



MIAMI BEACH

City Commission Meeting

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

January 28, 2009

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.

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.

Call to Order - 9:00 a.m.
Inspirational Message, Pledge of Allegiance
Requests for Additions, Withdrawals, and Deferrals

Presentations and Awards

PA Presentations and Awards

Consent Agenda

C2 Competitive Bid Reports
C4 Commission Committee Assignments
C6 Commission Committee Reports
C7 Resolutions

Regular Agenda

R2 Competitive Bid Reports
R5 Ordinances
R7 Resolutions
R9 New Business and Commission
R10 City Attorney Reports

Reports and Informational Items

Presentations and Awards

- PA1 Certificates Of Appreciation To Be Presented To HOA And Residents Of Normandy Shores For Assistance During Construction Project. (Page 1)
(Requested by Commissioner Deede Weithorn)
- PA2 Certificates Of Appreciation To Be Presented To Teen Job Corp Participants In The Normandy Shores Resident Car Wash.
(Requested by Commissioner Deede Weithorn)
- PA3 Proclamation To Be Presented To Beach Yoga At 3rd Street For Yoga Day USA, January 24, 2009.
(Requested by Commissioner Deede Weithorn)
- PA4 Certificate Of Appreciation To Be Presented To The Loews Hotel In Recognition For Ten Years Of Outstanding Hospitality Service.
(Requested by Commissioner Jerry Libbin)
- PA5 Certificates Of Appreciation To Be Presented To The Miami Beach Fire Department For Its 13th Annual Toy Drive.
(Requested By Mayor Matti Herrera Bower)
- PA6 Proclamation Declaring February 2009 Black History Month.
(City Manager's Office)
- PA7 Proclamation To Be Presented To Herb Sosa For His Outstanding Work With Unity Coalition.
(Requested by Commissioner Victor M. Diaz, Jr.)
- PA8 Proclamation To Be Presented To Frank Pintado For The 10th Annual Holiday Gift Delivery.
(Requested by Commissioner Victor M. Diaz, Jr.)
- PA9 Proclamation To Be Presented To Standard Parking For The 10th Annual Holiday Gift Delivery.
(Requested by Commissioner Victor M. Diaz, Jr.)
- PA10 Proclamation To Be Presented To UNIDAD For The 10th Annual Holiday Gift Delivery.
(Requested by Commissioner Victor M. Diaz, Jr.)
- PA11 Certificate Of Recognition To Be Awarded To Steve Haas For His Longtime Commitment To The City Of Miami Beach And As The Incoming Chair Of The Greater Miami Convention And Visitors Bureau.
(Requested By Mayor Matti Herrera Bower)

CONSENT AGENDA

Action:
Moved:
Seconded:
Vote:

C2 - Competitive Bid Reports

- C2A Request For Approval To Award Contracts To Atlantic Florida East Coast Fertilizer And Chemical Co., Lesco, Inc. And Univar USA, The Lowest And Best Bidders Per Line Item, Pursuant To Invitation To Bid (ITB) No. 10-07/08 For The Supply And Delivery Of Fertilizers, Herbicides And Pesticides In The Amount Of \$240,000. (Page 3)
(Parks & Recreation)
- C2B Request For Approval To The Purchase Of Manifold Assemblies, Water Meters, Automatic Meter Reading Systems And Parts, From Sensus Metering Systems, Inc., In The Estimated Annual Amount Of \$160,000. (Page 12)
(Public Works)
- C2C Request For Approval To Purchase 25 DG Classic Multi-Space Pay Stations In "As Is" Conditions From Bytewise Solutions, Inc, In An Amount Not To Exceed \$45,000. (Page 17)
(Parking Department)

C4 - Commission Committee Assignments

- C4A Referral To The Finance And Citywide Projects Committee To Discuss The Process For The Future Leasing Of Commercial Ground Floor Retail Space In The City Owned Building Located At 1701 Meridian Avenue. (Page 20)
(Real Estate, Housing & Community Development)
- C4B Referral To The Land Use & Development Committee - Discussion Regarding An Ordinance Which Provides That Whenever A Property Owner/Tenant Is Required Under The City Code Or By A City Land Use Board To Hire A Consultant To Analyze The Traffic Or Noise Impacts Of A Project, That Such Consultant Is Hired By The City Off The City's Rotating List And Such Consultant Is Paid By The City Using The Property Owner/Tenant's Money. (Page 22)
(Requested by Commissioner Saul Gross)
- C4C Referral To The Land Use And Development Committee For Consideration Of A New "Town Center" Zoning District To Be Applied To The North Beach Town Center, Bounded By 72nd Street, Collins Avenue, 69th Street And Indian Creek Waterway. (Page 24)
(Planning Department)

