



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

Thursday, October 14, 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

Item 1 which is comprised of items CA.1 through CA.8 may be heard in the number sequence or as announced by the Commission

M - MAYOR'S ITEMS

TIME CERTAIN

3:00 P.M. - M.2 - Transfer from Mayor's Poverty Initiative to Implement IDA Program

D1 - DISTRICT 1 ITEMS

D2 - DISTRICT 2 ITEMS

D3 - DISTRICT 3 ITEMS

D4 - DISTRICT 4 ITEMS

D5 - DISTRICT 5 ITEMS

PH - PUBLIC HEARINGS

TIME CERTAIN

3:00 P.M. - PH.6 - Transfer Funds from Housing Loan Recovery to Single Family Programs

3:00 P.M. - PH.7 - Transfer 26th Year CDBG Funds

3:00 P.M. - PH.8 - Transfer of Closed Out CDBG Funds to Southwest Social Services

EM - EMERGENCY ORDINANCES

SR - SECOND READING ORDINANCES

RE - RESOLUTIONS

BC - BOARDS AND COMMITTEES

DI - DISCUSSION ITEMS

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

Present: Vice Chairman González, Chairman Sanchez, Commissioner Regalado and Commissioner Allen

Absent: Commissioner Winton

On the 14th day of October, 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 9:14 a.m. by Chairman Joe Sanchez, recessed at 11:21a.m., reconvened at 3:03 p.m., recessed at 3:05 p.m. in order to convene the regular board meeting of the Community Redevelopment Agency (CRA), adjourned the CRA meeting at 3:09 p.m., reconvened the regular Commission Meeting at 3:09 p.m., and adjourned at 4:04 p.m.

Note for the Record: Commissioner Winton came in at 9:27 a.m.

ALSO PRESENT:

Joe Arriola, City Manager
 Jorge L. Fernández, City Attorney
 Sylvia Scheider, Assistant City Clerk

Note for the Record: Chairman Arthur E. Teele, Jr. was suspended from office by Governor Jeb Bush on Wednesday, September 22, 2004. Jeffery L. Allen was appointed the new Commissioner for District Five on October 1, 2004.

PRESENTATIONS AND PROCLAMATIONS

DELIVERED

PR.1 04-01073 CEREMONIAL ITEM

Name of Honoree	Presenter	Protocol Item
Mayor Diaz/City of Miami	South Florida Management District	Ceremonial Check
3.0 Moore Park Divas Women's Tennis Team		
Claudette Antoine	Mayor Diaz/City of Miami Parks and Recreation	Certificate
Joy L. Brown	Mayor Diaz/City of Miami Parks and Recreation	Certificate
Sylvina David	Mayor Diaz/City of Miami Parks and Recreation	Certificate
Patricia W. Davie	Mayor Diaz/City of Miami Parks and Recreation	Certificate
Richanda Goodman	Mayor Diaz/City of Miami Parks and Recreation	Certificate
Johann Malivert	Mayor Diaz/City of Miami Parks and Recreation	Certificate
T. Patrice Manley	Mayor Diaz/City of Miami Parks and Recreation	Certificate
Laverne Taylor	Mayor Diaz/City of Miami Parks and Recreation	Certificate
Charlayne W. Thompkins	Mayor Diaz/City of Miami Parks and Recreation	Certificate
Kim S. Wallace	Mayor Diaz/City of Miami Parks and Recreation	Certificate
Coach Joel Palmer	Mayor Diaz/City of Miami Parks and Recreation	Certificate
4.0 Model Cities Champs Men's Tennis Team		
Richard Dubuisson	Mayor Diaz/City of Miami Parks and Recreation	Certificate
Robert Green	Mayor Diaz/City of Miami Parks and Recreation	Certificate
Roosevelt Johns	Mayor Diaz/City of Miami Parks and Recreation	Certificate
Paul J. Johnson	Mayor Diaz/City of Miami Parks and Recreation	Certificate
John Koopman	Mayor Diaz/City of Miami Parks and Recreation	Certificate
Marion Lambright	Mayor Diaz/City of Miami Parks and Recreation	Certificate
Willie B. Marshall	Mayor Diaz/City of Miami Parks and Recreation	Certificate
Raul Mendez	Mayor Diaz/City of Miami Parks and Recreation	Certificate
Evans Merisier	Mayor Diaz/City of Miami Parks and Recreation	Certificate
Jimmy Nickerson	Mayor Diaz/City of Miami Parks and Recreation	Certificate
Dominic Parker	Mayor Diaz/City of Miami Parks and Recreation	Certificate
Larry L. Pye	Mayor Diaz/City of Miami Parks and Recreation	Certificate
Dr. Dan Coble	Commissioner Regalado	Salute
Dr. Miguel Manresa	Commissioner Regalado	Salute

