



MIAMI BEACH

City Commission Meeting

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

February 25, 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 Proclamation To Be Presented To Frank Pintado For The 10th Annual Holiday Gift Delivery.
(Page 1)
(Requested by Commissioner Victor M. Diaz, Jr.)
(Deferred from January 28, 2009)
- PA2 Proclamation To Be Presented To Standard Parking For The 10th Annual Holiday Gift Delivery.
(Requested by Commissioner Victor M. Diaz, Jr.)
(Deferred from January 28, 2009)
- PA3 Proclamation To Be Presented To UNIDAD For The 10th Annual Holiday Gift Delivery.
(Requested by Commissioner Victor M. Diaz, Jr.)
(Deferred from January 28, 2009)
- PA4 Certificates Of Appreciation To Be Presented To Miami Beach Police Officers Who Served In The
2009 Presidential Inaugural In Washington D.C.
(Requested by Mayor Matti Herrera Bower)
- PA5 Proclamation To Be Presented In Honor Of The Miami Beach Police Department For Their
Participation In The 2009 Presidential Inaugural In Washington D.C.
(Requested by Mayor & City Commission)
- PA6 Certificate Of Appreciation To Be Presented To Citi Foundation Partners For The Progress Grant
Program.
(Requested by Mayor Matti Herrera Bower)
- PA7 Proclamation To Be Presented In Honor Of Women's History Month.
(Requested by Mayor Matti Herrera Bower)
- PA8 Proclamation To Be Presented To Ricky Arriola For His Efforts In Revitalizing The Performing Arts
Center.
(Requested by Commissioner Victor M. Diaz, Jr.)
- PA9 Proclamation To Be Presented To The National Gay And Lesbian Task Force For Winter Party
Festival, February 25 - March 2, 2009.
(Requested by Commissioner Victor M. Diaz, Jr.)
- PA10 Key To The City To Be Presented To PS2/E5 Vanesa Naveros, For Her Military Service.
(Requested by Mayor Matti Herrera Bower)

Presentations and Awards (Continued)

- PA11 Certificates Of Appreciation To Be Presented To The Collins, Sunset Harbour Townhomes, Villa Di Mare, And Special Recognition To The Parks And Recreation Department For Lincoln Road Mall Landscape Improvements, By The City Of Miami Beach Beautification Committee, For Their Efforts In Contributing Significantly To The Beautification Of The City And Its Citizens.
(Requested by Mayor Matti Herrera Bower)
- PA12 Certificate Of Appreciation To Be Presented To The Cat Network And SoBe Spay And Neuter For Spay Day USA Event On March 1, 2009.
(Requested by Commissioner Weithorn)

CONSENT AGENDA

Action:
Moved:
Seconded:
Vote:

C2 - Competitive Bid Reports

- C2A Request For Approval To Purchase Fourteen (14), Honda Four Trax Rubicon All Terrain Vehicles From Ameri-Recreational Sports, Pursuant To Invitation To Bid (ITB) No. 18-08/09, In The Amount Of \$108,256.00. (Page 3)
(Fleet Management)
- C2B Request For Approval To Purchase Twenty Five (25) 2009 Ford Crown Victoria Police Pursuit Vehicles, From Duval Ford, Pursuant To Florida State Contract No. 08-16-0908, In The Estimated Amount Of \$546,450.00. (Page 12)
(Fleet Management)
- C2C Request For Approval To Purchase American Darling Fire Hydrants From American Flow Control, The Manufacturer Of The American Darling Fire Hydrants, In The Estimated Annual Amount Of \$65,250.00. (Page 17)
(Public Works)

C4 - Commission Committee Assignments

- C4A Referral To The Land Use And Development Committee - Discussion Regarding Recommendations Made By The Flamingo Park Neighborhood Association For Alton Road Redevelopment. (Page 22)
(Requested by Commissioner Victor M. Diaz, Jr.)
- C4B Referral To The Land Use And Development Committee A Proposed Amendment To Chapter 12, Article II "Special Events" To Provide That Special Events Permits May Not Contravene The Provisions Of Part II Of The City Code - The Land Development Regulations, Or Orders Of The City's Land Use Boards, While Also Allowing The City Manager Or His Designee To Authorize Activities Consistent With The Intent Of Such Orders, But That May Deviate From Them In Certain Limited, Nonmaterial Temporary Ways, Subject To The Approval Of The Planning Director, Or His Designee. (Page 24)
(Requested by Commissioner Saul Gross)
- C4C Referral To The Land Use And Development Committee - Discussion Regarding Recusals And Absences For Land Use Board Members: An Ordinance Amending The Land Development Regulations Of The City Code To Harmonize The Permitted Number Of Absences And Recusals For Land Use Board Members, By Amending Chapter 118, Administrative And Review Procedures, Article II, Boards, Division 2, Planning Board, Section 118-52, Meetings And Procedures; Division 3, Design Review Board, Section 118-74, Removal; Division 4, Historic Preservation Board, Section 118-105, Removal; Division 5, Board Of Adjustment, Section 118-133, Removal, Providing For Repealer; Codification; Severability And An Effective Date. (Page 26)
(Planning Board)
- C4D Referral To The Neighborhoods/Community Affairs Committee-Discussion Regarding The Use Of The Log Cabin "Classroom Building" And/Or "Training Center" And The Log Cabin Nursery Currently Operated By Sunrise Community Group, Inc. Located At 8128 Collins Avenue, Miami Beach, Florida. (Page 30)
(Real Estate, Housing & Community Development)
- C4E Referral To The Neighborhoods/Community Affairs Committee - Discussion On The City Of Miami Beach Draft Traffic Calming Manual. (Page 36)
(Public Works)
- C4F Referral To The Land Use And Development Committee - Discussion Regarding Transportation Element Of The Comprehensive Plan. (Page 40)
(Planning Board)
- C4G Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Proposed Amendments To City's Human Relations, Domestic Partnership, And Equal Benefits Legislation. (Page 42)
(Requested by Mayor Matti Herrera Bower, Commissioners Victor M. Diaz, Jr., & Jerry Libbin)
- C4H Referral To The Finance And Citywide Projects Committee - Discussion Regarding Procedures For

