



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
Maria J. Chiaro, Interim City Attorney
Priscilla A. Thompson, City Clerk

Thursday, July 8, 2004

9:00 AM

City Hall Commission Chambers

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

PR - PRESENTATIONS AND PROCLAMATIONS

MV - MAYORAL VETOES

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M - MAYOR'S ITEMS

D1 - DISTRICT 1 ITEMS

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PH - PUBLIC HEARINGS

TIME CERTAIN

3:00 P.M. - PH.4 - Transfer of HOPWA Funds from Movers, Inc. (\$875,000)

3:00 P.M. - PH.5 - Transfer of CDBG Funds From Model City Revitalization District Trust

3:00 P.M. - PH.6 - Transfer of HOPWA Funds from Movers, Inc. (\$100,000)

3:00 P.M. - PH.7 - Transfer of Funds From City of Miami Building Dept.

3:00 P.M. - PH.8 - Approving City of Miami PHA Plans

3:00 P.M. - PH.9 - Transfer of 30th Yr. Economic Development Reserve Funds

3:00 P.M. - PH.10 - Transfer of CDBG Funds From Little Haiti Job Creation Pilot Project

FR - FIRST READING ORDINANCES

RE - RESOLUTIONS

BC - BOARDS AND COMMITTEES

DI - DISCUSSION ITEMS

10:00 A.M. - DI.8 - Request From Supervisor of Elections Constance Kaplan

10:30 A.M. - DI.9 - Status of the Miami Streetcar Feasibility Study

10:30 A.M. - DI.10 - Status of the Bay Link, Miami-Miami Beach Transp. Corridor Study

4:00 P.M. - DI.11 - Discussion Concerning Annexation

PART B

PZ - PLANNING AND ZONING ITEMS

The Planning and Zoning items shall not be considered before 5:00 pm.

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

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

On the 8th day of July, 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 9:42 a.m. by Chairman Arthur E. Teele Jr., recessed at 12:30 p.m., reconvened at 3:22 p.m., recessed at 6:19 p.m., reconvened at 6:49 p.m., and adjourned at 9:37 p.m.

ALSO PRESENT:

Joe Arriola, City Manager
 Maria J. Chiaro, Interim City Attorney
 Priscilla A. Thompson, City Clerk
 Sylvia Scheider, Assistant City Clerk

PRESENTATIONS AND PROCLAMATIONS**PR.1 04-00762 CEREMONIAL ITEM**

Name of Honoree	Presenter	Protocol Item
Miami Audit Advisory Committee Joy Intriago, C.P.A.	Commissioner Winton	Certificate of Appreciation
Quality of Life Task Force Captain Miguel Exposito	Commissioner Gonzalez	Commendation
Sergeant Alfredo Alvarez	Commissioner Gonzalez	Commendation
Sergeant Jose Seiglie	Commissioner Gonzalez	Commendation
Sergeant Louis Melancon	Commissioner Gonzalez	Commendation
Officer Andres Losa	Commissioner Gonzalez	Commendation
Officer Anthony Perez	Commissioner Gonzalez	Commendation
Officer Orlando Benitez	Commissioner Gonzalez	Commendation
Officer Orlando Merced	Commissioner Gonzalez	Commendation
Officer Michael Vega	Commissioner Gonzalez	Commendation
Officer Magdiel Armenteros	Commissioner Gonzalez	Commendation

PRESENTED

1. Commissioner González recognized the police officers in the Quality of Life Task Force for their outstanding work in the Allapattah area. Mayor Diaz further commended Commissioner González for his participation in said task force. Commendations were given to: Captain Miguel Exposito, Sergeant Alfredo Alvarez, Sergeant Jose Seiglie, Sergeant Louis Melancon (in absentia), Officer Andres Losa (in absentia), Officer Anthony Perez, Officer Orlando Benitez, Officer Orlando Merced, Officer Michael Vega, and Officer Magdiel Armenteros.

2. Commissioner González presented Chairman Arthur E. Teele, Jr. with a picture of a townhouse/condominium project consisting of 52 units, which was formerly located in District 1, but is now located in District 5, due to the redistricting of commission boundaries.

3. Chairman Teele presented Interim City Attorney Maria J. Chiaro with a Memorial Proclamation for her father, Frank Chairro, who recently passed away.

Note for the Record: Certificate of Appreciation for Miami Audit Advisory Committee member Joy Intriago, C.P.A. was not presented.

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 MEETINGS:

Regular Meeting of June 10, 2004

MOVED: Joe Sanchez

SECONDED: Angel González

UNANIMOUS

Motion to APPROVED PASSED by the following vote.

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

Planning and Zoning Meeting of May 27, 2004

MOVED: Joe Sanchez

SECONDED: Angel González

UNANIMOUS

Motion to APPROVE PASSED by the following vote.

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

ORDER OF DAY

CONSENT AGENDA

CA.1 04-00678 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE PURCHASE AND INSTALLATION OF A SECURITY SYSTEM FOR THE DEPARTMENT OF POLICE, CONSISTING OF THE ITEMS ON THE EQUIPMENT LISTS, ATTACHED AND INCORPORATED, FROM SECURITY ONE SYSTEMS, INC., AWARDED UNDER EXISTING STATE OF FLORIDA SNAPS AGREEMENT NO. 6802563-3, EFFECTIVE UNTIL OCTOBER 29, 2004, SUBJECT TO FURTHER EXTENSIONS OR REPLACEMENT CONTRACTS BY THE STATE OF FLORIDA, IN AN AMOUNT NOT TO EXCEED \$383,089.14 FOR ITEMS ON THE SNAPS CONTRACT, AN AMOUNT NOT TO EXCEED \$24,411.04, FOR ADDITIONAL ITEMS, AND AN AMOUNT NOT TO EXCEED \$25,000, FOR AN OWNER'S ALLOWANCE TO EXPEND FOR UNFORESEEABLE CIRCUMSTANCES, AT A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$432,500.18; FURTHER AUTHORIZING THE PURCHASE OF A FOUR-YEAR MAINTENANCE PLAN AT A TOTAL PURCHASE PRICE NOT TO EXCEED \$94,560.43; ALLOCATING FUNDS, IN A TOTAL AMOUNT NOT TO EXCEED \$527,060.61, FROM THE LOCAL LAW ENFORCEMENT BLOCK GRANT VII, ACCOUNT CODE NO. 142023.290539.6.840.

R-04-0437

This Matter was ADOPTED on the Consent Agenda.

CA.2 04-00679 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE ACQUISITION OF NEW AND REPLACEMENT SERVER HARDWARE, PERSONAL COMPUTERS, LAPTOPS, COMMUNICATIONS AND NETWORKING EQUIPMENT, PRINTERS, COMPUTER SOFTWARE, PERIPHERALS, AND ASSOCIATED CONSULTANCY, INSTALLATION AND MAINTENANCE SERVICES FOR CITYWIDE USE, FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY ("ITD"), FROM VARIOUS VENDORS AWARDED UNDER CURRENT, RENEWAL OR REPLACEMENT STATE OF FLORIDA AND/OR WESTERN STATES CONTRACTING ALLIANCE ("WSCA") CONTRACTS, AS SET FORTH ON THE LISTS, ATTACHED AND INCORPORATED, ON AN AS-NEEDED CONTRACT BASIS, SUBJECT TO ANY EXTENSIONS OR REPLACEMENT CONTRACTS FROM THE STATE OF FLORIDA AND/OR WSCA; ALLOCATING FUNDS, IN AN AMOUNT NOT TO EXCEED \$975,000, FOR ITD AND AN AMOUNT NOT TO EXCEED \$2,500,000, FOR THE DEPARTMENT OF POLICE, FOR THE CURRENT FISCAL YEAR (FISCAL YEAR), FROM ITD'S STRATEGIC FUNDS, GRANTS, LAW ENFORCEMENT TRUST FUNDS, CAPITAL IMPROVEMENT PROJECTS ACCOUNTS, OR THE OPERATING BUDGETS OF THE 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.