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

1. Certificates of appreciation were given to the participants of the Moore Park and Model City Park tennis programs.

2. Commissioner Winton presented proclamation of "Luis Puig Day" to Mr. Puig for his cultural contribution in the revitalization of downtown with Club Space 34.

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:

Regular Meeting of September 9, 2004

MOVED: Tomas Regalado

SECONDED: Angel González

UNANIMOUS

Motion to APPROVE PASSED by the following vote.

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

ORDER OF THE DAY

A motion was made by Commissioner Allen, seconded by Commissioner Regalado, and was passed unanimously with Commissioner Winton and Vice Chairman González absent, to recess the regular Commission Meeting at 3:03 p.m. in order to convene the Community Redevelopment Agency (CRA) Board Meeting.

Note for the Record: The CRA Meeting adjourned at 3:10 p.m. and the City Commission Meeting reconvened immediately thereafter.

CONSENT AGENDA

CA.1 04-01078 DISCUSSION ITEM

ACCEPTING A REPORT FROM THE CIVIL SERVICE BOARD.

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

CA.2 04-01079 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ESTABLISHING A NEW SPECIAL REVENUE FUND ENTITLED: "LEAD-SAFE...FOR KIDS' SAKE GRANTS PROGRAM" FOR THE FOLLOWING ACTIVITIES; (1) IDENTIFICATION OF PRE-1978 HOUSING BY GIS MAPPING; (2) HOME VISITATIONS BY VOLUNTEERS TO EDUCATE, VISUALLY INSPECT, SURVEY AND ENCOURAGE SCREENINGS; (3) DEVELOPMENT AND IMPLEMENTATION OF AN EDUCATIONAL OUTREACH PLAN CONDUCTED BY NEIGHBORHOOD ENHANCEMENT TEAMS; AND (4) DISSEMINATION OF

VOUCHERS FOR REMEDIATION EFFORTS, CONSISTING OF A GRANT FROM THE UNITED STATES CONFERENCE OF MAYORS/DUPONT IN THE AMOUNT OF \$300,000; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, TO IMPLEMENT ACCEPTANCE OF SAID GRANT.

R-04-0679

This Matter was ADOPTED on the Consent Agenda.

CA.3 04-01082 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ESTABLISHING A NEW SPECIAL REVENUE FUND ENTITLED: "FEMA/USAR GRANT AWARD, FISCAL YEAR 2004-2006 FUND" AND APPROPRIATING FUNDS, IN THE AMOUNT OF \$938,035, CONSISTING OF A GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA"), TO BE USED BY THE DEPARTMENT OF FIRE-RESCUE TO PROCURE EQUIPMENT, PROVIDE TRAINING, MANAGEMENT, AND ADMINISTRATION OF THE SOUTH FLORIDA URBAN SEARCH AND RESCUE ("USAR") PROGRAM; AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AWARD AND TO EXECUTE THE NECESSARY DOCUMENT(S), IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

WITHDRAWN

CA.4 04-01087 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE TRANSFER AND ADDITION OF A PORTION OF THE BICENTENNIAL PARK ACCESS ROAD, TOGETHER WITH ALL PUBLIC RIGHT-OF-WAY ADJACENT THERETO, AS DESCRIBED IN "EXHIBIT A," ATTACHED AND INCORPORATED, TO THE JURISDICTIONAL RESPONSIBILITY OF THE STATE OF FLORIDA HIGHWAY SYSTEM IN CONFORMANCE WITH SECTION 337.29, FLORIDA STATUTES; AUTHORIZING THE FLORIDA DEPARTMENT OF TRANSPORTATION TO RECORD A RIGHT-OF-WAY MAP OF THE SUBJECT ROAD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

R-04-0680

This Matter was ADOPTED on the Consent Agenda.

