



# MIAMI BEACH

## City Commission Meeting

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

May 12, 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.*

Call to Order - 9:00 a.m.  
Inspirational Message, Pledge of Allegiance  
Requests for Additions, Withdrawals, and Deferrals

The City Commission will recess for lunch at approximately 1:00 p.m.

#### Presentations and Awards

PA Presentations and Awards

#### Consent Agenda

C2 Competitive Bid Reports  
C4 Commission Committee Assignments  
C6 Commission Committee Reports  
C7 Resolutions

#### Regular Agenda

R2 Competitive Bid Reports  
R5 Ordinances  
R7 Resolutions  
R9 New Business and Commission  
R10 City Attorney Reports

#### Reports and Informational Items

**Presentations and Awards**

- PA1 Certificate Of Recognition To Be Presented To Dr. Baruch Jacobs For His Longstanding Contribution To Miami Beach. (Page 1)  
(Requested By Commissioner Michael Góngora)  
(Deferred from April 14, 2010)
  
- PA2 Personnel Board Citywide Awards To Be Presented To City Employees In The Following Areas: 1) Beyond The Call Of Duty Award; 2) City Achievement Award; 3) Community Services Award; 4) Customer Service Award; And 5) Safety Award.  
(City Manager’s Office)
  
- PA3 Certificates Of Recognition To Be Presented To Select Students And Teachers Of The Miami-Dade County Public Schools For The 2009-2010 School Year.  
(Requested by Mayor Matti Herrera Bower)
  
- PA4 Certificates Of Recognition To Be Presented To The Key Leaders Of The Gay Pride Parade 2010.  
(Requested By Commissioner Michael Góngora & Mayor Matti Herrera Bower)
  
- PA5 Certificate Of Appreciation To Be Presented To The National Council Of Jewish Women Greater Miami Section For Their Donation Of \$10,000 To Support The International Baccalaureate Program At Biscayne Elementary School.  
(Requested by Mayor Matti Herrera Bower)
  
- PA6 Certificates Of Recognition To Be Presented To The Students/Members Of North Beach Elementary School Recycling Club, And The Teacher/Coordinator Of The Club.  
(Requested by Commissioner Jonah Wolfson)

**CONSENT AGENDA**

- Action:**
- Moved:**
- Seconded:**
- Vote:**

**C2 - Competitive Bid Reports**

- C2A Request For Approval To Issue A Request For Proposals (RFP) To Award A Concession Agreement For The Management And Operation Of A Concession Facility Within The Structure Commonly Referred To As The “Pavilion Building,” Located In South Pointe Park. (Page 5)  
(Real Estate, Housing & Community Development)

**C4 - Commission Committee Assignments**

- C4A A Referral To The Finance And Citywide Projects Committee To Review And Discuss An Amendment To The Code Of The City Of Miami Beach, Florida; Amending Chapter 82, "Public Property," Article II "Sale Or Lease Of Public Property," Sections 82-36 Through 82-40, Amending The Procedures For Sale Or Lease Of City Property. (Page 11)  
(Real Estate, Housing & Community Development)
- C4B Referral To The Land Use And Development Committee - Discussion Regarding Enforcement Of Short Term Rentals In Single Family Homes. (Page 13)  
(Requested by Commissioner Deede Weithorn)
- C4C Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Renaming And Restructuring The Safety Committee As The CERT Committee. (Page 15)  
(Requested by Commissioner Jonah Wolfson)
- C4D Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding A Bottle And Can Deposit Ordinance For The City Of Miami Beach. (Page 17)  
(Requested by Commissioner Edward L. Tobin)
- C4E Referral To Land Use And Development Committee - Discussion Regarding Potential Sources Of Relief For Residents Living In Close Proximity To Commercial Operations With Late Hour Deliveries And Similar Habitual Sources Of Noise. (Page 19)  
(Requested by Mayor Matti Herrera Bower)
- C4F Referral To The Planning Board For Review And Recommendation Of An Ordinance Of The City Of Miami Beach, Florida, Adopting A 10 Year Water Supply Facilities Work Plan And Amending The City's Comprehensive Plan To Strengthen Coordination Between Water Supply And Local Land Use Planning As Required By Florida Law; Providing For Severability; And Providing An Effective Date. (Page 21)  
(Planning Department)
- C4G Referral To The Land Use And Development Committee - Discussion Concerning The Possible Rezoning Of 1600 Lenox Avenue. (Page 53)  
(Requested by Commissioner Michael Góngora)

