



# MIAMI BEACH

## City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
July 16, 2008

Mayor Matti Herrera Bower  
Vice-Mayor Richard L. Steinberg  
Commissioner Saul Gross  
Commissioner Jerry Libbin  
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.*

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

- PA1 Certificates of Completion/Graduates of The Neighborhood Leadership Academy.
- PA2 Presentation/Miami Beach Hospitality & Tourism Scholarships.
- PA3 Certificates of Appreciation/Employee of the Month "At Your Service" Award Winners.
- PA4 Proclamation/Biscayne Engineering Company, Inc., for Valuable Services Provided. (Bower)
- PA5 Certificate of Appreciation/Ada Llerandi for Valuable Service to MBCAC. (Bower)
- PA6 Certificate of Appreciation/Gail L. Thompson, for Valuable Service to MBCAC. (Bower)
- PA7 Certificates of Appreciation/Wendy Kallergis & Calvin Kohli, MB Chamber of Commerce. (Libbin)
- PA8 Certificate of Recognition/Francisco "Hunter" Becerra for Making All Dade In Diving. (Bower)
  
- C2A Request for Approval, Purchase Two Medtec Ambulances, \$371,530.3
- C2B Issue RFP, Valet Parking Services at MBCC, Fillmore/Gleason & Other City Property.
- C2C Award Contracts, Purchase of Rock, Soil & Sand. (ITB No. 22-07/08)
- C2D Request for Authorization, Award Contract, So. Pointe Phase II ROW Project. (ITB 13-07/08)
- C2E Request for Approval, Reassign Vendor From Bytewise Solutions to Parkeon, Inc.
- C2F Request for Authorization, Issue RFP, Byron Carlyle Theater Complex Management.
  
- C4A Ref. Neighborhoods/Community Affairs Committee - Public Art Project by Dan Graham.
- C4B Ref. Neighborhoods/Community Affairs Committee - ECOMB Eco Art Gallery Proposal. (Bower)
- C4C Ref. Neighborhoods/Community Affairs Committee –Discussion Re: Scooters. (Weithorn)
- C4D Ref. Finance & Citywide Projects Committee – Amend Code Chapter 90/Franchise Renewal.
- C4E Ref. Finance & Citywide Projects Committee – Post Retirement Long Term Impact. (Weithorn)

- C6A Report: Special Finance & Citywide Projects Committee Meeting on June 17, 2008.  
 C6B Report: Special Finance & Citywide Projects Committee Meeting on June 18, 2008.  
 C6C Report: Capital Improvement Projects Oversight Committee Meeting on July 7, 2008.
- C7A Set Public Hearing, Waive Development Regulations/Collins Park Temporary Parking Lot.  
 C7B Execute Amendment, Neighborhood No. 10 - Flamingo/Lummus Project, \$147,861.  
 C7C Execute Amendment, Fire Station No. 2 & Hose Tower Refurbishment Projects, \$305,640  
 C7D Re-Appoint Chief Special Master, Judge Mario P. Goderich, Sept. 5, 2008 – March 4, 2009.  
 C7E Approve Energy Audit Agreement Between the City of Miami Beach & Ameresco.  
 C7F Adopt City's Five-Year Consolidated Plan & One-Year Action Plan for Federal Funds.  
 C7G Execute Joint Participation Agmt w/ FDOT, Pedestrian Corridor Improvement Project.  
 C7H Ratify Interlocal Agmt with Miami-Dade County, Parking Fines Reimbursement Program.  
 C7I Approve Actions Re: Affordable Housing Rental Project, Villa Maria, 2800 Collins.  
 C7J Accept Recommendation, Cultural Arts Themed in Altos Del Mark Park. (RFP 02-07/08)  
 C7K Amend One-Year Action Plan, Federal CDBG Funds FY 02/03, 03/04, 05/06, 06/07, & 07/08.  
 C7L Accept Recommendation, Transportation Element of Comprehensive Plan. (RFQ 26-07/08)
- R5A **11:00 a.m. 2<sup>nd</sup> Rdg**, Amend Pedicabs Ordinance, Definitions, Regulations & Prohibitions.  
 R5B **5:05 p.m. 2<sup>nd</sup> Rdg**, Amend Noise Ordinance.  
 R5C **1st Rdg**, Amend Qualifying Period for November 4, 2008 Special Election. (Libbin)  
 R5D **11:00 a.m. 1<sup>st</sup> Rdg**, Amend Pedicabs Ordinance, Operations Requirements.
- R7A **10:20 a.m. 1<sup>st</sup> Rdg. Open & Continued**, Approve Dvlpmt. Agmt Berkowitz Group, Inc.  
 R7B **1<sup>st</sup> Rdg.** Approve Lease Agreement for Use of Carl Fisher Clubhouse. (RFP 03-07/08) **5/7**  
 R7C **Joint**, Authorize City Manager, Negotiate, Award & Reject All Bids, July 16 – Sept. 10, 2008.  
 R7D Execute SHIP Program Agreement with MBCDC from FY 06-07, \$836,209.  
 R7E **5:05 p.m.** Adopt Noise Ordinance Administrative Guidelines.  
 R7F Accept Recommendation, Colony Theatre Café Lease, 1040 Lincoln Road. (RFP 19-07/08)  
 R7G Accept Recommendation, Janitorial Services (RFP 04-07/08). \$1,275,771.36  
 R7H **10:30 a.m.** Accept Recommendation, MBCC, Colony & Byron Carlyle Theaters Mngmt.  
 R7I Set Proposed Millage Rates for Fiscal Year 2008-2009.  
 R7J Set Proposed General Operating Millage Rate - Normandy Shores Neighborhood Improv.
- R9A Board & Committee Appointments.  
 R9A1 Board And 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: Sunset Islands 1 & 2 & Nautilus Neighborhood Flooding Remediation. (Tobin)  
 R9D **5:10 p.m.** Discuss: Bay Drive Sidewalk & ROW Improvements Status. (Wolfson)  
 R9E Discuss: Normandy Isle ROW Neighborhood Project Status. (Wolfson)  
 R9F **3:00 p.m.** Discuss: "Int'l Violence Against Women Act of 08" to Legislative Agenda. (Bower)  
 R9G **3:00 p.m.** Discuss: Human Rights Ordinance Training for Taxi Cab Drivers. (Bower)  
 R9H **3:00 p.m.** Discuss: Issue Declaration Of Policy Opposing "Amendment 2. (Bower)  
 R9I **3:00 p.m.** Discuss/Refer: Mayor's CANDO Committee's Collins Park Proposal. (Bower)  
 R9J **11:30 a.m.** Discuss: Miami-Dade County's Proposed 2008/09 Budget. (Bower)  
 R9K **11:30 a.m.** Discuss: Proposed MDC Charter Amendment for the 11/4/08 Ballot. (Bower)
- A City Attorney's Status Report.  
 B Parking Status Report.  
 C Status Report On New Fire Station No. 2.  
 D Status Report On Normandy Shores Golf Course And Facilities.  
 E Status Report On 28th Street Pump Station And 51st Street Pump Station.  
 F Informational Report: Federal, State, MDC, U.S. Communities, & All Existing Contracts.
- 1A Report: Itemized Revenues/Expenditures of RDA's City Ctr. District & S. Pointe – May 2008.  
 2A **Joint**, Authorize City Manager, Negotiate, Award & Reject Bids, July 16 – Sept. 10, 2008.

Meeting called to order at 9:47:11 a.m.

Invocation given by Rabbi Abramowitz from the Cuban Hebrew Congregation.

Pledge of Allegiance led by Ada Llerandi.

**ADDENDUM:**

Motion made by Commissioner Libbin; seconded by Commissioner Weithorn to add items C4E, R9J and R9K as emergency items to the Commission Agenda; Voice vote: 7-0.

**10:27:52 a.m.**

Neisen Kasdin, representing Segafredo, requested a time certain for R7F or at least before the lunch break.

**Presentations and Awards**

**10:05:47 p.m.**

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

(Neighborhood Services)

**ACTION:** Certificates presented to Lucile Acocella, Pattni Bhupesh, Bob Cardwell, Greg Carney, Scott Diffenderfer, Wilton Dos Santos, Steven Gill, Erik Goldman, Robert Hernandez, Robert Hernandez, Carol Housen, Charles Housen, Marta Klein, Matt Kuss, Emma De Albear-Lopez, Arnaldo Lopez MD., Arnaldo V. Lopez-De, Mariella, Lopez-D eAlbear, Bill Siegel, Alan Stang, Nicole Ugarriza, Donna Weiser, Marilyn Freundich, Cecilia Vasquez, and Juan Carlos Santos.

Jorge Gonzalez, City Manager, stated that the widely popular Neighborhood Leadership Academy is a 15 week free course for residents to learn how the City is run; there are over 550 graduates to date. This program yields many individuals who become leaders of their neighborhoods as well as candidates for office.

Carol Housen, North Beach Development Corporation President, spoke on behalf of the group and thanked the City Manager and all departments for their time, effort and involvement with this program. She added that the program is well organized under Caroline Defreeze; and aside from providing a wealth of information, it builds community strengths.

Jorge Gonzalez, City Manager, recognized the Neighborhood Services Departments, the Outreach team, and in particular Caroline Defreeze.

**10:00:45 a.m.**

PA2 Presentation Of The City Of Miami Beach Hospitality And Tourism Scholarships.  
(Tourism & Cultural Development)

**ACTION:** Scholarships presented to Alan Alvarez, Ashley Casal, Aysha Mowshumi, Colby Goncalves, Gianina Ghirardi, Katie Goncalves, Michelle Milfort, Noelia Gonzalez, Odin Porras, Ummeh Roman and Yessika Garcia.

Jorge Gonzalez, City Manager, explained the origins of the scholarship and stated that Centerplate, SMG and the Greater Miami Convention and Visitors Bureau contribute towards an annual scholarship fund used to fund student's academics while pursuing a degree in the hospitality and/or tourism field.

Max Sklar, Tourism & Cultural Development Director, spoke.

Mayor Bower thanked Jorge Gonzalez, City Manager, and the organizations involved in donating funds for the scholarships.

**10:20:16 a.m.**

PA3 Certificates Of Appreciation To Be Presented To Employee Of The Month "At Your Service" Award Winners For May And June 2008.  
(City Manager's Office)

**ACTION:** Certificates presented to Katherine Klose, Case Worker, Office of Community Services, for the month of May 2008 and Alexis Leon, Case Worker, Office of Community Services for the month of June 2008.

Jorge Gonzalez, City Manager, introduced the item.

Hilda Fernandez, Assistant City Manager, explained the merits that encouraged peers to award these employees the certificates and added that they both went above and beyond the call of duty in helping a homeless individual and cooperating with the police department to bring about the arrest of an illegal parking tickets vendor.

**9:54:21 a.m.**

PA4 Proclamation To Be Presented To Biscayne Engineering Company, Inc., In Recognition Of Their Valuable And Important Environmental Engineering, Planning, Construction And Wastewater Management Services Provided To Main Projects In The City Of Miami Beach.  
(Requested by Mayor Matti Herrera Bower)

**ACTION:** Proclamation presented.

Mayor Bower read the proclamation and stated that Biscayne Engineering has been improving the quality of life of the entire community for many years and that is the reason why she is proclaiming today Biscayne Engineering Company Day in the City of Miami Beach.

George Bolton, President and Director of Biscayne Engineering Company, stated that the company was incorporated in 1898. He added that his grandfather was one of the original incorporators working on Star Island and the Flamingo Hotel among others. He presented a photograph of Star Island from the 1970s to the City as a historical memento.

