MIAMIBEACH

City Commission Meeting

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

Call to Order - 9:00 a.m.
Inspirational Message, Pledge of Allegiance
Requests for Additions, Withdrawals, and Deferrals

The City Commission will recess for lunch at approximately 1:00 p.m.

Presentations and Awards

PA	Presentations and Awards

Consent Agenda

C2	Competitive Bid Reports
C4	Commission Committee Assignments
C6	Commission Committee Reports
C7	Resolutions

Regular Agenda

R2	Competitive Bid Reports
R5	Ordinances
R7	Resolutions
R9	New Business and Commission
R10	City Attorney Reports

Reports and Informational Items

Presentations and Awards

PA1 Certificates Of Appreciation To Be Presented To Miami Beach Police Department Detectives Wayne Holbrook, Dave McCue, Robert Lanier And Miami-Dade Police Department Detective Jesus Pacheco For Their Decisive And Heroic Actions In An Armed Confrontation With A Violent Felon Who Had Recently Committed A Brutal Homicide And Kidnapping. (Page 1)
(City Manager's Office)

PA2 Proclamation To Be Presented To NIKE For Community Service In Miami-Dade County.
(Requested by Commissioner Deede Weithorn)

PA3 Presentation Recognizing The Miami Beach Teen Club And Teen Club Member/Poet Jankel Aleman.
(Requested by Mayor Matti Herrera Bower)

PA4 Certificate Of Appreciation To Be Presented To Caridad Marquez From Rain Drop Day Care, For Her Years Of Dedication To Children.
(Requested by Mayor Matti Herrera Bower)

PA5 Key To The City To Be Presented To Jonathan R. Mangual, In Appreciation For His Military Service In The U.S. Navy.
(Requested by Commissioner Jerry Libbin)

PA6 Certificates Of Appreciation To Be Presented To Miami Light Project - Global Cuba Fest, Fundarte - Global Cuba Fest, Rhythm Foundation - Transatlantic Festival, Relevent - Transatlantic Festival, Community Arts And Culture - Women's Culture And Afro Roots Festivals, CMB Tourism And Cultural Development - Festival Of The Arts, CMG Parks And Recreations Department - 2009 Season, And North Beach Bandshell Trust - 2009, For Bringing Cultural Programming To The North Beach Community Through The 2009 Season At The North Beach Bandshell.
(Requested by Commissioner Saul Gross)

CONSENT AGENDA

Action:
Moved:
Seconded:
Vote:

C2 - Competitive Bid Reports

C2A Request For Approval To Award Contracts To Personally Yours Lawn Service, Inc., EDJ Services, Inc., And Weed-A-Way, Inc., Pursuant To Invitation To Bid (ITB) No. 31-08/09, For Citywide Lot Clearance Services, In The Estimated Annual Amount Of $80,000. (Page 5)
(Code Compliance)

C2 - Competitive Bid Reports (Continued)

C2B Request For Approval To Issue A Request For Qualifications (RFQ) For General Transportation Planning And Traffic Engineering Consulting Services, On An As-Needed Basis, For The City Of Miami Beach. (Page 11)

(Public Works)

C2C Request For Approval To Award Contracts To Mainline Supply Co. As Primary Vendor, And Ferguson Enterprises, Inc. As Secondary Vendor, Pursuant To Invitation To Bid No. 14-08/09, For The Purchase And Delivery Of Polymer Meter Boxes And Covers In The Estimated Annual Amount Of $89,834.50. (Page 17)

(Public Works)

C4 - Commission Committee Assignments

C4A Referral To The Land Use & Development Committee To Discuss The Challenging Parking Situation At South Pointe Park. (Page 23)

(Requested by Commissioner Jonah Wolfson)

C4B Referral To The Neighborhoods/Community Affairs Committee To Discuss How The City Can Address The Growing Issue Of Aggressive Raccoons And Other Rodents. (Page 25)

(Requested by Commissioner Jonah Wolfson)

C4C Referral To The Finance And Citywide Projects Committee - Job Order Contracting (JOC) System For Achieving Timely And Cost-Effective Procurement Of Maintenance And Construction Services For Capital Projects. (Page 27)

(Procurement)

C4D Referral To The Finance And Citywide Projects Committee – Discussion Regarding Possible Funding Sources And Strategies That The City May Employ To Assist Condominiums In Our Community That Are Burdened By Unit Owners Not Making Their Monthly Maintenance Payments. (Page 35)

