



## 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.**

*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.*

- PA1 Certificate of Appreciation/Larry Marrero, Police Officer of the Month. (Tobin)
- PA2 Certificate of Appreciation/Jaime Rojas for Saving a Child from Drowning. (Gross)
- PA3 Proclamation/Water Conservation Month in April 2009. (Gross)
- PA4 Certificate of Recognition/Robbie Weiss, NASCAR's Vice President of Broadcasting. (Libbin)
- PA5 Certificates of Appreciation/Members of the Mayor's Gay Business Dev. Committee. (Diaz)
- PA6 Certificate of Recognition/Robert "Raven" Kraft, Running 100,000 Miles on MB. (Wolfson)
- PA7 **New Item:** Certificates of Appreciation/2009 Women's Conference. (Bower)
- C2A Request for Approval, Elevator Inspection Services, \$240,000.
- C2B Request for Approval, Purchase Several Vehicles, \$437,618.00.
- C2C Request for Approval, Purchase & Install Accordion Storm Shutters, \$119,316.
- C4A Ref: Finance & Citywide Projects Committee - Use of Space in the S. Shore Community Ctr.
- C4B Ref: Neighborhoods/Community Affairs Comm. - Storage of Sidewalk Café Furniture. (Bower)
- C4C Ref: Finance & Citywide Projects Comm. - Rental Rates at Byron-Carlyle & Colony Theaters.
- C4D Ref: Finance & Citywide Projects Committee - Ameresco Preliminary Report.
- C4E Ref: Finance & Citywide Projects Committee - Funding for the Bass Museum of Art.
- C6A Report: Neighborhoods/Community Affairs Committee on March 11, 2009.
- C6B Report: Capital Improvement Projects Oversight Committee Meeting on March 2, 2009.
- C6C Report: Finance & Citywide Projects Committee on March 10, 2009
- C6D Report: Land Use & Development Committee on April 6, 2009.
- C7A Submit Grant Applications to Various Funding Agencies.
- C7B Execute Contracts, Purchase Recycling Containers for Animal Waste Dispensers.
- C7C Adopt Amendment to the Police Confiscation Trust Fund Budget for FY 2008/09.
- C7D Adopt First Budget Amendment to the Police Special Revenue Account for FY 2008/09.

- C7E Approve Federal Equitable Sharing Agmt. w/ U.S. Dept. of Justice & Dept. of Treasury.  
 C7F Execute Agreement, Beachwalk North Extension Behind the W-Hotel, 2201 Collins Ave.  
 C7G **W-Approve** Amendment to the Management Agreement w/ UNIDAD of Miami Beach, Inc.  
 C7H Approve Renewal of the Lease Agreement w/ Log Cabin Enterprises, Inc.  
 C7I Approve Lease Agreement and Amendment w/ Miami-Dade County Federal Credit Union.  
 C7J Accept Recommendation, Management/Development of Byron Carlyle Theater Complex.  
 C7K Approve Emergency Contract, Repairs to Buss Duct in Hall C.  
 C7L Declare Official Intent of The City of Miami Beach, Issue Tax-Exempt Bonds.  
 C7M Consent to Appoint Charles Carreño, as the Capital Improvement Projects Director.  
 C7N Waive Facility Rental Fee for the Flamingo Park Baseball Stadium.  
 C7O Request FDOT To Reschedule Milling & Resurfacing of MacArthur & Julia Tuttle Causeways.  
 R2A Request for Approval, Neighborhood No. 9A, City Center, \$7,589,825.34.  
 R2B Request for Approval, Neighborhood No. 12, S. Pointe Phase III, IV & V, \$11,151,947.74.  
 R5A **10:15 a.m. 2<sup>nd</sup> Rdg**, Amend Gen. Requirements for Agencies, Boards & Committees. (Diaz)  
 R5B **10:20 a.m. 2<sup>nd</sup> Rdg**, Green Building Ordinance.  
 R5C **11:10 a.m. 2<sup>nd</sup> Rdg**, Amend "Officers, Employees & Agency Members." (Diaz)  
 R5D **11:20 a.m. 2<sup>nd</sup> Rdg**, Jurisdiction of The Special Master Ordinance.  
 R5E **11:30 a.m. 2<sup>nd</sup> Rdg**, Amend Graffiti Ordinance.  
 R5F **1<sup>st</sup> Rdg**, Amend "Standard of Conduct" for Public Officers & Employees. (Wolfson)  
 R5G **1<sup>st</sup> Rdg**, Lot Split Criteria Ordinance. **5/7**  
 R5H **1<sup>st</sup> Rdg**, Recusals & Absences for Land Use Board Members. **5/7**  
 R5I **1<sup>st</sup> Rdg**, Revisions to Single Family Ad Valorem Tax Exemptions. **5/7**  
 R5J **1<sup>st</sup> Rdg**, Enforcement of Non-Functioning Wheelchair Lifts Ordinance.  
 R5K **1<sup>st</sup> Rdg**, Amend Campaign Finance Reform Ordinance. (Gross)  
 R5L **1<sup>st</sup> Rdg**, Create a GLBT Community Relations Committee. (Bower)  
 R7A **10:30 a.m.** Grant or Deny a DRB Decision re: the Mondrian Hotel. **5/7**  
 R7B **11:00 a.m. 2<sup>nd</sup> Rdg**, Approve Lease Agreement w/ Moon Thai (22 Washington Avenue). **5/7**  
 R7C **1<sup>st</sup> Rdg**, Approve Lease Agmt. w/ Damian J. Gallo & Assoc., Inc. (1701 Meridian Ave.). **5/7**  
 R7D **2:30 a.m. 2<sup>nd</sup> Rdg**, Approve Development Agreement w/ New World Symphony.  
 R7E Execute Amendment to the Pre-Construction Services Agmt., Scott Rakow Youth Center.  
 R9A **1:45 p.m.** Board & Committee Appointments.  
 R9A1 **1:45 p.m.** Board & Committee Appointments - City Commission Appointments.  
 R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
 R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
 R9C Discuss: Request a New RFP for the Parking Contract Held by Impark. (Libbin)  
 R9D **5:00 p.m.** Discuss: Status Report on the Citywide WiFi. (Tobin)  
 R9E **5:10 p.m.** Discuss: Report on Utility Undergrounding for Palm & Hibiscus Islands. (Tobin)  
 R9F **5:20 p.m.** Discuss: Report on City's Progress in Putting its Checkbook on Website. (Tobin)  
 R9G Discuss: Reso. Prohibiting Discrimination of Persons Based Upon Sexual Orientation. (Diaz)  
 R9H Discuss: Reso. Repealing Restriction on Adoption by Homosexual Individuals. (Diaz)  
 R9I Discuss: Venetian Islands Neighborhood Improvement Project. (Tobin)  
 R9J Discuss: Expansion of Ethics Reform/Transparency in Government. (Diaz)  
 R9K Discuss: Reso. Urging the School Board to Adopt Green Cleaning Supplies. (Gross)  
 R10A **Noon**, Notice of Closed Executive Session: Discussion Relative to Collective Bargaining.  
 A City Attorney's Status Report.  
 B Parking Status Report – February 2009.  
 C Status Report on the Normandy Shores Golf Course Club House.  
 D Status Report on Palm & Hibiscus Islands Underground Utilities Project.  
 E Informational Report: Federal, State, M-DC, U.S. Communities & All Existing City Contracts.  
 F1 Minutes: Wolfsonian - FIU Advisory Board Meeting on December 2, 2008. (Bower)  
 F2 Minutes: Adrienne Arsht Center for Performing Arts Meeting on January 27, 2009. (Bower)  
 1A Report: Itemized Revenues/Expenditures of RDA's City Ctr. District & S. Pointe - Feb. 2009.

Meeting called to order at 9:38:41 a.m.

Invocation given by Pastor Melissa Pisco from St. John's United Methodist Church.

Pledge of Allegiance led by Laura Morilla.

**ADDENDUM:**

Motion made by Commissioner Weithorn to add item C7N which was included in the Addendum Materials, and C7O which was distributed on the dais as emergency items to the Commission Agenda; seconded by Commissioner Diaz; Voice vote: 6-0; Absent: Commissioner Wolfson.

R. Parcher, City Clerk, announced the withdrawal items and the corrected items.

**SUPPLEMENTAL MATERIALS:**

C7F – Agreement

R9K – Resolution and additional information

**Presentations and Awards**

**10:10:06 a.m.**

PA1 Certificate Of Appreciation To Be Presented To Larry Marrero, Police Officer Of The Month.  
(Requested by Vice-Mayor Edward L. Tobin)  
(Deferred from March 18, 2009)

**ACTION:** Certificate presented.

Vice-Mayor Tobin introduced the item and recognized Police Officer of the Month Larry Marrero for his accomplishments and for saving lives, and read the certificate.

Police Chief Noriega thanked the City Commission for honoring Officer Marrero and added that Officer Marrero risked his own life in trying to save another person. He was also recognized for organizing an emergency response in Monument Island for a child who had sustained head injuries. He additionally helped solve a homicide case, and for all these heroic accomplishments in the month of February he is deserving of this recognition. He has also been recognized with the prestigious Miami-Dade Police Chiefs Officer of the Month Award.

Officer Marrero thanked the City Commission and Police Chief Noriega for the acknowledgement and stated that he is proud to be part of a great organization in the City.

**10:15:18 a.m.**

PA2 Certificate Of Appreciation To Be Presented To Jaime Rojas For Saving A Child In Miami Beach From Drowning.

(Requested by Commissioner Saul Gross)

**ACTION:** Certificate presented.

Commissioner Gross introduced the item and presented a Certificate of Appreciation to Miami Beach resident Jaime Rojas, who bravely helped save a drowning individual by risking his own life.

Jaime Rojas stated that he was thankful for the recognition and suggested that the City should consider adding more lifeguard stands to protect swimmers.

**10:20:18 a.m.**

PA3 Proclamation To Be Presented In Honor Of Water Conservation Month In April 2009.

(Requested by Commissioner Saul Gross)

**ACTION:** Proclamation presented.

Commissioner Gross stated that April 22 is "Earth Day" all around the planet, and Miami Beach celebrates this day as do many other communities. New ordinances are being adopted as an effort to provide stimulus to make buildings more energy efficient; in addition there are energy saving monies that have been identified for City properties, among them are water efficiency and conservation measures which are so urgently needed. He read the proclamation proclaiming April "Water Conservation Month."

Ed Hernandez, Regional Director, South Florida Regional Water Management District, explained that water resources are limited and reminded that each of us need to adopt a conservation mindset by observing water restrictions.

Commissioner Gross announced that the Public Works Department is giving free energy efficient shower heads for residents interested.

**9:42:31 a.m.**

PA4 Certificate Of Recognition To Be Presented To Robbie Weiss, NASCAR's Vice President Of Broadcasting.

(Requested by Commissioner Jerry Libbin)

**ACTION:** Certificate presented.

Commissioner Libbin introduced the item and gave background information on Robbie Weiss. He stated that Robbie is an international NASCAR racer and a television executive. About three months ago he was stricken with a potentially deadly aneurysm and survived the illness against all odds. He read the certificate into the record.

Robbie Weiss thanked the City Commission and his family.

**9:46:33 am.**

PA5 Certificates Of Appreciation To Be Presented To Members Of The Mayor's Gay Business Development Committee For Outstanding Leadership In Organizing The First Annual Miami Beach Pride 2009.

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

**ACTION:** Certificates presented.

Commissioner Diaz explained that this event was the first Pride Celebration ever in the City of Miami Beach and the first in over ten years in Miami-Dade County with over 20,000 participants, which represented an incredible boom for the City's economy. He thanked Mayor Bower and A.C. Weinstein, former Chief of Staff, and recognized the Mayor's Gay Business Development Committee for the success of this event; he also thanked Raul Aguila, Deputy City Attorney, and Alex Fernandez, from the Mayor's Office for their efforts. He read the names of the members as they were called to accept the Certificates.

Vice-Mayor Tobin recognized Mayor Bower and Commissioner Diaz for doing this for the community.

Mayor Bower thanked City staff and the committee, and added that A.C. had told her that this was something good, not only for the gay and lesbian community, but for Miami Beach. It was very rewarding.

Babak Movahedi, Chairperson of the Gay Business Development Ad-Hoc Committee, thanked the City Commission, City Manager and staff.

Commissioner Gross stated that the event was fabulous.

**10:27:34 a.m.**

PA6 Certificate Of Recognition To Be Presented Recognizing Local Legend Robert "Raven" Kraft As He Marked The Milestone Of Running 100,000 Miles On Miami Beach And Running Eight Miles On Miami Beach Every Single Day Since January 1, 1975.

(Requested by Commissioner Jonah Wolfson)

**ACTION:** Certificate presented.

Commissioner Wolfson introduced the item. He stated that the "Raven" is a runner, a musician and a tremendous inspiration to us all, and most importantly he has brought people together in Miami Beach for something positive and healthy. He is also a member of the Beach Preservation Committee. He read the Certificate.

A video clip was shown.

