



MIAMI BEACH

Special City Commission Meeting

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

March 24, 2010

Mayor Matti Herrera Bower
Vice-Mayor Jerry Libbin
Commissioner Jorge Exposito
Commissioner Michael Góngora
Commissioner Edward L. Tobin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez
City Attorney Jose Smith
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

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.

Meeting called to order at 12:19:22 p.m.

Mayor Bower announced at the start of the meeting that Vice-Mayor Libbin just had a birthday on March 3rd, and today is Commissioner Exposito's birthday, and she wished them a Happy Birthday. She also added that March 27th is Commissioner Góngora's birthday, March 28th is Commissioner Wolfson's birthday and Sunday, April 4th is her birthday, and announced the City's 95th Birthday on March 27th. She wished all a very Happy Birthday.

REGULAR AGENDA

R9 - New Business and Commission Requests

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

ACTION: Not reached.

R9A1 Board And Committee Appointments - City Commission Appointments.

1. Affordable Housing Advisory Committee
2. Design Review Board
3. Health Advisory Committee
4. Health Facilities Authority Board
5. Miami Beach Cultural Arts Council
6. Planning Board
7. Visitor and Convention Authority
(City Clerk's Office)

ACTION: The following appointments were made:

12:21:52 p.m.

AFFORDABLE HOUSING ADVISORY COMMITTEE:

Jonathan Fryd (8) Local Planning Board	Term ending 12/31/2010	City Commission TL 12/31/13
*Dr. Barry Ragone (10) Rep. Empl. w/juris	Term ending 12/31/2011	City Commission T12/31/15
*THIS APPOINTMENT NOT MADE.		
Roberto DaTorre (6) Not For Profit	Term ending 12/31/2010	City Commission TL 12/31/15
David Smith (2) Banking/Mortgage	Term ending 12/31/2010	City Commission TL 12/31/15
Michael Burnstine (7) Real Estate Prof.	Term ending 12/31/2011	City Commission TL 12/31/13
Lianne Pastoriza (11) Rep. Essential Serv.	Term ending 12/31/2011	City Commission TL 12/31/13
Clark Reynolds (19) Res. Juris. Loc. Gvt.	Term ending 12/31/2011	City Commission TL 12/31/13

Motion made by Mayor Bower to nominate Jonathan Fryd to the Affordable Housing Committee [(8) Local Planning Board], seconded by Commissioner Weithorn. Motion approved by acclamation.

Motion made by Mayor Bower to nominate Dr. Barry Ragone to the Affordable Housing Committee [(10) Rep. Employee With the Jurisdiction Position]; seconded by Commissioner Góngora. Motion approved by acclamation. *Note: City Clerk's staff to ask Dr. Ragone his preference in remaining as a member of the Loan Review Committee or accept the nomination to the Affordable Housing Advisory Committee.* **Dr. Barry Ragone decided to stay on the Loan Review Committee. Robert Parcher to handle.**

Motion made by Commissioner Wolfson to nominate Roberto DaTorre to the Affordable Housing Committee [(6) Not For Profit Position]; seconded by Mayor Bower: Voice vote 7-0. **Robert Parcher to handle.**

Motion made by Commissioner Weithorn to nominate David Smith to the Affordable Housing Committee [(2) Banking Mortgage Position]; seconded by Commissioner Tobin. Motion approved by acclamation. *Note: City Clerk's staff to ask Mr. Smith his preference in remaining as a member of the Community Development Advisory Committee or accept the nomination to the Affordable Housing Advisory Committee.* Mr. Smith resigned from CDAC. **Robert Parcher to handle.**

Motion made by Vice-Mayor Libbin to nominate Michael Burnstine to the Affordable Housing Committee [(7) Real Estate Professional Position]; seconded by Commissioner Góngora. Motion approved by acclamation. **Robert Parcher to handle.**

Motion made by Commissioner Weithorn to nominate Lianne Pastoriza to the Affordable Housing Committee [(11) Rep Essential Services Position]; seconded by Commissioner Tobin. Motion approved by acclamation. **Robert Parcher to handle.**

Motion made by Commissioner Góngora to nominate Clark Reynolds to the Affordable Housing Committee [(19) Res. Juris. Local Gvt. Position]; seconded by Commissioner Weithorn. Motion approved by acclamation. **Robert Parcher to handle.**

12:25:32 p.m.

DESIGN REVIEW BOARD:

Jorge Gomez, Assistant City Manager, explained that these vacancies require special categories and that they have reached out to certain professionals; however, these individuals work for other municipalities and are trying to get clearance.

Discussion held regarding changing the category to "General."

