



MIAMI BEACH

Special City Commission Meeting

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

September 24, 2009

Mayor Matti Herrera Bower
 Vice-Mayor Victor M. Diaz, Jr. Absent
 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.

- C7A Adopt/Appropriate Funds, FY 2009/10 Police Special Revenue Account Budget.
- C7B Adopt/Appropriate Funds, FY 2009/10 Police Confiscation Trust Fund Budget.
- C7C Adopt/Appropriate Funds, FY 2009/10 Police Training Trust Fund Budget.
- C7D Appropriate FY 2009/10 Concurrency Mitigation Funds, Traffic Consulting Services.
- R5A **5:05 p.m. 2nd Rdg**, Amend Lobbyist Registration Fees.
- R5B **5:05 p.m. 2nd Rdg**, Parking Rate Ordinance Amendments.
- R5C **5:05 p.m. 2nd Rdg**, Stormwater Utility Service Charge.
- R5D **5:05 p.m. 2nd Rdg**, Water & Sanitary Sewer Service Charge.
- R5E **5:05 p.m. 2nd Rdg**, Nonprofit Vendors Application Fee.
- R5F **5:05 p.m. 2nd Rdg**, Business Tax Application Fee.
- R7A1 **5:01 p.m. 2nd Rdg**, Adopt Final Ad Valorem Millage & Debt Service Millage for FY 2009/10.
- R7A2 **5:01 p.m. 2nd Rdg**, Adopt Final Operating Budgets for FY 2009/10.
- R7B1 **5:02 p.m. 2nd Rdg**, Adopt Final FY 2009/10 Ad Valorem Millage/Normandy Shores Loc. Gov.
- R7B2 **5:02 p.m. 2nd Rdg**, Adopt Final FY 2009/10 Operating Budget, Normandy Shores Local Gov.
- R7C Adopt FY 2009/10 Appropriation, Capital Renewal & Replacement Fund Budget.
- R7D **Joint**, Adopt/Appropriate, Capital Budget for FY 2009/10 & Capital Improvement Plan.
- R7E Adopt FY 2009/10 Budgets, Special Revenue Funds for Resort Tax.
- R7F Authorize Administration to Charge Customers for Online Lien Search.
- R7G Amend Resolution 2008-26909, Increase Fire Rescue Fees.
- R7H Appropriate PTP Funds, Local Circulators in Miami Beach.
- R7I Adopt Cultural Arts Council's FY 2009/10 Budget.
- R7J Approve Cultural Arts Council's Funding Recommendations for FY 2009/10.
- R7K Adopt Visitor & Convention Authority (VCA) FY 2009/10 Budget.
- R7L Allocate FY 2009/10 Funds, to be Utilized by Friends of the Bass Museum, Inc.

- R7M Approve Agreement Between (GMCVB) & The City of Miami Beach.
R7N Independent Contractor Agreements.
1A **Joint**, Adopt/Appropriate, Capital Budget for FY 2009/10 & Capital Improvement Plan.
1B Adopt/Appropriate FY 2009/10 Operating Budgets - City Ctr./Anchor Shops & Parking Garage.

Meeting called to order at 5:34:06 p.m.

SUPPLEMENTAL MATERIALS:

- R7A2 – Attachments A, B, C and D
R7H – Resolution
R7M - Resolution

CONSENT AGENDA

ACTION: Motion made by Commissioner Libbin to approve the Consent Agenda; seconded by Commissioner Tobin; Voice vote: 5-0; Absent: Vice-Mayor Diaz and Commissioner Wolfson.

C7 - Resolutions

- C7A A Resolution Adopting And Appropriating Funds For The Fiscal Year 2009/10 Police Special Revenue Account Budget In The Amount Of \$70,000, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue – Account.
(Police Department)

ACTION: Resolution No. 2009-27200 adopted. Patricia Walker to appropriate the funds. Chief Noriega to handle.

- C7B A Resolution Adopting And Appropriating Funds For The Police Confiscation Trust Fund Budget For Fiscal Year 2009/10 In The Amount Of \$221,000 To Be Funded From State Confiscated Funds (\$40,000) And Federal-Justice (\$181,000) Confiscated Funds.
(Police Department)

ACTION: Resolution No. 2009-27201 adopted. Patricia Walker to appropriate the funds. Chief Noriega to handle.

- C7C A Resolution Adopting And Appropriating Funds For The Fiscal Year 2009/10 Police Training Trust Fund Budget In The Amount Of \$45,000.
(Police Department)

ACTION: Resolution No. 2009-27202 adopted. Patricia Walker to appropriate the funds. Chief Noriega to handle.

7:18:36 p.m.

C7D A Resolution Authorizing The Appropriating Of \$45,000 In Concurrency Mitigation Funds For Fiscal Year 2009/10 From North, Middle And South Beach, Respectively, To Fund General Traffic And Transportation Engineering Consulting Services.
(Public Works)

ACTION: Item withdrawn.

Commissioner Gross stated that this item basically continues paying developers from City funds, and his proposal was to pass that cost to developers.

Fred Beckmann, Public Works Director, spoke.

Discussion held.

Mayor Bower recommended withdrawing the item and bringing together with the ordinance proposed by Commissioner Gross.