Waiving The Competitive Bid Process. (Page 46)
(Requested by Commissioner Deede Weithorn)
C4 - Commission Committee Assignments (Continued)

- C4I Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding What The City Is Doing, And What It Can Do, To Mitigate The Unsightliness Of Idle Construction Sites. (Page 48)
(Requested by Commissioner Edward L. Tobin)
- C4J Referral To The Neighborhoods/Community Affairs Committee - Discussion On Requests Of The Alton Road Homeowners Association Regarding Desired Upgrades. (Page 50)
(Requested by Commissioner Edward L. Tobin)

C6 - Commission Committee Reports

- C6A Report Of The Capital Improvement Projects Oversight Committee Meeting On January 12, 2009: **1)** Attendance; **2)** Review And Acceptance Of Minutes; **3)** Consent Agenda: Items For Commission; A. Amendment No. 3 To The Professional Services Agreement Between The City Of Miami Beach, Florida And EAC Consulting, Inc., Dated March 8, 2006 For Additional Professional Services, Associated With Signage And Pavement Markings In The Amount Of \$27,000 For The Biscayne Point Right Of Way Infrastructure Improvement Project; B) Amendment No. 9 To The Professional Services Agreement Between The City Of Miami Beach, Florida And ED&A, 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.The Improvement Project. **4)** Public Comments; **5)** Old Business **6)** Sub-Committee Meeting Reports; A) South Pointe Master Booster Pump Station; **7)** Report Of Preliminary Findings From Milian Swain & Associates On Flooding Conditions Survey Of 44th Street And Royal Palm Avenue; **8)** CIP Projects Status Report; **9)** Construction Update: Normandy Shores Neighborhood Improvement Project; **10)** Staff Action Report; **11)** Adjournment. (Page 52)
- C6B Report Of The Neighborhoods/Community Affairs Committee On January 21, 2009: **1)** Report Regarding The Intersection Related To The Bike Path At 16th Street And Alton Road. (Page 56)

C6 - Commission Committee Reports (Continued)

C6C Report Of The Land Use And Development Committee On February 9, 2009: **1)** 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); **2)** 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 Ad 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; **3) a)** Discussion Regarding Changes To The I-1 Zoning Classification For Sunset Harbor Neighborhood; b) Discussion Regarding The Parking Overlay District In The Area Of Sunset Harbor; c) Discussion To Consider An Amendment To The Light Industrial (I-1) District To Make A "Towing Service" A Conditional Use; **4)** 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; **5)** 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; And **6)** Discussion Regarding The 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 60)

C6D Report Of The Finance And Citywide Projects Committee Meeting On February 11, 2009: **1)** Discussion Of Long-Term Impact Of Post Retirement Benefits; **2)** Discussion Regarding Status, Design And Budget For The New World Symphony Parking Garage And Park; **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; **4)** Presentation Of Flamingo Park "Draft" Master Plan And Discussion On The Tennis Center/Courts Scope Of Work; **5)** Discussion Regarding The Sole Source Purchase Of Projectdox, Electronic Plan Review Software For The Building Department; And **6)** Discussion On Additional Lighting For Nautilus West. (Page 64)

C7 - Resolutions

C7A A Resolution Accepting A Donation, In The Amount Of \$6,620, From The Miami Beach Chamber Of Commerce, To Be Utilized By The City, Through Its Organizational Development Division, For The Fienberg Fisher K-8 Center For The International Baccalaureate Program Annual Fee For The 2010-2011 School Year. (Page 70)
(Budget & Performance Improvement)

C7 - Resolutions (Continued)

