



MIAMI BEACH

City Commission Meeting

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

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

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

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ATTENTION ALL LOBBYISTS

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

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 Certificates Of Appreciation/Volunteers For Project Holiday Clean Up. (Bower & City Manager)
- PA2 Certificates Of Appreciation/Several Places, Contributing To The Beautification Of The City.
- PA3 Certificate Of Recognition/Jesus Rios, Skip Barber Karting Scholarship Shoot-Out. (Bower)
- PA4 Proclamation/Tuesday Morning Breakfast Club, Contribution To Miami Beach. (Bower)
- PA5 Certificate Of Appreciation/Aetna Foundation, Obesity Prevention & Nutrition Education. (Bower)
- PA6 Certificate Of Recognition/Jacob Stern, 2010 Prudential Spirit Of Community Awards. (Bower)
- PA7 Report & Recognition/MB Police Department, Quick Response To Stabbing Incident. (Bower)
- PA8 Certificate Of Appreciation/Jose Garcia, 2010 MiaGreen Expo And Conference. (Góngora)
- PA9 Certificates Of Recognition/King Rafael Aguilo & Queen Carmen San Roman. (Góngora)
- PA10 Certificate Of Appreciation/Electric Bicycle Store, Helping CMB Become "Greener." (Wolfson)
- PA11 Certificate Of Appreciation/Luis C. Hernandez, Contributions To City Of Miami Beach. (Wolfson)
- C2A Award Contract (ITB No. 19-09/10), Rental Of 65-Passenger School Buses, \$55,000.
- C2B Reject All Proposals (RFP No. 10-25/91), Voluntary Benefits Program.
- C2C Approve Purchase, (2) 2010 Freightliner Chassis w/ 12 Cubic Yard Dump Body, \$163,834.
- C2D Issue Purchase Order, Surveillance Equipment Products For Police Department, \$38,120.
- C2E Approve Purchase, Various Vehicles for City Departments, \$421,991.
- C2F Issue RFP, Provide Unarmed Security Guard Services.
- C4A Ref: Land Use & Development Committee - Plaque At Flamingo Park Tennis Facility. (Wolfson)
- C4B Ref: Land Use & Development Committee - Ordinance Re: Movie Or Film Permit. (Wolfson)
- C4C Ref: Sustainability Committee - Restricting Plastic Bags In Miami Beach. (Góngora)
- C4D Ref: Sustainability Committee - Issue Of Banning Leaf Blowers. (Góngora)
- C4E Ref: Finance & Citywide Projects Comm. - Tennis Management At Flamingo & North Shore Parks.
- C4F Ref: Neigh./Community Affairs Comm. - Naming Rights When Giving Substantial Gift. (Bower)

