



# City of Miami Marked Agenda City Commission

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

*Manuel A. Diaz, Mayor*  
*Arthur E. Teele, Jr., Chairman*  
*Joe Sanchez, Vice Chairman*  
*Angel González, Commissioner District One*  
*Johnny L. Winton, Commissioner District Two*  
*Tomas Regalado, Commissioner District Four*  
*Joe Arriola, City Manager*  
*Alejandro Vilarello, City Attorney*  
*Priscilla A. Thompson, City Clerk*

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Thursday, February 26, 2004

9:00 AM

City Hall Commission Chambers

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## CONTENTS

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

### PR - PRESENTATIONS AND PROCLAMATIONS

### MV - MAYORAL VETOES

### CA - CONSENT AGENDA

### 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

TIME CERTAIN

3:00 P.M.

PH.5 - Adopting a 30th Year Planning Calendar

PH.6 - Rescinding Citizen Participation Plan

PH.7 - Waiving Conflict of Interest

PH.8 - Transfer of 28th Year CDBG Funds

PH.9 - Allocation of FY'2004-2005 HOME Funds

PH.10 - Accepting HUD Entitlement Grant Funds

**EM - EMERGENCY ORDINANCES**

**SR - SECOND READING ORDINANCES**

**FR - FIRST READING ORDINANCES**

**RE - RESOLUTIONS**

**BC - BOARDS AND COMMITTEES**

**DI - DISCUSSION ITEMS**

**EXECUTIVE SESSIONS**

TIME CERTAIN

2:45 P.M. - ES.1 - Mark's Classic Corp., Richard and Sunny Managan, ET. AL. vs. City of Miami

3:15 P.M. - ES.2 - National Advertising Co. vs. City of Miami

**PART B**

**PZ - PLANNING AND ZONING ITEMS**

The Planning and Zoning Agenda items shall not be considered before 3:00 pm.

TIME CERTAIN

5:00 P.M. - PZ.23 - Land Use Change - 1001 NW 7 St

5:00 P.M. - PZ.24 - Zoning Change - 1001 NW 7 St

5:00 P.M. - PZ.25 - Major Use Special Permit - Royal Atlantic Project

6:00 P.M. - PZ.26 - Appeal of Historic Designation - 2500-2512 Biscayne Blvd

6:00 P.M. - PZ.27 - Street Closure - (SW 2 Ct) Between SW 17 Rd & I-95

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

**Present:** Commissioner Regalado and Chairman Teele

**Absent:** Commissioner González, Commissioner Winton and Vice Chairman Sanchez

On the 26th day of February, 2004, the City Commission of the City of Miami, Florida, met at its regular meeting place in City Hall, 3500 Pan American Drive, Miami, Florida, in regular session. The meeting was called to order at 9:17 a.m. by Chairman Arthur E. Teele, Jr., recessed at 11:29 p.m., reconvened at 2:57 p.m. and adjourned at 1:52 a.m. on February 27, 2004.

**ALSO PRESENT:**

Joe Arriola, City Manager  
Alejandro Vilarello, City Attorney  
Priscilla A. Thompson, City Attorney  
Sylvia Scheider, Assistant City Clerk

**PRESENTATIONS AND PROCLAMATIONS****PR.1 04-00177 CEREMONIAL ITEM**

<b>Name of Honoree</b>	<b>Presenter</b>	<b>Protocol Item</b>
City of Miami's 2004 Black History Month Honorees	Mayor Diaz	Certificates presented
Ginette Eugene	Mayor Diaz & Chairman Teele	Salute presented
Gina Eugene	Mayor Diaz & Chairman Teele	Salute presented
Vice Chair Sanchez & Commissioner Regalado	Small Business Opportunity Center with Local Merchants	Plaques presented by SBOC
Jose Alvarez	Commissioner Gonzalez (Commissioner Regalado)	Certificate of Appreciation presented
Bianka Cruz	Commissioner Gonzalez (Commissioner Regalado)	Certificate of Appreciation presented

04-00177-cover page.pdf, 04-00177-protocol program.pdf

**Present:** Commissioner Winton, Vice Chairman Sanchez, Commissioner Regalado and Chairman Teele

**Absent:** Commissioner González

**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.)

**No vetoes.**

**CONSENT AGENDA****CA.1 04-00090 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AMENDING RESOLUTION NO. 03-343, ADOPTED APRIL 10, 2003, FOR THE PROCUREMENT OF PAPER FOR VARIOUS USER DEPARTMENTS ON AN AS-NEEDED CONTRACT BASIS; CHANGING THE VENDOR NAMES FROM UNISOURCE WORLDWIDE AND XPEDX, TO "VARIOUS VENDORS," AND TO ADD THE LANGUAGE "OR REPLACEMENT CONTRACTS."

04-00090-cover memo.pdf, 04-00090-previous legislation.pdf, 04-00090-contract award sheet.pdf, 04-00090-amendment to Miami-Dade contract.pdf

**R-04-0090**

This Matter was Adopted on the Consent Agenda.

**CA.2 04-00091 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING THE ACQUISITION OF INFORMATION TECHNOLOGY PROJECT MANAGEMENT SERVICES, SYSTEM INTEGRATION SERVICES, COMPUTER PROGRAMMING SERVICES, SYSTEMS ANALYSIS SERVICES, DATA BASE MANAGEMENT SERVICES, TECHNICAL SUPPORT SERVICES, AND OTHER TECHNICAL CONSULTING SERVICES, FROM VARIOUS INFORMATION TECHNOLOGY CONSULTANT SERVICES VENDORS AS LISTED ON THE VENDOR LIST, ATTACHED AND INCORPORATED, FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY ("ITD"), AWARDED UNDER VARIOUS STATE OF FLORIDA CONTRACTS, ON AN AS-NEEDED CONTRACT BASIS, SUBJECT TO ANY EXTENSIONS, RENEWALS, AND REPLACEMENT CONTRACTS BY THE STATE OF FLORIDA, AT AN AMOUNT NOT TO EXCEED \$900,000; ALLOCATING FUNDS FROM ITD STRATEGIC FUNDS, CAPITAL IMPROVEMENTS PROJECT ("CIP") ACCOUNTS, OR THE OPERATING BUDGETS OF VARIOUS DEPARTMENTS AND AGENCIES FOR THE CURRENT FISCAL YEAR (FY 2003-2004), AND FROM THE OPERATING BUDGETS OF VARIOUS DEPARTMENTS, CIP ACCOUNTS, OR ITD STRATEGIC FUNDS AS MAY BE ADJUSTED FROM TIME TO TIME BY THE CITY COMMISSION IN THE ANNUAL APPROPRIATIONS/CIP ORDINANCES OR AS OTHERWISE ADJUSTED AS PERMITTED BY LAW.

04-00091-cover memo.pdf, 04-00091-budgetary impact analysis.pdf, 04-00091-award under state of florida.pdf, 04-00091-exhibit- consulting services.pdf

**R-04-0091**

This Matter was Adopted on the Consent Agenda.

**CA.3 04-00093 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, ACCEPTING THE

BID OF GOODWILL INDUSTRIES OF SOUTH FLORIDA, INC., TO PROVIDE CONVERSION SERVICES/DOCUMENT SCANNING CITYWIDE, FOR THE DEPARTMENT OF PURCHASING, ON AN AS-NEEDED CONTRACT BASIS, FOR A TWO-YEAR PERIOD, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL ONE-YEAR PERIOD; ALLOCATING FUNDS FROM VARIOUS USER DEPARTMENTS AND AGENCIES, SUBJECT TO BUDGETARY APPROVAL.

04-00093-cover memo.pdf, 04-00093-background information.pdf, 04-00093-award recommendation form.pdf, 04-00093-award sheet.pdf, 04-00093-tabulation sheet.pdf, 04-00093-bid security list.pdf

### **R-04-0092**

This Matter was Adopted on the Consent Agenda.

### **CA.4 04-00094**

#### **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY BETTY SIMPSON, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MORENA SIMPSON, DECEASED, WITHOUT ADMISSION OF LIABILITY, THE SUM OF \$90,000 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 BETTY SIMPSON, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MORENA SIMPSON, DECEASED V. CITY OF MIAMI, IN THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA, CASE NO. 96-5717 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. 515001.624401.6.651.

04-00094-cover memo.pdf, 04-00094-legislation.pdf

**Deferred**

A motion was made by Commissioner Winton, seconded by Vice Chairman Sanchez, and passed unanimously, with Commissioner González, to DEFER consideration of CA.4 to the Commission meeting currently scheduled for March 11, 2004.

### **CA.5 04-00095**

#### **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), GRANTING THE REQUEST OF MIAMI-DADE COUNTY ("COUNTY") TO USE THE MIAMI MARINE STADIUM PARKING LOT, LOCATED AT APPROXIMATELY 3601 RICKENBACKER CAUSEWAY, MIAMI, FLORIDA, TO PROVIDE TEMPORARY PARKING FOR THE NASDAQ 100 OPEN TENNIS TOURNAMENT ("EVENT"), FOR THE PERIOD MARCH 24, 2004 THROUGH APRIL 4, 2004, AT CRANDON PARK ON KEY BISCAIYNE, FLORIDA; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH THE COUNTY, PROVIDED THAT: (1) THE COUNTY PREPARE THE SITE AND CLEAN THE PARKING LOT AND

ADJACENT CITY OF MIAMI ("CITY") OWNED LAND DURING AND IMMEDIATELY AFTER THE EVENT AND (2) THE CITY MAY CONTINUE TO USE THE STABLES AT TROPICAL PARK THROUGH APRIL 30, 2005.

04-00095-cover memo.pdf, 04-00095- in-kind services by mdc .pdf, 04-00095-letter from mdc.pdf, 04-00095-exhibit 1- letter to county manager.pdf, 04-00095-exhibit 2- maps.pdf

### **R-04-0093**

This Matter was Adopted on the Consent Agenda.

**CA.6 04-00100**

### **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION WITH ATTACHMENT (S), ACCEPTING THE BID OF WILLIAMS PAVING COMPANY, INC., FOR THE PROJECT ENTITLED "ROAD REHABILITATION PROJECT, B-4654," IN THE PROPOSED AMOUNT NOT TO EXCEED \$1,194,491.50; ALLOCATING FUNDS FROM CAPITAL IMPROVEMENTS PROJECT ("CIP ") NO. 313855 ENTITLED "OCTOBER 2000 FLOOD RECOVERY" IN AN AMOUNT NOT TO EXCEED \$1,194,491.50, FOR CONTRACT COSTS, PLUS \$58,890 FOR ESTIMATED EXPENSES TO BE INCURRED BY THE CITY OF MIAMI ("CITY"), FOR TOTAL PROJECT COSTS, IN THE AMOUNT NOT TO EXCEED \$1,253,381.50, AS SET FORTH ON THE FORMAL BID DOCUMENT AND THE PROJECT FACT SHEET, ATTACHED AND INCORPORATED; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PROJECT.

04-00100-cover memo.pdf, 04-00100-budgetary impact analysis.pdf, 04-00100-exhibit 1-formal bid.pdf, 04-00100-exhibit 2-project fact sheet.pdf, 04-00100-exhibit 3-project locations.pdf, 04-00100-exhibit 4-contract.pdf

### **R-04-0094**

This Matter was Adopted on the Consent Agenda.

**CA.7 04-00111**

### **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE CITY MANAGER'S RECOMMENDATION TO APPROVE THE FINDINGS OF THE EVALUATION COMMITTEE PURSUANT TO REQUEST FOR PROPOSALS ("RFP") NO. 03-04-004, THAT THE TOP-RANKED FIRM TO PROVIDE GROUP HEALTH BENEFITS FOR PART-TIME/TEMPORARY EMPLOYEES CONSULTING SERVICES FOR THE DEPARTMENT OF RISK MANAGEMENT, IS *STAR HRG*; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT ("AGREEMENT"), IN SUBSTANTIALLY THE ATTACHED FORM, AT AN ESTIMATED ANNUAL COST NOT TO EXCEED \$150,000, FOR A ONE-YEAR PERIOD, WITH THE OPTION TO EXTEND FOR THREE ADDITIONAL ONE-YEAR PERIODS; ALLOCATING SAID FUNDS FOR THE FIRST YEAR FROM NON-DEPARTMENTAL ACCOUNT CODE NO. 921002.510, WITH SUBSEQUENT ALLOCATION AND RENEWAL YEARS SUBJECT TO

BUDGETARY APPROVAL; DIRECTING THE CITY MANAGER TO PRESENT THE NEGOTIATED AGREEMENT TO THE CITY COMMISSION FOR CONSIDERATION.

04-00111-cover memo.pdf, 04-00111-memo from Evaluation Committee.pdf, 04-00111-Budgetary impact analysis.pdf, 04-00111-evaluation of RFP.pdf, 04-00111-service agreement.pdf, 04-00111-scope of services.pdf, 04-00111-compensation.pdf

**R-04-0095**

This Matter was Adopted on the Consent Agenda.

**CA.8 04-00045**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ACQUISITION OF NINE (9) 2004 FORD EXPLORER SPORT UTILITY VEHICLES, WITH EXTENDED WARRANTY, FROM MIKE DAVIDSON FORD, UNDER EXISTING FLORIDA SHERIFFS ASSOCIATION, FLORIDA ASSOCIATION OF COUNTIES AND FLORIDA FIRE CHIEFS' ASSOCIATION BID NO. 03-11-0825, EFFECTIVE THROUGH SEPTEMBER 30, 2004, SUBJECT TO ANY EXTENSIONS OR REPLACEMENT CONTRACTS BY FLORIDA SHERIFFS ASSOCIATION, FLORIDA ASSOCIATION OF COUNTIES AND FLORIDA FIRE CHIEFS' ASSOCIATION, IN AN AMOUNT NOT TO EXCEED \$177,642; ALLOCATING FUNDS FROM THE LOCAL LAW ENFORCEMENT BLOCK GRANT VII, ACCOUNT CODE NO. 142023.290539.6.840.

04-00045-cover memo.pdf, 04-00045-budgetary impact analysis.pdf, 04-00045-email.pdf, 04-00045-bid award announcement 1.pdf, 04-00045-web pages.pdf, 04-00045-bid award announcement 2.pdf, 04-00045-award under florida sheriffs assoc..pdf

**R-04-0096**

This Matter was Adopted on the Consent Agenda.

**CA.9 04-00118**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING A GRANT, IN AN AMOUNT NOT TO EXCEED \$25,000, FOR THE AMERICAN CHORAL DIRECTORS ASSOCIATION, INC., A NON-PROFIT ENTITY, FOR THE NATIONAL CONVENTION TO BE HELD IN MIAMI, FLORIDA, IN MARCH, 2007; ALLOCATING FUNDS FROM THE FISCAL YEAR 2007 OPERATING BUDGET, SUBJECT TO THE ORGANIZERS COMPLYING WITH ALL CONDITIONS AND LIMITATIONS AS MAY BE PRESCRIBED BY THE CITY MANAGER OR DESIGNEE.

