



MIAMI BEACH

City Commission Meeting

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

May 13, 2009

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

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

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ATTENTION ALL LOBBYISTS

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

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/Robert Mulcahy, Excellent Customer Service. (Diaz)
- PA2 Certificates of Recognition/Students, Teachers and Staff of Miami-Dade County Schools. (Bower),
- PA3 Certificates of Appreciation/Larry Bornstein, Clarise Ferguson and Jennifer Jenkins, MBPD.
- PA4 Certificates of Appreciation/Deborah Doty and Jennifer Velazquez, Take Your Child to Work Day.
- PA5 Certificates of Appreciation/Harry Morgan, Joe Mathews and Bernie Winer, Child Safety Program.
- PA6 Certificate of Appreciation/AYUDA, Support and Great Services Rendered to the City. (Gross)
- PA7 Proclamation/National Public Works Week.
- C2A Issue RFP, Software System to Support the Building Development Process.
- C2B Award Contract, Grounds Maintenance Service for South Pointe Park, \$144,200.
- C4A Ref: Finance and Citywide Projects Committee - Report on the Par 3 Golf Course.
- C4B Ref: Land Use and Dev. Committee - 4th Quarter 2008 and 1st Quarter 2009 Noise Reports. (Wolfson),
- C4C Ref: Land Use and Development Committee - Property at 1001 West 46th Street. (Wolfson)
- C4D Ref: Finance and Citywide Projects Comm. - Allow Retirees to Change Pension Beneficiary.(Tobin)
- C4E Ref: Neighborhoods/Community Affairs Committee - Establish "Adopt A Beach" Program. (Libbin)
- C4F Ref: Neighborhoods/Community Affairs Comm. - Schedule for the Wine and Food Festival. (Libbin)
- C4G Ref: Neighborhoods/Community Affairs Committee - Amend Litter Ordinance. (Libbin)
- C6A Report: Capital Improvement Projects Oversight Committee Meeting on April 6, 2009.
- C6B Report: Finance and Citywide Projects Committee Meeting on April 14, 2009.
- C6C Report: Neighborhoods/Community Affairs Committee on April 15, 2009.
- C6D Report: Land Use and Development Committee on May 4, 2009.
- C7A Submit Grant Applications to Various Funding Agencies.
- C7B Grant (8) Individual Easements to FPL, Placement of Transformers for the WWWPSU
- C7C Grant Easement to FPL, Underground Electrical Conduits that Serve the MMPF.
- C7D Endorse Creation of a Special Taxing District for Palm Island and Hibiscus Island.
- C7E Accept Recommendation Pursuant to RFP No. 11-08/09, Investment Advisory Services.

- C7F Execute Agreement w/ Arquitectonica, MB Convention Center Campus Master Plan.
- C7G Set Public Hearing, Revocable Permit Request by Ira M. Elegant (1360 North View Drive).
- C7H Execute a Letter Agreement, Temporary Revocable Use of the Little Stage Theater.
- C7I Enter Into a JPA, Construction of the Venetian Causeway Streetscape Improvement Project.
- C7J Approve Lease Agreement and Amendment, Miami-Dade County Federal Credit Union.
- C7K Approve Amendment w/ HUD, Homelessness Prevention/Rapid Re-Housing Program.
- R2A Issue RFP, Parking Cashiers, Attendants, and Supervisors for City's Parking Garages.,
- R2B Award Contract, Neighborhood No. 12D/E/F, South Pointe Phase III, IV, And V.
- R2C Award Contract, Normandy Shores Golf Course Clubhouse Facility.
- R5A 10:15 a.m. 2nd Rdg, Create a GLBT Business Enhancement Committee. (Bower)
- R5B 10:20 a.m. 2nd Rdg, Enforcement of Non-Functioning Wheelchair Lifts Ordinance.
- R5C 10:25 a.m. 2nd Rdg, Lot Split Criteria Ordinance. 5/7
- R5D 10:30 a.m. 2nd Rdg, Recusals and Absences for Land Use Board Members. 5/7
- R5E 10:35 a.m. 2nd Rdg, Revisions to Single Family Ad Valorem Tax Exemptions. 5/7
- R5F 11:20 a.m. 2nd Rdg, Jurisdiction of the Special Master.
- R5G 11:30 a.m. 2nd Rdg, Amend Graffiti Ordinance.
- R5H 1st Rdg, Amend Standard of Conduct for Public Officers and Employees. (Wolfson)
- R5I 1st Rdg, Amend Campaign Finance Reform Ordinance (Campaign Contributions). (Gross)
- R5J 1st Rdg, Amend Campaign Finance Reform Ordinance (Lobbying). (Weithorn)
- R5K 1st Rdg, Amend "Beach Preservation Committee's" Name. (Gross)
- R7A 1st Rdg, Approve Lease Agmt. w/ Damian J. Gallo and Assoc., Inc., 1701 Meridian Ave. 5/7
- R7B 1st Rdg, Approve an ATM Lease Agmt. w/ Suntrust Bank, 1700 Convention Center Drive.
- R7C 11:50 a.m. 1st Rdg, Approve Amendment to Development Agreement w/ UIA Management.
- R7D Authorize Loans to Pay Costs of Water, Sewer and Stormwater Projects.
- R7E Approve Purchase of Flood, Windstorm and Boiler/Machinery Insurance for City Buildings.
- R9A Board and Committee Appointments.
- R9A1 Board and 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: Use of Transit Tax Stimulus Dollars Allocated to City of Miami Beach. (Diaz)
- R9D Discuss: Appropriation of CDBG Stimulus Dollars Allocated to City of Miami Beach. (Diaz)
- R9E Discuss: Status Report on Citywide WiFi. (Tobin)
- R9F Discuss: Status Report on City's Progress in Putting Its Checkbook on City's Website. (Tobin)
- R9G Discuss: Expansion of Ethics Reform/Transparency in Government. (Diaz)
- R9H Discuss: Prohibition of Special Events by Smith and Wollensky. (Diaz)
- R9I Discuss: Fire Service Agreement w/ Joining Municipalities. (Diaz)
- R9J Discuss: Traffic Calming Study. (Tobin),
- R9K Discuss: Venetian Bridge Rehabilitation Project. (Weithorn)
- R9L Discuss: Letter Agmt. w/ 1 Washington Avenue Corp. (Smith and Wollensky Restaurant).
- A City Attorney's Status Report.
- B Parking Status Report.
- C Informational Report: Federal, State, M-DC, U.S. Communities and All Existing City Contracts.
- D1 Minutes: MPO Meeting on March 26, 2009. (Bower)
- 1A Report: Itemized Revenues/Expenditures of RDA's City Ctr. District and S. Pointe - March 2009.

Meeting called to order at 9:42:11 a.m.

Invocation given by Rabbi Geller, from Temple Emanu EL

Pledge of Allegiance led by Robert J. Borrello, Esq.

ADDENDUM:

Motion made by Commissioner Diaz to add items C4H, R9M, R9N, and R10, as emergency items to the Commission Agenda; seconded by Commissioner Weithorn; Voice vote: 7-0.

SUPPLEMENTAL MATERIALS:

C4G - Ordinance
C7F - Letter Agreement
R7E - Resolution

Presentations and Awards**10:20:00 a.m.**

PA1 Certificate Of Appreciation To Be Presented To Robert Mulcahy Of Parks And Recreation Department, For His Excellent Customer Service And Treatment Of The Public.
(Requested by Commissioner Victor M. Diaz, Jr.)

ACTION: Certificate presented.

Commissioner Diaz introduced the item. He explained that a recent Customer Survey resulted in an increase from 79% to 85% of citizen satisfaction and he commended the City Manager and all employees for their continued efforts. He recognized Mr. Mulcahy for his courtesy and professionalism in customer service and overall positive attitude and for being a credit to the City. He also recognized his girlfriend Sabrina in the audience.

Kevin Smith, Parks & Recreation Director, spoke.

Robert Mulcahy, Parks Recreation Supervisor, spoke.

9:47:44 a.m.

PA2 Certificates Of Recognition To Be Presented To Students, Teachers And Staff Of Miami-Dade County Schools For The 2008-2009 School Year.
(Requested by Mayor Matti Herrera Bower)

ACTION: Certificates presented.

Mayor Bower introduced the item and recognized Gerald Burnstein, representing Martin Karp and Marcus Moran. He also recognized the recipients: from **Biscayne Elementary School**, Lisa Echeverry, Honor Roll student, United Way Ambassador, Najlaa Carolina Febres, Science Fair, First Place Winner, Lucas Manos, Honor Roll student, Biscayne's Chess Club, Anna Maria Nuryasin, Outstanding Performance, Alexandra Soriano, Honor Roll Student, Patrol, Kiwanis Kids, and Franco Paziente, Patrol; **Teachers and Staff**, Toniann Arenas, Biscayne's Teacher of the Year, Anthea Austin, Reading Leader, Jonathan Bogos, EESAC Chair, Roslyn Jaffe, Guidance Counselor, Jane Kendrick, Media Specialist, Catherine Lopez, EEAC Chair, Rosibel Mena, PTSA, Dr. Maria T. Rodriguez, Biscayne's Rookie Principal Par Excellence, Dr. Krmenchu Sanrana Vega, Community School Assistant Principal and Nelson Villatoro, PTSA and Judith Mager, retiring after 30 years.

From **Treasure Island Elementary School**, Matias Aranguiz, Third Grade/Poster Winner for the Law Day Contest, Facundo Morales, Outstanding Green Club Member, Oscar Ortiz, District Wide Most Improved student with a disability; Prianca Reza, Sixth Grade/EESAC Student Representative, and Lenny Soto, Outstanding Green Club Member; **Teachers and Staff**, Toniann Diaz, PTA President, Gretel Macias, Teacher of the Year, Jessica Maione, Volunteer of the Year, Jennifer Styer, Rookie Teacher of the Year and Elestine Allen, Retiree.

From **North Beach Elementary School** students Alessandro D'Urso, Student Second Place District Science & Engineering Comp grade 4; Santiago Holtz, Student Second Place District Science & Engineering Comp Grade 5, Millie Rogers, Student EESAC, Lara Soto, Student EESAC, and Daniel Wax, Student Second Place Miami-Dade County Elementary Spelling Bee; **Teachers and Staff**,

Ivette Borrello, PTA President, Cohen Family, Family of the Year, Marina Gallian, Friend's President, Billie Little, Parent of The Year and Robert Spagnola, Teacher of the Year.

From **Fienberg-Fisher K-8 Center**, students Nicole Barquin, FCAT Writes, Alexa Benefield, 7th Grade Science Fair Winner, Kiera Colmex, FCAT Writes, Jhan Guzmanciera Singleton, 8th Grade Science Fair Winner and Ciera Singleton, FCAT Writes; **Teachers and Staff**, Aurora Adamski, Teacher of the Year, Sandy Aruajo-Cox, PTA President, Jesus Camps, Parent Volunteer of the Year, Michael Erwin, EESAC Chairperson and Orchestra Director, Michael Khatmor, PTA Vice-President, Rebecca Thomas, Rookie Teacher of the Year, and Olga Figueras, Retiring Principal. She recognized the dedication and tireless efforts of Olga Figueras for her contributions in bringing the health clinic to school. She was recognized her also for bringing the day care facility in that community and for all her accomplishments she was commended and wished her well although she is not in the audience.

From **Bay Harbor Elementary School**; students: Matias Aranguiz, Outstanding Student, Generis Ramirez, Student Council, Aileen Suarez, Robotics Winner, Christopher Ward, First Place Winner Science Fair, **Teachers and Staff**, Toni Carraway, Teacher of the Year, Gladys Bucalo-Elayne Weisburd, Nominee, Marcella Gallegos, PTA President and Retiree Teacher, Elayne Armao, Arlene Ortenzo, Retiring Principal and Roxanne Zusmer, Retiring Counselor.