Robert "Raven" Kraft thanked the City Commission for this recognition and is grateful for being able to run in Miami Beach.

**New Item****9:58:51 a.m.**

PA7 Certificates of Appreciation for the 2009 Women's Conference.

Mayor Bower introduced the item. She recognized Commissioner Diaz for having the vision to bring this conference to light, and thanked Dona Zemo, from the Miami Beach Commission of Women, for her tireless effort. This was a great first Women's Conference and it showed the leadership women have in society and the success in every different walk of life.

Dona Zemo stated that this event was put together in 13 weeks, and it was about empowering women, with a morning and afternoon sessions which included all-female Mayors speakers, discussion on various topics and a fabulous lunch created by top female chefs. There were over 700 attendees to this event. She thanked the members of the Miami Beach Commission for Women and especially Laura Morilla, Miami-Dade County Commission for Status of Women.

Mayor Bower thanked all the members of the committee.

**CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Libbin to approve the Consent Agenda and items C7H, C7M and C7O; seconded by Commissioner Diaz; Voice vote: 7-0.

**C2 - Competitive Bid Reports**

C2A Request For Approval To Award Contracts To The Following Vendors: Miami Elevator Inspection, Dade Elevator Inspection & Consulting Services, And Vertical Assessment Associates As The Lowest And Best Bidders, Pursuant To Invitation To Bid No. 13-08/09, For Elevator Inspection Services In The Estimated Annual Amount Of \$240,000.  
(Building Department)

**ACTION: Request authorized:** Alex Rey to handle.

Handout or Reference Materials:

1. Letter from Jorge M. Gonzalez, dated April 21, 2009 to Mr. Wayne Webb, NOVA ENGINEERING AND ENVIRONMENTAL, RE: Invitation to Bid (ITB) No. 13-08/09 for Elevator Inspection Services – City of Miami Beach's Response to Nova Engineering and Environmental, dated April 21, 2009 (ITB).

C2B Request For Approval To Purchase Five (5) 2009 Ford F-250 Crew Cabs, Two (2) 2009 Ford F-150 4x2, One (1) 2009 Ford Escape, One (1) 2009 Ford E-150 Eight Passenger Van, Two (2) 2009 Ford Focus, Six (6) 2009 Ford Fusions, Five (5) 2009 Ford F- 250 And One (1) 2009 Ford Ranger, From Duval Ford, Pursuant To Florida State Contract No. 08-16-0908, In The Amount Of \$437,618.00.  
(Fleet Management)

**ACTION: Request authorized:** Drew Terpak to handle.

- C2C Request For Approval To Award A Contract To Rolling Shield, Inc., Pursuant To Invitation To Bid 45-07/08, For The Purchase And Installation Of Accordion Storm Shutters At City Hall, Fire Station #1, And Fire Station No. 3, In The Amount Of \$119,316.  
(Public Works)

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

#### **C4 - Commission Committee Assignments**

- C4A Referral To The Finance And Citywide Projects Committee To Discuss Proposed Agreements Governing Use Of Space In The South Shore Community Center.  
(Real Estate, Housing & Community Development)

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

- C4B Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Potential Amendment To The Sidewalk Café Regulations, Concerning The Storage Of Sidewalk Café Furniture.

(Requested by Mayor Matti Herrera Bower)

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

- C4C Referral To The Finance And Citywide Projects Committee - Discussion Regarding Proposed Changes To The Rental Rates At The Byron-Carlyle And Colony Theaters.  
(Tourism & Cultural Development)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. Max Sklar to handle.

- C4D Referral To The Finance And Citywide Projects Committee – Review And Discussion Of The Ameresco Preliminary Report And List Of Energy Savings Projects.  
(City Manager's Office)

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

- C4E Referral To The Finance And Citywide Projects Committee - Discussion Regarding Transitioning Certain Operating Activity And The Associated Funding For The Bass Museum Of Art To The Friends Of The Bass Museum, Inc., A Florida Not-For-Profit Corporation.  
(Tourism & Cultural Development)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. Max Sklar to handle.

**C6 - Commission Committee Reports**

C6A Report Of Neighborhoods/Community Affairs Committee On March 11, 2009: **1)** Discussion Regarding City Code Provisions Regarding Lobbyist Participation On City Boards; **2)** Discussion Regarding The Issue Of Dogs Off Leash In City Parks And Other Public Properties In General; **3)** Discussion Regarding Requests Of The Alton Road Homeowners Association Regarding Desired Upgrades; **4)** Discussion Regarding A Requested Lease Agreement Renewal Between The City Of Miami Beach And Sunrise Community, Inc. For The Lease Of The "Classroom Building" And/Or "Training Center", A 2,500 Square Foot One-Story Building Thereon Located At 8128 Collins Avenue, Miami Beach, Florida; **5)** Discussion Regarding The City's Application For Neighborhood Stabilization Program Funds; **6)** Discussion Regarding Proposed Amendments To City's Human Relations, Domestic Partnership, And Equal Benefits Legislation.

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

The committee unanimously recommended the ordinance as proposed to be heard at the March 18, 2009 Commission meeting.

**CITY CLERK'S NOTE: SEE AGENDA ITEM R5C****Item No. 2:**

The committee moved to direct Administration to search in South Pointe Park for an appropriately sized area for an enclosed dog park and return to the next meeting of this committee to report their findings. Additionally, Commissioner Libbin asked the Administration to also look at whether a temporary fence could be placed on the beach and come back to the next meeting of this committee with their findings along with the discussion on South Pointe Park.

**City Clerk's Note: Randi MacBride to place on the agenda. Hilda Fernandez to handle.**

**Item No.3:**

Item was deferred at the request of the Homeowners Association.

**Item No. 4:**

The committee moved to forward to the City Commission, with no recommendation.

**City Clerk's Note: See Agenda Item C7H**

**Item No.5:**

The committee moved to put out a Request for Proposals (RFP) with a preference for proposals that intend to serve families and reserve city's right to land bank and reject all bids.

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

**Item No. 6:**

The committee unanimously moved to direct Legal and Administration to draft something in response to the recommendations in the memo and bring to the May Commission meeting.

**City Clerk's Note: Legal Department to handle.**



C6B Report Of The Capital Improvement Projects Oversight Committee Meeting On March 2, 2009: **1)** Attendance; **2)** Review And Acceptance Of Minutes; **3)** Public Comments; **4)** Old Business: a) Report On Flooding Conditions At 44<sup>th</sup> Street And Royal Palm Avenue; b) Construction Update: Normandy Shores Neighborhood Improvement Project; c) Venetian Island Neighborhood Improvement Project Update; **5)** Sub-Committee Meeting Reports: a) Flamingo Neighborhood Sub-Committee: b) Unit Pricing Sub-Committee; c) Flood Mitigation Sub-Committee; **6)** Project Status Reports: a) CIP Office-Managed Projects; b) Public Works-Managed Capital-Funded Projects; c) Committee Members' Requests; **7)** Discussion: Chen & Associates Construction Administration And RPR Services For Sunset Islands I & II Neighborhood Improvement Project; **8)** Construction Update: Scott Rakow Youth Center New Construction, Remodeling And Renovation; **9)** Update On City's I/I Pipe Lining Project: Deferred; **10)** Staff Action Report; **11)** Calendar; And **12)** Adjournment.

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

Attendance taken and attached.

**Item No. 2:**

MOTION: Acceptance of Minutes of the February 2, 2009 CIPOC Meeting

MOVED: Stacy Kilroy 2<sup>nd</sup>: Fred Karlton

PASSED

**Item No.3:**

Discussion over announcement that Commissioner Weithorn would no longer chair the CIPOC, as it is the Mayor's Committee and the commissioner was appointed as designee. Fred Karlton spoke in support of Commissioner Weithorn and called for reconsideration, citing Commissioner Weithorn's understanding of the material before the Committee.

**Item No. 4:****Report on Flooding Conditions Survey of 44<sup>th</sup> Street and Royal Palm Avenue 5:54 pm**

Once the Design/Build firm is selected, this will come back to CIPOC, and then to Finance and Citywide Projects before it goes to Commission for final approval.

STAFF ACTION: Bring list of Hot Spots and the official definition of hotspots to the next meeting.

April 14<sup>th</sup> is the next Flood Mitigation sub-committee meeting. 4:00 p.m. in CIP offices.

**Construction Update: Normandy Shores Neighborhood Improvement Project 6:11 p.m.**

Written report provided and included in agenda packet. However, discussion turned to the bids for the Normandy Shores Golf Clubhouse.

STAFF ACTION: Procurement, Legal and City Manager's Office to work together to revise the bid process as discussed (To look at lowering the experience requirement for contractors, but to include a net-worth test.) and bring it back to CIPOC.

MOTION (revised): To recommend to Commission that ITB Minimum Requirements for contractor experience be lowered from ten years to seven years.

MOVED: Fred Karlton 2<sup>nd</sup>: Stacy Kilroy

PASSED: 6 – 3 Nays: D. Weithorn/C. Cuervo/R. Kendle

FORMATION OF SUB-COMMITTEE: To study the ITB policy issue. Christina Cuervo to chair the sub-committee.

STAFF ACTION: Contact residents in Normandy Shores whose properties are adjacent to the seawalls on Hagen and Jones Streets about the progress as soon as permit information comes back

from DERM.

**Venetian Island Neighborhood Improvement Project Update**

Staff provides monthly updates, included in CIPOC agenda packet and sent to residents of Venetian Islands. **Item No. 5(a):**

**Item No. 5**

**SUB-COMMITTEE MEETING REPORTS**

**Flamingo Neighborhood Sub-Committee**

Denis Russ spoke on behalf of the Flamingo Park Neighborhood Association, and encouraged CIPOC to move the project forward into the design phase.

Sub-committee minutes were not included in the March packet.

STAFF ACTION: Prepare and provide minutes of all sub-committee meetings.

**Unit Pricing Sub-Committee**

There are more refinements to the process to come, but this committee has been working towards a methodology that works and allows the City to see competitive pricing from bidding contractors. The Sub-committee would like to see all bids done in electronic submission. Now add-alternates are included in priority order on each bid. Another alternative discussed was to hold prices on add-alternates for several months in the event the City could act on any add-alternates in a project. (This was suggested by Elizabeth Camargo).

**Flood Mitigation Sub-Committee**

Note: This information was combined with the item on flooding at 44<sup>th</sup> Street and Royal Palm Avenue.

**Item No. 6**

**PROJECT STATUS REPORT**

Included in packet, but not discussed.

**Item No. 7:**

MOTION: To recommend to Commission the approval of the CA and RPR Services for Sunset Islands I&II Neighborhood Improvement Project  
MOVED; Stacy Kilroy 2<sup>nd</sup>: Fred Karlton PASSED

**Item No. 8:**

Provided with agenda packet, but not discussed.

**Item No. 9:**

DEFERRED ITEM; UPDATE ON CITY'S I/I PIPE LINING PROJECTS.

**Item No. 10:**

SYMBOLIC MOTION: To retain Commissioner Weithorn as CIPOC Chair  
MOVED: Erik Agazim 2<sup>nd</sup>: Fred Karlton PASSED

**Item No. 11:**

No calendar provided.

**Item No.12:**

The next meeting of the Capital Improvement Projects Oversight Committee will be held at 5:30pm, Monday, April 6, 2009

**11:07:35 a.m.**

C6C Report Of The Finance And Citywide Projects Committee On March 10, 2009: **1)** Discussion Regarding Status, Design And Budget For The New World Symphony Parking Garage And Park; **2)** Discussion Of Flamingo Park Draft Master Plan Including Alternatives For A New Tennis Center; **3)** Discussion Regarding The Implementation Of A Municipal Marketing (Corporate Sponsorship) Program For The City; **4)** Update On The RFP For The Management And Operation Of The Byron Carlyle Theater; **5)** Little Stage Theater Complex Basis Of Design Report; **6)** A) Discussion Regarding The City's Overall Plan For Space Occupied By City Staff And A Historical Analysis Of The Space Occupied, As Requested; B) Discuss The Process For The Future Leasing Of Commercial Ground Floor Retail Space In The City Owned Building Located At 1701 Meridian Avenue; **7)** Discussion Regarding A Concession Agreement With One Washington Avenue, Corp. For An Outdoor Café In South Pointe Park As An Auxiliary Use To The Smith & Wollensky Restaurant.

**Discussion And Action Taken At The City Commission Meeting**

**11:07:35 a.m.**

**Amendment: Item No. 6**

Commissioner Diaz stated that he separated C6C to discuss Item No. 6. He stated that in the minutes there was a discussion regarding Old City Hall and the Committee's direction was that once space becomes available, to treat it as a private lease and use the market rate methodology. He let the Commission know that the Miami Dade Gay and Lesbian Chamber of Commerce has been working hard to try to put together a gay and lesbian tourist center and a co-location for a number of other organizations in Old City Hall. He wanted to make sure that by accepting this report that the Commission is not foreclosing the possibility that should the Chamber come forward with a specific proposal, with a specific group, and specific rent, the Commission will still consider that option.

Commissioner Gross separated the item to discuss Item No. 1 which will be discussed with Agenda Item R7D.