R-04-0449

MOVED: Joe Sanchez

SECONDED: Johnny L. Winton

UNANIMOUS

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

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

CA.3 04-00681 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE BID OF HERALPIN USA, FOR THE PROJECT ENTITLED "KENNEDY PARK PARKING LOT, B-60442 (FORMERLY B-6489)," IN AN AMOUNT NOT TO EXCEED \$134,984.98; ALLOCATING FUNDS FROM CAPITAL IMPROVEMENTS PROJECT NO. 333112, IN AN AMOUNT NOT TO EXCEED \$134,984.98, FOR CONTRACT COSTS, PLUS \$37,000 FOR ESTIMATED EXPENSES INCURRED BY THE CITY OF MIAMI, FOR TOTAL PROJECT COSTS IN AN AMOUNT NOT TO EXCEED \$171,984.98, AS SET FORTH IN THE DEPARTMENT OF CAPITAL IMPROVEMENTS PROJECT FACT SHEET AND THE FORMAL BID DOCUMENTS, ATTACHED AND INCORPORATED; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PROJECT.

R-04-0438

This Matter was ADOPTED on the Consent Agenda.

CA.4 04-00708 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE PURCHASE OF BLACKBERRY PAGERS, EQUIPMENT AND SERVICES FROM CINGULAR WIRELESS AND NEXTEL SOUTH CORPORATION, FOR THE DEPARTMENTS OF FIRE-RESCUE, POLICE AND THE EXECUTIVE LEADERSHIP OF ALL OTHER CITY DEPARTMENTS, AWARDED UNDER EXISTING STATE OF FLORIDA CONTRACT NO. 725-000-03-1, EFFECTIVE UNTIL DECEMBER 19, 2005, SUBJECT TO FURTHER EXTENSIONS OR REPLACEMENT CONTRACTS BY THE STATE OF FLORIDA, IN A TOTAL AMOUNT NOT TO EXCEED \$138,000; ALLOCATING FUNDS FROM THE URBAN AREAS SECURITY INITIATIVE GRANT PROGRAM II, ACCOUNT CODE NO. 110111.280910.6.840, IN AN AMOUNT NOT TO EXCEED \$104,000, FOR FISCAL YEAR 2003-2004 AND AN AMOUNT NOT TO EXCEED \$34,000, FOR FISCAL YEAR 2004-2005, SUBJECT TO BUDGETARY APPROVAL.

R-04-0450

MOVED: Joe Sanchez

SECONDED: Johnny L. Winton

UNANIMOUS

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

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

CA.5 04-00682 DISCUSSION ITEM

ACCEPTING A REPORT FROM THE CIVIL SERVICE BOARD.

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

CA.6 04-00713 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CITY MANAGER TO ACCEPT SIXTEEN (16) DEEDS OF DEDICATION FOR HIGHWAY PURPOSES AND APPROVING AND AUTHORIZING THE RECORDATION OF SAID DEEDS IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

R-04-0439

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

CA.7 04-00735 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ESTABLISHING A NEW SPECIAL REVENUE FUND ENTITLED: "OLD VIRGINIA KEY LANDFILL SITE REMEDIATION ASSESSMENT GRANT" AND APPROPRIATING A GRANT AWARD, IN THE AMOUNT OF \$650,000, FROM MIAMI-DADE COUNTY ("COUNTY"); AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF MIAMI AND THE COUNTY, FOR ACCEPTANCE OF THE GRANT.

R-04-0440

This Matter was ADOPTED on the Consent Agenda.

CA.8 04-00737 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), RESCINDING RESOLUTION NO. 04-0297, ADOPTED MAY 6, 2004, AND THE BID AWARDED TO BK MARINE CONSTRUCTION, INC., PURSUANT TO SAID RESOLUTION; FURTHER CONSIDERING THE LOCAL PREFERENCE OPTION TO ACCEPT THE BID OF DOCK AND MARINE CONSTRUCTION CORPORATION, THE NEXT LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, PURSUANT TO FORMAL INVITATION FOR BIDS RECEIVED MARCH 9, 2004 FOR THE PROJECT ENTITLED "DINNER KEY MARINA MOORING PILE REPLACEMENT PHASE II, B-60474," IN AN AMOUNT NOT TO EXCEED \$135,000; ALLOCATING FUNDS FROM CAPITAL IMPROVEMENTS PROJECT NO. 326011, IN THE AMOUNT NOT TO EXCEED \$135,000, FOR CONTRACT COSTS, PLUS \$6,245 FOR ESTIMATED EXPENSES INCURRED BY THE CITY OF MIAMI, FOR TOTAL PROJECT COSTS IN AN AMOUNT NOT TO EXCEED \$141,245, AS SET FORTH ON THE FORMAL BID DOCUMENT(S) AND THE DEPARTMENT OF CAPITAL IMPROVEMENTS PROJECT FACT SHEET, ATTACHED AND INCORPORATED; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PROJECT.

R-04-0441

This Matter was ADOPTED on the Consent Agenda.

CA.9 04-00662 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CONTINUED ENGAGEMENT OF THE LAW FIRM OF AKERMAN, SENTERFITT & EIDSON FOR REPRESENTATION OF THE CITY OF MIAMI 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-04-0442

This Matter was ADOPTED on the Consent Agenda.

Adopted the Consent Agenda

MOVED: Johnny L. Winton

SECONDED: Joe Sanchez

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

END OF CONSENT AGENDA

MAYOR AND COMMISSIONER'S ITEMS

CITYWIDE

HONORABLE MAYOR MANUEL A. DIAZ

DISTRICT 1

COMMISSIONER ANGEL GONZÁLEZ

DISTRICT 2

COMMISSIONER JOHNNY L. WINTON

D2.1 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

DISTRICT 3

VICE CHAIRMAN JOE SANCHEZ

DISTRICT 4

COMMISSIONER TOMAS REGALADO

D4.1 04-00727 DISCUSSION ITEM

JOSE MANUEL FUENTES CHARITABLE EVENT TO BE HELD AT
ROBERT KING HIGH PARK.

MOTION

A motion was made by Commissioner Regalado, seconded by Vice Chairman Sanchez, and was passed unanimously, to reimburse the Parks Department for park rental fees and expenses, in an amount not to exceed \$600, for the Jose Manuel Fuentes Charitable Event to be held at Robert King High, from the District 4 Special Events Account.

D4.2 04-00714

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CITY ATTORNEY TO SEEK INJUNCTIVE RELIEF, OR ANY OTHER ACTIONS IN LAW OR IN EQUITY, TO ENSURE CITY CODE COMPLIANCE OF THE VIOLATIONS RELATED TO ILLEGAL UNITS, PARKING ON UNIMPROVED SURFACES, AND FAILURE TO HAVE A CERTIFICATE OF USE OF THE PROPERTY LOCATED AT 2292 SOUTHWEST 16TH TERRACE, MIAMI, FLORIDA, SO LONG AS THERE EXISTS INADEQUATE REMEDIES AT LAW AND THE LIKELIHOOD OF IRREPARABLE INJURY WILL OCCUR IF THE INJUNCTION IS NOT GRANTED; FURTHER AUTHORIZING THE CITY ATTORNEY TO INITIATE FORECLOSURE ACTION AGAINST THE PROPERTY LOCATED AT 2292 SOUTHWEST 16TH TERRACE, MIAMI, FLORIDA, FOR ANY OUTSTANDING LIENS RELATED TO CODE ENFORCEMENT OR COSTS RELATED TO THESE VIOLATIONS, PURSUANT TO APPLICABLE LAW.

R-04-0466

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

D4.3 04-00753

DISCUSSION ITEM

DISCUSSION DIRECTING THE FEDERAL LOBBYING TEAM TO GET INVOLVED IN THE NOISE ABATEMENT PROGRAM FOR MIAMI INTERNATIONAL AIRPORT.

