



# MIAMI BEACH

## City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
March 12, 2008

Mayor Matti Herrera Bower  
Vice-Mayor Saul Gross  
Commissioner Jerry Libbin  
Commissioner Richard L. Steinberg  
Commissioner Edward L. Tobin  
Commissioner Deede Weithorn  
Commissioner Jonah Wolfson

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

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### 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.**

*Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.*

- PA1 Certificates of Completion/Graduates of the Neighborhood Leadership Academy.
- PA2 Proclamation/Officer of the Year, Detective Wayne Holbrook. (Steinberg)
- PA3 Proclamation/Civilian of the Year, Crime Analyst Anna Berastegui. (Steinberg)
- PA4 Certificates of Appreciation/"At Your Service" Award Winner for January & February 2008.
- PA5 Certificate of Appreciation/MBBA, Legal Services to Low Income Residents. (Libbin)
- PA6 Certificate of Appreciation/Kathryn Estevez, Legal Services to Low Income Residents. (Libbin)
- PA7 Certificate of Appreciation/Jorge Sanchez, "Baseball Tomorrow Fund All Star" Coach. (Bower)
- PA8 Proclamation/St. Joseph Catholic School. (Tobin)
- PA9 Certificate of Appreciation/George Neary, 6-Years as Chair of the Fine Arts Board. (Bower)
- PA10 Certificate of Appreciation/Diego Lowenstein, Service As Member Of The VCA. (Bower)
- PA11 Certificates of Appreciation/Danny Howard & Matty Tambor, Community Assistance. (Tobin)
- PA12 Proclamation/World Water Week for UNICEF, March 16-22, 2008. (Tobin)
  
- C2A Request for Approval, Purchase Several Trucks & Vehicles, \$335,672.18.
- C2B Request for Approval, Fire Pump Start-Up/Testing, Fire Sprinkler & Fire Alarm Systems.
  
- C4A Ref: Finance & CWP Committee - CWA's Request to Include a DROP Plan. (Steinberg)
- C4B Ref: Neighborhoods/Community Affairs Committee - Disabled Parking Spaces. (Wolfson)
- C4C Ref: Neighborhoods/Community Affairs Comm. - Panhandling in School Zones. (Weithorn)
- C4D Ref: Land Use & Development Committee - Shade Screening For Construction Sites. (Bower)
- C4E Ref: Finance & Citywide Projects Committee - Proposed 20 Year Water Supply Agreement.
- C4F Ref: Neighborhoods/Community Affairs Committee - Bicycle Lanes on Alton Road. (Weithorn)
  
- C6A Report: G.O. Bond Oversight Committee Meeting on February 4, 2008.
- C6B Report: Finance & Citywide Projects Committee Meeting on February 7, 2008.

- C6C Report: Land Use & Development Committee Meeting on February 11, 2008.  
 C6D Report: Neighborhoods/Community Affairs Committee Meeting on February 27, 2008
- C7A Execute an Easement, Placement of Transformer at Normandy Shores Golf Course.  
 C7B Acknowledging & Sunsetting, CMB's Cultural/Business Exchange Program w/China. (Wolfson)  
 C7C Issue Certification of Consistency w/ City's Consolidated Plan to HACMB.  
 C7D Accept Recommendation, Consolidated Plan for Federal Funds FY 2008/09 - 2012/13.  
 C7E Accept Donation of (1) Motorcar Tint Meter from FDOT.  
 C7F Accept Recommendation, Pre-Approved List of Professional CEI Firms for Various Services.  
 C7G Set Public Hearing - Urban Light Industrial District (I-1).
- R2A Issue RFP, Recycling Services in Public Areas & Rights Of Way in the City.
- R5A **10:30 a.m. 2<sup>nd</sup> Rdg**, Extensions of Time Ordinance. **5/7**  
 R5B **11:00 a.m. 2<sup>nd</sup> Rdg**, Expand Upon Lobbyists Registration Requirements. (Libbin)  
 R5C **11:30 a.m. 2<sup>nd</sup> Rdg**, Amend City's Sidewalk Café Ordinance.  
 R5D **5:01 p.m. 2<sup>nd</sup> Rdg**, Accessory Bars & Restaurants in RPS Districts. **5/7**  
 R5E **1<sup>st</sup> Rdg**, Sunsetting the General Obligation Bond Oversight Committee. (Weithorn)  
 R5F **1<sup>st</sup> Rdg**, Amend "Animals" Ordinance. Provide Enforcement of Violations.
- R7A **1<sup>st</sup> Rdg**, Approve Lease Agreement w/ Sunrise Community, Inc., 8128 Collins Avenue.  
 R7B Accept Recommendation, Job Classification & Compensation Study.  
 R7C Reallocate Funding, Venetian Islands Neighborhood Right-Of-Way Improvement Project.
- R9A Board & Committee Appointments.  
 R9A1 Board & Committee Appointments - City Commission Appointments.  
 R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
 R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
 R9C Discuss: Filling Possible Vacancy of Group III Commission Seat. (Bower)  
 R9D Status Report: Renovations at the Flamingo Park Tennis Courts. (Tobin)  
 R9E **Noon**, Committee of the Whole re: Mayor & Commission Office Procedures. (Bower)  
 R9F Discuss: 1) Flooding 'Hot Spots'; 2) Utilities Undergrounding (Hibiscus/Palm Islands). (Tobin)  
 R9G Discuss: Florida Legislature Impose a State Assault Weapons Ban. (Weithorn/Steinberg)  
 R9H Presentation/Discussion of FDOT's I-95 Construction Project to Build Expressway Lanes.  
 R9I Discuss: Oppose Florida Senate Bill 2432 (Use of Early Responder Services). (Steinberg)  
 R9J Discuss: Support of Miami-Dade County Public School's Legislative Priorities. (Steinberg)  
 R9K **D-Discuss**: Support of Fisher Island Workers' Right to Organize. (Steinberg & Wolfson)  
 R9L Discuss: Status of Removing Gate Installed by the Waverly. (Gross)  
 R9M Discuss: City Services on Collins Avenue Between 73<sup>rd</sup> & 75<sup>th</sup> Streets.  
 R9N Discuss: Ensure Florida Democrat's a Voice in the Presidential Nomination. (Steinberg)**A**
- R10A **Noon**, Notice of Attorney-Client Session: Frank Otero V. CMB, La Gorce & DM Fence Corp.
- A City Attorney's Status Report.  
 B Parking Status Report.  
 C Status Report: Rehabilitation & Construction of the New Fire Station No. 2.  
 D Normandy Shores Golf Course & Clubhouse Status Report.  
 E Informational Report: Federal, State, M-DC, U.S. Communities & All Existing City Contracts.  
 F Report of Emergency Purchase, Compressor Motor Change Out at MBCC.  
 G1 Minutes: MPO Governing Board Meeting on January 24, 2008. (Steinberg)
- 1A Report: Itemized Revenues/Expenditures of RDA's City Ctr. District & S. Pointe - Jan. 2008.  
 2A Ref: Finance & Citywide Projects Committee - Retail Lease Agmt. w/ Liquor Lounge Café.

***Times based on the digital recording in the City Clerk's Office.***

Meeting called to order at 9:41:20 a.m.

Invocation given by the Reverend Dr. Garth Thompson, from the Miami Beach Community Church.

Pledge of Allegiance led by Police Chief Carlos Noriega.

**ADDENDUM:**

**ACTION:** Motion made by Commissioner Wolfson; seconded by Commissioner Weithorn to add items C4F and R9N as emergency items to the Commission Agenda; Voice vote: 7-0.

**Step 1:**

**10:56:52 a.m.**

Jose Smith, City Attorney, read the following statement into the record:

Pursuant to Section 286.011(8), Florida Statutes, the City Attorney hereby advises the Mayor and City Commission that he desires advice concerning the following pending litigation:

Frank Otero v. City of Miami Beach, Florida, La Gorce Country Club, Inc. and DM Fence Corporation, Eleventh Judicial Circuit Court, Case No. 05-17754 CA 30-FERNANDEZ.

Therefore, a private attorney-client session will be held during the lunch recess of the City Commission in the City Manager's Large Conference Room, Fourth Floor, City Hall, to discuss settlement negotiations and/or strategy related to litigation expenditures with regard to the above-referenced litigation. The Mayor will announce the commencement of the attorney-client session at the appropriate time.

**Step 2:**

**2:28:40 p.m.**

Mayor Bower read the following statement into the record:

The attorney-client session shall commence and will be held between 2:30 p.m., and approximately 4:00 p.m., in the City Manager's Large Conference Room. The persons attending the attorney-client session are as follows: Mayor Matti H. Bower; Members of the City Commission: Saul Gross, Jerry Libbin, Richard Steinberg, Ed Tobin, Deede Weithorn, and Jonah Wolfson; City Attorney Jose Smith, City Manager Jorge Gonzalez, First Assistant City Attorney Debora Turner, First Assistant City Attorney Gary Held and Special Counsel Jean Olin, regarding the following case:

Frank Otero v. City of Miami Beach, Florida, La Gorce Country Club, Inc. and DM Fence Corporation, Eleventh Judicial Circuit Court, Case No. 05-17754 CA 30-FERNANDEZ

**Step 3:**

**4:50:27 p.m.**

Mayor Bower read the following statement into the record:

The City Commission meeting is hereby re-opened.

The attorney-client session announced at the beginning of the recess has terminated.

**New Item:**

**11:00:04 a.m.**

Mayor Bower announced that the Miami Beach "Women Worth Knowing" event is tonight at 6:30 p.m., at the South Beach Marriott Hotel and invited everyone to attend.

**Presentations and Awards****9:43:16 a.m.**

PA1 Certificates Of Completion To Be Awarded To The Graduates Of The Neighborhood Leadership Academy.

(Neighborhood Services)

**ACTION:** Certificates presented to Carlos Aguiles, David Ballard, Kathy Bass, Terry Blechman, David Crystal, Brad Dulas, Robert Fairless, Elizabeth Ferrari, John Gardiner, Joseph Hagen, Anthony Heary, Carlos Hernandez, Joe Hidalgo-Gato, Jason Kent, Prakash Kumar, Matt Kuss, Roly Masferrer, Maria Moya, Carmen Pardinias, Daniela Pellicciotti, Peter Savineau, Eliane Soffer-Siegel, Aaron Swimmer, Adriana Valencia, Seth Wasserman, Robin Weiss, Amy Atkins, Don Blechman, Clara Iznaga, and Elizabeth Ruiz.

Jorge Gonzalez, City Manager, explained that the Leadership Academy Program is a free 15-week course introducing local government to residents. To date, there are over 500 graduates many of whom have served on evaluation committees and even a few have run for the City Commission. He congratulated the new graduating class for their participation.

Terry Blechman thanked the City Manager for having the vision of implementing this program, the City Commission and all City employees and head of departments for their presentations and answering their questions and especially thanked Caroline Defreze for her efforts.

Phillip Cousin, Chairman of the Leadership Academy Alumni Association, spoke and welcomed the new graduates.

**10:08:24 a.m.**

PA2 Proclamation To Be Presented To Officer Of The Year, Detective Wayne Holbrook.  
(Requested by Commissioner Richard L. Steinberg)

**ACTION:** Proclamation presented. This item was heard in conjunction with PA3.

Commissioner Steinberg introduced the item.

Police Chief Noriega stated that it was difficult to select one officer and one civilian for this award. He congratulated the men and women of the Miami Beach Police Department and especially Detective Holbrook and Ana Berastegui, and explained the reasons for having selected the recipients.

Captain Paul Acosta spoke.

Officer Wayne Holbrook spoke.

Anna Berastequi spoke.

