



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 29, 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

M - MAYOR'S ITEMS

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D5 - DISTRICT 5 ITEMS

PH - PUBLIC HEARINGS

TIME CERTAIN

3:00 P.M. - PH.2 - Transfer of Funds from Model City to Offstreet Parking

3:00 P.M. - PH.3 - Allocation of Funds from 30th Yr. Economic Dev. Reserve Funds

SR - SECOND READING ORDINANCES

RE - RESOLUTIONS

DI - DISCUSSION ITEMS

PART B**PZ - PLANNING AND ZONING ITEM**

The Planning and Zoning item shall not be considered before 2:00 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 29th 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 9:37 a.m. by Chairman Arthur E. Teele Jr., recessed at 11:10 a.m. to convene a Special Community Redevelopment Agency (CRA) Board Meeting, adjourned the Special CRA meeting at 11:19 a.m. to reconvene the regular Commission Meeting, recessed at 11:47 a.m., reconvened at 2:23 p.m., and adjourned at 5:42 p.m.

ALSO PRESENT:

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

PRESENTATIONS AND PROCLAMATIONS**PR.1 04-00862 CEREMONIAL ITEM**

Name of Honoree	Presenter	Protocol Item
Kathleen Woods-Richardson	Chairman Teele	Salute

PRESENTED

The Commission presented Kathleen Woods- Richardson with a proclamation for her outstanding work during her short tenure with the City as the Director of the Solide Waste Department.

MAYORAL VETOES**NO ACTION TAKEN**

(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**ORDER OF DAY****CITYWIDE**

HONORABLE MAYOR MANUEL A. DIAZ

DISTRICT 1

COMMISSIONER ANGEL GONZÁLEZ**D1.1 04-00864 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION CODESIGNATING NORTHWEST 14TH TERRACE FROM NORTHWEST 10TH AVENUE TO NORTHWEST 11TH AVENUE, MIAMI, FLORIDA, AS "SCHONINGER WAY;" 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-04-0524

MOVED: Angel González

SECONDED: Johnny L. Winton

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

AYES: Commissioner González, Winton and Teele

ABSENT: Commissioner Sanchez and Regalado

DISTRICT 2**COMMISSIONER JOHNNY L. WINTON****DISTRICT 3****VICE CHAIRMAN JOE SANCHEZ****DISTRICT 4****COMMISSIONER TOMAS REGALADO****D4.1 04-00850 DISCUSSION ITEM**

DISCUSSION CONCERNING LEGISLATION REGARDING THE AFSCME LAWSUIT RELATED TO THE LAY-OFF OF EMPLOYEES IN THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

DEFERRED

D4.2 04-00851 DISCUSSION ITEM

DISCUSSION CONCERNING LEGISLATION INSTRUCTING THE AUDITOR GENERAL TO REVIEW, AUDIT, AND REPORT FINDINGS TO THE COMMISSION PRIOR TO THE FIRST SEPTEMBER BUDGET HEARING REGARDING EACH EXPERT CONSULTANT, BOTH HIRED AND RETAINED, PROVIDING QUALIFICATIONS, EDUCATION, EXPERIENCE, RATE OF PAY, AND TOTAL RATE OF PAY-TO-DATE, INCLUSIVE OF THE TOTAL COST TO THE CITY AND HIS FINDINGS AND /OR RECOMMENDATIONS.

DISCUSSED

Direction to the Clerk by Chairman Teele to research the record regarding original request for audit of consultants and the discussion related to Frank Castaneda.

Discussion on Item D4.2 resulted in the resolution below:

(D4.2) 04-00851a RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE AUDITOR GENERAL TO REVIEW, AUDIT, AND REPORT FINDINGS AND/OR RECOMMENDATIONS TO THE CITY COMMISSION PRIOR TO THE FIRST SEPTEMBER BUDGET HEARING, REGARDING EACH EXPERT AND REGULAR CONSULTANT, BOTH HIRED AND RETAINED CITYWIDE, DURING THE LAST TWO YEAR-PERIOD, AND PROVIDING QUALIFICATIONS, EDUCATION, EXPERIENCE, RATE OF PAY, AND TOTAL RATE OF PAY-TO-DATE, INCLUSIVE OF THE TOTAL COST TO THE CITY OF MIAMI, FOR SAID CONSULTANTS.

R-04-0528

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

DISTRICT 5

CHAIRMAN ARTHUR E. TEELE, JR.