**10:16:13 a.m.**

- PA5 Certificate Of Recognition To Be Presented To Ada Llerandi In Recognition Of A Valuable and Important Service To The Miami Beach Cultural Arts Council.  
(Requested by Mayor Matti Herrera Bower)

**ACTION:** Certificate presented.

Mayor Bower thanked Ada for her volunteer service to the community in the Cultural Arts Council. She added that Gail was a great Chairperson and recognized them both, although Gail is not present today.

Ada Llerandi thanked Mayor Bower and the City Commission for allowing her to be part of the community.

**10:16:13 a.m.**

- PA6 Certificate Of Recognition To Be Presented To Gail L. Thompson In Recognition Of A Valuable and Important Service To The Miami Beach Cultural Arts Council.  
(Requested by Mayor Matti Herrera Bower)

**ACTION:** Deferred.

**9:50:57 a.m.**

- PA7 Certificates Of Appreciation To Be Presented To Wendy Kallergis And Calvin Kohli, For Their Participation In The Miami Beach Chamber Of Commerce Building And Permitting Committee.  
(Requested by Commissioner Jerry Libbin)

**ACTION:** Certificates presented.

Commissioner Libbin introduced the item. He introduced Wendy Kallergis, President, Miami Beach Chamber of Commerce, and Luis Martinez, Chairman of Government Affairs Committee. He also recognized Calvin Kohli, who could not be here, for the years of work in the subcommittee he chaired.

Wendy Kallergis, President, Miami Beach Chamber of Commerce, spoke.  
Luis Martinez, Board Member, Miami Beach Chamber of Commerce, spoke.

**10:14:04. a.m.**

- PA8 Certificate Of Recognition To Be Presented To Francisco "Hunter" Becerra For Making All Dade In Diving At Miami Beach Senior High School.  
(Requested by Mayor Matti Herrera Bower)

**ACTION:** Certificate presented.

Mayor Bower commended Francisco Becerra for making All-Dade in diving in 2008, and for outstanding achieving as 1<sup>st</sup> in the district, 1<sup>st</sup> regional and 5<sup>th</sup> in the United States.

**CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Libbin to approve the Consent Agenda; seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Vice-Mayor Steinberg.

**C2 - Competitive Bid Reports**

- C2A Request For Approval To Purchase Two (2) Medtec Ambulances From Ten-8 Fire Equipment, Inc., Pursuant To Florida State Contract No. 07-07-0828, In The Amount Of \$371,530.  
(Fleet Management)

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

- C2B Request For Approval To Issue A Request For Proposals (RFP) For Valet Parking Services At The Miami Beach Convention Center, Fillmore At Miami Beach At Jackie Gleason Theater, And Other City Property, As May Be Required,  
(Parking Department)

**ACTION:** Request authorized. Gus Lopez to issue the RFP. Saul Frances to handle.

- C2C Request For Approval To Award Primary And Secondary Contracts To The Following Vendors: Austin Tupler Trucking Inc, Florida Superior Sand, Inc, Allied Trucking Of Florida, Cemex/Rinker Materials Corporation, Golf Agronomics, Chin Diesel, Inc, And Pro-Grounds Productions Inc. Pursuant To Invitation To Bid No. 22-07/08, For The Purchase And Delivery Of Rock, Soil, And Sand In The Estimated Annual Amount Of \$239,118.  
(Public Works/Parks & Recreation)

**ACTION:** Request authorized. Fred Beckmann and Kevin Smith to handle.

**3:55:50 p.m.**

- C2D Request For Authorization To Award A Contract, Pursuant To Invitation To Bid (ITB) No. 13-07/08; For The South Pointe Phase II Right Of Way Infrastructure Improvements Project, Neighborhood No. 12C, To RIC-Man International, Inc. (RIC-Man), Subject To And Conditioned Upon The Administration Being Able To Negotiate Further With RIC-Man; And Provided Further That, Upon Conclusion Of These Further Negotiations With RIC-Man, The City Manager Will Bring The Bid Back For Consideration By The City Commission, With A Recommendation For Award Of Contract Or For Rejection Of All Bids.  
(Capital Improvement Projects)

**ACTION: Item deferred and referred to the Capital Improvements Projects Oversight Committee (CIPOC).** Motion made by Commissioner Weithorn; seconded by Commissioner Tobin; Voice vote: 7-0. RIC-Man to supplement a cost breakdown. Jorge Chartrand to place on the committee agenda and to handle.

Mayor Bower asked why this could not be issued to the lowest bidder. She has two concerns: 1) new contractors cannot come in because since they are not established, the cost is higher for them than for somebody established on Miami Beach and 2) this was not given to the lowest bidder.

Jorge Chartrand, CIP Director, explained that the invitation to bid allows for the award to be made on

the base bid plus any alternates chosen by the City. In this case, the City chose to recommend five of the six alternates and when adding those back, then RIC-Man is the lowest bidder.

Alex Tachmes, Esq., spoke.

Discussion continued.

Jorge Gonzalez, City Manager, explained that on an invitation to bid one is selected and the others rejected.

Commissioner Weithorn requested that this item be referred to the CIP Oversight Committee to review the details of this contract, review the process, the way they intend for the process to go in the future, and bring a recommendation to the September City Commission meeting.

Commissioner Gross requested to get the unit prices from RIC-Man and compare the prices of both bidders.

Fredric Karlton spoke.

Jorge Chartrand, CIP Director, stated the Procurement Office has requested RIC-Man to provide a schedule of values and they are working on this.

Felix Acosta spoke.

David Mannicini, RIC-Man, stated that "yes" they will hold the bid.

Albert Dominguez, RIC-Man stated that they will hold their prices.

Motion by Commissioner Weithorn to defer; seconded by Commissioner Tobin; Voice vote: 7-0.

Jose Smith, City Attorney, stated that the Cone of Silence is still in effect and explained that outside of a regularly scheduled public meeting there can be no conversations with any members of the City Commission, the City Manager or the City Manager's staff.

Jorge Gonzalez, City Manager, stated that the Cone of Silence also applies to the members of the Capital Improvements Projects Oversight Committee (CIPOC) because this bid is pending.

Handout or Reference Materials:

1. Electronic correspondence to Linda Stolfo, Office Manager, Signal Service Industries, Inc., dated July 14, 2008 RE: South Pointe Phase II – Selection of General Contractor, received via the City Clerk's external email.
2. Letter from RIC-Man International, Inc., dated July 16, 2008 Via Hand Delivery to The Honorable Mayor and Commissioners, RE: ITB 13-07/08.

C2E Request For Approval To Reassign The Sole Source Vendor Status For Previously Approved Purchases In The Amount Of \$1,710,835 For Parkeon Goods And Services From Bytewise Solutions Inc, To Parkeon Inc.

(Parking Department)

**ACTION:** Request authorized. Saul Frances to handle.

- C2F Request For Authorization To Issue A Request For Proposals (RFP) For The Management And/Or Development Of The Byron Carlyle Theater Complex.  
(Tourism & Cultural Development)

**ACTION:** Request authorized. Gus Lopez to issue the RFP. Max Sklar to handle.

#### **C4 - Commission Committee Assignments**

- C4A Referral To The Neighborhoods/Community Affairs Committee - Consideration Of A Public Art Project By The Artist Dan Graham To Be Commissioned For Placement In The 1100 Block Of Lincoln Road, As Recommended By The Art In Public Places Committee.  
(Tourism & Cultural Development)

**ACTION: Referred.** Randi MacBride to place on the committee agenda. Max Sklar to handle.

- C4B Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The Environmental Coalition Of Miami Beach's (ECOMB) Eco Art Gallery By The Sea Proposal.  
(Requested by Mayor Matti Herrera Bower)

**ACTION: Referred.** Randi MacBride to place on the committee agenda. Fred Beckmann to handle.

- C4C Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Scooters, Specifically Regulations For Parking And Noise Management.  
(Requested by Commissioner Deede Weithorn)

**ACTION: Referred.** Randi MacBride to place on the committee agenda. Hilda Fernandez and Saul Frances to handle.

- C4D Referral To The Finance And Citywide Projects Committee Of An Amendment To Chapter 90 Of The City Code Relative To Franchise Renewal And Recycling.  
(City Manager's Office)

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

#### **Addendum:**

- C4E Referral To The Finance & Citywide Projects Committee A General Discussion Of The Long-Term Impact Of Post Retirement Benefits (GASB).  
(Commissioner Deede Weithorn)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. Kathie Brooks and Patricia Walker to handle.



**C6 - Commission Committee Reports**

- C6A Report Of The Special Finance And Citywide Projects Committee Meeting On June 17, 2008: **1)** Discussion Regarding The Sanitation Budget; **2)** Discussion Regarding The Greenspace Budget; And **3)** Discussion Regarding The Property Management Budget.

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

The topics discussed included the cleanliness and service levels of the right-of-ways and Waterways in Miami Beach, performance indicators, budget overview, service levels and how they relate to the Sanitation budget.

**Item No. 2:**

The topics discussed included the cleanliness and service levels of the right-of-ways, especially in the business areas in Miami Beach, performance indicators, budget overview, service levels and how they relate to the Greenspace budget.

**Item No. 3:**

The topics discussed included the maintenance of facilities and facility condition index; performance indicators; budget overview; service levels; and how they relate to the Property Management budget.

## Handout or Reference Materials

1. Document titled: Handouts and Supplemental Information Provided at the Finance & Citywide Projects Committee Meeting of June 17, 2008

- C6B Report Of The Special Finance And Citywide Projects Committee Meeting On June 18, 2008: **1)** Proposed Project For Retail And Garage In The Sunset Harbor Neighborhood.

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

Motion made by Commissioner Weithorn and seconded by Commissioner Steinberg to have Scott Robins from Scott Robins Companies (SRC), negotiate a design-build contract with Kevin Montez from ACIES Construction, LLC, or other garage contractor, that can be assigned to the City at the time of closing, resulting in a total project cost, that would be consistent with the project costs presented by Mr. Robins to the Committee.

**Item No. 2: Capital Project Priorities Workshop: (was not listed in the Agenda title.)  
Discussion item moved to the June 20, 2008 meeting.**

## Handout or Reference Materials

1. Document titled: Handouts and Supplemental Information Provided at the Finance & Citywide Projects Committee Meeting of June 17, 2008

C6C Report Of The Capital Improvement Projects Oversight Committee Meeting On July 7, 2008: **1)** Review Of Sample Contracts; **2)** Best Value Procurement Methods; And **3)** Review Of Priority Basins.

**ACTION:**

**Procurement Service:**

MOTION: Recommendation to include the boilerplate contract in the RFQ documents sent out to A/E firms during the selection process.

Commissioner Weithorn advised sending this electronically. (The Procurement Division is working on making all material available electronically).

**City Clerk's note: Gus Lopez to handle.**

Moved by Stacy Kilroy, 2<sup>nd</sup>: Christina Cuervo  
All members were present and voted -- MOTION PASSED

STAFF ACTION: Report on how this is implemented.

**City Clerk's note: Gus Lopez to handle.**

MOTION: The Committee will embark on several pilot projects in implementing the new philosophy of presenting the bidding firms with cost guidelines.

"Pet Projects" (As applied to previous motion)

This will be applied to four projects:

- Lake Pancoast (Bayshore 8-C)
- Sunset 1&2 (Bayshore 8-B)
- Nautilus Drainage (Orchard Park emergency change order)
- Normandy Shores Golf Course Clubhouse

These will be taken on by various members of the Committee in individual sub-committees of one. Committee members are to volunteer to take on projects on the sub-committee level. Each of these meetings will have to be noticed in compliance with Sunshine Law.

Moved by William Goldsmith, 2<sup>nd</sup>: Erik Agazim  
All members were present and voted -- MOTION PASSED  
(One opposed – Israel Magrisso)

STAFF ACTION: Assist committee members in planning sub-committee meetings and in making recommendations for these projects.

STAFF ACTION: Advise Committee on when the City will be holding meetings to review front-end documents.