C4 - Commission Committee Assignments (Continued)

- C4D Referral To The Neighborhoods/Community Affairs Committee To Discuss Inviting The Miami-Dade County Office Of The Inspector General To Assist The City Commission In Its Ongoing Efforts To Uncover Waste And Financial Mismanagement At City Hall. (Page 62)
(Requested by Commissioner Edward L. Tobin)
- C4E Referral To The Finance And Citywide Committee A Discussion Regarding The Implementation Of A Municipal Marketing (Corporate Sponsorship) Program For The City. (Page 64)
(City Manager's Office)
- C4F Referral To The Finance And Citywide Projects Committee To Discuss The Proposed Assignment And First Amendment To The Management And Operation Agreement For The Espanola Way Street Market. (Page 66)
(Real Estate, Housing & Community Development)
- C4G Referral To The Finance And Citywide Projects Committee To Discuss The Status, Design, And Budget For The New World Symphony Parking Garage And Park. (Page 68)
(City Manager's Office)
- C4H Referral To The Land Use And Development Committee – Discussion Regarding: 1) Voting Procedures For The Land Use Boards; And 2) Clarification Of Categories For Membership On The Land Use Boards. (Page 70)
(Requested by Commissioner Victor M. Diaz, Jr.)
- C4I Referral To The Neighborhoods/Community Affairs Committee To Discuss the Issue Of Dogs Off Leash In City Parks and Other Public Properties In General. (Page 72)
(Parks & Recreation)
- C4J Referral To The Neighborhoods/Community Affairs Committee To Discuss the Potential Operational Issues Related To The Newly Reconstructed South Pointe Park. (Page 74)
(Parks & Recreation)
- C4K Referral To The Finance And Citywide Projects Committee To Discuss Strategies To Close Older Liens Imposed By The City Of Miami Beach Potential Amnesty And/Or Collection Scenarios And Certain Procedural Changes To Improve The Lien System. (Page 76)
(City Manager's Office)
- C4L Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Installing A Stop Sign At The Intersection Of 11th Street And Jefferson Avenue. (Page 80)
(Requested by Commissioner Edward L. Tobin)

C6 - Commission Committee Reports

- C6A Report Of The Capital Improvement Projects Oversight Committee Meeting On December 1, 2008: **1)** Attendance; **2)** Review And Acceptance Of Minutes; **3)** Public Comments; **4)** Old Business; **5)** Sub-Committee Meeting Reports; **6)** Public Works Presentation On Storm Drain Maintenance; **7)** Flamingo Neighborhood ROW Oversight And Formation Of Sub-Committee; **8)** Report On Installation Of Pump Stations In Nautilus Neighborhood; **9)** Status Report: Normandy Shores Golf Course; **10)** Construction Update: Normandy Shores Neighborhood Improvement Project; **11)** Discussion: Standing Dates For Sub-Committee Meetings; **12)** Calendar Of Meetings; And **13)** Staff Action Report. (Page 82)
- C6B Report Of The Land Use And Development Committee Meeting On December 15, 2008: **1)** Discussion Of A Proposed Ordinance Regarding ADA Lifts And Elevators: An Ordinance Amending Chapter 14 Of The City Code, Entitled "Building Regulations," By Amending Article II, Entitled "Construction Standards," By Amending Division 1, Entitled "Generally," By Amending Section 14-403, Entitled "Penalty For Violation Of Article," To Provide For The Enforcement Of Non-Functioning ADA Lifts And Single Elevators By Citation; And Amending Section 14-444, Entitled "Schedule Of Violation Fines," By Adding A Citation And Fine Schedule For The Enforcement Of Non-Functioning ADA Lifts And Single Elevators In Multi-Story Buildings; Providing For Codification, Repealed, Severability, And An Effective Date; **2)** Discussion Regarding The Performance Artists' Presentations At The Palace Food Bar; **3)** Preliminary Discussion Regarding The Potential Redevelopment Of The Former South Shore Hospital Assemblage (Properties Located Between 6th Street And 8th Street On Both, The East And West Side Of Alton Road.) The Owner Is Seeking Input From The Committee In Order To Refine The Proposal For A Full Presentation At The January Meeting; And **4)** (Item For Withdrawal) Discussion Regarding How To Best Utilize Flamingo Park, Including The Possibility Of Minor League Baseball. (Page 88)
- C6C Report Of The Finance And Citywide Projects Committee On December 16, 2008: **1)** Discussion Regarding Requested Amendments To The City's Management Agreement With Live Nation For The Management And Operation Of The Fillmore Miami Beach At The Jackie Gleason Theater; **2)** Discussion Regarding The Internal Audit Division's Audited Areas For Fiscal Year 2007/08; **3)** Discussion Regarding The Renewal Of The Residential Solid Waste Agreement With Waste Management Or The Issuance Of RFP; And **4)** Discussion Regarding Options For Recycling Services. (Page 92)
- C6D Report Of The Neighborhoods/Community Affairs Committee Meeting On December 22, 2008: **1)** Discussion Regarding A Resolution Adopted By The Beach Preservation Committee Urging For A Visual Litter Awareness Campaign; And **2)** Discussion Regarding A Resolution Adopted By The Orchard Park Neighborhood Association Requesting The Creation Of An Organic Community Garden In Pine Tree Park. (Page 98)
- C6E Report Of The Finance And Citywide Projects Committee On January 8, 2009: **1)** Presentation Of Conceptual Designs For The Wing At The East End Of Lincoln Road; **2)** Discussion Regarding Towing Permit Renewal Options; And **3)** The Issue Of Late Payments To The City For Water, Sewer And Storm Water Bills As A Result Of Mortgage Foreclosures, For A Study And Development Of Acceptable Payment Plans To Assist Condo Associations Adversely Affected. (Page 106)

