



MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
October 14, 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.

- PA1 Proclamation/Stephen Zack, First Hispanic Florida Bar President. (Diaz)
- PA2 Presentation/Michael Aller, Receiving The Nestor Torres Ambassador Of The Arts Award.
- PA3 Certificates Of Recognition/Police Personnel, Implementing Full-Scale Anti-Terror Drill. (Wolfson)
- PA4 Certificates Of Recognition/Commissioner Sally Heyman & Jo Asmundsson. (Wolfson)
- PA5 Proclamation/Michael Aller, 20th Anniversary Of The Miami Beach Tourism Hotline. (Bower)
- PA6 Proclamation/El Club Peruano De La Florida, The Oldest Peruvian Institute In Florida. (Bower)
- PA7 Certificate Of Recognition/Hunter Becerra, National Diving Competition Achievement. (Bower)
- PA8 Proclamation/Morton's Steakhouse, Welcome Them At Their New Location. (Tobin)
- PA9 Proclamation/Sylvester Cancer Center, Partnering With Morton's For A Silent Auction. (Tobin)
- C2A Issue RFP, Collection & Disposal Of Residential Solid Waste.
- C2B Issue RFQ, New Citywide Comprehensive Stormwater Management Master Plan.
- C2C Issue RFQ, Professional A/E Services In Various Professional Specialties.
- C2D Issue RFP, Electric Fireworks & Pyrotechnics At CMB Fourth Of July Event.
- C2E Request Purchase, 25 DG Classic Multi-Space Pay Stations, \$45,000.
- C2F Award Contracts (ITB No. 48-08/09), Telephone & Fiber Optic Communications, \$500,000.
- C2G Issue RFP, Public Storage Lockers In Certain Key Beachfront Access Locations Of The City.
- C2H Issue RFP, Revenue Enhancement Study.
- C4A Ref: Land Use & Development Committee - 40 Year Recertification Ordinance.
- C4B Ref: Neighborhoods/Community Affairs Committee - Sustainability Master Plan. (Gross)
- C4C Ref: Finance & Citywide Projects Committee – Amend Living Wage Ordinance. (Diaz)
- C4D Ref: Neigh./Community Affairs Comm. - Require AED's In Certain Public Facilities. (Weithorn)
- C4E Ref: Neigh./Community Affairs Comm. - Ocean Rescue Lifeguard Stands. (Weithorn)
- C4F Ref: Land Use & Dev. Comm. - Noise & Parking Issues Raised By Sonia Navarro. (Bower)
- C4G Ref: Land Use & Development Committee - Expansion Of Bed & Breakfast Definition. (Libbin)

- C6A Report: Capital Improvement Projects Oversight Committee Meeting On August 31, 2009.
- C6B Report: Land Use & Development Committee On September 14, 2009.
- C6C Report: Neighborhoods/Community Affairs Committee Meeting On September 15, 2009.
- C6D Report: Finance & Citywide Projects Committee On September 3, 2009.
- C6E Report: Finance & Citywide Projects Committee On September 24, 2009.
- C7A Approval & Authorization Of (3) Professional Service Agreements.
- C7B Retroactively Approve, Submit Grant Applications & Renewals To Various Funding Agencies.
- C7C Execute Amendment 9 To Agmt, ROW Infrastructure Improvement At Normandy Shores.
- C7D Execute Amendment 19 To Agmt, Bayshore Neighborhood - Sunset Islands No. III & IV.
- C7E Electing Commissioner Deede Weithorn As Vice-Mayor.
- C7F Accept Donation, 37" Insignia Flat Screen DVD/CD Combo Television For Police Dept.
- C7G Execute Mutual Aid Agreements Several Governmental Agencies.
- C7H Execute MOU w/ U.S. Marshals Service, Locating Fugitives To Reduce Violent Crime.
- C7I Execute MOU w/ Miami-Dade Police Department, Access Their Photo Imaging System.
- C7J Execute MOU w/ Mt. Sinai Medical Ctr, Person In Police Custody Suffering From Illness.
- C7K Authorizing City Manager, Or His Designee, To Select, Negotiate, Award & Reject All Bids.
- C7L Execute Settlement Agreement & Release w/ Ashbritt, Inc., Disaster Recovery Service.
- C7M Urge Florida Legislature To Strengthen Vessel Safety Regulations. (Wolfson)
- C7N Waive Bidding, Purchase Digital Voice Recorder For Public Safety Communications. **5/7**
- C7O Adopt Administrative Guidelines For The Administration. (Gross)
- C7P Waive Bidding, Operate A Green (Farmers) Market In Area Adjacent To Collins Park. **5/7**
- C7Q Issue Certification Of Consistency w/ City's Consolidated Plan To TRUST.
- R2A Issue RFQ, Redesign Of The Par 3 Golf Course.
- R2B Award Contract (ITB 59-08/09), West 44 Street Drainage Improvements Project.
- R5A **10:15 a.m. 2nd Rdg**, Delete The Language In Chapter 54, "Floods."
- R5B **1st Rdg**, Amend Miami Beach Employees' Retirement Plan. (Gross)
- R5C **1st Rdg**, Temporary Parking Lots - Amendment To The 10-Year Limit. **5/7**
- R5D **W-10:30 a.m. 2nd Rdg**, Amend Supplemental Abstention/Disclosure Requirements. (Wolfson)
- R5E Expansion of Ethics Reform/Transparency in Government Ordinances. (Diaz)
- R5E-1 **10:30 a.m. 2nd Rdg**, Automatic Removal from Office. (Diaz)
- R5E-2A/B **10:30 a.m. 2nd Rdg**, Supplemental Abstention & Disclosure Requirement. (Diaz)
- R5E-2C **10:30 a.m. 2nd Rdg**, Disclosure of Certain Business Relationships. (Diaz)
- R5E-3B **10:30 a.m. 2nd Rdg**, Prohibiting Certain Post-Service Contracts with City. (Diaz)
- R5E-3C **10:30 a.m. 2nd Rdg**, Prohibiting Certain Post-Service/Employment Relationships. (Diaz)
- R5E-4 **10:30 a.m. 2nd Rdg**, Prohibited Vendor Campaign Contributions. (Diaz)
- R5F **10:30 a.m. 2nd Rdg**, Amend Campaign Finance Reform (Campaign Contributions). (Gross)
- R5G **10:30 a.m. 2nd Rdg**, Amend Campaign Finance Reform (Lobbying). (Weithorn)
- R5H **5:01 p.m. 1st & Only Rdg**, Designate 1600 Lenox Avenue As An Historic Site. **5/7**
- R5I **5:05 p.m. 2nd Rdg**, Proposed Changes To The I-1 Urban Light Industrial District. **5/7**
- R5J **5:10 p.m. 2nd Rdg**, Designate The Morris Lapidus / Mid 20th Century Historic District. **5/7**
- R5K **1st Rdg**, Proposed Ordinance Amendment - Flags & Flagpoles.
- R5L **1st Rdg**, Naming Of Public Facilities & Establishments Of Monuments & Memorials.
- R5M **1st Rdg**, Amend "Graffiti" Ordinance.
- R5N **1st Rdg**, Amend "Human Relations" Ordinance. (Diaz)
- R7A **1st Rdg**, Approve Lease Agmt w/ Gemcor, Inc., 1130 Washington Avenue, Miami Beach.
- R7B **1st Rdg**, Approve Lease Agmt w/ ECOMB, Inc., 210 Second Street, Miami Beach.
- R7C **1st Rdg**, Approve Lease Agmt w/ Cinematheque, 1130 Washington Avenue, Miami Beach.
- R7D Supplemental To RFP No. 41-08/09, Parking Attendants For CMB Parking System.
- R7E Annual Evaluation Of The City Manager.
- R7F Issuance Of Stormwater Revenue Refunding Bonds.
- R7G Issuance Of Water And Sewer Revenue Refunding Bonds.
- R9A Board And Committee Appointments.
- R9A1 Board And Committee Appointments - City Commission Appointments.
- R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9C Discuss: Administration Policies For Soliciting Community Input. (Diaz)
- R9D Discuss: Public Use Of Certain Public Parking Space. (Diaz)
- R9E Discuss: Operational Support for Miami Gay & Lesbian Chamber Of Commerce. (Diaz)
- R9F Discuss: Urge Florida State Legislature, Amend Statute On Condo Foreclosures. (Libbin)

- R9G Discuss: Allow Bars To Extend Their Operating Hours For Sleepless Night Event. (Gross)
- R9H Discuss: Impact Of Terminating Drexel Avenue From Lincoln Lane To 17th Street. (Gross)
- R9I Discuss: (2) Ordinances Re: Stormwater Utility / Water & Sewer Service Charge. (Tobin)
- R9J Discuss: Contracting Procedures Following Successful RFP's. (Libbin)
- R9K Discuss: Request For RFP For A New Security Guard Contract. (Libbin)
- R9L **1:00 p.m.** Committee Of The Whole re: City Manager's Performance Evaluation.
- R9M Discuss: Donation For "Celebrate Women's Equality Day 2009." (Bower/Weithorn)
- R9N Discuss: Financial Pros/Cons Of Providing Fire Service To Indian Creek Village. (Wolfson)
- A City Attorney's Status Report.
- B Parking Status Report - August 2009.
- C Informational Report: Federal, State, M-DC, U.S. Communities & All Existing City Contracts.
- D Status Report On Palm & Hibiscus Islands Underground Utilities Project.
- E Report: Expenditures Paid For Hurricane Wilma For Disaster Recovery Services.
- F1 Minutes: Performing Arts Of Miami-Dade County Meeting On August 18, 2009. (Bower)
- F2 Minutes: MPO For Miami Urbanized Area Governing Board Mtg. On July 23, 2009. (Bower)
- F3 Minutes: M-DC League Of Cities Mtgs. On May 7, June 4, & August 6, 2009. (Weithorn)
- F4 Minutes: Performing Arts Of Miami-Dade County Meeting On May 26, 2009. (Bower)
- G Status Report On The Fiscal Year (FY) 2009/2010 Reduction In Force (RIF).
- 1A Report: Itemized Revenues/Expenditures of RDA's City Ctr. District & S. Pointe – Aug. 2009.

Meeting called to order at 9:37:56 a.m.

Invocation given by Rabbi Bixon from Young Israel.

Mayor Bower welcomed Miami-Dade County Commissioner Sally Heyman.

Pledge of Allegiance led by Stephen Zack.

ADDENDUM:

Motion made by Vice-Mayor Diaz to add items C2I, and R9O to the Commission Agenda as emergency items; seconded by Commissioner Libbin; Voice vote: 7-0.

SUPPLEMENTAL MATERIALS:

- C7D Resolution
- C7G Resolution
- C7O Commission Summary, Commission Memorandum, Resolution and Administrative Guidelines
- R5N Revised Resolution
- R7D Supplemental Memorandum
- G Memorandum

Presentations and Awards**9:40:16 a.m.**

PA1 Proclamation To Be Presented To Stephen Zack, First Hispanic Florida Bar President And First Hispanic President Of The American Bar Association.

(Requested by Vice-Mayor Victor M. Diaz, Jr.)

(Deferred from September 9, 2009)

ACTION: Proclamation presented.

Vice-Mayor Diaz explained that he has known Stephen Zack for many years and Steve has done truly extraordinary things through the extraordinary course of his life. He gave a brief background of his life and added that Steve Zack is one of the most prominent attorneys in this community and in the nation, having received numerous awards and recognitions; but beyond that, Steve has always been there for the City of Miami Beach; representing the City Commission first some 20 years ago, also representing the Redevelopment Agency, and as Chairman of the City's Charter Review Board twice. In addition, Stephen Zack is the founding member of the Cuban-American Bar Association, has served as the first and youngest President ever of the Florida Bar and the first Hispanic-American to ever hold that title; he was a legislative aide to Claude Pepper; he has been appointed by Governor Chiles to the Florida Constitution Revision Committee; he served Governor Graham as his general counsel and chaired the Ethics Commission. He has done so much in his career, reaching now the highest level of the profession when he was recently elected the First Hispanic-American President of the American Bar Association in the 130 year history of that Association, and more importantly the first from the City of Miami Beach. For all his accomplishments and for all he has done and will continue to do for the City of Miami Beach, we proudly declared this day "Stephen Zack Day."

Stephen Zack, Esq., thanked Vice-Mayor Diaz, Mayor Bower, the entire City Commission, the City Manager, the City Attorney and City Clerk, for the privilege of this honor. He explained that when his family came from Cuba in 1961, they slept on the floor at a motel in Miami Beach, and he never dreamed that he would be standing here listening to the words Vice-Mayor Diaz spoke. In 1961 he first ran for office at Miami Beach High and won because he gave the first bilingual speech ever given in Miami Beach or anywhere else for that matter. That was 50 years ago and nothing has changed; we still have to work together and be one community, still communicate in whatever language we speak, and reach out to each other. He has had the privilege of representing the City on many occasions and he appreciates this great honor.

10:17:59 a.m.

PA2 Presentation Of The Nestor Torres Ambassador Of The Arts Award To Michael Aller By Miami-Dade County Days.

(City Manager's Office)

ACTION: Presentation made.

Robert Levy, Miami-Dade County Days representative, explained how Miami-Dade Days was started. He explained that the award is on behalf of Miami-Dade County Days for the City's long standing efforts and support. Secondly, through the years, they decided it was appropriate to recognize citizens from Miami Beach for what they have done for Miami Beach outside of the City, and they named the award after the first recipient Nestor Torres. The 2009 Nestor Torres Miami-Dade Days County Days Award Ambassador of the Arts is being presented to Michael Aller.

Michael Aller thanked Miami-Dade Days in Tallahassee and stated that he is honored by this award.

Wendy Kallergis, Miami Beach Chamber of Commerce, spoke.

Dianne W. Raulson, Miami-Dade County Days representative, spoke.

10:25:41 .am.

PA3 Certificates Of Recognition For Police Personnel Involved In Successfully Implementing The Full-Scale Anti-Terror Drill That Was Carried Out In The City Of Miami Beach On July 29, 2009.
(Requested by Commissioner Jonah Wolfson)

ACTION: Certificates presented.

Commissioner Wolfson presented Certificates to Officer Matias, Sergeant Morgalo, Officer Sanchez, Sergeant Guerrero, Office Manager Lori Freedline and Officer Collado. On this occasion he thanked them for the successful exercise simulating a terrorist attack and for their preparedness.

Police Chief Carlos Noriega explained the training exercise and stated that officers are better prepared for any situation that may happen.

A video of the drill was shown.

Police Lt. Octavio Rabelo spoke.

10:40:30 a.m.

New Item

A farewell video was presented showing the accomplishments of Vice-Mayor Diaz and Commissioner Gross during their tenure as Commissioners, as this will be their last meeting.

Mayor Bower expressed her appreciation for the help she has received from Commissioner Gross and Victor Diaz and stated she is sorry to see them go.

Former Miami Beach City Commissioner and now State Representative Richard Steinberg commended Saul for his years on the Commission and for his friendship. He added that it was an honor to serve with him and wished him well.

Commissioner Wolfson added that Saul did everything he could to preserve the City from overdevelopment and he will continue to do so in his private life.

Commissioner Gross thanked his colleagues and the Administration; he added that it has been a privilege to have a professional administrative staff in the City who is always working to improve the life of the residents and above all, he thanked the residents for giving him the privilege of serving them and for trying to make the quality of life better. He stated that he never dreamed in his life that he would be in this position, as it never occurred to him to be involved with politics; it has been a life-changing experience for him and he cherishes the time spent here. He thinks Miami Beach is a great place to live and he is ready to go back and enjoy that quality of life.

Vice-Mayor Diaz read excerpts from a letter he drafted. He stated that it has been an honor to serve as Commissioner for the past ten months. Among his observations are: 1) City government transparency and accountability – there needs to be greater and more frequent use of modern technology to share sensitive information with residents; 2) there needs to be greater public education regarding the growth in City government in the past eight years and the skyrocketing employee health and pension costs which are way out of line with private industries and threaten the fiscal health of the City; 3) an organized structure or community neighborhood input is needed, from both residents and businesses; 4) the job of Mayor and the City Commission needs to be restructured; they are

underappreciated and under compensated; 5) he urged residents to listen to the candidates in the upcoming election and demand specifics, require excellence from officials and settle for nothing less. He will be leaving with gratitude to his colleagues for letting him serve the City he loves; and with admiration for its committed, caring and compassionate City staff.

9:55:16 a.m.

PA4 Certificates Of Recognition To Be Presented To Miami-Dade County Commissioner Sally Heyman And MBDC Board Member Jo Asmundsson For Their Role In Helping Several Elderly Residents Who Were Being Forced To Pay Frivolous Assessments At Their Condominium.

(Requested by Commissioner Jonah Wolfson)

ACTION: Certificates presented.

Commissioner Wolfson stated that Joe Asmundsson and Commissioner Heyman were very helpful in obtaining the money to pay the assessments for of the work needed in the building of the five (5) units residents who could not afford to pay the assessment for the 40 year recertification at 8011 Crespi. He also thanked Karl Kennedy, Vice President & Housing Director, Roberto Datorre, President, Ivette Pineda, Housing Officer and Hilda Fernandez, Assistant City Manager, for their efforts.

Jo Asmundsson spoke.

Miami-Dade County Commissioner Sally Heyman stated it was a collective effort, and she is proud to be part of a solution. She wished Vice-Mayor Diaz Happy Retirement.

Mayor Bower thanked Jo Asmundsson for all her contributions to Miami Beach and also Karl and Yvette as part of the Miami Beach Development Corporation.

10:08:11 a.m.

PA5 Proclamation To Be Presented To Michael Aller, For The 20th Anniversary Of The Miami Beach Tourism Hotline.

(Requested by Mayor Matti Herrera Bower)

ACTION: Proclamation presented.

Mayor Bower introduced Michael Aller and asked how he has managed to answer the hotline for the past 20 years.

Michael Aller, Tourism and Convention Director, stated that he answers the phone at any time from every where in the world, and now he has a co-partner, the Greater Miami Convention Visitors Bureau (GMCVB), who has pitched in and are answering Monday through Friday from 9 am to 6 pm. He thanked all the Mayors and Commissioners, present and past, City Attorney, City Clerk, and especially Jorge Gonzalez, City Manager, for the confidence, integrity and the responsibility given to him by having him answering the hotline and being the Tourism and Convention Director for the City.

Rolando Aedo, Sr. Vice President, Marketing & Tourism, GMCVB, spoke.

Jorge Gonzalez, City Manager, expressed his sentiment and thanked Michael, and stated that he is quite an asset to the City of Miami Beach and this community.

