



City of Miami Marked Agenda City Commission

City Hall
3500 Pan American Drive
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Manuel A. Diaz, Mayor
Johnny L. Winton, Chairman
Arthur E. Teele, Jr., Vice Chairman
Angel González, Commissioner District One
Joe Sanchez, Commissioner District Three
Tomas Regalado, Commissioner District Four
Joe Arriola, City Manager
Alejandro Vilarello, City Attorney
Priscilla A. Thompson, City Clerk

Thursday, December 18, 2003

9:00 AM

City Hall Commission Chambers

DISTRICT 2

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

CHAIRMAN JOHNNY L. WINTON

SI.1 03-0339 **DISCUSSION ITEM**

DISCUSSION CONCERNING THE MIAMI ROWING WATERSPORTS CENTER, INC.

03-0339 - Back-up.pdf, 03-0339 - Legislation.pdf

Discussed

Discussion resulted in resolution (file # 03-0339) see below:

SI.1 03-0339a **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING MIAMI ROWING AND WATERSPORTS CENTER, INC. ("MRWC") TO OCCUPY APPROXIMATELY 1.14 ACRES OF CITY-OWNED PROPERTY LOCATED AT 3601 RICKENBACKER CAUSEWAY, MIAMI FLORIDA, COMMENCING JANUARY 1, 2004, FOR A PERIOD OF SIXTY (60) DAYS, SUBJECT TO MRWC: (1) PROVIDING INSURANCE AND INDEMNIFYING, PROTECTING, DEFENDING AND HOLDING THE CITY OF MIAMI ("CITY") HARMLESS FROM AND AGAINST ALL CLAIMS, SUITS, ACTIONS, DAMAGES OR CAUSES OF ACTION OF WHATEVER NATURE ARISING OUT OF THE USE OR OPERATION OF THE PROPERTY OR THE SURROUNDING AREAS; AND (2) PAYING MONTHLY FEES OF \$500 PLUS STATE OF FLORIDA USE TAX, IF APPLICABLE; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENT(S), IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE; FURTHER DIRECTING THE CITY MANAGER TO NEGOTIATE A REVOCABLE LICENSE AGREEMENT ("AGREEMENT"), REVOCABLE AT-WILL, WITH MRWC, TO PROVIDE FOR CONTINUED USE OF THE PROPERTY; DIRECTING THE CITY MANAGER TO PRESENT THE NEGOTIATED AGREEMENT TO THE CITY COMMISSION FOR

CONSIDERATION.

R-03-1260

MOVED: Arthur E. Teele, Jr.

SECONDED: Joe Sanchez

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

AYES: Commissioner Sanchez, Teele and Winton

ABSENT: Commissioner González and Regalado

DISTRICT 4

SI.2 03-0347

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 2, ARTICLE IX, SECTION 2-777(a), OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "ADMINISTRATION, CITY-OWNED PROPERTY, INVESTIGATION OF APPLICANTS FOR USE, LEASE, RENTAL, ETC., OF CITY-OWNED FACILITIES AND OTHER MUNICIPAL PROPERTY," TO REQUIRE THAT A CREDIT CHECK BE A PART OF THE INVESTIGATION PROCESS; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

MOVED: Tomas Regalado

SECONDED: Joe Sanchez

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

AYES: Commissioner Regalado, Sanchez, Teele and Winton

ABSENT: Commissioner González

Direction to the City Manager: by Commissioner Sanchez to bring back, when this ordinance comes back for second reading, an explanation on how the credit checks will be implemented and what is the budget impact of this action.

SI.3 03-0345

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION REQUESTING THE CITY MANAGER, DUE TO EXTENUATING CIRCUMSTANCES, TO DIRECT THE ADMINISTRATION TO ASSIST IN THE PREPARATION OF A REFILED VARIANCE REQUEST BY AN INFIRMED SENIOR CITIZEN, MR. JOSE ESCALONA, AND WAIVE ALL FEES ATTENDANT TO SAID APPLICATION FOR PROPERTY LOCATED AT APPROXIMATELY 51 SOUTHWEST 52ND COURT.

03-0345 - Cover memo.pdf, 03-0345 - Legislation.pdf

R-03-1255

MOVED: Tomas Regalado

SECONDED: Arthur E. Teele, Jr.

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

AYES: Commissioner Regalado, Sanchez, Teele and Winton

ABSENT: Commissioner González

DISTRICT 5

VICE CHAIRMAN ARTHUR E. TEELE, JR.