Motion made by Commissioner Diaz to accept the report with all items with the exception of Items No. 1 and 6. Item No. 6 accepted with the amendment above and Item 1 will be heard with Agenda Item R7D; seconded by Commissioner Gross, Voice vote: 7-0. **Patricia Walker to amend report Item No. 6.**

**4:33:03 p.m.**

**Amendments To C6C - Item 1 – See Item R7D**

Commissioner Gross addressed Item C6C (1) to correct the minutes:

**Report Of The Finance And Citywide Projects Committee On March 10, 2009: 1) Discussion Regarding Status, Design And Budget For The New World Symphony Parking Garage And Park;** He commented that on the minutes the item seem to say that the City Commission could only make the decision about whether or not to include the fourth side at the time the Basis of Design Report to the park was completed, and that is not what was said at the Finance and Citywide Projects Committee. He read page 61 of the minutes and added that it was not conditioned on the Basis of Design Report (BODR) being done because the BODR will not be done at the time the City Commission has to make the decision. At the time of the committee meeting, they did not have a date, but now they know it has to be done by October and the BODR will not be done in October. He stated that the City Commission has the flexibility to make that decision at any time. **Tim Hemstreet to handle.**

**End**

**Item No. 1:**

The Gehry Partners "key man" requirement should be waived for the Park Project.

**City Clerk's Note: See Agenda Item R7D****Item No. 2:**

The Committee directed staff as well as the architect to proceed with Option I with the following modifications:

Design a new tennis facility on a smaller scale removing the multi-purpose room making the pro shop smaller and directed the architect to see if there was any significant savings in designing the restrooms closer together.

Include in the design a community garden, a bike path that connects to Michigan Avenue, a walkway on the North side, and look into the possibility of adding the skate park next to the Boys and Girls Club as long as they have no objections along with the removal of the Boys and Girls Club Gymnasium. They also wanted to include shade trees in the dog park as well as using passive, freeform landscaping similar to the landscaping at Pine Tree Park. Also the water feature in the park is to be added if the budget allows, once all other needs are met.

Staff was directed to find out the cost of maintaining the football field to see if it is cost effective to install artificial turf. Renovate existing bathrooms in the park rather than building new ones. Also stated was that the location of the basketball court was to remain where previously situated.

When bidding out the project for the tennis facility and the courts make the demolition and construction phasing of the tennis courts an added alternate. Find a programmatic use for the historic lodge building.

The Administration recommended to withdraw the scheduled City Commission public hearing

The Committee directed staff as well as the architect to proceed with Option I with the following modifications:

- Design a new tennis facility on a smaller scale removing the multi-purpose room making the pro-shop smaller and directed the architect to see if there was any significant savings in designing the restroom closer together.
- Include in the design a community garden, a bike path that connects to Michigan Avenue, a walkway on the North side, and look into the possibility of adding the skate park next to the Boys and Girls Club as long as they have no objections along with the removal of the Boys and Girls Club Gymnasium. They also wanted to include shade trees in the dog park as well as using passive, freeform landscaping similar to the landscaping at Pine Tree Park. Also the water feature in the park is to be added if the budget allows, once all other needs are met.
- Staff was directed to find out the cost of maintaining the football field to see if it is cost effective to install artificial turf. Renovate existing bathroom in the park rather than building a new one. Also stated that the location of the basketball court was to remain where previously situated.
- When bidding out the project for the tennis facility and the courts make the demolition and construction phasing of the tennis courts an added alternate.
- Find a programmatic use for the historic lodge building.
- The Administration recommended to withdraw the scheduled City Commission public hearing regarding the certificate of appropriateness for the demolition of the Flamingo Park tennis center and courts.

**City Clerk's Note: Fred Beckmann to handle.**

**Item No. 3:**

Item Deferred.

**Item No. 4:**

The Committee approved issuing another request for proposal (RFP) for the management and operation of the Byron Carlyle Theater.

**City Clerk's Note: See Agenda Item C7J**

**Item No. 5:**

Item Deferred.

**11:07:57 a.m.**

**Item No. 6:**

Committee directives are as follows:

- City Hall – 1700 Convention Center Drive: The Committee did not approve authorization to pursue negotiations with the Miami Beach Historical Archive for use of the 1st floor Answer Center space in the event the space becomes available in the future. Staff was directed to focus more on putting all the customer service related items on the first floor to make it more accessible to the public.
- 777 Building – 1701 Meridian Avenue: The Committee approved the noted proposals and recommendations relating to the leasing of the three commercial spaces on the 1st and 4th floors of the 777 Building.
- Historic City Hall – 1130 Washington Avenue: The Committee approved the recommendation relating to the leasing of office and commercial space at Historic City Hall.
- The Committee directed staff that once a space becomes available to treat it as a private lease and use the market rate methodology for establishing the rate.
- Staff is to look at the Parks Department to see if there is any available office space for non profits as long as the non profit provides programming for the space that is beneficial to the community and rent is to be negotiated at a minimum of \$1 plus CAM.

**City Clerk's note: Regarding Item No. 6, see amendment above.**

**Item No. 7:**

Item Deferred.

**04:39:02 p.m.**

C6D Report Of The Land Use And Development Committee On April 6, 2009: **1)** Discussion Regarding A Proposed Ordinance Expanding The Use Of The Parking Impact Fees Monies To Have More Flexibility; **2)** A Discussion Regarding Restrictions That Can Be Put Into Place So The City Commission, By A Majority Vote, Can Not Give Away Public Land; **3)** Discussion Regarding Voting Procedures For Appointments To The Land Use Boards And Clarification Of Categories For Membership On The Land Use Boards; **4)** 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; **5)** 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; **6)** Discussion On Temporary Parking Lots – Amendment To The Ten Year Limit "2 Ordinances"; And **7)** Discussion On How The City Can Minimize The Negative Impacts Of Vacant Properties.

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

Motion to refer the proposed ordinance to the Finance and Citywide Projects Committee for their discussion on the parking structures and return the ordinance to the Land Use and Development Committee for further consideration. (Diaz/Gross, vote 3-0).

**City Clerk's Note: Patricia Walker to place on the agenda; Jorge Gomez to handle.**

**Item No. 2:**

Motion (Diaz / Gross - vote 3-0): The Administration is directed to prepare an ordinance amending the Code to require that when there is no equivalent exchange of land, street ends bordering on GU, GC or Waterfront land shall be vacated only with

- a) a unanimous vote of the Commission (7/7ths vote); or,
- b) voter referendum by extending the existing Charter provision dealing with oceanfront street ends

The Committee requested that the Administration return the ordinance to the LUDC for further consideration.

**City Clerk's Note: Referred to the Land Use and Development Committee. Jorge Gomez to place on the committee agenda and to handle.**

**Item No. 3:**

The Committee discussed the voting procedures for the City Commission appointments to the Land Use Boards. The Administration and the Legal Department were instructed to prepare an ordinance amending Chapter 2 of the Code, requiring that when the City Commission votes to fill a position by category, they may only vote on one category at a time.

The Committee did not reach the item dealing with the clarification of the Land Use Board categories and continued this issue to the May meeting.

**City Clerk's Note: Legal Department to handle**

**Item No. 4:**

Alex Rey, Building Director, presented the item. Motion (Gross / Wolfson - vote 3-0): The Committee recommended in favor of the ordinance and asked the Administration to place on the Commission Agenda for consideration.

**City Clerk's Note: See Agenda Item R5J**

**Item No. 5:**

Gary Held, First Assistant City Attorney, introduced the item. He explained that the proposed ordinance was clarification of existing law that already applied to limit special master review of appeals from notices of violation, and that the City Commission referred the item to the Committee during its consideration at first reading. Motion: (Diaz / Wolfson – vote 2-0) The Committee instructed the Administration to bring back the proposed ordinance to the LUDC and incorporate the following changes:

Remove the applicability clause regarding pending proceedings before the City's Special Master. Outside of this particular ordinance, recommend on how to address the due process issue of when and how persons receive notice of administrative determinations by the Planning Director, for example by either posting interpretations to the City's web site, reporting them to the City Commission, codifying them, and/or amending language on notices of violation by Code Compliance that explains that appeals of the Planning Director's or other officials' decisions are to the Board of Adjustment, and other applicable boards.

**City Clerk's Note: See Agenda Item R5D**

**Item No. 6:**

Item not reached.

**Item No. 7:**

Hilda Fernandez presented the item. The Committee discussed the proposed legislative recommendations and took the following action:

Motion (Diaz / Gross - vote 3-0) Direct the Administration to place on the City Commission's April Agenda for Commission action the top ten liens in terms of amount owed and the ten top liens that have generated the most complaints.

Motion (Diaz / Wolfson - vote 2-0) Adopt Staff's proposed legislative recommendations #2 through 10, 12 and 13. Amend recommendation #1 to require the posting of a completion bond to be posted at time of the issuance of a building permit. With respect to the requirement of fencing vacant properties, the City would not impose this provision if the home owners association objected. The Committee also instructed the Administration that when considering request for extensions of time for building permits or development board approvals, staff will review the conditions of the property and recommend improvements to the site prior to the issuance or approval of said extensions.

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

**C7 - Resolutions**

- C7A A Resolution Authorizing The City Manager Or His Designee To Submit The Following Four Grants, To Wit: American Recovery And Reinvestment Act ("Recovery Act") Applications For Funding As Necessary: 1) U.S. Department Of Justice, Recovery Act Local Youth Mentoring Initiative For Success University And The Youth Empowerment Network; 2) National Oceanic And Atmospheric Administration, Coastal Marine Habitat Restoration Project For Beachwalk II; 3) State Of Florida, Division Of Cultural Affairs, Florida Arts Recovery Program For An Arts/Culture Related Position; And 4) Non-Recovery Act Applications For Florida Inland Navigation District For South Pointe Park Construction And Pinetree Park Shoreline Improvements; Further Appropriating The Above Funds, If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To These Applications By The City Manager Or His Designee.  
(Budget & Performance Improvement)

**ACTION: Resolution No. 2009-27042 adopted.** Patricia Walker to appropriate funds if approved. Kathie Brooks to handle.

**9:45:07 p.m.**

- C7B A Resolution Approving And Authorizing The Execution Of Contracts For The Purchase Of Recycling Containers In The Amounts Of \$104,000 With Landscapeforms, Inc. And \$61,020 With The Fibrex Group, Inc. With Funding For The Recycling Containers To Be Re-Appropriated From Unused Funds Previously Appropriated For The Animal Waste Dispensers And Receptacles Project (Project Number 2559) From Capital Budget Fiscal Year 06/07 Fund 301 In The Amount Of \$50,000, Fund 365 In The Amount Of \$25,000 And Fund 389 In The Amount Of \$2,020 And The Appropriation Of Solid Waste Franchise Hauler Contributions In The Amount Of \$88,000.  
(Public Works)

**ACTION: Item separated for discussion by Commissioner Diaz. Resolution No. 2009-27043 adopted with direction to the Administration.** Motion made by Commissioner Diaz; seconded by Commissioner Gross; Voice vote; 5-0; Absent: Vice-Mayor Tobin and Commissioner Libbin. Patricia Walker to appropriate the funds. Robert Middaugh to handle.

Commissioner Diaz stated that he separated the item because the Administration was going to do a different container recycling and a different container for regular trash. The Administration is looking into funding to have standardized containers.

Jorge Gonzalez, City Manager, suggested approving the item and giving the City Manager the direction to move the green garbage cans to areas in the City that are scheduled to get green garbage cans and use the money that was going to be spend on new green garbage cans to fund the two-stand model. **Robert Middaugh to handle.**

Commissioner Diaz suggested removing the green garbage cans from the beach entrances and to make the cans uniform at the beach entrances.

- C7C A Resolution Adopting And Appropriating The Third Amendment To The Police Confiscation Trust Fund Budget For Fiscal Year 2008/09 In The Amount Of \$88,065 To Be Funded From The Proceeds Of State Confiscated Funds.  
(Police Department)

**ACTION: Resolution No. 2009-27044 adopted.** Patricia Walker to appropriate funds. Chief Noriega



to handle.