Wendy Kallergis, on behalf of the Miami Beach Chamber of Commerce, spoke.

10:02:07 a.m.

PA6 Proclamation To Be Presented To El Club Peruano De La Florida, The Oldest Peruvian Institute In Florida.

(Requested by Mayor Matti Herrera Bower)

ACTION: Proclamation presented.

Mayor Bower stated that in honor of Hispanic Heritage Month she presented this proclamation to El Club Peruano de la Florida founded 32 years ago by Dr. Herman Carrión and his wife Ana and Armando Document and his wife Zoila, to unite new Peruvians and friends of Peru. She presented the proclamation to the following members: Dr. and Mrs. Carrión, Francisco Cuneo, Julio Armando Documet, Zoila Documet, Carla Ligia Erraz, Maria Rodriguez Larrain, Nelly Lashman, Norma Cuneo, Maria Courtin, Gloria Rosenbower, Leonor Floria, Olga Aguapara, Nancy Bradley and Carolina Glaze. She thanked the group in Spanish.

Dr. Herman Carrión spoke.

10:23:35 a.m.

PA7 Certificate Of Recognition To Be Presented To Hunter Becerra, Miami Beach Sr. High School Student, For His Achievement In A National Diving Competition.

(Requested by Mayor Matti Herrera Bower)

ACTION: Certificate presented.

Mayor Bower recognized Francisco Becerra Hunter, Miami Beach student, for his diving accomplishments.

Francisco Hunter Becerra spoke.

PA8 Proclamation To Be Presented To Morton's Steakhouse, To Welcome Them At Their New Location At 4041 Collins Avenue, Miami Beach.

(Requested by Commissioner Edward L. Tobin)

ACTION: Item PA8 heard in conjunction with item PA9. Proclamation presented.

See details with item PA9.

9:50:47 a.m.

PA9 Proclamation To Be Presented To Sylvester Cancer Center, For Partnering With Morton's For A Silent Auction.

(Requested by Commissioner Edward L. Tobin)

ACTION: Items PA9 heard in conjunction with PA8. Proclamation presented.

Commissioner Tobin stated that he had the privilege of attending a fundraiser for the University of Miami Sylvester Cancer Research Center and the unique thing about this fundraiser was that our brand new Morton's Steakhouse sponsored the event. Mayor Bower asked him to attend, and he enjoyed the event and the outstanding food. He presented proclamations to Morton's for their partnering and to the University of Miami.

Chad Lipson, General Manager, Morton's The Steakhouse, thanked everyone for the warm welcome on behalf of his staff.

Marilyn Emas, Executive Director, Sylvester Comprehensive Cancer Center Development Office, thanked Morton's and everyone at the City for partnering with Sylvester to raise money to create a cancer center that the community can be proud of and that the citizens can be treated at so they don't have to leave Miami Beach.

CONSENT AGENDA

ACTION: Motion made by Commissioner Weithorn to approve the Consent Agenda; seconded by Vice-Mayor Diaz; Voice vote: 7-0.

C2 - Competitive Bid Reports

10:55:26 p.m.

C2A Request For Approval To Issue A Request For Proposals (RFP) For The Collection And Disposal Of Residential Solid Waste, Yard Trash And Bulk Waste And The Operation Of The City's Green Waste Facility; And Further Approve A Month-To-Month Extension With Waste Management, Inc., Until Such Time That Another Contract Is Awarded.

(Procurement/Public Works)

ACTION: Item separated for discussion by Commissioners Gross and Libbin. Request authorized as amended. Motion made by Commissioner Weithorn; seconded by Commissioner Gross; Voice vote: 5-0; Absent: Vice-Mayor Diaz and Commissioner Tobin. Gus Lopez to issue the RFP. Fred Beckmann to handle.

Amendment

- 1) If the City elects to do away with the green waste site that the contract be reduced by that amount; and to make this be an option in the contract;
- 2) The selected firm is not allowed to use the green waste site as a storage location for their other garbage; it is only for the City's residents;
- 3) Look into introducing some measure of the volume of trash into the cost equation; if the recycling increases, the volume of trash decreases and the City should benefit from some of the savings. Make a deal with the recycling reward firm who give benefits to the residents who recycle.

End

Commissioner Libbin stated that he separated this item because on page 8, Section 1.9 requires the contractor to purchase new equipment. He added that garbage trucks cost about \$250,000 each and

they will require about four trucks. The City is requiring the bidder to spend \$1 million just to be able to bid. He added that Section 1.10 states that the equipment should be kept in good repair, appearance, and sanitary and clean condition at all times. He agrees with this but his concern is that if we have the requirement that the contractor has to spend \$1 million dollar the residents are going to pay more and if we do not have this requirement there is a chance that the residents may pay less. He stated that it is more important that the trucks are kept in good repair, appearance, and sanitary and clean condition at all time than that they are new.

Jorge Gonzalez, City Manager, stated that the purpose of the requirement is that since the City will be engaging a company for the next five years, if the new trucks are not required at the beginning of the process they will not acquire them later, because the company would like to amortize the cost of the trucks over the life of the contract.

Discussion continued.

Commissioner Gross stated that he has three issues: 1) If the City elects to do away with the green waste site that the contract will be reduced by that amount. He requested that this be an option in the contract; 2) clarified that the selected firm is not allowed to use the green waste site as a storage location for their other garbage; it is only for the City's residents; 3) look into introducing some measure of the volume of trash into the cost equation; if the recycling increases, the volume of trash decrease and the City should benefit from some of the savings. It also positions the City to make a deal with the recycling reward firm who give benefits to the residents who recycle.

Jorge Gonzalez, City Manager, stated that this type of savings will be explored.

- C2B Request For Approval To Issue A Request For Qualifications (RFQ) 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 Program Master Plan.
(Procurement/Public Works)

ACTION: Request authorized. Gus Lopez to issue the RFQ. Fred Beckmann to handle.

- C2C Request For Approval To Issue A Request For Qualifications For Professional Architectural And Engineering Services In Various Professional Specialties On An "As-Needed Basis," For Projects In Which Construction Costs Do Not Exceed \$1 Million Or For Study Activities When The Fee For Such Professional Service Does Not Exceed \$50,000; Further, Extending The Term Of The Existing Agreements, On A Month-To-Month Basis, With The Consultants Until The New Contracts Are Awarded.
(Procurement/Public Works)

ACTION: Request authorized. Gus Lopez to issue the RFQ. Fred Beckmann to handle.

- C2D Request For Approval To Issue A Request For Proposals (RFP) For Electric Fireworks And Pyrotechnics For The City Of Miami Beach Fourth Of July Event.
(Procurement/Tourism & Cultural Development)

ACTION: Request authorized. Gus Lopez to issue the RFP. Max Sklar to handle.

- C2E Request For Approval To Request Purchase 25 DG Classic Multi-Space Pay Stations In "As Is" Conditions From Bytewise Solutions, Inc, In An Amount Not To Exceed \$45,000.
(Procurement/Parking Department)

ACTION: Request authorized. Saul Frances to handle.

- C2F Request For Approval To Award Contracts To Gisnet Telecom, Inc. As Primary Vendor, And ASE Telecom & Data, Inc. As Secondary Vendor, Pursuant To Invitation To Bid (ITB) No. 48-08/09, For The Purchase And Installation Of Telephone, Coax, Data, And Fiber Optic Communications Cable And Accessories In An Estimated Annual Amount Of \$500,000.
(Procurement/Information Technology)

ACTION: Request authorized. Gladys Acosta to handle.

11:07:09 p.m.

- C2G Request For Approval To Issue A Request For Proposals (RFP) To Operate And Maintain A System Of Public Storage Lockers In Certain Key Beachfront Access Locations Of The City.
(Procurement/Real Estate, Housing & Community Development)

ACTION: Item separated for discussion by Vice-Mayor Diaz and Commissioner Gross.

The RFP was referred to the Waterfront Protection Committee by acclamation; Absent: Vice-Mayor Diaz and Commissioner Tobin. **Lisa Botero to place on the committee agenda. Hilda Fernandez to handle.**

Commissioner Gross stated that he has received some negative feedback regarding this item. If it is going to be done, the lockers have to be in a place where it does not increase the visual clutter and disturb the pristine beauty of the beach. This needs to be included as part of the RFP. **Hilda Fernandez to handle.**

Hilda Fernandez, Assistant City Manager, explained the item.

Commissioner Libbin requested to give all available information to the Waterfront Protection Committee for their review. **Hilda Fernandez to handle.**

Item referred to the Waterfront Protection Committee by acclamation.

L. Powers, Dolphin Foundation Voice for Sea Turtles, spoke.

- C2H Request For Approval To Issue A Request For Proposals (RFP) For A Revenue Enhancement Study.
(Procurement/Budget & Performance Improvement)

ACTION: Request authorized. Gus Lopez to issue RFP. Kathie Brooks to handle.

ADDENDUM:

C2I Request For Approval To Issue A Request For Proposals (RFP) For The Management And Operation Of Concession Stands And Beachfront Concessions, Located East Of Collins Avenue At Both 21st. Street and 45th Street.

(Real Estate, Housing & Community Development)

ACTION: Request authorized. Gus Lopez to issue RFP. Anna Parekh to handle.

C4 - Commission Committee Assignments

C4A Referral To the Land Use And Development Committee - Discussion Regarding The Possibility Of Making A Request To The Miami-Dade County Commission To Adopt Some Short-Term Modification To The 40 Year Recertification Ordinance To Provide Relief During These Economic Times.
(Building Department)

ACTION: Referred. Jorge Gomez to place on the committee agenda. Alex Rey to handle.

C4B Referral To The Neighborhoods/Community Affairs Committee - Sustainability Master Plan.
(Requested by Commissioner Saul Gross)

ACTION: Referred. Randi MacBride to place on the committee agenda. **Fred Beckmann to handle.**

C4C Referral To The Finance & Citywide Projects Committee – Discussion Regarding An Ordinance To Amend The CMB Living Wage Ordinance To Eliminate The Option For Companies To Not Provide Health Insurance Or Minimum Benefits To Employees Of Companies Contracting With City Government.

(Requested by Commissioner Victor M. Diaz, Jr.)

ACTION: Referred. Patricia Walker to place on the committee agenda. Gus Lopez and Patricia Walker to handle.

C4D Referral To The Neighborhoods/Community Affairs Committee – Discussion Regarding An Ordinance Requiring Automated External Defibrillators (AED) In Certain Public Facilities.

(Requested by Commissioner Deede Weithorn)

ACTION: Referred. Randi MacBride to place on the committee agenda. Chief Yuhr to handle.

11:12:06 p.m.

C4E Referral To The Neighborhoods/Community Affairs Committee – Discussion Regarding Redesigning The Ocean Rescue Lifeguard Stands.

(Requested by Commissioner Deede Weithorn)

ACTION: Item separated for discussion by Commissioner Gross. Referred by acclamation. Randi MacBride to place on the committee agenda. **Hilda Fernandez to handle.**

Commissioner Gross stated that this item is going to the Neighborhood/Community Affairs Committee for the re-design of the lifeguard stands. He explained that the lifeguard stands are iconic and their images have been displayed on the front page of international magazines. He emphasized not to let only the engineers work on the design because they need to be designed with the style and class representing the Beach. It needs to be a design we can be proud of when displayed on the cover of a magazine. The Administration needs to make sure that this viewpoint is incorporated into the process.

Hilda Fernandez to handle.

Hilda Fernandez, Assistant City Manager, explained the process

C4F Referral To The Land Use And Development Committee – Discussion Regarding Noise And Parking Issues Raised By Sonia Navarro.

(Requested by Mayor Matti Herrera Bower)

ACTION: Referred. Jorge Gomez to place on the committee agenda. Saul Frances to handle.

Sonia Navarro spoke.

C4G Referral To The Land Use & Development Committee – Discussion Regarding Possible Expansion Of Bed And Breakfast Definition.

(Requested by Commissioner Jerry Libbin)

ACTION: Referred. Jorge Gomez to place on the committee agenda and to handle.

C6 - Commission Committee Reports

C6A Report Of The Capital Improvement Projects Oversight Committee Meeting On August 31, 2009: **1)** Attendance; **2)** Review And Acceptance Of Minutes; **3)** Public Comments; 3a) Discussion Item: Proposed Changes To Biscayne Point Neighborhood Row BODR ; **4)** Consent Agenda: Items For Commission; 4a) Request For Approval To Issue A Request For Proposals (RFP) For A Management Consultant Study Of The Capital Improvement Projects Management And Execution Processes; 4b) A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement With Schwebke - Shiskin & Associates, Inc. For Re-Design, Bid And Award, And Construction Management Services, In The Negotiated Not-To-Exceed Amount Of \$530,160, (Plus An Additional Amount Of \$55,500 For Approved Reimbursables), For The Venetian Islands Bid Package 13c Neighborhood Right-Of-Way Improvement Project, Pursuant To Request For Qualifications (RFQ) No. 42-08/09; Provided, However, That The Aforestated Approval And Execution Of Agreement Is Subject To The City's Termination Of An Existing A/E Agreement With Edwards & Kelcey, Dated November 13, 2002; And Further Approving Previously Appropriated Funding; 4c) A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 7, To The Existing Professional Services Agreement Between The City Of Miami Beach And Chen & Associates, Inc. (Chen), Dated September 8, 2004, For The City Center Right-Of-Way Neighborhood Improvement Project Bid Packages 9a And 9b; In The Negotiated Not-To-Exceed Amount Of \$560,924, Plus An Additional Amount Of \$19,500 For Approved Reimbursables; To Provide Construction Administration And Resident Project Representation During Construction Of The Project; With Previously Appropriated Funding For Design From The City Center RDA Fund 365; 4d) A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 4, In A Negotiated Not-To-Exceed Amount Of \$103,865, To An Existing Agreement Between The City Of Miami Beach And Perkins + Will, Inc.; Dated April 14, 2004, For Extended Professional Architectural And Engineering Services And Construction Administration For The Multipurpose Municipal Parking Facility Project; With Previously Appropriated Funding From Parking Operating Bond, Fund 480 For Design; 4e) A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 2 The Agreement Between The City And Chen And Associates, Inc., Dated May 18, 2005, In The Negotiated Amount Of \$94,320, Plus An Additional Amount Of \$13,000, For Approved Reimbursables, For The Provision Of Additional Design Services For The Reconstruction Of Roadways And Alleyways, Provision Of Stormwater Collection And Disposal System At Alleyways And Drainage "Hot Spots", And Additional Water Main Replacements, For The South Pointe Phase III, IV, And V Right-Of-Way Neighborhood Improvement Project; With Previously Appropriated Funding From South Pointe Capital Fund 389; 4f) A Resolution Approving And Authorizing The Mayor And City Clerk To Execute The Agreement With The Second-Ranked Firm Bermello Ajamil & Partners, Inc. For Professional Construction Engineering And Inspection (CEI) Services For The Florida Department Of Transportation (FDOT) Work Included In The Water Mains And Sanitary Sewer Mains, And Milling And Resurfacing Improvements Along Indian Creek Drive Between 26th And 41st Streets; Pursuant To Request For Qualifications 03-08/09 In The Amount Of \$129,942.74 Be Apportioned From FDOT Funding Pursuant To A Joint Participation Agreement (JPA) Between The City Of Miami Beach And FDOT And Subsequently Executed Per Resolution 2007-26694; **5)** Status Report: Design-Criteria Package For Flamingo/West Avenue Neighborhood Row; **6)** Lessons Learned; **7)** Discussion Item: Sub-Committee Functions And Organization; **8)** Old Business; 8a) CIP Project Status Report: CIP Projects; Public Works-Managed Capital-Funded Projects; 8b) Construction Update: Normandy Shores Neighborhood Improvement Project; 8c) Status Report: Venetian Islands Neighborhood Improvement Project; 8d) Status Report: Sunset Islands I & II; 8e) Status Report: Sunset Islands III & IV; 8f) Status Report: Royal Palm Avenue And 44th Street Flooding Mitigation; **9)** Staff Action Report; **10)** Calendar; **11)** Adjournment.

ACTION:**Item No.1:**

see attendance form at end of summary

Item No. 2:

MOTION: Acceptance of Minutes of the July 13, 2009 CIPOC Meeting PASSED (Accepted by Acclamation)

Item No. 3:

Discussion Item: Proposed Changes to Biscayne Point Neighborhood ROW BODR
Charlie Carreño, CIP Director, explained that project design is at 90% completion. The BODR had proposed a design to the entryway and the island residents proposed modifying the design, removing the pergolas, leaving the obelisk and building masonry walls.

Biscayne Beach residents request that the community receive a sign announcing the entire neighborhood and sub-neighborhoods. If no resolution is reached, CIP asks that we proceed forward and work out the details of this entryway.

Ted Berman, (7970 Biscayne point Circle) President of the Biscayne Point Island HOA, spoke in favor of the modification.

Maria Koller, (7700 Hawthorne Avenue), stated that Biscayne Beach HOA agrees on condition that the City agrees to put a monument for Biscayne Beach. She asked for a sign similar to that at the entrance to Normandy Shores.

*NOTE: Mrs. Koller had further discussion with Mr. Carreño and **Jorge Cano**, Assistant Director of CIP, after the meeting. She did not hear that the proposal before the Committee included construction of masonry walls adjacent to her property. She indicated that she wanted it on the record that she opposed the inclusion of the masonry walls. This item is before the September 9 City Commission Meeting.

ITEM NO. 4:

CONSENT ITEMS FOR COMMISSION
REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR A MANAGEMENT CONSULTANT STUDY OF THE CAPITAL IMPROVEMENT PROJECTS MANAGEMENT AND EXECUTION PROCESSES.

MOTION: Recommend to City Commission that the RFP for a CIP Management Study **not** be issued.
MOVED: F. Karlton 2nd: E. Agazim PASSED: Mayor Bower voted against. All other members voted in favor.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH SCHWEBKE – SHISKIN & ASSOCIATES, INC. FOR RE-DESIGN, BID AND AWARD, AND CONSTRUCTION MANAGEMENT SERVICES, IN THE NEGOTIATED NOT-TO-EXCEED AMOUNT OF \$530,160, (PLUS AN ADDITIONAL AMOUNT OF \$55,500 FOR APPROVED REIMBURSABLES), FOR THE VENETIAN ISLANDS BID PACKAGE 13C NEIGHBORHOOD RIGHT-OF-WAY IMPROVEMENT PROJECT, PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 42-08/09; PROVIDED, HOWEVER, THAT THE AFORESTATED APPROVAL AND EXECUTION OF AGREEMENT IS SUBJECT TO THE CITY'S TERMINATION OF AN EXISTING A/E AGREEMENT WITH EDWARDS & KELCEY, DATED NOVEMBER 13, 2002; AND FURTHER APPROVING PREVIOUSLY APPROPRIATED FUNDING.

