



City of Miami Springs, Florida

The Miami Springs City Council held a **SPECIAL MEETING** in the Council Chambers at City Hall on Monday, March 31, 2008, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:15 p.m.

The following were present:

- Mayor Billy Bain
- Vice Mayor Paul C. Dotson
- Councilman Bob Best
- Councilman Xavier Garcia
- Councilman Rob Youngs

Also Present:

- City Manager James R. Borgmann
- Assistant City Manager Ronald K. Gorland
- City Attorney Jan K. Seiden
- Chief of Police H. Randall Dilling
- Deputy City Clerk Suzanne S. Hitaffer

2. Invocation: Mayor Bain offered the invocation.

Salute to the Flag: The audience participated.

3. Consideration of Request for Use of City Gymnasium by Urban Championship Wrestling (UCW)

City Manager Borgmann stated that Council requested certain documents at the last meeting when this request was first discussed, including incorporation documents, insurance certificates, security requirements and letters of recommendation from venues where Urban Championship Wrestling (UCW) had performed in the past.

City Attorney Seiden said that he received a revised certificate of insurance subsequent to the last meeting that had a few minor glitches. The certificate that was received today corrected two of the items and one more item still needs correction.

Attorney Seiden explained that the entity the City is dealing with for contractual purposes is Urban Championship Wrestling, LLC, but the new certificate names B.A.M.N., LLC, which happens to be a 70% owner of Urban Championship Wrestling. He understands that the certificate would be corrected to reflect Urban Championship Wrestling, LLC.

Attorney Seiden stated that the articles of incorporation are signed and dated, but have no official stamp and the stock certificate shows B.A.M.N. as a 70% owner of the LLC. He contacted his cousin who is a lawyer in Connecticut who conducted a corporate search and provided two documents verifying the corporate status of the two organizations. The only documentation that is missing in regard to Council's request at the last meeting is the proof of non-profit status.

Attorney Seiden explained that the nature of having a non-Florida authorized business entity is problematic because there is no registered agent. He covered this by adding two miscellaneous provisions to the agreement dealing with laws in the State of Florida and venue for any action arising from the agreement to be in Miami-Dade County, Florida. Paragraph G on page seven of the agreement must be completed to include the name of the person that would act as the registered agent for service of process.

To answer Councilman Youngs' question, Attorney Seiden stated that Michael Clark is the main member of B.A.M.N., but the City is dealing with Urban Championship Wrestling.

Mayor Bain said that during the last meeting it was mentioned that Urban Championship Wrestling had participated in other events in the County and Council requested reference letters. He asked if any official letters were received except for the one from Infinite Media.

City Manager Borgmann said that a letter was also received from Cutler Bay; Assistant City Manager Gorland spoke with both parties and he would be able to answer any questions. Regarding the four events that were mentioned at the last meeting, no written recommendations were received and telephone calls were made to the respective cities, but the entity was not recognized.

Assistant City Manager Gorland spoke with two references and both confirmed that it was a family event and a good experience, although neither party knew Lola Evans. Infinite Media is a Homestead venue and the man responsible is from Hialeah who said that it was a good experience with approximately 200 people attending the event. A similar event was held at the Cutler Bay summer camp during the daytime with approximately 400 people attending.

Brian Wilson of 6041 N. W. 9th Avenue, Miami, Florida 33127 stated that the man who rented the P.A.L. building in Davie is no longer there and the new person was not aware that Urban Championship Wrestling had held three events there.

Mayor Bain asked if Urban Championship Wrestling would be able to prove that they are a non-profit organization.

Lola Evans of 19440 N.W. 7th Avenue, Miami, Florida 33169 said that she spoke with Michael Clark who was going to call Assistant City Manager Gorland or Attorney Seiden regarding proof of non-profit status.

Mayor Bain commented that the entity seems unknown, which is hard to understand based on the presentation at the previous meeting.

Ms. Evans stated that Urban Championship Wrestling is a new organization formed by Michael Clark and they had worked previously under different wrestling organizations.

Councilman Best said that there is no evidence of Urban Championship Wrestling being a non-profit organization. Recreation is for the entertainment of the community and he would question whether or not violence is entertainment. Secondly, he would question whether or not this would be a family event. He asked why Miami Springs was selected rather than Hialeah, which is a larger city.

Ms. Evans commented that football is violent and it is considered a family sport, as well as boxing and hockey. She was told that Miami Springs had a gymnasium so she called and visited the facility. They were looking for a venue, they offered their services to the High School and they are trying to be family oriented.