- C7D A Resolution Adopting And Appropriating The First Budget Amendment To The Police Special Revenue Account For Fiscal Year 2008/09 In The Amount Of \$16,250, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue - Account.  
(Police Department)

**ACTION: Resolution No. 2009-27045 adopted.** Patricia Walker to appropriate the funds. Chief Noriega to handle.

- C7E A Resolution Approving A Federal Equitable Sharing Agreement With The United States Department Of Justice And Department Of The Treasury, And Authorizing The Mayor And The City Clerk To Execute The Agreement.  
(Police Department)

**ACTION: Resolution No. 2009-27046 adopted.** Chief Noriega to handle.

### Supplemental Material - Agreement

- C7F A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement Between The City And 2201 Collins Fee, LLC, In An Amount Not To Exceed \$525,000, Representing The City's Contribution Toward The Design, Development, And Construction By 2201 Collins Fee, LLC Of The Beachwalk North Extension Behind The W-Hotel, At 2201 Collins Avenue, And Also Including The Portion Of The Beachwalk Between The W-Hotel And The 21st Beachwalk Streetend; Provided Further That, Notwithstanding The City's Contribution Pursuant To The Agreement, 2201 Collins Fee, LLC Shall Be Solely Responsible For Any And All Additional Costs Associated With Said Beachwalk Extension Design And Construction Through Completion.  
(Public Works)

**ACTION: Resolution No. 2009-27047 adopted and contract amended.** Robert Middaugh to handle.

### Amendments

1. Add language to reflect that the payment was to be the lesser of \$525,000 or 47% of the Total project cost
2. Right to audit construction expenses

**End**

**City Clerk's note: These amendments were discussed at Agenda Review**

- C7G A Resolution Approving A First Amendment To The Management Agreement By And Between The City And UNIDAD Of Miami Beach, Inc., Dated September 6, 2006, For The Facility Formerly Referred To As The North Shore Community Center And Hereinafter Referred To As The North Beach Oceanfront Center, Located At 7251 Collins Avenue, Miami Beach, Florida.  
(Real Estate, Housing & Community Development)

**ACTION: Administratively withdrawn.**

**10:54:06 a.m.**

C7H A Resolution Approving The Renewal Of The Lease Agreement Between The City And Log Cabin Enterprises, Inc. For Approximately 52,000 Square Feet Of City-Owned Property, Located On The West Side Of Collins Between 81st And 82nd Streets, Miami Beach, Florida Said Term Commencing On August 1, 2009 And Ending On July 31, 2012; And Further Authorizing The Mayor And City Clerk To Execute A First Amendment Of The Lease Agreement Amending The Demised Premises To Include The Adjacent 2,500 Square Foot One-Story Building Located At 8128 Collins Avenue; Correct The Square Footage Of The Demised Premises; Increase The Base Rent; And Expand The Use And Possession Of The Demised Premises.

(Real Estate, Housing & Community Development)

**ACTION: Separated for comments by Commissioner Libbin and approved via the Consent Agenda. Resolution No. 2009-27048 adopted.** Anna Parekh to handle.

Commissioner Libbin stated that he believes that this program is worthwhile and terrific but he is having a problem with renewing a lease without competition when there are so many not-for-profit entities and for-profit entities that would pay for the use of the land. He knows this is an important program and the group needs to know that this is a three-year lease and there will not be further renewal without competition.

**9:48:51 p.m.**

C7I A Resolution Approving A Consent To Assignment And Assumption Of Lease Agreement And A Second Amendment To That Certain Lease Agreement By And Between The City And Miami Beach Federal Credit Union, Dated July 30, 2003 (As Amended On January 11, 2006), For The Lease Of 1,268.87 Square Feet Of City-Owned Property, Located At 775 17th Street, Miami Beach, Florida, Which Provides For Dade County Federal Credit Union (As Tenant/Assignor) To Assign Its Leasehold Interest To Damian J. Gallo & Associates, Inc. (As The New Tenant/Assignee); Further Authorizing The Mayor And City Clerk To Execute Same.

(Real Estate, Housing & Community Development)

**ACTION: Item separated for discussion by Commissioner Gross. Motion made by Commissioner Diaz to defer the Item along with Item R7C; seconded by Commissioner Wolfson; Voice vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Libbin.** Lilia Cardillo to place on the Commission Agenda. Anna Parekh to handle.

**10:55:38 a.m.**

C7J A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Rejection Of All Proposals Pursuant To Request For Proposals (RFP) No. 39-07/08, For The Management And/Or Development Of The Byron Carlyle Theater Complex; Authorizing The Administration To Issue The RFP.

(Tourism & Cultural Development)

**ACTION: Item separated by Commissioners Diaz and Libbin. Resolution No. 2009-27049 adopted as amended.** Motion made by Commissioner Diaz to reject the bids from the July 16, 2008 RFP, not issue a new RFP at this time and start a vision process; seconded by Commissioner Libbin: Voice vote: 7-0. Max Sklar to handle.

**Amendment:**

1. Reject the bids
2. Do not reissue the RFP at this time
3. Start a visioning process.

**End**

Commissioner Libbin explained that he separated this item to ask the Commission if they would be inclined to allow him a period of six months to develop his idea. He would like to explore bringing a university program to the Carlyle. He stated that a lot of universities have a presence in other states.

His idea is to get an outstanding music or theatre program from a university that may be interested in using the Byron-Carlyle to enroll students. He added that the way the RFP is written does not provide for that. If this Commission is interested, he will be willing to act as a liaison and do some outreach before they do the RFP.

Mayor Bower asked if it will continue as a theatre and the university will hold performances.

Commissioner Libbin stated that it will be for performances but also to provide after school programs for children and for the community.

Commissioner Diaz stated that he also separated this item. First it is important to let the public know that the Byron-Carlyle is operating at a \$170,000 a year deficit. Utilization this year, because of competition from the Colony Theater and the general environment with cultural art institutions, is down 15%. He shares Commissioner Libbin's belief rather than go out with another RFP perhaps some visioning needs to occur with respect to the future of the Byron-Carlyle. He has no specific vision. He stated that many years ago he had contacted Miami-Dade Community College to have their very active arts program on Miami Beach. He urged that they do not limit it to one vision but look at all the possibilities and he thinks that university uses is a good idea. He added that many years ago Miami-Dade College was interested in having a conversation with the City on this.

Mayor Bower stated that she wants to include in this visioning the Convention Center because she had a conversation with them and they mentioned that they were interested in using the Byron-Carlyle to develop young Latin artists from this area.

Commissioner Weithorn suggested that before they go out with an RFP, they need to do serious visioning.

Jorge Gonzalez, City Manager, suggested splitting the item. First reject the bids, do not issue the RFP and go out to committee and have an input session with the community.

Motion made by Commissioner Diaz to reject the bids from the July 16, 2008 RFP, not issue a new RFP at this time and start a vision process; seconded by Commissioner Libbin; Voice vote: 7-0.

C7K A Resolution Approving An Emergency Contract With Edd Helms Electric For Repairs To The Buss Duct In Hall C, In An Amount Not To Exceed Two Hundred And Fifty Thousand Dollars (\$250,000.00); And Further Reappropriating Two Hundred And Fifty Thousand Dollars (\$250,000) Of Excess Funds From FY 08/09 Capital Budget Fund 442 – Escalator Replacement And Upgrade Project For Said Repairs.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2009-27050 adopted.** Patricia Walker to appropriate the funds. Max Sklar to handle.

C7L A Resolution Declaring The Official Intent Of The City Of Miami Beach, Florida To Issue Tax-Exempt Bonds In Order To, Among Other Things, Reimburse Itself From The Proceeds Of Such Bonds For Funds Advanced By The City For Certain Expenses Incurred With Respect To A Parking Garage Project; And Authorizing Certain Incidental Actions.

(Finance Department)

**ACTION: Resolution No. 2009-27051 adopted.** Patricia Walker to handle.

**10:42:41 p.m.**

C7M A Resolution Consenting To The Appointment Of Charles Carreño As The Capital Improvement Projects (CIP) Director For The City Of Miami Beach.

(Human Resources)

**ACTION: Item separated for discussion by Vice-Mayor Tobin. Resolution No. 2009-27052 adopted.** Approved via the Consent Agenda. Ramiro Inguanzo to handle.

Vice-Mayor Tobin stated that the City Manager has selected a new Capital Improvement Projects Director and this is a very important job since the City has about three-quarters of a billion dollars in capital improvement projects. He has not had an opportunity to meet Mr. Carreño. He asked that in the future when somebody is hired for such an important job he would like to meet the person before ratifying the City Manager's decision. He welcomed Mr. Carreño.

Jorge Gonzalez, City Manager, stated that the normal process does have the candidates meet with the elected officials. Charles has worked on behalf of the City on the right-of-way program and over the last four years, he has been working on probably among the largest private development projects in South Florida, such as the Icon Brickell, working for the Related Group of Florida. He has also worked as a consultant for the City for Miami Beach for several years. He has a good combination of public and private sector work experience.

Discussion continued.

Commissioner Wolfson stated that he had heard from people that did not get the job and they stated that this was an impressive process.

Commissioner Weithorn welcomed Charlie back and stated that everyone is going to be very impressed with what he can do.

Commissioner Gross echoed what both Vice-Mayor Tobin and Wolfson said and stated that he is coming into a job when the market is depressed and they can buy out contracts in some cases at almost half the price. He stated that his private sector experience will be very important. One important issue in CIP is to have a better understanding and handle on project cost estimating.

Handout or Reference Materials:

1. Oath signed by Charles Carreño and Robert Parcher, City Clerk

2. Article in The Miami Herald dated April 23, 2009 titled Projects manager hired "Miami Beach has found a new director for its Capital Improvement Projects office; a project manager with Miami development firm The Related Group.

**Emergency item/Addendum**

C7N A Resolution Authorizing The Waiver Of The Facility Rental Fee For The Flamingo Park Baseball Stadium For The Period Of May 1, 2009 To July 31, 2009, An Estimated Value Of \$6,509, For Use By The Florida Diamond Pros Baseball Club ("Club"), A Not-For-Profit Organization Providing Coaching, Education And Mentoring For South Florida Youth In A Showcase- Based Program That Assists Youth In Reaching The Next Level Of Play (High School, College Or Professional) And The Opportunity To Play Baseball During The Summer; Further Establishing That The City's Hard Cost Expenses For Labor, Lights Etc., Estimated At Approximately \$7,000 And A Security Deposit Of \$3,000 Will Be Paid By The Club.

(Parks & Recreation)

**ACTION: Resolution No. 2009-27053 adopted.** Kevin Smith to handle.

**Emergency Item/Distributed on the Dais**

C7O A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Requesting The Florida Department Of Transportation To Reschedule The Milling And Resurfacing Of The MacArthur Causeway And The Julia Tuttle Causeway To Later Dates So As To Prevent Simultaneous Road Closures, Which Would Negatively Impact Mobility And The Economy Of Miami Beach.

(Public Works)

**ACTION: Resolution No. 2009-27060 adopted.** Robert Middaugh to handle.

Handout or Reference Materials:

1. FDOT & COUNTY CONSTRUCTION PROJECTS IN MIAMI BEACH, 2009-2010 list of construction dates and estimates.

**End of Consent Agenda**

**REGULAR AGENDA****R2 - Competitive Bid Reports****7:57:22 p.m.**

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.  
(Capital Improvement Projects)

**ACTION: Request authorized.** Motion made by Commissioner Weithorn; seconded by Commissioner Diaz; Voice vote: 6-0; Absent: Commissioner Libbin. Fred Beckmann/Charles Carreño to handle.

Fred Beckmann, Acting CIP Director, introduced the item.

Raul Aguila, Deputy City Attorney, stated that a bid protest was received from Downrite Engineering Corp. The protest was reviewed by the City Attorney's Office and the Administration. The City's response was distributed at the dais this morning and he wants the written response incorporated as part of the record.

Mr. William Goldsmith stated that he has been advocating that he wishes the City would pre-qualify the bidders, explain the scope of the project, eliminate the evaluation committees and then analyze the response numbers.

Jose M. Chanfrau, IV, in-house counsel representing Downrite Engineering, spoke.

Mr. Santamarina, Estimator/Project Manager with Downrite, spoke.

**Handout or Reference Materials:**

1. Letter from Dr. Steve Mandy to Mr. Fred Beckmann dated April 20, 2009 RE: flooding condition.
2. Letter from Jorge M. Gonzalez, City Manager, dated April 21, 2009 to Mr. Jose M. Chanfrau, IV, General Counsel, RE: INVITATION TO BID (ITB) NO. 16-08/09 CITY CENTER RIGHT OF WAY INFRASTRUCTURE IMPROVEMNETS PROJECT, B ID PACKAGE NO. 9A (the "Bid")

**8:10:41 p.m.**

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.

(Capital Improvement Projects)

**ACTION: Item deferred. The Administration to provide the Mayor and City Commission with specific information as stated below.** Motion made by Commissioner Diaz to defer the item; seconded by Mayor Bower; Voice vote: 5-0; Absent; Vice-Mayor Tobin and Commissioner Libbin. Lilia Cardillo to place on the May 13<sup>th</sup> Commission Agenda with a time-certain. Fred Beckmann/Charles Carreño to handle.

**Information to be distributed to the City Commission**

- 1) The original bid
- 2) Selection Committee Audio tape
- 3) Litigation history - Commissioner Diaz stated that he will do his own litigation search
- 4) Risk Assessment Comparison
- 5) Implementation schedule/how to work in a crowded urban environment
- 6) Base and sub-base pricing and/or additional pricing
- 7) See if Mr. Goldsmith will look at the stormwater solution

**End**

Fred Beckmann, Acting CIP Director, introduced the item and explained that the project involves right-of-way construction in the South Pointe area which impacts many urbanized areas. He referred to page 250 of the Agenda which has a list of areas of streets that will receive improvements. He explained the bid process and concluded that the City Manager recommended awarding this contract to Central Florida Equipment Rentals, Inc.

Discussion held.

