



# MIAMI BEACH

## Special City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
September 17, 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.**

- C7A Adopt/Appropriate Funds, FY 2008/09 Police Special Revenue Account Budget, \$27,000.
- C7B Adopt/Appropriate Funds, FY 2008/09 Police Confiscation Trust Fund Budget, \$250,350.
- C7C Adopt/Appropriate Funds, FY 2008/09 Police Training Trust Fund Budget, \$45,000.
- C7D Appropriate Concurrency Mitigation Funds for Citywide Consulting Services, \$120,000.

### **REGULAR AGENDA**

- R5A **5:05 p.m. 2<sup>nd</sup> Rdg**, Amend Ordinance 1335, Classified Employees' Leave Ordinance.
- R5B **5:05 p.m. 2<sup>nd</sup> Rdg**, Parking Rate Ordinance Amendments.
- R5C **5:05 p.m. 2<sup>nd</sup> Rdg**, Water and Sewer Rate Ordinance.
- R5D **5:05 p.m. 2<sup>nd</sup> Rdg**, Stormwater Rate Ordinance.
- R5E **5:05 p.m. 2<sup>nd</sup> Rdg**, Solid Waste Ordinance.
- R5F **1<sup>st</sup> Rdg**, Amend Chapter 110 of the City Code, Utilities.
- R5G **1<sup>st</sup> Rdg**, Amend Code, Sanitary Sewer Service Charge, Stormwater Utility Charge
- R7A1 **5:01 p.m. 2<sup>nd</sup> Rdg**, Adopt Final Ad Valorem Millage & Debt Service Millage for FY 08/09.
- R7A2 **5:01 p.m. 2<sup>nd</sup> Rdg**, Adopt Final Operating Budgets for FY 08/09.
- R7B1 **5:02 p.m. 2<sup>nd</sup> Rdg**, Adopt Final Ad Valorem Millage/Normandy Shores Local Govt., FY 08/09.
- R7B2 **5:02 p.m. 2<sup>nd</sup> Rdg**, Adopt Final Operating Budget, Normandy Shores Local Govt., FY 08/09
- R7C Adopt Annual FY 08/09 Appropriation for Capital Renewal & Replacement Fund, \$2,218,974.
- R7D **Joint** Adopt/Appropriate Capital Budget, FY 08/09 & Capital Improvement Plan, 08/09-12/13.
- R7E Adopt FY 2008/09 Budgets, Special Revenue Funds for Resort Tax.
- R7F1 Establish Maximum Schedule of User Rates, Normandy Shores Golf Club.

- R7F2 Amend Resolution 2007-26657, Miami Beach Golf Club.
  - R7G Appropriate Funds, FY 08/09 South Beach Local Operating Budget, \$640,260.
  - R7H Adopt Miami Beach Cultural Arts Council, FY 08-09 Budget, \$1,041,175.
  - R7I Approve Funding, FY 08/09 Budget for the Cultural Arts Council, \$630,000.
  - R7J Adopt/Approve Miami Beach VCA FY 2008/09 Budget, \$1,617,216.
  - R7K Revise "Special Events Requirements & Guidelines."
  - R7L Amend Resolution 2003-25302, Increasing Fire Rescue Transport Fees
- R9A Discussion Regarding South Pointe Phase II ROW Project, ITB No. 13-07/08.

**REDEVELOPMENT AGENCY ITEMS**

- 1A **Joint**, Adopt/Appropriate FY 2008/09 City & RDA Capital Budget, Capital Improvement Plan.
- 1B Adopt FY 2008/09 Operating Budget - City Center, Anchor Shops & Parking Garage.

Meeting called to order at 5:20:04 p.m.

**ADDENDUM:**

Motion made by Commissioner Weithorn; seconded by Commissioner Tobin to add item R9A as emergency item to the Commission Agenda; Voice vote: 6-0; Absent: Commissioner Wolfson.

**SUPPLEMENTAL MATERIALS:**

R5F (Ordinance), R5G (Ordinance), R7A2 (Resolution), R7F (Resolution), and R7L (Resolution)

**CONSENT AGENDA**

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

**C7 - Resolutions**

- C7A A Resolution Adopting And Appropriating Funds For The Fiscal Year 2008/09 Police Special Revenue Account Budget In The Amount Of \$27,000, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue - Account.  
(Police Department)

**ACTION: Resolution 2008-26891 adopted.** Patricia Walker to appropriate the funds. Chief Noriega to handle.

- C7B A Resolution Adopting And Appropriating Funds For The Police Confiscation Trust Fund Budget For Fiscal Year 2008/09 In The Amount Of \$250,350 To Be Funded From The Proceeds Of State-Interest Earned (\$23,000) And Federal-Treasury (\$227,350) Confiscated Funds.  
(Police Department)

**ACTION: Resolution 2008-26892 adopted.** Patricia Walker to appropriate the funds. Chief Noriega to handle.

- C7C A Resolution Adopting And Appropriating Funds For The Fiscal Year 2008/09 Police Training Trust Fund Budget In The Amount Of \$45,000.  
(Police Department)