**10:08:24 a.m.**

PA3 Proclamation To Be Presented To The Civilian Of The Year, Crime Analyst Anna Berastegui.  
(Requested By Commissioner Richard L. Steinberg)

**ACTION:** Proclamation presented. See item PA2 for details.

**10:44:38 a.m.**

- PA4 Certificates Of Appreciation To Be Presented To Employee Of The Month "At Your Service" Award Winner For The Month Of January And February 2008.  
(City Manager's Office)

**ACTION:** Certificates presented to Borinquen Hall, Neighborhood Services for January 2008, and Graham Winick, Tourism and Cultural Development, for February 2008.

Jorge Gonzalez, City Manager, explained how the selection is done.

Vivian Guzman, Neighborhood Services Department Director, spoke. She stated that Borinquen "Bo" is a very special person and a dedicated employee. She invited the detective that nominated Mr. Hall.

Detective Ivette Dominguez explained that "Bo" assisted the Miami Beach Police Department Juvenile Division in relocating an endangered missing person from New York. Due to his diligence going above and beyond the call of duty, from starting the investigation, following up through basically completing the investigation, this lady was united with her family. He also assists in notifying the Police Department of sex offenders that are not registered, and therefore has helped in keeping the City safe.

Borinquen Hall thanked his co-workers and the Neighborhood Services Department staff, Vivian Guzman, Hilda Fernandez, and Maria Ruiz.

Max Sklar, Tourism and Cultural Department Director, stated that Graham Winick is on his way from representing the City at a conference and could not be here today, and accepted the award on his behalf.

**10:28:31 a.m.**

- PA5 Certificate Of Appreciation To Be Presented To Miami Beach Bar Association For Reopening The North Beach Law Clinic, Providing Free Legal Services To Low Income Residents.  
(Requested by Commissioner Jerry Libbin)

**ACTION:** Certificate presented. Item heard in conjunction with item PA6.

Commissioner Libbin introduced the item. On behalf of the City Commission and the citizens, he thanked the Bar Association and Ms. Kathryn Estevez for her leadership in reopening the clinic.

Bruce Reich, Esq., thanked Kathy, Michael Góngora, the City Commission, City Attorney Jose Smith and his staff and Commissioner Wolfson for volunteering their services.

Kathryn Estevez, Esq., stated that this worthwhile cause was started with \$1,000 grant from the Florida Bar Foundation, and explained that a lot of volunteers have donated their services, among them: City Attorney Jose Smith and staff from the Legal Department, Commissioner Wolfson, Maria Moya and Enid Rodriguez from the Mayor's Office. She recognized the Hispanic Community Center at 1701 Normandy Drive, for allowing the clinic to operate at their location the first Wednesdays of every month.

**10:28:31 a.m.**

PA6 Certificate Of Appreciation To Be Presented To Kathryn Estevez For Her Efforts In Opening The North Beach Law Clinic, Providing Pro Bono Legal Services To Low Income Residents.  
(Requested by Commissioner Jerry Libbin)

**ACTION:** Certificate presented. See PA5.

**10:33:27 a.m.**

PA7 Certificate Of Appreciation To Be Presented To Jorge Sanchez, "Baseball Tomorrow Fund All Star" Coach Of The Quarter 2008 Recipient.  
(Requested Mayor Matti H. Bower)

**ACTION:** Certificate presented.

Mayor Bower introduced the item.

Luis Salom congratulated all new Commissioners and introduced Mr. Sanchez, who is being recognized for his accomplishments and efforts in working with the youth.

Jorge Sanchez spoke.

Luis Salom stated that he and his wife Gloria will donate \$500 to the Tap Water Project.

**10:19:02 a.m.**

PA8 Proclamation To Be Presented To St. Joseph Catholic School.  
(Requested by Commissioner Edward L. Tobin)

**ACTION:** Proclamation presented.

Commissioner Tobin explained that this Proclamation is in honor of St. Joseph Parish's 50th anniversary; and introduced Pastor Enrique Estrada, Principal Dr. Maria Elena Chelala, and officers of the student council Shade Booth, Monica Barrios, Nikki Martinez (Cheryl's granddaughter and daughter of City employee Lisa Martinez), Adrian Cardoso and Cheryl Hodowud, event coordinator.

Dr. Maria Elena Chalela stated that she is proud of this anniversary and the work the parish has done during those years. She publicly committed St. Joseph Catholic School to join efforts with the Tap Water Project.

Pastor Enrique Estrada spoke.

**10:38:39 a.m.**

PA9 Certificate Of Appreciation To Be Presented To George Neary For His Six Years Of Valuable Service As Chair Of The Fine Arts Board.

(Requested Mayor Matti H. Bower)

**ACTION:** Certificate presented.

Mayor Bower congratulated George Neary for his accomplishments as chair of the Fine Arts Board and added that whatever George takes on, preservation, fine arts, the bureau, he does the best and accomplishes everything he sets out to do. The City is lucky to have him.

George Neary thanked the City Commission and stated that it has been a pleasure serving as Chairman of the Fine Arts Board. He recognized former poster artists in the audience, formers Chairs of the North Beach Development Corporation, Mark Weithorn, Daniel Veitia and Howard Miller, Public Relations. He also thanked Hilda Fernandez, Assistant City Manager, the Administration, especially Max Sklar and Gary Farmer and commended the City for the success of the event this year.

Max Sklar, Tourism and Cultural Department Director, spoke.

PA10 Certificate Of Appreciation To Be Presented To Diego Lowenstein For His Valuable Service As Member Of The Miami Beach Visitors And Convention Authority (VCA).

(Requested Mayor Matti H. Bower)

**ACTION:** Not reached.

**10:25:07 a.m.**

PA11 Certificates Of Appreciation To Be Presented To Danny Howard And Matty Tambor For Their Community Assistance.

(Requested by Commissioner Edward L. Tobin)

**ACTION:** Certificate presented to Mr. Howard.

Commissioner Tobin introduced Danny Howard and explained how he helped the Police Department catch and solve a homicide.

Police Chief Noriega explained that the Miami Beach Police Department also recognizes individuals who assist with solving cases internally, and Danny put himself in harm's way, he witnessed, followed and assisted in providing information which led to the identification of the shooter.

**9:54:23 a.m.**

PA12 Proclamation To Be Presented In Honor Of World Water Week for UNICEF, March 16-22, 2008.  
(Requested by Commissioner Edward L. Tobin)

**ACTION:** Proclamation presented to Anthony Broad.

Commissioner Tobin stated that the Tap Water Project was brought to his attention by his Aide Anthony Broad. He stated that lack of clean water is the main cause of death in children in the world. During the week of March 16, everyone in the community can help save a child's life by donating \$1 for tap water at participating restaurants in Miami Beach.

A video from UNICEF was shown.

Commissioner Tobin presented Mayor Bower with a Tap Water Project volunteer membership card. He also named the restaurants on Miami Beach that are participating in the Project: Dolce Vita, Normandy Drive, Souci Samba, La Lupe di Roma, Tiramesu, Spri, Sophia, Van Dyke Café and others, and presented a Proclamation declaring March 16-22 *World Water Week* in the City of Miami Beach.

Mayor Bower suggested a link from the City's website to the Tap Water Project's website.

Commissioner Tobin stated that the website is [www.TapProject.org](http://www.TapProject.org).

Vice-Mayor Gross suggested asking the citizens to donate via their water bill for this worthy cause.

### **CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Weithorn to approve the Consent Agenda; seconded by Commissioner Wolfson; Voice vote: 7-0.

### **C2 - Competitive Bid Reports**

C2A Request For Approval To Purchase Two (2) 2008 GMC TT7500 Truck Chassis With 18 Cubic Yard Rear Loading Refuse Packer Body, From Nextran Truck Center Of Tampa, Pursuant To Florida State Contract No. 07-15-0827, In The Amount Of \$181,294.00, Eight (8) Arctic Cat All Terrain Vehicles, From Palmetto Motorsports, Pursuant To Invitation To Bid No. 15-07/08, In The Amount Of \$50,511.18, One (1) 2008 Ford Ranger And One (1) 2008 Ford F-150 And Three (3) 2008 Ford F-150 4x2 Crew Cabs, From Duval Ford, Pursuant To Florida State Contract No. 06-14-0821, In The Amount Of \$103,867.00.  
(Fleet Management)

**ACTION:** Request authorized. Drew Terpak to handle.

C2B Request For Approval To Award Contracts To: 1) American Fire Sprinkler Systems, Inc. For Fire Pump Start-Up And Testing And Fire Sprinkler Systems, In The Amount Of \$20,280; And 2) Florida State Fire & Security, Inc. For Fire Alarm Systems, In The Amount Of \$45,678, Pursuant To Invitation To Bid (ITB) No. 25-06/07, For Citywide Fire Safety System Inspection And Maintenance.  
(Public Works)

**ACTION:** Request authorized. Fred Beckmann to handle.



**C4 - Commission Committee Assignments**

- C4A Referral To The Finance And Citywide Projects Committee - Discussion On CWA Local 3178's Request To Include A DROP Plan In Their Collective Bargaining Agreement.  
(Requested by Commissioner Richard L. Steinberg)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. **Linda Gonzalez to handle.**

- C4B Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The Current Availability Of Disabled Parking Spaces In The Vicinity Of City Hall.  
(Requested by Commissioner Jonah Wolfson)

**ACTION: Referred.** Vivian Guzman to place on the committee agenda. **Saul Frances to handle.**

- C4C Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Panhandling/ Solicitation In School Zones.  
(Requested By Commissioner Deede Weithorn)

**ACTION: Referred.** Vivian Guzman to place on the committee agenda and to handle.

- C4D Referral To The Land Use And Development Committee - Discussion Regarding Requiring Shade Screening For Construction Sites.  
(Requested by Mayor Matti H. Bower)

**ACTION: Referred.** Jorge Gomez to place on the committee agenda. **Jorge Gomez to handle.**

- C4E Referral To The Finance And Citywide Projects Committee - Discussion On A Proposed 20 Year Water Supply Agreement With Miami-Dade County Water And Sewer Department.  
(City Manager's Office)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. **Robert Middaugh to handle.**

**Addendum**

- C4F Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Bicycle Lanes On Alton Road.  
(Requested by Commissioner Deede Weithorn)

**ACTION: Referred.** Vivian Guzman to place on the committee agenda. **Fred Beckmann to handle.**

**C6 - Commission Committee Reports**

- C6A Report Of The G.O. Bond Oversight Committee Meeting On February 4, 2008: **1) Project Status Report: A. Update On Fire Station No. 2; 2) Project Status Report - South Beach Projects Funded Through G.O. Bonds; 3) Old Business; And 4) Information Items.**

**ACTION:****Item No. 1:**

Anticipate substantial completion before the next meeting. Cadet graduation scheduled in the building February 22.

**Item No. 2:****10<sup>th</sup> Street Auditorium and Beach Patrol Headquarters**

Design is complete and permitting review is complete. Construction is anticipated to begin in the summer.

**Belle Isle Neighborhood Improvement and Belle Isle Park**

Completion is targeted for this summer. All stormwater utilities are expected to be completed in March. Streetscape is near completion.

**Collins Park**

This project is currently in construction-permitting review, to be completed in the first quarter. It will be ready to be awarded in the second quarter.

**Flamingo BP10-A / 10-C**

The City is requesting submittals for a firm to take over this former EDAW project. (Engineer/Design firm was terminated). This may be a design/build project. The City is seeking new bond funding for this and some other projects. This is the biggest neighborhood with funding shortfalls.

**Flamingo Park**

Finalizing contract with consultant and will move ahead with design, with focus on the Tennis Center, which is a priority. Kickoff meeting anticipated for February.

