



# 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.*

Meeting called to order at 9:31:40 a.m.

Invocation given by Father Estrada from St. Joseph's Catholic Church.

Pledge of Allegiance led by David Nevel, Esq.

### ADDENDUM:

Motion made by Commissioner Gross to add item C4M as an emergency item to the Commission Agenda; seconded by Vice-Mayor Wolfson; Voice vote: 7-0.

### SUPPLEMENTAL:

R7D - Revised Resolution, R7E - Revised Resolution, R7F – Revised Resolution, R7H – Resolution, and R7K - Resolution

**Presentations and Awards****9:53:56 a.m.**

- PA1 Certificates Of Appreciation To Be Presented To HOA And Residents Of Normandy Shores For Assistance During Construction Project.  
(Requested by Commissioner Deede Weithorn)

**ACTION:** Certificates presented.

Commissioner Weithorn recognized Erik Schlein, HOA President, for communicating and working with the City during construction in the neighborhood.

Erik Schlein thanked the City Commission for providing the team needed to accomplish their goals, especially Commissioners Weithorn and Libbin.

**10:14:31 a.m.**

- PA2 Certificates Of Appreciation To Be Presented To Teen Job Corp Participants In The Normandy Shores Resident Car Wash.  
(Requested by Commissioner Deede Weithorn)

**ACTION:** Certificates presented.

Commissioner Weithorn recognized Deborah Ruggiero and thanked her and her students for the car wash event held in an attempt to clean up after the construction site. The Administration and City Commission is grateful for their involvement.

Deborah Ruggiero thanked the Administration and City Commission on behalf of the teens and stated that they appreciate the fact that they can serve the City in different ways. She thanked Commissioner Libbin for starting the Job Corp, and also thanked Commissioner Weithorn and Erik Schlein.

Commissioner Weithorn recognized Anthony Arce, Ashley Matamoros, Andres Restrepo, John Torres, Alistair Torres, Charlie Torres, Ariel Torres, Leonard Warren, Daniel Hernandez, Madeline Henry, Melinda Henry, Suzy Garcia, Denia Rodriguez and Angela Lawer.

**10:11:01 a.m.**

- PA3 Proclamation To Be Presented To Beach Yoga At 3<sup>rd</sup> Street For Yoga Day USA, January 24, 2009.  
(Requested by Commissioner Deede Weithorn)

**ACTION:** Proclamation presented.

Commissioner Weithorn congratulated George Mill, from Beach Yoga at 3<sup>rd</sup> Street, for its 10<sup>th</sup> year of continued service to the residents and visitors by offering sunrise and sunset lessons.

George Mill spoke.

**9:43:35 a.m.**

- 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)

**ACTION:** Certificate presented.

Commissioner Libbin recognized publicly The Loews Hotel for celebrating their tenth anniversary of outstanding service.

Stu Blumberg, President of the Greater Miami and The Beaches Hotel Association, stated that due to the vision of previous Commission and the vision of Loews and Jonathan Tisch, to Shawn; the hotel community in Miami-Dade County would not be what it is today. He stated that their anniversary was attended by 115 employees who have been employed since the opening of the hotel.

Shawn Hauver, General Manager of the Loews Hotel, stated that it has been an amazing ten years on Miami Beach. There are over 1,000 team members, 215 live on Miami Beach and it has come full circle; they are committed to the community and will continue to do so in the future.

Mayor Bower added that Loews Hotel gives back to the community by helping preservation and MDPL especially during Art Deco Weekend. On their anniversary, The Loews donated \$10, 000 to MDPL to go towards the 10<sup>th</sup> Street Auditorium renovation.

**10:21:41 a.m.**

- PA5 Certificates Of Appreciation To Be Presented To The Miami Beach Fire Department For Its 13<sup>th</sup> Annual Toy Drive.  
(Requested By Mayor Matti Herrera Bower)

**ACTION:** Certificates presented.

Mayor Bower introduced the item and presented certificates to Firefighters Jose Flores, Brian Layton, Jesus Abay, Marlenis Smart and Walter Carroll, from the City Attorney's Office, Amanda Gonzalez, Yamilex Morales, Maria-Moya Posas, and from Walgreens Octavio Rodriguez, Store Manager and Maria Maqueira, staff member.

Erik Yuhr, Fire Chief, introduced the item and introduced Michele Viera. He encouraged participation in the upcoming Toy Drive event.

Michele Viera, Fire Fighter I, thanked Maria and Mr. Rodriguez from Walgreens.

Octavio Rodriguez, Walgreen's Manager, spoke.

**10:26:54 a.m.**

PA6 Proclamation Declaring February 2009 Black History Month.  
(City Manager's Office)

**ACTION:** Proclamation presented.

Jorge Gonzalez, City Manager, introduced the item and presented the Proclamation declaring February as Black History Month in the City, recognizing the contribution of African-Americans to the nation and in particular to the community, especially this year with the swearing in of our first African-American President. He introduced Shirley Thomas to highlight schedule of events.

Simon Carvel, Chair for Black History Committee, spoke.

Shirley Thomas, Co-Chair, announced the events during the month of February, which include a Fashion Show on the 17<sup>th</sup> at the 21<sup>st</sup> Street Community Center, a Jazz and Blues concert on the 20<sup>th</sup> and a banquet to be held on March 20<sup>th</sup> featuring keynote speaker former Fire Chief Floyd Jordan.

**10:00:19 a.m.**

PA7 Proclamation To Be Presented To Herb Sosa For His Outstanding Work With Unity Coalition.  
(Requested by Commissioner Victor M. Diaz, Jr.)

**ACTION:** Proclamation presented.

Commissioner Diaz stated that the Unity Coalition is an organization founded in 2002 by Herb Sosa and Ron Brenesky to help organize the community to fight the challenge to the Dade County Human Rights Ordinance. He enumerated the goals and accomplishments of the Unity Coalition and presented the proclamation to Herb Sosa, Ron Brenesky, Rachel Alfonso, Christian Aguilar and Dr. Arturo Alvarez.

Ron Brenesky spoke.

**10:05:27 a.m.**

PA7- Continuation of item PA7: Proclamation To Be Presented To Herb Sosa.  
(Requested by Commissioner Victor M. Diaz, Jr.)

**ACTION:** Proclamation presented.

Commissioner Diaz explained that Herb served in the Historic Preservation Board for six years during the expansion of growth in South Beach; he has also been in MDPL and Dade Heritage Trust, served on the board of the Community Development Corporation, and was involved with the first supported housing for people with HIV-Aids, The Shelbourne and Fern Apartments, developed under the leadership of Mayor Bower when she was the Chairperson of the MDPL; he also formed the Unity Coalition and is editor and chief of Ambiente Magazine, a Spanish online magazine.

Herb Sosa spoke.

PA8 Proclamation To Be Presented To Frank Pintado For The 10<sup>th</sup> Annual Holiday Gift Delivery.  
(Requested by Commissioner Victor M. Diaz, Jr.)

**ACTION:** Item deferred.

PA9 Proclamation To Be Presented To Standard Parking For The 10<sup>th</sup> Annual Holiday Gift Delivery.  
(Requested by Commissioner Victor M. Diaz, Jr.)

**ACTION:** Item deferred.

PA10 Proclamation To Be Presented To UNIDAD For The 10<sup>th</sup> Annual Holiday Gift Delivery.  
(Requested by Commissioner Victor M. Diaz, Jr.)

**ACTION:** Item deferred.

**9:50:18 a.m.**

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)

**ACTION:** Certificate presented.

Mayor Bower recognized Steve Haas for the many years working as VCA Chair and stated that he will be working again during the Economic Summit.

Steve Haas spoke.

**9:32:49 a.m.**

**New Item**

PA12 Certificate of Completion for the City of Miami Beach Neighborhood Leadership Academy Graduates.

(Requested by the City Manager's Office)

**ACTION:** Certificate presented.

Jorge Gonzalez, City Manager, introduced the item. He encouraged continued participation and announced that applications are being accepted for the next Leadership Academy class beginning in March, and for those interested, please go to the City's website at [www.miamibeachfl.gov](http://www.miamibeachfl.gov).

He read the list of graduates and congratulated them: Sharon Andonov, Thomas Ashe, Robert Ashenoff, Rose Barco, Daniel Davidson, John Dudley, Mario Duron, Omar El-Dada, Mirielle Enlow, Fernanda Garcia, Ismael Gonzalez, Carlota Guerrero, Patrick Henry, Troy Howard, Michael Laas, Yosmar Martinez, Monica Mataloni, Tony Milera, David Nemitz, Itta Nomkin, Rachel Ovadia, Gabriel Paez, Jonathan Parker, Anna Piva, David Richardson, Christiana Serle, Frank Sheldon, Jim Sterling, Marcia Sykes, Amy Tancig, Scott Timm, Ninette Uzan-Nemitz, and Wenceslao Fernandez.

Rachael Ovadia spoke.

Gabriel Paez spoke.

Commissioner Diaz commended Mr. Paez for his participation in the Leadership Academy and stated that he will be nominating him to the Personnel Board.

**10:30:50 a.m.**

**New Item:**

PA13 Presentation From The American Red Cross And Miami-Dade County Emergency Management & Homeland Security Office.

(Requested By The City Manager's Office)

**ACTION:** Certificates presented.

Douglas Bass, Director of Miami-Dade Emergency Management Office, spoke.

Sam Tidwell, CEO American Red Cross, spoke.

Lynne Bernstein, Community Resident Coordinator, announced that the next event will be held May 31<sup>st</sup> and June 1<sup>st</sup>, and everyone is invited from Miami-Dade County to come participate in Storm Prep Expo 2009.

**10:37:55 a.m.**

**New Item**

Jorge Gonzalez, City Manager, announced that Gerard Witowski, Property Management employee, suffered an unfortunate accident yesterday and has been hospitalized. He asked everyone to keep him in prayers.

**CONSENT AGENDA**

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

**New Item:**

**10:41:56 a.m.**

Commissioner Diaz stated that Miami-Dade County is allocating funds to the Marlin Stadium that should have been allocated to the Miami Beach Convention Center. He asked if the Commission would like to have this discussion. The emergency is due to the fact that the Miami-Dade County Commission meeting will be on February 13.

Commissioner Libbin stated that with the previous Commission the City of Miami Beach is on record as opposing this.

**Motion made by Commissioner Diaz to have this discussion added to the agenda as an emergency item; seconded by Commissioner Libbin.**

Discussion held later in the meeting.

City Clerk Cross Reference: Baseball, Convention Development Tax (CDT)

**New Item:****11:07:26 p.m.**

Commissioner Diaz stated that the City needs to defend the primary source of funding to develop the Convention Center and have a world class Convention Center. He stated that the City should go on record as saying that either the Commission is against spending this money for the stadium or if the County plans to spend the money they should have funds set aside for the Convention Center.

Jorge Gonzalez, City Manager, suggested stating that the City should be on record not opposing the stadium but indicate that there is a more effective use of the funds like supporting the Miami Beach Convention Center.

Motion made by Commissioner Diaz; seconded by Commissioner Tobin directing Jorge Gonzalez, City Manager, and Jose Smith, City Attorney, to prepare and transmit a resolution in support of funding the Miami Beach Convention Center. **Resolution No. 2009-27003 adopted. Kevin Crowder and Jose Smith to handle.**

City Clerk Cross Reference: Baseball, Convention Development Tax (CDT)

**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.

(Parks & Recreation)

**ACTION: Request authorized:** Kevin Smith to handle.

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.

(Public Works)

**ACTION: Request authorized.** Robert Middaugh to handle.

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.

(Parking Department)

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

**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.  
(Real Estate, Housing & Community Development)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. Anna Parekh to handle.

- 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.  
(Requested by Commissioner Saul Gross)

**ACTION: Referred.** Jorge Gomez to place on the committee agenda and to handle.

- 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 72<sup>nd</sup> Street, Collins Avenue, 69<sup>th</sup> Street And Indian Creek Waterway.  
(Planning Department)

**ACTION: Referred.** Jorge Gomez to place on the committee agenda and to handle.

City Clerk's note: The Commission Memorandum also references a subsequent referral to the Planning Board.

**11:12:17 p.m.**

- 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.  
(Requested by Commissioner Edward L. Tobin)

**ACTION: Item separated for discussion by Vice-Mayor Wolfson and Commissioner Weithorn. Item deferred to the February 25 Commission Meeting by acclamation.** Lilia Cardillo to place on the Commission Agenda.

Vice-Mayor Wolfson requested that Commissioner Tobin submit a detailed report identifying his grounds for this request.

- C4E Referral To The Finance And Citywide Projects Committee A Discussion Regarding The Implementation Of A Municipal Marketing (Corporate Sponsorship) Program For The City.  
(City Manager's Office)

**ACTION: Referred.** Patricia Walker to place on the committee agenda and to handle. Hilda Fernandez to handle.



- 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.