**ACTION: Resolution 2008-26893 adopted.** Patricia Walker to appropriate the funds. Chief Noriega to handle.

**5:21:32 p.m.**

- C7D A Resolution Appropriating \$120,000 In Concurrency Mitigation Funds From North, Middle, And South Beach, Respectively, To Fund General Traffic And Transportation Engineering Consulting Services Citywide.  
(Public Works)

**ACTION: Item separated for discussion by Commissioner Gross. Resolution 2008-26894 adopted as amended.** Motion made by Commissioner Libbin; seconded by Commissioner Weithorn; Voice vote: 7-0. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

**Amendment**

- 1) Appropriate the \$20,000 funding and add this discussion to the FDOT meeting agenda
- 2) Look into the possibility of converting Harding Avenue (the street on the west side of Publix) into a two-way street; Public Works to review project as part of Publix's redevelopment
- 3) If unsuccessful with FDOT, the City Commission to authorize the study.

**End**

Commissioner Gross stated the item is to discuss how the City will be using the Concurrency Mitigation Funds and on page 20 there are two items that concern him; the first one is the cost for the Collins Avenue flexible parking lane project; he did not think it will cost \$20,000 to do a study and questioned if this study is necessary.

Fred Beckmann, Public Works Director, stated that the Florida Department of Transportation (FDOT) requires a safety and traffic study to make sure that the operation of the lanes will be safe.

Discussion continued.

Vice-Mayor Steinberg asked if there was a study done about 15 years ago when that lane was turned into parking.

Jorge Gonzalez, City Manager, stated that FDOT probably would not accept that study.

Vice-Mayor Steinberg recommended pulling the \$20,000 and set aside as unallocated fund, and adding this item to the agenda for the meeting with the Florida Department of Transportation (FDOT).

**Fred Beckmann to handle.**

Mayor Bower asked what will happen if FDOT says "No" and they still want the study.

Commissioner Gross stated that this was promised to the neighborhood and it should not be eliminated without informing the neighborhood.

Discussion continued.

Fred Beckmann, Public Works Director, suggested approving the appropriation, and leave it untouched pending the meeting with FDOT.

Commissioner Gross explained that when the Publix project was presented, there was discussion regarding Harding Avenue (the street on the west side of Publix) being converted into a two-way street and that there were also discussions at a Planning Board meeting.

Fred Beckmann, Public Works Director, stated that this will be reviewed as part of the Publix's redevelopment and that staff will ask Publix to help in doing the study. **Fred Beckmann to handle.**

Jorge Gonzalez, City Manager, clarified that if the Administration is unsuccessful in convincing FDOT that a study is not needed, then the City Commission authorizes the Administration to do the study. **Fred Beckmann to handle.**

### **End of Consent Agenda**

### **REGULAR AGENDA**

#### **R5 - Ordinances**

**5:27:32 p.m.**

R5A An Ordinance Amending Ordinance No. 1335, The Classified Employees' Leave Ordinance, By Amending The Provisions Of Section 8 For Use Of Sick Leave; Providing For A Repealer, Severability, Codification, And An Effective Date. **5:05 p.m., Second Reading Public Hearing**  
(Human Resources)  
(First Reading on September 8, 2008)

**ACTION: Public Hearing held. Ordinance No. 2008-3612 adopted.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Gross; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Ramiro Inguanzo to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 506

**5:28:28 p.m.****R5B Parking Rate Ordinance Amendments**

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 106, Entitled "Traffic And Vehicles," By Amending Article II, Entitled "Metered Parking," By Amending Division 1, Entitled "Generally," By Amending Section 106-55, Entitled "Parking Rates, Fees, And Penalties," By Amending Parking Meter Rates And Time Limits, Regulations Concerning Metered Parking Space Rentals, Temporary Residential Guest Parking Placard Permits, And Providing Minor Amendments For Consistency Within Section 106-55 With Regard To Parking Department Operating Procedures And Modernizing Parking Regulation Terminology; By Amending Division 2, Entitled "Residential Parking Permits," By Amending Section 106-79, Entitled "Issuance Of Permits; Placement Of Signs," By Amending The Provisions For Residential Parking Permits; Providing For Codification, Repealer, Severability, And An Effective Date. **5:05 p.m. Second Reading Public Hearing**

(Parking Department)

(First Reading on September 8, 2008)

**ACTION: Public Hearing held. Ordinance No. 2008-3613 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Tobin; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Saul Frances to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 506