**Lummus Streetscape / Flamingo BP 10-B**

Progressing. Substantial walk-through have taken place on 6<sup>th</sup> street, 11<sup>th</sup> Street and Espanola Way. Completion expected in August.

**South Point Park**

Close to 50% completion. Work is progressing well. Temporary parking lot for Smith & Wollenskys is completed.

**Venetian Causeway Master Plan**

This is being overseen by the county. Consultant is working through a project administrator and the design is approaching completion.

**West Avenue**

Funding needed for design and construction.

**Venetian Islands**

Construction NTP anticipated in the 1<sup>st</sup> quarter of 2009. Design completion expected the end of April. Project to be advertised in late July.

**Item No. 3:**

- a. CIP to present information about which neighborhoods face shortfalls and the amount of funding to be requested.  
STATUS: **CONTINUING**
- b. Additional signage to be placed in the Normandy Shores Neighborhood to inform visitors of the Basamid application.  
STATUS: **CLOSED**
- c. When an update is available from AiPP on the Status of Washington Avenue and Third Street Public Plaza, it will be presented to the Committee  
STATUS: **IN PROGRESS**
- d. Revisit meeting schedule to determine when and if certain meetings will be taken "on the road" to neighborhoods.  
STATUS: **PENDING**

C6B Report Of The Finance And Citywide Projects Committee Meeting On February 7, 2008: **1)** Discussion Regarding An Update On The City Code Chapter 102 Related To Local Business Tax And Schedule Of Taxes; **2)** Discussion Item On The Impacts Of Property Tax Reform Referendum On Miami Beach; **3)** Discussion Regarding A New Equipment Lease Line Of Credit With Suntrust Equipment Finance & Leasing Corp.; And The Refinancing Of The Existing Equipment Lease Line Of Credit With Banc Of America; And **4)** Discussion Regarding Establishing A Process For Developing And Prioritizing Future Capital Improvement Projects.

**ACTION:****Item No. 1:**

Bring back item to the Finance and Citywide committee in 90 days (June Meeting), after review of working group to simplify listings of non-zoning categories into general categories. In the interim make the modifications to Dance Hall and Entertainment business tax as well as delete the business tax categories that were proposed for this agenda and assure that a catch all business tax category exists.

**City Clerk's note: Patricia Walker to handle.**

**Item No. 2:**

Neighborhood Services to reach out to the Home Owners Association with property tax reform frequently asked questions and based on resident feedback maybe do a small feature on MB77.

**City Clerk's note: Hilda Fernandez and Vivian Guzman to handle.**

**Item No. 3:**

Accept the proposed new equipment lease line of credit with SunTrust Equipment Finance and Leasing Corp.; and the refinancing of the existing equipment lease line of credit with Banc o f America.

**City Clerk's note: See Resolution 2008-26766**

**Item No. 4:**

Discussion item.

**City Clerk's note:** Chairman, Saul Gross advised having further discussions at the Commission retreat to further brainstorm as to the best way to roll out any new ideas of prioritizing any new projects. This revised process, will allow early input by the Commission regarding priorities for funding, subject to availability of funding. This is consistent with the process for Commission input regarding operating budget priorities. **Kathie Brooks to place on the Retreat Agenda and handle.**

C6C Report Of The Land Use And Development Committee Meeting On February 11, 2008: **1)** A Discussion Regarding Ways To Improve The City's Current Board And Committee System; **2)** Discussion Regarding The Issue Of Short Term Rental Of Single Family Homes; **3)** An Ordinance Amending Chapter 138, "Signs," Article VI, "Specific Use Signs," Of The Code Of The City Of Miami Beach, By Creating Section 138-206, "Banner Signs For Hospital Districts" To Allow For Certain Temporary Banner Signs In The HD, Hospital District; Providing For Codification, Repealer, Severability And An Effective Date; **4)** An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Division 11, "I-1 Light Industrial District," By Clarifying Purpose And Permitted Uses; Amending Chapter 130, "Off-Street Parking," Article III, "Design Standards," By Adding The I-1 District As A District Permitting Garages As A Main Use; Providing For Repealer, Severability, Codification And An Effective Date; And **5)** Discussion On Potential Zoning Amendments For Ocean Terrace.

## **ACTION**

### **Item No.1:**

The Committee discussed the appeal process for the Development Review Boards and the residential requirements for the board members. The Administration was instructed to review the various membership categories and propose changes in favor of stricter residential requirements.

**City Clerk's note: Jorge Gomez to handle.**

### **Item No. 2:**

Item not reached.

### **Item No. 3:**

The Committee expressed several concerns with the proposed ordinance. It was requested that the attorney for the proponents of the ordinance research the questions raised and review with the City Attorney's Office. The matter was continued to a future meeting.

**City Clerk's note: City Attorney's Office to handle.**

### **Item No. 4:**

Discussion held. Neighbors expressed a desire to add residential uses in the Industrial District. The Committee expressed concerns in allowing a residential use category in the district. Motion to present the proposed ordinance, as written, to the full Commission (3-0).

**City Clerk's note: See C7G – Setting a public hearing.**

### **Item No. 5:**

Staff presented the issues and opportunities available to stimulate activities in the Ocean Terrace area. The Committee proposed the following motion:

1. Instruct the Administration that the Sidewalk Café fees should be waived (3-0). Also look into allowing the placement of tables and chairs, along the Ocean Terrace, for properties without restaurants.

2. Issue an RFP for a Farmer's Market along Ocean Terrace (3-0).
3. Instructed the Administration to review the current Beach Concession Agreement and recommend amendments, if necessary, to further the goals identified by staff.
4. The Committee expressed general consensus with the concepts outlined in the LTC and instructed Staff to continue to develop any proposed changes to the regulations.

**City Clerk's note: Ana Cecilia Velasco, Gus Lopez, and Fred Beckmann to handle.**

C6D Report Of The Neighborhoods/Community Affairs Committee Meeting On February 27, 2008: **1)** Discussion Regarding Amending Miami Beach City Code Chapter 2, Article VII, Division 2 Thereof Entitled "Officers, Employees And Agency Members," Section 2-459 "Certain Appearances Prohibited" By Establishing Post Public Service Lobbying Restrictions For Agency Members; **2)** Discussion Regarding Proposed Amendments To The City's Campaign Finance Laws; **3)** Discussion Regarding The Issue Of Campaign Contributions; **4)** Discussion Regarding An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Sections 10-1 Through 10-5, 10-11, 10-13, And 10-14 To Provide For The Enforcement Of Violations Of Chapter 10 Via Notices Of Violations And Special Master Procedures; Amending The Definitions, Fines, Penalties, And Enforcement Provisions In Chapter 10; And Providing For Repealer, Severability, Codification, And An Effective Date; **5)** Discussion To Deassess The "Red Sea Road" Sculpture Designed By Artist Barbara Neijina As Recommended By The Art In Public Places Committee; **6)** Discussion Regarding North Bay Road And 23<sup>rd</sup> Street Park; **7)** Discussion Regarding Renaming Of The North Shore Youth Center; **8)** Discussion Regarding Retail Issues And Request For City Services At 73<sup>rd</sup> - 75<sup>th</sup> Streets And Collins Avenue.

#### **ACTION**

##### **Item No. 1:**

The committee unanimously moved to defer this item for discussion at a special meeting of the Neighborhoods/Community Affairs committee to be scheduled after the City Commission's retreat this May.

**City Clerk's note: Vivian Guzman to place on a special Neighborhood/Community Affairs Committee agenda after the Commission Retreat.**

##### **Item No. 2:**

The committee unanimously moved to defer this item for discussion at a special meeting of the Neighborhoods/Community Affairs committee to be scheduled after the May City Commission retreat.

**City Clerk's note: Vivian Guzman to place on a special Neighborhoods/Community Affairs Committee agenda after the Commission Retreat.**

##### **Item No. 3:**

The committee unanimously moved to defer this item for discussion at a special meeting of the Neighborhoods/Community Affairs committee to be scheduled after the City Commission's retreat this May.

**City Clerk's note: Vivian Guzman to place on a special Neighborhoods/Community Affairs Committee agenda after the Commission Retreat.**

##### **Item No. 4:**

The committee unanimously moved to take this item to the next meeting of the City Commission for approval and include the amendments stated regarding service dogs.

**City Clerk's note: See Agenda item R5F.**

**Item No. 5:**

The committee unanimously moved to defer this item one last time to the next meeting of the Neighborhoods/Community Affairs Committee.

**City Clerk's note: Vivian Guzman to Place on the Committee Agenda, Max Sklar to handle.**

**Item No. 6:**

The committee unanimously moved to allocate up to \$50,000 to sod, add irrigation and trees with an appropriate fence to protect people from the seawall at this location and give the neighborhood the opportunity, if they want to add playground equipment, to work with Kevin Smith, and pay for it themselves.

**City Clerk's note: Kevin Smith to handle.**

**Item No. 7:**

The item will return to the next Neighborhoods/Community Affairs Committee meeting for a vote.

**City Clerk's note: Vivian Guzman to Place on the Committee Agenda, Robert Middaugh to handle.**

**Item No. 8:**

The committee unanimously moved to have administration prepare a proposal for the Commission at its March meeting regarding lighting, police, and sidewalk cleaning; include the amount being spent, what resources are needed and a timeline. The committee also moved, unanimously to have administration provide an assessment of the level of graffiti on public property to be presented at the April Commission Meeting.

**City Clerk's note: See Agenda R9M regarding 73<sup>Rd</sup> to 75<sup>th</sup> Streets and Collins Avenue. Lilia Cardillo to place the graffiti assessment on the April Commission Agenda. Vivian Guzman to handle.**

### **C7 - Resolutions**

- C7A A Resolution Granting And Authorizing The Mayor And The City Clerk To Execute An Easement In Favor Of Florida Power And Light, For The Placement Of A Transformer And Associated Underground Electrical Conduits That Serve The New Cart Barn Building At The Normandy Shores Golf Course.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2008-26774 adopted.** Jorge Chartrand to handle.

- C7B A Resolution Acknowledging The City Of Miami Beach's Cultural And Business Exchange Program With China As Authorized In City Of Miami Beach Resolution No. 2006-26371, And Sunsetting Said Resolution Discontinuing Further Municipal Sponsorship Of This Program As A Municipal Project And Discontinuing Any Further Expenditures Of City Funds Therefor, With Continued Pursuit Of This Program To Be Assumed By The Miami Beach Chamber Of Commerce.

(Requested by Commissioner Jonah Wolfson/City Attorney's Office)

**ACTION: Resolution No. 2008-26775 adopted.** R. Parcher to transmit the Resolution to the Chamber of Commerce.

- C7C A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To The Housing Authority Of The City Of Miami Beach (HACMB) For Their Annual Plan For Fiscal Year 2008, To Be Submitted By HACMB To The U.S. Department Of Housing And Urban Development (U.S. HUD).

(Neighborhood Services)

**ACTION: Resolution No. 2008-26776 adopted.** Vivian Guzman to handle.

- C7D A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Proposals (RFP) No. 12-07/08, For Professional Consulting Services To Prepare A Consolidated Plan For Federal Funds For Fiscal Years 2008/9 – 2012/13; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of PMG Associates, Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Community Redevelopment Associates Of Florida, Inc.; Further Authorizing The Mayor And City Clerk To Execute An Agreement, Upon Conclusion Of Successful Negotiations.

