# City Commission Meeting

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive**
**July 15, 2009**

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

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

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**ATTENTION ALL LOBBYISTS**

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

## REGULAR AGENDA

## R2 - Competitive Bid Reports

R2A Request For Approval To Award Job Order Contracts To The Following Contractors Pursuant To Invitation To Bid (ITB) 22-08/09 - Vertical: 1. BDI Construction Co., 2. Gerrits Construction, Inc., 3. Harbour Construction, Inc., 4. Matrix Construction Group, Inc., 5. Team Contracting, Inc.; ITB 23-08/09 - Horizontal: 1. Carivon Construction Co., 2. Downrite Engineering Corp., 3. Envirowaste Services Group, 4. GEC Associates, Inc., 5. H.A. Contracting Corp., 6. RIC-Man International, Inc., 7. Unitech Builders Corp.; ITB 24-08/09 – Electrical: 1. AGC Electric, Inc., 2. Edd Helms Electric & Air Conditioning, 3. GR Electric Corp.; ITB 25-08/09 – Mechanical: 1. Comfort Tech Air Conditioning, Inc., 2. FXP Corp., 3. Thermal Concepts, Inc.; ITB 26-08/09 – Waterproofing/Painting: 1. Chuck's Painting, Inc., 2. Coastline Painting Systems, Inc., 3. JCI International, Inc.; ITB 27-08/09 – Roofing: 1. Advanced Roofing, Inc., 2. National Roofing Of South Florida, Inc., 3. Weiss & Woolrich Southern Enterprises, Inc., 4. Z-Roofing, Inc.; And Authorize The Administration To Enter Into Negotiations With The Recommended Contractors, And Upon Completion Of Successful Negotiations By The Administration, Authorize The Mayor And City Clerk To Execute Contracts. (Page 519)
(Procurement)

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

R2B Request For Approval To Award A Contract To Link Construction Group, Inc., Pursuant To Invitation To Bid (ITB) No. 40-08/09, For The Multipurpose Municipal Parking Facility Bid Package 04 – Tenant Build-Out In The Amount Of $1,165,607.60. Funding For This Award Has Been Previously Appropriated In The Amount Of $150,000 In City Center RDA Fund (365) For Construction; $30,000 In Parking Operating Fund (480) For Construction; $111,000 In Parking Impact Fees Fund (155) For Construction; $874,607.60 In Parking Impact Fees Fund (155) For Contingency To Be Transferred To Construction; And A Ten Percent Construction Contingency In The Amount Of $116,560.76 Previously Appropriated In Parking Operating Fund (480) For Contingency, For A Total Project Amount Of $1,282,168.36. (Page 533)

(Procurement/Capital Improvement Projects)

## **R5 - Ordinances**

R5A An Ordinance Amending Miami Beach City Code Chapter 2, Article III, Section 2-22 Thereof Regarding General Requirements Related To Membership On City Of Miami Beach's Agencies, Boards And Committees, By Adding Thereto Subsection (19) To Provide That At-Large Appointment Of Board Members To Fill Categories Shall Be By Separate Vote For Each Category; Providing For Repealer, Severability, Codification, And An Effective Date. **10:15 a.m. Second Reading Public Hearing** (Page 543)

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

(First Reading on June 3, 2009)

R5B An Ordinance Amending Miami Beach City Code Chapter 2, Article III, By Adding Section 2-27 Entitled: "Commission Committee Draft Minutes -- City Commission Approval," Reciting Applicable Parliamentary Procedure Concerning City Commission Review And Acceptance Of Draft Minutes From Commission Committee Meetings; Providing For Repealer, Severability, Codification, And An Effective Date. **10:20 a.m. Second Reading Public Hearing** (Page 547)

(Requested by Mayor & Commission/City Attorney's Office)

(First Reading on June 3, 2009)

R5C Commercial Rooftop Venues South Of 5th Street

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II "District Regulations," Division 18 "PS Performance Standard District," Amending Section 142-693 "Permitted Uses," By Restricting Or Prohibiting Commercial Rooftop Venues South Of 5th Street; Providing For Repealer, Codification, Severability And An Effective Date. **10:30 a.m. First Reading Public Hearing** (Page 551)

(Planning Department)

