



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

Thursday, June 24, 2004

9:00 AM

City Hall Commission Chambers

CONTENTS

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

PR - PRESENTATIONS AND PROCLAMATIONS

MV - MAYORAL VETOES

AM - APPROVING MINUTES

CA - CONSENT AGENDA

PA - PERSONAL APPEARANCES

TIME CERTAIN

4:00 P.M. - PA.1 - Personal Appearance by Mr. Jumel Calixte

M - MAYOR'S ITEMS

D1 - DISTRICT 1 ITEMS

D2 - DISTRICT 2 ITEMS

D3 - DISTRICT 3 ITEMS

D4 - DISTRICT 4 ITEMS

TIME CERTAIN

6:31 P.M. - D4.2 - Update on Permits for Buildings at S.W. 27th Ave Corridor

D5 - DISTRICT 5 ITEMS

PH - PUBLIC HEARINGS

EM - EMERGENCY ORDINANCES

SR - SECOND READING ORDINANCES

FR - FIRST READING ORDINANCES

RE - RESOLUTIONS

BC - BOARDS AND COMMITTEES

DI - DISCUSSION ITEMS

TIME CERTAIN

10:00 A.M. - DI.4 - Status Report on Civilian Investigative Issues

ES- EXECUTIVE SESSION

TIME CERTAIN

2:15 P.M. - ES.1 - AFSCME Local 1907/Cox vs. City of Miami

PART B

PZ - PLANNING AND ZONING ITEMS

The Planning and Zoning items shall not be considered before 2:30 pm.

TIME CERTAIN

5:00 PM - PZ.26 - Land Use Change - 1818 & 1884 NW N Riv Dr

5:00 PM - PZ.27 - Zoning Change - 1818 & 1884 NW N Riv Dr

5:00 PM - PZ.28 - Major Use Special Permit - Hurricane Cove

After 5:00 PM - PZ.29 - Major Use Special Permit - Villa Magna

6:30 PM - PZ.30 - 120-Day Temp Moratorium - SW 27 Av, Coral Wy to US-1

6:30 PM - PZ.31 - New SD-24 SW 27 Avenue Special Overlay District

6:30 PM - PZ.32 - Zoning Change - Certain Properties - SW 27 Av, Coral Wy to US-1

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

Present: Commissioner González, Commissioner Regalado and Chairman Teele

Absent: Commissioner Winton and Vice Chairman Sanchez

On the 24th day of June, 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 9:23 a.m. by Chairman Arthur E. Teele Jr., with Vice Chairman Sanchez and Commissioner Winton absent, recessed at 12:17 p.m., reconvened at 2:36 p.m., and adjourned at 3:18 a.m. on June 25, 2004.

Note for the Record: Vice Chairman Sanchez entered the meeting at 9:24 a.m.; and Commissioner Winton entered the meeting at 9:46 a.m.

ALSO PRESENT:

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

ABSENT:

Joe Arriola, City Manager

Note for the Record: Larry Spring, Chief of Office of Strategic Planning, Management and Budgeting, and Alicia Cuervo Shreiber, Chief of Operation substituted for the City Manager, who arrived after 5 p.m.

PRESENTATIONS AND PROCLAMATIONS

DELIVERED

PR.1 04-00684 CEREMONIAL ITEM

Name of Honoree	Presenter	Protocol Item
Goodwill Ambassadors	Commissioner Regalado	Certificates
Karen Coplin Cooper	Commissioner Regalado	Salute
Homer Whittaker	Commissioner Regalado	Salute

1. Commissioner Regalado presented a proclamation to the family of prominent businessman Dr. Manuel Rico-Perez (in absentia), a famous medical doctor who has tremendous visibility throughout the United States with radio programs in Miami, New York, Los Angeles and a national business headquarters in Miami.

2. Commissioner Regalado salutes the Community Relations Board for their hard work in several community events. Chairman Teele presented a proclamation to Ms. Karen Coplin Cooper, Sr. Assistant to the City Manager, for her participation and leadership in the Goodwill Ambassadors Program and working with the Community Relations Board. Certificates of Appreciation were presented to the following members of the Community Relations Board and the Goodwill Ambassadors: Brenda Shapiro, Jack Blumenfeld (in absentia), Teresa Zorilla Clark, Jennifer Gerz-Escandon, Chantal Meo, Reverend Richard Bennett, Barbara Bisno and Willy Calvino (in absentia), Julie Mansfield, Alicia Squitin, Mariaelena Alpsagir, Grecia Ameneiro, Teresa Austin, Dawn Budham, Yolanda Camacho, Kin Sun Chu, Liliam Daniel, Daniel Davila, Berta Davis, Orlando del Valle, Dirk Duval, Debrah Ennevor, Natalie French, Mayling Ganuza, Jennifer Goodman, Patrice Humbert, Susel Izaguirre, Zulema Leon, Ruby Lockett, Adrienne Lynch, Maria Martorell, Tracy Osley, Dorcas Perez, Hilton Pierce, Gigi Rolle, Zelideth Sanchez, Joy Saunlett, Theresa Shelton, Michelle Sims, Charmane Standifer-Tate, and Avery Washington. A certificate was also

presented to Homer Whitaker, Coconut Grove Net Administrator (in absentia) for his extraordinary work during the Goombay Festival.

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 MAYORAL VETOES

APPROVING THE MINUTES OF THE FOLLOWING MEETING:

Planning and Zoning Meeting of May 27, 2004

DEFERRED

ORDER OF DAY

CONSENT AGENDA

CA.1 04-00600 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBMERGED LAND LEASE AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF MIAMI ("CITY") AND THE STATE OF FLORIDA, BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND, FOR A TERM OF TEN (10) YEARS, FOR THE CITY'S USE OF SUBMERGED LANDS OWNED BY THE STATE OF FLORIDA ADJACENT TO CITY UPLAND PROPERTY, LOCATED AT 601 NORTHWEST 7TH STREET, MIAMI, FLORIDA, A/K/A SPRING GARDEN POINT PARK ("PARK"), WITH SAID LEASE TO REFLECT NO RENT AS LONG AS THE DOCK SLIPS ARE USED FOR TEMPORARY DOCKAGE PURPOSES.

R-04-0389

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

CA.2 04-00602 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE CITY MANAGER'S ENGAGEMENT OF PBS & J, SELECTED FROM THE LIST OF PRE-APPROVED SURVEYING AND MAPPING FIRMS, APPROVED BY RESOLUTION NO. 02-144, ADOPTED FEBRUARY 14, 2002, FOR PROFESSIONAL SERVICES RELATED TO THE REPLAT OF LANDS AT GIBSON PARK FOR THE PROJECT ENTITLED " GIBSON PARK REPLAT," IN DISTRICT 5, IN AN AMOUNT NOT TO EXCEED \$57,500, BASED ON: (1) THE SCOPE OF SERVICES AND SCHEDULES REQUIRED FOR SAID PROJECT AND (2) THE TERMS AND CONDITIONS SET FORTH IN THE WORK ORDER AUTHORIZATION; AUTHORIZING THE CITY MANAGER TO EXECUTE THE WORK ORDER AUTHORIZATION, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSES; ALLOCATING FUNDS, IN AN AMOUNT NOT TO EXCEED \$57,500, FOR SAID SERVICES AND EXPENSES INCURRED BY THE CITY OF MIAMI FROM CAPITAL IMPROVEMENT PROGRAM PROJECT NO. 331419.

R-04-0390

This Matter was ADOPTED on the Consent Agenda.

CA.3 04-00603 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BID OF ROBBIE'S FEED & SUPPLY, FOR THE PROVISION OF DOG FOOD FOR THE DEPARTMENT OF POLICE CANINE, FOR A TWO-YEAR PERIOD, WITH THE OPTION TO RENEW FOR TWO ADDITIONAL ONE-YEAR PERIODS, AT AN ANNUAL CONTRACT AMOUNT NOT TO EXCEED \$14,940, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$59,760; ALLOCATING FUNDS FROM THE DEPARTMENT OF POLICE GENERAL OPERATING BUDGET, ACCOUNT CODE NO. 001000.290201.6.710.

R-04-0391

This Matter was ADOPTED on the Consent Agenda.

CA.4 04-00606 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BID OF NES TRAFFIC SAFETY, FOR THE PROVISION OF BARRICADE RENTAL SERVICES, FOR THE DEPARTMENT OF POLICE, ON AN AS-NEEDED CONTRACT BASIS, FOR AN INITIAL TWO-YEAR PERIOD WITH THE OPTION TO RENEW FOR TWO ADDITIONAL ONE-YEAR PERIODS, AT ANNUAL AMOUNT NOT TO EXCEED \$15,000, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$60,000; ALLOCATING FUNDS FROM THE DEPARTMENT OF POLICE GENERAL OPERATING BUDGET, ACCOUNT CODE NO. 001000.290201.6.610.

R-04-0392

This Matter was ADOPTED on the Consent Agenda.

CA.5 04-00607 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, ACCEPTING BIDS FROM GLEN'S TENT AND TABLE RENTAL SERVICE (PRIMARY VENDOR) AND NAVAS PARTY PRODUCTIONS (SECONDARY VENDOR), FOR THE PROVISION OF TENTS, TABLES, LINENS AND CHAIR RENTALS, FOR THE DEPARTMENT OF PURCHASING, TO BE UTILIZED CITYWIDE, ON AN AS-NEEDED CONTRACT BASIS, FOR A TWO-YEAR PERIOD, WITH THE OPTION TO RENEW FOR TWO ADDITIONAL ONE-YEAR PERIODS, IN THE PROPOSED AMOUNT NOT TO EXCEED \$65,000, FOR THE BALANCE OF THE CURRENT FISCAL YEAR (2003-2004); ALLOCATING FUNDS, IN AN AMOUNT NOT TO EXCEED \$65,000, FROM THE CURRENT FISCAL YEAR FROM CAPITAL IMPROVEMENTS PROJECT ACCOUNTS, SPECIAL REVENUE FUNDS, AND/OR OPERATING BUDGETS OF THE VARIOUS USER DEPARTMENTS AND AGENCIES, AS MAY BE ADJUSTED FROM TIME TO TIME BY THE CITY COMMISSION IN THE ANNUAL APPROPRIATIONS/CAPITAL IMPROVEMENTS ORDINANCES, OR AS OTHERWISE ADJUSTED AS PERMITTED BY LAW.

R-04-0393

This Matter was ADOPTED on the Consent Agenda.

Direction to the City Manager by Chairman Teele to alert the administrative staff, who gather in the staff room in City Hall during Commission Meetings, that when the Commission takes up an item, the appropriate, relevant staff person(s) report to the Chambers immediately.

Direction to the City Manager by Chairman Teele to provide a report listing all expenditures made by each of the City departments during the last year.

A motion was made by Commissioner González, seconded by Commissioner Winton, and was passed unanimously, directing the City Manager to provide a semiannual status report of efforts made by the Purchasing Department in reaching out to local vendors to aggressively encourage their participation in City bids, listing the number of vendors solicited, their names, product, and tally of success.

CA.6 04-00608

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, ACCEPTING THE BID OF PALM PETERBILT-GMC TRUCKS, INC., FOR THE ACQUISITION OF TWO (2) ROAD TRACTORS, EACH WITH A FIVE-YEAR BUMPER-TO-BUMPER PREVENTIVE MAINTENANCE SERVICES, FOR THE DEPARTMENT OF FIRE- RESCUE, AT A TOTAL AMOUNT NOT TO EXCEED \$206,396; ALLOCATING FUNDS FROM THE "FEMA/USAR GRANT AWARD PROJECT NO. 110120," ACCOUNT CODE NO. 280104.6.840.

R-04-0394

This Matter was ADOPTED on the Consent Agenda.

CA.7 04-00609

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE PURCHASE OF CISCO LAN MANAGEMENT SOLUTION ("LMS") SOFTWARE, AS LISTED ON THE ATTACHMENTS, FOR THE DEPARTMENT OF POLICE, FROM COLEMAN TECHNOLOGY, AWARDED UNDER EXISTING STATE OF FLORIDA CONTRACT NO. 250-000 -03-1, EFFECTIVE UNTIL JULY 31, 2005, SUBJECT TO FURTHER EXTENSIONS OR REPLACEMENT CONTRACTS BY THE STATE OF FLORIDA, AT AN AMOUNT NOT TO EXCEED \$21,965; FURTHER AUTHORIZING THE PURCHASE OF CONSULTING SERVICES FOR THE INSTALLATION, CONFIGURATION AND INTEGRATION OF THE CISCO LMS SOFTWARE, AS LISTED ON THE ATTACHMENTS, FOR THE DEPARTMENT OF POLICE, FROM UNISYS CORPORATION, AWARDED UNDER EXISTING STATE OF FLORIDA CONTRACT NO. 973-561-04-2, EFFECTIVE UNTIL MARCH 31,2006, SUBJECT TO FURTHER EXTENSIONS OR REPLACEMENT CONTRACTS BY THE STATE OF FLORIDA, AT AN AMOUNT NOT TO EXCEED \$34,878, FOR A TOTAL AMOUNT NOT TO EXCEED \$56,843; ALLOCATING FUNDS IN THE AMOUNT NOT TO EXCEED \$56,843, FOR SAID PURCHASES, FROM THE LAW ENFORCEMENT TRUST FUND, ACCOUNT CODE NO. 690003.291278.6.840, IN THE AMOUNT NOT TO EXCEED \$21,965 AND 690003.291278.6.340, IN THE AMOUNT NOT TO EXCEED \$34,878, WITH SUCH EXPENDITURES HAVING BEEN APPROVED BY THE CHIEF OF POLICE AS COMPLYING WITH THE UNITED STATES DEPARTMENT OF THE TREASURY'S, "GUIDE TO EQUITABLE SHARING."

R-04-0395

This Matter was ADOPTED on the Consent Agenda.

CA.8 04-00610 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY CLIFFORD ELAM, WITHOUT ADMISSION OF LIABILITY, THE SUM OF \$31,000 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 CLIFFORD ELAM V. CITY OF MIAMI AND STEVEN WATHAN, IN THE UNITED STATES DISTRICT COURT, CASE NO. 03-20223-CIV-UNGARO-BENAGES, UPON EXECUTING A GENERAL RELEASE OF THE CITY OF MIAMI, ITS PRESENT AND FORMER OFFICERS, AGENTS AND EMPLOYEES FROM ANY AND ALL CLAIMS AND DEMANDS; ALLOCATING FUNDS FROM THE SELF INSURANCE AND INSURANCE TRUST FUND, INDEX CODE NO. 515001.624401.6.652.

R-04-0396

This Matter was ADOPTED on the Consent Agenda.

CA.9 04-00611 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , ESTABLISHING A NEW SPECIAL REVENUE FUND ENTITLED: "SCHOOL BOARD OF MIAMI-DADE COUNTY 2004 SUMMER READING PROGRAM" AND APPROPRIATING FUNDS IN THE AMOUNT OF \$301,875, PROVIDED TO THE CITY OF MIAMI ("CITY") BY THE SCHOOL BOARD OF MIAMI-DADE COUNTY, TO FUND A SPECIAL SUMMER ENHANCEMENT READING ACTIVITIES PROGRAM DESIGNED TO AUGMENT THE READING SKILLS OF SCHOOL STUDENTS ATTENDING SUMMER CAMP IN CITY PARKS; AUTHORIZING THE CITY MANAGER TO ACCEPT SAID FUNDS AND TO EXECUTE THE AGREEMENT FORM FOR CONTRACTED SERVICES, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE.