(Neighborhood Services)

**ACTION: Resolution No. 2008-26777 adopted.** Vivian Guzman to handle.

- C7E A Resolution Accepting The Donation Of One (1) Motorcar Tint Meter From The Florida Department Of Transportation, With A Value Of \$170.00, To Be Utilized By The Miami Beach Police Department To Enforce State Window Sunscreening/Tinting Traffic Statutes On The Roadways Of The City Of Miami Beach.

(Police Department)

**ACTION: Resolution No. 2008-26778 adopted.** Chief Noriega to handle.

- C7F A Resolution Accepting The Recommendation Of The City Manager, And Authorizing The Administration To Negotiate Professional Services Agreements, Pursuant To Request For Qualifications (RFQ) No. 01-07/08, For The Establishment Of A Pre-Approved List Of Professional Construction Engineering And Inspection Services (CEI) Firms To Provide Various CEI Services On An "As Needed" Basis, With The Responsive Firms, As Set Forth In This Resolution; And Further Authorizing The Mayor And City Clerk To Execute Said Agreements Upon Completion Of Successful Negotiations.  
(Public Works)

**ACTION: Resolution No. 2008-26779 adopted.** Fred Beckmann to handle.

**City Clerk's note:** Ambro, Inc.; A&P Consulting Transportation Engineers; Bermejo Ajamil & Partners Inc.; Bolton Perez and Associates; Calvin Giordano & Associates; CIMA Engineering Corp.; Consultech Enterprises Inc.; C3TS (Corzo, Castella, Carballo, Thompson, Salman, P.A.); EAC Consulting Inc.; Keith & Schnars, P.A.; MACTEC Engineering and Consulting, Inc.; New Millenium Engineering, Inc.; Target Engineering Group Inc.; PB Americas Inc.; and PBS&J, Inc.

- C7G Setting A Public Hearing - Urban Light Industrial District (I-1)  
A Resolution Setting A Public Hearing To Consider A Proposed Amendment To The Code Of The City Of Miami Beach, Amending Chapter 142, "Zoning Districts And Regulations," Division 11, "I-1 Light Industrial District," By Clarifying Purpose And Permitted Uses; Amending Chapter 130, "Off-Street Parking," Article III, "Design Standards," By Adding The I-1 District As A District Permitting Garages As A Main Use.  
(Planning Department)

**ACTION: Resolution No. 2008-26780 adopted.** First Reading and Public Hearing scheduled for April 16, 2008. Robert Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. Jorge Gomez to handle.

### End of Consent Agenda



**REGULAR AGENDA****R2 - Competitive Bid Reports****11:00:35 a.m.**

R2A Request For Approval To Issuance Of A Request For Proposals For Recycling Services In Public Areas And Rights Of Way In The City.

(City Manager's Office)

**ACTION: Award approved; RFP amended (see below).** Motion made by Commissioner Steinberg; seconded by Commissioner Wolfson; Voice vote: 7-0. Gus Lopez to issue the RFP. Robert Middaugh to handle.

Jorge Gonzalez, City Manager, introduced the item.

Commissioner Steinberg requested to add to the RFP language that any advertising on the receptacles should encourage green projects. **Robert Middaugh to handle.**

Vice-Mayor Gross stated that this is being recommended by the Green Committee. He stated that it is an important statement to have recycling in the public right-of-ways for the visitors to place recyclable material. He stated that the RFP should be as flexible as possible and should not restrict the locations. The locations will be determined by the bidders' business plan. He added that Collins Avenue area should be expanded to indicate from 5<sup>th</sup> to 23<sup>rd</sup> Streets and 71<sup>st</sup> to 77<sup>th</sup> Streets (the commercial corridors). In addition, the City believes this will be a free service and may be even sharing profits with the City; however, flexible language should be included that bidders identify the cost. He asked about the bags with the logos to discourage the use of plastic bags and the toilets at the bandshell and was told by Robert Middaugh, Assistant City Manager, that this will be done separately. **Robert Middaugh to handle.**

Motion made by Vice-Mayor Gross with the corrections above; seconded by Commissioner Steinberg.

Commissioner Tobin requested to modify the RFP because he is not sure that the advertising component on the garbage cans will have support, and requested that the RFP contain language that the City may not want business advertising, but maybe public service announcements or art.

Jorge Gonzalez, City Manager, stated that the RFP can ask for a cost and also provide a strategy to recover their cost other than the City funding it. At that point the Commission can decide how much or how little to fund.

Mayor Bower stated that she wants to see samples. **Robert Middaugh to handle.**

**R5 - Ordinances****11:08:03 a.m.**

R5A Extensions Of Time

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IV, "Conditional Use Procedure," By Amending Section 118-193 To Amend The Procedures For Obtaining An Extension Of Time; By Amending Article VI, "Design Review Procedures," By Amending Section 118-258 To Amend The Procedures For Obtaining An Extension Of Time; By Amending Article VIII, "Procedure For Variances And Administrative Appeals," By Amending Section 118-355 To Amend The Procedures For Obtaining An Extension Of Time; By Amending Article X, "Historic Preservation", By Amending Section 118-532 To Amend The Procedures For Obtaining An Extension Of Time And By Amending Section 118-564 To Amend The Procedures For Obtaining An Extension Of Time And To Clarify The Requirements And Procedures For Obtaining A Variance From The Historic Preservation Board; Providing For Repealer, Codification, Severability And An Effective Date.

**10:30 a.m. Second Reading Public Hearing.**

(Planning Department)

(First Reading on February 13, 2008)

**ACTION: Public Hearing held. Ordinance No. 2008-3599 adopted.** Motion made by Vice-Mayor Gross; seconded by Commissioner Weithorn; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Jorge Gomez to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 478

**11:09:35 a.m.**

R5B An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 3 "Lobbyists," Section 2-482 Thereof Entitled "Registration" By Expanding Upon Lobbyists Registration Requirements To Include Disclosure Of Certain Contractual Relationships; Providing For Repealer, Severability, Codification, And An Effective Date. **11:00 a.m. Second Reading Public Hearing.**

(Requested by Vice-Mayor Jerry Libbin/City Attorney's Office)

(First Reading on February 13, 2008)

**ACTION: Public Hearing held. Ordinance No. 2008-3600 adopted.** Motion made by Commissioner Libbin; seconded by Commissioner Wolfson; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **R. Parcher to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 478

**11:53:45 a.m.**

R5C An Ordinance Amending The City's Sidewalk Café Ordinance, As Codified In Sections 82-366 Through 82-385 Of The City Code; Providing For Repealer, Codification, Severability, And An Effective Date.

**11:30 a.m. Second Reading Public Hearing.**

(Public Works)

(First Reading on February 13, 2008)

**ACTION: Public Hearing held. Ordinance No. 2008-3601 adopted.** Motion made by Commissioner Tobin; seconded by Commissioner Libbin; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Fred Beckmann to handle.**

Fred Beckmann, Public Works Director, introduced the item.

David Kelsey spoke about his concern regarding the propane heaters.

Commissioner Libbin stated that he believes that on April 1 the enforcement of the street performers locations were to begin and asked if the Administration is ready.

Fred Beckmann, Public Works Director, stated that the locations have been identified and are presently working on relocating some of the news racks to place the performers and vendors on the east side of Ocean Drive.

Commissioner Libbin asked that once the locations are established to let the Ocean Drive Association know the locations. **Hilda Fernandez to handle.**

Hilda Fernandez, Assistant City Manager, stated that the lottery will be held on Monday, March 17 for permits that begin April 1. There are six (6) locations which are being added to the crosswalks on Ocean Drive for street performers and artists.

Cindy Vega spoke.

Mr. Nicolas Cortes, President of Pasha's Restaurant on Lincoln Road, spoke.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 478
2. Letter from Cindy Paola Vega Chaves to Mayor Matti Bower, City Commissioners and Jorge Gonzalez, City Manager, RE: Artisans, Artists and Performs located at Ocean Drive & 9<sup>th</sup> Street.

**5:22:18 p.m.**

R5D Accessory Bars &amp; Restaurants In RPS Districts

An Ordinance Amendment To The Code Of The City Of Miami Beach, Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 18, "PS Performance Standard District," Section 142-693 "Permitted Uses," By Restricting The Size Of Bars And Restaurants As Accessory Use To A Main Permitted Use In The R-PS1, R-PS2, R-PS3 AND R-PS4 Zoning Districts.

**5:01 p.m. Second Reading Public Hearing.**

(Planning Department)

(First Reading Public Hearing on February 13, 2008)

**ACTION: Public Hearing held. Ordinance No. 2008-3602 adopted as amended.** Motion made by Vice-Mayor Gross; seconded by Commissioner Steinberg; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Jorge Gomez to handle.**

**Amendment:**

The maximum number of seats will be twice the number of hotel rooms or apartments and to include seats or capacity load as the total maximum, and the main use has to be operating in order to have the accessory use.

**End**

Jorge Gomez, Planning Director, introduced the item.

Frank Del Vecchio spoke.

Gerald Posner spoke.

David Kelsey spoke.

Erika Brigham spoke.

Dr. Morris Sunshine spoke.

Cristina LaBuzetta spoke.

**Motion made by Vice-Mayor Gross that the maximum number of seats will be twice the number of hotel rooms or apartments and to include seats or capacity load as the total maximum, and the main use has to be operating in order to have the accessory use; seconded by Commissioner Steinberg.**

Discussion continued.

Gary Held, First Assistant City Attorney, asked for clarification on the amendment; use the original ordinance as modified or Option B as submitted by Mr. Del Vecchio.

Vice-Mayor Gross stated that the concept is twice the number of hotel rooms or apartments and to include seats or capacity load cannot exceed twice the number of hotel.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 479

**11:11:42 a.m.**

R5E An Ordinance Deleting, In Its Entirety, Article III, Division 28, Section 2-190.127 Of The Miami Beach Code, Which Established The General Obligation Bond Oversight Committee, And Replacing Same With A New Section 2-190.127; Said New Section Sunsetting The General Obligation Bond Oversight Committee And Replacing It With A New Committee, To Be Know As The Capital Improvements Projects Oversight Committee; Further Establishing The Purpose And Membership Composition For Said New Committee; And Providing For Codification; Repealer; Severability; And An Effective Date.

**First Reading.**

(Requested by Commissioner Deede Weithorn/City Attorney's Office)

**ACTION: Ordinance approved on First Reading as amended.** Motion made by Commissioner Weithorn; seconded by Commissioner Tobin; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for April 16, 2008. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda.

**Legal Department to handle.**

**Amendment**

Eight (8) members plus a Commission member appointed by the Mayor/Commission who will be a voting member and the chair of the Committee.

Delete representative from Miami Beach Chamber of Commerce and Planning Board.

A) At least two (2) members from engineering, architecture and/or landscape architecture, and historic preservation

B) At least two (2) members from general contractor/developer/construction

C) No more than two (2) members from capital budgeting/finance/citizen at-large

Four (4) votes to make an appointment. The Legal Department to determine if the number of votes required to appoint needs to be clarified in the ordinance.

**End**

Commissioner Weithorn introduced the item.

Discussion was held regarding the composition of the board which is as follows:

Eight (8) members plus a Commission member appointed by the Mayor/Commission who will be a voting member and the chair of the Committee.

Delete representative from Miami Beach Chamber of Commerce and Planning Board.

A) At least two (2) members from engineering, architecture and/or landscape architecture, and historic preservation

B) At least two (2) members from general contractor/developer/construction

C) No more than two (2) members from capital budgeting/finance/citizen-large

Four (4) votes to make an appointment. The Legal Department to determine if the number of votes required to appoint needs to be clarified in the ordinance.

Robert Parcher, City Clerk, stated that the 60 days hold-over provision for the G.O. Bond Committee has expired and asked the Commission how they wanted to proceed.

Commissioner Weithorn stated that the G.O. Bond Oversight Committee should continue until the new board is in place.

