



MIAMI BEACH

Special City Commission Meeting

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

July 22, 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.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

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

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

Presentations and Awards

PA Presentations and Awards

Consent Agenda

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

Regular Agenda

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

Reports and Informational Items

Presentations and Awards

- PA1 Brief Introductory Remarks: Jose Smith, City Attorney; Robert Meyers, Executive Director, Miami-Dade County Commission On Ethics And Public Trust. (Page 1)
(City Attorney's Office)

CONSENT AGENDA

Action:
Moved:
Seconded:
Vote:

C7 - Resolutions

- C7A A Resolution Approving An Extension Of The Towing Permits With Beach Towing Services, Inc. And Tremont Towing Services, Inc., Respectively, For A Period Commencing On September 1, 2009, And Terminating On The Earlier Of: 1) August 31, 2011; Or 2) The Date That Tremont Towing Is Required To Vacate Its Current Premises For Commencement Of Construction Of The Sunset Harbor Garage Project; Provided, Further, That The Aforestated Renewal Of The Towing Permits Is Subject To And Conditioned Upon Beach And Tremont's Continued Compliance With The Conditions Imposed By The City Commission Pursuant To Resolution No. 2009-26999; And Further Approving The New Administrative Rules And Regulations For Police Department And Parking Department Towing Permits. (Page 5)
(Parking Department)
(Deferred from July 15, 2009)

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances

- R5A Ethics Proposal Ordinances (Page)
R5A-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 Of Mayor And City Commissioners," Prohibiting Said Elected Officials From Directly Or Indirectly Having Or Holding Any Employment Or Contractual Relationship With, Or Have An Interest In A Business Entity That Has A Contractual Relationship With, Any Business Entity, Affiliate Of A Business Entity Or Agency, Which Is Subject To The Regulation Of, Or Is Doing Business With, The City Of Miami Beach; Establishing Definitions; Enforcement And Penalty; Waiver Of Prohibition And Prospective Application; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading** (Page 53)

R5 - Ordinances (Continued)

R5A-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** (Page 59)
(Requested by Commissioner Jonah Wolfson/City Attorney's Office)
(Deferred from June 3, 2009)

R5B An Ordinance Amending In Part Miami Beach City Code Chapter 2, Article VII, Division 5 Entitled "Campaign Finance Reform," Sections 2-487 Through And Including 2-490, By Prohibiting "Vendors" And "Real Estate Developers" From Soliciting Campaign Contributions For Candidates For The Office Of Mayor Or Commissioner, Expanding Upon The Definitions Of "Vendor" And "Real Estate Developer" And Conforming As Housekeeping Matter Certain Language To Existing Text; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading** (Page 63)
(Requested by Commissioner Saul Gross/City Attorney's Office)
(Deferred from June 3, 2009)

R5C 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, Limited Exemption And Disclosure/Abstention Requirements; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading** (Page 73)
(Requested by Commissioner Deede Weithorn/City Attorney's Office)
(Deferred from June 3, 2009)

R5D An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, By Adding Section 2-461 Entitled: "City Commission: Automatic Removal Due To Excessive Recusals," Providing That Commencing December 1, 2011, Any Member Of The City Commission Who Has Not Voted On Any Commission Matter Due To Conflict More Than Four Times Within A One Year Period Shall Be Automatically Removed From Office; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading** (Page 79)
(Requested by Commissioner Jonah Wolfson/City Attorney's Office)
(Deferred from June 3, 2009)

R5 - Ordinances (Continued)

R5E Expansion Of Ethics Reform/Transparency In Government Ordinances

R5E-1

An Ordinance Amending Miami Beach City Code Chapter 2, Article IV, Division 1, Section 2-194 Thereof Entitled "Removal From Office", By Limiting Grounds For Suspension/Removal To Those "Specified Offenses" Set Forth Within Florida Statute Section 112.3173 (As Amended), And Establishing Procedure Prior To Suspension/Removal; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.** (Page 85)

R5E-2a/b

An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 2, Section 2-458 Thereof Entitled "Supplemental Abstention And Disclosure Requirements", Establishing Additional Disclosure Requirements For Pubic Officials Of Any Family Or Business Relationship With Party Who Is Directly Benefitted By Agency Vote; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.** (Page 87)

R5E-2c

An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 2, Section 2-450 Thereof Entitled "Disclosure Of Interest In/Relationship With Business Entity," By Requiring Elected Official's Disclosure Of Certain Business Relationships Established Within 24 Months After Contracting Party's Appearance Before City Commission; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.** (Page 89)

