



# MIAMI BEACH

## City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

November 8, 2006

Mayor David Dermer  
Vice-Mayor Simon Cruz  
Commissioner Matti Herrera Bower  
Commissioner Luis R. Garcia, Jr.  
Commissioner Saul Gross  
Commissioner Jerry Libbin  
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez  
City Attorney Jose Smith  
City Clerk Robert E. Parcher

Visit us at [www.miamibeachfl.gov](http://www.miamibeachfl.gov) for agendas and video "streaming" of City Commission Meetings.

### ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

Call to Order – 11:00 a.m.  
Inspirational Message and Pledge of Allegiance

### REGULAR AGENDA

**Legislation concerning results from the City of Miami Beach's November 7, 2006 Special Election.**

**The actual Election Resolutions to be considered for passage by the City of Miami Beach Commission on November 8, 2006 will be publicly available by 11:00 a.m. on that date.**

**Note: Either R7B (No Run-off Election needed) or R7C (Run-off Election needed) to be adopted.**

**R7 - Resolutions**

- R7A A Resolution Adopting The Certificate Of The Results Of The November 7, 2006 Special Election (Re: Ballot Questions) For The City Of Miami Beach, And Declaring Results Thereof.  
(City Attorney's Office)
- R7B A Resolution Adopting The Certificate Of The Results Of The November 7, 2006 Special Election For The City Of Miami Beach And Declaring Candidate Elected.  
(City Attorney's Office)
- R7C City Of Miami Beach Special Election Results To Fill Vacancy And Calling Run-Off Election.
1. A Resolution Adopting The Certificate Of The Results Of The November 7, 2006 Special Election To Fill Vacancy For The City Of Miami Beach.
  2. A Resolution Calling For A Run-Off Election To Be Held On November 21, 2006 In The City Of Miami Beach For The Purpose Of Electing A City Commissioner In Group V; Providing For Conduct Of Same By The Miami-Dade County Elections Division; Providing That Voting Precincts Shall Be Those As Established By Miami-Dade County; Providing For Notice Of Elections; Providing For The Form Of Ballot; Providing For Absentee Balloting And Registration Of Voters In Accordance With State Law; Providing For Payment For Conducting Election To Miami-Dade County.  
(City Attorney's Office)

**End of Regular Agenda**

OFFICE OF THE CITY ATTORNEY

*City of Miami Beach*

F L O R I D A



**JOSE SMITH**  
City Attorney

Telephone: (305) 673-7470  
Facsimile: (305) 673-7002

**COMMISSION MEMORANDUM**

**DATE: NOVEMBER 8, 2006**

**TO: MAYOR DAVID DERMER**  
**MEMBERS OF THE CITY COMMISSION**  
**CITY MANAGER JORGE GONZALEZ**

**FROM: JOSE SMITH**  
**CITY ATTORNEY**

**SUBJECT: CITY RESOLUTION ACCEPTING RESULTS OF THE NOVEMBER 7, 2006**  
**SPECIAL ELECTION (RE: BALLOT QUESTIONS) AND DECLARING**  
**ELECTION RESULTS**

---

Attached hereto is a Resolution<sup>1</sup> adopting the Certificate of the Results of the November 7, 2006 Miami Beach Special Election (re: ballot questions) for the City of Miami Beach, and declaring election results. The passage of this Resolution effectively concludes acceptance of election returns for the City of Miami Beach's November 7, 2006 Special Election (re: ballot questions).

JO/sc

F:\atto\OLIJ\ELECTION\RESO\CMEMO\Results of Sp Elect - Nov 2006.doc

---

<sup>1</sup> Upon receipt and finalization on November 8, 2006 of the Certification of Election Results, same shall be attached to the Resolution.

