

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
December 10, 2008

Mayor Matti Herrera Bower
Vice-Mayor Jonah Wolfson
Commissioner Victor M. Diaz, Jr.
Commissioner Saul Gross
Commissioner Jerry Libbin
Commissioner Edward L. Tobin
Commissioner Deede Weithorn
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.

REGULAR AGENDA

Competitive Bid Reports

- R2A A Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 48-07/08, For The Construction Of The City Of Miami Beach Right Of Way Infrastructure Improvement Program, Neighborhood No. 12c, South Pointe Phase II, Accepting The City Manager's Recommendation Relative To The Ranking Of Contractors, And Authorizing The Mayor And City Clerk To Execute An Agreement With The Top-Ranked Contractor, Horizon Contractors, Inc., In The Amount Of \$7,683,901 For The Construction Of The Project; With Funding Available From Previously Appropriated South Pointe RDA Fund 379 In The Amount Of \$6,639,811, And South Pointe Capital Fund 389 In The Amount Of \$1,044,090 For Construction, And \$768,390 Available From The South Pointe Capital Fund 389 For Contingency. (Page 428)
(Capital Improvements Project)

R5 - Ordinances

- R5A An Ordinance Creating Article XI, To Be Entitled "Dangerous Intersection Safety," Of Chapter 106, Entitled "Traffic And Vehicles," Of The Miami Beach City Code, By Creating Sections 106 - 480 Through 106 - 494 Providing For Intent And Definitions; Establishing An Enforcement Program Within The City; Authorizing The City To Permit And Implement The Use Of Unmanned Cameras/Monitoring Devices For Red Light Violations; Providing For Enforcement Procedures And Regulations, Including Notice, Violations, Vehicle Owner Responsibilities, Appeal Hearings, Penalties, The Imposition Of Administrative Charges, Fines, And Liens, And The Collection Thereof; Providing For Exceptions; And Providing For Codification; Severability; Repealer; And An Effective Date. **10:15 a.m. Second Reading, Public Hearing.** (Page 437)
(Public Works)
(First Reading on November 5, 2008)
- R5B An Emergency Ordinance Amending Ordinance No. 2008-3609, Which Provides Definitions, Regulations, Enforcement Provisions, And Fines And Penalties Regarding The Operation Of Pedicabs, By Amending Section 6 Thereof, Entitled "Effective Date," To Eliminate The Automatic Sunset Date Of January 1, 2009; Providing For Repealer; Severability; Codification; And An Effective Date. **First & Only Reading – Public Hearing.** (Page 452)
(City Manager's Office)
- R5C Ordinance Amending Chapter 102 Of The City Code By Creating Article VI, "Ad Valorem Tax Deferrals For Certain Affordable Rental Housing Properties," Providing For And Authorizing The Deferral Of A Portion Of Ad Valorem Tax For Properties Used For Affordable Rental Housing Purposes; Providing For Severability, Codification, Severability, And An Effective Date. **First Reading.** (Page 457)
(City Manager's Office)
- R5D An Ordinance Implementing A Deferred Retirement Option Plan For Members Of The Miami Beach Employees' Retirement Plan Created By Ordinance 2006-3504, As Subsequently Amended; Creating A New Section 2.26, Providing A Definition Of Deferred Retirement Option Plan; Creating A New Section 5.13, Establishing The Deferred Retirement Option Plan And Setting Forth The Features Of The Plan; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing An Effective Date. **First Reading.** (Page 466)
(Human Resources)
- R5E An Ordinance Amending The Land Development Regulations Of The City Code Of The City Of Miami Beach, Florida By Amending Chapter 118, "Administration And Review Procedures," Article II, "Boards," Division 2, "Planning Board," By Amending Section 118-53, "Composition," By Clarifying That Only A Resident Of The City Shall Be Eligible For Appointment; Amending Division 4, "Historic Preservation Board," Section 118-103, "Membership," By Establishing That One Of The At-Large Members Who Must Own Or Manage Property In One Of The Historic Districts Shall Also Reside In The City; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.** (Page 495)
(Planning Department)