From **South Pointe Elementary School**, students: Emma Broad, Student Designer of the South Pointe Elementary School Flag, Maia Litzenberg, Student Winner of the Democracy Essay Contest, Gabriela Zegarra, Student Designer of the South Pointe Elementary School Flag and Erica Yedwab, Student; **Teachers and Staff**, Betty Arsenaul, Outstanding Teacher, and PTA members Geane Brito, Christine Elortegui,, Dana Grodin,, Shirley Hendrickson, Elayne Weisburd Nominee, Anne Litzenberg, Merly Negron, Carmen Santamarina, PTA President, Andrea Siqueiros, April Teboe and Jenny Yedwab and Nelson Pomares retiring after 17 years of service.

From **Nautilus Middle School** students: Daniel Cohen, Outstanding 8th Grade Student, Alejandro Leal, Outstanding Student, Samantha Morgan, Outstanding Student, Joshua Rosenstein, Outstanding Student, **Teachers and Staff**, Judyth Billig, IB/NIAC Coordinator, Jolie Cunningham, Teacher of the Year; Lauren Radick, PTSA President, Michael Smith, PTSA President, Connie Swain, EESAC Chair and Dominique Tuck, NJHS Treasurer.

From **Miami Beach Senior High School**, students: Taylor Calibo, Congressional Medal of Merit, Lilian Candelaria, Student Government Secretary, Vanessa Casal, Senior Class President, Lexi Kingman, Student Government President, Darren Richmond, Student Volunteer of the Year, and **Teachers and Staff**, Rita Fernandez-Roldan, Volunteer of the Year, Patricia Kane, Volunteer Hall of Fame, David Reese, Teacher of the Year and Karen Rivo, PTSA President.

Handout or References Materials;

1. List of students and teachers from different schools

10: 30:45 a.m.

PA3 Certificates Of Appreciation To Be Presented To Captain Larry Bornstein, Manager Clarise Ferguson And Manager Jennifer Jenkins Of The Miami Beach Police Department, For The Winning The Law Enforcement Officer Support Award As A Result Of Implementing A State Of The Art Communications Center.

(Police Department)

ACTION: Certificates presented.

Police Chief Carlos Noriega recognized these individuals and explained that they are being recognized for the incredible job they did last year with the Public Safety Communications Center, which was completely renovated and updated, and is now a state-of-the-art center.

Captain Larry Bornstein thanked everyone for their support, and recognized Assistant Police Chief Martinez for letting them see their vision through; also John Toledo and his team from Property Management for being there day after day. He also thanked Steve Sawicki and Rafael Vitali from Information Technology who saw this project through.

Commissioner Libbin stated that this is something that probably went unnoticed by the citizenry, but to have gone through what was a major disruption and turmoil in the Call Center is a credit to the great job that Captain Bornstein and his team did, and also IT and all the different departments that interfaced to get it done.

Vice-Mayor Tobin added that Captain Bornstein has been volunteering for the Police Department since he was 13 years old.

10:33:59 a.m.

PA4 Certificates Of Appreciation To Be Presented To Police Officer Deborah Doty And Police Officer Jennifer Velazquez Of The Miami Beach Police Department, For Coordinating And Managing The Take Your Child To Work Day Event For The Entire City.

(Police Department)

ACTION: Certificates presented.

Police Chief Carlos Noriega introduced Police Officer Deborah Doty and recognized her for her efforts in coordinating Take Your Child To Work Day Event, along with assistance from Jennifer Velazquez and Judy Hernandez. He added that over 400 children came out that day and had a great experience. He congratulated Officer Doty.

Police Officer Deborah Doty thanked the City Commission for allowing this event to take place annually and appreciates this day to show their children how much they work and what they do. She looks forward to continuing with this event.

Commissioner Diaz stated that he has been at several community meetings and Officer Doty is also an ardent activist and she does a very good job.

10:37:09 a.m.

- PA5 Certificates Of Appreciation To Be Presented To Miami Beach Police Department Police Officer Harry Morgan, Retired Sergeant Joe Mathews And Police Officer Bernie Winer For Their Participation In The North Beach Elementary School Child Safety Program.
(Police Department)

ACTION: Certificates presented.

Police Chief Carlos Noriega introduced the item.

Mayor Bower stated that she attended an event at North Beach and it was wonderful; all the Kindergarten children were DNA processed and digital fingerprinting, which is accepted by the FBI, and added that hopefully this can be done for all children.

Police Chief Carlos Noriega announced that since the initial kick-off, they had processed all kindergarten classes in all Miami Beach schools and it is a great opportunity to open up a dialog between kids and their parents about child safety. He stated that Bernie Weiner has been instrumental with retired Police Sergeant Joe Mathews to make sure this program continues.

Bernie Weiner stated that all that has been accomplished could not be done without the support of the City of Miami Beach and the Parks and Recreation Department and donors. He announced a new program which Jose Smith, City Attorney, who was a PAL coach many years ago, has generously offered a scholarship of \$5,000 with matching funds from the Bal Harbor Police Department, PAL and hopefully the City of Miami Beach, to offer a \$20,000 scholarship to students residents of Miami Beach. He explained the DNA program and added that funds had been raised to offer this program to every first and second grader in the elementary schools in the City, and are raising additional funds to continue by having individuals to Adopt-A-Classroom.

Retired Sergeant Joe Mathews explained how he developed the DNA life print kit program, and how John Walsh encouraged distributing these kits. He thanked Chief Noriega and PAL for their support. The program is compatible with the FBI data bank with DNA, fingerprinting and photograph. Miami Beach is the first City in the United States to do this program. He thanked the following sponsors: CWA, Brothers Vending and Beach Towing, for their generosity and contributions towards this program and Take Children To Work Day Event.

10:28:04 a.m.

- PA6 Certificate Of Appreciation To Be Presented To AYUDA, Inc., For Their Continued Support And Great Services Rendered To The City Of Miami Beach Community.
(Requested by Commissioner Saul Gross)

ACTION: Certificate presented.

Commissioner Gross introduced the item and recognized AYUDA for all they do in the community, particularly in the efforts in the healthcare field.

DeAnne Graham, Chairman of the Board of AYUDA, thanked the City Commission for the recognition.

10:46:03 a.m.

PA7 Proclamation To Be Presented In Honor Of National Public Works Week.
(City Manager's Office)

ACTION: Proclamation presented.

Jorge Gonzalez, City Manager, introduced the item.

Robert Middaugh, Assistant City Manager and Interim Public Works Director, explained that this week was designated as National Public Works Week to recognize the Public Works professionals. The theme this year is revitalize, reinvent and renew. He recognized the Public Works staff and stated that they represent a variety of professions and specialties, from registered engineers and surveyors, to technicians, environmental specialist, to street workers, contractors, mechanics, sanitation and municipal service workers, as well as operations supervisory staff. He recognized Fred Beckman.

11:22:17 a.m.

PA8 Proclamation To Be Presented In Honor Of National Tourism Week.
(Requested by Mayor Bower)

ACTION: Proclamation presented.

Mayor Bower presented William D. Talbert III, GMCVB President & CEO, with the proclamation proclaiming this week National Tourism Week.

City Clerk's note: See Agenda Item R9M

Handout or Reference Materials:

1. Greater Miami Convention & Visitors Bureau postcard

CONSENT AGENDA

ACTION: Motion made by Commissioner Weithorn to approve the Consent Agenda, except for C6B(1) and (7), C7J and C7F ; seconded by Commissioner Diaz; Voice vote: 7-0.

11:27:05 a.m.**New item:**

Vice-Mayor Tobin, asking for clarification, stated that when minutes (C6 items) are approved it does not mean the Commission is approving an action.

Commissioner Wolfson stated that if an item in the minutes is going to cause some type of action it should be highlighted.

Commissioner Diaz asked the City Attorney how this can be structured.

Jose Smith, City Attorney, stated that he would incorporate that policy regarding Commission Committee minutes into a resolution. **Legal Department to handle.**

C2 - Competitive Bid Reports

- C2A Request For Approval To Issue A Request For Proposals (RFP) For Implementation Of A Software System To Replace The Current Software Being Used To Support The Building Development Process.

(Building Department)

ACTION: Request authorized: Gus Lopez to issue the RFP. Alex Rey to handle.

- C2B Request For Approval To Award Contracts To Superior Landscaping & Lawn Service, Inc. As Primary Vendor, And ValleyCrest Landscape Maintenance, Inc. As Secondary Vendor, Pursuant To Invitation To Bid No. 19-08/09, For Grounds Maintenance Service For South Pointe Park, In The Annual Amount Of \$144,200.

(Parks & Recreation)

ACTION: Request authorized: Kevin Smith to handle.

C4 - Commission Committee Assignments

- C4A Referral To The Finance And Citywide Projects Committee - Report On The Par 3 Golf Course.
(Capital Improvement Projects)

ACTION: Referred. Patricia Walker to place on the committee agenda. Fred Beckmann/Charles Carreño to handle.

- C4B Referral To The Land Use And Development Committee – Discussion Regarding The 4th Quarter 2008 And 1st Quarter 2009 Noise Reports.

(Requested by Commissioner Jonah Wolfson)

ACTION: Referred. Jorge Gomez to place on the committee agenda. Hilda Fernandez to handle.

- C4C Referral To The Land Use And Development Committee – Discussion Regarding The Property Located At 1001 West 46th Street, As Well As How The City Can Prevent Institutional Uses In Single-Family Neighborhoods In The Future.

(Requested by Commissioner Jonah Wolfson)

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

- C4D Referral To The Finance And Citywide Projects Committee - Discussion Regarding Allowing A Retiree To Change His Pension Beneficiary.

(Requested by Vice-Mayor Edward L. Tobin)

ACTION: Referred. Patricia Walker to place on the committee agenda. Ramiro Inguanzo to handle.

- C4E Referral To The Neighborhoods/Community Affairs Committee – Discussion To Establish An “Adopt A Beach” Program.

(Requested by Commissioner Jerry Libbin)

ACTION: Referred. Randi MacBride to place on the committee agenda. Fred Beckmann to handle.

- C4F Referral To The Neighborhoods/Community Affairs Committee – Discussion To Place The Wine And Food Festival On A Rotating Schedule.

(Requested by Commissioner Jerry Libbin)

ACTION: Referred. Randi MacBride to place on the committee agenda. Max Sklar to handle.

SUPPLEMENTAL MATERIALS: ORDINANCE

- C4G Referral To The Neighborhoods/Community Affairs Committee - An Ordinance Amending Chapter 46 Of The Miami Beach City Code, Entitled “Environment,” By Amending Article III, Entitled “Litter,” By Amending Section 46-92, Entitled “Throwing Litter In Public Places; Possession Of Glass Or Metal Containers On Beaches Unlawful; Sweeping Or Throwing Litter In Gutters; Garbage Containers Required For Take-Out Restaurants; Rebuttable Presumptions; Civil Fines For Violations; Seizure; Removal; Definition Of Litter,” By Amending The Definition Of Litter, The Fines And Penalties For A Violation Of Section 46-92, And Amending The Provisions Regarding Enforcement By Code Compliance Officers; Providing For Repealer; Severability; Codification; And An Effective Date.

(Requested by Commissioner Jerry Libbin/City Attorney’s Office)

ACTION: Referred. Item separated for comments by Commissioner Libbin. Randi MacBride to place on the committee agenda. Legal Department to handle.

Commissioner Libbin announced that the meeting will be held on May 18th at 2:30 p.m., and this item is a discussion to strengthen the City’s litter laws and how they are enforced in the City.

