

City of Miami

City Hall
3500 Pan American Drive
Miami, FL 33133
www.ci.miami.fl.us



Meeting Agenda

Thursday, March 10, 2005

9:00 AM

REGULAR

City Hall Commission Chambers

City Commission

Manuel A. Diaz, Mayor
Joe Sanchez, Chairman
Angel González, Vice Chairman
Johnny L. Winton, Commissioner District Two
Tomas Regalado, Commissioner District Four
Jeffery L. Allen, Commissioner District Five
Joe Arriola, City Manager
Jorge L. Fernandez, City Attorney
Priscilla A. Thompson, City Clerk

ANY PERSON WHO ACTS AS A LOBBYIST PURSUANT TO CITY OF MIAMI ORDINANCE NO. 11469, CODIFIED IN CHAPTER 2, ARTICLE VI OF THE CITY CODE, MUST REGISTER WITH THE CITY CLERK, PRIOR TO ENGAGING IN LOBBYING ACTIVITIES BEFORE CITY STAFF, BOARDS, AND COMMITTEES AND THE CITY COMMISSION. A COPY OF SAID ORDINANCE IS AVAILABLE IN THE OFFICE OF THE CITY CLERK, CITY HALL.

PURSUANT TO SECTION 4(g)(5) OF THE CHARTER OF MIAMI, FLORIDA, THE MAYOR MAY VETO CERTAIN ITEMS APPROVED BY THE CITY COMMISSION WITHIN TEN CALENDAR DAYS FOLLOWING THE COMMISSION ACTION. THE COMMISSION MAY, AFTER THE VETO OCCURS, OVERRIDE SUCH VETO BY A FOUR-FIFTHS VOTE OF THE COMMISSIONERS THEN PRESENT.

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION, SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION BE GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT. NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBERS. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

THIS PRINTED AGENDA IS DISTRIBUTED AT LEAST FIVE DAYS BEFORE THE MEETING, AND THE MATERIAL IN CONNECTION WITH EACH ITEM APPEARING ON THE AGENDA IS AVAILABLE FOR INSPECTION DURING BUSINESS HOURS AT THE OFFICE OF THE CITY CLERK IN CITY HALL.

ANY PERSON WHO SEEKS TO ADDRESS THE CITY COMMISSION ON ANY ITEM APPEARING IN THE FOLLOWING PORTIONS OF THIS AGENDA: "CONSENT AGENDA", "PUBLIC HEARINGS", OR "PUBLIC DISCUSSION" IS INVITED TO DO SO AND SHALL AS SOON AS POSSIBLE INFORM THE CITY CLERK OF HIS/HER DESIRE TO SPEAK, GIVING THE CITY CLERK HIS/HER NAME. AT THE TIME THE ITEM IS HEARD, THAT PERSON SHOULD APPROACH THE MICROPHONE AND WAIT TO BE RECOGNIZED BY THE PRESIDING OFFICER.

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Formal action may be taken on any item discussed or added to this Agenda. Any person, or persons, wishing to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, will require a verbatim record of the proceeding upon which the appeal is based. Any person with a disability requiring auxiliary aids and services for meetings may call the City Clerk's Office, 250-5360, with requests at least two business days before the meeting date.

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The City Commission has established a policy that the lunch recess will begin at the conclusion of deliberations of the agenda item being considered at Noon; further, that Commission meetings shall adjourn (a) at the conclusion of deliberation of the agenda item being considered at 10:00 p.m., unless the time is extended by unanimous agreement of the members of the city commission then present or (b) at the conclusion of the regularly scheduled agenda, whichever occurs first. This rule does not apply when the city commission is engaged in its annual budget hearings (Ordinance 12586).

CONTENTS

Items may be heard in the numbered sequence or as announced by the Commission

PR - PRESENTATIONS AND PROCLAMATIONS**MV - MAYORAL VETOES****AM - APPROVING MINUTES****CA - CONSENT AGENDA**

Item 1 which is comprised of items CA.1 through CA.16 may be heard in the number sequence or as announced by the Commission

PA - PERSONAL APPEARANCES**M - MAYOR'S ITEMS****D1 - DISTRICT 1 ITEMS****D2 - DISTRICT 2 ITEMS****D3 - DISTRICT 3 ITEMS****D4 - DISTRICT 4 ITEMS****D5 - DISTRICT 5 ITEMS****PH - PUBLIC HEARINGS****EM - EMERGENCY ORDINANCES****SR - SECOND READING ORDINANCES****RE - RESOLUTIONS****BC - BOARDS AND COMMITTEES****DI - DISCUSSION ITEMS****PART B****PZ - PLANNING AND ZONING ITEM**

The Planning and Zoning item shall not be considered before 10:00 am.

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

PR.1	05-00219	<u>CEREMONIAL ITEM</u>		
		Name of Honoree	Presenter	Protocol Item
		Willie Hayward	Mayor Diaz	Commendation

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 the commission consideration.)