R-04-0397

This Matter was ADOPTED on the Consent Agenda.

CA.10 04-00612 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ESTABLISHING A NEW SPECIAL REVENUE FUND ENTITLED: "MIAMI FIRE EXPLORERS JUVENILE FIRE SETTER PROGRAM," AND APPROPRIATING FUNDS IN THE AMOUNT NOT TO EXCEED \$1,000, PROVIDED BY A DONATION FROM FIREFIGHTERS CHARITABLE FOUNDATION ("FCF"), A NOT-FOR-PROFIT ORGANIZATION, TO BE USED EXCLUSIVELY TO COVER COSTS ASSOCIATED WITH THE CITY OF MIAMI ("CITY") FIRE EXPLORERS JUVENILE FIRE SETTER PREVENTION AND INTERVENTION PROGRAM TOWARDS SUPPLIES, VISUAL AIDS AND TRANSPORTATION SERVICES; AUTHORIZING THE CITY MANAGER TO ACCEPT SAID DONATION AND EXECUTE THE NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

R-04-0398

This Matter was ADOPTED on the Consent Agenda.

CA.11 04-00613 **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , DECLARING THAT THE ACQUISITION OF THE FEE-SIMPLE INTEREST IN PARCELS 67, 75, 76, 77 AND 92 THROUGH NEGOTIATED CONVEYANCE OR CONDEMNATION SERVES A PUBLIC PURPOSE AND IS NECESSARY FOR THE CONSTRUCTION OF THE CULTURAL AND RECREATIONAL COMPONENT OF THE LITTLE HAITI PARK PROJECT; DIRECTING THE CITY ATTORNEY TO USE ALL RESOURCES AVAILABLE IN THE OFFICE OF THE CITY ATTORNEY INCLUDING THE RETENTION OF SPECIAL COUNSEL, EXPERT WITNESSES AND CONSULTANTS; AND TO TAKE FURTHER ACTIONS THAT ARE REASONABLY NECESSARY TO ACQUIRE SAID PARCELS THROUGH CONDEMNATION; AUTHORIZING THE RETENTION OF SPECIAL COUNSEL, TO RENDER LEGAL SERVICES RELATED TO SAID PROPERTY ACQUISITION IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) PLUS COSTS AS APPROVED BY THE CITY ATTORNEY; ALLOCATING FUNDS FROM CAPITAL IMPROVEMENTS PROJECT ACCOUNT CODE NO. 331412.819307.6.270.

R-04-0399

This Matter was ADOPTED WITH MODIFICATIONS on the Consent Agenda.

CA.12 04-00614 **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING AN INCREASE IN COMPENSATION FOR THE PROFESSIONAL SERVICES OF METRIC ENGINEERING, INC., PREVIOUSLY APPROVED BY RESOLUTION NO. 03-1192, ADOPTED NOVEMBER 25, 2003 , FOR THE PROJECT ENTITLED "N.E. 71 STREET STORM SEWERS PROJECT, B-50690," FOR PROFESSIONAL ENGINEERING FEES, IN AN AMOUNT NOT TO EXCEED \$20,250, INCREASING COMPENSATION FROM \$75,000 TO \$95,250, BASED ON THE MODIFIED SCOPE OF SERVICES REQUIRED FOR SAID PROJECT; ALLOCATING FUNDS FOR SAID INCREASE, IN A TOTAL AMOUNT NOT TO EXCEED \$20,250, FOR SERVICES AND EXPENSES INCURRED BY THE CITY OF MIAMI, FROM CAPITAL IMPROVEMENTS PROGRAM PROJECT NO. 352216 ENTITLED " CITYWIDE LOCAL DRAINAGE PROJECTS FISCAL YEAR 2002-2006;" AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL WORK ORDER, IN SUBSTANTIALLY THE ATTACHED FORM; AMENDING RESOLUTION NO. 03-1192 TO REFLECT SAID INCREASE.

R-04-0400

This Matter was ADOPTED on the Consent Agenda.

CA.13 04-00616 **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE FUNDING OF THE POLICE ATHLETIC LEAGUE ("PAL") PROGRAM, TO ASSIST WITH EXPENSES RELATED TO THE OPERATION OF THE PROGRAM, IN AN AMOUNT NOT TO EXCEED \$559,495.84; ALLOCATING FUNDS FROM THE LAW ENFORCEMENT TRUST FUND, PROJECT NO.

690001, WITH SUCH EXPENDITURES HAVING BEEN APPROVED BY THE CHIEF OF POLICE AS COMPLYING WITH FLORIDA STATE STATUTES, CHAPTER 932.7055, AS AMENDED.

DEFERRED

A motion was made by Commissioner González, seconded by Commissioner Winton, and was passed unanimously, to DEFER item CA.13 to the Commission Meeting currently scheduled for July 22, 2004; further requesting the Chief of Police to explain this item to Commissioner González.

CA.14 04-00622

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , ACCEPTING THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR OF THE CIVILIAN INVESTIGATIVE PANEL ("CIP") APPROVING THE FINDINGS OF THE EVALUATION COMMITTEE, PURSUANT TO REQUEST FOR LETTERS OF INTEREST NO. 03-04-097, THAT THE MOST QUALIFIED FIRMS TO PROVIDE PRIVATE INVESTIGATION SERVICES FOR THE CIP, ON AN AS-NEEDED BASIS ARE: (1) GELLER INVESTIGATIONS, INC., (2) UPTOWN INVESTIGATIVE AGENCY, INC., (3) HORIZON INVESTIGATIONS, INC., AND (4) PEDRO FERNANDEZ-RUIZ C/O A INVESTIGATION AGENCY, INC.; AUTHORIZING THE CIP'S EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT ("AGREEMENT"), IN SUBSTANTIALLY THE ATTACHED FORM, WITH EACH TOP-RANKED FIRM, FOR AN INITIAL TWO-YEAR PERIOD, WITH THE OPTION TO EXTEND FOR THREE ADDITIONAL ONE-YEAR PERIODS; ALLOCATING FUNDS, IN AN AGGREGATE ANNUAL AMOUNT FOR ALL CONTRACTS NOT TO EXCEED \$ 142,000, FROM ACCOUNT CODE NO. 001000.830201.6.340.

R-04-0401

This Matter was **ADOPTED WITH MODIFICATIONS** on the Consent Agenda.

CA.15 04-00628

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ESTABLISHING A NEW SPECIAL REVENUE FUND ENTITLED: "PROGRAMS FOR THE DEVELOPMENTALLY DISABLED, 2004 -2005" AND APPROPRIATING FUNDS FOR ITS OPERATION IN THE AMOUNT OF \$243,744; AUTHORIZING THE CITY MANAGER TO EXECUTE TWO (2) AGREEMENTS TO FUND PROGRAMS FOR THE DEVELOPMENTALLY DISABLED, WHICH ARE ADMINISTERED BY THE DEPARTMENT OF PARKS AND RECREATION THROUGH ITS PROGRAMS FOR PERSONS WITH DISABILITIES DURING THE PERIOD OF JULY 1, 2004 THROUGH JUNE 30, 2005, WITH ONE AGREEMENT IN THE AMOUNT OF \$9,720 FROM THE STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES AND THE SECOND AGREEMENT IN THE AMOUNT OF \$234,024, FROM THE STATE OF FLORIDA AGENCY FOR HEALTH CARE ADMINISTRATION, MEDICAID PROGRAM DEVELOPMENT; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR ACCEPTANCE OF SAID FUNDS.

R-04-0402

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

CA.16 04-00629 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING BIDS OF HPI INTERNATIONAL, INC. FOR GROUP 1 AND DIXIE SALES COMPANY USA, INC., FOR GROUP 2, FOR THE PURCHASE OF PHOTOGRAPHIC SUPPLIES, FOR THE DEPARTMENT OF PURCHASING, TO BE USED CITYWIDE, ON AN AS-NEEDED CONTRACT BASIS, PURSUANT TO SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE BID NO. H-45-04, EFFECTIVE THROUGH MAY 28, 2005, SUBJECT TO ANY FURTHER EXTENSION OR REPLACEMENT CONTRACTS, WITH THE OPTION TO EXTEND FOR AN ADDITIONAL ONE-YEAR, FOR AN ANNUAL AMOUNT NOT TO EXCEED \$90,000; ALLOCATING FUNDS IN THE AMOUNT NOT TO EXCEED \$90,000, FROM THE GENERAL OPERATING BUDGETS OF THE VARIOUS OPERATING DEPARTMENTS AND AGENCIES; AUTHORIZING SAID PURCHASES, AS NEEDED, SUBJECT TO AVAILABILITY OF FUNDS, AS MAY BE ADJUSTED FROM TIME TO TIME BY THE CITY COMMISSION IN THE ANNUAL APPROPRIATIONS/CAPITAL IMPROVEMENTS ORDINANCES, OR AS OTHERWISE ADJUSTED AS PERMITTED BY LAW.

R-04-0403

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

CA.17 04-00631 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY THE SUM OF \$60,000 TO PLAINTIFFS' ATTORNEY, RONALD COHEN, ESQUIRE, FOR ATTORNEY'S FEES AND COSTS IN SETTLEMENT OF ALL CLAIMS AND DEMANDS AGAINST THE CITY OF MIAMI FOR THE CASE OF AFSCME, LOCAL 1907, CHARLES COX V. CITY OF MIAMI, IN THE MIAMI-DADE COUNTY CIRCUIT COURT, CASE NO. 99-00620 CA (30); ALLOCATING FUNDS FROM THE SELF-INSURANCE AND INSURANCE TRUST FUND, INDEX CODE NO. 515001.624401.6.661.

R-04-0404

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

CA.18 04-00633 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING AN INCREASE IN COMPENSATION FOR THE PROFESSIONAL SERVICES OF PROFESSIONAL GENERAL CONTRACTORS, INC., PREVIOUSLY APPROVED BY RESOLUTION NO. 03-552, ADOPTED MAY 22, 2003, FOR THE PROJECT ENTITLED "LEMON CITY DAYCARE CENTER PROJECT (FOURTH BIDDING), B-6272A," FOR ADDITIONAL WORK REQUIRED TO COMPLETE THE PROJECT, IN AN AMOUNT NOT TO EXCEED \$25,000, INCREASING COMPENSATION FROM \$542,000 TO \$567,000, BASED ON THE MODIFIED SCOPE OF SERVICES REQUIRED FOR SAID PROJECT; ALLOCATING FUNDS FOR SAID INCREASE, IN A TOTAL AMOUNT NOT TO EXCEED \$25,000, FOR SERVICES AND EXPENSES INCURRED BY THE CITY OF MIAMI, FROM PARKS FACILITIES GENERAL IMPROVEMENTS ACCOUNT PROJECT NO. 331369; AUTHORIZING THE CITY MANAGER TO EXECUTE AN

AMENDMENT TO THE CONTRACT, IN SUBSTANTIALLY THE ATTACHED FORM FOR SAID PURPOSE; AMENDING RESOLUTION NO. 03-552 TO REFLECT SAID INCREASE.

R-04-0405

This Matter was ADOPTED on the Consent Agenda.

CA.19 04-00601 **DISCUSSION ITEM**

ACCEPTING A REPORT FROM THE CIVIL SERVICE BOARD.

This Matter was ADOPTED on the Consent Agenda.

CA.20 04-00642 **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , ACCEPTING THE BID OF HORIZON CONTRACTORS, INC., FOR THE PROJECT ENTITLED "GRAND AVENUE IMPROVEMENTS B-40680 (FORMERLY B-4668), 2ND BIDDING, MIAMI-DADE COUNTY PROJECT # 651022" IN THE AMOUNT NOT TO EXCEED \$3,952,531; ALLOCATING FUNDS FROM CAPITAL IMPROVEMENTS PROJECT NO. 341208, IN THE AMOUNT NOT TO EXCEED \$3,952,531, FOR CONTRACT COSTS, PLUS \$615,989, FOR ESTIMATED EXPENSES INCURRED BY THE CITY OF MIAMI, FOR TOTAL PROJECT COSTS IN THE AMOUNT NOT TO EXCEED \$ 4,568,520, AS SET FORTH IN THE TABULATION OF BIDS DOCUMENT AND THE DEPARTMENT OF CAPITAL IMPROVEMENTS PROJECT FACT SHEET, ATTACHED AND INCORPORATED; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN A SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PROJECT.

R-04-0406

This Matter was ADOPTED WITH MODIFICATIONS on the Consent Agenda.

CA.21 04-00652 **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPROVING THE ACQUISITION OF KRONOS WORKFORCE CENTRAL LICENSES, HARDWARE, TRAINING, SUPPORT SERVICES AND IMPLEMENTATION SERVICES FROM KRONOS, INC, ON AN AS-NEEDED CONTRACT BASIS, UNDER EXISTING STATE OF FLORIDA CONTRACT NO. 252-023-00-01, EFFECTIVE THROUGH APRIL 30, 2005, SUBJECT TO FURTHER EXTENSIONS OR REPLACEMENT CONTRACTS BY THE STATE OF FLORIDA, AT A FIRST YEAR AMOUNT NOT TO EXCEED \$378,000, INCLUDING SOFTWARE UPGRADE AND ONE (1) YEAR MAINTENANCE AT AN ANNUAL COST NOT TO EXCEED \$70,000; AUTHORIZING THE OPTION TO EXTEND YEARLY MAINTENANCE FOR FOUR ADDITIONAL ONE-YEAR PERIODS AT A COST NOT TO EXCEED 3% OF THE COST FOR MAINTENANCE PER YEAR; ALLOCATING FUNDS FROM THE LOCAL LAW ENFORCEMENT BLOCK GRANT VIII, ACCOUNT CODE 142023, IN THE AMOUNT NOT TO EXCEED \$378,000, FOR THE INITIAL PURCHASE; ALLOCATING FUNDS FOR OTHER PURCHASES FROM FUTURE FUNDS FROM VARIOUS CAPITAL IMPROVEMENTS PROJECT ACCOUNTS, THE

OPERATING BUDGETS OF VARIOUS DEPARTMENTS, INFORMATION TECHNOLOGY DEPARTMENT'S OPERATING BUDGET, AND INFORMATION TECHNOLOGY STRATEGIC FUNDING, AS MAY BE ADJUSTED FROM TIME TO TIME BY THE CITY COMMISSION IN THE ANNUAL APPROPRIATIONS/ CAPITAL IMPROVEMENTS ORDINANCES OR AS OTHERWISE ADJUSTED AS PERMITTED BY LAW.

DEFERRED

A motion was made by Commissioner González, seconded by Commissioner Winton, and was passed unanimously, to DEFER item CA.21 to the Commission Meeting currently scheduled for July 22, 2004; further requesting the Chief of Police to explain this item to Commissioner González.

CA.22 04-00661

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CONTINUED ENGAGEMENT OF THE LAW FIRM OF HOGAN & HARTSON, L.L.P. FOR LEGAL SERVICES PROVIDED TO THE CITY OF MIAMI IN CONNECTION WITH ILLEGALLY PLACED BILLBOARDS AND THE CASE OF NATIONAL ADVERTISING CO. VS. CITY OF MIAMI, IN THE UNITED STATES DISTRICT COURT, CASE NO. 01-3039 CIV-KING, AND ALL RELATED BILLBOARD CASES, IN AN AMOUNT NOT TO EXCEED \$140,000, 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.