(Requested by Commissioner Jerry Libbin)

C4E Referral To The Neighborhoods/Community Affairs Committee – Miami Beach Polling Place Relocations. (Page 37)

(City Clerk's Office)

C4F Referral To The Land Use And Development Committee – Discussion Regarding Trac Board Recommendations To Make Land Development Application And Review Process More Transparent. (Page 41)

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

C4 - Commission Committee Assignments (Continued)

C4G Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Application For Round Two Of Neighborhood Stabilization Program (Foreclosure) Funds Which Is Due To HUD By July 17, 2009. (Page 45)

(Real Estate, Housing & Community Development)

(Memorandum to be Submitted in the Supplemental)

C6 - Commission Committee Reports

C6A Report Of The Capital Improvement Projects Oversight Committee Meeting On May 4, 2009: **1)** Attendance; **2)** Review And Acceptance Of Minutes; **3)** Public Comments; **4)** Consent Agenda Items For Commission: A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement With Parsons Brinckerhoff Americas For Professional Construction Engineering And Inspection (CEI) Services Of The Water Main And Sanitary Sewer Mains, And Milling And Resurfacing Improvements Along Indian Creek Drive Between 26th And 41st Streets; Pursuant To Request For Qualifications 03-08/09 In The Amount Of $550,000.00 Out Of Which $136,000.00 To Be Assigned From FDOT Funding Pursuant To A Joint Participation Agreement (JPA) Between The City Of Miami Beach And FDOT And Subsequently Executed Per Resolution 2007-26694; And The Remainder $414,000.00 To Be Allocated From Fund 423 2006 Gulf Breeze; And Further Appropriating $55,000.00 In Contingency; **5)** Old Business: 5a) CIP Project Status Report; CIP Projects; Public Works-Managed Capital-Funded Projects; 5b) Construction Update: Normandy Shores Neighborhood Improvement Project; 5c) Status Report: Venetian Island Neighborhood Improvement Project; 5d) Status Report: Sunset Islands I & II; 5e) Status Report: 44th Street & Royal Palm Avenue Drainage Improvements; 5f) Status Report: Normandy Shores Golf Course Clubhouse; 5g) I & I Report **6)** Sub-Committee Meeting Reports; 6a) ITB Minimum Qualifications Sub-Committee; 6b) Flood Mitigation Sub-Committee; 6c) Venetian Island Neighborhood Improvements Sub-Committee; **7)** Staff Action Report; **8)** Calendar; **9)** Adjournment. (Page 49)

C6B Report Of The Finance And Citywide Projects Committee Meeting On May 5, 2009: **1)** Discussion Of Proposed Line Of Credit; **2)** Discussion Regarding Status, Design And Budget For The New World Symphony Parking Garage And Park; **3)** Little Stage Theater Operational Issues; **4)** Discussion Regarding A Concession Agreement With One Washington Avenue, Corp. For A Concession In South Pointe Park Adjacent To The Smith & Wollensky Restaurant To Be Used As An Auxiliary Dining Area; **5)** Discussion Regarding Closing Older Liens Imposed By The City Of Miami Beach Potential Amnesty And Or Collection Scenarios And Certain Procedural Changes To Improve The Lien System; **6)** Presentation By TCBA Watson Rice LLP Regarding Building Department Organizational And Operational Review And Analysis; **7)** Drainage Improvements On 44th And Royal; **8)** Altos Del Mar Sculpture Park Project; **9)** Discussion Regarding Transitioning Certain Operating Activity And The Associated Funding For The Bass Museum Of Art To The Friends Of The Bass Museum, Inc.; **10)** Discussion Regarding Funding Sources To Replenish The $50,000 Appropriated From The General Fund Unallocated Fund Balance; And **11)** Update On South Pointe Pier Project.
(Page 53)

C6 - Commission Committee Reports (Continued)