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances

7:23:34 p.m.

R5A An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Entitled "Standards Of Conduct"; Amending Section 2-482, Entitled "Registration"; Amending Section 2-482(a) And 2-482(f) Thereof, To Respectively Increase The "Per Issue" And Annual Lobbyist Registration Fees; And Also Amending Appendix "A" Thereto, Entitled "Fee Schedule"; Providing For Repealer, Severability, And An Effective Date. **5:05 p.m. Second Reading Public Hearing**

(City Clerk's Office)

(First Reading on September 10, 2009)

ACTION: Public Hearing held. Ordinance No. 2009-3650 adopted as amended. Motion made by Commissioner Gross to lower the annual registration fee from \$1,000 approved on first reading to \$500, and increase the per issue fee to \$350.00; seconded by Commissioner Tobin; Ballot vote: 4 -1; Opposed: Commissioner Libbin; Absent: Vice-Mayor Diaz and Commissioner Wolfson. R. Parcher to transmit to Municipal Code and handle.

Amendment

Annual Registration fee \$500.00

Per Issue fee \$350.00

End

Commissioner Libbin stated that this increase will be passed on to the customers. He stated that the \$1,000 fee is okay for the individuals that are here all the time in front of the Planning Board, etc., but there a lot of people working on small projects that need to hire someone to appear one time. He suggested that \$125 is okay for people that are here three times or less, but the other professional lobbyists that are here all the time could pay the \$1,000. He asked what his fellow Commissioners thought about it.

Robert Parcher, City Clerk, stated, for the record, that an analysis was done to estimate the cost of the process and the increase is necessary to cover the cost of the process, and even at the higher rate all the costs are not covered.

Discussion continued.

Commissioner Gross asked if it would be a lot more work to do the increase on a sliding scale.

Mayor Bower suggested doing it quarterly and dividing the \$1,000 into quarterly payments.

Robert Parcher, City Clerk, stated that the quarterly payment will be very difficult to administer.

Discussion continued.

Motion made by Commissioner Libbin to modify so that if a lobbyist appears three (3) times or less in one year, the registration fee is \$250.00, and if the lobbyist appears more than three (3) times in one year the fee is \$1,000.00. No second offered and discussion continued.

Motion made by Commissioner Gross lowering the annual registration fee from \$1,000, as approved on first reading, to \$500.00; and increasing the fee per issue to \$350.00; seconded by Commissioner Tobin; Ballot Voice: 4-1; Opposed: Commissioner Libbin; Absent: Vice-Mayor Diaz and Commissioner Wolfson.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 559

7:37:56 p.m.

R5B Parking Rate Ordinance Amendments

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 106, Entitled "Traffic And Vehicles," By Amending Article II, Entitled "Metered Parking," By Amending Division 1, Entitled "Generally," By Amending Section 106-55, Entitled "Parking Rates, Fees, And Penalties;" By Amending Parking Meter Rates North Of 23rd Street; Providing For Codification, Repealer, Severability, And An Effective Date. **5:05 p.m. Second Reading Public Hearing**

(Parking Department)

(First Reading on September 10, 2009)

ACTION: Public Hearing held. Ordinance No. 2009-3651 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Gross; Ballot vote: 4-1; Opposed: Commissioner Weithorn; Absent: Vice-Mayor Diaz and Commissioner Wolfson. R. Parcher to transmit to Municipal Code. Saul Frances to handle.

Mark Weithorn, Chairperson of the Transportation and Parking Committee, spoke.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 559

7:54:04 p.m.

R5C Stormwater Utility Service Charge

An Ordinance Amending Chapter 110 Of The Miami Beach City Code, Entitled "Utilities;" Amending Article III Thereof, Entitled "Stormwater Utility;" Amending Section 110-109 Thereof Entitled "Stormwater Utility Fees," By Amending Appendix A Thereto Entitled "Fee Schedule," To Increase The Stormwater Utility Service Charge Imposed By The City As Of October 1, 2009; Providing For Codification, Repealer, Severability, And An Effective Date. **5:05 p.m. Second Reading Public Hearing.**

(Public Works)

(First Reading on September 10, 2009)

ACTION: Public Hearing held. Ordinance No. 2009-3652 adopted. Motion made by Commissioner Gross; seconded by Commissioner Weithorn; Ballot vote: 5-0; Absent: Vice-Mayor Diaz and Commissioner Wolfson. R. Parcher to transmit to Municipal Code.

Harry Cherry spoke.

Rennie Jack Harrison spoke.

Karen Harrold spoke.

Benita Argos spoke.

Jorge Gonzalez, City Manager, introduced the item.

Discussion held.

Commissioner Tobin stated that the stormwater rate being discussed is a 22% increase and added that he voted against it the first time it came up and voted for it the last time it was discussed. He asked the City Manager to explain the 22% hike in order to cover a debt to be able to issue \$39 million in bonds for stormwater. The bonds that the Commission is contemplating issuing were based on construction costs much higher, as much as 40% higher. Is this rate increase of 22% really needed for debt coverage of \$39 million, if it's now known that the cost of construction is going to be substantially less?

Jorge Gonzalez, City Manager, explained.