R-04-0407

This Matter was ADOPTED on the Consent Agenda.

CA.23 04-00669

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ENGAGEMENT OF THE LAW OFFICES OF RONALD J. COHEN, P.A., ON BEHALF OF THE CITY OF MIAMI FOR REPRESENTATION OF OFFICER ACQUILES CARMONA IN CONNECTION WITH THE CASE OF RUBEN ORTIZ VS. CITY OF MIAMI, ET AL., IN THE UNITED STATES DISTRICT COURT, CASE NO. 00-3533 CIV-GOLD, 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.

R-04-0408

This Matter was ADOPTED on the Consent Agenda.

CA.24 04-00676

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A USE AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH SOCCER MARKETING AND PROMOTIONS, INC., RELATING TO A SOCCER MATCH BETWEEN THE NATIONAL TEAMS OF COLOMBIA AND ARGENTINA AT THE ORANGE BOWL STADIUM ON JUNE 27, 2004; AUTHORIZING A CAP ON THE USER FEE, IN AN AMOUNT NOT TO EXCEED \$5,000, FOR THE EVENT;

CONDITIONING SAID AUTHORIZATION UPON THE ORGANIZERS: (1) PAYING FOR ALL NECESSARY COSTS OF CITY OF MIAMI ("CITY") SERVICES AND APPLICABLE FEES ASSOCIATED WITH SAID EVENT, (2) OBTAINING INSURANCE TO PROTECT THE CITY IN THE AMOUNT AS PRESCRIBED BY THE CITY MANAGER OR HIS DESIGNEE, (3) COMPLYING WITH ALL CONDITIONS AND LIMITATIONS AS MAY BE PRESCRIBED BY THE CITY MANAGER OR DESIGNEE AND (4) OBTAINING ALL PERMITS REQUIRED BY LAW.

R-04-0409

This Matter was ADOPTED on the Consent Agenda.

Adopted the Consent Agenda

MOVED: Johnny L. Winton
SECONDED: Angel González
AYES: Commissioner González, Winton, Regalado and Teele
NOES: Commissioner Sanchez

END OF CONSENT AGENDA

PERSONAL APPEARANCE

4:00 P.M.

PA.1 04-00658 DISCUSSION ITEM

MR. JUMEL CALIXTE TO ADDRESS THE COMMISSION CONCERNING PLACE KAMOKEN "LITTLE HAITI FREEDOM GARDEN", CARIBBEAN MARKET AND INFRASTRUCTURE IN LITTLE HAITI.

WITHDRAWN

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

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

DISTRICT 4

COMMISSIONER TOMAS REGALADO

D4.1 04-00555 DISCUSSION ITEM

DISCUSSION CONCERNING AN UPDATE FROM THE ADMINISTRATION REGARDING THE QUALITY OF CAPITAL IMPROVEMENT PROJECTS AND THE ECONOMIC IMPACT OF ADMINISTRATIVE ERRORS.

DEFERRED

D4.2 04-00688 DISCUSSION ITEM

DISCUSSION CONCERNING ALLOCATING DISTRICT 4 ROLLOVER FUNDS FOR THE 2506 BRIGADE MUSEUM & LIBRARY LOCATED AT SW 19TH AVENUE.

MOTION

A motion was made by Commissioner Regalado, seconded by Commissioner González, and was passed unanimously, to allocate \$10,000 to the 2506 Brigade Museum and Library located at SW 19 Avenue, from the following funds:

- \$1,000 from the District 4 Rollover Account,
- \$1,000 from the District 3 Rollover Account,
- \$2,000 from the District 1 Rollover Account,
- \$3,000 from the District 5 Rollover Account, and
- \$3,000 from the District 2 Rollover Account;

further creating an 11 member committee, with each member of the Commission and the Mayor appointing two members, one of whom may be the Commissioner or his designee, to come back before the end of the year with a strategic plan for the Brigade 2506 Museum in terms of fund-raising.

Note for the Record: Chairman Teele stated "a Committe of 11 people, with each Commissioner serving or designating a person to serve, and 1 other person, as well as the Mayor the same right"; therefore, the Committee would total 12 members.

D4.3 04-00689 DISCUSSION ITEM

DISCUSSION CONCERNING CONFLICTING OPINIONS REGARDING ZONING MATTERS RELATED TO BUILDINGS ABUTTING RESIDENTIAL AREAS.

DEFERRED

D4.4 04-00690 DISCUSSION ITEM

DISCUSSION CONCERNING WAIVING PARK RENTAL FEES FOR THE ANNUAL CELEBRATION OF SANTA ISABEL DE LAS LOJAS MUNICIPALITY.

MOTION

A motion was made by Commissioner Regalado, seconded by Commissioner González, and was passed unanimously, to waive the park rental fees for the annual celebration of Santa Isabel De Las Lojas Municipality.

6:31 P.M.

D4.5 04-00640 DISCUSSION ITEM

AN UPDATE FROM THE ADMINISTRATION REGARDING PERMITS BEING APPROVED FOR BUILDINGS LOCATED ON THE S.W. 27TH AVENUE CORRIDOR.

DEFERRED

DISTRICT 5

CHAIRMAN ARTHUR E. TEELE, JR.

D5.1 04-00547 DISCUSSION ITEM

DISCUSSION REGARDING THE STATUTES OF THE LAW INTO 2 C.O.P. (CONSUMPTION ON PREMISES)

WITHDRAWN

A motion was made by Chairman Teele, seconded by Commissioner González, and was passed unanimously, with Commissioners Regalado and Winton absent, to WITHDRAW item D5.1.

D5.2 04-00582 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, AUTHORIZING A COVENANT TO BUDGET AND APPROPRIATE, IN AN AMOUNT NOT TO EXCEED \$7,500,000, AS A GUARANTEE FOR THE SOUTHEAST OVERTOWN/PARK WEST COMMUNITY REDEVELOPMENT AGENCY ("CRA"); AUTHORIZING THE CITY MANAGER TO EXECUTE, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, THE COVENANT AND ANY OTHER NECESSARY DOCUMENTS IN SUPPORT OF A LOAN FROM THE FLORIDA MUNICIPAL LOAN COUNCIL'S POOLED FINANCING PROGRAM

TO THE CRA FOR CONSTRUCTION OF CAPITAL PROJECTS WITHIN THE SOUTHEAST OVERTOWN/PARK WEST COMMUNITY REDEVELOPMENT AREA, CONTINGENT UPON THE CRA AGREEING THAT THE LOAN PROCEEDS MAY NOT BE USED OR APPROPRIATED WITHOUT FURTHER APPROVAL OF THE MIAMI CITY COMMISSION.

DEFERRED

D5.3 04-00657 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY MANAGER TO INSTRUCT HIS STAFF IN THE FOLLOWING DEPARTMENTS: DEPARTMENT OF CAPITAL IMPROVEMENTS, CODE ENFORCEMENT, NEIGHBORHOOD ENHANCEMENT TEAM, PLANNING AND ZONING, PUBLIC WORKS AND TRANSPORTATION, TO COORDINATE AND CONDUCT A COMMUNITY WORKSHOP WITH THE OAKLAND GROVE NEIGHBORHOOD ASSOCIATION TO HEAR AND DISCUSS CITIZEN CONCERNS REGARDING MULTI-FAMILY UNITS, PARKING, STREET INFRASTRUCTURE CONDITIONS, CUT THROUGH TRAFFIC, STREET CLOSURES, AND OTHER CONCERNS EXPRESSED TO THE OFFICE OF COMMISSIONER ARTHUR E. TEELE, JR.

R-04-0415

MOVED: Arthur E. Teele, Jr.

SECONDED: Angel González

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

AYES: Commissioner González, Sanchez and Teele

ABSENT: Commissioner Winton and Regalado

D5.4 04-00683 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY MANAGER TO IMMEDIATELY INITIATE ALL ACTIONS AND PROCEDURES NECESSARY TO REZONE, FROM R-2 TWO-FAMILY RESIDENTIAL, TO R-1 SINGLE-FAMILY RESIDENTIAL, ALL R-2 ZONED LOTS LOCATED WITHIN THE AREA BOUNDED BY NORTHWEST 19TH AVENUE ON THE WEST, NORTHWEST 56TH STREET ON THE NORTH, NORTHWEST 17TH AVENUE ON THE EAST, AND NORTHWEST 39TH STREET ON THE SOUTH.

R-04-0416

MOVED: Arthur E. Teele, Jr.

SECONDED: Angel González

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

AYES: Commissioner González, Sanchez and Teele

ABSENT: Commissioner Winton and Regalado

Direction to the City Manager to strategically study the City's boundaries with a view toward possible annexation of unincorporated areas.

PUBLIC HEARING**PH.1 04-00615 RESOLUTION**

A RESOLUTION OF THE CITY OF MIAMI COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, APPROVING AND CONFIRMING THE CITY MANAGER'S FINDING OF SOLE SOURCE; WAIVING THE REQUIREMENTS FOR COMPETITIVE SEALED BIDDING PROCEDURES AND APPROVING THE USE OF THE SCAVENGER 2000 DEPOLLUTION BOAT, FOR THE DEPARTMENT OF PUBLIC WORKS, FOR SURFACE CLEANING THE CITY OF MIAMI'S ("CITY") WATERFRONT UTILIZING A UNIQUE PROPRIETARY PROCESS, FROM WATER MANAGEMENT TECHNOLOGIES, THE SOLE SOURCE PROVIDER, FOR A ONE-YEAR PERIOD WITH THE OPTION TO RENEW FOR TWO ADDITIONAL ONE-YEAR PERIODS, FOR AN ANNUAL AMOUNT NOT TO EXCEED \$200,000; ALLOCATING FUNDS FROM THE PUBLIC WORKS OPERATING BUDGET ACCOUNT NO. 001000.311003.6.270; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PROJECT.

R-04-0411

MOVED: Angel González

SECONDED: Tomas Regalado

UNANIMOUS

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

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

PH.2 04-00620 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , ACCEPTING THE PLAT ENTITLED "TOWER TWENTY-SEVEN," 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.

R-04-0414

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

PH.3 04-00621 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , ACCEPTING THE PLAT ENTITLED "COCO BREEZE," A SUBDIVISION IN THE CITY OF MIAMI 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.

R-04-0412

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.4 04-00635 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , EXPANDING THE BOUNDARIES OF THE CITY OF MIAMI'S BROWNFIELD AREAS TO INCLUDE THE PROPERTY LOCATED AT 1960 - 1970 NORTHWEST 27TH AVENUE, MIAMI, FLORIDA ("PROPERTY"), AS ILLUSTRATED AND DESCRIBED IN "EXHIBIT A," ATTACHED AND INCORPORATED, IN ACCORDANCE WITH THE REQUEST OF AGUACLARA, LTD. ("AGUACLARA"), THE CONTRACT PURCHASER OF THE PROPERTY, AND IN ACCORDANCE WITH STATUTORY REQUIREMENTS; RESERVING TO THE CITY COMMISSION THE RIGHT TO WITHDRAW SAID PROPERTY'S DESIGNATION AS A BROWNFIELD AREA IN THE EVENT THAT AGUACLARA DOES NOT PURCHASE SAID PROPERTY; AUTHORIZING THE CITY MANAGER TO PROVIDE ALL REQUIRED NOTICES IN CONNECTION WITH SAID DESIGNATION; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST SOURCE HIRING AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM AS "EXHIBIT B," WITH AGUACLARA, LTD.

R-04-0413

MOVED: Angel González

SECONDED: Tomas Regalado

UNANIMOUS

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

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

ORDINANCES - EMERGENCY**EM.1 04-00434 ORDINANCE Emergency Ordinance**

(4/5THS VOTE)

AN EMERGENCY ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 2/ARTICLE X OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "CODE ENFORCEMENT;" MORE PARTICULARLY, BY AMENDING SECTIONS 2-811, 2-812, 2-814 THROUGH 2-819, 2-821, 2-823 THROUGH 2-826, 2-828 THROUGH 2-829; REPEALING SECTION 2-822; ADOPTING, RATIFYING, AND REAFFIRMING THE CITY COMMISSION'S AUTHORIZATION OF THE USE OF SPECIAL MASTERS IN LIEU OF THE CODE ENFORCEMENT BOARD; ADDING NEW SECTION 2-830; PROVIDING FOR THE AFFIRMANCE AND ADOPTION OF AN ALTERNATE CODE ENFORCEMENT SYSTEM THAT GIVES SPECIAL MASTERS THE SAME AUTHORITY AS THE CODE ENFORCEMENT BOARD TO HOLD HEARINGS AND IMPOSE FINES, COSTS, LIENS, AND OTHER NON-CRIMINAL PENALTIES AGAINST VIOLATORS OF THE CITY CODES AND ORDINANCES OF SAID CODE; PROVIDING FOR THE QUALIFICATIONS, APPOINTMENT, POWERS, COMPENSATION, AND RETENTION OF SPECIAL MASTERS; CLARIFYING THE ROLE OF THE CITY ATTORNEY WITH RESPECT TO SPECIAL MASTERS; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; PROVIDING FOR A RETROACTIVE EFFECTIVE DATE OF APRIL 11, 2002; PROVIDING FOR INCLUSION IN THE CITY CODE.

12547

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

EM.2 04-00632 ORDINANCE Emergency Ordinance

(4/5THS VOTE)

AN EMERGENCY ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING A GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION("FDOT") IN THE AMOUNT NOT TO EXCEED \$85,000 FOR THE DRAINAGE IMPROVEMENTS ALONG SOUTHWEST 64th COURT, FROM SOUTHWEST 8TH STREET TO SOUTHWEST 6TH STREET, IN THE FLAGAMI AREA, MIAMI, FLORIDA; AMENDING ORDINANCE NO. 12451, ADOPTED NOVEMBER 25, 2003, AS AMENDED, THE CAPITAL PROJECTS APPROPRIATIONS ORDINANCE, TO APPROPRIATE SAID GRANT FUNDS TO CAPITAL IMPROVEMENTS PROJECT NO. 341330, ENTITLED "CITYWIDE TRANSPORTATION & TRANSIT;" AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE; APPROPRIATING UNALLOCATED HOMELAND DEFENSE/ NEIGHBORHOOD IMPROVEMENT BONDS IN THE AMOUNT NOT TO

EXCEED \$202,000, TO CAPITAL IMPROVEMENTS PROJECT NO. 331416 ENTITLED "VIRGINIA KEY PARK IMPROVEMENTS" AND COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT NOT TO EXCEED \$1,335,500, ALLOCATED FOR CAPITAL IMPROVEMENTS PURSUANT TO RESOLUTION NO. 03-711, ADOPTED JUNE 24, 2003, NO. 03-991, ADOPTED SEPTEMBER 11, 2003, NO. 04-0275, ADOPTED APRIL 22, 2004 AND A RESOLUTION RESULTING FROM DISCUSSION ITEM NO. 03-0371 ON JANUARY 8, 2004; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE.