**5:30:58 p.m.****R5C Water and Sewer Rate Ordinance**

An Ordinance Amending Chapter 110 Of The Miami Beach City Code Entitled "Utilities," Amending Article IV, Entitled "Fees, Charges, Rates And Billing Procedure Thereof;" Amending Division 2 Thereof, Entitled "Rates, Fees And Charges;" Amending Section 110-168 (b) Thereof, Entitled "Sanitary Sewer Service Charge," To Provide Additional Water Meter Fees; And Also Amending Appendix A, (Entitled "Fee Schedule") To Increase The Sanitary Sewer Service Charge Imposed By The City, Pursuant To Sections 110-166 (a) And (b), And 110-168 (b); Providing For Codification, Repealer, Severability, And An Effective Date. **5:05 p.m. Second Reading Public Hearing**

(Public Works)

(First Reading on September 8, 2008)

**ACTION: Public Hearing held. Ordinance No. 2008-3614 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Libbin; Ballot vote: 5-2; Opposed: Commissioners Tobin and Wolfson. R. Parcher to transmit to Municipal Code. **Fred Beckmann to handle.**

- 1) Test block by block; do not replace pipes that do not need replacement
- 2) Develop a schedule of when projects will be done
- 3) Ensure projects are updated on the Internet

**End**

Jorge Gonzalez, City Manager, explained the item.

Fred Beckmann, Public Works Director, gave a PowerPoint Presentation and explained the proposed increase in rates. He explained that about 24% of the rate increase is attributable to the pass-through cost of wholesale purchase of water and sewer treatment from Miami-Dade County and about 76% of the rate increase is for future debt service. He added that the new bonds are needed for pipe replacement. In summary, the requirement for water and sewer is an additional \$45 million.

Jorge Gonzalez, City Manager, explained that Wall Street requires the City to evidence the ability to raise the revenues necessary to operate the system and also to cover the principal and interest debt service associated with the new bonds, in addition to the debt service coverage rate that is imposed based on the City's credit. Bonds are issued and the IRS indicates a timeline by which those monies must be spent. He further explained the process of how funds were spent on water and sewer projects in some neighborhoods. The City Commission directed the Administration to spread the cost over a longer period so as not to impact residents in the first year. In order to avoid neighborhood projects delays, the Administration is recommending securing Letters of Credit, of a taxable nature, to have the commitment authority necessary to proceed with the remainder neighborhood projects in a timely manner.

Commissioner Gross stated no one is anxious to raise rates and added that residents are entitled to know the methodology for replacing pipes and the scientific analysis, and asked if the Administration can build into the contract process a way to check when pipes need to be replaced or not.

Fred Beckmann, Public Works Director, stated that a line item can be included in the contract that addresses the charge for testing location.

Commissioner Gross suggested the test be done block by block.

Discussion held.

Mayor Bower explained why she has to vote in favor of this ordinance, and also explained the process and the actions taken by previous City Commission on this issue.

Jorge Gonzalez, City Manager, explained that the projects were pushed back six months, but at some point neighborhood projects that incorporate water, sewer and stormwater projects will be ready, and the options are to hold off for money to become available, or do a Letter of Credit. He also explained that the construction market is turning favorable, and to capitalize on that, with \$22 million worth of projects for water for the first traunch and about \$31 million for stormwater for the first traunch, staff can advice specifically as to which neighborhoods can be done and when.

Discussion continued.

Commissioner Weithorn stated that two active projects, Nautilus and Normandy Isle, are \$10 million alone, so the \$22 million approach isn't excessive when the City is looking at nine (9) additional projects.

Fred Beckmann, Public Works Director, stated that the Bay Shore central project is essentially ready to go and for the water and sewer projects it is approximately \$10.5 million short. These projects are ready to be advertised.

Jorge Gonzalez, City Manager, explained that the reason the rates are being asked for today, is to have them in place a year in advance when bonds are sold. Some projects are currently in the ground, and in order to award those projects, dollars must be committed, but not necessarily spent on day one of the contract. There is a cash flow component that will carry the projects through the next 12 or so months, but in order to award a new project, a new commitment of dollars is needed, so will take whatever monies are in the neighborhoods, along with the Letter of Credit and/or the bonds, if timely, and draw only the dollars needed as spent and repaid when bonds are available.

Patricia Walker, Chief Financial Officer, spoke about the Letter Of Credit.

Discussion continued.

Edna Buchanan spoke.  
Beth Gopman spoke.  
Fred Karlton spoke.  
Leonor Hernandez spoke.  
Byron Garcia spoke.  
Antonio Hernandez spoke.  
Dr. Michael Gilbert spoke.  
Sandra Gilbert spoke.  
Judy Hirshawitz spoke.  
Michael Garcia spoke.  
Lori Lynch spoke.

Discussion continued.

Motion made by Commissioner Gross to approve the proposal increase rates; seconded by Commissioner Libbin. Discussion continued and no vote taken.

Commissioner Tobin expressed his frustration for projects delay and overpayment of construction, and residents are complaining that their neighborhoods do not have a schedule. He asked if there is anyway to narrow down and make a commitment as to when the neighborhoods will receive what they have been promised within a certain period of time. He asked if this vote can be postponed and come back with a schedule for the residents and make a commitment at that time.

Discussion continued.

