these people that were here in the office that you just met can take care of it." And we had two Code Enforcement officers that I was told, and they were identified to me in pictures of whom they were. Now, I think I've given enough here today -- and there's a lot more. It's a lot more that I have. I could go on for hours -- that anybody that's fair-minded that doesn't have an axe to grind or a stake in this can see that there's something wrong here; that it smells of selected protection. Now, I'm going to answer the Mayor, but I want to see -- you know -- I'd like to hear from my colleagues. I'd like Commissioner Gort, who's affected, too, in his district, talk. And I'm going to bring forward what I'm going to ask, because at the end of the day, under powers and duties of the City Manager, the number one, one duty that he says that he has under "A: See that the laws and ordinance are enforced." And frankly, Mr. Manager, I'm not seeing that they're enforced. And I described here many areas. Next to the Tower Theater, I showed you one other place that -- it was a driveway, and you saw it from the back, you saw it from the front, you saw how they illegally covered it up and took it away, and built there. And this is another place that's got nothing to do with the chap that the Police Chief so politely mentioned, and there are many other places like that. I find it very difficult when I am contacted by -- and I'm going to give you the address, since the Mayor talks about, you know, putting a public records request in my tax, and so on. Well, the -- let me get --

Chair Russell: Commissioner, we do need to bring this to a close.

Commissioner Carollo: Oh, we are.

Chair Russell: Do you have an action? Is there an item we can do?

Commissioner Carollo: There is, but let me give you this last one, so we can see how things are done. On -- here we go. This is on Southwest 7th Street. I believe it's 1322 Southwest 7th Street. This is a small building. If I remember, it was two stories. It's right next to all these other properties that I'm talking about, within -- throwing a bull from there. I got a call to -- I believe it came to the office. I returned the call. It was an elderly lady. She said she owned the property; she didn't live in the City of Miami anymore. I think there were six units, she told me, that were there, and she was renting them out to people for \$650, which is unheard of in that area for a one-bedroom. The building is very nice. On the side, she has a long concrete driveway that goes to the back. The back, she had gravel, which it's not confining to parking; it's illegal to park. You got to have asphalt, you got to have drainage, you got to have lighting, you got to have shrubbery, and then you got to have the lanes painted. Are you taking notes, Madam Code Enforcement Director? She said, "Listen, I just got cited." She was all nervous. She says, "I checked. It's going to cost me 15 to \$20,000 to do this"; says, "I'll do it. I'm probably going to have to raise the rents of my tenants. I hate to do it, but it's the only way." She says, "But, Commissioner, I'm calling you, because what I don't want to happen is that once I do this, I don't want then to be hit for another violation and another violation, because what I'm afraid is," she says, "that there are people that want to buy my property, and they're using Code against me, because I've had some people coming, asking me to sell, and I told them, 'no.'" I don't know what happened. Like a lot of these places, I don't know what's happened with that process. But then when I see someone like that, and I'm seeing people getting away; that for 11 months, they don't get cited or -- and then what is happening is that it's all to claim that, "Hey, we did something," but then we look the other way, and they still go on with what they're doing illegally. This is wrong. This is wrong. And I could give so many more examples than this one here.

Chair Russell: Please don't. Commissioner, what would you like to do?

Commissioner Carollo: Well --

Chair Russell: We've been very patient, and we are open to hearing this, because we understand your issue --

Commissioner Carollo: -- Madam --

Chair Russell: -- and now we understand it better.

Commissioner Carollo: -- yeah.

Chair Russell: But we need to have some direction.

Commissioner Carollo: Madam City Attorney, can -- there was something that was finally drafted, I think. Was it handed out, I hope, by --?

Chair Russell: I haven't received anything.

Mayor Suarez: We haven't seen anything, either.

Commissioner Carollo: Okay. Well, we'll do it short, to the point. See, the Police Chief was all upset. His assistant, the assistant to the Police Chief, is the brother to the former Code Enforcement Director that lied about this Commissioner, about me, an Assistant City Manager, another employee of the City; a Code Enforcement Director that, based upon information that I was given, was extremely friendly with the individual the Chief mentioned, and was at his office quite often. So I could see why the Chief is coming out with, you know, the chest pulled out, because there's another agenda there, because I certainly -- and anybody that would have seen this or heard it -- I wasn't going after any police officer; on the contrary, I think the Police Department did their job, thank God. They cited -- and they were part of citing this place. So I have no axe to grind there, so I have no idea, except for what I stated, why the Police Chief came at me this way. You didn't see the Fire Chief do that; you didn't see the Building Director, the Code Enforcement Director, the Assistant Managers, in any way, and I think I've tried to be as polite, but as concise as I can, but I need to get information. When I'm being told that things don't exist that doesn't make sense, or in some cases, stuff that I do know that exists, and I'm being told that they don't, I think I have a right to inquire on. So this is what I would propose, because right now, I don't see anything that -- and frankly, I wouldn't trust anything that this City would do to try to clear any of this out, because I think there's some great conflicts of interest from some areas, and problems from others. And when -- and this is what I'd like for this Commission to consider. I know, Commissioner, we have subpoena power and everything else, but I really don't think that we want to go there. And there's a lot of other issues with that that I won't get into it now that would be better that we don't get into that in this or, really, anything else in the future. I mean, this -- we don't want to get like Congress. But this is a resolution of the Miami City Commission requesting the Governor of the State of Florida and/or the Director of the Florida Department of Law Enforcement to assign a prosecutor from the statewide grand jury to investigate any possible acts of wrongdoing and/or corruption in the Building, Code Compliance, and Zoning Departments in the City of Miami, Florida; further directing the City Clerk to transmit copy of this resolution, all minutes from this meeting of February 14, 2019, and all exhibits provided by elected officials to the officials stated herein.

Chair Russell: Commissioner --

Commissioner Carollo: This is taken out of --

Chair Russell: -- please --

Commissioner Carollo: -- our hands and the hands of the -- our own police that cannot, frankly, follow through with this, with conflicts, as I mentioned.

Chair Russell: Commissioner, there is no motion on this item at the moment, so I would like to speak for -- speak to it. I certainly could five-day rule this issue. This is a lot to bring in at the last minute as a resolution that this City -- that this body invite the State Attorney to -- or the Governor to investigate our city. But rather than four-fifths it, I would rather see it just get voted down, because I am not going to invite the Governor to point fingers internally at our own staff, who are imperfect, in every department. Our City is imperfect. Our residents are imperfect. We can all do better. We have new Directors. We can give direction. We have a relatively new Manager and Mayor. You have shined a light on an issue that does exist. Nobody is saying that -- there's a lack of enforcement of our Code. We see it in all our districts.

Commissioner Carollo: This is beyond a lack of enforcement.

Chair Russell: Please just -- I understand, because you're also saying that it's not just enforcement; it's selective enforcement. There's favoritism. There's potentially -

Commissioner Carollo: Protection.

Chair Russell: -- other things. I understand.

Commissioner Carollo: Corruption.

Chair Russell: I understand. This is an accusation of corruption. I would like to see how our City will handle this under its new directorship of Code Enforcement. I want to give us a chance to improve, because there's another issue at hand here. We have thousands of amazing employees in the City of Miami, and despite the fact that there are folks who do as they should not, for us to make any sweeping generalization of our staff is incredibly demoralizing. It paints a very dark cloud over this City. And I want to think that, on the whole, we are better than that, and we can do better than that. We do need to weed out any problems that we have, but to be going after each other is not the way. We need to work together as a body. We need to work together as a city and improve, and improve, because the problems you state are real. But I do not want to invite the Governor of Florida to come in and start shaking this City up, because we need to take care of our house.

Commissioner Carollo: This is not the Governor of Florida. This is requesting the Governor and/or the Director of the Florida Department of Law Enforcement --

Chair Russell: I understand.

Commissioner Carollo: -- or the Florida Department of Law Enforcement to assign a prosecutor from the statewide grand jury that the investigators of Florida Department of Law Enforcement -- the same people we go to for homicides -- to investigate any possible acts of wrongdoing and corruption in these departments. Now, I will tell you -- and I'll be the first one to say this to you, Commissioner -- that I think the vast majority of our employees are extremely honorable, hard-working, dedicated. But we have a problem. Even in your own district -- and this has got nothing to do with this stuff -- and Commissioner Hardemon's district in Wynwood, I know of a couple of young guys, nice gay young men that are married, they're friends of mine, and they told me how they were opening up a business in your district,

Commissioner, in Wynwood, and it took them forever. And the only way they were able to open up that business was to hire an expeditor who they not only had to pay the expeditor, but they had to pay money to the expeditor so he could bribe some of our inspectors and get that done quickly; otherwise, they weren't going to open. And they told me that this is the common word out there in people who come in, in all these new places. In your district, back when I was living in the West Brickell area, right across from the tracks, a new place that opened up, the owner and friend to the owner were telling me the same thing of what was going on in a new business they had opened.

Chair Russell: It's true.

Commissioner Carollo: So -- and I didn't even go there or here.

Vice Chair Gort: So Mr. Chairman, you know, I've been very patiently waiting, and I've asked for the floor for a whole bunch of times, and I'd like to be given an opportunity, please.

Chair Russell: And I've offered it. You have the floor --

Vice Chair Gort: Thank you.

Chair Russell: -- Vice Chairman.

Vice Chair Gort: As I was stating, Commissioner Carollo, I have the same frustration you have, and we've been going through this for the last three years, working with the Administration, and the problem that we have, we need to have our departments talking to each other. We have Code Enforcement going into a place that's really being rented by some -- within my district. The police went in, took away the BTR, tried to close the place. But a lawyer, trying to look at the liability for the City of Miami, recommended not to do it; that we have to have a due process. And we've been working, trying to create the due process for a long time. We got cafeteria licenses that people don't know what they can do. Code Enforcement can go in or the policeman goes in there, he says, "No, I have a license." If they don't know what the license allows them to do, the policeman, my understanding is, cannot act, because they're not aware of it. And that comes from our Attorney's office, where they'd like to protect the liability of the City of Miami, which I can understand. If you get stopped for DUI (driving under the influence), you get arrested, and you get taken away. We have violations that's been there for years. We have violations that got millions of dollars. This is what we have to work on.

Chair Russell: Of course.

Vice Chair Gort: Code Enforcement do not have and policemen -- I don't know. I'll have the -- I'll ask the Attorney. Can we go in and close this place tonight?

Ms. Méndez: If there are life safety violations, if they don't have the proper permitting, if they're not supposed to be open, yes, you could close it down.

Vice Chair Gort: Okay.

Ms. Méndez: The problem is that tomorrow, it'll open up.

Vice Chair Gort: Okay.

Ms. Méndez: And we -- at some point -- and that's why I've always asked for Police and Code to constantly visit locations, so that I can have enough proof in order to be

able to close a place down. I am not a miracle worker. I can only go to court. And I can --

Vice Chair Gort: No --

Ms. Méndez: -- only go to court with evidence of wrongdoing, and I can only go to court if somebody goes out for me.

Vice Chair Gort: Right. I understand. That's why I say you always come up with due process so the City would not be liable for -- and sued for the actions taken by us.

Commissioner Carollo: Madam City --

Vice Chair Gort: Now, this is something that we've been working for quite a bit. And I think anyone, regardless of any employees that doing something wrong, we should go to the right authority. I mean, I keep hearing people -- I had one person call me up, saying she's paying to get affordable housing. I tell her, "You let me know who you're paying, because I'll call the State Attorney's Office right now."

Mr. Gonzalez: Mr. Chairman?

Vice Chair Gort: Nobody will come up with it.

Chair Russell: Mr. Manager.

Mr. Gonzalez: Yes, sir. And I wanted to address the Vice Chairman. With the arrival of our new Code Director and with the recent arrival of our new Zoning Administrator, we're in the process now to address just those issues, because you have checklists. You know, the Coding people will look for something; the Fire Department will look for something. And now, we want to work across all departments so that as people go out, you don't find out that maybe Code cited somebody for an issue, and then some -- another time the Fire Marshall will show up, or somebody will call the police. And we need to be clear, because, to your point and to the Attorney's point, we live in a very litigious society, and anything you do -- there are people waiting for us to do something wrong so they can sue the City, and we have to be very, very cautious about it; we have to be very professional about it; and, lucky for the City, we have two young, energetic, new department Directors who have been tasked with coming with these processes, these checklists, these educational tools for our employees as we move forward.

Chair Russell: All right. Let's bring this to a close.

Commissioner Carollo: And --

Commissioner Reyes: Mr. --

Chair Russell: Of course, Commissioner Reyes. You've been quite quiet.

Commissioner Reyes: Yes, yes, because I've been listening and digesting everything that have been said here. To start with, I have a lot of problems with Code, also, and I think everybody in the City have been through that. Bars that they claim that they are restaurants, and they are not restaurant. They even have certain type of services which are not proper services provided. They don't serve the amount of food that they're supposed to do. I have rooming houses all over my neighborhood. And being -- we have -- and also, hundreds of times -- Just across the street from my house, I've been dealing with this for a long time. And selective enforcement, I have

seen it. As a matter of fact, I had a lady that she was cited, and this is not Code -- I mean, it's part of Code, but it has to do with the Tree Ordinance. She was fined \$14,000, a ridiculous amount, and then -- because she chop a tree a down -- and then we get a business like Savor y Mas, who chopped 30-some trees, and they are fined \$6,000. We have all of that. We have all of that. And in my opinion, after listening, after hearing all the allegations, all the proofs and everything that is going on here, I think that a huge doubt has been raised over our City -- over our departments. It have been raised. About two days ago or yesterday, we made the news again, and which they declare -- they said -- they included the County. They said, "City of Miami, the fifth city that it has" --

Mr. Gonzalez: Corruption.

Commissioner Reyes: -- "corruption." You see, I don't think that we can walk out of here after all of this that we have heard, you see, without asking for an investigation. I don't know how we're going to do it. Madam City Attorney, is there in the Charter any prohibition to bring somebody else if -- into the City to investigate this, or is there any other authority that you think? But I sincerely, sincerely believe that we cannot walk out of here after all the allegations that have been made, after all the -- what we have seen without doing something to dissipate that cloud that is hanging now over, because I know that once we walk out of there and I walk out of there -- And let me tell you this: Without any of this that happened here, you see, one part -- I mean, a big part of our population -- and I'm talking about fellow residents -- they have the idea that we are corrupt, all politicians are corrupt, the City is corrupt. And now, we have all this exposé. We got to do something about it. We got to do something about it, and I don't know what we're going to do. There is a resolution. Maybe we can -- or we don't want to get the Governor involved, but we have to get somebody involved and --

Chair Russell: Thank you, Commissioner.

Commissioner Reyes: -- open up an investigation, and maybe it doesn't have to be a criminal investigation. You have -- maybe that what we have, it is what Commissioner Gort said; that it is a matter of incompetency. If it is -- could be incompetency, it would be that departments that they are not working together, and I know they are not, okay? I know they're not. But we have to solve this problem once and for all.

Chair Russell: Agreed.

Mr. Gonzalez: Sir, and we're do -- and by the way, we're doing that now, and doing a self-analysis of all of our departments.

Commissioner Reyes: With all due respect, sir, with all due respect, I've been a year here, and I've been asking, and I haven't seen anything.

Mr. Gonzalez: Well --

Commissioner Reyes: What you're doing now, right now, but right now, right now, today, everybody that hears -- heard this, everybody that saw this, and we have the Herald and we have -- I mean, serious allegations were made here. Serious allegations were made here, and we cannot keep that doubt.

Mr. Gonzalez: Sir, if I may, with all due respect, those are allegations. And I appreciate Commissioner Carollo's snapshots of these targeted businesses. I actually used to do this line of work as an intelligence officer with overhead photography. But we're more than willing to look at our own processes. We're more

than willing to do what we need to do. If you want to look at a certain building, a certain home -- We have 58 officers for the entire City of Miami. We will gladly join you, Commissioner. If you have people that you believe are doing criminal things, I will go with you to the State Attorney. We will launch an investigation. We'll do whatever it takes. But I guess my point is, is that you can't really say that there's a cloud when we're only talking about a handful of properties, if you will (UNINTELLIGIBLE) --

Commissioner Reyes: Sir, sir --

Chair Russell: Commissioner Gort. Commissioner -- just a minute, Commissioner Reyes.

Commissioner Reyes: -- hold on a second.

Chair Russell: No. Commissioner Gort was waiting to speak.

Vice Chair Gort: Let him finish.

Commissioner Reyes: Sir --

Chair Russell: Commissioner Reyes, please.

Commissioner Reyes: You see, when I say that -- and don't you think that I am creating the idea of a cloud, because anybody that is out there, you can ask, and with all the -- I mean, everything that this -- what we have been shown and what have been said, you see, I didn't invent that cloud.

Mr. Gonzalez: Sir, I didn't --

Commissioner Reyes: The cloud is even in the paper now, you see.

Mr. Gonzalez: Sir, I don't dispute anything you said.

Commissioner Reyes: Okay.

Mr. Gonzalez: What I'm say --

Chair Russell: Just a moment, gentlemen. Mr. Mayor.

Mayor Suarez: Thank you, Mr. Chair. I just want to clarify for the record, because I was interviewed about that specific study that was commissioned, and the study did -- or the article -- or the question that was asked of me was Miami. And when I actually read the study, the first thing I told my Communications Director is, "Could you please get me a copy of the study?" because oftentimes, they will refer to Miami and it's a loose reference --

Commissioner Reyes: I know.

Mayor Suarez: No, but I really want to clarify, because this is very important. So when I looked at the study itself -- it's a six-page study that was done in Illinois, in Chicago, and the reference to Miami is really, if you read the study, it's the southern -- the prosecutorial Southern District of Florida, which there are three districts in the State of Florida: North, Central, and Southern. And Southern encompasses the Counties of Broward, Dade, Highlands, Indian River, Okeechobee, Palm Beach --

Vice Chair Gort: Palm Beach.

Mayor Suarez: -- St. Lucie. I think that's all of them -- and Martin. And so, they're referring to it as "Miami," but the fact of the matter is, it wasn't --

Commissioner Reyes: (UNINTELLIGIBLE).

Mayor Suarez: -- not only -- not just Miami. It was --

Commissioner Reyes: But what I'm --

Chair Russell: All Palm Beach.

Commissioner Reyes: -- saying is, if they're referring to Miami --

Chair Russell: Just kidding, Palm Beach.

Commissioner Reyes: -- (UNINTELLIGIBLE).

Mayor Suarez: No. And by the way, the study was commissioned from 1976 till today. I'm -- I was born in '77. So this is a 40-year snapshot of a massive region in the State of Florida. So I just want to -- I want to clarify the record, because I don't want anyone out there saying that the City of Miami is the fifth most corrupt. You know, I don't think that's accurate.

Commissioner Reyes: No, no, no. What I'm saying is they say --

Chair Russell: Commissioner Gort. Commissioner Gort, please.