12548

MOVED: Johnny L. Winton

SECONDED: Angel González

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

AYES: Commissioner González, Winton, Sanchez and Teele

ABSENT: Commissioner Regalado

ORDINANCE - SECOND READING

SR.1 04-00497

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 54/ARTICLE V/SECTION 54-190 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "STREETS AND SIDEWALKS/BASE BUILDING LINES/NONSTANDARD STREET WIDTHS," TO MODIFY THE WIDTH OF NORTHEAST 9TH STREET BETWEEN NORTHEAST 2ND AVENUE AND BISCAYNE BOULEVARD, MIAMI, FLORIDA; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

12549

MOVED: Johnny L. Winton

SECONDED: Angel González

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

AYES: Commissioner González, Winton, Sanchez and Teele

ABSENT: Commissioner Regalado

ORDINANCES - FIRST READING

FR.1 04-00466

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION REPEALING SECTIONS 35-341 TO 35-347, IN ITS ENTIRETY OF ARTICLE IX OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ("CODE") ENTITLED: PARKING FACILITIES SURCHARGE, AND REPLACING IT WITH NEW SECTIONS 35-341 TO 35-347, AMENDING THE CODE PROVIDING FOR THE IMPOSITION AND COLLECTION OF A PARKING FACILITIES SURCHARGE AT THE RATE OF FIFTEEN PERCENT (15%) OF THE AMOUNT CHARGED FOR THE SALE, LEASE, OR RENTAL OF SPACE AT PARKING FACILITIES WITHIN THE CITY

OF MIAMI; PROVIDING DEFINITIONS; SETTING FORTH PROCEDURES FOR COLLECTION AND PROVIDING PENALTIES FOR NONCOMPLIANCE; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR INCLUSION IN THE CITY CODE.

MOVED: Johnny L. Winton

SECONDED: Angel González

Motion that this matter be PASSED ON FIRST READING PASSED by the following vote.

AYES: Commissioner González, Winton, Sanchez and Teele

ABSENT: Commissioner Regalado

FR.2 04-00468

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 2 /ADMINISTRATION/ARTICLE XI/BOARDS, COMMITTEES, COMMISSIONS; CHAPTER 35/MOTOR VEHICLES AND TRAFFIC/ARTICLE V ENTITLED " COCONUT GROVE PARKING IMPROVEMENTS TRUST FUND" AND CHAPTER 54/STREETS AND SIDEWALKS/ARTICLE IX/COCONUT GROVE SPECIAL EVENTS DISTRICT OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, TO ABOLISH THE EXISTING COCONUT GROVE PARKING ADVISORY COMMITTEE AND THE COCONUT GROVE SPECIAL EVENTS AND MARKETING COMMITTEE, AND SUBSTITUTE IN LIEU THEREOF, A NEW DIVISION 17 TO ARTICLE XI OF CHAPTER 2, ENTITLED "COCONUT GROVE BUSINESS IMPROVEMENT COMMITTEE" ("BIC"), TO SET FORTH THE PURPOSE, POWERS, APPOINTMENTS, APPROVAL OF BUDGET, AND ANNUALLY PROVIDING FOR SUNSET REVIEW, MORE PARTICULARLY BY DELETING SECTIONS 35-223 AND SECTION 54-342, AND SUBSTITUTING IN LIEU THEREOF, A NEW DIVISION 17, NEW SECTIONS 2-1250 THROUGH 2-1255 TO SAID CODE; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

MOVED: Johnny L. Winton

SECONDED: Angel González

Motion that this matter be PASSED ON FIRST READING WITH MODIFICATIONS PASSED by the following vote.

AYES: Commissioner González, Winton, Sanchez and Teele

ABSENT: Commissioner Regalado

Direction to the City Manager and City Clerk to schedule an item for discussion to try to consolidate some City boards and eliminate boards which are not active and productive.

FR.3 04-00648

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 40/ ARTICLE IV/DIVISION 3 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "PERSONNEL/ PENSION AND RETIREMENT PLANS/ CITY OF MIAMI GENERAL EMPLOYEES' AND SANITATION EMPLOYEES' RETIREMENT TRUST TO PROVIDE PROCEDURES FOR THE EQUITABLE TRANSFER OF RETIREMENT PLAN MEMBERSHIPS BY ELIGIBLE EMPLOYEES; MORE PARTICULARLY BY

AMENDING SECTION 40-250 OF THE CODE; CONTAINING A REPEALER PROVISION, AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WITHDRAWN

A motion was made by Vice Chairman Sanchez, seconded by Commissioner González, and was passed unanimously, with Commissioner Winton absent, to WITHDRAW item FR.3.

RESOLUTIONS**RE.1 04-00482 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, TO THE AGREEMENT WITH SARMIENTO ADVERTISING GROUP, L.L.C. ("SARMIENTO") FOR BUS BENCH DESIGN, INSTALLATION AND MAINTENANCE TO REDUCE, FOR A PERIOD OF ONE YEAR, THE AMOUNT OF THE REQUIRED PERFORMANCE AND PAYMENT BONDS TO A TOTAL OF \$50,000 AND THEREAFTER TO PERMANENTLY REDUCE THE TOTAL AMOUNT OF THE PERFORMANCE AND PAYMENT BONDS TO \$250,000, CONDITIONED UPON SARMIENTO AGREEING TO ENTER INTO A SEPARATE PROFESSIONAL SERVICES AGREEMENT, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, ON A MONTH-TO-MONTH BASIS FOR EMERGENCY MAINTENANCE OF EXISTING BUS SHELTERS IN CITY RIGHTS-OF-WAY AS PER THE ATTACHED PROPOSAL, AND PROVIDING THAT IF ANY SHELTER IS USED FOR ADVERTISING THE CITY SHALL NOT PAY TO MAINTAIN THE SHELTER AND SARMIENTO SHALL PAY THE CITY AT THE RATE LAST PAID BY THE PREVIOUS BUS SHELTER CONTRACTOR; AUTHORIZING THE CITY MANAGER TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE A BILL OF SALE FOR BUS SHELTERS AND MUTUAL RELEASES, IN SUBSTANTIALLY THE ATTACHED FORM, WITH CLEAR CHANNEL OUTDOOR, INC.

R-04-0427

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

Direction to the Administration by Chairman Teele to take pictures of bus stops all over City; further directing the City Clerk to provide a copy of the record when the previous assistant manager assured the Commission that a study would be done related to the provision of bus benches.

Direction to the Administration by Chairman Teele to review the record on the bus bench issue and come back with a comprehensive plan; further directing the Administration to thoroughly review the contract with Sarmiento Advertising Group.

RE.2 04-00643 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO ACCEPT A QUIT CLAIM DEED FROM SOUTHEAST OVERTOWN PARK WEST COMMUNITY REDEVELOPMENT AGENCY ("CRA"), FOR CONVEYANCE TO THE CITY OF MIAMI OF THE CRA'S INTEREST IN THE PROPERTY LOCATED AT 104 NORTHWEST 1ST AVENUE, MIAMI, FLORIDA, AS LEGALLY DESCRIBED IN "EXHIBIT A," ATTACHED AND INCORPORATED; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE A QUIT CLAIM DEED, IN

SUBSTANTIALLY THE ATTACHED FORM, FOR THOSE PORTIONS OF LAND THAT WERE ORIGINALLY DEDICATED TO THE GRAN CENTRAL CORPORATION PURSUANT TO RESOLUTION NO. 88-471, ADOPTED MAY 19, 1988, AND OTHER ANY NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

R-04-0417

MOVED: Angel González

SECONDED: Joe Sanchez

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

AYES: Commissioner González, Sanchez and Teele

ABSENT: Commissioner Winton and Regalado

RE.3 04-00645

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE CITY MANAGER TO ACCEPT A QUIT CLAIM DEED, AS DESCRIBED IN "EXHIBIT B," ATTACHED AND INCORPORATED, FROM THE MIAMI SPORTS AND EXHIBITION AUTHORITY ("MSEA"), FOR THE CONVEYANCE TO THE CITY OF MIAMI OF THE FIRST AVENUE RIGHT-OF-WAY LOCATED WITHIN TRACT "C" OF THE MIAMI ARENA SUBDIVISION, MIAMI, FLORIDA, AS LEGALLY DESCRIBED IN "EXHIBIT A," ATTACHED AND INCORPORATED; AUTHORIZING THE CITY MANAGER TO JOIN WITH MSEA IN THE EXECUTION OF A QUIT CLAIM DEED, AS DESCRIBED IN " EXHIBIT C," ATTACHED AND INCORPORATED, FOR THOSE PORTIONS OF LAND THAT WERE ORIGINALLY DEDICATED TO THE GRAN CENTRAL CORPORATION, PURSUANT TO RESOLUTION NO. 88-471, ADOPTED MAY 19, 1988, AND ANY OTHER NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

R-04-0418

MOVED: Angel González

SECONDED: Joe Sanchez

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

AYES: Commissioner González, Sanchez and Teele

ABSENT: Commissioner Winton and Regalado

BOARDS AND COMMITTEES

Note for the Record: Commissioner Gonzalez deferred all of his appointments.

BC.1 03-0233

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING AN INDIVIDUAL AS A MEMBER OF THE **URBAN DEVELOPMENT REVIEW BOARD** FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE: NOMINATED BY:

_____ Chairman Arthur Teele

DEFERRED

BC.2 03-0234

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING AN INDIVIDUAL AS A MEMBER OF THE **MIAMI STREET CODESIGNATION REVIEW COMMITTEE** FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE: NOMINATED BY:

_____ Vice Chairman Joe Sanchez

DEFERRED

BC.3 04-00086

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING AN INDIVIDUAL AS A MEMBER OF THE COMMUNITY TECHNOLOGY ADVISORY BOARD FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE: NOMINATED BY:

_____ Commissioner Angel González

DEFERRED

BC.4 04-00446

RESOLUTION

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

APPOINTEES: NOMINATED BY:

_____ Commissioner Angel González

_____ Commissioner Tomas Regalado

_____ Commissioner Tomas Regalado
 _____ Vice Chairman Joe Sanchez
 _____ Mayor Manuel Diaz

DEFERRED

BC.5 04-00539 RESOLUTION

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

APPOINTEES:	NOMINATED BY:
_____	Commissioner Angel González
_____	Commissioner Johnny Winton
_____	Commissioner Tomas Regalado
_____	Vice Chairman Joe Sanchez
_____	Chairman Arthur Teele

DEFERRED

BC.6 04-00540 RESOLUTION

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

APPOINTEES:	NOMINATED BY:
_____	Vice Chairman Joe Sanchez
_____	Chairman Arthur Teele
_____	Chairman Arthur Teele

DEFERRED

BC.7 04-00541 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING AN INDIVIDUAL AS A MEMBER OF THE NUISANCE ABATEMENT BOARD FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE: _____ NOMINATED BY: Vice Chairman Joe Sanchez

DEFERRED

BC.8 04-00542 **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES: Anthony Parrish, Jr. (Business/Finance or Law Category) Gloria Loyola-Black (Citizen Category) NOMINATED BY: Commissioner Johnny Winton Commissioner Johnny Winton

R-04-0430

MOVED: Johnny L. Winton

SECONDED: Angel González

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 Commissioner González, and was passed unanimously, with Commissioner Regalado absent, to appoint Andy Parrish and Gloria Loyola Black as members of the Historic and Environmental Preservation Board.

Note for the Record: Chairman Teele, Vice Chairman Sanchez, and Commissioners González and Regalado deferred their appointments.

BC.9 04-00543 **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE BAYFRONT PARK MANAGEMENT TRUST FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES: _____ NOMINATED BY: Vice Chairman Joe Sanchez Chairman Arthur Teele

DEFERRED

BC.10 04-00548 **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING AN

INDIVIDUAL AS A MEMBER OF THE FIRE FIGHTERS' AND POLICE OFFICERS' RETIREMENT TRUST FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE: _____ NOMINATED BY:
Miami Association of Fire Fighters

DEFERRED

BC.11 04-00617

RESOLUTION

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

APPOINTEE: _____ NOMINATED BY:
Chairman Arthur Teele

DEFERRED

DISCUSSION ITEMS**DI.1 04-00594 DISCUSSION ITEM**

DISCUSSION CONCERNING A STATUS REPORT OF BUS BENCHES, BUS SHELTERS AND ALL RELATED MATTERS.

DEFERRED

DI.2 04-00651 DISCUSSION ITEM

DISCUSSION REGARDING POSSIBLE EARLY VOTING SITES FOR THE AUGUST 31, 2004 PRIMARY AND NOVEMBER 2, 2004 GENERAL ELECTIONS.

DISCUSSED

Note for the Record: Chairman Teele suggested to post on the City's website, Senate Bill 2346, with an explanation accompanying same, regarding the new regulations for Early Voting; further to work with the Communications Office to inform City residents of the new requirements of the Bill, and showing the delegation vote and who sponsored the Bill.

Direction to the City Clerk by Chairman Teele to contact the Mayor's Office, Supervisor of Elections Constance Kaplan and the Agenda Coordinator Elvi Alonso in order to agree on a time certain to schedule on the July 8th Commission agenda a discussion item related to the 2005 City of Miami Runoff Election.

Note for the Record: The Agenda Office, the Mayor's Office and the Miami-Dade County Supervisor of Elections, Constance Kaplan, agreed to schedule the aforementioned item for 10:00 a.m. on July 8, 2004.

A motion was made by Commissioner Regalado, seconded by Commissioner González, and passed unanimously, to direct the City Attorney to research and report back as soon as possible on the possibility of a class-action suit of voters against the Supervisor of Elections, the Miami-Dade County Elections Department and the State of Florida Elections Department for the disenfranchisement of City of Miami Hispanic voters because none of the early voting sites identified for the First Primary Election on August 31, 2004 and the General Election of November 2, 2004 are located in predominantly Hispanic areas.

DI.3 04-00686 DISCUSSION ITEM

DISCUSSION AND POSSIBLE RESOLUTION REGARDING A POSSIBLE SETTLEMENT IN THE MATTER OF MARK'S CLASSIC CORPORATION, RICHARD AND SUNNY MANAGAN, ET AL. VS. CITY OF MIAMI [CLEAR CHANNEL]

MOTION

A motion was made by Vice Chairman Sanchez, seconded by Commissioner Winton, and was passed unanimously, to approve the settlement, in principle, in the case of Mark's Classic Corp., Richard and Sunny Managan, Et. Al. vs. City of Miami (Clear Channel), and further requesting that the other parties bring back an executed agreement, along with a settlement check, at the Commission Meeting currently scheduled for July 8, 2004.

Direction to the City Manager by Chairman Teele to meet with each Commissioner concerning the proposed uses of the settlement funds.

DI.4 04-00687 DISCUSSION ITEM

DISCUSSION AND CONSIDERATION OF AN AMENDMENT TO THE GOVERNING BODY OF THE SEOPW/CRA ORDINANCE.

DEFERRED

A motion was made by Vice Chairman Sanchez, seconded by Commissioner González, and was passed unanimously, with Commissioner Winton absent, to DEFER item DI.4 to the meeting currently scheduled for July 8, 2004.

Direction to the City Attorney by Chairman Teele to schedule an ordinance on the next agenda regarding staffing of the Community Redevelopment Agency.

10:00 A.M.**DI.5 04-00636 DISCUSSION ITEM**

DISCUSSION CONCERNING A STATUS REPORT ON CIVILIAN INVESTIGATIVE PANEL ISSUES.