(Real Estate, Housing & Community Development)

**ACTION: Referred.** Patricia Walker to place on the committee agenda and to handle. Anna Parekh to handle.

- 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.

(City Manager's Office)

**ACTION: Referred.** Patricia Walker to place on the committee agenda and to handle. Tim Hemstreet to handle.

- 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.

(Requested by Commissioner Victor M. Diaz, Jr.)

**ACTION: Referred.** Jorge Gomez to place on the committee agenda and Legal Department to handle.

- 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.

(Parks & Recreation)

**ACTION: Referred.** Randi MacBride to place on the committee agenda. Kevin Smith to handle.

- C4J Referral To The Neighborhoods/Community Affairs Committee To Discuss the Potential Operational Issues Related To The Newly Reconstructed South Pointe Park.

(Parks & Recreation)

**ACTION: Referred.** Randi MacBride to place on the committee agenda. Kevin Smith to handle.

- 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.

(City Manager's Office)

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

- C4L Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Installing A Stop Sign At The Intersection Of 11<sup>th</sup> Street And Jefferson Avenue.

(Requested by Commissioner Edward L. Tobin)

**ACTION: Referred.** Randi MacBride to place on the committee agenda. Robert Middaugh to handle.

**ADDENDUM:**

- C4M Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding City Code Provisions Regarding Lobbyist Participation On City Boards.  
(Requested by Commissioner Victor M. Diaz, Jr.)

**ACTION: Referred.** Randi MacBride to place on the committee agenda. Legal Department to handle.

**5:04:11 p.m.**

- C4N Referral to the Finance and Citywide Projects Committee a lease Agreement with Moon Thai, 22 Washington Ave. (Was moved from Agenda item R7B)

**ACTION: Referred as amended to the Land Use and Development Committee.** Item separated for discussion by Commissioner Diaz. Item amended with the referral of the issues going to the Land Use and Development Committee. **Jorge Gomez to place on the agenda. Anna Parekh to handle.**

Commissioner Diaz stated that he thinks it is great that a Thai restaurant wants to locate on this property but in addition to the new issues that have arisen regarding the financial issues of the lease, there are some serious design issues such as the location of the tables, the types of umbrellas to be used and the kiosk. His concerns are all about aesthetics. **Jorge Gomez to handle.**

**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.**

**ACTION:****Item No. 3:**

Taken according to agenda item, no additional items heard.

**Item No. 4: -Old Business****44<sup>th</sup> Street and Royal Palm Avenue Drainage**

Mr. William Goldsmith, 1820 West 25<sup>th</sup> Street, presented his proposed plan to address flooding conditions at 44<sup>th</sup> Street and Royal Palm Avenue.

Mr. Jeff Gale, 4360 Royal Palm Avenue, stated that he has lived at his address since 1992 and the flooding problem has been consistent since then.

Fred Karlton asked if the information that Mr. Goldsmith provided was useful and could further generate new direction to solve the flooding issues on 44<sup>th</sup> Street and Royal Palm Avenue.

Jorge Chartrand, CIP Director, responded that the material presented could be useful as a starting point, but further investigation and engineering would have to be done to complete the project. The aerial photograph with the overlay would be considered a planning document. It could not be considered an engineering document from which pricing could be determined.

### **Sunset Islands I & II**

Mr. Goldsmith presented a memo he prepared dated December 1, 2008, which he said addressed two issues: The RFQ and the design-build proposal that Mr. Goldsmith himself secured for approximately \$3,700,000, which he called an "all-in" proposal.

The RFQ was approved by City Commission and scheduled to go to selection as early as January. Mr. Goldsmith asked that he and Elizabeth Camargo serve on the evaluation committee. The request is to be sent to the Manager.

When Mr. Goldsmith got involved in this project in June, 2008, the budget had been revised, and the current budget for this project is \$4.215 Million. The original budget was \$2.8 Million in construction costs (soft costs additional).

**STAFF ACTION:** To present data on how much was spent on the Sunset Island I & II ROW project to date and where that money was spent.

Tim Hemstreet was asked to discuss his communication with Mr. Goldsmith on this project and the work that Mr. Goldsmith has done to obtain new pricing for the project. Mr. Hemstreet explained that Mr. Goldsmith had taken the scope of work to an A/E and a contractor and asked them what the value for this work would be, and that is the material that he presented.

A sub-committee has been formed to look at flood mitigation in non-priority basin neighborhoods. This project will be addressed and even looked at as an example for other projects through that sub-committee.

Commissioner Weithorn asked if Mr. Goldsmith is recommending that the RFQ be pulled so that the bid could be re-worked as a design/build project. Once the bids are open, it is too late to rethink it as a design/build project. Right now, the solicitation for engineering services is out. The next step is to go out to bid for a contractor. Mr. Goldsmith replied that he needed to know how any change would affect the timeline. He stated that his goal was to clear the air about what he considers to have been "wrong budgets" presented by the original engineer and to let this be a model for more Miami Beach Islands.

Mr. Hemstreet stated that the City Commission has the final say on pulling the RFQ. He described both the design-bid-build and design-build processes. He opined that following the competitive process is the best way to expedite this project. In order to follow Mr. Goldsmith's proposal, using the firms he is recommending, the City would have to waive competitive bidding, and Mr. Hemstreet does not recommend waiving competitive bidding. Commissioner Weithorn agreed and stated that "we should have a little faith in the system," adding that it is the job of the CIP Oversight Committee to take a critical look at how projects are bid and if the City is getting its money's worth.

### **NO ACTION TAKEN ON THIS ITEM.**

City Clerk's Note: See Agenda item R7K

### **South Pointe Phase II Scope of Work**

**Mr. Goldsmith** recommended that the Commission table the bid and discontinue the add alternates on the bid documents. The recommendation was to include all alternates or none. The CIPOC is to take a closer look at proposals in the future.

After some deliberation, it was decided that the topic be brought up at the December 8, 2008 sub-committee meeting on Unit Pricing, for any further recommendations to Commission.

MOTION: To discuss the topic of the South Pointe Phase II project bid at the December 8, 2008 sub-committee meeting and send a recommendation to the Commission.

MOVED: Fred Karlton 2<sup>nd</sup>: Erik Agazim

PASSED

**Item No. 5: SUB-COMMITTEE MEETING REPORT**

**South Pointe Master Booster Pump Station**

DEFERRED

**Stillwater Drive**

The meeting was successful. New material for the swales has been presented for consideration as the swales will be used primarily for parking.

STAFF ACTION: When a material for placement in the swales is chosen, present it to the Stillwater sub-committee.

**Item No. 6: PUBLIC WORKS PRESENTATION ON STORM DRAIN MAINTENANCE**

**Item 7: FLAMINGO NEIGHBORHOOD ROW OVERSIGHT AND FORMATION OF SUB-COMMITTEE**

CIPOC is to look at developing a plan of how to handle this project. The goal is to make the project a model for other projects. The new subcommittee will address all the issues facing a project of this size. There are several geographic issues with which to deal, including Flamingo Park access and the only fire station for South Beach. There will be an introductory meeting December 16<sup>th</sup> in the CIP Conference room at 4:00pm.

Jack Johnson, 831 10<sup>th</sup> Street, of the Flamingo Neighborhood Association spoke about the project. Mr. Johnson indicated that flooding in the Flamingo neighborhood has gotten worse, not just with rain events, but also with the occurrence of high tides.

**Item No. 8: REPORT ON INSTALLATION OF PUMP STATION IN NAUTILUS NEIGHBORHOOD**

CIP and Public Works met with the resident affected by the location of the drainage pump station. The electrical panel will be placed across the street.

**Item No. 9: STATUS REPORT: NORMANDY SHORES GOLF COURSE**

A written report was included in agenda packet. All three areas of drainage issues have been successfully addressed.

ITEM CLOSED

**Item No. 10: CONSTRUCTION UPDATE: NORMANDY SHORES NEIGHBORHOOD IMPROVEMENT PROJECT**

An HOA meeting held November 24, 2008, went very well. The residents have noted that they are seeing significant improvement.

David Alschuler, 955 South Shore Drive, brought photos to show the elevation variance of the swale, valley gutter and pavement. It was explained that these conditions will be remedied when the sod is placed and the final lift of asphalt is done. The contractor is placing barricades and tape to caution residents of the elevation variance.

Alfredo Rey, 610 South Shore, said he has seen that the work is accelerated, but now worries that there is a "rush to finish" which will result in a lack of quality work. The Committee assured him that

this is not the case.

Written report included in agenda packet.

**Item No. 11: DISCUSS: STANDING DATES FOR SUB-COMMITTEE MEETINGS**

**The Sub-committees are now broken down into three categories:**

- Structural (issues of process, procedures and methods, changing contracts, etc.)
- In-depth Neighborhood or Project Review (Looking closely at issues pertaining to specific neighborhood projects as they come up)
- Pilot Project Program (Flamingo Neighborhood ROW)

The sub-committee meetings are now pre-scheduled for times and dates, subjects will be determined at regular CIPOC meetings. The sub-committees are scheduled for the 2<sup>nd</sup> and 3<sup>rd</sup> Tuesdays of the month, alternating times 9:00am and 4:00pm.

**Item No. 12: CALENDAR OF MEETINGS 2009**

MOTION: To accept calendar of regular CIPOC meetings, as included in agenda packet.

MOVED: Fred Karlton                   2<sup>nd</sup>: Erik Agazim

PASSED

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.

**City Clerk's Note: CITY COMMISSION ACTION: Item separated for discussion by Commissioner Tobin regarding item No. 2.** Motion made by Commissioner Diaz to accept the report; seconded by Commissioner Tobin; Voice-vote: 7-0.

**ACTION:**

**Item No. 1:**

Motion to defer the item to the Land Use & Development Committee meeting of January 12, 2009 (3-0).

**Item No. 2:**

Motion to refer the item to the Planning Board for further discussion (2-1).

**City Clerk note: Discussion and action taken at the City Commission Meeting:**

Commissioner Tobin stated that in the report - item 2(1) indicates that the Committee is recommending: "only one sidewalk café per block shall be permitted to have live entertainment" and asked who will be making the selection.

Commissioner Gross stated that this is a referral to the Planning Board and they will work out the details.

End

**City Clerk's Note: Jorge Gomez to handle.**

**Item No. 3:**

Item to be brought back to the Committee for further discussion.

**Item No. 4:**

No action required (item for withdrawal placed on the agenda for informational purpose only).

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.

**ACTION:**

**Item No. 1:**

The Committee decided to allow Live Nation a six show sunset period were they can extend their hours of operation and liquor sales to allow only live acts with the six acts not accounting toward the minimum number of shows that must be booked. Live Nation and the Light Life Task Force t to come together and agree on blackout dates were Live Nation will not be allowed to extend their hours of operation.

**City Clerk's Note: Max Sklar to handle.**

**Item No. 2:**

Commissioner Deede Weithorn asked that the Internal Audit Division bring the copies of future audits with the related findings to the Finance Committee for review and discussion as part of the annual review.

**City Clerk's Note: Jim Sutter to handle.**

**Item No. 3:**

Commission Ed Tobin made the motion to extend the contract for the remaining year of the contract, seconded by Commissioner Weithorn; all were in favor.

**City Clerk's Note: See Agenda Item C7M.**

**Item No. 4:**

The Committee recommended allowing the Administration to approve the recycling service inter-local agreement with Miami-Dade County incorporating any legal changes deemed necessary and making it effective retroactively.

**City Clerk's Note: See Agenda Item C7T.**

- 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.

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

The committee unanimously moved to go forward with this project, with haste.

**City Clerk's Note: Hilda Fernandez to handle.**

**Item No. 2:**

The committee unanimously moved to direct administration to find a funding source, report back to the January 2009 commission meeting so the project can move forward.

**City Clerk's Note: Kevin Smith and Kathie Brooks to handle.**

- 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.

**City Clerk's note: CITY COMMISSION ACTION: Item separated by Commissioner Tobin regarding Item 1.** Motion made by Commissioner Diaz to accept the report and regarding Item 1: (The Wing) and the Administration will place an item regarding the \$50,000 expenditure on the February 25 Commission Agenda; seconded by Commissioner Gross; Voice vote: 7-0. **Lilia Cardillo to place the item on the agenda. Jorge Gomez, Hilda Fernandez and Kevin Crowder to handle.**

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

Commissioner Deede Weithorn made the motion to create a new design for the area and spend roughly around fifty thousand dollars.

**City Clerk note: Discussion and action taken at the City Commission Meeting:**

Commissioner Tobin stated that he is opposed to the \$50,000 expenditure.