Commissioner Gross clarified that the City Commission did not use money raised for neighborhoods on anything else, the money is still there and in the bank, waiting to be spent in the neighborhoods; the projects are moving slower than the Commission would like, but money has not been misspent or misappropriated. There are very specific plans which can be viewed at [CMBprojects.com](http://CMBprojects.com) that have very detailed information for every one of the 13 neighborhoods in the City, which includes the Basis of Design report approved by the neighborhood, the financial breakdown, and timelines.

**Motion made by Commissioner Gross; seconded by Commissioner Libbin; Ballot-vote: 5-2; Opposed: Commissioners Tobin and Wolfson.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 506
2. PowerPoint Presentation titled Proposed FY 2008/09 and FY 2009/10 – Rates for Water/Sewer/Stormwater dated September 17, 2008

**7:40:37 p.m.**

## R5D Stormwater Rate Ordinance

An Ordinance Amending Chapter 110 Of The Miami Beach City Code, Entitled "Utilities;" By Amending Article III Thereof Entitled "Stormwater Utility," Amending Section 110-109 (c) Thereof Entitled "Stormwater Utility Fees," By Amending Appendix "A" Thereof To Increase The Stormwater Utility Service Charge Imposed By The City; Providing For Codification, Repealer, Severability, And An Effective Date. **5:05 p.m. Second Reading Public Hearing**

(Public Works)

(First Reading on September 8, 2008)

**ACTION: Public Hearing held. Ordinance No. 2008-3615 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Tobin; Ballot vote: 6-1; Opposed: Commissioner Wolfson. R. Parcher to transmit to Municipal Code. **Fred Beckmann to handle.**

Judy Hirshawitz spoke.

## Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 506

**7:48:54 p.m.**

R5E An Ordinance Amending The Miami Beach City Code By Amending Chapter 90, Entitled "Solid Waste," By Amending Article I, Entitled "In General," By Amending Section 90-2, Entitled "Definitions," By Amending Definitions Concerning Waste Collection; By Amending Article IV, Entitled "Private Waste Collectors/Contractors," By Amending Division 2, Entitled "License And Permit," By Amending Sections 90-191, 90-192, 90-193, And 90-195 To Clarify Provisions Regarding Licenses, Permits, Indemnification, And Insurance For Independent Contractors; By Amending Division 3, Entitled "Franchise," Of Article IV By Amending Sections 90-221, 90-222, 90-223, 90-224, 90-225, 90-228, 90-229, 90-230, And 90-233 By Amending Franchise Fee Provisions, Providing Provisions For Recycling And Waste Contractors With Regard To Franchise Fees, Account Information, Monthly Reports, The Handling Of Complaints, Regulations For Servicing Dumpsters, Compactors, And Garbage Facilities, The Selection Of Franchise Waste Contractors, The Renewal Of Waste Contractors' Franchise Agreement Contracts, The Exemption To Provide For Recycling, And The Revocation Of Franchises, By Adding A New Section 90-231 To Provide Recycling Requirements For Waste Contractors, And Renumbering Sections 90-232 Through 90-235 Accordingly; By Amending Division 4, Entitled "Specialty Contractors," Of Article IV By Amending Subdivision II, Entitled "Rolloff/Waste Container Contractors," By Amending Sections 90-276 Through 90-281 To Amend License And Permit Requirements And Fees, Providing Penalties For Failure To Obtain A Permit, Providing That On-Street And Off-Street Permit Fees Shall Be Changed By Resolution After October 1, 2008, Increasing The On-Street And Off-Street Permit Fees From 16% To 18% Of The Licensee's Total Monthly Gross Receipts, Amending Monthly Report And Audit Provisions, And Adding Identification Requirements And Location, Use, And Overflow Restrictions; By Amending Subdivision III, Entitled "Recycling Waste Contractors," Of Division 4 Of Article IV By Amending Section 90-307 With Regard To The Expiration Of Licenses And Creating Section 90-310 To Set Forth The Regulations Applicable To Recycling Waste Contractors; Providing For Repealer; Severability; Codification; And An Effective Date. **5:05 p.m. Second Reading Public Hearing**

(Public Works)

(First Reading on September 8, 2008)

**ACTION: Public Hearing held. Ordinance No. 2008-3616 adopted.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Libbin; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Fred Beckmann to handle.**



Antonio Hernandez spoke.  
Alex Gonzalez spoke.  
Jason Neal spoke.  
Harold Rosen spoke.

## Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 506

**9:46:25 p.m.**

**Supplemental Materials: Ordinance**

R5F An Ordinance Amending Chapter 110 Of The Miami Beach City Code Entitled "Utilities," Amending Article IV, Entitled "Fees, Charges, Rates And Billing Procedure Thereof;" Amending Division 2, Entitled "Rates, Fees And Charges," By Deleting Section 110-168 (b) Thereof, Entitled "Sanitary Sewer Service Charge," To Provide Additional Water Meter Fees; And Also Amending Appendix A To Section 110-166, (Entitled "Fee Schedule,") To Increase The Sanitary Sewer Service Charge Imposed By The City Pursuant To Sections 110-166 (a) And (b), And 110-168 (a); Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading**  
(Public Works)

**ACTION: Item withdrawn by the Administration.**

**9:46:25 p.m.**

**Supplemental Materials: Ordinance**

R5G An Ordinance Amending Chapter 110 Of The Miami Beach City Code, Entitled "Utilities;" By Amending Article III Thereof Entitled "Stormwater Utility;" Amending Section 110-109 (c) Thereof Entitled "Stormwater Utility Fees," By Amending Appendix "A" Thereof To Increase The Stormwater Utility Service Charge Imposed By The City; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading**

**ACTION: Item withdrawn by the Administration.**

**R7 - Resolutions****9:46:32 p.m.**

R7A1 Resolution Adopting: 1) The Final Ad Valorem Millage Of 5.6555 Mills For General Operating Purposes, Which Is Four-Tenths Of One Percent (0.4%) More Than The "Rolled-Back" Rate Of 5.6349 Mills; And 2) The Debt Service Millage Rate Of 0.2375 Mills For Fiscal Year 2008/09.

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

(Office of Budget & Performance Improvement)

(First Reading on September 8, 2008)

**ACTION: Title of the resolution read into the record. Public hearing held. Resolution No. 2008-26895 adopted.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Tobin; Voice vote: 7-0. **Kathie Brooks to handle.**

- 1) County Court in Old City Hall: Miami Beach Contribution-free rent-\$25,000 build out
- 2) City Manager and City Attorney to meet with County & Courts
- 3) Rent out unallocated space in Old City Hall
- 4) Possible funding sources from Miami-Dade Bar Association, increase filling fee.

**End**

Jorge Gonzalez, City Manager, introduced the item.

Warren Green, Manager of Normandy Isle Pool, spoke as an individual about the proposed staff reduction of 13 part-time pool guards for four months of the year.

Discussion continued.

Mayor Bower requested that the Administration review, again, the issue of recommendation to reducing staff and the closing the pools but \$100,000 must be saved. **Kevin Smith to handle.**

Commissioner Libbin stated that perhaps the Administration should have a couple of part-time staff who could be called in.

Mike Burke spoke.

Discussion continued.

Motion made by Vice-Mayor Steinberg; seconded by Commissioner Tobin.

Commissioner Tobin thanked the City Manager and staff for all the late hours the staff and the City Commission have put into producing this years budget. Everyone works very hard and tough decisions need to be made. He wants the public to know that everyone is working very hard on their behalf. He knows it was not easy for the City Manager to balance the budget, but he did it. He thanked Kathy Brooks, Patricia Walker and all the Department Directors.

Vice-Mayor Steinberg reminded the public of the Miami-Dade City Commission hearing September 18, 2008 at 5:00 p.m. He added that, less than 24 hours before the hearing, Miami-Dade County has not posted online what they will be considering at the budget hearing tomorrow.

Mayor Bower encouraged residents to email all of the County Commissioners encouraging them not to raise taxes for municipalities.

Commissioner Weithorn stated that the County Commissioners talk a lot about the rich cities and

Miami Beach is not a City of rich people and urged the public to remind Miami-Dade County that we have a lot of hard working people who are fighting hard to pay their bill and keep their homes. She stated that having been through the budget process for both Miami-Dade County and the School Board the budget process in the City of Miami Beach is simply the best.

Jorge Gonzalez, City Manager, stated that he appreciates the comments and accolades but it is a hard process that takes a lot of time. He recognized the following individuals for making the budget process so successful; Kathie Brooks and staff in the Office of Budget and Performance Improvement, Jose Cruz, Carmen Carlson, Bill Gonzalez, Jorge Fraga, Isabel Stillone, and on the capital budget, Carmen Carlson, Ramon Suarez, Isabel Stillone, Noemi Sandoval, and all the Assistant Managers, Department Directors and everyone involved. Also City Attorney, Jose Smith, needs to be recognized because he stepped up to the plate and offered reductions. He is certainly part of the team. He also thanked the Mayor and City Commissioners. At the end of the process the City Commission knows more about the budget than any elected official can know about their budget.

Mayor Bower stated that the County Court located in Old City Hall should be discussed. They were relocated because of renovations; now there were cuts in the State program and may not be able to fund their operating expenses.

Jorge Gonzalez, City Manager, explained that the County Court agency is not charged any rent. The building has been renovated, and the City provided a budget for the built-out, but they are concerned about being able to fund their security costs and other operating costs.

Mayor Bower asked if confiscated funds could be used to fund the estimated cost of \$150,000 for the courts.

Jorge Gonzalez, City Manager, stated that the City offered \$25,000 of built-out cost for the court.

Mayor Bower also asked if there are any other municipalities which could help fund the court. She also suggested to them to contact other municipalities close by that will be using that court.

Jorge Gonzalez, City Manager, stated that the City is giving the courts the value of the rent which is significant.