DISCUSSED

Discussion of Item DI.5 resulted in Resolution listed below:

(DI.5) 04-00715 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING, THE CIVILIAN INVESTIGATIVE PANEL TO DETERMINE, IN ITS SOLE DISCRETION, THE TERMS AND CONDITIONS OF EMPLOYMENT FOR ITS INDEPENDENT COUNSEL, SUBJECT ONLY TO PROVISIONS SET FORTH IN CHAPTER 11.5/ARTICLE II/SECTION 11.5-34 OF THE CODE AND CHARTER OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED: "CIVILIAN COMPLAINT INVESTIGATION AND REVIEW/THE CITY OF MIAMI CIVILIAN INVESTIGATIVE PANEL/ADMINISTRATIVE ASSISTANCE; INDEPENDENT COUNSEL;" FURTHER DIRECTING THE CITY MANAGER TO PROVIDE APPROPRIATE BUDGETARY SUPPORT FOR SUCH DETERMINATION.

R-04-0410

MOVED: Johnny L. Winton

SECONDED: Tomas Regalado

UNANIMOUS

Motion that this matter be ADOPTED WITH MODIFICATIONS PASSED by the following vote.

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

Direction to the City Manager by Commissioner Winton to schedule a discussion on the Budget Workshop related to the policy of the City requiring one million dollars insurance coverage from all vendors and the possibility of lowering that amount for at least some types of vendors.

Direction to the City Attorney and the City Manager by Chairman Teele to draft an ordinance that stipulates that the City Commission has ultimate power to decide who uses City Hall

Chambers; further directing the City Manager to arrange for the Civilian Investigative Panel meetings to take place in City Hall Chambers and that such meetings be televised on "Miami Television" cable channel 9.

EXECUTIVE SESSION**2:15 P.M.****ES.1 04-00668 EXECUTIVE SESSION**

UNDER F. S. 286.011(8) [2003], THE PERSON CHAIRING THIS MEETING OF THE CITY OF MIAMI COMMISSION 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: AFSCME LOCAL 1907/COX VS. CITY OF MIAMI, CASE NO.: 99-00620 (CA 30). THE SESSION WILL BEGIN AT APPROXIMATELY 2:15 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 3:00 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 ASSISTANT CITY ATTORNEYS MARIA J. CHIARO AND MIMI V. TURIN. 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 CHAMBERS, 3500 PAN AMERICAN DRIVE, MIAMI, FLORIDA.

DISCUSSED

A motion was made by Commissioner González, seconded by Commissioner Regalado, and was passed unanimously, with Vice Chairman Sanchez absent, to TABLE item ES.1 to 5:30 p.m. today.

Note for the Record: The City Attorney stated that there was no longer a need to hold the Executive Session because the settlement was approved on the Consent Agenda (Item CA. 17). The Executive Session was only to further explain the judge's order and judgment. The City Attorney further stated that their office would issue a memo stating the particulars of said order and judgment.

PART B

The following items shall not be considered before 2:30 pm.

PZ.1 04-00558 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AMENDING THE DOWNTOWN MIAMI DEVELOPMENT OF REGIONAL IMPACT ("DDRI") MASTER AND INCREMENT II DEVELOPMENT ORDERS (RESOLUTIONS 87-1148 AND 02-1307, ADOPTED DECEMBER 12, 2002, AS AMENDED) TO EXPAND THE BOUNDARIES OF THE DDRI TO BE CONSISTENT WITH THE AREA OF THE CITY OF MIAMI UNDER THE JURISDICTION OF THE DOWNTOWN DEVELOPMENT AUTHORITY AND TO ADD EIGHT (8) WET-SLIPS TO THE MARINA LAND USE CATEGORY OF THE DDRI, AND FINDING THAT THESE CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION PURSUANT TO CHAPTER 380, FLORIDA STATUTES, AND ALSO FINDING THAT THESE CHANGES ARE IN CONFORMITY WITH THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO A NOTIFICATION OF PROPOSED CHANGE ("NOPC") TO A PREVIOUSLY APPROVED DRI PROPOSED BY THE DOWNTOWN DEVELOPMENT AUTHORITY, APPROVING SAID NOPC AFTER CONSIDERING THE REPORT AND RECOMMENDATIONS OF THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL AND CITY OF MIAMI PLANNING ADVISORY BOARD, BOTH INCORPORATED HEREIN BY REFERENCE, SUBJECT TO THE CONDITIONS OF THE INCREMENT II DEVELOPMENT ORDER, MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING THAT THE DDRI BOUNDARIES BE EXPANDED AND THE LAND USES PROVIDED FOR BY THE DDRI DEVELOPMENT PROGRAM BE REDISTRIBUTED TO ALLOW FOR THE PROPOSED DEVELOPMENT; WHICH ORDER SHALL BE BINDING ON THE APPLICANT AND SUCCESSORS IN INTEREST; DIRECTING TRANSMITTALS; AND DIRECTING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO FULFILL THE CITY'S OBLIGATIONS UNDER THE MODIFIED INCREMENT II DEVELOPMENT ORDER.

REQUEST: To Amend the Master and Increment II of the Downtown Development of Regional Impact (DDRI)

LOCATION: Downtown Development Authority Boundaries

APPLICANT(S): Downtown Development Authority

APPLICANT(S) AGENT: Dana Nottingham, Executive Director

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on May 5, 2004 by a vote of 6-0.

PURPOSE: This will allow the expansion of the Downtown DRI boundaries.

R-04-0425**MOVED:** Johnny L. Winton**SECONDED:** Angel González**Motion that this matter be ADOPTED PASSED by the following vote.****AYES:** Commissioner González, Winton, Sanchez and Regalado**ABSENT:** Commissioner Teele

A motion was made by Commissioner González, seconded by Commissioner Regalado, and was passed unanimously, with Commissioner Winton and Vice Chairman Sanchez absent, to TABLE item PZ.1 to 3:30 p.m. today. (Item PZ.1 was tabled at 2:39 p.m. and passed at 5:11 p.m.)

PZ.2 04-00644**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 THE **ISLAND GARDENS AT WATSON ISLAND PROJECT** LOCATED AT APPROXIMATELY 950 AND 1050 MACARTHUR CAUSEWAY, MIAMI, FLORIDA, TO BE COMPRISED OF TWO HOTEL BUILDINGS HOUSING 500 ROOMS AND 105 FRACTIONAL OWNERSHIP UNITS WITH ACCESSORY USES, 221,000 SQUARE FEET OF RETAIL SPACE, 1,610 TOTAL PARKING SPACES, 50 MEGA-YACHT SLIP MARINA AND ANCILLARY USES, MARITIME GALLERY, AND APPROXIMATELY 6.5± ACRES OF PUBLIC GARDENS AND OPEN SPACE; 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 Island Gardens at Watson Island Project

LOCATION: Approximately 950 and 1050 MacArthur Caseway

APPLICANT(S): City of Miami, Owner and Flagstone Island Gardens, LLC, Contract Lessee

APPLICANT(S) AGENT: Judith A. Burke, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions*.

PLANNING ADVISORY BOARD: Recommended approval with conditions* to City Commission on June 2, 2004 by a vote of 9-0.

ZONING BOARD: Recommended approval of the variance to City Commission on May 10, 2004 by a vote of 6-3. Also recommended approval of special exceptions to City Commission on May 10, 2004 by a vote of 5-4.

*See supporting documentation.

PURPOSE: This will allow the development of the **Island Gardens at Watson Island Project**.

CONTINUED

A motion was made by Commissioner González, seconded by Commissioner Regalado, and was passed unanimously, with Vice Chairman Sanchez absent, to TABLE item PZ.2 to 3:30 p.m. today.

A motion was made by Chairman Teele, seconded by Commissioner Regalado, and was passed unanimously, to instruct the City Manager to enter into a formal agreement with the City of Miami Beach to do a new comprehensive traffic study of the area around the Island Gardens at Watson Island Project, located at approximately 950 and 1050 Mc Arthur Causeway; further requesting that the Metropolitan Planning Organization (MPO) and the Florida Department of Transportation (FDOT) participate and fund said study; and further providing that the Island Gardens at Watson Island Project will continue to move forward, and that any results of said study shall be available to the Commission to impose as further conditions should this project come back before the Commission.

A motion was made by Commissioner Winton, seconded by Chairman Teele, and was passed unanimously, to CONTINUE item PZ.2 to the Commission Meeting currently scheduled for July 8, 2004 at 5 p.m.; further requesting the developer to meet with the residents of the area and to try to resolve issues concerning the Children's Museum and the Maritime Gallery site; and further stating that there will be no additional public hearing at the July 8, 2004 Commission Meeting concerning this matter.

PZ.3 04-00576

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, APPROVING WITH CONDITIONS, A SUBSTANTIAL MODIFICATION TO A MAJOR USE SPECIAL PERMIT, RESOLUTION NO. 98-1151, PURSUANT TO ARTICLES 17 AND 22 OF ZONING ORDINANCE NO. 11000, AS AMENDED, FOR **METROPOLITAN MIAMI PROJECT** LOCATED AT APPROXIMATELY 300 AND 200 SOUTHEAST 3RD STREET AND 200 SOUTHEAST 2ND STREET, MIAMI, FLORIDA, TO ALLOW A CHANGE IN THE ORIGINAL APPLICATION FROM 227,625 SQUARE FEET OF NON-RESIDENTIAL FLOOR AREA AND 4,284 PARKING SPACES (AS MODIFIED BY

RESOLUTION NO. 02-1249) TO APPROXIMATELY 736,700 SQUARE FEET AND 3,716 PARKING SPACES; AND TO PRESERVE THE 1,500 DWELLING UNITS APPROVED PURSUANT TO RESOLUTION NO. 02-1249; 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 Metropolitan Miami Project

LOCATION: Approximately 300 and 200 SE 3rd Street and 200 SE 2nd Street

APPLICANT(S): MDM Residence, LTD; MDM Retail, LTD; and P&G, Development LTD, Owners

APPLICANT(S) AGENT: Gilberto Pastoriza, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions*.

HISTORIC & ENVIRONMENTAL PRESERVATION BOARD: Pending recommendation on June 15, 2004.

PLANNING ADVISORY BOARD: Recommended approval with conditions* to City Commission on May 19, 2004 by a vote of 7-0.

ZONING BOARD: Recommended approval with conditions* of special exceptions on May 10, 2004 by a vote of 7-1.

*See supporting documentation.

PURPOSE: This will allow the modification of the previously approved One Miami Project, also known as **Metropolitan Miami Project**.

R-04-0419

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 by Commissioner Winton to finalize the parking and transportation plan and to distribute same to the downtown merchants and residents.

PZ.4 04-00650

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 **500 BRICKELL PROJECT** LOCATED AT APPROXIMATELY 550 BRICKELL AVENUE AND 41, 47, 51, 57, 59 AND 65 SOUTHEAST 6TH STREET, MIAMI, FLORIDA, TO BE COMPRISED OF TWO 42-STORY

TOWERS HOUSING 633 TOTAL MULTIFAMILY RESIDENTIAL UNITS WITH RECREATIONAL AMENITIES, 20,497 SQUARE FEET OF RETAIL, AND 857 TOTAL PARKING SPACES WITH THE TWO TOWERS BEING CONNECTED AT ROOF LEVEL; 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 500 Brickell Project

LOCATION: Approximately 550 Brickell Avenue and 41, 47, 51, 57, 59 and 65 SE 6th Street

APPLICANT(S): The Related Group of Florida, Beneficiary and City National Bank of Florida, Owner as Trustee

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions*.

PLANNING ADVISORY BOARD: Recommended approval with conditions* to City Commission on June 2, 2004 by a vote of 7-0.

ZONING BOARD: Recommended approval with conditions* of the special exception to City Commission on May 10, 2004 by a vote of 8-0. Also recommended approval with conditions* of variances to City Commission on May 10, 2004 by a vote of 8-0.

*See supporting documentation.

PURPOSE: This will allow the development of the **500 Brickell Project**.

R-04-0420

MOVED: Johnny L. Winton

SECONDED: Angel González

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

AYES: Commissioner González, Winton, Regalado and Teele

ABSENT: Commissioner Sanchez

PZ.5 04-00388a RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , DENYING THE APPEAL, AFFIRMING THE DECISION OF THE ZONING BOARD, THEREBY GRANTING A VARIANCE FROM ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ARTICLE 9, SECTION 908.9, TO ALLOW A WATERFRONT YARD SETBACK OF 10'0" AVERAGE WHERE 20'0" AVERAGE IS REQUIRED, AND WITH A 10'0" MINIMUM WHERE 15'0" MINIMUM IS REQUIRED, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 500, 510 AND 520

NORTHEAST 29TH STREET, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A."

R-04-0421

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

PZ.6 04-00450

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT, CLOSING, VACATING, ABANDONING AND DISCONTINUING FOR PUBLIC USE THAT PORTION OF AN ALLEY LOCATED BETWEEN NORTHWEST 20TH STREET AND THE MIAMI CANAL, WESTERLY OF NORTHWEST 27TH AVENUE, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A."

REQUEST: Official Vacation and Closure of an Alley

LOCATION: An Alley Located Between NW 20th Street and the Miami Canal, Westerly of NW 27th Avenue

APPLICANT(S): Rollins, Inc., Owner and Aguaclara, Ltd., Contract Purchaser

APPLICANT(S) AGENT: Anthony L. Recio, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PUBLIC WORKS DEPARTMENT: Recommended approval.

PLAT & STREET COMMITTEE: Recommended approval on February 5, 2003 by a vote of 5-1.

ZONING BOARD: Recommended approval to City Commission on April 12, 2004 by a vote of 8-0.

PURPOSE: This will allow a unified commercial development site.

R-04-0422

MOVED: Angel González

SECONDED: Joe Sanchez

UNANIMOUS

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

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

PZ.7 04-00567

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT,

CLOSING, VACATING, ABANDONING AND DISCONTINUING FOR PUBLIC USE THAT PORTION OF EASEMENTS LOCATED AT THE EAST END OF BATTERSEA ROAD AT BISCAYNE BAY, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A."

REQUEST: Official Vacation and Closure of Easements

LOCATION: East End of Battersea Road at Biscayne Bay

APPLICANT(S): Linda Murphy, Owner

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PUBLIC WORKS DEPARTMENT: Recommended approval.

PLAT & STREET COMMITTEE: Recommended approval on July 3, 2003 by a vote of 5-0.

ZONING BOARD: Recommended approval to City Commission on May 10, 2004 by a vote of 6-2.

PURPOSE: This will allow a unified residential development site.

R-04-0423

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.8 04-00522 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING A MODIFICATION TO A DECLARATION OF RESTRICTIVE COVENANT ("ZONING COVENANT") DATED SEPTEMBER 28, 1992 AND RECORDED IN OFFICIAL RECORDS BOOK 15663, PAGE 0716-0720, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 2947-2949 SOUTHWEST 22ND TERRACE, MIAMI, FLORIDA, LEGALLY DESCRIBED IN ATTACHED "EXHIBIT A", IN ORDER TO AMEND CERTAIN SECTIONS OF THE COVENANT IN THE MANNER DESCRIBED THEREIN.

Request: Modification to a Covenant

Location: Approximately 2947-2949 SW 22nd Terrace

Applicant(s): Latin American Restaurant-Cafeteria

Applicant(s) Agent: Vicky Garcia-Toledo, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

PURPOSE: This will allow a modification to an existing covenant.

CONTINUED

A motion was made by Commissioner Regalado, seconded by Vice Chairman Sanchez, and was passed unanimously, to CONTINUE item PZ.8 to the Commission Meeting currently scheduled for July 22, 2004.