APPROVING THE MINUTES OF THE FOLLOWING MEETINGS:

Regular Meeting of July 9, 2002

Regular Meeting of February 10, 2005

CONSENT AGENDA

Unless a member of the City Commission wishes to remove a specific item from this portion of the agenda, Items CA.1 through CA.16 constitute the Consent Agenda. These resolutions are self-explanatory and are not expected to require additional review or discussion. Each item will be recorded as individually numbered resolutions, adopted unanimously by the following motion.

"...that the Consent Agenda comprised of items CA.1 through CA.16 be adopted..."

The Presiding Officer or City Clerk shall state the following: "Before the vote on adopting items included in the Consent Agenda is taken, is there anyone present who is an objector or proponent that wishes to speak on any item in the Consent Agenda. Hearing none, the vote on the adoption of the Consent Agenda will now be taken.

- CA.1** **05-00103** **RESOLUTION**
A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH RECREATIONAL DESIGN AND CONSTRUCTION, INC., FOR COMPREHENSIVE CONSTRUCTION AND DESIGN SERVICES FOR THE LITTLE HAITI PARK SOCCER AND RECREATIONAL FACILITIES, PROJECT NO. B-38500 UNDER A DESIGN-BUILD PROCESS IN AN AMOUNT NOT TO EXCEED \$5,154,911; ALLOCATING FUNDS FROM CAPITAL IMPROVEMENT PROJECT NO. 331412 ENTITLED " LITTLE HAITI PARK LAND ACQUISITION AND DEVELOPMENT" UNDER THE HOMELAND DEFENSE NEIGHBORHOOD IMPROVEMENT BOND PROGRAM.
- CA.2** **05-00104** **RESOLUTION**
A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH RECREATIONAL DESIGN AND CONSTRUCTION, INC. FOR COMPREHENSIVE CONSTRUCTION AND DESIGN SERVICES FOR THE GRAPELAND HEIGHTS PARK PROJECT -PHASE I, B-60496, UNDER A DESIGN-BUILD DELIVERY METHOD FOR A TOTAL AMOUNT NOT TO EXCEED \$7,000,000; ALLOCATING FUNDS FROM CAPITAL IMPROVEMENT PROJECT ("CIP") NO. 331419, IN AN AMOUNT NOT TO EXCEED \$1,975,000; FROM CIP NO. 333138, IN AN AMOUNT NOT TO EXCEED \$3,025,000, AND FROM CIP NO. 311711, IN AN AMOUNT NOT TO EXCEED \$2,000,000, UNDER THE HOMELAND DEFENSE NEIGHBORHOOD IMPROVEMENT BOND PROGRAM, FOR SAID PURPOSE.
- CA.3** **05-00113** **RESOLUTION**
A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), OFFICIALLY ACCEPTING THE MIAMI-DADE COUNTY CERTIFICATION AND DECLARATION OF THE RESULTS OF THE CITY OF MIAMI SPECIAL ELECTION STRAW BALLOT QUESTION ASKING WHETHER MIAMI-DADE VOTERS SHOULD ELECT THE TAX ASSESSOR INSTEAD OF APPOINTMENT BY THE MIAMI-DADE MANAGER, HELD ON MARCH 8, 2005.

- CA.4** **05-00135** **RESOLUTION**
A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CONTINUED ENGAGEMENT OF THE LAW FIRM OF AKERMAN, SENTERFITT & EIDSON, P.A. FOR REPRESENTATION OF THE CITY OF MIAMI IN THE CASE OF ALICE YOUNG, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ANTONIO ALEXANDER YOUNG VS. CITY OF MIAMI, ET AL. IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, CASE NO. 99-2994-CIV-MARTINEZ, IN AN AMOUNT NOT TO EXCEED \$30,000, PLUS COSTS AS APPROVED BY THE CITY ATTORNEY; ALLOCATING FUNDS FROM THE SELF INSURANCE AND INSURANCE TRUST FUND, ACCOUNT CODE NO. 515001.624401.6.652, FOR SAID SERVICES.
- CA.5** **05-00155** **RESOLUTION**
A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY ALICE YOUNG, INDIVIDUALLY, AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ANTONIO ALEXANDER YOUNG, WITHOUT ADMISSION OF LIABILITY, THE SUM OF \$925,000 (NINE HUNDRED TWENTY-FIVE THOUSAND DOLLARS) IN FULL AND COMPLETE SETTLEMENT OF ANY AND ALL CLAIMS AND DEMANDS AGAINST THE CITY OF MIAMI, ITS OFFICERS, AGENTS AND SERVANTS, IN THE CASE OF ALICE YOUNG, ETC. VS. CITY OF MIAMI, ETC. ET AL., CASE NO. 99-2994-CIV-MARTINEZ, UPON EXECUTING A GENERAL RELEASE OF THE CITY OF MIAMI, ITS PRESENT AND FORMER OFFICERS, AGENTS AND EMPLOYEES FROM ANY AND ALL CLAIMS AND DEMANDS; ALLOCATING FUNDS FROM THE SELF INSURANCE AND INSURANCE TRUST FUND, INDEX CODE NO. 515001.624401.6.652.
- CA.6** **05-00147** **RESOLUTION**
A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY RODNEY D. LOGAN, ESQUIRE, TRUST ACCOUNT, WITHOUT ADMISSION OF LIABILITY, THE SUM OF \$185,000 (ONE HUNDRED EIGHTY FIVE THOUSAND DOLLARS) IN FULL AND COMPLETE SETTLEMENT OF ANY AND ALL CLAIMS AND DEMANDS AGAINST THE CITY OF MIAMI, ITS OFFICERS, AGENTS AND SERVANTS, IN THE CASE OF BERNARD BIENAIME, PERSONAL REPRESENTATIVE OF ROMOULD BIENAIME, V. CITY OF MIAMI, IN THE MIAMI-DADE COUNTY CIRCUIT COURT, CASE NO. 03-24980 CA 21, UPON EXECUTING A GENERAL RELEASE FOR THE CITY OF MIAMI, ITS PRESENT AND FORMER OFFICERS, AGENTS AND EMPLOYEES FROM ANY AND ALL CLAIMS AND DEMANDS; ALLOCATING FUNDS FROM THE SELF INSURANCE AND INSURANCE TRUST FUND, INDEX CODE NO. 515001.624401.6.653.