MOTION

A motion was made by Commissioner Regalado, seconded by Commissioner Winton, and passed unanimously, directing the City Manager to instruct the federal lobbying team to get involved in the noise abatement program for Miami International Airport.

D4.4 04-00754

DISCUSSION ITEM

DISCUSSION CONCERNING LEGISLATION TO ADDRESS THE FEEDING OF HOMELESS INDIVIDUALS ON CITY STREETS.

MOTION

A motion was made by Commissioner Regalado, seconded by Commissioner Winton, and was passed unanimously, directing the City Attorney to schedule a discussion item on the September 9, 2004 Commission agenda to address the feeding of homeless individuals on City streets.

DISTRICT 5

CHAIRMAN ARTHUR E. TEELE, JR.

D5.1 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.

WITHDRAWN

A motion was made by Commissioner Regalado, seconded by Commissioner González, and was passed unanimously, to WITHDRAW, item D5.1.

D5.2 04-00779 ORDINANCE**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 14/ARTICLE V/SECTION 14-251 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "SOUTHEAST OVERTOWN/PARK WEST REDEVELOPMENT DISTRICT AND COMMUNITY REDEVELOPMENT AGENCY/GENERALLY/DEFINITIONS;" CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

MOVED: Angel González

SECONDED: Joe Sanchez

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

PUBLIC HEARING**PH.1 04-00693 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, APPROVING AND CONFIRMING THE CITY MANAGER'S FINDING THAT IT IS MOST ADVANTAGEOUS FOR THE CITY OF MIAMI TO WAIVE COMPETITIVE SEALED BIDDING PROCEDURES; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH SHELDON ZEDECK, PH.D., TO PROVIDE CONSULTING SERVICES IN THE AREA OF TEST DEVELOPMENT, SCORE ANALYSIS, JOB ANALYSIS AND REVIEW OF SELECTION PROCEDURES FOR THE CLASSIFICATIONS OF POLICE OFFICER, POLICE LIEUTENANT AND PUBLIC SERVICE AIDE, IN AN EFFORT TO MEET THE REQUIREMENTS TO DISSOLVE THE 1977 CONSENT DECREE, IN AN ANNUAL AMOUNT NOT TO EXCEED \$80,000, FOR A TWO-YEAR PERIOD WITH THE OPTION TO EXTEND FOR TWO ADDITIONAL ONE-YEAR PERIODS; ALLOCATING FUNDS FROM THE DEPARTMENT OF EMPLOYEE RELATIONS, ACCOUNT CODE NO. 001000.270101.6.270.

R-04-0454

MOVED: Joe Sanchez

SECONDED: Johnny L. Winton

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

AYES: Commissioner González, Winton, Sanchez and Teele

ABSENT: Commissioner Regalado

PH.2 04-00694 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, APPROVING AND CONFIRMING THE CITY MANAGER'S FINDING OF SOLE SOURCE; WAIVING THE REQUIREMENTS FOR COMPETITIVE SEALED BIDDING PROCEDURES AND APPROVING THE ACQUISITION OF FUEL COLLARS AND ELECTRONIC COMPONENTS, FOR THE DEPARTMENT OF GENERAL SERVICES ADMINISTRATION, FOR THE AUTOMATED COMPUTERIZED FUEL FACILITY (FUEL-O-MAT), FROM AUTOMOTIVE COMPUTERS AND EQUIPMENT, INC., THE SOLE SOURCE DISTRIBUTOR FOR MANUFACTURER RAPAC NETWORK INTERNATIONAL, INC., ON AN AS-NEEDED CONTRACT BASIS FOR A ONE-YEAR PERIOD, WITH THE OPTION TO EXTEND FOR TWO ADDITIONAL ONE-YEAR PERIODS, IN AN AMOUNT NOT TO EXCEED \$170,000, FOR THE FIRST YEAR, AND AN ANNUAL AMOUNT NOT TO EXCEED \$35,000, FOR EACH EXTENSION YEAR, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$240,000; ALLOCATING FUNDS FROM THE CAPITAL IMPROVEMENT PROJECT NO. 311850.429401.6.840.

R-04-0455**MOVED:** Johnny L. Winton**SECONDED:** Joe Sanchez**UNANIMOUS****Motion that this matter be ADOPTED PASSED by the following vote.****AYES:** Commissioner González, Winton, Sanchez, Regalado and Teele**PH.3 04-00695****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, APPROVING AND CONFIRMING THE CITY MANAGER'S FINDING THAT IT IS PRACTICABLE AND MOST ADVANTAGEOUS FOR THE CITY OF MIAMI TO WAIVE COMPETITIVE SEALED BIDDING PROCEDURES; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH THE UNIVERSITY OF MIAMI CENTER FOR RESEARCH IN MEDICAL EDUCATION ("UMCRME"), FOR THE DEPARTMENT OF FIRE-RESCUE, TO PROVIDE THE DELIVERY OF EMERGENCY RESPONSE TO TERRORISM ("ERT") TRAINING FOR THE MIAMI URBAN AREA'S FIRST RESPONDERS, INCLUDING EQUIPMENT, COURSE DELIVERY, OUTCOMES ASSESSMENT AND QUALITY IMPROVEMENT, EFFECTIVE UNTIL DECEMBER 31, 2005, TO COINCIDE WITH THE END OF THE 2004 URBAN AREAS SECURITY INITIATIVE ("UASI") GRANT PROGRAM II, WITH THE OPTION TO EXTEND FOR ONE (1) ADDITIONAL YEAR TO COINCIDE WITH ANY AND ALL APPROVED EXTENSIONS OF THE UASI 2004 GRANT, AT A TOTAL AMOUNT NOT TO EXCEED \$587,500; ALLOCATING FUNDS FROM THE UASI GRANT PROGRAM II, PROJECT NO. 110111, ACCOUNT CODE NO. 280910.6.270.

R-04-0456**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**3:00 P.M.****PH.4 04-00697****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE TRANSFER OF HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS ("HOPWA") PROGRAM FUNDS IN THE AMOUNT OF \$875,000, FROM MOVERS, INC. CAPITAL PROJECTS AND ALLOCATING SAID FUNDS TO THE FOLLOWING PROJECTS BASED RENTAL SUBSIDY OR OPERATING SUPPORT

PROGRAMS EFFECTIVE OCTOBER 1, 2004 TO SEPTEMBER 30, 2005: (1) BAME DEVELOPMENT CORPORATION OF SOUTH FLORIDA, INC., IN THE AMOUNT OF \$50,000, FOR OPERATING SUPPORT OF BETHEL ARMS APARTMENTS; (2) MOVERS, INC., IN THE AMOUNT OF \$80,500, FOR OPERATING SUPPORT OF SUGAR HILL PROPERTIES; (3) MOVERS, INC., FOR OPERATING SUPPORT OF LIFE QUEST I & II, IN THE AMOUNT OF \$63,000; AND (4) THE CITY OF MIAMI DEPARTMENT OF COMMUNITY DEVELOPMENT EMERGENCY RENTAL, MORTGAGE AND UTILITY ASSISTANCE PROGRAM, IN THE AMOUNT OF \$681,500; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH SAID AGENCIES.

R-04-0444

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.5 04-00698

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE TRANSFER OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS, IN AN AMOUNT NOT TO EXCEED \$600,000, FROM THE MODEL CITY REVITALIZATION DISTRICT TRUST AND ALLOCATING SAID FUNDS TO THE CITY OF MIAMI OFF-STREET PARKING AUTHORITY; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE.

DEFERRED

A motion was made by Commissioner Regalado, seconded by Commissioner González, and was passed unanimously, with Commissioner Winton absent, to DEFER item PH.5 to the Commission Meeting currently scheduled for July 22, 2004.

Direction to the Administration by Chairman Teele to ensure that the Department of Off-Street Parking brief each Commissioner what they are doing relating to Item PH.5.