Addendum:

- C4H Referral To The Finance And Citywide Projects Committee Of A Proposal To Select BEA Architects, From The City’s Architectural/Engineering Rotational List For The Planning, Design And Construction Administration Of The Bandshell Park And The Planning Coordination Associated With The Development Of The Various Projects At The North Shore Bandshell Park Site.

(Capital Improvement Projects)

ACTION: Referred. Patricia Walker to place on the committee agenda. Fred Beckmann/Charles Carreño to handle.

C6 - Commission Committee Reports

C6A Report Of The Capital Improvement Projects Oversight Committee Meeting On April 6, 2009: **1)** Attendance; **2)** Review And Acceptance Of Minutes; **3)** Public Comments; **4)** Consent Agenda: Items For Commission; 4A) 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, Funding For This Amendment Has Been Previously Appropriated 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 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; 4B) A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 20, In A Not To Exceed Amount Of \$803,185, To An Existing Agreement Between The City Of Miami Beach And Camp, Dresser & McKee, Inc. (CDM), Dated July 8, 1992, For Professional Engineering Services For The Upgrade Of Sewer & Water Pumping Stations And A New Pumping Station On Mac Arthur Causeway, To Provide Program Management, Construction Administration, General Engineering And Architectural Services During Construction, Resident Project Representation And Special Inspector Services For The South Pointe Booster Pump Station Project; **5)** Old Business: 5A) CIP Project Status Report; CIP Projects; Public Works-Managed Capital-Funded Projects; Recent Completion Ceremonies (South Pointe Park Grand Opening/Flagler Memorial At Monument Island); 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) Stillwater Drive Sub-Committee; 6B) ITB Minimum Qualifications Sub-Committee; 6C) Flamingo Neighborhood Project Sub-Committee; **7)** Proposed BODR Change: Biscayne Point Neighborhood Improvement Project; **8)** Staff Action Report; **9)** Calendar; **10)** Adjournment.

ACTION:**Item 1:**

ATTENDANCE – see attendance form at end of summary

Item 2:**REVIEW AND ACCEPTANCE OF MINUTES**

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

MOVED: Fred Karlton 2nd: Stacy Kilroy

PASSED

Item 3:**PUBLIC COMMENTS**

No members of the public came forward.

Item 4:**CONSENT AGENDA: ITEMS FOR COMMISSION**

Execute Amendment No. 2 with KVC Constructors, Inc.

MOTION: To recommend to City Commission that the City send the Scott Rakow Phase II Remodeling and Renovation Project out for re-bid.

MOVED: Dwight Kraai 2nd: Fred Karlton

IN FAVOR: 3 (F. Karlton, E. Agazim, D. Kraai)

OPPOSED: 5 (C. Cuervo, R. Kendle, S. Kilroy, I. Magrisso, M. Bower)

FAILED

Execute Amendment No. 20, In A Not To Exceed Amount Of \$803,185, To An Existing Agreement Between The City Of Miami Beach And Camp, Dresser & McKee, Inc

MOTION: To recommend to City Commission that they approve the item

MOVED: Rick Kendle 2nd: Fred Karlton

PASSED

Item 5:

OLD BUSINESS

CIP Project Status Report

Construction Update: Normandy Shores Neighborhood Improvement Project

Status Report: Venetian Island Neighborhood Improvement Project

SUB-COMMITTEE ACTION:

The Flood Mitigation Sub-Committee will work on a recommendation to establish a policy for adding drainage components in non-priority basin neighborhoods.

MOTION: Recommend to City Commission to amend the BODR for the Venetian Islands Neighborhood Improvement Project to reflect the suggestions presented by the HOA (to utilize the funding already allocated and to supplement for additional work to include revisions), and for staff to place a referral on the April 22 Commission meeting to go to Finance and Citywide Projects Committee.

MOVED: Fred Karlton 2nd: Erik Agazim

NOTE: The addition of water lines will have to be brought before Commission to see if the policy for replacement needs to be revised.

Commissioner Ed Tobin spoke from the podium before the vote was taken. He suggested asking the Commission to approve the motion and sending out to bid without going to Finance. Mr. Karlton agreed.

MOTION RE-ITERATED: Direct staff to prepare the item authorizing the issuance of an RFQ that would be consistent with the wishes of the Venetian Island HOA, to go to City Commission. City Commission is to decide if the item is to be referred to Finance and Citywide Projects Committee.

Tim Hemstreet clarified that staff will prepare the item authorizing staff to prepare an RFQ for Commission to hear April 22, 2009. Staff will not prepare the RFQ before direction from Commission.

MOVED: Fred Karlton 2nd: Rick Kendle

PASSED

Status Report: Sunset Islands I & II

Status Report: 44th Street & Royal Palm Avenue Drainage Improvements

Fernando Vazquez, City Engineer, stated that the City is developing a design criteria package (80% complete at the time of the meeting). The item will be taken to the Finance Committee (April 14). If deemed a viable project by Finance and referred to Commission, then approved by Commission, the City would then issue and ITB for a design/build project.

Status Report: Normandy Shores Golf Course Clubhouse

I & I Report

Robert Middaugh, Acting Director of Public Works, said that he was prepared to present a verbal

report, but will provide a summary memo for review by CIPOC and would come back to answer any questions at the next meeting on May 4.

SUB-COMMITTEE MEETING REPORTS

Stillwater Drive Sub-Committee

See Item re: BODR Changes to Biscayne Point Neighborhood Project

ITB Minimum Qualifications Sub-Committee

Flamingo Neighborhood Sub-Committee

Rick Kendle, Sub-Committee Chair, explained that the sub-committee has decided that design-build would be the best construction model for this project.

STAFF ACTION: Gus Lopez will bring a list of those contractors identified as able to meet the bond for this project.

Denis Russ, (945 Pennsylvania Avenue) of the Flamingo Neighborhood Association, stated that he understands that the staff is creating a draft RFP, and asked that if the CIPOC identifies any needed changes, to please bring that up soon so that this project can progress.

If CIPOC wants to make a recommendation to add lineal feet of water line, it is a decision that has to be made by Commission. The policy is Citywide, not on a neighborhood ad-hoc basis.

STAFF ACTION: Provide a set of the Flamingo Neighborhood plans to those CIPOC members who wish to see them.

The Sub-Committee will continue to look at the development of pursuing this project as design-build, of including West Avenue in the plans, and eventually, the project phasing.

PROPOSED BODR CHANGES: BISCAYNE POINT NEIGHBORHOOD IMPROVEMENT PROJECT

Two parts of the project, in two sub-neighborhoods were re-visited because residents asked for changes to the proposed BODR.

The residents on Stillwater Drive, through a process facilitated by the Stillwater Sub-Committee, have asked to eliminate the inclusion of full swales. The new proposal now includes smaller bulb-outs and a strip of pavers along a curb. This new design will not result in additional cost to the City.

The Biscayne Point Island HOA has asked for the entrance obelisk to remain, and the owners on either side of the entrance to the bridge oppose the inclusion of walls and pergolas, which is against the approved design in the BODR. This needs to be taken back to the HOAs for a decision.

STAFF ACTION: Come to an agreement with the residents in Biscayne Beach who are directly affected, and bring back to CIPOC for recommendation of action to Commission.

MOTION: To accept the Stillwater Drive Changes and bring it to Commission for approval of the change to the Biscayne Point Neighborhood Project BODR.

MOVED: Fred Karlton^{2nd}: Rick Kendle

PASSED

ADJOURNMENT: The meeting was adjourned at 8:08pm

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

7:07:15 p.m.

C6B Report Of The Finance And Citywide Projects Committee Meeting On April 14, 2009: **1)** Discussion Regarding Status, Design And Budget For The New World Symphony Parking Garage And Park; **2)** Presentation Of Flamingo Park Revised "Draft" Master Plan For Approval; **3)** Presentation By TCBA Watson Rice LLP Regarding Building Department Organizational And Operational Review And Analysis; **4)** Analysis Of Fire Department Unanticipated Leave Usage And Overtime - 2nd Quarter FY 2008/09; **5)** Drainage Improvements On 44th And Royal; **6)** 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; **7)** 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; **8)** Little Stage Theater Complex Basis Of Design Report; **9)** Discussion Regarding Authorization Of The Neighborhood Vote For The Palm And Hibiscus Island Undergrounding Projects.

City Clerk's Note:**CITY COMMISSION ACTION:**

Item C6B (1) and (7) separated by Commissioner Diaz.

7:47:33 p.m.**Item C6B(1)**

Commissioner Diaz reported on conversations with Frank Gehry and the City Manager, pursuant to direction of the City Commission; his original intent was to do something architectural unique and that would revolutionize the way people listen to classic music and it was a joint dream of him and Michael Tilson-Thomas; however, he is no longer willing to do that. He was upset and felt personally maligned by some of the comments made. He did not feel that the City had all the facts and that the negative publicity has been reported on internationally. However, he is not abandoning the project, and he will consult and advice whoever is selected to do the park, for free.

Motion made by Commissioner Diaz to accept the report; seconded by Commissioner Gross; Voice-vote: 6-0; Absent: Vice-Mayor Tobin.

Jorge Gonzalez, City Manager, stated that the deadline for the RFQ process is June 1st and the Administration will bring back the short list with the final selection and recommendation subsequently to this Commission.

7:41:06 p.m.**C6B (7) See Agenda item R9H.**

Discussion held. Item heard in conjunction with item C6B7.

Motion made by Commissioner Gross to direct the City Administration to reopen discussions with Smith & Wollensky based on imposing the operational conditions and to come to a reasonable accommodation with the rent; seconded by Commissioner Wolfson; Voice-vote: 6-0; Absent: Vice-Mayor Tobin. **Anna Parekh to handle.**

Motion made by Commissioner Diaz to accept Report C6B; seconded by Commissioner Diaz, Voice vote: 6-0; absent: Vice-Mayor Tobin.

End of City Commission action.

ACTION:**Item No. 1:**

The Committee recommends that the garage budget be approved at the April 22, 2009 Commission meeting.

The Committee also supports the approval of the 2nd addendum to the Development Agreement and modifies it to include deductive-alternates that allow for the reduction of one parking level and the reduction of the number of elevators from 4 to 3.

It is also recommended that the consideration of waiving the Gehry Partners "key man" clause be postponed until May. NWS is also to continue to negotiate with Gehry Partners on their fee for a design-build concept for the park.

City Clerk's Note: Agenda item R7D - April 22, 2009

Item No. 2:

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

Analyze the options for perimeter fencing, as far as what type and costs of fencing will be used and where will it be located.

Explore the possibility of moving the existing bathroom facility on the north side near the soccer field, closer to the spine or just north of the handball courts. The bathroom facility is to be demolished and rebuilt to include a park office of 200 square feet.

The new smaller Tennis Center is to be shifted north so that it is centered with the pool building entrance.

Define a possible use for the Lodge building to accommodate a community space.

Add an enhanced rotunda plaza entry off the tennis center and the pool facility.

Examine the possibility of including a skate park or plaza off the pedestrian spine and north of the basketball courts and the handball courts.

City Clerk's Note: Fred Beckmann/Charles Carreño to handle

Item No. 3:

Item Deferred

Item No. 4:

Item Deferred

Item No. 5:

Item Deferred

Item No. 6:

Item Deferred

Item No. 7:

The Committee recommended that staff review the current lease and the concession agreement and modify by adding the following to the concession agreement:

Include a maintenance schedule to keep the cutwalk area clean.

Incorporate the sidewalk café ordinance requirements and impose fines for violations and blocking of the walkway.

Request for a set number of special events permit not be included in the concession agreement; to be considered on a case by case basis.

Improve the minimum base rent.

Glass is not to be used in the cutwalk area and should only be used when seated at a table.