C6C Report Of The Neighborhoods/Community Affairs Committee Meeting On May 18, 2009: **1)** Discussion Regarding The Issue Of Dogs Off Leash In City Parks And Other Public Properties In General; **2)** Discussion Regarding The Potential Operational Issues Related To The Newly Reconstructed South Pointe Park; **3)** Discussion Regarding Amendments To The Graffiti Ordinance As It Pertains To Acid Etched Glass; **4)** Discussion On The City Of Miami Beach Draft Traffic Calming Manual; **5)** Discussion Regarding Potential Amendment To The Sidewalk Café Regulations, Concerning The Storage Of Sidewalk Café Furniture; **6)** Discussion Regarding The City Of Miami Beach's Proposed Substantial Amendment To The 2008 Action Plan As Required By The Department Of Housing And Urban Development In Order To Receive Community Development Block Grant Funds Included In The American Recovery And Reinvestment Act Of 2009; And **7)** Discussion Regarding An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending The Litter Provisions In Chapter 46 Of The City Code; By Amending The Sections Relating To Definitions, Enforcement, And Fines And Penalties; Providing For Repealer; Severability; Codification; And An Effective Date. (Page 65)

C7 - Resolutions

C7A A Resolution Authorizing The City Manager Or His Designee To Submit The Following American Recovery And Reinvestment Act Of 2009 (ARRA) Applications For Funding: 1) The Administration For Children And Families, Department Of Health & Human Services, Strengthening Communities Fund – Non-Profit Capacity Building Program For The Provision Of Training, Consulting And Technology Services To Improve Service Capacity Among The Miami Beach Service Partnership, In An Amount Not To Exceed $750,000, And 2) The Energy Efficiency And Conservation Block Grant Funds In The Amount Of $839,000; And Retroactive Approval To Apply For The Following Non-ARRA Funded Grants: 1) National Endowment For The Humanities For Funding In An Amount Not To Exceed $20,000 For The City's Records Archiving Program; 2) Assistance To Firefighters Program For Funding In An Amount Not To Exceed $171,000 For A Vehicle Exhaust System For Fire Stations 1, 3, And The Repair Shop; And 3) Additional Funding In The Amount Of $28,508 In Community Development Block Grant Disaster Relief Funding For The City's Villa Maria Renovation Project; 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. (Page 77)

(Budget & Performance Improvement)

C7B A Resolution Electing Commissioner _____, Group ___, As Vice-Mayor For A Term Commencing On July 1, 2009, And Terminating On October 31, 2009 Or On Such Date Thereafter When A New Vice-Mayor Is Elected. (Page 87)

(City Clerk's Office)

C7C A Resolution Authorizing The City Of Miami Beach To Submit An Application For Funding To The U.S. Department Of Homeland Security On Behalf Of Mount Sinai Medical Center For The Storm Surge Emergency Power Protection Project; Directing The City Manager To Sign All Corresponding Documents For The Submission Of The Application; And Acknowledging The Retained Accountability

By The City Of Miami Beach For Those Funds That Are Awarded To The Project. (Page 91)
(City Manager's Office)

C7 - Resolutions (Continued)

C7D A Resolution Settling Various Liens On Properties In The City Of Miami Beach Pursuant To A Discussion And Recommendation Of The Finance And Citywide Projects Committee On May 5, 2009.
(Page 109)
(City Manager's Office)

C7E Sale & Service Of Alternative Fuel/Electric Automobiles In CPS-2 District
A Resolution Setting A Public Hearing To Consider A Proposed Amendment To The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II "District Regulations," Division 18 "PS Performance Standard District," Amending Section 142-693(B) "Permitted Uses," By Permitting Sales And Accessory Service Of Alternative Fuel/Electric Automobiles Under Certain Specified Conditions In That Portion Of The CPS-2 District Fronting On The North Side Of 5th Street. (Page 117)
(Planning Department)

C7F Commercial Rooftop Venues South Of 5th Street
A Resolution Setting A Public Hearing To Consider A Proposed Amendment To The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II "District Regulations," Division 18 "PS Performance Standard District," Amending Section 142-693 "Permitted Uses," By Restricting Or Prohibiting Commercial Rooftop Venues South Of 5th Street. (Page 123)
(Planning Department)