Jorge Gonzalez, City Manager, requested that the report be accepted and the Administration will place an item regarding the \$50,000 expenditure on the February 25 Commission Agenda. **Lilia Cardillo to place on the Commission Agenda.**

**End**

**City Clerk's Note: Jorge Gomez, Hilda Fernandez and Kevin Crowder to handle.**

**Item No. 2:**

The Committee recommended renewing the contract on a month to month basis up to six months. They also had a list of six suggestions to be implemented as soon as possible.

They recommended that posted on the tow vehicles:

That the drop fees may be waived as long as the person can prove that they are the

registered owner of the vehicle;

That there is a citizen bill of rights which is available from the driver as well as at the storage location, in both English and Spanish, and  
"How is my driving" bumper stickers.

They recommended that at the storage facility:

No. PA systems be used and other noise mitigation improvements be implemented;

Require off-duty police officers on Friday and Saturday and all major events, and

A traffic mitigation program be put in place to be approved by the City Manager or his designee.

**City Clerk's Note: See Agenda item R7G.**

**Item No. 3:**

Item deferred at the request of Commissioner Jerry Libbin.

**11:25:37 p.m.**

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 5<sup>th</sup> Street And 8<sup>th</sup> 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.



**City Clerk's note: CITY COMMISSION ACTION: Item separated by Commissioner Diaz regarding Item 7.**

**ACTION:**

**Item No. 1:**

Robert C. Middaugh outlined the mandatory and voluntary versions of the ordinance. He also provided an overview of the Sustainability Committee's recommendation to the Land Use Committee.

The Committee instructed the Administration to prepare an ordinance that instituted a voluntary program with incentives for buildings with an area of 10,000 square feet or greater. The program would be for LEED Certification. The performance bond would be set at \$1 / square foot and to be posted only if a project avails itself of any of the incentives. The primary use of the bond will be to help achieve compliance and secondarily for assistance in fee reductions. The Committee also requested that the Administration recommend the amount of percent reduction of fees and to identify the funding source for the refunds.

Motion: (Diaz / Gross), vote 3-0.

**City Clerk's Note: Robert Middaugh to handle.**

**Item No. 2:**

The Committee instructed the Administration to create an ordinance that specifies that all City projects located in the Cultural Arts Neighborhood District Overlay include a mandatory review, by the City Commission, to evaluate the feasibility of incorporating the uses recommended by the CANDO Committee.

Motion: (Diaz / Gross), vote 3-0.

**City Clerk's Note: Jorge Gomez to handle.**

**Item No. 3:**

The Committee accepted the recommendations from the Affordable Housing Advisory Committee. They instructed the Administration to prepare the necessary ordinances for their review and potential adoption.

Motion: (Diaz / Gross), vote 3-0.

**City Clerk's Note: Anna Parekh to handle.**

**Item No. 4:**

Russell Galbut, representing Crescent Heights introduced the development concept for the subject site. Jonathan Cardello of ADD Inc., explained the project which contains over 470,000-square-feet of high-end retail and dining facilities including underground parking levels for approximately 1,500 automobiles.

The Committee requested that the City Attorney formally opine on the following questions:

1. What is the effect of the Miami Beach Charter section 1.03(c), which limits the floor area ratio ("FAR") on all property within the City to that zoned as of November 7, 2001, on the proposed rezoning of that portion of the South Shore hospital site that is currently zoned CD-2?
2. What is the effect of the Miami Beach Charter section 8.09, which provides in part: "When a hospital district is rezoned, such property shall be rezoned to a district or combination of districts with a FAR no greater than the zoning of abutting land (sharing lot line)," to the proposed rezoning of that portion of the South Shore hospital site that is currently zoned HD?

The Committee discussed several options with the developer and requested that he return to the Committee at a future date to continue discussing the project and the necessary amendments to the development regulations associated with the project.

**City Clerk's Note: See City Attorney Opinion: C.A.O. No 09-02.**

**Item No. 5:**

Item not reached, continued to the February meeting.

**Item No. 6:**

The Committee discussed several issues associated with this type of facility and the reasons why a Conditional Use review might be appropriate. The Committee decided to table further discussion until such time as other land use items affecting this neighborhood are referred to the Committee.

**Item No. 7:**

Morris Sunshine and Frank Delvecchio spoke on the issue. The Committee instructed the Administration to prepare an ordinance that prohibits rooftop operations south of 5<sup>th</sup> Street between 8 p.m. to 8 a.m. and referred it to the Planning Board for their review and recommendation.

**11:25:37 p.m.**

**City Clerk note: Discussion and action taken at the City Commission Meeting:  
Item 7 was originally approved via the Consent Agenda vote.**

Later in the meeting Commissioner Diaz stated that he had his aide contact the homeowner associations south of 5<sup>th</sup> Street who stated that they were not aware that the LUDC had heard the rooftop venue issue.

Motion made by Commissioner Diaz to reconsider the approval of the report; seconded by Commissioner Tobin; Voice vote: 5-0; absent: Vice-Mayor Wolfson and Commissioner Weithorn.

Motion made by Commissioner Diaz to amend the referral to the Planning Board to consider an ordinance that either bans rooftop venues south of 5<sup>th</sup> Street or at least provides banning rooftop venues from at least 8 p.m. until 8 a.m. and to specifically get the neighborhoods input at the Planning Board; seconded by Commissioner Gross; Voice vote: 5-0; absent: Vice-Mayor Wolfson and Commissioner Weithorn. **Jorge Gomez to handle.**

**End**

City Clerk's Note 1/28/2009: Delvecchio should be Del Vecchio

**Item No. 8:**

Item not reached, continued to the February meeting.

**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.

(Budget & Performance Improvement)

**ACTION: Resolution No. 2009-26974 adopted.** Patricia Walker to appropriate the funds if approved and accepted. Judy Hoanshelt to handle.

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.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2009-26975 adopted.** Patricia Walker to appropriate the funds. Max Sklar to handle.

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.

(Planning Department)

**ACTION: Resolution No. 2009-26976 adopted.** Public Hearing scheduled for February 25, 2009. Robert Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. Jorge Gomez to handle.

**5:32:04 p.m.**

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.  
(Capital Improvement Projects)  
(Deferred on December 10, 2008)

**ACTION: Item separated for discussion by Commissioner Tobin. Resolution No. 2009-26977 adopted.** Motion made by Commissioner Diaz; seconded by Commissioner Libbin; Voice vote: 7-0. Fred Beckmann to handle.

Commissioner Tobin stated that although he separated the item he is okay with it and no discussion is needed.

**5:27:54 p.m.**

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.  
(Capital Improvement Projects)

**ACTION: Item separated for discussion by Commissioner Gross. Resolution No. 2009-26978 adopted.** Motion made by Commissioner Gross to approve the item and to refer the demolition portion to the Finance and Citywide Projects Committee and the park entrance issue; seconded by Commissioner Diaz; Voice vote: 7-0. Public Hearing scheduled for February 25, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Patricia Walker to place on the committee agenda. Fred Beckmann to handle. The Administration to find an alternate committee meeting location such as the Police Community Room or the P.A.L. Community Room.

Commissioner Gross stated that he wants to refer this item to the Finance and Citywide Projects Committee. Given the economy he would like to take another look at the City's Capital Improvement Plan.

Commissioner Diaz stated that from a planning standpoint moving the building closer to the park entrance immediately opposite the pool is not good planning. It will shut in the promenade which is the principle entrance to Flamingo Park.

Commissioner Gross encouraged the Administration to reach out to the Flamingo Park neighborhood and the tennis court users. **Fred Beckmann to handle.**

## Handout or Reference Materials:

1. Two schematic drawings of proposed building to be demolished
2. Aerial color print of building
3. Color prints of tennis courts, from different views, restrooms and tennis building

**5:06:05 p.m.**

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.

(Capital Improvement Projects)

**ACTION: Item separated for discussion by Commissioners Gross and Tobin. Resolution No. 2009-26979 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Libbin; Voice vote: 7-0. Fred Beckmann to handle.

Commissioner Gross stated that this is a change order to redo the plans in Biscayne Pointe to incorporate parking. He thought the price was too high and requested the price be renegotiated. The new price saved the taxpayers \$22,000. He stated the Administration did a good job and how does the Administration make sure we continue to negotiate lower prices. The market has changed and some of the contracts should be renegotiated.

Jorge Gonzalez, City Manager, stated that the negotiations were done by the CIP office and Emanuel Mayer in the City Manager's office.

Commissioner Tobin gave a brief history of this item and stated kudos to the Administration for pulling this item from the December agenda and bringing it back for only \$27,000.

**5:31:53 p.m.**

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.

(Economic Development)

**ACTION: Item separated for discussion by Commissioner Libbin. Resolution No. 2009-26980- adopted. The Legislative Agenda amended.** Motion made by Commissioner Libbin; seconded by Commissioner Diaz: Voice vote: 7-0. Kevin Crowder to handle.

**Amendment:**

Add to the legislative priorities for the state/federal to monitor, report and advocate for full finding of budget allocations which fund social services programs which our Miami Beach organizations currently rely on to provide services to our residents.

**End**

Commissioner Libbin stated that he separated the item to explain for the TV viewers a few items that are included in the legislative agenda. Although there are others, he named three items: Condominium Reform, Beach renourishment, and full funding of recreation, cultural arts, historic preservations programs, and affordable & workforce housing programs.

Kevin Crowder stated that in the agenda corrections the Administration also added for both the state and federal agenda to monitor and advocate on for full finding of budget allocations which fund social service programs.

Handout or Reference Materials:

1. Email from Mejia, Dolores RE: Corrections, dated January 28, 2009 at 5:55 a.m.

**11:16:52 p.m.**

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.

(Economic Development)

**ACTION: Item separated for discussion by Commissioner Tobin. Resolution No. 2009-26981 adopted as amended. Federal Legislative Agenda also amended.** Motion made by Commissioner Diaz; seconded by Commissioner Tobin; Voice vote: 7-0. Kevin Crowder to handle.

**Amendment (Resolution):**

1. Motion made by Commissioner Diaz to move the item with an amendment giving the City Manager the discretion to obtain an additional lobbyist at the state or federal level to do so at \$25,000 per lobbyist
2. Commissioner Gross amended the motion and increased the Manager's spending authority to \$50,000 per lobbyists, Commissioner Diaz accepted the amendment.

**End**

**Amendment Federal Legislative Agenda:**

Add to the legislative priorities for the state/federal to monitor, report and advocate for full finding of budget allocations which fund social services programs which our Miami Beach organizations currently rely on to provide services to our residents.

**End**

Commissioner Tobin stated that he separated the item because he met with the City's Federal lobbyist and because there is a new federal administration and a trillion dollar stimulus package asked that in addition to the City's current lobbyist, should the Commission consider retaining an additional lobbyists to lobby on the specific issue of the money in the federal economic stimulus package.

Commissioner Diaz stated that perhaps the City should be lobbying at the state level.

Commissioner Tobin suggested reaching out to those members of the community who contributed large sums of money to the Obama campaign to try to get them to help the City get some of the economic stimulus money.

Kevin Crowder explained how the economic stimulus package will work.

Discussion held.

Motion made by Commissioner Diaz to move the item with an amendment giving the City Manager the discretion to obtain an additional lobbyist at the state or federal level to do so at \$25,000 per lobbyist; seconded by Commissioner Tobin; Voice vote: 7-0.

Commissioner Tobin requested to have the Administration check what other cities are doing in hiring special lobbyists specifically for the economic stimulus package. He suggested calling the City Manager in Key West. **Kevin Crowder to handle.**

Commissioner Gross amended the motion and increased the Manager's spending authority to \$50,000 per lobbyists, Commissioner Diaz accepted the amendment.

Handout or Reference Materials:

1. Email from Mejia, Dolores RE: Corrections, dated January 28, 2009 at 5:55 a.m.



- 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.  
(Parking Department)

**ACTION: Resolution No. 2009-26982 adopted.** Saul Frances to handle.

- 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.  
(Parking Department)

**ACTION: Resolution No. 2009-26983 adopted.** Saul Frances to handle.

- 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.  
(Police Department)

**ACTION: Resolution No. 2009-26984 adopted.** Chief Noriega to handle.

- 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.  
(Police Department)

**ACTION: Resolution No. 2009-26985 adopted.** Chief Noriega to handle.

- 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.  
(Public Works)

**ACTION: Resolution No. 2009-26986 adopted.** Robert Middaugh to handle.

- 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 23<sup>rd</sup> 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.  
(Real Estate, Housing & Community Development)

**ACTION: Resolution No. 2009-26987 adopted.** Anna Parekh to handle.



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.

(City Manager's Office)

**ACTION: Resolution No. 2009-26988 adopted.** Robert Middaugh to handle.

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.