Create a queuing area for waiting customers.

The City is to have the flexibility to modify the seating plan at its discretion.

City Clerk's Note: See Agenda item R9L

Item No. 8:

Item Deferred

Item No. 9:

The Committee recommended that, upon securing financing for the project, the City Commission adopt the first resolution and require that 60% of the folios of each proposed special assessment district vote in favor of the creation of the districts as a condition for advancing the undergrounding project.

City Clerk's Note: See Agenda item C7D

- C6C Report Of The Neighborhoods/Community Affairs Committee On April 15, 2009: **1)** Update On Art In Public Places Program, Specifically The Third Street And Washington Avenue Project, "Red Sea Road," And Future Projects; **2)** Discussion Regarding Conducting The General Elections And Run-Off Election A Minimum Of Three (3) Weeks Apart; **3)** Discussion Regarding Requests Of The Alton Road Homeowners Association Regarding Desired Upgrades; **4)** Discussion On The City Of Miami Beach Draft Traffic Calming Manual; **5)** Discussion Regarding Amendments To The Graffiti Ordinance; **6)** Discussion Regarding What The City Is Doing, And What it Can Do, To Mitigate The Unsightliness Of Idle Construction Sites; **7)** Discussion Regarding A Resolution Authorizing The City Administration And City Attorneys Office To Prepare An Ordinance Making The Mayor's Gay Business Development Committee, Which Is Currently An Ad Hoc Committee, Into A Standing City Committee, To Be Known As The City Of Miami Beach Gay, Lesbian, Bisexual And Transgender (GLBT) Community Relations Committee; Further Including The Initial Terms For Establishment, As Set Forth In The Resolution; And Extending The Duration Of The Mayor's Gay Business Development Committee (Commencing Retroactively On March 15, 2009) Until Such Time As The Mayor And City Commission Approve The Ordinance Establishing The GLBT Community Relations Committee On Second And Final Reading; **8)** Discussion Regarding The Issue Of Dogs Off Leash In City Parks And Other Public Properties In General.

ACTION:

Item No. 1:

The committee made no motion.

Item No. 2:

The committee made no motion.

Item No. 3:

The committee moved to adopt all of the requests of the Alton Road HOA and direct staff to do whatever needs to be done to get these requests in front of FDOT and ask FDOT to get these done for us. He also asked to have the State Lobbyist to help with these requests and have Mr. Latt to provide an inventory of the trees.

City Clerk's Note: Fred Beckmann to handle

Item No. 4:

The item was not reached and was deferred to the next meeting of the Neighborhoods/Community Affairs Committee.

Item No. 5:

The committee moved to pass the ordinance to second reading and discuss the issue of acid etching at the next meeting of the Neighborhoods/Community Affairs Committee.

City Clerk's Note: See Agenda item R5G

Item No.6:

The committee moved to recommend to the City Commission items 2-10, 12 and 13 as listed in the *Proposed Legislative Recommendations* section of the memo included in this committee's agenda package and the last meeting of the Land Use Committee, and deleting the request for the posting of a bond as a funding option and to not apply the chain link fence to vacant residential lots.

City Clerk's Note: Alex Rey to handle

Item No. 7:

The committee moved to have a fifteen member committee with the commissioners each appointing two members and the mayor appointing three members.

City Clerk's Note: See Agenda item R5A

Item No. 8:

The committee moved to refer the plan as presented in the agenda that includes a fenced in area that is done in an aesthetically pleasing way so that the fence is covered up by landscaping, to the May 2009 commission meeting, with a time certain set after 5:00pm.

City Clerk's Note: Hilda Fernandez to handle

C6D Report Of The Land Use And Development Committee On May 4, 2009: **1)** Discussion Regarding A Proposed Ordinance To Reduce The Parking Requirements For Convention Center Hotels; **2)** Discussion Regarding The Transportation Element Of The Comprehensive Plan; **3)** Discussion Regarding A Proposed Amendment To Chapter 12, Article II "Special Events" To Provide That Special Events Permits May Not Contravene The Provisions Of Part II Of The City Code – The Land Development Regulations, Or Orders Of The City's Land Use Boards, While Also Allowing The City Manager Or His Designee To Authorize Activities Consistent With The Intent Of Such Orders, But That May Deviate From Them In Certain Limited, Nonmaterial Temporary Ways, Subject To The Approval Of The Planning Director, Or His Designee; **4)** 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; **5)** Discussion On Temporary Parking Lots – Amendment To The Ten Year Limit (Two Ordinances); **6)** Discussion Regarding Voting Procedures For Appointments To The Land Use Boards And Clarification Of Categories For Membership On The Land Use Boards; **7)** Discussion On Proposed Changes To The I-1 Urban Light Industrial District; **8)** Discussion Regarding City Code Section 142-693 (b) And Other Land Development Regulations That Restrict Certain Uses On 5th Street And In The Redevelopment Area South Of 6th Street.

ACTION:

Item No. 1:

Motion Diaz/Gross (vote 3-0). The Committee instructed the Administration not to pursue this proposed ordinance any further. They instructed the administration to explore and study the parking requirements for hotels in general and propose any changes at a future time.

Item No. 2:

The Committee discussed the Policies and Objectives of the draft Transportation Element and provided staff with comments and amendments. The Committee requested that the Administration bring back the portion of the Element dealing with the Levels of Service (LOS) for further discussion and input at the June meeting of the Committee.

City Clerk's Note: Jorge Gomez to handle

Item No. 3:

Item not reached.

Item No. 4:

The Committee discussed this item and while supportive of the ordinance, requested that the item be brought back for further consideration at the June LUDC meeting, along with proposals by the Administration to improve the Special Master process as discussed.

City Clerk's Note: See Agenda item R5F

Item No. 5:

Item not reached.

Item No. 6:

Motion - Diaz / Wolfson (vote 3-0). Refer to the Planning Board and ordinance that clarifies some of the membership categories of the Land Development Review Boards. The Committee reviewed the membership requirements of the Planning Board, Design Review Board, Historic Preservation Board and the Board of Adjustment. The motion included, among other changes, the creation of two citizen-

at-large categories for the Planning Board, clarification of the registered architect and several other refinements to the various categories.

City Clerk's Note: See Agenda item R5D

Item No. 7:

Motion Diaz / Wolfson (vote 3-0). Refer to the Planning Board the proposed ordinance refining the I-1, Light Industrial District list of uses, as amended, for their review and recommendation to the full Commission.

City Clerk's Note: Jorge Gomez to handle

Item No. 8:

Motion Gross / Wolfson (vote 3-0). Refer to the Planning Board for their review and recommendation to the full Commission an ordinance amending the PS, Performance Standard District regulations allowing automobile showrooms and service under the following conditions: CPS-2 District, North of 5th Street only. Must be located in a building existing as of the passage of this ordinance. The showroom must be fully enclosed. The service area must be enclosed and not greater than 2,500 square feet with storage for no more than 30 vehicles. The storage area of vehicles on site shall be enclosed or not be visible from the right-of-way. The Committee also asked that the administration explore the possibility of making this ordinance available to alternative fuel vehicles only.

City Clerk's Note: Jorge Gomez to handle

C7 – Resolutions

- C7A A Resolution Authorizing The City Manager Or His Designee Approval To Submit The Following American Recovery And Reinvestment Act (ARRA) Applications For Funding: 1) Edward Byrne Competitive Grant Program For Police Department Staffing In The Amount Of \$2,904,474; And, 2) Edward Byrne Competitive Grant Program, For Funding To Reduce Crime Related To Vacant Properties, In The Amount Of \$415,366; And Requesting Approval To Submit The Following Non-ARRA Grant: 3) Florida Urban And Community Forestry Grant For Funds In The Amount Of \$20,000, For A Water Tank Vehicle; 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. 2009-27062 adopted. Patricia Walker to appropriate the funds if approved and accepted. Judy Hoanshelt to handle.

- C7B A Resolution Granting And Authorizing The Mayor And The City Clerk To Execute Eight (8) Individual Easements In Favor Of Florida Power And Light (FPL) For The Placement Of Transformers And Associated Underground Electrical Conduits That Serve Several Water And Wastewater Pump Stations Throughout The City For The Water And Waste Water Pump Stations Upgrades Project (WWWPSU), In Such Form As Shall Be Approved Satisfactory To The City Manager And The City Attorney's Office.

(Capital Improvement Projects)

ACTION: Resolution No. 2009-27063 adopted. Fred Beckmann/Charles Carreño to handle.

- C7C A Resolution Granting And Authorizing The Mayor And The City Clerk To Execute An Easement In Favor Of Florida Power And Light, As Required For The Placement Of Associated Underground Electrical Conduits That Serve The Multipurpose Municipal Parking Facility (MMPF), In Such Form As Shall Be Approved Satisfactory To The City Manager And The City Attorney's Office
(Capital Improvement Projects)

ACTION: Resolution No. 2009-27064 adopted. Fred Beckmann/Charles Carreño to handle.

- C7D A Resolution Endorsing, As Required Pursuant To Section 18-2 Of The Miami-Dade County Code, The Creation By Miami-Dade County Of A Special Taxing District For Palm Island And Hibiscus Island, Respectively, For The Undergrounding Of Overhead Utilities, Subject To And Contingent Upon Compliance With And Satisfaction Of The Requirements For The Creation Of Special Taxing Districts, As Set Forth In Chapter 18 Of The Miami-Dade County Code.
(Capital Improvement Projects)

ACTION: Resolution No. 2009-27065 adopted. Fred Beckmann/Charles Carreño to handle.

- C7E A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 11-08/09, For Investment Advisory Services; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, MBIA Municipal Investors Service Corporation; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, PFM Asset Management LLC; And Further Authorizing The Mayor And City Clerk To Execute An Agreement, Upon Conclusion Of Successful Negotiations
(Finance Department)

ACTION: Resolution No. 2009-27066 adopted. Patricia Walker to handle.

SUPPLEMENTAL MATERIALS: Letter Agreement

5:37:14 p.m.

- C7F A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement With Arquitectonica International Corporation, In An Amount Not To Exceed \$573,643, For The Design Of A Miami Beach Convention Center Campus Master Plan Pursuant To RFQ No. 31- 07/08; And Further Authorizing The City Manager To Execute A Letter Agreement With Miami-Dade County For Miami-Dade County General Obligation Bond Funds For The Professional Services Agreement With Arquitectonica.
(Tourism & Cultural Development)

ACTION: Item separated for discussion by Vice-Mayor Tobin and Commissioner Wolfson. Resolution No. 2009-27067 adopted as amended. Motion made by Commissioner Libbin; seconded by Commissioner Diaz; Voice vote: 6-1; Opposed: Commissioner Wolfson. Max Sklar to handle.

Amendment:

- 1) Add to the Resolution that the City will approve the agreement, subject to a Letter Agreement with Miami-Dade County indicating they will pay for the master plan.
- 2) Commissioner Weithorn added a friendly amendment to review the original Zyscovich's City Center Master Plans to make sure this study does not repeat something that has already been done.
- 3) Commissioner Gross offered a friendly amendment that the City has the opportunity during the study to cease at any time.

End

Commissioner Wolfson separated this item because it is over a half a million dollars and looks like the item has to do with soft costs.

Vice-Mayor Tobin stated that he will not vote for this item unless the City has secured a Letter Agreement from Miami-Dade County committing to the funding.

Jorge Gonzalez, City Manager, stated that he is working on the Letter Agreement. He recommended that the item be approved subject to the Letter Agreement.

Discussion held.