Commissioner Reyes: -- "Miami" all the time.

Mayor Suarez: Right.

Chair Russell: Commissioner Gort, please.

Mayor Suarez: Inaccurately.

Vice Chair Gort: Look, we get blamed -- people, we get blamed for everything, but everybody wants to be in Miami.

Commissioner Reyes: Yeah.

Vice Chair Gort: All over the world, everybody wants to be here.

Commissioner Reyes: Yes, sir.

Vice Chair Gort: Let me tell you one of the problems that I see. I have complaints that we have given to Code Enforcement. Code Enforcement have gone, they have put a lien. My understanding is, our Attorney has worked very diligently to get rid of some of those liens and to do something about it, but some of the time, those liens are there for years, and there's nothing we can do. So one of the neighbors tells you, "The guy is in non-compliance, the guy is not living up to the Code, and nothing's being done." Yeah, something's being done. There's property that have liens for a million dollars. There's property that have liens for a half a million dollars. So we need to work on the process so we can expedite getting rid of this thing. One of the things that's happening with Code Enforcement, for the new person that's coming in, is this is being used by neighbors to attack other neighbors. The 311 calls -- "Oye, listen. The guy next door" -- he won't tell them where it is -- "but the guy next door

has got this and doing this and that." That's why when I talked about being the NET (Neighborhood Enhancement Team) Office and making it the pilot program the way it used to be (UNINTELLIGIBLE) -- Mayor, you were here at that time. You were Mayor at that time. The NET Office was in charge of Code, NET, and Police, and they knew what was going on in that neighborhood. The NET Office should be aware of everything that is taking place in that neighborhood. They the ones should come and says, "Hey, there's construction" -- "illegal construction taking place." They're the one that's got to come and tell us that. And then we got to work very closely with the other departments, and with the Law Department, because she's protecting our liability. Sometimes, I know we think it's original, but we see an amount of suit (UNINTELLIGIBLE) every month, the reports, all the suits that we get in the City of Miami.

Commissioner Reyes: Yes, sir.

Chair Russell: So --

Vice Chair Gort: I mean, a hole in the sidewalk was \$15,000, minimum.

Commissioner Carollo: I think --

Chair Russell: -- I'd like to offer a suggestion.

Commissioner Reyes: (UNINTELLIGIBLE) Mr. Ray --

Chair Russell: Commissioner.

Commissioner Reyes: -- Commissioner Russell, Chairman. Madam City Attorney, can we form a task force that we can bring experts in order to identify where our short comings are, and try to solve those problem? And if in the process they find that there is -- that there have been irregularities and all of that, that we can bring experts on it. I would propose that we form a task force of, I would say, residents and experts.

Ms. Méndez: So it could be in the form of a committee, which this -- obviously, this Commission has the authority to do under the Charter and the City Code.

Chair Russell: Mr. Mayor.

Mayor Suarez: Thank you, Mr. Chair.

Commissioner Carollo: Mayor --

Chair Russell: Just a moment, Commissioner Carollo.

Mayor Suarez: Just real quick.

Commissioner Carollo: He's been speaking time and time again, sir.

Mayor Suarez: Yeah, and far less than you have, sir, so.

Chair Russell: I'll recog -- I -- Mayor and then Commissioner.

Mayor Suarez: Thank you. So I -- probably, when I was Commissioner for eight years, I was, arguably, the most aggressive Commissioner related to Code Enforcement collections. In fact, before our City Attorney was City Attorney, we

created a program that has collected, I think, close to \$8 million for the City of Miami --

Vice Chair Gort: 10.

Mayor Suarez: -- in enforcing -- It's 10 now? Sorry, my apologies, Willy. \$10 million since we started in 2012 that has come back to the City of Miami. So I would love -- I would join -- I would welcome a task force. In fact, I'd love to serve on the task force, because as an attorney and a real estate attorney, I can tell you that there are tools that we are not fully using, and I think one of the reasons why I'm very excited about our new Code Enforcement Director, who happens to be an attorney and a very able attorney, is because I think she understands all of the tools that can be used to effectively create a quality of life experience for our residents, and protect the quality of life for our residents. So I welcome a task force. I'd love to participate in it and be a member of it, and I have some ideas, as well, that I've communicated and shared with her on how we can be more effective.

Chair Russell: Thank you, Mayor. Commissioner Carollo.

Commissioner Carollo: Thank you. To address some of the issues that were brought up by my colleagues and the Manager. One: If this City depends on and trusts the Florida Department of Law Enforcement to investigate death, homicides, and they investigate our homicides in the City --

Mayor Suarez: They don't investigate our homicides in the City.

Commissioner Carollo: Well --

Mayor Suarez: We investigate our homicides in the City.

Commissioner Carollo: -- the County --

Mayor Suarez: They investigate police shootings.

Commissioner Carollo: Well, police shootings --

Mayor Suarez: Right; different.

Commissioner Carollo: -- but --

Mayor Suarez: Not homicides.

Commissioner Carollo: -- homicides they investigate, also, for the County, I think.

Mayor Suarez: Maybe it's for the County.

Commissioner Carollo: But I thought it was the City that they did it to.

Mayor Suarez: We investigate our homicides.

Commissioner Carollo: If I'm not correct in that -- I believe that they do it, too, for us, but it might be for the County --

Mayor Suarez: Yeah.

Commissioner Carollo: -- but they certainly do many other areas for us. If we trust them in that, why are we so afraid to trust them and to look and see if there's any

possibility that there is wrongdoing? Why are we so scared of that? But beyond that, I'm amazed that after what I have presented here that the Manager will say that these are allegations. I presented facts, solid proof that you can't deny in a lot of the stuff that I presented here. The fact that you would say that these are just allegations, some of the other statements that I've heard, shows me why this needs to go outside of this City now. Furthermore -- Commissioner Gort, you were asking the City Attorney, "Why can't we shut this down?" Well, I will tell you that back when we had other Managers here -- I was Mayor; you were part of that Commission -- we had the strongest task forces that went out, and we closed bar after bar after bar, all these illegal cafeterias. And I remember one attorney that kept threatening to sue, that we couldn't do that. And, in fact, I think he sued one time, and didn't get anywhere. That was your dad at the time. But we closed all these bars down. In fact, when --

Mayor Suarez: You were not Mayor at the time when that happened, sir.

Commissioner Carollo: Well, I was Mayor.

Mayor Suarez: No, you were not.

Commissioner Carollo: I was Mayor when we were closing them down, sir.

Mayor Suarez: You were not Mayor when that happened.

Commissioner Carollo: You were too young to remember.

Mayor Suarez: I was not too young to remember. You were not Mayor.

Commissioner Carollo: You were maybe over at that dodge place --

Chair Russell: Gentlemen --

Commissioner Carollo: -- at the time. But the --

Mayor Suarez: I'm not sure what you mean by that.

Commissioner Carollo: -- bottom line was that it was so effective that Mayor Diaz, when he came onboard, he kept it going.

Commissioner Reyes: Yeah.

Commissioner Carollo: And it was effective. Commissioner Gort knows it; he was here back then. Many, many others know that. For you to say that I was not Mayor is absurd.

Mayor Suarez: What I was saying was that you were not Mayor --

Commissioner Carollo: Listen, I could --

Mayor Suarez: -- sir, when my father represented a business owner who has due process rights, like everybody else. And I know maybe in your world, due process rights are not something that you take very seriously.

Commissioner Carollo: No. Everybody -- everybody --

Mayor Suarez: -- but he represented business owners --

Commissioner Carollo: -- everybody has them --

Mayor Suarez: -- when a different Mayor was Mayor. That is a fact.

Commissioner Carollo: -- everybody has them --

Mayor Suarez: Just like we investigate our homicides, that is a fact. Do you know how many homicides we have year-to-date right now? Do you know how many we have? Do you know how many we had last year, year-to-date, right now? We have three.

Commissioner Carollo: More than we should.

Mayor Suarez: We have three this year, year-to-date.

Commissioner Carollo: One is too many.

Mayor Suarez: Right. The answer is you don't know.

Commissioner Carollo: One is too many.

Mayor Suarez: I know. I know, because I'm the Mayor of Miami.

Commissioner Carollo: One is too many.

Mayor Suarez: And I know --

Commissioner Carollo: Okay.

Mayor Suarez: -- how many homicides we have this year and last year at this time, and the year before that, and the year before that --

Commissioner Carollo: Good.

Mayor Suarez: -- and the year before that --

Commissioner Carollo: Good.

Mayor Suarez: -- and the year before that.

Commissioner Carollo: Let's get back to what we were talking about; not sidetracking, like you'd like to.

Mayor Suarez: Homicide is not a sidetrack, sir.

Commissioner Carollo: Well --

Chair Russell: Chief Colina --

Mayor Suarez: Talking about homicides, not sidetracking.

Chair Russell: The Chief of Police would like to address the --

Commissioner Carollo: I'm not even finished yet; okay, Chair? You gave me the floor.

Chair Russell: Yeah.

Commissioner Carollo: You keep going back to others and --

Chair Russell: You've had it for over an hour and a half.

Commissioner Carollo: Well, yeah. But now is the time that we're trying to get some action.

Chair Russell: Correct.

Commissioner Carollo: And this is what I'm trying to address. Now, Commissioner Gort, before I was interrupted, had asked, "Why can't we act on this?" Well, first of all, you have evidence -- if you don't call what I presented evidence, I don't know what you will -- that that whole lounge has been put together with no permits, no permits. If you think that there were permits, then please show me where they were, where they're at, how that place could have been put up like that with no permits.

Vice Chair Gort: I agree with you; that's why I asked her, "Can we close it tonight?"

Commissioner Carollo: Secondly [sic] of all, on the back, that I didn't even mention before -- and I do have from the new Code Enforcement -- oh, excuse me -- Zoning Director -- the memo from -- it was Friday the 13th, yesterday -- that says that the parking space that they took in the back, where there are hidden containers with a big fence that are not supposed to be there, that that place is -- require 18 parking spaces. They could maybe have 16 if they could put two parking spaces in the front. But since they use valet parking there, the 18 is what's required for them to have in the back; what apparently they used to have, the 18. That's been taken away now. So if they don't have the parking, they can't be open.

Vice Chair Gort: Let's close them.

Commissioner Carollo: The fact that all this work was done without no permitting, that we have CUs that have been issued, and occupancy loads with different plans that have been submitted than what's actually is there; and to me, the most amazing thing that I didn't even mention, the CU application that was given towards the end of '17 is supposed to be signed by whoever is operating that place and -- there's several owners -- not one of the owners signed it. It was blank in the front, in the back, but it was still approved, which is amazing.

Mayor Suarez: Mr. Chair, if I may?

Chair Russell: Commissioner -- Mayor, and then Commissioner Hardemon.

Mayor Suarez: I'm just going to say one last thing, and then I'm going to leave for today. So I agree, one homicide is too many. It's probably the only thing I agreed with that you said today.

Commissioner Carollo: Well, I'm glad we agree on that one.

Mayor Suarez: At least one thing. But we've had three homicides, year-to-date. Last year at the same time, we had 10 homicides, year-to-date. Last year, we set a 51-year record low in homicides. Our clearance rate, which is the rate at which we investigate our own homicides -- I'm surprised you don't know that -- is up significantly, which is the rate at which we solve our homicides. And we are down 70 percent this year -- 7-0 -- from a 51-year record of last year. Thank you.

Commissioner Carollo: That's wonderful, Mayor. That's wonderful.

Mayor Suarez: You're welcome.

Commissioner Carollo: But we're talking Code here.

Chair Russell: Yes. So, Commissioner Hardemon.

Commissioner Carollo: Now, before you go, Mayor, I would --

Chair Russell: Please, Commissioner Hardemon has the floor, and he would like to give it back to Commissioner Carollo.

Commissioner Hardemon: Yeah. He had something pressing he wanted to say.

Chair Russell: Yes. Go ahead. Go ahead, Commissioner Carollo.

Commissioner Hardemon: He had something --

Mayor Suarez: All right. And wait a second.

Commissioner Carollo: Go ahead.

Mayor Suarez: No, no, no, I'm going to -- let me finish. If we're going to call the Governor and the State to investigate Code Enforcement officers, then we're going to call the Governor and the State to investigate elected officials --

Commissioner Carollo: Yes.

Mayor Suarez: -- on whether or not they are selectively enforcing --

Commissioner Carollo: Oh, I --

Mayor Suarez: -- or recognizing Code Enforcement against particular property owners, so.

Commissioner Carollo: I would welcome that, Mayor.

Mayor Suarez: So.

Commissioner Carollo: You know why? Because this is where you're going; you're conspiring with those people to try to set me up with this bunch of crap.

Mayor Suarez: I'm conspiring?

Commissioner Carollo: But let me tell you more, Mr. Mayor.

Mayor Suarez: Please.

Commissioner Carollo: No, please, please. He -- you brought this up; let me finish. You know what the problem is where you're protecting them? Please don't go now. Listen to it. You know where I'm going, and this is why you're walking away.

Mayor Suarez: I'm not walking away.

Commissioner Carollo: Yes, you are. One place that I didn't bring up was the Sidebar, another illegal bar that was opened in the City that ran for several years to

the point that the Building Department, with Code Enforcement officers invited, would have their Christmas party in a bar that didn't have the proper liquor license that was full of Code violations. That place today is closed. Apparently, the State came in, because the City kept protecting it. How do I know it was so illegal? In -- because one of the Mayor's attorneys in his new law firm was the one that gave me all the information early on to show me how they had an illegal license; that they were working that place illegally. And guess what? Once the Mayor started working for the law firm, he called me up, all embarrassed, to make sure that I would never say anything, that he gave me the information, because, you know what? He said he was now representing them, trying to get a license with the State, a real license; that he stated to me the last time I spoke to him, recently, that they were having problems with the State getting the license. Then he admitted to me, by the way, that they're also representing the same gentleman in the Tower Hotel that I showed up here and the company that they're bringing to run the hotel; that they are representing them in permits; that they're representing them in zoning matters. And you know what? I wouldn't even be surprised if they're being represented in this place here, too, or any other places that they have. So there is a clear, clear legal conflict of interest from Mr. Francis Suarez, and this is why he's taking the attitude that he's taking with me. And those that owe their jobs most to him, through his Manager, they're the ones that have taken the actions and made the statements that they made against me to try to lay out this image that I'm going after people that I selected. No. I'm going citywide, because this individual in particular [sic], he's had problems, a history of problems in property after property and after property, long before I came back as a Commissioner. And did I go after him back then in all these years? No, I did not. My problem is with -- when I see quality of life violations, when I've seen violations that can jeopardize people's lives, and at the same time, when I see that they're laughing, they're wise guys. They know that they can get away with it, and they are.

Chair Russell: Thank you, Commissioner. I would like to --

Mayor Suarez: Mr. Chair, if I may?

Chair Russell: -- bring this to a -- ah, Commissioner Hardemon, yes, of course.

Commissioner Hardemon: I appreciate the facts that Commissioner Carollo put on the record. Sometimes the truth hurts. If, in fact, there are members of Code Enforcement or our permitting departments, for lack of better words, that are getting compensated illegally for approvals that'll move work ahead. We know that that is an issue, that is a problem, that is a major problem. And everything that the City of Miami can do to investigate and to assure that it ceases to occur needs to happen. I do have faith that if our Police Department learns of these sorts of issues that they would take it seriously, because I've seen our Chief prosecute his own. The problem with someone who does work on their property, if it's commercial, residential, whatever it may be, without permits or illegally, is that it makes the playing field uneven, because there's -- there are people out there who live within our community who agree to abide by the rules that we have set for this community, and they're the ones that, when they want to open up a business, they have so many more hurdles to jump, because they know, "I need to get this license, I need to get this permit, I need to get this approval. I need all of these things in order to make it right, because I want to start a business, to care for my family, or extend upon my home to make it more livable for me," whatever it may be. But they try to follow the rules that we've set. And when you have someone that skirts the rules or cheats, especially doing it knowingly, and they do it not only knowingly, themselves, but with the aid of government -- or government employees -- it is unsatisfactory, it is beyond the law, and I will agree with Commissioner Carollo in the sense that it -- in the way he described it -- it is really a slap in the face to those of us who want things to be

handled in accordance with the law. And so, no matter how favorable a bar is considered in the communities, or whatever restaurant or concept is -- that is made, if they don't have the proper permits to be there, they did not secure them, then their business should cease to exist. And I've said it in the past; not saying that we don't want to see certain businesses open up in the future. But I remember when in my neighborhood, there was a small sort of teeny bopper lounge place, and there was a major incident that happened at this place. And then the -- and when it did happen, we found that they didn't have the proper permits to open to be there. And the news media did a superb job trying to hound me down, to get me to really talk negatively about the business and shutting it down, et cetera. But what I found is that we want businesses to come into our neighborhoods; we just want them in compliance with the law. So if this business is bringing in dollars, if this business is active, this business is open, it needs to be in compliance with the law, whatever the law is, because what would happen is -- say a fire occurs, say a shooting occurs, a stabbing, something that happens that is newsworthy, atrocious, but was preventable, because it wasn't supposed to be open in the first place. And so, those are the types of things that we need to be able to avoid. Now, if at this point -- and I'm not the -- I am not the Code professional. I'm not the building, zoning, land use professional. I always ask questions, because I want to learn about these different things. I've taken Code as -- and the reason why we've changed the name from Code Enforcement to Code Compliance is that the goal is to get people in compliance. So I would imagine that there's a way that we can get even this place into compliance. But I also would think that you would have to have an owner or an operator who would want to subject himself [sic] to that process. And the bottom line, though, is if he is not compliant today, if those spaces are not compliant, then they need to find themselves compliant in the future. And I will say that in other areas that are within my district, the Wynwood area particularly, there is an influx of new spaces; restaurants, bars, et cetera. And I've heard from City officials that when they start to go in and realizing these places don't have the proper permits, that they were pushed back, you know, by certain individuals that had authority. They were muffled, if you will. And so, you know, we can't -- we cannot -- especially if we know these things to be exact facts, truths, we cannot sit around and allow it to happen, because if the -- at the end of the day, we want businesses to have -- all have a fair shot at opening in our communities. We want people who live in the community to not be held hostage to an illegal abuse of property that is near them. I mean, all those things I empathize with, and that's why I agree with you, Commissioner Carollo, that if these things are occurring, then they need to stop. And if our government is assisting them, then that certainly needs to be investigated. I don't know if I'm at the point where I'm saying, "Bring someone from the outside to come in and do it." I don't know if I'm there yet. I'm -- and I'm listening here, because I really want to learn more about this, because I have not been necessarily dissatisfied yet with -- if our Police Chief knows that there's something illegal going on that he won't act, because I have seen him act. Now, so I heard the colloquy between you and the Police Chief regarding what happened with the Code Enforcement officer, but I also heard him -- the Police Chief describe a police officer that basically was trying to see what can we do. Now, certainly, if the Police Department -- and there may be an investigation now we don't know about -- but if the Police Department knows about people who are getting paid to move things along that is not within the law, then there needs to be something done about that.