Agenda Item R7A

1700 Convention Center Drive -- Fourth Floor -- Miami Beach,

Date 11-8-06

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE CERTIFICATE OF THE RESULTS OF THE NOVEMBER 7, 2006 SPECIAL ELECTION (RE: BALLOT QUESTIONS) FOR THE CITY OF MIAMI BEACH, AND DECLARING RESULTS THEREOF.**

**WHEREAS**, the Certification of the results of the City of Miami Beach Special Election (re: ballot questions) have been received and are attached hereto as Composite Exhibit "A" and are incorporated herein; and

**WHEREAS**, said Certification reflects that:

Question "A" as set forth below was \_\_\_\_\_ by the electorate of the City of Miami Beach<sup>1</sup>;  
Question "B" as set forth below was \_\_\_\_\_ by the electorate of the City of Miami Beach; and  
Question "C" as set forth below was \_\_\_\_\_ by the electorate of the City of Miami Beach.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that having canvassed the returns of the November 7, 2006 Special Election (re: ballot questions) of the City of Miami Beach, it hereby adopts the certificate as to the results of said Special Election and it is hereby ordered that the Certificate of Election and this Resolution be recorded in the minutes of the meeting as a permanent record of the results of said Election; and be it further resolved that as a result of the City of Miami Beach November 7, 2006 Special Election, the votes upon the questions presented reflect the following results:

---

<sup>1</sup> The three ballot questions have been lettered "A"; "B"; and "C"; for ease of reference herein only and were not so lettered on the ballot.

**Question "A":**

PUBLIC VOTE PRIOR TO TRANSFER OF CITY INTEREST  
IN PUBLIC BEACH RIGHT OF WAYS

SHALL MIAMI BEACH CITY CHARTER SECTION 1.03 BE AMENDED TO REQUIRE VOTER APPROVAL PRIOR TO THE SALE, EXCHANGE, CONVEYANCE, LEASE, OR OTHER TRANSFER OF ANY CITY INTEREST IN PUBLIC BEACH RIGHT OF WAYS (EXTENDING EASTWARD FROM COLLINS AVENUE/OCEAN DRIVE TO THE EROSION CONTROL LINE), EXCLUDING PERMITS OF NO GREATER THAN ONE YEAR, AND EXCLUDING THE SALE, EXCHANGE, CONVEYANCE, LEASE OR OTHER TRANSFERS NOT EXCEEDING 10% IN WIDTH OF SUCH PUBLIC BEACH RIGHT OF WAYS?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**Question "B":**

BOARD OF ADJUSTMENT: CHANGING TERMS OF OFFICE

SHALL THE CITY OF MIAMI BEACH'S RELATED SPECIAL ACTS BE AMENDED TO PROVIDE THAT COMMENCING WITH TERMS BEGINNING ON OR AFTER JANUARY 1, 2007, BOARD OF ADJUSTMENT MEMBERS' TERMS SHALL BE CHANGED FROM ONE YEAR TO TWO YEAR STAGGERED TERMS?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**Question "C":**

BOARD OF ADJUSTMENT: RESTRICTING CERTAIN  
HEIGHT VARIANCES AND STORY (FLOOR) VARIANCES

SHALL THE CITY'S RELATED SPECIAL ACTS, SECTION 2 REGARDING "BOARD OF ADJUSTMENT" BE AMENDED TO PROHIBIT THE BOARD FROM GRANTING ANY HEIGHT VARIANCE GREATER THAN 3 FEET OR ANY VARIANCE FROM A PROPERTY'S ALLOWABLE NUMBER OF STORIES (FLOORS)?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**BE IT FURTHER RESOLVED AND DETERMINED** that Question "A" was \_\_\_\_\_, Question "B" was \_\_\_\_\_ and Question "C" was \_\_\_\_\_.


**PASSED and ADOPTED** this 8th day of November, 2006.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

10/25/06  
Date

JO/sc

OFFICE OF THE CITY ATTORNEY

*City of Miami Beach*

F L O R I D A



**JOSE SMITH**  
City Attorney

Telephone: (305) 673-7470  
Facsimile: (305) 673-7002

**COMMISSION MEMORANDUM**

**DATE: NOVEMBER 8, 2006**

**TO: MAYOR DAVID DERMER,  
MEMBERS OF THE CITY COMMISSION AND  
CITY MANAGER JORGE GONZALEZ**

**FROM: JOSE SMITH  
CITY ATTORNEY**

**SUBJECT: CITY RESOLUTION ACCEPTING RESULTS OF THE NOVEMBER 7, 2006  
CITY OF MIAMI BEACH SPECIAL ELECTION (RE: VACANCY) AND  
DECLARING CANDIDATE ELECTED**

---

Attached hereto is a Resolution<sup>1</sup> adopting the Certificate of the results of the November 7, 2006, Special Election to fill City Commission Group V seat for the City of Miami Beach, and declaring candidate elected. The passage of this Resolution effectively concludes acceptance of election returns for the City of Miami Beach's November 7, 2006 Special Election to fill City Commission Group V.