- CA.7** **05-00156** **RESOLUTION**
A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY ZENAIDA TABARES AND PEDRO TABARES, WITHOUT ADMISSION OF LIABILITY, THE SUM OF \$50,000 IN FULL AND COMPLETE SETTLEMENT OF ANY AND ALL CLAIMS AND DEMANDS AGAINST THE CITY OF MIAMI, ITS OFFICERS, AGENTS AND SERVANTS, IN THE CASE OF ZENAIDA TABARES AND PEDRO TABARES V. CITY OF MIAMI, ET AL., IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA CASE NO. 02-22963 CA (24), UPON EXECUTING A GENERAL RELEASE OF THE CITY OF MIAMI, ITS PRESENT AND FORMER OFFICERS, AGENTS AND EMPLOYEES FROM ANY AND ALL CLAIMS AND DEMANDS; ALLOCATING FUNDS FROM THE SELF-INSURANCE AND INSURANCE TRUST FUND, INDEX CODE NO. 515001.624401.6340.65319.
- CA.8** **05-00150** **RESOLUTION**
A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BID OF HAVERLAND BLACKROCK, CORP., FOR THE PROVISION OF SOD REPLACEMENT SERVICES AT THE ORANGE BOWL STADIUM, FOR THE DEPARTMENT OF CONFERENCES, CONVENTIONS AND PUBLIC FACILITIES, ORANGE BOWL DIVISION, AT A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$74,501.20; ALLOCATING FUNDS FROM CAPITAL IMPROVEMENT PROJECT NO. 324002.359307.6.270.
- CA.9** **05-00151** **RESOLUTION**
A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL LEASE, IN SUBSTANTIALLY THE ATTACHED FORM, WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, FOR THE USE OF CITY OF MIAMI PROPERTY LOCATED ON VIRGINIA KEY, MEASURING APPROXIMATELY 60,000 SQUARE FEET OR 1.3774 ACRES, FOR USE AS A VERY HIGH FREQUENCY OMNI-DIRECTIONAL RANGE AND TACTICAL AIR NAVIGATION (VORTAC) FACILITY AND TO PROVIDE FOR THE REINSTATEMENT AND EXTENSION OF THE LEASE AGREEMENT FOR A MAXIMUM OF TWO (2) ADDITIONAL ONE-YEAR TERMS, COMMENCING OCTOBER 1, 2004, WITH AN INITIAL BASE RENT OF A YEARLY AMOUNT NOT TO EXCEED \$17,832.36 (\$1,486.03 MONTHLY), FOR THE INITIAL REINSTATED TERM.
- CA.10** **05-00152** **RESOLUTION**
A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT (S), ACCEPTING A GRANT FROM THE FLORIDA DEPARTMENT OF HEALTH, BUREAU OF CHILD NUTRITION PROGRAMS ("STATE"), IN AN AMOUNT NOT TO EXCEED \$72,000; ALLOCATING SAID FUNDS FROM THE STATE'S CHILD CARE FOOD PROGRAM FOR THE PROVISION OF FOOD TO THE PARTICIPANTS IN THE CITY OF MIAMI'S ("CITY'S") 2004-2005 FOOD SERVICE PROGRAM AT THE CITY'S CHILD DAY CARE CENTERS LOCATED IN VARIOUS PARKS, FOR THE PERIOD OF OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2005 ON A

REIMBURSEMENT BASIS, BASED UPON THE RATES INDICATED IN "EXHIBIT A," ATTACHED AND INCORPORATED; AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AND TO EXECUTE THE NECESSARY DOCUMENTS FOR SAID PURPOSE; APPROPRIATING SAID FUNDS INTO THE CITY'S DEPARTMENT OF PARKS AND RECREATION ACCOUNTS FOR CHILD CARE FOOD PROGRAM.