PUBLIC HEARINGS**PH.1 04-00880 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER PUBLIC HEARING, PURSUANT TO SECTION 2-614 OF THE CITY CODE, WAIVING THE CONFLICT OF INTEREST PROVISIONS CONTAINED IN SECTION 2-612 OF THE CODE OF THE CITY OF MIAMI, FLORIDA ("CITY"), AS AMENDED, TO ENABLE ALEJANDRO VILARELLO TO ENTER INTO AN AGREEMENT TO TRANSACT BUSINESS WITH AND FOR THE CITY AND APPEAR BEFORE THE CITY COMMISSION RELATED TO LABOR AND EMPLOYMENT MATTERS CONCERNING COLLECTIVE BARGAINING UNITS.

R-04-0514

MOVED: Angel González

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

3:00 P.M.**PH.2 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.

R-04-0525

MOVED: Johnny L. Winton

SECONDED: Angel González

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

AYES: Commissioner González, Winton, Sanchez and Regalado

ABSENT: Commissioner Teele

PH.3 04-00702 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE TRANSFER OF 30TH YEAR ECONOMIC DEVELOPMENT RESERVE FUNDS IN AN AMOUNT NOT TO EXCEED \$ 250,000; ALLOCATING SAID FUNDS TO THE LITTLE HAITI-EDISON FEDERAL CREDIT UNION FOR ECONOMIC DEVELOPMENT ACTIVITIES

BEGINNING OCTOBER 1, 2004 TO SEPTEMBER 30, 2005; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH SAID AGENCY FOR SAID PURPOSE, IN SUBSTANTIALLY THE ATTACHED FORM.

R-04-0526

MOVED: Johnny L. Winton

SECONDED: Angel González

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

AYES: Commissioner González, Winton, Sanchez and Regalado

ABSENT: Commissioner Teele

ORDINANCES - SECOND READING**SR.1 04-00703 ORDINANCE Second 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.

12580**MOVED: Joe Sanchez****SECONDED: Angel González****UNANIMOUS****Motion that this matter be ADOPTED PASSED by the following vote.****AYES: Commissioner González, Winton, Sanchez, Regalado and Teele****SR.2 04-00704 ORDINANCE Second 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.

12581**MOVED: Joe Sanchez****SECONDED: Angel González****UNANIMOUS****Motion that this matter be ADOPTED PASSED by the following vote.****AYES: Commissioner González, Winton, Sanchez, Regalado and Teele**

RESOLUTIONS**RE.1 04-00840 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPROVING THE PROCUREMENT OF SERVICES FROM THE GORDIAN GROUP, INC., FOR THE IMPLEMENTATION OF A JOB ORDER CONTRACTING ("JOC") SYSTEM, AWARDED UNDER AN EXISTING CITY OF MIAMI BEACH CONTRACT, EFFECTIVE UNTIL APRIL 11, 2008, SUBJECT TO ANY EXTENSIONS OR REPLACEMENT CONTRACTS BY THE CITY OF MIAMI BEACH, SOLICITED PURSUANT TO REQUEST FOR PROPOSALS ("RFP") 49-00/01, TO BE UTILIZED CITYWIDE ON AN AS-NEEDED BASIS, IN AN AMOUNT NOT TO EXCEED \$120,000; ALLOCATING PROJECT FUNDS IN AN AMOUNT NOT TO EXCEED \$120,000, FOR THE CURRENT FISCAL YEAR (FY 2003-2004) FROM VARIOUS CAPITAL PROJECT ACCOUNTS, 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-04-0515

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 City Clerk by Chairman Teele to research the record wherein the Commission instructed the Auditor General to conduct a complete audit of the South Florida Employment and Training Consortium Workforce Centers.

[Note: The Clerk provided the requested document to Chairman Teele and to the Auditor General on 7-29-04.]