Commissioner Tobin requested that whatever amount will be for the second tranch to include on the agenda how much money is anticipated to be saved.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 559

8:19:46 p.m.

R5D Water & Sanitary Sewer Service Charge

An Ordinance Amending Chapter 110 Of The Miami Beach City Code Entitled "Utilities," Amending Article IV, Entitled "Fees, Charges, Rates And Billing Procedure Thereof"; Amending Division 2 Thereof, Entitled "Rates, Fees And Charges"; By Amending Section 110-168 (C) Thereof, Entitled "Sanitary Sewer Service Charge," To Provide Additional Sanitary Sewer Service Charge Fees; And Also Amending Appendix A To Chapter 110, Entitled "Fee Schedule" To Increase The Water Rates And Sanitary Sewer Service Charges Imposed By The City Pursuant To Sections 110-166 (a) And (b), 110-168 (a), And Providing A Submetering Fee In Section 110-170(A); Amending Section 110-170 To Be Entitled "Submetering" To Create Provisions For Submeters; Providing For Codification, Repealer, Severability, And An Effective Date Of October 1, 2009. **5:05 p.m. Second Reading Public Hearing.**

(Public Works)

(First Reading on September 10, 2009)

ACTION: Public Hearing held. Ordinance No. 2009-3653 adopted as amended. Motion made by Commissioner Gross; seconded by Commissioner Libbin; Ballot vote: 5-0; Absent: Vice-Mayor Diaz and Commissioner Wolfson. R. Parcher to transmit to Municipal Code.

Amendment

City Administration to pursue with Miami-Dade County any savings to further reduce the rates to benefit Miami Beach residents.

End

Harry Cherry spoke.

Discussion regarding minimum consumption rate was held.

Mayor Bower clarified Mr. Cherry's issue, which is that on a regular meter that does not have a minimum, figure out what the cost of reading the meter is and charge that as the cost of reading the meter and then charge for the consumption, in that way residents will have a chance to control the consumption charges.

Jorge Gonzalez, City Manager, stated that that is a good suggestion but it could affect the rates and that decision cannot be made today.

Mayor Bower stated that this issue should be analyzed. **Fred Beckmann to handle.**

Commissioner Weithorn stated that Miami-Dade County decided to lower the rates being charged to their retail customers because of the slow down in infrastructure changes, yet the County captured the increase to the wholesale customers, i.e., the City of Miami Beach. She directed the Administration to challenge the County, as it does not seem fair for the City to pay. **Fred Beckmann to handle.**

Discussion continued.

Jorge Gonzalez, City Manager, encouraged Commissioner Weithorn to volunteer in challenging the County. Commissioner Weithorn happily accepted.

Responding to Commissioner Weithorn's question, Jorge Gonzalez, City Manager, stated that during South Pointe phase neighborhood projects, dramatic savings were found and those savings were applied appropriately. A total of \$8 million savings from the South Pointe project were applied to the booster pump station, and the pump station was taken out of the bond to avoid the bond rates from being affected adversely. The Administration is trying to get those savings and apply them

appropriately to keep the costs down.

Commissioner Weithorn asked to make sure that no matter where the money comes from, that if the City does not need to spend \$24 million, that we make sure that we don't.

Jorge Gonzalez, City Manager, stated "absolutely" and explained that this project is under review by the County again, and the Administration is working with the County to see if some of the City's costs might be borne by the County by delaying the project.

Commissioner Tobin asked the City Manager for a quarterly update after the bonds are issued.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 559

7:40:55 p.m.

8:50:49 p.m.

R5E Nonprofit Vendors Application Fee

An Ordinance Amending Chapter 86 Of The Miami Beach City Code Entitled "Sales," By Amending Article III Thereof, Entitled "Nonprofit Vending And Distribution," By Amending Division 2, Entitled "Permit," By Amending Section 86-173, Entitled "Processing Fee," To Add A \$100.00 Permit Application Fee; Providing For Repealer, Severability, Codification, And An Effective Date.

5:05 p.m. Second Reading Public Hearing

(Finance Department)

(First Reading on September 10, 2009)

ACTION: Public Hearing held. Ordinance No. 2009-3654 adopted as amended. Motion made by Commissioner Gross; seconded by Commissioner Tobin; Ballot vote: 4-1: Opposed: Commissioner Libbin; Absent: Vice-Mayor Diaz and Commissioner Wolfson. R. Parcher to transmit to Municipal Code Corporation.

Amendment:

\$135.00 per quarter

End

Patricia Walker, CFO, introduced the item.

Discussion held.

Commissioner Weithorn stated that the rate is set administratively and the City Commission can give direction; the only item being voted on is the not-for-profit vendors and moved the item; seconded by Commissioner Tobin.

Discussion continued.

Mayor Bower stated that in the motion the not-for-profit vendors need to be included to be fair.

Patricia Walker, CFO, explained that in the street performers and artist vendors all the costs are included because of intense process with Code Compliance since they share in this process as well as the monitoring.

Discussion continued.

Mayor Bower requested a vote on the ordinance.

Commissioner Libbin seconded the motion.

Robert Parcher, City Clerk, stated that there was a motion by Commissioner Weithorn; seconded by Commissioner Tobin.