C7G A Resolution Approving An Assignment Of The Non-Exclusive Franchise For Collection And Disposal Of Solid Waste, As Well As Certain Recycling Services, From Davis Sanitation, Inc., As Assignor (Davis), To Choice Environmental Services Of Miami, Inc, As Assignee (Choice); Said Franchise To Choice As Approved By The City Pursuant To Resolution No. 2008-26923; Provided Further That The City's Approval Of The Subject Assignment Is Subject To And Contingent Upon The Following: 1) That Davis And Choice Execute An Agreement Of Acceptance, In A Form Satisfactory To The City Manager And City Attorney, Evidencing That Choice Accepts The Assignment Subject To Any And All Of The Terms, Conditions And Limitations Imposed By The Franchise Agreement (As Approved And Executed Pursuant To Resolution No. 2008-26923) And Subject To Compliance With All Applicable Provisions Of The City's Solid Waste Ordinance, As Codified In Chapter 90 Of The Miami Beach Code (And As Same May Be Amended From Time To Time); 2) That The Agreement Of Acceptance Further Include An Affirmative Statement Affirming Choice's Intent To Fulfill The Obligations Formally Imposed Upon Davis; 3) That The Agreement Of Acceptance Further Include A Statement By Davis That, Notwithstanding The Approval Of The Assignment And Choice's Acceptance, Davis Shall Guarantee The Performance Of Choice And Said Assignment Shall Always Remain With Full Recourse To Davis, As Provided In Section 90-192(F) Of The City Code; And 4) That, In Addition To The Franchise, Choice Agrees To Assume Any And All Terms, Conditions And Obligations Of Davis, Pursuant To That Certain Separate Agreement Between The City And Davis (And Running Commensurate With The Franchise) For The Provision Of Additional Public Waste Collection And Disposal And Recycling Services. (Page 131)
(Public Works)

C7 - Resolutions (Continued)

C7H A Resolution Authorizing The Appropriation Of $96,731 From The Balance Amount Of Fiscal Year (FY) 2007/08 People's Transportation Plan (PTP) Funds For The FY 2008/09 Capital Budget; And Of This Balance, $46,853 Will Be Appropriated For The Construction Of The Collins Avenue And 6th Street Intersection Right-Of-Way (ROW) Improvements; And Further Appropriating $49,878 For The Design And Engineering Of The 71st Street And Dickens Avenue Intersection Improvements. (Page 147)

(Public Works)

C7I A Resolution Accepting A Quit Claim Deed From The 401BLU Of North Beach Condominium Association, Inc., As The Owner Of The Property Located At 401 69th Street (401BLU North Beach Condominium), For The Installation, Operation, Maintenance, Construction And Repair Of A Public Bus Shelter, Foundation And Utilities To The Bus Shelter On Portion Of The Above Mentioned Property. (Page 161)

(Public Works)

C7J A Resolution Approving The Following Actions With Regard To The Affordable Housing Rental Project Acquired And To Be Rehabilitated By Miami Beach Community Development Corporation (MBCDC), Known As The Villa Maria, And Located At 2800 Collins Avenue: 1) Approving A Subordination Of The City's $3.2 Million Interest/New Mortgage In Favor Of A $2 Million Mortgage Being Made To MBCDC Development Corporation By The Florida Housing Finance Corporation Special Housing Assistance And Development Program (SHADP); 2) Further Consenting, But Not Subordinating, To MBCDC's Loan And Recording Of A Mortgage From Miami-Dade County's Surtax Funds In The Amount Of $1 Million; And 3) Further Authorizing The City Manager To Execute Any And All Documents To Effectuate The Aforestated Transactions. (Page 171)

(Real Estate, Housing & Community Development)

C7K A Resolution De-Accessioning The "Speed Love Seat" Sculpture Designed By The Artist Antoni Miralda. (Page 179)

(Tourism & Cultural Development)

C7L A Resolution Approving An Allocation, In The Amount Of $137,000 From General Fund Account 011.0930; Said Allocation To Be Provided And Utilized By the Friends Of The Bass Museum, Inc., For The Purpose Of Funding Operating Expenses At The Bass Museum Of Art, Through September 30, 2009; And Further Authorizing The City Manager To Execute A Letter Agreement With The Friends Of The Bass Museum Memorializing The Parties' Respective Obligations With Regard To Certain Management And Operation Responsibilities Of The Bass Museum Through September 30, 2009.
(Page 185)

(Tourism & Cultural Development)

C7M A Resolution Adopting And Appropriating An Amendment To The Parking Department Operating Budget For Fiscal Year 2008/2009 In The Amount Of $286,272 For The Operation Of The 5th And

Alton Garage And The Multi-Purpose Municipal Parking Facility To Be Funded From Parking Fund 480. (Page 191)

(Parking Department)

End of Consent Agenda