CA.11 05-00162**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR GRANT FUNDING TO THE FLORIDA INLAND NAVIGATION DISTRICT ("FIND") WATERWAYS ASSISTANCE PROGRAM, IN AN AMOUNT NOT TO EXCEED \$425,000, FOR THE DINNER KEY SPOIL ISLAND RESTORATION AND SHORE STABILIZATION PROJECT ("PROJECT"), FOR THE PURPOSE OF PROVIDING ADDITIONAL RECREATIONAL AND EDUCATIONAL OPPORTUNITIES, ENHANCING MARINE AND UPLAND HABITATS; AUTHORIZING THE ALLOCATION OF REQUIRED MATCHING FUNDS FOR FIFTY PERCENT (50%) OF PROJECT COSTS, IN AN AMOUNT NOT TO EXCEED \$425,000, FROM THE PROCEEDS OF SAFE NEIGHBORHOOD PARK BOND FUNDS FOR CAPITAL IMPROVEMENT PROJECT NO. 333124, ENTITLED " VIRRICK COMMUNITY WATER SPORTS CENTER;" AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SUBMISSION OF THE FIND GRANT APPLICATION FOR FISCAL YEAR 2005-2006, SUBJECT TO THE TERMS AND CONDITIONS OF SAID GRANT APPLICATION.

CA.12 05-00153**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ESTABLISHING A NEW SPECIAL REVENUE FUND ENTITLED: "AMERICORPS VOLUNTEERS IN SERVICE TO AMERICA ("VISTA")," CONSISTING OF A GRANT AWARD FROM THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE ("CORPORATION"), FOR LIVING ALLOWANCES WHICH ARE TO BE PAID DIRECTLY TO THE 16 VISTA MEMBERS, PROVIDING THEM TO SERVE AT 15 COMMUNITY-BASED AND FAITH-BASED ORGANIZATIONS THROUGHOUT THE CITY OF MIAMI ("CITY") WITH THE GOAL OF POVERTY REDUCTION, IN AN AMOUNT NOT TO EXCEED \$216,000, FROM THE CORPORATION, WITH MATCHING FUNDS FROM THE CITY, IN AN AMOUNT NOT TO EXCEED \$80,000; ALLOCATING FUNDS IN THE AMOUNT NOT TO EXCEED \$80,000, FROM THE CITY'S SPECIAL REVENUE ACCOUNT NO. 119005-250103-6-996; AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, TO IMPLEMENT ACCEPTANCE OF SAID GRANT FOR SAID PURPOSE.

CA.13 05-00154**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE PROCUREMENT OF SAFETY SHOES AND BOOTS FROM VARIOUS VENDORS, UTILIZING AN EXISTING CONTRACT, PURSUANT TO INVITATION TO BID NO. 1802-4/09 FROM MIAMI-DADE COUNTY, FLORIDA, EFFECTIVE THROUGH DECEMBER 31, 2005, SUBJECT TO

ANY EXTENSIONS OR REPLACEMENT CONTRACTS BY MIAMI-DADE COUNTY, FOR THE DEPARTMENT OF PURCHASING TO BE UTILIZED BY VARIOUS USER DEPARTMENTS AND AGENCIES, ON AN AS-NEEDED CONTRACT BASIS, IN AN ANNUAL AMOUNT NOT TO EXCEED \$120,000, FOR AN INITIAL ONE-YEAR PERIOD, WITH THE OPTION TO RENEW FOR FOUR (4) ADDITIONAL ONE-YEAR PERIODS; ALLOCATING FUNDS FROM THE CURRENT FISCAL YEAR'S OPERATING BUDGETS OF THE VARIOUS USER DEPARTMENTS AND AGENCIES, WITH FUTURE FISCAL YEAR FUNDING SUBJECT ONLY TO BUDGETARY APPROVAL.

CA.14 **05-00099**

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING AN INCREASE IN COMPENSATION FOR THE PROFESSIONAL CONSULTING SERVICES OF HDR ENGINEERING, INC., PREVIOUSLY APPROVED BY RESOLUTION NO. 04-0010, ADOPTED JANUARY 8, 2004, AS AMENDED BY RESOLUTION NO. 04-0209, ADOPTED APRIL 8, 2004 AND FURTHER AMENDED BY RESOLUTION NO. 04-0498, ADOPTED JULY 22, 2004, IN AN AMOUNT NOT TO EXCEED \$1,700,000, INCREASING THE COMPENSATION FROM \$4,000,000 TO AN AMOUNT GUARANTEED NOT TO EXCEED \$5,700,000, FOR PROFESSIONAL CONSULTING SERVICES FOR MANAGEMENT SKILLS TO BE UTILIZED CITYWIDE ON AN AS-NEEDED CONTRACT BASIS; AMENDING RESOLUTION NO. 04-0010 TO REFLECT SAID INCREASE; ALLOCATING FUNDS FOR SAID INCREASE FROM AVAILABLE INTEREST EARNINGS ON THE HOMELAND DEFENSE NEIGHBORHOOD IMPROVEMENT BOND PROCEEDS.