Commissioner Diaz stated that at every meeting with County staff, they continue to state that the City does not have a comprehensive vision or plan for the Convention Center. He requested that the Greater Miami Visitors and Convention Center consultants report be finalized. The County committed that when the City has a plan they will fully fund it. Miami-Dade County Mayor Alvarez, Chairman Moss, former Chairman Barreiro, and Commissioner Heyman have all made the funding commitment.

Commissioner Gross explained that in reality this Commission has been working on this issue for seven or eight years, and that vision has not matched the County's vision, and that is why the County has not moved forward with it. The City Manager now is in conversations with the County Manager and it seems that the two visions are coming closer together, and he would be interested to know what the immediate plan is, and to see if the County agrees to have the \$55 million be used to make improvements in the existing Convention Center.

Discussion continued.

Jorge Gonzalez, City Manager, added that this is being approached as a short and long term situation. The City has been able to change the conversation with regards to the ballroom from a short term goal to a long term goal. There are short term issues that need to be addressed and the County has agreed to explore the use of the \$55 million for the short term issues. This item is not about short term needs but long term vision. The County has indicated that they will give the City whatever it needs because they know the City doesn't have the plan. He also sees this plan as the way to extend the City Center RDA.

Discussion continued.

Motion made by Commissioner Libbin to approve the item; seconded by Commissioner Diaz; Voice vote: 7-0.

Vice-Mayor Tobin offered a friendly amendment to approve the item subject-to a letter agreement with Miami-Dade County indicating they will pay for the master plan.

Commissioner Weithorn also offered a friendly amendment to review the original Zyscovich's City Center Master Plans to make sure this study does not repeat something that has already been done.

Commissioner Gross offered a friendly amendment that the City has the opportunity during the study to cease at any time.

The friendly amendments were all accepted.

- C7G A Resolution Setting A Public Hearing On June 3, 2009 To Consider Revocable Permit Request By Mr. Ira M. Elegant, As Owner Of The Residential Property Located At 1360 North View Drive, To Retain The Northeastern Portion Of A Carport, Built Within And Over A Portion Of The Public Right-Of-Way Along North View Drive In Sunset Island No. 1 And Previously Permitted In 1986.
(Public Works)

ACTION: Resolution No. 2009-27068 adopted. Public Hearing scheduled for June 3, 2009. Robert Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. Robert Middaugh to handle.

- C7H A Resolution Approving And Authorizing The City Manager To Execute A Letter Agreement Between The City And Mystery Parks Arts Company, Inc. (D/B/A SOBE Music Institute Or SMI) Granting SMI The Temporary Revocable Use Of The Little Stage Theater; And Further Concurring With The Recommendation Of The City's Finance And Citywide Projects Committee At Its May 5, 2009 Meeting And Approving And Appropriating Funding, In An Amount Not To Exceed \$10,000, For Additional Capital Enhancements To The Theater, To Be Made By The City, From Previously Appropriated RDA City Center Fund 365 For A/E Services.
(Real Estate, Housing & Community Development)

ACTION: Resolution No. 2009-27069 adopted. Anna Parekh to handle.

6:01:38 p.m.

******C7I was moved to the Regular Agenda as item R7F**

- C7I A Resolution Authorizing The Mayor And City Clerk To Enter Into A Joint Participation Agreement With Miami-Dade County For The Construction Of The Venetian Causeway Streetscape Improvement Project.
(Public Works)

ACTION: Moved to the Regular Agenda as item R7F.

1:09:45 p.m.

C7J 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, Unit 4, 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)
(Deferred from April 22, 2009)

ACTION: Item separated by Commissioner Diaz and heard in conjunction with item R7A. Resolution 2009-27071 adopted. Motion made by Commissioner Gross; seconded by Commissioner Libbin; Voice vote 6-1; Opposed: Commissioner Diaz. Anna Parekh to handle.

C7K A Resolution Approving A Substantial Amendment To The 2008 Action Plan Filed With The U.S. Department Of Housing And Urban Development (HUD) For Use Of Funding From Title XII Of Division A Of The American Recovery And Reinvestment Act Of 2009 For The Homelessness Prevention And Rapid Re-Housing Program; Authorizing The City Manager To Execute An Agreement And Any And All Necessary Documents Between The City And The Department Of Housing And Urban Development In Order To Receive The Grant Funds; And Further Authorizing The Appropriation Of Federal Funds In The Amount Of \$715,418.

(Real Estate, Housing & Community Development)

ACTION: Resolution No. 2009-27072 adopted. Anna Parekh to handle.

End of Consent Agenda**REGULAR AGENDA****R2 - Competitive Bid Reports****1:56:31p.m.**

R2A Request For Approval To Issue A Request For Proposals (RFP) For Parking Cashiers, Attendants, And Supervisors For The City's Parking Garages.

(Parking Department)

ACTION: Request authorized with RFP Amendments. Motion made by Commissioner Libbin; seconded by Commissioner Diaz; Voice vote: 5-2; Opposed: Commissioners Gross and Wolfson. Gus Lopez to issue the RFP. Saul Frances to handle.

Amendments

1. Include the same criteria that was in the original RFP
2. Include in RFP a full-time human resource professional, enhanced management, customer service training program, motorist in distress program and uniforms (the full package of value added benefits)
3. The items will be included as the base and request a deductive cost for each element

End

Discussion held.

Commissioner Gross requested the dollar amount that the City will be forced to pay the current vendor when the RFP is brought back for approval of the City Commission. The City Commission needs to know what is going to cost to get out of the current contract before entering into a new contract. **Saul Frances to handle.**

Discussion continued.

Commissioner Gross stated that there were added value items Impark agreed to and recommended that for complete transparency that the new RFP require the same added value items.

Discussion continued.

Jorge Gonzalez, City Manager, stated that there is a list of requirements in the Commission Memorandum which include a full-time human resources professional, enhanced management, customer service training program, motorist in distress program, and uniforms (the full package of value added benefits). These items will be included as the base and request a deductive cost for each element.

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.

(Procurement)
(Deferred from April 22, 2009)

ACTION: Item withdrawn by the Administration.

Handout or Reference Materials:

1. Emails from Melissa Delgado [<mailto:mdelgado@MCMCORP.COM>] On Behalf Of Pedro Munilla dated May 12, 2009, to the City Commission RE: 09-0512 Letter from MCM re South Pointe Infrastructure Improvements, Phases III, IV & V (the "Project") with letter attached.
2. Letter to Mayor Matti Herrera Bower Sent Via E-Mail and Facsimile from Pedro R. Munilla, MCM, dated May 12, 2009 RE: South Pointe Infrastructure Improvements, Phases III, IV & V (the "Project")

2:12:35 p.m.

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

ACTION: Request authorized. Motion made by Vice-Mayor Tobin; seconded by Commissioner Libbin; Voice vote: 7-0. Fred Beckmann/Charles Carreño to handle.

Jorge Gonzalez, City Manager, introduced the item and explained that his recommendation is to award the contract to the lowest, responsible bidder, John Moriarty & Associates, with a total bid of \$1.9 million, which is about \$600,000 less than the lowest bidder from the previous round of bidding. The first round of bids were rejected and a new ITB was issued.

R5 - Ordinances

11:31:25 a.m.

R5A An Ordinance Amending Chapter 2, Article III, Of The Miami Beach City Code, Entitled "Agencies, Boards And Committees," By Creating Division 32, Entitled "Gay, Lesbian, Bisexual And Transgender (GLBT) Business Enhancement Committee," And Sections 2-190.144 Through 2-190.147 Thereto; And Providing For Codification, Repealer, Severability, And An Effective Date. **10:15 a.m. Second Reading, Public Hearing.**

(Requested by Mayor Matti Herrera Bower/City Attorney's Office)
(First Reading on April 22, 2009)

ACTION: Public Hearing held. Ordinance No. 2009-3635 adopted. Motion made by Commissioner Diaz; seconded by Commissioner Weithorn; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. R. Parcher to update the Board and Committee information.

City Clerk's note: Rebecca Wakefield, Aide to Mayor Bower, will be the committee liaison

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 535

11:32:56 a.m.

R5B An Ordinance Amending Chapter 14 Of The City Code, Entitled "Building Regulations," By Amending Article II, Entitled "Construction Standards," By Amending Division 1, Entitled "Generally," By Amending Section 14-403, Entitled "Penalty For Violation Of Article," To Provide For The Enforcement Of Non-Functioning Wheelchair Lifts By Citation; And Amending Section 14-444, Entitled "Schedule Of Violation Fines," By Adding A Citation And Fine Schedule For The Enforcement Of Non-Functioning Wheelchair Lifts; Providing For Codification, Repealer, Severability, And An Effective Date. **10:20 a.m. Second Reading, Public Hearing.**

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

ACTION: Public Hearing held. Ordinance No. 2009-3636 adopted. Motion made by Commissioner Diaz; seconded by Commissioner Weithorn; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code and notify Special Masters. Alex Rey to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 535

11:34:14 a.m.

R5C Lot Split Criteria
An Ordinance Amending City Code Chapter 118, "Administration And Review Procedures," Article VII, "Division Of Land/Lot Split," Section 118-321, "Purpose, Standards And Procedures," By Amending The Review Criteria For Requests For A Division Of Land/Lot Split To Include A Criterion That Considers The Impacts And Mitigation Of The Proposed Lot Split On The Architectural Significance Or Historic Value Of Existing Homes; Providing For Repealer, Severability, Codification And An Effective Date. **10:25 a.m. Second Reading, Public Hearing**

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

ACTION: Public Hearing held. Ordinance No. 2009-3637 adopted. Motion made by Commissioner Diaz; seconded by Commissioner Gross; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Jorge Gomez to handle.

Commissioner Diaz stated that this is a compromise that has been worked out, but he would have liked the ordinance to have included protection for all homes not just homes just homes built prior to 1942 but this is a good compromise.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 535

11:35:48 a.m.

R5D Recusals & Absences For Land Use Board Members

An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 118, "Administrative And Review Procedures," Article II, "Boards," Division 2, "Planning Board," Section 118-52, "Meetings And Procedures;" Division 3, "Design Review Board," Section 118-74, "Removal;" Division 4, "Historic Preservation Board," Section 118-105, "Removal;" Division 5, "Board Of Adjustment," Section 118-133, "Removal," To Harmonize The Permitted Number Of Absences And Recusals For Land Use Board Members; Providing For Repealer; Codification; Severability And An Effective Date. **10:30 a.m. Second Reading, Public Hearing.**

(Planning Department)

(First Reading on April 22, 2009)

ACTION: Public Hearing held. Ordinance No. 2009-3638 adopted as amended. Motion made by Commissioner Libbin; seconded by Commissioner Diaz to limit the recusals to four (4) a year for the Land Use Boards; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Jorge Gomez to handle.

Amendment

Section 118-74(a)(2) from 3 to 4

End

City Clerk's note: The City Commission took other actions. See below.

Gary Appel, Planning Board member, spoke.

Discussion held.

Commissioner Wolfson suggested that the City Commission, in terms of recusals, should impose the same criteria on the City Commission as it imposes on the boards.

Discussion continued.

Commissioner Diaz supports this item; he explained that in 13 years as a board member he recused himself three times due to conflict.

Commissioner Gross supports the three recusals; he has served on the Planning Board and has recused himself twice in about 15 years.

Discussion continued.

Commissioner Gross asked if this action would be considered weakening the ethics rules.

Jean Olin, Special Counsel, explained and stated "no."

Commissioner Diaz offered a friendly amendment and asked that the Commission considers amending to four recusals.

Commissioner Libbin stated that he would like to try for five (5) recusals first.

Motion made by Commissioner Libbin to limit the recusals to five; seconded by Vice-Mayor Tobin; Voice vote: 3-4; Opposed: Mayor Bower and Commissioners Diaz, Gross and Wolfson. The motion failed.