(City Manager's Office)

**ACTION: Resolution No. 2009-26989 adopted.** Robert Middaugh to handle.

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.

(City Manager's Office)

**ACTION: Resolution No. 2009-26990 adopted.** Robert Middaugh to handle.

**5:10:43 p.m.**

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.

(Building Department)

**ACTION: Item separated for discussion by Commissioners Gross and Libbin.** Motion made by Vice-Mayor Wolfson to approve; seconded by Commissioner Diaz; Voice vote: 3-4; Opposed: Commissioners Gross, Libbin, Tobin, and Weithorn.

Motion made by Commissioner Weithorn to **refer to the Finance and Citywide Projects Committee**; seconded by Commissioner Tobin; Voice vote: 7-0. Patricia Walker to place on the committee agenda. Alex Rey to handle.

Commissioner Gross explained that this software will allow for the electronic submittal and review of

building plans. He stated that Alex's mandate is to simplify and streamline the permit review process. He commended Alex Rey for bring this, the first of many such initiatives. He separated this item to explain what is happening to the business and residents to make permitting easier.

Commissioner Libbin echoed the comments and applauds the idea. He stated that when we get a sole source bid it should be scrutinized. He asked that this item be deferred to the next meeting. He was contacted by a resident in North Beach that claims he has a competitive program called Buzzsaw through Autodesk. He read into the record a complaint letter from Mr. Arkin that has a system that meets all of the City's objectives and there are other companies as well and he requested an RFP.

Jorge Gonzalez, City Manager, explained why this is a sole source because Projectdox is the only vendor that provides the functionality the City is looking for.

Alex Rey, Building Department Director, stated that Commissioner Gross stated that this is his initiative and it is not. The idea has been around since July 2007. We are now moving forward with the implementation of the idea. The use of Projectdox was conceived a long time ago. He stated that he has spoken to the gentleman that Commissioner Libbin mentioned. He explained the difference between Projectdox and the other system. The Projectdox system integrates with the current computer system software, PermitsPlus. The system that Mr. Arkin is proposing needs to go through research and development to customize it and it will take months to implement.

Commissioner Libbin stated that his concern is that the City did not go through a bid process and we don't know that there are no other systems.

Commissioner Weithorn asked if 30 days will make a big difference on this project and have it review by the Finance and Citywide Projects Committee. She suggested approving it subject to the review of the committee.

Jose Smith, City Attorney, said it could not be approved pending the approval of the Finance and Citywide Projects Committee.

Motion made by Vice-Mayor Wolfson to approve the item; seconded by Commissioner Diaz; Voice vote: 3-4; Opposed: Commissioners Gross, Libbin, Tobin and Weithorn.

Motion made by Commissioner Weithorn to refer to the Finance and Citywide Projects Committee; seconded by Commissioner Tobin; Voice vote: 7-0. Patricia Walker to place on the committee agenda. Alex Rey to handle.

- 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.  
(Building Department)

**ACTION: Resolution No. 2009-26991 adopted.** Alex Rey to handle.

- 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.  
(Public Works)

**ACTION: Resolution No. 2009-26992 adopted.** Robert Middaugh to handle.

**3:54:13 p.m.**

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.  
(Public Works)

**ACTION: Item separated for discussion by Commissioners Diaz and Weithorn. Resolution No. 2009-26993 adopted as amended.** Motion made by Commissioner Gross to approve the item and to refer to the Land Use and Development Committee after the negotiations and before it comes back to the City Commission; seconded by Commissioner Libbin; Voice vote: 7-0. Jorge Gomez to place on the committee agenda. Robert Middaugh to handle.

**Amended:**

1. Negotiate keeping in mind the following concerns: the financial issue, the aesthetic issue and the scale issue
2. Refer negotiated agreement to the Land Use and Development Committee.

**End**

Jorge Gonzalez, City Manager, introduced the item.

Commissioner Weithorn stated that this is very dramatic and new to the City and required discussion. She has also seen correspondence on this. She has no problem with the concept but felt that guidance is needed.

Commissioner Diaz stated that he has a great deal of concerns on the proposal submitted. He is not in favor of an advertising program in conjunction with this program. He does not want to see a proliferation of billboards throughout the City. He stated that the Transportation and Parking Committee passed a resolution questioning the number of bicycles in the program. He will leave it to the discretion of the City Manager, but he also questions whether 1,000 bikes in a concentrated area is a good thing. He also added that the City should control the pickup and drop-off locations. He added that he does not want to see a proliferation of bike kiosks and certainly does not want them in single-family residential neighborhoods or historic neighborhood. He also stated that the design is too big and it will be an eye sore. He added that if this program is done it should be done with the utmost quality. He is not sure that this proposal is of the utmost quality. If these objectives are not achieved in the proposal, he is not in favor of this program.

Commissioner Gross primary concern is the number of bikes being proposed, 1,000. The smaller the program, the more the local bicycle vendors will participate. He stated that having another vendor come in does not feel right. He added that the way the bid went out disadvantaged the local vendors. He also expressed his concern that there will be serious maintenance issues with the bikes being stored outside. He stated that the Lincoln Road community is very nervous about the possibility of having a large number of bikers on Lincoln Road and they are asking for a separate ordinance that prohibits bikes on Lincoln Road. He asked if the bikes are allowed on the beachwalk and the City Manager responded that "yes" on the beachwalk, but not on the board walk.

Commissioner Weithorn expressed concerns with the scope and also with the location. She added that the locations should not be where there are pedestrians or park areas and should be in areas of vehicular parking and vehicular traffic. She explained that the storage should be in a parking lot type of storage. She stated that if this item will be brought back she wanted to state her concerns for the record.

Vice-Mayor Wolfson stated that these issues should have been addressed before going out for bids

because people invest time and money in preparing their bids. He agreed to refer it to committee.

Commissioner Libbin stated that it would be better if the Administration came back with new proposals.

Mayor Bower stated that both could be done, negotiate and address the concerns mentioned. She does not agree with the bike racks being so large in one place, but rather have smaller racks without taking away parking spaces.

Colby Reese, from Deco Bike, spoke.

Discussion continued.

Commissioner Diaz asked Mr. Reese if there is a minimum threshold of bikes to maintain a viable business.

Colby Reese, from Deco Bike, stated it is not predetermined but probably 500 is the minimum.

Jorge Gonzalez, City Manager, stated that the proposal states a minimum of 500 bikes and that cannot be changed.

Discussion continued.

Jorge Gonzalez, City Manager, explained that today the City is not bound to accept any proposal; however, if the City Commission accepts the proposal, this proposal contemplates a minimum of 500 bicycles.

Discussion continued.

Commissioner Libbin asked the City Attorney if there is any liability to the City by not providing helmets at the site.

Jose Smith, City Attorney, stated that he is assuming that they will have all the necessary insurance coverage and indemnity provision as far as the City is concerned but furthermore under those facts the City has no liability.

Raul Aguila, Deputy City Attorney, stated that the RFP requires the vendor to provide helmets for users less than 16 years of age.

Mitch Wentworth spoke.

Commissioner Diaz stated that another concern is that the reversibility of this program needs to be addressed and it is also important to get information on the track record of the applicant, what have they done in other cities and what have they looked like two or three years later. **Robert Middaugh to handle.**

Jorge Gonzalez, City Manager, stated that the Administration has done reference check but they have not gone to locations to look at their set up. They have spoken with the representatives of the locations.

Robert Middaugh, Assistant City Manager, stated that the due diligence shows that the installation cited there was a satisfaction level but they have not been in business long enough to see the long term effect.

Colby Reese, from Deco Bike, spoke.

Mitch Wentworth spoke.

Josh Squires with Deco Bike, spoke.

Gabrielle Redfern spoke.

Raul Aguila, Deputy City Attorney, entered into the record that they received a bid protest by B-cycle. He explained that the reason that B-Cycle was disqualified and non-responsive was because after the review, it did not comply with one of the minimum mandatory requirements of the RFP. The RFP required that any proposer to this RFP shall be responsible for all expenses to the program and their proposal contemplated an investment by the City of Miami Beach.

Gus Lopez, Procurement Director, spoke.

Motion made by Commissioner Gross to approve negotiation because it is worth exploring, but there are serious reservations such as the financial issue, the aesthetic issue and the scale issue; seconded by Commissioner Libbin; Voice vote: 7-0.

Commissioner Diaz suggested referring to the Land Use and Development Committee before it comes back to the City Commission and the Commission agreed.

Handout or Reference Materials:

1. Email from Nate Kvamme to [jorgegonzalez@miamibeachfl.gov](mailto:jorgegonzalez@miamibeachfl.gov) dated January 28, 209 at 3:15 p.m. RE: B-cycle Bid Protest RE: RFP 44-07/08 FOR A SELF-SERVICE BICYCLE RENTAL PROGRAM
2. Letter from Bcycle to Jorge M. Gonzalez, City Manager, dated January 26, 2009 RE: RFP No. 44-07/08 B-cycle BID PROTEST
3. Email from COLBY REESE to Gonzalez, Jorge, dated January 27, 2009 at 1:22 p.m. RE: Deco Bike SBJB.pdf Attn: Mr. Gonzalez/RFP 44-07/08
4. Email from [info@decobike.com](mailto:info@decobike.com) to Gonzalez, Jorge dated January 27, 2009 at 3:08 PM RE: RFP 44-07/08.
5. Email from [lrlocator@aol.com](mailto:lrlocator@aol.com) to City Commission dated January 27, 2009 at 4:29 PM RE: Mitch Wentworth/Fritz's.
6. Email from Theo Carrasco to Nate Kvamme dated January 27, 2009 at 5:29 PM RE: City of Miami Beach Response to B-cycle's Protest.
7. Letter to Nate Kvamme, CEO, B-cycle VIA EMAIL dated January 27, 2009 RE: RFP 44-07/08 FOR A SELF-SERVICE BICYCLE RENTAL PROGRAM CITY OF MIAMI BEACH'S RESPONSE TO B-CYCLE'S PROTEST, DATED JANUARY 27, 2009.
8. Letter to Nate Kvamme, CEO, B-cycle dated January 27, 2009 RE: RFP 44-07/08 FOR A SELF-SERVICE BICYCLE RENTAL PROGRAM CITY OF MIAMI BEACH'S RESPONSE TO B-CYCLE'S PROTEST, DATED JANUARY 27, 2009.

**End of Consent Agenda**

**REGULAR AGENDA****R5 - Ordinances****3:45:41 p.m.**

R5A 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.

**10:15 a.m. Second Reading Public Hearing.**

(Requested by Commissioner Saul Gross/City Attorney's Office)  
(First Reading on December 10, 2008)

**ACTION: Public Hearing held. Ordinance No. 2009-3623 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Weithorn; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Robert Parcher to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 519

**3:47:13 p.m.**

R5B Residency Requirements For Planning Board & Historic Preservation Board Members  
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 Each Of The Two At-Large Members Shall Reside In One Of The City's Historic Districts; Providing For Repealer, Severability, Codification And An Effective Date. **10:20 a.m. Second Reading Public Hearing**

(Planning Department)  
(First Reading on December 10, 2008)

**ACTION: Public Hearing held. Ordinance No. 2009-3624 adopted.** Motion made by Commissioner Gross; seconded by Vice-Mayor Wolfson; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. R. Parcher to handle.

Jorge Gomez, Planning Department Director, explained the ordinance.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 519

**3:48:51 p.m.****R5C Lot Split Review Criteria**

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. **10:25 a.m. Second Reading Public Hearing.**  
(Planning Department)

(First Reading on December 10, 2008)

**ACTION: Public Hearing held. Ordinance No. 2009-3625 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Gross; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Jorge Gomez to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 519

**11:01:42 a.m.**

**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. **10:35 a.m. Second Reading Public Hearing.**  
(Human Resources)

(First Reading on December 10, 2008)

**ACTION: Public Hearing held. Ordinance No. 2009-3626 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Gross; Ballot vote: 6-1; Opposed: Commissioner Tobin. R. Parcher to transmit to Municipal Code. Ramiro Inguanzo to handle.

David Kelsey asked if there has been any investigation about using the Florida State Retirement Plan.

Jorge Gonzalez, City Manager, stated that at the retreat last year it was discussed to explore if it would be more beneficial for the City of Miami Beach to use the Florida Retirement Plan System (FRPS) instead of the City funded system. They have been working on that analysis. He anticipates that at the City Commission Workshop in March they will have that analysis and also the results of the Classification and Compensation Study. He stated the report may be ready before and it will be submitted via LTC but then the workshop will be scheduled to discuss it. The pension analysis is being conducted by several cities in the State of Florida and we are all sharing the information. The City's pension attorney in Tallahassee is doing the legal analysis. Also, the City's actuary is doing the actuarial analysis but he cannot predict what will be the outcome. The Administration will bring the City Commission the best recommendation and will discuss the results at the Commission Workshop. **Ramiro Inguanzo to handle.**

Commissioner Gross requested that this be expedited since he would like to do this before his term ends in November, 2009.