RE.2 04-00841 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, AUTHORIZING THE AWARD OF JOB ORDER CONTRACTS ("JOC") TO CW CONSTRUCTION, INC. AND ALPINE CONSTRUCTIONS, INC., FOR A CONTRACT ANNUAL AMOUNT NOT TO EXCEED \$2,000,000, FOR EACH FIRM, PURSUANT TO CITY OF MIAMI BEACH, FLORIDA BID NOS. 12-03/04 AND 13-03/04, EFFECTIVE UNTIL MAY 25, 2005, WITH OPTIONS TO EXTEND FOR FOUR (4) ADDITIONAL ONE-YEAR PERIODS, SUBJECT TO ANY EXTENSIONS OR REPLACEMENT CONTRACTS BY THE CITY OF MIAMI BEACH; AUTHORIZING THE AWARD OF JOC TO CARIVON CONSTRUCTION, INC., F.H. PASCHEN/SN NIELSEN, F&L CONSTRUCTION, H.A. CONTRACTING, INC., AND PASS INTERNATIONAL, INC., FOR A CONTRACT ANNUAL AMOUNT NOT TO EXCEED \$5,000,000 FOR EACH FIRM, PURSUANT TO CITY OF MIAMI BEACH, FLORIDA BID NO. 14-03/04, EFFECTIVE UNTIL MAY 25, 2005, WITH OPTIONS TO EXTEND FOR FOUR (4) ADDITIONAL ONE-YEAR PERIODS, SUBJECT TO ANY EXTENSIONS OR REPLACEMENT CONTRACTS BY THE CITY OF MIAMI BEACH, TO BE USED CITYWIDE ON AN AS-NEEDED BASIS, FOR A TOTAL CONTRACT AMOUNT NOT TO

EXCEED \$29,000,000; ALLOCATING FUNDS FROM VARIOUS CAPITAL PROJECT ACCOUNTS, 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-04-0516

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

RE.3 04-00865

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION CODESIGNATING NORTHEAST 55TH STREET FROM NORTHEAST 2ND AVENUE TO NORTHEAST 3RD AVENUE, MIAMI, FLORIDA, AS "SIR WINSTON CHURCHILL WAY;" 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-04-0517

MOVED: Arthur E. Teele, Jr.

SECONDED: Johnny L. Winton

UNANIMOUS

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

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

RE.4 04-00868

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING AN INCREASE IN THE CONTRACT AWARDED TO PETRO HYDRO, INC., APPROVED BY RESOLUTION NO. 03-752, ADOPTED JULY 17 , 2003, IN AN AMOUNT NOT TO EXCEED \$265,166.16, INCREASING THE AMOUNT OF THE CONTRACT FROM \$737,543.05 TO \$1,002,709.21, FOR THE PROJECT ENTITLED "ROAD REHABILITATION PROJECT, B-4651," EXTENDING THE CONSTRUCTION ALONG NORTHWEST 35TH STREET FROM NORTHWEST 25TH AVENUE TO NORTHWEST 27TH AVENUE, IN SUBSTANTIALLY THE ATTACHED PROPOSAL; AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO CONTRACT, IN SUBSTANTIALLY THE ATTACHED FORM, GRANTING AN EXTENSION IN THE TERM OF THE CONTRACT BY 60 CALENDAR DAYS, FROM 150 CALENDAR DAYS TO 210 CALENDAR DAYS; ALLOCATING FUNDS, IN AN AMOUNT NOT TO EXCEED \$265,166.16, FOR ADDITIONAL CONSTRUCTION COSTS PLUS \$15,333.84 FOR COSTS INCURRED BY THE CITY OF MIAMI, FOR TOTAL CONTRACT COSTS NOT TO EXCEED \$280,500, FROM CAPITAL IMPROVEMENTS PROJECT NO. 341330, ENTITLED "

TRANSIT ½ CENT SURTAX."

R-04-0518

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 04-00870 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ACQUISITION OF 400 LAPTOP MOBILE DIGITAL COMPUTERS, DOCKING STATIONS AND RELATED EQUIPMENT, FOR THE DEPARTMENT OF POLICE FROM MOTOROLA, INC., A NON-LOCAL/NON-MINORITY VENDOR, UNDER EXISTING CITY OF FAYETTEVILLE, ARKANSAS BID NO. 03-35, IN AN AMOUNT NOT TO EXCEED \$2,023,624; ALLOCATING FUNDS FROM: (1) CAPITAL IMPROVEMENT PROJECT (CIP) ACCOUNT CODE NO. 312010.299401.6.840, IN AN AMOUNT NOT TO EXCEED \$45,754, (2) CIP ACCOUNT CODE NO. 312028.299401.6.840, IN AN AMOUNT NOT TO EXCEED \$560,570, (3) CIP ACCOUNT CODE NO. 312032.299401.6.840, IN AN AMOUNT NOT TO EXCEED \$9,488, (4) LOCAL LAW ENFORCEMENT BLOCK GRANT VII, ACCOUNT CODE NO. 142023.290539.6.840, IN AN AMOUNT NOT TO EXCEED \$873,113, AND (5) LOCAL LAW ENFORCEMENT BLOCK GRANT VIII, ACCOUNT CODE NO. 142023.290546.6.840, IN AN AMOUNT NOT TO EXCEED \$534,699.