Motion made by Commissioner Libbin to limit the recusals to four; seconded by Commissioner Diaz;

Voice vote: 7-0.

Discussion continued.

Commissioner Wolfson requested to refer to Neighborhood/Community Affairs Committee to limit the number of recusals per year for the members of the City Commission; seconded by Commissioner Gross. Approved by acclamation. **Randi MacBride to place on the committee agenda. Legal Department to handle.**

Commissioner Diaz stated that he would like clarification in writing about what other ethic type regulations are in the City Code and other sections so the City Commission can have a discussion in July whether referendum(s) questions are needed. Item referred to the Neighborhood/Community Affairs Committee. **Randi MacBride to place on the committee agenda. Legal Department to handle.**

Discussion held.

12:22:05 p.m.

Motion made by Commissioner Diaz to defer Agenda Items R9G, R5H1 and H2, R5I and R5J (and any other items the Commission would like to add to the Agenda) to a televised Special Commission Meeting to be set not later than one month prior to the deadline for the placing items on the November ballot and that the Mayor can set the date; seconded by Commissioner Wolfson; Voice vote: 7-0. **R. Parcher to schedule the meeting. Lilia Cardillo to place items R9G, R5H1, R5H2, R5I and R5J (and any other items the Commission would like to add to the Agenda) to a televised Special Commission Meeting to be set.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 535

12:26:00 p.m.

R5E Revisions To Single Family Ad Valorem Tax Exemptions

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 5, "Single Family Ad Valorem Tax Exemption", Modifying The Requirements And Procedures For City Ad Valorem Tax Exemptions For Single Family Homes; Providing For Repealer, Codification, Severability And An Effective Date. **10:35 a.m. Second Reading, Public Hearing.**

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

ACTION: Public Hearing held. Ordinance No. 2009-3639 adopted. Motion made by Commissioner Diaz; seconded by Commissioner Gross; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Jorge Gomez to handle.

Gary Appel, Planning Board member, spoke.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 535

12:29:44 p.m.

R5F An Ordinance Relating To The Jurisdiction Of The Special Master; Amending Chapter 30, "Code Enforcement," Article III, "Enforcement Procedure," Section 30-73, "Powers Of The Special Master," By Clarifying That The Special Master Lacks Jurisdiction Over Appeals From Or Challenges To Interpretations Or Actions Of The Building Official, Planning Director And Fire Marshal, Or Claims That An Act Of The City Is Unconstitutional, Which Are By Applicable Law Vested In Other Authorities, Providing For Repealer; Codification; Severability; And An Effective Date. **11:20 a.m. Second Reading, Public Hearing.**

(City Attorney's Office)

(Continued from April 22, 2009)

ACTION: Public Hearing Opened and Continued to July 15 at 11:20 a.m. Motion made by Commissioner Libbin; Approved by acclamation. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

12:30:59 p.m.

New Item

Vice-Mayor Tobin explained that he asked the City Attorney to bring back an ordinance on the Labor Union lobbying and he wants to make sure that this gets on the Ethics Agenda. **Legal Department to handle.**

12:31:28 p.m.

R5G An Ordinance Amending Chapter 70 Of The Miami Beach City Code Entitled "Miscellaneous Offenses"; By Amending Article III Entitled "Graffiti"; By Amending Division I, Entitled "Generally"; By Amending Section 70-121 Entitled "Reserved" To Provide Provisions Declaring Graffiti A Nuisance; By Amending Section 70-122 Entitled "Definitions" To Provide Additional And Amended Definitions Relative To Graffiti; By Amending Section 70-123 Entitled "Prohibitions" By Amending The Acts Prohibited And Amending Enforcement And Penalty Provisions; By Amending Section 70-124 Entitled "Possession Of Spray Paint And Markers" By Amending Enforcement And Penalty Provisions; By Amending And Renumbering Section 70-125 Entitled "Graffiti Declared A Nuisance" By Moving Said Section To Section 70-121; By Amending And Renumbering Section 70-126 Entitled "Responsibility Of Property Owner(s); Graffiti Removal And Notice" By Amending The Responsibilities Of Property Owners With Regard To The Removal Of Graffiti And Amending Enforcement Provisions; By Amending And Renumbering Section 70-127 Entitled "Appeal" By Providing For Penalty And Lien Provisions; By Amending And Renumbering Section 70-128 Entitled "Cost Of Graffiti Removal As Lien On Property, Collection; Foreclosure And Sale" By Amending City Lien Procedures; By Renumbering Section 70-129 Entitled "Interested Persons May Petition To Dispute Assessed Costs"; By Renumbering Sections 70-130 Through 70-145, Entitled "Reserved;" By Amending Division II Entitled "Spray Paint, Broad-Tipped Indelible Markers" By Amending Section 70-146, Entitled "Sale Prohibited," And Section 70-147, Entitled "Signs Required," By Adding Etching Acid To The Items Prohibited For Sale To Minors And Signage Requirements; By Amending Section 70-148, Entitled "Penalties; Procedures For Administration," By Amending The Enforcement And Penalty Provisions; Providing For Repealer; Severability; Codification; And An Effective Date. **11:30 a.m. Second Reading, Public Hearing.**

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

ACTION: Public Hearing held. Ordinance No. 2009-3640 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Diaz; Ballot vote: 6-0; Absent: Commissioner Weithorn. R. Parcher to transmit to Municipal Code. Hilda Fernandez to handle.

Hilda Fernandez, Assistant City Manager, introduced the item.

David Kelsey spoke.
Mike Burke spoke.

R5H Amend "Standard Of Conduct" For Public Officers & 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**

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

ACTION: The following items were deferred to a future Special Commission Meeting: R9G, R5H 1 and 2, R5I and R5J. See Agenda Item R5D. **Lilia Cardillo to place on a Commission Agenda to be scheduled. 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/City Attorney's Office)

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

ACTION: The following items were deferred to a future Special Commission Meeting: R9G, R5H 1 and 2, R5I, and R5J. See Agenda Item R5D. **Lilia Cardillo to place on a Commission Agenda to be scheduled. Legal Department to handle.**

- R5I An Ordinance Amending In Part Miami Beach City Code Chapter 2, Article VII, Division 5 Entitled "Campaign Finance Reform", Sections 2-487 Through And Including 2-490, By Prohibiting "Vendors" And "Real Estate Developers" From Soliciting Campaign Contributions For Candidates For The Office Of Mayor Or Commissioner, Expanding Upon The Definitions Of "Vendor" And "Real Estate Developer" And Conforming As Housekeeping Matter Certain Language To Existing Text; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**
 (Requested by Commissioner Saul Gross/City Attorney's Office)
 (Deferred from April 22, 2009)

ACTION: The following items were deferred to a future Special Commission Meeting: R9G, R5H 1 and 2, R5I, and R5J. See Agenda Item R5D. **Lilia Cardillo to place on a Commission Agenda to be scheduled. Legal Department to handle.**

Amendments listed on the Time-Certain listing:

--Page 373:

(4)(a)2.i.(b): "...senior ~~proposal~~ team members of the subject city contract; and/or"

--Page 374: ...

(b)2: "The term "managing agent" shall mean any ~~individual(s) who has primary supervision or operational responsibilities or control of all or some departments~~ principal or corporate officer of the subject vendor entity.

(b)3 : " The term "senior team member" shall mean any individual who has primary project management, supervision or operational responsibilities or control of some or all departments of the subject vendor entity.

--page 377:

3. "Real estate developer" shall further include natural persons and/or entities who are subject to receiving compensation directly ~~dependent~~ and **exclusively** contingent upon the city's approval of the subject development agreement, application for change of zoning map or application for change of future land use map.

End

Handout or Reference Materials:

1. Ordinance distributed on the floor with corrections

- R5J An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 5 Entitled "Campaign Finance Reform," By Adding Thereto Section 2-491 Entitled "Prohibited Lobbying By Campaign Consultants," Prohibiting Campaign Consultants And Certain Affiliated Persons Or Entities From Lobbying City Commission For 12 Months Subsequent To Swearing In Of Subject Elected Official(S), Establishing Definitions And Prospective Application Of This Ordinance; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**
 (Requested by Commissioner Deede Weithorn/City Attorney's Office)

ACTION: The following items were deferred to a future Special Commission Meeting: R9G, R5H 1 and 2, R5I, and R5J. See Agenda Item R5D. **Lilia Cardillo to place on a Commission Agenda to be scheduled. Legal Department to handle.**

1:11:31 p.m.

R5K An Ordinance Amending Miami Beach City Code Chapter 2, Article III, Division 27 Entitled "Beach Preservation Committee" By Changing The Committee's Name To The "Waterfront Protection Committee" And Expanding Upon The Committee's Advisory Powers So As To Include Baywalk Review/Recommendation Within Its Jurisdiction; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**

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

ACTION: Ordinance approved on first reading as amended. Motion made by Commissioner Gross; seconded by Commissioner Diaz; Voice vote: 7-0. Second Reading and Public Hearing scheduled for June 3, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

Amendment:

1. Add "cut walk"

End

Robert Parcher, City Clerk, announced and distributed an amended ordinance.

Commissioner Diaz commended Mike Burke for his constant, persistent, and persuasive advocacy on the issue of beach access.

Mike Burke announced that there will be two public meetings; one on May 27th at Lincoln Bay Towers and the second on June 24th in the Miami Beach Botanical Gardens, both of which will highlight the proposals for the baywalk. He asked if they could have some sort of televised Commission presentation of the entire plan so everyone is aware of what is happening.

Gary Held, First Assistant City Attorney, stated that the meeting will be held Wednesday June 24 at 6:00 PM at the Miami Beach Botanical Garden.

Mayor Bower suggested videotaping the meeting and playing it on MBTV77.

Vice-Mayor Tobin suggested that instead of airing a long meeting and discussion, MBTV77 can prepare a five to ten minutes spot. **Hilda Fernandez to handle.**

Discussion continued.

Commissioner Gross recognized Arthur Marcus who has also been diligent in working on opening the baywalk.

Handout or Reference Materials:

1. Ordinance distributed on the floor

R7 - Resolutions**12:52:30 p.m.**

R7A A Resolution Approving On First Reading, A Lease Agreement Between The City And Damian J. Gallo & Associates, Inc. (D/B/A Permit Doctor), For Use Of 1,802.89 Square Feet Of City-Owned Property, Located At 1701 Meridian Avenue, Unit 2 (A/K/A 767 17th Street), Miami Beach, Florida; Said Lease Having An Initial Term Of Three Years, With An Additional Three Year Renewal Term, At The City's Sole Discretion; Waiving By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, As Required By Section 82-39 Of The Miami Beach City Code; Further Setting A Public Hearing On ~~May 13~~ June 3, 2009 For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading.**
(Real Estate, Housing & Community Development)
(Deferred from April 22, 2009)

ACTION: Item heard in conjunction with item C7J. Title of the Resolution read into the record. Resolution No. 2009-27073 adopted. Lease agreement amended. Motion made by Commissioner Gross; seconded by Commissioner Libbin; Voice vote: 6-1; Opposed: Commissioner Diaz. Second reading and public hearing scheduled for June 3, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Anna Parekh to handle.

Lease Agreement Amendment:3.1.1 (~~\$3,830.24~~) (3,966.36)**End**

Hilda Fernandez, Assistant City Manager, introduced the item.

Commissioner Diaz commended the Administration for negotiating a good lease but stated he will be voting against the resolution because he is troubled that the competitive bidding process is being waived and the City is renting a place immediately adjacent to the entrance to City Hall to a business whose purpose is to tell the public that they can help circumvent the bureaucracy of City government by getting the permit faster or by helping people "cut in front of the line," and added that the space should be operated as a City department.