Jorge Gonzalez, City Manager, stated that the first step is discussing the results of these items with the City Commission to solicit direction. The second step will be to bargain with all the labor unions



and this is expected to start later this year. Notwithstanding that, there is a budget to be adopted. The labor contracts expire on September 30 and the union bargaining will begin in May or June, but he would like to discuss and get direction either at the retreat or at the workshop. He explained that the Classification and Compensation Study is ready but it was based on data from before the current market economic situation so the consultant had to go back and recalculate the numbers.

Commissioner Gross requested to schedule a Commission Workshop for Wednesday, two weeks after the February City Commission meeting.

Robert Parcher, City Clerk, stated that City Commission meeting is on February 25<sup>th</sup> and two weeks after the February meeting is March 4<sup>th</sup>.

Mayor Bower stated that the consensus is to have the Workshop as soon as possible. **Ramiro Inguanzo to handle.**

Commissioner Gross stated that the FRS research and the Classification and Compensation Study should be done at the same Workshop. **Ramiro Inguanzo to handle.**

Ramiro Inguanzo, Human Resources Director, stated that he is working with the actuary and the pension attorney on the analysis of pension plans. He added that Steve Palmquist, the City's actuary, is here today to speak on the DROP item.

Commissioner Tobin explained for the public the DROP program and urged the Commissioners to look at the benefits in a holistic manner. He stated that it seems that every once in a while we have to give one union some money because they feel they did not get as much as the other union. He asked the City Manager what is the percent of the general fund budget for labor cost to the taxpayers.

Jorge Gonzalez, City Manager, stated generally that 70+% of the General Fund Operating Expenditures are salaries and benefits. He thinks is in the lower 70% area.

Discussion continued.

Commissioner Tobin stated that he would like to know five years and ten years from now, how the labor cost is going to affect the City. He stated that the City needs to reduce the labor cost across the board and mentioned that is better and faster to have a one time cash buyout and this could be an alternative to the DROP program. Also, some DROP programs require a reduction of the salary. He stated that this is a very political issue and suggested an independent body to look at it five and ten years down the road and take the politics out of it. He concluded by saying that the City can save money by eliminating positions and approach this problem from a different perspective.

Commissioner Weithorn stated that it is very difficult to put bargaining units in a position to decide what benefits to work from and one needs to look at all the labor dollars holistically. She explained that this is different because this reduces costs. She added that if this would cost the City money, they would not be here today discussing it. This is a benefit to the City and to the employees because it reduces the City's cost over time. The forecast was requested from the actuaries and she thinks that doing this is not contrary to Commissioner Tobin's goals.

Commissioner Libbin asked if the DROP is approved does it adversely impact a potential decision to convert to the FRS.

Jorge Gonzalez, City Manager, stated that in his opinion, "no"; the decision to convert to the FRS retirement plan will be predicated on which employees are going to be affected; new employees and current employees. He added that the FRS retirement system also has a DROP program.

Discussion continued.

Commissioner Diaz stated that he shares the same concerns as Commissioner Tobin. He asked to go on the record as supporting Commissioner Tobin's position on this issue. He stated that the actuary projections are at best ambitious and based on a number of assumptions that cannot be supported and cannot be predicted. He did vote in support of this item during first reading and will support it again due to the enormous amount of work that the Finance and Citywide Projects Committee has invested on this issue as well as Commissioners Weithorn and Gross. He stated that he does not know if it is possible to do this on a trial basis and then sunset it. He totally believes that Commissioner Tobin is absolutely correct and requested that prior to the City Commission Retreat in May to have independent projections on how the salary and pension burdens will take our City in term of its future fiscal health. **Ramiro Inguanzo to handle.**

Discussion continued.

Steve Palmquist, Actuary with Gabriel, Roeder, Smith &. Company, spoke.

Mayor Bower requested a report, a year from the implementation of the DROP, showing the savings realized or if there were any costs. **Ramiro Inguanzo to handle.**

Discussion continued.

Steve Palmquist, Actuary with Gabriel, Roeder, Smith &. Company, spoke.

Commissioner Diaz supports Mayor Bower's amendment because it will be a short tem test and he also asked if this could be approved with a sun setting date even if it is five or ten year sunset.

Steve Palmquist, Actuary with Gabriel, Roeder, Smith &. Company, stated that none of his clients have done this but it could be done. He does not know all the legal ramifications.

Discussion continued.

Commissioner Tobin stated that he is not against the DROP program and there is probably some empirical data that indicates it is a good tool. He added that he is suggesting to look at the big picture. It is important in this economy to look at the big picture and to not give benefits piecemeal and outside of contract negotiations and to have an independent body analyze the entire DROP program in an objective manner.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 519
2. Email from Parcher, Robert to Beauchamp, Lillian dated January 16, 2009 at 1:33 PM RE: City Manager's Memorandum No. 003-2009 Re: Recent Questions Regarding the DROP

**6:19:35 p.m.**

## R5E Historic Designation

An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 118, "Administration And Review Procedures," Division 4, "Designation," Section 118-593, By Expanding The Boundaries Of The Flamingo Park Historic District To Add The Flamingo Park Historic District Westward Expansion South Of Eighth Street, As More Particularly Described Herein; Providing That The City's Zoning Map Shall Be Amended To Include The Flamingo Park Historic District Westward Expansion South Of Eighth Street; Adopting The Designation Report Attached Hereto As Appendix "A"; Providing For Inclusion In The Land Development Regulations Of The City Code, Repealer, Severability, And An Effective Date. **5:01 p.m. First and Only Public Hearing.**  
(Planning Department)

**ACTION: Public Hearing held. Ordinance approved on first and only reading. Ordinance No. 2009-3627 adopted (HP Version 6<sup>th</sup> to 8<sup>th</sup> Street).** Motion made by Commissioner Diaz (HP Version); seconded by Vice-Mayor Wolfson; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Jorge Gomez to handle.

William Cary, Historic Preservation Director, explained the ordinance.

Scott Timm, representing the Miami Design Preservation League (MDPL), spoke.

Tammy Young spoke.

Judy Robertson, Co-Chair of the Flamingo Park Neighborhood Association, spoke.

Jeremy Glazer spoke.

Russell Galbut spoke.

David Nevel Esq., representing South Beach LLC, spoke.

Mark Needle spoke.

Discussion held.

## Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 515
2. Appendix "A" titled FLAMINGO PARK HISTORIC DISTRICT WESTWARD EXPANSION (South of 8<sup>th</sup> Street( DESIGNATION REPORT) prepared by City of Miami Beach Planning Department, January 28, 2009.

**7:21:01 p.m.**

R5F Seasonal/Short Term Rental Of Single-Family Homes  
An Ordinance Amending Chapter 142 Of The City Code, "Zoning Districts And Regulations," By Amending Division 2, "RS-1, RS-2, RS-3 AND RS-4 Single-Family Residential Districts," By Adding New Section 142-110 To Be Entitled "Seasonal Rentals Of Single Family Homes;" Providing For Repealer, Nonseverability, Codification, And An Effective Date. **First Reading**

Or, Alternatively,

Codifying The Planning Director's Interpretation Of City Code

An Ordinance Amending The Miami Beach City Code, Part B Land Development Regulations, Chapter 142, "Zoning Districts And Regulations," By Amending Division 2, "RS-1, RS-2, RS-3 And RS-4 Single-Family Residential Districts," By Amending Section 142-905, "Permitted Accessory Uses In Single-Family Districts," By Adding New Subsection (B)(5) Limiting Leases Of Single Family Homes To A Minimum Of Six Months And One Day, To Codify The Planning Director's Interpretation Of The City Code; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading**

(Planning Department)

**ACTION: Ordinance approved on first reading.** Motion made by Vice-Mayor Wolfson to approve the ordinance codifying the Planning Director's interpretation; seconded by Commissioner Diaz; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for February 25, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Richard Lorber, Planning & Zoning Manager, explained the ordinance.  
Jorge Gomez, Planning Director, spoke.

Tom Rockwell spoke.

Hans Mueller spoke.

Christian Jagodzinski spoke.

Michael Elyanow spoke.

Gary Held, First Assistant City Attorney, reminded the City Commission that this does arise out of litigation and it is important for the City Commission if they are going to comment on the record accurately reflect what that record is. He stated that the record is, as contained in the backup material and as previously presented in testimony to the City Commission, that there are numerous complaints arising out of short term rentals. There may not be many complaints from the pure rental itself, but the actions often accompanied by problems result in the neighborhood trash, noise, and parties. He explained that many of those are addressed through the party house ordinance; those problems can remain particularly for the short term rentals and is not presented as one of the ordinance option but when you adopt one of those options you are thereby precluding shorter term rentals. It is important that under the rational basis test, by which the ordinance will be evaluated, you are identifying a problem and you are including that the ordinance will address the problem you have identified.

Gary Held, First Assistant City Attorney, included for the record, the comments made at the September 22<sup>nd</sup> at the Land Use and Development Committee meeting.

Richard Lorber, Planning & Zoning Manager, stated for the record, that the City Commission received a staff package with reports from other cities, articles from around the state and the country, showing that this is a common issue so you have the benefit of that as well.

Richard Freeman spoke.

Marilyn Frolich spoke.

Tammy Young spoke.

Tidra Staples spoke.

Nelson Gonzalez spoke.

John Shubin, Esq., from Shubin & Bass, representing Villazzo, spoke.

David Kelsey spoke.

Dan Corpora spoke.

Discussion continued.

Vice-Mayor Wolfson read, for the record, some of the emails he received from the public.

Commissioner Gross stated that the more important issue is what instruction to give Code Compliance. Are we going to hire staff or code officers to search the internet? Is that what we want to do or is it primarily going to be complaint driven. He is not in favor of instructing Code Compliance to search the internet for violators and getting into this kind of intrusiveness of government in people's lives.

Vice-Mayor Wolfson agreed that it should be complaint driven.

Mayor Bower stated that she is also in favor of the six months and she does not agree with searching the internet.

Commissioner Diaz asked what is the empirical evidence or the City's experience as a community regarding the frequency with which single family residential home should be allowed to be rented out for temporary occupancy without changing the existing character of Miami Beach. The question is as follows: is there a rational connection between the frequency with which my neighbor rents their home and my quality of life as a citizen? And he answered, "yes."

Handout or Reference Materials:

1. Emails from Alton Road Homeowners Associated received by Commissioner Wolfson.

**3:50:34 p.m.**

R5G An Ordinance Amending Chapter 106 Of The City Code Entitled "Traffic And Vehicles"; By Amending Article I, Entitled "In General" By Amending Section 106-1, Entitled "Definitions," By Amending Definitions Relative To Nonmotorized Vehicles For Hire; By Amending Section 106-3, Entitled "Vehicles Prohibited On Portion Of Lincoln Road; Exceptions," By Prohibiting Nonmotorized Vehicles For Hire On Portions Of Lincoln Road And On Ocean Drive; By Amending Article X, Entitled "Pedicabs" By Substituting The Term "Nonmotorized Vehicle For Hire" For The Term "Pedicab" And Providing Definitions, Business Tax Receipt Requirements, Regulations For The Operation Of All Nonmotorized Vehicles For Hire In The City, And To Provide Enforcement Provisions, Fines, And Penalties Relative Thereto; Providing For Repealer; Severability; Codification; And An Effective Date.

**First Reading.**

(City Manager's Office)

**ACTION: Ordinance approved on first reading.** Motion made by Commissioner Gross; seconded by Commissioner Libbin; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for February 25, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Hilda Fernandez to handle.

Gabrielle Redfern spoke.

Jose Smith, City Attorney, explained that this is just changing the definition and that the ordinance has not changed.

9:30:42 p.m.

R5H Convention Hotel Parking Requirements

An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 130 "Off-Street Parking," Article II "Districts; Requirements," Amending Section 130-32, "Off-Street Parking Requirements For Parking District No. 1," And Section 130-33, "Off-Street Parking Requirements For Parking Districts Nos. 2, 3 And 4," By Authorizing A Twenty Per Cent (20%) Reduction In Required Parking For Hotels With Over 500 Rooms And Significant Conference Facilities, Subject To Satisfying Certain Criteria And Limitations; Providing For Repealer; Codification; Severability And An Effective Date. **First Reading.**  
(Planning Department)

**ACTION:** Motion made by Vice-Mayor Wolfson to reject the ordinance and to refer two ordinances; 1) an ordinance to look at the issue of reducing the parking requirements for convention center hotels and 2) an ordinance looking at expanding the use of the Parking Impact Fee money to have more flexibility to the Land Use and Development Committee; seconded by Commissioner Diaz; Voice vote: 7-0. Jorge Gomez to place on the committee agenda and to handle.

