

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
February 3, 2010

Mayor Matti Herrera Bower
Vice-Mayor Deede Weithorn
Commissioner Jorge Exposito
Commissioner Michael Góngora
Commissioner Jerry Libbin
Commissioner Edward L. Tobin
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 Purchase Fifty (50) 2010 Ford Crown Victorias Police Pursuit Vehicles, From Garber Ford Mercury, Inc, Pursuant To Florida State Contract No. 09-17-0908, In The Amount Of \$1,098,415.00. Four (4) 2010 Chevrolet Impalas, From Garber Chevrolet Buick Pontiac & GMC Truck, Inc, Pursuant To Florida State Contract No. 09-17-0908, In The Amount Of \$79,756.00. Two (2) 2010 Chevrolet Impalas, From Bartow Chevrolet, Pursuant To Florida State Contract No. 09-17-0908, In The Amount Of \$33,214.00. Three (3) 2010 Ford Focus, From Duval Ford, Pursuant To Florida State Contract No. 09-17-0908, In The Amount Of \$43,320.00. Two (2) 2010 Ford Taurus D3 From Duval Ford, Pursuant To Florida State Contract No. 09-17-0908, In The Amount Of \$47,709.00.00. Eighteen (18) 2010 Ford Fusions, From Duval Ford, Inc, Pursuant To Florida State Contract No. 09-17-0908, In The Amount Of \$321,210.00. (Page 201)
(Fleet Management)

R5 - Ordinances

- R5A An Ordinance Amending Chapter 18 Of The Miami Beach City Code Entitled "Businesses," By Amending Article Xv, Entitled "Street Performers And Art Vendors" By Amending Section 18-901, Entitled "Definitions," By Expanding Geographical Definitions And Areas Relating To Street Performers And Artist Vendors; By Amending Section 18-903, Entitled "Artist Vendor Certificate Required," By Amending The Provisions Regarding Fees, Certificate Requirements, Administrative Rules, And The Procedures For The Processing Of Applications; By Amending Section 18-905, Entitled "Permit Application," By Amending The Provisions Regarding Fees, And Amending The Procedures Relative To Permits And Lotteries; By Amending Section 18-906, Entitled "Regulations And Prohibitions" By Amending The Provisions Concerning Lottery Procedures, Zone Locations, Expanding The Number Of Zones And Providing For Multiple Permits For Zone Locations Pursuant To The Administrative Rules, And Amending Provisions Regarding The Maintenance Of Artist Vendor Or Street Performer Zones; By Amending Section 18-909, Entitled "Disclaimer, Display, And Expiration Permit Or Certificate" To Correct A Typographical Error And To Require That Permits Be Displayed At The Permittees' Tables; Providing For Repealer, Severability, Codification, And An Effective Dates. **10:35 a.m. Second Reading Public Hearing** (Page 211)
(Code Compliance)
(Continued from January 13, 2010)
- R5B An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 82, "Public Property," Article IV, "Uses In Public Rights-Of-Way," Division 6, "Prohibited Signs Over Public Property," Section 82-414 "Permitted Signs, Shelters And Advertising In Public Rights-Of-Way", To Permit Advertising On Rental Bicycles As Part Of A City Bike Sharing Program; Providing For Codification, Repealer, Severability And An Effective Date. **First Reading** (Page 241)
(Parking Department)
- R5C An Ordinance Amending Ordinance No. 1335, The Classified Employees' Leave Ordinance, By Amending The Provisions For Accumulation And Payment Of Annual And Sick Leave For The Government Supervisors Association Of Florida/Opeiu, Local 100, Providing For A Repealer, Severability, And An Effective Date. **First Reading** (Page 247)
(Human Resources)
- R5D An Ordinance Amending Section 90-230 Of Chapter 90 Of The City Code, Entitled, "Solid Waste;" Said Amendment Increasing The Term Of The City's Franchise Waste Contractors/Franchise Waste Contractor Agreements From Three (3) To Five (5) Years; Amending Section 90-231, Entitled "Recycling Requirements For Franchise Waste Contractors; Protest Procedures;" And Further Amending Various Non-Substantive Definitions And Terms Throughout Chapter 90 To Update And Clarify Same (As Well As Deleting Various Definitions And Terms For The Same Corresponding Purposes Of Update/Clarification); And Providing Further For Codification, Severability, And An Effective Date. **First Reading** (Page 253)
(City Manager's Office)