Discussions continued.

Commissioner Gross stated that the empty space at Old City Hall should be rented out. **Administration to handle.**

Commissioner Tobin stated that the City Manager and the City Attorney should meet with the Chief Judge and discuss the issue. **The Administration and the Legal Department to handle.**

Commissioner Wolfson suggested looking into other sources of funds such as the Miami-Dade County Bar Association for ideas, perhaps increasing the filing fee.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 499

**10:41:41 p.m.**

**Supplemental Materials: Resolution**

R7A2 Resolution Adopting Final Budgets For The General, RDA Ad Valorem Taxes, Enterprise, And Internal Service Funds For Fiscal Year 2008/09. **5:01 p.m. Second Reading Public Hearing**  
(Office of Budget & Performance Improvement)  
(First Reading on September 8, 2008)

**ACTION: Title of the resolution read into the record. Public hearing held. Item heard in conjunction with R7K. Resolution No. 2008-26896 adopted.** Motion made by Commissioner Libbin; seconded by Commissioner Gross; Voice vote: 7-0. **Kathie Brooks to handle.**

**Amendment:**

1) Delete the \$25,000 wedding fee

**End**

Commissioner Libbin commented that in item R7K, for the record, he opposes charging a fee for wedding licenses, and stated that the City is forecasting an income of \$25, 000 from charging permits for people who have destinations weddings on Miami Beach; and stated that one negative article could cost millions of dollars.

Discussion held.

Hilda Fernandez, Assistant City Manager, explained that if someone wishes to come to the beach and have a ceremony that does not involve setting items on the beach, regardless of guests, there will be no cost; however, if there are events which include any kind of set up on the beach, i.e., chairs, arch, runners, torches, flowers, etc., for 100 people or fewer, there would be the requirement of payment of fee.

Discussion continued.

**Motion made by Commissioner Libbin to delete the wedding fee portion of R7K. No second offered.**

Discussion continued regarding guidelines and guests numbers.

Vice-Mayor Steinberg explained that the State and the County currently charge permit fee for weddings.

**Motion made by Commissioner Libbin amending line item and deleting \$25,000 from the budget; seconded by Commissioner Gross; Voice-vote: 7-0.**

Jorge Gonzalez, City Manager, clarified that the permit fee is removed, but there still is a requirement for a permit and that there will be an amendment for the corresponding \$25,000 on the General Fund Operating Contingency to balance this budget.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 499

R7B1 Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Final Ad Valorem Millage Of 0.7227 Mills For Fiscal Year (FY) 2008/09 For The Normandy Shores Local Government Neighborhood Improvement District, Which Is Thirty-One And One Tenth Percent (31.1%) Less Than The "Rolled-Back" Rate Of 1.0489 Mills.

**5:02 p.m. Second Reading Public Hearing**

(Office of Budget & Performance Improvement)

(First Reading on September 8, 2008)

**ACTION: Title of the resolution read into the record. Public hearing held. Resolution No. 2008-26897 adopted.** Motion made by Commissioner Libbin; seconded by Commissioner Tobin; Voice vote: 7-0. **Kathie Brooks to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 499

R7B2 A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Final Operating Budget For Fiscal Year (FY) 2008/09.

**5:02 p.m. Second Reading Public Hearing**

(Office of Budget & Performance Improvement)

(First Reading on September 8, 2008)

**ACTION: Title of the resolution read into the record. Public hearing held. Resolution No. 2008-26898 adopted.** Motion made by Commissioner Libbin; seconded by Commissioner Tobin; Voice vote: 7-0. **Kathie Brooks to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 499

R7C A Resolution Adopting The Annual Fiscal Year (FY) 2008/09 Appropriation For The Capital Renewal And Replacement Fund Budget, In The Amount Of \$2,218,974.

(Budget & Performance Improvement)

**ACTION: Resolution No. 2008-26899 adopted.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Tobin; Voice vote: 7-0. **Kathie Brooks to handle.**

- R7D A Resolution Adopting And Appropriating The City Of Miami Beach Capital Budget For Fiscal Year 2008/09 And The Capital Improvement Plan For Fiscal Years 2008/09-2012/13. **Joint City Commission and Redevelopment Agency** (Page 161)  
(Budget & Performance Improvement)

**ACTION: Item heard in conjunction with RDA item 1A. Resolution No. 2008-26900 adopted.** Patricia Walker to appropriate the funds. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Weithorn; Voice vote: 7-0. **Kathie Brooks to handle.**

- R7E A Resolution Adopting Fiscal Year (FY) 2008/09 Budgets For Special Revenue Funds For Resort Tax; The 7th Street Garage Operations; And The State Major Cultural Institution Grant For The Bass Museum.  
(Budget & Performance Improvement)

**ACTION: Resolution No. 2008-26901 adopted.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Weithorn; Voice vote: 7-0. **Kathie Brooks to handle.**

**10:59:58 p.m.**

**Supplemental Materials: Resolution**

- R7F A Resolution Approving And Establishing A Maximum Schedule Of User Rates For The Newly Renovated Normandy Shores Golf Club As Delineated In The Attached Exhibit "A" To This Resolution (Golf And Membership Rates Sheet) With Said Rates To Be Effective As Of October 1, 2008; Further Authorizing The City Manager To Establish A Rate For Charitable Or Community Based Organizations, Which In No Event Shall Be Less Than 70% Of The Approved Rack Rate Then In Effect; Authorizing The City Manager To Establish Lesser Rates For Golf Tournaments, Promotions And Daily Play Rates When He Deems, In His Reasonable Judgment And Discretion That It Is Necessary For The Efficient And Financially Prudent Operation Of The Golf Course.