The sentiment of the Commission is to extend the term of the current board until the new board is constituted.

Jose Smith, City Attorney, stated that the G.O. Bond Oversight Committee will be sunset once the new board is constituted.

**11:31:54 a.m.**

R5F An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Sections 10-1 Through 10-5, 10-11, 10-13, And 10-14 To Provide For The Enforcement Of Violations Of Chapter 10 Via Notices Of Violations And Special Master Procedures; Amending The Definitions, Fines, Penalties, And Enforcement Provisions In Chapter 10; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**

(City Manager's Office)

**ACTION: Ordinance approved on First Reading as amended and referred back to the Neighborhoods/Community Affairs Committee.** Motion made by Commissioner Libbin which also includes the added language as listed in amendment below; seconded by Commissioner Tobin; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for April 16, 2008 after 5 p.m. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Hilda Fernandez to handle.**

Refer the issues of aggressive dog behavior and private security guards issuing citations to the Neighborhoods/Community Affairs Committee between the 1<sup>st</sup> and 2<sup>nd</sup> reading. **Vivian Guzman to handle. Hilda Fernandez to handle.**

**Amendment**

1.) (c) A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien upon any real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the recording of any such lien that which remains unpaid, the city may foreclose or otherwise execute upon the lien. In addition, any order of the special master imposing a fine for a violation of Sec. 10-11 that remains unpaid two months after the date of the order shall be grounds for the revocation of any and all residential parking permits or decals issued to the violator by the City.

2) Schedule the public hearing after 5 p.m.

3) Refer the issues of aggressive dog behavior and the private security guards issuing citations to the Neighborhoods/Community Affairs Committee between the first and second reading. **Vivian Guzman to handle. Hilda Fernandez to handle.**

**End**

Commissioner Libbin introduced the item.

Debora Turner, First Assistant City Attorney, explained the ordinance.

Michael Derr spoke.

Commissioner Libbin stated that security guards make less money than police officers and South Pointe Park and the Beachwalk already have security guards. The security guards will be trained and the City will pay for them to attend the Special Master Hearings. He added that it will be less expensive than handling with City inspectors.

Commissioner Wolfson asked if it is illegal to have somebody who is not a deputized officer or an employee of the City issue citations.

Jose Smith, City Attorney, stated that the ordinance authorizes the City Manager to hire security guards if he feels they are qualified and they would have to be trained. Animal Control officers are not deputized

law enforcement officers and under the County ordinance the County does it routinely, but the security guards must be trained.

Henry Lowenstein, President of the Orchard Park Neighborhood Association and their attorney, spoke.

Commissioner Weithorn stated that the issue of aggressive dog behavior has not been addressed and it should be discussed at the committee meeting.

Mayor Bower suggested the second reading and public hearing to be held after 5:00 p.m.

#### Handout or reference Materials

1. Memorandum to the Commissioners of Miami Beach, from Henry A. Lowenstein, President of the Orchard Park Neighborhood Assoc., dated March 11, 2008,

### R7 - Resolutions

#### 12:03:42 p.m.

R7A A Resolution Approving, On First Reading, A Lease Agreement Between The City And Sunrise Community, Inc., For Use Of Approximately 2,500 Square Feet Of City-Owned Property, Located At 8128 Collins Avenue For The Purpose Of Operating And Managing A Vocational Training Site For Developmentally Disabled Adults; Said Lease Having A Term Of One (1) Year And Three (3) Months, Commencing On May 1, 2008, And Ending On July 31, 2009; Further Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, As Required By Section 82-39 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; And Further Setting A Public Hearing On April 16, 2008, For The Second Reading (And Final Approval) Of The Lease Agreement.  
**First Reading.**

(Asset Management)

**ACTION: Title of the resolution read. Resolution No. 2008-26781 adopted.** Motion made by Commissioner Libbin; seconded by Commissioner Weithorn; Voice vote: 5-0; Absent: Commissioners Tobin and Wolfson. Second Reading and Public Hearing scheduled for April 16, 2008. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Ana Cecilia Velasco to handle.**

Jorge Gonzalez, City Manager, introduced the item.

Ana Cecilia Velasco, Asset Manager, spoke.

**2:09:05 p.m.**

R7B A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms Pursuant To Request For Proposals (RFP) No. 05-07/08 For A Job Classification And Compensation Study; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Condrey and Associates, Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of The Segal Company; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon The Completion Of Successful Negotiations By The Administration.  
(Human Resources)

**ACTION: Resolution No. 2008-26782 adopted.** Motion made by Vice-Mayor Gross; seconded by Commissioner Weithorn; Voice vote: 7-0. **Ramiro Inguanzo to handle.**

Jorge Gonzalez, City Manager, introduced the item. He notified the Commission that a timely bid protest was received, reviewed and deemed to be unwarranted. The larger discussion will be done once the study is completed and asked how the Commission wants to go forward with the results.

The Commission approved the resolution.

## Handout or Reference Materials:

1. Copy of letter to Mr. Elliot Susseles, The Segal Company, from Mayor Matti H. Bower, RE: Request for Proposal (RFP) No. 05-07/08 for a Job Classification and Compensation Study.

**4:51:14 p.m.**

R7C A Resolution Approving And Authorizing The Reallocation Of Funding, In The Amount Of \$799,628, From Water And Sewer Bond Fund 424, Previously Appropriated In The Fiscal Year 2006-2007 Capital Budget, For Construction Of The Venetian Islands Neighborhood Right-Of-Way Improvement Project Bid Package No. 13C (San Marino, Di Lido, And Rivo Alto Islands), To Fund Improvements For The Belle Isle Bid Package No. 13B, With Funding To Be Replaced With Future Water And Sewer Bonds; In Addition, Requesting Authorization To Reallocate Funding, In The Amount Of \$640,000, Available From Stormwater Bond Fund 428, Appropriated In Previous Years' Capital Budgets For The Construction Of Bid Package No. 13C, With Funding To Be Replaced With Future Stormwater Bonds, To Fund Additional Construction Costs For The Belle Isle Bid Package No. 13B Project.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2008-26783 adopted.** Motion made by Commissioner Steinberg; seconded by Vice-Mayor Gross; Voice vote: 7-0. Patricia Walker to reallocate the funds. **Jorge Chartrand to handle.**

Jorge, Chartrand CIP Director, introduced the item and explained why this action is necessary.

Commissioner Libbin asked if anything was learned from this.

Commissioner Tobin stated that there are \$1.4 million in cost overruns in this project.

Jorge Gonzalez, City Manager, stated that although additional funding is being requested, all of it is not because of cost overrun, because some of the additional money is because of owner requested changes and regulator requested changes.

Vice-Mayor Gross stated that the main issue is that because the newly installed sidewalk was constructed at the wrong elevation, 1,300 feet of sidewalk had to be removed. This was the big error



either by the architect or the surveyor and he stated that he is sure the City will be negotiating to recover this cost. He stated that forty-four percent of the additional costs are from unforeseen conditions and provided examples.

Jorge Gonzalez, City Manager, stated that as the projects go from neighborhood to neighborhood the lessons learned are applied to the new projects. In an effort to try to expedite the projects, contracts were awarded on certain elements of this project before other elements of the project were finalized. In hindsight this turned out to be a problem because changes were made that impacted contracts which were awarded earlier. This was done in order to move the projects along because of the community pressure. The actions taken were done with the best intentions but in this instance it did not work out. He mentioned projects which have been successful.

Commissioner Weithorn stated that this is why, on this Agenda, the G.O. Bond Oversight Committee is being deleted and the Capital Improvement Projects Oversight Committee is being created. The new committee will have members who have more trade and technical expertise.

Vice-Mayor Gross stated that there is responsibility for the sidewalk elevation issue and the amount should be quantified and let the Commission know that the Administration is going back to the architect, the engineer, the contractor to seek compensation, and the other issue is the design in the park where some conditions should have been easily seen that are in conflict with the way they did the drawings. **Jorge Chartrand to handle.**

Jorge Chartrand, CIP Director, answered questions regarding this item.

Vice-Mayor Gross stated that if this type of situation occurs in the future, the City Commission needs to be notified. **Jorge Chartrand to handle.**

Commissioner Tobin stated that he believes the Commission Memorandum regarding the staff's conclusion omitted the part that the staff "dropped the ball." He suggested an independent outside agency to audit construction projects. He gave the Normandy Shore Golf Course as an example of his concerns regarding CIP construction projects.

Jorge Gonzalez, City Manager, responded to Commissioner Tobin.

Commissioner Tobin stated that he thinks the City runs great in a lot of areas and the City Manager "hits home runs in a lot of things day-in and day-out", but in the construction area it needs to be looked at.

Jorge Gonzalez, City Manager, explained that he has already stated earlier that this project is not the model project; mistakes were made by many parties including the City; however, it can be stated that the staff made mistakes, but unless there is proof, it can not be stated that staff willful misrepresentation or worse yet lied about the project. He has never, and will never lie to the Commission.

**R9 - New Business and Commission Requests**

R9A Board And Committee Appointments.  
(City Clerk's Office)

**ACTION:****COMMITTEE FOR QUALITY EDUCATION IN MB:**

Jason Yedwab Rep. of the PTA of South Pointe Elementary School 06/30/08

**DISABILITY ACCESS COMMITTEE**

John Bennett Term expires 12/31/2008 Appointed by Commissioner Wolfson TL 12/15

**FINE ARTS BOARD:**

Belkis Alamo Term expires 12/31/2008 Appointed by Mayor Bower TL 12/15

**GAY BUSINESS DEVELOPMENT AD HOC COMMITTEE:**

Babak Movahedi	Term expires 3/15/09	Appointed by Mayor Bower	TL 3/15/09
Billy Kemp	Term expires 3/15/09	Appointed by Mayor Bower	TL 3/15/09
Carl Zablony	Term expires 3/15/09	Appointed by Mayor Bower	TL 3/15/09
Chad Richter	Term expires 3/15/09	Appointed by Mayor Bower	TL 3/15/09
Daniel Spring	Term expires 3/15/09	Appointed by Mayor Bower	TL 3/15/09
Frank Kruszewski	Term expires 3/15/09	Appointed by Mayor Bower	TL 3/15/09
George Neary	Term expires 3/15/09	Appointed by Mayor Bower	TL 3/15/09
Heddy Pena	Term expires 3/15/09	Appointed by Mayor Bower	TL 3/15/09
Laura Veitia	Term expires 3/15/09	Appointed by Mayor Bower	TL 3/15/09
Michael Guss	Term expires 3/15/09	Appointed by Mayor Bower	TL 3/15/09
Nellie Barrios	Term expires 3/15/09	Appointed by Mayor Bower	TL 3/15/09
Robin Schwartz	Term expires 3/15/09	Appointed by Mayor Bower	TL 3/15/09
Scott Diffenderfer	Term expires 3/15/09	Appointed by Mayor Bower	TL 3/15/09
Steven Adkins	Term expires 3/15/09	Appointed by Mayor Bower	TL 3/15/09
Thomas Barker	Term expires 3/15/09	Appointed by Mayor Bower	TL 3/15/09
Valentino Eriksen	Term expires 3/15/09	Appointed by Mayor Bower	TL 3/15/09
Willie "Chip" Arndt	Term expires 3/15/09	Appointed by Mayor Bower	TL 3/15/09

**Marine Authority:**

Kristina Alexander Term expires 12/31/09 Appointed by Commissioner Wolfson TL 12/15

**Parks and Recreational Facilities Board:**

Daniel Nixon Ex-officio member from the Beautification Committee Term expires 12/09

**POLICE CITIZENS RELATIONS COMMITTEE:**

Robin Jacobs Term expires 12/31/09 Appointed by Commissioner Weithorn TL 12/13

**Safety Committee:**

Miquelle Cohen Term expires 12/31/09 Appointed by Commissioner Steinberg TL 12/15

**Youth Center Advisory Board:**

Dana Turnken Term expires 12/31/09 Appointed by Commissioner Gross TL 12/15

R9A1 Board And Committee Appointments - City Commission Appointments.  
(City Clerk's Office)

**ACTION:** Not reached.

**2:11:00 p.m.**

R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

**ACTION:**

**June Levy Newbauer**, daughter of Henri Levy, pioneer developer of Normandy Isle, North Beach and part of Surfside, explained that she has been working with State Representative Luis Garcia in renaming 71<sup>st</sup> Street to Henri Levy Boulevard. She asked the City Commission to approve a resolution supporting the renaming of the street.