R5 - Ordinances (Continued)

- R5E Consultant Review Fee Ordinance
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article 1, "In General," By Enacting A New Section 118-6, Entitled "Use Of, And Cost Recovery For, Consultants For Applications For Development Approval," Requiring Applicants Required To Submit Traffic And Other Technical Reports As Part Of Their Applications To Fund Report Preparation By Consultants Selected From A City-Approved List, In Addition To Any Consultant Reports The Applicant Desires To Submit, And To Require Cost Recovery For City's Use Of Consultants Needed To Review Reports Submitted With Such Applications; Providing For Repealer; Codification; Severability; And An Effective Date. **First Reading** (Page 297)
(Planning Department)

R7 - Resolutions

- R7A A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, And Having Considered The City Administration's Recommendation And The Criteria For Granting An After-The-Fact Revocable Permits Pursuant To Section 82-94 Of The Miami Beach City Code, Granting An After-The-Fact Revocable Permit In Favor Of The Applicant, The Betsy Ross Owner Llc, Owner Of The Betsy Hotel South Beach, Located At 1440 Ocean Drive, To Retain An As-Built Prefabricated Canvas Awning That Extends Approximately Fourteen Feet, Three Inches (14'-3") Over And Into The Public Right-Of-Way With A Minimum Vertical Height Of Seven Feet, Six Inches (7'-6"), As Measured From The Finished Sidewalk Grade; And Further Authorizing The Mayor And City Clerk To Execute The Permit. **10:05 a.m. Public Hearing** (Page 317)
(Public Works)
(Continued from January 13, 2010)
- R7B A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, And Having Considered The City Administration's Recommendation And The Criteria For Granting Revocable Permits Pursuant To Section 82-94 Of The Miami Beach City Code, Granting A Revocable Permit In Favor Of The Applicant, The Fresh Market Located At 1800 West Avenue, To Retain Two (2) Architectural Elements (Canopies) That Project Over And Into The Public Right-Of-Way (Row), With The Lowest Extension At A Maximum Horizontal Dimension Of Four Feet, Eleven Inches (4'-11") And Placed Sixteen Feet (16') Above The Row Of West Avenue Directly Above The Finish Sidewalk Grade, And The Highest Extension At A Maximum Horizontal Dimension Of Seven Feet, One Inch (7'-1") And Placed Fifty Five Feet (55') Above West Avenue Sidewalk Grade; Further Authorizing The Mayor And City Clerk To Execute The Permit. **10:10 a.m. Public Hearing**
(Page 331)
(Public Works)
(Continued from January 13, 2010)
- R7C A Resolution, Approving On Second Reading (And Final Approval), Following A Duly Noticed Public Hearing, A Lease Agreement Between The City And Immunity, Inc., For Use Of Approximately 3,036 Square Feet Of City-Owned Property, Located At 1130 Washington Avenue, 7th And 8th Floor, Miami Beach, Florida; Said Lease Having An Initial Term Of Three Years, With Two Additional Three Year Renewal Terms, At The City's Sole Discretion; Authorizing The Mayor And City Clerk To Execute The Lease Agreement. **10:10 a.m. Second Reading Public Hearing** (Page 359)
(Real Estate, Housing & Community Development)
(First Reading on January 13, 2010)

R7 - Resolutions (Continued)