PH.6 04-00699

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE TRANSFER OF HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS ("HOPWA") PROGRAM FUNDS, IN THE AMOUNT OF \$100,000, FROM MOVERS, INC., FOR OPERATING SUPPORT PROGRAMS, AND ALLOCATING SAID FUNDS TO MOVERS, INC., FOR THE REHABILITATION OF THE LIFE QUEST FACILITIES I AND II; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH MOVERS, INC., FOR SAID PURPOSE.

R-04-0445

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.7 04-00700 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE TRANSFER OF FUNDS IN THE AMOUNT OF \$195,000, FROM THE CITY OF MIAMI BUILDING DEPARTMENT FUND, AND AN AMOUNT OF \$120,000, FROM THE COMMERCIAL CODE COMPLIANCE PROGRAM FOR A TOTAL TRANSFER AMOUNT OF \$315,000; ALLOCATING SAID FUNDS TO THE COMMERCIAL FAÇADE PROGRAM.

R-04-0446

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

PH.8 04-00701 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) APPROVING THE CITY OF MIAMI'S ("CITY") PUBLIC HOUSING AGENCY ("PHA") PLANS, INCLUDING THE FIVE-YEAR STRATEGIC PLAN FOR FISCAL YEARS 2005-2009 AND THE ANNUAL PLAN FOR FISCAL YEAR 2004, IN CONNECTION WITH THE IMPLEMENTATION AND ADMINISTRATION OF THE CITY'S SECTION 8 MODERATE REHABILITATION HOUSING PROGRAM; AUTHORIZING THE CITY MANAGER TO SUBMIT THE PHA PLANS, ATTACHED AND INCORPORATED, FOR REVIEW AND APPROVAL BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ("HUD") FOR THE CITY'S CONTINUED PARTICIPATION IN SAID PROGRAM; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS AND CERTIFICATIONS REQUIRED, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SUBMISSION OF THE CITY'S PHA PLANS TO HUD; FURTHER ACCEPTING SECTION 8 MODERATE REHABILITATION PROGRAM FUNDS, IN THE AMOUNT OF \$3,100,000, FROM FISCAL YEAR 2004 ANNUAL CONTRIBUTIONS FROM HUD.

R-04-0447

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

PH.9 04-00702 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE TRANSFER OF 30TH YEAR ECONOMIC DEVELOPMENT RESERVE FUNDS IN THE AMOUNT OF \$400,000, AND ALLOCATING SAID FUNDS, IN THE AMOUNT OF \$150,000, TO HISPANIC BUSINESS INITIATIVE FUND OF GREATER MIAMI, INC., AND THE AMOUNT OF \$250,000 TO THE LITTLE HAITI-EDISON FEDERAL CREDIT UNION, FOR ECONOMIC DEVELOPMENT ACTIVITIES BEGINNING OCTOBER 1, 2004 TO SEPTEMBER 30, 2005; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH SAID AGENCIES.

DEFERRED

A motion was made by Commissioner Regalado, seconded by Commissioner González, and was passed unanimously, with Commissioner Winton absent, to DEFER item PH.9 to the Commission Meeting currently scheduled for July 22, 2004.

PH.10 04-00711 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE TRANSFER OF COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") PROGRAM FUNDS, IN THE AMOUNT OF \$50,000, FROM THE LITTLE HAITI JOB CREATION PILOT PROJECT, AND ALLOCATING SAID FUNDS TO FANM AYISYEN NAN MIYAMI, INC., FOR ECONOMIC DEVELOPMENT ACTIVITIES BEGINNING OCTOBER 1, 2004 TO SEPTEMBER 30, 2005; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH SAID AGENCY.

R-04-0448

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

Direction to the Administration by Chairman Teele to host a workshop within 90 days, including consultants to teach agencies the federal regulations of economic development and facade funds; further stipulating that all agencies receiving Community Development Block Grant (CDBG) funds for said programs should be obligated to attend said workshop.

ORDINANCES - FIRST READING**FR.1 04-00703 ORDINANCE First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11418, AS AMENDED, ADOPTED DECEMBER 12, 1996, WHICH ESTABLISHED INITIAL RESOURCES AND APPROPRIATIONS FOR THE SPECIAL REVENUE FUND ENTITLED, "PARTNERSHIP FUND;" INCREASING THE APPROPRIATIONS IN THE AMOUNT NOT TO EXCEED \$17,208, CONSISTING OF DONATIONS FROM VARIOUS PRIVATE ORGANIZATIONS; AUTHORIZING THE DEPARTMENT OF POLICE ("POLICE") TO ACCEPT DONATIONS FROM VARIOUS PRIVATE ORGANIZATIONS TO BE DEPOSITED IN SAID SPECIAL REVENUE FUND; FURTHER AUTHORIZING THE EXPENDITURE OF SAID FUNDS TO SPONSOR NUMEROUS COMMUNITY EVENTS AND IN-HOUSE PROGRAMS, INCLUDING THE PUBLICATION OF THE DEPARTMENT'S ANNUAL REPORT; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

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

FR.2 04-00704 ORDINANCE First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING THE ESTABLISHMENT OF CRITERIA AND A SELECTION PROCESS, ATTACHED AND INCORPORATED, TO FACILITATE THE AWARD OF SCHOLARSHIPS FROM THE CITY OF MIAMI DEPARTMENT OF SOLID WASTE'S RECYCLING AND EDUCATIONAL TRUST FUND, ESTABLISHED THROUGH CHAPTER 22, SECTION 22-15 ENTITLED "EDUCATIONAL TRUST FUND;" CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

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

FR.3 04-00734 ORDINANCE First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, RELATING TO DEVELOPMENT IMPACT FEES; AMENDING CHAPTER 13, SECTIONS 13-2(B)(3), 13-2(B)(4), 13-5, 13-6(3) AND 13-6(4) OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, BY CHANGING THE ELIGIBLE IMPACT FEE EXEMPTION DESIGNATION AREAS FOR ALL DUPLEX AND RESIDENTIAL DEVELOPMENT FROM "COMMUNITY DEVELOPMENT TARGET AREAS" TO THE NEWLY CREATED COMMUNITY DEVELOPMENT

DEPARTMENT CLASSIFICATION OF "NEIGHBORHOOD DEVELOPMENT ZONES;" CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE OF OCTOBER 1, 2004.

DEFERRED

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

Direction to the Administration by Commissioner González to provide him with a map of the Neighborhood Development Zones and additional information related to development impact and related supplemental fees.

RESOLUTIONS**RE.1 04-00666 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, RELATING TO THE PROVISION OF FIRE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF MIAMI, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004, IN ACCORDANCE WITH THE CITY OF MIAMI FIVE-YEAR PLAN; PROVIDING FOR NEW DEFINITIONS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING FOR SEPTEMBER 9, 2004, AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

R-04-0452

MOVED: Joe Sanchez

SECONDED: Johnny L. Winton

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

AYES: Commissioner Winton, Sanchez and Teele

NOES: Commissioner González

ABSENT: Commissioner Regalado

RE.2 04-00667 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, RELATING TO THE PROVISION OF SOLID WASTE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF MIAMI, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST PROPERTY LOCATED WITHIN THE CITY OF MIAMI; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING FOR SEPTEMBER 9, 2004; AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

R-04-0453

MOVED: Joe Sanchez

SECONDED: Angel González

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

AYES: Commissioner González, Winton, Sanchez and Teele

ABSENT: Commissioner Regalado

Direction to the Administration by Chairman Teele to place a notice letting residents know what percentage of the solid waste fee is County-imposed. Vice Chairman Sanchez further requested the Administration provide the residents with a list of what other comparable

cities are paying in fees and providing in services. Commissioner Winton further instructed the Administration do an analysis of all fees associated with living in the City of Miami as compared to living in Miami-Dade County to comparable cities.

