

# City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
March 10, 2010

Mayor Matti Herrera Bower  
Vice-Mayor Jerry Libbin  
Commissioner Jorge Exposito  
Commissioner Michael Góngora  
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 A Contract To SSE & Associates, Inc. Pursuant To Invitation To Bid No. 14-09/10, For The Miami Beach Convention Center Airwall Repairs, Replacement, And Re-Covering In The Amount Of \$1,243,542.59. (Page 277)  
(Procurement/Tourism & Cultural Development)

### R5 - Ordinances

- R5A Bicycle Advertising  
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. **10:20 a.m. Second Reading Public Hearing** (Page 283)  
(Parking Department)  
(First Reading on February 3, 2010)

**R5 - Ordinances** (Continued)

- R5B 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. **10:30 a.m. Second Reading Public Hearing** (Page 291)  
(Human Resources)  
(First Reading on February 3, 2010)
- R5C Fee-In-Lieu Of Providing Parking  
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 130, "Off-Street Parking," Article V, "Parking Impact Fee Program," Clarifying That This Is A Fee In-Lieu Of Providing Parking, And Permitting More Flexibility In The Use Of Fees Collected By The City As Part Of This Program By Allowing Funds Collected By This Program To Be Used For Alternative Transportation And Mobility Projects In Addition To Construction Of Parking Garages; Providing For Codification, Repealer, Severability And An Effective Date. **10:40 a.m. Second Reading Public Hearing** (Page 299)  
(Planning Department)  
(First Reading Public Hearing On January 13, 2010)
- R5D An Ordinance Amending Chapter 70 Of The Miami Beach City Code Entitled "Miscellaneous Offenses"; By Amending Article III, Entitled "Graffiti"; By Amending Division I, Entitled "Generally"; By Amending Section 70-126, Entitled "Responsibility Of Property Owner(s) To Remove Graffiti; Graffiti Removal And Notice; Enforcement" By Amending The Responsibilities Of Property Owners With Regard To The Abatement Of Graffiti And Amending Enforcement Provisions; Providing For Repealer; Severability; Codification; And An Effective Date. **10:50 a.m. Second Reading Public Hearing** (Page 313)  
(Code Compliance)  
(Continued from January 13, 2010)
- 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. **11:00 a.m. Second Reading Public Hearing** (Page 321)  
(Planning Department)  
(First Reading on February 3, 2010)

**R5 - Ordinances** (Continued)

- R5F 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. **11:15 a.m. Second Reading Public Hearing** (Page 333)  
(Code Compliance)  
(First Reading on February 3, 2010)
- R5G 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 Members Of City Commission And City Employees For A Period Of Two Years After Leaving City Service/Employment; Providing For Penalties; Repealer, Severability, Codification And Effective Date. **11:30 a.m. Third Reading Public Hearing** (Page 365)  
(Requested by Former Commissioner Victor M. Diaz, Jr./City Attorney's Office)  
(Continued from December 9, 2009)
- R5H 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 369)  
(City Manager's Office)

**R5 - Ordinances** (Continued)

- R5I An Ordinance Amending Chapter 86 Of The Miami Beach City Code Entitled "Sales," By Amending Article III, Entitled "Non-Profit Vending And Distribution," By Amending Division 1, Entitled "Generally," By Amending Section 86-141, Entitled "Definitions," By Amending The Definition Of Message-Bearing Merchandise; By Amending Section 86-143, Entitled "Area Reserved For Non-Profit Vending And Distribution," By Clarifying Permit Requirements And Amending The Provisions Regarding The Relocation Or Suspension Of Non-Profit Vending Under Certain Circumstances; By Amending Section 86-145, Entitled "Prohibitions," By Amending The Activities And Actions Prohibited By A Permit Holder; By Amending Section 86-148, Entitled "No Permit; Penalty," By Amending The Activities Prohibited Without A Permit; By Amending Section 86-152, Entitled "Disclaimer, Display, And Expiration Of Permit," By Creating Provisions And Requirements Regarding The Content Of Permits And Display Requirements; By Amending Division II Of Chapter 86, Entitled "Permit," By Amending Section 86-172, Entitled "Application," By Amending Requirements Relative To The Content Of Permit Applications; By Amending Section 86-173, Entitled "Processing Fee," By Amending The Requirements For Processing Fees For Permits; By Amending Section 86-174, Entitled "Administrative Rules," By Amending The Provisions Regarding Administrative Rules And Setting Forth Fines And Penalties For Non-Compliance With The Administrative Rules; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading** (Page 415)  
(City Manager'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 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; Authorizing The Mayor And City Clerk To Execute The Lease Agreement. **10:15 a.m. Second Reading Public Hearing** (Page 433)  
(Real Estate, Housing & Community Development)  
(First Reading on February 3, 2010)
- R7B A Resolution Approving, Following Duly Noticed Public Hearings, The Placement Of Four (4) Memorial Plaques On Park Benches In The Washington Avenue Dog Park, Located At 225 Washington Avenue, Miami Beach, Florida, In Honor Of Sheldon & Susan Kruger (Parents Of Stacey Kruger) And Lorraine Bolowich, (Mother Of Jackie Lalonde), And Dogs Owned By Tony A. Trujillo And Mr. And Mrs. Larry Wyman, All In Accordance With Section 82-504 Of The Miami Beach City Code; Accepting The Arts In Public Places (AIPP) Committee's Recommendations Regarding The Memorial Plaques At The Committee's February 23, 2010 Meeting; And Further Authorizing The Acceptance Of Donations From Jackie Lalonde, Stacey Kruger, Tony A. Trujillo, And Mr. And Mrs. Larry Wyman (South Pointe Neighborhood Residents) In The Amount Of \$3,000 Each, For A Total Of \$12,000, To Be Added To The Washington Avenue Dog Park Budget For The Purchase Of The Four (4) Park Benches And Other Improvements To The Dog Park. **10:50 a.m. Public Hearing** (Page 465)  
(Parks & Recreation)