CA.5 04-01088 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH FLORIDA INTERNATIONAL UNIVERSITY TO PROVIDE TECHNICAL SUPPORT TO LEADERSHIP GROUPS IN THE COMMUNITY OF OVERTOWN FOR TRANSPORTATION-RELATED PROJECTS, THROUGH JUNE 31, 2006, IN AN AMOUNT NOT TO EXCEED \$57,000; ALLOCATING FUNDS FROM THE NEW SPECIAL REVENUE FUND ENTITLED: "OVERTOWN TECHNICAL

SUPPORT FUND," APPROVED BY RESOLUTION NO. 04-0565, ADOPTED SEPTEMBER 9, 2004, CONSISTING OF A GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION.

DEFERRED

CA.5 was deferred to October 28, 2004.

CA.6 04-01089 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE PURCHASE OF A TYPE "C" WHEELCHAIR ACCESSIBLE BUS, FROM RIVERS BUS SALES, INC., FOR THE DEPARTMENT OF PARKS AND RECREATION, UTILIZING EXISTING STATE OF FLORIDA DEPARTMENT OF EDUCATION CONTRACT NO. 2004-19, EFFECTIVE THROUGH MARCH 31, 2005, SUBJECT TO ANY EXTENSIONS OR REPLACEMENT CONTRACTS BY THE STATE OF FLORIDA DEPARTMENT OF EDUCATION, FOR A TOTAL AMOUNT NOT TO EXCEED \$70,108; ALLOCATING FUNDS IN THE AMOUNT NOT TO EXCEED \$42,721.96, FROM THE PARKS AND RECREATION HANDICAP DIVISION ACCOUNT NO. 110032.580325.6.840, AND AN AMOUNT NOT TO EXCEED \$27,386.04, FROM THE PROGRAM FOR PERSONS WITH DISABILITIES ADA ACCOUNT NO. 110112.580078.6.840.

R-04-0681

This Matter was ADOPTED on the Consent Agenda.

CA.7 04-01104 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 3, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF MIAMI AND TERREMARK AT DINNER KEY, INC., TO PROVIDE RESTAURANT AND CONCESSION SERVICES AT THE COCONUT GROVE CONVENTION CENTER; AND APPROVING AN EXTENSION TO THE ORIGINAL AGREEMENT ENTERED INTO ON SEPTEMBER 25, 1979, ON A MONTH-TO-MONTH BASIS, FOR A TERM NOT TO BE EXTENDED BEYOND SEPTEMBER 30, 2005.

WITHDRAWN

CA.8 04-01094 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBMERGED LAND LEASE RENEWAL, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF MIAMI ("CITY") AND THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA ("STATE"), TO PROVIDE, FOR A TERM OF FIVE (5) YEARS, FOR THE CITY'S CONTINUED USE OF SUBMERGED LANDS OWNED BY THE STATE ADJACENT TO THE UPLAND PROPERTY OWNED BY THE CITY LOCATED AT 60 SOUTHEAST 4TH STREET, MIAMI, FLORIDA, C/K/A FORT DALLAS PARK , WITH SAID LEASE TO BE WITH NO RENT AS LONG AS THE SLIPS ARE USED FOR TEMPORARY DOCKAGE; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE FUTURE EXTENSIONS TO THE TERM OF THE LEASE AS APPROVED BY THE STATE.

R-04-0682

This Matter was ADOPTED on the Consent Agenda.

Adopted the Consent Agenda

MOVED: Johnny L. Winton

SECONDED: Jeffery L. Allen

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

END OF CONSENT AGENDA

MAYOR AND COMMISSIONER'S ITEMS

CITYWIDE

HONORABLE MAYOR MANUEL A. DIAZ

M.1 04-01162 DISCUSSION ITEM

APPROVAL OF THE INTERLOCAL COOPERATION AGREEMENT BETWEEN MIAMI-DADE COUNTY, THE CITY OF MIAMI AND THE MIAMI SPORTS AND EXHIBITION AUTHORITY.

WITHDRAWN

3:00 P.M.

M.2 04-01095 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE TRANSFER OF FUNDS FROM THE MAYOR'S POVERTY INITIATIVE FUND IN THE AMOUNT OF \$400,000; ALLOCATING SAID FUNDS TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT TO IMPLEMENT AN INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAM TO BE ADMINISTERED BY MICRO-BUSINESS USA, WHICH IS TO BE EQUALLY MATCHED BY BOTH PARTICIPANT AND FEDERAL FUNDS AND PLACED IN A MATCH SAVINGS ACCOUNT.