Jose Smith, City Attorney, stated that this is a State Road and the practice the City has over years, is that it should go to a committee.

**Motion made by Vice-Mayor Gross; seconded by Commissioner Steinberg to refer to the Neighborhoods/Community Affairs Committee meeting of March 26, 2008. Vivian Guzman to place on the committee agenda. Fred Beckmann to handle.**

Vice-Mayor Gross requested materials related to Henri Levy to be submitted in advance for committee review.

Mayor Bower stated that the City will contact Dr. Abe Lavender for materials in reference to Henri Levy.

**2:16:17 p.m.**

**Gerald Tollefsen**, Government Division for Kent Security Services, Inc, introduced Gil Neuman, CEO, Kent Security Services, and Merrett Stierheim, Senior Advisor for the last two years. He thanked the City Commission for the opportunity to speak on this issue and apologized to the City Manager for not delivering the letter that was distributed to the Mayor's Office to the City Manager's Office. He asked the City Commission to consider their request to issue another competitive RFP for the security contract services for the City, which is due May 1<sup>st</sup>, and the City has the option to either renew or issue an RFP. He stated that issuing an RFP would be in the best interest of the residents of Miami Beach.

Mr. **Tollefsen** explained that their company came in as No. 1, but were removed from the process in 2006 and he gave background information on what transpired. Since the current contract is due May 1st, they are appealing to the City Commission that they request another competitive bid be put out and compete again.

Commissioner Libbin asked Jorge Gonzalez, City Manager, for his recommendation regarding the contract.

Jorge Gonzalez, City Manager, stated he will review the renewal options of one year or not. He added that typically six months prior to a contract approaching expiration, the item is included on the Commission Agenda package. He will take a look at the contract and inform the Commission.

Commissioner Libbin asked for a status report on the current contract holder and their performance. He also requested information regarding the bids submitted previously by all bidders. **Chief Noriega to handle.**

Jorge Gonzalez, City Manager, recommended that if a contract is a one-year term with renewals, the decision is does the City Commission want to exercise renewal or put it out to bid? He advised not to bring into the discussion what happened months ago, since these were bid protests that were administered and handled.

Mr. **Tollefsen** added that they are not going to contest any decisions that the City Commission makes and they will be the first company online if the City decides to issue another RFP.

Jorge Gonzalez, City Manager, stated that he will report via LTC and if the City Commission feels this should be referred to Commission Committee, then a decision can be made. **Chief Noriega to handle.**

R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

**ACTION:** No speakers.

**7:15:12 p.m.**

R9C Discussion Regarding The Timetable For Election Or Appointment To Fill The Possible Vacancy Of The Group III Commission Seat.

(Requested by Mayor Matti H. Bower)

**ACTION:** Discussion held.

**FINAL MOTION:**

**Motion made by Commissioner Steinberg expressing the sentiment of the Commission that if, at sometime in the future, the City Commission decides to appoint [a replacement commissioner for a term of one year due to Commissioner Steinberg resigning-to-run for State Representative] as opposed to holding an election [to fill this expected vacancy], the consensus being expressed by a sentiment of this Commission is that the Commission unanimously supports the appointment of former Mayor David Dermer; seconded by Vice-Mayor Gross; Voice vote: 6-1; Opposed: Commissioner Libbin.**

**End**

Mayor Bower stated that if Commissioner Steinberg resigns to run for State Representative there will be a vacant commission seat and she wants the Commission to understand the options and timeline.

Jean Olin, Special Counsel, explained that in the event Commissioner Steinberg submits his resignation, the City Charter provides that upon a vacancy occurring, the City Commission may fill the vacant seat by either appointment or by calling for a Special Election. The vacancy will occur at midnight on November 4, 2008. There should be a Commission meeting scheduled for November 5, 2008. The City Commission will then have thirty (30) days from November 4<sup>th</sup> to December 5<sup>th</sup> to make an appointment. If an appointment is not made during the thirty (30) days timeframe a special election must be called. If there is not an election called by Miami-Dade County then the City Commission must call for an election 90 days later or by March 2008. The Commission can do one of two things, fill the vacancy by appointment between November 5<sup>th</sup> and December 5<sup>th</sup>, 2008, or decide to hold a special election. The deadline date for Commissioner Steinberg to submit his resignation is June 6, 2008. If the City Commission decides to have an election, it will be best to schedule the Special Election on November 4, 2008 and avoid the cost of calling for another Special Election. If today the City Commission agrees to make an appointment to fill the vacancy, the vacancy cannot be filled until at least November 5<sup>th</sup>.

Discussion was held.

Commissioner Steinberg and Commissioner Libbin stated that they support holding an election to fill the vacancy.

Discussion continued.

Commissioner Wolfson stated that if there is somebody extremely qualified and pledges that he or she will not run for office in November 2009, then the issue is worth discussing of appointing that person for the remainder of the one (1) year term

Mayor Bower stated two concerns: 1) if the Commission is leaning towards an election, to give candidates enough time to campaign and 2) if the Commission agrees to appoint someone for the remainder of the term, she does not want to see lobbying of possible commissioners/candidates from now until November.

Commissioner Weithorn asked if the decision is to appoint, how many votes are needed to make the appointment, because there will be only six members; should it be by a consensus of five votes or a majority vote. Her concern is that good candidates may be discouraged from running because it is very difficult to run two years in a row, as she did.

Commissioner Libbin again stated that the public should have the right to elect.

Commissioner Tobin stated that he would like to have the opportunity to speak to his constituents.

Discussion continued.

Gabrielle Redfern, a candidate for November 2009 General Election, spoke in favor of filling the vacancy by election.

**Motion made by Commissioner Steinberg to hold an election; seconded by Commissioner Libbin. Discussion continued and no vote taken.**

Mayor Bower stated that although she did not originally want to disclose the name of the person she is recommending as the caretaker commissioner, in order for the Commission to make an informed decision she must. She stated that the person she spoke with is former Commissioner and three (3) terms Mayor, David Dermer.

Discussion continued.

Jean Olin, Special Counsel, stated that the City Commission cannot vote on the appointment at this time, but the Commission can express that the preference of the Commission is to make an appointment rather than hold a special election.

Discussion continued.

Commissioner Tobin stated that he would like more time to speak to his constituents and added that it would be an honor to serve with former Mayor Dermer or former Mayor Gelber and made a motion to defer to the next City Commission meeting. No second offered.

Discussion continued.

**Motion made by Commissioner Tobin to defer the issue to the April 16 Commission Meeting; seconded by Commissioner Steinberg. No vote taken.**

Discussion continued.

Commissioner Wolfson asked if he made a motion that 1) the City will not have an election; 2) the Commission will make an appointment; and 3) the sentiment of the Commission is that if the appointment is not David Dermer then there will be an election. Vice-Mayor Gross stated that he would second if this was a motion on the floor.

Discussion continued.

Jose Smith, City Attorney, stated that at this time the Commission can only vote on an expression of sentiment and not take a formal vote that binds the City.

Jean Olin, Special Counsel, stated that practically speaking, if an election is called for November 4, 2008, in order to maintain the usual September candidate qualifying period, the Commission Meeting in July 2008 is the last regularly-scheduled Commission Meeting to call the November 4, 2008 election.

Commissioner Wolfson requested if the makers of the previous two motions would withdraw their motions then he could make his three part motion.

Discussion continued.

Vice-Mayor Gross requested a point-of-order and asked if a motion on the table takes precedence over an expression of sentiment.

Jose Smith, City Attorney, stated that the motion on the table needs to be voted on and that motion is to hold an election.

Commissioner Tobin withdrew his motion to defer and stated that his preference is to make an appointment at the appropriate time.

Mayor Bower stated that there is a motion on the floor to call a special election.

Commissioner Steinberg stated that he is willing to withdraw his motion to hold an election and support a motion that if the Commission chooses to appoint, that there is an expression of sentiment that it would be former Mayor David Dermer. and added that he will not withdraw his original motion and allow a subsequent motion for something else, unless it is what he stated above.

Discussion continued.

**Motion made by Commissioner Steinberg expressing the sentiment of the Commission that if at sometime in the future, the City Commission decides to appoint [a replacement commissioner for a term of one year due to Commissioner Steinberg resigning-to-run for State Representative] as opposed to holding an election, the consensus being expressed by a sentiment of this Commission is the Commission unanimously supports the appointment of former Mayor David Dermer; seconded by Vice-Mayor Gross; Voice vote: 6-1; Opposed: Commissioner Libbin.**

Discussion continued.

Commissioner Libbin stated that he is in favor of an election because he believes it is the people's rights. He added that he is glad that he stated that he is in favor of an election before former Mayor Dermer's name was mentioned. He stated that the way the current motion, forces him to vote his expression of sentiment for David Dermer, whom he believes is great, but he still believes an election should be held.

Commissioner Steinberg removed the word "unanimously" from his motion and Vice-Mayor Gross was in agreement and a voice vote was taken.

## Handout or Reference Materials:

1. Email to Jorge Gonzalez from Robert Parcher dated February 8, 2008 RE: Important Dates if Commissioner Steinberg continues in the State Representative race.

**6:07:28 p.m.**

R9D Status Report On The Renovations At The Flamingo Park Tennis Courts.  
(Requested by Commissioner Edward L. Tobin)

**ACTION: Discussion held. Item referred to the Capital Improvements Projects (CIP) Oversight Committee.** (See Agenda Item R5E)

Jorge Gonzalez, City Manager, introduced the item. He explained that Flamingo Park is basically divided into two parts: The Flamingo Park and the Tennis Center Projects. There are G.O. Bond funds from the City and from Miami-Dade County to renovate the park. The Commission, during previous meetings, indicated a strong desire to proceed with the design of the Tennis Center. The balance of the park is a project that the City has been slow in moving on the design for legitimate reasons which he explained.

Discussion continued.

Jorge Chartrand, CIP Director, explained that they have asked the architects to Master Plan the Tennis Center and the complete park, including the Boys & Girls Club and discussions have been held with the community and the club regarding locations. He explained that once the Master Plan is done and accepted by the community and the Commission, they will move with the design phase.

Discussion continued.

Vice-Mayor Gross added that at Commission Committee it was agreed to get the Tennis Center and the bathrooms constructed; it has been almost one year since the approval of the contract. He added that if the City Commission approves the contract, it is expected to move forward and if this does not happen, it should be brought back to the Commission.

Discussion continued.

Vice-Mayor Gross suggested that if a contract cannot be obtained, to go with the second bidder.

Jorge Chartrand, CIP Director, stated that the intent is to move the Tennis Center forward as quickly as possible, but they need to have an idea of how the Master Plan layouts the Tennis Center in relationship to the rest of the park.

Discussion continued.

Commissioner Tobin suggested referring the item to the Land Use and Development Committee.