- C7B A Resolution To Support Miami-Dade County Public Schools' Legislative Initiative And Request That The Florida Legislature Fulfill Its Commitment To Hold School District Operational And Capital Funding Harmless From The Impact Of Property Tax Reform, Restore The Local Discretionary Capital Outlay Levy, And Oppose Legislation That Reduced The Number Of In-Service Hours Required Of Teachers Providing Instruction To English Language Learners. (Page 75)
(Budget & Performance Improvement)
- C7C A Resolution Authorizing The City Manager Or His Designee To: 1) Submit A Grant Application To The National Institute Of Justice, Solving Cold Cases Through DNA Program, For Funding, In An Amount Not To Exceed \$300,000 For A Homicide Cold Case DNA Initiative Team; 2) Submit A Grant Application To The Office Of The Attorney General, Victims Of Crime Act Program, For Funding In An Amount Not To Exceed \$100,000 For The City's Domestic Violence Program; 3) Submit An Investment Justification To The Department Of Homeland Security, Emergency Operations Center Program, For Funding, In The Amount Of \$1,000,000 Previously Awarded Through A Legislative Appropriation For The City's Technology Needs; And, 4) Approve The Execution Of A Local Agency Program (LAP) Agreement With Florida Department Of Transportation, For Funding In An Amount Not To Exceed \$1,300,000 For The West Avenue Bridge Project; Further Appropriating The Above Grants, Legislative Appropriation And Local Agency Program Agreement, 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 80)
(Budget & Performance Improvement)
- C7D 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 87)
(Building Department)
(Deferred from January 28, 2009)
- C7E A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 10-08/09, For A Building Development Process Fees Study; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, Maximus Consulting Services; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, Matrix Consulting Group; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration To Not Exceed \$42,260, And Appropriating Funds From FY 2007/08 Year-End Set Aside For Building Department Uses. (Page 96)
(Building Department)

C7 - Resolutions (Continued)

- C7F A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 8 To The Agreement Between The City And Wolfberg Alvarez & Partners, Inc., Dated September 25, 2002, In The Amount Of \$422,658 For Resident Project Representative (RPR) And Supplemental Construction Administration Services; \$29,800 For Additional Design Services; And \$40,000 For Reimbursable Expenses; For A Total Not-To-Exceed Sum Of \$492,458, For The South Pointe RDA Phase II Neighborhood 12c Right-Of-Way Infrastructure Improvements Project; With Funding Available From Previously Appropriated South Pointe Capital Fund 389 In The Amount Of \$342,174 From Design, And With \$150,284 To Be Reallocated From Contingency In Fund 389. (Page 105)
(Capital Improvement Projects)
- C7G Reappointment Of Chief Special Master (Page 114)
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 March 5, 2009, And Ending On September 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.
 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. _____), 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 March 5, 2009, And Ending On September 4, 2009.
(City Clerk's Office)
- C7H A Resolution Electing Commissioner Edward L. Tobin, Group V, As Vice-Mayor For A Term Commencing On March 1, 2009, And Terminating On June 30, 2009 Or On Such Date When A New Vice-Mayor Is Thereafter Elected. (Page 121)
(City Clerk's Office)
- C7I A Resolution Approving Pursuant To Section 2-367 (D) Of The Miami Beach City Code, The Sole Source Purchase Of Morning Pride Basofil Bunker Gear, Consisting Of 20 Tailcoats And 20 Pants, From Fisher Scientific, At An Estimated Cost Of \$30,000, For Use By The Miami Beach Fire Department. (Page 124)
(Fire Department)
- C7J A Resolution Accepting A Donation Of A Belgian Malinois Dog From Mr. Benny Klepach , To Be Utilized By The Miami Beach Police Department Patrol Division Canine Squad, For The Dual Purpose Of Explosive Device Detection And The Detection, Tracking And Apprehension Of Subjects Involved In Criminal Activity. (Page 145)
(Police Department)

C7 - Resolutions (Continued)

- C7K A Resolution Accepting The Donation Of A 1955 Dodge Vehicle, Marked With Miami Beach Police Lettering From Mr. Adam Rose, To Be Utilized By The City For Display Purposes At Parades, Rallies, And Other Cultural And Civic Events. (Page 148)
(Police Department)
- C7L A Resolution Appropriating Thirty-Four Thousand Three Hundred Seventy-Five Dollars (\$34,375.00) And Approving Technical Improvements, Specifically Equipment Upgrades For The Colony And Byron-Carlyle Theaters. (Page 151)
(Tourism & Cultural Development)
- C7M A Resolution Accepting The Recommendation Of The City Manager Relative To The Ranking Of Valet Parking Operators, Pursuant To Request For Proposals (RFP) No. 40-07/08, For The Management And Operation Of Valet Parking Services At The Miami Beach Convention Center, The Fillmore Miami Beach At The Jackie Gleason Theater, And Other City Property As May Be Required; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Parking Operator, Selig Parking, Inc. D/B/A AAA Parking; And If Unsuccessful In Negotiating An Agreement With The Top-Ranked Parking Operator, Authorizing The Administration To Enter Into Negotiations With The Second-Ranked Parking Operator, First Class Parking, LLC; And If Unsuccessful In Negotiating An Agreement With The Second-Ranked Parking Operator, Authorizing The Administration To Enter Into Negotiations With The Third-Ranked Parking Operator, Park One Of Florida, LLC; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Completion Of Successful Negotiations By The Administration. (Page 156)
(Parking Department)

End of Consent Agenda