STAFF ACTION: Bring contracts to CIPOC for review prior to presentation to Commission. If time constraints don't provide for that, please advise the Committee on status.

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

**PROCUREMENT OPTIONS**

TABLED

**BEST VALUE PROCUREMENT SELECTION PROCESS**

TABLED

**REVIEW OF PRIORITY BASINS**

TABLED

**VOTE ON AUGUST MEETING**

**MOTION:** To take a break along with Commission for the month of August  
2<sup>nd</sup> – C. Cuervo

All members were present and voted -- MOTION PASSED

There will be no August meeting, but the sub-committees working on the pilot projects will begin their work, meeting with staff as arranged.

There may be as many as three sub-committee meetings before the September meeting. The CIP Office will coordinate with members in organizing and assisting with these meetings.

**ADDITIONAL STAFF ACTION:** Commissioner Weithorn asked for a copy of the Capital Budget, once ready, to be given to the Committee.

**City Clerk's note: Kathie Brooks to handle.**

**ADDITIONAL STAFF ACTION:** Advise the Committee of any CIP contracts to come before the July Commission meeting. (The South Pointe Streetscape Phase II award will be before the July Commission. Once the selection of the vendor is made by Commission, information will be brought back to Committee, due to Cone of Silence restrictions).

**ADDITIONAL STAFF ACTION:** As the Capital Budget process is finalized, CIP is asked to bring those projects that are coming online to the Committee.

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

**C7 - Resolutions**

C7A A Resolution Setting A Public Hearing For September 10, 2008 To Retroactively Waive The Development Regulations For The Construction Of A Temporary Parking Lot In Collins Park To Temporarily Replace Lost Parking While The Lot Is Renovated, Pursuant To Section 142-425(d) Of The City Code.

(City Manager's Office)

**ACTION: Resolution No. 2008-26841 adopted.** Public Hearing scheduled for September 10, 2008. Robert Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. **Jorge Chartrand to handle.**

**8:23:35 p.m.**

C7B A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Amendment No. 10 To The Agreement Between The City And RIC-Man International, Inc., In An Amount Not To Exceed \$147,861, For The Provision Of Additional Scope Due To Betterment And Unforeseen Conditions On 6<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, And 14<sup>th</sup> Streets, Between Washington Avenue And Ocean Drive; 14<sup>th</sup> Lane, Between Collins Avenue And Ocean Drive; And Espanola Way, Between Washington Avenue And Collins Avenue, For The Right-Of-Way Infrastructure Improvements Program In Neighborhood No. 10 - Flamingo/Lummas Project; With Funding To Be Appropriated From The Capital Reserve Fund 304.

(Capital Improvement Projects)

**ACTION: Item separated for discussion by Commissioners Tobin and Weithorn. Resolution No. 2008-26842 adopted.** Motion made by Commissioner Tobin; seconded by Commissioner Gross; Voice vote: 7-0. Jorge Chartrand to handle.

Commissioner Tobin stated that this project was originally approved for \$12 million and through change orders it was increased another \$18 million without competitive bid process. He stated that he sees this as a very serious matter and it should be referred to the CIP Oversight Committee.

Commissioner Gross explained that he does not see the point of sending something back to CIP when it was already reviewed and voted on by the previous City Commission.

Commissioner Weithorn stated that she separated this item because CIP Oversight Committee needs to see the process on this so we can learn from it for the future.

Jorge Gonzalez, City Manager, stated that this project is almost complete and he will do whatever the Commission wishes, but he thinks the time should be spent on other projects such as South Pointe.

Commissioner Gross explained that the Commission voted on it. This was done during the construction boom and the Commission decided that the work that RIC-Man International did was excellent on Washington Avenue; they came in under budget. This was probably the best executed project done in the City. This contractor was able to interface with the neighborhood, they informed the neighbors, and they did only two or three blocks at a time even with all the constraints placed on the job. He explained that a lot of what was added was the drainage portion of the project from Ocean Drive to Washington Avenue and all the way to the bay, and this was all part of the same system. It made sense to add this portion of the job to RIC Man's contract since their engineer design the system and they were already mobilized. He suggested looking at new projects going forward to make sure they are timely and within budget but in this case, due to the limited amount of time and resources, it does not make sense to send this project to the Capital Improvement Projects Oversight Committee.

Discussion continued.

Commissioner Gross explained that everyone knew that the Master Plan was for drainage in South Beach to take the storm water from the ocean to the bay. The question was how to break the project into pieces and how to award the contract. The decision was made that after Washington Avenue was done that the next logical piece was from Ocean Drive to Washington Avenue. It was not that the system was not engineered or something was discovered later. It is not accurate to suggest that we learned something in the middle of the project that we did not know because that was not the case. It was the judgment of the City Commission at the time when they voted to waive competitive bidding to include this portion of the project that the cost savings by giving it to the same contractor outweighed the competitive bidding.

Commissioner Tobin stated that since the City has already agreed to pay RIC-Man he then will agree

to pay them. He stated that he is hearing from the CIP Oversight Committee that the City is paying \$15 per one inch thick linear foot for asphalt and the County is paying \$6 or \$7 and that the City's prices may not be competitive. It made sense to add this to RIC Man's contract since their engineer has done the design.

Jorge Gonzalez, City Manager, stated the City must also have cash in hand before awarding and entering into a contract, as per Florida State Law. Because of this sometimes what happens is that the City procures that which it can afford at the time knowing that there will be amendments perhaps in the next fiscal year. This is what happened with this project. It was nothing unforeseen or uncovered.

City Clerk's Note: 1<sup>st</sup> Award/Bid waiver.

**8:20:54 p.m.**

C7C A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 7, To The Existing Professional Services Agreement With STA Architectural Group, Inc., For The Fire Station No. 2 And Hose Tower Refurbishment Projects; Said Amendment, In The Amount Of \$305,640, To Provide Architecture Design Services And Construction Administration Services For The Completion Of Building B And The Historic Renovation Of The Existing Fire Station No. 2 (Building A); With Funding For Same Available From Previously Appropriated Funding Sources: \$88,065 From The Pay-As-You-Go (Fund No. 302) Appropriated In The Capital Budget Fiscal Year 2006/2007; \$3,500 From The 1999 GO Bond Fire Safety E (Fund No. 378) Appropriated In The Capital Budget Fiscal Year 2002/2003; \$6,053 From The 1999 Go Bond Fire Safety B (Fund No. 375) Appropriated In The Capital Budget Fiscal Year 2002/2003; \$89,087 From The Capital Reserve - Contingency (Fund No. 304) Appropriated In The Capital Budget Fiscal Year 2007/2008; \$76,935 From The Capital Reserve - Design (Fund No. 304) Appropriated In The Capital Budget Fiscal Year 2007/2008; And With Funding For Same Available From Previously Appropriated Hose Tower Refurbishment Project Funding Sources; \$12,000 From The Pay-As-You-Go (Fund No. 302) Appropriated In The Capital Budget Fiscal Year 2006/2007; And \$30,000 From The Capital Reserve - Design (Fund No. 304) Appropriated In The Capital Budget Fiscal Year 2007/2008.  
(Capital Improvement Projects)

**ACTION: Item separated for discussion by Commissioner Weithorn. Resolution No. 2008-26843 adopted as amended.** Motion made by Commissioner Weithorn to adopt the resolution as amended; seconded by Commissioner Libbin; Voice vote: 7-0. Jorge Chartrand to handle.

**Amendment:**

Approving only the items needed to close out Fire Station No. 2 in an amount not-to-exceed \$40,000 and to defer the rest of the items.

**End**

Commissioner Weithorn stated that until they know what will happen with the proposed ballot question regarding Miami-Dade County taking over all municipal fire services, this should not be done.

Jorge Chartrand, CIP Director, stated that one of the funding components in this item is additional construction administration (CA) for the architect to complete Fire Station No. 2.

Commissioner Weithorn asked if the amount for CA can easily be separated.

Jorge Chartrand, CIP Director, stated, in an amount not to exceed \$40,000.

Commissioner Weithorn clarified that by deferring some of the items it has nothing to do with life-safety issues.



**C7D Re-Appointment Of Chief Special Master.**

1. A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Section 30-36 Of The Code Of The City Of Miami Beach, Concerning The Re-Appointment Of Judge Mario P. Goderich, To Serve As Chief Special Master, For A Term Commencing On September 5, 2008, And Ending On March 4, 2009; Provided Further That Chief Special Master, Judge Goderich Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of The City And County Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; And Further Incorporating All Other Matters Set Forth Within Chapter 30 Of The City Code, Including, Without Limitation, Sections 30-37 And 30-38 Thereof, Concerning The Compensation And Duties Of The Chief Special Master.

**ACTION: Resolution No. 2008-26844 adopted.** Robert Parcher to handle.

2. A Resolution Approving And Re-Appointing, Pursuant To Section 102-356 Of The City Code, Judge Mario P. Goderich, (Chief Special Master Re-Appointed Pursuant To Resolution No. (2008-26755), As The City Manager's "Designee" Under Section 102-356 Of The City Code; Said Designation Commencing With Judge Goderich's Term As Chief Special Master On September 5, 2008, And Ending On March 4, 2009.  
(City Clerk's Office)

**ACTION: Resolution No. 2008-26845 adopted.** Robert Parcher to handle.

**C7E A Resolution Approving An Energy Audit Agreement Between The City And Ameresco (The Company).**

(City Manager's Office)

**ACTION: Resolution No. 2008-26846 adopted.** Robert Middaugh to handle.

**C7F A Resolution Adopting The Five-Year (FY 2008-2012) Consolidated Plan For Federal Funds In Substantially The Attached Form; Adopting The One-Year (FY 2008/2009) Action Plan For Federal Funds In Substantially The Attached Form; And Authorizing The City Manager To Execute All Applicable Documents And To Submit The Five-Year (FY 2008-2012) Consolidated Plan And The One-Year (FY 2008/2009) Action Plan To The U.S. Department Of Housing And Urban Development (HUD).**

(Community & Economic Development)

**ACTION: Resolution No. 2008-26847 adopted.** Anna Parekh to handle.

**Handout or Reference Materials**

1. Document titled 2008-2012 Consolidated Plan Draft
2. Document titled FY 2008 – 2009 Action Plan

- C7G A Resolution Approving And Authorizing The Mayor And City Clerk To Execute, Subject To Review And Approval Of The Final Form By The City Manager And City Attorney's Office, A Joint Participation Agreement (JPA) With The Florida Department Of Transportation (FDOT) For The Construction Of Crosswalks And Pedestrian Countdown Signals On 41st Street, From Chase Avenue To Pinetree Drive As Part Of The FDOT Pedestrian Corridor Improvement Project; And Further Appropriating \$160,000 In Currency Mitigation Funds From Middle Beach.  
(Public Works)

**ACTION: Resolution No. 2008-26848 adopted.** Patricia Walker to appropriate funds. Fred Beckmann to handle.

- C7H A Resolution Ratifying An Interlocal Agreement With Miami-Dade County For The Purpose Of Receiving Parking Fines Reimbursement Program Funds For Projects That Benefit People With Disabilities.  
(Public Works)

**ACTION: Resolution No. 2008-26849 adopted.** Fred Beckmann to handle.

**1:45:51 p.m.**

- C7I A Resolution Approving The Following Actions With Regard To The Affordable Housing Rental Project Acquired And To Be Rehabilitated By Miami Beach Community Development Corporation (MBCDC), Known As The Villa Maria, And Located At 2800 Collins Avenue: 1) Authorizing The Release Of An Existing Recorded Mortgage And Security Agreement Against Lots 1, 2, 6 And 7 Of The Property In The Amount Of \$1.6 Million, And Providing For Execution And Recordation Of A New Mortgage, Note, And Security Agreement, In The Amount Of \$3.2 Million (The Existing \$1.6 Million, As Well As An Additional \$1.6 Million Previously Appropriated, But Not Yet Recorded In Home Funds) Against Lots 1 And 2 Only; 2) Approving A Subordination Of The City's \$3.2 Million Interest/New Mortgage In Favor Of A \$3 Million Construction Loan Being Made To MBCDC By International Finance Bank (IFB Loan); Provided That The City's Approval Of The Subordination Of The IFB Loan Is Only For The Duration Of The Construction Loan And That MBCDC Shall Either Pay Off The IFB Loan Or, If Any Part Of The IFB Loan Is Sought To Be Converted Into A Permanent Loan Against The Villa Maria Property, Then Requiring The City Manager's Further Consent; And Further Authorizing The City Manager To Execute Any And All Documents To Effectuate The Aforestated Transactions.