R-04-0519

MOVED: Angel González

SECONDED: Johnny L. Winton

UNANIMOUS

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

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

RE.6 04-00867 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING A DONATION OF THREE SCULPTURES CREATED BY ARTIST FREDERICK PRESCOTT, AT AN ESTIMATED FAIR MARKET VALUE OF \$60,000, FROM THE WASHINGTON MUTUAL COCONUT GROVE ARTS FESTIVAL, TO BE PLACED IN COCONUT GROVE, FOR THE CITY OF MIAMI.

R-04-0520

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

RE.7 04-00839 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), RATIFYING, APPROVING AND CONFIRMING THE SALARY AND BENEFITS TO BE RECEIVED BY INTERIM CITY ATTORNEY MARIA J. CHIARO.

R-04-0521

MOVED: Joe Sanchez

SECONDED: Angel González

UNANIMOUS

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

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

RE.8 04-00881 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ENGAGEMENT OF SPECIAL COUNSEL TO ADDRESS ISSUES RELATED TO LABOR AND EMPLOYMENT MATTERS CONCERNING COLLECTIVE BARGAINING UNITS, IN AN AMOUNT NOT TO EXCEED \$30,000, PLUS COSTS AS APPROVED BY THE CITY ATTORNEY; ALLOCATING FUNDS FROM AN ACCOUNT TO BE IDENTIFIED BY THE CITY MANAGER, FOR SAID SERVICES.

R-04-0522

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

RE.9 04-00766 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION DETERMINING THAT THE MOST ADVANTAGEOUS METHOD TO DEVELOP CERTAIN IMPROVEMENTS AT THE CITY-OWNED PROPERTY KNOWN AS THE MELREESE GOLF COURSE, LOCATED AT 1802 NORTHWEST 37TH AVE, MIAMI, FLORIDA, CONSISTING OF APPROXIMATELY 130 ACRES, FOR PLANNING, DESIGN, CONSTRUCTION, LEASING AND MANAGEMENT OF THE CITY-OWNED PROPERTY, IS AS A UNIFIED DEVELOPMENT PROJECT ("UDP"); AUTHORIZING THE CITY MANAGER TO PREPARE A DRAFT REQUEST FOR PROPOSALS ("RFP") FOR SAID UDP TO INCLUDE PLANNING WITHOUT LIMITATION, A GOLF COURSE, HOTEL, PARKING AND ANCILLARY AND SUPPORT FACILITIES AT SAID PROPERTY; CONFIRMING THAT IN ACCORDANCE WITH CITY CHARTER PROVISIONS, A PUBLIC HEARING WILL BE HELD TO TAKE TESTIMONY REGARDING SAID RFP, AND TO CONTINUE THE IMPLEMENTATION OF THE UDP PROCESS.

R-04-0523

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

Direction to the Administration by Chairman Teele to ensure that public hearings are conducted before this project is completed; further to ensure the the Request for Proposals (RFP) comes before the Commission for its approval before it is publicly advertised.

DISCUSSION ITEMS**DI.1 04-00842 DISCUSSION ITEM**

DISCUSSION AND SELECTION OF A NEW CITY ATTORNEY.

MOTION

Note for the Record: Chairman Teele stated that the City Attorney's Office needs to have a clearer organizational structure.

A motion was made by Vice Chairman Sanchez, seconded by Commissioner González, and was passed with Commissioner Winton voting no, to appoint Jorge Fernandez as the City Attorney.

Note for the Record: Chairman Teele appointed Commissioner González as a committee of one to study appropriate compensation and benefits for the City Attorney and to bring back a recommendation at the Commission meeting currently scheduled for September 9, 2004.

DI.2 04-00869 DISCUSSION ITEM

REPORT CONCERNING THE GENERAL OBLIGATION BOND.

DISCUSSED

Direction to the Administration by Chairman Teele to provide the Commission with a written report on the possibility of placing a City bond question, without raising taxes, to the voters on the November 2004 ballot.