PUBLIC WORKS PRESENTATIONS

STAFF ACTION: Mayor Bower suggested that the results from evaluation committees, including the names of the residents and staff on the evaluation committee and scores, be included with items like this when brought to CIPOC.

MOTION: Recommend approval and authorization to execute the agreement with Schwebke Shiskin for the Venetian Islands Bid-Package. MOVED: R. Kendle 2nd: D. Kraai PASSED: Unanimous

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 7, TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND CHEN & ASSOCIATES, INC. (CHEN), DATED SEPTEMBER 8, 2004, FOR THE CITY CENTER RIGHT-OF-WAY NEIGHBORHOOD IMPROVEMENT PROJECT BID PACKAGES 9A AND 9B; IN THE NEGOTIATED NOT-TO-EXCEED AMOUNT OF \$413,754, PLUS AN ADDITIONAL AMOUNT OF \$19,500 FOR APPROVED REIMBURSABLES; TO PROVIDE CONSTRUCTION ADMINISTRATION AND RESIDENT PROJECT REPRESENTATION DURING CONSTRUCTION OF THE PROJECT; WITH PREVIOUSLY APPROPRIATED FUNDING FOR DESIGN FROM THE CITY CENTER RDA FUND 365.

RPR services were not a part of the original contract. The billing rate for the RPR is the lowest rate negotiated to date, and is the same as the price negotiated for Venetian Islands.

MOTION: Recommend approval and authorization of Amendment 7 to the existing PSA between the City and Chen & Associates for the City Center Right of Way project. MOVED: C. Cuervo 2nd: R. Kendle PASSED: Unanimous

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 4, IN A NEGOTIATED NOT-TO-EXCEED AMOUNT OF \$103,865, TO AN EXISTING AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND PERKINS + WILL, INC.; DATED APRIL 14, 2004, FOR EXTENDED PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION ADMINISTRATION FOR THE MULTIPURPOSE MUNICIPAL PARKING FACILITY PROJECT; WITH PREVIOUSLY APPROPRIATED FUNDING FROM PARKING OPERATING BOND, FUND 480 FOR DESIGN.

MOTION: Recommend authorization to execute amendment #4 to an existing agreement between the City and Perkins + Will for extended professional services for the MPPF. MOVED: D. Kraai 2nd: I. Magrisso PASSED: Unanimous

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, AMENDMENT NO. 2 THE AGREEMENT BETWEEN THE CITY AND CHEN AND ASSOCIATES, INC., DATED MAY 18, 2005, IN THE NEGOTIATED AMOUNT OF \$94,320, PLUS AN ADDITIONAL AMOUNT OF \$13,000, FOR APPROVED REIMBURSABLES, FOR THE PROVISION OF ADDITIONAL DESIGN SERVICES FOR THE RECONSTRUCTION OF ROADWAYS AND ALLEYS, PROVISION OF STORMWATER COLLECTION AND DISPOSAL SYSTEM AT ALLEYS AND DRAINAGE "HOT SPOTS", AND ADDITIONAL WATER MAIN REPLACEMENTS, FOR THE SOUTH POINTE PHASE III, IV, AND V RIGHT-OF-WAY NEIGHBORHOOD IMPROVEMENT PROJECT; WITH PREVIOUSLY APPROPRIATED FUNDING FROM SOUTH POINTE CAPITAL FUND 389.

This fee is compensation to Chen and Associates for additional scope that was added when it was determined that the project came in under budget. Additional drainage and water mains were added.

MOTION: To recommend approval of amendment #2 to the agreement between the City and Chen and Associates for the South Point Streetscape Phase II project. MOVED: F. Karlton 2nd: E. Camargo PASSED: Unanimous

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT WITH THE SECOND-RANKED FIRM BERMELLO AJAMIL & PARTNERS, INC. FOR PROFESSIONAL CONSTRUCTION ENGINEERING AND INSPECTION (CEI) SERVICES FOR THE

FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) WORK INCLUDED IN THE WATER MAINS AND SANITARY SEWER MAINS, AND MILLING AND RESURFACING IMPROVEMENTS ALONG INDIAN CREEK DRIVE BETWEEN 26TH AND 41ST STREETS; PURSUANT TO REQUEST FOR QUALIFICATIONS 03-08/09 IN THE AMOUNT OF \$129,942.74 BE APPORTIONED FROM FDOT FUNDING PURSUANT TO A JOINT PARTICIPATION AGREEMENT (JPA) BETWEEN THE CITY OF MIAMI BEACH AND FDOT AND SUBSEQUENTLY EXECUTED PER RESOLUTION 2007-26694.

Fernando Vazquez, City Engineer presented. CEI Services are mandated through the agreement with FDOT. The second highest-ranked firm, Bermello and Ajamil, was chosen because the City was able to negotiate with them for a price that is within the FDOT allotted price.

MOTION: Staff Recommend approval and authorization to execute the agreement between the City and Bermello & Ajamil Partners for CEI Services for the Indian Creek Improvements. MOVED: S. Kilroy 2nd: E. Gazim PASSED: Unanimous

Item No. 5:

STATUS REPORT: DESIGN-CRITERIA PACKAGE FOR FLAMINGO/WEST AVENUE NEIGHBORHOOD ROW

Charlie Carreno presented. Public Works is bringing a proposal for a new comprehensive stormwater master plan for the City to October Commission. An A/E working on the new master plan is to begin with the Flamingo and West Avenue neighborhoods and incorporate it in the overall plan. The A/E is to model the area and provide schematic designs. This may allow construction to begin in a year.

Denis Russ, (1004 10th Street), expressed his concerns and asked that City Administration, CIPOC and the City Commission all agree that this is the best way to move forward.

Alton Road / FDOT work, including the addition of pump stations, is currently in design at the State.

Commissioner Ed Tobin spoke from the gallery. He stated that he appreciated the work of the CIP Oversight Committee and commended Charlie Carreno, Jorge Cano and Emanuel Mayer for moving projects along. He asked for administration to indicate the difference, cost-wise, between designing for a 5-year, one-day storm as opposed to designing for a 10-year, one day storm.

Item No. 6:

Deferred to October meeting

Item No. 7:

No sub-committees are scheduled through the end of the calendar year. There will be a Flood Mitigation Sub-Committee in December.

Item No. 8:

CIP Project Status Report

Construction Update: Normandy Shores Neighborhood Improvement Project

Status Report: Venetian Island Neighborhood Improvement Project

Status Report: Sunset Islands I & II

Status Report: sunset Islands III & IV

Status Report: Royal Palm Avenue and 44th Street Flooding Mitigation

C6B Report Of The Land Use And Development Committee On September 14, 2009: **1)** Discussion Regarding Levels Of Service Of The Transportation Element Of The Comprehensive Plan; **2)** Discussion Regarding The Recommendation To Increase The Minimum Guarantee Or Percentage Of Gross Upon Renewal Of The Management And Operation Agreement For The Lincoln Road Green Market And The Viability Of Establishing Rotating Street Markets Between Espanola Way, Collins Park, And South Pointe Elementary School; **3)** Discussion Regarding Two Matters That Were Recently Raised By The Marine Authority: 1) Waterside Address Signage For Residence; And 2) Improved Beach Signage That Points Out Dangers To Beachgoers; **4)** An Ordinance Creating 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 Having Or Holding Any Employment Or Contractual Relationship With, Or Own A Majority Voting 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; Prohibiting Said Elected Official From Having Or Holding Any Employment Or Contractual Relationship That Creates A Continuing Or Frequently Recurring Conflict; Adopting By Reference Section 112.312 Of The Florida Statutes Regarding Definitions; Enforcement And Penalty; Prospective Application; Adopting By Reference Section 112.313(12) Of The Florida Statutes Regarding Exemptions; Providing For Repealer; Severability; Codification; And An Effective Date; **5)** Discussion Regarding The Status Of The Par 3 Golf Course.

ACTION:

Item No. 1:

Jorge Gomez, Planning Director introduced the item. The Committee asked that the list of MMP be revised.

Motion: Gross/Wolfson (vote 2-0) Refer to the Planning Board for their review and recommendation.

City Clerk's Note: Jorge Gomez to handle.

Item No. 2:

Motion Gross/Wolfson (vote 2-0) Affirm the Administration's recommendation to exercise its option to renew the Management and Operation Agreement for the Lincoln Road Green Market with the five percent increase to the MG as currently provided for in the Agreement to commence on October 1, 2009 and expire on September 30, 2012; and to pursue a Street Market in Collins Park for a one year pilot program. The Administration is to explore the location and whether there are any issues with tents on the East sidewalk and allowing patrons to walk on the grass. The Mayor is to approve the final layout and the Administration is to place on the Commission agenda for consideration.

In addition, while it was requested by a constituent that the City use the \$11,000 in remaining CANDO funds for marketing of the Collins Park's art component, the committee did not approve the allocation but, rather, suggested that once a plan for the use of the funds was developed, that the plan should be reviewed by the commission.

City Clerk's Note: Hilda Fernandez to handle.

Item No. 3 (1):

WATERSIDE ADDRESS SIGNAGE FOR RESIDENCE

Christopher Todd of the Marine Authority Board explained the issue. Ocean Rescue staff also spoke on the issue requiring all waterfront homes to place their house number on their seawall or otherwise visible location on the waterside. The discussion ranged from allowing the homeowner to handle the

placement of the sign, to having the City do the signage. The discussion included delaying the implementation of any ordinance to give residents the option of doing it themselves, or using the City's contractor. The Committee suggested that a public education campaign be organized to encourage homeowners to do this, along with a long roll out of any ordinance requirement.

Item No. 3 (2)**IMPROVED BEACH LOCATION SIGNAGE**

The Committee asked that the Administration implement a signage program to place signs at the street ends at either the beachwalk or boardwalk, so people using the beachwalk/boardwalk know where they are. The Committee also requested implementing the signs on the beach at the east end of the crossovers closest to the nearest streetend.

City Clerk's Note: Fred Beckmann to handle.

Item No. 4:

Item deferred.

Item No. 5:

Charles Carreno, CIP Director introduced the item. The question arose as to whether the \$2.5 million savings in the Scott Rakow Phase II Improvements Project could be allocated towards the Par 3 Golf Course.

Motion: Gross/Wolfson (vote 2-0) Instruct the RFQ for the Design and Development phase of the preferred concept plan. Funding source to be from the settlement funds set aside.

City Clerk's Note: See Agenda Item R2A

- C6C Report Of The Neighborhoods/Community Affairs Committee Meeting On September 15, 2009: **1)** Discussion To Place The Wine And Food Festival On A Rotating Schedule; **2)** Discussion Regarding How The City Can Address The Growing Issue Of Aggressive Raccoons And Other Rodents; **3)** Report Updating The Status Of The Efforts Made By The Administration To Encourage FDOT To Restripe The Lanes In The Mid Beach Area Along Alton Road.

ACTION:**Item No. 1:**

The committee moved to have a discussion placed on the agenda for the City Commission to give the Commission an idea of what is being done to market the destination during the Super Bowl, Pro Bowl, Art Basel, Boat Show and other events during the season including information on how the City's money that is given to the Greater Miami Convention and Visitors Bureau Bureau is being spent for the City.

City Clerk's Note: Max Sklar to handle.

Item No. 2:

The committee made no motion.

Item No. 3:

The committee moved for FDOT to be invited to attend a future meeting of the Neighborhoods/Community Affairs Committee when staff is to provide the following information:

- Response from FDOT regarding the possibility of moving the yellow line at the median and restriping the lanes to allow the lanes to shift and result in wider parking lanes

- Pros and Cons of removing the bulb-outs
- Data on the number of accidents on Alton Road that involve the bulb-outs.
- Possibility of installing reflectors on the bulb-outs

City Clerk's Note: Fred Beckmann to handle.

12:38:08 p.m.

C6D Report Of The Finance And Citywide Projects Committee On September 3, 2009: **1)** Discussion Regarding Proposed Water, Sewer And Stormwater Rates; **2)** Discussion Regarding The Potential Garage Project And Joint Venture In The Collins Park Neighborhood; **3)** Proposal To Select BEA Architects From The City's Architectural/Engineering Rotational List For The Planning, Design And Construction Administration Of The Bandshell Park And The Planning Coordination Associated With The Development Of The Various Projects At The North Shore Bandshell Park Site; **4)** Discussion Regarding Proposed Lease Agreements For Historic City Hall At 1130 Washington Avenue; **5)** Recommendation To Approve A Management And Operation Agreement With Miami Design Preservation League For The Miami Beach Ocean Front Auditorium At 1000 Ocean Drive In Lummus Park; **6)** Discussion Regarding A Lease Agreement With Environmental Coalition Of Miami And The Beaches (ECOMB) For The City-Owned Building Located At 210 2nd Street; **7)** Modification Of An Existing Retail Lease Agreement With Cadiac, Inc., Involving Suites D And E In The Anchor Shops, Located At 1550 Collins Avenue, Miami Beach, Florida; Providing For A Reduction In Annual Rent To Prevailing Market Rates For The Duration Of The Remaining Term Of The Lease; **8)** Discussion Regarding The Issuance Of A Request For Qualifications (RFQ) For A Real Estate Broker To Service Leasable City-Owned Properties; **9)** Recap Of Community Visioning For The Byron Carlyle Theater; **10)** Discussion Regarding The City's Special Event Permit Fees As They Pertain To Use Of The Public Right-Of-Way And The Accompanying Right-Of-Way Permit Fees; **11)** Discussion Of A Retiree Pension Issue Regarding City Of Miami Beach Retiree Aldo Rodriguez And His Widow Olga R. Rodriguez; **12)** Discussion Regarding Possible Funding Sources And Strategies That The City May Employ To Assist Condominiums In Miami Beach.

ACTION: Item C6D- #4 separated for discussion by Vice-Mayor Diaz.

Item No.1:

The Committee moved the item to September 9, 2009 Commission meeting without a recommendation.

Item No. 2:

The Committee authorized the expenditure of funds for staff to hire an appraiser, it also authorized staff to proceed doing financial due diligence on American Riviera Real Estate Company and it principles to make sure they can financially perform.

The Committee appointed Commissioner Ed Tobin as liaison.

The Committee recommended the item be brought back to the Finance and Citywide Projects Committee Meeting on October 29, 2009.

The Committee asked that a comparison analysis be done between this garage project and other City garage projects that have been done.

City Clerk's Note: Jorge Gomez to handle.

City Clerk's Note:

Item Amended:

Item No. 2 (Collins Park Parking Project):
paragraph 1--instead of "it principles," correct to read "its principals."
paragraph 6--instead of "fees interest," correct to read "fee interest."
End

Item No. 3:

The Committee approved the existing fee and asked that up to two (2) community meetings be included.

Item No. 4:

The Committee recommends approving the lease agreement for:

- 1ST Floor South – Miami Beach Cinematheque: as proposed with the inclusion of a minimum number of daylight hours, a three (3) month tenant improvement credit, removing the City's responsibility for the demolition of the interior walls, and rent to commence on June 1, 2010.
- 6th Floor – GEMCOR: as proposed and changing the three (3) month abatement to one (1) month per year for the first three (3) years
- 8th Floor – Coane & Associates: as proposed

The Committee asked staff to calculate the point at which the building becomes taxable.

City Clerk's Note: Action taken by the City Commission: Motion made by Vice-Mayor Diaz to accept the report; seconded by Commissioner Libbin; Voice vote: 7-0.

City Clerk's Note: See Agenda Item R7A (Gamcor) and R7C (Cinematheque).

Item No.5:

The Committee asked staff to develop measurable and determinable benchmarks for the MDPL.

The Committee recommended the item be brought back to the Finance and Citywide Projects Committee Meeting on October 29, 2009.

The Committee approved MDPL to occupy the gift shop under a Letter Agreement, when the space becomes available for occupancy.

City Clerk's Note: Hilda Fernandez to handle.

Item No. 6:

The Committee recommended approving the lease agreement for this space at the proposed terms and additionally requires ECOMB to perform clean-up of City beaches.

City Clerk's Note: See Agenda Item R7B (ECOMB)

Item No. 7:

The Committee recommended reducing the rent to \$55/sq.ft, the rent reduction be retroactive to June 1, 2009, for a period of two years (until May 31, 2011), upon which market conditions will be re-evaluated, and the Administration will determine the appropriate escalator for the remaining term of the Lease, which is set to expire on September 31, 2014

City Clerk's Note: See Agenda Special Commission Meeting September 10, 2009 – item RDA 2A (Cadiac)

Item No. 8:

The Committee recommended the issuance of a Request for Qualifications (RFQ) for a Real Estate

Broker to service leasable City-owned properties.

City Clerk's Note: See Agenda Commission Meeting September 9, 2009 - Item C2I

Item No. 9:

Status update

Item No. 10:

The Committee recommends amending the City Code to allow City staff to charge the greater of the Special Event Permit fee or Right-of-Way Permit fee.

City Clerk's Note: Max Sklar to handle.

Item No. 11:

The Committee recommended that Ordinance No. 1901 not be amended retroactively.

Item No. 12:

Item Deferred.

Handout or Reference Materials"

1. Email from Aguila, Raul to Parcher, Robert dated Tuesday, October 13, 2009 at 7:00 PM Subject: Agenda Item C6D

- C6E Report Of The Finance And Citywide Projects Committee On September 24, 2009: **1)** Discussion Of An Opportunity To Achieve A Tax-Exempt Financing For New Capital Projects For The Water And Wastewater System And To Refund Outstanding Debt Related To The City's Water & Wastewater System, Stormwater Utility And Parking System By Borrowing Funds From The Gulf Breeze, Florida Local Government Loan Program; **2)** Follow Up On July Budget Briefings - Fire Rescue Collections Analysis; **3)** Discussion Regarding Possible Funding Sources And Strategies That The City May Employ To Assist Condominiums In Miami Beach; **4)** Discussion Regarding Unarmed Security Guard Services Contract With Security Alliance; **5)** Discussion Regarding An Ordinance Amending Chapter 70 Of The Miami Beach City Code Entitled "Miscellaneous Offenses"; **6)** Discussion Regarding The Economic Impact Of Waiving The \$50 Party Reservation Fee At Normandy And Flamingo Pool For Income Eligible Miami Beach Residents; **7)** Miami Beach Botanical Gardens

ACTION:

Item No. 1:

The Committee recommended borrowing funds from the Gulf Breeze, Florida Local Government Loan Program, granting a waiver to allow Richard Montalbano to serve as remarketing agent, and that the City engage Sonya C. Little as our the City's Financial Advisor.