CA.15 **05-00182**

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ACQUISITION OF BENEFIT CONSULTING SERVICES AND ACTUARIAL SERVICES, FROM MERCER HUMAN RESOURCE CONSULTING, FOR THE DEPARTMENT OF EMPLOYEE RELATIONS, UTILIZING EXISTING STATE OF FLORIDA CONTRACT NO. 973-500-03-01, EFFECTIVE UNTIL OCTOBER 14, 2005, SUBJECT TO ANY EXTENSIONS OR REPLACEMENT CONTRACTS BY THE STATE OF FLORIDA, IN A TOTAL AMOUNT NOT TO EXCEED \$150,000; ALLOCATING FUNDS FROM THE GENERAL OPERATING BUDGET, ACCOUNT NO. 001000.921002.6.270.

CA.16 **05-00217**

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ESTABLISHING AN OCCUPATIONAL LICENSE EQUITY STUDY COMMISSION FOR THE PURPOSE OF RECOMMENDING REVISIONS TO THE OCCUPATIONAL LICENSE TAX RATE STRUCTURE AND RECLASSIFICATIONS OF BUSINESSES, PROFESSIONS AND OCCUPATIONS IN ACCORDANCE WITH CHAPTER 205 OF THE FLORIDA STATUTES.

END OF CONSENT AGENDA

PERSONAL APPEARANCES

Note: Legislation may result from City Commission consideration of any personal appearance.

- PA.1** **05-00163** **DISCUSSION ITEM**
HONORABLE STEVEN LEIFMAN, ASSOCIATE ADMINISTRATIVE JUDGE OF THE ELEVENTH JUDICIAL CIRCUIT COURT, TO ADDRESS THE COMMISSION REGARDING THE CRISIS INTERVENTION TEAM (CIT) TRAINING OFFERED TO ALL POLICE DEPARTMENTS IN MIAMI-DADE COUNTY.
- PA.2** **05-00181** **DISCUSSION ITEM**
MR. CHRISTOPHER NORWOOD TO ADDRESS THE COMMISSION REGARDING THE ANNUAL REPORT OF THE CHILDREN'S TRUST OF MIAMI DADE COUNTY, AN INDEPENDENT SPECIAL TAXING DISTRICT THAT PROVIDES FUNDING FOR YOUTH PROGRAMS.
- PA.3** **05-00188** **DISCUSSION ITEM**
MR. IVAN E. HERNANDEZ, EXECUTIVE DIRECTOR OF THE CUBAN MUNICIPALITIES FAIR, CORPORATION TO ADDRESS THE COMMISSION CONCERNING THE 23RD FAIR OF THE CUBAN MUNICIPALITIES IN EXILE SCHEDULED TO TAKE PLACE FROM APRIL 7 - 10, 2005, ON THE PREMISES OF THE PARKING LOT ADJACENT TO THE FLAGLER DOG TRACK, N.W. 37TH AVENUE AT 7 TH STREET, MIAMI, FLORIDA. MR. HERNANDEZ WILL REQUEST A WAIVER THAT THE EVENT WILL NOT COUNT AS ONE OF THE TWO ALLOCATED EVENTS FOR THE SITE.

MAYOR AND COMMISSIONER'S ITEMS

CITYWIDE

HONORABLE MAYOR MANUEL A. DIAZ

DISTRICT 1

VICE CHAIRMAN ANGEL GONZÁLEZ

DISTRICT 2

COMMISSIONER JOHNNY L. WINTON

- D2.1** **05-00222** **DISCUSSION ITEM**
DISCUSSION CONCERNING THE URBAN DEVELOPMENT
BOUNDARY.

DISTRICT 3**CHAIRMAN JOE SANCHEZ****D3.1****05-00179****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING A DONATION OF A PLAQUE FROM FRIENDS OF LITTLE HAVANA, FOR PLACEMENT AT THE MEDIAN OF SOUTHWEST 25TH ROAD AND SECOND AVENUE, MIAMI, FLORIDA, FOR DESIGNATION AS THE HISTORIC LOCATION WHERE THE BRICKELL FAMILY SOLD LAND TO THE CITY OF MIAMI ("CITY") FOR A FUTURE NEIGHBORHOOD, DESIGNED BY MARY BRICKELL, NOW KNOWN AS THE ROADS ("PROJECT"); DIRECTING THE CITY MANAGER TO COORDINATE CITY RESOURCES WITH FRIENDS OF LITTLE HAVANA FOR THE COMPLETION OF SAID PROJECT.