A Resolution Amending Resolution No. 2007-26657, Which Approved And Established The Current Maximum Schedule Of User Rates For The Miami Beach Golf Club; Said Amendment Modifying Only The South Florida Resident And Rack Rates, As Delineated In The Attached Exhibit "A" To This Resolution (Golf And Membership Rates Sheet); With Such New Rate Changes Effective As Of October 1, 2008.

(Parks & Recreation)

**1. ACTION: Resolution No. 2008-26902 adopted as amended (Normandy Shores).** Motion made by Commissioner Wolfson; seconded by Commissioner Libbin; Voice vote: 7-0. **Kevin Smith to handle.**

Robert Middaugh, Assistant City Manager, explained that the proposed senior rates provides for a 25% discount, both on the daily and membership rates and also applies to the cart rental. He suggested that this should be capped at 50 memberships and that there will be some play limitations (Mondays through Fridays) until the Administration can monitor and report back. The cost of the discounted rates is approximately \$40,000.

Commissioner Wolfson stated that this is very positive. He added that the City is considering a program to fund a golf program for underprivileged children with the USGA at a \$5.00 rate and the kids that complete the program will get their golf clubs and can continue playing at the \$5.00 rate. **Kevin Smith to handle.**

Jack Hunter spoke.

**2. ACTION: Resolution No. 2008-26903 adopted (Miami Beach Golf Club).** Motion made by Commissioner Libbin; seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Commissioner Wolfson. **Kevin Smith to handle.**

Handout or Reference Materials:

1. 9/17/08 Senior Golf Rates Discussion

R7G A Resolution Authorizing The Appropriation Of \$640,260 From The Fiscal Year 2007/08 People's Transportation Plan (PTP) Funds, \$436,449 From The FY 2008/09 Concurrency Mitigation/South Beach Funds, And \$254,123 From The FY 2008/09 Parking Enterprise Budget, To Fund The \$1,330,832 Miami Beach Share Of The FY 2008/09 Operating Budget Of The South Beach Local, As Previously Authorized By Resolution No. 2005-25934, Dated June 8, 2005, Which Executed An Interlocal Agreement With Miami-Dade County For The Provision Of A Bi-Directional Transit Circulator Route Service In South Beach.

(Public Works)

**ACTION: Resolution No. 2008-26904 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Commissioner Wolfson. Patricia Walker to appropriate funds. **Fred Beckmann to handle.**

R7H A Resolution Adopting The Miami Beach Cultural Arts Council's Fiscal Year 2008/09 Budget In The Amount Of \$1,041,175.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2008-26905 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Libbin; Voice vote: 6-0; Absent: Commissioner Wolfson. **Max Sklar to handle.**

R7I A Resolution Accepting The City Manager's Recommendation, And Approving The Cultural Arts Council's Funding Recommendations, And Awarding \$630,000 In Said Grants, For Fiscal Year 2008/09, As Identified In The Attached Exhibit "A"; And Further Authorizing The Mayor And City Clerk To Execute Said Grant Agreements, And Make The Award Of Said Grant Monies Subject To And Contingent Upon The Approval Of The Cultural Arts Council's Budget For The Fiscal Year 2008/09.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2008-26906 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Libbin; Voice vote: 6-0; Absent: Commissioner Wolfson. **Max Sklar to handle.**

R7J Resolution Adopting And Approving The Miami Beach Visitor And Convention Authority (VCA) Fiscal Year 2008/09 Budget, In The Amount Of \$1,617,216.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2008-26907 adopted.** Motion made by Commissioner Libbin; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Wolfson. **Max Sklar to handle.**

**11:26:17 p.m.**

R7K A Resolution Revising The Miami Beach "Special Events Requirements And Guidelines," By Amending Section III, Entitled "Weddings And Ceremonies," Section V, Entitled "Product Promotion" And Renaming Section V to "Product Promotion/Temporary Sampling" ; And Further Amending The Special Event Fee Schedule, And Hereby Permitting And Restricting Further Uses On Public Property.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2008-26908 adopted as amended.** Motion made by Commissioner Libbin; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Wolfson. **Max Sklar to handle.**

**Amendment:**

Approve the guidelines but not the fee

**End**

Max Sklar, Tourism and Cultural Development Director, clarified that only the actual fee is removed from the resolution but the guidelines are being approved.