R5 – Ordinances - Continued

R5F An Ordinance Amending City Code Chapter 118, "Administration And Review Procedures," Article VII, "Division Of Land/Lot Split," Section 118-321, "Purpose, Standards And Procedure," By Clarifying That The Review Criteria For Requests For A Division Of Land/Lot Split To Require An Applicant To Submit Massing And Scale Studies Of Possible Structures And Uses On The Lot Or Lots Proposed To Result From Lot Splits; And The Required Opinion Of Title Should Be As Of A Date Not More Than 120 Days Before The Planning Board Meeting; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.** (Page 504)
(Planning Department)

R5G An Ordinance Amending Miami Beach City Code Chapter 2, Article III, Section 2-22(5)(a) Thereof Regarding General Requirements For Membership On City Of Miami Beach's Agencies, Boards And Committees, By Providing That When A Vacancy On The City Commission Exists Beyond December 31 Of The Year An Appointing Commission Member Leaves Office, Direct Appointees Of Said Former Commission Member Shall Hold Over Until The Appointment/Election Of The Successor City Commission Member; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.** (Page 513)
(Requested by Legal Department)

R7 - Resolutions

R7A A Resolution Approving, On First Reading, A Lease Agreement Between The City And Colony Theatre Cafe, Inc. (D/B/A Segafredo's), As The Recommended Proposer Pursuant To Request For Proposals (RFP) No. 19-07/08, For Use Of The Facility Known As The Colony Theatre Cafe, Located At 1040 Lincoln Road, Said Lease Having An Initial Term Of Three (3) Years, Commencing Retroactively On November 1, 2008, And Ending On October 31, 2011, With Two (2) Additional Three (3) Year Renewal Terms; Further Setting A Public Hearing On January 28, 2009, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading.** (Page 517)
(Office of Real Estate, Housing & Community Development)

R7 – Resolutions - Continued

R7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement Between The City And Scott Robins Companies, Inc., Purdy Partners, LLC., Purdy Partners 1919, LLC., And 1849 Purdy Partners, LLC. (Collectively, "Seller"), For The Purpose Of Purchasing Air Rights And Certain Portions Of The Land For The Development Of An Approximately 458-Space Parking Garage With Ground Floor Retail, In The Not To Exceed Amount Of \$13 Million; Appropriating \$9 Million As Follows: \$4,181,941 From Mid-Beach Parking Impact Fees Fund 155; \$2,481,976.39 From Parking Operations Fund 480, Including Re-Appropriation Of \$1,481,976.39 Previously Appropriated For 16th Street Garage Repairs (\$425,000), 7th Street Garage 2008/09 Repairs (\$360,000), Collins And 84th Street Surface Lot Renovation (\$452,544.45), 13th Street Parking Garage FY 2008/09 Maintenance (\$90,000), 17th Street Parking Garage FY 2008/09 Maintenance (\$135,000), And Design Of The Cultural Campus Parking Garage (\$19,431.94); \$2,336,082.61 From Parking Revenue Bond Fund 481, Including Re-Appropriation Of \$1,812,455.55 Previously Appropriated For Systemwide Meter Acquisition, Installation Of 250 Paystations, And Pay-On-Foot Machines, With Funding To Be Replaced By \$1,812,455.55 In Parking Operations Fund 480 Previously Appropriated For Collins And 84th Street Surface Parking Lot Renovation (\$272,455.55), And 5301 Collins Avenue Surface Parking Lot Renovation (\$1,540,000); Further Appropriating \$425,000 In Anchor Garage Fund 463 To Replace Funding For 16th Street Garage, And \$360,000 From 7th Street Garage Fund 142 To Replace Funding For 7th Street FY 2008/09 Repairs; And Authorizing Appropriation Of Replacement Funding In The Amount Of \$2,509,431.94 For Collins And 84th Street Surface Parking Lot Renovation, 5301 Collins Avenue Surface Parking Lot Renovation, 13th Street Parking Garage FY 2008/09 Maintenance, 17th Street Parking Garage FY 2008/09 Maintenance, And Design Fees For The Cultural Campus Parking Garage, Upon Sale Of Future Parking Revenue Bonds; Further Directing The City Manager, Following Execution Of The Agreement, To Take Any And All Such Actions, As Necessary To Effectuate The Proposed Transaction Including, Without Limitation, The Preparation And Execution Of Any Related Documents; And Further Authorizing The City Manager To Take Such Action As Necessary, And As Related To This Transaction, To Initiate The Relocation Of The Property Maintenance Facility From Flamingo Park To The City Owned Property Located At 1833 Bay Road. (Page 550)