04-00118-cover memo.pdf

**R-04-0119**

**MOVED:** Tomas Regalado

**SECONDED:** Joe Sanchez

**UNANIMOUS**

Motion that this matter be Adopted with Modifications PASSED by the following vote.

AYES: Commissioner González, Winton, Sanchez, Regalado and Teele

**CA.10 04-00122****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING A CAP ON THE USER FEE OF \$5,000 AND A MAXIMUM OF 1,500 COMPLEMENTARY TICKETS FOR THE UNITED STATES SOCCER FEDERATION, INC. FOR THE PRESENTATION OF A SOCCER MATCH AT THE ORANGE BOWL STADIUM ON MARCH 13, 2004, BETWEEN THE UNITED STATES AND HAITI ("EVENT"); CONDITIONING SAID AUTHORIZATION HEREIN UPON THE ORGANIZERS PAYING FOR ALL NECESSARY COSTS OF CITY SERVICES AND APPLICABLE FEES ASSOCIATED WITH SAID EVENT, OBTAINING INSURANCE TO PROTECT THE CITY IN THE AMOUNT AS PRESCRIBED BY THE CITY MANAGER OR DESIGNEE, AND COMPLYING WITH ALL CONDITIONS AND LIMITATIONS AS MAY BE PRESCRIBED BY THE CITY MANAGER OR DESIGNEE; AUTHORIZING THE CITY MANAGER TO EXECUTE A USE AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH UNITED STATES SOCCER FEDERATION, INC., FOR SAID EVENT.

04-00122- cover memo.pdf, 04-00122- exhibit- use agreement.pdf

**R-04-0097**

This Matter was Adopted on the Consent Agenda.

**CA.11 04-00123****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , DECLARING THAT THE ACQUISITION OF THE FEE-SIMPLE INTEREST IN CERTAIN REAL PROPERTY THROUGH NEGOTIATED CONVEYANCE OR CONDEMNATION SERVES A PUBLIC PURPOSE AND IS NECESSARY FOR THE CONSTRUCTION OF THE CULTURAL COMPONENT OF THE LITTLE HAITI PARK PROJECT; DIRECTING THE CITY ATTORNEY TO USE ALL RESOURCES AVAILABLE INCLUDING THE RETENTION OF SPECIAL COUNSEL, EXPERT WITNESSES AND CONSULTANTS; FURTHER TO TAKE FURTHER ACTIONS THAT ARE REASONABLY NECESSARY TO PREPARE FOR THE ACQUISITION REAL PROPERTY CONDEMNATION.

04-00123-cover memo.pdf

**Withdrawn**

A motion was made by Commissioner Winton, seconded by Vice Chairman Sanchez, and passed unanimously, with Commissioner González absent, to WITHDRAW item CA.11.

**CA.12 04-00124****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , DECLARING THE ACQUISITION OF THE FEE-SIMPLE INTEREST IN PARCELS 67, 75, 76, AND 77 THROUGH NEGOTIATED CONVEYANCE OR CONDEMNATION SERVES A PUBLIC PURPOSE AND IS NECESSARY FOR

THE CONSTRUCTION OF THE CULTURAL COMPONENT OF THE LITTLE HAITI PARK PROJECT; DIRECTING THE CITY ATTORNEY TO USE ALL RESOURCES AVAILABLE INCLUDING THE RETENTION OF SPECIAL COUNSEL, EXPERT WITNESSES AND CONSULTANTS; FURTHER TO TAKE ANY ACTIONS REASONABLY NECESSARY TO ACQUIRE SAID PARCELS THROUGH CONDEMNATION.

04-00124-cover memo.pdf, 04-00124-exhibit.pdf

**Withdrawn**

**A motion was made by Commissioner Winton, seconded by Vice Chairman Sanchez, and passed unanimously, with Commissioner González absent, to WITHDRAW item CA.12.**

**CA.13 04-00133**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER TO APPROVE THE FINDINGS OF THE EVALUATION COMMITTEE AND AUTHORIZE THE CITY TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH THE CORRADINO GROUP, THE TOP RANKED FIRM, TO PROVIDE CONSULTING SERVICES FOR PREPARATION OF AN EVALUATION AND APPRAISAL REPORT ON THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO RFP 02-03-245; FURTHER STIPULATING THAT SHOULD NEGOTIATIONS WITH THE TOP RANKED FIRM FAIL, THE CITY NEGOTIATE WITH KIMLEY-HORN & ASSOCIATES, INC., THE SECOND-RANKED FIRM, UNTIL A CONTRACT IS SUCCESSFULLY NEGOTIATED; AT AN ESTIMATED TOTAL COST NOT TO EXCEED \$150,000.00 FOR TWO (2) YEARS, WITH THE OPTION TO EXTEND FOR ONE (1) ADDITIONAL ONE (1) YEAR PERIOD; ALLOCATING FUNDS THEREFOR, IN THE AMOUNT OF \$150,000.00 FROM ACCOUNT CODE NO. 850101.6.270 AND IF NECESSARY, IN THE AMOUNT OF \$100,000.00 FROM ACCOUNT CODE NO. 341330.

04-00133-cover memo.pdf, 04-00133-memo from Evaluation Committee .pdf, 04-00133-PZ budgetary impact analysis.pdf, 04-00133-Mgr's budgetary impact analysis.pdf, 04-00133-evaluation for RFP.pdf, 04-00133-pro. service agreement.pdf, 04-00133-scope of services.pdf, 04-00133-rate schedules.pdf, 04-00133-estimated project hours.pdf

**R-04-0098**

**This Matter was Adopted on the Consent Agenda.**

**CA.14 04-00127**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ENGAGEMENT OF THE LAW OFFICES OF OSCAR E. MARRERO FOR REPRESENTATION OF FORMER POLICE DETECTIVES JAMES E. BOONE AND BRUCE CHARLES ROBERSON IN THE CASE OF JERRY FRANK TOWNSEND VS. CITY OF MIAMI, ETC., ET AL. IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, CASE NO. 03-21072-CIV-JORDAN, IN AN AMOUNT NOT TO EXCEED \$40,000, PLUS COSTS AS APPROVED BY THE CITY ATTORNEY; ALLOCATING FUNDS FROM THE SELF-INSURANCE AND

INSURANCE TRUST FUND, ACCOUNT CODE NO. 515001.624401.6.661  
FOR SAID SERVICES.

04-00127-cover memo.pdf

**R-04-0099**

This Matter was Adopted on the Consent Agenda.

**Adopted the Consent Agenda**

**MOVED:** Johnny L. Winton

**SECONDED:** Tomas Regalado

**AYES:** Commissioner Winton, Sanchez, Regalado and Teele

**ABSENT:** Commissioner González

**CA.15 04-00178**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPROVING THE PROCUREMENT OF PROGRAM MANAGEMENT SERVICES FROM URS CORPORATION, FOR THE DEPARTMENT OF PURCHASING, TO BE USED CITYWIDE ON AN AS-NEEDED BASIS, UTILIZING EXISTING BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS' CONTRACT NO. SC 3AVC0001009, EFFECTIVE UNTIL SEPTEMBER 30, 2004, SUBJECT TO FURTHER EXTENSIONS OR REPLACEMENT CONTRACTS BY BROWARD COUNTY, IN AN AMOUNT NOT TO EXCEED \$1,000,000; ALLOCATING FUNDS FROM ACCOUNT CODE NO. 341330.

04-00178-cover memo.pdf, 04-00178-memo from Law.pdf, 04-00178-letter from URS.pdf, 04-00178-agreement.pdf, 04-00178-agreement.pdf, 04-00178-program elements.pdf, 04-00178-scope of services.pdf, 04-00178-key on-site staff.pdf, 04-00178-optional services.pdf, 04-00178-staffing plan.pdf, 04-00178-staff rate ranges.pdf, 04-00178-reimbursable expenses.pdf, 04-00178-list of sub-consultants.pdf, 04-00178-non discrimination requirements.pdf, 04-00178-provisions of airport projects.pdf, 04-00178-certificate of insurance.pdf, 04-00178-amendment to agreement.pdf, 04-00178-program elements 2.pdf, 04-00178-scope of services 2.pdf, 04-00178-key on-site staff 2.pdf, 04-00178-optional services 2.pdf, 04-00178-staffing plan 2.pdf, 04-00178-staff rate ranges 2.pdf, 04-00178-reimbursable expenses 2.pdf, 04-00178-list of sub-consultants 2.pdf, 04-00178-certificate of insurance 2.pdf, 04-00178-notice to proceed.pdf, 04-00178-invoices.pdf

**R-04-0120**

**MOVED:** Johnny L. Winton

**SECONDED:** Angel González

**UNANIMOUS**

**Motion that this matter be Adopted with Modifications PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

Chairman Sanchez, and unanimously passed, with Commissioner González absent.]

**END OF CONSENT AGENDA**

**MAYOR AND COMMISSIONER'S ITEMS**

**CITYWIDE**

**HONORABLE MAYOR MANUEL A. DIAZ**

**DISTRICT 1**

**COMMISSIONER ANGEL GONZÁLEZ**

**DISTRICT 2**

**COMMISSIONER JOHNNY L. WINTON**

**DISTRICT 3**

**VICE CHAIRMAN JOE SANCHEZ**

**D3.1 04-00156 DISCUSSION ITEM**

DISCUSSION CONCERNING A RESOLUTION REQUESTING THAT THE DE-OBLIGATED CDBG FUNDS BE RE-USED ON A PRIORITY BASIS TO FUND THE ONGOING ACTIVITIES OF THE LITTLE HAVANA HOME OWNERSHIP ADVISORY BOARD.

04-00156-email.pdf

**Discussed**

**Direction to the Administration:** by Chairman Teele to provide a matrix showing all the funds used for the Model City Homeownership Trust, identifying where funds came from, how much was appropriated, etc. in order to determine what is the right amount of money to start the Little Havana Home Ownership Advisory Board, taking into consideration a strategy to find funds, which includes the de-obligation of CDBG.

**A motion was made by Vice Chairman Sanchez, seconded by Commissioner Winton, and passed unanimously, with Commissioner González absent, directing the City Attorney to draft a resolution and bring it for Commission consideration at 3 o'clock today, to deobligate CDBG funds to allocate to the Little Havana Home Ownership Advisory Board.**

**Note:** See below for proposed resolution, which was considered and deferred:

**(D3.1) 04-00156a RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE DEVELOPMENT OF AN ACCELERATED FUNDING STRATEGY FOR THE LITTLE HAVANA HOME OWNERSHIP ADVISORY BOARD TO ADVANCE THE REMAINING \$4.5 MILLION OF THE TOTAL \$7.5 MILLION ALLOCATED FOR THE BOARD, USING DEOBLIGATED COMMUNITY DEVELOPMENT DOLLARS AND OTHER FUNDS IDENTIFIED BY THE COMMUNITY DEVELOPMENT DIRECTOR.

04-00156a-legislation.pdf

Deferred

The resolution listed above was considered and DEFERRED to the Commission meeting currently scheduled for March 11, 2004.

Direction to the City Manager: from Vice Chairman Sanchez to identify funding sources available for the Little Havana Home Ownership Advisory Board and report on the need assessment of the empowerment zones in the City of Miami.

Direction to the City Manager: by Chairman Teele to instruct the executive director of the Model City Home Ownership Trust to prepare a document jointly with the Director of Community Development outlining the funding history of the Model City Home Ownership Trust, the commitments that were made, and the time lines of said commitments in terms of the funds and their sources and in terms of the number of units that were committed.

D3.2 04-00158

**DISCUSSION ITEM**

DISCUSSION CONCERNING A RESOLUTION APPROVING A CHANGE ORDER OF UP TO \$100,000 FOR THE DOMINO PARK EXPANSION (15TH AVENUE PLAZA) PROJECT TO FUND THE DEMOLITION OF A VACANT HOUSE BEHIND THE TOWER THEATER AND THE CREATION OF A LANDSCAPED, DOZEN-SPACE PUBLIC PARKING LOT IN ITS PLACE.

04-00158-email.pdf

Discussed

This discussion resulted in resolution listed below:

(D3.2) 04-00158a

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION DESIGNATING ADDITIONAL FUNDS, IN AN AMOUNT NOT TO EXCEED \$100,000, FOR THE DOMINO PARK EXPANSION (15TH AVENUE PLAZA) PROJECT, TO FUND THE DEMOLITION OF A VACANT HOUSE BEHIND THE TOWER THEATER AND THE CREATION OF A LANDSCAPED, DOZEN-SPACE PUBLIC PARKING LOT IN ITS PLACE; ALLOCATING FUNDS FROM HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND FUND.

**R-04-0124**

**MOVED:** Joe Sanchez

**SECONDED:** Tomas Regalado

Motion that this matter be Adopted PASSED by the following vote.

**AYES:** Commissioner Winton, Sanchez, Regalado and Teele

**ABSENT:** Commissioner González

**DISTRICT 4**

**COMMISSIONER TOMAS REGALADO**

**D4.1 04-00170 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ALLOCATION OF FUNDS, IN AN AMOUNT NOT TO EXCEED \$2,500, IN SUPPORT OF THE XXV HEMISPHERIC CONGRESS OF LATIN CHAMBERS OF COMMERCE AND INDUSTRY TO BE HELD AT THE RADISSON MART PLAZA HOTEL AND CONVENTION CENTER APRIL 14-17, 2004; ALLOCATING FUNDS FROM DISTRICT 4 SPECIAL EVENTS NON-DEPARTMENTAL ACCOUNT CODE NO. 001000.921054.6.289.

**R-04-0101**

**MOVED:** Tomas Regalado

**SECONDED:** Johnny L. Winton

**Motion that this matter be Adopted PASSED by the following vote.**

**AYES:** Commissioner Winton, Sanchez, Regalado and Teele

**ABSENT:** Commissioner González

**DISTRICT 5****CHAIRMAN ARTHUR E. TEELE, JR****D5.1 04-00135 DISCUSSION ITEM**

DISCUSSION CONCERNING THE ABSENTEEISM OF NEIGHBORHOOD ENHANCEMENT TEAM (N.E.T.) DIRECTORS AT THE DISTRICT 5 CDBG PUBLIC HEARING HELD ON SATURDAY, JANUARY 24, 2004.

04-00135-email.pdf

**Discussed**

**This item was discussed.**

**D5.2 04-00130 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY MANAGER, WITH ASSISTANCE FROM THE DEPARTMENTS OF ECONOMIC DEVELOPMENT AND PLANNING AND ZONING TO WORK WITH THE MIAMI-DADE COUNTY TRANSIT AUTHORITY IN CREATING A "PLAZA" OR "PROMENADE" IN HONOR OF CLYDE KILLENS AT THE CORNER ALONG THE EASTERN SIDE OF NORTHWEST 2ND AVENUE AND THE SOUTHERN SIDE OF 11TH STREET, MIAMI, FLORIDA; AND DIRECTING THE CITY MANAGER TO PRESENT A REPORT TO THE CITY COMMISSION WITHIN 45 DAYS.