DISTRICT 4

COMMISSIONER TOMAS REGALADO

DISTRICT 5

COMMISSIONER JEFFERY L. ALLEN

PUBLIC HEARINGS

- PH.1** **05-00157** **RESOLUTION**
A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, APPROVING AND CONFIRMING THE CITY MANAGER'S FINDING OF A SOLE SOURCE; WAIVING THE REQUIREMENTS FOR COMPETITIVE SEALED BIDDING PROCEDURES AND APPROVING THE ACQUISITION OF THE OCEAN RACKMOUNT AVID MEDIA VIDEO ENHANCEMENT SYSTEM, AS LISTED ON "ATTACHMENT A," TO INCLUDE TRAINING AND MAINTENANCE FOR A PERIOD OF ONE YEAR, FOR THE DEPARTMENT OF POLICE, FROM OCEAN SYSTEMS, THE SOLE SOURCE PROVIDER, IN AN AMOUNT NOT TO EXCEED \$38,119; ALLOCATING FUNDS FROM THE LOCAL LAW ENFORCEMENT BLOCK GRANT IX PROGRAM, ACCOUNT CODE NO. 142023.290548.6.840 FOR SAID PURPOSE.
- PH.2** **05-00158** **RESOLUTION**
A RESOLUTION OF THE MIAMI CITY COMMISSION, AMENDING RESOLUTION NO. 03-1154, ADOPTED NOVEMBER 13, 2003, WHICH AUTHORIZED THE CITY MANAGER TO GRANT A TEMPORARY CONSTRUCTION EASEMENT TO FLORIDA POWER & LIGHT COMPANY, TO PROVIDE A NEW TIME FRAME BEGINNING WITH THE NEW DATE OF EXECUTION NOT TO EXCEED A ONE-YEAR PERIOD, FOR STAGING/MATERIAL STORAGE AND LAYDOWN/FABRICATION AS MORE PARTICULARLY DESCRIBED IN THE CONSTRUCTION DRAWINGS P-1 THROUGH P-8, ATTACHED AND INCORPORATED, IN CONNECTION WITH THE RELOCATION, CONSTRUCTION, INSTALLATION AND MAINTENANCE OF TWO EXISTING HIGH VOLTAGE ELECTRICAL CABLES IN ORDER TO ACCOMMODATE THE DREDGING OF THE SOUTH CHANNEL OF THE PORT OF MIAMI; AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT OF TEMPORARY CONSTRUCTION EASEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE.

PH.3 **05-00178** **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTH (4/5THS) AFFIRMATIVE VOTE, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, APPROVING AND CONFIRMING THE CITY MANAGER'S FINDING OF AN EMERGENCY AND WAIVING COMPETITIVE BIDDING PROCEDURES IN THE AWARD OF A PROJECT ADMINISTRATION AGREEMENT ("AGREEMENT") WITH HAMMES COMPANY SPORTS DEVELOPMENT, INC. IN AN AMOUNT GUARANTEED NOT TO EXCEED \$6 MILLION (\$6,000,000) FOR THE ORANGE BOWL REDEVELOPMENT PROJECT TO PROVIDE PROGRAM, PROJECT AND CONSTRUCTION MANAGEMENT SERVICES TO OVERSEE THE DESIGN AND CONSTRUCTION OF SCHEDULED RENOVATIONS TO THE ORANGE BOWL STADIUM; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM; ALLOCATING FUNDS FROM AVAILABLE HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BONDS IN CAPITAL IMPROVEMENTS PROJECT NO. 324002, B-30153.

PH.4 **05-00186** **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, APPROVING AND CONFIRMING THE CITY MANAGER'S FINDING THAT COMPETITIVE BIDDING PROCEDURES ARE NOT PRACTICABLE OR ADVANTAGEOUS, WAIVING THE REQUIREMENTS FOR SAID PROCEDURES; AUTHORIZING THE ACQUISITION OF GOODS AND SERVICES, PURCHASED BY CHARLIE DELUCCA SR., FOR THE CONTINUED MAINTENANCE AND OPERATION OF THE CITY OF MIAMI'S INTERNATIONAL LINKS GOLF COURSE, EFFECTIVE MARCH 1, 2005, IN AN AMOUNT NOT TO EXCEED \$1,666, 074; ALLOCATING FUNDS FROM THE MELREESE GOLF COURSE GENERAL FUND ACCOUNT, ACCOUNT CODE NO. 416000-580285 FOR SAID PURPOSE.