RE.3 04-00706 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION COMPUTING A PROPOSED MILLAGE RATE, AS DESIGNATED HEREIN, FOR THE CITY OF MIAMI ("CITY"), FLORIDA, FOR FISCAL YEAR BEGINNING OCTOBER 1, 2004 AND ENDING SEPTEMBER 30, 2005; DIRECTING THE CITY MANAGER TO SUBMIT SAID PROPOSED MILLAGE RATE TO THE MIAMI-DADE COUNTY PROPERTY TAX APPRAISER AND THE TAX COLLECTOR TOGETHER WITH THE DATE, TIME AND PLACE OF THE PUBLIC HEARING AT WHICH THE CITY COMMISSION WILL CONSIDER THE PROPOSED MILLAGE RATE AND THE CITY'S TENTATIVE BUDGET FOR SAID FISCAL YEAR, AS DESIGNATED HEREIN.

R-04-0451

MOVED: Joe Sanchez

SECONDED: Johnny L. Winton

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

AYES: Commissioner González, Winton and Sanchez

NOES: Commissioner Regalado and Teele

This item was moved by Vice Chairman Sanchez, seconded by Commissioner Winton, and passed with Chairman Teele and Commissioner Regalado voting no.

A motion to immediately reconsider the item was moved by Commissioner Winton, seconded by Commissioner González, and passed with Vice Chairman Sanchez voting no.

Note for the Record: Item RE. 3 was passed immediately thereafter as initially presented.

Note for the Record: A Budget Workshop was scheduled for July 29, 2004, at a tentative time of 2 p.m., at a venue to be determined. Chairman Teele further requested that said workshop be publicly noticed. [Clerk and Budget Director drafted notice language and Clerk published notice on July 19 and July 22, 2004 on several newspapers.]

Direction to the City Manager by Chairman Teele to provide him with a memorandum explaining the \$80 million shortage of the City, how much is Fire, Solid Waste, Police, GSA.

RE.4 04-00705 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, RATIFYING, APPROVING AND CONFIRMING THE CITY MANAGER'S FINDING OF AN EMERGENCY APPROVING AN INCREASE IN THE CONSTRUCTION CONTRACT AWARDED TO TOTAL CONSTRUCTION AND MAINTENANCE CORPORATION, PURSUANT TO RESOLUTION NO. 03-551, ADOPTED MAY 22, 2003, IN AN AMOUNT NOT TO EXCEED \$40,000, INCREASING THE CONTRACT AMOUNT FROM \$200,000 TO \$240,000, FOR ADDITIONAL WORK REQUIRED FOR IMPROVEMENTS AT ANTONIO MACEO PARK FOR IMPROVEMENTS TO THE PARKING LOT, REMOVAL OF SIDEWALK, REPAIRS TO THE LANDSCAPING AND THE SPRINKLER SYSTEM, NOT CONTAINED IN THE ORIGINAL SCOPE OF SERVICES; ALLOCATING FUNDS FOR SAID INCREASE FROM CAPITAL IMPROVEMENTS PROJECT NO. 333114.

R-04-0457**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**RE.5 04-00736****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER APPROVING THE FINDINGS OF THE EVALUATION COMMITTEE, PURSUANT TO REQUEST FOR PROPOSALS ("RFP") NO. 03-04-099, THAT THE FIRMS MOST QUALIFIED TO PROVIDE EXTERNAL AUDITING SERVICES FOR THE CITY OF MIAMI ("CITY") ARE, IN RANK ORDER: (1) KPMG, LLP, AND (2) RACHLIN, COHEN AND HOLTZ; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT ("AGREEMENT"), IN SUBSTANTIALLY THE ATTACHED FORM, WITH KPMG, LLP, THE TOP-RANKED FIRM, FOR A THREE-YEAR PERIOD, IN AN AMOUNT NOT TO EXCEED \$335,000, FOR THE FIRST YEAR, AN AMOUNT NOT TO EXCEED \$340,000, FOR THE SECOND YEAR, AND AN AMOUNT NOT TO EXCEED \$350,000, FOR THE THIRD YEAR, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$1,025,000; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH RACHLIN, COHEN AND HOLTZ, THE SECOND-RANKED FIRM, IN THE EVENT NEGOTIATIONS FAIL WITH THE TOP-RANKED FIRM; DIRECTING THE CITY MANAGER TO PRESENT THE NEGOTIATED AGREEMENT TO THE CITY COMMISSION FOR CONSIDERATION; ISSUING A NEW RFP FOR EXTERNAL AUDITING SERVICES IN THE EVENT NEGOTIATIONS ARE UNSUCCESSFUL.

R-04-0458**MOVED:** Tomas Regalado**SECONDED:** Joe Sanchez**Motion that this matter be ADOPTED WITH MODIFICATIONS PASSED by the following vote.****AYES:** Commissioner González, Winton, Sanchez and Regalado**ABSENT:** Commissioner Teele**RE.6 04-00745****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, FOR EMERGENCY MAINTENANCE OF BUS SHELTERS IN CITY OF MIAMI ("CITY") RIGHTS-OF-WAY, ON A MONTH-TO-MONTH BASIS AS PER THE ATTACHED PROPOSAL, AND PROVIDING THAT SHOULD ANY SHELTER BE USED FOR ADVERTISING, THE CITY SHALL NOT PAY TO MAINTAIN THE SHELTERS AND SARMIENTO SHALL PAY THE CITY AT THE RATE LAST PAID BY THE PREVIOUS BUS SHELTER CONTRACTOR.

R-04-0459

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

A motion was made by Chairman Teele, seconded by Commissioner González, and was passed unanimously, to authorize the City Manager to negotiate a rate for bus benches, without advertising and on a unit basis as recommended by the Administration, with Sarmiento Advertising Group, and that said rate be presented to the Commission in 60 days at the meeting currently scheduled for September 23, 2004.

RE.7 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."

R-04-0460

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

RE.8 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.

R-04-0461

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

RE.9 04-00756

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A COMPROMISE, SETTLEMENT AND RELEASE AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH RACEWORKS, LLC, FOR OUTSTANDING FINANCIAL OBLIGATIONS ASSOCIATED WITH GRAND PRIX AMERICAS, HELD ON SEPTEMBER 26-28, 2003.

R-04-0465

MOVED: Joe Sanchez

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 Chairman Teele, seconded by Commissioner González, and was passed unanimously, to defer item RE.9.

A motion was made by Commissioner Winton, seconded by Commissioner Regalado, and

passed unanimously, to reconsider previous vote to defer item RE.9. [The item was subsequently adopted.]

RE.10 04-00760 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING AN INCREASE IN COMPENSATION FOR THE PROFESSIONAL CONSULTING SERVICES OF CONSUL-TECH TRANSPORTATION, INC., PREVIOUSLY APPROVED BY RESOLUTION NO. 04-0011, ADOPTED JANUARY 8, 2004, IN AN AMOUNT NOT TO EXCEED \$2,000,000, INCREASING COMPENSATION FROM \$1,000,000 TO \$3,000,000, FOR PROFESSIONAL CONSULTING SERVICES FOR MANAGEMENT SKILLS TO BE UTILIZED CITYWIDE ON AN AS-NEEDED CONTRACT BASIS; AMENDING RESOLUTION NO. 04-0011 TO REFLECT SAID INCREASE; ALLOCATING FUNDS FOR SAID INCREASE FROM VARIOUS CAPITAL IMPROVEMENTS AND SPECIAL REVENUE FUND PROJECT ACCOUNTS.

DEFERRED

A motion was made by Chairman Teele, seconded by Commissioner González, and was passed unanimously, to DEFER item RE.10 to the Commission Meeting currently scheduled for July 22, 2004.