- C4G Ref: Finance & Citywide Projects Committee - Sunset Islands 3 & 4 Entryway Improvements.
- C4H Ref: Finance & Citywide Projects Committee - Assignment Of A Police Officer To PAL.
- C4I Ref: Finance & Citywide Projects Committee - Global Spectrum's Management Agreement.
- C4J Ref: Neighborhoods/Community Affairs Committee - Miami Beach Youth Camps. (Wolfson)
- C4K Ref: Finance & Citywide Projects Committee - Process For CMB License Renewals. (Wolfson)
- C6A Report: Finance & Citywide Projects Committee Meeting On January 26, 2010.
- C6B Report: Land Use & Development Committee Meeting On January 28, 2010.
- C6C Report: Finance & Citywide Projects Committee Meeting On February 18, 2010.
- C6D Report: Capital Improvement Projects Oversight Committee Meeting On February 1, 2010.
- C6E Report: Land Use & Development Committee Meeting On February 25, 2010.
- C7A Submit Grant Applications To Various Funding Agencies.
- C7B Accept Recommendation, Property Management Facility Project.
- C7C Approve Transfer Of Funds, Interior Build-Out Of Multi-Purpose Parking Facility (City Hall Garage).
- C7D Approve Preconstruction Application, Historic Ad Valorem Tax Exemption (4431 Alton Road).
- C7E Adopt First Amendment To Police Confiscation Trust Fund Budget For FY 2009/10.
- C7F Authorize Response To RFI By Google, Inc., Ultra-High Speed Broadband Network.
- C7G Approve Realignments Of South Beach Local Route Extensions To Belle Isle & Collins Park.
- C7H Appropriate Funds, Establish Water Main Fire Flow Redundancy From 41st To 44th Streets.
- C7I Issue A Time-Limited Certification Of Consistency w/ City's Consolidated Plan To HACMB.
- C7J Execute Amendment No. 1, To The NSP1 Agreement w/ MBCDC.
- C7K Approve Agreement w/ Dennis Alan Richard For The Bass Museum Of Art.
- C7L Retroactively Appropriate Contributions, Costs For Closure Of Ocean Drive During Super Bowl.
- C7M Submit Application For Funding, Mount Sinai Medical Center (Emergency Power Protection).
- C7N Agency Account For Additional Two-Percent (2%) Employee Contribution.
- R2A Award Contract (ITB 14-09/10), MBCC Airwall Repairs & Replacement, \$1,243,542.59.
- R5A **10:20 a.m. 2nd Rdg**, Bicycle Advertising.
- R5B **10:30 a.m. 2nd Rdg**, Amend No. 1335, Classified Employees' Leave Ordinance.
- R5C **10:40 a.m. 2nd Rdg**, Fee-In-Lieu Of Providing Parking. **5/7**
- R5D **10:50 a.m. 2nd Rdg**, Amend Graffiti Ordinance.
- R5E **11:00 a.m. 2nd Rdg**, Consultant Review Fee Ordinance. **5/7**
- R5F **11:15 a.m. 2nd Rdg**, Amend Street Performers & Art Vendors Ordinance.
- R5G **11:30 a.m. 3rd Rdg**, Amend Prohibition Of Certain Post-Service/Employment Relationships.
- R5H **1st Rdg**, Amend Solid Waste Ordinance.
- R5I **1st Rdg**, Amend Non-Profit Vending & Distribution Ordinance.
- R7A **10:15 a.m. 2nd Rdg**, Approve Lease Agreement w/ MDGLCC, 1130 Washington Avenue,
- R7B **10:50 a.m.** Approve Placement Of Four (4) Memorial Plaques In Washington Avenue Dog Park.
- R7C Approve Operational Guidelines For South Pointe Park.
- R7D Adopt First Amendment, General, Enterprise, & Internal Service Funds Budgets For FY 2008/09.
- R7E Approve Amendment No. 1, Photo Red Light Enforcement Program.
- R7F Approve BODR, Lincoln Park (Park) Project Concept Plan, \$13,085,000.
- R9A Board & Committee Appointments.
- R9A1 Board & Committee Appointments - City Commission Appointments.
- R9A2 Reappoint Michael Band To The Miami Beach Housing Authority. (Bower)
- R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9C Discuss & Refer To Land Use & Development Committee - Gambling On Miami Beach. (Wolfson)
- R9D Discuss: Ordinance Prohibiting Sale Of Alcoholic Beverages By Retail Establishments. (Wolfson)
- R9E Discuss: Current Status Of The Baywalk Behind The Flamingo. (Tobin)
- R9F Discuss: Public Sidewalk Finishes & Colors.
- R9G Discuss: Amendment To The Flamingo Park Master Plan Re: Tennis Center Facility.
- R9H Discuss: City Center 9C Project - Lincoln Road Median.
- R9I Discuss: Resolution Supporting Life Safety Retrofit Relief To Community Associations. (Libbin)
- R10A **1:00 p.m.** Notice Of Closed Executive Session: Discussion Re: Collective Bargaining.
- Note: Reports and Informational Items (see LTC 054-2010)**
- A1 Minutes: MPO Governing Board Meeting On January 28, 2010. (Bower)
- A2 Minutes: Wolfsonian - FIU Advisory Board Meeting On January 20, 2010. (Bower)

Meeting called to order at 9:36:30 a.m.