Mayor Bower suggested reviewing the ordinance to consider any amendments, and in the meantime have the individuals meet with the members of the City Commission.

Gary Held, First Assistant City Attorney, explained that is important that on the Design Boards to maintain the design background.

Discussion continued.

12:28:08 p.m.

HEALTH ADVISORY COMMITTEE:

Dr. Baruch Jacobs (Health Provider)	Term ending 12/31/2011	City Commission TL 12/31/15
Dr. Zalman Bacheikov (Dentist)	(TL12/31/10) Term ending 12/31/2010	City Commission TL 12/31/10
Shaheen Wirk (Private Industry)	Term ending 12/31/2011	City Commission TL 12/31/15

Motion made by Vice-Mayor Libbin to nominate Dr. Baruch Jacobs; seconded by Commissioner Góngora. Motion approved by acclamation. **Dr. Baruch Jacobs is on the Public Safety Committee. He needs to decide which committee he wants to stay on and resigned from the other. Robert Parcher to handle. (I emailed and Silvia called him but no answer).**

Robert Parcher, City Clerk, stated that these appointments are upon the recommendation of the City Manager and added that the City Manager has also recommended Dr. Zalman Bacheikov.

Vice-Mayor Libbin moved to nominate Dr. Zalman Bacheikov, per recommendation of the City Manager; seconded by Commissioner Tobin. **Robert Parcher to handle.**

Motion made by Commissioner Wolfson to nominate Shaheen Wirk to the Health Advisory Committee (Private Industry); seconded by Commissioner Weithorn. Motion approved by acclamation. **Robert Parcher to handle.**

12:29:53 p.m.

HEALTH FACILITIES AUTHORITY BOARD:

*Joyce Galbut (General Business)	Term ending 06/19/2010	City Commission TL 12/31/09
*APPOINTMENT NOT MADE Ms. Joyce Galbut is term limited.		
Allison Stone (Attorney)	Term ending 12/31/2013	City Commission TL 12/31/11

Motion made by Mayor Bower to nominate Joyce Galbut to the Health Facilities Authority Board (General Business) category; seconded by Vice-Mayor Libbin. Motion approved by acclamation. **Robert Parcher to handle.**

Note: * Dr. Galbut was term limited in 2009. Pursuant to Ordinance 2006-3543 Sec. 2-22 General Requirements Sub 5 (b) Members appointed by the city commission as a whole (referred to as "at-large

appointees") to a specific any agency, board or committee shall serve for no more than six consecutive years on such any agency, board or committee as an at-large appointee. Nothing set forth in this subsection shall prohibit any individual from being re-appointed (and serving up to six 6 years to an at-large position after a hiatus of two 2 years. However individuals serving on an agency board or committee who will have otherwise served six (6) years as of December 16, 2006, may serve the remainder of their existing term. **City Clerk's staff to notify board member.**

Motion made by Vice-Mayor Libbin to nominate Allison Stone to the Health Facilities Authority Board (Attorney) category; seconded by Commissioner Exposito. Motion approved by acclamation. **Robert Parcher to handle.**

12:31:13 p.m.

MIAMI BEACH CULTURAL ARTS COUNCIL:

Ileana Bravo-Gordon	Term ending 12/31/2012	City Commission TL 12/31/11
Daniela Novela	Term ending 12/31/2012	City Commission TL 12/31/15
Beatrice Hornstein	Term ending 12/31/2012	City Commission TL 12/31/15
Marjorie O'Neill-Butler	Term ending 12/31/2012	City Commission TL 12/31/15

Motion made by Mayor Bower to nominate Daniel Novela to the Miami Beach Cultural Arts Council; seconded by Commissioner Góngora.

Commissioner Tobin nominated Beatrice Hornstein to the Miami Beach Cultural Arts Council.

Commissioner Weithorn nominated Marjorie O'Neill Butler to the Miami Beach Cultural Arts Council.

Commissioner Góngora nominated Laura Craven to the Miami Beach Cultural Arts Council.

Motion made by Commissioner Weithorn to re-appoint Ileana Bravo-Gordon to the Miami Beach Cultural Arts Council; seconded by Commissioner Wolfson. Appointment approved by acclamation. **Robert Parcher to handle.**

Commissioner Góngora nominated Anthony Japour to the Miami Beach Cultural Arts Council

MIAMI BEACH CULTURAL ARTS COUNCIL Continued

BALLOT # 1:

The following individuals were nominated:

Daniel Novela	votes (7)
Beatrice Hornstein	votes (6)
Marjorie O'Neill-Butler	votes (5)
Anthony Japour	votes (4)
Laura Craven	votes (4)
Ivan Parron	votes (2)

Robert Parcher, City Clerk, read the names of the nominees, how each elected official voted, and the number of votes each nominee received.