RE.11 04-00761 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING AN INCREASE IN COMPENSATION FOR THE PROFESSIONAL CONSULTING SERVICES OF HDR ENGINEERING, INC., PREVIOUSLY APPROVED BY RESOLUTION NO. 04-0010, ADOPTED JANUARY 8, 2004, IN AN AMOUNT NOT TO EXCEED \$2,000,000, INCREASING THE COMPENSATION FROM \$2,000,000 TO \$4,000,000 FOR PROFESSIONAL CONSULTING SERVICES FOR MANAGEMENT SKILLS TO BE UTILIZED CITYWIDE ON AN AS-NEEDED CONTRACT BASIS; AMENDING RESOLUTION NO. 04-0010 TO REFLECT SAID INCREASE; ALLOCATING FUNDS FOR SAID INCREASE FROM VARIOUS CAPITAL IMPROVEMENTS AND SPECIAL REVENUE FUND PROJECT ACCOUNTS.

DEFERRED

A motion was made by Chairman Teele, seconded by Commissioner González, and was passed unanimously, to DEFER item RE.11 to the Commission Meeting currently scheduled for July 22, 2004.

Direction to the Administration by Commissioner González to provide him with a report on how much money the City has spent in consulting fees.

BOARDS AND COMMITTEES

BC.1 04-00188 RESOLUTION

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

APPOINTEE: _____ NOMINATED BY: Chairman Arthur Teele

NO ACTION TAKEN

BC.2 04-00441 RESOLUTION

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

APPOINTEE: _____ NOMINATED BY: Chairman Arthur Teele

NO ACTION TAKEN

BC.3 04-00444 RESOLUTION

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

APPOINTEE: Henry S. Harrison Shad Fields
NOMINATED BY: Miami Association of Fire Fighters AFSCME Local 871(for Sanitation employees)

NO ACTION TAKEN

BC.4 04-00447 RESOLUTION

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

APPOINTEE: _____ NOMINATED BY: Commissioner Angel González

NO ACTION TAKEN

BC.5 04-00637 RESOLUTION

INDIVIDUAL AS A MEMBER OF THE CODE ENFORCEMENT BOARD FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE: NOMINATED BY:

_____ Chairman Arthur Teele

NO ACTION TAKEN

BC.6 04-00655 RESOLUTION

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

APPOINTEE: NOMINATED BY:

_____ Chairman Arthur Teele

NO ACTION TAKEN

BC.7 04-00685 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING AN INDIVIDUAL AS A MEMBER OF THE MODEL CITY COMMUNITY REVITALIZATION DISTRICT TRUST FOR A TERM AS DESIGNATED HEREIN.

APPOINTEE: NOMINATED BY:

_____ Chairman Arthur Teele

NO ACTION TAKEN

DISCUSSION ITEMS**DI.1 04-00707 DISCUSSION ITEM**

A DISCUSSION CONCERNING A FINANCIAL UPDATE AND A BUDGET OUTLOOK.

NO ACTION TAKEN

DI.2 04-00717 DISCUSSION ITEM

DISCUSSION CONCERNING A REPORT ON HOUSING ACTIVITIES, SPECIFICALLY THOSE HOUSING ACTIVITIES ALLOCATED THROUGH THE HOUSING AND COMMERCIAL LOAN COMMITTEE.

NO ACTION TAKEN

DI.3 04-00718 DISCUSSION ITEM

DISCUSSION CONCERNING A REPORT ON ELDERLY PROGRAMS FUNDED IN THE 29TH PROGRAM YEAR FROM THE MAYOR'S POVERTY INITIATIVE FUND.

NO ACTION TAKEN

DI.4 04-00743 DISCUSSION ITEM

PRESENTATION BY THE ECONOMIC DEVELOPMENT DEPARTMENT THAT WILL OUTLINE A PLAN FOR THE ACQUISITION OF LOTS FOR AFFORDABLE HOUSING FROM THE MIAMI-DADE COUNTY LIST OF LANDS.

NO ACTION TAKEN

DI.5 04-00594 DISCUSSION ITEM

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

NO ACTION TAKEN

DI.6 04-00687 DISCUSSION ITEM

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

NO ACTION TAKEN

DI.7 04-00746 DISCUSSION ITEM

DISCUSSION CONCERNING A POLICY RELATIVE TO THE RATIONALE OF THE CITY REQUESTING \$1 MILLION COVERAGE FROM VENDORS.

NO ACTION TAKEN

10:00 A.M.**DI.8 04-00654 DISCUSSION ITEM**

DISCUSSION CONCERNING REQUEST FROM MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS CONSTANCE KAPLAN REGARDING NECESSITY TO CHANGE DATE OF RUNOFF ELECTION.

MOTION

Direction to the City Clerk by Chairman Teele to obtain from the Miami-Dade County Supervisor of Elections, a copy of the report that was submitted to the County on the status of where the Elections Department is in preparation for the August and November 2004 elections.

A motion was made by Commissioner González, seconded by Commissioner Winton, and was passed unanimously, to instruct the City Manager to schedule for the Commission Meeting currently scheduled for July 22, 2004, a discussion on a proposed charter amendment that would propose to change the time between the City's primary and runoff elections to be from one week to two weeks.

A motion was made by Chairman Teele, seconded by Commissioner Regalado, and was passed unanimously, with Commissioner Winton absent, to direct the City Manager to make available space at City Hall, or any other space in the City adequate to meet requirements to provide a satellite office for the Miami-Dade Supervisor of Elections to provide voting services, such as early voting, to the residents of the City of Miami.

Discussion on Item DI.8 resulted in the resolution below.

(DI.8) 04-00804 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CITY ATTORNEY TO SEEK INJUNCTIVE RELIEF, OR ANY OTHER ACTIONS IN LAW OR IN EQUITY AGAINST THE MIAMI-DADE COUNTY DIVISION OF ELECTIONS, THE STATE OF FLORIDA, THE FLORIDA LEGISLATURE AND ALL NECESSARY BODIES, TO ENSURE THAT EARLY VOTING SITES ARE MADE AVAILABLE TO ALL ELECTORS IN THE CITY OF MIAMI REGARDLESS OF RACE, ETHNICITY OR GEOGRAPHIC LOCATION; FURTHER AUTHORIZING THE CITY ATTORNEY TO ENGAGE SPECIAL COUNSEL FOR SAID LAWSUIT.

R-04-0443

MOVED: Tomas Regalado

SECONDED: Angel González

UNANIMOUS

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

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

10:30 A.M.**DI.9 04-00732 DISCUSSION ITEM**

PRESENTATION BY THE CITY'S CONSULTANTS, HDR ENGINEERING, INC. CONCERNING THE STATUS OF THE MIAMI STREETCAR

FEASIBILITY STUDY INCLUDING AN OVERVIEW OF THE STREETCAR TECHNOLOGY, PROPOSED CONCEPT ROUTE FROM DOWNTOWN MIAMI TO LITTLE HAITI WITH STATION LOCATIONS AND PRELIMINARY CAPITAL AND OPERATING COSTS.

DISCUSSED

See related notations under Item DI.10.

DI.10 04-00733 DISCUSSION ITEM

PRESENTATION BY THE MIAMI-DADE COUNTY METROPOLITAN PLANNING ORGANIZATION AND THEIR TEAM OF CONSULTANTS LED BY PARSONS BRINCKERHOFF QUADE & DOUGLAS, INC. ON THE STATUS OF THE BAY LINK, MIAMI-MIAMI BEACH TRANSPORTATION CORRIDOR STUDY.

This matter was **DISCUSSED. PASSED.**

Direction to the Administration by Chairman Teele to provide him with a copy of today's presentation on the Miami Streetcar Feasibility Study by this afternoon.

Direction to the City Manager by Chairman Teele to take a picture of the road on NW 20th Street, looking south to NW 2nd Avenue, particularly focusing on the utility lines.

Direction to the City Manager by Commissioner Winton to contact the Downtown Development Authority (DDA) and the Community Redevelopment Agency (CRA) to encourage their participation on this proposal.

4:00 P.M.

DI.11 04-00730 DISCUSSION ITEM

DISCUSSION CONCERNING ANNEXATION.

NO ACTION TAKEN

PART B

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

PZ.1 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**.