(City Manager's Office)

R9 - New Business and Commission Requests

- R9A Board And Committee Appointments. (Page 619)
(City Clerk's Office)
- R9A1 Board And Committee Appointments - City Commission Appointments. (Page 623)
(City Clerk's Office)
- R9A2 Nominate Eda Valero-Figueira To The Miami Beach Cultural Arts Council. (Page 625)
(Requested by Vice-Mayor Wolfson)
- R9A3 Nominate Dr. Andrew Nullman To The Health Advisory Board. (Page 629)
(Requested by Commissioner Libbin)
- R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.) (Page 633)
R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)
- R9C Discussion Regarding A Resolution Supporting The Substance Abuse Response Guide ("SARG")
Partnership, A Multi-Coalition Partnership Campaign For The Prevention Of Underage Drinking In
The State Of Florida. (Page 635)
(Requested by Mayor Bower)
- R9D Discussion Regarding A Resolution Supporting The Greater Miami Convention & Visitors Bureau In
Urging The Florida Legislature To Pass Legislation Allowing For The Local Licensing Of Tour Guides.
(Page 639)
(Requested by Mayor Bower)
- R9E A Resolution Appointing A Voting Member To Serve On The Metropolitan Planning Organization For
Miami-Dade County, Florida, To Represent The City Of Miami Beach. (Page 643)
(Requested by Mayor Bower)
- R9F Discussion Regarding A Resolution Urging The Federal Government To Offer Low Interest Loans To
Municipalities For Infrastructure Projects. (Page 645)
(Requested by Commissioner Weithorn)
- R9G Resolution Recognizing And Reaffirming Prior Domestic Partner Ordinance Nos. 98-3127 And 2001-
3339 Which Provided Certain Benefits To City Employees Who Have Registered A Domestic
Partnership, And Ordinance No. 2004-3451, Which Provided Certain Rights To Those Who Register
A Domestic Partnership. (Page 649)
(Requested by Commissioner Libbin)

R9 - New Business and Commission Requests – Continued

- R9H Discussion And Referral To The Finance & Citywide Projects Committee The Issue Of Late Payments To the City of Water, Sewer And Stormwater Bills As A Result Of Mortgage Foreclosures, For A Study And Development Of Acceptable Payment Plans To Assist Condo Associations Adversely Affected. (Page 667)
(Requested by Commissioner Libbin)
- R9I Discussion Regarding Access To The Baywalk Behind The Waverly Condominium, And A General Status Update On The Entire Baywalk. (Page 669)
(Requested by Commissioner Tobin)

Reports and Informational Items

- A City Attorney's Status Report. (Page 673)
(City Attorney's Office)
- B Parking Status Report (September 2008). (Page 681)
(Parking Department)
- B1 Parking Status Report (October 2008). (Page 701)
(Parking Department)
- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2. (Page 721)
(Capital Improvement Projects)
- D Status Report On The Construction Of The Normandy Shores Golf Course & Facilities.
(Page 723)
(Capital Improvement Projects)
- E Status Report on Palm & Hibiscus Island Undergrounding Project. (Page 727)
(Capital Improvement Projects)
- F Non-City Entities Represented By City Commission
1. Minutes From The Adrienne Arsht Center For Performing Arts Center Trust Board Meeting On September 23, 2008 And Agenda For The November 18, 2008 Meeting. (Page 737)
(Requested by Mayor Bower)

Reports and Informational Items - Continued

- G 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. (Page 805)
(Procurement)
- H Non-City Entities Represented By City Commission
1. Minutes From The Wolfsonian-Florida International University Advisory Board Meeting On October 24, 2008. (Page 807)
(Requested by Mayor Bower)

End of Regular Agenda