Commissioner Carollo: Commissioner, the only people that our Police Department, through this Chief that was hired, because the Mayor told the Manager to hire him, no matter what the Management wants to say, because every one of us knew way before who the Police Chief was going to be. The only people that he would see if he could find anything out on is someone like me, or anybody else up here that causes any problems to see how things would be easier. I just made a statement here that -- besides all the proof that I've shown here -- and it's proof, not allegations -- that our

Mayor that has never said a word to this body before, the law firm that he's working for, after -- not before -- he joined them, gee, these people happen to hire the law firm, and they're representing some of these people in different areas in trying to get a real license, in trying to get permitting, in zoning matters. This is what I was told by one --

Chair Russell: Right. And now --

Commissioner Carollo: -- of their own attorneys.

Chair Russell: -- let's bring this -- no, we're not -- we're stopping.

Commissioner Carollo: So the --

Chair Russell: We are stopping. Gentlemen, please, the accusations are enough. I have failed today as a Chair to hide from the world what the City of Miami is, but sometimes, it's best just to let it all out, and we have certainly done that today. Everyone has had a reasonable chance to be heard, and speak their mind. There's been emotions, there's been facts, and there's been some very good suggestions. So I'd like to bring this together in a way that brings us forward, and let's just go buy some flowers. So, Director Valencia, would you be open to leading a task force and bringing something back at this next Commission meeting on how this task force could be formed; and then, say, 60 days after that, bring back recommendations of a full analysis, which may end up in a grand jury investigation; which may end up, but I want to believe that we have new leadership here that we should trust to lead this, and whatever size this task force is appropriate; that it be brought by to Commission, and by resolution, we create it, give it 60 days, 90 days, whatever's necessary, with recommendations, and then we take it as deep and serious as we need to go.

Commissioner Carollo: Mr. Chairman, how --?

Vice Chair Gort: Mr. Chairman --

Chair Russell: This is just my recommendation. It's up to the body.

Commissioner Carollo: -- can you talk about a --?

Commissioner Reyes: Mr. Chairman, if you --

Chair Russell: This is your recommendation.

Commissioner Reyes: That's right. If it is going to be a -- and I also want to include that the task force would -- members from the task force should be chosen by us.

Chair Russell: Appointees by the body?

Commissioner Reyes: Appointees by the body.

Chair Russell: That's why I'm going to ask for it to come back to this body to form the task force, so --

Commissioner Reyes: Appointees; that mean that they are totally, totally independent.

Chair Russell: Commissioner Gort, then Commissioner Carollo.

Vice Chair Gort: The -- some of the pictures that have been brought by the Commissioner, I think it shows violations. I'd like to see those violations being closed.

Commissioner Reyes: That's right. That's right.

Chair Russell: Thank you. Commissioner Carollo.

Vice Chair Gort: Okay. I mean, he showed enough of it, and if they're acting -- and if they don't have their licenses --

Commissioner Reyes: The proof.

Vice Chair Gort: -- and they're doing illegal constructions, they should be closed.

Commissioner Carollo: Commissioner, this Administration ain't going to do anything. What they're going to do is this, for the reasons that I stated. Now, a task force of the type we're talking about, while it sounds great, I don't see it going anywhere with what's happening here.

Commissioner Reyes: You're going to change it.

Commissioner Carollo: This lady is a fine woman, I am sure. I'm sure we'll get to know each other, and by what I'm going to say next in no way is reflected on you, personally, ma'am. Please understand that. But as I've shown here, she was hired, not knowing anything on Code Enforcement. Just because she's an attorney doesn't make her qualified for this position, and this is, in essence, what we were told. Look, what our Charter says is quite different than what the hirings were here. Our Charter says that the Manager has to name --

Chair Russell: And now we're attacking the qualifications of our directors.

Commissioner Carollo: Well --

Chair Russell: I really want to bring this to an end.

Commissioner Carollo: -- absolutely. I mean, how can you put her in charge of Code when I asked her one of the most simplest questions on parking, and she didn't know.

Ms. Valencia: With all due respect, sir, I'm an attorney, and I -- with all due respect, Commissioner Carollo, because I did not memorize the definition of "illegal parking," and could not --

Commissioner Carollo: Ma'am, you don't need to memorize that. It's so -- I mean, it's so simple on the Code. It's quite -- look --

Mayor Suarez: Mr. Chair?

Commissioner Carollo: -- that's the kind of stuff that's 101 in Code. And I'm sorry; this is not personal with you. It's a fact.

Ms. Valencia: Okay.

Commissioner Carollo: I remember the pre -- her predecessor, Bernat; wonderful man. He was hired with all kinds of stuff and experience that they claimed he had. He had none, either. He depended on others there that are not part of the solution,

because they're part of the problems, to tell him what is Code and what is not, and everything else. And just because you're an attorney, with all due respect, doesn't mean you're qualified for everything, and certainly not Code Enforcement.

Chair Russell: I'm sorry, we need to stop this. This is a Director of the City of Miami --

Mayor Suarez: Mr. --

Chair Russell: -- hired by the Manager. You do have the ability to talk about the Manager's qualifications and what you believe we should do with the Manager, but as far as Directors, we, as Commissioners, do not have the say-so to qualify the Directors --

Commissioner Carollo: Oh. Well --

Chair Russell: -- and choose or decide who they should be.

Mayor Suarez: Mr. Chair?

Commissioner Carollo: -- that'll be next then.

Chair Russell: I am very glad we have you with us here --

Mayor Suarez: Mr. Chair, if I may?

Chair Russell: -- Director Valencia. And I believe, if you choose to stay with us, that you are here at a time of Shakespearean seat change that you can bring with a fresh pair of eyes. So the suggestion I have is clear. I'll defer to the Mayor for a comment, but I'd like to see if the body is open to this direction to allow the Director to bring forward a task force, give 60 days, and then we'll take action as whatever we want. Mr. Mayor and then Commissioner Hardemon.

Mayor Suarez: Thank you, Mr. Chair. I just want to comment for the record that I think our Code Enforcement Director is the most qualified Director that I've ever known in my time as an elected official here in nine years; and, in fact, is probably over-qualified to be the Code Enforcement Director --

Chair Russell: Thank you, Mr. Mayor. Commissioner Hardemon.

Mayor Suarez: -- and we're very glad to have her.

Commissioner Hardemon: The resolution that Commissioner Carollo provided to us, part of the reason that I'm uneasy about it is because it's so general. It really almost comes off as a fishing expedition, because it is to investigate any possible acts of wrongdoing and/or corruption in the Building, Code Compliance, and Zoning Departments (UNINTELLIGIBLE).

Commissioner Carollo: Bring it more direct, Commissioner. Make it more direct.

Commissioner Hardemon: So my point in that is that, you know, is -- I was satisfied in the level of detail that you brought regarding that particular issue that was regarding this space that you showed us. It appeared to be that regarding that issue, you had lots of facts on the table. But what I do -- I would never want to see is someone who is law enforcement that has an opportunity to investigate much further than that, for no obvious reason at all. That's part of the objection I have with our Ethics Commission; they usually use their powers to do that. And so, their arm, their

length, their reach is just too far. But, you know, if -- but then the next thing -- besides the fact that we know that this place was built illegally, it was renovated illegally, that they're operating a business that appears to be illegally, we haven't seen much on the record regarding necessarily the corruption part. And so, these -- that's the part that I'm kind of struggling with, because what you're saying makes perfect sense. The things that you've put on the record make perfect sense regarding the business. But the part regarding the wrongdoing or the corruption, there was really no one that I could test. There was really no -- there's nothing that I could see or that we could show that -- unlike the pictures -- proved that there was something that was done that was wrong, and that's my uneasiness. So the -- how broad it is. I don't know if you'll narrow it, but then, also, on the corruption part, because I would never want to subject anyone to a police inquiry when they don't deserve it. I just think that that -- you know, by way of my training, it is unfair, it is unnecessary, and it is embarrassing.

Chair Russell: Thank you. Mr. Manager.

Commissioner Reyes: Mr. Chairman?

Commissioner Carollo: Commissioner?

Commissioner Reyes: Mr. Chairman?

Chair Russell: Mr. Manager.

Mr. Gonzalez: Sir, if I may, just for the record, if you would allow me 30 seconds, and I'll let you know what remedies have been done on that particular -- 521 Southwest 8th Street, just to let you know where we are right now, as of right this minute.

Chair Russell: I don't know that that's necessary, unless the Commissioner really wants it right now. It's up to you.

Mr. Gonzalez: Well, he mentioned remedies, and I would at least like to put something out there.

Joseph Napoli: On the three violations, Commissioner, the notes are -- no -- Joe Napoli, Deputy City Manager. No Certificate of Use for the lounge, which was cited on 12/18 that Commissioner Carollo mentioned. That is being investigated. The -- No BTR for the -- and I'm going to go on, what the remedy is, Commissioner. No BTR for the gift shop. That was a notice of violation. The BTR was applied and paid for, and issued. And the third one, failure to obtain a warrant and out -- for outside dining, as you mentioned, Commissioner, it is the -- they are going through the warrant process. The important point is we are doing due process, Commissioner, and they are -- all three of these violations are going before the Code Enforcement Board on March 13. So if there is further action that -- right now, that's the due process we are taking. Shutting them down -- we are not intending to shut them down, unless we can at this time.

Commissioner Reyes: Mr. Chairman?

Commissioner Hardemon: So I have a question for you then; through the Chair, please?

Chair Russell: Yes.

Commissioner Hardemon: If I open up a business illegally -- and I'm assuming that's because I do not have a Certificate of Use, so the use -- the particular use that I'm using that space for, I do not have permission to use. Is it your testimony that I'm allowed to continue that use until I have satisfied the Code Enforcement Board's inquiry?

Mr. Napoli: That's the due process we're using in this case.

Commissioner Hardemon: So I -- no, because I'm trying to -- I'm -- and if he needs help, please help him, because I don't want anyone to be caught in the wrongdoing, because what I'm trying to make clear is that if I'm using a space for something that I'm not properly allowed to use it for, and we know that to be sure -- we have the facts, we have the evidence, we have this -- you're going to con -- allow me to continue using that space in that way until you've satisfied the Code Enforcement Board, because I understand there's -- you're being accused of it. I get that part. Because then the thought that I would have, if that's true, then it takes some sort of injunction from our Law Department to stop that use, because there could be some potential harm there. You're recognized.

Fernando Casamayor: Sir, Assistant City Manager Fernando Casamayor. If it is a life safety issue, they are not allowed to continue operating at that moment. It is up to the Fire Department and the Police Department at that point to make a decision to shut them down.

Commissioner Reyes: Is that the only way?

Mr. Casamayor: No, no, I'm not --

Commissioner Reyes: Life saving?

Mr. Casamayor: -- finished, sir. May I? Thank you. If it is a use that is not allowed and never will be allowed -- for instance, a pawnshop next to a school, or some other -- a bar right next to a school -- those can be shut down right away. They will never come into compliance for the use that they have. In this particular instance, what we have is a restaurant with a liquor license that has two floors. And the question is: Are they utilizing both floors as restaurant? Are they separate? Is it a separate CU upstairs versus downstairs? And that is something that requires our Zoning Director and some of our professionals to determine. At this point, this is where we are. And I would like to side on the error of caution; unless, of course, my City Attorney, who has to defend us, tells us that we can shut this place down right now, based on all the information that we have.

Commissioner Carollo: Well, let me give you a little bit that -- I'm flabbergasted that right hand Assistant Manager Napoli gets up here and he tells you the violations, but the ones that the Police Department cited them for, the main ones of notice of violation for not having a CU, for illegal lounge, he didn't mention that, did he? The one that the -- they were cited with for serving alcohol without food, no mention of that. Unable to provide documentation of sales, no mention of that. And, of course, what I showed proof here that that whole lounge was done up there without permits, I showed the mountain of debris of plumbing, electrical and more that the Code Enforcement officer that went there March 3 took pictures of, but apparently, somebody got to him, where he could not process the notice of violation; that's why it never went through. The fact that I have here a letter from the new Zoning Director that says they require a minimum of 18 parking spaces, and they took them all away, how can that place be operating when the law says they are required to have "X" amount of spaces for parking, and they took it away? You have requirement of parking spaces that are not there. You know, Mayor, I really would

appreciate it if you'd quit going to different members of the Commission, talking inside their ear, you know.

Unidentified Speaker: (UNINTELLIGIBLE).

Commissioner Carollo: Well, I know you don't care what I say. You only care about people that can come as clients to your law firm.

Mayor Suarez: (UNINTELLIGIBLE). Sure, sure.

Commissioner Carollo: But the bottom line is that you have illegal parking; that you just can't take that away. Where are these people going to park? Into residential areas. You see the hundreds of people that are coming there on Thursday and weekends to go upstairs. And this is affecting the quality of life in that neighborhood; not only in the very narrow stairs that we showed; there's a problem going up to that illegal lounge, as the police stated, upstairs. Who's watching? Where's the Fire Marshall? They even have cited them for no clickers. How many people do you got there? You got a life safety issue --

Chair Russell: All right.

Commissioner Carollo: -- on people if there's a fire up there; not to mention the fact that what we have seen -- I haven't seen anything other -- is that in order for them to have gotten this CU -- you saw the plans that are given there. They're not the plans that are there today. They've gotten a CU under false plans, under false pretenses for the place, and, I mean, I could go on and on. But, you know, the most they'll do is give them a little \$500 fine --

Chair Russell: Please. Here's what we're going to do --

Commissioner Carollo: -- and they're not going to do anything, whatsoever.

Chair Russell: We're not here to investigate specific resi -- addresses today. Here's what we are going to do: I would like to see a -- because we have two basic ideas on the table right now; one is inviting a grand jury investigation; one is to create a task force in the City -- just a straw poll before we put a motion forward to do either. How are we feeling on that? Who here wants a grand jury investigation invited into the City?

Commissioner Carollo: Well, I placed the motion on there. And do you want a -- if you want to make it more limited to the scope of it, what we're going to ask, I have no problem.

Chair Russell: I -- who here would like a task force created?

END OF DISTRICT 3 ITEM

FL - FUTURE LEGISLATION**FL.1****5383*****Office of
Management and
Budget*****ORDINANCE**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 18/ARTICLE IX/DIVISION 2 OF THE CODE OF THE CITY OF MIAMI, AS AMENDED ("CITY CODE"), ENTITLED "FINANCIAL INTEGRITY PRINCIPLES," MORE SPECIFICALLY AMENDING THE INTEGRITY PRINCIPLES, SECTION 18-542(8) MULTI-YEAR CAPITAL IMPROVEMENT PLAN; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

RESULT: NO ACTION TAKEN

FL.2**5434*****City Manager's
Office*****ORDINANCE**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 40/ARTICLE IV/DIVISION 3 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "PERSONNEL/PENSION AND RETIREMENT PLAN/CITY OF MIAMI GENERAL EMPLOYEES' SANITATION EMPLOYEES RETIREMENT TRUST," MORE PARTICULARLY BY AMENDING SECTIONS 40-241 AND 40-255, ENTITLED "DEFINITIONS" AND "BENEFITS," RESPECTIVELY, TO AMEND THE MULTIPLIER AND THE RULE OF (70) RETIREMENT; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

RESULT: NO ACTION TAKEN

FL.3**5435*****City Manager's
Office*****ORDINANCE**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 40/ARTICLE IV/DIVISION 2 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "PERSONNEL/PENSION AND RETIREMENT PLAN/CITY OF MIAMI FIREFIGHTERS' AND POLICE OFFICERS' RETIREMENT TRUST," MORE PARTICULARLY BY AMENDING SECTION 40-203, ENTITLED "BENEFITS", TO REFLECT THE CHANGES MADE IN THE CURRENT COLLECTIVE BARGAINING AGREEMENT; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

RESULT: NO ACTION TAKEN

END OF FUTURE LEGISLATION**NA - NON-AGENDA ITEM(S)**

NA.1

5518

*Office of the City
Clerk***DIRECTIVE**

DIRECTION FROM COMMISSIONER REYES AND COMMISSIONER CAROLLO TO THE CITY MANAGER TO PLACE A RESOLUTION ON THE NEXT CITY COMMISSION AGENDA TO PRESENT A REPORT ON THE CURRENT STATUS OF THE NEGOTIATIONS FOR THE PROPOSED LEASE BETWEEN THE CITY OF MIAMI AND MIAMI FREEDOM PARK AND SAID LEASE WILL BE PRESENTED TO CITY COMMISSION PRIOR TO THE NOVEMBER 2019 GENERAL MUNICIPAL ELECTIONS AND INSTRUCTING THE CITY MANAGER THAT NO OUTSIDE CONSULTANTS OR LAW FIRMS SHALL BE RETAINED WITHOUT PRIOR CITY COMMISSION APPROVAL.

RESULT:	DISCUSSED
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Chair Russell: Are there any other items anyone would like to add to today's agenda? Are there any pocket items anyone would like to bring forward today?

Commissioner Reyes: Yes, I have --

Chair Russell: Microphone, please.

Commissioner Reyes: Yes. I have only one pocket item, and it's going to be brought up.

Chair Russell: Thank you. In the future, Commissioners, it'll be great if we could submit pocket items on the morning of the day of the Commission meeting in writing, just so we can schedule the day out --

Commissioner Reyes: Okay.

Chair Russell: -- and look at what we're dealing with. It'll help.

Commissioner Reyes: It's nothing wrong with it.

Chair Russell: What's that?

Commissioner Reyes: I mean, and I agree with you.

Chair Russell: Thank you. And -- all right. So we'll bring that one up as we go, all right, in the discussion item portion of the meeting.

Mayor Francis Suarez: Mr. Chair, if I may?

Chair Russell: Yes, Mr. Mayor.

Mayor Suarez: On that item --

Commissioner Reyes: Just for clarification, the Administration and Legal was aware of that, but you want the fellow members to know that there is a pocket item.

Chair Russell: Yes. As we move forward, if we're going to take up pocket items, I'd rather, then, they come at the moment. We don't have time to look at them, study them, go through them. I'd really like to see us make a habit of trying to bring them first thing in the morning so our staffs -- each of our staffs can study them; the Administration can study it --

Commissioner Reyes: No problem. No problem.

Chair Russell: -- if we're going to take up anything. Mr. Mayor.

Commissioner Reyes: No problem.

Mayor Francis Suarez: Yeah. And I would just urge the Commission to look at the ordinance on pocket items. It's a very specific ordinance. If the Commission wants to change the ordinance and make it more flexible for pocket items, then the Commission obviously has the ability to do that, but the ordinance is very clear, and correct me if I'm wrong, Madam City Attorney. It says that pocket items are only to be brought for emergency purposes with -- of no financial impact. And I think the reason why they do that is because we want to give the public also an opportunity, because if a pocket item is brought by anyone, including the Mayor, the public doesn't have an opportunity to decide whether or not they want to come and speak on an item.

