

# City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
May 13, 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 Issue A Request For Proposals (RFP) For Parking Cashiers, Attendants, And Supervisors For The City's Parking Garages. (Page 233)  
(Parking Department)
- 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 249)  
(Procurement)  
(Deferred from April 22, 2009)

**R2 - Competitive Bid Reports** (Continued)

- R2C Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 21-08/09, For Construction Services For The Normandy Shores Golf Course Clubhouse Facility (Re-Bid), Authorizing The Mayor And City Clerk To Execute An Agreement With John Moriarty & Associates Of Florida, Inc., At The Not To Exceed Amount Of \$1,934,427 For The Construction Of The Project, Plus Approve Project Contingency Funds In The Amount Of \$193,443 For A Grand Total Of \$2,127,870 From Previously Appropriated Funds; Further Authorizing The Administration To Engage In Value Engineering To Further Reduce The Cost And Time For Completion Of Said Project. (Page 271)  
(Procurement)

**R5 - Ordinances**

- R5A 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) Business Enhancement Committee," And Sections 2-190.144 Through 2-190.147 Thereto; And Providing For Codification, Repealer, Severability, And An Effective Date. **10:15 a.m. Second Reading, Public Hearing** (Page 283)  
(Requested by Mayor Matti Herrera Bower/City Attorney's Office)  
(First Reading on April 22, 2009)
- R5B 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. **10:20 a.m. Second Reading, Public Hearing** (Page 293)  
(Building Department)  
(First Reading on April 22, 2009)
- R5C 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. **10:25 a.m. Second Reading, Public Hearing** (Page 307)  
(Planning Department)  
(First Reading on April 22, 2009)

**R5 - Ordinances** (Continued)

R5D Recusals & 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. **10:30 a.m. Second Reading, Public Hearing** (Page 315)

(Planning Department)  
(First Reading on April 22, 2009)

R5E 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. **10:35 a.m. Second Reading, Public Hearing** (Page 327)

(Planning Department)  
(First Reading on April 22, 2009)

R5F 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; And An Effective Date. **11:20 a.m. Second Reading, Public Hearing** (Page 339)

(City Attorney's Office)  
(Continued from April 22, 2009)

**R5 - Ordinances** (Continued)

R5G 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 345)

(City Manager's Office)

(Continued from April 22, 2009)

R5H Amend "Standard Of Conduct" For Public Officers & Employees (Page 365)

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/City Attorney's Office)

(Deferred from April 22, 2009)

**R5 - Ordinances** (Continued)

- R5I 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 371)  
(Requested by Commissioner Saul Gross/City Attorney's Office)  
(Deferred from April 22, 2009)
- R5J An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 5 Entitled "Campaign Finance Reform," By Adding Thereto Section 2-491 Entitled "Prohibited Lobbying By Campaign Consultants," Prohibiting Campaign Consultants And Certain Affiliated Persons Or Entities From Lobbying City Commission For 12 Months Subsequent To Swearing In Of Subject Elected Official(S), Establishing Definitions And Prospective Application Of This Ordinance; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading** (Page 381)  
(Requested by Commissioner Deede Weithorn/City Attorney's Office)
- R5K An Ordinance Amending Miami Beach City Code Chapter 2, Article III, Division 27 Entitled "Beach Preservation Committee" By Changing The Committee's Name To The "Waterfront Protection Committee" And Expanding Upon The Committee's Advisory Powers So As To Include Baywalk Review/Recommendation Within Its Jurisdiction; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading** (Page 385)  
(Requested by Commissioner Saul Gross/City Attorney's Office)

**R7 - Resolutions**

- R7A 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 393)  
(Real Estate, Housing & Community Development)  
(Deferred from April 22, 2009)