R-04-0687

MOVED: Johnny L. Winton

SECONDED: Jeffery L. Allen

UNANIMOUS

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

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

Note for the Record: A sign language interpreter was signing for Item M.2.

DISTRICT 1

VICE CHAIRMAN ANGEL GONZÁLEZ

DISTRICT 2

COMMISSIONER JOHNNY L. WINTON

DISTRICT 3

CHAIRMAN JOE SANCHEZ

D3.1 04-01083 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE OFFICE OF THE AUDITOR GENERAL TO CONDUCT A COMPLETE REVIEW, AUDIT, AND INVESTIGATION OF THE CLAIM MADE BY THE WYNDHAM GRAND BAY ("HOTEL"), LOCATED AT 2669 SOUTH BAYSHORE DRIVE, MIAMI, FLORIDA, THAT THE HOTEL OVERPAID ITS PUBLIC SERVICE TAX TO THE CITY OF MIAMI, IN THE ESTIMATED AMOUNT OF \$ 36,388.54; AUTHORIZING THE CITY MANAGER TO HIRE AN OUTSIDE FIRM TO CONDUCT SAID AUDIT IF NECESSARY, SHOULD THE OFFICE OF THE AUDITOR GENERAL NOT HAVE THE RESOURCES; DIRECTING THE OFFICE OF THE AUDITOR GENERAL OR THE OUTSIDE FIRM TO PRESENT A REPORT OF ITS FINDINGS TO THE CITY COMMISSION WITHIN 90 DAYS.

WITHDRAWN

D3.2 04-01160 DISCUSSION ITEM

DISCUSSION CONCERNING A MOTION TO RECONSIDER ITEMS PZ 26 AND PZ 27 FROM THE SEPTEMBER 27, 2004 MEETING AND DIRECTING THE EXECUTIVE SECRETARY OF HEARING BOARDS, THE DIRECTOR OF PLANNING AND ZONING AND ANY OTHER APPROPRIATE MEMBERS OF THE ADMINISTRATION TO RE-ADVERTISE AND RE-EXAMINE THESE ITEMS FOR A FUTURE PLANNING AND ZONING AGENDA.

MOTION

A motion was made by Chairman Sanchez, seconded by Commissioner Regalado, and was passed unanimously, to reconsider the following Planning and Zoning Items from the September 27, 2004 agenda: Items PZ.26 and PZ.27, which items were denied on first reading, related to zoning change at approximately 2143 and 2161 S.W. 6 Street and 2161 S. W. 5 Street; and Items PZ.20 and PZ.21, which items denied permission to allow a bar and to waive ten (10) of the required fifteen (15) parking spaces, four (4) spaces provided, for the property located at approximately 1252 Southwest 22nd Street; further directing the Executive Secretary of Hearing Boards, the Director of Planning and Zoning and any other appropriate members of the Administration to re-advertise and re-examine these items for a future planning and zoning agenda.

DISTRICT 4**COMMISSIONER TOMAS REGALADO****D4.1 04-01103 DISCUSSION ITEM**

DISCUSSION CONCERNING AN UPDATE FROM THE LAW DEPARTMENT REGARDING THE INJUNCTION AGAINST THE ALF LOCATED AT 2381 SOUTHWEST 21 TERRACE.

DISCUSSED

D4.2 04-01161 DISCUSSION ITEM

DISCUSSION CONCERNING AN UPDATE FROM THE LAW DEPARTMENT REGARDING THE ADULT LIVING FACILITIES IN THE

SHENANDOAH AREA OWNED BY FAMILY BOARDING HOME, INC.

DISCUSSED

Direction to the City Attorney by Chairman Sanchez to provide a report of all steps which have been taken to address problems in the City created by inordinate number of adult living facilities.

D4.3 04-01138

DISCUSSION ITEM

MR. BEN BURTON, EXECUTIVE DIRECTOR OF THE MIAMI COALITION FOR THE HOMELESS INC., TO ADDRESS THE COMMISSION CONCERNING THE FEEDING AND SERVICE PLAN FOR LOW INCOME AND HOMELESS FAMILIES AND INDIVIDUALS IN THE CITY OF MIAMI.

DEFERRED

D4.3 was deferred to October 28, 2004.