(Community & Economic Development)

**ACTION: Item separated for discussion by Commissioner Tobin. Resolution No. 2008-26850 adopted and a Commission Workshop on the Affordable Housing to be scheduled.** Motion made by Commissioner Tobin; seconded by Commissioner Weithorn; Voice vote: 7-0. Anna Parekh to handle.

Commissioner Tobin stated that he sees money going to Miami Beach Development Corporation and the amounts are so large and he does not understand how the Affordable Housing Program works. He has looked at two projects in the agenda and it looks like \$16 million is being spent on about 70 units. He requested to refer a discussion on affordable housing to the Finance and Citywide Projects Committee to have Roberto Datorre, Miami Beach Community Development Corp., explained the program.

Jorge Gonzalez, City Manager, stated that during the Agenda briefing they had discussed holding a Commission Workshop to discuss generally how the affordable housing program works.

Roberto Datorre spoke.



Commissioner Tobin stated that he has the following questions: 1) what is the criterion for project selection, 2) what is the basis on which project costs are estimated; 3) how is that information documented for purposes of review by the Commission, and 4) what are the internal review and verification criteria.

Jorge Gonzalez, City Manager, verified that Commissioner Tobin is okay with this item going forward.

Motion made by Commissioner Tobin to refer the Affordable Housing issue for discussion to the Finance and Citywide Projects Committee or for discussion during a Commission Workshop. He stated that he needs to understand how the process works.

Discussion continued.

Commissioner Gross stated that the question is how do you do more units faster and at a lower price. He added that scattered sites and separately funding MBCDC might be the best way to go.

Mayor Bower stated that she like rentals because the units always remain the pool.

Robert Datorre stated that a Workshop will be a learning experience for everyone and will be glad to go step-by-step through the process.

Motion made by Commissioner Tobin; seconded by Commissioner Weithorn; Voice vote: 7-0.

- C7J A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Proposals (RFP) No. 02-07/08, For Establishing A Cultural Arts Themed And/Or Other Passive Recreational Activities Program In Altos Del Mar Park; Authorizing The Administration To Enter Into Negotiations With The Sole Proposer, Altos Del Mar Sculpture Park, Inc; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Tourism and Cultural Department)

**ACTION: Resolution No. 2008-26851 adopted.** Max Sklar to handle.

- C7K A Resolution Amending The One-Year Action Plan For Federal Funds For Fiscal Years 2002/2003, 2003/2004, 2005/2006, 2006/2007, And 2007/2008, To Reprogram Prior Year Community Development Block Grants (CDBG) Funds, In The Amount Of \$69,894, To Miami Beach Community Development Corporation (MBCDC) For The Interior And Exterior Rehabilitation Of The Meridian Apartments, Further Approving And Authorizing The Mayor And City Clerk To Execute An Amendment To The CDBG Agreement, Dated October 1, 2007, Between The City And MBCDC, Allowing The \$190,000 CDBG Allocation To Be Utilized For A Scattered Sites Homeownership Project In North Beach (Instead Of For A Single Site Building Acquisition And Rehabilitation Project As Originally Proposed).

(Community & Economic Development)

**ACTION: Resolution No. 2008-26852 adopted.** Anna Parekh to handle.

- C7L A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Qualifications (RFQ) No. 26-07/08, For The Development And Update Of The Transportation Element Of The City Of Miami Beach Comprehensive Plan In Compliance With The Evaluation And Appraisal Report; And Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm, The Corradino Group; Should The Administration Not Be Able To Successfully Negotiate An Agreement With The Corradino Group, Authorizing The Administration To Negotiate With The Second-Ranked Firm, Planning Renaissance Group; Authorizing The Appropriation Of Concurrence Mitigation Funds, For A Not To Exceed Amount Of \$175,000; And Further Authorizing The Mayor And City Clerk To Execute An Agreement, Upon Conclusion Of Successful Negotiations.  
(Public Works)

**ACTION: Resolution No. 2008-26853 adopted.** Patricia Walker to appropriate the funds. Fred Beckmann to handle.

### End of Consent Agenda

### REGULAR AGENDA

#### R5 - Ordinances

**2:15:58 p.m.**

- R5A An Ordinance Amending Chapter 106 Of The City Code Entitled "Traffic And Vehicles"; By Amending Article I, Entitled "In General," By Amending Section 106-1, Entitled "Definitions," By Amending The Definitions Of Bicycle And Bicycle Path; By Amending Section 106-3, Entitled "Vehicles Prohibited On Portion Of Lincoln Road; Exceptions" By Prohibiting Pedicabs On Portions Of Lincoln Road; By Creating Article VII, To Be Entitled "Pedicabs," Of Chapter 106, Entitled "Traffic And Vehicles," Of The Miami Beach City Code To Provide Regulations For Pedicabs By Creating Sections 106-262 Through 106-267 To Provide Definitions; Business Tax Receipt Requirements; Regulations Regarding The Operation Of Pedicabs; Enforcement Provisions; And Fines And Penalties; Providing For Repealer, Severability, Codification, And An Effective Date. **11:00 a.m. Second Reading Public Hearing**

(City Manager's Office)  
(First Reading on June 25, 2008)

**ACTION: Public Hearing held. Ordinance No. 2008-3609 adopted as amended.** Motion made by Commissioner Weithorn; seconded by Vice-Mayor Steinberg; Ballot vote: 6-1; Opposed: Commissioner Libbin. R. Parcher to transmit to Municipal Code. **Hilda Fernandez to handle.**

#### **Amendments**

1. Pedicabs permitted on Washington Avenue from South Pointe to Dade Boulevard; pedicabs prohibited on Ocean Drive – **6-1; Opposed: Commissioner Libbin**
2. Pedicab inspections by a licensed third party, not by Police Department - **Unanimous**
3. Three businesses licenses can be issued, ten drivers each - **Unanimous**
4. Penalties – Reference Agenda Page No. 309 - - **Unanimous**
  - a) *First offense* - \$250\_fine plus restitution.
  - b) *Second offense* - \$1,500 fine plus restitution and the loss of one weekend suspension of the BTR (Business Tax Receipt).
  - c) *Third offense* - \$3,000 fine plus restitution and the loss of two weekend uses of the BTR and establishment of habitual offender status which can trigger revocation or suspension proceeding.
5. Lottery for three businesses - **Unanimous**  
To begin in September and if business has three or more violations by the time the lottery is held, the business will not be allowed to participate in the lottery.
6. After three violations, license will be held pending disposition of violations and appeals to the

**Special Master - Unanimous**

7. Issue RFP in September and review at the end of the year - **Unanimous**
8. Demonstrate proof of legal storage location within thirty (30) days of issuance of the license and method to unload equipment Reference Page 317 - **Unanimous**
9. Language clarification to include the definition of path: "any road path or lane or way that is opened to bicycle travel which road, path or lane or way is physically separated from motorized vehicular traffic by open space or pavement marking," to ensure that bike lanes and bike paths are considered two different issues – Reference Page 313 - **Unanimous**
10. Include language to authorize City Manager to exclude pedicabs from the street during major events: "any street that is affected by a Special Event permit, film print permit or major event plan as may be further limited by the City Manager or the City Manager designee, pursuant to Section 106-465(i)..." Reference Page 321 - **Unanimous**

**End**

Hilda Fernandez, Assistant City Manager, explained the ordinance and asked to have staff give their concerns into the record.

Angel Vazquez, Police Major, stated that the Police Department is opposed to pedicabs, specifically in Ocean Drive, because of the traffic congestion, and the inability of staff to enforce the law.

Saul Frances, Parking Department Director, stated that the main concern from a parking perspective is the use of passengers in commercial loading zones as drop-off and pick up points.

Vice-Mayor Steinberg asked if this testimony is new or if it is the same that was discussed before and he would incorporate into the record all the comments and testimony from two years ago.

Hilda Fernandez, Assistant City Manager, stated that since they issued the first pedicab license there have been 26 violations issued under the existing code.

Discussion continued.

Marlo Courtney spoke.

Discussion continued.

**See Amendment 1**

Commissioner Libbin stated that, in his opinion, Washington Avenue and Ocean Drive should be prohibited because the same concerns that exist on Ocean Drive also exist on Washington Avenue. He checked with other cities as to safety and accident record and New York prohibits certain places of the cities at certain times, Las Vegas prohibits them on the strip and also there have been several accidents in Ft. Lauderdale. If they can operate on the side streets and generate business, it is okay as long as it is safe for the residents and the drivers. He does not see the urgency to approve something that does not make sense in areas that are not safe.

Hilda Fernandez, Assistant City Manager, added a few items into the record.

Discussion continued.

Harvey Judkowitz asked why taxicabs are allowed to advertise but not pedicabs.

Vice-Mayor Steinberg explained that the City has no right to regulate taxicabs but it has the right to regulate pedicabs.

Frank Del Vecchio spoke.

Leslie Feldman, Intown Publishing, spoke.  
Gabriella Redfern spoke.  
Jo Manning spoke.  
Ray Breslin spoke.  
Shuly Zimmerman, "Green Ride Miami," spoke.

Dane Hidden spoke.

Commissioner Libbin asked to consider a time restriction on Washington Avenue during the trial period until the end of the year.

**See Amendment 8:**

Vice-Mayor Steinberg stated that if an operator has to secure a place to store the pedicabs in order to apply for a license and they do not get the license they will have a storage place rented that they cannot use. He suggested that clarification be made that the proof of storage does not have to be at the time of application.

Hilda Fernandez, Assistant City Manager, stated that they must provide proof of legal storage within 30 days. On page 317 Subsection g, language can be added that the proof is to be provided within 30 days after the issuance of the license.

Discussion continued.

**See Amendment 2:**

Commissioner Gross has the following two amendments:

1. The Police Department should not do the safety checks; it should be done by a reliable safety company
2. If a driver and/or a vehicle are in a non-pedicab area, the driver and/or the vehicle should be banned for a period of time and they should not have to go to the Special Master.

Jose Smith, City Attorney, stated that they cannot be banned from the Special Master process because they have a right to due process.

Discussion continued.

**See Amendment 3**

There was discussion regarding number of operators and number of drivers per operator held. It was agreed to that three businesses licenses can be issued with ten drivers each.

Hilda Fernandez, Assistant City Manager, reviewed the penalties and made reference to Page 309.

Discussion continued.

Commissioner Tobin stated that as part of the RFP we should state that if anyone receives a violation after today it will count against them.

Jose Smith, City Attorney, stated that it should not be counted against them but actually disqualify them.

Jorge Gonzalez, City Manager, suggested that any violations issued between now and the RFP process will be disqualified from being a bidder on the RFP.

Jose Smith, City Attorney, stated that the City can disqualify somebody that has violations from participating in the lottery.

Mayor Bower suggesting adding an amendment stating that if a background is checked and the lottery applicant has a bad record, they will be disqualified from applying for the lottery. No second offered.

Discussion continued.

Vice-Mayor Steinberg cautioned against doing this because people will lose the incentive to behave properly from now forward.