Tim Hemstreet, Assistant City Manager, spoke.

Discussion continued.

Mayor Bower stated that Mario Rios, Master Planner, assured her that the planners will be in the park talking to the youth and users, aside from attending the community meetings to get their feedback.

Commissioner Weithorn recommended adding this project for monthly status report to the new CIP Oversight Committee for review.

Discussion continued.

Item will be referred to the CIP Oversight Committee by consensus.

City Clerk's note: See Commission Memorandum dated March 12, 2008 titled: Flamingo Park Master Plan and Tennis Center Status Report

- R9E The Committee Of The Whole Will Meet During Lunch Break In The Mayor's Conference Room To Discuss The Office Of The Mayor And Commission Guidelines And Procedures.  
(Requested by Mayor Matti H. Bower)

**ACTION:** Deferred. Lilia Cardillo to place on the Commission Agenda.

**6:35:59 p.m.**

- R9F Discussion Regarding: 1) Citywide Flooding 'Hot Spots' And Work Performed On Those Problem Areas; And 2) Public Works Presentation Of Utilities Undergrounding To Hibiscus And Palm Islands Homeowners.  
(Requested by Commissioner Edward L. Tobin)

**ACTION:**

- 1) **CITYWIDE FLOODING 'HOT SPOTS' AND WORK PERFORMED ON THOSE PROBLEM AREAS**  
Vice-Mayor Gross suggested referring the item back to the Finance and Citywide Projects Committee and suggested re-circulating the LTC on the authorization for additional stormwater bonds approved by the City Commission a few months ago. Patricia Walker to place on the committee agenda. Fred Beckmann to handle.
- 2) **UTILITIES UNDERGROUNDING TO HIBISCUS AND PALM ISLANDS HOMEOWNERS**  
Jorge Gonzalez, City Manager, stated that a Commission Workshop is being scheduled in the next six weeks to address the undergrounding utilities issue. Robert Middaugh to handle.

**Citywide Flooding 'Hot Spots' And Work Performed On Those Problem Areas**

Robert Middaugh, Assistant City Manager, introduced the item and gave some background information on what has been done and what is planned.

Commissioner Tobin asked if there is a flooding problem on Sunset Islands 1 and 2.

Robert Middaugh, Assistant City Manager, stated that there are spot problems in the Sunset Islands, but these islands were not captured as one of the priority drainage basins and drainage improvements were not funded in those areas.

Discussion continued.

Fred Beckmann, Public Works Director, explained that the Master Plan was developed in 1999 and gave a background history on the plan. He also explained that since that time, there has been a significant amount of swale area that has been eliminated over the years and flooding occurs.

Discussion continued.

Commissioner Tobin asked if there is a plan to address the flooding problems at Sunset Islands 1 and 2 as well as at Star, Palm and Hibiscus Islands.

Vice-Mayor Gross stated that the best way to address this is to email Administration and Public Works Department for a temporary solution when complaints are received.



Discussion continued.

Commissioner Tobin added that the residents at Sunset Islands 1 and 2 homeowner associations are under the impression that they are next on the list and that their flooding problems are going to be solved eventually.

Jorge Gonzalez, City Manager, explained that those flooding problems that are not in the identified 34 basins are not funded.

Commissioner Tobin asked how many of the 34 basins identified in the Plan have been repaired by the City and requested that the list be sent to him via e-mail. **Robert Middaugh to send the list and map.**

Discussion continued.

Vice-Mayor Gross suggested to refer the item back to the Finance and Citywide Projects Committee and suggested re-circulating the LTC on the authorization for additional stormwater bonds approved by the City Commission a few months ago.

Commissioner Wolfson requested an LTC on the status of 44<sup>th</sup> and Royal Palm area. **Jorge Chartrand to handle.**

Commissioner Weithorn, for the record, stated that this item will be added to the G.O. Bond committee agenda as an ongoing request, which will include a list of the shortfall of the amount to be requested, and at the April meeting, the numbers should be available, and it is appropriate to refer to Finance. **Jorge Chartrand to handle.**

#### **Utilities Undergrounding To Hibiscus And Palm Islands Homeowners**

Robert Middaugh, Assistant City Manager, announced that a Commission Workshop will be held in the near future and reported that FPL is working on the construction design and expects to have it done by June with the date expected for underground construction to be completed by 2009.

Discussion held.

Tim Hemstreet, Assistant City Manager, explained that FPL had asked for the specific elevations of the utilities that the City owns, and the City does not have these, and they were told that the City will not pay for an underground survey. He also explained the contractual agreement with FPL, and that when there is a binding estimate, the estimate includes a 10% contingency, which is a capped cost. The City is not obligated to pay a higher amount.

Discussion continued.

Mayor Bower suggested sending this item to committee.

Jorge Gonzalez, City Manager, stated that a Commission Workshop is being scheduled to address the undergrounding utilities issue in the next six weeks.

**6:02:10 p.m.**

R9G Discussion Regarding A Resolution Urging The U.S. Congress To Reinstate The Federal Assault Weapons Ban; Urging The Florida Legislature To Impose A State Assault Weapons Ban; And, Alternatively, Urging The Florida Legislature To Lift The Preemption On Local Governments' Regulating Assault Weapons In Florida In Order To Allow Local Governments To Impose An Assault Weapons Ban And Supporting The Strengthening Of Regulations And Penalties Regarding Assault Weapons In Florida S.B. 1664, H.B. 447, S.B. 782, And H.B. 425 If A Complete Ban Is Not Imposed By The U.S. Congress And The Florida Legislature.

(Requested by Commissioners Deede Weithorn & Richard L. Steinberg)

**ACTION: Discussion held. Resolution No. 2008-26785 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Steinberg; Voice vote: 7-0. A certified copy of the resolution is to be transmitted to the Miami-Dade County Congressional Delegation and to the Governor, Senate President, House Speaker, and Chair and members of the Miami-Dade State Legislative Delegation. **R. Parcher to handle.**

**12:56:10 p.m.**

R9H A Presentation By The Florida Department Of Transportation (FDOT) And A Discussion Of The FDOT I-95 Construction Project To Build Expressway Lanes.

(City Manager's Office)

**ACTION: Presentation made.**

Jorge Gonzalez, City Manager, introduced the item.

Gus Pego, Director of Operations, District 6, Florida Department of Transportation (FDOT), introduced the following individuals Juan Restrepo, David Tinder, and Patricia Burgner.

Patricia Burgner and David Tinder showed a PowerPoint Presentation.

Discussion continued.

Commissioner Steinberg stated that the public and probably the MPO and others were sold something that we are not getting. The presentation indicated that the new lanes will go from SR-112 to the Golden Glades (south to north) and from the Golden Glades to SR-112 (north to south), but in reality it does not go to SR-112 and it does not go to I-195. SR-112 is the most significant point of ingress and egress in that corridor for people traveling to Miami Beach and now there will be no access and no choices. It was understood a year ago that there will be access. He is very troubled that this was not verified at the MPO level. He requested that Mr. Pego let the MPO know this.

Discussion continued.

Commissioner Steinberg will add this to the MPO April Agenda.

Henry Lowenstein spoke.

Commissioner Steinberg asked for a commitment from Mr. Pego to have a public forum to address the residents concerns.

Gus Pego committed to have as many educational forums as the City Commission will like to host for them to explain how this project will work.

Commissioner Weithorn stated that this is really why the City needs the Oversight Board and when she mentioned stakeholders earlier she did not only mean the municipality, but also the Fontainebleau, the Eden Roc and other stakeholders. She does not see any willingness, on F.D.O.T.'s part, to be able to mitigate this situation and as Mr. Pego stated, going 200 miles-an-hour on this project is a mistake.

Mark Derr spoke.

Mayor Bower asked if they ever invited the City to any of the meetings to discuss this issue.

Patricia Burgner stated that they had several workshops and public hearings for this project which were held in Miami Shores and in Dania. The meetings were advertised in the Miami Herald and Commissioners and elected officials were invited.

**7:12:45 p.m.**

R9I Discussion Regarding A Resolution Opposing Florida Senate Bill 2432 That Would Prohibit Counties And Municipalities From Charging Fees Or Seeking Reimbursement For The Use Of Early Responder Services.

(Requested by Commissioner Richard L. Steinberg)

**ACTION: Discussion held. Resolution No. 2008-26786 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Weithorn; Voice vote: 7-0. **Kevin Crowder to transmit the resolution.**

**7:13:56 p.m.**

R9J Discussion Regarding A Resolution In Support Of Miami-Dade County Public School's Legislative Priorities.

(Requested by Commissioner Richard L. Steinberg)

**ACTION: Discussion held. Resolution No. 2008-26787 adopted.** Motion made by Commissioner Steinberg; seconded by Mayor Bower; Voice vote: 7-0. **Kevin Crowder to transmit the resolution.**

R9K Discussion Regarding A Resolution In Support Of Fisher Island Workers' Right To Organize.  
(Requested by Commissioners Richard L. Steinberg & Jonah Wolfson)

**ACTION: Deferred.**

Handout or Reference Material

1. Memorandum from Richard L. Steinberg, Commissioner to Jorge M. Gonzalez, City Manager, dated March 10, 2008, RE: Agenda Item R9K, deferring this item to April.

**12:06:40 p.m.**

R9L Discussion Regarding The Status Of Removing The Gate Installed By The Waverly Which Is Blocking Access To The Beach Walk.

(Requested by Vice-Mayor Saul Gross)

**ACTION: Discussion held.**

**FINAL ACTION:** Jorge Gonzalez, City Manager, summarized that 1) the City needs to be allowed to enter into private property to do the sidewalk repair work; 2) The Waverly will be authorized to place the temporary chain link construction fence and after that, open the access. Lilia Cardillo to place on the April Commission Agenda.

Status Report on the April Commission Meeting Agenda on the status of the white wall between the Floridian and the Bentley Bay and also an update on the Flamingo.

**End**

Vice-Mayor Gross stated that this is a status update on the issue of The Waverly having locked off the baywalk from public access notwithstanding the order of the Design Review Board, and it's a status update from the Administration and Public Works, as there does not seem to be any progress.

Jorge Gonzalez, City Manager, explained that back in October a representative of The Waverly stated that they were prepared to open the baywalk for public use pending the outcome of the litigation in court.

They were seeking to secure their private property to separate the public use and the private use and they were designing a fence acceptable to the Planning Department. Since then, they have indicated that portions of the baywalk are damaged, and there is a breach of the seawall, causing erosion of the ground and creating a sort of sinkhole creating a potential dangerous situation where people could fall. The City has not been able to secure their engineer's report that would indicate that this is the case. City staff did a visual inspection and based on the inspection of the site, while there may be a breach of the seawall, the problem with the baywalk may have been caused by irrigation damage that created the erosion and not caused by the seawall. The irrigation lines have been corrected but the baywalk has not been restored to its use. He asked the Legal Department about the possibility of obtaining the Engineer Report through the Special Master process to see if there is a breach to the seawall so it can be compacted and the facility open.

Vice-Mayor Gross asked Mr. Adair, representing The Waverly, if the City could obtain the Engineer Report and the justifications for closing off the access due to the danger to the public.

Perry Adair, Esq., representing The Waverly said "yes" they can have the Engineer Report. He has them in his file and the City can have them by Monday [March 17].

Discussion continued

Perry Adair, Esq., stated that he will send the Engineer Report, the soil testing and the report from the divers by Monday [March 17].

Discussion continued.

Jorge Gonzalez, City Manager, added that the City needs some type of acknowledgement from The Waverly that they are going to open the baywalk, regardless of the engineer's report.