C6 - Commission Committee Reports (Continued)

C6F Report Of The Land Use And Development Committee On January 12, 2009: **1)** Discussion Of Proposed Ordinances Regarding Green Buildings A) Voluntary Version With Incentives: An Ordinance Amending The City Code Of The City Of Miami Beach, By Creating New Chapter 100, Entitled "Sustainability," By Creating New Article I, "Green Building Ordinance," Establishing Definitions, Standards, Procedures And Incentives For Requiring That All New Construction Or Substantial Renovations Of 10,000 Sq. Ft. Or More Of Floor Area Must Satisfy The Requirements Of LEED Silver Certification, As Established By The U.S. Green Building Council; Providing For Repealer; Severability; Codification; And An Effective Date. B) Mandatory Version: An Ordinance Amending The City Code Of The City Of Miami Beach, By Creating New Chapter 100, Entitled "Sustainability," By Creating New Article I, "Green Building Ordinance," Establishing Definitions, Standards, Procedures And Incentives For Requiring That All New Construction Or Substantial Renovations Of 10,000 Sq. Ft. Or More Of Floor Area Must Satisfy The Requirements Of LEED Silver Certification, As Established By The U.S. Green Building Council; Providing For Repealer; Severability; Codification; And An Effective Date; **2)** Discussion Regarding The Mayor's CANDO Committee's Proposal For Collins Park Requiring For All The Spaces In The City Projects Or Public/Private Joint Venture Projects In The CANDO District Portion Of The Structure To Include Art Galleries, Artist's Lofts And Live/Work Spaces; **3)** Discussion Regarding A Resolution Accepting The Recommendations Report From The Affordable Housing Advisory Committee; **4)** Discussion Regarding The Potential Redevelopment Of The Former South Shore Hospital Assemblage (Including Properties Located Between 5th Street And 8th Street On Alton Road And West Avenue); **5)** Discussion Regarding A Proposed Ordinance Dealing With Revisions To Single Family Ad Valorem Tax Exemptions An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 5, "Single Family D Valorem Tax Exemption," Modifying The Requirements And Procedures For City Ad Valorem Tax Exemptions For Single Family Homes; Providing For Repealer, Codification, Severability And An Effective Date; **6)** Discussion To Consider An Amendment To The Light Industrial (L-I) District To Make A "Towing Service" A Conditional Use; **7)** Discussion Regarding The Possible Prohibition Or Limitation On Rooftop Venues, Restaurants, Bars, Lounges, Etc., Open To The Public Located In All Districts South Of Fifth Street; **8)** Discussion Regarding An Ordinance Pertaining To Review Criteria For Lot Splits - An Ordinance Amending City Code Chapter 118, "Administration And Review Procedures," Article VII, "Division Of Land/Lot Split," Section 118-321, "Purpose, Standards And Procedures," By Amending The Review Criteria For Requests For A Division Of Land/Lot Split To Include A Criterion That Considers The Impacts And Mitigation Of The Proposed Lot Split On The Architectural Significance Or Historic Value Of Existing Homes; Providing For Repealer, Severability, Codification And An Effective Date. (Page 110)