SI.4 03-0337

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY MANAGER, WITH ASSISTANCE FROM THE OFFICE OF COMMUNICATIONS, TO FACILITATE THE FILMING OF ALL EVENTS RELATED TO THE CELEBRATION OF THE REPUBLIC OF HAITI BICENTENNIAL (JANUARY 1, 1804 - JANUARY 1, 2004); FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, TO ENGAGE SUCH SERVICES, AS DEEMED APPROPRIATE, FOR SAID PURPOSE, WITH FUNDS PREVIOUSLY ALLOCATED FOR THE BICENTENNIAL; FURTHER DIRECTING THE ALLOCATION OF FUNDS, IN AN AMOUNT NOT TO EXCEED \$_____, FROM SET-ASIDE FUNDS, TO COVER TRAVEL AND HOTEL EXPENSES FOR THOSE DIGNITARIES SCHEDULED TO ATTEND BICENTENNIAL EVENTS; AND DIRECTING THE CITY MANAGER TO PRESENT A REPORT DETAILING THE ACTIVITIES AND THE ALLOCATION DISTRIBUTIONS PREVIOUSLY AUTHORIZED FOR THE BICENTENNIAL.

03-0337 - Legislation.pdf

R-03-1251

MOVED: Arthur E. Teele, Jr.

SECONDED: Angel González

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

AYES: Commissioner González, Sanchez, Teele and Winton

ABSENT: Commissioner Regalado

03-0337a

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, CLARIFYING RESOLUTION 03-1251 RELATED TO THE HAITIAN BICENTENNIAL COMMITTEE AND MAKING THE FOLLOWING CORRECTIONS: (1) CORRECTING THE DESIGNATION OF THE NAME ENTITY FROM THE SOUTH FLORIDA HAITIAN-AMERICAN HISTORICAL SOCIETY TO THE HAITIAN-AMERICAN HISTORICAL SOCIETY - ONE MEMBER; FROM THE HAITIAN-AMERICAN CHAMBER OF COMMERCE TO THE HAITIAN AFFAIRS COMMITTEE FOR THE GREATER MIAMI CHAMBER OF COMMERCE - 3 MEMBERS; (2) DELETING AND REPLACING THE LANGUAGE AFTER A PUBLISHED NOTICE AT THE REQUEST OF THE MIAMI AND SOUTH FLORIDA COORDINATING COMMITTEE; AND (3)

DESIGNATE TWO ORGANIZATIONS REQUESTED BY THE COORDINATING COMMITTEE TO BE MADE MEMBERS - LITTLE HAITI YOUTH DEVELOPMENT CENTER AND HAITIAN LAWYERS ASSOCIATION; AND FURTHER AUTHORIZING THAT EACH CO-CHAIR MAY DESIGNATE AN ALTERNATE IN WRITING TO THE CLERK WHO SHALL BE ELIGIBLE FOR THE REPRESENTATION OF A CO-CHAIR WHEN ABSENT OR UNAVAILABLE.

R-03-1259

MOVED: Arthur E. Teele, Jr.

SECONDED: Angel González

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

AYES: Commissioner González, Teele and Winton

ABSENT: Commissioner Regalado and Sanchez

SI.5 03-0338

RESOLUTION

DISCUSSION AND RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY MANAGER TO CONDUCT A FEASIBILITY STUDY TO IDENTIFY A LOCATION AND RETROFIT A PARK IN THE DISTRICT 5 AREA TO ACCOMMODATE SEATING FOR 5,000 TO 10,000 PATRONS, LOCKER ROOMS AND SHOWERS FOR FOOTBALL AND SOCCER EVENTS; FURTHER DIRECTING THAT SAID FACILITY BE AVAILABLE FOR USE BY THE NEW SCHOOL YEAR COMMENCING SEPTEMBER 2004 TO REMEDY THE EXTREME NEED FOR A VENUE TO HOUSE THE MULTITUDE OF SPORTING EVENTS SCHEDULED TO TAKE PLACE IN THE CITY OF MIAMI, WITH FUNDS ALLOCATED FROM THE DISTRICT 5 QUALITY OF LIFE ACCOUNT FOR SAID FACILITY.

03-0338 - Legislation.pdf

R-03-1256

MOVED: Arthur E. Teele, Jr.

SECONDED: Angel González

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

AYES: Commissioner González, Sanchez, Teele and Winton

ABSENT: Commissioner Regalado

SI.6 03-0341

DISCUSSION ITEM

A DISCUSSION TO CLARIFY MOTION# 01-585, ADOPTED JUNE 14, 2001 , WHICH APPROVED THE PLACEMENT OF A STATUE OF TOUSSAINT L'OUVERTURE TO BE LOCATED IN THE LITTLE HAITI AREA AND PRESENTATION OF A REPORT BY THE CITY MANAGER FOR RECOMMENDATIONS FOR PLACEMENT OF SAID STATUE.