City Clerk's Note: See Agenda Items R7F and R7G

Item No. 2:

Staff is to provide the percentage of residents who are over 65, who are not insured and do not pay.

City Clerk's Note: Chief Yuhr to handle.

Item No. 3:

No Action Required

Item No. 4:

The Committee asked staff to analyze City contracts subject to the Living Wage Ordinance, gather information from other entities who have adopted or amended their living wage ordinance, prepare a sensitivity analysis on various alternatives of adjusting the pay scale, and asked that this information be brought back to the December 15th meeting to see if the Committee feels the contract should be put out to bid.

City Clerk's Note: See Agenda Item C4C

Item No. 5:

The Committee recommended amending Chapter 70 of the Miami Beach City Code entitled "Miscellaneous Offenses".

City Clerk's Note: See Agenda Item R5M. Legal Department to handle.

Item No. 6:

The Committee recommended using the verification process in place for scholarships/fee waivers, including the sliding scale level of waiver depending on the proof of eligibility provided and in cases where waivers are requested, the \$50.00 fee will be a refundable deposit, all or portions of which would be returned to the resident following their party (depending on the percentage of waiver provided).

City Clerk's Note: Kevin Smith to handle.

Item No. 7:

The Committee supports the direction of the Draft Basis of Design Report (BODR), subject to being finalized by internal City review, and analysis of costing.

City Clerk's Note: See Charles Carreno to handle.

C7 - Resolutions

C7A Approval & Authorization Of (3) Professional Service Agreements

1. A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement With Nugrowth Partners, To Provide Citywide Training Services On An 'As Needed' Basis For Ethics, Diversity, Sexual Harassment, Customer Service And Teambuilding, For The Fiscal Year 2009/2010, In The Amount Not To Exceed \$20,000 Subject To Funding Availability, With The Option, At The City's Sole Discretion, To Extend Said Agreement For One Additional Year, Contingent Upon Funding Availability.

ACTION: Resolution No. 2009-27218 adopted. Kathie Brooks to handle.

2. A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement With Barry University, To Provide Citywide Training Services On An 'As Needed' Basis For Ethics And Diversity, For The Fiscal Year 2009/2010, In The Amount Not To Exceed \$30,000, Subject To Funding Availability, With The Option, At The City's Sole Discretion, To Extend Said Agreement For One Additional Year, Contingent Upon Funding Availability.

ACTION: Resolution No. 2009-27219 adopted. Kathie Brooks to handle.

3. A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement With Influen, To Provide Citywide Training Services On An 'As Needed' Basis For Sexual Harassment And Focus Group Sessions, For The Fiscal Year 2009/2010, In The Amount Not To Exceed \$30,000 Subject To Funding Availability, With The Option, At The City's Sole Discretion, To Extend Said Agreement For One Additional Year, Contingent Upon Funding Availability.
(Budget & Performance Improvement)

ACTION: Resolution No. 2009-27220 adopted. Kathie Brooks to handle.

- C7B A Resolution Retroactively Approving And Authorizing The City Manager Or His Designee To Submit The Following Grant Application And Grant Renewals: 1) Children's Trust For Promotion And Prevention Program Funding In The Amount Of \$180,667 For The City's Youth Empowerment Network; 2) Children's Trust For Service Partnership Program Funding In The Amount Of \$400,000 For The City's Success University Program; 3) Children's Trust For Out-Of-Schools Program Funding In The Amount Of \$357,878 For The City's Summer And After School Programs; 4) Miami-Dade County, Community Grant Program For Funding In An Amount Not To Exceed \$50,000 For The City's Festival Of The Arts 2010 Event; And Approving And Authorizing The City Manager Or His Designee To Submit The Following Grant Applications: 5) Urban Area Security Initiative (UASI) Funding In An Amount Not To Exceed \$400,000 For The City's Homeland Security Needs; And, 6) Miami-Dade County For Funding In An Amount Not To Exceed \$64,000 For The City's Homeless Outreach Program; Further Appropriating The Above Funds, If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents And Contracts Related To These Applications, Including The Following Professional Services Agreements For Youth Services Related To The City's Service Partnership Initiative Between The City And: 1) AYUDA, Inc. In The Amount Of \$21,000; 2) Choices ET AL, Inc. In The Amount Of \$43,750; 3) South Florida Center For Family Counseling In The Amount Of \$35,000; 4) UNIDAD Of Miami Beach, Inc. In The Amount Of \$49,000; 5) Teen Job Corps, Inc. In The Amount Of \$25,333.20; 6) After-School Tutoring In The Amount Of \$14,858; And, 7) Community Involvement Specialists In The Amount Of \$28,000.
(Budget & Performance Improvement)

ACTION: Resolution No. 2009-27221 adopted. Kathie Brooks to handle.

10:42:20 p.m.

C7C A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 9 To The Professional Services Agreement Between The City Of Miami Beach, Florida And CH2M Hill, Dated May 16, 2001, For Additional Resident Project Representative And Construction Administration Services For The Right-Of-Way Infrastructure Improvement Program, Neighborhood No. 3 – Normandy Shores, In The Negotiated Not-To-Exceed Amount Of \$284,000; With Previously Appropriated Funding From Stormwater Enterprise Fund 427, For Contingency, To Be Reallocated To Design. These Funds Are Programmed To Be Reimbursed By Future Stormwater Bonds.
(Capital Improvement Projects)

ACTION: Item separated by discussion by Commissioner Weithorn. Resolution No. 2009-27222 adopted. Motion made by Commissioner Gross to approve the proposed settlement with CH2M Hill; seconded by Commissioner Libbin; Voice vote: 4-2; Opposed: Commissioners Tobin and Weithorn; Absent: Vice-Mayor Diaz. Charles Carreño to handle.

Charles Carreño, CIP Director, introduced the item.

Commissioner Weithorn stated, for the record, that she is unhappy with this situation and the City cannot continue to do business with contractors that do not perform and she cannot support this item.

Discussion held.

Commissioner Gross stated that the best way to improve on the supervision process is to hire deadline oriented people, not engineers. He made a motion to approve the settlement with CH2M Hill; seconded by Commissioner Libbin; Voice-vote: 4-2; Opposed: Commissioners Weithorn and Tobin; Absent: Vice-Mayor Diaz.

SUPPLEMENTAL MATERIALS: RESOLUTION

C7D A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 19 To The Professional Services Agreement Between The City Of Miami Beach, Florida And CH2M Hill, Dated May 16, 2001, For Additional Design Services For Bayshore Neighborhood No. 8d –Sunset Islands No. III And IV, In The Negotiated Not-To-Exceed Amount Of \$108,000; Funding Will Be Committed From The Line Of Credit Approved By The City Commission In May 2009 And Will Be An Appropriation From The Future Stormwater And Water And Sewer Bonds.
(Capital Improvement Projects)

ACTION: Resolution No. 2009-27223 adopted. Charles Carreño to handle.

C7E A Resolution Electing Commissioner Deede Weithorn As Vice-Mayor For A Term Commencing On November 1, 2009, And Terminating On November 4, 2009, Or If A Runoff Election Is Held, Terminating On November 18, 2009.
(City Clerk's Office)

ACTION: Resolution No. 2009-27224 adopted. Robert Parcher to handle.

C7F A Resolution Accepting A Donation Of A 37" Insignia Flat Screen DVD/CD Combo Television Valued At \$600, A Wall Bracket Valued At \$200, And The Cost Associated With The Installation Of These Items Valued At \$200, From Jorge Alicia, General Manager Of Best Buy Co., Inc. Located At 1101 5th Street, Miami Beach To Be Utilized By The Miami Beach Police Department For Training Purposes.
(Police Department)

ACTION: Resolution No. 2009-27225 adopted. Chief Noriega to handle.

SUPPLEMENTAL MATERIALS: RESOLUTION

C7G A Resolution Authorizing The City Manager And City Clerk To Execute A Mutual Aid Agreements With The Following Governmental Agencies: 1) The Village Of El Portal; 2) The City Of Florida City; 3) The City Of Hialeah; 4) The Village Of Indian Creek; 5) The Village Of Key Biscayne; 6) Miami Shores Village; 7) The City Of North Bay Village 8) The City Of North Miami; 9) The City Of North Miami Beach; 10) The Village Of Pinecrest; 11) The City Of South Miami; 12) The City Of Sunny Isles Beach; 13) The Town Of Surfside; 14) The City Of Sweetwater; And 15) The Village Of Virginia Gardens, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach And The Village Of El Portal, The City Of Florida City, The City Of Hialeah, The Village Of Indian Creek, The Village Of Key Biscayne, Miami Shores Village, The City Of North Bay Village, The City Of North Miami, The City Of North Miami Beach, The Village Of Pinecrest, The City Of South Miami, The City Of Sunny Isles Beach, The Town Of Surfside, The City Of Sweetwater, And The Village Of Virginia Gardens, Florida.
(Police Department)

ACTION: Resolution No. 2009-27226 adopted. Chief Noriega to handle.

C7H A Resolution Authorizing The City Manager And City Clerk To Execute A Memorandum Of Understanding Between The City Of Miami Beach, On Behalf Of The Miami Beach Police Department, And The United States Marshals Service, For The Purpose Of Locating And Apprehending Fugitives In An Effort To Reduce Violent Crime.
(Police Department)

ACTION: Resolution No. 2009-27227 adopted. Chief Noriega to handle.

C7I A Resolution Authorizing The City Manager, And City Clerk To Execute A Memorandum Of Understanding Between The City Of Miami Beach, On Behalf Of The Miami Beach Police Department And The Miami-Dade Police Department For The Miami Beach Police Department To Access The Miami Dade Police Department Photo Imaging System.
(Police Department)

ACTION: Resolution No. 2009-27228 adopted. Chief Noriega to handle.

C7J A Resolution Approving And Authorizing The Chief Of Police Of The Miami Beach Police Department To Execute A Memorandum Of Understanding With Mount Sinai Medical Center, For The Purpose Of Establishing A Single Set Of Protocols For The Safe And Secure Transportation And Transfer Of A Person In Police Custody Suffering From Mental Illness Or Substance Abuse.
(Police Department)

ACTION: Resolution No. 2009-27229 adopted. Chief Noriega to handle.

- C7K A Resolution Authorizing The City Manager, Or His Designee, To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; And Terminate Existing Contracts, As Needed, From The Last Commission Meeting On October 14, 2009, Until The First Regularly Scheduled Commission Meeting On December 6~~9~~, 2009, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting On December 9, 2009.
(Procurement)

ACTION: Resolution No. 2009-27230 adopted. Gus Lopez to handle.

- C7L A Resolution Approving And Authorizing The City Manager And City Clerk To Execute A Settlement Agreement And Release Between The City And Ashbritt, Inc., In The Amount Of \$682,181.95, In Full And Final Settlement Of Any And All Claims By Ashbritt Related To The Disaster Recovery Service Agreement Between The City And Ashbritt, Inc., Dated April 6, 2004.
(Public Works)

ACTION: Resolution No. 2009-27231 adopted. Fred Beckmann to handle.

- C7M A Resolution Urging The Florida Legislature To Strengthen Vessel Safety Regulations With Regard To Personal Flotation Device Requirements For Children To Conform With Federal Regulations That Are Stricter With Regard To Child Age Requirements And Vessel Length.
(Requested by Commissioner Jonah Wolfson)

ACTION: Resolution No. 2009-27232 adopted. Kevin Crowder to handle.

- C7N A Resolution Waiving By 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The City's Best Interest, And Authorizing The Administration To Issue A Purchase Order To CVDS, Inc., The Manufacturer Of Comlog Equipment, For The Purchase And Installation Of A Comlog NP192 Digital Voice Recorder For The Public Safety Communications Unit E911 Telephone Answering Equipment From CVDS, Inc. In The Amount Of \$28,136.00.
(Police Department)

ACTION: Resolution No. 2009-27233 adopted. Chief Noriega to handle.

SUPPLEMENTAL MATERIALS:

Commission Summary, Commission Memorandum, Resolution and Administrative Guidelines

11:15:32 p.m.

- C7O A Resolution Adopting Administrative Guidelines For The Administration Of Article II Entitled "Special Masters" And Article III Entitled "Enforcement Process" Of Chapter 30 Of The Miami Beach City Code.
(Requested by Commissioner Saul Gross)

(Memorandum & Resolution to be Submitted in Supplemental)

ACTION: Item separated for discussion by Vice-Mayor Diaz. Resolution No. 2009-27234 adopted. Motion made by Commissioner Gross; seconded by Commissioner Weithorn; Voice vote: 5-0; Absent: Vice-Mayor Diaz and Commissioner Tobin. Greg Tindle, Alex Rey, Sonia Machen, and Robert Parcher to handle.

C7P A Resolution Waiving, By 5/7ths Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Approving, In Substantial Form (As Attached Hereto), A Management And Operation Agreement With The Market Company, Inc., To Operate A Green (Farmers) Market In The Area Adjacent To Collins Park, To Be Located On 22nd Street Between Collins Avenue And Liberty Avenue, On A Trial Basis, For A Term Of One (1) Year, Commencing On January 1 , 2010 And Ending On December 31, 2010; Further Authorizing The Mayor And City Clerk To Execute The Agreement Subject To Final Review By The City Manager And Form Approval By The City Attorney.

(Real Estate, Housing & Community Development)

ACTION: Resolution No. 2009-27235 adopted. Anna Parekh to handle.

C7Q A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To The Miami-Dade County Homeless Trust (TRUST) For Their Application Of Funding Through The U.S. Department Of Housing And Urban Development's (HUD) Super Notice Of Funding Availability (SUPER-NOFA) To Apply For Renewal Funding For The Following Projects: Carrfour Supportive Housing To Continue Providing Permanent Housing And Supportive Services To 48 Formerly Homeless Individuals And Transitional Housing To 24 Formerly Homeless Individuals At The Harding Village Building; And The City's Office Of Real Estate Housing And Community Development, Homeless Services Division To Continue Providing Outreach And Supportive Services To Homeless Persons In Miami Beach; And Douglas Gardens Community Mental Health Center Of Miami Beach, Inc. To Continue Providing Housing And Supportive Services To Formerly Homeless Persons With Disabilities At The Mayfair Residence And Extra Help, Scattered Site Housing Through Another Chance And My Choice And To Provide Transitional Housing And Case Management To Victims Of Domestic Violence Through Their Successful Investments Program.

(Real Estate, Housing & Community Development)

ACTION: Resolution No. 2009-27236 adopted. Anna Parekh to handle.

End of Consent Agenda

REGULAR AGENDA

R2 - Competitive Bid Reports

7:40:25 p.m.

R2A Request For Approval To Issue A Request For Qualifications (RFQ) For Design, Bid And Award, And Construction Administration Services, For The Redesign Of The Par 3 Golf Course.
(Procurement/Capital Improvement Projects)

ACTION: Request authorized as amended. Motion made by Commissioner Gross to approve the item and accept Commissioner Tobin's amendment with the understanding that if there is a funding shortfall that the golf course will not be affected; seconded by Commissioner Wolfson; Voice vote: 7-0. **Gus Lopez to issue the RFQ and Charles Carreño to handle.**

Amendment:

Include a water pad into the plans

End

Jorge Gonzalez, City Manager, introduced the item.

Commissioner Weithorn suggested implementing this project in phases as the funds become available

because there may not be enough money to do it all at once.

Jorge Gonzalez, City Manager, explained that the first step is to issue the RFQ and hire the architect/engineer, since they are needed for the next step in the design process; when this is done and the bid is ready to go out, funds and resources are assessed against estimated budget and then the level of phasing required is determined.

Commissioner Tobin stated that the neighborhood consensus is to have a water pad next to the tot lot. Charles Carreño to handle.

Silvia Winitzky, Co-President of the Bayshore Homeowner's Association, spoke.
Adriana Savivo spoke.
Barry Miller spoke.

Discussion continued.

Motion made by Commissioner Gross to approve the item and accepted Commissioner Tobin's amendment with the understanding that if there is a funding shortfall that the golf course will not be affected.

Discussion continued.

Commissioner Wolfson seconded the motion.

Commissioner Tobin amended the motion to incorporate the addition of the water pad.

Commissioner Gross accepted the amendment.

Handouts and Reference Materials:

1. Two aerial color designs of Miami Beach Par 3 Golf Course titled "9 Hole-Golf Course Plan" and a black and white copy with Pricing Estimates.

9:38:26 p.m.

R2B Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 59-08/09, For West 44 Street Drainage Improvements Project Neighborhood No. 7 Nautilus – Orchard Park, Authorizing The Mayor And City Clerk To Execute An Agreement With Central Florida Equipment Rentals, Inc., At The Not-To-Exceed Amount Of \$626,130 For The Construction Of The Project, Plus Approve Project Contingency Funds In The Amount Of \$23,870 For A Grand Total Of \$650,000 From Future Stormwater Bonds; Further Authorizing The Administration To Engage In Value Engineering To Further Reduce The Cost And Time For Completion Of Said Project.
(Procurement/Public Works)

ACTION: Request authorized. Motion made by Commissioner Weithorn; seconded by Commissioner Libbin; Voice vote: 6-0: Absent: Vice-Mayor Diaz. **Fred Beckmann to handle.**

R5 - Ordinances**11:12:33 a.m.**

R5A An Ordinance Deleting The Language In Chapter 54, Entitled "Floods," Sections 54-31 Through 54-92 Thereof, In Its Entirety, And Replacing It With A New Chapter 54, And New Language, As Set Forth In New Sections 54-31 Through 54-56 Thereof; Providing For Repealer, Codification, Severability, And An Effective Date. **10:15 a.m. Second Reading Public Hearing**

(Building Department)
(First Reading on September 9, 2009)

ACTION: Public Hearing held. Ordinance No. 2009-3656 adopted. Motion made by Vice-Mayor Diaz; seconded by Commissioner Weithorn; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Alex Rey to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 560

11:13:53 a.m.