Chair Russell: Right.

Mayor Suarez: So I would just ask --

Chair Russell: Or even watch.

Mayor Suarez: -- the --

Commissioner Reyes: Just a --

Chair Russell: Commissioner Reyes.

Commissioner Reyes: -- point of information. This doesn't have any financial impact. It's just something that I want to clarify, and I want -- I need information on it. And because -- I hope that, Mr. Mayor, that you are not implying that because it wasn't done the way that Commissioner Russell is saying and that we are not -- I won't be able to address this pocket item.

Mayor Suarez: What I'm saying, simply, is that there is an ordinance on pocket items that's very, very clear.

Commissioner Reyes: In other words, what you're saying, that I shouldn't do anything today, right?

Mayor Suarez: The right way to do it, to comply with the law --

Commissioner Reyes: Okay.

Mayor Suarez: -- is to just put it on as a normal agenda item.

Commissioner Reyes: Is this because -- excuse me for being a little bit suspicious. Is this because you know that this pocket item deals with Melreese Golf Course and the negotiations for it?

Mayor Suarez: No, that has nothing --

Commissioner Reyes: Because I never -- and I had never seen you jump at any other proposal for pocket item like that, you see.

Mayor Suarez: I'm not jumping at the pocket item. I'm just simply saying there's an ordinance on pocket items.

Commissioner Reyes: Yes, you are.

Commissioner Carollo: Well --

Mayor Suarez: So --

Commissioner Reyes: Yes, you are.

Commissioner Carollo: -- I'm really confused, because since I have been back to this Commission, little over a year, every meeting, different members of the Commission have brought up pocket items; everyone's respected each other in not bringing the five-day rule. The Mayor cannot bring a five-day rule --

Mayor Suarez: That's correct.

Commissioner Carollo: -- only as a Commissioner. But what makes this more perplex and what -- I tend to agree with Commissioner Reyes in what he stated. I'm surprised that you're bringing this up today when, just last week, you brought up a pocket item that had nothing to do --

Commissioner Reyes: That's right.

Commissioner Carollo: -- with finances, and you brought it up only -- and I didn't bring anything up, because of the issue involved. I wanted to see unity; not divisiveness -- but you brought it up only because you knew that I had one already placed on the record. It was in the regular agenda, the item that I had; it was very clear, and then you brought up a pocket item to try to get ahead of mine. I thought at the time about putting the five-day rule, but I didn't, because I was going to give you the same respect that we've given each other; but furthermore, because of the issue involved, I didn't want to show any divisiveness. But I'm very surprised that all of a sudden, on a day like today, and particularly when not just Commissioner Reyes has his item; you know that I have some items --

Mayor Suarez: I don't know that you have any items.

Commissioner Carollo: -- that are up for discussion, and you're assuming that -- or at least concerned with -- there might be some pocket items involved with it afterwards, depending on how the discussion goes, and now you're bringing this up. You know, Mayor, if you wanted that, you should have put something in writing ahead of time. Frankly, this Commission is giving you a courtesy to sit up here now, as you're doing, to speak more than you should, because we are the executive body. We are the --

Mayor Suarez: You're not the executive body.

Commissioner Carollo: Excuse me. You are the executive body; we are the body that promotes --

Mayor Suarez: (UNINTELLIGIBLE).

Commissioner Carollo: -- the law, and you don't have a vote in this Commission, whatsoever. So you're entitled to your opinions and to send any requests. It's just the fact that you're bringing this up in this forum is kind of amusing that --

Vice Chair Gort: Mr. Chairman?

Commissioner Carollo: -- it even violates the five-day rule that you're talking about.

Mayor Suarez: Mr. Chair?

Chair Russell: Commissioner Gort, please.

Vice Chair Gort: Look, (UNINTELLIGIBLE) -- Commissioner Carollo, I don't think you were here when the Chairman came up with the new way that he would like to see the pocket items proposed. That's why this come out. Now that Commissioner Reyes stated what his pocket item is, I agree with it, and I'd like to hear it. So what he was clarifying -- because it's -- the Chairman requested that we change -- make some changes, to bring it upfront at first to give time for the Administration and the staff to look at it, so that's why all this come up. I don't think there was anything -- not to hear any pocket item today. It's -- pocket items are going to be heard like it's been done always.

Commissioner Carollo: If their pocket item, Commissioner, that have to deal with finances, I understand that. The Administration should have some time to look at it, because it's the City's finances. But from time to time, depending on what discussion we get up -- we get into here as a body, the opportunity might rise that we see that we should vote on a pocket item at the time, and this is my concern; that that policy that we have followed would be taken away and --

Vice Chair Gort: I don't believe that it's going to be taken away, because my understanding is -- and if you realize it -- you've been here a long time, just like I have -- most of the emergency pocket items have come out of the Administration.

Mayor Suarez: That's true.

Vice Chair Gort: I mean, I would say 99 percent of the pocket items have become -- because it's an emergency, and they needed to get it done.

Chair Russell: So, gentlemen, as Chairman, I would like to try to maximize transparency, maximize the public's trust in us and their involvement and their ability to engage and understand what we're dealing with, and also give the Administration and each of us the ability to study and understand what's before us and what we're being discussed. We don't ever want to get caught by surprise by something that we're not prepared; we could do a little research, if we know it's coming. So I do want to minimize pocket items as much as possible, and push things to the next agenda when we can and when we need to. If something needs to come up that's of an emergency nature, for sure, each of us is going to agree unanimously; let's talk. And we do want to give deference to each Commissioner, if they just have something they want to talk about as a discussion item.

Commissioner Carollo: I think, Chair, you used the right words. You want to minimize that; not stop it fully, and I think that's acceptable.

Chair Russell: And if I understand correctly, Commissioner Reyes, the item is to seek a status update of some sort or -- I just wanted clarity, because if it's getting into the substance of --

Commissioner Reyes: Yes.

Chair Russell: -- the lease deal or something else, that I would rather put on an agenda and --

Commissioner Reyes: Listen, listen.

Chair Russell: -- be able to give them time to --

Commissioner Reyes: I know better than that.

Chair Russell: Just a moment, Commissioner Reyes. If it's a status update, certainly. I'd loved to -- for you to ask or direct --

Commissioner Reyes: Absolutely.

Chair Russell: -- Administration, and they can then prepare, and then --

Commissioner Reyes: I know --

Chair Russell: -- they can bring the information.

Commissioner Reyes: -- better than that. I wouldn't do anything otherwise. The only thing is that I am -- I want to make sure that the negotiations with the park, with the -- between the -- these people that want to build that massive development and stadium in Melreese that the negotiation has started, and what is the status of, and why we haven't started. I know why it took so long, but for the past month that we have -- the green light was given.

Chair Russell: Understood.

Commissioner Reyes: Okay? And that was the only thing. And I want to try to get a commitment that -- and I'm going to be very blunt here, because that's the only way that I know how to speak. I want a commitment that this is going to be brought to the Commission before the November election, before the November election, because it is very -- I mean, as you know, a definite vote against that is -- my vote is going to be -- I mean, I am up for reelection, and being up for reelection, it will be those people that are in favor -- it could be, I would say, a very nice tactic to say, "Oh, let's wait and see if we can get this guy out," or the vote -- other the people that could feel -- that they could feel that going to vote against, and wait until after the election. I want to be here. I want to make sure that before the November election, we're going to bring that contract or that negotiation for a vote.

Chair Russell: Thank you, Commissioner Reyes. And just --

Mayor Suarez: Mr. Chair, if I may respond to a few of the --?

Chair Russell: Yes, Mr. Mayor, of course.

Mayor Suarez: Thank you. So, first of all, I apologize if you both thought that there was any particular reason why I brought this discussion forward. I was simply articulating what our law is, what our ordinances state, and our ordinances are very clear. They state that there should be an emergency and that there should be no fiscal impact. I think there's no fiscal impact. If the Commission determines that there's an emergency reason why we need to discuss this today as opposed to in the next Commission meeting, the Commission has the right to do that. The Commission

also has the right to change the law and modify it, and say that it doesn't have to be for emergency reasons. I think the reason why that pocket item ordinance exists is for transparency, so that the residents have an opportunity to come and speak on whatever item the Commission wants to speak on as well. As to the pocket item that I brought last Commission meeting, which was adopted unanimously, I presume that there was a finding of an emergency, because it was very time-sensitive. It was time-sensitive because the President of the United States had recently recognized the new democratic government of Venezuela, and I thought it was an emergency, and it was very time-sensitive for us to bring that pocket item, which was no fiscal impact and unanimously approved by this Commission. And I have every right to stand here and say that and be on this dais as the Mayor of the City of Miami. Thank you.

Commissioner Reyes: Mr. Mayor?

Chair Russell: Thank you, Mr. Mayor. And --

Commissioner Carollo: I --

Commissioner Reyes: Mr. Chair, Mr. Chair, if I may? Because I was addressed in a --

Chair Russell: Of course, Commissioner Reyes.

Commissioner Reyes: -- by the Mayor. Mr. Mayor, you see, I was not accusing of -- you of anything. The only thing -- that it was very, very, very suspicious to me; that I have seen -- I mean, since I've been here for the year that I've been here, I have seen hundreds of pocket items that they are brought just out of -- I mean, very impromptu. This is, "I want to" -- "I have a pocket item." And I had never seen any, any, any pushback on any pocket item. Since everybody knows and the City Manager knows it, because I told him what I was going to be asking, it was suspicious to me that we have this pushback on my pocket item.

Mayor Suarez: It's not a pushback on your pocket item.

Commissioner Reyes: I mean, it is -- I don't think it's right, because -- and I don't have anything of following procedure and following the law. From now on, any pocket item that I'm going to present is going to be according to the procedure, because if somebody ask about procedures here, it is me.

Mayor Suarez: Right.

Commissioner Reyes: That's one of the reasons --

Chair Russell: Thank you very much.

Commissioner Reyes: -- that I am not against it, but --

Commissioner Carollo: Mr. Chairman?

Chair Russell: Gentlemen, gentlemen, gentlemen.

Commissioner Reyes: -- it is fishy in my (UNINTELLIGIBLE).

Chair Russell: No, no, no. Gentlemen, please.

Mayor Suarez: (UNINTELLIGIBLE).

Chair Russell: Please, please, please. I'm going to ask for --

Emilio T. Gonzalez (City Manager): Mr. Chairman, Mr. Chairman?

Chair Russell: Here's my goal for this moment: To get home for Valentine's Day to see my wife.

Mayor Suarez: That's a good one. That's a good goal.

Chair Russell: I had a dream of being out by lunch. I've long let that dream go by, but I will not miss Valentine's dinner. Here's -- I fully understand, Commissioner Reyes, where you're coming with on this discussion item, and I believe you handled it well in that you've given direction to the Manager to bring back a status update, which he can do at the next agenda, when he's gathered the information; plus, you've had a request to see this lease sown up by November --

Commissioner Reyes: Before November.

Chair Russell: -- before November so that this Commission can take it up before November, and that's something they can also go through in their update when they bring it back on the possibility of that and their timeline and their projected plans, and I look forward to hearing that as well. So I -- that is the discussion item, I hope. I think we're -- we've completed it.

Mayor Suarez: I'm fine with that. I mean, that's a good process.

Chair Russell: And Commissioner Carollo, you would like to say something.

Commissioner Carollo: Just one more minute on this, because the Mayor tried to change what really happened with that pocket item, and I have to clarify this again, Mayor; I'm sorry. You have presented practically every meeting -- every other meeting, at best, pocket items --

Mayor Suarez: No, I haven't.

Commissioner Carollo: -- never had a problem. Now, all of a sudden, you've gotten religion. What happened at the last meeting, I had a duly-put item placed on the agenda that you did not want to see me be the one that sponsored it alone, so --

Mayor Suarez: That's a different item.

Commissioner Carollo: -- you came with a pocket item to try to take that away from me. I did not become petty and challenge you on it. I could have placed the five-day rule on you; I didn't do that. And what you presented was what I had way before on the agenda, not in a pocket item. So you --

Mayor Suarez: It was a different item, though.

Commissioner Carollo: No, it was not a different item.

Mayor Suarez: Yes it was.

Commissioner Carollo: It was the same item.

Mayor Suarez: It was not the same item.

Commissioner Carollo: The only thing that you mentioned that wasn't there, that he didn't mention by name, President Guaidó, and with the addition --

Mayor Suarez: I think that's significant.

Commissioner Carollo: -- that we had included that was presented that morning, it was included in mine also, but you didn't care about that, because you know well that if you wanted to add his name, all you had to do was say, "I'd like to be a sponsor, and I'd like his name to be added," which it had already been added. You didn't do that. You did it in a way for you to try to trick -- take credit or something.

Mayor Suarez: It's not like that.

Commissioner Carollo: And I did not become petty. I did not place the five-day rule on you. So I want to make the record clear, this is why it's extremely suspicious why, all of a sudden, you're bringing this up today in the fashion that you're doing; not even a memo sent to any of us before. You love to go visit Commissioners when you have something in your agenda. Did any of us get talked to about this item?

Mayor Suarez: What item --

Commissioner Reyes: No.

Mayor Suarez: -- are you talking about? I don't know what item you're talking about. I simply said that.

Commissioner Carollo: About this right here.

Chair Russell: Gentlemen, I would like to move on, please.

Commissioner Reyes: Yes. But just to finalize, Mr. Chairman, I want this to be -- this discussion -- I mean, this will be the pocket item? Fine. I'm not going to talk about this anymore. Now, but I want this to be a directive and make it clear -- because later on, I don't want to receive a memo that that was not a directive -- a directive to the Manager, the next meeting bring, I mean, a report on how the negotiations are going, and make sure that this issue comes for a vote before the November election.

Commissioner Carollo: Well, I'd like to, if I can, with the maker of the motion, is to add something more to it.

Chair Russell: I don't believe there's a motion. Commissioner Reyes is just giving direction to the Manager to bring back an item for the next --

Commissioner Reyes: Yeah, for you --

Commissioner Carollo: Well -- or --

Commissioner Reyes: If Commissioner Carollo wants to make a motion, make a motion.

Commissioner Carollo: I'd like to make this in the form of a motion so that this Commission, as a whole, is placed on record. What Commissioner Reyes stated is what I'd like to make part of a motion, with the addition that no outside consultants, law firms, negotiating team can be hired until this Commission is advised of it and we decide if we want to go that route or not. I don't want to see under the Manager's

prerogative of the \$25,000 that, all of a sudden, someone got hired for \$25,000, for whatever the reason is.

Chair Russell: So there has been a motion.

Commissioner Reyes: I'll second it.

Chair Russell: There is a second. I'll start with the discussion, just to sort of nip this in the bud, because I believe this is where a pocket discussion item goes beyond where public has the ability to be prepared for this. Nobody is here to be able to comment on this item that they should have the right to do. Now that we are making a motion and taking an action, the public has a right to speak, and the motion is quite stacked. It gives easy direction for the Management to come back with a status update --

Vice Chair Gort: Right.

Chair Russell: -- and a timeline; that was already done. But if there's a motion, that's asking the body to lock them in to the November deadline for a lease, which I'm not even prepared to understand what their timeline is to get there, so I'm not prepared for that. And then beyond that, the addition of limitations on who they can hire and when and how much, that should all be on an agenda. If that's something that we want to --

Commissioner Reyes: Well --

Chair Russell: -- hold the Administration to, it's something we should be able to study, they should be able to study, and the public should be able to study, so --

Commissioner Carollo: The --

Chair Russell: -- that's the only issue I have with that.

Commissioner Carollo: -- well --

Chair Russell: That's why pocket items, in general, I do --

Commissioner Carollo: -- but --

Chair Russell: -- in the future, intend to --

Commissioner Hardemon: But this --

Chair Russell: -- start tightening up on; not because of this one specifically.

Commissioner Reyes: This -- all this discussion have arise [sic] because of the way that my pocket item was tried to be torpedo -- to say the other word -- and that's why all this discussion arise.

Chair Russell: Right, but I --

Vice Chair Gort: Mr. Chairman?

Chair Russell: -- was fully --

Commissioner Reyes: You see?

Chair Russell: -- comfortable allowing your pocket item. I think your direction was very clear to the Management. I think there is no way they can get out of placing an item on the next agenda.

Commissioner Reyes: Commissioner Carollo, could you consider bringing this, so we go through the process of bringing this resolution later on?

Commissioner Carollo: Listen, I have no problem placing it on the next agenda.

Commissioner Reyes: Bring it -- place it -- let's place it -- let's go through the --

Commissioner Carollo: But let me state this. I think Commissioner Russell has this one a little wrong, and let me explain why, Commissioner. It is up to this Commission to do that. That is our right, and it falls on us more than anyone else, including the Administration. In fact, all that I am saying is that we want our rights to be respected, because if the Administration want to do that, they would have to be the ones to then place it on the agenda, as you're saying. So I'm not doing anything different than putting a motion, what our rights are, and what we expect. In other words, it is not a God-given to them that they could do whatever they please. The Manager is not elected by the public; we are. We're the ones that are responsible. And all that I'm saying is that I want to make clear what our rights are and what our position is. I'm not taking any rights because that -- you know, maybe I misunderstood you, and if I did, I apologize. It almost sounded like it is their right --

Chair Russell: No, sir.

Commissioner Carollo: -- and only their right --

Chair Russell: I --

Commissioner Carollo: -- and we're taking something from them.

Chair Russell: -- absolutely do agree with you, and that is not what I was intending.

Commissioner Carollo: Okay.

Chair Russell: It's simply for transparency and for agendas and for time. Part of the motion I would have agreed with if it was just giving direction to bring something back. Then everybody has the ability to like weigh in. The parties who may be interested in --

Commissioner Reyes: But --

Chair Russell: But Commissioner Gort had asked to speak a few moments ago, so I'd like to honor that.

Vice Chair Gort: Let me give you a suggestion. We already told the Manager what we want from him; he's got to come back. At the same time, when he comes back with a report, we should have on the agenda a resolution specifying all that -- what the Commissioner is asking right now.

Commissioner Reyes: I do agree with you, and let's --

Vice Chair Gort: Okay?

Commissioner Reyes: -- make it -- in order -- I mean, in sake of transparency, Commissioner Carollo, why don't we prepare this for next --?

Vice Chair Gort: No, no. We're not deferring it. We're instructing the Administration to come back with a report and with the motion -- or a resolution specifying whatever was discussed here. Okay?

Chair Russell: Report and a timeline.

Commissioner Reyes: That's fine.

Commissioner Carollo: A report and a resolution in the next agenda. Is that what you're saying, Commissioner Gort?

Mayor Suarez: Mr. Chair, I totally agree with that. That's the right procedure. That's the right way to do it.

Commissioner Carollo: Well, then, if we're going to go that route, then what's good for one better be good for everybody --

Mayor Suarez: Of course.