**R5 - Ordinances** (Continued)

R5D Sale & Service Of ILEV (Inherently Low Emission Vehicle)/Electric Automobiles In CPS-2 District
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II "District Regulations," Division 18 "PS Performance Standard District," Amending Section 142-693(B) "Permitted Uses," By Permitting Sales And Accessory Service Of Alternative Fuel/Electric Automobiles Under Certain Specified Conditions In That Portion Of The CPS-2 District Fronting On The North Side Of 5th Street; Providing For Repealer, Codification, Severability And An Effective Date. **11:00 a.m. First Reading Public Hearing** (Page 563)

(Planning Department)

R5E 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 Clarifying The Prohibitions On Litter And Amending The Definition Of Litter, Amending The Fines And Penalties For A Violation Of Section 46-92, And Amending The Provisions Regarding Enforcement By Code Compliance Officers; By Repealing Division 2 Entitled "Handbills," But Incorporating Provisions Relative To Special Master Appeals And Additional Means Of Enforcement Into Section 46-92; Providing For Repealer; Severability; Codification; And An Effective Date. **11:15 a.m. Second Reading Public Hearing** (Page 573)

(Requested by Commissioner Jerry Libbin/City Attorney's Office/City Manager's Office)
(First Reading on June 3, 2009)

R5F An Ordinance Relating To The Jurisdiction Of The Special Master; Amending Chapter 30, "Code Enforcement," Article III, "Enforcement Procedure," Section 30-73, "Powers Of The Special Master," By Clarifying That The Special Master Lacks Jurisdiction Over Appeals From Or Challenges To Interpretations Or Actions Of The Building Official, Planning Director And Fire Marshal, Or Claims That An Act Of The City Is Unconstitutional, Which Are By Applicable Law Vested In Other Authorities, Providing For Repealer; Codification; Severability; And An Effective Date. **11:20 a.m. Second Reading Public Hearing** (Page 585)

(City Attorney's Office)
(Continued from May 13, 2009)

R5G An Ordinance Amending Section 82-385(L) Of The City's Sidewalk Café Ordinance, As Codified In Chapter 82, Article IV, Division 5, Sections 82-366 Through 82-385 Of The City Code; Said Amendment Allowing Sidewalk Café Operators/Permittees For Sidewalk Cafes On Lincoln Road Mall To Maintain Tables, Chairs, And Closed-Up Umbrellas Within The Permit Area When The Café Is Not In Operation; And Closed-Up Umbrellas Within The Permit Area When The Café Is Not In Operation; Also Creating And Adding A New Section 82-387, Entitled "Prohibited 'No Table' Zones," And Subsection (A) Thereof, Prohibiting Sidewalk Cafes From Being Permitted And Placed In A Pre-Defined Area On The 1100 Block Of Lincoln Road, Between Lenox Avenue And Alton Road; Providing For Repealer, Codification, Severability, And An Effective Date. **11:45 a.m. Second Reading Public Hearing** (Page 591)

(Requested by Mayor Matti Herrera Bower/City Attorney's Office/Public Works)
(First Reading on June 3, 2009)

## **R5 - Ordinances** (Continued)

R5H An Ordinance Amending Chapter 6, "Alcoholic Beverages," Of The Code Of The City Of Miami Beach, Florida, By Amending Section 6-40 "Total Nudity And Sexual Conduct Prohibited," To Allow Establishments Licensed To Provide Total Nude Entertainment To Serve Alcoholic Beverages To Their Customers; Providing For Codification, Repealer, Nonseverability, And An Effective Date. **First Reading** (Page 603)
(City Attorney's Office)

R5I An Ordinance Amending Chapter 30, Entitled "Code Enforcement," By Amending Article III Thereof, Entitled "Enforcement Procedure," By Amending Section 30-74, Entitled "Fine," By Amending The Provisions Relating To The Mitigation Of Fines; By Amending Section 30-76, Entitled "Rehearings; Mitigation," By Increasing The Time Period For The Jurisdiction Of The Special Master For The Mitigation Of Fines To Three Years And Providing Criteria Relative To Fine Mitigation; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading** (Page 647)
(City Manager's Office)

R5J An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Section 10-10, Entitled "Animals Prohibited In Public Parks And On Beaches" By Providing That The City Commission May Designate Dog Parks In Public Park Areas; Amending Section 10-11, Entitled "Running At Large Prohibited" By Providing That The City Commission May Designate Specific Off-Leash Areas For Dogs In Public Parks; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading** (Page 655)
(City Attorney's Office)