## Handout or Reference Materials:

1. Emails Opposing R7K from Rose Cohen, Phyllis Michaels, Marianne Goldberg, Lucy Scott, Gil Tagrin, Mary Lynn Wilson, Sam Sands, Michelle Nicholes, Jessica Parker dated September 15 & 16, 2008

**Supplemental Materials: Resolution**

R7L A Resolution Amending Resolution 2003-25302, Subject To And Effective Upon Approval By Miami-Dade County, Increasing The Fire Rescue Transport Fees From \$330 To \$430 For Basic Life Support, From \$380 To \$500 For Advanced Life Support 1, And From \$490 To \$630 For Advanced Life Support 2, And Maintaining The Current Fees For All Expendable Medical Supplies, With Services Not To Be Withheld Due To A Person's Inability To Pay.

(Fire Department)

**ACTION: Resolution No. 2008-26909 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Gross; Voice vote: 7-0. **Fire Chief Eric Yuhr to handle.**



**8:22:35 p.m.**

**Addendum:**

R9A Discussion Regarding South Pointe Phase II Right Of Way (ROW) Project ITB No. 13-07/08.  
(Requested by Commissioner Tobin)

**ACTION: Discussion held.** Motion made by Commissioner Libbin to reject all bids; seconded by Vice-Mayor Steinberg; Voice-vote: 7-0. **Gus Lopez to handle.**

- 1) Reject all bids
- 2) Reissue the bid as an ITB using the City's best value procurement methodology
- 3) As additional information the bidders are to provide line item unit pricing for those items the Administration identifies and the City Manager will work closely with Bill Goldsmith and Fred Karlton to get their input in identifying items to be unit priced.
- 4) Jorge Gonzalez, City Manager, stated that when the line items come back, although it is good information, the bottom line is the total bid amount.

**End**

Commissioner Tobin introduced the item and explained that the CIP Oversight Committee members voted to reject all bids on the South Pointe Phase II ROW project. The CIPOC noticed that the two top bidders had some irregularities in some of the unit costs and the CIPOC thought there might be some savings if the City were to re-bid the project. He added that he has two experts in the construction field who are willing to speak with the Commission and also think that there is at least a \$600,000 savings in an \$8 million project if it is re-bid.

Discussion held.

David Mannicini, representing RIC-Man; spoke.  
Albert Dominguez, representing RIC-Man, spoke.  
Frank Acosta spoke.  
Fred Karlton, CIP Oversight Committee member, spoke.  
William Goldsmith spoke.

Discussion continued.

**9:24:36 p.m.**

**Motion made by Commissioner Libbin to reject all bids as recommended by the CIP Oversight Committee and re-bid; seconded by Vice-Mayor Steinberg.**

Discussion continued.

Jorge Gonzalez, City Manager, clarified the motion: to direct Administration to reissue an Invitation to Bid, through the City's best Procurement Methodology, and as additional information request line item unit pricing. He suggested certain key commodities that will drive the price, and Administration can try to clarify those elements in some type of glossary of items. He also added that when the line items come back, although it is good information, the bottom line is the total bid amount.

Leonor Hernandez spoke.  
Alex Ros, Vice-President, Acosta Tractors, Inc., spoke.  
Albert Dominguez, representing RIC-Man, spoke.  
David Mannicini, representing RIC-Man; spoke.

Handout or Reference Materials:

1. Email from Gus Lopez RE: ITB 13-07/08 dated September 16, 2008
2. Memorandum from Ed Tobin, Commissioner to Jorge M. Gonzalez, City Manager and Jose Smith, City Attorney, RE: Emergency Item for September 17, 2008 Budget Hearing dated September 16, 2008

**End of Regular Agenda**

**Miami Beach Redevelopment Agency****City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive****September 17, 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. NEW BUSINESS

**5:00 p.m.**

- A A Resolution Adopting and Appropriating The Miami Beach Redevelopment Agency Capital Budget For Fiscal Year 2008/09 And Adopting The Capital Improvement Plan For Fiscal Years 2008/09-2012/13. **Joint City Commission and Redevelopment Agency.**  
(Budget & Performance Improvement)

**ACTION: Item heard in conjunction with item R7D. Resolution No. 560-2008 adopted.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Weithorn; Voice vote: 7-0; Patricia Walker to appropriate funds. **Kent Bonde to handle.**

**5:30 p.m.**

- B. A Resolution Adopting And Appropriating The Operating Budget For The City Center Redevelopment Area And The Anchor Shops And Parking Garage For Fiscal Year 2008/2009.  
(Budget & Performance Improvement)

**ACTION: Resolution No. 561-2008 adopted.** Motion made by Commissioner Libbin; seconded by Commissioner Gross; Voice vote: 7-0. Patricia Walker to appropriate funds. **Kent Bonde to handle.**

**End of RDA Agenda**

Meeting adjourned at 11:28:39 p.m.