**R-04-0102**

**MOVED:** Arthur E. Teele, Jr.

**SECONDED:** Tomas Regalado

**Motion that this matter be Adopted PASSED by the following vote.**

**AYES:** Commissioner Winton, Sanchez, Regalado and Teele

**ABSENT:** Commissioner González

**D5.3 04-00137 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE DEPARTMENTS OF TRANSPORTATION AND PLANNING AND ZONING TO INITIATE DISCUSSION AND COST ANALYSIS FOR A TRAFFIC CIRCLE TO HONOR CLYDE KILLENS, ON NORTHWEST 2ND AVENUE BETWEEN NORTHWEST 10TH STREET AND NORTHWEST 14TH STREET, MIAMI, FLORIDA, AND TO REPORT BACK TO THE CITY COMMISSION WITHIN 45 DAYS.

**R-04-0103**

**MOVED:** Arthur E. Teele, Jr.

**SECONDED:** Johnny L. Winton

**Motion that this matter be Adopted with Modifications PASSED by the following vote.**

**AYES:** Commissioner Winton, Sanchez, Regalado and Teele

**ABSENT:** Commissioner González

**PUBLIC HEARING****PH.1 04-00096 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AUTHORIZING THE CITY MANAGER TO EXERCISE THE OPTION TO PURCHASE REAL PROPERTY LOCATED AT 245 NORTHEAST 59TH STREET, MIAMI, FLORIDA, ("PROPERTY"), AS LEGALLY DESCRIBED IN "EXHIBIT A," ATTACHED AND INCORPORATED, IN CONNECTION WITH THE DEVELOPMENT OF LITTLE HAITI PARK, WITH A PURCHASE PRICE OF \$100,000; AUTHORIZING THE CITY MANAGER TO EXECUTE THE OPTION TO PURCHASE REAL PROPERTY AGREEMENT ("OPTION AGREEMENT"), IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF MIAMI ("CITY") AND THOMAS N. YATES AND KEITH M. YATES ("SELLER") AND TO CONSUMMATE SAID TRANSACTION IN ACCORDANCE WITH THE TERMS OF THE OPTION AGREEMENT; ALLOCATING FUNDS, IN THE AMOUNT OF \$110,420, FROM THE \$255 MILLION HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND FOR COSTS INCLUDING BUT NOT LIMITED TO SURVEYS, APPRAISALS, ENVIRONMENTAL REPORTS, TITLE INSURANCE, AND DEMOLITION.

04-00096-cover memo.pdf, 04-00096-public notice memo.pdf, 04-00096-public notice .pdf, 04-00096-summ. of salient facts.pdf, 04-00096-valuation analysis. pdf, 04-00096-previous legislation.pdf, 04-00096-exhibit 1-option to purchase prop..pdf, 04-00096-exhibit 2- power of attorney.pdf

**R-04-0104**

**MOVED:** Johnny L. Winton

**SECONDED:** Tomas Regalado

**Motion that this matter be Adopted PASSED by the following vote.**

**AYES:** Commissioner Winton, Sanchez, Regalado and Teele

**ABSENT:** Commissioner González

**Direction to the City Manager: by Chairman Teele to prepare appropriate commendation to the members of the Homeland Defense/Neighborhood Improvement Projects Bond Oversight Board for their serious and much appreciated work.**

**PH.2 04-00102 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE PLAT ENTITLED "JUBILEE," A SUBDIVISION IN THE CITY OF MIAMI ("CITY") OF THE PROPERTY DESCRIBED IN "ATTACHMENT 1," SUBJECT TO SATISFACTION OF ALL CONDITIONS REQUIRED BY THE PLAT AND STREET COMMITTEE AS SET FORTH IN "EXHIBIT A," ATTACHED AND INCORPORATED, AND THE PROVISIONS CONTAINED IN SECTION 55-8 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, AND ACCEPTING THE DEDICATIONS SHOWN ON THE PLAT; AUTHORIZING AND DIRECTING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE PLAT; AND

PROVIDING FOR THE RECORDATION OF THE PLAT IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

04-00102-cover memo.pdf, 04-00102-budgetary impact analysis.pdf, 04-00102-public notice memo.pdf, 04-00102-public notice.pdf, 04-00102-public notice memo-public works.pdf, 04-00102-public notice-public works.pdf, 04-00102-exhibit 1-legal description.pdf, 04-00102-exhibit 2-report of proposed plat.pdf

**R-04-0108**

**MOVED:** Johnny L. Winton

**SECONDED:** Tomas Regalado

**Motion that this matter be Adopted PASSED by the following vote.**

**AYES:** Commissioner Winton, Sanchez, Regalado and Teele

**ABSENT:** Commissioner González

**PH.3 04-00141**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE PLAT ENTITLED "MIDTOWN MIAMI EAST," A REPLAT AND SUBDIVISION IN THE CITY OF MIAMI ("CITY") OF THE PROPERTY DESCRIBED IN "ATTACHMENT 1," SUBJECT TO SATISFACTION OF ALL CONDITIONS OF THE PLAT AND STREET COMMITTEE, SET FORTH IN "EXHIBIT A," THE SUBMISSION OF A DEMOLITION BOND, AND THE PROVISIONS CONTAINED IN SECTION 55-8 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, AND ACCEPTING THE DEDICATIONS SHOWN ON THE PLAT; AUTHORIZING AND DIRECTING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE PLAT; AND PROVIDING FOR THE RECORDATION OF THE PLAT IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

04-00141-cover memo.pdf, 04-00141-budgetary impact analysis.pdf, 04-00141-public notice memo.pdf, 04-00141-public notice .pdf, 04-00141-exhibit 1.pdf, 04-00141-exhibit 2.pdf

**R-04-0109**

**MOVED:** Johnny L. Winton

**SECONDED:** Angel González

**UNANIMOUS**

**Motion that this matter be Adopted with Modifications PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

**PH.4 04-00140**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE PLAT ENTITLED "BUENA VISTA WEST," A REPLAT AND SUBDIVISION IN THE CITY OF MIAMI ("CITY") OF THE PROPERTY DESCRIBED IN "ATTACHMENT 1," SUBJECT TO

SATISFACTION OF ALL CONDITIONS REQUIRED BY THE PLAT AND STREET COMMITTEE, AS SET FORTH IN "EXHIBIT A," ATTACHED AND INCORPORATED, THE SUBMISSION OF A DEMOLITION BOND, AND THE PROVISIONS CONTAINED IN SECTION 55-8 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, AND ACCEPTING THE DEDICATIONS SHOWN ON THE PLAT; AUTHORIZING AND DIRECTING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE PLAT; AND PROVIDING FOR THE RECORDATION OF THE PLAT IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

04-00140-cover memo.pdf, 04-00140-budgetary impact analysis.pdf, 04-00140-public notice memo.pdf, 04-00140-public notice .pdf, 04-00140-exhibit 1.pdf, 04-00140-exhibit 2.pdf

### **R-04-0110**

**MOVED:** Johnny L. Winton

**SECONDED:** Angel González

**UNANIMOUS**

Motion that this matter be Adopted with Modifications **PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

### **3:00 P.M.**

**PH.5 04-00097**

### **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION ADOPTING A PLANNING CALENDAR FOR THE 30TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND OTHER PROGRAMS FUNDED THROUGH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

04-00097-cover memo.pdf, 04-00107-public advertisement.pdf

### **R-04-0115**

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

**UNANIMOUS**

Motion that this matter be Adopted **PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

**Direction to the City Manager:** by Chairman Teele to reserve the June 10, 2004 Commission meeting only for items related to Community Development Block Grant funds; further scheduling the public hearing at 9:30 a.m. Commissioner Regalado further directed the Manager to follow up on the transportation funds for social services program and provide all associated details at the March 11, 2004 Commission meeting.

**PH.6 04-00098**

### **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), RESCINDING THE CITIZEN PARTICIPATION PLAN IN

ITS ENTIRETY, PREVIOUSLY APPROVED BY RESOLUTION NO. AND SUBSTITUTING THE NEW CITIZEN PARTICIPATION PLAN, ATTACHED AND INCORPORATED, TO INCREASE THE NOTICE OF PUBLIC HEARING COMMENT PERIOD FROM TEN (10) DAYS TO FOURTEEN (14) DAYS AS RECOMMENDED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ("U.S. HUD"); ADDING A NOTICE OF FUNDING AVAILABILITY ("NOFA") AT LEAST SIXTY (60) DAYS BEFORE FUNDING PROPOSALS SUBMITTED IN RESPONSE TO THE REQUEST FOR PROPOSALS ("RFP") ARE DUE FOR REVIEW; EXPANDING THE SECTION ON INFORMATION ACCESSIBILITY; ADDING A SECTION ON TECHNICAL ASSISTANCE TO BE PROVIDED TO INTERESTED RESIDENTS BY THE ADMINISTRATION; AND RE-ORGANIZING THE INFORMATION TO ENHANCE THE USABILITY OF THE DOCUMENT.

04-00098-cover memo.pdf, 04-00098-public advertisement.pdf, 04-00098-exhibit- citizen participation plan.pdf

#### **R-04-0114**

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

**UNANIMOUS**

**Motion that this matter be Adopted PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

**PH.7 04-00099**

#### **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION BY A FOUR-FIFTHS ( 4/5THS) AFFIRMATIVE VOTE, MAKING THE REQUIRED FINDINGS AND WAIVING THE CONFLICT OF INTEREST, GRANTING THE AWARD OF COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") PROGRAM FUNDS, IN THE PUBLIC FACILITIES AND IMPROVEMENTS CATEGORY, IN AN AMOUNT NOT TO EXCEED \$40,000, FOR THE REHABILITATION OF THE LATIN QUARTER CULTURAL CENTER OF MIAMI, INC. BUILDING, LOCATED AT 1501 SOUTHWEST 8TH STREET, MIAMI, FLORIDA.

04-00099-cover memo.pdf, 04-00099- public advertisement.pdf

**Withdrawn**

**This item was WITHDRAWN by the City Attorney on behalf of the City Manager.**

**PH.8 04-00105**

#### **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE TRANSFER OF 28TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") PROGRAM CLOSEOUT FUNDS, IN THE AMOUNT OF \$138,890, FROM WORD OF LIFE COMMUNITY DEVELOPMENT CORPORATION, FOR ECONOMIC DEVELOPMENT ACTIVITIES IN DISTRICT 5 DURING THE 28TH PROGRAM YEAR, WHICH BEGAN ON OCTOBER 1, 2002; REALLOCATING THE AMOUNT OF \$50,000 OF SAID

FUNDS TO HABITAT FOR HUMANITY OF GREATER MIAMI, INC., ("HABITAT FOR HUMANITY") FOR HOUSING SECURITY IMPROVEMENT ACTIVITIES FOR HOUSES BUILT BY HABITAT FOR HUMANITY IN DISTRICT 5, AND THE AMOUNT OF \$88,890, TO THE DISTRICT 5 RESERVE ACCOUNT.

04-00105-cover memo.pdf, 04-00105-public advertisement.pdf

**R-04-0116**

**MOVED:** Johnny L. Winton

**SECONDED:** Angel González

**UNANIMOUS**

**Motion that this matter be Adopted PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

**PH.9 04-00106**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE ALLOCATION OF FY'2004-2005 HOME INVESTMENT PARTNERSHIPS ("HOME") FUNDS, IN THE TOTAL AMOUNT NOT TO EXCEED \$5,117,000, \$1,500,000 TO THE LITTLE HAVANA HOME OWNERSHIP ADVISORY BOARD, FOR THE DEVELOPMENT OF HOUSING, \$776,325, FOR NEW CONSTRUCTION OF RENTAL HOUSING, \$2,328,975 FOR NEW CONSTRUCTION OF HOME OWNERSHIP HOUSING, AND \$511,700, FOR ADMINISTRATION; FURTHER ADOPTING THE HOUSING DEVELOPMENT POLICIES, ATTACHED AND INCORPORATED, RELATED TO THE FUNDING OF RENTAL AND HOME OWNERSHIP HOUSING PROJECTS UNDER THE HOME PROGRAM.

04-00106-cover memo.pdf, 04-00106-public advertisement.pdf

**R-04-0117**

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

**UNANIMOUS**

**Motion that this matter be Adopted PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

**PH.10 04-00107**

**ORDINANCE**

**Public Hearing**

AN EMERGENCY ORDINANCE OF THE MIAMI CITY COMMISSION ACCEPTING UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ENTITLEMENT GRANT FUNDS UNDER THE FOLLOWING PROGRAMS: COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIPS, HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS, AND THE EMERGENCY SHELTER GRANT FOR FISCAL YEAR 2004; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENT(S), IN A FORM

ACCEPTABLE TO THE CITY ATTORNEY, IMPLEMENTING ACCEPTANCE OF THE GRANTS; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

04-00107-cover memo.pdf, 04-00107-public advertisement.pdf

**12491**

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

**UNANIMOUS**

**Motion that this matter be Adopted as an emergency measure, waiving the requirement for two separate readings PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

**Direction to the City Manager: by Commissioner González to provide an additional 10,000 cards related to public services cuts from the federal government in order that Commissioner González may distribute them to collect signatures from members of Christian Churches and to send the cards to the federal senators and representatives. Chairman Teele further requested that no employee of the City whose salary is funded with Community Development funds be involved with the collection of anything related to the federal government program.**

**ORDINANCES - EMERGENCY****EM.1 04-00120 ORDINANCE Emergency Ordinance**

(4/5THS VOTE)

AN EMERGENCY ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 12451, THE CAPITAL PROJECTS APPROPRIATIONS ORDINANCE, TO APPROPRIATE ADDITIONAL FUNDS, IN AN AMOUNT NOT TO EXCEED \$1,870,000, CONSISTING OF AN AMOUNT NOT TO EXCEED

\$1,200,000 REPROGRAMMED FROM CAPITAL IMPROVEMENT PROJECT NO. 311613, AND AN AMOUNT NOT TO EXCEED \$670,000 FROM UNALLOCATED HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND PROCEEDS; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

04-00120-cover memo.pdf, 04-00120-budgetary impact analysis.pdf

**12487**

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

**Motion that this matter be Adopted as an emergency measure, waiving the requirement for two separate readings PASSED by the following vote.**

**AYES:** Commissioner Winton, Sanchez, Regalado and Teele

**ABSENT:** Commissioner González

**EM.2 04-00136 ORDINANCE Emergency Ordinance**

(4/5THS VOTE)

AN EMERGENCY ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 12279, THE ANNUAL APPROPRIATIONS ORDINANCE, TO INCREASE CERTAIN OPERATIONAL AND BUDGETARY APPROPRIATIONS FOR FISCAL YEAR ENDING SEPTEMBER 30, 2003; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

04-00136-cover memo.pdf, 04-00136-spreadsheets

**12488**

**MOVED:** Joe Sanchez

**SECONDED:** Tomas Regalado

**Motion that this matter be Adopted as an emergency measure, waiving the requirement for two separate readings PASSED by the following vote.**