Brian Wilson commented that more people are injured playing football and more kids watch professional wrestling.

Mayor Bain stated that he is not concerned with wrestling, but he would like to feel confident about the corporation.

Vice Mayor Dotson said that he questioned the non-profit status at the last meeting and he was told that it was, but there is no documentation indicating that this is true. He said that the gym is in a residential neighborhood and there is a concern about parking. He also understood from the discussion at the last meeting that three references would be provided, but only one was received.

Vice Mayor Dotson explained that Miami Springs is a small city and Recreation is traditionally for the people who live here. Every time the facility is rented for a special event it takes away from the residents who want to play basketball or other activities. He was concerned about other wrestling groups who had attracted people who were drinking and using bad language making it unlike a family type event. He was disappointed that there are no references from the other cities, as well as the proof of non-profit status.

Ms. Evans assured Council that no alcohol would be served and Urban Championship Wrestling is a family oriented organization.

Councilman Youngs asked about the wrestlers who would participate in the event and if they have a following of their own.

Mr. Wilson explained that the wrestlers are professional stars that wrestle responsibly. He said that B.A.M.N. is a youth oriented organization that helps under privileged kids by developing programs to keep them off the streets. The events promote the B.A.M.N. website and the proceeds from the events help to develop programs for young kids.

Councilman Youngs asked if there had been any success in involving the High School wrestling coach or setting up a demonstration event.

Mr. Wilson responded that they offered to hold a demonstration and he had hoped to involve the "Dance Fusion" group in the performance.

To answer Councilman Youngs' question, Mr. Wilson clarified that the event on Saturday, April 26th would be held from 5:00 to 8:00 p.m.

Councilman Garcia was also concerned that no documentation was provided to show that Urban Championship Wrestling is a non-profit organization. The gym is rented to people who make a profit and there were three positive letters of recommendation.

Councilman Garcia commented that there should be no confusion between Greco Roman wrestling and professional wrestling. Many of the professional wrestling federations began in small municipalities and they acquire a following on tour until they can afford a larger venue.

To answer Councilman Garcia's question, City Attorney Seiden stated that the rental application form would not bind the City to any liability for expenses because the person who signed it on behalf of the City has no authority and there are no terms in the rental agreement. It was a clear misunderstanding by at least two members of the Recreation Staff and everyone has acted in good faith.

Attorney Seiden stated that any time an event at a City facility is out of the ordinary every day operations there must be a policy or approval for the new use. He explained that there had never been a wrestling match in a City facility before.

Mayor Bain said that the event could be nice for the City especially if the intent is to help the youth, but he would have liked references from the cities that were mentioned at the last meeting.

To answer the Mayor's question, Mr. Wilson stated that previous events had drawn 250 to 300 people and it would be advertised as sold out after selling that amount of tickets.

Councilman Youngs commented that previous agreements for use of the recreation facilities had directly benefited Miami Springs' residents and since the rental for the outside wrestling event is different he appreciates that it was brought to Council for approval. He said that involving the High School wrestling or dance team could benefit the community and justify the use of the facility.

Councilman Youngs stated that he would be in favor of allowing the event if it were to involve the kids in the community as long as the insurance and crowd control is sufficient.

Mayor Bain mentioned that the Miami Heat basketball team performed a demonstration in the gym a few years ago, which drew approximately 150 local kids and the gym was full.

To answer Councilman Youngs' question, Assistant City Manager Gorland responded that Cutler Bay emphasized that it was a family oriented event and they agreed to terms including no vulgarity, obscenities or simulated blood activity, which was drafted into the proposed contract.

Attorney Seiden stated that the Chief of Police is asking for six Police Officers at \$180.00 per hour for approximately five hours, which would be \$900.00. He wanted to make sure that this is clear to the Urban Championship Wrestling representatives.

Councilman Garcia expressed his concern that the ticket sales would not cover the expenses associated with the event.

Mr. Wilson commented that they are not trying to get rich at this point. The event will be filmed and promoted by B.A.M.N.

City Attorney Seiden recommended against Council entering into an agreement for the second event until they see what happens with the first event.

Lola Evans stated that they made an offer to the High School and the gym is a place where they could do the taping and involve the community.

Councilman Garcia said that he would like the tickets to be available to the local residents.