- R7D A Resolution Approving On Second Reading (And Final Approval), Following A Duly Noticed Public Hearing, A Lease Agreement Between The City And Paul A. Sack, For Use Of Approximately 660 Square Feet Of City-Owned Property, Located At 1130 Washington Avenue, 3rd Floor West, Miami Beach, Florida; Said Lease Having An Initial Term Of Three Years, With Two Additional Three Year Renewal Terms, At The City's Sole Discretion; Authorizing The Mayor And City Clerk To Execute The Lease Agreement. **10:15 a.m. Second Reading Public Hearing** (Page 389)
(Real Estate, Housing & Community Development)
(First Reading on January 13, 2010)
- R7E A Resolution Approving On First Reading, A Lease Agreement Between The City And MDGLCC Foundation, Inc., For Use Of Approximately 2,543 Square Feet Of City-Owned Property, Located At 1130 Washington Avenue, 1st Floor North, Miami Beach, Florida; Said Lease Having An Initial Term Of Three Years, With Two Additional Three Year Renewal Terms, 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 March 10, 2010, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading**
(Page 417)
(Real Estate, Housing & Community Development)
- R7F A Resolution Approving The City's 2010/2011 Federal Legislative Agenda. (Page451)
(Economic Development)
- R7G A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Qualifications (RFQ) No. 03-09/10, For The Preparation Of A New Citywide Comprehensive Stormwater Management Master Plan In The City Of Miami Beach To Supersede The Existing Comprehensive Stormwater Management Master Plan; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Camp Dresser & McKee, Inc. (CDM), And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of URS Corporation Southern; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Authorizing The Administration To Negotiate An Agreement With The Third-Ranked Firm Of Post, Buckley, Schuh & Jernigan (D/B/A PBS&J), Further Authorizing The Mayor And City Clerk To Execute An Agreement, Upon Conclusion Of Successful Negotiations. (Page 459)
(Public Works/Procurement)
- R7H A Resolution Ratifying The Submission Of A Request To The State Of Florida Department Of Community Affairs (DCA) For Any And All Recaptured Neighborhood Stabilization Funds 1 (NSP1) Funds To Be Utilized For The Acquisition And Rehabilitation, As Necessary, Of Foreclosed, Bank-Owned Buildings That Meet The Requirements Of The Neighborhood Stabilization Program, Such Units In Those Buildings To Be Made Available As Rental Properties For Income-Qualified Households In Accordance With NSP Rules; Authorizing An Amendment To The Nsp1 Agreement With Miami Beach Community Development Corporation (MBCDC), The HUD-Recognized Community Housing Development Organization (CHDO) For The City, As The Development Partner For Any Additional Funds That May Be Granted Pursuant To The City's Requests; And Further Authorizing The Mayor And The City Clerk To Execute Any Subsequent Agreement Between The City And The State Of Florida DCA, And Any Amendments To The Agreement Between The City And MBCDC. (Page 569)
(Real Estate, Housing & Community Development)

R7 - Resolutions (Continued)