## **R7 - Resolutions**

R7A A Resolution Approving On Second Reading (And Final Approval), Following A Duly Noticed Public Hearing, A Lease Agreement Between The City And Roma Waxing, Inc. (D/B/A Uni.K Wax), For Use Of 1,290.59 Square Feet Of City-Owned Property, Located At 1701 Meridian Avenue, Unit 3 (A/K/A 771 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; Authorizing The Mayor And City Clerk To Execute The Lease Agreement. **10:25 a.m. Second Reading Public Hearing** (Page 665)
(Real Estate, Housing & Community Development)
(First Reading on June 3, 2009)

R7B A Resolution Authorizing The City Manager Or His Designee To Submit An Application For Funding Pursuant To The Notice Of Funding Availability For The Neighborhood Stabilization Program 2 Under The American Recovery And Reinvestment Act Of 2009 Issued By The US Department Of Housing And Urban Development In The Amount Of $15,000,000 For Eligible Strategies, Including Purchase And Rehabilitation Of Abandoned And Foreclosed Properties, Establishing Financing Mechanisms, And Any Other Strategies Outlined By HUD For The Objective Of Providing Decent Housing, Suitable Living Environments, And Expanding Economic Opportunities For Low, Moderate, And Middle Income Persons; Further Authorizing The Formation Of A Partnership With MBCDC, And Any Other Necessary Partner(s) Determined By The City Manager, In Order To Meet The Minimum Threshold Requirement For Application Purposes. **12:15 p.m. Public Hearing** (Page 695)
(Real Estate, Housing & Community Development)

**(Memorandum & Resolution to be Submitted in Supplemental)**
**R7 - Resolutions** (Continued)

R7C A Resolution Approving On First Reading, A Lease Agreement Between The City And Klara Gershman M.D. PA, For Use Of Approximately 1,926 Square Feet Of City-Owned Property, Located At 1701 Meridian Avenue, Suite 400, 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 September 9, 2009, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading** (Page 697)
(Real Estate, Housing & Community Development)

R7D A Resolution Approving On First Reading, Lease Agreements Between The City And 1) Jewish Community Services Of South Florida, Inc.; 2) Little Havana Activities And Nutrition Centers Of Dade County, Inc.; 3) Miami Dade County Community Action Agency, Inc.; And 4) UNIDAD Of Miami Beach, Inc.; Additionally Approving A Concession Agreement With Jewish Community Services Of South Florida, Inc. And A Letter Agreement With Little Havana Activities And Nutrition Centers Of Dade County, Inc.; All Agreements Being For Use Of The South Shore Community Center, Located At 833 6th Street, Miami Beach, Florida; Said Agreements Having An Initial Term Of Four Years And Three Hundred Sixty Four Days, With An Additional Five 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 September 9, 2009, For The Second Reading (And Final Approval) Of The Lease Agreements.
**First Reading** (Page 725)
(Real Estate, Housing & Community Development)

R7E A Resolution Calling For A November 3, 2009 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether The City Charter Should Be Amended To Provide For Limited Transfer Of The Appointment/Removal Powers Of Unclassified City Officers And Employees (Except Those In The Mayor's Office And In The City Attorney's Office) From The City Manager To The City Commission (By Majority Vote) Concerning Those Unclassified City Employees Whose Annual Salary And Benefits Are $150,000 Or More? (Page 877)
(Requested by Commissioner Edward L. Tobin/City Attorney's Office)

R7F A Resolution Calling For A November 3, 2009 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether Miami Beach City Charter Section 1.03 Should Be Amended To Require City Commission's Unanimous (7/7) Approval Prior To The Sale, Exchange, Conveyance, Lease, Or Other Transfers Of Any City Interest In Any Public Street-End Bordering Land Designated "Government Use," "Golf Course," Or Waterfront Land, With The Sole Exception Of A Sale, Exchange, Conveyance, Lease Or Other Transfer Not To Exceed 10% In Width Of Such Street-End Which Advances A Significant Public Purpose. (Page 887)
(Requested by Vice-Mayor Victor M. Diaz, Jr./City Attorney's Office)

R7G A Resolution Calling For A November 3, 2009 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether Miami Beach City Charter Section 1.03(B)3 Should Be Amended To Delete Requirement For Planning Board's 4/7's Vote And To Increase Required City Commission's Vote From 5/7's To 6/7's Approval Prior To The Sale, Exchange, Conveyance, Or Lease Of Ten Years Or Longer Of City-Owned Property Not Requiring Voter Approval Or Otherwise Addressed In The City Charter. (Page 895)