R5B An Ordinance Amending The Miami Beach Employees' Retirement Plan Created By Ordinance 2006-3504; Amending Article 9, Entitled "Investments," To Require Divestment Of All Assets Invested In Companies Doing Business With The Countries Of Sudan And Iran; Repealing All Ordinances In Conflict Therewith; Providing For Severability; And Providing An Effective Date. **First Reading**

(Requested by Commissioner Saul Gross/City Attorney's Office)
(Deferred from September 9, 2009)

ACTION: Ordinance approved on First Reading as amended. Motion made by Commissioner Gross; seconded by Commissioner Tobin; Ballot vote: 7-0. Second reading and Second Public Hearing scheduled for December 9, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

Amendment:

Between first and second reading, research adding Cuba and North Korea to the list.

End

Vice-Mayor Diaz commended Commissioner Gross for bringing the issue and asked if he would accept a friendly amendment to include other countries who are actively engaged in sponsoring terrorism directed towards U. S. citizens. He explained that the State Department maintains a list of State sponsors of terrorism, which include Cuba and North Korea, and suggested that between first and second reading, to add these two countries to the list and divest from companies that do business with them.

Commissioner Gross stated that the ordinance recommended is the ordinance the way the State approved it. He asked the Legal Department to research.

Jose Smith, City Attorney, stated that the municipalities are able to follow the State law, which is only Sudan and Iran.

Discussion held.

Commissioner Weithorn suggested making the State aware that this Commission feels that this legislation did not go far enough.

Mayor Bower asked the Legal Department to research.

Commissioner Gross accepted the amendment on first reading subject to the Legal Department researching as to its legality. He clarified that if the amendment is not able to be approved, then the ordinance will still continue. **Legal Department to handle.**

11:21:13 a.m.

R5C Temporary Parking Lots - Amendment To The 10-Year Limit

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 130, "Off Street Parking," Article III, "Design Standards," By Amending Section 130-70(7), To Allow For Additional Extensions Of Time For Temporary Parking Lots; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading**

(Planning Department)

(Deferred from September 9, 2009)

ACTION: Ordinance approved on First Reading as amended. Motion made by Commissioner Weithorn; seconded by Commissioner Libbin; Ballot vote: 7-0. Second reading and Second Public Hearing scheduled for December 9, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Amendments:

- 1) Agenda page 434: "..., as determined by the Planning Director, and ~~satisfy~~ satisfying the ~~landscaping~~ landscape requirements for permanent parking lots ~~review criteria.~~"
- 2) The "Applicability Section" should be for July 2011
- 3) Language needs to be added to clarify that this applies to the lots on 11th and 12th Street and Collins.

End

Commissioner Gross has argued through the years that these rules are overly restrictive and keeping too short a time frame for people who want to continue to use their lots for temporary parking. There is a shortage of parking in the City, particularly in this economic environment.

Jorge Gomez, Planning Director, explained. He referred him to page 434 of the agenda packet.

Amendment:

Commissioner Gross proposed an amendment that explicitly states what Jorge Gomez explained in reference to page 434. He requested language clarifying this between first and second reading that it is for every existing licensed temporary lot.

Jorge Gomez, Planning Director, in answering Commissioner Gross' question about having received any complaints, explained that out of the 14 lots there have been only a couple of minor violations in the last nine months or so, but not nuisance complaints.

Amendment:

Commissioner Gross proposed that the extension for the first two years be done at staff level, the same way the extension for the three subsequent years it's going to be done at staff level, as long as there haven't been any complaints for the lot.

Jorge Gomez, Planning Director, clarified that the lots that currently are allowed to exist for ten years, (except for the two on Collins that already have the five year extension), will be able to come in and Administratively obtain yearly extension of times for an additional five year period, subject to, after the ten year period is over, they would have to comply with the landscape and setback requirements of a permanent lot.

Discussion continued.

Amendment #1:

Vice-Mayor Diaz stated that this was extended citywide within the commercial district, and added that he knows of complaints on the temporary lots in South Beach. He suggested notifying the property owners when these hearings come up, since citizen input is needed. The language on page 434 should be amended to include the setbacks and landscape requirements rather than landscape criteria for permitted parking lots.

Amendment #2:

Commissioner Libbin offered an amendment that would cap the number of extensions by July 2011.

Discussion continued.

Final Amendment #3:

Commissioner Gross reinstated that the proposed amendment is that if there have not been complaints, then the approval would be done administratively.

Jorge Gomez, Planning Department Director, clarified that the five additional extensions of time can be done administratively and if there are any complaints or violations issues, they will go to the Planning Board for a progress report or a modification hearing.

Discussion continued.

Vice-Mayor Diaz stated that there is no signage on temporary lots or telephone numbers to call for complaints and citizens don't know that these are temporary lots or who to call to complaint. The burden should not be placed on the citizens.

Michael Larkin, Esq., stated that the majority of lots under this ordinance are operating illegally, and requested holding off enforcement until they can appear in front of the Planning Board or Board of Adjustment.

Jorge Gomez, Planning Director, recapped the amendments.

- 1) Agenda page 434: "..., as determined by the Planning Director, and ~~satisfy~~ satisfying the ~~landscaping~~ landscape requirements for permanent parking lots ~~review criteria~~."
- 2) The "Applicability Section" should be for July 2011
- 3) Instead of the five (5) one year extensions of time be done administratively as opposed to two (2) years from the Planning Board and three (3) years administratively

The first two amendments were accepted by the maker of the motion, and the third amendment was rejected.

- R5D 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 The Subject Vote; Providing For Repealer; Severability; Codification; And An Effective Date. **10:30 a.m. Second Reading Public Hearing**

(Requested by Commissioner Jonah Wolfson/City Attorney's Office)

(Continued from September 21, 2009)

ACTION: Withdrawn by Commissioner Wolfson.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 553

12:48:06 p.m.

- R5E Expansion Of Ethics Reform/Transparency In Government Ordinances

Commissioner Weithorn is troubled by several of the ethics ordinances. She listed R5E-4, R5F, and R5G.

Motion made by Commissioner Weithorn to defer R5E-4, R5F and R5G; seconded by Commissioner Libbin; Ballot vote: 5-2; Opposed: Vice-Mayor Diaz and Commissioner Gross.

Robert Meyers, Executive Director, Miami-Dade County Commission On Ethics And Public Trust, spoke.

1:53:35 p.m.

- 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. **10:30 a.m. Second Reading Public Hearing.**

ACTION: Public Hearing held. Ordinance No. 2009-3657 adopted. Motion made by Vice-Mayor Diaz; seconded by Commissioner Tobin; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 553

1:55:58 p.m.

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. **10:30 a.m. Second Reading Public Hearing**

ACTION: Public Hearing held. Ordinance No. 2009-3658 adopted. Motion made by Vice-Mayor Diaz; seconded by Commissioner Libbin; Ballot vote: 6-0; Absent: Commissioner Tobin. R. Parcher to transmit to Municipal Code. Legal Department to handle.

L. Powers, representing the Dolphin Foundation, spoke.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 553

1:59:13 p.m.

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. **10:30 a.m. Second Reading Public Hearing.**

ACTION: Public Hearing held. Ordinance No. 2009-3659 adopted as amended. Motion made by Vice-Mayor Diaz; seconded by Commissioner Libbin; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code.

Robert Parcher, City Clerk, stated, for the record, that these amendments are listed in the Time-Certain corrections.

Amendments

451-452, Code section 2-450(b) "Definitions":

Business relationship (for purposes of subsection (a)(2) above shall mean that a member of the City Commission has a relationship with a person or business entity wherein:

i. The person/business entity is a customer of the member of the City Commission (or of his/her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission (or of his/her employer) in the 12 month period immediately ~~preceding~~ after the subject vote; or

ii. The member of the City Commission (or his/her employer) is a customer of the person/business entity and transacts more than \$10,000.00 of the business of the person/business entity in the 12 month period immediately ~~preceding~~ after the subject vote.

End

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 553

2:02:47 p.m.

R5E-3B

An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 2 Thereof By Creating Section 2-462 Entitled "Prohibiting Members Of City Commission From Having Certain Post-Service Contracts With City", Prohibiting Former Members Of The City Commission From City Employment Or Contracts On Matters In Which City Commission Approval Is Required; Providing For Repealer, Severability, Codification, And Effective Date. **10:30 a.m. Second Reading Public Hearing**

ACTION: Public Hearing held. Ordinance No. 2009-3660 adopted. Motion made by Vice-Mayor Diaz; seconded by Commissioner Gross; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code.

Discussion held.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 553

2:11:12 p.m.

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. **10:30 a.m. Second Reading Public Hearing**.

ACTION: Public Hearing held. Ordinance amended and scheduled for a third reading, public hearing, and **referred to the Neighborhood/Community Affairs Committee between second and third reading.** Motion made by Vice-Mayor Diaz; seconded by Commissioner Libbin; Ballot vote: 7-0. Randi MacBride to place on the committee agenda. Lilia Cardillo to place on the Commission Agenda. R. Parcher to notice. Legal Department to handle.

Vice-Mayor Diaz introduced the item and explained that this stops the revolving door for employees. He picked up this legislature by reading a national website on good government and it's being proposed around the country. He made a motion to approve the item.

Discussion held.

Amendment:

After due process is provided by the City Commission, the following actions can be taken against a City vendor/third party who retains a former City employee or former member of the City Commission inconsistent with the proscriptions of this Ordinance:

- 1) Allow the City Commission to waive the violation by the City vendor/third party;
2. Suspend the vendor/third party's contract with the City (if applicable) or;
- 3) Bar the vendor from doing business with the City for up to five years

End

Commissioner Tobin made a formal amendment to this ethics ordinance to add a penalty for City vendors/third parties who retain former City employees or former members of the City Commission inconsistent with the terms of this Ordinance.

Vice-Mayor Diaz stated that Commissioner Tobin is correct and this is an issue of

enforcement and if the violation is detected the company should be disqualified from doing business with the City. He accepted Commissioner Tobin's amendment that a violation by the City vendor/third party will result in a debarment-type penalty, assessed by the City Commission (after due process provided).

Amendment:

Vice-Mayor Diaz recapped that he is accepting Commissioner Tobin's amendment that after notice is provided and a hearing is held in front of the City Commission, the City Commission can either suspend a vendor from doing business with the City on that specific contract or suspend the vendor from doing business with the City for a period of up to five years.

Discussion continued.

Jean Olin, Special Counsel, stated that if a penalty is added to terminate a vendor/third party's ability to contract with the City, the number of years of termination should be consistent with the number of years enforced by the Debarment Committee.

Vice-Mayor Diaz stated that the penalty for the vendor or third party that unlawfully retains a former member of the City Commission or former employee should be to suspend the contract, terminating or banning the vendor from doing business with the City for a period of up to five years, after due process is provided by the City.

Jorge Gonzalez, City Manager, stated to be careful with the penalty because it can be detrimental to the City in certain circumstances.

Jean Olin, Special Counsel, stated that since the amendment adding a penalty for termination of a vendor or third party is a material change to the ordinance, a third reading of the ordinance is required.

Commissioner Libbin referred the ordinance to the Neighborhood/Community Affairs Committee between second and third reading and seconded the motion made by Vice-Mayor Diaz to approve the ordinance. Ballot vote taken 7-0.

Vice-Mayor Diaz thanked Jean Olin, Special Counsel, for the incredible amount of time she spent crafting all of the ethics ordinances and added that her expertise in this matter will be greatly missed when she is gone. He personally thanked her for helping him.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 553

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. **10:30 a.m. Second Reading Public Hearing.**

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

(Continued from September 21, 2009)

ACTION: Item deferred. See motion Agenda Item R5E.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 553

R5F 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. **10:30 a.m. Second Reading Public Hearing**

(Requested by Commissioner Saul Gross/City Attorney's Office)

(Continued from September 21, 2009)

ACTION: Item deferred. See motion Agenda Item R5E.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 553

R5G 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. **10:30 a.m. Second Reading Public Hearing.**

(Requested by Commissioner Deede Weithorn/City Attorney's Office)

(Continued from September 21, 2009)

ACTION: Item deferred. See motion Agenda Item R5E.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 553

7:21:00 p.m.

R5H An Ordinance Amending Subpart B Of The Land Development Regulations Of The City Code; Amending Chapter 118, Entitled "Administration And Review Procedures"; Amending Article X, Entitled "Historic Preservation"; Amending Division 4, Entitled "Designation"; Amending Section 118-593, Entitled "Historic Preservation Designation"; Amending Subsection 118-593(E), Entitled "Delineation On Zoning Map" By Designating 1600 Lenox Avenue, As An Historic Site, As More Particularly Described Herein; Providing That The City's Zoning Map Shall Be Amended To Include 1600 Lenox Avenue As An Historic Site; Adopting The Designation Report Attached Hereto As Appendix "A"; Providing For Inclusion In The Land Development Regulations Of The City Code, Repealer, Severability, And An Effective Date. **5:01 p.m. First & Only Reading Public Hearing.**

(Planning Department)

ACTION: First and Only Public Hearing held. Ordinance No. 2009-3662 adopted. Motion made by Vice-Mayor Diaz; seconded by Commissioner Gross Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Jorge Gomez to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 558
2. Appendix "A" titled "1600 Lenox Avenue – Historic Site- Designation Report dated July 14, 2009, and revised July 28, 2009.

7:23:05 p.m.

R5I Proposed Changes To The I-1 Urban Light Industrial 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," Division 11, "I-1 Urban Light Industrial District," By Amending The List Of Permitted, Conditional And Prohibited Uses; And By Amending Section 142-487 "Setback Requirements;" Providing For Repealer, Severability, Codification And An Effective Date." **5:05 p.m. Second Reading Public Hearing.**

(Planning Department)

(First Reading Public Hearing on September 9, 2009)

ACTION: Public Hearing held. Ordinance No. 2009-3663 adopted as amended. Motion made by Commissioner Weithorn; seconded by Commissioner Gross; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Jorge Gomez to handle.

Amendments

- 1) Section 142-481: ".....This district shall not include any residential uses except as provide herein."
- 2) Section 142-483 (6): "... properties greater made up of more than 20,000 square feet of lot area."
- 3) Section 142-483 (10): "... as of the date of this ordinance (October 24, 2009.)"
- 4) Section 142-485: "..... except as provide for in Section 142-483(9 10.)"

End

Gary Held, First Assistant City Attorney, read changes into the record.

Vice-Mayor Diaz commended Marilyn Frohlich for her hard work on this matter and recognized Jorge Gomez for finding a solution.

Jorge Gomez, Planning Director, stated that it was a pleasure working with the neighborhood spearheaded by Ms. Frohlich and Nancy Liebman.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 564

7:11:50 p.m.

R5J Historic Designation

An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code; Amending Section 118-593, "Historic Preservation Designation"; Amending Section 118-593(E), "Delineation On Zoning Map"; Amending Section 118-593(E)(2), "Historic Preservation Districts (HPD)" By Designating The Morris Lapidus / Mid 20th Century Historic District, As More Particularly Described Herein; Providing That The City's Zoning Map Shall Be Amended To Include The Morris Lapidus / Mid 20th Century Historic District; Adopting The Designation Report Attached Hereto As Appendix "A"; Providing For Inclusion In The Land Development Regulations Of The City Code, Repealer, Severability, And An Effective Date. **5:10 p.m. Second Reading Public Hearing.**

(Planning Department)

(First Reading Public Hearing on September 9, 2009)

ACTION: Public Hearing held. Ordinance No. 2009-3661 adopted. Motion made by Commissioner Libbin; seconded by Vice-Mayor Diaz; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Jorge Gomez to handle.

Mr. Richard Lapidus thanked Mayor Bower and the City Commission on behalf of himself and his family for suggesting this designation. He gave a brief biography of his father, Morris Lapidus, and a summary of his accomplishments.

Jo Manning, Historic Preservation Board member, spoke.

Terry D'Amico, representing the MiMo coalition, congratulated Mr. Cary and staff on the tremendous effort on this designation.

William Cary, Assistant Director of Planning, introduced the item and thanked Carolyn Klepser for the wonderful research on this district and the wonderful report on the designation, to Deborah Tackett, Senior Planner, for the wonderful job done on the designation report and especially to Jorge Gomez, Planning Director.

Commissioner Gross stated that this is his last meeting and he is very happy to vote for another historic district. He thanked Jorge Gomez, William Cary, Tom Mooney and Richard Lorber because he has worked closely with them. He feels close to other City Departments but he feels especially close to the Planning Department. The entire department is comprised of dedicated public servants and they do a great job for the City. Our City is recognized throughout the world for its commitment to historic preservation through the efforts of Vice-Mayor Diaz and many others to the point that you cannot get elected in this City without being pro-preservation. A lot of this is due to the effort and expertise of William Cary and the work he did in New York City.

Vice-Mayor Diaz agreed with what Commissioner Gross stated and added Mercy Lamazares to the list.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 565

7:26:04 p.m.

During the roll call Commissioner Wolfson was recorded as absent and requested, for the record, that on Agenda Items R5H and R5J his vote be recorded as a "yes" vote.

7:26:40 p.m.**R5K Proposed Ordinance Amendment – Flags & Flagpoles**

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 82-411 To Add An Exemption For Flags And Flagpoles; And Amending Chapter 138, "Signs," Article III, "Prohibited Signs," Section 138-72 "Pennants, Banners, Streamers, Flags And Flagpoles" To Create A Procedure For Temporary Flags And Flagpoles And To Clarify That The Section Applies To Flags Of Nationally Or Internationally Recognized Symbols Of Cultural Diversity; Providing For Codification, Repealer, Severability And An Effective Date. **First Reading**
(Planning Department)

ACTION: Ordinance approved on First Reading. Motion made by Vice-Mayor Diaz to adopt the Administration version; seconded by Commissioner Weithorn; Ballot vote: 7-0. Second reading and Second Public Hearing scheduled for December 9, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

7:29:40 p.m.

R5L An Ordinance Amending Chapter 82 Of The City Code, Entitled "Public Property," By Amending Article VI, Entitled "Naming Of Public Facilities And Establishments Of Monuments And Memorials," By Amending Section 82-501, Entitled "Generally," To Provide That The Portion Of The City Owned Property Within Altos Del Mar Park (Located On Collins Avenue Between 76 And 77 Streets) To Be Known As The "Altos Del Mar Sculpture Park," Shall Be Exempt From The Provisions Of Said Article Vi, For So Long As Said City-Owned Property Continues To Be Operated By Altos Del Mar Sculpture Park, Inc., A Not For Profit Corporation, As A Sculpture Park Which Is Free And Open To The General Public, And In Accordance With The Terms And Conditions Of That Certain Management Agreement Between The City And ADMSP, Dated June 3, 2009; Providing For Repealer, Severability, Codification And Effective Date. **First Reading.**
(Tourism & Cultural Development)
(Deferred from September 9, 2009)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Weithorn; seconded by Commissioner Libbin; Ballot vote: 7-0. Second reading and Second Public Hearing scheduled for December 9, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Max Sklar to handle.