To answer Councilman Youngs' question, Mr. Wilson commented that B.A.M.N. promotes wrestling to keep kids off the streets, which he knows from his personal experience growing up in Liberty City.

Mayor Bain asked for assurance that the event would be rated "G" for general entertainment that is suitable for kids and families.

Mr. Wilson stated that the event rating could be considered "PG", but it definitely is not rated "R". He explained that wrestling companies have different levels of entertainment, while ECW is more for adults and WCW is kid oriented.

City Manager Borgmann explained that approximately thirteen-years ago the gym was rented to a production company for a movie shoot and it ended up involving nudity and this is why the City is being cautious.

Mayor Bain stated that even if Council agrees to approve the request he would still like additional letters of recommendations and proof of non-profit status.

Nery Owens of 332 Payne Drive expressed her disapproval of Council renting the gym to a group of unknown outsiders, which takes away from the residents' use of the facility.

Ms. Owens emphasized that the residents pay for the maintenance and upkeep of the facility and some outsider should not be allowed to run a violent program. She would like to know how much the City will get from the event, the cost of personnel, police, utilities and resurfacing the floor when the event is over. Ms. Owens felt that it is a bad idea and the City will lose money.

Ms. Owens said that it is time for Council to establish a policy for the use of City facilities and the intent of the Recreation facility is for community activities. She recommended that Council deny the request.

Vice Mayor Dotson commented that although the wrestling program may have some benefit he has a problem with renting the facility for a profit venture. He said that the gym is in a neighborhood setting and there could be a parking problem. Vice Mayor Dotson added there is a risk that is associated with an adult sport, including vulgar language and alcoholic beverages.

Vice Mayor Dotson was disappointed that Council did not receive documentation to prove the non-profit status of the organization and the reference material that was promised. He expressed his feelings about the neighborhood elements at the last meeting. He appreciates the effort to help the kids but the event cannot be held in Miami Springs as a profit making venture.

Jean Souffrant of 1341 N. E. 149 Street, said that even though there was a misunderstanding about whether it was a professional or Greco Roman wrestling event it should not have taken one month for the City to notify them that the event was not approved. He explained that they had been promoting the event since they signed the contract.

Councilman Garcia stated that it took time to make sure that there was not anything wrong with the event. Council must make sure that they follow due diligence because they are held accountable to 14,000 residents.

Councilman Youngs asked if there would be any conflict with the use of the facility, the capacity for a 300 person event, parking or police control.

City Manager Borgmann stated that there is a significant amount of seating in the bleachers and additional chairs could be placed ringside. He felt that 300 persons would not be a large number for that particular venue. Previous swim meets with 300 kids have accommodated cars parking on both sides of the gym. Before the facility is rented Staff checks to make sure that no other events are scheduled and on a Saturday night at 5:00 there is no conflict with the use of the gym. UCW would have use of the gym from 12:00 noon, but there are no organized activities that afternoon.

To answer Councilman Youngs' question, City Manager Borgmann responded that Chief Dilling indicated a reasonable number of Police Officers for crowd control and patrolling the parking lot areas.

Councilman Youngs stated that the physical issues would be manageable unless there is something objectionable about the event itself. The problem is that the City does not have an organized policy regarding the rental of the facility and Council considers events on an ad-hoc basis.

City Manager Borgmann said that he spoke with Vice Mayor Dotson about an agenda item for the April 14, 2008 meeting to discuss a facility rental policy.

Councilman Youngs reiterated that, in the interim, approval would be on an ad-hoc basis and the only question in his mind is that the event should involve the community or High School wrestling program. He would make a motion after the discussion is finished with the condition that the High School be involved in some manner.

Mayor Bain stated that Urban Championship Wrestling could reach out to the High School Principal even though the wrestling coach was not interested.

Councilman Garcia moved to approve the Urban wrestling event at the Recreation Center with the stipulation that they come forth with the proper documentation that satisfies Council and Staff, being that they are a non-profit organization. Councilman Youngs seconded the motion.

City Attorney Seiden clarified that Council would be authorizing the execution of the agreement so long as the documentation is proffered.

The motion carried 3-2 on roll call vote with Councilman Best and Vice Mayor Dotson casting the dissenting votes.

4. Adjourn.

There being no further business to be discussed the meeting was adjourned at 8:28 p.m.

Billy Bain
Mayor

ATTEST:

Suzanne Hitaffer, CMC
Deputy City Clerk

Approved as written during meeting of: 4/28/2008