03-0341 - Back-up.pdf

Discussed

Report delivered by Javier Fernandez, Assistant to the Chief of Neighborhood Services.

SI.7 03-0342

DISCUSSION ITEM

A DISCUSSION TO EFFECTUATE A "FREEZE" OF GARBAGE RATES/ SOLID WASTE FEES FOR THE NEXT FIVE YEARS DUE TO THE ADOPTION OF THE REFERENDUM RELATED TO THE PARKING SURCHARGE THAT WAS APPROVED BY THE ELECTORATE ON NOVEMBER 4, 2003.

03-0342 - Back-up.pdf

Discussed

A motion was made by Vice Chairman Teele, seconded by Commissioner Regalado, and passed unanimously, with Commissioner Regalado absent, to provide for a five year residential solid waste fees freeze at \$324.

On request by Commissioner Regalado, who expressed his desire to vote affirmatively on prior vote on Item SI.7, a motion was made by Commissioner Sanchez, seconded by Vice Chairman Teele, and passed unanimously, to reconsider prior vote on Item SI.7.

Ordinance (File # 03-0342a) was immediately thereafter passed. See below:

SI.7 03-0342a

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING SECTION 22-12 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, TO PROVIDE FOR A FIVE YEAR RESIDENTIAL SOLID WASTE FEES FREEZE AT \$325, COMMENCING FISCAL YEAR 2003-2004 AND ENDING FISCAL YEAR 2008-2009; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

MOVED: Joe Sanchez

SECONDED: Tomas Regalado

UNANIMOUS

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

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

Direction to the City Manager: by Vice Chairman Teele to bring charts and graphs showing where the garbage rates/solid waste fees would be expended if the City were not to freeze said fees and how the County rate compares to the City's; further stating that when this comes back for second reading, the Manager will be instructed to mail out a notice to all Miami residents notifying them of the freeze in the fees.

RESOLUTIONS

SI.8 03-0336

RESOLUTION

DOCKAGE AT MIAMARINA AT NO COST, TO THE AMISTAD AMERICA, INC. , FROM JANUARY 11TH THROUGH MARCH 21ST, 2004; AUTHORIZING THE CITY MANAGER TO EXECUTE A TRANSIENT MOORING & DOCKAGE AGREEMENT AND COMPLY WITH ALL MARINA RULES AND REGULATIONS AS REQUIRED BY THE CITY OF MIAMI.

03-0336 - Cover memo.pdf, 03-0336 - Legislation.pdf

R-03-1252

MOVED: Arthur E. Teele, Jr.

SECONDED: Angel González

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

AYES: Commissioner González, Teele and Winton

ABSENT: Commissioner Regalado and Sanchez

SI.9 03-0103

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING THE CONCEPTUAL PLAN ("PLAN") FOR THE MODEL CITY HOMEOWNERSHIP ZONE PILOT PROJECT AREA AS APPROVED BY THE MODEL CITY COMMUNITY REVITALIZATION DISTRICT TRUST BOARD OF DIRECTORS; FURTHER DIRECTING THE CITY MANAGER TO IDENTIFY APPROPRIATE RESOURCES AMONG CITY DEPARTMENTS AND AGENCIES TO ENSURE THE PROMPT AND SUCCESSFUL IMPLEMENTATION OF THE MASTER PLAN, AS IT MAY BE AMENDED FROM TIME TO TIME.

03-0103 -memo.pdf, 03-0103 -legislation.pdf

R-03-1253

MOVED: Arthur E. Teele, Jr.

SECONDED: Angel González

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

AYES: Commissioner González, Teele and Winton

ABSENT: Commissioner Regalado and Sanchez

SI.10 03-0335

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CONTINUED ENGAGEMENT OF BOND COUNSEL TO PROVIDE BOND COUNSEL SERVICES, IN AN AMOUNT NOT TO EXCEED \$35,000, PLUS COSTS AS APPROVED BY THE CITY ATTORNEY, IN CONNECTION WITH THE DISBURSEMENT OF FUNDS FROM GENERAL OBLIGATION BONDS OF THE CITY OF MIAMI FOR HOMELAND SECURITY, NEIGHBORHOOD IMPROVEMENTS, CAPITAL PROJECTS AND INFRASTRUCTURE IMPROVEMENTS, ALLOCATING FUNDS FROM THE HOMELAND DEFENSE BONDS, ACCOUNT CODE NO. 331419, FOR SAID SERVICES.

03-0335 - Cover memo.pdf, 03-0335 - Legislation.pdf

R-03-1254

MOVED: Arthur E. Teele, Jr.