7:31:09 p.m.

R5M 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. **First Reading.**

(Code Compliance)

(Deferred from September 9, 2009)

ACTION: Ordinance approved on First Reading as amended. Motion made by Commissioner Libbin; seconded by Vice-Mayor Diaz; Ballot vote: 5-2; Oposed: Commissioners Gross and Tobin. Second reading and Second Public Hearing scheduled for December 9, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Hilda Fernandez to handle.

Amendment:

Abatement for one year

End

Commissioner Libbin stated that this is a carry over item left open at the request of Commissioner Gross and is in reference to the etched glass. He added that staff did research and surprisingly found lower costs and asked Commissioner Gross if this satisfies his concern.

Commissioner Gross stated that it does not because no one has done an inventory of the acid etched glasses on Washington Avenue. He has walked Washington Avenue and estimates that there are hundreds of acid etched glasses and the cost to replace each could be approximately \$1,400, if it's hurricane glass. This is imposing a large cost in the middle of a bad recession and it could cost a \$1 million dollar to the property owners.

Discussion continued.

Vice-Mayor Diaz commended Commissioner Libbin for bringing the issue and added that it needs to be addressed because this is the modern type of graffiti and it creates a gang-like atmosphere. He explained that other communities are doing this. He has no problem if the Commission wants to abate it for a year and let the economic recovery continue.

Commissioner Gross stated that the cost is \$500 minimum, and added that this is not the landlord's responsibility, but the tenant's responsibility to replace the glass. He explained that the residential market is starting to recover, but the commercial market is sinking further. As a landlord with a lot of retail tenants, he can say that the retail tenants in the City are struggling worse than they ever have and the vacancy rate is starting to increase. He feels this is the wrong time.

Commissioner Libbin agreed to the abatement for a year.

Hilda Fernandez, Assistant City Manager, read changes to the language that further clarifies the ordinance.

5:59:21 p.m.

R5N An Ordinance Amending Chapter 62 Of The City Code, Entitled, "Human Relations;" Amending Article II, Section 62-32 Therein ,To Formally Name And Also Hereinafter Refer To The Provisions Of Said Article (And Sections Thereto) As The "City Of Miami Beach Human Rights Ordinance;" Further Amending Article II, Sections 62-31 Through 62-66, To Amending The Existing Provisions And, Where Noted, Creating New Provisions Pertaining To The Procedures For Filing And Investigating Complaints, Mediation Of Complaints, Hearing Procedures, And Penalties; And Providing Further For Codification, Severability, And An Effective Date. **First Reading**

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

ACTION: Redlined Ordinance approved on First Reading as amended including language read by Raul Aguila, Deputy City Attorney, and with the issue of the Human Rights Commission referred to the Neighborhood/Community Affairs Committee between first and second reading. Motion made by Vice-Mayor Diaz; seconded by Commissioner Tobin; Ballot vote: 7-0. Second reading and Second Public Hearing scheduled for December 9, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Randi MacBride to place on the committee agenda. Legal Department to handle.

Amendments:

1. See Redlined ordinance
2. Raul Aguila, Deputy City Attorney, read a correction into the record on Section 62-65 Sub C Sub 2 it should read "in the event of a finding of discrimination public accommodations where the alleged offender holds a license to sell alcoholic beverages the hearing examiner may request that the Administrator refer the violation to the appropriate state agency to determine whether due cause exist to recommend revocation of such license pursuant to applicable state law.
3. Referral of the Human Rights Commission to the Neighborhood/Community Affairs Committee between first and second reading.

End

Robert Parcher, City Clerk, stated, for the record, to refer to the ordinance distributed with the Supplemental Agenda.

Vice-Mayor Diaz explained the item and thanked Raul Aguila, Deputy City Attorney, Jose Smith, City Attorney, and CJ Ortuno from Save Dade for their hard work in reviewing what other municipalities have done and applied that to our existing ordinance. He stated that he was not happy with the enforcement portion of the ordinance. He recommended, if passed during first reading, looking into the creation of a Human Right Commission composed of three individuals; one appointed by the Mayor the other two appointed by the City Commission (one citizen At-large and the other one a representative from one of the human rights organizations in the City). They will recommend names and the City Commission will appoint the member. He stated that he will move this item with great honor.

Commissioner Libbin seconded the motion. He expressed his concerns about the second part of the motion made by Vice-Mayor Diaz, and added that there is a Miami-Dade County Human Rights Commission and asked the Legal Department if the City needs a local Commission in addition and to explain how the process will work.

Jose Smith, City Attorney, stated that there is a County Human Rights Commission which hears complaints of discrimination and if there is a finding of discrimination there are certain sanctions and fines that could be imposed, but that does not preclude the City of Miami Beach from having its own body to hear the same complaints. It is a matter of policy if the City should have one or not.

Discussion held.

Raul Aguila, Deputy City Attorney, explained that this ordinance addresses if there is a complaint already pending before the County or any other board, our complaint process can be referred to the

authority that is already hearing it.

CJ Ortuno, Executive Director of Save Dade, spoke.

Discussion continued.

Motion made by Vice-Mayor Diaz to refer the Human Rights Commission to committee to decide on the composition.

Discussion continued.

Commissioner Gross commended Vice-Mayor Diaz for making this happen on his last meeting and also for the Gay Pride Event. He is in favor of approving the ordinance without the Human Rights Commission to start, and publicize that there is now a vehicle for people that have been discriminated to file complaints.

Commissioner Wolfson stated that the prohibited activities need to be clarified. He would like to add the language that states "no person shall discriminate."

Raul Aguila, Deputy City Attorney, stated prohibited activities cannot be defined but it can be stated who the prohibited classes are. He will check the language as to: "no person shall discriminate" and if it is not there he will add it. Legal Department to handle.

Commissioner Wolfson suggested adding attorney's fees.

Vice-Mayor Diaz stated that the ideas of prevailing parties and attorney's fees are great and will be a deterrent on people making frivolous complaints but it could have a chilling effect.

Raul Aguila, Deputy City Attorney, stated that this is not customary and is not seen on discriminatory ordinances.

Discussion continued.

Raul Aguila, Deputy City Attorney, read a correction into the record on Section 62-65 Sub C, Sub 2 it should read "*in the event of a finding of discrimination in public accommodations where the alleged offender holds a license to sell alcoholic beverages the hearing examiner may request that the Administrator refer the violation to the appropriate State agency to determine whether due cause exist to recommend revocation of such license pursuant to applicable State law.*"

Motion made by Vice-Mayor Diaz to move the item with the Human Right Commission referral to the Neighborhood/Community Affairs Committee and to bring back the structure of the Commission to second hearing.

Commissioner Libbin will not second that and withdrew his second.

Commissioner Tobin seconded Vice-Mayor Diaz's motion.

Discussion continued.

Jose Smith, City Attorney, clarified Commissioner Wolfson's concern that the prohibition against discrimination is in Division 3 which comes later in section 62-86. He stated that the Legal Department may need to make some amendment to that section as well.

Handout or Reference Materials:

1. Draft redline revised ordinance

Prepared by the City Clerk's Office

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R7 - Resolutions**12:38:16 p.m.**

- R7A A Resolution Approving On First Reading, A Lease Agreement Between The City And Gemcor, Inc., For Use Of Approximately 1,517 Square Feet Of City-Owned Property, Located At 1130 Washington Avenue, 6th 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; 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 December 9, 2009, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading.**
(Real Estate, Housing & Community Development)

ACTION: Title of the Resolution read into the record. Resolution No. 2009-27237 adopted. Motion made by Vice-Mayor Diaz; seconded by Commissioner Weithorn; Voice vote: 7-0. Second reading and public hearing schedule for December 9, 2009. Lilia Cardillo to place on the agenda. Anna Parekh to handle.

11:56:24 a.m.

- R7B A Resolution Approving On First Reading, A Lease Agreement Between The City And ECOMB, Inc., For Use Of The 1,251 Square Foot City-Owned Building, Located At 210 Second Street, Miami Beach, Florida; Said Lease Having An Initial Term Of Three Years, With One 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 December 9, 2009, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading**
(Real Estate, Housing & Community Development)

ACTION: Title of the Resolution read into the record. Resolution No. 2009-27238 adopted and referred to the Neighborhood/Community Affairs Committee regarding the issue of the restrooms and the operational requirements. Motion made by Commissioner Gross; seconded by Commissioner Libbin; Voice vote: 6-1; Opposed: Vice-Mayor Diaz. Second reading and public hearing scheduled for December 9, 2009. Randi MacBride to place on the committee agenda. Lilia Cardillo to place on the Commission Agenda. Anna Parekh to handle.

Hilda Fernandez, Assistant City Manager, explained the issued.

L. Powers, representing The Dolphin Foundation, spoke.

Discussion held.

Commissioner Libbin stated that he will support this item but would like to see requirements established for ECOMB between first and second reading. **Anna Parekh to handle.**

Discussion continued.

Commissioner Weithorn requested referring the item to the Neighborhood/Community Affairs Committee between first and second reading to discuss the issue of the restrooms; she added that the restroom facilities should be open to the public, and agreed with Commissioner Libbin that there needs to be operational requirements detailed of the lease holder. **Anna Parekh to handle.**

Discussion continued.

Jorge Gonzalez, City Manager, stated that due to the economic situation the maintenance of the

restrooms should be the responsibility of the lease holder.

Commissioner Tobin requested for the record to reflect the history, in the Commission Agenda, of what this organization has accomplished. **Anna Parekh to handle.**

Luis Rodriguez, Executive Director of ECOMB, spoke.

12:35:17 p.m.

12:41:45 p.m.

R7C A Resolution Approving On First Reading, A Lease Agreement In The City Standard Lease Form And Subject To The Negotiated Terms In Exhibit "A" To This Resolution, Between The City And Miami Beach Cinematheque (Cinematheque) For The Use Of Approximately 2,523 Square Feet Of City-Owned Property, Located At 1130 Washington Avenue, 1st Floor, Miami Beach, Florida; Said Lease Having An Initial Term Of Three (3) Years, With Two Additional Three Year Renewal Terms, At The City's Sole Discretion; Further Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements (As Required By Section 82-39 Of The Miami Beach City Code) Finding Such Waiver To Be In The Best Interest Of The City; And Setting A Public Hearing On December 9, 2009, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading**
(Real Estate, Housing & Community Development)

ACTION: Title of the Resolution read into the record. Resolution No. 2009-27239 adopted. Motion made by Commissioner Gross; seconded by Vice-Mayor Diaz; Voice vote: 7 0. Second reading and public hearing scheduled for December 9, 2009. Lilia Cardillo to place on the Commission Agenda. Anna Parekh to handle.

Amendment to the agreement:

Cinematheque will give the City one month security deposit before the second reading or at the time of execution and will give the City the second months security deposit on the lease start date which is March 1st. Construction is anticipated to take three months, with a move in on June 1st. The second security deposits, 3/1, will be applied to the first month's rent.

End

Motion made by Commissioner Weithorn; seconded by Vice-Mayor Diaz.

Discussion held.

Commissioner Gross clarified that when the lease is written that the daytime use is important. **Anna Parekh to handle.**

Cinematheque founder-programmer Dana Keith spoke.

Discussion continued.

Final Motion:

Cinematheque will give the City one month security deposit before the second reading or at the time of execution and will give the City the second months security deposit on the lease start date which is March 1st. Construction is anticipated to take three months, with a move in on June 1st. The second security deposits will be applied to the first month's rent upon completion of the construction; seconded by Vice-Mayor Diaz.

Discussion continued.

Hilda Fernandez, Assistant City Manager, clarified that what the Administration is recommending is

that Cinematheque will give the City one month security deposit before the second reading or at the time of execution and will give the City the second months security deposit on the lease start date which is March 1st. Construction is anticipated to take three months, with a move in on June 1st. The second security deposits will be applied to the first month's rent upon completion of the construction.

8:52:01 p.m.

SUPPLEMENTAL MATERIALS: MEMORANDUM

R7D Supplemental Commission Memorandum To Agenda Item R7J From City Commission Meeting Of September 10, 2009, Regarding Request For Proposals No. 41-08/09, To Provide Parking Cashiers, Attendants, And Supervisors For The City Of Miami Beach Parking System (The RFP).

(Procurement/Parking Department)

(Deferred from September 10, 2009)

ACTION: Resolution No. 2009-27240 adopted. Motion made by Commissioner Libbin to adopt the City Manager's recommendation; seconded by Vice-Mayor Diaz; Ballot vote: 4-3; Opposed: Mayor Bower, Commissioners Gross and Wolfson. Saul Frances to handle.

Mayor Bower explained that this item is for the selection of a company. At the last discussion, there were questions on the benefits and the answer is on page 15.

Discussion held.

Motion made by Commissioner Libbin, accepting the City Manager's recommendation for Lanier Parking Solutions; seconded by Vice-Mayor Diaz.

Commissioner Weithorn stated that she has trouble understanding what the benefits are, unless she understands how many people are benefiting and what benefits they are receiving.

Vice-Mayor Diaz explained the item and stated that there are over \$12 million in service contracts where employers do not provide health benefits to their employees.

Mayor Bower stated that she did not know that one could opt out of offering health benefits under City's Living Wage Ordinance but that it was the employee's choice; and requested that the proposals be rejected. The living wage ordinance should be enforced to make sure that benefits are provided to employees. This item needs to be corrected and go out to bid again.

Vice-Mayor Diaz stated that to change the rules in the middle of the procurement process is wrong, and to reject all the bids now will make the City lose credibility.

Mayor Bower stated that she would approve the contract for one year only and let them re-bid again.

Discussion held.

Commissioner Wolfson stated that he has no problem rejecting all the bids and deferring this item subsequent to the election.

Discussion continued.

Commissioner Wolfson explained that a lawsuit has been filed against the City and he feels it would be better for the Commission to wait until that is resolved. He added that it is a disingenuous argument to accept this recommendation without providing health benefits to the employees, but correct the living wage ordinance in the future. Additionally, if Lanier is accepted, the message is that the savings outweigh the employees receiving health benefits. He explained that this Commission has

lost credibility with this contract.

Jose Smith, City Attorney, clarified that there was a lawsuit filed last week by Impark against the City; not based on improper termination of the Impark contract, but on the City's denial of Impark's bid protest; and that the matter is pending.

Discussion continued.

Commissioner Weithorn requested the percentage of health insurance is Impark paying and how many employees are participating. She agreed with Commissioner Libbin to move forward because there is a lot to correct in the Living Wage Ordinance, but it cannot be done in a short time frame.

Discussion continued.

Commissioner Tobin clarified that when the labor unions brought up the Living Wage Ordinance, they specifically included a provision for opting out of paying health benefits. That being said, at the last discussion, it was stated that this Commission's primary concern was going to be price, and then when it was brought back for discussion and benefits were discussed, Lanier verbally agreed to provide benefits. Do we want the bid [Lanier's] to be technically "responsive" or do we want them to provide their employees with health benefits?

Jorge Gonzalez, City Manager, explained that anything can be negotiated, but one must first use what is in the written bid submission as the basis of the decision making for award of the bid itself (prior to entering into contract negotiations with the successful bidder).

Raul Aguila, Deputy City Attorney, opined that the decision before this Commission now is whether to award the bid, not to negotiate a contract. One bidder included health benefits and equal benefits; the other bidder did opt to comply by not offering health benefits and paying the higher Living Wages and by not providing any benefits. This Commission has to take each bid on its face. After award, if the bidder wants to provide additional benefits voluntarily, that is fine, but it cannot be part of the Commission's determination for award of the bid today.

Discussion continued.

Vice-Mayor Diaz clarified that if the vote is for the City Manager's recommendation, can Lanier offer the benefits and include it in the contract during the negotiations?

Raul Aguila, Deputy City Attorney, stated "yes", but only if Lanier voluntarily offers the benefits during negotiations. It should not be made a condition of the selection today, because there is a lawsuit before us from Impark that alleges that the other bidder [Lanier] did not comply with the benefits requirement. The selection has to be based on what was in the written bid.

Commissioner Gross asked clarification on the health insurance benefits provided by Impark.

Chester Escobar, Imperial Parking, stated that the \$40,000 budgeted is their contribution on behalf of the amount of employees that are buying into it, which is six to eight employees. The vacation, sick days, and holidays are being stripped from other employees.

Commissioner Gross commented that if employees are not being paid benefits, the City will have disgruntled employees. He feels it is unfair and inconsistent to have employees be moved from Standard to Impark entitled to the same benefits and salaries, and now the message is not the same, and they are being stripped of their benefits.

Motion made by Commissioner Libbin, accepting the City Manager's recommendation for Lanier

Parking Solutions; seconded by Vice-Mayor Diaz. Roll call: 4-3; Opposed; Mayor Bower and Commissioners Gross and Wolfson.

Carmen Jacqueline Jimenez, Impark employee, spoke in Spanish and Mayor Bower translated.

City Clerk's Note: See Supplemental Materials for the second Supplemental Materials

Handout or Reference Materials:

1. Email from Aguila, Raul dated Monday, October 12, 2009 at 2:43 PM To: Smith, Jose Subject: FW: IMPENDING CLOSURE OF IMPERIAL PARKING INC
2. Email from Lopez, Gus dated Tuesday, October 13, 2009 at 11:16 AM To: 'Chester Escobar' Subject: FW: Briefing notes – Libbin & Diaz
3. Email from Chester Escobar [CEscobar@impark.com] dated Tuesday, October 13, 2009 at 2:33 PM To: Lopez, Gus Subject: RE: Inquiry
4. Email from Hemstreet, Tim dated Tuesday, October 13, 2009 at 7:41 PM To: Weithorn, Deede Subject: Impark Questions
5. Memorandum to Deede Weithorn, Commissioner, From: Jorge M. Gonzalez, City Manager, dated October 14, 2009, RE: AGENDA ITEM R7D – SUPPLEMENTAL MEMORANDUM REGARDING REQUEST FOR PROPOSALS NO. 41-08/09 – PARKING CASHIERS, ATTENDANTS, AND SUPERVISORS FOR THE CITY'S PARKING SYSTEM

8:19:53 p.m.

R7E A Resolution Relating To The Annual Evaluation Of The City Manager; Receiving The City Manager's Report And Adjusting His Employment Contract Accordingly.
(City Manager's Office)

(Memorandum & Resolution to be Submitted in Supplemental)

ACTION: Resolution No. 2009-27241 adopted. Motion made by Commissioner Gross to approve the contract with the provisions approved at the Committee of the Whole; seconded by Vice-Mayor Diaz; Voice vote: 7-0. Ramiro Inguanzo to handle.