D4.4 04-01120

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AMENDING RESOLUTION NO. 04-0610, ADOPTED SEPTEMBER 9, 2004, TO INCLUDE THE WAIVER OF COSTS AND FEES FOR THE CO-SPONSORED ANNUAL SOURCE AWARDS 3-DAY EVENT, SCHEDULED FOR OCTOBER 2004; AMENDING SAID RESOLUTION TO REFLECT SAID CHANGE.

DEFERRED

D4.4 was deferred to October 28, 2004.

DISTRICT 5

COMMISSIONER JEFFERY L. ALLEN

PUBLIC HEARING**PH.1 04-01090 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 A SOLE SOURCE; WAIVING THE REQUIREMENTS FOR COMPETITIVE SEALED BIDDING PROCEDURES AND APPROVING THE PURCHASE OF A SKY WATCH SENTINEL OBSERVATION PLATFORM, FROM NEW HEIGHTS MANUFACTURING, INC., FOR THE DEPARTMENT OF POLICE, AT A TOTAL COST NOT TO EXCEED \$97,146; ALLOCATING FUNDS IN AN AMOUNT NOT TO EXCEED \$97,146, FROM THE CAPITAL IMPROVEMENT PROGRAM, POLICE HOMELAND DEFENSE PREPAREDNESS BOND, ACCOUNT CODE NO. 312048.299307.6.840.

R-04-0683

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 Allen

PH.2 04-01091 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 A SOLE SOURCE; WAIVING THE REQUIREMENTS FOR COMPETITIVE SEALED BIDDING PROCEDURES AND APPROVING THE ACQUISITION OF THREE (3) 8028 UNIVERSAL PORTACOUNT FIT TEST SYSTEMS WITH ACCESSORIES, WHICH CONTAINS BOTH MODELS 8020 PORTACOUNT PLUS AND 8095 N-95 COMPANION, INCLUDING TRAINING AND MAINTENANCE SUPPORT SERVICES FROM TSI INCORPORATED C/O DAWSON ASSOCIATES, INC., THE DESIGNATED SOLE SOURCE REPRESENTATIVE FOR TSI INCORPORATED, IN THE SOUTHEASTERN REGION OF THE UNITED STATES FOR THE DEPARTMENT OF FIRE-RESCUE, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$33,000; ALLOCATING FUNDS FROM THE FEDERAL GRANT ENTITLED, "URBAN AREAS SECURITY INITIATIVE GRANT PROGRAM II," PROJECT NO. 110111, ACCOUNT CODE NO. 280910.6.840.

R-04-0669

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 Allen

PH.3 04-01092 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , ACCEPTING THE PLAT ENTITLED "CATHERINE'S PLACE," 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-04-0670

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 Allen

PH.4 04-01039 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , ACCEPTING THE PLAT ENTITLED "AGUA CLARA," A SUBDIVISION IN THE CITY OF MIAMI ("CITY"), OF THE PROPERTY DESCRIBED IN " ATTACHMENT 1," SUBJECT TO SATISFACTION OF THE CONDITIONS REQUIRED BY THE PLAT AND STREET COMMITTEE AS SET FORTH IN " EXHIBIT 1," ATTACHED AND INCORPORATED, AND THE PROVISIONS CONTAINED IN SECTION 55-8 OF THE CODE OF THE CITY OF MIAMI (" CITY CODE"), FLORIDA, AS AMENDED, AND ACCEPTING THE DEDICATIONS SHOWN ON THE PLAT, FURTHER SUBJECT TO THE FOLLOWING: (1) AN EXECUTED INDEMNIFICATION AND HOLD HARMLESS AGREEMENT, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY; (2) A BOND ACCEPTABLE TO THE CITY'S RISK MANAGEMENT ADMINISTRATION, AS REQUIRED BY SECTION 54-4 OF THE CITY CODE; 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.

WITHDRAWN

PH.5 04-01093 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE CITY MANAGER TO CONVEY TO THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION ("FDOT"), A STRIP OF LAND CONTAINING APPROXIMATELY 5,737 SQUARE FEET, LYING ADJACENT TO BISCAYNE BOULEVARD, BETWEEN NORTHEAST 8TH

STREET AND NORTHEAST 9TH STREET, MIAMI, FLORIDA ("PROPERTY"), REFERRED TO AS PARCEL 101, AS MORE PARTICULARLY DESCRIBED IN "EXHIBIT A," ATTACHED AND INCORPORATED, WITH FDOT REQUESTING FEE SIMPLE OWNERSHIP OF THE PROPERTY TO MAKE IMPROVEMENTS TO THE SIDEWALK FOR THE PURPOSE OF TYING IN THE SIDEWALK IMPROVEMENTS TO THE OVERALL PROJECT KNOWN AS THE BURLE MARX PROJECT; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED, IN SUBSTANTIALLY THE FORM ATTACHED AS " EXHIBIT B," AND ALL OTHER NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, TO EFFECTUATE SAID CONVEYANCE.