Commissioner Tobin withdrew his second.

Robert Parcher, City Clerk, stated that Commissioner Libbin seconded the motion; Ballot vote; 3-2; Opposed: Commissioners: Gross and Tobin; Absent: Vice-Mayor Diaz and Commissioner Wolfson. The motion failed.

8:50:59 p.m.

Hilda Fernandez, Assistant City Manager, stated that to include the monitoring for the not-profit vendors the cost will be \$136.26 per quarter. If monitoring were to be included for the artist vendors street performers the cost will be \$785.22 per quarter.

Motion made by Commissioner Gross to charge each of them the City's cost; no second offered and the discussion continued.

Jorge Gonzalez, City Manager, stated that this is a significant amount to charge the vendors given what they do.

Commissioner Weithorn stated that she will not ask the residents to subsidize this cost.

Commissioner Gross stated that the charge of \$135.00 per quarter is his motion; seconded by Commissioner Tobin.

Discussion continued.

Mayor Bower requested to know if this legally infringes with the First Amendment of art expressions. She requested a legal opinion from the City Attorney. From now on, when these rates are changed, she wants a legal opinion first.

Commissioner Gross stated that he disagrees and does not want this on the record. They are just recovering the City's cost.

Jose Smith, City Attorney, stated that there are some First Amendment implications and he will research them and give the Mayor a memo on it. **Legal Department to handle.**

Commissioner Tobin clarified that what is being approved is that it will cost about \$500 a year for not-for-profit T-shirt vendors to do business on the public right-of way, and added that it's cheaper than what store owners are paying per foot to rent a store.

Discussion continued.

Final Motion:

Motion made by Commissioner Gross to charge \$135.00 per quarter; seconded by Commissioner Tobin; Ballot vote; 4-1; Opposed: Commissioner Libbin; Absent: Vice-Mayor Diaz and Commissioner Wolfson.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 559
2. Email from Dwight Kraai to Mayor Matti Bower; Vice-Mayor Diaz, and Commissioners Gross, Libbin, Tobin

Wolfson and Weithorn.

7:51:57 p.m.

R5F Business Tax Application Fee

An Ordinance Amending Chapter 102 Of The City Code, Entitled "Taxation," By Amending Article V Therein, Entitled "Local Business Tax," Amending Section 102-379 Therein, Entitled "Schedule Of Taxes, Effective October 1, 2005"; Said Amendment Providing For A \$25.00 Business Tax Receipt Application Fee; Providing For Repealer, Severability, Codification, And An Effective Date. **5:05 p.m.**
Second Reading Public Hearing

(Finance Department)

(First Reading on September 10, 2009)

ACTION: Public Hearing held. Ordinance No. 2009-3655 adopted as amended at \$45.00.

Motion made by Commissioner Weithorn; seconded by Commissioner Gross; Ballot vote: 5-2; Absent: Vice-Mayor Diaz and Commissioner Wolfson. R. Parcher to transmit to Municipal Code.

Amendment

Business Tax Receipt Application Fee at \$45.00.

End

Motion made by Commissioner Weithorn to move the item.

Amendment:

Commissioner Gross stated that the fee should be set at the cost of \$45.00.

Commissioner Weithorn stated that since it is not a large amount she accepts the amendment.

Ballot vote: 5-2; Absent: Vice-Mayor Diaz and Commissioner Wolfson.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 559

9:07:48 p.m.

Jorge Gonzalez, City Manager, stated that the budget does not get done without the effort and hard work from a lot of individuals throughout the City including the time spent by Mayor Bower and City Commissioners. He acknowledged Kathie Brooks, Director of Budget and Performance Improvement Department, Assistant City Managers, Hilda Fernandez, Tim Hemstreet and Robert Middaugh, Patricia Walker, CFO, all the Department Heads, Jose Cruz, Carmen Carlson, Tomeka Otto Stewart, Isabel Stillone, Brad Mester, Paula Rodriguez, Sailyn Christiansen and everyone involved in the budget side; also with the capital process Ramon Suarez, Sara Patino and Ana Witowski; all of them have contributed to making this day a lot more manageable.

9:09:09 p.m.

Mayor Bower thanked all the Commissioners for a great meeting and added that even when the Commission disagrees, it was done with respect. She also thanked Jorge Gonzalez, City Manager, and staff because there were only two or three speakers, which shows that the job was well done. She reminded everyone that next year the budget process needs to start early to educate the citizens. She would like more public meetings from the Budget Advisory Committee as they review the budget to better educate the residents and have input during the process.

R7 - Resolutions**5:34:47 p.m.**

R7A1 Resolution Adopting: 1) The Final Ad Valorem Millage Of 5.6555 Mills For General Operating Purposes, Which Is Fourteen And Two Fifth Percent (14.4%) Less Than The "Rolled-Back" Rate Of 6.6107 Mills; And 2) The Debt Service Millage Rate Of 0.2568 Mills For Fiscal Year (FY) 2009/10.

5:01 p.m. Second Reading Public Hearing

(Office of Budget & Performance Improvement)
(First Reading on September 10, 2009)

ACTION: Title of the resolution read into the record. Public hearing held. Resolution No. 2009-27203 adopted as amended. Motion made by Commissioner Weithorn; seconded by Commissioner Libbin; Voice vote: 6-0; Absent: Vice-Mayor Diaz. Kathie Brooks to handle.