Richard Lorber, Planning & Zoning Manager, explained the ordinance.

Commissioner Gross stated that he believes the City is better off liberalizing the use of the Parking Impact Fee dollars to include other mobility methods. He would vote "no" on this ordinance. What we are trying to do is use Parking Impact money for other uses such as the beachwalk and for other mobility projects.

Neisen Kasdin, Esq., representing the Eden Roc Hotel, introduced the item.

Art Gonzalez, witness – Regional Operations Manager of USA Parking, testified on the parking demands for the Eden Roc Hotel.

Pedro Chevalier, USA Parking Vice-President of Operations for Miami-Dade County, spoke.

Discussion continued.

Diego Ardid, principal of the Eden Roc Hotel, spoke. He stated that the project has been hit with a \$2.3 million Parking Impact Fee. He added that he is seeking a reduction in the amount of \$840,000.

Gary Gentile, General Manager of the Eden Roc Hotel, spoke.

Neisen Kasdin, Esq., representing the Eden Roc Hotel, gave a presentation on parking demands.

Commissioner Tobin asked if this ordinance is passed will the Eden Roc Hotel get a refund of \$800,000 worth of Parking Impact Fees that have already paid.

Jorge Gonzalez, City Manager, clarified that the ordinance, as recommended by the Administration, leaves out the retroactive provision. Secondly, what the ordinance allows is that in lieu of requiring a payment for parking, this ordinance allows the City Commission to accept equivalent value of some other public benefit to be negotiated, if the City Commission wishes to accept it. If not applied retroactively, then there should be new discussions with the developers.  
Discussion continued.

Jorge Gonzalez, City Manager, stated that the Parking Impact Fee has already been made by the Eden Roc. The money has been received and was in the Mid-Beach Parking Impact Fund but has been identified for the acquisition of land for a parking garage in Sunset Harbor.

Discussion continued.

Diego Ardid, Principal of the Eden Roc Hotel, stated that the total amount of Parking Impact Fee paid was \$2.3 million. He added that what is being requested is a refund of a portion of the money which is 20% of the shortfall in parking which equals \$800,000 in exchange for other improvements.

Mayor Bower asked Mr. Ardid if he is requesting to get money back.

Mr. Ardid responded, "Yes."

Commissioner Weithorn stated that she believes the concept presented by the Administration makes sense and needs to be explored; however, she is against any refund.

Commissioner Gross stated that he believes the ordinance is misdirected and believes that Parking Impact Fee should be a funding source for the beachwalk. He added that in the abstract, he agrees that probably the parking requirement is a bit excessive for a convention center hotel.

Motion #1:

Motion made by Commissioner Tobin to defer the rest of this discussion for another time. No second offered and the discussion continued.

Motion #2:

Motion made by Vice-Mayor Wolfson to reject the ordinance; seconded by Commissioner Diaz.

Commissioner Diaz stated that if there are conflicting interpretations of an ordinance that has not been enacted, that is enough reason to reject it. He added that the definition of a "significant public benefit" needs to be defined. If you want a stand alone ordinance that totally reduces the parking requirement for convention center hotels because that can be justified, then prepare it and present it. If you want to consider a stand alone ordinance that says you can waive the Fee for convention center hotels for a beachwalk, then prepare it and present it. He added that the Parking Impact Fee money paid by the Eden Roc has already been spent to purchase land in the Sunset Harbor neighborhood to build a garage and need about \$14 million more to complete the garage. The correct approach is to come back with an ordinance that specifically trades off the reduction for a specific public benefit that is not fungible; that is not questionable. The public benefit must be clearly defined. He commended Mr. Ardid for being the most honest about what he is requesting and he really appreciates it; however, the City does not have the money.

Discussion continued.

Commissioner Gross clarified that he did not want to be on the record that there are three unfunded projects since that is not actually true. At the Finance and Citywide Projects Committee a very lengthy analysis was done and the funds are there at the time that the City can sell bonds to build all three of the garages.

Discussion continued.

Mayor Bower clarified the motion.

Motion made by Vice-Mayor Wolfson to reject the ordinance and to refer two ordinances; 1) an ordinance to look at the issue of reducing the parking requirements for convention center hotels and 2) an ordinance looking at expanding the use of the Parking Impact Fee money to have more flexibility to the Land Use and Development Committee; seconded by Commissioner Diaz; Voice vote: 7-0.

Handout or Reference Materials:

Prepared by the City Clerk's Office

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1. Copy of letter distributed by Neisen Kasdin from William D. Talbert III, President & CEO, GMCVB dated May 21, 2007 RE: Convention Center Hotel

**10:44:33 p.m.**

R5I An Ordinance Amending Section 2-22, Entitled "General Requirements," Of Division I, Entitled "Generally," Of Article III, Entitled "Agencies, Boards And Committees," Of Chapter 2 Entitled "Administration," Of The Miami Beach City Code To Require An Annual Reporting To The City Commission With Regard To City Agency, Board, And Committee Appointments And City Workforce Diversity Statistics; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading.**

(Requested by Commissioner Victor M. Diaz, Jr./City Attorney's Office)

**ACTION: Item deferred to February 25, 2009.** Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

**R7 - Resolutions****10:46:47 a.m.**

R7A A Resolution Approving, On Second Reading (And Final Approval), A Lease Agreement Between The City And Colony Theater 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 Theater 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. **10:30 a.m. Second Reading Public Hearing.**

(Real Estate, Housing & Community Development)  
(First Reading on December 10, 2008)

**ACTION: Title of the Resolution read. Public Hearing held. Resolution No. 2009-26994 approved and Section 25. Damage to the Demised Premises of the Lease Agreement was amended (see Supplemental Materials). Motion made by Commissioner Libbin; seconded by Commissioner Gross; Voice vote: 7-0. Anna Parekh to handle.**

Hilda Fernandez, Assistant City Manager, introduced the item.

Commissioner Diaz recognized the Administration for the incredible job in negotiating this lease and added that the lease was negotiated by the Administration at fair market value and brings to the City a minimum of \$146 per square foot of frontage leased on Lincoln Road and up to, on a revenue sharing program, as much as \$214 a square ft. By way of contrast, the rest of the cafés are granted square footage on Lincoln Road for \$15 per square ft. This fair market lease, negotiated at arm's length, is \$146 to \$214 per square foot, and that land is given away to other operators by ordinance for \$15 per square foot; he stated that he believes that that is nothing more than a subsidy of property owners on Lincoln Road, it is wrong and does not collect some very valuable revenue that could be collected that will help the City meet the upcoming fiscal crisis; and for the record, he stated that he is glad that the Administration illustrated through their shrewd negotiations skills what the going market rate is for sidewalk cafes on Lincoln Road, and for a good job in bringing maximum value to the taxpayer.

Commissioner Gross asked if the dollars per square foot was based on the indoor square footage.



Hilda Fernandez, Assistant City Manager, explained that they are charging gross receipts on all the space.

Discussion held.

Jorge Gonzalez, City Manager, clarified that in this instance the City is the landlord of the building itself. The square footage collected is the minimum offered for the about 1,000 square ft. that they are renting. He added that the gross revenue includes any revenue incorporated for the sidewalk café.

Commissioner Gross stated that the reason the City is able to make such a good deal and get a lot more money for the taxpayers is the result of the fact that the City owns the space inside the theatre, which the City does not own in all the other situations, therefore it is not analogous to compare to the sidewalk café fees.

Mayor Bower stated that there has to be a better management of public spaces particularly in bad times, and added that this debate should be discussed again.

Discussion continued.

Commissioner Gross stated that with regards to increasing the sidewalk café fees that with today's economy probably the value of the buildings on Lincoln Road will decrease and the real estate taxes the City will collect will go down and that may more than offset the increase in the sidewalk café fees. The analysis should be done whenever the discussion is heard.

Mayor Bower stated that through the years the property owners have been getting the advantage of the City renting the outdoor area. She added that she is sure the property owners are including the size of the outside space in their rent.

Vice-Mayor Wolfson agreed that probably the sidewalk café fees are low, but added that pragmatically the cost of doing business on Lincoln Road is immensely high and businesses are having a hard time right now.

Commissioner Diaz in response to Commissioner Gross' comments, explained that the economic benefit from having a low sidewalk café fee is being transferred to the property owner of the adjacent property in the form of higher property value and higher rent; it is not a question whether it is appropriate or not, but we must recognize that as a governmental subsidy that the City is given to property owners. This is a discussion to be held during budget preparations.

Motion made by Commissioner Libbin; seconded by Commissioner Gross; Voice-vote: 7-0.

Hilda Fernandez, Assistant City Manager, stated that the Supplemental Materials from the City Attorney's Office was distributed regarding Section 25 to include language to supersede original language in the lease.

Commissioner Gross congratulated Segafredo and stated to keep up the good work.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 520

R7B A Resolution Approving, On First Reading, A Lease Agreement Between The City And Moon Thai, Inc., For The Lease Of Approximately 2080 Square Feet Of City-Owned Property, Located At 22 Washington Avenue, Miami Beach, Florida, For The Purpose Of An Outdoor Café Associated With A Restaurant Operation Located At 816 Commerce Street, Which Is Directly Adjacent To And West Of

The Subject City Property; Said Lease Having An Initial Term Of Five Years, With An Option To Renew For Four Years And 364 Days, At The City's Sole Discretion; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, As Required By Section 82-39 Of The Miami Beach City Code; Further Setting A Public Hearing On February 25, 2009, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading.**  
(Real Estate, Housing & Community Development)

**ACTION: This Item was changed to Agenda Item C4N.**

**3:32:24 p.m.**

R7C A Resolution Accepting A Settlement Agreement In Frank Otero And Jeffery Gibbs Vs. City Of Miami Beach, La Gorce Country Club, And DM Fence Corp., 11th Judicial Circuit Court, Case No: 05-17754 CA 30 And Authorizing The Mayor And City Clerk To Execute Said Settlement Agreement; And Authorizing The Appropriation Of \$18,000 From City Of Miami Beach Fund Account No. 161 (Mid-Beach Quality Of Life Fund) Towards Fence Relocation Costs.  
(City Attorney's Office)

**ACTION: Resolution No. 2009-26995 adopted. See referral item.** Motion made by Commissioner Gross; seconded by Commissioner Diaz; Voice vote: 7-0. Legal Department to handle.

Jose Smith, City Attorney, introduced the item and stated that he is pleased to report that after mediating with Former Florida Supreme Court Chief Justice Gerald Kogan, a settlement was finally reached. The settlement involves 3 components; 1) the City will consider LaGorce request to have a portion of West 57<sup>th</sup> Street, east of Alton Road, vacated and if vacation is approved, the City will receive from LaGorce a quick-claim deed for 11 of the street ends parcels in dispute; 2) the City will then move those portions of LaGorce's fence located on the street-ends back 20 Ft. towards the golf course property, which will allow the neighboring homeowners' greater access to their properties; and 3) a mechanism will be created which will afford the neighboring residents that have a "view" dispute with LaGorce Country Club to seek resolution; if the residents' complaint is not resolved after a period of time, the City Attorney's office will look at it and try to resolve the complaint.

Kent Harrison Robbins Esq. representing Mr. Gibbs who has been the representative of the Homeowners Association, spoke in support of the settlement agreement.

Commissioner Gross stated that this is a great job to settle this issue. He suggested that if, under the settlement, the City is going to pay to move the fence, it should be clear that La Gorce has the responsibility to maintain the fence after it is moved; Commissioner Gross stated that although it is not stated on the agreement, this was the intent of the parties. Commissioner Gross praised the Country Club and residents for the settlement.

Mark Dikeman Esq., representing LaGorce Country Club, stated that it is the Country Club's fence and they will maintain it.

Commissioner Diaz commented that the City Commission has just given away a piece of land that is public land. He requested to refer to the Land Use and Development Committee this issue so that so restrictions can be put into place so the City Commission, by a majority vote, can not give away public land. **Jorge Gomez to place on the committee agenda and to handle.**

Handout or Reference Materials:

1. Letter from Mark P. Dikeman, Stearn Weaver Miller, Weissler Alhadeff & Sitterson, P.A., to Jean Olin, Esq., City of Miami Beach, Office of the City Attorney, dated January 29, 2009, RE: Gibbs and Otero vs. La Gorce Country Club et al. Case Ni. 05-17754-CA-30.
2. Recorder: CFN 2009R0073912 or BK 26737 Pgs 3352-3388 (37 pages)

Recorded 2/2/2009 11:44:31 Harvey Ruvin, Clerk of Court, Miami-Dade County, Florida

3. Exhibit A Legal Description with Map of Area of W. 57 Street to be Vacated
4. Exhibit B & C Quit Claim Deed forms
5. Exhibit D, Grant of Easement and Legal Description maps
6. Exhibit E Grant of Easement and Legal Description Map
7. Copy of After action, Item R7C edited

**11:41:40 a.m.**

**Supplemental: Revised Resolution**

R7D A Resolution Ratifying A Memorandum Of Understanding Between The City Of Miami Beach And The American Federation Of State, County And Municipal Employees, Local 1554 (AFSCME) To Add A Deferred Retirement Option Plan (DROP) To The Miami Beach Employees' Retirement Plan (MBERP).