Commissioner Carollo: -- because I'm going to then exercise the five-day rule if this is what is going to be coming from here on.

Mayor Suarez: Sir, I'm the Commissioner that created the five-day rule.

Commissioner Carollo: Well --

Mayor Suarez: So --

Commissioner Carollo: -- the five-day rule, sir, was around a long time before you ever were a Commissioner.

Mayor Suarez: The five-day rule was modified while I was a Commissioner --

Commissioner Carollo: But --

Mayor Suarez: -- to make it any Commissioner can invoke the five-day rule.

Commissioner Carollo: -- it might have been modified, but it --

Mayor Suarez: Yes.

Commissioner Carollo: -- was around for a long, long time.

Mayor Suarez: But it was not in the way that it is now, where any one Commissioner can invoke the five-day rule, so you have absolutely the ability to do that, of course.

Commissioner Reyes: And Mr. Chairman, just one last question, since I am not that well-versed on having read all the rules and all that, because this is -- it's big and -- Madam City Attorney, it is on my right to bring any topic or any issue that I consider that is important on the Commission meeting, just like this discussion item?

Victoria Méndez (City Attorney): Yes, you can place any item on the -- on an agenda. You're just talking about a regular process with any --?

Commissioner Reyes: I'm talking about without having -- well, without have -- going through that procedure that he says -- or if I -- and I mean -- we have a discussion,

and I want -- or if I consider that a certain topic should be discussed, can I ask for time to discuss that topic right here on the dais?

Ms. Méndez: So if it's a pocket discussion, yes, you can. The only thing that I think we're all talking about is that if any of your fellow Commissioners doesn't want to talk about that topic right then and there, they could exercise the five-day rule, and that's --

Commissioner Reyes: Yes, I know.

Ms. Méndez: -- just one --

Commissioner Reyes: I do understand that.

Ms. Méndez: -- only one Commissioner can say --

Commissioner Reyes: Okay.

Ms. Mendez: -- "I don't want to talk about that," and then --

Commissioner Reyes: If no Commissioner exercise the five-day rule, can I still go ahead and establish that discussion?

Ms. Méndez: You can have a discussion, yes. The only thing that I believe that the Mayor was alluding to is our section of the Code, 233, that says that we're not supposed to be bringing up things that have fiscal impacts, that are not emergencies, that --

Commissioner Reyes: I made it clear that I -- we didn't -- I didn't have -- this doesn't have any fiscal impact.

Ms. Méndez: Right, but it has to --

Commissioner Reyes: Okay.

Ms. Méndez: -- technically be an emergency.

Commissioner Reyes: Okay, ma'am.

Ms. Mendez: That's all.

Commissioner Reyes: Thank you very much.

Mayor Suarez: It has to be an emergency.

Chair Russell: Thank you.

Mayor Suarez: Thank you.

Chair Russell: So the direction is clear to the Administration to bring back a status update and timeline for the negotiation of the Melreese deal, correct?

Emilio T. Gonzalez (City Manager): Acknowledged, sir.

Chair Russell: Thank you very much.

Commissioner Carollo: The --

Mayor Suarez: *I agree with that.*

Commissioner Carollo: *-- and for the next meeting --*

Vice Chair Gort: *A resolution.*

Commissioner Carollo: *-- we're going to have a resolution, as I presented before and as Commissioner Gort suggested that it be placed at the agenda.*

Chair Russell: *What is the resolution?*

Commissioner Carollo: *The resolution will be that the City Administration cannot go hire on its own any consulting firm, any law firm, any appraising -- appraisal firm, or any other entity for any reason or purpose, whatsoever, on the Melreese property, unless it's brought to this Commission for discussion and a vote.*

Chair Russell: *All right. The resolution to be placed on the next agenda is clear.*

Commissioner Carollo: *Mr. Clerk?*

Chair Russell: *You don't need a motion for that.*

Commissioner Reyes: *Okay.*

Todd B. Hannon (City Clerk): *Part of the direction; no motion is needed.*

Chair Russell: *Yes.*

Commissioner Carollo: *Okay. Last, but not least, I just -- just a quick statement. Since I've been here, this Commission has been respectful of one another, and no one -- even though we might have had difference of opinions, no one has ever exercised a five-day rule on anyone else, and I'm saying that because the first time it's exercised by anyone, then all bets are going to be off, and this is how it's going to be played from here on, and I just want to put it on the record.*

Chair Russell: *Thank you, Commissioner.*

Commissioner Carollo: *Thank you.*

Commissioner Reyes: *Okay.*

NA.2

5519

Office of the City Clerk

DISCUSSION ITEM

MOMENT OF SILENCE FOR THE ONE YEAR REMEMBRANCE OF THE VICTIMS OF THE MARJORY STONEMAN DOUGLAS HIGH SCHOOL TRAGEDY.

RESULT:	DISCUSSED
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Chair Russell: *Mr. Mayor, would you like to address the body?*

Mayor Francis Suarez: *Thank you, Mr. Chair. And I appreciate your Valentine's Day generosity in wanting to clear up many of the items on the agenda that I was going to discuss, so I appreciate that. But I do want to reiterate something that you*

said in the opening remarks, which is that today marks the one-year anniversary of one of the nation's worst mass shootings in the history of the United States that took place at Marjory Stoneman Douglas High School. 17 people, mostly students, lost their lives in that massacre. Today I want to take time to honor them, to remember each one of them, and for us to remember just how fragile life can be. The victims are: Alyssa Alhadeff, 14 years old. She loved soccer. Scott Beigel, 35, a geography teacher who tried to usher students back into the classrooms. Martin Duque, 14. Friends described him as funny and very outgoing. Nicholas Dworet, 17, a senior who had just been accepted to the University of Minneapolis, recruited for the swimming team. Aaron Feis, 37, an assistant football coach. He bravely threw himself in front of students to protect them. Jaime Guttenberg, 14. She was described as always being kind and very friendly. Chris Hixon, 49. He was the school's athletic director. Luke Hoyer, 15; described as an amazing individual, always happy. Carol Loughran, 14, was a dancer at the Drake School of Irish Dance in South Florida. Gina Montalvo [sic], 14, a member of the winter guard on the school's marching band. Joaquin Oliver, 17, born in Venezuela, moved to the US (United States) when he was three years old, loved basketball and football. Alaina Petty, 14; described as vibrant and determined, and volunteered after Hurricane Irma hit South Florida. Meadow Pollock, 18, had been accepted to Lynn University in Boca Raton. Helena Ramsay, 17, was kind-hearted, smart, and a thoughtful person. She had relentless motivation towards her academic studies. Alex Schachter, 14, participated in the marching band and orchestra, playing baritone and trombone. Carmen Schentrup, 16, was a National Merit Scholar semifinalist. Peter Wang, 15, was a member of the junior ROTC (Reserve Officer Training Corps) Program. He was shot while holding the door open to let fellow classmates get to safety. Please join me in a moment of silence to remember these precious lives.

A moment of silence was had.

Mayor Suarez: Thank you, Mr. Chair.

Chair Russell: Thank you, Mr. Mayor.

NA.3

5520

Office of the City
Clerk

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY ATTORNEY TO RESEARCH PROPERTIES DESCRIBED AT THE FEBRUARY 14, 2019 CITY COMMISSION MEETING DURING DISCUSSION ITEM "D3.1 – CODE ENFORCEMENT" REGARDING VIOLATIONS RELATED TO NO CERTIFICATE OF USE, CERTIFICATE OF USE OBTAINED UNDER FALSE PRETENSES, AND/OR PROPERTIES WITH VIOLATIONS THAT POSE LIFE-SAFETY ISSUES, AND INITIATE INJUNCTIVE PROCEEDINGS AGAINST SAID PROPERTIES UNTIL THE PROPERTIES ARE BROUGHT INTO COMPLIANCE.

ENACTMENT NUMBER: R-19-0072

MOTION TO:	Adopt
RESULT:	ADOPTED
MOVER:	Keon Hardemon, Commissioner
SECONDER:	Manolo Reyes, Commissioner
AYES:	Gort, Carollo, Reyes, Hardemon
NAYS:	Russell

Note for the Record: For additional minutes referencing Item NA.3, please see Items D3.1 and NA.4.

Commissioner Hardemon: The first thing --

Commissioner Carollo: You could do both.

Chair Russell: One, two -- well --

Commissioner Reyes: You can do both.

Commissioner Carollo: You could do both.

Commissioner Hardemon: -- that I would like to do is if there's no argument that we can make for life safety issues in a space where there's a --

Vice Chair Gort: Then close it.

Commissioner Hardemon: -- where there's not a CU, that there should be a CU. And if there's a -- there is a CU that was obtained under false pretenses -- because the bottom line is --

Chair Russell: Enforce.

Commissioner Hardemon: -- you have to enforce it.

Chair Russell: Absolutely.

Commissioner Hardemon: So if that is true, then I would like to direct our City Attorney to investigate that, and come back and file a motion -- or an injunction to keep them from moving forward with that business, so that the March meeting before Code Enforcement Board, whatever it may be, continues, but there's not a continuing violation, because there is an issue, because what could happen, you could have a --

Vice Chair Gort: Fire.

Commissioner Hardemon: -- fire; you could have a collapsing roof.

Chair Russell: Yes.

Commissioner Reyes: Yes.

Commissioner Hardemon: You could have work that was done, albeit professionally, it was illegally, so there was a -- if you scrimped the law one way, maybe you scrimped it another way, so there are a number of things that could happen. And I -- and the fact of the matter is, yes. Is it a life safety -- could it be a life safety issue? Yes. Is it a quality of life issue for the residents around there? Possibly, if -- we don't know if that space is going to be allowed to be the way it's going to be. And the bottom line is that we -- I mean, we have to hold these businesses accountable, and if we're not holding them accountable and they're using our rules against us, then we have to use our rules against them. So it's perfectly within our rules. So I would move that our City Attorney investigates whether or not there is a life safety argument for the CU for the above space and the below space that is -- that was not obtained through false pretenses. And if there is a life safety argument that can be made where we could support a -- an injunctive relief of

ceasing this business to exist -- or two businesses, if there may be those -- then we seek that; and so, therefore, you come back --

Chair Russell: Is there a specific address that you're talking about?

Vice Chair Gort: Yeah.

Chair Russell: Because --

Vice Chair Gort: Yes; the one item that was shown.

Chair Russell: -- we saw many, many pictures.

Commissioner Reyes: May I add something to it?

Chair Russell: (UNINTELLIGIBLE) --

Commissioner Hardemon: Okay, yes, you may, but --

Chair Russell: We have a motion.

Commissioner Hardemon: -- let me finish. I want to get the address correct. Commissioner Carollo, can you put the address on the record?

Ms. Méndez: We don't need the address on the record. I will just -- I will request it.

Commissioner Reyes: Okay. That's --

Ms. Méndez: I know which one it is.

Commissioner Reyes: -- why I wanted to add, not just for this particular place; for all places; every single, every single thing.

Commissioner Hardemon: I think the only reason I don't want to go beyond this place is because I've learned evidence on this place.

Commissioner Reyes: Okay. Fantastic.

Commissioner Hardemon: I don't know -- and this --

Commissioner Reyes: Fantastic. But what --

Commissioner Hardemon: We could get relief on this place immediately (UNINTELLIGIBLE).

Commissioner Reyes: But in the future, we have to legislate so any business that presents a life-threatening issue should be completely closed and (UNINTELLIGIBLE). Now, going back to the task force, or if we --

Chair Russell: No. We have a motion on the floor, so let me finish with this, please, and then we'll take that next.

Commissioner Reyes: Okay. I second it.

Commissioner Carollo: In that motion, Commissioner --

Chair Russell: So --

Commissioner Carollo: -- Hardemon, one of the things that the City Attorney is going to require -- and she can't do that -- she needs for the Fire Department and others to go inside that place --

Commissioner Reyes: That's right.

Commissioner Carollo: -- and see what's there.

Commissioner Reyes: That's right.

Commissioner Carollo: Take pictures. We need to go back to see, also, what plans were on file before. Gee, I'm told they don't have any plans from before.

Chair Russell: Well, we have a motion and a second.

Mayor Suarez: Now (UNINTELLIGIBLE).

Chair Russell: I certainly hope you're right. The affected business is not even here to defend itself, so if we are wrong, we have done a disservice today. But if we are right and there are life safety issues, there's a motion, there's a second. Is there any further discussion on the dais?

Commissioner Carollo: Yeah. Commissioner --

Chair Russell: I'll open it up to comment from the public, please.

Mayor Suarez: By the way --

Chief Colina: Chair, if I may --

Chair Russell: Yes, Chief.

Chief Colina: -- just quickly -- and I was going to mention it before, and I thought we had moved on; I'll mention it now. Just everyone be very careful. If you make a statement like, "I was told that this occurred," or "I know someone," you know, "got help in expediting," or "jumping in front of," or anything like that, that would be, in fact, corruption; that would be illegal. Please, if you have -- and this is for everyone -- if you have information and you don't want to bring it to the Police Department, that's okay, if you -- but then it needs to go to FDLE (Florida Department of Law Enforcement), or it needs to go to the FBI (Federal Bureau of Investigation), but it should not be discussed here in this public forum if someone is saying they have information of illegal activity. It's just the only warning that I would like to give --

Commissioner Carollo: Chief --

Chief Colina: -- because I keep hearing things, and they -- it may be speculation, which is different, but if there is an allegation, or if someone is claiming to have knowledge of, please, let's remember that that needs to go to a proper authority, and if someone doesn't trust our Internal Affairs, that's -- I'm okay with that. I really am. But there's a conflict, that's okay. It needs to go somewhere else, but it should not be discussed in this public forum.

Chair Russell: Thank you.

Commissioner Carollo: That was the motion that we made; to go to FDLE to investigate at the State level with a grand jury.

Chair Russell: We have a comment from the public, please; two minutes.

Frank Pichel: Well -- and I thought Code Enforcement was interesting. Frank Pichel, formerly Code Enforcement Board. I'm just going to comment on the task force. The only reason why I'm commenting on the task force is because I was part of that task force. We did a lot of good work. And actually, I've been telling some of the Commissioners for quite some time that this is an idea that should have been done a long time ago, because we were really affected back then. The quality of life improved tremendously. In fact, in one raid, we arrested one of the terrorists that was involved in the 911 act in New York, which made, you know, obviously, the national news. The task force was started under Mayor Carollo, and then it was expanded exponentially by Mayor Diaz, and I know, because I was there. This is a great idea. I don't know that -- and I can't tell you what to do, but my opinion is 60 days is way too long, especially from seeing all the things that I've --

Chair Russell: The item up for discussion is actually not the task force, but rather the motion and the second on the floor with regard to the specific business and the investigation potential (UNINTELLIGIBLE).

Mr. Pichel: I'm sorry. I thought you were -- you said the task force.

Chair Russell: No.

Mr. Pichel: Oh. My apology.

Chair Russell: The motion on the floor has to do with -- if you have to comment on the motion on the floor. We may be taking that one up right next. Thank you very much. Is there anyone else from the public that would like to speak on this?

Unidentified Speaker: I would like to comment.

Grace Solares: Commissioner --

Commissioner Hardemon: Wait, wait, wait. The lady, please.

Chair Russell: One moment, please. One moment, please. Grace Solares.

Ms. Solares: Grace Solares. It's -- the que -- what is the specific motion that is being made? Is it invest --

Chair Russell: Commissioner Hardemon.

Ms. Solares: Investigation?

Commissioner Hardemon: Yeah. So the motion is to direct the City Attorney to determine whether or not there -- that she believes that there are any life safety issues within the first and the second floor -- basically, the floors where there is -- or there is not a legal CU, and if that CU was obtained, for instance, under false pretenses. So --

Ms. Solares: So it has nothing to do with the investigation by the grand jury?

Commissioner Hardemon: No.

Chair Russell: No.

Ms. Solares: No.

Commissioner Hardemon: No, no. It's basically just to determine whether or not there is a life safety issue, so if there is an ongoing business that is there that the business can cease to exist until the Code Enforcement Board makes its determination and they use that --

Commissioner Reyes: That means all businesses, right?

Ms. Solares: But if there's --

Commissioner Reyes: All businesses.

Commissioner Hardemon: Yeah.

Ms. Solares: -- going to be a motion regarding the --

Commissioner Reyes: All businesses.

Ms. Solares: -- grand jury investigation, I would like a friendly amendment to be made to include every single elected official in the City of Miami; not just the Code Enforcement people, but everyone.

Chair Russell: Thank you.

Commissioner Carollo: I'd be happy to have that.

Commissioner Reyes: I'd be happy to have that.

Chair Russell: Again, that's another subject than the motion on the floor. We have a member of the public who would like to address, who is going to take a deep breath and then take two minutes to address the body.

Bill Fuller: Do I have just two minutes?

Chair Russell: Yes.

Mr. Fuller: Okay, because I've been subjected to two hours of lies, okay? And let me remind --

Commissioner Carollo: Can we get a name and address, please?

Chair Russell: Yes, of course. Name, please?

Mr. Fuller: Why don't you provide that for me, sir? You know what my name is.

Chair Russell: Please, address through the Chair.

Mr. Fuller: Bill Fuller, 521 Southwest 8th Street. In 1960, my uncle was executed in Cuba in a sham trial that lasted 24 hours, in front of his mother -- okay? -- when evidence was falsely provided. You gentlemen up here have been talking for the last half an hour of shutting down my business, which represents taxes, opportunity, employment in your district. How dare you, sir. You know you've been targeting --

Chair Russell: Through the Chair, please.

Mr. Fuller: -- you know that you have been targeting my business. Everybody in the City knows you've been targeting my business. You and this gentleman, Frank Pichel, were caught hiding in the bushes behind Ball & Chain, inciting my neighbors. So you have lied about being with priests in the middle of the night. You are not well. And gentlemen, I know each and every one of you. Please do not make this decision to shut down this business. Allow the due process to work itself out. The evidence he provided today was a lie. It is impossible in the City of Miami to pull an electric service permit in one day; that is impossible. That requires heavy lifting, permits, architecture fees, and all of that. He's somehow suggesting that when he targeted me -- because I have evidence. And please let me remind everybody here, there is a Federal case ongoing, and the lies and the unethics [sic], and everything that -- and the crimes that this man has committed will come out for everyone. Please do not go down this way, because this is the way that Cuba fell; this is the way my uncle lost his life, is by people like this. Please do not do it. Commissioner Gort, you have been a champion of our district for years. Please do not allow this to happen. My companies, my employees, and my Viernes Culturales, the work that we have -- blood, sweat and tears built that neighborhood. How dare you, sir, think that you have had any contributions to that neighborhood. You are a shame.

Vice Chair Gort: Please.

Mr. Fuller: You are a disgusting human being --

Vice Chair Gort: That's enough.

Mr. Fuller: -- and you are not a representative of the Cuban people; you are not, sir.

Chair Russell: Two minutes. Thank you.