Amendment

Maintain the electrician position for \$9,784

End

Richard McKinnon, President, CWA Local 179, spoke.

Discussion held.

Commissioner Libbin asked about the three public safety specialists positions and added that the action taken tonight does not preclude from trying to fill positions.

Jorge Gonzalez, City Manager, explained that two out of the three public safety specialist employees have found a place, and one of them is caught up in a different matter; and the clerk position is due to retake a test. The budget establishes dollars and establishes position counts. There is a recall list for those individuals unable to be placed and the goal of the Administration is to try to place all employees.

Discussion continued regarding the electrician position.

Motion made by Commissioner Libbin, seconded by Commissioner Weithorn; to maintain the electrician position for \$9,784; Voice vote: 6-0; Absent: Vice-Mayor Diaz.

Kathie Brooks, OBPI Director, spoke.

Fred Beckmann, Public Works Director, spoke.

Richard McKinnon spoke.

Discussion held.

Commissioner Gross explained that no one knows if some of these employees are being offered jobs in the City or not, and when the analysis is done, he requested that the Commission be informed as to where they are at. He requested that at the October 14 Commission Meeting, the pending issues be resolved and the data be distributed.

Jorge Gonzalez, City Manager, stated that his job is not a pleasant job, and his job is to deliver a budget that will accomplish the goals of this Commission.

Marc Gidney, Budget Advisory Committee Chair, spoke.

Discussion continued.

Marc Gidney spoke.

Mayor Bower thanked the Budget Advisory Committee members for their efforts and challenged the Committee to for next fiscal year. She thanked him and the Committee members for all the hours of worked.

Judy Clayton spoke.

Patricia Walker, CFO spoke.

Benita Argos spoke.

Harry Cherry spoke.

Motion made by Commissioner Weithorn; seconded by Commissioner Libbin to adopt the resolution as amended; Voice vote: 6-0; Absent: Vice-Mayor Diaz.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 559
2. Estimates of City and CWA Savings comparison and Summary of Public Work Lay-Off Impact of 6 CWA Members, distributed by Richard McKinnon, CWA President.

5:34:47 p.m.

7:08:31 p.m.

SUPPLEMENTAL MATERIALS: ATTACHMENTS A, B, C, AND D

R7A2 Resolution Adopting Final Budgets For The General, G.O. Debt Service, RDA Ad Valorem Taxes, Enterprise, And Internal Service Funds For Fiscal Year 2009/10. **5:01 p.m. Second Reading Public Hearing**

(Office of Budget & Performance Improvement)
(First Reading on September 10, 2009)

ACTION: Title of the resolution read into the record. Public hearing held. Resolution No. 2009-27204 adopted as amended. Motion made by Commissioner Libbin; seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Vice-Mayor Diaz. Kathie Brooks to handle. See item R7A1.

Amendment:

Undo the \$10,000 savings and passed the budget as is, bring back in October for further amendment if needed

End

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 559

7:09:15 p.m.

R7B1 Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Final Ad Valorem Millage Of 0.8567 Mills For Fiscal Year (FY) 2009/10 For The Normandy Shores Local Government District, Which Is Two And Four- Fifth Percent (2.8%) Less Than The "Rolled-Back" Rate Of 0.8817 Mills. **5:02 p.m. Second Reading Public Hearing**

(Office of Budget & Performance Improvement)
(First Reading on September 10, 2009)

ACTION: Title of the resolution read into the record. Public hearing held. Resolution No. 2009-27205 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Libbin; Voice vote: 6-0; Absent: Vice-Mayor Diaz. Kathie Brooks to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 559

7:10:23 p.m.

R7B2 A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Final Operating Budget For Fiscal Year (FY) 2009/10. **5:02 p.m. Second Reading Public Hearing**

(Office of Budget & Performance Improvement)
(First Reading on September 10, 2009)

ACTION: Title of the resolution read into the record. Public hearing held. Resolution No. 2009-27206 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Vice-Mayor Diaz. Kathie Brooks to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 559

8:35:31 p.m.

R7C A Resolution Adopting The Annual Fiscal Year (FY) 2009/10 Appropriation For The Capital Renewal And Replacement Fund Budget, In The Amount Of \$2,026,707.
(Budget & Performance Improvement)

ACTION: Resolution No. 2009-27207 adopted as amended. Motion made by Commissioner Gross; seconded by Commissioner Weithorn with the proviso that bids or JOC be presented to the City Commission for approval; Voice vote: 5-0. Absent: Vice-Mayor Diaz and Commissioner Wolfson. Patricia Walker to appropriate the funds. Kathie Brooks to handle.

Amendment

Item approved with proviso that bids or JOC's be presented to the City Commission for approval
End

Jorge Gonzalez, City Manager, introduced the item.

Commissioner Gross moved the item with the proviso that bids be presented to the City Commission for approval; seconded by Commissioner Weithorn.

7:21:35 p.m.