(Requested by Commissioner Jonah Wolfson/City Attorney's Office)
**R7 - Resolutions** (Continued)

R7H A Resolution Approving The Selection Of West 8 New York, Inc. As The New Park Project Architect Pursuant To And As Required Under The Development Agreement Between The City And New World Symphony, Inc. As Amended. (Page 903)
(City Manager's Office)

R7I A Resolution Authorizing The City To Enter Into An Agreement With Humana Insurance Company For The Administration Of The City's Group Health (Medical) Plan And Employee Assistance Program For A Three Year Period, With A Not To Exceed Fee Of $1,200,000 Annually For The First And Second Years, Pursuant To The Request For Proposals Issued By Gallagher Benefits Services, The City's Consultant Of Record. (Page 915)
(Human Resources & Risk Management)

R7J A Resolution Authorizing The City To Enter Into An Agreement With Metropolitan Life Insurance Company For The Administration Of The City's Group Dental Plan For A Three Year Period, With A Not To Exceed Fee Of $175,000 Annually For The First And Second Years, Pursuant To The Request For Proposals Issued By Gallagher Benefits Services, The City's Consultant Of Record. (Page 929)
(Human Resources & Risk Management)

R7K A Resolution Authorizing The City To Enter Into An Agreement With Eyemed Vision Care For The Administration Of The City's Group Vision Plan For A Four Year Period, With A Not To Exceed Fee Of $12,000 Annually, Pursuant To The Request For Proposals Issued By Gallagher Benefits Services, The City's Consultant Of Record. (Page 941)
(Human Resources & Risk Management)

R7L A Resolution Authorizing The City To Enter Into An Agreement With Hartford Life And Accident Insurance Company For A Statutory Accidental Death And Dismemberment Policy For Police And Firefighters For A Three Year Period, For An Annual Premium Of $13,000 For Each Year, Pursuant To The Request For Proposals Issued By Gallagher Benefits Services, The City's Consultant Of Record. (Page 951)
(Human Resources & Risk Management)

R7M A Resolution Authorizing The City To Enter Into An Agreement With Hartford Life And Accident Insurance Company For A Group Life Insurance And Accidental Death And Dismemberment Policy For An Annual Premium Of $170,000 For The First And Second Years, Pursuant To The Request For Proposals Issued By Gallagher Benefits Services, The City's Consultant Of Record. (Page 961)
(Human Resources & Risk Management)

**R7 - Resolutions** (Continued)

R7N A Resolution Authorizing The City To Enter Into An Agreement With Unum, For The Administration Of The City's Family And Medical Leave Program With A Not To Exceed Fee Of $38,000 For The First And Second Years, A Long-Term Disability Policy For The Participants In The City's 401(A) Defined Contribution Pension Plan With A Not To Exceed Fee Of $9,950 For The First And Second Years, And Short-Term Disability And Long-Term Disability Policies Fully Funded By Employee Contributions, For A Three Year Period, Pursuant To The Request For Proposals Issued By Gallagher Benefits Services, The City's Consultant Of Record. (Page 973)
(Human Resources & Risk Management)

R7O A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Concession Agreement Between The City And Decobike, LLC, As The Successful Proposer Pursuant To Request For Proposals (RFP) 44-07/08, For The Implementation, Management, And Operation Of A Self-Service Bicycle Sharing Program; Said Agreement Having An Initial Term Of Five (5) Years (Commencing On The Operational Rollout Date, As Defined In The Agreement) With A Five (5) Year Renewal Term, To Be Exercised At The City's Sole Option And Discretion. (Page 987)
(City Manager's Office)

R7P A Resolution Approving The Project Design Concept For The South Pointe Park Pier. (Page 1061)
(Capital Improvement Projects)

R7Q A Resolution Recommending The Miami-Dade County Supervisor Of Elections Relocate The Applicable Miami Beach Polling Places. (Page 1079)
(City Clerk's Office)

R7R A Resolution Approving A Significant Modification To The Miami-Dade County Building Better Communities General Obligation Bond Program Interlocal Agreement For Project No. 233 - Miami Beach Convention Center, And Authorizing The City Manager Or His Designee To Execute An Agreement With Miami-Dade County, For Funding For The Convention Center Project In The Amount Of $55,000,000; Further Appropriating The Funds And Authorizing The Execution Of All Other Necessary Documents Related To This Agreement. (Page 1093)
(City Manager's Office)