Direction to the City Manager by Commissioner Regalado to provide the attorneys on both sides of PZ.8 a copy of the plans that Public Works and CIP have for 22nd Terrace near the Aston Project; further requesting the attorneys to meet with City staff to be briefed.

PZ.9 04-00577

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT, GRANTING A SPECIAL EXCEPTION, REQUIRING CITY COMMISSION APPROVAL, AS LISTED IN ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ARTICLE 9, SECTION 934.1 THROUGH 934.3, TO ALLOW A COMMUNITY BASED RESIDENTIAL FACILITY WITH A MAXIMUM OF FIFTY BEDS, WITH A TIME LIMITATION OF TWELVE MONTHS IN WHICH A BUILDING PERMIT MUST BE OBTAINED SUBJECT TO CONDITIONS, FOR THE PROPERTY LOCATED AT APPROXIMATELY 365 NORTHWEST 8TH STREET, MIAMI, FLORIDA, ZONED R-3 MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A."

REQUEST: Special Exception Requiring City Commission Approval

LOCATION: Approximately 365 NW 8th Street

APPLICANT(S): Jakobi Group, Inc.

APPLICANT(S) AGENT: Jorge Orta, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval (not per plans on file) with conditions*.

ZONING BOARD: Recommended approval of a special exception requiring City Commission approval with conditions* to City Commission on May 10, 2004 by a vote of 7-0.

*See supporting documentation.

PURPOSE: This will allow a community-based residential facility with a maximum of fifty beds.

R-04-0424**MOVED:** Arthur E. Teele, Jr.**SECONDED:** Angel González**UNANIMOUS**Motion that this matter be **ADOPTED PASSED** by the following vote.**AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele**PZ.10 03-0295****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 PROPERTIES LOCATED AT APPROXIMATELY 3160, 3170, 3180 AND 3190 OAK AVENUE, MIAMI, FLORIDA, FROM "SINGLE FAMILY RESIDENTIAL" TO "DUPLEX RESIDENTIAL;" 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 "Single Family Residential" to "Duplex Residential" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 3160, 3170, 3180 and 3190 Oak Avenue

APPLICANT(S): Angel A. Gonzalez, Julian Guilarte, Augusto J. Gil, Robert C. Brazofsky and M. Trading & Investments, Inc, Owners

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

PLANNING ADVISORY BOARD: Recommended approval on November 19, 2003 by a vote of 5-4. See companion File ID 03-0295a.

PURPOSE: This will allow a duplex-residential development site.

12553**MOVED:** Joe Sanchez**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 03-0295a****ORDINANCE****Second Reading**

ATTACHMENT(S), AMENDING PAGE NO. 46 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-1 SINGLE-FAMILY RESIDENTIAL TO R-2 TWO-FAMILY RESIDENTIAL FOR THE PROPERTIES LOCATED AT APPROXIMATELY 3160, 3170, 3180 AND 3190 OAK AVENUE, 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-1 Single-Family Residential to R-2 Two-Family Residential to Change the Zoning Atlas

LOCATION: Approximately 3160, 3170, 3180 and 3190 Oak Avenue

APPLICANT(S): Angel A. Gonzalez, Julian Guilarte, Augusto J. Gil, Robert C. Brazofsky and M. Trading & Investments, Inc, Owners

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended approval to City Commission on December 15, 2003 by a vote of 9-0. See companion File ID 03-0295.

PURPOSE: This will allow a two-family residential development site.

12554

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.12 04-00329

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 PROPERTIES LOCATED AT APPROXIMATELY 2101 AND 2135 NORTHWEST MIAMI COURT AND 2110, 2118 AND 2134 NORTH MIAMI AVENUE, MIAMI, FLORIDA, FROM "INDUSTRIAL" TO "GENERAL 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 "General Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 2101 and 2135 NW Miami Court and 2110, 2118 and 2134 N Miami Avenue

APPLICANT(S): Chrome Miami, LLC

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on March 17, 2004 by a vote of 8-0. See companion File ID 04-00329a.

PURPOSE: This will change the above properties to General Commercial.

12555

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.13 04-00329a

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 21, 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 I INDUSTRIAL TO C-2 LIBERAL COMMERCIAL FOR THE PROPERTIES LOCATED AT APPROXIMATELY 2101 AND 2135 NORTHWEST MIAMI COURT AND 2110, 2118 AND 2134 NORTH MIAMI AVENUE, MIAMI, FLORIDA, CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from I Industrial to C-2 Liberal Commercial to Change the Zoning Atlas

LOCATION: Approximately 2101 and 2135 NW Miami Court and 2110, 2118 and 2134 N Miami Avenue

APPLICANT(S): Chrome Miami, LLC

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

ZONING BOARD: Recommended approval to City Commission on April 12, 2004 by a vote of 8-0. See companion File ID 03-0329.

PURPOSE: This will change the above properties to C-2 Liberal Commercial

12556

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.14 04-00330

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 1760 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 Residential" to "Restricted Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 1760 SW 7th Street

APPLICANT(S): John C. Harrison, Jr., Owner

APPLICANT(S) AGENT: Gloria M. Velazquez, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on March 17, 2004 by a vote of 6-2. See companion File ID 04-00330a.

PURPOSE: This will change the above property to Restricted Commercial.

12557

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.15 04-00330a

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT, AMENDING PAGE NOS. 35 AND 38 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 AND C-1 RESTRICTED COMMERCIAL WITH AN SD-12 BUFFER OVERLAY DISTRICT AND SD-25 SOUTHWEST 8TH STREET SPECIAL OVERLAY DISTRICT TO SD-14 LATIN QUARTER COMMERCIAL-RESIDENTIAL AND PEDESTRIAN PATHWAY DESIGNATION ON SOUTHWEST 8TH STREET FOR THE PROPERTIES LOCATED AT APPROXIMATELY 1741 SOUTHWEST 8TH STREET AND 1760 SOUTHWEST 7TH STREET, MIAMI, FLORIDA, 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 and C-1 Restricted Commercial with an SD-12 Buffer Overlay District and SD-25 Southwest 8th Street Special Overaly District to SD-14 Latin Quarter Commercial-Residential Pedestrian Pathway Designation on SW 8th Street to Change the Zoning Atlas

LOCATION: Approximately 1741 SW 8th Street and 1760 SW 7th Street

APPLICANT(S): John C. Harrison, Jr., Owner

APPLICANT(S) AGENT: Gloria M. Velazquez, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

ZONING BOARD: Recommended approval to City Commission on April 12, 2004 by a vote of 7-0. See companion File ID 03-0330.

PURPOSE: This will change the above properties to SD-14 Latin Quarter Commercial-Residential and Pedestrian Pathway Designation on SW 8 Street.

12558

MOVED: Johnny L. Winton

SECONDED: Angel González

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

AYES: Commissioner González, Winton, Sanchez and Teele

ABSENT: Commissioner Regalado

PZ.16 04-00452

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT, AMENDING PAGE NO. 16, OF THE ZONING ATLAS OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ARTICLE 6, SECTION 612, SCHEDULE OF DISTRICT REGULATIONS, BY CHANGING THE ZONING CLASSIFICATION FROM R-2 TWO-FAMILY RESIDENTIAL TO R-2 TWO-FAMILY RESIDENTIAL WITH AN SD-12 BUFFER OVERLAY DISTRICT FOR THE PROPERTY LOCATED AT APPROXIMATELY 5317 NORTHWEST 5TH AVENUE, MIAMI, FLORIDA, CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from R-2 Two-Family Residential to R-2 Two-Family Residential with an SD-12 Buffer Overlay District to Change the Zoning Atlas

LOCATION: Approximately 5317 NW 5th Avenue

APPLICANT(S): Major & Betty Jo Threlkeld, Owners

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on April 12, 2004 by a vote of 7-0.

PURPOSE: This will add the SD-12 Buffer Overlay District to the above property.

12559

MOVED: Johnny L. Winton

SECONDED: Angel González

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

AYES: Commissioner González, Winton, Regalado and Teele

ABSENT: Commissioner Sanchez

PZ.17 04-00390

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 6 SPECIAL DISTRICTS, MORE SPECIFICALLY SECTIONS 614, 623 AND 625 IN ORDER TO MODIFY LANGUAGE PERTAINING TO PARKING REQUIREMENTS IN ORDER TO ALLOW FOR CERTAIN CONDITIONAL REDUCTIONS; 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 to City Commission on March 31, 2004 by a vote of 8-0.

PURPOSE: This will allow certain conditional reductions in parking for the SD-14, SD-23 and SD-25 Overlay Districts.

12560

MOVED: Joe Sanchez

SECONDED: Angel González

UNANIMOUS

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

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

PZ.18 04-00462

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 ARTICLES 9 AND 25, MORE SPECIFICALLY SECTION 915.2 AVIATION HAZARDS; AND SECTION 2502 SPECIFIC DEFINITIONS, IN ORDER TO MODIFY THE PROVISIONS FOR SPECIAL PERMITS FOR AVIATION HAZARDS AND THE DEFINITION OF " LODGING UNIT"; 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 to City Commission on April 21, 2004 by a vote of 9-0.

PURPOSE: This will correct and clarify language in the Zoning Ordinance related to aviation hazards and lodging units.

12561

MOVED: Joe Sanchez

SECONDED: Tomas Regalado

UNANIMOUS

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

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

PZ.19 04-00191

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 PROPERTY LOCATED AT APPROXIMATELY 3720 SOUTHWEST 27TH 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 3720 SW 27th Terrace

APPLICANT(S): Fanio and Caliz Marrero, Owners

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

PLANNING ADVISORY BOARD: Recommended approval of a motion, which failed (due to failure to obtain the required five favorable votes), constituting a denial to City Commission on February 18, 2004 by a vote of 4-4. See companion File ID 04-00191a.

PURPOSE: This will change the above property to Restricted Commercial.

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.20 04-00191a

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 PROPERTY LOCATED AT APPROXIMATELY 3720 SOUTHWEST 27TH 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 3720 SW 27th Terrace

APPLICANT(S): Fanio & Caliz Marrero, Owners

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended approval to City Commission on March 8, 2004 by a vote of 5-4. See companion File ID 04-00191.

PURPOSE: This will change the above property to C-1 Restricted Commercial.

MOVED: Johnny L. Winton

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.21 04-00389

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 3804-3820 NORTHWEST 12TH AVENUE, MIAMI, FLORIDA, FROM "DUPLEX RESIDENTIAL" TO "GENERAL 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 "General Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 3804-3820 NW 12th Avenue

APPLICANT(S): Planning and Zoning Department

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on March 31, 2004 by a vote of 8-0. See companion File ID 04-00389a.

PURPOSE: This will change the above properties to General Commercial.

MOVED: Johnny L. Winton

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.22 04-00389a

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 17, 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-2 LIBERAL COMMERCIAL FOR THE PROPERTIES LOCATED AT APPROXIMATELY 3804-3820 NORTHWEST 12 TH AVENUE, 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-2 Two-Family Residential to C-2 Liberal Commercial to Change the Zoning Atlas

LOCATION: Approximately 3804-3820 NW 12th Avenue

APPLICANT(S): Planning and Zoning Department

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on April 21, 2004 by a vote of 9-0. See companion File ID 04-00389.

PURPOSE: This will change the above properites to C-2 Liberal Commercial.

MOVED: Johnny L. Winton

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.23 04-00559

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 1990, 2000 AND 2020 TIGERTAIL AVENUE AND 2015 AND 2035 SOUTH BAYSHORE DRIVE, MIAMI, FLORIDA, FROM "SINGLE FAMILY RESIDENTIAL" TO "MAJOR INSTITUTIONAL, PUBLIC FACILITIES TRANSPORTATION AND UTILITIES"; 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 "Single Family Residential" to "Major Institutional, Public Facilities Transportation and Utilities" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 1990, 2000 and 2020 Tigertail Avenue and 2015 and 2035 South Bayshore Drive

APPLICANT(S): Ransom Everglades School, Inc.

APPLICANT(S) AGENT: Carter N. McDowell, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval of a motion, which failed (due to failure to obtain the required five favorable votes), constituting a denial to City Commission on May 5, 2004 by a vote of 4-2. See companion File ID 04-00559a.

PURPOSE: This will change the above properties to Major Institutional, Public Facilities Transportation and Utilities.

MOVED: Johnny L. Winton

SECONDED: Arthur E. Teele, Jr.

UNANIMOUS

Motion that this matter be **PASSED ON FIRST READING PASSED** by the following vote.

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

PZ.24 04-00559a ORDINANCE**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 43, 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-1 SINGLE-FAMILY RESIDENTIAL, SD-3 COCONUT GROVE MAJOR STREETS OVERLAY DISTRICT AND SD-18 MINIMUM LOT SIZE DISTRICT TO G/I GOVERNMENT AND INSTITUTIONAL, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 1990, 2000 AND 2020 TIGERTAIL AVENUE AND 2015 AND 2035 SOUTH BAYSHORE DRIVE, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A," CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from R-1 Single-Family Residential, SD-3 Coconut Grove Major Streets Overlay District and SD-18 Minimum Lot Size District to G/I Government and Institutional to Change the Zoning Atlas

LOCATION: Approximately 1990, 2000 and 2020 Tigertail Avenue and 2015 and 2035 South Bayshore Drive

APPLICANT(S): Ransom Everglades School, Inc.

APPLICANT(S) AGENT: Carter N. McDowell, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

ZONING BOARD: Recommended approval to City Commission on May 24, 2004 by a vote of 6-3. See companion File ID 04-00559.

PURPOSE: This will change the above properties to G/I Government and Institutional.

MOVED: Johnny L. Winton

SECONDED: Tomas Regalado

Motion that this matter be PASSED ON FIRST READING PASSED by the following vote.

AYES: Commissioner González, Winton, Regalado and Teele

ABSENT: Commissioner Sanchez

PZ.25 04-00575 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 SECTION 1102, ENTITLED "NONCONFORMING LOTS" RELATING TO THE R-2 DUPLEX ZONING DISTRICT BY PERMITTING BY CLASS II SPECIAL PERMIT NO MORE THAN ONE SINGLE-FAMILY UNIT ON AN INDIVIDUAL NONCONFORMING R-2 DUPLEX LOT; AND BY MODIFYING PROVISIONS REGARDING

REPLATTING OF NONCONFORMING LOTS TO ALLOW REDUCTIONS IN THE DEGREE OF NONCONFORMITY; 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 May 19, 2004 by a vote of 7-0.

PURPOSE: This will allow single-family residences on nonconforming duplex lots.

MOVED: Johnny L. Winton

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

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

PZ.26 04-00211a 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 PROPERTIES LOCATED AT APPROXIMATELY 1818 AND 1884 NORTHWEST NORTH RIVER DRIVE, MIAMI, FLORIDA, FROM "INDUSTRIAL" AND "GENERAL COMMERCIAL" 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" and "General Commercial" to "Restricted Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 1818 and 1884 NW N River Drive

APPLICANT(S): Balbino Investments, Inc, Contract Purchaser & River Marina, Inc, Owner

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

MIAMI RIVER COMMISSION: Recommended denial to the City Commission on March 1, 2004 by a vote of 6-4.

PLANNING ADVISORY BOARD: Recommended approval of a motion, which failed (due to failure to obtain the required five favorable votes), constituting a denial to City Commission on April 7, 2004 by a vote of 4-3. See companion File IDs 04-00211 and 04-00211b.