**C6 - Commission Committee Reports**

- C6A Report Of The Capital Improvement Projects Oversight Committee Meeting On March 8, 2010: **1)** Attendance; **2)** Review And Acceptance Of Minutes; **3)** Public Comments; **4)** Referral Items: 4a) Referral To The Finance And Citywide Projects Committee: Discussion Regarding The Proposed Sunset Island 3 And 4 Entryway Improvements; 4b) Referral To The Neighborhood And Community Affairs Committee: Discussion Regarding Central Bayshore Neighborhood; **5)** Discussion Items: 5a) Construction Claims Process; 5b) Results Of The Water Line Investigation In Normandy Shores Neighborhood; **6)** Requested Reports: GIS Presentation: Water Line Prioritization; **7)** Old Business: 7a) CIP Project Status Report; 7b) Construction Update: Normandy Shores Neighborhood Improvement Project; 7c) Status Report: Venetian Islands Neighborhood Improvement Project; 7d) Status Report: Sunset Islands I & II; 7e) Status Report: Sunset Islands III & IV; 7f) Status Report: Royal Palm Avenue And 44th Street Flooding Mitigation; 7g) Status Report: Palm & Hibiscus Island Undergrounding; 7h) Status Report: Flamingo/West Avenue Neighborhood Improvement Project; **8)** Staff Action Report; **9)** Calendar; **10)** Adjournment. (Page 57)
- C6B Report Of The Neighborhoods/Community Affairs Committee Meeting On April 6, 2010: **1)** Discussion Regarding An Amendment To The Flamingo Park Master Plan Relative To The Tennis Center Facility; **2)** Discussion Regarding A Report From The Transparency, Reliability, Accountability Committee; **3)** Discussion Regarding The Placement Of A Plaque At The Flamingo Park Tennis Facility Commemorating Mr. Jerry Moss And His Tremendous Contribution To Tennis On Miami Beach; And **4)** Discussion Regarding Miami Beach Youth Camps And The Different Ages Served By These Camps As Well As Programs Available For Children With Disabilities. (Page 63)

**C7 - Resolutions**

- C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Submit The Following Grant Applications: 1) National Endowment For The Arts, In An Amount Not To Exceed \$250,000, For The NEA Mayors' Institute On City Design 25th Anniversary Initiative For The Lincoln Park Arts In The Park Multimedia And Messaging Project; And, 2) To Support And Partner With Miami-Dade County Public Schools (M-DCPS), On An Application To The Us Department Of Education, Under The Investing In Innovation Fund (I3) Grant Program For Funding For The International Baccalaureate Program For The Elementary And Middle School Level, With M-DCPS Serving As The Applicant; Appropriating The Above Funds, If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents Related To These Applications.  
(Page 73)  
(Budget & Performance Improvement)
- C7B A Resolution Accepting The Recommendation Of The City Manager Pursuant To Request For Proposals (RFP) No. 23-09/10, For Audits Of Resort Taxes And Other Internal Audits As Needed; Authorizing The Administration To Enter Negotiations With The Firms Of Jefferson Wells International, Inc.; TCBA Watson Rice LLP; RGL Forensics; MarcumRachlin; And Sharpton, Brunson & Company For The Audits Of Resort Taxes; And With The Firms Of Jefferson Wells International, Inc.; MarcumRachlin; TCBA Watson Rice LLP; RGL Forensics; Crowehorwath, LLP; And Sharpton, Brunson & Company For Other Internal Audits As Needed; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Conclusion Of Successful Negotiations By The Administration. (Page 85)  
(Budget & Performance Improvement)

**C7 - Resolutions** (Continued)

- C7C A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement With Wolfberg Alvarez & Partners, In The Not To Exceed Amount Of \$286,916.28 (Plus An Additional Amount Of \$28,300.00 For Approved Reimbursables), For The Planning, Design, Bid, Award, And Construction Administration Services For The Property Management Facility Project. (Page 93)  
(Capital Improvement Projects)
- C7D A Resolution Approving The Substantive Terms Of A Parking Lease Agreement With Design Miami For The Preferred Parking Lot; And Services To Be Provided By The City's Parking Department, For Specific Dates In October, November And December 2011; 2012; And 2013, As Set Forth In That Certain Term Sheet Attached As Exhibit "A" To This Resolution; Further Authorizing The City Manager To Negotiate The Final Agreement With The Design Miami And, If Successful, Approving And Authorizing The Mayor And City Clerk To Execute The Agreement, Subject To And Contingent Upon The Following Conditions: 1) The Final Version Of The New Agreement Shall Be Subject To Review And Sign Off By The City Manager And Subject To Form Approval By The City Attorney; And 2.) In The Event That The City And Design Miami Deem It Necessary To Include Any New Substantive Terms (Which Are Not Contained In The Attached Term Sheet), Then, Prior To Finalizing The Agreement, The City Manager Shall Be Required To Report Same To The City Commission. (Page 129)  
(Tourism & Cultural Development)
- C7E A Resolution Repealing Resolution No. 2002-24765 And Abolishing The Public Safety Committee. (Page 143)  
(Requested by Commissioner Deede Weithorn/City Attorney's Office)
- C7F A Resolution Waiving, By 5/7ths Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City As, In This Case, It Would Enable The City To Amend An Existing Contract With Advanced Data Processing, Inc. (D/B/A ADPI – Intermedix), For Billing And Collection Services For Emergency Medical Transport; With Said Amendment Allowing The City To Provide For Additional Services To Utilize The Triptix System, And Realize An Estimated Five Year Cost Savings Of \$247,585; And Extend The Term Of The Existing Agreement For Three (3) Years With One Three (3) Year Option To Renew; Authorizing The City Manager And The City Clerk To Execute The Amendment. (Page 145)  
(Fire Department)
- C7G A Resolution Finding And Declaring That This Is A Sole-Source Procurement Pursuant To Section 2-367 (d) of the City Code, And Authorizing The City Manager And City Clerk To Amend And Execute The Technical Service Support Agreement Between The City And Physio Control, Inc., Currently Set To Expire On September 30, 2010; Allowing The New Term To Commence On June 1, 2010, And End On September 30, 2015, In The Estimated Annual Amount Of \$26,974; Adding Coverage For An Additional Two (2) Lifepak 12 Monitor/Defibrillators That Are No Longer Under Warranty, And One (1) Additional Automated External Defibrillator (AED) Not Previously Covered In The Agreement; And Further Adding Coverage For Eight (8) Lifepak 15 Monitor/Defibrillators, Of Which The Factory Warranty Will Expire In January, 2011. (Page 153)  
(Fire Department)