R-04-0462

MOVED: Johnny L. Winton

SECONDED: Angel González

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

AYES: Commissioner González, Winton, Sanchez and Regalado

NOES: Commissioner Teele

A motion was made by Chairman Teele, seconded by Commissioner Regalado, and was passed unanimously, to authorize the City Manager to provide the Miami-Dade Public Works Department with a copy of the interlocal agreement and that the Metropolitan Planning Organization (MPO) be made a party to the interlocal agreement, at its option, and that the Florida Department of Transportation (FDOT) be invited to be a participant in the interlocal agreement; further instructing that Chairman Teele's letter dated July 8, 2004 to colleagues, which has made part of the record, be made an appendix to the interlocal agreement.

Note for the Record: Chairman Teele urged that there be a mitigation plan on the effects of construction on Watson Island on the birds at Parrot Jungle.

Direction to the Administration by Commissioner Regalado to negotiate with FDOT for better signage to direct residents to Parrot Jungle and museums on Watson Island.

PZ.2 04-00296b

ORDINANCE

Second 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.

12562

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

A motion was made by Commissioner Regalado, seconded by Vice Chairman Sanchez, and was passed unanimously, with Commissioners González and Winton absent, to instruct the City Attorney to engage outside counsel, with expertise in real estate matters and without conflict of interest with the City, to serve as a Special Master to review the complete record related to the Catalonia Project, particularly the issue of the alley, and to submit a written recommendation to be considered at the next Commission Meeting, which is currently scheduled for July 22, 2004; further requesting that said outside counsel be retained within the next 48 hours and that said law firm must be acceptable to the District Commissioner; further requesting that a copy of the written recommendation be provided to the Homeowner's Association at least three days before the July 22, 2004 Commission Meeting.

Direction to the City Manager by Chairman Teele to ensure that a verbatim transcript of today's discussion on Item PZ.2 be delivered to the developer of the Catalonia.

Direction to the City Attorney by Chairman Teele to provide Mr. Andrew Dickman, Attorney representing the Silver Bluff's Homeowners Association, with a written confirmation of when the final permits were issued for the Catalonia; further instructing the City Attorney to advise the City Manager and Administration of the importance of complying with the State's Public Records Law and to provide the media with the previously requested information.

PZ.3 04-00716

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, AMENDING ORDINANCE 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, BY AMENDING ARTICLE 9, SECTIONS 903 AND 907, IN ORDER TO MODIFY LANGUAGE PERTAINING TO RULES CONCERNING PROJECTS CROSSING DISTRICT BOUNDARIES OR STREETS, AND HEIGHT OF BUILDINGS ABUTTING RESIDENTIAL DISTRICTS; CONTAINING A REPEALER PROVISION AND SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000 Text

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval on July 7, 2004 by a vote of 6-1.

PURPOSE: This will modify language pertaining to rules concerning projects crossing district boundaries or streets and height of buildings abutting residential districts.

MOVED: Joe Sanchez

SECONDED: Tomas Regalado

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

AYES: Commissioner Winton, Sanchez, Regalado and Teele

ABSENT: Commissioner González

Direction to the City Clerk by Chairman Teele to schedule second reading on Item PZ.3 for the Commission Meeting currently scheduled for July 22, 2004. [Note: Clerk notified Teresita Fernandez, Executive Secretary of the Office of Hearing Boards, of the above-stated direction on Monday, July 12, 2004.]

SUPPLEMENTAL AGENDA**DISTRICT 3****VICE CHAIRMAN SANCHEZ**

SI.1 04-00783 ORDINANCE **First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 14/ARTICLE V/SECTION 14-251 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "SOUTHEAST OVERTOWN/PARK WEST REDEVELOPMENT DISTRICT AND COMMUNITY REDEVELOPMENT AGENCY/GENERALLY/DEFINITIONS;" CHANGING THE GOVERNING BODY; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

MOVED: Joe Sanchez

SECONDED: Angel González

UNANIMOUS

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

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

Direction to the City Manager by Chairman Teele to schedule the second reading of item SI.1 on the agenda for October 14, 2004.

DISTRICT 4**COMMISSIONER TOMAS REGALADO**

SI.2 04-00757 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION URGING THE MIAMI-DADE COUNTY MANAGER AND THE MEMBERS OF THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS TO TAKE ALL ACTIONS NECESSARY TO PROVIDE GREATLY NEEDED SERVICES FOR THE ELDERLY RESIDING IN PUBLIC HOUSING DEVELOPMENTS, SUCH AS HOUSING AND URBAN DEVELOPMENT ("HUD") BUILDINGS, WITHIN THE LIMITS OF THE CITY OF MIAMI.

NO ACTION TAKEN

SI.3 04-00759 DISCUSSION ITEM

DISCUSSION CONCERNING A RESOLUTION TO ALLOCATE \$500,000 FROM THE DISTRICT 4 HOUSING RESERVE TO MDHA DEVELOPMENT CORPORATION FOR THE SMATHERS CENTER.

NO ACTION TAKEN

DISTRICT 5

CHAIRMAN ARTHUR E. TEELE, JR.**SI.4 04-00798 DISCUSSION ITEM**

DISCUSSION REGARDING A LIVING WAGE ORDINANCE.

NO ACTION TAKEN

SI.5 04-00782 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE RELEASE OF THE CITY OF MIAMI'S REVERSIONARY INTERESTS IN MIAMI-DADE COUNTY ("COUNTY") OWNED PROPERTY LOCATED IN WEST MIAMI-DADE AND LEGALLY DESCRIBED IN THE RELEASE AND AGREEMENT ATTACHED HERETO AS "EXHIBIT A," IN EXCHANGE FOR MIAMI-DADE COUNTY'S RELEASE OF RESTRICTIONS AND REVERSIONARY INTERESTS IN THE PROPERTY KNOWN AS THE MARINE STADIUM AND PAYMENT TO THE CITY IN THE SUM OF TWO MILLION DOLLARS (\$2,000,000); FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE COUNTY AND A RELEASE OF REVERSIONARY INTERESTS, IN SUBSTANTIALLY THE FORMS ATTACHED AND INCORPORATED AS "EXHIBIT A."

DEFERRED

A motion was made by Vice Chairman Sanchez, seconded by Commissioner Winton to defer Item SI.5. There was no roll call.

A motion was made by Vice Chairman Sanchez, seconded by Commissioner Winton, and passed unanimously, with Commissioner González absent, to reconsider prior motion to defer SI.5.

A motion was made by Vice Chairman Sanchez, seconded by Commissioner Winton, and was passed unanimously, to DEFER item SI.5 to the Commission meeting currently scheduled for July 22, 2004.

SI.6 04-00781 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING A SETTLEMENT OF APPELLATE CASE NOS. 02-284-AP; 02-330-AP; AND 02-477-AP; *MARK'S CLASSICS CORP. ET AL. V. CITY OF MIAMI*; APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SETTLEMENT AGREEMENT IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF MIAMI ("CITY") AND CLEAR CHANNEL OUTDOOR ("CCO"), AND ALL NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, TO RESOLVE THE LITIGATION AND ADMINISTRATIVE PROCEEDINGS THAT HAVE ACCOMPANIED THE CITY'S EFFORTS TO ENFORCE ZONING REGULATIONS APPLICABLE TO CCO'S OUTDOOR ADVERTISING SIGNS ("BILLBOARDS") LOCATED WITHIN THE CITY; PROVIDING FOR REMOVAL OF CERTAIN BILLBOARDS AND THE ISSUANCE OF AMENDED PERMITS; PROVIDING FOR PAYMENT OF AMENDED PERMIT FEES, BACK PERMIT FEES AND REIMBURSEMENT OF THE CITY'S FEES AND EXPENSES TOTALING APPROXIMATELY ONE MILLION THREE HUNDRED THOUSAND DOLLARS (\$1,300,000) AND PROVIDING FOR CCO TO PROVIDE OUTDOOR

ADVERTISING SPACE FOR DISPLAY OF CITY-PREPARED ADVERTISING AT A RETAIL VALUE OF FIFTY THOUSAND DOLLARS (\$50,000) PER YEAR DURING THE 25-YEAR TERM OF THE AGREEMENT; PROVIDING FOR THE PAYMENT OF AN ANNUAL SETTLEMENT FEE TO THE CITY OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) PER YEAR DURING THE 25-YEAR TERM OF THE SETTLEMENT AGREEMENT, TO BE USED FOR PUBLIC PROJECTS BENEFITING THE AFFECTED NEIGHBORHOODS ON A PRO-RATA BASIS; PROVIDING FOR THE ESTABLISHMENT OF A NEIGHBORHOOD ENHANCEMENT ACCOUNT OF FIFTY THOUSAND DOLLARS (\$50,000) PER YEAR DURING THE 25-YEAR TERM OF THE SETTLEMENT AGREEMENT; AND PROVIDING FOR STATUS, RETROFITTING, REPLACEMENT AND RELOCATION OF REMAINING SIGNS.