Inspirational Message given by Rev. Garth Thompson from Miami Beach Community Church.

Pledge of Allegiance led by Lyle Stern.

ADDENDUM: C4L and Report A3.

Motion made by Commissioner Góngora to add Items C4L and Report A3 as emergency items; seconded by Vice-Mayor Libbin; Voice vote: 6-0; Absent: Commissioner Weithorn.

SUPPLEMENTAL MATERIALS:

R7C Additional Information

R7E Resolution

R9I Supplemental Information

Presentations and Awards

10:51:05 a.m.

PA1 Certificates Of Appreciation To Be Presented To The Volunteers For Project Holiday Clean Up.
(Requested by Mayor Matti Herrera Bower & City Manager)

ACTION: Certificates presented to the following individuals: Senator Dan Gelber, Laurie Flink, Deputy District Director Office of Congresswomen Debbie Wasserman Schultz, Karen Fryd, Carla Probus, Howard C. Ferguson, Carmen Estrada, Jerry Hood, Merrick Educational Center, Eda Valero-Figueira, Natalie Davis, Bob Cardwell, Mary Harris, Eli Jonas, Dina Cellini, Max Burger, Sergio Romero, Jim Proter, Paul J. McMahon, Yinka Adeshina, Dean Stavrakas, Lily Lopez, Terrance Mitchell, Marcela Rubio, Mario Gonzalez-Pola and Naima De Pinedo.

Ray Martinez, Assistant Police Chief, stated that last year Karen Fryd, local resident and activist in the community, brought to their attention the circumstances of an elderly couple that might be in need of help. Detectives and victim advocates responded and found an elderly couple living in horrible and deplorable conditions. Immediately help was organized, and a Holiday Clean-Up commenced. Over 100 volunteers responded, including members of the Police Department, Fire Department, Ocean Rescue, and individuals from the business community and the community in general; and made an extreme make-over to the home in only one day. Long-term assistance was also secured for the couple. He recognized Detective Vivian Hernandez, Victim Advocate Sarah Poux and Karen Fryd along with all the volunteers for making this a successful event. He announced the unfortunate passing of the elderly man since, but they hope to have been able to make a difference in the remaining days of his life.

9:48:57 a.m.

PA2 Certificates Of Appreciation To Be Presented To The Murano At Portofino, The Bath Club, The Parking Department For The 81st Street Parking Lot And Special Recognition To The Miami Beach Fire Department/Ocean Rescue For Life Guard Stand No. 1, By The City Of Miami Beach Beautification Committee For Their Efforts In Contributing Significantly To The Beautification Of The City.

(Parks & Recreation)

ACTION: Certificates presented.

Kevin Smith, Parks and Recreation Department Director, explained that the Beautification Committee is presenting the annual awards to recognize beautification projects throughout the City.

Dr. Daniel Nixon, Chair of the Beautification Committee, introduced the item and recognized the members of the Committee: Sylvia Rotbart, Claire Warren, Norma Weinstein, Jason Morgenstin and Maria Koller. He also thanked Brenda Carbonell and Rhonda Gracie as members of the support team. He called on local representatives to receive the awards on behalf of the City. From The Murano, Eric Goff, in the Mid Beach region from the Bath Club, Ms. Lorena Rosario and Elavio Izquierdo, from the North Beach region, the 81st Street parking lot for a superb job, Saul Frances, Parking Department, Charles Carreño, CIP, Hiram Siaba, Miguel Perez and Ricardo Guzman from Planning; and a special recognition for Lifeguard stand No. 1, as it stands for all the iconic lifeguards on the beach, to Eric Yuhr and Javier Otero and from Ocean Rescue Scott Reynolds.