PART B

The following item shall not be considered before 2:00 pm.

PZ.1 04-00723 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, APPROVING WITH CONDITIONS, A MAJOR USE SPECIAL PERMIT PURSUANT TO ARTICLES 9, 13 AND 17 OF ZONING ORDINANCE NO. 11000, FOR THE **OPUS TOWERS PROJECT**, TO BE LOCATED AT APPROXIMATELY 1237 BISCAYNE BOULEVARD, 324 AND 444 NORTHEAST 13TH STREET, MIAMI, FLORIDA, TO CONSTRUCT A 57-STORY MIXED-USE STRUCTURE CONSISTING OF 408 TOTAL MULTIFAMILY RESIDENTIAL UNITS, APPROXIMATELY 17,160 SQUARE FEET OF RETAIL/OFFICE USE, AND 570 TOTAL PARKING SPACES; DIRECTING TRANSMITTAL; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: Major Use Special Permit for the Opus Towers Project

LOCATION: Approximately 1237 Biscayne Boulevard and 324 and 444 NE 13th Street

APPLICANT(S): 1237 Biscayne Blvd, LLC, Owner and 1237 Biscayne Development Group, LLC, Contract Purchaser

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions*.

PLANNING ADVISORY BOARD: Recommended approval with conditions* to City Commission on June 16, 2004 by a vote of 6-0.

ZONING BOARD: Granted the special exception on June 28, 2004 by a vote of 8-0.

*See supporting documentation.

PURPOSE: This will allow the development of the **Opus Towers Project**.

CONTINUED

A motion was made by Commissioner Winton, seconded by Commissioner González, and was passed unanimously, with Chairman Teele absent, to CONTINUE item PZ.1 to the Commission Meeting currently scheduled for October 28, 2004; further requesting the developer to meet with opponents of this item to try to come to an agreement before they come back on October 28, 2004.

NON-AGENDA ITEMS**NA.1 04-00900 DISCUSSION ITEM**

Discussion concerning previously passed resolution authorizing the release of the City's reversionary interests in Miami-Dade County owned property located in West Miami-Dade 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).

DISCUSSED

NA.2 04-00901 DISCUSSION ITEM

Discussion regarding homeless problem under I-395.

DISCUSSED

Direction to the City Manager by Chairman Teele to meet with the Administration, the Community Redevelopment Agency (CRA), and the Florida Department of Transportation (FDOT) and provide a full status report on the homeless problem under I-395.

NA.3 04-00902 DISCUSSION ITEM

Discussion regarding previous direction to the administration relating to the reconstruction on NW. 11th Street.

DISCUSSED

Direction to the City Clerk by Chairman Teele to research the record wherein the Commission instructed the Administration to reconstruct N.W. 11th Street by December 30, 2004, in order to coincide with the opening of the clubs in the area; said reconstruction to be scheduled as a high-priority City project, with financing to be provided by the Community Redevelopment Agency (CRA), and further requesting the Manager to meet with Chairman Teele at 1 p.m. today on this matter.

[Note: The Clerk provided requested documents to Chairman Teele on 7-29-04.]

NA.4 04-00903 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION REQUESTING THE EXTENSION OF THE LIQUOR LICENSE OF THE CHURCHILL RESTAURANT LOCATED AT 5501 NORTHEAST 2ND AVENUE, MIAMI, FLORIDA, FROM 3:00 A.M. TO 5:00 A.M., WHICH IS A TOTAL OF TWO EXTENDED HOURS, FOR THE PURPOSE OF CELEBRATING THE 25TH ANNIVERSARY OF THE RESTAURANT DURING THE ENTIRE MONTH OF SEPTEMBER.