Jorge Gonzalez, City Manager, explained that when separating bidders two and three, in his opinion there wasn't enough that warranted the Administration in proceeding beyond Central Florida Equipment Rentals, Inc, based on performance and ability, and in addition, the price is lower than the others; they are capable contractors and can do the work.

Commissioner Gross asked the City Manager how he distinguishes between City Center project where the low bidder was \$600,000 less than the second bidder and the committee and City Manager recommended the second bidder versus this case where RIC-Man is \$600,000 more, but the committee recommended RIC-Man.

Jorge Gonzalez, City Manager, explained that on the City Center project the low bidder was not the best bidder, and staff felt stronger that they did not demonstrate sufficiently knowledge and recognition of the importance of the project; on this project staff suggested that between the two, one firm might be easier to deal with than the other, from the oversight and management from the City's



duty.

Discussion continued regarding selection of contractor.

William Goldsmith spoke.

Discussion held.

Commissioner Diaz stated that he is not comfortable because the review process is not the same for every neighborhood.

Jorge Gonzalez, City Manager, explained that when Mr. Goldsmith assisted the neighborhood, most people asked where in the process would he be able to be most effective, and some Commissioners stated that some projects are in the final design and ready to be constructed, and what Mr. Goldsmith did was look at those neighborhoods that were not ready to be bid, i.e., Sunset Island or Venetian Island.

Discussion continued.

Robert Baer, Vice-President, Central Florida Equipment Rentals, Inc, spoke.

Gus Lopez, Procurement Director, answered Commissioner Gross's questions.

Commissioner Gross asked that a litigation search be conducted.

Mayor Bower suggested that a litigation search be done with all bidders.

Commissioner Diaz suggested that the City Attorney procure a service on the computer to do statewide and federal litigation search.

Pedro Munilla, MCM, spoke.

Raul Aguila, Deputy City Attorney, clarified that there was not a bid protest filed with regard to this issue and all bids were being responsive by the Procurement Director.

Discussion held.

Gus Lopez, Procurement Director, spoke.

Carlos Gimenez, Esq., representing MCM, spoke.

Raul Aguila, Deputy City Attorney, objected and stated that this is an improper procedure under the bid protest process.

Discussion continued.

Commissioner Gross asked if Central Florida understands the time frame within which they have to perform, and during the interview their answer suggested that they did not understand it, and based on the criteria that applies to other bidders, would that not disqualify Central?

Discussion held.

Commissioner Diaz stated that this firm has committed to do the project in 600 days, versus 700

days, and he asked the City Manager to what extent in making his recommendations did he value the disruption to business and to the residential corridor.

Jorge Gonzalez, City Manager, explained that the Administration cannot change or add value to an early completion since bids and statements are in place.

Raul Aguila, Deputy City Attorney, explained that the contract in the bid sets forth the contract time and Central stands willing and able to perform.

Robert Baer, Vice President, Central Florida Equipment, Inc., stated that he is aware of the time frame; the recommendation is to award to Central and then negotiate over the contract. He stated that they will improve the schedule and match the 600 day schedule.

Discussion continued.

Commissioner Weithorn stated that 40% of all businesses today are public sector, government and quasi-governmental agency; she asked the Administration to come to the City Commission with a better procurement process and referred the process improvement to committee.

Jorge Gonzalez, City Manager, explained that the City has a good system, it's the best-value procurement system and it works, but what is happening is as business is slower, it is much more competitive and they will compete harder for their work, but the system is not broken.

Wayne Pathman, Esq., spoke on behalf of RIC-Man International.

Albert Dominguez, Senior Project Manager, representing RIC-Man International, spoke.

Discussion held.

**Motion made by Commissioner Diaz to defer this item; seconded by Mayor Bower. Discussion continued.**

Commissioner Gross stated that as a courtesy he agrees with the deferral but requested direction to the Administration between now and the next meeting.

Commissioner Diaz stated that he would like to listen to the audio tapes of the evaluation committee.

Wayne Pathman, Esq., explained risk assessment and made a short presentation of the project schedule and time frame.

Discussion continued.

Commissioner Diaz stated that he will do the litigation search himself, but requested the following: 1) the original bid, 2) selection committee audio tapes 3) the risk assessment comparison and 4) value added analysis. **Fred Beckmann/Charles Carreño to handle.**

Commissioner Gross requested to review for the next meeting 1) the schedules submitted with their bid, 2) base and sub base pricing and if there is any additional pricing; 3) Mr. Goldsmith to look at the stormwater solution; 4) risk assessment analysis, 5) the value added and 6) the litigation search history. **Fred Beckmann/Charles Carreño to handle.**

Raul Aguila, Deputy City Attorney, stated that the Cone of Silence is now in place and the City Manager's recommendation remains unchanged since this is a deferral. Legal will be providing this

information via a Supplemental Memorandum.

**Motion made by Commissioner Diaz to defer the item, seconded by Mayor Bower, and to request the following information to review at the next Commission Meeting: 1) selection committee audio tapes, 2) the schedules submitted with their bid, 3) base and sub base pricing and if there is any additional pricing; 4) Mr. Goldsmith to look at the stormwater solution; 5) risk assessment analysis, 6) the value added and 7) the litigation search history; Voice-vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Libbin.**

Robert Baer, Vice President of Central Florida Equipment, spoke.

Raul Aguila, Deputy City Attorney, stated that he emphasized earlier that if the City Manager's written recommendation doesn't change then the time to file a protest has passed.

Jorge Gonzalez, City Manager, suggested a time certain for this item for the next Commission Meeting and informed the Commission that the information will be provided via City Manager's Memorandum to Commissioner Diaz with a copy to the City Commission.

Handouts or Reference Materials:

1. Letter from David Mancini, President, RIC-MAN International, Inc., dated April 20, 2009 via Hand Delivery to The Honorable Mayor and Commissioners RE: Invitation to Bid ("ITB") No. 17-08/09 – South Pointe Phase III/IV/V Right of Way Infrastructure Improvements Project, Neighborhood 12DEF
2. RIGHT OF WAY INFRASTRUCTURE IMPROVEMENTS FOR BID PACKAGE NO. 12 SOUTH POINTE NEIGHBORHOOD PHASES III/IV/V Miami Beach, Florida ITB # 17-08/09color Booklet from MCM
3. Email from Pedro Munilla [Pedro@MCMCORP.COM] dated April 22, 2009 RE: Agenda Item No. R2B Award Recommendation for ROW Infrastructure SOUTH POINTE NEIGHBORHOOD

**R5 - Ordinances**

**12:32:51 p.m.**

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.**

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

(First Reading on March 2, 2009)

**ACTION: Public Hearing held. Ordinance No. 2009-3632 adopted as amended.** Motion made by Commissioner Diaz; seconded by Vice-Mayor Tobin; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code and to handle.

**Amendments:**

- 1) See punctuation changes made by Legal
- 2) Second Whereas change commissions to committees

**End**

Commissioner Diaz introduced the item.

Vice-Mayor Tobin asked if sexual orientation will need to be disclosed.

Commissioner Diaz explained that it would be voluntary and added that Mayor Bower and the City Clerk, as he recalls, will review the application, and see if any additional disclosures need to be added to the application such as sexual orientation or handicap.

Vice-Mayor Tobin asked what categories will be tracked.

Robert Parcher, City Clerk, stated that the application presently asks to disclose the same ethnic categories that are being tracked by HR for City Employees and the Census.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 530

**12:39:18 p.m.**

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.**

(City Manager's Office)

(First Reading on March 18, 2009)

**ACTION: Public Hearing held. Ordinance No. 2009-3633 adopted as amended.** Motion made by Commissioner Gross; seconded by Commissioner Diaz; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Robert Middaugh to handle.

**Amendments:**

1. The amount of the incentive for property owners who want to have their building LEED certified be increased to 1% - the Administration recommended ¼ of 1% as a possible rebate, but since the bond is going to be one percent 1%, he recommended a 1% rebate to match the bond.
2. Appropriate \$50,000 from the General Unallocated Fund Balance and come back to Commission with recommendations from the Finance & Citywide Projects Committee of sources to replenish the \$50,000. **Patricia Walker to place on the committee agenda. Kathie Brooks to handle.**
- 3 Program to be initially funded with \$50,000 and on Earth Day; the City Commission commits to finding the money in the budget process so this is not a meaningless ordinance.
4. 100-9(a) – Education and training (Residents): City shall "conduct or participate" in at least one free training workshop per year in Miami Beach and advertise on MB77.
5. 100-10 – change annually to bi-annually

**End**

Commissioner Gross recommended changing the Administration's proposal for the amount of incentive for property owners who want their buildings LEED certified; the Administration proposed ¼ of one percent as a possible rebate, and since the bond is 1% he recommended providing 1% rebate; secondly he suggested to fund this initially with \$50,000 and then on Earth Day commit to find that money to make the ordinance meaningful.

Discussion held regarding incentive amount.

Commissioner Weithorn suggested designating the Administration to find \$50,000 and send the issue to the Finance and Citywide Projects Committee for discussion.

Discussion continued.

Commissioner Diaz suggested appropriating the funds from the Unallocated Funds and come back to Commission with the committee's recommendations.

Motion made by Commissioner Gross; seconded by Commissioner Diaz, to approve the ordinance and appropriate the \$50,000 from the unallocated fund and come back to Commission with recommendations from the Finance & Citywide Projects Committee of sources to replenish the \$50,000. No vote taken at this time and the discussion continued.

Vice-Mayor Tobin asked why on first reading the incentive for someone building green was deleted and the decision was made of not expediting the process through Land Use.

Gary Held, First Assistant City Attorney, explained that the requirement of the bond at that early stage of the proceeding is too premature to come with a realistic cost or value of the project and it is not like a building permit process.

Vice-Mayor Tobin asked for friendly amendments: 1) on page 287 of the agenda, as it presently stands, the Administration is obligated to have at least one training workshop per year to educate people on this program, and he suggested that the Administration be obligated to have at least two training workshops per year; and 2) in Section 100-10 the City Manager is tasked with giving the Commission a review at the end of the year analyzing the progress, and he suggested that this review process be done semi-annually.

Discussion continued.

Commissioner Weithorn regarding Section 100-9 asked if "conduct" can be changed to "conduct or participate." She explained that there are a variety of workshops in the community and suggested to use the term conduct or participate instead, for the City to be able to piggy back on other trainings.

Discussion continued regarding number of training workshops and participation.

Mayor Bower summarized that there should be at least two workshops. If the City is participating and the public needs to pay to participate, the City should offer at least one free workshop.

Commissioner Gross explained that to commit the City to do two workshops per year is a lot of work especially if other programs are available to the City.

Discussion continued.

Commissioner Gross does not agree with the bond idea because he believes it will be a significant negative deterrent on people and suggested funding with \$50,000, eliminating the expediting of the building permit, eliminate the bond and have the incentive payment to the applicant be made in the amount of 1% when they receive Certification. Delete getting in front of the line for the Building Department process. He suggested removing the bond and giving them the cash incentive when they comply.

Discussion held.

Commissioner Diaz clarified that the leapfrog process is left in as well as the bond. Also the reporting

will be done bi-annually and City shall “conduct or participate” in at least one free training workshop per year in Miami Beach.

Robert Middaugh, Assistant City Manager, clarified that there will be at least one free training workshop and the report will be bi-annual.

Commissioner Diaz thanked Commissioner Gross and the Sustainability Committee for the leadership for bring this issue forward.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 530

**9:39:35 p.m.**

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**

(Requested by Commissioner Victor M. Diaz, Jr.)  
(First Reading on March 18, 2009)

**ACTION: Public Hearing held. Ordinance No. 2009-3634 adopted.** Motion made by Commissioner Diaz; seconded by Commissioner Gross; Ballot vote: 4-0; Absent: Vice-Mayor Tobin and Commissioners Libbin and Weithorn. R. Parcher to transmit to Municipal Code. R. Parcher to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 530

**9:41:27 p.m.**

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**

(City Attorney’s Office)  
(First Reading on February 25, 2009)

**ACTION: Public Hearing Opened and Continued to May 13 at 11:20 a.m., and referred back to the Land Use and Development Committee.** Motion made by Commissioner Gross; seconded by Commissioner Diaz; Voice vote: 4-0; Absent: Vice-Mayor Tobin and Commissioners Libbin and Weithorn. Jorge Gomez to place on the committee agenda. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 530

**9:42:21 p.m.**

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**

(City Manager's Office)  
(First Reading on March 18, 2009)

**ACTION: Public Hearing Opened and Continued at 11:30 a.m., on May 13, 2009.** Motion made by Commissioner Gross; seconded by Commissioner Diaz; Ballot vote: 4-0; Absent: Vice-Mayor Tobin, and Commissioners Libbin and Weithorn. Lilia Cardillo to place on the Commission Agenda. Robert Middaugh to handle.

## Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 530

## R5F Amend "Standard Of Conduct" For Public Officers &amp; Employees

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.**

**ACTION: Item not reached. Give it a time certain for the next meeting. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.**

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)

**ACTION: Item not reached. Give it a time certain for the next meeting. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.**

**9:22:28 p.m.**

## 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.**

(Planning Department)

**ACTION: Ordinance approved on first reading.** Motion made by Commissioner Diaz; seconded by Commissioner Gross; Ballot vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Libbin. Second Reading and Public Hearing scheduled for May 13, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.



**9:24:01 p.m.**

## 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.**

(Planning Department)

**ACTION: Ordinance approved on first reading.** Motion made by Commissioner Gross; seconded by Commissioner Diaz; Ballot vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Libbin. Second Reading and Public Hearing scheduled for May 13, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

**9:25:32 p.m.**

## 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.**

(Planning Department)

**ACTION: Ordinance approved on first reading as amended.** Motion made by Commissioner Diaz; seconded by Commissioner Gross; Ballot vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Libbin. Second Reading and Public Hearing scheduled for May 13, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

**Amendment**

Commissioner Diaz stated that the Historic Preservation Board can grant the additional two-year extension, and that they have the authority to impose some reasonable requirement with respect to the maintenance if the project is not near completion,

**End**

**9:28:25 p.m.**

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.**

(Building Department)

**ACTION: Ordinance approved on first reading.** Motion made by Commissioner Diaz; seconded by Commissioner Weithorn; Ballot vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Libbin. Second Reading and Public Hearing scheduled for May 13, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Alex Rey to handle.

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.**

(Requested by Commissioner Saul Gross/City Attorney's Office)

**ACTION: Item not reached.** Lilia Cardillo to place on the May 13, 2009 Commission Agenda. Legal Department to handle.

**9:29:51 p.m.**

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.**

(Requested by Mayor Matti Herrera Bower/City Attorney's Office)

**ACTION: Ordinance approved on first reading as amended.** Motion made by Commissioner Diaz; seconded by Commissioner Weithorn; Ballot vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Libbin. Second Reading and Public Hearing scheduled for May 13, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

**Amendment:**

- 1) Title of the Committee amended from: "Gay, Lesbian, Bisexual And Transgender (GLBT) Community Relations Committee" to "Gay, Lesbian, Bisexual And Transgender (GLBT) Business Enhancement Committee"
- 2) If some members of the Ad Hoc Committee (19 members) are not appointed to the new standing committee to appoint them for planning next years event
- 3) Stagger the terms
- 4) Handle the details between the first and second reading

**End**

**R7 - Resolutions****1:03:04 p.m.**

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.**

(Planning Department)  
(Continued from February 25, 2009)

**ACTION: Public hearing held. Resolution No. 2009-27054 adopted.** Motion made by Commissioner Diaz denying the appeal; seconded by Commissioner Gross; Voice vote: 7-0.

Gary Held, First Assistant City Attorney, requested the City Attorney to clarify the procedure.

Jose Smith, City Attorney, introduced the item, and clarified that this is an appeal from a DRB order pursuant to Section 118-262 of the Miami Beach City Code which governs appeals to the City Commission. This is a Quasi-Judicial appeal. This Commission is bound by the evidence presented in the proceedings before the DRB; this is not a new case to be heard for the first time, a "de novo" hearing, therefore the public is not allowed to participate in these proceedings by way of testimony or otherwise.

David Nevel, Esq., on behalf of the appellant, 1100 West Properties, LLC., presented the case.

Gary Held, First Assistant City Attorney, presented on behalf of the City of Miami Beach.

Discussion held.

Commissioner Diaz clarified that this developer is commended for building a fine high quality hotel; he believes that the decision of the DRB can be affirmed, as suggested by Commissioner Libbin, and require posting money for the park and then, if they build the baywalk, the City may consider granting a credit. The City works with developers when there are amenities provided and when is good for the community. If there is a sincere desire to build a baywalk by the appellant, then the problem can be resolved in the future.

Discussion continued.

**Motion made by Commissioner Diaz to deny the appeal; seconded by Commissioner Gross; Voice-vote: 7-0.**

City Clerk's note: 1) Clarify that in appeals there is no new testimony taken and it is limited to the record. The only people who will be permitted to speak will be the appellants and the City's representatives.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 522
2. Memorandum from Robert E. Parcher, City Clerk, to Matti H. Bower and Members of the City Commission, dated April 9, 2009 RE: DRB File No. 20181 Appeal, 1100 West Avenue - Mondrian

**9:26:50 p.m.**

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.**

(Real Estate, Housing & Community Development)

**ACTION: Title of the Resolution read into the record. Second reading and public hearing held. Resolution No. 2009-27055 adopted.** Motion made by Commissioner Diaz; seconded by Commissioner Weithorn; Voice vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Libbin. Anna Parekh to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 532

**9:47:00 p.m.**

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.**

(Real Estate, Housing & Community Development)

**ACTION: Motion made by Commissioner Diaz to defer item R7C along with C7I; seconded by Commissioner Wolfson; Voice vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Libbin.** Lilia Cardillo to place on the Commission Agenda. Anna Parekh to handle.

**4:07:03 p.m.**

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**

(City Manager’s Office)

(First Reading Public Hearing on March 18, 2009)

**ACTION: Title of the Resolution read into the record. Second reading and public hearing held. Resolution No. 2009-27056 adopted. The Second Addendum to the Development Agreement was amended as listed below.** Motion made by Commissioner Gross; seconded by Commissioner Wolfson; Ballot vote: 5-2; Opposed: Commissioners Diaz and Wolfson. Tim Hemstreet to handle.

**Motion #1:**

**Motion made by Commissioner Diaz to adopt Consent Item C6C(1) as amended; seconded by Commissioner Gross; Voice vote: 7-0.**

**Motion #2:**

**Motion made by Commissioner Gross to approve, for discussion purposes, the Second Amendment to the Development Agreement as it has been crafted and as it was recommended by the Finance and Citywide Projects Committee at its meeting last week; seconded by Commissioner Wolfson.**

**RESTATED MOTION:**

**Commissioner Gross restated the motion; seconded by Commissioner Libbin; Ballot vote: 5-2; Opposed: Commissioners Diaz and Wolfson.**

- 1) Move money from the park budget to the garage budget to cover the GMP including the four elevators- all 6 floors**
- 2) The garage will be defined as having the 535 to 520 spaces fulfilling the City’s promise to the public that the City will restore the amount of parking in the garage that is being removed from the surface lots**
- 3) The City Commission will have the additive alternative to add the stainless steel mesh and LED lighting to the east elevation and that decision will be made when they have a representative from Gehry partners present at a Commission Meeting between now and October 15, 2009, hopefully sooner rather than later**
- 4) The final park budget will be the original amount less than the money being moved to pay for the cost of the garage at this time. The final garage budget is \$17,085,000 and the design to the park budget is \$13,085,000. The garage is between 535 and 520 spaces**
- 5) Frank Gehry will be left as the “key man” and the City will make an approach to him to see if he will remain on the project**
- 6) See if a promissory note can be obtained with secondary collateral, as suggested by**

**Commissioner Weithorn**

- 7) Give the City the right to audit the books and records of the NWS with respect to expenditures on this project, as suggested by Commissioner Diaz
  - 8) Commissioner Gross stated if the RDA funds are not sufficient to pay the City's grant-in-aid obligation on the contract, the contract recognizes that those funds will be paid over to the NWS as and when the funds are available based on the committed cash flow.
  - 9) Any money left over from the garage should be allocated to the park budget.
- End

**Motion #3:**

**Motion made by Commissioner Weithorn to extend the due date of the RFQ until beyond the next meeting to receive a report from the City Manager; seconded by Commissioner Diaz**

**Amendment to Motion #3:**

**Commissioner Diaz added to ratify the Administration's role, if any, in the issuance of the RFQ.**

**FINAL MOTION #3**

**Commissioner Weithorn changed her motion to give the City Manager the discretion to extend the date; Voice vote; 6-1; Opposed: Commissioner Wolfson.**

Jorge Gonzalez, City Manager, explained that this item essentially accomplishes establishing the final budget for the parking garage that is part of the Development Agreement that the City is obligated to fund and the NWS to construct, and by approving that component, the City is establishing the final budget of \$17,085,000 and allowing the NWS to engage the contractor to proceed with the work. In order to achieve this budget, which was increased by almost \$2M of the allocated budget, the allocation available for the park has been reduced by a commensurate amount. The Administration at its last meeting was directed to include an additional two elevators as part of the design and the Commission decided that the City should pay for these elevators. Also discussions were held regarding creating add alternates, both deductive and additive to the contractor's contract relative to how large of a garage, or if the City wanted to add a fourth element of the Gehry scrim to the garage, and the Administration has been able to work through those. It defines what the garage number spaces should be, approximately 520 at a minimum, and left to be discussed is the issue of "key man" provision, which has Frank Gehry doing the design for the park, and that needs to be resolved. The Administration also needs direction on how to proceed in regards to the parking requirement and the creation of grant-in aid portion to be withheld until parking spaces were identified and delivered. In addition, at the Finance and Citywide Projects Committee last week, the NWS representatives agreed to make sure that the grant-in aid has certain pre-conditions that need to be met in order to become payable and is payable upon funds availability and NWS has recognized that if dollars needed to be extended, delayed or pay over more than one installment, they would be amenable and that should be part of the motion as well. The final piece is the pending RFQ/RFP process for a new designer, if in fact the City is requiring a new designer for the park.

Tim Hemstreet, Assistant City Manager, added that the Administration was directed at the Finance and Citywide Projects Committee to further discuss with NWS and the contractors some time frames and deductive and alternative alternates: 1) the deductive alternate was to delete one floor of the garage which amounts to about \$760,000, or about \$7,000 per space; 2) delete one of the elevators in the middle of the garage (the decision needs to be made by 5/30/09 to avoid delay), for about \$90,000. The two add-alternates are related to the issue of adding the scrim or the standard steel mesh and the LED lighting to the eastern façade (decision has to be made by mid October to avoid delay). The add alternate for the 6<sup>th</sup> story garage is about \$1.65 million and the add alternate for the 5<sup>th</sup> story \$1.52 million.

David Laurence and Mathew Barry, Hines representative, answered the City Commission questions.

Discussion continued.

Commissioner Diaz has requested copies of all communications with Mr. Gehry and his request has been refused by the NWS.

Discussion held.

Commissioner Diaz stated that this decision whether to restore the forth side to the parking garage at an increased cost of \$1.6M without having the architect to have an intelligent discussion with him to discuss other options is unfortunate.

Commissioner Gross asked to have this issue tabled since the deadline is until mid October and asked Commissioner Diaz to ask Craig Webb, principal designer, to come in front of the Commission.

Tim Hemstreet, Assistant City Manager, clarified that the option for the additive alternate is to be included and the decision will be brought back and the designer will be invited to discuss options with the Commission.

**4:33:03 p.m.**

**AMENDMENTS TO C6C - Item 1**

Commissioner Gross addressed Item C6C (1) to correct the minutes:

Report Of The Finance And Citywide Projects Committee On March 10, 2009: 1) Discussion Regarding Status, Design And Budget For The New World Symphony Parking Garage And Park; He commented that on the minutes the item seem to say that the City Commission could only make the decision about whether or not to include the fourth side at the time the Basis of Design Report (BODR) to the park was completed, and that is not what was said at the Finance and Citywide Projects Committee. He read page 61 of the minutes and added that it was not conditioned on the BODR being done because the BODR will not be done at the time the City Commission has to make the decision. At the time of the committee meeting, they did not have a date, but now they know it has to be done by October and the BODR will not be done in October. He stated that the City Commission has the flexibility to make that decision at any time. **Tim Hemstreet to handle.**

Raul Aguila, Deputy City Attorney, stated that in accordance with Commissioner Gross's amendment that will amend Section 4 B3 of the Second Addendum which has the incorrect language. This language will be revised to state that the City Commission will review and approve or disapprove the inclusion of the aforesaid design elements no later than *October 15, 2009* instead of concurrent with the park project plan review.

Commissioner Diaz stated that on the minutes of the Finance & Citywide Projects Committee, page 61, March 10, 2009, the committee as well as the NWS support the idea of looking for a new designer for the park project; the second issue as whether the instruction and the report from the NWS is whether the architect had been asked to do an all-in design building. The minutes reflect that Howard Herring, NWS, noted that Frank Gehry was asked to do the all-in work for \$1.5M but declined. There was a discussion on an RFP being issued for a new park designer and subsequently an RFQ was issued; and he asked for clarification, as the RFP was directed to be issued, not an RFQ.

**Motion #1:**

**Motion made by Commissioner Diaz to adopt Consent Item C6C (1) as amended; seconded by Commissioner Gross; Voice vote: 7-0.**

David Bolger spoke.

Mayor Bower recognized former Commissioner Martin Shapiro in the audience.

Howard Frank, NWS board member, stated that it is critical for the NWS to have a decision on the garage be made today so they can move forward with the contractor and some of the other issues can be deferred and resolved with the course of time.

Commissioner Weithorn asked Mr. Herring to explain the cost figures.