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The City Manager Or His Designee To 1) Submit A Grant Application To Miami-Dade County Emergency Medical Services For Funding In An Amount Not To Exceed \$17,000 For The City's Fire Rescue Objectives; 2) Submit A Grant Application To The Emergency Food And Shelter Program, For Funding, In An Amount Not To Exceed \$30,000 For Food Vouchers And Emergency Services; And, 3) Approve The Execution Of A Local Agency Program (LAP) Agreement With Florida Department Of Transportation, For Funding In An Amount Not To Exceed \$1,000,000 For The Venetian Causeway Streetscape Improvement Project; Further Appropriating The Above Grants, Agreement And Matching Funds, If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To The Grants And Agreement By The City Manager Or His Designee. (Page 116)
(Budget & Performance Improvement)
- C7B A Resolution Authorizing The Acceptance Of Eighteen Thousand Dollars (\$18,000) In Cash Sponsorships Made To The City For The Miami Beach Festival Of The Arts; And Further Appropriating Eighteen Thousand (\$18,000) In Cash For The Miami Beach Festival Of The Arts; And Accepting And Appropriating Future Sponsorships For This Purpose, Subject To Ratification By The Mayor And City Commission; And Authorizing The City Manager Or His Designee To Make Such Expenditures And/Or Reimbursements From The Aforestated Sponsorship, In Furtherance Of And Consistent With The Aforestated Event. (Page 123)
(Tourism & Cultural Development)
- C7C A Resolution Setting A Public Hearing Pursuant To Miami Beach City Code Section 118-262, To Review A Design Review Board Decision Requested By 1100 West Properties, LLC, Pertaining To DRB File No. 20181 For The Property Located At 1100 West Avenue. (Page 126)
(Planning Department)
- C7D A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Amendment No. 9 To The Agreement Between The City And EDAW, Inc., Dated May 16, 2001, In An Amount Not-To-Exceed \$63,247, For Additional Permitting Associated With The Coastal Construction Control Line And For Additional Resident Project Representative/Construction Administration Services For Construction Of Phase 1 (East Of Collins Avenue) Within The Right-Of-Way Infrastructure Improvements Program Neighborhood No. 6 - Oceanfront Project; With Funding From Previously Appropriated 2003 General Obligation Bond Fund 384, Allocated For Construction In Account 384-2340-069357 And To Be Re-Allocated To Design Account 384-2340-061357. (Page 145)
(Capital Improvement Projects)
(Deferred on December 10, 2008)
- C7E A Resolution Setting A Public Hearing Pursuant To Miami Beach City Code Section 118-563 To Consider Granting A Certificate Of Appropriateness For The Demolition Of The Flamingo Park Tennis Center And Courts, Located At 1200 Meridian Avenue. (Page 158)
(Capital Improvement Projects)

C7 - Resolutions (Continued)

- C7F A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 3 To The Professional Architectural And Engineering (A/E) Services Agreement Between The City Of Miami Beach, Florida And EAC Consulting, Inc. (EAC), For Additional Professional Services, Associated With Pavement Markings And Signage, In The Amount Of \$27,000, For The Biscayne Point Right Of Way Infrastructure Improvement Project, With Funding From G.O. Bond Neighborhoods Fund 384-2321, Previously Appropriated In The Fiscal Year 2003-2004 Capital Budget. (Page 169)
(Capital Improvement Projects)
- C7G A Resolution Approving The City's State Legislative Agenda For The 2009 Session Of The Florida Legislature; Further Directing The Administration To Continue To Monitor Economic Stimulus Legislation And Make The Appropriate Adjustments To The City's 2009 State Legislative Agenda And To The City's List Of Economic Stimulus Infrastructure Projects. (Page 180)
(Economic Development)
- C7H A Resolution Approving The City's Fiscal Year 2009/10 Federal Legislative Agenda; Further Directing The Administration To Continue To Monitor Economic Stimulus Legislation And Make The Appropriate Adjustments To The City's 2009/10 Federal Legislative Agenda And To The City's List Of Economic Stimulus Infrastructure Projects. (Page 195)
(Economic Development)
- C7I A Resolution Approving, Pursuant To Section 2-367 (D) Of The Miami Beach City Code, The Purchase Of Gorilla Poles And Bases From Bytewise Solutions, Inc, As The Sole Source Local Distributor, In An Annual Amount Not To Exceed \$60,000. (Page 204)
(Parking Department)
- C7J A Resolution Approving, Pursuant To Section 2-367 (D) Of The Miami Beach City Code, The Purchase Of In-Vehicle Parking Meters (IVPM) And Prepaid Parking Reloads From ePARK Systems, Inc., As The Sole Source Local Distributor, In An Annual Amount Not To Exceed \$100,000. (Page 219)
(Parking Department)
- C7K A Resolution Retroactively Approving And Authorizing The Mayor And City Clerk To Execute An Interlocal Agreement Between The City Of Miami Beach And Miami-Dade County, Florida, Securing Off-Duty City Of Miami Beach Police Officers To Perform Guard Services For The Palm And Hibiscus Island Security Guard Special Taxing District. (Page 228)
(Police Department)
- C7L A Resolution Authorizing The City Manager, And City Clerk To Execute A Mutual Aid Agreement With The City Of Doral, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit. (Page 237)
(Police Department)