Commissioner Gross clarified that "plans expeditors" do not get plans reviewed any faster or go to the front of the line.

1:21:12 p.m.

R7B A Resolution Approving On First Reading, An ATM Lease Agreement Between The City And Suntrust Bank, For Use Of Approximately Sixteen (16) Square Feet Of City-Owned Property, Located At 1700 Convention Center Drive (A.K.A. City Hall), Miami Beach, Florida; Said Lease Having An Initial Term Of Five Years, With An Additional Renewal Term Of Four (4) Years And Three Hundred Sixty Four (364) Days, At The City's Sole Discretion; Waiving By 5/7ths Vote, The ~~Competitive Bidding And Appraisal Requirements~~, As Required By Section 82-39 Of The Miami Beach City Code; Further Setting A Public Hearing On June 3, 2009, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading.**
(Real Estate, Housing & Community Development)

ACTION: Title of the Resolution read into the record. Resolution No. 2009-27074 adopted as amended. Motion made by Commissioner Diaz; seconded by Commissioner Weithorn; Voice vote: 7-0. Second reading and public hearing scheduled for June 3. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Anna Parekh to handle.

Amendment:

Resolution should delete reference to waiver of competitive bidding as ATM was required under RFP.
End

Jorge Gonzalez, City Manager, introduced the item and recommended its approval.

12:45:45 p.m.

R7C A Resolution Approving, Following First Reading And Public Hearing On May 13, 2009, A First Amendment To That Certain Development Agreement Between The City Of Miami Beach, Florida, And UIA Management, LLC (Developer), Dated April 11, 2007, As Required Pursuant To Sections 163.3220-163.3243, Florida Statutes (The "Florida Local Government Development Agreement Act"); Said Amendment Pertaining To The Developer's Art In Public Places (AIPP) Contribution And Prescribing Further Terms And Conditions For The Design, Fabrication, Installation And Maintenance Of The Artwork; Approving A Covenant Running With The Land Which Requires MBEACH1 LLLP (An Affiliate Of Developer) To Undertake Certain Maintenance Obligations With Respect To Ongoing Cleaning And Maintenance Of The Artwork; And Further Setting The Second Reading And Public Hearing For The First Amendment To The Development Agreement For The City Commission Meeting Of June 3, 2009. **11:50 a.m. First Reading Public Hearing.**
(Tourism & Cultural Development)

ACTION: Title of the Resolution read into the record. Public hearing held. Resolution No. 2009-27075 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Diaz; Voice vote: 6-0; Absent: Commissioner Weithorn. Second reading and second public hearing scheduled for June 3. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Max Sklar to handle.

Hilda Fernandez, Assistant City Manager, introduced the item.

Robert Wennett spoke.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 536

1:23:03 p.m.

R7D A Resolution Authorizing Loans In An Aggregate Principal Amount Not To Exceed \$60,000,000 Outstanding At Any Time From Suntrust Bank, Bank Of America, N.A., And Wachovia Bank, National Association, To Pay Costs Of Water, Sewer And Stormwater Projects; Authorizing The Execution And Delivery Of Loan Agreements And Promissory Notes To Evidence The Obligation Of The City To Repay Such Loans; Providing Security For The Repayment Of The Loans; Authorizing Other Actions In Connection With The Loans And The Financing Program; And Providing For An Effective Date.
(Finance Department)

ACTION: Resolution No. 2009-27076 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Gross; Voice vote: 7-0. Patricia Walker to handle.

Patricia Walker, Chief Financial Officer, introduced the item.

Discussion held.

2:14:36 p.m.**SUPPLEMENTAL MATERIALS: RESOLUTION**

R7E A Resolution Approving The Purchase Of Flood Insurance, All Risk Property Insurance (Including Windstorm) And Boiler/Machinery Insurance For City Buildings And Contents (Including New Construction) And Fine Arts Insurance (Bass Museum, As Proposed By Arthur J. Gallagher Risk Management Services, Inc., The City's Broker Of Record.
(Human Resources & Risk Management Department)

ACTION: Resolution No. 2009-27077 adopted. Motion made by Commissioner Diaz; seconded by Commissioner Gross; Voice vote: 7-0. Ramiro Inguanzo to handle.

Jorge Gonzalez, City Manager, introduced the item.

Commissioner Libbin stated that he understand that FEMA requires cities to have prudent coverage. He asked if there are any standards or a percentage of coverage used by other cities as a comparison.

Craig Feinstein, Arthur J. Gallagher & Co., spoke.
Cliff Leonard, Risk Management, spoke.

Discussion continued.

Jorge Gonzalez, City Manager, explained that this item is buying the \$10 million of insurance and the promise of FEMA eligibility coverage, including all public buildings.

Discussion continued.

Jorge Gonzalez, City Manager, stated that Cliff Leonard will speak with Commissioner Libbin about this item. Cliff Leonard to handle.

6:01:19 p.m.

******The item was C7I and moved to the Regular Agenda**

R7F A Resolution Authorizing The Mayor And City Clerk To Enter Into A Joint Participation Agreement With Miami-Dade County For The Construction Of The Venetian Causeway Streetscape Improvement Project.

(Public Works)

ACTION: Item heard in conjunction with item R9K. Resolution No. 2009-27070 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Gross; Voice vote: 7-0. Robert Middaugh to handle.

Issues:

- 1. Weight restrictions on the bridge and how the restrictions will be enforced**
- 2. Controlling commercial traffic**
- 3. There is a plan in place by the County to replace existing bridges**
- 4. Concerns about communications between the County and City, especially notifying residents**

Jorge Gonzalez, City Manager, introduced the item.

Gaspar Miranda, Assistant Director, Miami-Dade County Public Works Department, explained the project.

Discussion held.

Commissioner Diaz agreed with Commissioner Weithorn and stated that when the bridges were rebuilt, they were rebuilt and designed for specific weight limit, and there is an agreement by the County to enforce those weight limits with respect to the trucks using the east bascule bridge, and all of the historic bridges that were restored will be compromised.

Mr. Miranda will check with the County agreements with the City.

Commissioner Diaz explained that the residents fought for a year and a half with the County, FDOT, and the federal government and did everything possible to secure the Venetian Causeway as a historic causeway, and to secure it as a residential corridor, and not change it into a commercial commuter corridor.

Mr. Miranda explained that there is a need for the bridges to be repaired.

Discussion continued.

Commissioner Diaz suggested that Mr. Miranda call Jose Abreu at the airport, who was the engineer at the time regarding the weight limitation on record.

Mr. Miranda stated that there is another project to do the design to replace the existing bridges and public meetings will be held.

Discussion continued.

Commissioner Weithorn is concerned about the communications between the County and the City and suggested monitoring the replacement of the bridges closely.

R9 - New Business and Commission Requests

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

ACTION: Not reached.

7:54:04 p.m.

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

ACTION: Motion made by Commissioner Libbin to appoint Erik Schlein, Ronald Loring and Jeff Green to the Normandy Shores Local Government Neighborhood Improvement Committee; seconded by Commissioner Gross; Approved by acclamation; Absent: Vice-Mayor Tobin.

Normandy Shores Local Gov. Neighborhood Impv.

Erik Schlein	Appointed by City Commission	TL 12/31/14	TE 12/31/2010
Ronald Loring	Appointed by City Commission	TL 12/31/14	TE 12/31/2010
Geoff Green	Appointed by City Commission	TL 12/31/15	TE 12/31/2010

2:23:01 p.m.

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

ACTION:

- 1) Olga Rodriguez explained that she is the widow of Aldo Rodriguez, former employee of Miami Beach, who retired at age 59 after 20 years of service. She finds herself in an awkward situation because she is not able to collect his pension due to the City's pension rules that requires couples to be married for a year before the retirement date. She requested that the City Commission reviews her case.

Vice-Mayor Tobin stated that he referred this item to the Finance and Citywide Projects Committee for review.

Mayor Bower stated that Ms. Rodriguez will be notified when this issue is discussed at the committee, which will take place June 25 at 2:30 p.m.

Ms. Rodriguez stated that she will prepare a letter and supporting documentation.

- 2) David Kelsey has some concerns about Memorial Day weekend, and because of the economy and the fear of flying, this year they think they are going to see more people in cars, and he is puzzled that after 40 years of putting up with 4th Street as a broken down road, it is being torn up. This is the main artery that allows traffic and asked why can't the City wait two weeks from now to tear down the street. He also asked about the 23rd Street parking lot that is also torn up and with the traffic and the congestion is going to create problems.

Jorge Gonzalez, City Manager, stated that as it relates to South Pointe, the Major Events Plans takes this into account. He also stated that previously Washington Avenue was under construction during a Memorial Day weekend and there were minimal problems.

7:44:20 p.m.

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

ACTION:

1. Jackie Lalonde explained that the neighbors were promised a dog park and wants to make sure that this gets done. She asked for a status report.

Hilda Fernandez, Assistant City Manager, explained that the item comes back to committee on Monday, in response to the direction given at the last Commission Meeting to provide a more aesthetic looking Bark Park area. The location was visited with the landscape architect and options will be proposed on Monday as an alternative to consider with a fenced area for both large and small dogs.

11:25:20 a.m.

R9C Discussion Regarding The Appropriate Use Of Transit Tax Stimulus Dollars Allocated To The City Of Miami Beach.

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

ACTION: Item withdrawn by Commissioner Diaz since the issue was resolved.

4:07:42 p.m.

R9D Discussion Regarding The Appropriation Of CDBG Stimulus Dollars Allocated To The City Of Miami Beach For Small Business Job Preservation Micro Loan Program.

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

ACTION: Discussion held. Motion made by Commissioner Diaz to refer the item to the Neighborhood/Community Affairs Committee for a discussion as to how to use the CDBG Stimulus Dollars; seconded by Commissioner Libbin; Voice-vote: 5-0; Absent: Commissioners Weithorn and Wolfson. **Anna Parekh to handle.**

Commissioner Diaz introduced the item. He explained that the issue is how to use the stimulus dollars from the federal government that are allocated for CDBG purposes and added that he is amending this item for referral.

6:20:14 p.m.

R9E Discussion Regarding A Status Report On Citywide WiFi.
(Requested by Vice-Mayor Edward L. Tobin)
(Deferred from April 22, 2009)

ACTION: Discussion held.

Patricia Walker, Chief Financial Officer, gave a status report.

Jorge Gonzalez, City Manager, stated that if the test is passed the system will go live and the City has 90 more trial days to see how the system performs with activity. If the test fails, the failure(s) will need to be evaluated. A report will be included on the June Agenda as to whether the tests passed or failed. If the test fails, have the vendor attend the Commission Meeting. **Lilia Cardillo to place on the Commission Agenda. Patricia Walker to handle.**

Discussion held.

Vice-Mayor Tobin requested to have an expert give a report to the City Commission at the next meeting.

City Clerk's Note: Attached to this agenda item is a Status Update

6:28:11 p.m.

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)
(Deferred from April 22, 2009)

ACTION: Discussion held. Motion made by Vice-Mayor Tobin to place the report of vendor payments by check and wire on the IT's list of priorities; seconded by Commissioner Diaz; Voice vote; 7-0. **Patricia Walker to handle.**

Vice-Mayor Tobin introduced the item.

Commissioner Weithorn stated that the TRAC Committee will issue a report. She does not want to call this a check register, and stated that this should be called a vendor history because the City spends money in a variety of ways. The report will be out this fall to the City Commission for approval of all of the recommendations.

City Clerk's Note: Attached to this agenda item is a Status Report

12:23:08 p.m.