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

12550

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

Direction to the Administration by Commissioner Winton to schedule a discussion item concerning the Miami River at the Commission Meeting currently scheduled for October 14, 2004; further Chairman Teele requested that said discussion item be scheduled for 2 hours as a workshop.

Direction to the Clerk of the Board by Chairman Teele to provide additional notice for the Planning Advisory Board's workshop on the Miami River, which is scheduled to be held in the Staff Room at City Hall, on Wednesday, June 30, 2004; further requesting that the Code Enforcement Board meeting, which is also scheduled for this same date in the Commission Chambers, be moved to the Staff Room in order that the Planning Advisory Board's workshop may be televised in the Chambers.

PZ.27 04-00211b

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 25, 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 DISTRICT AND C-2 LIBERAL COMMERCIAL TO C-1 RESTRICTED COMMERCIAL

FOR THE PROPERTIES LOCATED AT APPROXIMATELY 1818 AND 1884 NORTHWEST NORTH RIVER DRIVE, MIAMI, FLORIDA, AS LEGALLY DESCRIBED IN "EXHIBIT A," CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from SD-4 Waterfront Industrial District and C-2 Liberal Commercial to C-1 Restricted Commercial to Change the Zoning Atlas

LOCATION: Approximately 1818 and 1884 NW N River Drive

APPLICANT(S): Balbino Investments, Inc, Contract Purchaser & River Marina, Inc, Owner

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

MIAMI RIVER COMMISSION: Recommended denial to the City Commission on March 1, 2004 by a vote of 6-4.

ZONING BOARD: Recommended approval to City Commission on March 22, 2004 by a vote of 7-2. See companion File IDs 04-00211 and 04-00211a.

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

12551

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.28 04-00211

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 **HURRICANE COVE PROJECT** LOCATED AT APPROXIMATELY 1818 NORTHWEST NORTH RIVER DRIVE AND 1884 NORTHWEST NORTH RIVER DRIVE, MIAMI, FLORIDA, TO ALLOW A MAJOR USE SPECIAL PERMIT PER ARTICLES 5, 9, 13 AND 17, TO BE COMPRISED OF THREE BUILDINGS CONTAINING 1,073 MULTIFAMILY RESIDENTIAL UNITS WITH RECREATIONAL AMENITIES, 2,500 SQUARE FEET OF RESTAURANT, 2,500 SQUARE FEET OF MARINE RETAIL, A 130-SLIP COMMERCIAL MARINA, AND APPROXIMATELY 1,737 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 Hurricane Cove Project

LOCATION: Approximately 1818 and 1884 NW N River Drive

APPLICANT(S): Balbino Investments, Inc, Contract Purchaser & River Marina, Inc, Owner

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions*.

MIAMI RIVER COMMISSION: Recommended denial to City Commission on March 1, 2004 by a vote of 6-4.

HISTORIC & ENVIRONMENTAL PRESERVATION BOARD:

Recommended approval with conditions* of a certificate of appropriateness to City Commission on October 21, 2003 by a vote of 7-0.

PLANNING ADVISORY BOARD: Recommended denial to City Commission on April 7, 2004 by a vote of 5-2.

ZONING BOARD: Recommended approval with conditions* of the special exception to City Commission on February 23, 2004 by a vote of 9-0. See companion File ID 04-00211a and 04-00211b.

*See supporting documentation.

PURPOSE: This will allow the development of the **Hurricane Cove Project**.

R-04-0426

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

The following item shall not be considered until after 5:00 pm.

PZ.29 04-00460 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, APPROVING WITH CONDITIONS, A SUBSTANTIAL MODIFICATION TO RESOLUTION NO. 98-450, A MAJOR USE SPECIAL PERMIT PURSUANT TO Articles 5, 9, 13, 17 and 22 OF ZONING ORDINANCE NO. 11000, FOR THE **VILLA MAGNA PROJECT** (F.K.A. BAYSHORE PALMS MUSP PHASE II) LOCATED AT 1201 BRICKELL BAY DRIVE, MIAMI, FLORIDA, TO ALLOW A

MODIFICATON TO CONSTRUCT TWO RESIDENTIAL TOWERS CONSISTING OF 999 MULTIFAMILY UNITS, 209 HOTEL UNITS WITH RECREATIONAL AMENITIES, 34,975 SQUARE FEET OF RETAIL SPACE, APPROXIMATELY 1,474 PARKING SPACES AND TO INCREASE THE FLOOR AREA RATIO (FAR) BY 20%; 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 Villa Magna (f.k.a. Bayshore Palms Phase II)

LOCATION: Approximately 1201 Brickell Bay Drive

APPLICANT(S): Tibor Hollo, Member, Excel.com LLC

APPLICANT(S) AGENT: Vicky Garcia-Toledo, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions*.

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

*See supporting documentation.

PURPOSE: This will allow the development of the **Villa Magna Project**.

CONTINUED

A motion was made by Commissioner Winton, seconded by Commissioner González, and was passed unanimously, with Commissioner González absent, to CONTINUE item PZ.29 to the Commission Meeting currently scheduled for July 22, 2004, at 5 p.m.

Direction to the City Attorney by Chairman Teele to meet with attorney Andrew Dickman and Mr. Tibor Hollo separately, regarding alleged conflict of interest stated by Mr. Hollo against Mr. Dickman.

The following items shall not be considered before 6:30 pm.

PZ.30 04-00296b ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION ESTABLISHING A 120-DAY TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR ALL DEVELOPMENT ORDERS FOR DEVELOPMENT IN EXCESS OF 40 FEET IN HEIGHT, EXCLUDING ONLY SUCH PERMIT APPLICATIONS THAT ARE COMPLETE AND FULLY APPROVED, SUCH TEMPORARY MORATORIUM TO APPLY TO ALL PROPERTIES LOCATED ON THE SOUTHWEST 27TH AVENUE CORRIDOR FROM CORAL WAY TO US-1, EXCLUDING ONLY SUCH PROPERTIES LOCATED ON THE WEST SIDE OF THE CORRIDOR AND LOCATED BETWEEN US-1 AND SOUTHWEST 25TH STREET; PROVIDING FOR ADMINISTRATIVE AND JUDICIAL REVIEW; PROVIDING FOR DISSOLUTION UPON COMPLETION OF THE 27TH AVENUE CORRIDOR STUDY OR THE EARLIER OF 120 DAYS OR THE EFFECTIVE DATE OF THE CURATIVE ORDINANCE ADDRESSING THE REMEDIAL EFFORTS AND IMPLEMENTING STUDY RESULTS IN

WHICH CASE THIS ORDINANCE SHALL BE REPEALED; PROVIDING FOR A REPEALER PROVISION ON THE EFFECTIVE DATE OF THE REMEDIAL ORDINANCE AND AN IMMEDIATE EFFECTIVE DATE.

REQUEST: To Establish a 120-Day Temporary Moratorium

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval, excluding only such applications as are complete, to City Commission on June 16, 2004 by a vote of 5-1. This item is related to File ID 04-00296 and 04-00296a.

PURPOSE: This will establish a 120-day temporary moratorium on the acceptance of all development orders for development in excess of 40 feet in height for certain properties located on the SW 27th Avenue corridor from Coral Way to US-1.

MOVED: Tomas Regalado

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.31 04-00649

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 6, IN ORDER TO ADD A NEW SPECIAL OVERLAY DISTRICT ENTITLED SD-24 SW 27TH AVENUE SPECIAL OVERLAY DISTRICT, ADDING AN INTENT STATEMENT AND CREATING SPECIAL DISTRICT REQUIREMENTS; 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 of a motion, which failed (due to failure to obtain the required five favorable votes), constituting a denial to City Commission on June 16, 2004 by a vote of 3-3. This is a companion to File ID 04-00649a.

PURPOSE: This will establish a new special district for SW 27th Avenue from Coral Way to US-1.

MOVED: Tomas Regalado

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

Direction to the City Attorney and City Manager by Commissioner Winton to review, within one week, every single detail related to the Catalonia project to make sure that Catalonia complies with all requirements and qualifications; further stating that if any significant discrepancies are found, then all necessary steps are taken to rectify said problems; Commissioner Regalado further requested that this review be completed before the moratorium issue is heard on Second Reading at the Commission Meeting currently scheduled to be heard on July 8, 2004.

Note for the Record: The City Attorney announced that the meeting with appropriate staff regarding the Catalonia Project is to be held in the City Attorney's Office on Tuesday, June 29, 2004 at 10:00 a.m.

Direction to the Administration by Chairman Teele to work with the residents and the businesses in the S.W. 27 Avenue Corridor to see if additional compromises can be reached.

Direction to the City Clerk by Commissioner Regalado to give the Administration tomorrow, the names of all the interested parties who spoke on the items related to the moratorium (PZ. 31) and the text amendment (PZ.32) in order that they may coordinate meetings with said individuals.

Note for the Record: The City Clerk completed the aforementioned directive on June 28, 2004. The names were sent to Ana Gelabert, Director of Planning and Zoning Department.

PZ.32 04-00649a

ORDINANCE

First Reading

AN ORDINANCE AMENDING PAGE NOS. 42 AND 43 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 THOSE PROPERTIES LOCATED ALONG THE SOUTHWEST 27TH AVENUE CORRIDOR FROM CORAL WAY TO US-1, EXCLUDING ONLY SUCH PROPERTIES LOCATED ON THE WEST SIDE OF THE CORRIDOR AND LOCATED BETWEEN US-1 AND SOUTHWEST 25TH STREET FROM C-1 RESTRICTED COMMERCIAL AND O OFFICE TO C-1 RESTRICTED COMMERCIAL AND O OFFICE WITH AN SD-24 SOUTHWEST 27TH AVENUE SPECIAL OVERLAY DISTRICT; SAID PROPERTIES MORE PARTICULARLY DESCRIBED IN EXHIBIT "A;" 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. 11000, from C-1 Restricted Commercial and O Office to C-1 Restricted Commercial and O Office with an SD-24 Southwest 27th Avenue Special Overlay District to Change the Zoning Atlas

LOCATION: Along the SW 27th Avenue Corridor from Coral Way to US-1, Excluding Only Such Properties Located on the West Side of the Corridor and Located Between US-1 and SW 25th Street

APPLICANT(S): Planning and Zoning Department

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended denial to City Commission on June 16, 2004, by a vote of 3-3. This is a companion to File ID 04-00649.

PURPOSE: This will implement the new SD-24 Southwest 27th Avenue Special Overlay District on portions of SW 27th Avenue from Coral Way to US-1

MOVED: Tomas Regalado

SECONDED: Johnny L. Winton

Motion that this matter be PASSED ON FIRST READING PASSED by the following vote.

AYES: Commissioner González, Winton, Regalado and Teele

ABSENT: Commissioner Sanchez

Direction to the City Attorney and City Clerk by Chairman Teele to ensure that the record on items PZ-30, PZ-31 and PZ-32 related to the moratorium on SW. 27 Avenue cross-reference each other and that the public hearing discussions be created as an addendum to each item.

Direction to the City Manager and City Clerk to schedule items PZ.31 and PZ.32 for second reading on July 22, 2004 after 7 p.m.

Note for the Record: Chairman Teele stated that the moratorium (Item PZ.30) would be heard on July 8, 2004, after 5 p.m. Commissioner Regalado further stated that the issue of Section 907.32 related to the Catalonia project would also be heard on July 8, 2004.

Direction to the City Attorney by Commissioner Teele to meet with attorney Andrew Dickman concerning the Catalonia project.

Note for the Record: Chairman Teele stated that the Commission may need to call a Special Commission Meeting on Tuesday, June 29, 2004, to deal with issues surrounding the Catalonia project.

SUPPLEMENTAL AGENDA**DISTRICT 2****COMMISSIONER JOHNNY L. WINTON****SI.1 04-00712 DISCUSSION ITEM****MIAMI-DADE COUNTY ISSUES:**

A) COMMISSION STATUS REPORT ON THE COMMISSION APPROVED LAWSUIT AGAINST MIAMI-DADE COUNTY ON WATER AND SEWER OVERCHARGES.

B) COMMISSION STATUS REPORT ON THE CITY OF MIAMI INVESTIGATION INTO MIAMI-DADE COUNTY OVERCHARGING MUNICIPALITIES RELATIVE TO MILLAGE RATES.

C) DISCUSSION OF POTENTIAL LAWSUIT AGAINST MIAMI-DADE COUNTY TO RECOVER REIMBURSABLE AFFORDABLE HOUSING FEES

D) COMMISSION STATUS REPORT ON MIAMI-DADE COUNTY'S PEOPLE'S TRANSPORTATION PLAN TAX RELATIVE TO THE CITY OF MIAMI (UPDATE ON BRICKELL DOWNTOWN TUNNEL).

DEFERRED

RESOLUTIONS**SI.2 04-00691 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER TO APPROVE THE FINDINGS OF THE EVALUATION COMMITTEE, PURSUANT TO REQUEST FOR PROPOSALS NO. 03-04-005, THAT THE FIRM MOST QUALIFIED TO PROVIDE CONSULTING SERVICES FOR AN IMPACT FEE STUDY, FOR THE OFFICE OF THE CITY MANAGER IS TISCHLER & ASSOCIATES, INC.; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH TISCHLER & ASSOCIATES, INC., AT AN AMOUNT NOT TO EXCEED \$150,000, FOR A ONE -YEAR PERIOD, WITH THE OPTION TO EXTEND FOR TWO ADDITIONAL SIX-MONTH PERIODS; ALLOCATING FUNDS FROM CAPITAL IMPROVEMENTS PROJECT ACCOUNT CODE NO. 311047, ENTITLED " EFFICIENCY IMPROVEMENT STUDIES."

DEFERRED

SI.3 04-00709 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE PROCUREMENT OF A NEW FIRE-EMS RECORDS MANAGEMENT SYSTEM ("RMS") FROM TIBURON, INC., UTILIZING AN EXISTING CONTRACT, PURSUANT TO REQUEST FOR PROPOSALS ("RFP ") NO. 220009530 FROM THE CITY OF KANSAS CITY, MISSOURI, FOR THE DEPARTMENT OF FIRE-RESCUE ("FIRE-RESCUE"), AT AN AMOUNT NOT TO EXCEED \$607,276, FOR ALL SOFTWARE, SYSTEM IMPLEMENTATION PLANNING, AND FIRST YEAR MAINTENANCE AND SUPPORT SERVICES, WITH THE OPTION TO EXTEND PRODUCT SUPPORT FOR FOUR ADDITIONAL ONE-YEAR PERIODS, WITH ANNUAL MAINTENANCE COSTS CAPPED AT AN AMOUNT NOT TO EXCEED \$39,621, FOR YEAR 2, WITH OPTIONAL YEAR INCREASES LIMITED TO NO MORE THAN 5% PER YEAR, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$778,047; AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRE-EMS RMS, SOFTWARE AND MAINTENANCE AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM(S), SETTING FORTH THE TERMS AND CONDITIONS CONCERNING THE USE OF SAID FIRE-EMS RMS PROGRAM BY THE CITY OF MIAMI; ALLOCATING FUNDS FOR THE FIRST YEAR OF THE CONTRACT FROM CAPITAL IMPROVEMENTS PROJECT ("CIP") NO. 313303 , B-72806, ENTITLED "FIRE DEPARTMENT COMPUTERS AND COMMUNICATIONS," IN THE AMOUNT NOT TO EXCEED \$607,276, AND ALLOCATING FUNDS, IN AN AMOUNT NOT TO EXCEED \$170,771, TO COVER COSTS FOR MAINTENANCE AND SUPPORT SERVICES FOR YEARS 2, 3 AND 4, FROM VARIOUS CIP ACCOUNTS, AND FIRE-RESCUE'S OPERATING BUDGET, SUBJECT TO BUDGETARY APPROVAL.