Mayor Bower congratulated all the recipients and requested that next year the staff provide pictures of the buildings receiving the awards. **Kevin Smith to handle.**

PA3 Certificate Of Recognition To Be Presented To Jesus Rios For His Driving Skills And Success In The 13th Annual Skip Barber Karting Scholarship Shoot-Out.

(Requested by Mayor Matti Herrera Bower)

ACTION: Item deferred.

10:15:12 a.m.

- PA4 Proclamation To Be Presented To The Tuesday Morning Breakfast Club For Its Longstanding Contribution To The Vibrant Civic Life Of Miami Beach.
(Requested By Mayor Matti Herrera Bower)

ACTION: Proclamation presented.

Mayor Bower explained that the Tuesday Morning Breakfast Club was founded in 1996 by Mike Burke. It started in Puerto Sagua and then moved to David's II Café. It is one of the best groups because of its diversity in socioeconomics and the quality of people they bring in.

Commissioner Wolfson stated that this is the most phenomenal example of community activism. He added that during elections time people have a place to go and be heard and thanked them.

Commissioner Góngora stated that the Tuesday Morning Breakfast Club is the place to go during election season and he asked them to keep up the good work.

Vice-Mayor Libbin echoed his colleague's comments, and suggested considering an evening meeting for those people that cannot attend during the day.

David Kelsey recognized the Mayor and City Commission for their support. He added that Bea Kalstein was one of the founding members who reached out to elected officials to participate at State level.

Mike Burke spoke.

Bob Murray spoke.

Harry Cherry spoke.

Gill Zriny spoke.

Prakash Kumar spoke.

Joanie Balkin spoke.

- PA5 Certificate Of Appreciation To Be Presented To The Aetna Foundation For Their Continuing Contribution To Obesity Prevention And Nutrition Education For Miami Beach Elementary School Children Via A Third Grant To UNIDAD Of Miami Beach, Inc.
(Requested By Mayor Matti Herrera Bower)

ACTION: Item deferred.

9:43:52 a.m.

- PA6 Certificate Of Recognition To Be Presented To Jacob Stern For Being A Distinguished Finalist In The 2010 Prudential Spirit Of Community Awards.
(Requested By Mayor Matti Herrera Bower)

ACTION: Certificate presented.

Mayor Bower introduced the item.

Jacob Stern stated that his project, "Listen Up," was founded with the goal of raising funds for local awareness of children with disabilities. With the sale of white wristbands and his personal donations, he raised over \$25,000 to help the needy children.

Mayor Bower recognized Lyle Stern and his wife. She suggested that they participate in Disability Awareness Day next year.

10:39:26 a.m.

- PA7 Brief Report And Recognition Of The Miami Beach Police Department For Their Quick Response And Follow Up To The February 18th Stabbing Incident Involving Local High School Students.
(Requested By Mayor Matti Herrera Bower)

ACTION: Report and recognition given.

Mayor Bower introduced the item.

Ray Martinez, Assistant Police Chief, stated that on February 8th at 23rd Street and Collins Avenue there was a tragic event at a bus stop, when a Beach High student was approached by individuals who stabbed the victim several times with a knife and then fled the scene. Officers Jess Metzgar and Pablo Jimenez arrived before the 911 call, assisted the victim and secured the scene. With the investigation underway and with the assistance of the New York Police Department there has been at least one arrest. He also recognized Sergeant Gregory Baldwin, Detectives Daniel Erben, Kenny Mathews, Marlen Rivero, Reinaldo Casas, Robert Lawrence, Sergeant Steven Feldman, Robbery Detective David MC Cue, Rob Lanier, Martin Garcia, Edward Holbrook, Hector Fernandez and Sergeant Ibrahim Garcia, lead investigator.

Mayor Bower suggested combining the efforts of the Police Department and Beach High school to come up with a plan for rumor control. She congratulated the officers involved and thanked all for their hard work.

Jorge Gonzalez, City Manager, stated that sometimes a tragic accident causes one to take light of the wonderful work that the Police Department does on a daily basis. He added that Miami Beach Police Department has a great success ratio and they have a stellar work force. He thanked them all.