Discussion continued.

Hilda Fernandez, Assistant City Manager, explained that there is a 20 day grace period to comply with the safety items.

**See Amendments 5, 6 and 7**

Jorge Gonzalez, City Manager, clarified that there will be a lottery (Amendment 5); in this lottery the performance of the applicants will be reviewed, and in addition to all the other requirements, if there were three or more violations between now and then, that applicant will not be allowed to participate in the lottery and per Vice-Mayor Steinberg's suggestion (Amendment 6), after three violations, the license application in lottery will be held until released by the Special Master. RFP to be considered in September and reviewed at the beginning of the year (Amendment 7).

Vice-Mayor Steinberg stated that for this to work the ownership of the license needs to be reviewed because a new company will not have any violations.

Commissioner Tobin stated that the review of the violations should be done per driver for violations from today forward.

Hilda Fernandez, Assistant City Manager, clarified that all the violations are issued to the business, the occupational license holder, and the drivers can receive a traffic citation.

Jorge Gonzalez, City Manager, stated that they will bring the issuance of the RFP to the September meeting.

**See Amendment 4**

Hilda Fernandez, Assistant City Manager, made reference to the memorandum on Page 309 regarding penalties, explaining that the alternative was a) First offense , which is a \$250 fine plus restitution following adjudication, b) Second offense would be \$1,500 fine plus restitution and the loss of one weekend suspension of the BTR (Business Tax Receipt), c) Third offense would be \$3,000 fine plus restitution and the loss of two weekend uses of the BTR and establishment of habitual offender status which can trigger revocation or suspension proceeding.

Discussion continued

**See Amendments 9 and 10**

Hilda Fernandez, Assistant City Manager, added for clarification the definition of path (Page 313): "any road path or lane or way that is opened to bicycle travel which road, path or lane, or way is physically separated from motorized vehicular traffic by open space or pavement markings," to ensure that bike lanes and bike paths are considered two different issues. She also clarified language on Page 321 #22, "...any street that is affected by a Special Event permit, film print permit or major event plan as may be further limited by the City Manager or City Manager designee, pursuant to Section 106-465(i)..." which excludes pedicabs from the street during major events by the City Manager."

## Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 494
2. Pedicab Ordinance, July 16, 2008, Revisions Recommended by Frank Del Vecchio and electronic correspondence to Hilda Fernandez dated July 15, 2008 RE: Sec 106-65 (f) 22.
3. Color coded map showing the commercial, passenger and Ocean Drive passenger loading zones.
4. Document submitted by Harvey Judkowitz, Raffi Zabari and Shuly Zimmerman, RS & Co, LLC and Green Ride Miami, LLC, dated July 16, 2008 RE: Pedicab Ordinance.
5. Press kit from Ocean View Rickshaw, Fort Lauderdale, Florida and magazine article copies.
6. Aerial color map titled Federal Functional Classification – South Beach.

**6:09:27 p.m.**

R5B An Ordinance Amending Chapter 46 Of The Miami Beach City Code Entitled "Environment," By Amending Article IV Entitled "Noise" By Amending Section 46-157 Entitled "Exemptions" By Amending The Exemptions In Subsection (4) Relative To Activities On Or In Publicly Owned Properties And Facilities And Clarifying The Exemption In Subsection (11) Regarding Eastward Oceanfront Noise; By Amending Section 46-158 Entitled "Enforcement By Code Inspectors; Notice Of Violation; Warnings" By Amending The Provisions Regarding Warnings In Zoning Districts Other Than Single Family Zoning Districts And The Responsibility To Provide The Current Addresses Of Premises Owners And Business Tax Receipt Holders; By Amending Section 46-159 Entitled "Fines And Penalties For Violation; Appeals; Alternate Means Of Enforcement" By Amending The Period Of Time For The Resetting Of Fines And Penalties For Violations From 18 To 12 Months; By Creating Section 46-162 Entitled "Administrative Policies And Procedures" To Authorize The City Manager To Establish Such Policies And Procedures In Accordance With Article IV And Administrative Guidelines Approved By Resolution Of The City Commission; By Substituting The New Terminology Of "Business Tax Receipts" For "Occupation Licenses" Where Appropriate In The Amendments To Article IV, And Providing For Repealer, Severability, Codification, And An Effective Date. **5:05 p.m. Second Reading Public Hearing.**

(City Manager's Office)  
(First Reading on June 25, 2008)

**ACTION: Heard in conjunction with Item R7E. Public Hearing held. Ordinance No. 2008-3610 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Libbin; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Hilda Fernandez to handle.

David Wallack spoke.  
David Kelsey spoke.

Mayor Bower thanked everyone for their hard work.

Jorge Gonzalez, City Manager, stated that there has been a lot of work by a lot of people including Mr. Del Vecchio and Mr. Stolar and of course, Hilda Fernandez, Assistant City Manager, who did the yeoman's work on this ordinance. She did a fantastic job. He added for the record that Resort Tax collections through the month of May are up 3.5%.

Commissioner Libbin stated that he and Hilda Fernandez attended Basel and at around 3:00 a.m. she called the office so she could participate in a noise sub-committee meeting.

## Handout or Reference Materials:

- 1 Ad in The Miami Herald – Ad # 494

**8:43:43 p.m.**

- R5C An Ordinance Amending Miami Beach City Charter Section 6.03 "Qualifying" By Changing The Qualifying Period For The November 4, 2008 City Of Miami Beach Special Election (If Scheduled) From September 2 Through September 5, 2008 To August 12, 2008 Through August 15, 2008; Amending Charter Section 6.04 "Vacancy In Candidacy" To Reflect Change In Qualifying Period; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**  
(Requested by Commissioner Jerry Libbin/City Attorney's Office)

**ACTION: Item withdrawn by Commissioner Libbin.**

Commissioner Libbin explained the ordinance.

Jose Smith, City Attorney, stated this ordinance is required due to a Miami-Dade County Elections Department mandate changing the qualifying dates for the City of Miami Beach if the Commission is going to call for a special election on November 4, 2008. If there is not going to be an election in November then this ordinance is not needed at the time.

Commissioner Libbin withdrew the item.

**3:52:18 p.m.**

- R5D An Ordinance Amending Chapter 106 Of The City Code Entitled "Traffic And Vehicles"; By Amending Article X, Entitled "Pedicabs" By Amending Section 106-465 Entitled "Operations" To Require Pedicab Driver's Permits And Providing Regulations, Enforcement Provisions, And Fines And Penalties Relative Thereto And Renumbering The Subsections In Section 106-465, Accordingly; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**.  
(City Manager's Office)

**ACTION: Ordinance approved on first reading.** Motion made by Commissioner Weithorn; seconded by Commissioner Gross; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for September 10, 2008. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. Hilda Fernandez to handle.

Commissioner Gross questioned the fine/penalty.

Hilda Fernandez, Assistant City Manager, stated that this is an issue which was discussed with the Legal Department. The drivers are violating the same provisions of the other ordinance (R5A). She added that there has been a concern raised as to whether the City can impose a different fine and penalty schedule and will require additional meetings with the Legal Department.

**R7 - Resolutions****10:30:56 a.m.**

R7A A Resolution Approving On First Reading, In Accordance With Chapter 163, Florida Statutes (The Florida Local Government Development Agreement Act), A Development Agreement Between The City Of Miami Beach And Berkowitz Development Group, Inc., For The Construction Of Public Right-Of-Way Infrastructure Improvements, Including Curb, Gutter, Sidewalks And Drainage, On Lenox Avenue And On Sixth Street. **10:20 a.m. First Reading Public Hearing.**

(Community & Economic Development)

(Continued from June 25, 2008)

**ACTION: Title of the Resolution read. Public Hearing opened and continued to September 10 at 10:20 a.m. Motion by Commissioner Weithorn; seconded by Commissioner Libbin; Voice vote: 7-0.** Lilia Cardillo to place on the City Commission Agenda. Kevin Crowder to handle.

Commissioner Tobin explained that the CIP Oversight Committee is analyzing prices, costs, and bids to see if they can save the City some money.

**6:02:23 p.m.**

R7B A Resolution Approving, On First Reading, A Lease Agreement Between The City And Mystery Park Arts Company, Inc. (D/B/A Sobe Music Institute), As Top Ranked Proposer Pursuant To Request For Proposals (RFP) No. 03-07/08, For Use Of The Carl Fisher Clubhouse, Located At 2100 Washington Avenue, For The Purpose Of Providing Cultural Programming For The Residents Of The City, Said Lease Having An Initial Term Of One (1) Year, Commencing Retroactively On September 1, 2008, And Ending On August 31, 2010, With One (1) Additional One (1) Year Renewal Term, At The City's Sole Discretion; Further Waiving By 5/7ths Vote, The Appraisal Requirement, 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 September 10, 2008, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading.**

(Community & Economic Development)

**ACTION: Title of the Resolution read. Resolution No. 2008-26854 adopted on first reading.** Motion made by Commissioner Tobin; seconded by Commissioner Gross; Voice vote: 7-0. Second reading and public hearing scheduled for September 10, 2008. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. Ana Cecilia Velasco to handle.

Carson Kievman, President, Mystery Park Arts Company, Inc., spoke.



**10:32:46 a.m.**

R7C A Resolution Of Authorizing The City Manager, Or His Designee, To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; And Terminate Existing Contracts, As Needed, From The Last Commission Meeting On July 16, 2008, Until The First Regularly Scheduled Meeting On September 10, 2008, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting On September 10, 2008. **Joint City Commission And Redevelopment Agency.**

(Procurement)

**ACTION: Item held in conjunction with RDA Item 2A. Resolution No. 2008-26855 adopted.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Wolfson; Voice vote: 7-0. Lilia Cardillo to place on the September 10, 2008 City Commission Agenda. Gus Lopez to handle.

**1:57:20 p.m.****2:14:07 p.m.**

R7D A Resolution Authorizing The Mayor And The City Clerk To Execute A State Housing Initiatives Partnership (SHIP) Program Agreement Between The City And Miami Beach Community Development Corporation, In The Amount Of \$836,209 From Fiscal Year 2006/2007, To Continue An Affordable Housing Rehabilitation Component For The Scattered-Site Home Ownership Program, Providing Rehabilitation, Down Payment Assistance, And Home Ownership Counseling For Units Purchased By Eligible Home Buyers, And For The Rehabilitation Of Vacant Multi-Family Buildings To Be Converted Into Rental Units For Income Eligible Participants Under The Rules Of The Ship Program And The City's Local Housing Assistance Plan.

(Community & Economic Development)

**ACTION: Item deferred.** Motion made by Commissioner Tobin; seconded by Commissioner Weithorn; Voice vote: 7-0. Anna Parekh to handle. (Item C7I – a Commission Workshop will be scheduled).

Commissioner Tobin asked to defer this item.

Commissioner Weithorn asked if any Federal moneys would be lost if this item is not approved.

Jorge Gonzalez, City Manager, stated that the action the Commission is being asked to do is to allocate funds.

Commissioner Weithorn stated that the Commission needs a better understanding as discussed in Agenda Item C7I and requested the Administration to find out if the City would lose the funding if not acted on today.

Robert Datorre, MBCDC, stated that the City has until December and this item can be brought back in September.

Anna Parekh, Housing and Community Development, stated that the State of Florida gives the City 24-months to allocate the funds. The State's year starts July 1st so the City had until June 30. The City asked for an extension until December, 2008.

Motion to defer made by Commissioner Tobin; seconded by Commissioner Weithorn; Voice vote: 7-0.

**6:19:01 p.m.**

R7E A Resolution Adopting Administrative Guidelines For The Administration Of Article IV Entitled "Noise" Of Chapter 46 Entitled "Environment," Of The Miami Beach City Code As Provided For In Section 46-162 Therein.