- R7D A Resolution Adopting And Appropriating The City Of Miami Beach Capital Budget For Fiscal Year 2009/10 And The Capital Improvement Plan For Fiscal Years 2009/10-2013/14. **Joint City Commission and Redevelopment Agency** .
(Budget & Performance Improvement)

ACTION: Item heard in conjunction with RDA Item 2A. Resolution No. 2009-27208 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Libbin; Voice vote: 5-0; Absent: Vice-Mayor Diaz and Commissioner Wolfson. Patricia Walker to appropriate the funds. Kathie Brooks to handle.

7:12:16 p.m.

- R7E A Resolution Adopting Fiscal Year (FY) 2009/10 Budgets For Special Revenue Funds For Resort Tax; The 7th Street Parking Garage Operations; City's Share Of The Shortfall Contribution Requirement For The 5th & Alton Parking Garage Operations; Art In Public Places (AIPP), And The Information And Communications Technology Fund - Debt Service.
(Budget & Performance Improvement)

ACTION: Resolution No. 2009-27209 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Libbin; Voice vote: 6-0; Absent: Vice-Mayor Diaz. Patricia Walker to appropriate the funds. Kathie Brooks to handle.

7:12:37 p.m.

- R7F A Resolution Authorizing The Administration To Charge Customers \$75 For An Online Lien Search, \$113 For A Condominium Online Lien Search, \$100 For A Certified Lien Search And \$150 For A Certified Condominium Lien Search.
(Finance Department)

ACTION: Resolution No. 2009-27210 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Libbin; Voice vote: 6-0; Absent: Vice-Mayor Diaz. Patricia Walker to appropriate the funds and to handle.

7:13:10 p.m.

- R7G A Resolution Amending Resolution 2008-26909, Subject To And Effective Upon Approval By Miami-Dade County, Increasing The Present Fire Rescue Transport Fees From \$330 To \$358.67 For Basic Life Support, From \$380 To \$425.93 For Advanced Life Support 1, And From \$490 To \$616.47 For Advanced Life Support 2, And Maintaining The Current Fees For All Expendable Medical Supplies, With Services Not To Be Withheld Due To A Person's Inability To Pay.
(Fire Department)

ACTION: Resolution No. 2009-27211 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Gross; Voice vote: 5-0; Absent: Vice-Mayor Diaz and Commissioner Wolfson. Patricia Walker to appropriate the funds. Chief Yuhr to handle.

7:13:59 p.m.

8:38:41 p.m.

SUPPLEMENTAL MATERIALS: RESOLUTION

R7H A Resolution Authorizing The Appropriation Of \$1,159,467 From The Fiscal Year (FY) 2008/09 People's Transportation Plan (PTP) Funds, \$18,320 From The FY 2009/10 Concurrency Mitigation South Beach Funds, To Fund Local Circulators In Miami Beach; Further Appropriating \$157,735 From FY 2008/09 PTP Funds For Administrative And Technical Operating Expenditures, As Part Of The 5% Of Administrative Assistance Allowable For PTP Expenditures And As Part Of The 4% Of Technical Assistance Allowable For PTP Expenditures; And Further Appropriating \$100,000 From FY 2008/09 PTP Funds For Transit Planning Studies For The Coastal Communities Transit Study Projects.

(Public Works)

ACTION: Resolution No. 2009-27212 adopted and the issue of the reduction in the ridership referred to the Neighborhood/Community Affairs Committee for recommendations. Motion made by Commissioner Weithorn; seconded by Commissioner Libbin; Voice vote: 5-0; Absent: Vice-Mayor Diaz and Commissioner Wolfson. Patricia Walker to appropriate the funds. Randi MacBride to place on the committee agenda. Fred Beckmann to handle.

Commissioner Libbin stated that the ridership statistics are troubling because we are spending a large amount of money because we had pressure from the citizens to expand the circulator to the Belle Isle and the Museum and this is being monitored but there has been a significant reduction in the ridership. He asked if the Administration has done anything to assess why the large reduction. He quoted that in 2007 there were 2.5 million riders. There was a 5% reduction in 2008 and in between October 2008 and March 2009 there is an additional 36% reduction. There is no explanation for these reductions.

Mayor Bower explained that she receives a lot of complaints and it has to do with the change of the routes.

Commissioner Gross stated that the decrease was before the route was changed. He added that according to the bureau's statistics the booking for the hotels is down since we had fewer tourists in town and that could account for the decrease.

Commissioner Libbin asked if we could do better or do other things with this money.

Jorge Gonzalez, City Manager, stated that Commissioner Gross is right. The pool of available riders is down because tourism is down. He stated that the change in the routes created a longer ride and a longer wait.

Discussion continued.

Mayor Bower stated that she has asked for statistics also from Miami-Dade County because of the number of calls she has received due to the route change. She explained that the stop at Publix was moved from the front to the side and since the side is so dark people are not going. She stated that there were going to have lights installed and asked where the lights are. **Fred Beckmann to handle.**

Fred Beckmann, Public Works Director, stated that the City was going to do a survey of the ridership, if Miami-Dade County does not. The City will have students to hand out a survey to the riders to understand better what the problem is. They will go to Rebecca Towers and do the survey since the senior citizens are the biggest users. The City also needs the statistics from Miami-Dade County after the route was changed, once they have this information they could tell what the problem is. They will provide an LTC with the information. **Fred Beckmann to handle.**

Commissioner Libbin asked if we could do our own statistics by having an intern ride the route.