R-04-0530

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

NA.5 04-00894 RESOLUTION

MANAGER TO EXPEDITIOUSLY ENFORCE ANY AND ALL CODE PROVISIONS AND APPLICABLE LAW, RELATING TO THE PROPERTIES LOCATED AT 1024 SOUTHWEST 19TH AVENUE, 1026 SOUTHWEST 19TH AVENUE, 1144 SOUTHWEST 19TH AVENUE, 1800 SOUTHWEST 11TH TERRACE AND 1895 SOUTHWEST 11TH TERRACE, MIAMI, FLORIDA, INCLUDING STRICT ENFORCEMENT OF THE SPECIAL MASTER'S ORDERS OF MAY 6, 2004 AND JUNE 10, 2004 WHICH ORDERED THE PROPERTY OWNER, FAMILY BOARDING HOME, INC., TO APPLY FOR SPECIAL EXCEPTION PERMITS WITHIN 30 DAYS OF THE ORDER FOR THE CHANGE IN OWNERSHIP, TO DECREASE THE NUMBER OF RESIDENTS FOR THE PROPERTIES LOCATED AT 1024 SOUTHWEST 19TH AVENUE, 1026 SOUTHWEST 19TH AVENUE AND 1895 SOUTHWEST 11TH TERRACE, AND NOT TO INCREASE THE NUMBER OF RESIDENTS AT 1800 SOUTHWEST 11TH AVENUE AND 1144 SOUTHWEST 19TH AVENUE; DIRECTING THE CITY MANAGER TO PROVIDE STRICT ACCOUNT AND RECORDATION OF ANY AND ALL ACTIONS TAKEN BY THE CITY OF MIAMI ("CITY") TO INCLUDE WRITTEN RECOMMENDATIONS AND DECISIONS; FURTHER DIRECTING THE CITY MANAGER TO SEND A 30-DAY NOTICE TO THE PROPERTY OWNERS THAT STRICT COMPLIANCE WITH CITY PROVISIONS AND APPLICABLE LAW IS REQUIRED.

R-04-0527

MOVED: Tomas Regalado

SECONDED: Johnny L. Winton

UNANIMOUS

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

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

NA.6 04-00904

DISCUSSION ITEM

Budget Workshop

DISCUSSED

Direction to the City Manager by Vice Chairman Sanchez to ascertain that the City of Miami pension trusts (1- The General Employees' and Sanitation Employees Retirement Trust and 2- The Firefighters' and Police Officers' Retirement Trust) present their proposed budgets for Commission approval each year.

Direction to the City Attorney by Commissioners Regalado and Winton to provide a legal opinion by September whether the City's cable channel "Miami Television" can legally have certain programs sponsored commercially by private enterprise; further directing the City Manager to take the necessary steps to implement said proposal if the Attorney deems it legal.

Direction to the City Manager by Commissioner Winton to provide a study before the September 9, 2004 public hearing on the budget, of the impact of City of Miami salaries and pensions, including actuarial analysis; further directing that the study include the history of how the salaries and pension were calculated over the past 20-30 years; further directing that the study include a projection of the cost to the City annually over the next 20 years; and further requesting an analysis of the schedule used to provide cost of living increases to retirees.

Direction to the City Manager by Commissioner González to request the Budget Director to meet with Commissioner González; further requesting the Manager to provide an analysis

and recommendation regarding having fewer sworn police officers than we normally have.

Direction to the City Manager by Vice Chairman Sanchez to meet with the unions and the Budget Director to negotiate ways to protect the City and cut irresponsible expenditures.

NA.7 04-00918 DISCUSSION ITEM

Discussion related to the homeless.

DISCUSSED

Direction to the City Attorney to research, including asking the American Civil Liberties Union, to determine the legality of the Key West sheriff's actions in placing homeless individuals in busses leaving Key West, most of whom end up in the City of Miami.

NA.8 04-00845 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION PROVIDING SUPPORT IN AN AMOUNT NOT TO EXCEED \$500, TO BE USED AS PAYMENT OF THE RENTAL FEE ASSOCIATED WITH THE LIVING WORD BAPTIST CHURCH'S FIRST ANNIVERSARY CELEBRATION, TO BE HELD AT THE ORANGE BOWL ATHLETIC CLUB; ALLOCATING FUNDS FROM THE DISTRICT 4 SPECIAL EVENTS NON-DEPARTMENTAL ACCOUNT NO. 001000.921054.6. 289.

R-04-0529

MOVED: Tomas Regalado

SECONDED: Johnny L. Winton

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

AYES: Commissioner González, Winton, Sanchez and Regalado

ABSENT: Commissioner Teele

NA.9 04-00919 DISCUSSION ITEM

A motion was made by Commissioner Regalado, seconded by Commissioner González, and was passed unanimously, with Chairman Teele absent, directing the City Manager to come back on September 7, 2004 with a recommendation related to needed in-kind services amounting to \$150,000 for venues within the City of Miami for the Source Award ceremonies, which will be televised internationally.

MOTION