**R7 - Resolutions** (Continued)

- R7C A Resolution Approving And Adopting Operational Guidelines For South Pointe Park Relating To Park Hours, Bicycles And Skateboards, Motorized Vehicles, Fishing And Swimming In The Park, The Rental Of The Recreational Center (Community Room), Fields And Pavilion (Rooftop); And Special Events In The Park As Recommended By The Neighborhoods/Community Affairs Committee At Its Meeting Of February 16, 2010. (Page 477)  
(Parks & Recreation)
- R7D A Resolution Adopting The First Amendment To The General, Enterprise, And Internal Service Funds Budgets For Fiscal Year (FY) 2008/09 To Appropriate Prior Year Encumbrances And Amend Certain Budgets. (Page 497)  
(Budget & Performance Improvement)
- R7E A Resolution Approving Amendment No. 1 To The Agreement Between The City And ACS State And Local Solutions, Inc., For Photo Red Light Enforcement Program, Dated September 23, 2009, To Require ACS To Install Eight (8) Designated Intersection Approaches By March 10, 2010; Amending The Warning Period, To Be Extended To April 5, 2010; And Amending The Parties' Respective Rights And Obligations With Respect To Certain Termination Provisions, As Same Are More Specifically Set Forth In The Agreement. (Page 513)  
(City Manager's Office)
- R7F A Resolution Approving And Officially Adopting The Basis Of Design Report (BODR), Which Final BODR, If Approved, Shall Also Be The Approved Lincoln Park (Park) Project Concept Plan; With Funding Provided From The Previously Appropriated City Center RDA Funds; And Further Approving The Preliminary Park Project Budget, In The Amount Of \$13,085,000. (Page 529)  
(City Manager's Office)

**R9 - New Business and Commission Requests**

- R9A Board And Committee Appointments. (Page 539)  
(City Clerk's Office)
- R9A1 Board And Committee Appointments - City Commission Appointments. (Page 545)  
(City Clerk's Office)
- R9A2 Reappoint Michael Band To The Miami Beach Housing Authority. (Page 561)  
(Requested by Mayor Matti Herrera Bower)
- R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.) (Page 563)
- R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

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

- R9C Discussion And Referral To The Land Use And Development Committee - Resolution Against Gambling On Miami Beach. (Page 565)  
(Requested By Commissioner Jonah Wolfson)
- R9D Discussion Regarding The Possibility Of An Ordinance Prohibiting The Sale Of Individual Cans Or Bottles Of Alcoholic Beverages By Retail Establishments. (Page 567)  
(Requested By Commissioner Jonah Wolfson)
- R9E Discussion Regarding The Current Status Of The Baywalk Behind The Flamingo. (Page 571)  
(Requested by Commissioner Edward L. Tobin)
- R9F Discussion Regarding Public Sidewalk Finishes And Colors. (Page 573)  
(City Manager's Office)
- R9G Discussion On An Amendment To The Flamingo Park Master Plan Relative To The Tennis Center Facility. (Page 579)  
(Capital Improvement Projects)
- R9H Discussion Of The City Center 9C Project - Lincoln Road Median As Discussed At The February 16, 2010 Neighborhoods/Community Affairs Committee Meeting. (Page 589)  
(City Manager's Office)
- R9I Discussion Regarding A Resolution Supporting Legislative Efforts To Extend Life Safety Retrofit Relief To Community Associations, And Urging Governor Charlie Crist To Support The Adoption Of HB 561, Sponsored By Representative Eilyn Bogdanoff, And SB1222, Sponsored By Senator Jeremy Ring. (Page 593)  
(Requested by Vice-Mayor Jerry Libbin)

**R10 - City Attorney Reports**

- R10A Notice Of Closed Executive Session. (Page 599)  
Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, March 10, 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 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 January 28, 2010. (Page 603)  
(Requested by Mayor Matti Herrera Bower)
  2. Minutes From The Wolfsonian - Florida International University Advisory Board Meeting On January 20, 2010. (Page 615)  
(Requested by Mayor Matti Herrera Bower)

**End of Regular Agenda**