SECONDED: Angel González

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

AYES: Commissioner González, Teele and Winton

ABSENT: Commissioner Regalado and Sanchez

COMMISSIONER TOMAS REGALADO

SI.11 03-0331

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), RESCINDING RESOLUTION R-03-1204, ADOPTED NOVEMBER 25, 2003, IN ITS ENTIRETY AND SUBSTITUTING THE HEREIN RESOLUTION IN LIEU THEREOF TO AUTHORIZE THE CITY MANAGER TO EXECUTE AMENDMENT NO. 02 TO THE TRI-PARTY AGREEMENT DATED JULY 19, 1988, AS AMENDED, IN SUBSTANTIALLY THE ATTACHED FORM, AMONGST THE CITY OF MIAMI, MIAMI-DADE COUNTY ("COUNTY"), AND BAYSIDE CENTER LIMITED PARTNERSHIP RELEASING THE COUNTY'S OBLIGATION TO CONTRIBUTE \$1,500,000 IN FUNDING OF IMPROVEMENTS FOR THE PEDESTRIAN BRIDGE ON PARCEL B, CONTINGENT UPON COOPERATING ON THE JOINT PLANNING OF THE DEVELOPMENT OF THE PROPERTY.

03-0331 - Cover memo.pdf, 03-0331 - Legislation.pdf, 03-0331 - exhibit.pdf

R-03-1257

MOVED: Arthur E. Teele, Jr.

SECONDED: Angel González

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

AYES: Commissioner González, Regalado, Teele and Winton

ABSENT: Commissioner Sanchez

A motion was made by Vice Chairman Teele, seconded by Commissioner González, passed unanimously, with Commissioner Sanchez absent, to instruct the City Manager to meet with the County Manager to explore ways that the City can be more cooperative in helping to ensure that the Performing Arts Center project is completed on time and within its budget.

DISCUSSION ITEM

SI.12 03-0340

RESOLUTION

DISCUSSION CONCERNING THE LANGUAGE FOR A REFERENDUM QUESTION RELATED TO THE MARLINS STADIUM.

03-0340 - Cover memo.pdf

A motion was made by Commissioner Regalado, seconded by Commissioner González, and passed unanimously to request the Miami-Dade Board of County Commissioners to place a county-wide referendum question before the registered electorate on the March 9, 2004 Presidential Primary ballot, that a one time one-half cent sales tax be levied for eighteen (18) months to fund the acquisition of land, if necessary, design and construction of a baseball and/or soccer stadium in the City of Miami, provided that: (1) if the Florida Marlins Baseball Club uses the stadium, the team will be renamed as the Miami Marlins; and (2) that revenues collected will be deposited with the City of Miami for purposes articulated herein, and (3) an agreement be approved amongst the City of Miami, Miami-Dade County and the Florida Marlins Baseball Club. (This motion was later reconsidered.)

A motion was made by Vice Chairman Teele, seconded by Commissioner Sanchez, and passed unanimously to instruct the City Attorney to draft ballot language related to the proposed baseball and/or soccer stadium after conferring with the County Mayor and Manager and Attorney and come back with said language at the Commission Meeting currently scheduled for January 8, 2003.

A motion was made by Commissioner Regalado, seconded by Vice Chairman Teele, and passed unanimously to reconsider previous motion requesting Miami-Dade County to place a question on the March 2004 ballot regarding baseball/soccer stadium. Resolution (File # 03-0364) listed below passed immediately thereafter:

SI.12 03-0364

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION REQUESTING THE BOARD OF MIAMI-DADE COUNTY COMMISSIONERS TO SCHEDULE A COUNTY-WIDE REFERENDUM QUESTION BEFORE THE ELECTORATE ON MARCH 9, 2004, WHICH READS "SHALL A ONE-HALF CENT TAX BE COLLECTED FOR 18 MONTHS, EFFECTIVE 01/01/06, TO FUND DESIGN AND DEVELOPMENT, INCLUDING ACQUISITION OF LAND IF NECESSARY, OF A BASEBALL/SOCCER STADIUM IN MIAMI, PROVIDING THE FLORIDA MARLINS TEAM BE RENAMED THE MIAMI MARLINS, IF USING THE STADIUM, AND THAT REVENUES BE DEPOSITED WITH THE CITY OF MIAMI AND USED FOR THESE PURPOSES ONLY, NOT FOR ADMINISTRATIVE EXPENSES, AND CONDITIONED UPON AN AGREEMENT AMONG THE CITY, MARLINS AND MIAMI-DADE COUNTY? (____ FOR THE TAX; ____ AGAINST THE TAX)".

R-03-1258

MOVED: Tomas Regalado

SECONDED: Angel González

UNANIMOUS

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

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