F:\atto\OLIJ\ELECTION\RESO\CMEMO\results of special gen election.doc

<sup>1</sup> Upon receipt and finalization on November 8, 2006 of the Certification of Election Results, same shall be attached to the Resolution.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE CERTIFICATE OF THE RESULTS OF THE NOVEMBER 7, 2006 SPECIAL ELECTION FOR THE CITY OF MIAMI BEACH AND DECLARING CANDIDATE ELECTED.**

**WHEREAS**, the candidates for City Commissioner Group V of the City of Miami Beach in the November 7, 2006 Special Election have received the number of votes cast as reflected more specifically within the Certification of Election attached hereto as Composite "A" and incorporated herein.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that having canvassed the returns of the November 7, 2006 Special Election of the City of Miami Beach, it hereby adopts the certificate as to the results of said Special Election and it is hereby ordered that the Certificate of Election and this Resolution be recorded in the minutes of the meeting as a permanent record of the results of said election; and be it further resolved that as a result of the City of Miami Beach November 7, 2006 Special Election, the following candidate for City Commissioner Group V is hereby declared elected:



for City Commissioner Group V: \_\_\_\_\_

**PASSED** and **ADOPTED** this 8<sup>th</sup> day of November, 2006.


\_\_\_\_\_  
**MAYOR**

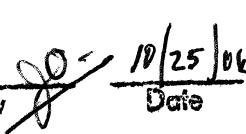
**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

JKO/sc

  
\_\_\_\_\_  
Attorney

 10/25/06  
\_\_\_\_\_  
Date

**THIS PAGE INTENTIONALLY LEFT BLANK**

OFFICE OF THE CITY ATTORNEY

*City of Miami Beach*

F L O R I D A



**JOSE SMITH**  
City Attorney

Telephone: (305) 673-7470  
Facsimile: (305) 673-7002

**COMMISSION MEMORANDUM**

**DATE: NOVEMBER 8, 2006**

**TO: MAYOR DAVID DERMER,  
MEMBERS OF THE CITY COMMISSION AND  
CITY MANAGER JORGE GONZALEZ**

**FROM: JOSE SMITH  
CITY ATTORNEY**

**SUBJECT: CITY OF MIAMI BEACH SPECIAL ELECTION RESULTS TO FILL  
VACANCY AND CALLING SPECIAL RUN-OFF ELECTION**

---

The attached Resolutions formally adopt the Certificate of results of the City of Miami Beach November 7, 2006 Special Election to fill vacancy, and call for the City of Miami Beach November 21, 2006 Special Run-Off Election, made necessary as a result of no candidate for Commission Group V from the Special Election having received a majority of votes cast. Accordingly, and pursuant to Miami Beach City Charter Sections 2.01 and 2.07, a Special Run-Off Election shall be called for November 21, 2006 between the two candidates for Commission Group V receiving the highest number of votes in the Special Election.

F:\atto\OLIJ\ELECTION\RESO\CMEMO\results and calling special run-off election.doc

Agenda Item

R7C

Date

11-8-06

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE CERTIFICATE OF THE RESULTS OF THE NOVEMBER 7, 2006 SPECIAL ELECTION TO FILL VACANCY FOR THE CITY OF MIAMI BEACH.**

**WHEREAS**, the results of the November 7, 2006 Special Election have been properly certified; and

**WHEREAS**, the candidates for City Commissioner Group V of the City of Miami Beach have received the number of votes cast as reflected more specifically within the Certification of Elections attached hereto as Composite Exhibit "A" and incorporated herein.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that having canvassed the returns of the November 7, 2006 Special Election of the City of Miami Beach, it does hereby adopt the Certificate as to the results of said Special Election and it is hereby ordered that the Certificate of Election and this Resolution be recorded in the minutes of the meeting as a permanent record of the results of said Election.