**AYES:** Commissioner Winton, Sanchez, Regalado and Teele

**ABSENT:** Commissioner González

**ORDINANCES - SECOND READING**

**SR.1 04-00057 ORDINANCE****Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 2 /ARTICLE II, SECTION 2-33 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED ADMINISTRATION/MAYOR AND CITY COMMISSION; MORE PARTICULARLY BY AMENDING SECTION 2-33, ENTITLED ORDER OF BUSINESS AND RULES OF PROCEDURE, TO REQUIRE THE CONCURRENCE OF FOUR (4) AFFIRMATIVE VOTES FOR APPROVAL OF ANY ITEM PERTAINING TO THE ESTABLISHMENT OF A RESCUE MISSION, THE CONTINUATION OF A RESCUE MISSION, OR ACTION RELATING TO A RESCUE MISSION, AS WELL AS ANY VOTE ON A RESCUE MISSION ARISING PURSUANT TO THE ZONING ORDINANCE OR COMPREHENSIVE PLAN; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

04-00057-cover memo.pdf

**12498**

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

**Motion that this matter be Adopted with Modifications PASSED by the following vote.**

**AYES:** Commissioner Winton, Regalado and Teele

**NOES:** Commissioner González and Sanchez

**ORDINANCES - FIRST READING**

**FR.1 04-00052 ORDINANCE****First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 2, ARTICLE X, SECTION 2-817 (h)(3)(ii) OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "ADMINISTRATION, CODE ENFORCEMENT, ADMINISTRATIVE COSTS, FINES; LIENS," TO ADD PROVISIONS THAT PERMIT THE CITY MANAGER TO AUTHORIZE A SUBORDINATE LIEN POSITION ON LOANS FOR THE FINANCE OR REFINANCE OF CONSTRUCTION IMPROVEMENTS ON PROPERTIES USED FOR THE DEVELOPMENT OF AFFORDABLE HOUSING PROJECTS; AND TO DELETE PROVISIONS THAT PERMITTED LIEN(S) RELEASED PRIOR TO ISSUANCE OF CERTIFICATES OF OCCUPANCY OF AFFORDABLE HOUSING PROJECTS BY THE CITY MANAGER TO BE REINSTATED; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

04-00052-cover memo.pdf, 04-00052-legislation.pdf

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

**Motion that this matter be Passed on First Reading PASSED by the following vote.**

**AYES:** Commissioner Winton, Sanchez, Regalado and Teele

**ABSENT:** Commissioner González

### **RESOLUTIONS**

**RE.1 04-00101 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, RATIFYING, APPROVING AND CONFIRMING THE CITY MANAGER'S WRITTEN FINDING OF AN EMERGENCY, EXECUTING THE WORK ORDER AUTHORIZATION, IN SUBSTANTIALLY THE ATTACHED FORM, FOR THE ENGAGEMENT OF H.J. ROSS ASSOCIATES, INC., PROFESSIONAL CONSULTANTS, SELECTED FROM THE LIST OF PRE-APPROVED GENERAL ENGINEERING FIRMS, IN AN AMOUNT NOT TO EXCEED \$68,000, FOR ADDITIONAL PROFESSIONAL SERVICES PROVIDED AND REIMBURSABLE EXPENSES INCURRED RELATED TO PERMIT REVIEW FEES AS REQUIRED BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR THE PROJECTS ENTITLED "FLAGAMI REPORT-FAIRLAWN STORM SEWERS PROJECT, PHASE II, B-5673-A2," "FLAGAMI REPORT-WEST END STORM SEWER PROJECT, PHASE II, PARTS A AND B, B-5673-B2," AND "FLAGAMI REPORT-FLAGAMI STORM SEWER PROJECT, PHASE II, B-5673-C2" LOCATED IN DISTRICTS 1 AND 4; ALLOCATING FUNDS, IN AN AMOUNT NOT TO EXCEED \$68,000, FOR SERVICES AND EXPENSES INCURRED BY THE CITY OF MIAMI FROM CAPITAL IMPROVEMENTS PROGRAM PROJECT NO. 352199 ENTITLED "WEST END STORM SEWERS - PHASE II."

04-00101-cover memo.pdf, 04-00101-memo from CIP.pdf, 04-00101-budgetary impact analysis.pdf, 04-00101-previous legislation.pdf, 04-00101-psa.pdf, 04-00101-exhibits.pdf

**R-04-0105**

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

**Motion that this matter be Adopted PASSED by the following vote.**

**AYES:** Commissioner Winton, Sanchez, Regalado and Teele

**ABSENT:** Commissioner González

**RE.2 04-00092 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, RATIFYING, APPROVING, AND CONFIRMING THE CITY MANAGER'S FINDING OF AN EMERGENCY, WAIVING THE REQUIREMENTS FOR COMPETITIVE SEALED BIDDING PROCEDURES, AND APPROVING THE EMERGENCY EXTENSION OF THE CONTRACT WITH UNISYS CORPORATION ("UNISYS") FOR THE PROVISION OF NETWORK BACKBONE MAINTENANCE SERVICES ON A MONTH-TO-MONTH BASIS FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS OR UNTIL A NEW CONTRACT IS IN PLACE, IN A MONTHLY AMOUNT NOT TO EXCEED \$

26,000, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$156,000; ALLOCATING FUNDS FROM THE DEPARTMENT OF INFORMATION TECHNOLOGY ACCOUNT CODE NO. 001000.460101.6.670, AND FROM THE OPERATING BUDGETS OR CAPITAL IMPROVEMENT BUDGETS OF THE VARIOUS USER DEPARTMENTS, SUBJECT TO INDIVIDUAL DEPARTMENTAL BUDGETARY APPROVAL PRIOR TO USING SAID SERVICES.

04-00092-cover memo.pdf, 04-00092-memo from ITD.pdf, 04-00092-budgetary impact analysis.pdf, 04-00092-contract extension letter.pdf, 04-00092-emergency extension of contract RFP.pdf, 04-00092-exhibit-amendment and extension.pdf

### **R-04-0106**

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

**Motion that this matter be Adopted PASSED by the following vote.**

**AYES:** Commissioner Winton, Sanchez, Regalado and Teele

**ABSENT:** Commissioner González

**RE.3 04-00119**

### **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE BID OF SHORELINE FOUNDATION, INC. ("SHORELINE"), FOR THE PROJECT ENTITLED "BICENTENNIAL PARK SHORELINE STABILIZATION PROJECT," B-3293, IN AN AMOUNT NOT TO EXCEED \$6,957,195.10; ALLOCATING FUNDS FROM CAPITAL IMPROVEMENTS PROJECT NO. 331418, IN THE AMOUNT NOT TO EXCEED \$6,957,195.10, FOR CONTRACT COSTS, PLUS \$251,874.05 FOR ESTIMATED EXPENSES INCURRED BY THE CITY OF MIAMI, FOR A TOTAL PROJECT COST, IN AN AMOUNT NOT TO EXCEED \$7,209,069.15, AS SET FORTH IN BID DOCUMENT AND THE PROJECT FACT SHEET, ATTACHED AND INCORPORATED; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH SHORELINE, FOR SAID PURPOSE; FURTHER AUTHORIZING AN INCREASE IN THE CONTRACT AWARDED TO EDWARDS & KELCEY, INC., PURSUANT TO RESOLUTION NO. 03-256, ADOPTED MARCH 27, 2003, FOR THE DESIGN OF BICENTENNIAL PARK SHORELINE STABILIZATION - PHASE II, PROJECT B-30290 ("PROJECT"), IN AN AMOUNT NOT TO EXCEED \$238,101, INCREASING THE CONTRACT AMOUNT FROM \$378,407 TO \$616,508, FOR ADDITIONAL PROFESSIONAL SERVICES REQUIRED FOR THE PROJECT; AND AMENDING RESOLUTION NO. 03-256 TO REFLECT SAID INCREASE.

04-00119-cover memo.pdf, 04-00119-budgetary impact analysis.pdf, 04-00119-exhibit 1-contract.pdf, 04-00119-exhibit 2-tabulation sheets.pdf, 04-00119-exhibit 3-project fact sheet.pdf

### **R-04-0107**

**MOVED:** Johnny L. Winton

**SECONDED:** Tomas Regalado

**Motion that this matter be Adopted PASSED by the following vote.**

**AYES:** Commissioner Winton, Sanchez, Regalado and Teele

**ABSENT:** Commissioner González

**BOARDS AND COMMITTEES****BC.1 04-00084 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING AN INDIVIDUAL AS A MEMBER OF THE OVERSIGHT COMMITTEE FOR THE SEOPW AND OMNI REDEVELOPMENT DISTRICT CRAs FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE:                      NOMINATED BY:  
Leonard Turkel                      Commissioner Johnny Winton

04-00084-MEMO-1.doc, 04-00084-members-2.doc

**R-04-0131**

**MOVED:**              Johnny L. Winton

**SECONDED:**      Joe Sanchez

**Motion that this matter be Adopted PASSED by the following vote.**

**AYES:**              Commissioner González, Winton, Sanchez and Teele

**ABSENT:**              Commissioner Regalado

**A motion was made by Commissioner Winton, seconded by Vice Chairman Sanchez, and was passed unanimously, with Commissioner Regalado absent, to appoint Leonard Turkel to the Oversight Committee for the SEOPW and OMNI Redevelopment District Community Redevelopment Agencies (CRAs).**

**DISCUSSION ITEMS****DI.1 03-0357****DISCUSSION ITEM**

DISCUSSION AND APPROVAL OF THE FEDERAL LEGISLATIVE AGENDA.

03-0357- cover page.pdf

**Withdrawn**

**A motion was made by Commissioner Winton, seconded by Vice Chairman Sanchez, and passed unanimously, with Commissioner González absent, to WITHDRAW item DI.1.**

**DI.2 04-00114****DISCUSSION ITEM**

PURSUANT TO THE DIRECTIVE FROM THE CITY COMMISSION ON JANUARY 22, 2004, THE NEIGHBORHOOD ENHANCEMENT TEAM (NET) WILL BE MAKING A FULL PRESENTATION IN CONNECTION WITH ITS MISSION INCLUDING PHYSICAL FACILITIES, SCOPE OF SERVICES, THE ROLE, ETC.

04-00114-cover memo.pdf, 04-00114-powerpoint presentation.pdf

**Deferred**

**A motion was made by Commissioner Winton, seconded by Commissioner Regalado, and passed unanimously, to DEFER consideration of item DI.2 to 10 a.m. at the Commission meeting currently scheduled for March 11, 2004.**

**DI.3 04-00125****DISCUSSION ITEM**

REPORT CONCERNING CODE ENFORCEMENT OF CURRENT VIOLATIONS BY INDIVIDUALS USING THE PUBLIC RIGHT-OF-WAY IN THE LITTLE HAITI AREA FOR CAR REPAIRS AND THE LIKE.

04-00125-cover memo.pdf

**Discussed**

**Direction to the City Manager: by Chairman Teele to develop an educational campaign in the Little Haiti neighborhood in English and Creole to inform residents of the Code regulations pertaining to the repair of automobiles in public right of way; further directing the Manager to use maximum care to avoid the perception that the City is using law enforcement or Code enforcement to induce individuals to sell their property to the City. Chairman Teele further directed the City Attorney to draft a resolution to toll enforcement of Code violations on properties that the City is negotiating to acquire.**

**DI.4 04-00186****DISCUSSION ITEM**

DISCUSSION TO REPORT FUNDING FOR CITY SERVICES AND ACTIVITIES FOR THE ANNUAL MARTIN LUTHER KING, JR. EVENT AND RECOMMENDATION ON ANY ACTIVITIES RELATED TO SAID EVENT.

04-00186-cover memo.pdf

**Withdrawn**

**A motion was made by Commissioner Winton, seconded by Vice Chairman Sanchez, and passed unanimously, with Commissioner Gonzalez absent, to WITHDRAW item DI.4.**

**EXECUTIVE SESSIONS**

Present: Commissioner González, Commissioner Winton, Vice Chairman Sanchez, Commissioner Regalado and Chairman Teele

**2:45 P.M.**

**ES.1 04-00072 EXECUTIVE SESSION**

UNDER F. S. 286.011(8) [2003], THE PERSON CHAIRING THIS MEETING OF THE CITY OF MIAMI COMMISSION MEETING WILL ANNOUNCE IMMEDIATELY AFTER THE CITY COMMISSION CONVENES, THE COMMENCEMENT OF AN ATTORNEY-CLIENT SESSION, CLOSED TO THE PUBLIC, FOR PURPOSES OF DISCUSSING PENDING LITIGATION: MARK'S CLASSIC CORPORATION, RICHARD AND SUNNY MANAGAN, ET AL. VS. CITY OF MIAMI. THE SESSION, WHICH WILL BE THE FIRST OF TWO CLOSED DOOR ATTORNEY-CLIENT SESSIONS SCHEDULED FOR THIS DATE ON VARIOUS CASES, WILL BEGIN AT APPROXIMATELY 2:45 P.M., AT CITY HALL, IN COMMISSIONER ANGEL GONZÁLEZ'S CONFERENCE ROOM, 3500 PAN AMERICAN DRIVE, MIAMI, FLORIDA, AND CONCLUDE AT APPROXIMATELY 3:00 P. M. THE SESSION WILL BE ATTENDED BY THE MEMBERS OF THE CITY COMMISSION, ANGEL GONZÁLEZ, JOE SANCHEZ, TOMAS REGALADO, JOHNNY L. WINTON, AND ARTHUR E. TEELE, JR.; THE CITY MANAGER, JOE ARRIOLA; THE CITY ATTORNEY, ALEJANDRO VILARELLO, DEPUTY CITY ATTORNEY, JOEL E. MAXWELL AND ATTORNEYS PARKER THOMSON, CAROL LICKO AND LAURIE PIECHURA FROM THE LAW FIRM OF HOGAN AND HARTSON, LLP, COUNSEL FOR THE CITY. A CERTIFIED COURT REPORTER WILL BE PRESENT TO ENSURE THAT THE SESSIONS ARE FULLY TRANSCRIBED AND THE TRANSCRIPT WILL BE MADE PUBLIC UPON THE CONCLUSION OF THE LITIGATION. AT THE CONCLUSION OF THE SESSION, THE CITY COMMISSION MEETING WILL BE REOPENED AND THE PERSON CHAIRING THE COMMISSION MEETING WILL ANNOUNCE THE TERMINATION OF THE SESSION. SAID COMMISSION MEETING WILL CONVENE AT CITY HALL, CITY COMMISSION CHAMBER, 3500 PAN AMERICAN DRIVE, MIAMI, FLORIDA.

04-00072-cover page.pdf, 04-00072-public notice.pdf

A motion was made by Commissioner Winton, seconded by Commissioner González, and passed unanimously, to DEFER consideration of item ES.1 to the Commission meeting currently scheduled for March 11, 2004 at 2:45 p.m.