R5E-3a

An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 2 Thereof By Creating Section 2-461 Entitled "Post- Service/Employment Lobbying Prohibited For 4 Years," Prohibiting City Elected Officials And City Employees From Lobbying City For A Period Of 4 Years After City Service/Employment Has Ceased; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.** (Page 91)

R5E-3b

An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 2 Thereof By Creating Section 2-462 Entitled "Prohibiting Elected Officials From Having Certain Post-Service Contracts With City", Prohibiting Former City Elected Officials From City Employment Or Contracts On Matters In Which City Commission Approval Is Required; Providing For Repealer, Severability, Codification, And Effective Date. **First Reading.** (Page 93)

R5E-3c

An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 2 Thereof By Creating Section 2-463 Entitled "Prohibition Of Certain Post-Service/Employment Relationships", Prohibiting Certain Post-Service/Employment Activity Of City Elected Officials And City Employees For A Period Of Two Years After Leaving City Service/Employment; Providing For Repealer, Severability, Codification, And Effective Date. **First Reading.** (Page 95)

R5 - Ordinances (Continued)

R5E-4

An Ordinance Amending In Part Miami Beach City Code Chapter 2, Article VII, Division 5 Thereof Entitled "Campaign Finance Reform," Sections 2-487 "Prohibited Campaign Contributions By Vendors," 2-488 "Prohibited Campaign Contributions By Lobbyists On Procurement Issues," 2-489 "Prohibited Campaign Contributions By Real Estate Developers," And 2-490 "Prohibited Campaign Contributions By Lobbyists On Real Estate Development Issues," By Prohibiting Campaign Contributions From Vendors, Real Estate Developers And Their Respective Lobbyists To Candidate/Incumbent Members Of The City Commission Seeking Any Non-Federal Elected Office; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.** (Page 97)

(Requested by Commissioner Victor M. Diaz, Jr./City Attorney's Office)
(Deferred from June 3, 2009)

R5F 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. **9:30 a.m. First Reading Public Hearing** (Page 101)

(Planning Department)
(Continued from July 15, 2009)

R7 - Resolutions

R7A 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 Miami Beach City Charter Should Be Amended To Include Within It's Citizen's Bill Of Rights A Guarantee That All City Officials And Employees Abide By (Being Subject To Penalties Provided For Therein) All Applicable Codes Of Ethical Conduct In Observing In Their Official Acts A High Standard Of Conduct And In Discharging Faithfully The Duties Of Their Office Regardless Of Personal Considerations And Interest. (Page 113)

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

R7B 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 1.05 Should Be Expanded To Require Majority Vote Of City's Electors Before Making Any City Code Change Which Would Make Less Strict Any Standard Of Conduct For City Commissioners. (Page 119)

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

R7 - Resolutions (Continued)

- R7C 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 131)
(Requested by Commissioner Jonah Wolfson/City Attorney's Office)
(Deferred from July 15, 2009)
- R7D 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 Upon Conclusion Of The 5 Year Agreement Between The City And New World Symphony ("NWS") Authorizing Limited Use Of Public Parking Spaces For NWS Campus Expansion Project In Proposed Publicly-Financed Parking Garage ("Garage") Being Constructed Adjacent To The Project, All Unencumbered Public Parking Spaces In The 17th Street Surface Level Parking Lot Site That Were Lost Due To Said Project Should Be Replaced By Equal Number Of Unencumbered Public Parking Spaces In The Garage. (Page 139)
(Requested by Vice-Mayor Victor M. Diaz, Jr.)
(Deferred from July 15, 2009)
- R7E A Resolution Setting The Proposed Millage Rates For Fiscal Year (FY) 2009/10, The Calculated "Rolled-Back" Rate, And The Date, Time, And Place Of The First Public Hearing; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes. (Page 145)
(Budget & Performance Improvement)
- R7F A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Setting 1) The Proposed General Operating Millage Rate For The Normandy Shores Neighborhood Improvement District; 2) The Calculated Rolled-Back Rate; And, 3) The Date, Time And Place Of The First Public Hearing To Consider The Operating Millage Rate And Budget For Fiscal Year (FY) 2009/10; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes. (Page 173)
(Budget & Performance Improvement)

R9 - New Business and Commission Requests

- R9A Board And Committee Appointments. (Page 183)
(City Clerk's Office)
(Deferred from July 15, 2009)
- R9A1 Board And Committee Appointments - City Commission Appointments. (Page 189)
(City Clerk's Office)
(Deferred from July 15, 2009)
- 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 207)
(City Clerk's Office)
(Deferred from July 15, 2009)

End of Agenda