- R7I A Resolution Supporting And Encouraging The State Legislature And The Governor To Support House Bill 697 Sponsored By State Rep. Precourt, Which Legislation Would Amend Florida's Entertainment Industry Financial Incentive Program To Provide Corporate Income And Sales/Use Tax Credits To Qualified Film And Entertainment Entities. (Page 513)
(Requested by Commissioner Jerry Libbin/City Attorney's Office)
- R7J A Resolution Supporting And Encouraging The State Legislature And The Governor To Support Bills Sponsored By State Sen. Bennett (SB 996), State Sen. Lynn (SB 156) And State Rep. Long (HB 335), Which Legislation Would Amend Florida Law To Expressly Provide That Online Internet Travel Firms Be Required To Pay Sales And Tourist-Related Taxes On The Full Price Of Rooms They Reserve For Customers. (Page 517)
(Requested by Commissioner Jerry Libbin/City Attorney's Office)
- R7K A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposers Pursuant To Request For Proposals (RFP) No. 60-08/09 For The Collection And Disposal Of Residential Solid Waste, Yard Trash, And Bulk Waste, And Operation Of The City's Green Waste Facility (The "RFP"); Authorizing The Administration To Enter Into Negotiations With The Two (2) Top-Ranked Proposers, Waste Pro Of Florida, Inc. And Choice Environmental Services, Inc.; Authorizing The Mayor And City Clerk To Execute An Agreement Upon The Completion Of Successful Negotiations With One Of The Aforestated Proposer, And Said Agreement Encompassing The Terms And Conditions As Set Forth In The RFP And The Successful Proposal In Response Thereto; And Further Authorizing The City Manager To Contract On A Month-To-Month Basis With Waste Management At The Billing Rate Of \$25.57 Per Residential Unit Per Month Until Such Time That Negotiations Are Finalized. (Page 533)
(Public Works/Procurement)
- R7L A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement With Lanier Parking Solutions, Inc., Pursuant To Request For Proposals (RFP) No. 41-08/09 To Provide Parking Cashiers, Attendants, And Supervisors For The City Of Miami Beach Parking System; Said Agreement Having An Initial Term Of Three (3) Years, Commencing On March 9, 2010, And Ending On March 8, 2013, With Two (2) One-Year Renewal Options, Upon The Same Terms And Conditions, At The City's Sole Discretion. (Page 569)
(Parking Department)

R9 - New Business and Commission Requests

- R9A Board And Committee Appointments. (Page 607)
(City Clerk's Office)
- R9A1 Board And Committee Appointments - City Commission Appointments. (Page 613)
(City Clerk's Office)
- R9A2 Re-Appointment Of Michael Band To The Housing Authority. (Page 623)
(Requested by Mayor Matti Herrera Bower)
- R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.) (Page 625)
R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)
- R9C Discussion Regarding The Issue Of Back-Billing Of Storm Equivalent Units. (Page 627)
(Requested by Commissioner Jonah Wolfson)
- R9D Discussion Of The Revised Master Plan Recommendations For The Flamingo Park Project To
Provide For Seventeen (17) Clay Surface Courts At Flamingo Park. (Page 629)
(Capital Improvement Projects)
- R9E Discussion Regarding The City Of Miami Beach Living Wage Ordinance. (Page 637)
(Requested by Commissioner Edward L. Tobin)
- R9F Discussion Regarding The Current Status Of The City's Planned Red Light Camera Program.
(Page 639)
(Requested by Commissioner Jorge Exposito)
- R9G Discussion Regarding The Possibility Of Extending The Operating Hours Of Certain Nightlife Venues
By Two Hours On The Evenings Of March 26 And March 27, 2010. (Page 643)
(Requested by Commissioner Jonah Wolfson)
- R9H Discussion Regarding On The Formation Of Miami Beach's Complete Count Census Committee.
(Page 645)
(Requested by Mayor Matti Herrera Bower)

R10 - City Attorney Reports

- R10A Notice Of Closed Executive Session. (Page 673)
Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During
Recess Of The City Commission Meeting On Wednesday, February 3, 2010, In The City Manager's
Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

Reports and Informational Items

- A City Attorney's Status Report. (Page 677)
(City Attorney's Office)
- B Parking Status Report – November 2009. (Page 685)
(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 707)
(Procurement)
- D Status Report On Palm And Hibiscus Islands Underground Utilities Project. (Page 711)
(Capital Improvement Projects)
- E Non-City Entities Represented By City Commission:
1. Minutes From The Miami-Dade Metropolitan Planning Organization (MPO) For The Miami
Urbanized Area Governing Board Meeting On December 17, 2009. (Page 713)
(Requested by Mayor Matti Herrera Bower)
 2. Minutes From The Adrienne Arsht Center For The Performing Arts Of Miami-Dade County
Meeting On January 26, 2010. (Page 727)
(Requested by Mayor Matti Herrera Bower)

End of Regular Agenda