R-04-0671

MOVED: Johnny L. Winton

SECONDED: Jeffery L. Allen

UNANIMOUS

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

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

3:00 P.M.

Note for the Record: A sign language interpreter was signing for Items PH. 6 - PH. 8.

PH.6 04-01096**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE TRANSFER OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS FROM THE HOUSING LOAN RECOVERY FUND IN AN AMOUNT NOT TO EXCEED \$484,580.43; ALLOCATING SAID FUNDS TO SINGLE FAMILY PROGRAMS FOR HOUSING ACTIVITIES.

R-04-0684

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 Allen

PH.7 04-01097**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE TRANSFER OF 26TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS, IN AN AMOUNT NOT TO EXCEED \$150,000, FROM THE ALTERNATIVE PROGRAMS, INC.; ALLOCATING SAID FUNDS TO THE CITY OF MIAMI DEPARTMENT OF OFF-STREET PARKING ("DOSP") FOR ACQUISITION AND/OR DEVELOPMENT OF A PROPERTY IN THE AREA OF 151 NORTHWEST 60TH STREET, MIAMI, FLORIDA, TO BE DEVELOPED AS A PUBLIC PARKING LOT; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH DOSP,

FOR SAID PURPOSE.

R-04-0685

MOVED: Johnny L. Winton

SECONDED: Jeffery L. Allen

UNANIMOUS

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

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

PH.8 04-01100

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE TRANSFER OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS, IN THE TOTAL AMOUNT OF \$999,297, FROM CLOSED OUT ACTIVITIES; ALLOCATING SAID FUNDS IN THE AMOUNT OF \$81,300, TO SOUTHWEST SOCIAL SERVICES, INC., THE AMOUNT OF \$300,000, TO TELEMAMI, INC., THE AMOUNT OF \$290,000, TO ALLAPATTAH WYNWOOD COMMUNITY AND DEVELOPMENT CENTER, INC., THE AMOUNT OF \$50,000, TO ST. ALBAN'S DAY NURSERY, AND THE AMOUNT OF \$277,997, TO HOUSING ACTIVITIES TO BE FUNDED AND APPROVED BY THE HOUSING & COMMERCIAL LOAN COMMITTEE; AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS AND AMENDMENTS TO AGREEMENTS, IN SUBSTANTIALLY THE ATTACHED FORMS, WITH SAID AGENCIES.

R-04-0686

MOVED: Angel González

SECONDED: Jeffery L. Allen

UNANIMOUS

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

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

ORDINANCES - EMERGENCY**EM.1 04-01146 ORDINANCE Emergency Ordinance**

(4/5THS VOTE)

AN EMERGENCY ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 22 OF THE CODE OF THE CITY OF MIAMI, AS AMENDED, ENTITLED: "GARBAGE AND OTHER SOLID WASTE," BY AMENDING ARTICLE I ENTITLED: "IN GENERAL" SECTION 22-1, ARTICLE II ENTITLED: "REGULATION OF PERSONS ENGAGED IN COMMERCIAL WASTE COLLECTION" SECTIONS 22-46, 22-47, 22-50, 22-56, 22-57 AND 22-58, AND ARTICLE III ENTITLED: "ENFORCEMENT AND ADMINISTRATION" SECTION 22-93; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

12599

MOVED: Angel González

SECONDED: Tomas Regalado

UNANIMOUS

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

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

EM.2 04-01142 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, RATIFYING THE CITY OF MIAMI COMMERCIAL SOLID WASTE FRANCHISE AGREEMENT(S) ("AGREEMENTS"), IN SUBSTANTIALLY THE ATTACHED FORM, APPROVED PURSUANT TO RESOLUTION NO. 04-0496, ADOPTED JULY 22, 2004; APPROVING THE ADDENDUM TO SAID AGREEMENT(S); AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT(S) AND SAID ADDENDUM(S), IN SUBSTANTIALLY THE ATTACHED FORMS, WITH QUALIFIED PROVIDERS FOR SAID SOLID WASTE SERVICES.