(City Manager's Office)

**ACTION: Heard in conjunction with Item R5B. Resolution No. 2008-26857 adopted and the Administrative Guidelines amended.** Motion made by Commissioner Libbin; seconded by Commissioner Gross; Voice vote: 7-0. Hilda Fernandez to handle.

**Amendments to the Administrative Guidelines**

1. Page 419 - Delete Section XI in the index section and renumber XII to XI and XIII to XII.
2. Page 422 - scrivener's error – business

**End**

Hilda Fernandez, Assistant City Manager, explained the item and read some corrections into the record:

1. Agenda page 422 – Responsibility for Compliance. At the committee review there was a lot of discussion that language should be added to make sure that the right people are held accountable when a code officer goes to a location. There was a lot of input regarding this language and an effort was made to make sure to include apartment dwellers and management companies. There was an alternative recommendation for hotel noise when the noise is generated by a hotel guest. The recommendation for hotel noise emanating from a guest, the hotel receives the violation. The code officer will return within 24 hours and at that point a second violation could be given to the hotel and also to the hotel guests. She asked that this be included as part of the record because it was not part of the Administrative Guidelines discussed in July 2008.
2. Technical Assistance language removed.
3. Scribner's error on page 422.
4. Page 423 – Application of Administrative Guidelines – Language was added.

**1:26:36 p.m.**

R7F A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Proposals (RFP) No. 19-07/08, For The Lease Of The Facility Known As "Colony Theatre Café" Located At 1040 Lincoln Road; Authorizing The Administration To Enter Into Negotiations With The City Manager's Top-Ranked Proposer, Colony Theatre Café Inc., D/B/A Segafredo, And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Proposer, Authorizing The Administration To Negotiate With The Second-Ranked Proposer, South Beach Café, LLC, D/B/A Touch.

(Community & Economic Development)

**ACTION: Resolution No. 2008-26858 adopted.** Motion made by Commissioner Gross to adopt the City Manager's recommendation; seconded by Commissioner Weithorn; Voice vote: 7-0. Lilia Cardillo to place on a future City Commission Agenda. Ana Cecilia Velasco to handle.

Jorge Gonzalez, City Manager, explained the item and stated that a timely bid protest has been received, reviewed and replied to by the Legal Department.

Raul Aguila, Deputy City Attorney, advised the City Commission of the bid protest filed by South Beach Café, LLC, D/B/A/ Touch, which was responded by the Legal Department. He stated for the record that an issue was brought up by counsel for Touch, which was not part of the bid protest. An issue was made this morning alleging that a principal of the first ranked proposer, Segafredo, (one of the individuals that has a controlling financial interest in the company) gave a campaign contribution to the campaign committee of a sitting member of the Commission on October 7, 2007. Mr. Aguila stated that he checked the records and, while there was a contribution made, it was not made by a principal or anyone who has a controlling financial interest in Segafredo. He verified that Segafredo was owned by two individuals and that neither of these principals had made a campaign contribution. The alleged contribution was made by an individual who is the attorney registered agent of the corporation and therefore this is not a violation under the City's campaign finance laws.

Alexander Heckler spoke.

Jorge Gonzalez, City Manager, clarified that this is not a selection process; it is an evaluation committee. An evaluation committee is advisory to the City Manager.

Commissioner Gross stated that he will approve the City Manager's recommendation. He read a sentence from the City Manager's report to the City Commission. He agreed with the City Manager and stated that this case is different from the Convention Center where both companies are equally capable.

Handout or Reference Materials:

1. Electronic correspondence from Alexander P. Heckler dated July 15, 2008 RE: Protest Letter received via the City Clerk's external email.
2. Electronic correspondence from Gus Lopez to Michael McAllister RE: Computation of Time (RFP 19-07/08)
3. Electronic correspondence and letter as attachment from Robert Wennett dated July 15, 2008 RE: Colony Theater Café received via the City Clerk's external email.
4. Electronic correspondence from and to Betty Capote dated July 15, 2008 RE: Colony Theatre Café RFP received via the City Clerk's external email.
5. Electronic correspondence from and to Betty Capote dated July 14, 2008 RE: Colony Theatre Café 2007-2008 Sales Tax figures received via the City Clerk's external email.
6. Electronic correspondence from Alexander Heckler dated July 15, 2008 RE: Protest Letter received via the City Clerk's external email.
7. Electronic correspondence and letter as attachment from Michael McAllister dated July 15, 2008 RE: RFP 19-07/08 Protest Letter received via the City Clerk's external email.

8. Electronic correspondence from Raul Aguila dated July 14, 2008 RE: Café Letter.
9. Email to A. Heckler and M. McAllister dated July 15, 2008 RE: Touch – Protest of Colony Theater Procurement in response to bid protest.
10. Color flyer titled Why Did the Evaluation Committee Choose Touch submitted by A. Heckler.
11. Resolution.

**8:09:48.p.m.**

R7G A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Proposals (RFP) No. 04-07/08, For Janitorial Services; Authorizing The Administration To Enter Into Negotiations With The Following Firms: 1) Vista Building Maintenance Services, Inc., 2) Diamond Contract Services, Inc., And 3) Omarcio Cleaning Services, Inc.; Further ~~Or Agreements With The Firm(s)~~ Authorizing The Mayor And City Clerk To Execute An Agreement(s), Upon Conclusion Of Successful Negotiations, For An Amount Not To Exceed ~~\$1,275,771.36~~ \$1,257,986.64 Annually.  
(Public Works)

**ACTION: Resolution No. 2008-26859 adopted, awards amended.** Motion made by Commissioner Gross; seconded by Commissioner Libbin; Voice vote: 7-0. **Fred Beckmann to handle.**

**Amendments:**

1. Resolution needs to be corrected (~~Further Or Agreements With The Firm(s)~~ Authorizing)
2. Contract Award: From \$1,275,771.36 to \$1,257,986.64
3. Historic City Hall:  
From \$20,400.00 to \$12,761.88 and Omarcio to Diamond
4. South Pointe Park Maintenance Bldg:  
From \$15,852.00 to \$5,705.40 and Omarcio to Diamond
5. General Fund:  
From \$866,186.88 to \$848,402.16
6. 12<sup>th</sup> and 13<sup>th</sup> Street Parking Garages awarded to Omarcio
7. The Contract Award amount will be reduced based on the savings generated by number 6 above.

**End**

Fred Beckmann, Public Works Director, introduced the item.

Jorge Gonzalez, City Manager, stated that the Parking Department requested to have only one firm do the janitorial services for all of the garages. Mayor Bower pointed out that Omarcio was the lowest bidder on the 12<sup>th</sup> and 13<sup>th</sup> Street garages. In order to maintain consistency Mayor Bower asked that Omarcio, the lowest bidder, be awarded the 12<sup>th</sup> and 13<sup>th</sup> Street garages. He stated that he is comfortable with decision.

## Handout or Reference Materials:

1. Letter from the Office of the City Attorney, City of Miami Beach, Jose Smith, to Kent Harrison Robbins, Esq., dated July 9, 2008 RE: Response to Bid Protest.

City Clerk's cross-reference: Bid Protest.

**10:33:55 .a.m.**

R7H A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Proposals (RFP) No. 20-07/08, For The Management And Operation Of The Miami Beach Convention Center, Colony Theatre And Byron Carlyle Theatre; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of SMG, And Should The Administration Not Be Able To Negotiate An Agreement With SMG, Authorizing The Administration To Negotiate With The Second-Ranked Firm, Global Spectrum, L.P.  
(Tourism & Cultural Development)

**ACTION: Resolution No. 2008-26860 adopted.** Motion made by Commissioner Gross to authorize the negotiations with Global Spectrum, L. P., and if not successful to negotiate with SMG; seconded by Commissioner Tobin; Voice vote: 5-2; Opposed: Commissioners Libbin and Wolfson. Lilia Cardillo to place the award on a future City Commission Agenda. Max Sklar to handle.

Jorge Gonzalez, City Manager, explained the item.

Robert Goodman, representing Global Spectrum, spoke.  
Kent Harrison Robbins, representing Global Spectrum, spoke.  
Frank E. Russo, Global Spectrum, spoke.  
Michael Sauers, Global Spectrum, spoke.

Bob McClintock, SMG, spoke.  
Gregg Caren, SMG, spoke.  
Robert L. Switkes, representing SMG, spoke.  
Thom Connors, SMG, spoke.

William D. Talbert III, GMCVB President & CEO, spoke.

Discussion continued.

Peter Danger spoke.

Discussion continued.

Thomas Mobley, Global Spectrum, spoke.

**Motion made by Commissioner Wolfson to accept the Administration's recommendation and award the contract to SMG; seconded by Commissioner Libbin; Voice vote: 2-5; Opposed: Mayor Bower, Vice-Mayor Steinberg, Commissioners Gross, Tobin, and Weithorn.**

Commissioner Libbin commented that SMG at this point has demonstrated their ability to deliver; however, he is not totally sold that they have delivered as well as they should have. He requested, if this is approved, to give the City Manager the authority to negotiate with SMG with the expectation on some significant improvements in some areas, he is not satisfied that SMG is presenting a budget with almost a \$2 million deficit, he is not satisfied that they have done anywhere near enough to market the Byron Carlyle Theater, and was concerned as to how SMG generated extra revenues, and would like to see more effort of SMG working together with the Convention Bureau and the City Administration in doing more aggressive marketing. **Max Sklar to handle.**

Discussion continued.

Commissioner Weithorn requested that the Byron Carlyle Theater be separated and stated that the building is dark way more than it should be and it has not done anything for the neighborhood. She added that there should be a proposal to bridge the \$2 million deficit. **Max Sklar to handle.**

Discussion continued.

Jorge Gonzalez, City Manager, stated that as far as marketing, we all have a responsibility. When looking at the division of responsibility, SMG is looking at less than two years; those types of shows are the recurrent annual trade type shows that are large in nature; and we should all be looking for those. From the City's perspective, the current process has yielded good results and, in no way, should affect the relationship that the City has with Art Basel/Miami Beach, Art Basel/ Messe Schweiz and their continued attendance in these facilities and future shows. We want to make sure that the strong relationship that exists today between the two organizations remains and that nothing that has happened in this process should affect that relationship.

Commissioner Gross would like to see a solid strategy for marketing.

Jorge Gonzalez, City Manager, stated that what Commissioner Gross is talking about is what we are currently engaged in conversations with Miami-Dade County and expanding the Convention Center. The first thing is the amendment made to the contract with the Bureau to allow them to bring in Convention Sports and Leisure. This takes a new fresh look at what kind of destination we are and what kind of business we want to attract. This is the expertise that everyone in the room needs to bring to the table. He stated that whoever the management company we want their corporate level involved throughout the planning and development process as it relates to the expansion and enhancement of this facility. **Max Sklar to handle.**

Discussion continued.

Vice-Mayor Steinberg stated that the assumption that bringing a company that has an affiliation with the company that owns Art Basel will set aside the long relationships companies have had with the Convention Center is not realistic because we have a booking policy that protects that. He requested that this should be looked at to make sure this will not occur, and suggested bringing that booking policy back at the same time the contract is presented to this Commission. He needs to have the comfort level to support it. **Max Sklar to handle.**

Motion made by Commissioner Gross to negotiate with Global Spectrum as number one, and if the negotiations fail negotiate with SMG; seconded by Commissioner Tobin; Voice vote: 5-2; Opposed: Commissioners Libbin and Wolfson.

Handout or Reference Materials:

1. Letter from the Law Offices of Rosen Switkes & Entin P.L., dated July 16, 2008 via Hand Delivery to Mr. Jorge Gonzalez, City Manager, re: Letter of Protest.
2. Letter from Kent Harrison Robbins, Attorney at Law, dated July 11, 2008 to Mayor Matti Herrera Bower RE: RFP 20-07/08 Global Spectrum/Messe Schweiz.
3. Miami Beach Convention Center Oral Interviews Deliberations, June 28, 2008.
4. Survey Criteria RE: Global Spectrum and SMG.