Mr. Herring has referred to this as a public/private partnership from the very beginning, and the power of the partnership is evident in what is already being built. He stated that when they moved through the earlier stages of the development of the project, they knew of a body of money available in the RDA, and they integrated the park budget into the larger decisions that were made about the RDA funds. Originally \$30M was requested for the building and that was not available so the grant-in-aid of \$15M was accepted. A preliminary estimate on the building of the garage was \$15M. There was approximately \$20M for park. At that time, the \$20M included the park or the east block, but it also additional improvements, which were the edges around the garage, the main building, and down the block. At a certain point there was a division of the \$20M; \$6.4M went over the additional improvements and the remainder stayed at the park; about \$1M went for some sort of development in front of TOPA and that was moved into the budget for the park. Adding the figures, the total is \$15M for NWS, \$15M for the garage, \$15 for the park and \$6.4M for the remainder. In that period of time the NWS was contemplating the park as a design to number.

Jorge Gonzalez, City Manager, stated that what Mr. Herring stated is essentially correct and added that the grant-in aid idea came up at the time of the first amendment to the Development Agreement, where the park and garage budgets were increased and the grant-in aid was allocated as part of it.

Discussion continued.

**Motion #2:**

**Motion made by Commissioner Gross to approve, for discussion purposes, the Second Amendment to the Development Agreement as it has been crafted and as it was recommended by the Finance and Citywide Projects Committee at its meeting last week; seconded by Commissioner Wolfson.**

Discussion continued.

Jorge Gonzalez, City Manager, explained that at the last Commission Meeting a motion was passed regarding holding back some component of the grant-in-aid, at the time it was about \$6M and that would not be released until certain stipulations were met with regards to the parking. There have been conversations regarding Escrow, mortgage, or promissory notes and he asked the City Attorney to elaborate on this.

Jose Smith, City Attorney, stated that these conversations were held with Mr. Neisen Kasdin regarding either a promissory note or some type of agreement that would state in effect that the NWS would be responsible for \$2.6M in the event that the parking was not provided within five years, and when asked to provide collateral to ensure the funds would be there in five years, the answer from NWS was "no" that the NWS would not provide collateral.

Discussion held.

Commissioner Libbin had suggested at the Finance and Citywide Projects Committee an additional concept that he had asked Legal to look into, as a separate stand alone agreement that maybe there could be a bond put up prior to the five years being expired, if certain target points were being met,



and if 175 spaces were not going to be achieved.

Raul Aguila, Deputy City Attorney, stated that these options were explored as amendments to the current parking license agreement between the City and NWS, and the first attempt discussed with Mr. Neisen Kasdin, was to try to get some secure collateral for the 175 parking spaces if not available at the end of the five years after the Certificate of Occupancy, and the answer was "no." An amendment to the parking license agreement can be negotiated which can reiterate that requirement, but it would be unsecure collateral, and if NWS did not pay \$2.625M then the City would have to pursue the rights against NWS and either revoke the CO and put the agreement in default.

Discussion continued.

Jorge Gonzalez, City Manager, explained that if Mr. Gehry is available, and he has said that the budget for the park as it was originally contemplated was not sufficient to meet his vision, then what would the budget need to be? If this question can be answered, and we recognize that the fees might be larger or greater than what the City is used to funding, then what the City Commission needs to do is add more money to the totality of this project. The direction from this Commission is that there is no interest in adding more money for this project, and that is what this Administration is working with.

**Amendment:**

**Commissioner Wolfson amended the motion that the park's budget will not be increased in the future. No second offered.**

Discussion continued.

Commissioner Gross explained that four Commissioners can vote to change it at any time, and this is not a binding type of agreement. His position is that at the time they do community outreach for the park, and when they see the scope and the cost, additional dollars could be allocated, but is something he does not want to foreclose today. He added that the Finance & Citywide Projects Committee there was a motion to go back to Gehry and ask him to reconsider and come up with a concept, and if the message was not transmitted before, and the NWS or Hines cannot carry the message, then the City Manager can transmit the message to the architect. The project will be beautiful and he would like to continue to move forward.

Discussion continued.

Jorge Gonzalez, City Manager, added that the action today is written with the "key man" provision of Frank Gehry in the Development Agreement remaining, so that provision is still in place. The conversation centered on the fact that there is a procurement exercise with NWS and Heins, RFQ/RFP and the intent is to bring to the Commission Meeting in May a short list of architects and landscapers that through a process the City would ask to submit a vision and a full proposal of, and at that time, the Commission can consider whether the "key man" provision can be removed or not. He asked if Howard Frank can relate the message to Mr. Gehry.

Howard Herring stated that Mr. Gehry is a friend of this project and he has stated that as NWS pushes forward he is willing to review and look at design when appropriate, giving his suggestions to carry NWS towards his vision. He cannot guarantee that that will happen but to answer the question directly, NWS can speak to him directly.

Commissioner Gross explained that he feels more comfortable if the City Manager speaks with Mr. Gehry. In addition, the Finance & Citywide Projects Committee envisioned at the last meeting a meeting with Mr. Gehry to try to restructure the arrangement as a design-build and that should

continue as it was requested by the Finance and Citywide Projects committee between now and May.

Jorge Gonzalez, City Manager, explained that it puts in jeopardy of having a park that will not coincide with the opening of the NWS, and the next milestone administratively is the preliminary tax assessment role June 1st and the final one July 1st, and that tells the Administration what next year holds in terms of tax revenue; and it may or may not inform how much money is or is not available.

Discussion continued.

Jorge Gonzalez, City Manager, suggested having Commissioner Diaz be the liaison and both he and Commissioner Diaz speak to Mr. Gehry.

**Commissioner Gross restated the motion; seconded by Commissioner Libbin; Ballot vote: 5-2; Opposed: Commissioners Diaz and Wolfson.**

- 1) **Move money from the park budget to the garage budget to cover the GMP including the four elevators- all 6 floors**
- 2) **The garage will be defined as having the 535 to 520 spaces fulfilling the City's promise to the public that the City will restore the amount of parking in the garage that is being removed from the surface lots**
- 3) **The City Commission will have the additive alternative to add the stainless steel mesh and LED lighting to the east elevation and that decision will be made when they have a representative from Gehry partners present at a Commission Meeting between now and October 15, 2009, hopefully sooner rather than later**
- 4) **The final park budget will be the original amount less than the money being moved to pay for the cost of the garage at this time. The final garage budget is \$17,085,000 and the design to the park budget is \$13,085,000. The garage is between 535 and 520 spaces**
- 5) **Frank Gehry will be left as the "key man" and the City will make an approach to him to see if he will remain on the project**
- 6) **See if a promissory note can be obtained with secondary collateral, as suggested by Commissioner Weithorn**
- 7) **Give the City the right to audit the books and records of the NWS with respect to expenditures on this project, as suggested by Commissioner Diaz**
- 8) **Commissioner Gross stated if the RDA funds are not sufficient to pay the City's grant-in-aid obligation on the contract, the contract recognizes that those funds will be paid over to the NWS as and when the funds are available based on the committed cash flow.**
- 9) **Any money left over from the garage should be allocated to the park budget.**

Discussion continued.

Commissioner Gross requested at the June Finance Citywide Projects Committee that he receive the cash-flow projections after June 1, 2009 when the preliminary determination of the tax roll is received, and what the cash flow for the RDA looks like. **Kathie Brooks to handle.**

Discussion continued.

Jorge Gonzalez, City Manager, clarified that the "key man" remains in, and a conversation will be pursued with Gehry. As far as procurement for an alternate for the park design, which is planned for May, he asked if that process is to be continued or to be put on hold until after the conversations with Gehry. He suggested sending an addendum to extend the date of submission to the RFQ to some time in June, pending conversation with Gehry. **Gus Lopez to handle.**

Discussion continued.

Jorge Gonzalez, City Manager, stated that based on the discussion to hold off on the RFQ until the he has an opportunity to speak with Mr. Gehry, he suggested sending an addendum to the RFQ extending the date for submissions to sometime in June.

Discussion continued.

Howard Herring, NWS, in answering Mayor Bower's questions, stated that one of the most important parts of the project is that the outdoor projection be available and that there is a plaza with sound in place at the moment of the opening, which is scheduled end of January 2011. The NWS in conversations with Hines' believe that the building and the plaza can be ready, but are not sure about the rest. It is critical that they begin with both the projection wall and plaza.

Discussion continued.

Commissioner Gross suggested that the designee calls Mr. Gehry and ask if he is open to conversations and if we can to restructure this to a design built, and if he says no, then the other RFQ would not be withdrawn. He explained that the call needs to be made to Mr. Gehry to see what happens.

Commissioner Diaz stated that he and the City Manager will decide as to the best way to approach Mr. Gehry. **Administration to handle.**

**Motion #3:**

**Motion made by Commissioner Weithorn to extend the RFQ's due date until beyond the next meeting to receive a report from the City Manager; seconded by Commissioner Diaz.**

**Amendment to Motion #3:**

**Commissioner Diaz added a friendly amendment to ratify the Administration's role, if any, in the issuance of the RFQ.**

**FINAL MOTION #3**

**Commissioner Weithorn changed her motion to give the City Manager the discretion to extend the date; Voice vote: 6-1; Opposed: Commissioner Wolfson.**

Bruce Clinton spoke.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 531
2. Fees and budget for the garage and park, NEW CAMPUS II, LLC and Additional Improvements
3. Ballot vote
4. Article in The Miami Herald titled Symphony project strikes sour chord – “Celebrated architect Frank Gehry said he won't design a park for his concert hall for the New World Symphony, citing frustration over Miami Beach's handling of the project.
5. Article in The Miami Herald dated April 22,.2009 titled Gehry feud no walk in the park

**9:16:24 p.m.**

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.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2009-27057 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Gross; Voice vote: 4-1; Opposed: Commissioner Diaz; Absent: Vice-Mayor Tobin and Commissioner Libbin. Fred Beckmann to handle.

Commissioner Diaz stated that this is the same contractor who is doing the garage for the New World Symphony and asked if they have been vetted as to their capacity to handle two such important projects in the City simultaneously and never got a response. Base on that, he voted "no".

Vick Crespin, Vice-President of KVC Construction, spoke about his company's bonding capacity and why the Commission should not have any concerns.

**R9 - New Business and Commission Requests**

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

**ACTION:****Committee on the Homeless**

Seth Frolich Term ending 12/31/09 Appointed by Commissioner Weithorn TL 12/31/16

**Community Development Advisory Committee:**

Lilliam Santana Term ending 12/31/09 Appointed by Commissioner Diaz TL 12/31/16

**3:59:57 p.m.**

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

**ACTION:** Appointments made.

**Art In Public Places Committee:**

Motion made by Commissioner Diaz to reappoint the current members to the Art in Public Places Committee; seconded by Vice-Mayor Tobin. Voice-vote: 6-1; Absent: Commissioner Wolfson.

Jeremy Chestler	TE 12/31/10	Appointed by City Commission	TL 12/31/2010
James Weingarten	TE 12/31/10	Appointed by City Commission	TL 12/31/2010
Mariangela Capuzzo	TE 12/31/10	Appointed by City Commission	TL 12/31/2010
Elizabeth Resnick	TE 12/31/10	Appointed by City Commission	TL 12/31/2012

Lisette Olembert Goldstein TE 12/31/09 Appointed by City Commission TL 12/31/2014

**Budget Advisory Committee**

Motion made by Commissioner Libbin to reappoint Alan Lips (CPA); seconded by Vice-Mayor Tobin. No vote taken.

Commissioner Weithorn stated that she is insulted that this is an all-male committee and that a woman has not been appointed or nominated to the committee and made a motion to switching Marc Gidney to the CPA position slot and that would give her a vacancy to be filled by a female; seconded by Commissioner Diaz. Discussion continued and no vote was taken.

**2:10:25 p.m.**

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

**ACTION:**

Mike Burke stated that it's a good idea to keep the public involved in baywalk, not just the residents of the Lincoln Bay Tower, and that a public hearing should be held at the Botanical Garden as it was originally agreed, not a private meeting.

Commissioner Libbin agreed to have a public meeting and asked Gary Held if he is waiting to meet with the residents of the condominium first before the public meeting is announced.

Gary Held, First Assistant City Attorney, stated that that meeting is taking place and he is going to hold the public meeting in June at the Botanical Gardens.

Handout or Reference Materials:

1. Request to speak at the Sutnick Hour from Jeffrey Gershinzon dated 4-22-2009 to the Clerk
2. Email from Parcher, Robert to Hyde, James RE: Eugenio Fariñas dated April 22, 2009

**03:56:10 p.m.**

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

**ACTION:**

1. Jeffrey Gershinzon spoke regarding ethical standards for board appointees and board and committee members. He thinks ethical standards should be changed because at the present time if someone is on a committee and commits a crime, that person cannot be removed from the committee unless they are taking money from the City. He also thinks that every six months financial disclosures should be completed and if the standards are not meet, these individuals should be removed. He asked the City Commission to refer to committee to discuss ethical standards requirements.

**11:12:28 a.m.**

R9C Discussion Regarding A Consideration To Request A New RFP For The Parking Contract Held By Impark.