R-04-0672

MOVED: Angel González

SECONDED: Jeffery L. Allen

UNANIMOUS

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

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

ORDINANCES - SECOND READING**SR.1 04-00779 ORDINANCE Second 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 PROVIDING FOR FOUR OF THE SEVEN MEMBERS TO BE NOMINATED BY THE MAYOR AND PROVIDING FOR THE DIRECTOR OF THE DEPARTMENT OF CAPITAL IMPROVEMENTS TO ACT AS DIRECTOR; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE OF SEPTEMBER 30, 2005.

DEFERRED

A motion was made by Commissioner Allen, seconded by Commissioner Winton, and was passed unanimously, to defer item SR.1 to the Commission meeting currently scheduled for December 9, 2004.

Note for the Record: SR.1 and SR.2 were discussed together. See notations following SR. 2.

SR.2 04-00783 ORDINANCE Second 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, PROVIDING FOR FIVE OF THE SEVEN MEMBERS TO BE NOMINATED BY THE CITY COMMISSION AND PROVIDING FOR THE EXECUTIVE DIRECTOR TO BE SELECTED BY THE COMMUNITY REDEVELOPMENT AGENCY BOARD; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

DEFERRED

A motion was made by Commissioner Allen, seconded by Commissioner Winton, and was passed unanimously, to defer item SR.2 to the Commission meeting currently scheduled for December 9, 2004.

Direction to the City Attorney by Chairman Sanchez to draft an ordinance to be considered at the meeting currently scheduled on December 9, 2004, which is to be in full compliance with Chapter 163 of the Florida Statutes and which will restructure the Community Redevelopment Agency (CRA) by: replacing its board of directors, who are currently the five City of Miami Commissioners, with a seven member board: one appointment to be made by each City Commissioner and two appointments by the Mayor; with staggered terms and the authority to hire the executive director of the CRA for both districts, Southeast Overtown/Park West and Omni. further directing the City Attorney; further directing the Attorney to review the City Code section related to this matter in order to conform with all applicable laws.

RESOLUTIONS**RE.1 04-01084 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER APPROVING THE FINDINGS OF THE EVALUATION COMMITTEE, PURSUANT TO REQUEST FOR PROPOSALS NO. 03-04-066, THAT THE FIRMS MOST QUALIFIED TO PROVIDE EMPLOYEE BENEFIT HEALTH PLANS, ARE CIGNA, FOR PART A, C, AND D SERVICES, AND UNITED BENEFITS/ COMPANION LIFE, FOR PART B SERVICES, EACH FOR A THREE-YEAR PERIOD WITH THE OPTION TO REVIEW TWO ADDITIONAL TWO-YEAR PERIODS; AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

R-04-0673

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 Allen

Direction to the Administration by Commissioner Allen to ensure that the company selected by the City to provide health insurance to its employees has health care providers which reflect the demographic makeup of the City of Miami so that District 5 residents do not have to travel outside their district to obtain medical attention.

RE.2 04-01085 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, WITH THE FOLLOWING TOP-RANKED FIRMS TO PROVIDE EMPLOYEE BENEFIT DENTAL PLANS, PURSUANT TO RESOLUTION NO. 04-0636, ADOPTED SEPTEMBER 23, 2004: (1) PARAGON, FOR THE DENTAL MAINTENANCE ORGANIZATION; AND (2) METROPOLITAN LIFE, FOR THE PREFERRED PROVIDER ORGANIZATION, EACH FOR AN INITIAL THREE-YEAR PERIOD WITH THE OPTION TO RENEW FOR TWO ADDITIONAL TWO-YEAR PERIODS.

R-04-0674

MOVED: Angel González

SECONDED: Jeffery L. Allen

UNANIMOUS

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

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

RE.3 04-01031 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER APPROVING THE FINDINGS

OF THE EVALUATION COMMITTEE, PURSUANT TO REQUEST FOR PROPOSALS NO. 03-04-078, THAT THE FIRMS MOST QUALIFIED TO PROVIDE EMPLOYEE BENEFIT LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT PLANS, ARE, IN RANK ORDER: (1) MINNESOTA MUTUAL; (2) CIGNA; AND (3) METROPOLITAN LIFE; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH THE TOP-RANKED FIRM; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH THE SECOND-RANKED FIRM, IN THE EVENT NEGOTIATIONS FAIL WITH THE TOP-RANKED FIRM, OR UNTIL AN AGREEMENT HAS BEEN SUCCESSFULLY NEGOTIATED; FURTHER DIRECTING THE CITY MANAGER TO PRESENT THE NEGOTIATED AGREEMENT TO THE CITY COMMISSION FOR CONSIDERATION.