ORDINANCE - EMERGENCY

(Note: This item is being presented as an emergency measure on the grounds of urgent public need for the preservation of peace, health, safety and property of the City of Miami, and upon further grounds of the necessity to make the required and necessary payments to its employees and officers, payment of its debts, necessary and required purchases of goods and supplies and to generally carry on the functions and duties of municipal affairs)

EM.1	05-00180	<u>ORDINANCE</u>	EMERGENCY ORDINANCE
		(4/5THS VOTE)	
		AN EMERGENCY ORDINANCE OF THE MIAMI CITY COMMISSION	
		AMENDING ORDINANCE NO. 12420, THE ANNUAL APPROPRIATIONS	
		ORDINANCE TO INCREASE CERTAIN OPERATIONAL AND BUDGETARY	
		APPROPRIATIONS FOR FISCAL YEAR ENDING SEPTEMBER 30, 2004,	
		CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE.	

ORDINANCE - SECOND READING

Note: Any proposed ordinance listed as an item for second reading in this section may be adopted as an emergency measure upon being so determined by the City Commission.

SR.1	05-00044	<u>ORDINANCE</u>	SECOND READING
		AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 10/ARTICLE I, OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), ENTITLED "BUILDINGS/ IN GENERAL," BY AMENDING SECTION 10-4(D) OF THE CITY CODE THAT SET FEES FOR BUILDING, PLUMBING, ELECTRICAL, MECHANICAL, (INCLUDING BOILER AND ELEVATOR) INSPECTION, PERMIT AND CERTIFICATE FEES AND ADDING SECTION 10-4(I) TO INCLUDE A NEW PERMITTING CATEGORY ; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.	
		DATE:	FEBRUARY 10, 2005
		ACTION:	DEFERRED
		DATE:	FEBRUARY 24, 2005
		MOVER:	VICE CHAIRMAN GONZÁLEZ
		SECONDER:	COMMISSIONER WINTON
		VOTE:	AYES: 5 - COMMISSIONER GONZÁLEZ, WINTON, SANCHEZ, REGALADO AND ALLEN
		ACTION:	PASSED ON FIRST READING

RESOLUTIONS**RE.1 05-00035 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY KIMBERLY DUFF, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF RICHARD BEATTY, DECEASED, WITHOUT ADMISSION OF LIABILITY, THE SUM OF \$400,000 (FOUR HUNDRED THOUSAND DOLLARS) IN FULL AND COMPLETE SETTLEMENT OF ANY AND ALL CLAIMS AND DEMANDS AGAINST THE CITY OF MIAMI, ITS OFFICERS, AGENTS AND SERVANTS, IN THE CASE OF KIMBERLY DUFF, ETC., ET AL. V. CITY OF MIAMI, ETC., ET AL., CASE NO. 02-23643 CIV-COOKE, UPON EXECUTING A GENERAL RELEASE FOR THE CITY OF MIAMI, ITS PRESENT AND FORMER OFFICERS, AGENTS AND EMPLOYEES FROM ANY AND ALL CLAIMS AND DEMANDS ON A FORM ACCEPTABLE TO THE CITY ATTORNEY; ALLOCATING FUNDS FROM THE SELF INSURANCE AND INSURANCE TRUST FUND, INDEX CODE NO. 515001.624401.6.652.

DATE: FEBRUARY 10, 2005

ACTION: DEFERRED

RE.2 04-01445 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY THE SUM OF \$220,000 TO THE LAW OFFICE OF MANUEL CASABIELLE, P.A., IN FULL SETTLEMENT OF ANY AND ALL CLAIMS AND DEMANDS AGAINST THE CITY OF MIAMI, ITS OFFICERS, AGENTS AND SERVANTS, FOR ATTORNEYS' FEES AND COSTS INCURRED FOR THE REPRESENTATION OF POLICE OFFICER RALPH FUENTES, IN THE CASE OF THE UNITED STATES VS. ACUNA, ET AL. IN THE UNITED STATES DISTRICT COURT, CASE NO. 01-208-CR-GOLD; ALLOCATING FUNDS FROM THE CITY OF MIAMI SELF-INSURANCE AND INSURANCE TRUST FUND, INDEX CODE NO. 515001.624401.6.652.

DATE: FEBRUARY 10, 2005

ACTION: DEFERRED

BOARDS AND COMMITTEES

BC.1 **05-00052** **RESOLUTION**
A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING AN
INDIVIDUAL AS A REGULAR MEMBER OF THE CODE
ENFORCEMENT BOARD FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE:

NOMINATED BY:

Commission At-Large

BC.2 **05-00053** **RESOLUTION**
A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING
CERTAIN INDIVIDUALS AS MEMBERS OF THE HISTORIC AND
ENVIRONMENTAL PRESERVATION BOARD FOR TERMS AS
DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

Commissioner Johnny Winton

Commissioner Jeffery Allen

Commissioner Jeffery Allen

BC.3 05-00055 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE HOMELAND DEFENSE /NEIGHBORHOOD IMPROVEMENT BOND PROGRAM OVERSIGHT BOARD FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