C7 - Resolutions (Continued)

- C7M A Resolution Authorizing The Second Renewal Term Of The Service Agreement With Waste Management Inc. Of Florida, Said Renewal Term Of One Year, Commencing On January 1, 2009, And Ending On December 31, 2009, For The Collection And Disposal Of Residential Solid Waste, Yard Trash, Bulk Waste And Operation Of The City's Green Waste Facility, Upon The Same Terms And Conditions. (Page 240)
(Public Works)
- C7N A Resolution Approving And Extension And First Amendment Of That Certain Lease Agreement Between The City Of Miami Beach, As Tenant And Palm Court At 23rd Street, Ltd., As Landlord, For An Additional Term Of One (1) Year, Commencing On August 1, 2009, And Ending On July 31, 2010, During Which Time Development Of Alternative Facilities To Relocate The Parking Department Operations Shall Be Completed; Further Authorizing The Mayor And City Clerk To Execute Same. (Page 245)
(Real Estate, Housing & Community Development)
- C7O A Resolution Approving The Settlement Of City Lien On Property Owned By Lincoln West Tower Condominium Association, Located At 1331 Lincoln Road, Settling Outstanding Liens In The Amount Of \$149,447.53 By Dismissing The Amount In Its Entirety; And Further Authorizing The City Manager To Take Such Action(s) And Execute Any And All Necessary Documents To Complete Such Lien Releases And Settlements. (Page 252)
(City Manager's Office)
- C7P A Resolution Approving The Settlement Of City Lien On Property Owned By 936 Penn, LLC., Located At 1526 Pennsylvania Avenue, Settling Existing Liens In The Amount Of \$151,656.00 In Consideration Of \$1,500.00; And Further Authorizing The City Manager To Take Such Action(s) And Execute Any And All Necessary Documents To Complete Such Lien Releases And Settlements. (Page 257)
(City Manager's Office)
- C7Q A Resolution Approving The Settlement Of City Liens On Three Properties Owned/Controlled By Alan Lieberman, Located At The Following Locations: 1) 2315 Pinetree Drive, Settling An Outstanding Lien In The Amount Of \$229,715.16 In Consideration Of \$3,000.00; 2) 318 20th Street, Settling Existing Liens In The Amount Of \$396,767.44 In Consideration Of \$1,000.00; And 3) 635 Collins Avenue, Settling Existing Liens In The Amount \$532,779.56 In Consideration Of \$9,000.00; And Further Authorizing The City Manager To Take Such Action(s) And Execute Any And All Necessary Documents To Complete Such Lien Releases And Settlements. (Page 262)
(City Manager's Office)
- C7R A Resolution Pursuant To Section 2-367 (D) Of The Miami Beach City Code, The Sole Source Purchase Of Projectdox, Electronic Plan Review Software, From Avolve Software Corporation, In The Estimated Amount Of \$287,300, And A Four Year Maintenance Agreement In The Amount Of \$179,896 A Year; Additionally Authoring The City Manager To Acquire All Of The Supporting Equipment And Software For The Implementation Of The Project, And Further Authorizing The

Appropriation Of \$163,900 In Additional Funding For The Project From The Training And Technology Fund. (Page 267)

(Building Department)

C7 - Resolutions (Continued)

C7S A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 08-08/09, For Implementation Of A Call Center For The Building Department; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, Inktel Direct; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, C4 Direct Solutions; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration. (Page 300)

(Building Department)

C7T A Resolution Ratifying The Approval Of An Interlocal Agreement And A Memorandum Of Understanding To Clarify Provisions Of The Interlocal Agreement With Miami-Dade County For The Provision Of Residential Recycling Services. (Page 327)

(Public Works)

C7U A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 44-07/08, For A Self-Service Bicycle Rental Program; Authorizing The Administration To Enter Into Negotiations With Deco Bike, LLC, As The Sole Responsive Proposer; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations. (Page 342)

(Public Works)

End of Consent Agenda