**3:15 P.M.**

**ES.2 04-00071 EXECUTIVE SESSION**

UNDER F. S. 286.011(8) [2003], THE PERSON CHAIRING THIS MEETING OF THE CITY OF MIAMI COMMISSION MEETING WILL ANNOUNCE IMMEDIATELY AFTER THE CITY COMMISSION CONVENES, THE COMMENCEMENT OF AN ATTORNEY-CLIENT SESSION, CLOSED TO THE PUBLIC, FOR PURPOSES OF DISCUSSING PENDING LITIGATION: NATIONAL ADVERTISING CO. VS. CITY OF MIAMI. THE SESSION,

WHICH WILL BE THE SECOND OF TWO CLOSED DOOR ATTORNEY-CLIENT SESSIONS SCHEDULED FOR THIS DATE ON VARIOUS CASES, WILL BEGIN AT APPROXIMATELY 3:00 P.M., OR AS SOON THEREAFTER, AT CITY HALL, IN COMMISSIONER ANGEL GONZÁLEZ'S CONFERENCE ROOM, 3500 PAN AMERICAN DRIVE, MIAMI, FLORIDA, AND CONCLUDE AT APPROXIMATELY 3:30 P.M. THE SESSION WILL BE ATTENDED BY THE MEMBERS OF THE CITY COMMISSION, ANGEL GONZÁLEZ, JOE SANCHEZ, TOMAS REGALADO, JOHNNY L. WINTON, AND ARTHUR E. TEELE, JR.; THE CITY MANAGER, JOE ARRIOLA; THE CITY ATTORNEY, ALEJANDRO VILARELLO, DEPUTY CITY ATTORNEY, JOEL E. MAXWELL AND ATTORNEYS PARKER THOMSON, CAROL LICKO AND LAURIE PIECHURA FROM THE LAW FIRM OF HOGAN AND HARTSON, LLP, COUNSEL FOR THE CITY. 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 LITIGATION. AT THE CONCLUSION OF THE SESSION, THE CITY COMMISSION MEETING WILL BE REOPENED AND THE PERSON CHAIRING THE COMMISSION MEETING WILL ANNOUNCE THE TERMINATION OF THE SESSION. SAID COMMISSION MEETING WILL CONVENE AT CITY HALL, CITY COMMISSION CHAMBER, 3500 PAN AMERICAN DRIVE, MIAMI, FLORIDA

04-00071-cover page.pdf, 04-00071-public notice.pdf

**A motion was made by Commissioner Winton, seconded by Commissioner González, and passed unanimously, to DEFER consideration of item ES.2 to the Commission meeting currently scheduled for March 11, 2004 at 3 p.m.**

**PART B**

The following items shall not be considered before 3:00 pm.

**PZ.1 04-00079 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, APPROVING WITH CONDITIONS, A MAJOR USE SPECIAL PERMIT PURSUANT TO ARTICLES 13 AND 17 OF ZONING ORDINANCE NO. 11000, FOR **COLUMBUS OFFICE TOWER PROJECT**, TO BE LOCATED AT APPROXIMATELY 50 NORTH BISCAYNE BOULEVARD, MIAMI, FLORIDA, TO BE COMPRISED OF A 38-STORY MIXED-USE BUILDING, WHICH CONSISTS OF 661,593 SQUARE FEET OF OFFICE SPACE, 29,508 SQUARE FEET OF RETAIL SPACE, AND A PARKING GARAGE CONSISTING OF 1,260 TOTAL PARKING SPACES; DIRECTING TRANSMITTAL; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: Major Use Special Permit for the Columbus Office Tower Project

LOCATION: Approximately 50 N Biscayne Boulevard

APPLICANT(S): Miami Columbus, Inc, Owner and Cousins Properties Inc, Contract Purchaser

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions\*.

PLANNING ADVISORY BOARD: Recommended approval with conditions\* to City Commission on January 21, 2004 by a vote of 8-0.

\*See supporting documentation.

PURPOSE: This will allow a mixed-use office-commercial development.

04-00079 Fact Sheet.PDF, 04-00079 Analysis.PDF, 04-00079 Zoning Map. PDF, 04-00079 Aerial Map.pdf, 04-00079 PAB Reso.PDF, 04-00079 Application & Supp Docs.PDF, 04-00079 Plans.PDF, 04-00079 Legislation. PDF, 04-00079 Exhibit A.PDF, 04-00079 Exhibit B.PDF, 04-00079 Exhibit C. PDF

**R-04-0111**

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

**UNANIMOUS**

Motion that this matter be Adopted with Modifications PASSED by the following vote.

AYES: Commissioner González, Winton, Sanchez, Regalado and Teele

PZ.2 03-0414b

**ORDINANCE**

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 42 OF THE ZONING ATLAS OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, BY CHANGING THE ZONING CLASSIFICATION FROM R-2 TWO-FAMILY RESIDENTIAL TO C-1 RESTRICTED COMMERCIAL, FOR THE PROPERTY LOCATED AT APPROXIMATELY 2701 SOUTHWEST 27TH COURT, MIAMI, FLORIDA, LEGALLY DESCRIBED IN ATTACHED "EXHIBIT A;" CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from R-2 Two-Family Residential to C-1 Restricted Commercial to Change the Zoning Atlas

LOCATION: Approximately 2701 SW 27th Court

APPLICANT(S): G.B. Real Estate Ventures, LLC

APPLICANT(S) AGENT: Ben Fernandez, Esquire

**FINDINGS:**

PLANNING AND ZONING DEPARTMENT: Recommended approval.

ZONING BOARD: Recommended approval to City Commission on November 24, 2003 by a vote of 9-0. See companion File IDs 03-0414 and 03-0414a.

PURPOSE: This will allow a unified commercial development site for the proposed **Tower Twenty Seven** Major Use Special Permit Project.

03-0414b SR Fact Sheet.PDF, 03-0414b Analysis.PDF, 03-0414b Zoning Map.PDF, 03-0414b Aerial Map.pdf, 03-0414b ZB Reso.PDF, 03-0414b Application & Supp Docs.PDF, 03-0414b SR Legislation.PDF, 03-0414b Exhibit A.PDF, 03-0414b FR Fact Sheet.PDF, 03-0414b FR Legislation.PDF

**12489**

MOVED: Johnny L. Winton

SECONDED: Joe Sanchez

**UNANIMOUS**

Motion that this matter be Adopted PASSED by the following vote.

AYES: Commissioner González, Winton, Sanchez, Regalado and Teele

**PZ.3 03-0414a RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), CLOSING, VACATING, ABANDONING AND DISCONTINUING FOR PUBLIC USE THAT PORTION OF A PUBLIC RIGHT-OF-WAY, BEING THE PORTIONS OF ALLEYS LOCATED ALONG THE SOUTH SIDE OF SOUTHWEST 27TH STREET BETWEEN SOUTHWEST 27TH AVENUE AND SOUTHWEST 27TH COURT, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" (HEREBY ATTACHED).

REQUEST: Official Vacation and Closure of Alleys

LOCATION: Portions of Alleys Along the South Side of SW 27th Street Between SW 27th Avenue and SW 27th Court

APPLICANT(S): G.B. Real Estate Ventures, LLC

APPLICANT(S) AGENT: Ben Fernandez, Esquire

**FINDINGS:**

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PUBLIC WORKS DEPARTMENT: See supporting documentation.

PLAT & STREET COMMITTEE: See supporting documentation.

ZONING BOARD: Recommended approval to City Commission on November 24, 2003 by a vote of 8-1. See companion File IDs 03-0414 and 03-0414b.

PURPOSE: This will allow a unified development site for the proposed **Tower Twenty Seven** Major Use Special Permit Project.

03-0414a Fact Sheet.PDF, 03-0414a Public Works Analysis.PDF, 03-0414a PZ Analysis.PDF, 03-0414a Zoning Map.PDF, 03-0414a Aerial Map.pdf, 03-0414a ZB Reso.PDF, 03-0414a Application & Supp Docs.PDF, 03-0414a Legislation.PDF, 03-0414a Exhibit A.PDF

**R-04-0112**

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

**UNANIMOUS**

**Motion that this matter be Adopted PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

**PZ.4 03-0414 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, APPROVING WITH CONDITIONS, A MAJOR USE SPECIAL PERMIT PURSUANT TO ARTICLES 5, 9, 13, AND 17 OF ZONING ORDINANCE NO. 11000, FOR THE **TOWER TWENTY SEVEN**

**PROJECT**, TO BE LOCATED AT APPROXIMATELY 2700, 2730, 2742, 2744, 2746 SOUTHWEST 27TH AVENUE, AND 2701 SOUTHWEST 27TH COURT, MIAMI, FLORIDA, TO BE COMPRISED OF 181 MULTIFAMILY RESIDENTIAL UNITS, 6,400 SQUARE FEET OF RETAIL SPACE, AND APPROXIMATELY 307 TOTAL PARKING SPACES; DIRECTING TRANSMITTAL; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: Major Use Special Permit for the Tower Twenty Seven Project

LOCATION: Approximately 2700, 2730, 2742, 2744, 2746 SW 27th Avenue and 2701 SW 27th Court

APPLICANT(S): GB Real Estate Ventures, LLC

APPLICANT(S) AGENT: Ben Fernandez, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions\*.

PLANNING ADVISORY BOARD: Recommended approval with conditions\* to City Commission on December 17, 2003 by a vote of 6-0.

ZONING BOARD: Recommended approval of the variance to City Commission on November 24, 2003 by a vote of 9-0. See companion File IDs 03-0414a and 03-0414b.

\*See supporting documentation.

PURPOSE: This will allow a mixed-use multifamily residential development.

03-0414 MUSP Fact Sheet.PDF, 03-0414 MUSP Analysis.PDF, 03-0414 Zoning Map.PDF, 03-0414 Aerial Map.pdf, 03-0414 MUSP PAB Reso.PDF, 03-0414 MUSP Application & Supp Docs.PDF, 03-0414 Variance Fact Sheet.PDF, 03-0414 Variance Analysis.PDF, 03-0414 Variance ZB Reso.PDF, 03-0414 Variance Application & Docs.PDF, 03-0414 Plans.PDF, 03-0414 Legislation.PDF, 03-0414 Exhibit A.pdf, 03-0414 Exhibit B.PDF, 03-0414 Exhibit C.PDF

### **R-04-0113**

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

**UNANIMOUS**

**Motion that this matter be Adopted PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

**A motion made by Commissioner Regalado, seconded by Commissioner Winton, and passed unanimously, instructing the City Manager to develop a plan for alleyway adjacent to S.W. 27 Avenue and 27 Court.**

**PZ.5 03-0380 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), DENYING OR GRANTING THE APPEAL BY THE TOWER RESIDENCES CONDO ASSOCIATION, JEFF STEWART AND RESIDENTS OF THE RITZ CARLTON CONDOMINIUM, AFFIRMING OR REVERSING THE DECISION OF THE PLANNING AND ZONING DIRECTOR ISSUED ON SEPTEMBER 11, 2003, THEREBY APPROVING WITH CONDITIONS OR DENYING THE CLASS II SPECIAL PERMIT NO. 03-0009, TO ALLOW NEW CONSTRUCTION OF A TOWER AT THE GRAND BAY HOTEL FOR THE PROPERTY LOCATED AT APPROXIMATELY 2675 SOUTH BAYSHORE DRIVE, MIAMI, FLORIDA, LEGALLY DESCRIBED IN ATTACHED "EXHIBIT A."

REQUEST: Appeal of a Zoning Board Decision of a Class II Special Permit Appeal for a New Construction of a Tower

LOCATION: Approximately 2675 S Bayshore Drive

APPELLANT(S): Tower Residences Condo Association, Jeff Stewart (Resident of the Ritz Carlton Condominium) and Other Residents of the Condominium at 3400 SW 27th Avenue

APPELLANT(S) AGENT: Anthony J. O'Donnell, Jr., Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial of the appeal and uphold the director's decision.

ZONING BOARD: Denied the Class II Special Permit appeal on November 3, 2003 by a vote of 6-0.

PURPOSE: The approval of this appeal will not allow a new construction of a tower at the Grand Bay Hotel.

03-0380 Fact Sheet.PDF, 03-0380 Appeal Letter to CC.PDF, 03-0380 ZB Reso .PDF, 03-0380 E-mail to Appellant.PDF, 03-0380 Code Enforcement Violations .PDF, 03-0380 Appeal Letter to ZB.PDF, 03-0380 Class II Special Permit.PDF, 03-0380 UDRB Reso.PDF, 03-0380 Misc Letters.PDF, 03-0380 Class II Referral.PDF, 03-0380 Letter from Applicant & Misc Docs.PDF, 03-0380 Misc Docs.PDF, 03-0380 Warranty Deeds.PDF, 03-0380 Legislation A.PDF, 03-0380 Exhibit A.PDF, 03-0380 Legislation B.PDF, 03-0380 Exhibit A.PDF, 03-0380 - conflict.pdf

**Continued**

**A motion was made by Commissioner Winton, seconded by Commissioner Regalado, and passed unanimously, with Vice Chairman Sanchez absent, to CONTINUE consideration of PZ.5 to the Commission meeting currently scheduled for March 25, 2004; further requesting that the City Attorney provide a written legal opinion regarding assessor's use and calculation of parking as it relates to the application for this project and calculation with respect to the floor area ratio (FAR).**

**PZ.6 03-0188 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), GRANTING OR DENYING THE APPEAL FILED BY RIVERHOUSE PIER I LIMITED ("APPELLANTS"), AND REVERSING OR AFFIRMING A DECISION OF THE HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD ("HEPB"), WHICH DESIGNATED EAST COAST FISHERIES LOCATED AT 40 SOUTHWEST NORTH RIVER DRIVE AS A HISTORIC SITE.

REQUEST: Appeal of a Historic and Environmental Preservation Board Decision of a Historic Designation

LOCATION: Approximately 40 SW North River Drive

APPLICANT(S): Planning and Zoning Department

APPELLANT(S): RiverHouse Pier I Limited

APPELLANT(S) AGENT: Jena E. Rissman, Esquire

**FINDINGS:**

PLANNING AND ZONING DEPARTMENT: Recommended denial of the appeal and uphold the decision of the Historic and Environmental Preservation Board.

HISTORIC & ENVIRONMENTAL PRESERVATION BOARD: Approved the designation on September 16, 2003 by a vote of 9-0.

PURPOSE: The approval of this appeal will not result in the historic designation of this property.

03-0188 Fact Sheet.PDF, 03-0188 Appeal Letter.PDF, 03-0188 HEPB Reso. PDF, 03-0188 Class II Special Permit.PDF, 03-0188 Designation Report.PDF, 03-0188 Q&A Historic Designation.PDF, 03-0188 Legislation a.PDF, 03-0188 Exhibit A Fact Sheet.PDF, 03-0188 Exhibit B HEPB Reso.PDF, 03-0188 Legislation b.PDF, 03-0188 Exhibit A Fact Sheet.PDF, 03-0188 Exhibit B HEPB Reso.PDF, 03-0188 Exhibit C Designation Report.PDF

**Continued**

A motion was made by Commissioner Winton, seconded by Commissioner González, and passed unanimously, to CONTINUE consideration of PZ.6 to the Commission meeting currently scheduled for May 27, 2004.