Contract Provisions

- 1) Because of the country's economic conditions Jorge elected to voluntarily forego any merit or cost-of-living increase,
- 2) Extend the contract two years
- 3) Immediately begin deducting from his salary an additional 2% for pension

End

Mayor Bower stated that she has been an activist for many years before becoming a Commissioner and now a Mayor and she has gone through many City Managers; she has also dealt with many School Superintendents and knows what makes a professional manager. She added that no one is perfect, but Jorge is close to perfection. She really believes that he has done a great job in Miami Beach. She pointed out the budget process implemented that no other City has and thinks this was structured by the City Manager, and congratulated him for that and for the very capable staff.

Commissioner Gross stated, as his final farewell, that Jorge gets better with age, Jorge continues to excel in all areas; and is very good at achieving consensus on the Commission, and is very smart about bringing ripe issues to the Commission after they are thoroughly discussed at committees. He recognized Jorge for his efforts with the IB schools in the education field this year and other areas that are not typically his purview along with the many special projects accomplished this year, such as the Sunset Harbor Garage, moving of the maintenance facility out of Flamingo Park and other contentious projects have been resolved; a lot of capital improvement projects are being completed. Jorge also took directions and comments to heart from the Commission to help improve the organization and has

made departments' better thanks to changes implemented. He added that all departments have room to grow and he hopes that Jorge will continue to monitor them as closely and productively as he has so the City continues to be successful. The General Fund budget has been reduced while absorbing some of the large cost-of-living increases, merit raises and pension fund increases, and somehow Jorge has managed to juggle all that and keep residents and the Commission happy, and people still feel that in Miami Beach, things are being done right. He will miss his friendship, leadership, intelligence and good performance as City Manager. Keep up the good work.

Commissioner Libbin agreed with prior comments and stated that through his performances the City Manager has earned the respect of everyone on the dais, the community and his staff. He has heard from every Union president that in working with him, although they do not always agree, they respect each other. He did challenge the City Manager and the City Commission to focus on revenue, think outside the box and find creative ways to bring revenue and stimulate exciting new income producing methods. He has done a great job and he is sure he will continue to do that.

Vice-Mayor Diaz stated that he was part of the City Manager's Selection Committee and reviewed his resume; the resume of an extremely talented young man uniquely suited to lead the City; Jorge is not so young anymore but he is still enormously talented and uniquely suited to lead our City. Vice-Mayor Diaz added that when he became a Commissioner, the relationship changed and he made demands upon Jorge. He learned about Jorge's depth of command, respect of his staff and how incredible well suited Jorge is for the job. He added that he knows of no other individual that could manage this body and lead it forward from a position of not being a policy maker, and Jorge earned his respect. He added that whether he agrees or disagrees with Jorge on a matter, he knows that Jorge's decision was made ethically and that he thought it was the right thing to do. He thinks Jorge is the best Manager of any jurisdiction in the State of Florida; he is not only commenting on Jorge but also on his staff, because the staff makes Jorge look good; the City Manager's Office as a whole performs and serves the City incredibly well with limited resources.

Commissioner Weithorn stated that citizens are generally happy with the functioning of the City and they often think it is because of the decisions this Commission makes, but in fact it is often because of how the City Manager and his staff have performed their jobs. The Manager manages talent and he has done that very well; in tough budget time's progress has been made; significant amount of money has been saved in capital improvement projects, but he also figured out how to have less money and provide the same amount of services to the residents. She thanked Jorge and his entire staff who make him look good.

Commissioner Tobin explained that their relationship was rocky to begin with but improvements have been made; he promised progress with capital improvements projects and he thinks progress is being made; he appreciates, and the community appreciates, Jorge's efforts. He added that Jorge has committed progress on the flooding, water and sewer and stormwater as well as cleanliness, and a lot of good work has already been done; he also commended Jorge's senior staff. He looks forward to an even better relationship. He added that Jorge does a good job to balance all the personalities on the dais.

Commissioner Wolfson stated that as the Chief Executive Officer of the City he has done a phenomenal job, he provides great leadership and has quite a few challenges going forward and thanked him.

Motion made by Commissioner Gross to approve the City Manager's contract with the provisions as discussed at the Committee-of-the-Whole meeting: 1) Forego a cost of living increase; 2) although he has earned the merit increase, in this financial times and to set an example, to forego his merit increase which he has agreed to graciously; 3) extend Jorge's contract by two years to demonstrate that the Commission has a great deal of confidence in the Manager, and 4) Jorge has graciously offered to pay an additional 2% of his salary towards the Pension contribution; this speak volumes to

the commitment to the City, residents and to the workforce that he supervises and he wants to lead by example; seconded by Vice-Mayor Diaz.

Vice-Mayor Diaz pointed out that not only were these financial terms offered at the Committee-of-the-Whole by the City Manager, but stated that the City Manager did not want a raise this year; and that was his initiative. He also offered to start paying the additional 2% contribution to the Pension, even before other City employees are obligated to do, to lead by example.

Richard McKinnon, President of CWA, spoke.

L. Powers spoke.

8:04:47 p.m.

R7F A Resolution Authorizing A Loan From The City Of Gulf Breeze, Florida Local Government Loan Pool Program And, As Evidence Of Such Loan, The Issuance Of Not To Exceed \$17,000,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida Stormwater Revenue Refunding Bonds, Taxable Series 2009J-2, For The Principal Purpose Of Refunding A Portion Of The City's Outstanding Stormwater Revenue Bonds, Series 2000, Pursuant To Section 210 Of Resolution No. 2000-24127 Adopted By The City On October 18, 2000; Providing That Said Loan And Series 2009J-2 Bonds Shall Be Payable Solely As Provided In Said Resolution No. 2000-24127, A Certain Loan Agreement Relating To The Loan And This Resolution; Providing Certain Details Of The Loan And The Series 2009J-2 Bonds; Delegating Other Details And Matters In Connection With The Loan, The Issuance Of The Series 2009J-2 Bonds, And The Refunding Of The Bonds To Be Refunded Within The Limitations And Restrictions Stated Herein; Authorizing The Negotiated Borrowing And Sale Of The Series 2009J-2 Bonds, Within The Limitations And Restrictions Stated Herein; Approving The Forms Of And Authorizing The Execution, Authentication And Delivery Of The Series 2009J-2 Bonds; Appointing A Bond Registrar For The Series 2009J-2 Bonds; Approving The Form Of And Authorizing The Execution Of The Loan Agreement; Providing For The Application Of The Proceeds Of The Series 2009J-2 Bonds And Creating Certain Funds And Accounts; Authorizing The Refunding, Defeasance And Redemption Of The Bonds To Be Refunded; Approving The Form Of And Authorizing The Execution And Delivery Of An Escrow Deposit Agreement And Appointing An Escrow Agent; Approving The Form Of And Use Of Certain Disclosure Information; Approving The Form And Authorizing The Execution Of A Continuing Disclosure Certificate; Authorizing Officers And Employees Of The City To Take All Necessary Related Actions; And Providing For An Effective Date.
(Finance Department)

ACTION: Resolution No. 2009-27242 adopted. Motion made by Commissioner Gross; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Wolfson. Patricia Walker to handle.

Patricia Walker, Chief Financial Officer, introduced the item.

Discussion held.

Commissioner Gross moved the item and congratulated Ms. Walker based on her relationship with Gulf Breeze; it is a remarkable deal and a lot of savings.

Discussion with questions and answers continued.

Luis Reiter Esquire, Sanders & Dempsey, Bond Counsel, explained and answered all questions.

8:14:16 p.m.

R7G A Resolution Authorizing Three Loans From The City Of Gulf Breeze, Florida Local Government Loan Pool Program And, As Evidence Of Such Loans, (I) The Issuance Of Not To Exceed \$14,500,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida Water And Sewer Revenue Refunding Bonds, Taxable Series 2009J-1A, For The Principal Purpose Of Refunding A Portion Of The City's Outstanding Water And Sewer Revenue Bonds, Series 2000 (The "2000 Bonds"), Pursuant To Section 210 Of Resolution No. 95-21585 Adopted By The City On May 17, 1995, (II) The Issuance Of Not To Exceed \$12,065,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida Water And Sewer Revenue Refunding Bonds, Taxable Series 2009J-1B, For The Principal Purpose Of Refunding An Additional Portion Of The City's Outstanding 2000 Bonds, Pursuant To Section 210 Of Said Resolution No. 95-21585, And (III) The Issuance Of Not To Exceed \$30,000,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida Water And Sewer Revenue Bonds, Taxable Series 2009J-1C, For The Principal Purpose Of Paying The Cost Of Certain Improvements To The Water And Sewer Utility, Pursuant To Section 209 Of Said Resolution No. 95-21585; Providing That Said Loans And Series 2009J-1 Bonds Shall Be Payable Solely As Provided In Said Resolution No. 95-21585, A Certain Loan Agreement Relating To The Loans And This Resolution; Providing Certain Details Of The Loans And The Series 2009J-1 Bonds; Delegating Other Details And Matters In Connection With The Loans, The Issuance Of The Series 2009J-1 Bonds And The Refunding Of The Bonds To Be Refunded Within The Limitations And Restrictions Stated Herein; Authorizing The Negotiated Borrowing And Sale Of The Series 2009J-1 Bonds, Within The Limitations And Restrictions Stated Herein; Approving The Forms Of And Authorizing The Execution, Authentication And Delivery Of The Series 2009J-1 Bonds; Appointing A Bond Registrar For The Series 2009J-1 Bonds; Approving The Form Of And Authorizing The Execution Of The Loan Agreement; Providing For The Application Of The Proceeds Of The Series 2009J-1 Bonds And Creating Certain Funds And Accounts; Authorizing The Refunding, Defeasance And Redemption Of The Bonds To Be Refunded; Approving The Form Of And Authorizing The Execution And Delivery Of An Escrow Deposit Agreement And Appointing An Escrow Agent; Approving The Form Of And Use Of Certain Disclosure Information; Approving The Form And Authorizing The Execution Of A Continuing Disclosure Certificate; Authorizing Officers And Employees Of The City To Take All Necessary Related Actions; And Providing For An Effective Date.

(Finance Department)

ACTION: Resolution No. 2009-27243 adopted. Motion made by Commissioner Weithorn; seconded by Vice-Mayor Diaz; Voice vote: 6-0; Absent: Commissioner Wolfson. Patricia Walker to handle.

Commissioner Tobin explained the item to the public and read the list of fully funded projects that commence with the issuance of the bonds: Oceanfront ROW, Bayshore 9D and Lower North Bay Road, La Gorce ROW neighborhood improvements; Bayshore and the Lake Pancoast area, Bayshore 8A, which is the central Bayshore, with a new 48" upgraded outfall and easement between 41st Street and 42nd Street and Chase Avenue; other projects include drainage improvement at 44 Street and Royal Palm, North Bay Road and 56th Street drainage improvements, Citywide stormwater master plan, Sunset Islands I and II, Star Island, Biscayne Point ROW neighborhood improvements, Bay Road Pump station and outfall upgrade, the Venetian Islands, Sunset and Venetian Islands the force mains will be fully funded, sanitary sewer manhole rehab, Collins Avenue main, South Pointe Drive at 72nd Street and various stormwater pipe repairs for \$85,000. He requested clarification on the Oceanfront ROW and the sanitary sewer manhole rehab programs. **Charles Carreño to handle.**

He added that the list he just read was reviewed with Kathie Brooks, and asked the Administration, at a future date, to provide the project commencement date for each project. **Charles Carreño to handle.**

Jorge Gonzalez, City Manager, clarified that the list of projects read by Commissioner Tobin are funded by the Water and Sewer Bonds and the Stormwater bonds.

R9 - New Business and Commission Requests

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

ACTION: The following appointments were made:

Committee on Quality Education in Miami Beach:

Liz Atlan	PTA Representative for South Pointe Elementary School –	6/30/2010
Dakshesh Bhatt	PTA Representative for Biscayne Elementary School –	6/30/2010
Waldy Blanco	PTA Representative for Feinberg/Fisher Elementary School	6/30/2010
Ivette Borrello	PTA Representative for North Beach Elementary School	6/30/2010
Kay Coulter	Term ending 12/31/09 Appointed by Commissioner Libbin	TL 12/31/13
Evelyn Lampner	PTA Representative for Ruth K Broad Elementary School –	6/30/2010
Cynthia Roman	PTA Representative for Treasure Island Elementary School –	6/30/2010

Community Development Advisory Committee:

Aida El-Matari	Term ending 12/31/10	Appointed by Commissioner Weithorn	TL 12/31/16
Silvia Ros	Term ending 12/31/10	Appointed by Commissioner Weithorn	TL 12/31/16

Police Citizens Relations Committee:

Rosalie Pincus	Term expires 12/31/10	Appointed by Commissioner Wolfson	TL
12/15			

Safety Committee:

Calvin Kohli	Term expires 12/31/10	Appointed by Commissioner Libbin	TL 12/31/16
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Sustainability Committee:

Erin Healy	Term ending 12/31/10	Appointed by Commissioner Gross	TL 12/31/16
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Youth Center Advisory Board:

Paul Stein	Term ending 12/31/10	Appointed by Mayor Bower	TL 12/31/16
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R9A1 Board And Committee Appointments - City Commission Appointments.
(City Clerk's Office)

ACTION: Item not reached.

2:43:45 p.m.

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

ACTION:

1. Enrique Faustino Luna offered the City a suggestion that in order to curb the consumption of alcohol it will be better to require the bars to sell citrus products with the alcoholic beverages; this will help the Police Department because it will reduce alcohol induced incidents and will allow the police to handle dangerous situations.
2. Martin Shapiro thanked Commissioner Gross for the eight years of invaluable service in the City Commission and stated that he will be missed. He also thanked Vice-Mayor Diaz for standing in so ably for former Commissioner Richard Steinberg. He expressed a concern as to what will happen to the Lincoln Theatre after the New World Symphony project is completed, as it is a landmark with a rich history. He spoke on the Port of Miami tunnel project which will connect the Port of Miami with the causeway. It appears that the City of Miami, Miami-Dade County and the State of Florida are ready to go ahead with this project. He raised the concern that this is a five year construction

project which will heavily involve the MacArthur Causeway. He would like to know if there is a review process as to the impact it will cause on the traffic on the causeway.

Mayor Bower stated that she has asked the same question about the Lincoln Theatre and she never received an answer. She has been told that it may be sold. She has concerns since this is a landmark. She added that she would have liked to see it included in the project. She asked the City Manager if he had an update on this.

Jorge Gonzalez, City Manager, responded "no" and added that the original conversation was to try to acquire the property and it did not work out. He explained that the plan now is that the New World Symphony intends to sell the property.

Mayor Bower stated that whoever buys the property can do whatever they want with it because the City did not place any restrictions at the beginning of the project.

Commissioner Gross stated that there are historic preservation rules that will apply to the property but it is unlikely it will be a theater.

3. L. Powers, representing the Dolphin Foundation, stated that they adopted part of the MacArthur Causeway and she wanted Mr. Shapiro to know that the Florida Department of Transportation has a handle as to what will happen. She stated that on the topic of ethics she was thinking more on the conflict of interest that is occurring and she still does not feel she has an answer as to how she can have the issue of the bins and the headquarter addressed. She added that there are formed relationships with Commissioner Libbin and Mr. Góngora and ECOMB. She really would like to have space in the Art Deco Building and it will be to the City's benefit because people can see what they are doing and also sign-up people for volunteering.

Commissioner Gross stated that there might be space at the Byron-Carlyle.

Commissioner Libbin clarified that he does not know what Ms. Power is referring to about business relationships with ECOMB. He wanted to make it clear that he has no business relationships with ECOMB or Mr. Góngora. He has no clue as to what she is referring to. He did try to help her with Gus Lopez as to an RFP that she could bid.

4. Richard McKinnon, President of CWA, thanked Commissioner Gross for his service provided to the City of Miami Beach and added that he has been a great example as a Commissioner. He stated that they did not always agree, but always respected each other. He has two issues: 1) during the last second budget hearing, Commissioner Gross asked the Administration in reference to possible retaliation issues raised by the Union by the Public Works Department in cutting the two electrician employees and wanted to know if the Administration has responded.

Commissioner Gross stated that there is a memo in the Commission Agenda and asked that Richard be given a copy.

Commissioner Libbin explained that he read the memo and the Administration's explanation is that there does not seem to be retaliation in 2009 for something that happened more than two years ago, in 2005 and 2006.

Commissioner Gross stated that the individuals in question have been given different positions in the same department. The focus of the City Commission at the budget meeting was that the Administration will try to find jobs for the employees whose positions were eliminated and the City Manager has done that and only three Union members lost their jobs.

Jorge Gonzalez, City Manager, stated that there are a total of eight employees who were displaced that have no jobs with the City and there are three CWA Union positions. On one of

those positions, the employee was offered a job and chose to take a job elsewhere. Another position, an offer of a job was made subject to them passing a typing test and the test was taken three times and the individual could not pass it. The third position, the individual was on administrative leave without pay pending an internal investigation at the Police Department pending disciplinary matter.

Commissioner Gross asked about the non-Union employees.

Jorge Gonzalez, City Manager, stated that there were a total of eight positions: the Asset Manager, the Construction Manager in CIP, a Legal Secretary, an Office Associate in the Building Department, a Security Coordinator in the Police Department, two positions in Information Technology, and a Firearms Specialist.

Mayor Bower asked about the position in the City Clerk's Office.

Jorge Gonzalez, City Manager, stated that the position is not affected as of October 1st.

Richard McKinnon, President of CWA, stated that his issue was the way the process was done; one employee filed an unfair labor practice against the City, where a substantial amount of money was paid to an outside contractor to defend that person and nothing happened; the other one was the theft of property. In this case, the supervisor was allowed to take materials home. We dispose of City property through an auction. The Police report shows that the Director, Fred Beckmann, disagrees with his assistant. His assistant is saying that they have been given permission to the employee to take stuff home and Mr. Beckmann, in the Police report, stated that he had no knowledge of this. These are the two employees who had a problem with the Administration, whose positions were eliminated. He has not looked at the City's response but he is very unhappy because in both cases the employees were standing for what they saw as theft and bad practice by City management, and chose to bring it to light, and at the end their positions are eliminated. What message will that send to the employees trying to do the right thing?

Commissioner Libbin stated that recently they talked about strengthening a whistle blower ordinance. He added that this Commission wants to send the message that they want employees to be vigilant and to do the right thing.