R9G Discussion Regarding A Request For A Special City Commission Meeting Re: Expansion Of Ethics Reform/Transparency In Government.
(Requested by Commissioner Victor M. Diaz, Jr./City Attorney's Office)

ACTION: Motion made by Commissioner Diaz; seconded by Commissioner Wolfson to defer items R9G, R5H1 and H2, R5I, and R5J to the alternate City Commission meeting; Voice vote: 7-0. **R. Parcher to schedule a Special Commission Meeting. Lilia Cardillo to place on the Commission Agenda.**

7:07:17 p.m.

R9H Discussion Regarding Prohibition Of Special Events By Smith & Wollensky.
(Requested by Commissioner Victor M. Diaz, Jr.)

ACTION: Discussion held. Item heard in conjunction with item C6B (7). Motion made by Commissioner Gross to direct the City Administration to reopen discussions with Smith & Wollensky based on imposing the operational conditions and to come to a reasonable accommodation with the rent; seconded by Commissioner Wolfson; Voice-vote: 6-0; Absent: Vice-Mayor Tobin.

Commissioner Diaz introduced the item and suggested that until there is a plan adopted for special events in South Pointe Park that the City holds off any special events in the park.

Commissioner Gross stated that if there is a special event that does not involve the sale of alcohol or amplified music, those events could be approved on a case by case basis.

Discussion held.

Carla Probus spoke.

Discussion continued.

Hilda Fernandez, Assistant City Manager, explained that the Administration is not accepting applications for special events until a decision is made by this Commission.

Discussion continued.

7:41:06 p.m.

Motion made by Commissioner Gross to direct the City Administration to reopen discussions with Smith & Wollensky based on imposing the operational conditions and to come to a reasonable accommodation with the rent; seconded by Commissioner Wolfson; Voice-vote: 6-0; Absent: Vice-Mayor Tobin.

City Clerk's note: See Agenda item R9L

4:09:27 p.m.

R9I Discussion Regarding Fire Service Agreement With Joining Municipalities.
(Requested by Commissioner Victor M. Diaz, Jr.)

ACTION: Discussion held.

Commissioner Diaz introduced the item for discussion and added that the municipalities deserve a response and there needs to be some closure to this issue with respect to the City of Miami Beach.

Mayor Bower recognized Robert Diener, Mayor, Village of Indian Creek, Charles Burkett, Mayor of the Town of Surfside, County Fire Chief Herminio Lorenzo; Alina Tejada Hudak, Assistant County Manager and Councilman Howard S. Weinberg, Town of Surfside.

Commissioner Diaz also recognized Lynn N. Dannheisser, City Attorney for the Town of Surfside.

Robert Diener, Mayor, Village of Indian Creek, spoke.
Mayor Charles Burkett, from the Town of Surfside, spoke.
Alina Tejada Hudak, Assistant Miami-Dade County Manager, spoke.
Herminio Lorenzo, Miami-Dade County Fire Chief, spoke.
Lynn N. Dannheisser, City Attorney for the Town of Surfside, spoke.
Mitchell Bierman, City Attorney, Village of Indian Creek, spoke.
Javier Holtz, Council Member, Village of Indian Creek, spoke.
Dan Hills, President, Miami-Dade County Fire Union, spoke.

Discussion held.

Commissioner Weithorn stated that this Commission is not prepared for this issue and requested an analysis be done by the Administration.

Discussion continued.

Vice-Mayor Tobin stated that he is not ready to take this item off the table at this time, but he would like to know more about the issue of "donor communities". **He requested an LTC on the issue of "donor communities" and how to deal with the argument and also to speak to individuals from the County and both municipalities to discuss and air grievances in terms of fiscal responsibilities.**

Commissioner Libbin agrees the issue should not be taken off the table unless there is a written agreement from Miami-Dade County that the County will stop trying to take over the Miami Beach Fire Department. He added that this issue needs to be discussed, as well as discussing with the County the need to fund the Convention Center improvements and expansion.

Commissioner Gross also agrees not to take this issue off the table and the City Manager to continue the dialogue with the County Manager on all Miami Beach issues including the Convention Center, the RDA issue, and this issue.

Commissioner Diaz explained that to the Town of Surfside and the Village of Indian Creek, the donor community argument is a concern, and they need to find a way to address that issue. He instructed the Administration to go back to the County and negotiate hard and aggressively for the best interest of the City of Miami Beach and to add this item to the list of other issues that are on the table.

Discussion continued.

Mayor Bower suggested bringing this issue back in July.

Jorge Gonzalez, City Manager, stated that he has a meeting scheduled with the County Manager on June 4, 2009 to continue conversations and he will report via LTC and then report at the July Commission Meeting. **Jorge Gonzalez to handle. Lilia Cardillo to place on the July Commission Agenda.**

Mayor Bower thanked all the elected officials from the neighboring municipalities and stated that the City of Miami Beach in the year she has been Mayor, is working much better with the County. She thanked the County Fire Chief and County staff for attending the meeting.

6:32:44 p.m.

R9J Discussion Regarding Traffic Calming Study And Whether Or Not The City Should Proceed With Creating A Traffic Calming Program.

(Requested by Vice-Mayor Edward L. Tobin)

ACTION: Discussion held. Motion made by Vice-Mayor Tobin; seconded by Commissioner Wolfson to negotiate with the County to get local control of the traffic calming program; Voice vote: 6-0; Absent: Vice-Mayor Tobin.

Vice-Mayor Tobin stated that everyone on the Commission should share the joy of adopting the City's own traffic calming program.

Robert Middaugh, Assistant City Manager, informed the Commission that the traffic calming program developed is premised on the idea that Miami-Dade County would grant the City authority to run its own program, and to date, they have not agreed to allow the City to do that. This Administration is asking guidance to fight for this and run the City's own traffic calming program. He added that Miami-Dade County wants to retain sole authority to approve traffic calming, and they want their Public Works Department to retain final review and approval authority.

Discussion continued.

Vice-Mayor Tobin suggested that a representative from Miami-Dade County come and speak to the Commission.

Commissioner Diaz stated that this situation is different from other municipalities because the County relies on some of the city's streets as they are main arterial roads, and the County is reluctant to relinquish traffic calming measures since they know that that would add congestion to the main arterial roads that they control. He suggested adding this issue to the number of questions the Administration is discussing with the County.

Discussion continued.

Carla Probus spoke.

Kevin Burgoyne spoke.

Jackie Lalonde spoke.

Marcella Novela spoke.

Jack Johnson, Co-Chair of the Flamingo Park Association, spoke.

Leon Weiss spoke.

Judy Robinson spoke.

Sam Carlson, President of the Flamingo Park West Association, spoke.

Discussion continued.

Mayor Bower spoke about installing a stop sign on her street because it is very dangerous. She suggested discussing this item at the Neighborhood/Community Affairs Committee.

Commissioner Gross requested to have a representative from Miami-Dade County attend the Neighborhood/Community Affairs Committee meeting on Monday. **Randi MacBride to place on the committee agenda. Robert Middaugh to handle.**

Discussion continued.

Motion made by Vice-Mayor Tobin; seconded by Commissioner Wolfson to negotiate with the County to get local control of the traffic calming program; Voice vote: 6-0; Absent: Vice-Mayor Tobin.

Jorge Gonzalez, City Manager, stated that he understands the sentiment of the Commission and will negotiate with the County as directed.

6:01:38 p.m.

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

ACTION: Discussion held. Item heard in conjunction with item R7F.

City Clerk's note: Related to Agenda item R7F

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

ACTION: Item withdrawn by the Administration.

City Clerk's note: See Agenda item R9H

11:17:32 a.m.

Addendum

R9M Presentation On The State Of The Tourism Industry By Greater Miami Convention & Visitors Bureau President And CEO William Talbert.

(Requested by Mayor Matti Herrera Bower)

ACTION: Presentation made. Item heard in conjunction with PA8.

William Talbert III, President & CEO, GMCVB, introduced the senior management team in the audience and explained that this is the National Travel and Tourism Week. He also informed that the Bureau will launch in mid September new incremental marketing programs, called "Where World Meets" a partnership of the Bureau and American Airlines. Also POW WOW is returning to Miami Beach in three days, and there are a number of events at the Miami Beach Convention Center. He invited the City Commission. There are 60 vendors who have bought booths. He thanked Jorge Gonzalez, City Manager, and his staff Hilda Fernandez, Max Sklar and Michael Aller. He added that Miami Beach has never looked better, it is clean, buildings and streets are re-stripped and they will be putting the "WOW in POW WOW." They expect a \$400 million of future travel in the community as a result of this event. He thanked the City Commission for their support and presented them with a plaque.

Mayor Bower presented a Proclamation proclaiming National Tourism Week during the week of May 9 – 17, 2009.

City Clerk's note: See Agenda Item PA8

10:54:45 a.m.

Addendum

R9N Discussion Regarding The Collins Park Area Parking Issue

(Requested by Mayor Matti Herrera Bower)

ACTION: Item referred to the Land Use and Development Committee by Mayor Bower and Commissioner Gross suggested having the City Administration approach Gansevoort to find out rental fees for parking. Approved by acclamation.

Amendment

Commissioner Gross suggested a friendly amendment to the referral, to speak to the people at Gansevoort to see what it would cost to rent their lot.

End

Mayor Bower introduced the item.

Nancy Liebman explained that there is a crisis situation in the neighborhood since those parking lots have been closed. She suggested that the extension to the temporary gravel lot on the Bass lawn can be extended to double the amount of parking there. For the future they are requesting that the negotiations for the proposed garage be expedited.

Jorge Gonzalez, City Manager, explained that the action needed from the Commission is to authorize Administration to appropriate \$50,000 to allow turning 90 spaces into 180 and 200 spaces. It would take part of the green space, but if parking is problematic, some of the green area can be removed to get up to 200 spaces. As far as how long this is going to be there, their expectation is that the east side of the lot is under construction up until December, or sooner; prior to Art Basel.

Discussion continued.

Commissioner Libbin asked where the Administration is on the parking garage negotiations.

Jorge Gonzalez, City Manager, stated he would provide an update via LTC. **Tim Hemstreet to handle.**

Discussion continued.

Mayor Bower referred the item to the Land Use and Development Committee. Approved by acclamation. **Randi MacBride to place on the committee agenda. Jorge Gomez to handle.**

Commissioner Gross suggested a friendly amendment, to speak to the people at Gansevoort to see what it would cost to rent their lot. **Tim Hemstreet to handle.**

Handout or Reference Materials:

1. Memorandum from Mayor Matti Herrera Bower to Jorge M. Gonzalez, dated May 12, 2009 RE: Collins Park parking issue.

Reports and Informational Items

2:32:54 p.m.

Addendum

R10A Notice Of Closed Executive Session.

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held At The Lunch Recess On Wednesday, May 13, 2009 In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

ACTION: Announced and held. The following members of the Administration were in attendance: Mayor Matti Herrera Bower, Vice Mayor Edward L. Tobin, Commissioners Saul Gross, Jonah Wolfson, Victor Diaz, Jr., Jerry Libbin and Deede Weithorn; City Manager Jorge M. Gonzalez, Ramiro Inguanzo, Kristin Tigner, Carla Gomez, Yarily Sam, Kathie Brooks, City Attorney Jose Smith, Chief Deputy City Attorney Don Papy and Jim Croslan.

Robert Parcher, City Clerk, announced the Closed Executive Session

A City Attorney's Status Report..

(City Attorney's Office)

ACTION: Written report submitted.

B Parking Status Report.

(Parking Department)

ACTION: Written report submitted.

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

ACTION: Written report submitted.

- D Non-City Entities Represented By City Commission:
1. Minutes From The Miami-Dade Metropolitan Planning Organization (MPO) Meeting On March 26, 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

May 13, 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 March 2009.
(Finance Department)

ACTION: Written report submitted.

End of RDA Agenda

Meeting adjourned at 7:54:26 pm