Commissioner Carollo: And you are the biggest fraud that's hit Miami.

Mr. Fuller: Sir, you are a fraud that beats his wife, okay? That is you, a wife beater.

Commissioner Carollo: You're a fraud.

Mr. Fuller: Okay? A wife beater.

Commissioner Carollo: You're a fraud.

Chair Russell: Please.

Mr. Fuller: You're a wife beater.

Commissioner Carollo: Give your actual home address. Where do you live at?

Chair Russell: That's not required.

Mr. Fuller: It's irrelevant.

Chair Russell: Your two minutes are up.

Commissioner Carollo: No, it is. You know why? Because he committed voter fraud.

Mr. Fuller: Oh, voter fraud?

Commissioner Carollo: Yes, you did.

Chair Russell: All right. I've turned off the mike.

Mr. Fuller: (UNINTELLIGIBLE).

Commissioner Carollo: And you committed voter fraud.

Chair Russell: Order, please.

Commissioner Hardemon: Mr. Fuller?

Commissioner Carollo: Just like you committed fraud in the court.

Ms. Méndez: Mr. Fuller, you have an attorney. Go, go, please, please. You have an attorney. All of this is videotaped. Just -- please, enough.

Commissioner Hardemon: Mr. Fuller, Mr. Fuller, you may or you may not answer this question, right? The accusations that you lack a CU, a proper CU for the space, that's above you -- or that is above the restaurant, the second-floor space, what we've been talking about is everyone having a fair shot at opening businesses and having established businesses within the City of Miami. The type of business that you own, if it's legal, you know, I could care less. You -- I mean, if -- whatever you're doing, if it's legal, if you have proper permits for it, I could care less -- right? -- because what we care about is that everyone who visits your facility is safe. Right? I would never want anything to happen to anyone that visited your space, never -- right? --because -- especially if what Commissioner Carollo is saying is right; especially if, because then, he's told us time and time again. It's very difficult -- right? -- when you stand as a member of a jury, if you will, the way you put it, because you have two sides to a story. And we have to decide, based off of the facts that are presented to us, how we're moving forward. And so, that's why the motion that I made was not necessarily that what you have done is something wrong, but more so, I need our City Attorney to investigate whether or not she has good reason to believe that what you're -- what is happening is a life safety issue, if, in fact, there is not a proper CU. So I really want to ask you that question, but I also don't want to put you in that position, right? So that's why the motion that I made was regarding studying the fact and see if there is, in fact, a CU. And if there is not, or if there is dispute between that, that's fine; that's why you're going to the Code Enforcement Board. But if there is a life safety issue, then if there -- if it is determined to be so, then an injunction would have to come until that trial occurs.

Commissioner Carollo: Commissioner -- Commission --

Mr. Fuller: Sir, I --

Chair Russell: Please allow him to respond to Commissioner Hardemon, and then Commissioner Carollo.

Mr. Fuller: -- have never had the opportunity to speak with you. I look forward to that day to do that. I can tell you that over the last year, I have been unnecessarily burdened by injunctive relief by the City on several properties that I've had in an unprecedented manner -- okay? -- one that the Federal jury will determine that has never been shown before, the use of the force of the City Attorney's Office against me, and I will be happy to show you that, at your pleasure, that information that I have, at the hands of Mr. Carollo --

Ms. Méndez: All right, that's it. Listen, you're represented --

Mr. Fuller: No, I have --

Ms. Méndez: No. You're represented by an attorney.

Mr. Fuller: No, I'm not.

Ms. Méndez: You shouldn't be here talking --

Mr. Fuller: I am here -- I am under (UNINTELLIGIBLE).

Ms. Méndez: Get out.

Mr. Fuller: -- (UNINTELLIGIBLE) Americano, LLC (Limited Liability Company). I'm not represented by an attorney.

Ms. Méndez: You should not -- you --

Mr. Fuller: Ma'am, you have --

Ms. Méndez: Yes, you are. You're represented by three attorneys in three different cases.

Mr. Fuller: -- you censor me, you censor --

Chair Russell: Both sides.

Mr. Fuller: -- every time I (UNINTELLIGIBLE) --

Chair Russell: Madam City Attorney, please.

Mr. Fuller: -- you censor me.

Ms. Méndez: And the City Attorney's Office has --

Chair Russell: Please.

Ms. Méndez: -- many times had injunctive relief on several properties.

Mr. Fuller: (UNINTELLIGIBLE).

Vice Chair Gort: No.

Ms. Méndez: No. It's been -- you --

Chair Russell: I said -- please. Try to stop the mike.

Commissioner Carollo: Madam City Attorney --

Chair Russell: Stop.

Commissioner Carollo: -- Madam City Attorney, I want to make this simple for everybody so that everybody could be happy, so that all the lies that Mr. Fuller says I'm making, he could be happy, and, you know, he could get rid of me like this, just like this.

Mr. Fuller: Sir, don't (UNINTELLIGIBLE).

Commissioner Carollo: Commissioners, this is what I'm going to offer all of you, okay? The Mayor wants me so much to go in his law firm so they could pay for his home. Mr. Fuller wants me so much to go so he could keep business as usual, and doesn't have anyone who's going to give a damn. Hey, I'm only asking one thing. I'll go, okay? I'm going to go if -- after Mr. Fuller goes under oath and says that he got all the proper permits for that second floor, what he needed to do, and that everything that he has is in proper order. If he proves that that's correct, that I lied in what I've shown, I'll resign immediately.

Mr. Fuller: Sir, you won't (UNINTELLIGIBLE).

Commissioner Carollo: I'll resign immediately. Show -- please go under oath, raise your right hand. Can somebody swear him in, please, the Clerk? Under oath, sir, under the penalty of perjury.

Chair Russell: This is not --

Commissioner Carollo: Swear -- no, no, no, no, no.

Chair Russell: This is --

Commissioner Carollo: No.

Mr. Fuller: (UNINTELLIGIBLE).

Commissioner Carollo: Put -- no.

Mr. Fuller: (UNINTELLIGIBLE) dark cloud (UNINTELLIGIBLE).

Commissioner Carollo: No. You won't do it, because you know you would then perjure yourself, and you will go to jail.

Mr. Fuller: (UNINTELLIGIBLE).

Commissioner Carollo: But you know what? You perjured yourself already.

Mr. Fuller: (UNINTELLIGIBLE).

Commissioner Carollo: You perjured yourself in Federal Court. You committed fraud upon the court, sir.

Chair Russell: I'm about to bring this meeting to adjournment.

Commissioner Hardemon: Mr. Chairman?

Commissioner Carollo: See? I --

Chair Russell: And we do not have resolution on many hours of work here.

Commissioner Carollo: -- am willing to resign, but --

Chair Russell: This is getting ridiculous and --

Commissioner Carollo: No, it's not getting ridiculous, sir.

Chair Russell: -- this is not our job in this forum.

Commissioner Carollo: He's come here, accused me of lying. I said, "Hey" --

Chair Russell: And you have responded.

Mr. Fuller: (UNINTELLIGIBLE).

Commissioner Carollo: I will --

Chair Russell: Stop, please. You've had -- Mr. Fuller, you've had your time. Please. Mr. Fuller, you've had your time. Now, this body is going to discuss the motion on the floor. We are going to take a vote. We are going to decide whether or not we're going to take a task force, and then we are going to be done for the day, and have a Happy Valentine's Day.

Commissioner Carollo: No. We have one more item.

Chair Russell: He's right.

Commissioner Carollo: (UNINTELLIGIBLE). I'll say a few more things.

Chair Russell: Oh, I almost forgot. I almost forgot. And then we'll have a Happy Valentine's Day.

Commissioner Carollo: You're not intimidating me, nor any of your thugs that follow me --

Chair Russell: Mr. Fuller, please have a seat.

Commissioner Carollo: -- scream at me.

Mr. Fuller: (UNINTELLIGIBLE).

Commissioner Carollo: Yeah, yeah.

Chair Russell: Thank you very much, Mr. Fuller. All right. We have a motion on the floor.

Commissioner Hardemon: Yeah. And so, in the discussion regarding the motion, you know, I don't know Mr. Fuller, and this is not an opportunity to convict him of anything. I did not ask him -- and, of course, I thought of it -- to say under oath whether or not he actually has a proper CU.

Commissioner Carollo: But if he was saying the truth, he would have.

Commissioner Hardemon: I've discussed --

Commissioner Carollo: I would have.

Chair Russell: Commissioner.

Commissioner Hardemon: He discussed it. He discussed it. I also realize that if this were a criminal courtroom, he does not have to answer any questions. It's his -- it's up to -- his choice. And his non-answer is -- should not be held against him. So I believe that. I sincerely do believe that, because that's just how it should be. But at

the same time, I don't know anything about any other injunction that he's faced from the City of Miami. Maybe they were warranted; maybe they were not. The only thing that I'm here talking about is this one issue that's before us right now. I've seen people fight, one against the other, and I've seen people say some things that are true, some -- not today, but I've seen people say some things that are true, some things that are not true; some things that are hurtful, and some things that are, you know, vengeful. But today, you know, I've also seen a Commissioner basically say, "Listen, I'll put my seat on this."

Commissioner Carollo: Yeah.

Commissioner Hardemon: I've seen a Commissioner who emphatically believes in his research thoroughly the things that he's accusing, and I can understand his frustration. If the Commissioner would be that frustrated about the lack of action, I imagine what Mrs. Smith, at 90 years old, feels when she lives across the street from something that is occurring that should not -- is not being addressed in a proper fashion. So I know the feeling, Commissioner Gort, when you say, "You're the Commissioner. Why can't you do anything about it?" Right? Those are questions that are very, very difficult to answer when you're in a position of authority. And so, that is why if there is anything that is a life safety concern regarding those -- that -- those places that are looking to go before Code Enforcement Board very soon, which could be continued at some date -- you know, it could not occur on the date that it's scheduled for. It could be continued for another date, and then it's prolonged even further. If these things are occurring, then I feel at this juncture where we are today that our City Attorney's Office is the one that should tell us how we should proceed, if there are -- well, we know how we want to proceed -- but if there are any life safety issues that would allow us to proceed that way. And so, I think that that's the best thing. And the reason I have confidence in our City Attorney's Office is because she's a Florida-Barred Attorney; and so, she has a standard she -- that she must live up to. She has ethics that she must abide by that go beyond what we have as elected officials, and as anybody who just holds any other professional license. But I will tell you that even though she was a little upset today, her advising Mr. Fuller to walk away was in his best interest, not hers. Right? It was a matter of respecting the fact that he has an attorney that should speak on his -- for his -- on his -- for his beliefs, what he wants to say, and that she's protecting him from putting things on the record that could be used against him, and that's a noble thing to do. And so, if I have a City Attorney that's willing to do that, then I believe I have a City Attorney who's willing to look honestly into the matters to determine whether or not we have any life -- or possible life safety issues. And she's only at the -- she's really only at the mercy, really, of our firefighters, of our police; so basically, of our professionals in the City of Miami, and we expect each and every one of them to act professionally, to give honest candor opinions about what's happening in this area, and we have the enforcement mechanisms to deal with that. And I expect our City Manager to ensure that those sorts of things are done in earnest so that we know how we move forward in this particular situation. And I'll leave it at that.

Chair Russell: Thank you. I will be voting "no" on the item, simply because this has been a bit one-sided. We've seen a lot of pictures, and I do believe that the Administration has all the ammunition it needs, now that they've seen this, since it's been brought to their attention, to do everything necessary, without direction from us. I do not believe that this body should be used in this sense to either attack individual businesses, and I certainly do not believe this body should be attacking directly our own Directors. I'm a little ashamed of us tonight. I believe we owe an apology to our new Director of Code Enforcement. This has been a very enlightening discussion, but I think it went south, and I take responsibility for that as the Chair. But there is a motion, there is a second. If there's no further discussion, let's take a vote on the item. Any further discussion?

Commissioner Reyes: Yes. I want to make clear that -- Commissioner Keon, I am very concerned about some businesses, (UNINTELLIGIBLE) businesses, and even homes, that they have life-threatening issues, you see, that represent dangers. And particularly business, we go and we cite them. We cite them, and then next day, they're open, you see? Next day, they're open. And what I would like to do in this motion is to include all those businesses that they are cited, I mean, with issues that could -- that are life-threatening issues or that they are not safe, that they should not open until they say -- they fix what they have been cited for, because we are -- we've been played, Commissioner. We've been played. I'm not being specific, or any business in specific. I have that problem in my neighborhood, also, that they come and they cite them. Next day, they're open again. They are cited again, you see? And that game has to stop if we want to keep this -- some type of order in our City. I mean, I don't want specifically to be any -- this business. I want all businesses. I want to include all businesses, that they are cited for being unsafe.

Commissioner Hardemon: Look, I -- if there are other businesses that face life safety issues that when injunctive relief was needed to keep them from operating, then I have no problem with that.

Commissioner Reyes: Yes.

Commissioner Hardemon: I just want to make you -- I want to make you aware, though, that that expands the amount of manpower, work hours, et cetera, in order for the City Attorney to accomplish what we've discussed today. But if that's your friendly amendment, you know, I don't have any issue with accepting it.

Commissioner Carollo: Commissioner, you know, the one thing that I do have to bring up: That the people that are suffering the most with all this are the regular residents that own their home in Little Havana. And you know why? So that they can get back at me and try to turn voters and people against me. You got at least one inspector that's out writing hundreds and hundreds of citations. All you got to do is -- you could call anonymously 311 and say that inside your home, you did this, that, and the other, and this guy will make sure that someone goes there, even if there's no proof, like we're saying here. Just because somebody calls, they're giving citations and notice of appear [sic], and driving people batty. And the most interesting thing is that a lot of these that are being shown to me, the time that they got a response, they're getting the notice after the time expires. So who are they going to blame? The district Commissioner. One guy -- we talked about going after somebody. The poor guy, his only crime was that he kept a "Carollo" sign too long. Yeah, that's a Code violation, but he didn't get a Code violation for the sign. A tree that had been knocked out by the hurricane, falling into his yard, tore up the whole sidewalk. The sidewalk is still like that. The City hasn't repaired anything, but, boy, one of his buddies in Code Enforcement, the one that can't see anything that he does wrong, was there citing this guy, and saying that he cut that tree down without a permit. Well, the tree was dead. It fell into his yard from the hurricane. What's the poor man going to do? He's got to cut it down. So it cost him money to cut it down, and they wanted to harass him and kill him in more citations from the City. And this is what I'm finding throughout my district. So when the Manager sends all these reports out of how good we're doing in Code, because we have "X" amount of hundreds of citations that had been written, they're not being written against characters like this; they're being written against poor residents that can't defend themselves; they don't have the money; elderly people that panic the minute they see this. They think their homes are going to be taken away with all the stuff that's being put on the citation violations that are being sent to them; and, for the most part, for nothing, for petty stuff. These are the people that, yeah, we have to be lenient with and we have to help.

Chair Russell: It is important, Commissioner.

Commissioner Carollo: But individuals who have a history, long before that I've gotten here, of doing the same thing time and time and time again -- and even employees of the City have stated to me how they have been threatened that they're going to lose their job, because they were doing their job. No one here -- and you heard the Fire Chief; couldn't explain it. You heard the Code Enforcement officer said, "I would never have done that." The Tower Hotel, 2012, I wasn't around here. I came here at the end of '17. How in the world, in a place that was in that shape, with pictures that I didn't take, that were taken by a City employee in a key position, how in the world can Fire and Code had given and signed off for a Certificate of Use when the place was totally dismantled inside? And that kept going on.

Chair Russell: Let's take this vote, gentlemen.

Commissioner Carollo: And they got the nerve to come here and --

Chair Russell: We're getting off topic.

Commissioner Carollo: -- say that I'm a liar --

Chair Russell: I know it's related --

Commissioner Carollo: -- when they don't have the guts to put their hands up, under oath, and say that in that location that we were discussing that they have done everything by the law, and they've gotten all the permits. And if that's proven, that he's gotten all the permits, everything's hunky dory, man, I'd resign like this, because I would be wrong.

Chair Russell: All right. I would like to bring this to a vote. Roll call, please.

Todd B. Hannon (City Clerk): Roll call.

Chair Russell: Do you remember who the mover and seconder are?

Vice Chair Gort: What are we voting on?

Mr. Hannon: Yes. The mover was Commissioner Hardemon; seconded by Commissioner Reyes.

Commissioner Hardemon: He wants to be -- clarification on what the vote is about.

Mr. Hannon: I would prefer to defer to Madam City Attorney as to the exact nature of the resolution that's being passed. Madam City Attorney, Commissioner Gort was just asking for a brief description of the motion that they're voting on.

Ms. Méndez: A resolution directing the City Attorney to file an injunction and to -- in Circuit Court after there is investigation into the -- no?

Vice Chair Gort: (UNINTELLIGIBLE).

Ms. Méndez: Well, then, if that's not what it is --

Commissioner Hardemon: Should I -- should --

Vice Chair Gort: Yes, please.

Commissioner Hardemon: -- do you want to say it, or would you like me --?

Vice Chair Gort: Yes, please.

Commissioner Hardemon: Okay. What I requested -- and then there was a friendly amendment to the motion -- was for the City Attorney's Office to research whether or not there are life safety issues regarding the properties that were described on the record, the upstairs, downstairs, where there is an allegation that there is not a CU or a CU exists, but it was obtained under false pretenses. And if there are life safety issues that there be injunction filed for that would cease the operations of that -- of said businesses in those locations. Then the friendly amendment was that if there are other businesses that have already -- that have been cited for the same sort of violations that to research those instances, and if there are life safety issues there that we file for injunctive relief in those, as well.

Commissioner Reyes: Until those violations are fixed.

Commissioner Hardemon: Right. And that -- but that's what happens at the Code Enforcement Board.

Commissioner Reyes: Yeah.

Chair Russell: Yeah. Are you the seconder, Commissioner Reyes?

Commissioner Reyes: Yes.

Chair Russell: Okay. So --

Ms. Méndez: So just so you know, it was the inverse. He said, "File an injunction if the" -- but same thing.

Commissioner Hardemon: Look, I want to make it very clear, because I don't -- you said, "the inverse."

Commissioner Carollo: Okay.

Commissioner Hardemon: Basically, if -- what we're saying -- what I'm saying to you is that I'm not saying file an injunctive relief -- file for injunctive relief immediately. I'm not saying that.

Ms. Méndez: Okay. I'll (UNINTELLIGIBLE).

Commissioner Hardemon: Right. I want you to research whether or not there is life safety issues that are there. And if you believe that there are life safety issues that are there, then we request that you file for injunctive relief, because you could potentially have the loss of life or -- I mean, just safety issues in a space where we do not have a valid CU. I do not know if the CU is valid. I do not know if it was filed -- or it was obtained under false pretenses. There is just an allegation from someone who sits as a member of this body, and I would expect him to operate with extreme candor, and not provide false information to this body. And it was bolstered further, his voracity, by saying that he would resign from this position if he's wrong; not if he's factual, but if he's wrong. And so, to me, when a man bolsters in that fashion -- and I'm not determining whether or not he's right or he's wrong, but whether or not he gets the shot at determining if he's right or he's wrong, then I'm going to listen to that.