Vice Chairman Angel González

Vice Chairman Angel González

Commissioner Johnny Winton

Commissioner Johnny Winton

Chairman Joe Sanchez

Chairman Joe Sanchez

Commissioner Tomas Regalado

Commissioner Tomas Regalado

Commissioner Jeffery Allen

Commissioner Jeffery Allen

Mayor Manuel Diaz

Mayor Manuel Diaz

Mayor Manuel Diaz

Mayor Manuel Diaz

Mayor Manuel Diaz

BC.4 **05-00057** **RESOLUTION**

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

APPOINTEES:**NOMINATED BY:**

Commissioner Tomas Regalado

Commissioner Tomas Regalado

Mayor Manuel Diaz

Mayor Manuel Diaz

BC.5 **05-00058** **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING AN INDIVIDUAL AS A MEMBER OF THE MIAMI SPORTS AND EXHIBITION AUTHORITY (MSEA) FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE:**NOMINATED BY:**

Chairman Joe Sanchez

BC.6 **05-00059** **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:**

Chairman Joe Sanchez

Commissioner Jeffery Allen

Commissioner Jeffery Allen

BC.7 05-00060 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE VIRGINIA KEY BEACH PARK TRUST FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

NOMINATED BY:

Vice Chairman Angel González

Commissioner Johnny Winton

Chairman Joe Sanchez

Commissioner Tomas Regalado

Commissioner Jeffery Allen

Mayor Manuel Diaz

Commission At-Large

Commission At-Large

Commission At-Large

BC.8 05-00063 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:

Vice Chairman Angel González

Mayor Manuel Diaz

BC.9 05-00117 RESOLUTION

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

APPOINTEES:

NOMINATED BY:

Commissioner Jeffery Allen

Commissioner Jeffery Allen

BC.10 05-00164 RESOLUTION

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

APPOINTEES:

NOMINATED BY:

Vice Chairman Angel González

Commissioner Johnny Winton

Commissioner Tomas Regalado

DISCUSSION ITEMS

NOTE: Legislation may result from City Commission consideration of any Commission Discussion item.

This portion of the agenda is separately designated as being available for the purpose of providing and securing City Commission information, direction, and guidance in significant pending and concluded matters, including matters not specifically set forth in this section.

It is anticipated that no input from anyone other than the City personnel is needed or expected while the City Commission is considering any matter in this portion of the Agenda; accordingly, no member of the public may address the City Commission during this time.

- DI.1** **05-00165** **DISCUSSION ITEM**
DISCUSSION CONCERNING A FINANCIAL UPDATE AND A BUDGET
OUTLOOK.
- DI.2** **04-01295** **DISCUSSION ITEM**
DISCUSSION AND POSSIBLE RESOLUTION REGARDING A POSSIBLE
SETTLEMENT IN THE MATTER OF NATIONAL ADVERTISING V. CITY OF
MIAMI.
(BILLBOARD LITIGATION)

DATE: **DECEMBER 9, 2004**

ACTION: **DEFERRED**

DATE: **JANUARY 13, 2005**

ACTION: **DEFERRED**

DATE: **JANUARY 27, 2005**

ACTION: **DEFERRED**

DATE: **FEBRUARY 10, 2005**

ACTION: **DEFERRED**

DATE: **FEBRUARY 24, 2005**

ACTION: **DEFERRED**

PART B

The following item shall not be considered before 10:00 am.

PZ.1 05-00014 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), DENYING OR GRANTING THE APPEAL BY ANDREW W.J. DICKMAN, ESQ. ON BEHALF OF THE MORNINGSIDE CIVIC ASSOCIATION, INC., ROD ALONSO, RON STEBBINS, SCOTT CRAWFORD AND ELVIS CRUZ, AFFIRMING OR REVERSING THE DECISION OF THE MIAMI ZONING BOARD, THEREBY APPROVING WITH CONDITIONS OR DENYING THE CLASS II SPECIAL PERMIT APPLICATION NO. 04-0198, TO ALLOW FOR NEW CONSTRUCTION ON THE PROPERTIES LOCATED AT APPROXIMATELY 5301-5501 BISCAYNE BOULEVARD, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A."

REQUEST: Appeal of a Zoning Board Decision of a Class II Special Permit Appeal

LOCATION: Approximately 5301-5501 Biscayne Boulevard

APPLICANT(S): Morningside Development, LLC

APPLICANT(S) AGENT: Lucia A. Dougherty, Esquire

APPELLANT(S): Morningside Civic Association, Inc., Rod Alonso, Ron Stebbins, Scott Crawford and Elvis Cruz, Adjacent Property Owners

APPELLANT(S) AGENT: Andrew W.J. Dickman, Esquire

FINDINGS:

PLANNING DEPARTMENT: Recommended denial of the appeal and uphold the Zoning Board's decision of the director's decision.

ZONING BOARD: Denied the Class II Special Permit appeal on December 13, 2004 by a vote of 7-1.

PURPOSE: The approval of this appeal will not allow the new construction of a mixed-use structure.