R7S A Resolution Approving An Agreement With Affiliated Computer Systems (ACS) To Install, Operate And Maintain A Red Light Violation Enforcement Camera System In The City Of Miami Beach, And To Provide Related Support Services Pursuant To Request For Proposals No. 02-08/09. (Page 1101)
(Police Department)

## R9 - New Business and Commission Requests

R9A Board And Committee Appointments. (Page 1123)
(City Clerk's Office)

R9A1 Board And Committee Appointments - City Commission Appointments. (Page 1129)
(City Clerk's Office)

R9A2 Board And Committee Appointments - The Gay, Lesbian, Bisexual, And Transgender (BLGT) Business Enhancement Committee Consist Of Fifteen (15) Members, Eleven (11) Members Have Been Appointed From The Gay Business Development Ad-Hoc Committee, Leaving Four (4) Appointments To Be Made. Pursuant To Ordinance 2009-3635, The Four (4) Additional Members As Required To Complete The Total Number Of Members To Be Appointed At Large By A Majority Vote Of The City Commission. (Page 1147)
(City Clerk's Office)

R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.) (Page 1149)

R9C Discussion Regarding Waiver Of Parking Requirements. (Page 1151)
(Requested by Commissioner Victor M. Diaz, Jr.)

R9D Discussion Regarding Various Parking Department Policies For Removing From Public Use Of Certain Public Parking Space. (Page 1153)
(Requested by Commissioner Victor M. Diaz, Jr.)

R9E Discussion Regarding A Resolution Adopting The Recommendation Of The Mayor's Gay Business Development Committee, And Urging President Barak Obama And The United States Congress To Adopt And Enact "The Military Readiness Enhancement Act" (H.R. 1283), Which Eliminates The "Don't Ask, Don't Tell" Policy And Adopts A Policy Of Non Discrimination On The Basis Of Sexual Orientation With The United States Arm Forces. (Page 1155)
(Requested by Commissioner Victor M. Diaz, Jr.)

R9F Discussion Regarding The Disability Access Committee's Request To Designate A Disability Awareness Day And Direct Staff To Work With The Committee To Plan Appropriate Activities For The Day. (Page 1159)
(Requested by Mayor Matti Herrera Bower)

R9G Discussion Regarding A Resolution Urging The Florida Department Of Education To Maintain The Existing Training Requirements For Teachers Of English Language Learners. (Page 1161)
(Requested by Mayor Matti Herrera Bower)

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

R9H Discussion Regarding The Arquitectonica Master Plan For The City Center And Whether A Convention Center Hotel Should Be Included In The Master Plan. (Page 1165)
(Requested by Commissioner Jonah Wolfson)

R9I Discussion Regarding Employee Pension And Health Insurance. (Page 1167)
(Requested by Commissioner Victor M. Diaz, Jr.)

R9J A Follow-Up Discussion Concerning The Potential Operational Issues Related To The Newly Reconstructed South Pointe Park. (Page 1169)
(Parks & Recreation)

R9K Discussion Regarding A Resolution Urging Governor Charlie Crist To Convene A Taskforce To Explore Effective Means To Protect Our Communities From Sexual Violence And Directing The City Clerk To Transmit A Copy Of This Resolution To The Officials Designated Herein. (Page 1179)
(Requested by Mayor Matti Herrera Bower)

## **R10 - City Attorney Reports**

R10A Notice Of Closed Executive Session.
Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held Immediately Following Presentations And Awards On Wednesday, July 15, 2009 In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Labor Relations/Union Negotiations. (Page 1185)

## Reports and Informational Items

A City Attorney's Status Report. (Page 1189)
(City Attorney's Office)

B Parking Status Report - May 2009. (Page 1197)
(Parking Department)

C Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days. (Page 1219)
(Procurement)

D Status Report On Palm And Hibiscus Islands Underground Utilities Project. (Page 1221)
(Capital Improvement Projects)

E Non-City Entities Represented By City Commission:
1. Minutes From The Miami-Dade County Tourism Development Council Meeting On April 16, 2009. (Page 1225)
(Requested by Commissioner Deede Weithorn)

## End of Regular Agenda