**PASSED and ADOPTED** this 8<sup>th</sup> day of November, 2006.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
City Attorney

10/25/06  
Date

JKO/sc

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A SPECIAL RUN-OFF ELECTION TO BE HELD ON NOVEMBER 21, 2006 IN THE CITY OF MIAMI BEACH FOR THE PURPOSE OF ELECTING A CITY COMMISSIONER IN GROUP V; PROVIDING FOR CONDUCT OF SAME BY THE MIAMI-DADE COUNTY ELECTIONS DIVISION; PROVIDING THAT VOTING PRECINCTS SHALL BE THOSE AS ESTABLISHED BY MIAMI-DADE COUNTY; PROVIDING FOR NOTICE OF ELECTIONS; PROVIDING FOR THE FORM OF BALLOT; PROVIDING FOR ABSENTEE BALLOTING AND REGISTRATION OF VOTERS IN ACCORDANCE WITH STATE LAW; PROVIDING FOR PAYMENT FOR CONDUCTING ELECTION TO MIAMI-DADE COUNTY.**

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

**SECTION 1**

In accordance with provisions of the Charter of the City of Miami Beach, Florida, a Special Run-Off Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on November 21, 2006 for the purpose of electing a City Commissioner in Group V, who shall hold office for the one year term (November 2006 – November 2007) as provided by law.

**SECTION 2**

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Run-Off Election hereby called, except for acceptance of the certification of the results of said Special Run-Off Election, which duty shall be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated on the night of said Special Run-Off Election.

**SECTION 3**

That the said voting precincts in the City of said Special Run-Off Election shall be established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts in which the OFFICIAL REGISTRATION BOOKS show that the said electors reside. Registration of persons desiring to vote in said Special Run-Off Election shall be in accordance with the general law of the State governing voter registration.

**SECTION 4**

Notice of said Special Run-Off Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida.

**SECTION 5**

The notice of election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA  
NOTICE OF SPECIAL RUN-OFF ELECTION

NOTICE IS HEREBY GIVEN that a Special Run-Off Election has been called by the City Commission of the City of Miami Beach, Florida, and will be held in said City from 7:00 a.m. until 7:00 p.m. on the 21st day of November, 2006, for the purpose of electing one (1) City Commissioner in Group V who shall hold office for the one year term (November 2006 – November 2007) as provided by law.

Said Notice shall further set forth the several polling places in the election precincts as established in accordance with Section 3 hereof, and shall further set forth pertinent information regarding eligibility of electors to participate in said election.

**SECTION 6**

That the official ballot to be used in the Special Run-Off Election to be held on November 21, 2006, hereby called, shall be in substantially the following form, to wit:

**"OFFICIAL BALLOT"**  
**SPECIAL RUN-OFF ELECTION**  
**FOR**  
**ELECTING A COMMISSIONER (GROUP V)**  
**OF THE**  
**CITY OF MIAMI BEACH, FLORIDA**  
**ON NOVEMBER 21, 2006**

**FOR CITY COMMISSIONER GROUP V**

(Insert candidate's name)

\_\_\_\_\_  
:            :  
:            :  
:            :  
\_\_\_\_\_

(Insert candidate's name)

The City Clerk shall prepare the ballot so that the names of qualified candidates will appear on said ballot in alphabetical order according to surname; provided, however, that said ballot and its preparation shall be such as to permit compliance with the Laws of the State of Florida with respect to the use of an electronic voting system.

**SECTION 7**

That the absentee voters participating in said Special Run-Off Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect the absentee voting.

**SECTION 8**

That the City of Miami Beach shall pay all expenses for conducting this Special Run-Off Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

**SECTION 9**

This resolution shall be effective immediately upon its passage.

**PASSED** and **ADOPTED** this 8<sup>th</sup> day of November, 2006.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney

10/25/06  
Date

JKO\sc