**R7 - Resolutions** (Continued)

- R7B A Resolution Approving On First Reading, An ATM Lease Agreement Between The City And Suntrust Bank, For Use Of Approximately Sixteen (16) Square Feet Of City-Owned Property, Located At 1700 Convention Center Drive (A.K.A. City Hall), Miami Beach, Florida; Said Lease Having An Initial Term Of Five Years, With An Additional Renewal Term Of Four (4) Years And Three Hundred Sixty Four (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 June 3, 2009, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading** (Page 423)  
(Real Estate, Housing & Community Development)
- R7C A Resolution Approving, Following First Reading And Public Hearing On May 13, 2009, A First Amendment To That Certain Development Agreement Between The City Of Miami Beach, Florida, And UIA Management, LLC (Developer), Dated April 11, 2007, As Required Pursuant To Sections 163.3220-163.3243, Florida Statutes (The "Florida Local Government Development Agreement Act"); Said Amendment Pertaining To The Developer's Art In Public Places (AIPP) Contribution And Prescribing Further Terms And Conditions For The Design, Fabrication, Installation And Maintenance Of The Artwork; Approving A Covenant Running With The Land Which Requires MBEACH1 LLLP (An Affiliate Of Developer) To Undertake Certain Maintenance Obligations With Respect To Ongoing Cleaning And Maintenance Of The Artwork; And Further Setting The Second Reading And Public Hearing For The First Amendment To The Development Agreement For The City Commission Meeting Of June 3, 2009. **11:50 a.m. First Reading Public Hearing** (Page 441)  
(Tourism & Cultural Development)
- R7D A Resolution Authorizing Loans In An Aggregate Principal Amount Not To Exceed \$60,000,000 Outstanding At Any Time From Suntrust Bank, Bank Of America, N.A., And Wachovia Bank, National Association, To Pay Costs Of Water, Sewer And Stormwater Projects; Authorizing The Execution And Delivery Of Loan Agreements And Promissory Notes To Evidence The Obligation Of The City To Repay Such Loans; Providing Security For The Repayment Of The Loans; Authorizing Other Actions In Connection With The Loans And The Financing Program; And Providing For An Effective Date. (Page 467)  
(Finance Department)
- R7E A Resolution Approving The Purchase Of Flood Insurance, All Risk Property Insurance (Including Windstorm) And Boiler/Machinery Insurance For City Buildings And Contents (Including New Construction) And Fine Arts Insurance (Bass Museum, As Proposed By Arthur J. Gallagher Risk Management Services, Inc., The City's Broker Of Record. (Page 545)  
(Human Resources & Risk Management Department)

**R9 - New Business and Commission Requests**

- R9A Board And Committee Appointments. (Page 557)  
(City Clerk's Office)
- R9A1 Board And Committee Appointments - City Commission Appointments. (Page 563)  
(City Clerk's Office)
- R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.) (Page 579)  
R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)
- R9C Discussion Regarding The Appropriate Use Of Transit Tax Stimulus Dollars Allocated To The City Of  
Miami Beach. (Page 581)  
(Requested by Commissioner Victor M. Diaz, Jr.)
- R9D Discussion Regarding The Appropriation Of CDBG Stimulus Dollars Allocated To The City Of Miami  
Beach For Small Business Job Preservation Micro Loan Program. (Page 583)  
(Requested by Commissioner Victor M. Diaz, Jr.)
- R9E Discussion Regarding A Status Report On Citywide WiFi. (Page 585)  
(Requested by Vice-Mayor Edward L. Tobin)  
(Deferred from April 22, 2009)
- R9F Discussion Regarding A Status Report On City's Progress In Putting Its Checkbook On The City's  
Website. (Page 589)  
(Requested by Vice-Mayor Edward L. Tobin)  
(Deferred from April 22, 2009)
- R9G Discussion Regarding A Request For A Special City Commission Meeting Re: Expansion Of Ethics  
Reform/Transparency In Government. (Page 591)  
(Requested by Commissioner Victor M. Diaz, Jr./City Attorney's Office)
- R9H Discussion Regarding Prohibition Of Special Events By Smith & Wollensky. (Page 593)  
(Requested by Commissioner Victor M. Diaz, Jr.)
- R9I Discussion Regarding Fire Service Agreement With Joining Municipalities. (Page 601)  
(Requested by Commissioner Victor M. Diaz, Jr.)
- R9J Discussion Regarding Traffic Calming Study And Whether Or Not The City Should Proceed With  
Creating A Traffic Calming Program. (Page 603)  
(Requested by Vice-Mayor Edward L. Tobin)

**R9 - New Business and Commission Requests** (Continued)

R9K Discussion Regarding The Venetian Bridge Rehabilitation Project. (Page 629)  
(Requested by Commissioner Deede Weithorn)

R9L Discussion Regarding A Letter Agreement Between The City And 1 Washington Avenue Corp. (Smith And Wollensky Restaurant) Granting The Restaurant A Temporary Revocable Use Of An Approximately 581 Square Foot Paved Area In South Pointe Park, Adjacent To The Restaurant Building, For The Operation Of An Outdoor Dining Area; With The Term Of Said Agreement Commencing On May 13, 2009, And Terminating On The Earlier Of 1) Final Action By The City Commission As To A Proposed Concession Agreement Between The City And 1 Washington Avenue Corp. For The Use Of Said Area, Or 2) September 30, 2009. (Page 631)  
(City Manager's Office)

**Reports and Informational Items**

A City Attorney's Status Report. (Page 637)  
(City Attorney's Office)

B Parking Status Report. (Page 643)  
(Parking Department)

C 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 665)  
(Procurement)

D Non-City Entities Represented By City Commission:  
1. Minutes From The Miami-Dade Metropolitan Planning Organization (MPO) Meeting On March 26, 2009. (Page 667)  
(Requested by Mayor Matti Herrera Bower)

**End of Regular Agenda**