R-04-0675

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 Allen

BOARDS AND COMMITTEES**BC.1 04-01053 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN INDIVIDUALS AS MEMBERS OF THE DOWNTOWN DEVELOPMENT AUTHORITY (DDA) FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES: NOMINATED BY:

Mathew Gorson Current Board of Directors of the DDA
(term expiring August 31, 2007)

Jerome Hollo Current Board of Directors of the DDA
(term expiring August 31, 2007)

J. Megan Kelly Current Board of Directors of the DDA
(term expiring August 31, 2007)

Jeffrey Bercow Current Board of Directors of the DDA
(term expiring August 31, 2007)

Barbara Carey-Shuler Board of Miami-Dade County Commission
(unexpired term ending August 31, 2006)

R-04-0676

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 Allen

BC.2 04-00931 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION , WITH ATTACHMENT, RATIFYING THE APPOINTMENT OF CERTAIN INDIVIDUALS AS MEMBERS OF THE OVERTOWN ADVISORY BOARD.

APPOINTEES:

Donald F. Benjamin

LaPrincycsessazatta J. Bess

Del Bryan

Dorothy J. Fields

Claudette P. Tucker Fung-A-Fat

Caldwell Joseph

R-04-0677

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 Allen

A motion was made by Commissioner Allen, seconded by Commissioner Winton, and was passed unanimously, to waive the employment prohibition contained in Section 2-884(e) of the Code of the City of Miami, as amended, by a four/fifths (4/5) vote of the members of the full City Commission, as it relates to La Princesassatta Bess and Dorothy Fields as members of the Overtown Advisory Board.

BC.3 04-01119

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION APPOINTING CERTAIN MEMBERS OF THE CITY COMMISSION AS ACTING CHAIRPERSON AND VICE CHAIRPERSON OF THE COMMUNITY REDEVELOPMENT AGENCY FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

Johnny Winton
Acting Chairperson of the Community Redevelopment Agency

Jeffery Allen
Vice Chairperson of the Community Redevelopment Agency

R-04-0678

MOVED: Angel González

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 Allen

A motion was made by Vice Chairman González, seconded by Commissioner Allen, and was passed unanimously, to appoint Commissioner Johnny Winton as Acting Chairman of the Community Redevelopment Agency (CRA) for the Southeast Overtown/Park West and Omni districts.

A motion was made by Vice Chairman González, seconded by Commissioner Winton, and was passed unanimously, to appoint Commissioner Jeffery Allen as Vice Chairman of the Community Redevelopment Agency (CRA) for the Southeast Overtown/Park West and Omni districts.

DISCUSSION ITEMS**DI.1 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.

DEFERRED

DI.1 was deferred to December 9, 2004.

DI.2 04-00923 DISCUSSION ITEM

DISCUSSION CONCERNING A FINANCIAL UPDATE AND A BUDGET OUTLOOK.

DISCUSSED

DI.3 04-01145 DISCUSSION ITEM

DISCUSSION CONCERNING COCONUT GROVE CARES, INC. AND THE DEFERMENT OF THEIR OUTSTANDING PAYMENT OF \$26,641.62 FROM OCTOBER 2004 TO JANUARY 2005.

MOTION

A motion was made by Commissioner Winton, seconded by Vice Chairman González, and was passed unanimously, granting request from Coconut Grove Cares, Inc. to extend from October 2004 to January 2005 the deadline to pay the outstanding \$26,641.62 due to the City.

NON-AGENDA ITEMS

NA.1 04-01173 DISCUSSION ITEM

DISCUSSION REGARDING PROPOSED TREE ORDINANCE

DISCUSSED

Direction to the City Attorney and the Administration by Commissioner Winton to finalize the proposed ordinance protecting trees from elimination by developers and to schedule it on the agenda for the next Commission Meeting; said ordinance to address issues of enforcement restrictions, obtaining of tree cutting permits, its compliance, etc.; further stipulating that said ordinance may be modified in the future if necessary.