Discussion continued.

There was a tie between Anthony Japour and Laura Craven. The final appointment was not made and it was deferred.

12:46:08 p.m.

PLANNING BOARD:

Seth Frohlich - General Business (TL 12/31/10) Term ending 12/31/2011 City Commission TL 12/31/10

BALLOT # 1:

The following individuals were nominated:

Seth Frohlich vote (4)

Frank Kruszewski vote (3)

Robert Parcher, City Clerk, read the names of the nominees, how each elected official voted, and the number of votes each nominee received.

12:48:16 p.m.

VISITOR AND CONVENTION AUTHORITY:

Keith Menin (Hotel Industry) Term ending 12/31/11 City Commission TL 12/31/15

Jeff Lehman (Hotel Industry) Term ending 12/31/11 City Commission TL 12/31/13

Jackie Hertz (At-large) Term ending 12/31/11 City Commission TL 12/31/13

Commissioner Weithorn explained that Jeff Lehman needs to be switched from the "At-large" category to the "Hotel Industry" category, as since his last appointment he has returned to the hotel industry.

Jose Smith, City Attorney, stated that it is ok as long as there are no more than three members from the hotel industry.

Discussion continued.

Motion made by Commissioner Wolfson to nominate Keith Menin to the Hotel category; seconded by Commissioner Exposito.

Discussion held.

Motion made by Commissioner Góngora to nominate Keith Menin and Peggy Benua.

Motion made by Commissioner Weithorn to nominate Jeff Lehman.

Motion made by Commissioner Wolfson to nominate Deborah Castillo.

Discussion continued.

Ballot #1: (Hotel)

Keith Menin votes (4)

Jeff Lehman votes (2)

Margaret (Peggy) Benua votes (1)

Robert Parcher, City Clerk, announced the names of the nominees, how each elected official voted, and the number of votes each nominee received.

Ballot #2: (Hotel)

Margaret (Peggy) Benua votes (3)

Jeff Lehman votes (3)

Deborah Castillo votes (1)

Robert Parcher, City Clerk, announced the names of the nominees, how each elected official voted, and the number of votes each nominee received.

Discussion continued.

Ballot #3: (Hotel)

Margaret (Peggy) Benua	votes (3)
Jeff Lehman	votes (4)

Robert Parcher, City Clerk, announced the names of the nominees, how each elected official voted, and the number of votes each nominee received.

Discussion held.

Mayor Bower nominated Micky Ross Steinberg and Stanley Shapiro to the "At-large" category.

Ballot #4: (At-large)

Jackie Hertz	votes (4)
Micky Ross Steinberg	votes (3)
Stanley Shapiro	votes (0)

Robert Parcher, City Clerk, read the names of the nominees, how each elected official voted, and the number of votes each nominee received.

Discussion continued.

After the Ballot vote was taken but prior to the vote being announced, Vice-Mayor Libbin requested a point of order to ask clarification from the City Attorney in reference to the ordinance stating that the vote has to be by category and that was not done by category for the final Ballot.

Jose Smith, City Attorney, stated that Vice-Mayor Libbin's statement is consistent with the ordinance.

The City Clerk was directed not to announce the results of the Ballot vote.

Discussion continued.

Mayor Bower requested a written opinion from the Legal Department as to how she should vote. She deferred the last vote. **Legal Department to handle.**

Ballot #5:

Ballots submitted but not counted because of an issue regarding the hotel category versus the at-large category. **Legal Department to clarify.** This item was deferred until the next Commission Meeting. Lilia Cardillo to place on the Commission Agenda. **Robert Parcher to handle.**

Handout or Reference Materials:

1. Email from Parcher, Robert dated Tuesday, March 23, 2010 to Mayor's Office RE: March 24 Special Commission Meeting – Board and Committee Nominations – Update #5
2. Ordinance 2009-3642 distributed at the dais RE Sec 2-22 General Requirements
3. Letter from the Visitor and Convention Authority to Mayor and Commission dated January 29, 2010 RE: VCA nominations.

R10 - City Attorney Reports

1:13:16 p.m.

R10A Notice Of Closed Executive Session.

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, March 24, 2010, In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

ACTION: Closed Executive Session announced and held. In addition to Jorge Gonzalez, City Manager, the following individuals will be in attendance: Jim Linn, Pension Attorney, James Crosland, Labor Attorney, Ramiro Inguanzo, Kristin Tigner, Carla Gomez, Yarily Sam, Kathie Brooks, and Jose Cruz.

Meeting adjourned at 1:14:03 p.m.

End of Agenda