Discussion continued.

Commissioner Libbin stated that he would like to see more definitive information and substantive reasons as to why the ridership is down and what will be done about it. If it continues to deteriorate, we may need to reassess.

Commissioner Tobin suggested placing this on the agenda for next month to see what progress has been made.

Jorge Gonzalez, City Manager, suggested referring it to the Neighborhood/Community Affairs Committee and bringing the information on the routes, the head ways and what is being proposed.

Commissioner Tobin agreed and stated that the Administration understands that this is a priority.

Motion made by Commissioner Weithorn to approve the item.

Commissioner Libbin seconded the item with the referral to the Neighborhood/Community Affairs Committee.

7:13:40 p.m.

R7I A Resolution Adopting The Miami Beach Cultural Arts Council's Fiscal Year 2009/10 Budget In The Amount Of \$1,106,300.

(Tourism & Cultural Development)

ACTION: Resolution No. 2009-27213 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Tobin; Voice vote: 5-0. Absent: Vice-Mayor Diaz and Commissioner Wolfson. Max Sklar to handle.

7:14:01 p.m.

R7J A Resolution Accepting The City Manager's Recommendation, And Approving The Cultural Arts Council's Funding Recommendations, And Awarding \$630,000 In Said Grants, For Fiscal Year 2009/10, As Identified In The Attached Exhibit "A"; And Further Authorizing The Mayor And City Clerk To Execute Said Grant Agreements, And Make The Award Of Said Grant Monies Subject To And Contingent Upon The Approval Of The Cultural Arts Council's Budget For Fiscal Year 2009/10.

(Tourism & Cultural Development)

ACTION: Resolution No. 2009-27214 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Weithorn; Voice vote: 5-0. Absent: Vice-Mayor Diaz and Commissioner Wolfson. Max Sklar to handle.

7:14:33 p.m.

R7K A Resolution Adopting And Approving The Miami Beach Visitor And Convention Authority (VCA) FY 2009/10 Budget, In The Amount Of \$1,596,640.

(Tourism & Cultural Development)

ACTION: Resolution No. 2009-27215 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Libbin; Voice vote: 5-0; Absent: Vice-Mayor Diaz and Commissioner Wolfson. Max Sklar to handle.

7:14:48 p.m.

R7L A Resolution Approving An Allocation, In The Amount Of \$512,000, From FY 2009/10 General Fund Account No. 011.0930; Said Allocation To Be Provided To And Utilized By The Friends Of The Bass Museum, Inc. For The Purpose Of Continuing To Fund (And Provide) Certain Operating Expenses At The Bass Museum Of Art, Through September 30, 2010; And Further Authorizing The City Manager To Execute A New Letter Agreement With The Friends Of The Bass Museum, Inc., Memorializing The Parties' Respective Obligations With Regard To The Friends Management And Operation Responsibilities At The Bass Museum (Through September 30, 2010).
(Tourism & Cultural Development)

ACTION: Resolution No. 2009-27216 adopted. Motion made by Commissioner Tobin; seconded by Commissioner Libbin; Voice vote: 5-0; Absent: Vice-Mayor Diaz and Commissioner Wolfson. Max Sklar to handle.

7:10:49 p.m.**7:12:50 p.m.****SUPPLEMENTAL MATERIALS: RESOLUTION**

R7M A Resolution Approving The Substantive Terms, As Set Forth In That Certain Term Sheet Attached As Exhibit "A" To This Resolution, To The New Agreement Between The City And The GMCVB, Which Agreement Shall Be For A Five(5) Year Term, Commencing On October 1, 2009, And Ending On September 30, 2014; Further Authorizing The City Manager To Negotiate The Final Agreement With The GMCVB And, If Successful, Approving And Authorizing The Mayor And City Clerk To Execute The Agreement, Subject To And Contingent Upon The Following Conditions: 1.) Except For The Inclusion Of The New Substantive Terms In The Attached Term Sheet, As Well As Any Other Prior Negotiated Terms Which May No Longer Be Applicable, The New Agreement Shall Be In Substantially The Same Form, Including, Without Limitation, Incorporating The Same Standard Minimum Terms And Conditions Safeguarding The City, As The Prior (I.E. 2004-2009) City-GMCVB Agreement; 2.) The Final Version Of The New Agreement Shall Be Subject To Review And Sign Off By The City Manager And Subject To Form Approval By The City Attorney; And 3.) In The Event That The City And GMCVB Deem It Necessary To Include Any New Substantive Terms (Which Are Not Contained In The Attached Term Sheet), Then, Prior To Finalizing The Agreement, The City Manager Shall Be Required To Report Same To The City Commission.
(Tourism & Cultural Development)

ACTION: Resolution No. 2009-27217 adopted. Motion made by Commissioner Tobin; seconded by Commissioner Libbin; Voice vote: 5-1. Opposed: Commissioner Wolfson; Absent: Vice-Mayor Diaz. Max Sklar to handle.

7:12:50 p.m.

Commissioner Wolfson recorded a no vote on this item.

7:15:17 p.m.