Commissioner Carollo: Well, what I stated, Commissioner, for the record --

Vice Chair Gort: And the amendment is that that's the whole City.

Commissioner Hardemon: And the amendment is to apply that -- those -- that -- the motion that I've stated to all entities within the City that have had the same sort of violation that are about to go basically before the Code Enforcement Board.

Commissioner Carollo: What I stated, Commissioner, for the record, again, was that if this man would have gone under oath to state that he got all his permits, upstairs, in the lounge, and that everything else that he had there he had done was legal --

Commissioner Hardemon: Right.

Commissioner Carollo: -- I would resign.

Commissioner Hardemon: Understood.

Commissioner Carollo: I feel very comfortable with what was shown here is very clear. Now, you mentioned something about the CU. Look, it's not me. I had nothing to do with this. It was the Police Department, the one that the Chief got upset about or something. It was his police that came here, and Code wrote a notice of violation for not having a CU for illegal lounge --

Commissioner Hardemon: Understood.

Commissioner Carollo: -- along with the other stuff that I mentioned. Now, the only question that I have for you in this resolution -- and I'm fine with what you have so far -- is how do you go about in two of the observations that I mentioned that are critical? One is the parking situation; that, by law, they have to have that parking open, and that can't be closed; otherwise, they shouldn't be operating without the proper parking required by the City. Two, how are we going to deal with in this motion, if you are, the lack of permitting in the second floor? Because no one -- I mean, this is the mystery, the second floor, except for the pictures that I showed how it looks. No one from the City that I know of -- unless they're claiming otherwise -- have been up there to inspect that, to see, actually, what is there. You know, I do have something -- but let me take that back -- that is surprising. I think it was from Fire on something; that they were up there at 9 -- in September or October 2018. But I will be surprised if they were up there at that time. But --

Commissioner Hardemon: I've never -- and if someone knows better than I, because I wanted to -- I'm going to say right now, I'm ignorant of this fact. But I've never been anywhere where the Fire Marshall or the Police -- well, Fire Marshall, particularly -- goes to a business and doesn't have permission to be on those premises. So, you know, I'm saying that to say I could not imagine that if the City is going to enforce its rules -- even if it was occupancy load -- that someone from the Fire Department would not have the ability to visit a space.

Commissioner Carollo: Well --

Commissioner Hardemon: So, you know, I'm not trying to say this in a vacuum. Can someone please inform us of this?

Chair Russell: Chief?

Chief Zahralban: (UNINTELLIGIBLE).

Chair Russell: Sorry. I can turn that back on.

Chief Zahralban: Commissioner, we -- there's a couple issues that I need to discuss, and I apologize. I don't want to drag this on any longer, but there has been significant discussion relative to life safety issues and the injunctive relief, and everything associated with it. The one thing that I need to make clear is it is within the authority of the Fire Department, it is within the authority of the Fire Chief to shut down an occupancy if we determine that life safety issues exist that cannot be immediately corrected, and they're to a point that we are uncomfortable with the environment.

Vice Chair Gort: Okay.

Chief Zahralban: So we currently have the ability to do that. Now --

Chair Russell: You don't need direction from this body to do that?

Chief Zahralban: No, sir. And even more so, this body cannot prevent us from doing that.

Vice Chair Gort: Right.

Chair Russell: Right.

Chief Zahralban: Okay? So if I, as the Fire Chief, or my Fire Marshall, or anyone in my chain of command is uncomfortable with the life safety situation of an occupancy, we will shut that occupancy down. Now, we will, in good faith, work with the owner of the occupancy. And, you know, if -- let's say their fire alarm system is not working, malfunctioning, or not up to Code. We will potentially offer Fire Watch until that is remedied. So we do look at possible -- alternative options in order to keep that business open. But if a true life safety issues exists, I don't want anybody leaving today thinking that the Fire Department either does not or does not have the authority to shut the business down.

Commissioner Carollo: Well --

Chief Zahralban: Now, that's a fine line. What I cannot allow is that we leverage that life safety authority in other areas where there -- the other areas are more gray. Do they have a CU? Do they --? Are -- is the intended use appropriate? Those areas are more administrative in nature that we need our City as a whole to address. But we don't need the City to tell us it's okay to shut a place down when a true life safety issue exists. And as a Fire Chief, I stay up at night sometimes thinking about things like the Oakland, California fire, where 36 people died, because it was an unpermitted occupancy that did not have safety measures in place, and should not have been in existence. And for whatever reason, it was overlooked, and 36 people lost their lives. That's what's important to us, not everything else; although we are 100 percent committed to creating processes where we are all speaking together and getting all of these businesses to where they need to be; 100 percent committed. But again, that is not the life safety issue. The life safety issue -- today, tonight, tomorrow morning, if a life safety issue exists that cannot be immediately corrected, I, as the Fire Chief, and my Fire Marshall, will shut it down.

Commissioner Hardemon: Mr. Chairman --

Chair Russell: Thank you, Chief. Of course.

Commissioner Hardemon: -- the -- so I don't want to get into the details of particularly this location necessarily right now, but what I do -- or what I would like to know is, are you aware that if the Fire Department, Fire Marshall, if anyone from your direct authority has visited this space to determine whether or not there is a life safety issue?

Chief Zahralban: We have visited the space more than a couple of times --

Commissioner Hardemon: Upstairs and downstairs?

Chief Zahralban: -- and I believe upstairs and downstairs --

Commissioner Hardemon: But you're not sure?

Chief Zahralban: -- but I'm not positive. And I do know that even if we visited the space and the CU or the occupancy was not necessarily its intended use --

Commissioner Hardemon: No, I get that part.

Chief Zahralban: -- we would still inspect life safety across the board, and wouldn't necessarily shut them down. If there is a life safety issue, we would immediately move to close that occupancy.

Commissioner Hardemon: Because at the end of the day, what I'm concerned about is the life safety issue. Everything else I believe is going -- has to be handled in accordance with the due process that is guaranteed to any person -- right? -- that is under the authority of the City of Miami. But if there is a life safety issue -- and I'm sure that there's -- there are a number of different examples of life safety issues -- I would imagine that this space -- I would imagine -- I'm not always correct -- but in my thought that this space would be adequately built or designed, or put together in a way that does not cause life safety issues, but I can't be sure of that without anyone who can professionally go in there and determine that. So I think it is imperative that if you have that authority to go tonight, you do it, because it's important, because I think it's going to help everyone understand what's happening here, and it doesn't take away from our City Attorney and her determination. I'm sure they complement each other, what you're describing right now, because you're looking from one perspective, and I don't know if there's any other perspective that is necessary in her making that determination, but that's not what I necessarily get paid to do. And so, I just want to give you an opportunity, her an opportunity to do what we fear most here. And I get it. I get why we don't want businesses occurring -- I mean businesses running without licenses, but if there -- if the law allows them to move forward until they have a trial, if you will, then -- or a hearing, then that's what happens, unless if you're telling me, unless the only remedy -- the only issue is that there's a life safety issue. If that is the only reason, then -- and we can do that today, then it's what needs to happen.

Chief Zahralban: Yes, sir; understood. And my Deputy Fire Chief, my number two, who has served as -- a period of time as our Fire Marshall, just informed me that, yes, he did confirm that we were upstairs as part of the inspection process, but we are not opposed to going back and looking again.

Commissioner Carollo: Commissioner --

Chair Russell: Thank you. Commissioner Carollo.

Commissioner Carollo: -- let me ask the -- you a question here. How in the world can the Fire Department determine certain possible life-saving problems in any

establishment -- this one or any others -- if they didn't go through the permitting process for the City? The Fire Department doesn't have electrical experts, I don't believe. You know, that's not their forte. So if a place has done all kinds of stuff without -- on the electrical side alone -- without any City permitting, the Fire Department is not qualified to determine if, hey, the wiring was done the right way or whatever stuff. And this is the problem with this particular place.

Commissioner Hardemon: And Commissioner, you may be right. You may be right in that, because once you put drywall up --

Commissioner Carollo: Yeah.

Commissioner Hardemon: -- it's very difficult to determine what is behind it.

Commissioner Carollo: Yeah.

Commissioner Hardemon: Right?

Commissioner Carollo: Yeah, exactly.

Commissioner Hardemon: But if we don't have --

Commissioner Carollo: And you see the lights that are there.

Commissioner Hardemon: -- the authority to do as you described -- what you've highlighted is an issue with our authority, and --

Commissioner Carollo: No, no. I'm just bring up, you know --

Commissioner Hardemon: Right. So they may come -- they --

Commissioner Carollo: -- the fact. I'm not saying anything more. I'm just bringing up the fact.

Commissioner Hardemon: -- may come back with, "There is no life safety issue," and then that's -- and that's fine, right? At least that lets us know that part. And then from there, it's a matter of addressing all the other concerns that you brought up regarding that property. I'm not taking this lightly. I take both sides very seriously about what's occurring here. There has to be a resolution to this, and whatever it is, I want it to be proper. I -- look, I'm -- I don't have much of the experiences that many of my counterparts have on this dais with other countries, with takings, with things of that nature. My experiences have been very different, and the people that I -- that look like me, our experiences have been different. And that doesn't make one greater than the other, but they are equally atrocious. And all I'm saying to you is that when it comes to business, I mean, I would love to see businesses open in my neighborhood.

Commissioner Carollo: Sure.

Commissioner Hardemon: West of 7th Avenue --

Applause

Commissioner Hardemon: Please.

Chair Russell: Please.

Commissioner Hardemon: West of 7th Avenue, I don't have a place today that I can stop and I can have a drink; that the people who live in my neighborhood can sit down, order a meal, and have an alcoholic beverage to rest their nerves. We don't have that. You can go from 7th Avenue, from 41st Street all the way north to almost 79th Street, and not have that experience; from 7th Avenue all the way to maybe 27th Avenue, you know, and that's -- that is a real issue for a big part of my neighborhood. But at the same time, in this -- in our government, with our office, we've aided a business that had illegal -- that was really operating illegally, and brought them into compliance, and now they're going to be the first place that offers that sort of service to our neighborhood, because we want people to come visit, we want people to move in. We want these things to happen, but we want it to be done the right way. And so, what I'm saying to you is that, yes, I love the fact that there is investment in that neighborhood, and I would love to see investment in my neighborhood, but I also want it to be in accordance to the law. I don't want people to violate the law. I don't want people to corrupt public officials in order to have that law. I don't want any of these things, but I also want to give people the fair opportunity to determine whether or not -- because somebody knows. Even if, you know, if the business owner is -- has done things wrongly, he knows. He knows. And eventually, it's -- it could -- it should come to light. But what I don't want to do is do it in a fashion where now we're being accused of doing something outside of the law. Let's not muddy our waters like that.

Commissioner Carollo: I -- look, I hear everything you said, Commissioner, and I understand that. But I want you to understand that this has been going on with the same group of people for many years before I got here, and it still is going on; it's nonstop. This is a part of doing business with them the cheap way, the quick way, not following laws. And now they know that more than ever, you know, they got nothing to worry about.

Chair Russell: All right. Roll call vote, please.

Mr. Hannon: Roll call. Commissioner Carollo?

Commissioner Carollo: Yes.

Mr. Hannon: Vice Chair Gort?

Vice Chair Gort: Yes.

Mr. Hannon: Commissioner Reyes?

Commissioner Reyes: Yes.

Mr. Hannon: Commissioner Hardemon?

Commissioner Hardemon: For.

Mr. Hannon: Chair Russell?

Chair Russell: No.

Mr. Hannon: The ordinance passes, 4-1.

Chair Russell: Thank you very much.

Commissioner Carollo: Now --

Mr. Hannon: And the motion passes, 4-1.

Ms. Méndez: Resolution.

Chair Russell: Resolution.

Mayor Suarez: Mr. Chair, may I say something, please?

NA.4

5521

**Office of the City
Clerk**

DIRECTIVE

DIRECTION BY THE CITY COMMISSION TO THE CITY ATTORNEY TO DRAFT A RESOLUTION CREATING A CODE ENFORCEMENT TASK FORCE FOR CONSIDERATION AT THE FEBRUARY 28, 2019 MIAMI CITY COMMISSION MEETING.

RESULT:	DISCUSSED
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Note for the Record: A motion was made by Commissioner Reyes, seconded by Chair Russell, and was passed unanimously by the following vote: AYES: Commissioners Russell, Gort, Carollo, Reyes and Hardemon, directing the City Attorney to draft a resolution creating a Code Enforcement Task Force for consideration at the February 28, 2019 Miami City Commission Meeting.

For additional minutes referencing Item NA.4, please see Items D3.1 and NA.3.

Commissioner Carollo: Commissioner Hardemon, the other resolution that I placed, would you care to narrow that down to -- as narrow as you would like to go?

Commissioner Hardemon: I would like -- I want -- if, in fact -- let me see how I can put this. This motion that you have that we talked about narrowing goes -- it casts a wider net than just the business owner. It goes into really -- what's really been described as co-conspirators in making this occur. But I want to know -- I want -- I really want to go through the process with regard to Code Enforcement, and learn more before we go this far. That's where I am, you know. And I'll tell you, if there -- if someone -- I'll tell you how easy it is; I'll tell you how easy it is to be accused of a crime.

Commissioner Carollo: No, it's real easy. That's what they've been trying to do with me every day.

Commissioner Hardemon: Right. "He did it." That's how easy it is.

Commissioner Carollo: Sure.

Commissioner Hardemon: And when you accuse someone of something, the ramifications from that go far beyond what people readily conceive. There are people that I represented; there are people that I love; there are people that I know that have been accused of things, and it cost them their livelihood; it cost them their home; it cost them their marriage; it cost them their reputation; it cost them so much. And so, you know, a resolution from this board regarding an issue like that makes me take a step back. I don't believe that this -- if there are facts that are there, as was put on the record by our Chief, that exists, that can be directed to authorities without the permission of this board, I'm sure that can occur, and that is what it is. But I will tell you that I am not a prosecutor, and I probably will never be, probably. However --

Commissioner Reyes: You'll be a judge.

Commissioner Hardemon: I don't want to be a judge. But I know that any time you walk down that line, it is a very -- a thing you should take very seriously, and I do that, and I respect that. I really do respect that, because you know -- you've been around for a very long time. You know me, you know my family; you know good, bad, and ugly, right? And when I first became -- when I attempted to become a Commissioner, they didn't talk about Keon Hardemon. They used other names that were much older than me, and described how they were wrongdoers, and they were merely accused of things that they were never found guilty of. And where I'm from, if you get touched by a Federal authority, for instance, that gives you no discovery, that gives you no deposition, that gives you no time for preparation for trial, and you beat that Federal prosecutor in court, you're more than an innocent man, right? And so, I don't ever want to put people in that position haphazardly. And so, if there's (UNINTELLIGIBLE) facts that -- and I was -- and even more so, when -- even when -- I'll give you a little bit more about me. When the Police Department has press conferences, et cetera, when they've nabbed a bad guy; or they've kicked in some doors and pulled guys out, and "We've arrested this person and arrested that person," I don't come to those, because that's not the face that I want of mine in the community, because that's not my job. That's his job. And so, I don't want to boast any celebrity of myself through other people's pain and other people's suffering, even if they're probably guilty. So that's not what I'm here for. I don't want to be necessarily a part of that. But if there is something that is wrong that is occurring, then it's our duty to ensure, through the Police Department, through our investigators, through all the avenues that we have, that something happens about it. But I take it very seriously, and that's my reservation with this motion; with this motion that you put before us.

Chair Russell: To bring forward a task force, do you need a direction of the body, or do you need a vote? We're asking for something to come back at the next meeting that we can vote on; is that sufficient?

Ms. Méndez: It would have to be a resolution at the next meeting to establish a committee.

Commissioner Reyes: Establish. And the powers -- and I want to have the power to investigate, and the members that we -- could be -- I mean, must be appointed by this body, and we will have the opportunity to nominate or appoint a person that it is knowledgeable in investigation, knowledgeable in Code enforcement, knowledgeable in many -- I mean, architects and all of that. And one thing that I want to find out, it is -- if there is a disconnect between the departments; and why, sometimes, our Code Enforcement doesn't work. We have to determine the reason for it. So that way, we will become more efficient, and we will do away with anything that isn't proper.

Ms. Méndez: And if this resolution -- I mean, if this directive is going to pass to bring it back, is there a potential for this to come back on the March 1 -- the first meeting in March agenda, because of the -- a prints --?

Chair Russell: It could easily come back on the 28th. It's not very difficult, I don't think.

Ms. Méndez: Right. Well, we have to -- if you want to talk -- if we're creating a committee with its powers, authorities, how to appoint, all that, we have to put all that in a reso. I mean, we could draft it, that's fine, but I --

Chair Russell: If you could have it ready for the next meeting, that would be great. I don't think it's terribly complicated. In addition to the five appointed Commission members, I would recommend two more, being the Code Compliance Director, as well as the Mayor. That's a seven-person task force; a 60-day effort.

Commissioner Hardemon: And Commissioner Carollo --

Commissioner Carollo: Excuse me.

Commissioner Hardemon: -- whatever my appointment is, you can have it. You can select my appointment.

Commissioner Carollo: Well, I appreciate it, but I think we should only have six individuals to the task force. Each of us would name one, the Mayor would name Mr. Fuller, so that, you know, would be fine, and it should be six. Each elected official gets to name one.

Mayor Suarez: (UNINTELLIGIBLE) City Attorney.

Commissioner Carollo: The -- all respect to my colleague, I made my point with the Code Enforcement Director; very nice lady. But if we want attorneys, then let's get attorneys that have an expertise in this area.

Commissioner Reyes: And another thing that I want to add, I want to thank you, Commissioner Carollo, for -- because this -- the problem with Code Enforcement is not a plot -- a monopoly of your district only. All of us, all of us have this problem. And by you bringing it out, I think that we can take the right steps into correcting this problem.

Commissioner Carollo: Well, as I stated before --

Vice Chair Gort: Mr. Chairman?

Commissioner Carollo: -- some of the complaints that I've gotten are from some of your districts, and I stated here the type of complaints, but --

Chair Russell: Commissioner Gort.

Commissioner Carollo: -- you know, my biggest responsibility, even though I have a responsibility citywide, is to my district.

Commissioner Reyes: Yes, sir.

Commissioner Carollo: And I'm not going to start getting involved in anybody's district --

Chair Russell: Commissioner Gort.

Commissioner Carollo: -- when I got a handful in mine.