(Requested by Commissioner Jerry Libbin)

**ACTION:** Discussion held. **Commissioner Libbin directed the Administration to develop a procurement methodology, (RFQ or ITB) or other methodology for the procurement of cashiers and parking attendant services, and in the meantime the City will continue with the current operator if, and until the City selects someone new, and brings back for consideration at the next Commission Meeting; seconded by Commissioner Diaz; Ballot vote: 4-3; Opposed: Mayor Bower and Commissioners Gross and Wolfson.**

Commissioner Libbin introduced the item and explained that he reviewed over 20 City violations of policy from Impark's management, and it was pointed out by employees and lobbyists for Impark that as of February 2nd there were no additional problems. He requested a public records request on this matter from Impark and after reviewing additional documents he stated that not all things went well after February 2nd. He concluded that despite the LTC received on February 24 from the City Manager, which was a six month review of the process and all of the problems that were identified; the City Manager pointed out that in each case the response by Impark was that they were directed to retrain staff. He read several incidents that occurred including one between a supervisor and a Miami Beach Police Officer.

Mayor Bower asked Jose Smith, City Attorney, to clarify "termination for convenience" and asked if the termination is being done for convenience or for Impark not doing the work.

Jose Smith, City Attorney, stated that if the City Commission chooses to terminate this contract for convenience, there is sufficient evidence on the record to support that decision.

Commissioner Libbin pointed out he is concerned that the money was not being handled properly and there is a question whether the management is supervising the employees on how they handle the money; he continued giving examples during the month of March. He made a motion to issue an ITB.

Jose Smith, City Attorney, opined that the appropriate action at this point is to direct the Administration to come back to the City Commission at its next meeting with the appropriate action.

**Motion made by Commissioner Libbin to instruct the Administration to come back with an ITB with the appropriate criteria; seconded by Commissioner Diaz. No vote taken.**

Commissioner Gross, for the record, stated that **1)** Jose Smith, City Attorney, rendered a legal

opinion in response to Commissioner Diaz and other Commissioners to indicate whether or not the failure to have the employees CPR certified rose to the level of a Charter violation; the City Attorney decided, in reviewing it, that is not a Charter violation. **2)** The City Attorney also opined that the termination for convenience must be in good faith and must be a good business reason to terminate, and if there is not a good business reason, then the City could be found to be acting in bad faith and could be responsible for damages; and **3)** he is troubled by the politics involved on Mr. Pintado's part. He mentioned an email sent to the City by Impark, an email from Frank Pintado to Commissioner Libbin, and he asked Commissioner Libbin if he had been communications with Mr. Pintado in that process.

Commissioner Libbin responded that the e-mail was sent by J.P. Morgan to Frank Pintado and Frank Pintado sent it to his office. He believes that he has not even looked at the document.

Commissioner Gross asked again if he had been in communications with Frank Pintado about him wanting his contract back, and is he the one orchestrating these series of violations.

Commissioner Libbin explained that he has not talked to Frank Pintado specifically about these series of violations, he spoke to Mr. Morgan.

Discussion held.

Commissioner Gross asked why J.P. Morgan is interested in getting these records, and why he is sending them to Frank Pintado. He added that the City Manager has told this Commission that he will not terminate this contract for performance, so why is the City exposing itself to these damages?

Discussion continued.

Commissioner Gross, for the record and in response to what Commissioner Libbin, quoted the legal opinion letter on pages 649, 1<sup>st</sup> and 2<sup>nd</sup> paragraph regarding breach of contract, and Page 650 of the Commission Agenda regarding significant consequential damages.

Commissioner Libbin added that in the same paragraph it states that contractors have rarely succeeded in demonstrating the government's bad faith.

Discussion continued.

Brian May, from Imperial Parking, spoke.

**Commissioner Libbin directed the Administration to develop a procurement methodology, (RFQ or ITB) or other methodology for the procurement of cashiers and parking attendant services, and in the meantime the City will continue with the current operator if, and until the City selects someone new, and bring back for consideration at the next Commission Meeting**

Jorge Gonzalez, City Manager, advised not cancelling this contract unless there is a viable replacement and there is a month-to-month contract.

Discussion continued.

Mitchell Bierman, Imperial Parking, spoke.

Discussion continued.

Mayor Bower suggested reviewing the contract in a year.

Discussion continued.

Jorge Gonzalez, City Manager explained that he will bring back to the next meeting a process, which might be an ITB, RFP or RFQ, that the Administration feels is as fair and open and transparent as possible to procure the services of parking attendants and cashiers for the City's parking system.

**12:31:00 p.m.**

**FINAL MOTION:**

**Commissioner Libbin directed the Administration to develop a procurement methodology, (RFQ or ITB) or other methodology for the procurement of cashiers and parking attendant services, and in the meantime the City will continue with the current operator if and until the City selects someone new, and bring back for consideration at the next Commission Meeting; seconded by Commissioner Diaz. Ballot vote: 4-3; Opposed; Mayor Bower and Commissioners Gross and Wolfson.**

Handout or Reference Materials:

1. Letter from Chester Escobar, President, Impark, dated April 21, 2009 to The Honorable Mayor and City Commissioners, RE: Continuation of Discussion Item – Terminating Impark's Contract.
2. Letter to Jose Smith, Esquire, City Attorney, dated April 8, 2009 from Mitch Bierman RE: City of Miami Beach ("City") Contract with Impark for Parking Cashiers and Supervisors ("Contract")
3. Email from Chester Escobar [CEscobar@impark.com] to Smith, Jose; Bower, Matti H.; Wolfson, Jonah; Libbin, Jerry; Gross, Saul; Parcher, Robert; Diaz, Victor; Tobin, Ed; Weithorn, Deede; City Manager's mailbox, dated April 21, 2009 RE: Impark Letter to Commission – 4-21-09.
4. Email from [FPintado@aol.com](mailto:FPintado@aol.com) to Libbin, Jerry dated March 18, 2009 RE: Response to Impark's Letter
5. Ballot vote

R9D Discussion Regarding A Status Report On The Citywide WiFi.  
(Requested by Vice-Mayor Edward L. Tobin)

**ACTION:** Item not reached. Lilia Cardillo to place on the May 13, 2009 Commission Agenda. Patricia Walker to handle.

**6:52:41 p.m.**

R9E Discussion Regarding A Status Report On Utility Undergrounding For Palm And Hibiscus Islands.  
(Requested by Vice-Mayor Edward L. Tobin)

**ACTION:** Item heard in conjunction with Report D. See Agenda Information Item "D" (Status Report on the Palm & Hibiscus Island Underground Utilities Project).

Discussion held.

Vice-Mayor Tobin stated that he just wants to make sure the Administration and the residents are on the same page in regards to what is being done for the Palm, Star and Hibiscus Islands. He would like confirmation from the Administration and the residents that this is happening so in the future we find out that this is not the case.

Hans Mueller from Palm Island stated that as of today "yes" they are on the same page. The project is moving forward and they are keeping the City Manager informed.



R9F Discussion Regarding A Status Report On City's Progress In Putting Its Checkbook On The City's Website.

(Requested by Vice-Mayor Edward L. Tobin)

**ACTION: Not reached. Lilia Cardillo to check with Vice-Mayor Tobin to see if the item is to be included on the May 13, 2009 Commission Agenda.**

**9:35:15 p.m.**

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.

(Requested by Commissioner Victor M. Diaz)

**ACTION: Discussion held. Resolution No. 2009-27058 adopted.** Motion made by Commissioner Diaz; seconded by Commissioner Gross; Voice vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Libbin. R. Parcher to transmit the Resolution.

**9:38:34 p.m.**

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.

(Requested by Commissioner Victor M. Diaz)

**ACTION: Discussion held. Resolution No. 2009-27059 adopted.** Motion made by Commissioner Diaz; seconded by Commissioner Weithorn; Voice vote: 5-0; Absent: Commissioners Gross and Libbin. R. Parcher to transmit the Resolution.

Commissioner Diaz thanked Dr. Randolph.

**6:54:00 p.m.**

R9I Discussion Regarding Venetian Islands Neighborhood Improvement Project.  
(Requested by Vice-Mayor Edward L. Tobin)

**ACTION: Discussion held. Motion made by Vice-Mayor Tobin to issue an RFQ; seconded by Commissioner Gross; Voice vote: 7-0.** Administration directed to present a detail accounting and an evaluation of the soft costs expended and whether the City is getting a value in regards to Hazen and Sawyer; request referred to the Finance and Citywide Projects Committee.

Vice-Mayor Tobin introduced the item and asked Mr. Beckmann to explain to the residents what will be taking place on the Venetian islands in regards to increased scope and additional monies that need to be expended.

Fred Beckmann, Interim CIP Director, summarized the project, and explained the major changes that the Venetian Homeowners Association is proposing: 1) to add a scope of water to replace all the water lines, 2) add a new stormwater system, which was not envisioned before, and 3) replace and construct the roadways.

Discussion held regarding the cost of the project.

Tim Hemstreet, Assistant City Manager, clarified that the Capital Improvements Projects and Oversight Committee's (CIPOC) recommendation passed by a majority vote to stop the current project, issue an RFQ or select a new designer and to change the scope of the project to include a new drainage system for the islands, and also to add the existing water budget to replace water lines in the project.

Discussion continued.

Fred Karlton, from the CIOC spoke.

William Goldsmith spoke.

Jorge Gonzalez, City Manager, clarified the direction given to Administration: 1) best efforts, if there is money available from the GO Bonds that legitimately could be used for stormwater, to augment the stormwater to the extent needed; 2) issue an RFQ to redesign the stormwater component without changing the above ground or the water; and 3) the water component stays except if coupons are done and if it requires additional water will bring to the City Commission.

Discussion continued.

Commissioner Gross asked for an estimated ground breaking date.

Tim Hemstreet, Assistant City Manager, stated the ground breaking date would be a year from now. In answering Commissioner Gross's questions, he explained that the bids are ready and it will take 60 to 90 days to receive them back, and about five months for ground breaking, although in reality it will take 12 to 14 months.

Discussion continued.

Fred Karlton, CIPOC member, spoke.

**Motion made by Vice-Mayor Tobin to issue an RFQ; seconded by Commissioner Gross.; Voice vote: 7-0.**

Vice-Mayor Tobin directed the Administration to look at the fees that were paid to Hazen & Sawyer on this project and report to the City Commission as to whether they think the City is getting value for the money. He specifically requested a detail accounting and an evaluation of the soft costs spent and whether the Administration thinks the City is getting value on Hazen and Sawyer. **Fred Beckmann to handle.**

Commissioner Gross recommended that Vice-Mayor Tobin's request be referred to the Finance and Citywide Projects Committee. **Patricia Walker to place on the agenda. Fred Beckmann to handle.**

Discussion continued.

City Clerk's Note: *Technical difficulties experienced from 7:07 p.m. to 7:17:49 p.m.*

Handout or Reference Materials:

1. Memo from William goldsmith, Resident of Miami Beach, and Eleanor Carney, P.E., and Acting President, Venetian Islands Homeowners Association dated April 21, 2009 to Mayor Bower & City Commissioners, Jorge Gonzalez – City Manager, Fred Beckmann – CIP Director, RE: Request for Design/Build "GMP" Bidding OR "RFQ Issuance" Proposed Budget and Plans Modifications, CIP Plans for Venetian Islands, San Marino, Dilido and Rivo Alto Island – City of Miami Beach.
2. City of Miami Beach Water Main Information for Venetian Islands Map

R9J Discussion Regarding A Request For A Special City Commission Meeting Re: Expansion Of Ethics Reform/Transparency In Government.  
(Requested by Commissioner Victor M. Diaz/City Attorney's Office)

**ACTION: Item not reached.** Lilia Cardillo to place on the May 13, 2009 Agenda. Legal Department to handle.

**9:37:54 p.m.**

Supplemental Material – Resolution and Additional Information

R9K Discussion Regarding A Resolution Urging The School District To Adopt Green Procurement Specifications For Cleaning Supplies.  
(Requested by Commissioner Saul Gross)

**ACTION: Discussion held. Resolution No. 2009-27061 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Diaz; Voice vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Libbin. R. Parcher to transmit the Resolution.

### **R10 - City Attorney Reports**

**2:14:21 p.m.**

R10A Notice of Closed Executive Session.

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.

**ACTION: Administratively withdrawn.**

**Reports and Informational Items**

A City Attorney's Status Report.

(City Attorney's Office)

**ACTION: Written report submitted.**

B Parking Status Report – February 2009.

(Parking Department)

**ACTION: Written report submitted.**

C Status Report On The Normandy Shores Golf Course Club House.

(Capital Improvement Projects)

**ACTION: Written report submitted.**

D Status Report On Palm And Hibiscus Islands Underground Utilities Project.

(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 Non-City Entities Represented By City Commission:

1. Minutes From The Wolfsonian – Florida International University Advisory Board Meeting On December 2, 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 January 27, 2009. (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  
April 22, 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 February 2009.  
(Finance Department)

**ACTION: Written report submitted.**

Meeting adjourned 9:50:35 p.m.

**End of RDA Agenda**