**8:48:48 p.m.**

R71 A Resolution Setting The Proposed Millage Rates For Fiscal Year (FY) 2008/09, The Calculated "Rolled-Back" Rate, And The Date, Time, And Place Of The First Public Hearing; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes.

(Budget & Performance Improvement)

**ACTION: Title of the Resolution read into the record. Resolution No. 2008-26861 adopted.** Motion made by Commissioner Tobin; seconded by Vice-Mayor Steinberg; Voice vote: 7-0. First Public Hearing is scheduled for September 8, 2008 at 5:01 p.m. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. Kathie Brooks to handle.

- 1) Proposed Millage Rates for FY 2008/09
 

General Operating	5.5472 mills
Capital Renewal & Replacement	<u>0.1083</u> mills
	Total Operating Millage 5.6555 mills
	Debt Service <u>0.2375</u> mills
	Total Combined Millage 5.8930 mills
- 2) "Rolled-Back" Rate 5.6349 mills
- 3) The first public hearing on the proposed millage rate and the tentative budget for FY 2008/09 shall be held on Monday, September 8, 2008 at 5:01 p.m., in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

Commissioner Libbin stated that everyone did a great job coming to these recommendations and there are several million dollars which still need to be found. He asked the City Manager to look at the positions that are funded and are being recommended to be eliminated; as it didn't seem that the pension reduction was factored into the savings. Secondly, he stated that at a Neighborhoods/Community Affairs Committee meeting he raised the issue of the graffiti and asked the City Manager to look at what is being planned to ensure that the graffiti is handled. **Kathie Brooks to handle.**

Jorge Gonzalez, City Manager, stated that the Administration will do the best it can. The Administration will make sure that the aggregate quality of life is maintained as close as possible to what it is now.

Commissioner Wolfson stated that the ADA Coordinator position is not funded and stated that it concerns him because the City has to be aware what the laws are in this area or we will have lawsuits. He feels that filling this position would be very wise from a long term financial perspective.

Commissioner Weithorn stated that at a Finance and Citywide Projects Committee meeting she thought that the City Manager stated that the ADA areas are not being ignored but are being covered by other people. At that meeting 11 or 12 positions were being eliminated from the Police Department and to add an ADA coordinator would be incongruent.

Commissioner Gross stated the he thought the City has two disability inspectors in the Building Department who have expertise in ADA work. At the Finance and Citywide Projects Committee meeting it was agreed not to add any positions.

Commissioner Wolfson stated that he did speak with a city attorney who felt it was a good idea to fill the ADA coordinator position from a risk management perspective.

Vice-Mayor Steinberg suggested directing the Administration do an analysis and come back with a recommendation. **Kathie Brooks to handle.**

Jorge Gonzalez, City Manager, explained that this item tentatively sets the operating millage and the debt service millage for the City of Miami Beach. The operating millage is set at the same rate it is currently in place this fiscal year and the debt service millage is being reduced. He stated that in September the millage could be reduced, if it is the decision of this Commission, and it can legally be increased but it is more difficult. Essentially this is setting the cap on the Ad-Valorem tax levy as far as the overall budget. The overall budget is ½ Ad-Valorem taxes and ½ other resources. He explained that the next step in the process is in September with two Public Hearings to approve the budget. Between now and September we go back and re-project some of the other revenue line items particularly Resort Tax and Convention Development Tax which are more volatile in nature and also we tighten up our expenditure line items in order to get to a balance budget, which is required by law. He announced that the First Budget Hearing will be on September 8, 2008 and the reason it is on that day is because the State prohibits municipalities from having public hearings on the budget on days that either the County or the School Board are hearing their budgets. He emphasized that the City of Miami Beach's millage has remained flat and we need to see how other municipalities deal with the impact of Amendment I and the down turn in the market; it is possible that many other cities will be raising their millage. We should be proud of our fiscal policies to have a budget that has not affected our millage.

Commissioner Gross stated that in order to achieve our flat rate millage at the roll-back rate we need to cut approximately \$15 million and last year we cut \$27 million for a total of \$42 million in over two year or approximately 15% of the budget has been cut. He asked how does this has impacted the tax payers.

Jorge Gonzalez, City Manager, stated that the impact to the tax payers is of several hundred dollars and in some cases close to thousand dollars depending on the property value. He recognized Kathie Brooks, Budget and Performance Improvement office Director, Jose Cruz and Bill Gonzalez who are here tonight and there are a lot of other people who have been involved in getting us to this point, although we are not finished yet. While it may seem easy, it is not without a lot of hard work from the City Commission and the Administration. We can be proud of our budget in relation to other communities.

#### Handout or Reference Materials

1. Color copy of Agenda Item R7I
2. Resolution draft.



**9:09:00 p.m.**

R7J A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Setting 1) The Proposed General Operating Millage Rate For The Normandy Shores Neighborhood Improvement District; 2) The Calculated Rolled-Back Rate; And, 3) The Date, Time And Place Of The First Public Hearing To Consider The Operating Millage Rate And Budget For Fiscal Year (FY) 2008/09; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes.

(Budget & Performance Improvement)

**ACTION: Title of the Resolution read into the record. Resolution No. 2008-26862 adopted.** Motion made by Commissioner Libbin; seconded by Vice-Mayor Steinberg; Voice vote: 7-0. The First Public Hearing is scheduled for September 8, 2008 at 5:02 p.m. Robert Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. Kathie Brooks to handle.

- 1) Proposed Normandy Shores Local Government Neighborhood Improvement District Operating Millage Rate for FY 2008/09  
     General Operating                      0.7227 mills
- 2) "Rolled-Back Rate"                      1.0489 mills
- 3) The first public hearing on the proposed Normandy Shores Local Government Neighborhood Improvement District operating millage rate and tentative budget for FY 2008/09 shall be held on Monday, September 8, 2008 at 5:02 p.m., in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

**R9 - New Business and Commission Requests**

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

**ACTION:** No appointments made.

**Fine Arts Board:**

Jenny Johnson Sardella Term expires 12/31/08      Appointed by Commissioner Tobin TL 12/15

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

**ACTION:** No appointments made.

**7:37:03 p.m.**

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

**ACTION:**

Benita Argos stated that while she waited for her laundry, she observed that we need two bus shelters to protect people from the rain and the hot sun so they do not have to stand in her driveway waiting for the bus. She is requesting the City Commission to consider placing one bus shelter by her building 1345 West Avenue; one on each side of the street.

Fred Beckmann, Public Works Director, stated they will look at it and if there is enough right-of-way space the bus shelters will be added to the list. **Fred Beckmann to handle.**

Benita Argos gave the addresses as 1330 and 1335 West Avenue.

**7:49:44 p.m.**

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

**ACTION:**

Benita Argos requested that the early voting be moved back to City Hall since last time it took her 20 minutes to wait for a space to park at the library. It was very hard to park due to the pattern of the traffic on the area.

Jorge Gonzalez, City Manager, stated that early voting will be held on the third floor at City Hall.

**9:08:31 p.m.**

R9C Discussion Regarding Sunset Islands 1 &amp; 2 Flooding, Drainage, Capital Improvements And Nautilus Neighborhood Flooding Remediation.

(Requested by Commissioner Edward Tobin)

**ACTION: Deferred.** Commissioner Tobin stated that the Administration is working hard on this issue and will defer the item to September 10. Lilia Cardillo to place on the City Commission Agenda.

Jorge Gonzalez, City Manager, stated that CIPOC member Mr. Goldsmith is working hard on this as well. He added that the item will go before the CIPOC before it comes back to the Commission.

**6:24:05 p.m.**

R9D Discussion Regarding The Status Of Bay Drive Sidewalk And ROW Improvements.  
(Requested by Commissioner Jonah Wolfson)

**ACTION:** Discussion held.

Commissioner Gross stated that there is consensus to drawing a smaller version of the side walk making sure that it meets code requirements, and allow for as much space as possible for parallel parking between the sidewalk and the street and if there is a problem take this idea to the CIP Oversight Committee. **Jorge Chartrand to handle.**

Commissioner Weithorn stated that all neighbors should be properly noticed when this issue will be discussed so they can attend. **Jorge Chartrand to handle.**

Jorge Gonzalez, City Manager, clarified that the instructions are to proceed with this and only send to the CIP Oversight Committee if there is a problem. He also clarified that the steps are: 1) narrow enough sidewalks, 2) wide enough space between the street and the sidewalk to allow safe parallel parking, and 3) to keep the sidewalk as far away as possible from the property line.

Commissioner Wolfson explained the issue is the sidewalk on the north side of Bay Drive. He added that in 2002 the Administration recommended no sidewalk on Bay Drive west of Trouville Esplanade and the reasoning was that there were a significant amount of improvements done by the residents that will be affected. He emphasized that this is a very difficult issue because the neighborhood as a whole is divided. The homeowners whose homes are significantly affected are against it and other residents in the area feel very strong about having a contiguous sidewalk. He explained that any decision made will make somebody unhappy. In weighing the damage that will be incurred to the neighborhood and the closeness of the sidewalks to the homes is something that needs to be looked at carefully. He stated that this is an area with not too much traffic and it will be safe for the people to walk without a sidewalk. This issue should be resolved and not referred anywhere since this affects the quality of life of the neighbors.

Commissioner Weithorn stated that she served on the G.O. Bond Oversight Committee and now on its successor the CIP Oversight Committee and they passed Basis of Design Report (BODR) which were working models of what is supposed to happen at each neighborhood. There were a lot of notices and people knew what was going to happen. And although there are minor changes over time, once something is on the report she feels strongly that it is bad for the City Commission to make a lot of changes. We are setting a precedent that changes can be made mid-way through the project as to where the money is going, etc. She stated that there are hardships but she cautioned the City Commission to be very careful as to making changes. She stated that changes to Basis Of Design Report (BODR) should go to the CIP Oversight Committee for comments before going to the City Commission.

Sharon Kersten spoke.

Roberto Sanchez spoke.

Dharma Mirabent poke.

Jorge Mirabent spoke.

Vivian Klepaul spoke.

Jose Martinez spoke.

Jose Martinez spoke.

David Reiter spoke.  
Marguerite Ramos spoke and presented a signed petition from the neighbors.  
Vivian Klepaul spoke.  
Jorge Lopez spoke.  
Marilyn Jorge Martinez spoke.  
Elliot Learmond spoke.  
Teresa Martinez spoke.

Commissioner Libbin asked if the law permits parking on the pavement as long as there is one lane of travel free. **Jorge Chartrand to research and handle.**

Discussion continued.

Commissioner Gross stated that the solution is to move the sidewalk enough so people can park between the street and the sidewalk.

Commissioner Wolfson stated that a decision needs to be made as to the sidewalk because this is making an impact on some homeowners.

Discussion continued.

Vice-Mayor Steinberg suggested that if the right-of way is such that it will allow parking safely with a foot on the pavement he thinks this could work as long as the Parking Department understands not to ticket those people parking this way. He stated that perhaps the reaction from the neighbors is due to them receiving parking tickets when they should not. This alternative should also be looked at. **Saul Frances to handle.**

Discussion continued.

Commissioner Gross stated that there is consensus to drawing a smaller version of the sidewalk making sure that it meets code requirements, and allow for as much space as possible for parallel parking between the sidewalk and the street and if there is a problem take this idea to the CIP Oversight Committee. **Jorge Chartrand to handle.**

Commissioner Weithorn stated that all neighbors should be properly noticed when this issue will be discussed so they can attend. **Jorge Chartrand to handle.**

Jorge Gonzalez, City Manager, clarified that the instructions are to proceed with this and only send to the CIP Oversight Committee if there is a problem. He also clarified that the steps are: 1) narrow enough sidewalks, 2) wide enough space between the street and the sidewalk to allow safe parallel parking, and 3) to keep the sidewalk as far away as possible from the property line.