**C7 - Resolutions** (Continued)

- C7H A Resolution Authorizing The City Manager And City Clerk To Execute A Voluntary Cooperation And Operational Assistance Mutual Aid Agreement With The City Of Aventura And The City Of Miami Gardens, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach, The City Of Aventura, And The City Of Miami Gardens, Florida. (Page159)  
(Police Department)
- C7I A Resolution Approving And Adopting The Attached Analysis Of Impediments To Fair Housing Choice (AI) As Required By The U.S. Department Of Housing And Urban Development (HUD) Of All Local Jurisdictions Receiving Funding Through The Consolidated Plan Funding Process Ensuring That Jurisdictions Will Affirmatively Further Fair Housing; Authorizing The Necessary Certifications By The Mayor And City Clerk; And Authorizing Its Submission To The U.S. Department Of Housing And Urban Development. (Page 163)  
(Real Estate, Housing & Community Development)
- C7J A Resolution Taking The Following Actions With Respect To That Certain Affordable Housing Project To Be Acquired And Rehabilitated By Miami Beach Community Development Corporation (MBCDC), And Known As The Neptune, Located At 1632 Meridian Avenue, Miami Beach, Florida (The Property): Approving A Consent To Assignment Of That Certain Amendment To NSP1 Agreement Dated March 30, 2010 By And Between The City And Miami Beach Development Corporation, A Not-For-Profit Corporation, Said Assignment Transferring Ownership From MBCDC To MBCDC Neptune, LLC; Further Approving A Subordination (To Second Place) Of The City's Interest/Mortgage In/On The Property In Favor Of A Loan Made To MBCDC By International Finance Bank (IFB Loan), With Said IFB Loan To Be Secured By A First Mortgage Against The Property And Further Authorizing The City Manager And The City Clerk To Execute Any And All Documents To Effectuate The Aforestated Transactions, In Such Form As Shall Be Reviewed And Approved By The City Attorney's Office.  
(Page 229)  
(Real Estate, Housing & Community Development)
- C7K A Resolution Of Accepting The Recommendation Of The City Manager, Pursuant To Request For Proposals (RFP) No. 05-09/10, For The Management And Operation Of Concession Stands And Beachfront Concessions, Located East Of Collins Avenue, At Both 21st Street And 46th Street; And Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm, M & M Concessions, Inc.; Should The Administration Not Be Able To Successfully Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm, SB Café, LLC.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement, Upon Conclusion Of Successful Negotiations. (Page 237)  
(Real Estate Housing and Community Development)
- C7L A Resolution Authorizing The Appropriation Of Funds In The Amount Of \$185,000 To Relocate Fire Hydrants And Water Mains In Advance Of A Florida Department Of Transportation Project On Collins Avenue From 26th To 44th Streets; From The 2010 Water And Sewer Bonds. (Page 245)  
(Public Works)

**C7 - Resolutions** (Continued)

- C7M A Resolution Approving And Authorizing The City Manager And City Clerk To Execute An Agreement With The School Board Of Miami-Dade County Providing, In Part, For A Required Contribution From The School Board, In The Amount Of \$215,074, To Complete Right-Of-Way Improvements On Prairie Avenue Associated With The Construction Of Miami Beach Senior High School; Appropriating Such Funds For Use By The City In Completing The Designated Right-Of-Way Improvements And Also Appropriating \$377,000 From The Storm Water Capital Projects Line Of Credit, To Be Repaid From Future Storm Water Bond Funds. (Page 249)  
(City Manager's Office)

**End of Consent Agenda**