Jorge Gonzalez, City Manager, stated that what is being alleged is that there is a direct tie between what happened in 2004 and 2007 and what took place last week some years later. He explained that what his memo states is that before they were able to address these two electricians, they had eliminated 34 other positions in the Public Works Department, and these two people who are being "retaliated against" still work in the Public Works Department at the same rate they were making two weeks ago. What retaliation has occurred? The Public Works Director is tasked with making decisions of personnel matters. The Administration is given the task of balancing the budget without raising taxes, fees, etc. For three years this Administration has been doing that and now they waited five years to retaliate against somebody? That is absurd. They did what they could to save everybody's job and they did not quite make it.

Richard McKinnon, President of CWA, told the City Manager that he got rid of two Union employees.

Jorge Gonzalez, City Manager, stated that they did not get rid of them because they are working for the same department, for the same department head, making the same salary in the same City at the same rate of pay.

Richard McKinnon, President of CWA, stated that his next issue is in reference to the City Manager's annual review. He stated that after the Committee Of The Whole meeting, the City

Commission should not come back and vote on the actions taken at the Committee of the Whole meeting. The decision made at the Committee of the Whole meeting should be placed on the following Commission Meeting Agenda and included in the agenda package the written recommendation so the public can have an opportunity to review the materials.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: No speakers.

R9C Discussion Regarding Administration Policies For Soliciting Community Input.
(Requested by Vice-Mayor Victor M. Diaz, Jr.)
(Deferred from September 9, 2009)

ACTION: Item withdrawn by Vice-Mayor Diaz.

R9D Discussion Regarding Various Parking Department Policies For Removing From Public Use Of Certain Public Parking Space.
(Requested by Vice-Mayor Victor M. Diaz, Jr.)
(Deferred from September 9, 2009)

ACTION: Item withdrawn by Vice-Mayor Diaz.

6:39:47 p.m.

R9E Discussion Regarding How Miami Gay And Lesbian Chamber Of Commerce Can Receive Operational Support As The Other Chambers That Miami Beach Supports.
(Requested by Vice-Mayor Victor M. Diaz, Jr.)
(Deferred from September 9, 2009)

ACTION: Discussion held.

1. Approve the lease as structured at the Finance and Citywide Projects Committee including not only an office use but also retail and a visitor's center.
2. Commissioner Tobin requested a definition of what a chamber is – **Jim Sutter & Legal to handle.**

Vice-Mayor Diaz stated that he did not know until the budget process that the City provides a subsidy to chambers including some chambers that are not located here but had a role in the City. He stated that the Miami-Dade Gay and Lesbian Chamber of Commerce has been doing an incredible work in this community, Steve Adkins has been doing an incredible job including helping to promote gay tourism in the City of Miami Beach and they are seeking to locate themselves at Old City Hall. He feels that if they are a chamber and are located in Miami Beach, he wonders why they are not benefiting from the same subsidy the other Chambers receive. He stated that the City Manager does not recommend adding \$20,000 to the budget at this time. There are five chambers: the Miami Beach Chamber of Commerce, the Latin Chamber of Commerce, the South Florida Hispanic Chamber of Commerce, Miami Beach Development Corporation (MBDC) and the North Beach Development Corporation (NBDC). He explained that the City Manager recommended taking the full amount assigned to support the chambers and divided it among all of them and that is what he is requesting as the fair thing to do.

Discussion held.

Jorge Gonzalez, City Manager, stated that at the Finance and Citywide Projects Committee when

leases where discussed, the option of renting to the Gay and Lesbian Chamber of Commerce at the first floor at Old City Hall was brought up. The market rate appraisal came back at \$25.00 per foot; the Chamber indicated that they were willing to pay \$15 per foot, which exceeded the \$20,000 the other Chambers receive. The Finance and Citywide Projects Committee recommended that the rent should be at \$20 a foot.

Discussion continued.

Steve Adkins, President of the Miami-Dade Gay & Lesbian Chamber of Commerce, spoke.

Discussion continued.

Commissioner Gross stated the structure of the lease was agreed on at the Finance and Citywide Projects Committee and the next thing should be to draft the lease with those terms and bring it to the City Commission for approval. **Hilda Fernandez to handle.**

Discussion continued.

Commissioner Gross stated that the lease should be moved forward. There is an additional item which was agreed at the Finance and Citywide Projects Committee and that is that they will have more than just an office use on the ground floor, but also a retail component and a Visitor Center. **Hilda Fernandez to handle.**

Discussion continued.

Commissioner Gross recognized Steve Adkins for being honored Saturday night at the Fontainebleau at a dinner sponsored by the National Gay and Lesbian Task Force.

Commissioner Tobin requested that there be an official definition of a chamber. **Jim Sutter and Legal Department to handle.**

Carmen Jacqueline Gimenez spoke.

10:38:47 p.m.

R9F Discussion Regarding A Resolution Urging Florida State Legislature To Amend State Statute 718.116 On Condominium Foreclosures.

(Requested by Commissioner Jerry Libbin)
(Deferred from September 9, 2009)

ACTION: Discussion held. Resolution No. 2009-27244 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Vice-Mayor Diaz. **Kevin Crowder to handle.**

10:37:22 p.m.

R9G Discussion Regarding Allowing Bars To Extend Their Operating Hours For The Sleepless Night Event.
(Requested by Commissioner Saul Gross)

ACTION: Discussion held. Motion made by Commissioner Gross; seconded by Commissioner Wolfson to authorize the City Manager to add Sleepless Night to the list and move the item to extend the hours to 7:00 a.m., provided they are not in violation, and with the criteria listed below; Voice vote 6-0: Absent: Vice-Mayor Diaz.

Motion made by Commissioner Gross; seconded by Commissioner Wolfson to extend the hours of operation for Sleepless Night event and to those clubs with existing City Occupational Licenses, that have a 5:00 a.m., liquor license to **7:00 a.m., on November 8, 2009** and to be allowed to serve alcohol, and further instructing the Administration not to enforce the 5:00 a.m., closing requirements for qualifying establishment. Any club which will remain open must notify the Police Department and Code Compliance by letter no later than **October 23, 2009** must provide off-duty police officers if the Police Department deems appropriate and must comply with the following additional criteria:

1. No pending violations
2. No money owed to the City
3. No outdoor entertainment or open-air entertainment
4. No permission granted to violate the noise ordinance

If there are any problems during the weekend, this action may be rescinded by the City Manager.

Mayor Bower stated that if a resolution is needed, the Administration is directed to bring back to Commission for approval .

6:53:11 p.m.

R9H Discussion Regarding A Traffic Study To Analyze The Impact Of Terminating Drexel Avenue From Lincoln Lane To 17th Street.

(Requested by Commissioner Saul Gross)

ACTION: Discussion held. Motion made by Commissioner Gross; seconded by Commissioner Tobin to: 1) give the City Manager authority to enter into a traffic study, 2) select the traffic engineer at a cost of up to \$25,000; 3) solicit community input for surrounding neighborhoods, and 4) look into the feasibility of allowing a left hand turn on Drexel North to go towards Pennsylvania; Voice vote 7-0. **Fred Beckmann to handle.**

Commissioner Gross introduced the item and explained that he added this item to the agenda to see if there was consensus to give the City Manager direction to hire a traffic consultant to see how closing Drexel Avenue would impact traffic and whether it would be a good idea.

Discussion held.

Commissioner Tobin seconded the motion.

Neisen Kasdin, Esq., spoke.

Howard Herring, President of the NWS, spoke.

Motion made by Commissioner Gross; seconded by Commissioner Tobin to give the City Manager authority to enter into a traffic study, selecting the traffic engineer at a cost of \$25,000; community input will be solicited for surrounding neighborhoods, and look into the feasibility of allowing a left hand turn on Drexel North to go towards Pennsylvania.

R9I Discussion On Reconsideration Of (2) Ordinances Regarding Stormwater Utility Service Charge / Water & Sanitary Sewer Service Charge, From The September 24, 2009 Special Commission Meeting.

(Requested by Commissioner Edward L. Tobin)

ACTION: Item withdrawn by Commissioner Tobin.

R9J Discussion Regarding Contracting Procedures Following Successful RFP's.

(Requested by Commissioner Jerry Libbin)

ACTION: Not reached.

9:39:54 p.m.

R9K Discussion Regarding A Request For RFP For A New Security Guard Contract.
(Requested by Commissioner Jerry Libbin)

ACTION: Discussion held. Commissioner Weithorn suggested that the item be referred back to the Finance and Citywide Projects Committee to discuss the issue of living wage ordinance.

Commissioner Libbin introduced the item and explained that the training included in the RFP is not being complied with.

Discussion held.

Motion made by Commissioner Libbin asking Jorge Gonzalez, City Manager, to look into this and verify whether or not the training offered as part of this contract is being delivered; seconded by Commissioner Gross. No vote taken.

Discussion continued regarding sending contract to RFP between Commissioners Gross and Libbin.

Eric Brakken, SEIU, spoke.

Discussion continued.

Commissioner Gross stated that at the Finance and Citywide Projects Committee it was agreed that the City Manager was to bring back the cost of what it would increase the contract amount to raise the Living Wage and provide the health benefits, so that this Commission could evaluate when putting it out for bid whether this provision could be added or not provided that the City can afford it. **Patricia Walker and Gus Lopez to handle.**

Discussion continued.

Jorge Gonzalez, City Manager explained that the current living wage is \$8.56 if health insurance is offered; if no health insurance is offered it is \$9.81. He explained that at the Finance and Citywide Projects Committee meeting he was asked to review the living wage since the ordinance was passed in 2001, look at the index for inflation, index to CPI, and index under different scenarios, to show what the number would be and convert that increase number to the current number of contracts out for services; and the City has a multitude amount of contracts and the analysis is being done.

Discussion continued.

Eric Brakken, SEIU, spoke.

Richard McKinnon, President of CWA, spoke.

Commissioner Weithorn asked that this discussion be brought to the Finance and Citywide Projects Committee and ask Legal for language clarification.

3:56:10 p.m.

R9L The Committee Of The Whole Will Meet During Lunch Break In The City Manager's Large Conference Room To Discuss The City Manager's Performance Evaluation.
(Requested by Mayor Matti Herrera Bower)

ACTION: Discussion held.

Robert Parcher, City Clerk, announced that the Committee of the Whole meeting will take place during the lunch recess in the City Manager's Large Conference Room.

The Committee of the Whole meeting was called to order at approximately 4:10 p.m., with all members of the City Commission present. Jorge Gonzalez, City Manager, and Robert Parcher, City Clerk, were in attendance.

Jorge Gonzalez, City Manager, submitted his annual report and stated that because of these financial times he is willing to set an example by foregoing his cost-of-living increase, foregoing his merit increase and offered to pay an additional 2% of his salary towards his Pension contribution because it is important to that he set the bar and lead by example.

The members of the Committee of the Whole stated that the City Manager should be subject to the same criteria the Unions negotiate.

Vice-Mayor Diaz stated that Jorge is a great manager and after being appointed to the City Commission now understands how difficult Jorge's job is. He also stated that Jorge needs to let the Commission know the tasks that are being done that are wasting staff time and resources.

Commissioner Gross agreed and staff and resources need to be applied to the City's core mission.

Commissioner Weithorn expressed her concern about next year's budget and estimated that property taxes will decrease by 25%.

Commissioner Tobin, in speaking about the procurement process, stated that when identifying problems he would like to be notified so he can be informed and also become part of the solution.

Commissioner Gross stated that Jorge's staff understands that Jorge's objective is to solve a problem, and not to find blame.

Vice-Mayor Diaz stated that at times it is difficult on Jorge and the Administration because the Commission is strongly divided.

Commissioner Libbin stated that Jorge needs to start looking at the revenues and opportunities and gave the example of the China program which was aimed at bring in more tourism to Miami Beach. He added that Jorge did a great job in controlling the expenses.

Commissioner Gross stated that the Administration is pulled in many directions and he and staff do a terrific job.

Jorge Gonzalez, City Manager, proposed a zero cola increase, zero merit increase, and immediately begin contributing an additional 2% towards his Pension contribution. He requested adding instead of one year to his contract to add two years to his contract.

The Committee of the Whole agreed to Jorge's request.

The meeting adjourned at approximately 5:35 p.m.

8:17:32 p.m.

R9M Discussion Regarding A Resolution Retroactively Approving And Authorizing The Acceptance Of A Four Hundred Dollar (\$400) Cash Donation Made To The City For "Celebrate Women's Equality Day 2009," A Free Arts And Cultural Event; And Further Retroactively Approving The Appropriation Of The Donation For The Event.

(Requested by Mayor Matti Herrera Bower & Commissioner Deede Weithorn)
(Deferred from September 9, 2009)

ACTION: Discussion held. Resolution No. 2009-27245 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Tobin; Voice vote: 7-0. **Patricia Walker to appropriate the funds.**

3:08:53 p.m.

R9N Discussion Regarding Examining The Financial Pros And Cons Of Providing Fire Service To Indian Creek Village.

(Requested by Commissioner Jonah Wolfson)

ACTION: Discussion held.

3:53:30 p.m.**Final Action:**

Jorge Gonzalez, City Manager, and Mayor Bower to meet with Miami-Dade County before the City takes action.

Motion #1:

Commissioner Wolfson explained the item and made a motion directing Jorge Gonzalez, City Manager, to seat with officials from Indian Creek Village to provide fire services, negotiate an agreement and report back to the City Commission in the form of an LTC.

Robert Diener, Mayor, Village of Indian Creek, explained that they had a right to opt out from the County from providing fire services; the County challenged them and Indian Creek prevailed; there was an appeal and an agreement/settlement was reached and they now have the right to contract with Miami Beach. He believes it is a win-win situation for both municipalities. He asked to approve a motion to allow them to negotiate an agreement with the Administration.

Discussion held.

Mitchell Bierman, City Attorney, Village of Indian Creek, spoke.

Commissioner Tobin seconded the motion and discussion continued.

Commissioner Weithorn stated that she has a strong objection to Surfside and explained that Indian Creek is a special case. She added to look at this not only as a financial arrangement but as a public safety issue. This agreement should not impact the safety of the City of Miami Beach residents nor the Indian Creek Village residents.

Discussion continued.

Commissioner Wolfson reinstated his motion.

Commissioner Libbin expressed his concern regarding whether the County could allege that there is a breach of contract, and will the City of Miami Beach be adversely impacted by Miami Dade County and

he understands that the decision has to be made by April. He does not object the City Manager exploring the pros and cons but he will not be in favor of a negotiation. He requested an analysis from the City Manager's Office as to what the citizens can gain or lose.

Vice-Mayor Diaz stated that he was approached by both Indian Creek and Surfside, and explained that there was a prior Commission action before on this and the City Commission requested the City Manager to discuss the issue with Miami Dade County Manager. He asked if this discussion with Miami-Dade County had taken place and asked if the City of Surfside and Miami-Dade County were given courtesy notice.

Discussion continued.

Motion #2:

Commissioner Weithorn made a motion to refer the item to the Finance and Citywide Projects Committee for a more comprehensive look at this; not only on the public safety side but what do we get from the County in the way of services; look at the whole financial aspect of it, and bring back to the City Commission. No second offered.

Jorge Gonzalez, City Manager, stated that he is happy to provide an analysis and calculations but they know what the problems are.

Robert Diener, Mayor, Village of Indian Creek, spoke.

Vote taken on Motion #1

Voice vote 3-4; Opposed: Mayor Bower, Vice-Mayor Diaz, Commissioners Libbin and Weithorn. Motion failed.

Motion #3

Motion made by Commissioner Wolfson to direct the City Manager to discuss the pros and cons of fire services with Indian Creek Village. No second offered.

Discussion continued.

Motion #4:

Motion made by Commissioner Gross to direct Jorge Gonzalez, City Manager, to add this issue to the list of issues that he will be discussing with Miami-Dade County and use it as bargaining too; seconded by Commissioner Libbin.

Discussion continued regarding court settlement.

Steve Helms, Village of Indian Creek Attorney, spoke.

Discussion continued.

Jorge Gonzalez, City Manager, suggested obtaining the terms of the agreement between Miami-Dade County and the Village of Indian Creek and stated that if the County has written that off, he is willing to discuss with Miami-Dade County.

Mayor Bower will speak to Miami-Dade County and report back.

Commissioner Gross withdrew his motion.

10:39:57 p.m.

ADDENDUM:

R90 Discussion Regarding Restriping Of Alton Road.
(Requested by Commissioner Jerry Libbin)

ACTION: Discussion held.

Commissioner Libbin asked the City Manager to look into the County or State funding the project.
Fred Beckmann to handle.

Reports and Informational Items

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

ACTION: Written report submitted.

B Parking Status Report - August 2009.
(Parking Department)

ACTION: Written report submitted.

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.
(Procurement)

ACTION: Written report submitted.

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

ACTION: Written report submitted.

E Report On Final Emergency Expenditures Paid For Hurricane Wilma For Disaster Recovery Services To AshBritt, Inc. (Ashbritt) And For Emergency Debris Monitoring Services To Post Buckley Schuh And Jernigan (PBS&J).
(Budget & Performance Improvement)

ACTION: Written report submitted.

F Non-City Entities Represented By City Commission:

1. Minutes From The Adrienne Arsht Center For The Performing Arts Of Miami-Dade County Meeting On August 18, 2009.
(Requested by Mayor Matti Herrera Bower)

ACTION: Written report submitted.

2. Minutes From The Metropolitan Planning Organization (MPO) For The Miami Urbanized Area Governing Board Meeting On July 23, 2009.
Requested by Mayor Matti Herrera Bower)

ACTION: Written report submitted.

3. Minutes From The Miami-Dade County League Of Cities Meetings On May 7, June 4, And August 6, 2009.
(Requested by Commissioner Deede Weithorn)

ACTION: Written report submitted.

4. Minutes From The Adrienne Arsht Center For The Performing Arts Of Miami-Dade County Meeting On May 26, 2009.
(Requested by Mayor Matti Herrera Bower)

ACTION: Written report submitted.

SUPPLEMENTAL MATERIALS: Memorandum

- G Status Report On The Fiscal Year (FY) 2009/2010 Reduction In Force (RIF).
(Human Resources)

(Memorandum To Be Submitted in Supplemental)

ACTION: Written report submitted.

End of Regular Agenda

Miami Beach Redevelopment Agency

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
October 14, 2009**

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

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

AGENDA

1. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of August 2009.
(Finance Department)

ACTION: Written report submitted.

Meeting adjourned at 11:16:43 p.m.

End of RDA Agenda