DEFERRED

A motion was made by Vice Chairman Sanchez, seconded by Commissioner González, and was passed unanimously, to DEFER item SI.3 to the Commission Meeting currently scheduled for July 22, 2004.

SI.4 04-00710

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE PURCHASE OF A PUBLIC SAFETY TECHNOLOGY ENHANCEMENT PROGRAM, CONSISTING OF A COMPUTER AIDED DISPATCH SYSTEM ("CAD"), LAW RECORDS MANAGEMENT SYSTEM (" RMS" OR "LRMS"), AND A PREMIER MOBILE DATA COMMUNICATIONS SYSTEM ("PMDC") FROM PRINTRAK INTERNATIONAL, INC., A WHOLLY OWNED SUBSIDIARY OF MOTOROLA, INC., FOR THE DEPARTMENTS OF POLICE AND FIRE-RESCUE, UNDER AN EXISTING MIAMI-DADE COUNTY REQUEST FOR PROPOSALS NO. 317; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, IN AN AMOUNT NOT TO EXCEED \$6,678,803, FOR A PERIOD NOT TO EXCEED TWO YEARS, UNTIL THERE IS SUCCESSFUL IMPLEMENTATION AND A FULLY OPERATIONAL CAD, RMS OR LRMS, AND PMDC SYSTEM, INCLUDING ITS RESPECTIVE FIRST YEAR WARRANTIES, AND AN ADDITIONAL 5% OF THE NOT TO EXCEED AMOUNT OF \$6,678, 803, FOR AN OWNER'S ALLOWANCE TO EXPEND FOR UNFORESEEABLE CIRCUMSTANCES, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$ 7,008,803, AND A FIVE-YEAR MAINTENANCE AGREEMENT AT AN INITIAL FIRST YEAR COST NOT TO EXCEED \$476,000, WITH INCREMENTAL ANNUAL INCREASES NOT TO EXCEED 5% OF THE FIRST YEAR COST FOR YEARS TWO (2) THROUGH FIVE (5) AND OPTIONAL MAINTENANCE

YEARS, WHICH AT THE CITY OF MIAMI'S ("CITY'S") SOLE DISCRETION, MAY BE EXTENDED FOR FIVE ADDITIONAL ONE-YEAR PERIODS; ALLOCATING FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE COPS MORE 98 GRANT, ACCOUNT CODE NO. 142025.290512.6.840, IN AN AMOUNT NOT TO EXCEED \$5,885,593.31, AND FROM THE FIRE FEE, ACCOUNT CODE NO. 313302.289301.860 AND/OR ACCOUNT CODE NO. 313303.289401.840, IN AN AMOUNT NOT TO EXCEED \$1,123,209.69; ALLOCATING FUTURE FUNDS FROM THE OPERATING BUDGETS OF VARIOUS USER DEPARTMENTS, AS MAY BE ADJUSTED FROM TIME TO TIME BY THE CITY COMMISSION IN THE ANNUAL APPROPRIATIONS/ CAPITAL IMPROVEMENTS ORDINANCES OR AS OTHERWISE ADJUSTED AS PERMITTED BY LAW.

DEFERRED

A motion was made by Vice Chairman Sanchez, seconded by Commissioner González, and was passed unanimously, to DEFER item SI.4 to the Commission Meeting currently scheduled for July 22, 2004.

NON-AGENDA ITEMS**NA.1 04-00744 DISCUSSION ITEM**

Direction to the City Manager by Commissioner González to request the Finance Director and the Budget Director to provide a financial report of the Quality of Life Task Force listing all funds generated and expended from the time of its inception through last weekend (June 19, 2004).

DISCUSSED

NA.2 04-00748 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE BAYFRONT PARK MANAGEMENT TRUST("TRUST") TO TAKE ALL NECESSARY STEPS TO COMPLETE THE REPAIR AND RENOVATION OF THE LIBERTY COLUMN MONUMENT, INCLUDING, ACCEPTING AND UTILIZING FUNDS RAISED THROUGH PRIVATE AND COMMUNITY BASED FUNDRAISING APPEALS, AS WELL AS RESOURCES AVAILABLE THROUGH THE TRUST CAPITAL IMPROVEMENT BUDGET; FURTHER ASKING THE TRUST TO WORK IN CONJUNCTION WITH THE COMMUNITY GROUPS FOR THE RESTORATION OF SAID MONUMENT; FURTHER ALLOCATING FUNDS IN AN AMOUNT NOT TO EXCEED \$100, FROM THE DISTRICT 3 OFFICE ACCOUNT NO. 00100.920918.6.930, TO "SAVE THE HANDS" C/O PREMIER COMMUNITY BANK, 12405 TAFT STREET, PEMBROKE PINES, FLORIDA, 33028, FOR SAID PURPOSE.

R-04-0431

MOVED: Joe Sanchez

SECONDED: Angel González

UNANIMOUS

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

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

NA.3 04-00549 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION CLASSIFYING THE ITEMS LISTED HEREIN USED BY ALEJANDRO VILARELLO DURING HIS TERM AS CITY ATTORNEY AS "CATEGORY A" SURPLUS STOCK, AND DONATING SAID ITEMS TO THE CITY ATTORNEY, IN AN AMOUNT NOT TO EXCEED \$1.00; AUTHORIZING THE EXECUTION OF ANY NECESSARY DOCUMENTS RELATED TO THE ACCEPTANCE OF SAID DONATION.

R-04-0436

MOVED: Angel González

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 was made by Commissioner Regalado, seconded by Commissioner González, and passed unanimously, instructing the City Clerk to make arrangements with the protocol officer to prepare the appropriate document to decree by the City Commission and the Mayor June 24, 2004 in the City of Miami as "Alejandro Vilarello Day"; further requesting that all members of the Commission sign the decree.

Note for the Record: The Commission presented Mr. Vilarello with an engraved crystal plaque.

NA.4 04-00719 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 COMPETITIVE BIDDING PROCEDURES AND INCREASING THE CONTRACT AWARDED TO PROFESSIONAL GENERAL CONTRACTORS INC., PURSUANT TO RESOLUTION NO. 03-829, ADOPTED JULY 17, 2003, AMENDED BY RESOLUTION NO. 04-0179, ADOPTED MARCH 25, 2004, IN AN AMOUNT NOT TO EXCEED \$400,000, INCREASING THE TOTAL CONTRACT AMOUNT FROM \$2,449,031 TO \$2,849,031, FOR THE PROJECT ENTITLED "ORANGE BOWL STADIUM STRUCTURAL REPAIRS 2003, B-30297 (FORMERLY B-3297);" AMENDING RESOLUTION NO. 04-0179, TO REFLECT SAID INCREASE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT TO THE CONTRACT, IN SUBSTANTIALLY THE ATTACHED FORM; ALLOCATING FUNDS FOR SAID INCREASE FROM CAPITAL IMPROVEMENTS PROJECT NO. 324002.

R-04-0428

MOVED: Angel González

SECONDED: Joe Sanchez

UNANIMOUS

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

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

NA.5 04-00738 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY MANAGER TO WITHHOLD ENFORCEMENT FOR A PERIOD OF THREE YEARS, OF ARTICLE 4/SECTION 401 OF ZONING ORDINANCE NO. 11000, AS AMENDED, ENTITLED "ZONING DISTRICT/SCHEDULE OF DISTRICT REGULATIONS" RELATED TO RESIDENTIAL PROPERTIES IN THE CITY OF MIAMI ("CITY") WITH A SINGLE UNPERMITTED DWELLING UNIT; FURTHER DIRECTING THE CITY MANAGER TO STRICTLY AND CONSISTENTLY ENFORCE CITY ZONING CODE PROVISIONS RELATED TO MORE THAN ONE AND MULTIPLE ILLEGAL UNITS CONSTRUCTED ON RESIDENTIAL PROPERTY.

DEFERRED

A motion was made by Commissioner González, seconded by Vice Chairman Sanchez, and was passed unanimously, to schedule the resolution as stated above for Commission

consideration at its July 8, 2004 meeting.

NA.6 04-00752 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION INSTRUCTING THE CITY MANAGER AND THE CITY ATTORNEY TO INTERCEDE AND INTERVENE ON BEHALF OF MR. DOUG MEYER OF THE JUBILEE COMMUNITY DEVELOPMENT ("APPLICANT"), WITH THE FLORIDA HOUSING FINANCE AUTHORITY FOR THE PROJECT PUEBLO DEL SOL ("PROJECT"), LOCATED IN ALLAPATTAH, BY REQUESTING THAT AN ADDITIONAL 90-DAY EXTENSION BE GRANTED, IN AN EFFORT TO PRESERVE THE FUNDS THAT HAVE ALREADY BEEN COMMITTED TO SAID PROJECT, UNTIL THE CITY OF MIAMI ("CITY") CAN COMPLETE TAKING CERTAIN ACTIONS, THAT ARE NOT AT THE FAULT OF THE APPLICANT, REGARDING TRYING TO OBTAIN A NEW PARKING VARIANCE; FURTHER STATING THAT THE CITY IS STRONGLY IN SUPPORT OF SAID PROJECT, THAT IS IN THE ALLAPATTAH AREA, WHERE HOUSING IS SORELY NEEDED.

R-04-0435

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

A motion was made by Commissioner González, seconded by Commissioner Winton, and was passed unanimously, requesting that the fees for the parking variance application be waived, in an amount not to exceed \$15,000.

NA.7 04-00749 DISCUSSION ITEM

Moment of Silence in memory of Maria J. Chiaro's father.

MOTION

A motion was made by Vice Chairman Sanchez, seconded by Commissioner Winton, and was passed unanimously, to instruct the Office of Protocol to prepare a proclamation of condolences to Maria J. Chiaro on the untimely passing of her father.

NA.8 04-00728 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION RELATED TO THE " SALUTE TO OUR FLORIDA HEROES" TO BE HELD AT BAYFRONT PARK ON JULY 10, 2004; AUTHORIZING THE PROVISION OF IN-KIND SERVICES, IN AN AMOUNT NOT TO EXCEED \$35,000, FROM THE DEPARTMENTS OF POLICE, FIRE-RESCUE, AND SOLID WASTE; ALLOCATING FUNDS FROM ACCOUNT NO. 0010000.921002.6.289; CONDITIONING SAID AUTHORIZATIONS UPON THE ORGANIZER: (1) OBTAINING ALL PERMITS REQUIRED BY LAW; (2) PAYING FOR ALL OTHER NECESSARY COSTS WITH SAID EVENT; (3) OBTAINING INSURANCE TO PROTECT THE CITY IN THE AMOUNT AS PRESCRIBED BY THE CITY MANAGER; AND (4) COMPLYING WITH ALL CONDITIONS AND LIMITATIONS AS MY BE PRESCRIBED BY THE CITY MANAGER.

R-04-0434**MOVED:** Joe Sanchez**SECONDED:** Angel González**UNANIMOUS****Motion that this matter be ADOPTED PASSED by the following vote.****AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele

Note for the Record: Chairman Teele requested that this item be placed on the agenda for the July 8, 2004 Commission meeting to discuss the issue related to the Special Events account.

NA.9 04-00742**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY MANAGER TO IDENTIFY FUNDING FOR LAND ACQUISITION AND MAKE SUCH LAND AVAILABLE TO MIAMI-DADE COUNTY FOR THE DEVELOPMENT OF A MIAMI-DADE COUNTY NEIGHBORHOOD CENTER AS A COMPONENT OF THE LITTLE HAITI PARK PROJECT SUBJECT TO MIAMI-DADE COUNTY FUNDING APPROXIMATELY \$20,000,000 FOR THE DESIGN AND CONSTRUCTION OF SUCH MIAMI-DADE COUNTY NEIGHBORHOOD CENTER BY MIAMI-DADE COUNTY GOVERNMENT.

R-04-0429**MOVED:** Tomas Regalado**SECONDED:** Johnny L. Winton**UNANIMOUS****Motion that this matter be ADOPTED PASSED by the following vote.****AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele**NA.10 04-00750****RESOLUTION**

A RESOLUTION OF THE CITY OF MIAMI INSTRUCTING THE CITY MANAGER AND THE APPROPRIATE CITY DEPARTMENTS, SPECIFICALLY INCLUDING THE DEPARTMENTS OF THE CITY ATTORNEY, ECONOMIC DEVELOPMENT AND COMMUNITY DEVELOPMENT, TO COMPILE ALL THE PURCHASE AND SALES AGREEMENTS AND RELOCATION FILE DOCUMENTS FOR THE VACATION OF BLOCKS 35, 36, 45, 46, 55, AND 56 IN OVERTOWN, RELATED TO THE "URBAN MASS TRANSIT ADMINISTRATION (UMTA)/ OVERTOWN URBAN INITIATIVES PROJECT"; BONDED OR CITY TIF, OR GOVERNMENT FUNDS, FURTHER INSTRUCTING THE CITY ATTORNEY TO CHRONOLOGIZE AND MEMORIALIZE ALL PARTIES DIRECTLY INVOLVED IN THE TRANSACTION; FURTHER DIRECTING THE CITY MANAGER AND CITY ATTORNEY TO WORK WITH THE SOUTHEAST OVERTOWN PARK WEST COMMUNITY REDEVELOPMENT AGENCY AND MIAMI DADE COUNTY IN RETRIEVING THE DATA RELATED TO THIS REQUEST AND PROVIDING A REPORT TO THE CITY COMMISSION NO LATER THAN TUESDAY, JULY 13, 2004.

R-04-0432**MOVED:** Tomas Regalado**SECONDED:** Angel González**UNANIMOUS****Motion that this matter be ADOPTED PASSED by the following vote.****AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele**NA.11 04-00751****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY MANAGER TO PROVIDE A FULL REPORT INCLUDING PHOTOS, ON JULY 8, 2004, PERTAINING TO THE PLACEMENT OF TRANSMISSION POLES WITHOUT A PUBLIC HEARING, NOTICE OR COMMENCEMENT WITH THE PUBLIC, COMMISSION OR THE COMMUNITY REDEVELOPMENT AGENCY, ALONG THE PUBLIC RIGHT OF WAY OF N.W. 11TH STREET, FROM THE OVERTOWN SUBSTATION TO THE RAILROAD SUBSTATION; SPECIFICALLY REQUESTING THE CITY ATTORNEY TO DRAFT AN ORDINANCE TO PREVENT SUCH FUTURE OCCURANCES, ANYWHERE IN THE CITY, OF SUCH PERMIT ISSUANCE WITHOUT A "PUBLIC HEARING"; FURTHER REQUESTING A WRITTEN REPORT WITH DETAILED PHOTOS OF A COMPARISON OF THE SUBSTATION LOCATED AT N.W. 11TH STREET AND 5TH AVENUE TO THE SUBSTATION ON N.E. 20TH STREET AND 2ND AVENUE.

R-04-0433**MOVED:** Arthur E. Teele, Jr.**SECONDED:** Joe Sanchez**UNANIMOUS****Motion that this matter be ADOPTED PASSED by the following vote.****AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele