

City Commission Meeting

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

April 22, 2009

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

City Manager Jorge M. Gonzalez
City Attorney Jose Smith
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

REGULAR AGENDA

R2 - Competitive Bid Reports

- R2A Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 16-08/09, For The Construction Of The Historic City Of Miami Beach Right Of Way Infrastructure Improvements Project, Neighborhood No. 9A, City Center, Accepting The City Manager's Recommendation Relative To M. Vila And Associates, Inc., As The Lowest And Best Bidder, Authorizing The Administration To Engage In Value Engineering To Further Reduce The Cost And Time For Completion Of The Project; And Further Authorizing The Mayor And City Clerk To Execute An Agreement With M. Vila & Associates, Inc., In The Not To Exceed Amount Of \$7,589,825.34, For The Construction Of The Project; With Previously Appropriated Funding Available From City Center RDA Fund 365, In The Amount Of \$7,589,825.34, For Construction; And Approving Previously Appropriated Funding In The Amount Of \$758,983, From City Center RDA Fund 365 For Construction Contingency. (Page 233)
(Capital Improvement Projects)

R2 - Competitive Bid Reports (Continued)

- R2B Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 17-08/09, For The Construction Of The City Of Miami Beach Right Of Way Infrastructure Improvement Program, Neighborhood No. 12D/E/F, South Pointe Phase III, IV, And V, Accepting The City Manager's Recommendation Relative To Central Florida Equipment Rentals, Inc., As The Lowest And Best Bidder; Authorizing The Administration To Engage In Value Engineering To Further Reduce The Cost And Time For Completion Of Said Project; Further Authorizing The Mayor And City Clerk To Execute An Agreement With Central Florida Equipment Rentals, Inc., At A Not To Exceed Amount Of \$10,512,055.85, For The Construction Of The Project; With Previously Appropriated Funding Available From South Pointe RDA Fund 379 In The Amount Of \$323,325, And From South Pointe Capital Fund 389, In The Amount Of \$10,188,730.85 For Construction; And Approving Previously Appropriated Funding In The Amount Of \$1,051,205.59 From South Pointe Capital Fund 389 For Project Contingency. (Page 248)
(Capital Improvement Projects)

R5 - Ordinances

- R5A 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.
10:15 a.m. Second Reading Public Hearing (Page 270)
(Requested by Commissioner Victor M. Diaz, Jr./City Attorney's Office)
(First Reading on March 2, 2009)
- R5B Green Building Ordinance
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 Providing For Property Owner Voluntary Participation, And City Mandatory Participation, In The LEED Certification Program As Established By The U.S. Green Building Council Or Other Recognized Rating System, For New Construction Or Substantial Renovations As Provided In The Ordinance, Providing For A Bond To Guarantee Participation In The Program If A Property Owner Receives Incentives, And Procedures For Use Of The Bond For Failure To So Participate; Providing For Repealer; Severability; Codification; And An Effective Date. **10:20 a.m. Second Reading, Public Hearing** (Page 275)
(City Manager's Office)
(First Reading on March 18, 2009)
- R5C An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 2 Entitled "Officers, Employees And Agency Members," Section 2-459 Entitled "Certain Appearances Prohibited," By Amending Subsection (B) Thereof Establishing This Code Section's Exclusion For Lobbyists Who Represent Non-Profit Entities Without Special Compensation By Narrowing This Exclusion To Only Certain Representatives Of Non-Profit Entities; Providing For Repealer, Severability, Codification, And An Effective Date. **11:10 a.m. Second Reading, Public Hearing** (Page 308)
(Requested by Commissioner Victor M. Diaz, Jr.)

(First Reading on March 18, 2009)

R5 - Ordinances (Continued)

- R5D An Ordinance Relating To The Jurisdiction Of The Special Master; Amending Chapter 30, "Code Enforcement," Article III, "Enforcement Procedure," Section 30-73, "Powers Of The Special Master," By Clarifying That The Special Master Lacks Jurisdiction Over Appeals From Or Challenges To Interpretations Or Actions Of The Building Official, Planning Director And Fire Marshal, Or Claims That An Act Of The City Is Unconstitutional, Which Are By Applicable Law Vested In Other Authorities, Providing For Repealer; Codification; Severability, Applicability And An Effective Date. **11:20 a.m. Second Reading, Public Hearing** (Page 314)

(City Attorney's Office)

(First Reading on February 25, 2009)

- R5E An Ordinance Amending Chapter 70 Of The Miami Beach City Code Entitled "Miscellaneous Offenses"; By Amending Article III Entitled "Graffiti"; By Amending Division I, Entitled "Generally"; By Amending Section 70-121 Entitled "Reserved" To Provide Provisions Declaring Graffiti A Nuisance; By Amending Section 70-122 Entitled "Definitions" To Provide Additional And Amended Definitions Relative To Graffiti; By Amending Section 70-123 Entitled "Prohibitions" By Amending The Acts Prohibited And Amending Enforcement And Penalty Provisions; By Amending Section 70-124 Entitled "Possession Of Spray Paint And Markers" By Amending Enforcement And Penalty Provisions; By Amending And Renumbering Section 70-125 Entitled "Graffiti Declared A Nuisance" By Moving Said Section To Section 70-121; By Amending And Renumbering Section 70-126 Entitled "Responsibility Of Property Owner(s); Graffiti Removal And Notice" By Amending The Responsibilities Of Property Owners With Regard To The Removal Of Graffiti And Amending Enforcement Provisions; By Amending And Renumbering Section 70-127 Entitled "Appeal" By Providing For Penalty And Lien Provisions; By Amending And Renumbering Section 70-128 Entitled "Cost Of Graffiti Removal As Lien On Property, Collection; Foreclosure And Sale" By Amending City Lien Procedures; By Renumbering Section 70-129 Entitled "Interested Persons May Petition To Dispute Assessed Costs"; By Renumbering Sections 70-130 Through 70-145, Entitled "Reserved;" By Amending Division II Entitled "Spray Paint, Broad-Tipped Indelible Markers" By Amending Section 70-146, Entitled "Sale Prohibited," And Section 70-147, Entitled "Signs Required," By Adding Etching Acid To The Items Prohibited For Sale To Minors And Signage Requirements; By Amending Section 70-148, Entitled "Penalties; Procedures For Administration," By Amending The Enforcement And Penalty Provisions; Providing For Repealer; Severability; Codification; And An Effective Date. **11:30 a.m. Second Reading, Public Hearing** (Page 322)

(City Manager's Office)

(First Reading on March 18, 2009)

R5 - Ordinances (Continued)

- R5F Amend "Standard Of Conduct" For Public Officers & Employees (Page 344)
1. An Ordinance Amending Miami Beach City Code Chapter 2, Article VII Thereof, By The Addition Of City Code Section 2-450.1 To Be Entitled "AC Weinstein Service Above Profit Act: Prohibited Employment Or Compensation Of Mayor And City Commissioners With City Vendors, Bidders Or Proposers," Prohibiting Said Elected Officials From Directly Or Indirectly Having An Employment Relationship With Or Receiving Compensation From Any City Vendor, Bidder Or Proposer, Prohibiting City Vendors, Bidders Or Proposers From Directly Or Indirectly Having An Employment Relationship With Or Providing Compensation To Any Member Of The City Commission; Establishing Definitions, Waiver Of Prohibition And Prospective Application; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**

 2. An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Section 2-458 Thereof Entitled "Supplemental Abstention And Disclosure Requirements" By Requiring Public Officers To Disclose Compensation Received By Public Officer And/Or Public Officer's Employer Or Firm Related To Subject Conflicting Relationship, Said Disclosures To Be Made From Three Years Preceding Original Date Of Election/Appointment Of Public Officer; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**
(Requested by Commissioner Jonah Wolfson)
(Deferred from March 18, 2009)
- R5G Lot Split 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 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. **First Reading** (Page 350)
(Planning Department)
- R5H Recusals And Absences For Land Use Board Members
An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 118, "Administrative And Review Procedures," Article II, "Boards," Division 2, "Planning Board," Section 118-52, "Meetings And Procedures;" Division 3, "Design Review Board," Section 118-74, "Removal;" Division 4, "Historic Preservation Board," Section 118-105, "Removal;" Division 5, "Board Of Adjustment," Section 118-133, "Removal," To Harmonize The Permitted Number Of Absences And Recusals For Land Use Board Members; Providing For Repealer; Codification; Severability And An Effective Date. **First Reading** (Page 358)
(Planning Department)
- R5I Revisions To Single Family Ad Valorem Tax Exemptions
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 5, "Single Family Ad Valorem Tax Exemption", Modifying The Requirements And Procedures For City Ad Valorem Tax Exemptions For Single Family Homes; Providing For

Repealer, Codification, Severability And An Effective Date. **First Reading** (Page 370)
(Planning Department)

R5 - Ordinances (Continued)

- R5J 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 Wheelchair Lifts 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 Wheelchair Lifts; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading** (Page 382)
(Building Department)
- R5K An Ordinance Amending In Part Miami Beach City Code Chapter 2, Article VII, Division 5 Entitled "Campaign Finance Reform", Sections 2-487 Through And Including 2-490, By Prohibiting "Vendors" And "Real Estate Developers" From Soliciting Campaign Contributions For Candidates For The Office Of Mayor Or Commissioner, Expanding Upon The Definitions Of "Vendor" And "Real Estate Developer" And Conforming As Housekeeping Matter Certain Language To Existing Text; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading** (Page 394)
(Requested by Commissioner Saul Gross/City Attorney's Office)
- R5L An Ordinance Amending Chapter 2, Article III, Of The Miami Beach City Code, Entitled "Agencies, Boards And Committees," By Creating Division 32, Entitled "Gay, Lesbian, Bisexual And Transgender (GLBT) Community Relations Committee," And Sections 2-190.144 Through 2-190.147 Thereto; And Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading** (Page 404)
(Requested by Mayor Matti Herrera Bower/City Attorney's Office)

R7 - Resolutions

- R7A A Resolution [Granting Or Denying] An Appeal Request By 1100 West Properties, LLC Of A Design Review Board Decision Pertaining To DRB File No. 20181, The Mondrian Hotel.
10:30 a.m. Public Hearing (Page 409)
(Planning Department)
(Continued from February 25, 2009)
- R7B A Resolution Approving On Second Reading (And Final Approval), A Lease Agreement Between The City And Moon Thai South Beach, Inc. (Moon Thai), For The Lease Of Approximately 2216 Square Feet Of City Owned Property, Located At 22 Washington Avenue, Miami Beach, Florida, For The Purpose Of An Outdoor Café Associated With The Restaurant To Be Operated By Moon Thai 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. **11:00 a.m. Second Reading, Public Hearing** (Page 458)

(Real Estate, Housing & Community Development)

R7 - Resolutions (Continued)

R7C A Resolution Approving On First Reading, A Lease Agreement Between The City And Damian J. Gallo & Associates, Inc. (D/B/A Permit Doctor), For Use Of 1,802.89 Square Feet Of City-Owned Property, Located At 1701 Meridian Avenue, Unit 2 (A/K/A 767 17th Street), Miami Beach, Florida; Said Lease Having An Initial Term Of Three Years, With An Additional Three Year Renewal Term, 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 May 13, 2009, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading** (Page 492)

(Real Estate, Housing & Community Development)

R7D A Resolution Approving On Second And Final Reading, In Accordance With The Requirements Of Sections 163.3220 – 163.3243, Florida Statutes, Also Referred To As The "Florida Local Government Development Act", A Second Addendum ("Second Addendum") To The Development Agreement Between The City Of Miami Beach ("City") And The New World Symphony ("NWS"), Dated January 5, 2004 (The Development Agreement), As Amended By That Certain First Addendum To Development Agreement, Dated February 20, 2007 (The First Addendum) (Collectively, The January 5, 2004 Development Agreement And The First Addendum May Also Collectively Be Referred To As The "NWS Development Agreement"); Said Second Addendum Providing For The Following: 1) Approval Of The Final Garage Budget, In The Amount Of \$17,085,000 And Also Amending The Definition Of Garage Costs From \$15,210,135 To \$17,085,000 (Subject To Further Conditions As More Specifically Set Forth In The Second Addendum; 2) Amending The Design-To Park Project Budget From \$14,960,000, To \$13,085,000; And 3) Amending The Definition Of "Garage."

2:30 a.m. Second Reading Public Hearing (Page 502)

(City Manager's Office)

(First Reading Public Hearing on March 18, 2009)

R7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 2, To The Pre-Construction Services Agreement With KVC Constructors, Inc., Dated December 6, 2006, In Accordance With Resolution No. 2006-26416 For The Scott Rakow Youth Center, In The Negotiated Guaranteed Maximum Price (GMP) Amount Of \$4,565,666 Plus An Owner's Project Contingency Of \$228,283; With Previously Appropriated Funding In The Amount Of \$3,550,666 From Pay-As-You-Go Fund 302 For Construction, \$850,000 From County G.O. Bond Fund 390 For Construction, \$165,000 In IBLA Default In Fund 301 For Construction, And \$228,283 From The Quality Of Life Resort Tax 1% Fund 161 For Contingency For The Phase Ii Remodeling And Renovation Of The Facility.

(Page 578)

(Capital Improvement Projects)

R9 - New Business and Commission Requests

- R9A Board And Committee Appointments. (Page 615)
(City Clerk's Office)
- R9A1 Board And Committee Appointments - City Commission Appointments. (Page 621)
(City Clerk's Office)
- R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.) (Page 645)
R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)
- R9C Discussion Regarding A Consideration To Request A New RFP For The Parking Contract Held By
Impark. (Page 647)
(Requested by Commissioner Jerry Libbin)
- R9D Discussion Regarding A Status Report On The Citywide WiFi. (Page 659)
(Requested by Vice-Mayor Edward L. Tobin)
- R9E Discussion Regarding A Status Report On Utility Undergrounding For Palm And Hibiscus Islands.
(Page 661)
(Requested by Vice-Mayor Edward L. Tobin)
- R9F Discussion Regarding A Status Report On City's Progress In Putting Its Checkbook On The City's
Website. (Page 663)
(Requested by Vice-Mayor Edward L. Tobin)
- R9G Discussion Regarding A Resolution Supporting House Bill 397 And Senate Bill 2012 Which Prohibit
Discrimination Against Persons Based Upon Sexual Orientation, Gender Identity Or Expression,
Pregnancy, And Familial Status Under The Florida Civil Rights Act Of 1992 And Thereby Creating A
Prohibition Against Those Who Discriminate On These Impermissible Grounds; Directing The City
Clerk To Transmit Certified Copies Of This Resolution To Governor Charlie Crist, The President Of
The Florida Senate, And The Speaker Of The Florida House Of Representatives; And Directing The
City Administration To Include The Support Of These Bills In Its 2009 Legislative Priorities.
(Page 665)
(Requested by Commissioner Victor M. Diaz)
- R9H Discussion Regarding A Resolution Supporting House Bill 413 And Senate Bill 500 Which Would
Repeal The Restriction On Adoption By Homosexual Individuals; Directing The City Clerk To
Transmit Certified Copies Of This Resolution To Governor Charlie Crist, The President Of The

Florida Senate, And The Speaker Of The Florida House Of Representatives; And Directing The City Administration To Include The Support Of These Bills In Its 2009 Legislative Priorities. (Page 669)
(Requested by Commissioner Victor M. Diaz)

R9 - New Business and Commission Requests (Continued)

- R9I Discussion Regarding Venetian Islands Neighborhood Improvement Project. (Page 671)
(Requested by Vice-Mayor Edward L. Tobin)
- R9J Discussion Regarding A Request For A Special City Commission Meeting Re: Expansion Of Ethics Reform/Transparency In Government. (Page 673)
(Requested by Commissioner Victor M. Diaz/City Attorney's Office)
- R9K Discussion Regarding A Resolution Urging The School District To Adopt Green Procurement Specifications For Cleaning Supplies. (Page 675)
(Requested by Commissioner Saul Gross)

R10 - City Attorney Reports

- R10A Notice of Closed Executive Session. (Page 678)
Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, April 22, 2009 In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

Reports and Informational Items

- A City Attorney's Status Report. (Page 681)
(City Attorney's Office)

- B Parking Status Report – February 2009. (Page 691)
(Parking Department)

- C Status Report On The Normandy Shores Golf Course Club House. (Page 715)
(Capital Improvement Projects)

- D Status Report On Palm And Hibiscus Islands Underground Utilities Project. (Page 717)
(Capital Improvement Projects)

- 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.
(Page 723)
(Procurement)

- F Non-City Entities Represented By City Commission:
 - 1. Minutes From The Wolfsonian – Florida International University Advisory Board Meeting On
December 2, 2008. (Page 725)
(Requested by Mayor Matti Herrera Bower)

 - 2. Minutes From The Adrienne Arsht Center For The Performing Arts Of Miami-Dade County
Meeting On January 27, 2009. (Page 733)
(Requested by Mayor Matti Herrera Bower)

End of Regular Agenda