Vice Chair Gort: Let me tell you what I'd like to see. I would like to see the Law Department try to come up with the idea -- they work very hard to try to expedite. People have been fined, and people have been given citation; they continue to do the wrong thing, although they have citation. We got to find a way to stop those things, because that's the biggest complaint we get. We get a complaint for someone of an establishment that is doing the wrong thing, and just because the due process, they continue to do it, and somehow, we got to find ways how to stop those things.

Commissioner Carollo: Commissioner --

Vice Chair Gort: I know we have worked on it. We changed the CUs, we changed the BTRs, and we made a lot of changes to make it more important.

Commissioner Carollo: -- and then --

Commissioner Reyes: Mr. --

Commissioner Carollo: -- I think you're right, and I will support you in that --

Commissioner Reyes: Mr. Chair?

Commissioner Carollo: -- that we come with the ordinance that put teeth --

Commissioner Reyes: That's right.

Commissioner Carollo: -- into everything. If someone gets caught, after the third time, you know, do not pass "go," do not collect 200.

Commissioner Reyes: I want to make a motion.

Chair Russell: Commissioner Reyes.

Commissioner Carollo: There has to be seriousness to it all.

Commissioner Reyes: I want to make a motion to form -- by the next meeting to bring either the -- I mean, a task force, you see; try to form a task force, and the City Attorney try to present a resolution for forming a task force with different authorities that was expressed here; that it will have some teeth. And I would recommend some -- whatever recommendations they make that we will adopt it.

Chair Russell: Seconded by the Chair. We did have some differences of opinion. We'll work that out when we have to vote on it at the item --

Commissioner Reyes: Yes, sir.

Chair Russell: Do you need a sponsor for the item? No. There's direction. You're saying "yes"?

Ms. Méndez: Right. We thought it was the City Commission for the task force --

Chair Russell: Perfect.

Ms. Méndez: -- for now.

Chair Russell: Perfect.

Commissioner Carollo: Yeah.

Ms. Méndez: Okay. And then the second one that Commissioners Gort and Carollo talked about, we'll start working on as well.

Commissioner Carollo: Thank you.

Chair Russell: Thank you. There is a motion and a second. Any -- I'd like to open the floor for public comment. Anyone like to comment on the concept of the task force? Seeing no one, I'll close the public comment. Any further comment from the dais? All in favor of the item, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed? Motion passes.

NA.5

5522

**Office of the City
Clerk**

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPROVING THE CONTINUATION OF THE PROFESSIONAL SERVICES OF BECKER POLIAKOFF, SOUTHERN STRATEGY GROUP, AND RUBIN, TURNBULL & ASSOCIATES, F/K/A THE RUBIN GROUP, AS THE CITY OF MIAMI'S LOBBYING FIRMS, UNTIL SUCH TIME AS A REQUEST FOR LETTERS OF INTEREST ("RFLI") OR A SIMILAR COMPETITIVE SOLICITATION IS FINALIZED AND BROUGHT BEFORE THE CITY COMMISSION FOR AN AWARD; FURTHER INSTRUCTING THE CITY ADMINISTRATION TO DRAFT SUCH RFLI OR SIMILAR SOLICITATION, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, WHICH SHALL BE PRESENTED FOR REVIEW, COMMENT, AND APPROVAL BY THE CITY COMMISSION, NO LATER THAN THE FIRST WEEK OF THE END OF EITHER THE 2019 REGULAR FLORIDA LEGISLATIVE SESSION OR OF A SPECIAL LEGISLATIVE SESSION, IF CONVENED, AND PRIOR TO ITS ISSUANCE.

ENACTMENT NUMBER: R-19-0073

MOTION TO:	Adopt
RESULT:	ADOPTED
MOVER:	Wifredo (Willy) Gort, Commissioner
SECONDER:	Manolo Reyes, Commissioner
AYES:	Russell, Gort, Carollo, Reyes, Hardemon

Chair Russell: Commissioner Carollo.

Commissioner Carollo: Boy, don't hit that that hard. It's -- something fell down here. I don't know.

Chair Russell: It's a big gavel.

Commissioner Carollo: Yeah.

Chair Russell: Can we table our final discussion item for a non-Valentine's Day?

Commissioner Carollo: Well, I got a quick resolution that was passed early this morning on it, and then the rest of it, I'll table it for the next meeting -- or defer it to the next meeting. But this resolution is important, and particularly that we need people that are savvy in Tallahassee, and have been working with us already.

Commissioner Hardemon: If you'll allow me to interrupt you for one second --

Commissioner Carollo: Sure.

Commissioner Hardemon: -- through the Chair, please? I think there was a copy of that resolution --?

Commissioner Carollo: Yeah.

Commissioner Hardemon: There was a copy of your resolution that was passed out and --

Vice Chair Gort: Yeah.

Commissioner Hardemon: Well, yeah. So there's a copy of the resolution that was passed out --

Commissioner Carollo: This morning.

Commissioner Hardemon: -- in preparation for the motion that you are attempting to make.

Commissioner Carollo: Right.

Commissioner Hardemon: Now, in regard to the motion that you had, I had a conversation with our Manager, so -- I didn't speak to you about it, so you have no way of knowing --

Commissioner Carollo: You couldn't speak to me about it.

Commissioner Hardemon: -- that would be a violation of the sunshine law.

Commissioner Carollo: Yeah. You couldn't speak to me about it.

Commissioner Hardemon: Right. So -- and so, I had a conversation with our City Manager. I do not know if the City Manager had an opportunity to really talk to you about it.

Commissioner Carollo: No.

Commissioner Hardemon: And so, I would suggest -- and maybe if -- no. I would suggest that you have a conversation with the Manager or his designee, or whoever it is, and determine whether or not you would need to have this motion move forward. So if we could, Mr. Chairman, if we could have a five-minute break to allow you to talk to him?

Commissioner Carollo: Let me just say this on the record for a second before we do that. I believe very strongly this is how it was before when I was around, and the last few years is when I hear it changed. This falls right on this Commission. It is the responsibility of this Commission and the right of this Commission to be the ones that name whom our lobbyists are going to be in Tallahassee. And I was appalled when I tried to call up our lobbyists to find out about certain laws, so we could move them forward in Tallahassee, and they told me they didn't work for us anymore. At no time did the Manager get a hold of me. I didn't -- I asked my office, "Any memos that were sent or anything that these people were dismissed?" And furthermore, I do not like the idea of choosing, whether it is a lobbyist or other groups like this, without putting it out for what we usually call a Request for Proposal; in this case, it'd probably be an RFLI (Request for Letters of Interest). We need to do that. You know, we keep talking about transparency. Well, what transparency is there that individuals are taken out, Commissioners don't even know about it, and nothing is

put out so that everybody can have a shot at it; and then, for this Commission to decide which are the ones that we think are best qualified?

Chair Russell: So -- and this is part -- to begin with transparency, this is why I have an issue with some pocket items. Right now, the world of the public have no idea what we are talking about, because we are the only ones who have just received this today, and this has to do with our lobbying teams, and whose responsibility it is to choose them. I would just like clarification from the Administration or the City Attorney's Office, under our Code and Charter, whose responsibility it is to select and hire our lobbying team.

Vice Chair Gort: The Commission.

Victoria Méndez (City Attorney): The Manager has the authority to hire -- based on our Code, has the authority to hire the team, and that's what he did. However --

Commissioner Hardemon: Is it because the -- is it the spending cap?

Ms. Méndez: The amount, yeah.

Commissioner Hardemon: Right.

Ms. Méndez: Based on the amount.

Commissioner Hardemon: So make that statement, please, because that's the part that (UNINTELLIGIBLE) --

Chair Russell: If above the cap, it would have to come to us.

Commissioner Hardemon: Exactly. So what happens is -- and I want to make this very clear -- that there are expenditures that the City Manager is allowed to make, within his purview, without asking for permission from this board.

Chair Russell: Correct.

Commissioner Hardemon: And the Manager is -- not only this Manager, but all Managers before have exercised that authority. And so, as I understand, regarding these sorts of issues, there are a number of different firms that were eligible -- that are eligible, of course, and the spending amount was below -- well below the cap for each of those firms. And so, part of the discussion that I had with the City Manager is regarding just that, and whether or not other people can be added that meet the guidelines, the law, the legal permission that he has to use and exercise. And so, you know, that was part of what my discussion with him was.

Chair Russell: Mr. --

Commissioner Carollo: And I understand that. And Madam City Attorney, I agree with you that this is not a question of whether the Manager has the procurement right, because the way it was broken up is be -- you know, no more than 25,000; that's not at issue. The issue -- and I don't think you answered that -- does this Commission have a right -- like I see in most cities, like it was before -- to be the ones that decide who do we want --?

Commissioner Hardemon: Absolutely, I do agree.

Ms. Méndez: Right, and --

Vice Chair Gort: (UNINTELLIGIBLE).

Chair Russell: Mr. Manager.

Commissioner Reyes: It is very important --

Ms. Méndez: Of course.

Commissioner Reyes: -- and it's very important --

Chair Russell: Mr. Manager.

Commissioner Reyes: -- for us to pick the right person.

Mr. Gonzalez: So if I --

Chair Russell: Mr. Manager.

Commissioner Reyes: It's very important.

Mr. Gonzalez: -- may? Thank you, sir. The law firm that -- or the lobbyists that you're talking about, Commissioner Carollo, they were not fired. Their contract expired, and we did not continue that contract.

Commissioner Carollo: Emilio, in essence --

Mr. Gonzalez: Now, if I may?

Commissioner Carollo: -- that is a firing.

Mr. Gonzalez: If I may, sir? I have spoken with them. We have some changing dynamics at the State level. We have changing dynamics at the Federal level. Nobody is guaranteed or entitled to represent the City by right.

Commissioner Carollo: That's right. I agree.

Mr. Gonzalez: So I made a decision that I would move in a -- By the way, we used to have three lobbying firms; now we only have two -- and hire a firm that has decades of expertise, that has an ability to, I believe, deliver for us in what are going to be turbulent times across the State. And I did it within our -- my ability to -- or the amount of money that we could spend. Now, to Commissioner Hardemon's point, what I don't want to do, because I think it would be detrimental to the City of Miami and everything that we need from our State, is to fire a firm right now. But if it is your wish, I will be happy to accommodate. This firm, Becker Poliakoff, I will hire them as a third firm, and then we'll give them something to do. Next year, what I will gladly do is put out an RFQ (Request for Qualifications). We could have seven or eight firms, and then it could be represented to this body, and this body could pick one, two, or three firms to represent the City of Miami. But I genuinely believe that to tell the people that we have engaged now to "Stop what you're doing" will be detrimental to the interests of the City of Miami.

Chair Russell: I agree with you.

Commissioner Reyes: I have to agree with you.

Chair Russell: Please.

Commissioner Reyes: I was in Tallahassee --

Chair Russell: Please, gentlemen, through the Chair.

Commissioner Reyes: Through the Chair.

Chair Russell: Please.

Commissioner Reyes: Through the Chair.

Chair Russell: Mr. Manager --

Mr. Gonzalez: Yes, sir.

Chair Russell: -- so you're open to bringing on a third. You don't need additional funding approval from us to do so, because you can give them a separate assignment --

Mr. Gonzalez: I can probably find money within the account somewhere.

Chair Russell: -- within the -- within that?

Mr. Gonzalez: Yes, sir.

Chair Russell: Is that a sufficient compromise?

Commissioner Carollo: Well, it's a -- what it is --

Vice Chair Gort: Wait a minute.

Commissioner Carollo: -- it's a request for --

Commissioner Reyes: "R" --

Commissioner Carollo: -- RFLI, what -- Request for Letters of Interest that we need to put out.

Mr. Gonzalez: And sir, we'd be happy to do that, but I would rather not do it now, where we've already --

Chair Russell: We're in the middle of session.

Mr. Gonzalez: -- started session.

Commissioner Carollo: Okay. How long ago did you hire this firm?

Mr. Gonzalez: I want to say maybe December or so --

Commissioner Carollo: You see --

Mr. Gonzalez: -- January.

Commissioner Carollo: Emilio, would --

Mr. Gonzalez: No; December.

Commissioner Carollo: -- I'm willing to go with a compromise now --

Commissioner Reyes: Yeah.

Commissioner Carollo: -- as long as the minute that this session is over, the very minute that it's over, the next day, we put a Request for Letters of Interest. And, you know, we are the ones who are elected by the public. You want to be elected, you got to run. We are the ones -- and you look at this throughout Commissions, councils around -- wherever you want to look -- that's how it's done. It's the elected body that hires their lobbyists. But I don't want to do it, either, based upon, "I like this guy or that guy" I want to do it through an open process that everybody could put in what their qualifications is, what they could do for us, show us what they've accomplished --

Mr. Gonzalez: Sir, I'm not questioning your legitimacy. What I'm saying is I have followed standing practice from previous City Managers.

Commissioner Carollo: And I'm not --

Mr. Gonzalez: This is how they conducted business, and I'm following suit.

Commissioner Carollo: -- denying that. I stated that before; that since I've been gone, in the last few years, that has been happening. But what I also stated was that at no time -- my God -- did you come to any of us that I know of? Certainly --

Commissioner Reyes: No.

Commissioner Carollo: -- not my office -- speak to us about it, send us any information on it? And that's the problem that I'm having.

Chair Russell: That's true.

Commissioner Carollo: Okay? So that's a compromise, because, look, Becker Poliakoff, let me be clear, while I know some people there -- you probably know more people there than I do -- they certainly -- if anybody has any questions -- were not friendly towards me. They had other people that they liked much more than me. So this is not a question that I'm trying to get somebody in there that's friendly towards me.

Mr. Gonzalez: Sir, it's a very professional firm.

Commissioner Carollo: It is, it is.

Mr. Gonzalez: To your point, I know people there, from the Chairman on down. I have spoken to them. There may be an opportunity before this conversation to bring them back. But again, I had to make a business decision based on a firm that I thought that could deliver the most for the residents of Miami.

Commissioner Carollo: It was --

Mr. Gonzalez: And I accept your compromise, sir.

Commissioner Carollo: Yeah. Okay.

Mr. Gonzalez: As I mentioned, I'm happy to do an RFI [sic].

Commissioner Carollo: But -- that's fine, but I want to put on the record that it's a business decision that should have been up to this Commission --

Commissioner Reyes: Yeah.

Commissioner Carollo: -- and not just up to you. And I want to establish that, because I'm seeing too many business decisions, too many other decisions that are being made by you without the knowledge of this Commission, or that they should go through us first, or at least each of us should be consulted --

Mr. Gonzalez: If this --

Commissioner Carollo: -- or at least advised.

Commissioner Reyes: Exactly.

Mr. Gonzalez: Sir, if it's the will of this Commission, we will gladly change our procedures to accommodate more firms. We'll do an RFI [sic] at that point.

Commissioner Carollo: I --

Mr. Gonzalez: But again, my point here is that I don't believe -- First of all, thank you for your compromise. And I don't believe that firing anybody at this point --

Commissioner Reyes: Yes, sir.

Mr. Gonzalez: -- will be productive.

Chair Russell: Commissioner Reyes.

Commissioner Reyes: Through the Chair, through the Chair. This is not about Poliakoff or whoever. This is that -- it's about that before -- You see, as a matter of fact, we are the elected officials. We know the people that have more influence in Tallahassee and other places than you, okay? At least give us the courtesy of saying, "Listen, I want to change this lobbying firm, because this is what I feel like," or "what I think it is better." But we never have the -- I never received the courtesy of any decision that is made here. I learn about them after the fact; not that I can direct you to hire somebody; if it is 25,000, that you don't have to come through the Commission, but at least use us -- you see? -- and as a sounding board or whatever, or of -- as advisor. But you never do that, Emilio. You never do that. I mean, what I have seen every single, every single project that has been brought to us, starting with the park, the (UNINTELLIGIBLE), everything --

Chair Russell: The park?

Commissioner Reyes: -- it is -- Yes, the park.

Chair Russell: Thank you.

Commissioner Reyes: Yes. Okay. But --

Chair Russell: We're getting into (UNINTELLIGIBLE) the table. Is there a date you'd like to bring DI.2, Commissioner Carollo?

Commissioner Carollo: Next Commission meeting.

Chair Russell: So is there a motion to --?

Commissioner Carollo: Well, before we do that, let me -- so the compromise that we discussed here --

Chair Russell: Yep.

Mr. Gonzalez: Yes, sir.

Commissioner Carollo: -- with the Manager --

Mr. Gonzalez: Yes, sir.

Commissioner Carollo: -- let me -- I just made a slight change in this resolution. It'll say, "A resolution of the Miami City Commission, approving the continuation of professional service of Becker Poliakoff and Southern Strategy Group, along with" --

Mr. Gonzalez: Yes, sir.

Commissioner Carollo: -- the -- is Rubin -- what's the official name of the group?

Mr. Garcia: It's the Rubin Group.

Commissioner Carollo: -- "along with the Rubin Group as the City of Miami's only lobbying firms."

Mr. Gonzalez: Yes, sir.

Commissioner Reyes: No, we have some --

Commissioner Carollo: We've included the three of them.

Mayor Francis Suarez: I think there's another one, which is Southern Strategy.

Commissioner Reyes: We have Southern Strategy.

Commissioner Carollo: Yeah, I did.

Mr. Gonzalez: Yeah, Southern Strategy; he mentioned it.

Commissioner Carollo: I said them, yeah. I'll read it again. "A resolution of the Miami City Commission, approving the continuation of the professional service of Becker Poliakoff and Southern Strategy Group, along with the Rubin Group, as the City of Miami's only lobbying firms, until such time as a Request for Letters of Interest, RFLI, or a similar proposal is finalized and brought before the City Commission for an award; further instructing the City Administration to draft such RFLI or similar proposal in a form acceptable to the City Attorney, for the City Commission to have the opportunity to review, comment, and approve, prior to its issuance," and it should be no later than the first week of the ending of the session, whenever that would be.

Mayor Suarez: I would just add to that, "Including any special sessions," because there may be special sessions after session --

Commissioner Carollo: Well --

Mayor Suarez: -- just to be clear.

Commissioner Carollo: -- that's fine.

Mayor Suarez: Yeah.

Commissioner Carollo: You could include the ending of the session or any special sessions.

Chair Russell: Commissioner Gort.

Mr. Gonzalez: Sir, that's very reasonable. Thank you.

Commissioner Carollo: Okay.

Vice Chair Gort: In selecting the lobbyist, we got to make sure the legislation is changed in Federal and statewide. So we got to make sure we have the right person.

Chair Russell: Yeah.

Commissioner Reyes: Yeah.

Commissioner Carollo: Yeah.

Chair Russell: All right. Is that a motion with an amendment?

Vice Chair Gort: Move it.

Commissioner Reyes: Second.

Chair Russell: It's been moved by Commissioner Gort, seconded by Commissioner Reyes, with amendment. Any discussion from the public on this item? Seeing none, I'll close public comment. Any further comments from the dais? All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Russell: Any opposed? Motion passes.

ADJOURNMENT

The meeting adjourned at 7:04 p.m.