**PZ.7 03-0386 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), DENYING OR GRANTING THE APPEAL, AFFIRMING OR REVERSING THE DECISION OF THE ZONING BOARD, THEREBY DENYING OR GRANTING A VARIANCE FROM ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, TO ALLOW A FRONT YARD SETBACK OF 5'0" (20'0" REQUIRED) FOR A

SINGLE FAMILY RESIDENCE FOR THE PROPERTY LOCATED AT APPROXIMATELY 1840 MICANOPY AVENUE, MIAMI, FLORIDA, LEGALLY DESCRIBED IN ATTACHED "EXHIBIT A."

REQUEST: Appeal of a Zoning Board Decision of a Variance to Allow a Front Yard Setback

LOCATION: Approximately 1840 Micanopy Avenue

APPLICANT(S): Jose R. Bochetti, on behalf of Groveland, LLC

APPELLANT(S): Jose R. Bochetti, on behalf of Groveland, LLC

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions\* of the variance and approval with conditions\* of the appeal.

ZONING BOARD: Denied the variance on November 24, 2003 by a vote of 9 -0.

\*See supporting documentation.

PURPOSE: The approval of this appeal will allow a single family residence with less front setback than required.

03-0386 Appeal Letter.PDF, 03-0386 Fact Sheet.PDF, 03-0386 Analysis.PDF, 03-0386 Zoning Map.PDF, 03-0386 Aerial Map.pdf, 03-0386 ZB Reso.PDF, 03-0386 Application & Supp Docs.PDF, 03-0386 Plans.PDF, 03-0386 Legislation A.PDF, 03-0386 Exhibit A.PDF, 03-0386 Legislation B.PDF, 03-0386 Exhibit A .PDF

### **R-04-0123**

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

**Motion that this matter be Adopted with Modifications PASSED by the following vote.**

**AYES:** Commissioner Winton, Sanchez and Teele

**ABSENT:** Commissioner González and Regalado

**APPEAL GRANTED, ZONING BOARD DECISION REVERSED**

**PZ.8 04-00078**

### **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), DENYING OR GRANTING THE APPEAL, AFFIRMING OR REVERSING THE DECISION OF THE ZONING BOARD, THEREBY DENYING OR GRANTING A VARIANCE FROM ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, REQUIRED SIDE STREET YARD, TO ALLOW A SIDE STREET YARD

SETBACK OF 10'0" (15'0" REQUIRED) FOR THE PROPERTY LOCATED AT APPROXIMATELY 3689 LOQUAT AVENUE, MIAMI, FLORIDA, LEGALLY DESCRIBED IN ATTACHED "EXHIBIT A."

REQUEST: Appeal of a Zoning Board Decision of a Variance to Allow a Side Street Yard Setback

LOCATION: Approximately 3689 Loquat Avenue

APPLICANT(S): Attica Properties, LLC

APPLICANT(S) AGENT: Karim O. Bayzid, Manager

APPELLANT(S): Glenn Terry and Other Neighboring Property Owners

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval of the variance and denial of the appeal.

ZONING BOARD: Granted the variance on December 15, 2003 by a vote of 8-1.

PURPOSE: The approval of this appeal will not allow a street side yard setback.

04-00078 Fact Sheet.PDF, 04-00078 Appeal Letters.PDF, 04-00078 Appellant Case Summary.PDF, 04-00078 Analysis.PDF, 04-00078 Zoning Map.PDF, 04-00078 Aerial Map.PDF, 04-00078 ZB Reso.PDF, 04-00078 Application & Supp Docs.PDF, 04-00078 Plans.PDF, 04-00078 Legislation A.PDF, 04-00078 Exhibit A.PDF, 04-00078 Legislation B.PDF, 04-00078 Exhibit A.PDF

### **R-04-0122**

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

**UNANIMOUS**

**Motion that this matter be Adopted PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

**APPEAL DENIED, ZONING BOARD AFFIRMED, VARIANCE GRANTED.**

**PZ.9 04-00077**

### **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING OR DENYING THE APPEAL, REVERSING OR AFFIRMING THE DECISION OF THE ZONING BOARD, THEREBY GRANTING OR DENYING A SPECIAL EXCEPTION FROM ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, TO ALLOW A DAYCARE OF 7500 SQUARE FEET OR MORE GROSS LOT, WITH A MAXIMUM OF 51 CHILDREN IN THE R-1 RESIDENTIAL ZONING DISTRICT FOR THE PROPERTY LOCATED AT

APPROXIMATELY 3675 NW 11TH STREET, MIAMI, FLORIDA,  
PERSUANLEGALLY DESCRIBED IN ATTACHED "EXHIBIT A,"  
PURSUANT TO PLANS ON FILE AND SUBJECT FURTHER TO A TIME  
LIMITATION OF TWELVE (12) MONTHS IN WHICH A BUILDING PERMIT  
MUST BE OBTAINED.

REQUEST: Appeal of a Zoning Board Decision of a Special Exception to  
Allow a Daycare

LOCATION: Approximately 3675 NW 11th Street

APPLICANT(S): Yaima Crespo, Owner

APPELLANT(S): Yaima Crespo, Owner

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial of the  
special exception and denial of the appeal.

ZONING BOARD: Denied the special exception on December 15, 2003 by a  
vote of 6-3.

PURPOSE: The approval of this appeal will allow a daycare with a maximum  
of 51 children.

04-00077 Fact Sheet.PDF, 04-00077 Appeal Letter.PDF, 04-00077 Analysis.  
PDF, 04-00077 Zoning Map.PDF, 04-00077 Aerial Map.pdf, 04-00077 ZB  
Reso.PDF, 04-00077 Application & Supp Docs.PDF, 04-00077 Plans.PDF, 04-  
00077 Legislation A.PDF, 04-00077 Exhibit A.PDF, 04-00077 Legislation B.  
PDF, 04-00077 Exhibit A.PDF

Continued

A motion was made by Commissioner Winton, seconded by Vice Chairman Sanchez, and  
passed unanimously, to CONTINUE item PZ.9 to the Commission meeting currently  
scheduled for March 25, 2004; further stipulating that said item be scheduled as PZ.1.

**PZ.10 03-0417**

**ORDINANCE**

**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, AMENDING  
ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF  
THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 6 IN ORDER TO  
AMEND SECTION 601 TO ADD A NEW SPECIAL SUB-DISTRICT  
ENTITLED SD-1.1 KING HEIGHTS ORCHARD VILLA SPECIAL DISTRICT,  
ADDING AN INTENT STATEMENT AND CREATING SPECIAL DISTRICT  
REQUIREMENTS.

REQUEST: To Amend Ordinance No. 11000 Text

APPLICANT(S): Joe Arriola, Chief Administrator

**FINDINGS:**

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on December 17, 2003 by a vote of 6-0. See companion File ID 03-0417a.

PURPOSE: This will add a new special sub-district entitled SD-1.1 King Heights Orchard Villa Special District.

03-0417 SR Fact Sheet.PDF, 03-0417 PAB Reso.PDF, 03-0417 & 03-0417a MCTB Reso.PDF, 03-0417 SR Legislation.PDF, 03-0417 FR Fact Sheet.PDF, 03-0417 FR Legislation DRAFT.PDF

**12494**

**MOVED:** Johnny L. Winton

**SECONDED:** Angel González

**UNANIMOUS**

Motion that this matter be Adopted **PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

**PZ.11 03-0417a**

**ORDINANCE**

**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, AMENDING PAGE NO. 12 OF THE ZONING ATLAS OF ZONING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING THE ZONING CLASSIFICATION FOR ONLY THOSE PROPERTIES THAT ARE CURRENTLY ZONED R-3 AND GENERALLY BOUNDED BY NORTHWEST 62ND STREET TO THE NORTH, NORTHWEST 17TH AVENUE TO THE WEST, NORTHWEST 12TH AVENUE TO THE EAST, INCLUDING THOSE PROPERTIES FRONTING ON 12TH AVENUE, AND ON NORTHWEST 58 TH STREET TO THE SOUTH, MIAMI, FLORIDA, (EXCLUDING ALL R-2 ZONED PROPERTIES WITHIN THIS AREA) FROM "R-3" MULTIFAMILY MEDIUM DENSITY RESIDENTIAL TO "SD-1.1" KING HEIGHTS ORCHARD VILLA SPECIAL DISTRICT; MAKING FINDINGS; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from R-3 Multifamily Medium-Density Residential to SD-1.1 King Heights Orchard Villa Special District to Change the Zoning Atlas

LOCATION: Approximately NW 62nd Street to the North, NW 17th Avenue to the West, NW 12th Avenue to the East, Including Those Properties Fronting on 12th Avenue, and on NW 58th Street to the South (Excluding All R-2 Zoned Properties Within This Area)

APPLICANT(S): Planning and Zoning Department

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on December 17, 2003 by a vote of 6-0. See companion File ID 03-0417.

PURPOSE: This will add a new special sub-district entitled SD-1.1 King Heights Orchard Villa Special District to those properties listed above.

03-0417a SR Fact Sheet.PDF, 03-0417a Analysis.PDF, 03-0417a Zoning Map.PDF, 03-0417a Aerial Map.pdf, 03-0417a PAB Reso.PDF, 03-0417 & 03-0417 a MCTB Reso.PDF, 03-0417a SR Legislation.PDF, 03-0417a Exhibit A.PDF, 03-0417a FR Fact Sheet.PDF, 03-0417a FR Legislation DRAFT.PDF

**12495**

MOVED: Angel González

SECONDED: Johnny L. Winton

**UNANIMOUS**

Motion that this matter be Adopted PASSED by the following vote.

AYES: Commissioner González, Winton, Sanchez, Regalado and Teele

**PZ.12 03-0419**

**ORDINANCE**

**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING PAGE NO. 25 OF THE ZONING ATLAS OF ZONING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY CHANGING THE ZONING CLASSIFICATION FROM PR PARKS AND RECREATION TO R-3 MULTIFAMILY MEDIUM DENSITY RESIDENTIAL, FOR THE PROPERTY LOCATED AT APPROXIMATELY 1390 NORTHWEST 24TH AVENUE, MIAMI, FLORIDA, MAKING FINDINGS; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from PR Parks and Recreation to R-3 Multifamily Medium Density Residential to Change the Zoning Atlas

LOCATION: Approximately 1390 NW 24th Avenue

APPLICANT(S): Planning and Zoning Department

**FINDINGS:**

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended denial to City Commission on December 17, 2003 by a vote of 5-1.

PURPOSE: This will allow a unified residential development site.

03-0419 SR Fact Sheet.PDF, 03-0419 Analysis.PDF, 03-0419 Zoning Map.PDF, 03-0419 Aerial Map.pdf, 03-0419 PAB Resos.PDF, 03-0419 SR Legislation.PDF, 03-0419 FR Fact Sheet.PDF, 03-0419 FR Legislation DRAFT.PDF

**12490**

**MOVED:** Angel González

**SECONDED:** Johnny L. Winton

**UNANIMOUS**

**Motion that this matter be Adopted PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

**PZ.13 04-00002**

**ORDINANCE**

**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 23 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "HISTORIC PRESERVATION" TO RETAIN JURISDICTION OVER ARCHEOLOGICAL ZONES AND SITES WITHIN THE CITY; TO CLARIFY OR AMEND CERTAIN DEFINITIONS; TO PROVIDE FOR AN INTERIM PROTECTION MEASURE THAT WOULD PRESERVE A PROPERTY PROPOSED FOR DESIGNATION FOR A PERIOD OF TIME NOT TO EXCEED ONE HUNDRED TWENTY DAYS; FURTHER CLARIFYING CRITERIA FOR CERTIFICATES OF APPROPRIATENESS; ADJUSTING THE MAILED NOTICE OF PUBLIC HEARINGS TO OWNER; PROVIDING THAT SPECIAL CERTIFICATE OF APPROPRIATENESS DECISIONS MADE BY THE BOARD IN MAJOR USE SPECIAL PERMITS ARE ADVISORY TO THE CITY COMMISSION; ALLOWING THE PRESERVATION OFFICER THE ABILITY TO GRANT AN EXTENSION OF TIME FOR A CERTIFICATE OF APPROPRIATENESS; AND MODIFYING THE FEE TO APPEAL A BOARD DECISION; CHANGING THE CODE REFERENCES FOR UNSAFE STRUCTURES; MORE PARTICULARLY BY AMENDING SECTIONS 23-1 THROUGH 23-6; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Chapter 23 of the Miami City Code

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PURPOSE: This will enable the City to retain jurisdiction over archeological zones, provide for an interim protection measure for properties proposed for designation, and enact certain "housekeeping" measures.

NOTES: This is a companion to File ID 04-00002a.

04-00002 SR Fact Sheet.PDF, 04-00002 SR Legislation.PDF, 04-00002 - submission house pix-1.pdf, 04-00002 FR Fact Sheet.PDF, 04-00002 FR Legislation.PDF

**12496**

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

**UNANIMOUS**

**Motion that this matter be Adopted PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

**PZ.14 04-00002a**

**ORDINANCE**

**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 62, ARTICLE VII OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD" BY PROVIDING THAT THE BOARD MAY INCLUDE PALEONTOLOGICAL SITES ON A HISTORIC SURVEY, AND THAT PERSONNEL ASSIGNED TO THE BOARD WILL INCLUDE AN ARCHEOLOGICAL STAFF MEMBER OR CONSULTANT AND CORRECTING NAME OF PLANNING AND ZONING DEPARTMENT; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Chapter 62 of the Miami City Code

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PURPOSE: This will provide for an archeological staff member or consultant to assist the City to add paleontological sites to historic surveys, and to enact certain "housekeeping" measures.

NOTES: This is a companion to File ID 04-00002.

04-00002a SR Fact Sheet.PDF, 04-00002a SR Legislation.PDF, 04-00002a FR Fact Sheet.PDF, 04-00002a FR Legislation.PDF

**12497**

**MOVED:** Johnny L. Winton

**SECONDED:** Angel González

**UNANIMOUS**

Motion that this matter be Adopted **PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

**PZ.15 03-0423a**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN BY CHANGING THE LAND USE DESIGNATION OF THE PROPERTIES LOCATED AT APPROXIMATELY 3163, 3165 AND 3175 SOUTHWEST 22 ND TERRACE, MIAMI, FLORIDA, FROM "DUPLEX RESIDENTIAL" TO "RESTRICTED COMMERCIAL;" MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 10544, from "Duplex Residential" to "Restricted Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 3163, 3165 and 3175 SW 22nd Terrace

APPLICANT(S): Blue on Coral Way, LLC

APPLICANT(S) AGENT: Adrienne F. Pardo, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on January 21, 2004 by a vote of 8-0. See companion File ID 03-0423b.

PURPOSE: This will allow a unified commercial development site for the proposed **Blue at Coral Way** Major Use Special Permit Project.