Commissioner Steinberg asked Mr. Adair if he would commit, after the City analysis of the reports it is believed that the City can make the repairs, that Mr. Adair will allow the City to do the repairs and get the

baywalk open.

Perry Adair, Esq., stated that he does not have the authority to authorize this but that he would ask his client.

Commissioner Steinberg asked if he would recommend this to his client.

Perry Adair, Esq., stated that this is not enough; they also have to be able to install the security fence between the baywalk and their property. He added that the City can repair the baywalk but it will fail again, but he will ask his client that question.

Discussion continued.

Vice-Mayor Gross asked if they had the permit for the security fence.

Gary Held, First Assistant City Attorney, stated that they combined the projects and the security fence into one set of plans.

Vice-Mayor Gross asked if they would separate them and do the security fence on a separate permit.

Perry Adair, Esq., stated that if the engineer says it can be done they will do it.

Fred Beckmann, Public Works Director, stated that the designers chose the most expensive and complicated way of fixing the baywalk. It could be fixed faster and accurately.

Discussion continued.

Vice-Mayor Gross asked the City Manager what is the next action after the Administration reviews the Engineer Reports on Monday.

Jorge Gonzalez, City Manager, stated that there is a violation pending as it relates to the gate that will be brought in front of the Special Master.

Gary Held, First Assistant City Attorney, stated that the Special Master Hearing will be heard March 26 and they (The Waverly) are objecting to that date.

Perry Adair, Esq. stated that he is out of town on that day and if no professional courtesy is given to him, he will have somebody else attend the hearing.

Discussion continued.

Gary Held, First Assistant City Attorney, stated that for the collapsed areas The Waverly is proposing a footing for a barrier on the seawall. Because of this design, the permit was sent to the Corp of Engineers. The City is trying to get the Engineer Report to determine if the proposed fix is justified and possibly eliminate Army Corps of Engineers review.

Discussion continued.

Perry Adair, Esq., requested to place a temporary chain link construction fence around their property while they repair the baywalk.

Jorge Gonzalez, City Manager, stated that the City is happy to allow them the chain link fence.

Commissioner Weithorn stated that it is better to separate the permits for the project.

**Motion made by Commissioner Steinberg to direct the Administration to work with The Waverly to allow the installation of a temporary construction fence then the City will take action to open the baywalk, repair the areas that are not leveled and the City will maintain that small area if additional problems come up in the future; seconded by Vice-Mayor Gross as long as The Waverly removes the gate.**

Discussion continued.

Vice-Mayor Gross stated that they need to remove the fence.

Perry Adair, Esq., stated that the issue of the fence is before the Special Master.

**Amendment:**

**Commissioner Steinberg amended the previous motion and requested that a report come back to the next City Commission meeting in April. Fred Beckmann to handle.**

Commissioner Tobin asked if the City could go tomorrow and fix the problem.

Jorge Gonzalez, City Manager, stated that "yes", if the City receives permission to the access the property.

Commissioner Tobin stated that the City will go and fix it and then they can put up the chain link fence.

Perry Adair, Esq., stated that he is sure it will be fine but he does not have the authority and he will contact his client and call the City Manager.

Mayor Bower asked Mr. Adair if he could do that and call the City Manager back today before the meeting is over so that they can discuss it further.

Perry Adair, Esq., explained that he is dealing with an association that makes decisions at board meetings. It is possible that they can get together by phone and make a decision today.

Mayor Bower asked him to tell them that the City Commission would appreciate a "yes" or "no" answer today.

Mike Burke spoke.

Commissioner Weithorn stated that she has asked that the City find out the ownership of the white wall between the Floridian and the Bentley Bay.

Fred Beckmann, Public Works Director, stated that the boundary wall has not been approved by the Planning Department so now they have to research with the Building Department to see if there is a permit for it.

Commissioner Weithorn asked for a status report on the wall to be placed on the next City Commission Meeting Agenda. Lilia Cardillo to place on the April Commission Agenda. **Fred Beckmann to handle.**

Vice-Mayor Gross asked about the Flamingo.

Gary Held, First Assistant City Attorney, stated that he would provide an update next month. **Legal Department to handle.**

Vice-Mayor Gross requested to bring back a report on all of the three items next month.

Vice-Mayor Gross stated that he agrees with Commissioner Steinberg's motion but a motion is not necessary at this time since the City Manager has the authority to proceed.

Jorge Gonzalez, City Manager, stated that he did not think a motion is necessary since he has the directive from the City Commission as to what needs to be done.

**Commissioner Steinberg withdrew his motion.**

Jorge Gonzalez, City Manager, summarized that 1) the City needs to be allowed to enter into private property to do the sidewalk repair work; 2) The Waverly will be authorized to place the temporary chain link construction fence and after that, open the access. Lilia Cardillo to place on the April City Commission Agenda.

**7:08:44 p.m.**

R9M Discussion Regarding City Services On Collins Avenue Between 73<sup>rd</sup> And 75<sup>th</sup> Streets  
(City Manager's Office)

**ACTION: Written report submitted. Discussion held.**

Commissioner Libbin stated that this is a report from the City Manager on action taken as a result of the Neighborhoods/Community Affairs Committee meeting.

Jorge Gonzalez, City Manager, stated that when this issue went to the Neighborhoods/Community Affairs Committee, they suggested that a report be presented to the City Commission on the initiatives that could be taken to address the concerns raised by the business owners and residents of that neighborhood. The City Commission needs to let the Administration know what should or should not be done.

Commissioner Libbin explained that the City Commission asked the Administration to come back with a plan. He thanked the City Manager and staff for detailing the plan and asked when the lighting problem will be resolved between 72<sup>nd</sup> and 73<sup>rd</sup> Streets.

Robert Middaugh, Assistant City Manager, stated that the additional light fixtures are necessary south of 73<sup>rd</sup> Street.

Fred Beckmann, Public Works Director, stated that they will be done in about three weeks.

Commissioner Libbin asked if the service level of sanitation has been upgraded.

Robert Middaugh, Assistant City Manager, stated that the parking lots were maintained by an outside contractor; however, this fiscal year the cleaning was taken over by the City's Sanitation staff and they connected the level of service to the same level of service of the adjacent street.

Commissioner Libbin asked if they found out anything on the leak at the Normandy Park and Pool.

Jorge Gonzalez, City Manager, stated that he is not sure about the status of the leak but this is a warranty item and will be addressed at no cost to the City.

Robert Middaugh, Assistant City Manager, stated that they are still working on the leak.

Commissioner Wolfson asked for the timetable for the RFP for the farmer's market on Ocean Terrace.

Jorge Gonzalez, City Manager, stated that it should be ready by the Commission Meeting in April but he will send an LTC with the date. **Robert Middaugh to handle.**

2:04:40 p.m.

**Addendum**

R9N Discussion Regarding A Resolution Urging And Encouraging The Democratic National Committee, Florida Democratic Party, U.S. Senator, Hillary Clinton And U.S. Senator Barack Obama To Find A Solution That Will Ensure Florida Democrats A Voice In The Presidential Nomination.

(Requested by Commissioner Richard L. Steinberg)

**ACTION: Discussion held. Resolution No. 2008-26784 adopted as amended.** Motion made by Commissioner Steinberg; seconded by Vice-Mayor Gross; Voice vote: 7-0. **Kevin Crowder to transmit the resolution.**

**Amendment:**

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, the democratic National Committee, Florida Democratic Party, U.S. Senator Hillary Clinton and U.S. Senator Barack Obama expeditiously must reach consensus in devising a method for ensuring that Florida Democrats are not disenfranchised and that their votes are counted.**

**End**

Commissioner Steinberg stated that the votes of the City of Florida are not being counted. This resolution asks the Democratic party to find a solution so that the Florida Voter's vote are counted.

Bret Berlin, Chairman of the Miami-Dade Democratic Party, spoke.

Vice-Mayor Gross asked that the resolution be changed to just asking them to find a method.

**R10 - City Attorney Reports**

R10A Notice Of Attorney-Client Session:

Pursuant To Section 286.011, Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation Matter:

Frank Otero V. City Of Miami Beach, Florida, La Gorce Country Club, Inc. And DM Fence Corporation.  
Eleventh Judicial Circuit Court, Case No. 05-17754 CA 30-FERNANDEZ.

Therefore, A Private Closed Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On March 12, 2008 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above-Referenced Litigation Matter.

The Following Individuals Will Be In Attendance: Mayor Matti H. Bower; Members Of The City Commission: Saul Gross, Jerry Libbin, Richard Steinberg, Ed Tobin, Deede Weithorn, And Jonah Wolfson; City Attorney Jose Smith, City Manager Jorge Gonzalez, First Assistant City Attorney Debora Turner, First Assistant City Attorney Gary Held And Special Counsel Jean Olin.

**ACTION: Announced and held.**



**Reports and Informational Items**

- A City Attorney's Status Report.  
(City Attorney's Office)  
**ACTION:** Written report submitted.
- B Parking Status Report.  
(Parking Department)  
**ACTION:** Written report submitted.
- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.  
(Capital Improvement Projects)  
**ACTION:** Written report submitted.
- D Normandy Shores Golf Course & Clubhouse Status Report.  
(Capital Improvement Projects)  
**ACTION:** Written report submitted.
- E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.  
(Procurement)  
**ACTION:** Written report submitted.
- F Report Of Emergency Purchase, Accepting The Emergency Compressor Motor Change Out, To Include All Related Labor And Materials Provided By Thermal Concepts, For The Operation Of Chiller 4, At The Miami Beach Convention Center, In The Amount Of \$56,000, From Fiscal Year 2006/07 Miscellaneous Convention Center Capital Account.  
(Tourism & Cultural Development)  
**ACTION:** Written report submitted.
- G Non-City Entities Represented By City Commission:  
1. Minutes From The Metropolitan Planning Organization (MPO) Governing Board Meeting On January 24, 2008 And Agenda For The MPO Governing Board Meeting On February 21, 2008.  
(Requested by Commissioner Richard L. Steinberg)  
**ACTION:** Written report submitted.

**End of Regular Agenda**

## **Miami Beach Redevelopment Agency**

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

**March 12, 2008**

Chairperson of the Board Matti Herrera Bower

Member of the Board Saul Gross

Member of the Board Jerry Libbin

Member of the Board Richard L. Steinberg

Member of the Board Edward L. Tobin

Member of the Board Deede Weithorn

Member of the Board Jonah Wolfson

Executive Director Jorge M. Gonzalez

Assistant Director Tim Hemstreet

General Counsel Jose Smith

Secretary Robert E. Parcher

### **AGENDA**

#### 1. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of January 2008.

(Finance Department)

**ACTION:** Written report submitted.

#### 2. NEW BUSINESS

**10:58:27 a.m.**

- A Referral To The Finance And Citywide Projects Committee - A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency, Florida Authorizing The Chairperson And Secretary To Execute A New Retail Lease Agreement With Liquor Lounge Café, Inc., For Suite A In The Anchor Shops, Located At 1550 Collins Avenue, Miami Beach, Florida; Said Lease Agreement Having An Initial Term Of Ten (10) Years, Commencing On December 20, 2010, Upon The Expiration Of The Current Remaining Term, And Ending On December 19, 2020, With An Option To Renew, At The RDA's Sole Discretion, For An Additional Ten (10) Year Term, Subject To And Pursuant To The Terms And Conditions Set Forth In The Agreement.

(Economic Development)

**ACTION: Referred.** Motion made by Commissioner Steinberg; seconded by Commissioner Wolfson; Voice vote: 7-0. Patricia Walker to place on the committee agenda. **Kevin Crowder to handle.**

**End of RDA Agenda**

Meeting adjourned at 8:18:16 p.m.