R-04-0463

MOVED: Joe Sanchez

SECONDED: Johnny L. Winton

UNANIMOUS

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

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

SI.7 04-00799

DISCUSSION ITEM

DISCUSSION CONCERNING A RESOLUTION DIRECTING THE CITY MANAGER TO WITHHOLD ENFORCEMENT FOR A PERIOD OF THREE (3) 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.

NO ACTION TAKEN

SI.8 04-00755

RESOLUTION

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

APPOINTEES:

NOMINATED BY:

Timothy Barber
(Alternate Category)

Commissioner Angel González

Raimundo A. Fernandez
(Architect Category)

Commissioner Tomas Regalado

Luis Penelas

Commissioner Tomas Regalado

(Citizen Category)

R-04-0468

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

A motion was made by Commissioner Regalado, seconded by Commissioner González, and was passed unanimously, to appoint the following individuals as members of the Historic and Environmental Preservation Board:

1. Raimundo Fernandez for the Architect category, and
2. Luis Penelas for the Citizen category.

A motion was made by Commissioner González, seconded by Commissioner Regalado, appointing Timothy Barber as the alternate member of the Historic and Environmental Preservation Board.

NON-AGENDA ITEMS

NA.1 04-00807a RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE ESTABLISHMENT OF A NON-DEPARTMENTAL ACCOUNT AND APPROPRIATING FUNDS FOR THE PURPOSE OF SUPPORTING POLICE SERVICES RELATED TO THE QUALITY OF LIFE INITIATIVE AND SUPPORTING POLICE SERVICES FOR EVENTS IN CITY PARKS AND NEIGHBORHOOD OPEN SPACES, PUBLIC RIGHTS-OF-WAY OR OTHER SUCH GOVERNMENT OWNED PROPERTIES; FURTHER AUTHORIZING THE APPROPRIATION OF FUNDS, IN AN AMOUNT NOT TO EXCEED _____, FOR THE DEPARTMENTS OF POLICE AND CODE ENFORCEMENT QUALITY OF LIFE INITIATIVES AND THE AMOUNT NOT TO EXCEED _____, FOR EVENTS TO BE DIVIDED EQUALLY AND USED AT THE DISCRETION OF EACH DISTRICT COMMISSIONER, THE MAYOR AND THE CITY MANAGER.

R-04-0464

MOVED: Angel González

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 City Attorney and City Manager by Chairman Teele to review, with diligence, complaints brought to his office regarding the alleged unfair application of the Quality of Life program and to keep Commissioner González informed of the outcomes of said complaints, particularly allegations expressed by People United to Lead the Struggle for Equality (PULSE); further requesting that the Administration prepare for commission consideration today, an ordinance on first reading to establish a special, non-departmental account for the police department to fund quality of life task force activities and

neighborhoods/parks police activities, as an earmarked commission project; and further requesting that the City Attorney and Administration ensure that community based organizations, such as PULSE, be afforded the opportunity to meet with Commissioner González regarding the concerns of the affected business owners. Commissioner Winton further directed the City Attorney's office to do a full review of the Code and pending cases pertaining to this matter.

NA.2 04-00816 DISCUSSION ITEM

A motion was made by Vice Chairman Sanchez, seconded by Commissioner Winton, and was passed unanimously, with Commissioner González absent, to schedule the continuation of the July 22, 2004 Commission meeting for Thursday, July 29, 2004, at 9 a.m. to take up any items which may need to be carried over, further stipulating that there is to be one meeting with two agendas, having a Part A agenda on July 22nd and Part B agenda on July 29th.

MOTION

NA.3 04-00815 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, AUTHORIZING SUBMISSION OF AN APPLICATION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ("HUD") LEAD-BASED PAINT HAZARD CONTROL GRANT PROGRAM, OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL IN SUPPORT OF THE CITY OF MIAMI'S "MIAMI UNLEADED," NEIGHBORHOOD PROGRAM OF EDUCATION AND OUTREACH WHICH HAS ALREADY RECEIVED THE 2004 U.S. CONFERENCE OF MAYORS' FUNDING AWARD OF \$300,000, WHICH WILL BE USED AS MATCHING FUNDS FOR THE HUD GRANT.

R-04-0473

MOVED: Joe Sanchez

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.4 04-00819 DISCUSSION ITEM

A motion was made by Commissioner Regalado, seconded by Commissioner González, and was passed unanimously, directing the City Manager to prepare a resolution to allocate \$500,000 from the District 4 Community Development Housing Reserve Fund to the MDHA Development Corporation for the construction at the Smathers Senior Center of an adult living facility; further directing that the item be properly advertised and placed on the July 22, 2004 City Commission agenda.

MOTION

NA.5 04-00808 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY MANAGER TO IMMEDIATELY TAKE ALL NECESSARY STEPS TO INITIATE THE CODESIGNATION PROCESS REGARDING THE CODESIGNATING OF NORTHEAST 55TH STREET BETWEEN

NORTHEAST 2ND AND NORTHEAST 4TH AVENUE, MIAMI, FLORIDA, AS "SIR WINSTON CHURCHILL WAY;" FURTHER DIRECTING THE CITY MANAGER TO COMPLETE THE CITY'S CODESIGNATION PROCESS AND RETURN TO THE CITY COMMISSION NO LATER THAN JULY 29, 2004; FURTHER DIRECTING THE CITY MANAGER TO INSTRUCT THE DIRECTOR OF PUBLIC WORKS TO TRANSMIT A COPY OF THIS RESOLUTION TO THE HEREIN DESIGNATED OFFICES.

R-04-0469

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

NA.6 04-00820

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY MANAGER TO IMMEDIATELY TAKE ALL NECESSARY STEPS TO INITIATE INTERLOCAL AGREEMENTS WITH THE CITY OF CORAL GABLES, CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, THE MIAMI-DADE COUNTY GREATER MIAMI VISITORS & CONVENTION BUREAU AND THE MIAMI SPORTS AND EXHIBITION AUTHORITY TO INDUCE THE ANNUAL SOURCE AWARDS, TO BE BROADCAST FROM A VENUE WITHIN MIAMI-DADE COUNTY FOR A PERIOD OF THE NEXT FIVE TO TEN YEARS, PROVIDED THAT SAID AWARD SHOW IS BROADCAST NATIONALLY ON A NATIONAL NETWORK, OR A NATIONAL CABLE NETWORK SUCH AS MTV, BET, FOX, ETC. ; SUCH INDUCEMENTS SHALL INCLUDE, BUT NOT BE LIMITED TO GRANTS, IN-KIND CONTRIBUTIONS, SPONSORSHIPS, AND TAX INCREMENTS OF SALES TAXES FROM HOTEL AND RESTAURANT SALES AND OTHER SUCH INDUCEMENTS FROM BOTH GOVERNMENT AND PRIVATE SECTORS.

R-04-0472

MOVED: Arthur E. Teele, Jr.

SECONDED: Tomas Regalado

UNANIMOUS

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

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