03-0423a FR Fact Sheet.PDF, 03-0423a Analysis.PDF, 03-0423a Land Use Map.PDF, 03-0423a & 03-0423b Aerial Map.pdf, 03-0423a & 03-0423b School Bd Recomm.PDF, 03-0423a PAB Reso.PDF, 03-0423a Application & Supp Docs.PDF, 03-0423a FR Legislation.PDF

Continued

A motion was made by Commissioner Regalado, seconded by Commissioner González, and was passed unanimously, to CONTINUE item PZ.15 to the Commission meeting currently scheduled for March 11, 2004.

Note for the Record: Commissioner Regalado stated that he does not want to hear this item until he gets all the information from the City and the Developer on a similar project located two block away on approximately SW 22nd Terrace and 29th Street, wherein the street has not been fixed and there is a breach of covenant.

PZ.16 03-0423b

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 42 OF THE ZONING ATLAS OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, BY CHANGING THE ZONING CLASSIFICATION FROM R-2 TWO-FAMILY RESIDENTIAL TO C-1 RESTRICTED COMMERCIAL FOR THE PROPERTIES LOCATED AT APPROXIMATELY 3163, 3165 AND 3175 SOUTHWEST 22ND TERRACE, MIAMI, FLORIDA, LEGALLY DESCRIBED IN ATTACHED "EXHIBIT A;" CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from R-2 Two-Family Residential to C-1 Restricted Commercial to Change the Zoning Atlas

LOCATION: Approximately 3163, 3165 and 3175 SW 22nd Terrace

APPLICANT(S): Blue on Coral Way, LLC

APPLICANT(S) AGENT: Adrienne F. Pardo, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

ZONING BOARD: Recommended approval to City Commission on December 15, 2003 by a vote of 8-0. See companion File ID 03-0423a.

PURPOSE: This will allow a unified commercial development site for the proposed **Blue at Coral Way** Major Use Special Permit Project.

03-0423b FR Fact Sheet.PDF, 03-0423b Analysis.PDF, 03-0423b Zoning Map.PDF, 03-0423a & 03-0423b Aerial Map.pdf, 03-0423a & 03-0423b School Bd Recomm.PDF, 03-0423b ZB Reso.PDF, 03-0423b Application & Supp Docs.PDF, 03-0423b Legislation.PDF, 03-0423b Exhibit A.PDF

Continued

A motion was made by Commissioner Regalado, seconded by Vice Chairman Sanchez, and passed unanimously, to CONTINUE consideration of item PZ.16 to the Commission Meeting currently scheduled for March 11, 2004.

**PZ.17 04-00080**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN BY CHANGING THE LAND USE DESIGNATION OF THE PROPERTIES LOCATED AT APPROXIMATELY 400 AND 420 SOUTHWEST 7TH STREET, MIAMI, FLORIDA, FROM "MEDIUM DENSITY MULTIFAMILY RESIDENTIAL" TO "RESTRICTED COMMERCIAL;" MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 10544, from "Medium Density Multifamily" to "Restricted Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 400 and 420 SW 7th Street

APPLICANT(S): 420 Property, Inc & 414 Property, LLC

APPLICANT(S) AGENT: Ben Fernandez, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on December 17, 2003 by a vote of 6-0. See companion File ID 04-00080a.

PURPOSE: This will allow a unified commercial development site.

04-00080 FR Fact Sheet.PDF, 04-00080 Analysis.PDF, 04-00080 Land Use Map.PDF, 04-00080 & 04-00080a Aerial Map.pdf, 04-00080 PAB Reso.PDF, 04-00080 Application & Supp Docs.PDF, 04-00080 FR Legislation.PDF

**MOVED:** Joe Sanchez

**SECONDED:** Tomas Regalado

**UNANIMOUS**

**Motion that this matter be Passed on First Reading PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

**PZ.18 04-00080a**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 36, OF THE ZONING ATLAS OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, BY CHANGING THE ZONING CLASSIFICATION FROM R-3 MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL TO C-1 RESTRICTED COMMERCIAL FOR THE PROPERTIES LOCATED AT APPROXIMATELY 400 AND 420 SOUTHWEST 7TH STREET, MIAMI, FLORIDA, LEGALLY DESCRIBED, IN ATTACHED "EXHIBIT A," CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from R-3 Multifamily Medium-Density Residential to C-1 Restricted Commercial to Change the Zoning Atlas

LOCATION: Approximately 400 and 420 SW 7th Street

APPLICANT(S): 420 Property, Inc & 414 Property, LLC

APPLICANT(S) AGENT: Ben Fernandez, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

ZONING BOARD: Recommended approval to City Commission on January 26, 2004 by a vote of 8-0. See companion File ID 04-00080.

PURPOSE: This will allow a unified commercial development site.

04-00080a FR Fact Sheet.PDF, 04-00080a Analysis.PDF, 04-00080a Zoning Map.PDF, 04-00080 & 04-00080a Aerial Map.pdf, 04-00080a ZB Reso.PDF, 04-00080a Application & Supp Docs.PDF, 04-00080a Legislation.PDF, 04-00080a Exhibit A.PDF

**MOVED:** Joe Sanchez

**SECONDED:** Angel González

**UNANIMOUS**

**Motion that this matter be Passed on First Reading PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

**PZ.19 04-00081**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 18, OF THE ZONING ATLAS OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, BY CHANGING THE ZONING CLASSIFICATION FROM C-2 LIBERAL COMMERCIAL TO C-2 LIBERAL COMMERCIAL WITH AN SD-19 DESIGNATED F.A.R. OVERLAY DISTRICT, 2.10 F.A.R. FOR THE PROPERTIES LOCATED AT APPROXIMATELY 3574, 3650, 3660, 3670, 3680 AND 3690 NORTHWEST 36TH STREET, MIAMI, FLORIDA, LEGALLY DESCRIBED, IN ATTACHED " EXHIBIT A," CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from C-2 Liberal Commercial to C-2 Liberal Commercial with an SD-19 Designated F.A.R. Overlay district, 2.10 F.A.R. to Change the Zoning Atlas

LOCATION: Approximately 3574, 3650, 3660, 3670, 3680 and 3690 NW 36 th Street

APPLICANT(S): Adrian Industiral Properties, Ltd

APPLICANT(S) AGENT: Gilberto Pastoriza, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

ZONING BOARD: Recommended approval to City Commission on January 26, 2004 by a vote of 8-0.

PURPOSE: This will add the SD-19 Designated F.A.R. Overlay District, 2.10 F.A.R. to the properties listed above.

04-00081 FR Fact Sheet.PDF, 04-00081 Analysis.PDF, 04-00081 Zoning Map. PDF, 04-00081 Aerial Map.pdf, 04-00081 ZB Reso.PDF, 04-00080a Application & Supp Docs.PDF, 04-00081 Legislation.PDF, 04-00081 Exhibit A. PDF

**MOVED:** Angel González

**SECONDED:** Joe Sanchez

**UNANIMOUS**

**Motion that this matter be Passed on First Reading PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

**PZ.20 04-00109**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLES 6 AND 10 IN ORDER TO AMEND SECTIONS 627 AND 10.6 TO ADD SIGN REGULATIONS FOR THE SD-27.2 BUENA VISTA YARD WEST SPECIAL DISTRICT; CONTAINING A REPEALER PROVISION AND SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000 Text

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on February 4, 2004 by a vote of 6-0.

PURPOSE: This will add sign regulations for the SD-27.2 Buena Vista Yard West Special District.

04-00109 FR Fact Sheet.PDF, 04-00109 PAB Reso.PDF, 04-00109 FR Legislation.PDF

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

**UNANIMOUS**

**Motion that this matter be Passed on First Reading PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

**PZ.21 04-00108**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, OF THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 6, SPECIAL DISTRICTS, IN ORDER TO AMEND SEC. 609. SD-9 BISCAYNE BOULEVARD NORTH OVERLAY DISTRICT TO MODIFY SPECIAL DISTRICT REQUIREMENTS, INCLUDING REQUIREMENTS RELATED TO HEIGHT, SETBACK AND FOOTPRINT LIMITATIONS AND TO INCORPORATE CERTAIN DESIGN STANDARDS AND GUIDELINES; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000 Text

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval with conditions\* to City Commission on February 4, 2004 by a vote of 5-3.

\*See supporting documentation.

PURPOSE: This will modify special district requirements along the SD-9 Biscayne Boulevard North Overlay District.

04-00108 FR Fact Sheet.PDF, 04-00108 PAB Reso.PDF, 04-00108 FR Legislation DRAFT.PDF, 04-00108 Exhibit A DRAFT.PDF

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

**UNANIMOUS**

Motion that this matter be Passed on First Reading **PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

A motion was made by Commissioner Winton, seconded by Vice Chairman Sanchez, and was passed unanimously, to call a special meeting for April 29, 2004, at 3 p.m., to consider Item PZ.21 for Second Reading; further requesting that the administration provide in writing a report on all other pending major projects.

A motion was made by Commissioner Winton, seconded by Commissioner González, and was passed unanimously, to direct the City Manager to establish a study committee, appointed by the Manager in consultation with Commissioner Winton's office, to develop a plan to limit the height of new buildings along the SD-9 Biscayne Boulevard North Overlay District and report back to the Commission within the next 60 days; further recommending that the Manager hire a consultant for the calculations of said plan; further requiring that said committee hold publicly noticed meetings.

**PZ.22 04-00082**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION ESTABLISHING A 90 -DAY TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR NEW BUILDINGS IN EXCESS OF 85 FEET ( COMMERCIAL) OR 95 FEET (RESIDENTIAL) IN HEIGHT FOR THAT AREA LOCATED IN AND REGULATED UNDER THE SD-9 BISCAYNE BOULEVARD NORTH OVERLAY DISTRICT OF THE ZONING ORDINANCE AND ZONING ATLAS OF THE CITY OF MIAMI; PROVIDING FOR A TERM; PROVIDING FOR PENDING APPLICATIONS; PROVIDING FOR ADMINISTRATIVE AND JUDICIAL REVIEW; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000 Text

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on January 21, 2004 by a vote of 8-0. This is related to File ID 04-00082a.

PURPOSE: This will establish a 90-day temporary moratorium on the acceptance of applications for new buildings over a certain height along the SD-9 Biscayne Boulevard North Overlay District.

04-00082 FR Fact Sheet.PDF, 04-00082 PAB Reso.PDF, 04-00082 FR Legislation DRAFT.PDF

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

**UNANIMOUS**

**Motion that this matter be Passed on First Reading with modifications PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

The following items shall not be considered before 5:00 pm.

**PZ.23 03-0416a**

**ORDINANCE**

**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN BY CHANGING THE LAND USE DESIGNATION OF THE PROPERTY LOCATED AT APPROXIMATELY 1001 NORTHWEST 7TH STREET, MIAMI, FLORIDA, FROM "INDUSTRIAL" TO "RESTRICTED COMMERCIAL;" MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 10544, from "Industrial" to "Restricted Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 1001 NW 7th Street

APPLICANT(S): Royal Atlantic Developers, LLP and 1001 NW 7th Street Properties, Inc

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

MIAMI RIVER COMMISSION: Unanimously recommended approval to City Commission.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on December 17, 2003 by a vote of 5-1. See companion File IDs 03-0416 and 03-0416b.

PURPOSE: This will allow a unified commercial development site for the proposed **Royal Atlantic** Major Use Special Permit Project.

03-0416a SR Fact Sheet.PDF, 03-0416a Analysis.PDF, 03-0416a Land Use Map.PDF, 03-0416, 03-0416a & 03-0416b Aerial Map.pdf, 03-0416, 03-0416a & 03-0416b School Brd Recomm.PDF, 03-0416a River Comm Recomm.PDF, 03-0416a PAB Reso.PDF, 03-0416a Application & Supp Docs.PDF, 03-0416a SR Legislation.PDF, 03-0416a - submission Winston.pdf, 03-0416a - submission Kinsella.pdf, 03-0416a - submission Jubilee signatures.pdf, 03-0416a - submission River Commission.pdf, 03 - 0416a submission - signatures opposed.pdf, 03-0416a - submission Dickman.pdf, 03 - 0416a submission - Spring Garden.pdf, 03-0416a - submission Grafton.pdf, 03-0416a - submission drawing.pdf, 03-0416a - submission maps.pdf, 03-0416a FR Fact Sheet.PDF, 03-0416a FR Legislation DRAFT.PDF

**12492**

**MOVED:** Joe Sanchez

**SECONDED:** Angel González

Motion that this matter be Adopted **PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez and Regalado

**NOES:** Commissioner Teele

Direction to the City Clerk: by Commissioner González to provide him with a transcript of the discussion on item PZ.23 by February 27, 2004.

**PZ.24 03-0416b**

**ORDINANCE****Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 24 OF THE ZONING ATLAS OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, BY CHANGING THE ZONING CLASSIFICATION FROM SD-4 WATERFRONT INDUSTRIAL TO C-1 RESTRICTED COMMERCIAL FOR THE PROPERTY LOCATED AT APPROXIMATELY 1001 NORTHWEST 7TH STREET, MIAMI, FLORIDA, LEGALLY DESCRIBED IN ATTACHED "EXHIBIT A;" CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from SD-4 Waterfront Industrial to C-1 Restricted Commercial to Change the Zoning Atlas

LOCATION: Approximately 1001 NW 7th Street

APPLICANT(S): Royal Atlantic Developers, LLP and 1001 NW 7th Street Properties, Inc

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

MIAMI RIVER COMMISSION: Unanimously recommended approval to City Commission.

ZONING BOARD: Recommended approval to City Commission on December 15, 2003 by a vote of 9-0. See companion File IDs 03-0416 and 03-0416a.

PURPOSE: This will allow a unified commercial development site for the proposed **Royal Atlantic** Major Use Special Permit Project.

03-0416b SR Fact Sheet.PDF, 03-0416b Analysis.PDF, 03-0416b Zoning Map.PDF, 03-0416, 03-0416a & 03-0416b Aerial Map.pdf, 03-0416, 03-0416a & b School Brd Recomm.PDF, 03-0416b River Comm Recomm.PDF, 03-0416b ZB Reso.PDF, 03-0416b Application & Supp Docs.PDF, 03-0416b Legislation.PDF, 03-0416b Exhibit A.PDF, 03-0416b FR Fact Sheet.PDF

### 12493

MOVED: Angel González

SECONDED: Joe Sanchez

Motion that this matter be Adopted PASSED by the following vote.

AYES: Commissioner González, Winton, Sanchez and Regalado

NOES: Commissioner Teele

PZ.25 03-0416

### RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, APPROVING WITH CONDITIONS, A MAJOR USE SPECIAL PERMIT PURSUANT TO ARTICLES 5, 13, AND 17 OF ZONING ORDINANCE NO. 11000, FOR THE **ROYAL ATLANTIC PROJECT**, TO BE LOCATED AT APPROXIMATELY 1001 NORTHWEST 7TH STREET, MIAMI, FLORIDA, TO BE COMPRISED OF TWO 27-STORY RESIDENTIAL BUILDINGS WITH A TOTAL OF 744 MULTIFAMILY RESIDENTIAL UNITS, 9,400 SQUARE FEET OF RETAIL SPACE, AND APPROXIMATELY 1,073 TOTAL PARKING SPACES, AND RECREATIONAL AMENITIES; DIRECTING TRANSMITTAL; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN

EFFECTIVE DATE.