(Human Resources)

**ACTION: Resolution No. 2009-26996 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Libbin; Voice vote: 6-1; Opposed: Commissioner Tobin.

**11:41:40 a.m.**

**Supplemental: Revised Resolution**

R7E A Resolution Ratifying A Memorandum Of Understanding Between The City Of Miami Beach And The Communications Workers Of America, Local 3178 (CWA) To Add A Deferred Retirement Option Plan (DROP) To The Miami Beach Employees' Retirement Plan (MBERP).

(Human Resources)

**ACTION: Resolution No. 2009-26997 adopted.** Motion made by Commissioner Libbin; seconded by Commissioner Weithorn; Voice vote: 6-1; Opposed: Commissioner Tobin.

**11:41:40 a.m.**

**Supplemental: Revised Resolution**

R7F A Resolution Ratifying A Memorandum Of Understanding Between The City Of Miami Beach And The Government Supervisors Of America, Local 100 (GSA) To Add A Deferred Retirement Option Plan (DROP) To The Miami Beach Employees' Retirement Plan (MBERP).

(Human Resources)

**ACTION: Resolution No. 2009-26998 adopted.** Motion made by Commissioner Libbin; seconded by Commissioner Weithorn; Voice vote: 6-1; Opposed: Commissioner Tobin.

**5:35:38 p.m.**

R7G A Resolution Authorizing And Approving (Following The Expiration Of The Initial Term On February 28, 2009) Month To Month Extensions Of The Towing Permits With Beach Towing Services, Inc. And Tremont Towing Services, Inc., Respectively, Subject To And Contingent Upon Beach Towing And Tremont Towing's Compliance With The Additional Conditions Set Forth In This Resolution; Said Extensions Commencing On March 1, 2009, And Expiring No Later Than August 31, 2009; And Further Approving Amendment No. 14 To The Administrative Rules And Regulations For The Police Department And Parking Department Towing Permits.  
(Parking Department)

**ACTION: Resolution No. 2009-26999 adopted and the Towing Permit amended.** Motion made by Commissioner Libbin; seconded by Commissioner Gross; Voice vote: 7-0. Saul Frances to handle.

**Amendments – Handout:**

**1. Amendment handed at the floor for sec 23.1 “waiver of “Drop Fee”**

**Drop fees occur when a vehicle owner or other legally authorized person in control of the vehicle arrives on the scene of a tow and the vehicle has been engaged (hooked) by tow truck, but has not left the scene. Although Florida law and section 106-261 of the City Code allow Permittee to assess a “drop fee” (of not more than 50% of the posted towing rates) effective February 1, 2009, and continuing throughout the term (or any extensions thereto) of the Permit, Permittee hereby agrees to voluntarily waive any and all drop fees for registered vehicle owners or other legally authorized person in control of the vehicle (arriving at the scene prior to the removal or towing of the vehicle).**

**Amendments made at the Commission Meeting:**

- 1. Amendment 1: Commissioner Diaz amended Sec. 23.1 as follows: “arriving at the scene prior to the removal of the vehicle from the scene (spot).”**
- 2. Amendment 2: Condition # 3 on page 692 will be changed to read that permittee shall be required to hire off-duty police officers on holidays and major events only.**
- 3. Amendment 3: Prohibit the use of forklifts on public property.**

**End**

Saul Frances, Parking Director, explained the ordinance.

Commissioner Diaz suggested amending the language to “prior to the removal of the vehicle from the scene.”

Harold Rosen Esq., representing Beach Towing, stated that it is acceptable to Beach Towing.

Neisen Kasdin Esq., representing Tremont Towing, stated that it is with respect to public tows but not private tows.

Vice-Mayor Wolfson asked if the issue of the use of a forklift has been resolved.

Harold Rosen Esq., representing Beach Towing, stated that the forklift will not be used after 9:00 p.m.

Jorge Gonzalez, City Manager, stated that the forklift cannot be use on the public right-of-way or in their lot after 9:00 pm.

A discussion was held regarding Beach Towing using a forklift.

Jorge Gonzalez, City Manager, asked if Beach Towing is agreeing not to use a forklift on public

property.

Harold Rosen Esq., representing Beach Towing, stated "no."

Neisen Kasdin Esq., representing Tremont Towing, stated that they accept the condition that the forklift will only be used on their property.

Discussion continued.

Jorge Rodriguez, Beach Towing, forklift operator, spoke.

Ralph Andrade, Beach Towing, spoke.

Raul Aguila, Deputy City Attorney, spoke about the requirement to hire off-duty police officers and stated the tow companies have requested to change the requirement to "best efforts."

Neisen Kasdin Esq., representing Tremont Towing, stated that to have off-duty police officers Friday, Saturday, Sunday and during major events imposes a tremendous financial burden and requested that this requirement be imposed only for major events.

The Commission agreed to delete the weekend requirement and required to hire off-duty police officers on holidays and major events only.

David Kelsey spoke.

Raul Aguila, Deputy City Attorney, clarified that the permit and Rules and Regulations before the Commission only address Police and Parking Department tows, not private property tows.

Commissioner Libbin clarified his understanding of the Rules and Regulations regarding towing and that is anytime the vehicle has not been towed and the person arrives, the tow truck operation will drop the car at no cost whether on private or public property.

Harold Rosen Esq., representing Beach Towing, stated "he agrees."

Mayor Bower asked if the City has the right to enforce the drop policy on private property.

Raul Aguila, Deputy City Attorney, stated that under both circumstances, public or private property, the drop fees are controlled by State Statute where they can get 50% of the towing fee. The tow companies voluntarily agreed to waive the drop fee in consideration for getting this extension.

Neisen Kasdin Esq., representing Tremont Towing, stated that they are not in agreement with waiving the private property drop fee. If within a month the City still feels this is a problem, the private contracts can be reviewed.

Tammy Young spoke.

Commissioner Gross asked what are the remedies for non-compliance and Raul Aguila, Deputy City Attorney, answered the question.

Motion made by Commissioner Libbin to approve the ordinance with the amendments; seconded by Commissioner Gross; Ballot vote: 7-0.

Commissioner Diaz stated that the package needs to be amended one more time because one of the towing companies is not agreeing to waive the drop fees for private contracts, as it is currently written, and that distinction does not exist in the resolution. **Saul Frances to handle.**

Commissioner Gross requested that in the interim, while the month to month extension is in place, the companies do an inventory of their private agreement to see if the drop fee is mentioned. He also requested that the companies check their records to see how much money would be lost, and he added that he thinks they would gain a lot in good will.

Neisen Kasdin Esq., representing Tremont Towing, agreed and added that approximately half the tows in the City are public tows and will no longer have drop charges and requested that the City provide the level of complaints to see if they have been reduced and by how much. **Saul Frances to handle.**

Handout or Reference Materials:

1. Page 26, Sections 23.1, WAIVER OF "DROP FEES" added language

**11:05:53 p.m.**

**Supplemental: Resolution**

R7H A Resolution Approving A Preferred North Beach Local Route Alignment; And Requesting Its Implementation By Miami-Dade Transit (MDT) As Part Of The April 2009 Bus Route Selection Process; And Further Requesting MDT To Maintain Bus Routes Currently Served By The K And R Routes For The Active Regional Ridership Of The North Beach Residents.  
(Public Works)

**ACTION: Resolution No. 2009-27000 adopted.** Motion made by Commissioner Tobin; seconded by Commissioner Gross; Voice vote: 7-0. Robert Middaugh to handle.

R7I A Resolution Authorizing The Mayor And The City Clerk To Execute A State Housing Initiatives Partnership (SHIP) Program Agreement, In A Form Acceptable To The City Manager And City Attorney, Between The City And Miami Beach Community Development Corporation, Which Provides Ship Program Funds, In The Amount Of \$1,009,633 From Fiscal Years 2007/08 And 2008/09, Providing For First-Time Homebuyer Activities, Including Home Ownership Counseling, Down-Payment Assistance, Closing Cost Assistance, Related Rehabilitation, And Rental Housing Development For Income- Eligible Households, In Accordance With The Ship Program Rule And The City's Local Housing Assistance Plan.  
(Real Estate, Housing & Community Development)

**ACTION: Item deferred.** Lilia Cardillo to place on the February 25<sup>th</sup> Commission Agenda. Anna Parekh to handle.

R7J A Resolution Having Considered And Accepted The Recommendation Of The City Manager, Pursuant To Request For Qualifications (RFQ) No. 49-07/08, For A Solid Waste Franchise Contractor To Provide Commercial Waste Collection And Disposal Services, And Section 90-229 Of The City Code, And Granting/Issuing The Fifth Franchise License For Residential And Commercial Waste Collection And Disposal Services, To General Hauling Service, Inc.; Further Making The Award Of The Fifth Franchise Subject To And Contingent Upon The Franchisee Entering Into A Service Agreement With The City (Along With The Other Four Current Franchisees) For The Provision Of Additional Public Waste Collection And Disposal And Recycling Services; And Further Authorizing The City Manager To Execute The Service Agreement.  
(Public Works)

**ACTION:** Item deferred to the February 25, 2009 Commission Meeting. Lilia Cardillo to place on the February 25<sup>th</sup> Commission Agenda. Robert Middaugh to handle.

Handout or Reference Materials:

1. Book Binder Presentation Kit with letter from General Hauling Service, Inc, from Ben Bush and Zack Bush, dated January 27, 2009 to The Honorable Matti Herrera Bower RE: Item R7J
2. Email from cathy parizo to Lopez, Gus dated January 26, 2009 at 11:56 AM RE: Protest RFQ No. 49-07/08
3. Email from [CustinDR@aol.com](mailto:CustinDR@aol.com) to City Commission dated January 27, 2009 at 10:27 AM RE: Agend Item #R7J for RFQ#49-07/08
4. Email from Cathy Parizo to Lopez, Gus dated January 27, 2009 at 11:41 AM RE: RFQ No. 49-07/08
5. Email from Aguila, Raul to Gonzalez, Jorge and Smith, Jose dated January 27, 2009 at 2:39 PM RE: Item R7-J
6. Email from Dusty Melton to [Kreut007@aol.com](mailto:Kreut007@aol.com) and City staff dated January 27, 2009 at 3:33 PM RE: Suggested email
7. Email from Dusty Melton to Jose Smith and City staff dated January 27, 2009 at 3:42 PM RE: Suggested email
8. Email from [Kreut007@aol.com](mailto:Kreut007@aol.com) to Smith, Jose and City staff dated January 27, 2009 at 4:33 PM RE: Agenda Item No. R7J for the City Commission's Meeting January 28, 2009
9. Letter via Email from Daniel E. Taylor, Trip Scott, Attorneys At Law, dated January 27, 2009 to Mr. Gus Lopez, CPPO, Procurement Director, RE: RFQ 49-07/08 for a Solid Waste Franchise Contractor to Provide Commercial Waste Collection and Disposal Services
10. Letter from Kent Harrison Robbins dated December 22, 2009 to Mr. Jorge Gonzalez, City Manager, RE: Miami Beach RFQ 49-07/08 Bidder: World Waste Services, Inc.
11. Letter to Gus Lopez, CPPO from Charles Gusmano, Southern Waste Systems, SWS, dated January 27, 2009 RE: RFQ No. 49-07/08 for Solid Waste Franchise Contractor to provide Commercial Waste Collection and Disposal Services
12. Letter to from Kent Harrison Robbins dated January 27, 2009 to Mr. Jorge Gonzalez, City Manager, RE: Bid Protest, Miami Beach RFQ 49-07/08 Bidder: World Waste Services, Inc.
13. Letter to Mr. Jorge M. Gonzalez, City Manager, dated January 26, 2009 from Michael A. Pizzi, Jr., P.A., RE: Formal Bid Protest of Contract Award Recommendation on RFQ No. 49-07/08 Solid Waste Franchise
14. Letter to Mr. Jorge M. Gonzalez, City Manager, from Franklin D. Kreutzer, Attorney At Law, dated February 6, 2009 RE: RFQ No. 49-07/08 for a Solid Waste Franchise Contractor to Provide Commercial Waste Collection and Disposal Services

10:45:44 p.m.

**Supplemental: Resolution**

R7K A Resolution Accepting The Recommendation Of The City Manager Pursuant To Request For Qualifications (RFQ) No. 05-08/09, For Re-Design, Bid And Award, And Construction Management Services, In The Not To Exceed Amount Of \$90,000 For The Re-Design Component, For The Sunset Islands I & II Neighborhood Right-Of-Way Improvement Project, To Include Additional Stormwater Infrastructure; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Chen And Associates, And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Schwebke-Shiskin & Associates, Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Authorizing The Administration To Negotiate With The Third-Ranked Firm Of Robayna And Associates, Inc  
(Capital Improvement Projects)

**ACTION: Resolution No. 2009-27001 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Diaz; Voice vote: 7-0. Fred Beckmann to handle.

Jorge Gonzalez, City Manager, introduced the item, requesting authorization for negotiations with the top ranked firm, Chen & Associates (Chen), to do the basic redesign of the right-of-way program for the Sunset Islands. The City went through an RFQ process and the evaluation committee determined that Chen was the most qualified firm. The Administration did its due diligence and concluded that Chen was the top ranked firm. The number two firm being recommended in the event an agreement cannot be reached is Schwebke-Shiskin & Associates, and the third ranked firm is Robayna and Associates.

David Bolger spoke.

Commissioner Tobin responded to Mr. Bolger.

Bill Goldsmith spoke.

Commissioner Gross explained that the City Commission is considering whether or not to authorize the Administration to negotiate a contract with a new engineer for Sunset Islands I and II, and after negotiations, the contract will come back for approval of the City Commission.

Jorge Gonzalez, City Manager, explained the item is under the cone-of-silence. In order for the Administration to engage in negotiations the Commission must select the first, second and third firm. The selected firm will develop the right-of-way program designs, water lines, and stormwater, for the Sunset Islands neighborhood. He added that there is an existing engineer for the Islands, CH2M Hill, however, Mr. Goldsmith questioned the value of the stormwater component design by CH2M Hill and indicated that a better solution could be developed at the same price. CH2M Hill did provide a price for the re-design of the Storm Sewer system to meet the type of storm sewer system proposed by Mr. Goldsmith, but this price was considered to be very high for the re-design work. The Finance and Citywide Projects Committee authorized the redesign.

Commissioner Gross stated that the Administration will negotiate a price with Chen to provide a range of services that include the design for storm sewer and water lines. The problem is CH2M HILL has already designed the water lines and they are not allowing the use of their water line drawings unless they have the whole project; so Chen & Associates is going to charge the City the price to do both. Before the contract is awarded Chen's price and CH2M Hill re-design price will be evaluated and a final decision made.

Jorge Gonzalez, City Manager, explained that the previous project is at 100% design and the City is hiring Chen to redo the stormwater system and any linkages that may need to be necessary



between water and storm sewer systems.

Fred Beckmann, Acting Capital Improvement Department Director, spoke.

Commissioner Gross explained that CH2M HILL designed the system for spot treatment of the flooding and Mr. Goldsmith and the majority of the residents on Sunset Island prefer to have a more extensive stormwater solution design.

Jorge Gonzalez, City Manager, stated that Mr. Goldsmith has indicated that the new design to handle flooding can be done with the same budget currently allocated. The question is who will do the new design. CH2M HILL submitted a price that was deemed to be high and Administration was directed to issue an RFQ to see if someone can do it cheaper. He added that the next time this item comes before the Commission is a contract with Chen to do the new stormwater design or use CH2M Hill because their price is cheaper.

The discussion continued.

Fred Beckmann, Acting CIP Director, clarified that the Administration is going to negotiate with Chen a redesign of the stormwater system. The direction from the City Commission is not to exceed \$90,000 specifically for the redesign. If Chen becomes the successful "engineer of record" for the entire project, then that price will need to be negotiated and that price will be compared to CH2M Hill's price for redesign.

Commissioner Gross asked for clarification as to when the budget was augmented.

Jorge Gonzalez, City Manager, stated that the question is how much money was added to the project. He explained that there were two amendments to the Sunset Islands Neighborhood budget, at two different times; two budget cycles through the Capital Projects Budget, one in October 2007 added approximately \$300,000 and in October 2008 budget cycle, approximately \$800,000 was added bringing the total budget to approximately \$4.2 million. The expectation is the Chen design for the whole project, including stormwater should not exceed the \$4.2 million, including fees.

Tim Hemstreet, Assistant City Manager, spoke.

**R9 - New Business and Commission Requests**

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

**ACTION:****Beach Preservation Committee:**

Mathew Krieger Term ending 12/31/10 Appointed by Commissioner Diaz TL 12/31/13

**Committee for Quality Education in Miami Beach:**

Dakshesh Bhatt Representative PTA for Biscayne Elementary Community School 6/30/09

**Community Relations Board:**

Regina Berman Term ending 12/31/09 Appointed by Commissioner Diaz TL12/31/16

**Fine Arts Board:**

Jeanie Hernandez Term ending 12/31/09 Appointed by Commissioner Diaz TL 12/31/15

**Golf Advisory Committee:**

Jeffrey Cohen Term ending 12/31/09 Appointed by Commissioner Libbin TL 12/31/16

**Loan Review Committee:**

Mayra Diaz Buttacavoli Term ending 12/31/10 Appointed by Commissioner Diaz TL 12/31/16

**Miami Beach Commission for Women:**

Rosa Figarola Term ending 12/31/09 Appointed by Commissioner Diaz TL 12/31/16

**Miami Beach Sister Cities Program:**

|                                 |                      |                                      |
|---------------------------------|----------------------|--------------------------------------|
| Zeiven Beitchman - Other        | Term ending 12/31/10 | Appointed by Mayor Bower TL 12/31/14 |
| Ray Breslin - Brampton, Ontario | Term ending 12/31/09 | Appointed by Mayor Bower TL 12/31/16 |
| Roberto DaTorree - Ica, Peru    | Term ending 12/31/10 | Appointed by Mayor Bower TL 12/31/16 |
| Liliam Lopez - Other            | Term ending 12/31/10 | Appointed by Mayor Bower TL 12/31/16 |
| George Neary - Other            | Term ending 12/31/10 | Appointed by Mayor Bower TL 12/31/16 |
| Nuccio Nobel- Other             | Term ending 12/31/10 | Appointed by Mayor Bower TL 12/31/16 |
| Bruce Reich- Nahariya, Israel   | Term ending 12/31/09 | Appointed by Mayor Bower TL 12/31/13 |
| Stephanie Trinidad - Other      | Term ending 12/31/10 | Appointed by Mayor Bower TL 12/31/16 |

**Transportation and Parking Committee:**

Marvin Silverman Rep. for Lincoln Road Marketing 12/31/10

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

**ACTION:** No action taken. Lilia Cardillo to place on the February 25<sup>th</sup> Agenda. R. Parcher to handle.

**City Clerk's note: The 60 day period expires Sunday March 1.**

## Handout or Reference Materials:

1. Memorandum From Victor M. Diaz, Jr., Commissioner, to Jorge M. Gonzalez, City Manager, dated January 28, 2009 RE: Art in Public Places nomination (Lisette Olernberg Goldstein)

**3:14:20 p.m.**

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

**ACTION:**

1. John Curbelo spoke regarding the overpopulation of feral cats in Miami Beach and asked what can be done about it and about funding a neuter program.

Commissioner Weithorn announced that Channel MBTV77 will be airing educational material on this subject and added that on March 1<sup>st</sup> with the Cat Network and SoBe Spay and Neuter there will be a mobile unit at discount fee in Flamingo Park and hopefully will be done in North Beach as well.

2. Suely Caramelo, volunteer for the Cat Network, is concerned with the amount of cats being dumped daily on the beaches and spoke on the importance of bringing back some of the services to control the cat population.

3. Lorraine Shaughnessy stated that funds can be allocated to organizations that neuter animals.

4. Alberto Mocchi also spoke about funding for neutering cats and also stated that on Chase Avenue parking lot, instead of asphalt, there is landscape in place.

Commissioner Gross explained that this was a major drainage component.

5. Michael Gelfand, North Beach resident, spoke about funding this program and its importance.

6. Gabrielle Redfern, Candidate for Commissioner Diaz's seat in the fall, asked that before any other plans for any other parking garages come in front of the City Commission or any other bodies in this City, that it contains a multi-model transit component.

Handout or Reference Materials:

1. Forming Partnerships to Help Feral Cats by John Zobler

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

**ACTION: No speakers.****11:06:35 p.m.**

R9C Discussion Regarding A Referral To The Land Use And Development Committee Regarding Changes To The I1 Zoning Classification For Sunset Harbor Neighborhood.

(Requested by Commissioner Victor M. Diaz, Jr.)

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

- R9D The Committee Of The Whole Will Meet During Lunch Break In The City Manager's Large Conference Room To Discuss Community Survey Questions.  
(Budget & Performance Improvement)  
**(Supporting Information to be Distributed Under a Separate Cover)**

**ACTION: Meeting announced and held.**

Committee of the Whole Meeting

Mayor Bower called the meeting to order at approximately 12:50 p.m., and all Commissioners were present.

Jorge Gonzalez, City Manager, introduced the item and explained how The Center for Research & Public Policy was selected to do the survey.

Kathie Brooks, Director of Budget and Performance Improvement Department, and Michael Vegent with The Center for Research & Public Policy, reviewed the survey with the Mayor and Commissioners and recorded additions, deletions, and changes made to the survey.

Vice-Mayor Wolfson stated that he believes the scale (excellent, good, fair, poor, don't know/unsure) should not always be listed in the same order for every question. Mr. Vegent stated that the industry feedback is that keeping the scale order the same throughout the survey does not skew the data for questions where the same scale is used repeatedly in the survey. Questions which have unique response categories will rotate categories as part of the survey administration protocol.

Commissioner Diaz stated that it is very important to have an impartial survey and any bias should be removed. He also requested to review the Spanish translation before the surveying is started.

The Committee of the Whole meeting adjourned at approximately 3:00 p.m.

Handout or Reference Materials:

1. LTC 024-2009 RE: Draft Community Survey Questionnaires dated January 23, 2009 to Mayor Matti Herrera Bower and Members of the City Commission from Jorge M. Gonzalez, City Manager.

**11:27:28 p.m.**

- R9E Discussion Regarding A Resolution Urging The Florida Legislature To Equalize Funding Based On Population To Provide Each Region Of The State Of Florida, Including South Florida, Its Fair Share Of State Funding.

(Requested by Mayor Matti Herrera Bower)

**ACTION: Resolution No. 2009-27002 adopted.** Motion made by Commissioner Diaz; seconded by Commissioner Libbin; Voice vote: 6-0; Absent: Commissioner Weithorn.

**Reports and Informational Items**

- A City Attorney's Status Report.  
(City Attorney's Office)

**ACTION: Written report submitted.**

- B Parking Status Report - November 2008.  
(Parking Department)

**ACTION: Written report submitted.**

- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.  
(Capital Improvement Projects)

**ACTION: Written report submitted.**

- D Status Report On The Normandy Shores Golf Course Club House.  
(Capital Improvement Projects)

**ACTION: Written report submitted.**

- E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.  
(Procurement)

**ACTION: Written report submitted.**

- F Status Report On The Palm & Hibiscus Islands Underground Utilities Project.  
(Capital Improvement Projects)

**ACTION: Written report submitted.**

- G Non-City Entities Represented By City Commission:  
1. Minutes From The Miami-Dade Metropolitan Planning Organization (MPO) Governing Board Meeting On October 23, 2008. (Requested by Mayor Matti Herrera Bower)

**ACTION: Written report submitted.**

2. Minutes From The Adrienne Arsht Center For The Performing Arts Of Miami-Dade County Meeting On November 18, 2008. (Requested by Mayor Matti Herrera Bower)

**ACTION: Written report submitted.**

3. Minutes From The Miami-Dade Metropolitan Planning Organization (MPO) Meeting On December 18, 2008.  
(Requested by Mayor Matti Herrera Bower)

**ACTION: Written report submitted.**

**End of Regular Agenda**



## **Miami Beach Redevelopment Agency**

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
January 28, 2009**

Chairperson of the Board Matti Herrera Bower  
Member of the Board Victor M. Diaz, Jr.  
Member of the Board Saul Gross  
Member of the Board Jerry Libbin  
Member of the Board Edward L. Tobin  
Member of the Board Deede Weithorn  
Member of the Board Jonah Wolfson

Executive Director Jorge M. Gonzalez  
Assistant Director Tim Hemstreet  
General Counsel Jose Smith  
Secretary Robert E. Parcher

### **AGENDA**

1. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of November 2008.  
(Finance Department)

**ACTION: Written report submitted.**

Meeting adjourned at 11:30 p.m.

**End of RDA Agenda**