Commissioner Gross responded that this is correct.

#### Handout or Reference Materials

1. Printout of email from Dharma R. Mirabent to City Commission dated July 11, 2008 with attached Bay Drive Sidewalk Opposition Petition.
2. Normandie Sudsidewalk Petition
3. Electronic correspondence from Ellizabeth Allocco, Giselle Trainor, Margueritte Ramos, David and Catherine Wieder, William Little, Ms. Luis Abudo, Edwin Scharlau, John Kunkel and Carolyn Goldberg

dated July 15, 2008 RE: Normandy Sud Sidewalks.

City Clerk's note: Attached to this item is a Commission Memorandum titled "Status of Bay Drive Sidewalk and Right-of-way Improvements"

**7:41:38 p.m.**

R9E Discussion Regarding The Status Of The Normandy Isle Right-Of-Way Neighborhood Project, Specifically In The Vicinity Of Maimonides Street/Vichy Drive.  
(Requested by Commissioner Jonah Wolfson)

**ACTION: Discussion held.**

Commissioner Libbin stated that \$15,000 or \$17,000 is a small amount of money to pay to gain the extra five spaces and gave direction to staff to eliminate the bump outs and plant the trees on the sidewalk wells to gain the five parking spaces.

Commissioner Wolfson stated that the design of the parking area by Maimonides and Vichy Drive has a lot of business owners complaining that there will be parking spaces removed. He would like to discuss this issue before something permanent is done about it.

Jorge Chartrand, CIP Director, explained what the residents are asking is more of a deviation from the Basis of Design Report (BODR). They are asking the City to completely reconfigure the streets, and eliminate the landscaping and the bump outs in order to maximize parking. He explained that they have more parking than they realize because the streets are not marked and they park haphazardly and if we organize the parking they are losing only five parking spaces. They have also made suggestions of making the street a one-way street and this is not possible; Miami-Dade County will not approve it. He stated that the City has asked the consultant to give a proposal to redesign the entire street probably eliminating all the bump outs and moving the trees unto one of the sidewalks since one of the sidewalks is about 10 ft. wide and there will be sufficient space for traveling and tree wells. He requested direction from the City Commission to accommodate the request from the residents.

Commissioner Gross asked how many parking spaces will be gained by eliminating the bumps outs.

Jorge Chartrand, CIP Director, stated that maybe the five spaces will be re-gained but no more than that.

Commissioner Gross asked how much it will cost to redesign.

Jorge Chartrand, CIP Director, stated that the proposal is for \$17,000 but he thinks it is excessive and he will negotiate.

Commissioner Libbin stated that \$15,000 or \$17,000 is a small amount of money to pay to gain the extra five spaces and gave direction to staff to eliminate the bump outs and plant the trees on the sidewalk wells to gain the five parking spaces.

Handout or Reference Materials

1. Color Copies

City Clerk's note: Attached to this item is a Commission Memorandum titled "Status of the Normandy Isle Right-of-Way Neighborhood Project: Specifically in the vicinity of Maimonides Street/Vichy Drive"

**5:59:19 p.m.**

R9F Discussion Regarding A Resolution Adding U.S. Senate Bill S.2279 And U.S. House Of Representatives Bill H.R. 5979, Also Known As The "International Violence Against Women Act Of 2008," To The City's Federal Legislative Agenda; And Further Directing The City's Federal Lobbyists To Lobby Congress In Support Of Both Bills.

(Requested by Mayor Matti Herrera Bower)

**ACTION: Discussion held. Resolution No. 2008-26863 adopted.** Motion made by Commissioner Weithorn; seconded by Vice-Mayor Steinberg; Voice vote: 6-0; Absent: Commissioner Wolfson. Kevin Crowder to add to Federal Lobbyist Agenda and send to the City's Federal Lobbyists.

Terriah Proechel, CARE representative, explained the mission of this humanitarian organization and stated their need to find co-sponsors to represent them in the Florida Legislation on this international issue.

Dona Zemo, Miami Beach Commission for Women Chair, spoke.

**5:58:23 p.m.**

R9G Discussion Regarding A Resolution Of The Mayor's Gay Business Development Committee Recommending That The Mayor And City Commission Urge Miami-Dade County, By And On Behalf Of Its Consumer Services Department, To Include And Emphasize The City Of Miami Beach Human Rights Ordinance As Part Of Its Training And Orientation Program For Taxi Cab Drivers Doing Business In The County, And, In Particular, In The City Of Miami Beach.

(Requested by Mayor Matti Herrera Bower)

**ACTION: Discussion held.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Libbin; Voice vote: 6-0; Absent: Commissioner Wolfson. **Michael Aller to handle.**

Mayor Bower introduced the item.

George Neary stated that there have been some harassment of gay and lesbian individuals in the community and he suggested that the Human Rights Ordinance be part of the package to be given to taxi cab drivers when trained.

**5:55:16 p.m.**

R9H Discussion Regarding A Resolution Of The Mayor's Gay Business Development Committee Urging The Mayor And The City Commission To Adopt A Resolution And/Or Otherwise Issue A Declaration Of Policy Opposing "Amendment 2," Which Will Be Considered By Florida Voters On The November 4, 2007 Election Ballot.

(Requested by Mayor Matti Herrera Bower)

**ACTION: Discussion held.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Commissioner Wolfson. **Hilda Fernandez to handle via press release.**

Mayor Bower introduced the item.

Babak Mohavedi, Mayor's Gay Business Development Committee Chair, introduced George Neary.

George Neary, member of the Mayor's Gay Business Development Committee, asked for support in voting "no" to Amendment 2.

Vice-Mayor Steinberg clarified that the City of Miami Beach, in order to be progressive, gives domestic partnership benefits to employees, and if Amendment 2 passes, it will take away the City's right to do that. He explained that Amendment 2 is not about gay marriage, but is about making government entities not able to give benefit to domestic partners.

**Motion by Vice-Mayor Steinberg; seconded by Commissioner Tobin to issue a declaration opposing "Amendment 2."**

Handout or Reference Materials:

1. Brochure distributed at the dais titled Why You Should Say NO to Amendment 2 (Florida's Marriage Protection Amendment)

**7:38:57 p.m.**

R9I Discussion And Referral To The Planning Board And Finance And Citywide Projects Committee - Mayor's CANDO Committee's Proposal For Collins Park.

(Requested by Mayor Matti Herrera Bower)

**ACTION: Discussion held. Motion made by Commissioner Gross to refer item to the Land Use and Development Committee; seconded by Vice-Mayor Steinberg; Voice vote: 7-0.** Jorge Gomez to place on the committee agenda and to handle.

**8:13:18 p.m.**

**Addendum:**

R9J Discussion Of Miami-Dade County's Proposed Millage and Proposed 2008/09 Budget.  
(Mayor Matti Herrera Bower)

**ACTION: Discussion held.** Motion made by Vice-Mayor Steinberg to authorize Mayor Bower to represent the City and the City Commission at the Miami-Dade County Special meeting to express their concern and oppose this Charter Amendment on November 4, 2008; seconded by Commissioner Gross; Voice vote 7-0.

Jorge Gonzalez, City Manager, explained that the County appears to have numerous expenses that were part of the unincorporated area shifted to the corporate side impacting the cities by reducing the savings we are having by keeping our millage down. Our impact to all the property owners is \$7.6 million greater had this remained the way they were. On an average value of \$380,000 property the increase is \$80.00.

Vice-Mayor Steinberg explained that this increase will wipe out the savings created by Amendment 1. He encouraged the residents to call the County Commissioners and to attend the meeting.

**Addendum:**

R9K Discussion Of A Proposed Miami-Dade County Charter Amendment For The November 4, 2008 Ballot.  
(Mayor Matti Herrera Bower)

**ACTION: Discussion held.** Motion made by Commissioner Weithorn to authorize Mayor Bower to represent the City and the City Commission at the Miami-Dade County Special meeting to express their concern and oppose this Charter Amendment on November 4, 2008; seconded by Commissioner Libbin; Voice vote: 6-0; Absent: Commissioner Tobin.

Jorge Gonzalez, City Manager, explained that Miami-Dade County will meet to discuss the County will taking over the fire services and regionalize it for all of Miami-Dade County for the five cities. If this ballot question passes, the County will take over the fire departments of those municipalities.

Commissioner Weithorn stated that Mayor Bower should represent the entire City and City Commission.

Discussion continued.

Commissioner Weithorn is concerned with the County taking the City's right of way to choose. This is taking rights away from this community to be able to decide for ourselves since we always have the option to ask the County to take over any service.

Vice-Mayor Steinberg stated that this is not why cities incorporate and this is not why the residents elected this Commission and we need to reach out to the elected officials and express our concerns.

Jose Smith, City Attorney, stated that they have contacted the city Attorney for the City of Miami and Coral Gables and they will meet on Monday to come up with a strategy on this issue.

Commissioner Weithorn stated that Mayor Bower should also represent the residents to give the County a strong message that the cities have a right to choose and they cannot take their rights away from them.

State Representative Luis R. Garcia, Jr., spoke.



Adonis Garcia, Fire Fighter, spoke.

Wilbert Jackson, Miami Fire Department, spoke.

### 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 Status Report On The Construction Of The Normandy Shores Golf Course And Facilities.

(Capital Improvement Projects)

**ACTION: Written report submitted.**

**7:52:05 p.m.**

E Status Report On 28<sup>th</sup> Street Pump Station And 51<sup>st</sup> Street Pump Station.

(Public Works)

**ACTION: Verbal report submitted.** Lilia Cardillo to place on the September 10, 2008 City Commission Agenda. **Fred Beckmann to handle.**

Fred Beckmann, Public Works Director, introduced the item.

Jason Johnson, Senior Project Manager with CDM, gave an oral report on Pump Station 28.

#### **Pump Station 28 (28<sup>th</sup> Street)**

Recommendations:

- 1) To address the other non-hydrogen sulfide odor and replace the carbon with the bio-filter unit
- 2) Extend the height of the stack by five (5) or six (6) feet
- 3) Application of a carbon filter similar to an air conditioner filter in the pump room.

Jason Johnson, Senior Project Manager with CDM, will get cost figures to Fred Beckmann who will expedite these solutions and will report back in September. Lilia Cardillo to place on the Commission Agenda. **Fred Beckmann to handle.**

**Pump Station 15 (51 Street)**

Fred Beckmann, Public Works Director, explained that the odor control system was installed last week in Pump Station 15 and a new test will be conducted soon. No other problems have been noted.

Commissioner Wolfson requested that this item also be brought back to the City Commission in September.

## Handout or Reference Materials:

1. Aerial color copy of Pump Station #28.

- F 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.**

**End of Regular Agenda**

**Miami Beach Redevelopment Agency****City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive****July 16, 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 May 2008.

(Finance Department)

**ACTION: Written report submitted.****10:32:46 a.m.**

## 2. NEW BUSINESS

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Authorizing The Executive Director, Or His Designee, To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts, Which May Expire; And Terminate Existing Contracts, As Needed, From The Last Agency Meeting On July 16, 2008, Until The First Regularly Scheduled Agency Meeting On September 10, 2008, Subject To Ratification By The Agency At Its First Regularly Scheduled Meeting On September 10, 2008. **Joint City Commission And Redevelopment Agency.**

(Procurement)

**ACTION: Item heard in conjunction with Item R7C. Resolution No. 559-2008 approved.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Wolfson; Voice vote: 7-0. **Gus Lopez to handle.**

Meeting adjourned 9:10:50 p.m.

**End of RDA Agenda**