R7N Independent Contractor Agreements

1. A Resolution Authorizing The City Manager, On Behalf Of The City, To Enter Into Certain Independent Contractor Agreements For Professional And Other Services, As Required And As The City Manager Deems In The Best Interest Of The City, Subject To And Contingent Upon The Following Parameters: 1) The City Manager Shall Only Enter Into Contracts For Such Professional And Other Services To Provide Services And/Or Work Related To Vacant Budgeted Positions, As Identified In The City's Approved Fiscal Year (FY) 2009/2010 Annual Budget; 2) The Amount Of The Fee And/Or Other Compensation To Be Paid By The City Under Such Contract(s) Shall Not Exceed The Authorized Amount For The Respective Position/Classification, As Set Forth, Respectively, In The City's Classified Or Unclassified Salary Ordinance (As The Case May Be); 3) The Term Of Any Independent Contractor Agreement Authorized Herein Shall Not Extend Beyond The End Of FY 2009/2010 (September 30, 2010); 4) At A Minimum, The City Manager Shall Require That Any Independent Contractor Agreement Entered Into Pursuant To This Resolution Shall Utilize The City's Standard Form For Independent Contractors (As Attached To This Resolution), Provided That The City Manager May Incorporate Additional Terms, Which May Be More Stringent Than The City's Form, But Not More Lenient; And 5) Providing That The Authority Granted To The City Manager Pursuant To This Resolution Shall Be Brought To The City Commission For Renewal Annually As Part Of The Annual Operating Budget Approvals.

ACTION: Item referred to the Finance & Citywide Projects Committee. Motion made by Commissioner Libbin to refer the item to the Finance and Citywide Projects Committee; seconded by Commissioner Weithorn. Voice vote: 4-0; Absent: Vice-Mayor Diaz and Commissioners Tobin and Wolfson.

Jorge Gonzalez, City Manager, introduced the item.

Discussion held.

Commissioner Libbin is concerned that there are funds related with this item that may be used to keep employees on the payroll and do the same job.

Discussion continued.

Mayor Bower suggested referring the item to the Finance and Citywide Projects Committee.

2. A Resolution Authorizing The City Manager, On Behalf Of The City, To Enter Into Certain Independent Contractor Agreements For The Following Services, As Required And As The City Manager Deems In The Best Interest Of The City: Dance Instruction; Ice Skating Instruction; Athletics Instruction/Coaching; Aerobics Instruction; Fitness Instruction; Literacy, Math And S.A.T. Tutoring; School Liaison Officers; Television Production Services; Videographer Services; Graphic Designer Services; Program Monitor Services; And Auditors; Provided Further That The City Manager Shall Be Authorized To Negotiate, Enter Into, And Execute The Aforestated Agreements Subject To The Following Minimum Parameters: 1) The Amount Of The Fee And/Or Other Compensation To Be Paid By The City Under Such Agreement(S) Shall Not Exceed The Authorized Amount For The Respective Services, As Set Forth In The City's Approved Fiscal Year (FY) 2009/2010 Annual Budget; 2) The Term Of Any Services Agreement Authorized Herein Shall Not Extend Beyond The End Of FY 2009/2010 (September 30, 2010); 3) At A Minimum, The City Manager Shall Require That Any Agreement Entered Into Pursuant To This Resolution Shall Utilize The City's Standard Form Independent Contractor Agreement (As Attached To This Resolution), Provided That The City Manager May Incorporate Additional Terms, Which May Be More Stringent Than The City's Form, But Not More Lenient; And 4) Providing That The Authority Granted To The City Manager Pursuant To This Resolution Shall Be Brought To The City Commission For Renewal Annually As Part Of The Annual Operating Budget Approvals.
(Human Resources)

ACTION: See action in R7N1.

End of Regular Agenda

Miami Beach Redevelopment Agency**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive****September 24, 2009**

Chairperson of the Board Matti Herrera Bower
Member of the Board Victor M. Diaz, Jr. Absent
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 Absent

Executive Director Jorge M. Gonzalez
Assistant Director Tim Hemstreet
General Counsel Jose Smith
Secretary Robert E. Parcher

AGENDA

1. NEW BUSINESS

7:21:35 p.m.

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency, Adopting And Appropriating The Miami Beach Redevelopment Agency Capital Budget For Fiscal Year (FY) 2009/10 And Adopting The Capital Improvement Plan For FY 2009/10 Through 2013/14. **Joint City Commission and Redevelopment Agency**
(Budget & Performance Improvement)

ACTION: Item heard in conjunction with Item R7D. Resolution No. 565-2009 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Libbin; Voice vote: 5-0 Absent: Vice-Mayor Diaz and Commissioner Wolfson. Kathie Brooks to handle.

- B A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency, Adopting And Appropriating The Operating Budgets For The City Center Redevelopment Area And The Anchor Shops And Parking Garage For Fiscal Year 2009/10.
(Budget & Performance Improvement)

ACTION: Resolution No. 566-2009 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Weithorn; Voice vote: 5-0 Absent: Vice-Mayor Diaz and Commissioner Wolfson. Kathie Brooks to handle.

End of RDA Agenda

Meeting adjourned at 9:10:22 p.m.