REQUEST: Major Use Special Permit for the Royal Atlantic Project

LOCATION: Approximately 1001 NW 7th Street

APPLICANT(S): Royal Atlantic Developers, LLP and 1001 NW 7th Street Properties, Inc

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions\*.

HISTORIC & ENVIRONMENTAL PRESERVATION BOARD:

Recommended approval with conditions\* on October 21, 2003 by a vote of 6-0.

MIAMI RIVER COMMISSION: Unanimously recommended approval to City Commission.

PLANNING ADVISORY BOARD: Recommended denial to City Commission on December 17, 2003 by a vote of 4-2. See companion File IDs 03-0416a and 03-0416b.

\*See supporting documentation.

PURPOSE: This will allow a mixed-use multifamily residential development.

03-0416 Fact Sheet.PDF, 03-0416 Analysis.PDF, 03-0416 Zoning Map.PDF, 03-0416, 03-0416a & 03-0416b Aerial Map.pdf, 03-0416, 03-0416a & 03-0416b School Brd Recomm.PDF, 03-0416 River Comm Recomm.PDF, 03-0416 HEPB Reso.PDF, 03-0416 PAB Reso.PDF, 03-0416 Application & Supp Docs. PDF, 03-0416 Plans.PDF, 03-0416 Legislation.PDF, 03-0416 Exhibit A.PDF, 03-0416 Exhibit B.PDF, 03-0416 Exhibit C.PDF

### **R-04-0118**

**MOVED:** Angel González

**SECONDED:** Tomas Regalado

**Motion that this matter be Adopted with Modifications PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez and Regalado

**NOES:** Commissioner Teele

The following items shall not be considered before 6:00 pm.

### **PZ.26 03-0190 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), GRANTING OR DENYING THE APPEAL FILED BY J&J FLORIDA PROPERTIES, INC. ("APPELLANTS"), AND REVERSING OR

AFFIRMING A DECISION OF THE HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD ("HEPB"), WHICH DESIGNATED THE WOLPERT APARTMENTS LOCATED AT 2500-2512 BISCAYNE BOULEVARD AS A HISTORIC SITE.

REQUEST: Appeal of a Historic and Environmental Preservation Board Decision of a Historic Designation

LOCATION: Approximately 2500-2512 Biscayne Boulevard

APPLICANT(S): Planning and Zoning Department

APPELLANT(S): David Z. Solkol, President

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial of the appeal and uphold the decision of the Historic and Environmental Preservation Board.

HISTORIC & ENVIRONMENTAL PRESERVATION BOARD: Approved the designation on July 15, 2003 by a vote of 9-0.

PURPOSE: The approval of this appeal will not result in the historic designation of this property.

03-0190 Fact Sheet.PDF, 03-0190 Appeal Letter.PDF, 03-0190 HEPB Reso. PDF, 03-0190 Designation Report.PDF, 03-0190 Q&A Historic Designation. PDF, 03-0190 Legislation a.PDF, 03-0190 Exhibit A Fact Sheet.PDF, 03-0190 Exhibit B HEPB Reso.PDF, 03-0190 Legislation b.PDF, 03-0190 Exhibit A Fact Sheet.PDF, 03-0190 Exhibit B HEPB Reso.PDF, 03-0190 Exhibit C Designation Report.PDF

#### **R-04-0121**

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

**UNANIMOUS**

**Motion that this matter be Adopted with Modifications PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

**APPEAL DENIED, AFFIRMED DECISION OF HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD, designating only the 1927 section of the building as historic and not designating the 1923 section of the property as historic.**

**PZ.27 03-0422**

#### **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT, CLOSING, VACATING, ABANDONING AND DISCONTINUING FOR PUBLIC USE THAT PORTION OF A PUBLIC RIGHT-OF-WAY, BEING THE PORTION OF A ROADWAY (SOUTHWEST 2ND COURT) BETWEEN SOUTHWEST 17TH ROAD AND I-95, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"

(HEREBY ATTACHED).

REQUEST: Official Vacation and Closure of a Public Right-of-Way

LOCATION: Approximately a Roadway (SW 2nd Court) Between SW 17th Road and I-95

APPLICANT(S): Century Homebuilders, LLC

APPLICANT(S) AGENT: Ines Marrero-Priegues, Esquire

**FINDINGS:**

PLANNING AND ZONING DEPARTMENT: Recommended denial.

PUBLIC WORKS DEPARTMENT: See supporting documentation.

PLAT & STREET COMMITTEE: See supporting documentation.

ZONING BOARD: Recommended denial to City Commission on December 15, 2003 by a vote of 5-4.

PURPOSE: This will allow a unified development site.

03-0422 Fact Sheet.PDF, 03-0422 Email from Hearing Brds to Law.PDF, 03-0422 Public Works Analysis.PDF, 03-0422 PZ Analysis.PDF, 03-0422 Zoning Map.PDF, 03-0422 Aerial Map.pdf, 03-0422 ZB Reso.PDF, 03-0422 Application & Supp Docs.PDF, 03-0422 Legislation.PDF, 03-0422 Exhibit A.PDF

**Continued**

**A motion was made by Commissioner Winton, seconded by Vice Chairman Sanchez, and passed unanimously, to CONTINUE consideration of item PZ.27 to the Commission meeting currently scheduled for April 8, 2004.**

**NA.1 04-00204 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION SUPPORTING, IN PRINCIPLE, THE FLORIDA FREE TRADE AREA OF THE AMERICAS ("FTAA"), INC.'S BID PROPOSAL TO HOST THE FTAA PERMANENT SECRETARIAT AS ESTABLISHED IN FTAA.

**R-04-0126**

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

Motion that this matter be Adopted **PASSED** by the following vote.

**AYES:** Commissioner Winton, Sanchez, Regalado and Teele

**ABSENT:** Commissioner González

Mayor Diaz introduced a video presentation on Miami as the FTAA Permanent Secretariat.

**NA.2 04-00201 RESOLUTION**

A RESOLUTION OF THE THE MIAMI CITY COMMISSION ESTABLISHING A NEW SPECIAL REVENUE FUND ENTITLED: "FTAA REIMBURSEMENT FUND" AND APPROPRIATING FUNDS FOR THE OPERATION OF THE PROGRAM IN THE AMOUNT OF \$8,500,000, CONSISTING OF A GRANT FROM THE UNITED STATES DEPARTMENT OF STATE, BUREAU OF DIPLOMATIC SECURITY TO REIMBURSE THE CITY OF MIAMI/ CITY OF MIAMI DEPARTMENT OF POLICE FOR PROVIDING EXTRAORDINARY PROTECTIVE SERVICES FOR THE 2003 FREE TRADE AREA OF THE AMERICAS SUMMIT HELD IN MIAMI, FLORIDA, FROM NOVEMBER 17 TO NOVEMBER 21, 2003; AUTHORIZING THE CITY MANAGER TO ACCEPT THE GRANT AWARD AND TO EXECUTE ALL NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, TO ACCEPT SAID GRANT.

FTAA Resolution for 2-26-04 Commission Meeting1.doc

**R-04-0100**

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

Motion that this matter be Adopted **PASSED** by the following vote.

**AYES:** Commissioner Winton, Sanchez, Regalado and Teele

**ABSENT:** Commissioner González

**NA.3 04-00210 ORDINANCE****Draft**

AN ORDINANCE OF THE MIAMI CITY COMMISSION REPEALING SECTION 54-6.1 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "PARADE AND ASSEMBLY PROHIBITIONS" THAT

ESTABLISHED REASONABLE TIME, PLACE AND MANNER REGULATIONS CONCERNING MATERIALS AND OBJECTS THAT MAY BE POSSESSED, CARRIED OR USED BY THOSE PARTICIPATING IN PARADES AND PUBLIC ASSEMBLIES; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

04-00210-cover memo.pdf, 04-00210-legislation.pdf

**MOVED:** Tomas Regalado

**SECONDED:** Johnny L. Winton

**Motion that this matter be Passed on First Reading PASSED by the following vote.**

**AYES:** Commissioner Winton, Sanchez, Regalado and Teele

**ABSENT:** Commissioner González

A motion was made by Commissioner Regalado, seconded by Commissioner Winton, and passed unanimously, with Commissioner González absent, directing the City Attorney to draft an ordinance to be considered on first reading today at 4:49 p.m., to rescind the parades and demonstrations ordinance which was approved November 2003. Subsequently, the ordinance listed above passed on first reading with a direction to the City Manager to schedule its second reading on the March 11, 2004 agenda.

**Direction to the City Attorney:** by Chairman Teele to obtain a transcript of Judge Graham's arguments regarding parades and demonstrations references in the City of Miami Code.

**NA.4 04-00214**

**DISCUSSION ITEM**

Discussion of early voting sites.

Discussed

**Direction to the City Clerk:** by Chairman Teele to publish a notice to alert citizens that there is an item scheduled on the March 9, 2004 election ballot which is of general interest to the public, not limited to the Democratic Primary issues; further reiterating the importance of an individual in the City Clerk's staff to be dedicated to matters related to elections.

**NA.5 04-0424**

**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:

Haydee Regueyra Commissioner Tomas Regalado  
(term to expire on January 31, 2007)

Jack Blumenfeld Commissioner Angel González  
(term to expire on January 31, 2007)

Barbara K. Bisno Commissioner Johnny Winton  
(term to expire on January 31, 2007)

**R-04-0129**

**MOVED:** Johnny L. Winton

**SECONDED:** Joe Sanchez

Motion that this matter be Adopted PASSED by the following vote.

**AYES:** Commissioner González, Winton, Sanchez and Teele

**ABSENT:** Commissioner Regalado

A motion was made by Commissioner Regalado, seconded by Commissioner Winton, and passed unanimously, with Commissioner González absent, to appoint Haydee Regueyra as a member of the Community Relations Board.

A motion was made by Commissioner González, seconded by Commissioner Winton, and passed unanimously, to appoint Jack Blumenfeld as a member of the Community Relations Board with a waiver, by a four/fifths (4/5) vote of the members of the full City Commission, of the residency requirements in Section 2-1152(b) of the Code of the City of Miami, as amended.

A motion was made by Commissioner Winton, seconded by Vice Chairman Sanchez, and passed unanimously, with Commissioner Regalado absent, to appoint Barbara Bisno as a member of the Community Relations Board.

**NA.6 04-00215 DISCUSSION ITEM**

Reconsideration of PZ.3 and PZ.4 from last meeting

Discussed

A motion was made by Commissioner Winton, seconded by Vice Chairman Sanchez, and passed unanimously, to reconsider prior vote taken on items PZ.3 and PZ.4 at the February 12, 2004 Commission meeting, which items were denied a change of the zoning classification and a change of the land use designation at approximately 3160, 3170, 3180 and 3190 Oak Avenue from R-1 single-family residential to R-2 two-family residential and from single family residential to duplex residential; further directing the City Manager to schedule said matters on the Commission meeting currently scheduled for March 25, 2004.

**NA.7 04-00216 DISCUSSION ITEM**

Recognition of Pee Wee Patrol.

Discussed

**NA.8 04-00237 DISCUSSION ITEM**

A motion was made by Commissioner Regalado, seconded by Vice Chairman Sanchez, and passed unanimously, to waive the rental fee at Robert King High Park for the Cuban Municipios picnic on March 21, 2004.

Motion

**NA.9 04-00203 ORDINANCE**

**Draft**

AN EMERGENCY ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 31/ARTICLE II, OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS/OCCUPATIONAL LICENSES," TO CLARIFY GROUNDS FOR DENIAL OF THE ISSUANCE OF AN OCCUPATIONAL LICENSE; MORE PARTICULARLY BY AMENDING SECTION 31-35(B) (4) OF SAID CODE, ENTITLED "APPLICATION PROCEDURE; GROUNDS FOR DENIAL;" CONTAINING A

REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

**12499**

**MOVED:** Angel González

**SECONDED:** Johnny L. Winton

Motion that this matter be Adopted as an emergency measure, waiving the requirement for two separate readings **PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez and Teele

**ABSENT:** Commissioner Regalado

**NA.10 04-00205**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ARTICLE 21 , OF THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "ADMINISTRATION, ENFORCEMENT, VIOLATIONS, AND PENALTIES," TO INCLUDE GROUNDS FOR DENIAL OF THE ISSUANCE OF LICENSES OR PERMITS; MORE PARTICULARLY BY AMENDING SECTION 2106 OF SAID ORDINANCE, ENTITLED "ZONING CONFORMITY REQUIRED PRIOR TO ISSUANCE OF LICENSES OR PERMITS;" CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

04-00205-cover memo.pdf, 04-00205-legislation.pdf

**MOVED:** Angel González

**SECONDED:** Johnny L. Winton

Motion that this matter be Passed on First Reading **PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez and Teele

**ABSENT:** Commissioner Regalado

**NA.11 03-0246**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING AN INDIVIDUAL AS A MEMBER OF THE **LITTLE HAVANA HOMEOWNERSHIP ADVISORY BOARD** FOR A TERM AS DESIGNATED HEREIN.

**APPOINTEE:** **NOMINATED BY:**

Angelica Rodriguez  
(Public Advocate Seat)

Vice Chairman Joe Sanchez

**R-04-0128**

**MOVED:** Joe Sanchez

**SECONDED:** Johnny L. Winton

Motion that this matter be Adopted PASSED by the following vote.

**AYES:** Commissioner González, Winton, Sanchez and Teele

**ABSENT:** Commissioner Regalado

A motion was made by Vice Chairman Sanchez, seconded by Commissioner Winton, as was passed unanimously, with Commissioner Regalado absent, to appoint Angelica Rodriguez to the Little Havana Homeownership Trust.

**NA.12 04-00220**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION PROVIDING SUPPORT IN AN AMOUNT NOT TO EXCEED \$600 TO THE MIAMI ECUADORIAN LION'S CLUB, FOR THE RENTAL OF TOWER THEATER, LOCATED AT 1508 S.W.8TH STREET, MIAMI, FLORIDA, FOR A FUNDRAISING CONCERT OF SOUTH AMERICAN MUSIC TO BE HELD ON APRIL 9, 2004; ALLOCATING FUNDS FROM THE DISTRICT 3 SPECIAL EVENTS ACCOUNT 001000.921054.6.289, SUBJECT TO BUDGETARY APPROVAL.

**R-04-0130**

**MOVED:** Joe Sanchez

**SECONDED:** Johnny L. Winton

Motion that this matter be Adopted PASSED by the following vote.

**AYES:** Commissioner González, Winton, Sanchez and Teele

**ABSENT:** Commissioner Regalado