Vice-Mayor Libbin, and Commissioners Tobin, Góngora and Wolfson also expressed their appreciation for a job well done.

10:11:18 a.m.

- PA8 Certificate Of Appreciation To Be Presented To Jose Garcia For His Leadership Role In The Success Of The 2010 MiaGreen Expo And Conference.
(Requested By Commissioner Michael Góngora)

ACTION: Certificate presented.

Commissioner Michael Góngora introduced Mr. Garcia Piñeido and explained that he is the founder of the annual MiaGreen Expo, also known as the Green Convention of the Americas. He gave a brief background history of his accomplishments and added that he is presenting this Certificate for his promoting green initiatives.

Jose Garcia Piñeido spoke.

9:39:05 a.m.

- PA9 Certificates Of Recognition To Be Presented To King Rafael Aguilo And Queen Carmen San Roman Of The South Pointe Plaza And Rehab Center In Miami Beach.
(Requested By Commissioner Michael Góngora)

ACTION: Certificates presented.

Commissioner Góngora introduced the representatives of South Pointe Plaza and Rehab Center in Miami Beach and their King and Queen. He stated that they were crowned on Valentine's Day Celebration; which is a pageant that has been held for over a decade and one of their favorite events. Years ago, Carmen was crowned Queen of the Carnival in Havana, Cuba. He wished her a Happy Belated Birthday. Rafael was born in Santo Domingo and has been living in Florida for 28 years.

Carmen San Roman spoke.

Rafael Aguilo spoke.

10:07:27 a.m.

- PA10 Certificate Of Appreciation To Be Presented To The Electric Bicycle Store For Playing A Pivotal Role In Helping Miami Beach To Become A "Greener" Community.
(Requested by Commissioner Jonah Wolfson)

ACTION: Certificate presented.

Commissioner Wolfson recognized new corporate citizens in the electric bicycle business who are doing wonderful things to promote a greener City. He added that The Electric Bicycle Store is located in the heart of South Beach and is the first of some specialty retail electric bicycles in the United States and they will play a pivotal role in helping Miami Beach become a greener community and serve residents and tourists who enjoy the tropical lifestyle.

Mark Lechter, President of The Electric Bicycle Store, spoke.
Scott Balson, CEO of The Electric Bicycle Store, spoke.

10:30:28 a.m.

PA11 Certificate Of Appreciation To Be Presented To Mr. Luis C. Hernandez, Commemorating His 80th Birthday And His Contributions To The City Of Miami Beach.
(Requested by Commissioner Jonah Wolfson)

ACTION: Certificate presented.

Commissioner Wolfson stated that Mr. Hernandez has lived and worked in Miami Beach since 1970; he has over 40 years of community activism for the local Hispanics in the community and Hispanic businesses. He was the founder of the Miami Beach Latin Chamber of Commerce, and through his efforts, in 1994 a portion of 21st Street was named *Jose Marti Street*; in 1996 he was instrumental in placing a bust of *Simon Bolivar* in Collins Park and a bust of philanthropist *Jorge Mas Canosa*. He recognized his contributions and wished him a Happy 80th Birthday. Commissioner Wolfson translated his statement to Spanish.

Commissioner Góngora wished him a Happy Birthday.

Commissioner Exposito stated that it is with great joy that he can recognize Mr. Hernandez for all he has done for the community and wished him a Happy Birthday as well.

Luis C. Hernandez spoke in Spanish.

Jose Argote translated to English. He stated that Mr. Hernandez accepted this honor and urged the younger generation to follow his lead for a better Miami Beach.

10:042:10 a.m.**New Item:**

PA12 Certificate of Recognition Presented To Cheryl Jacobs For Promoting Sustainability Initiatives.

ACTION: Certificate presented.

Commissioner Góngora recognized Cheryl Jacobs during Women's History Month for all efforts she has made as a green advocate. Cheryl is the Director of Community Relations for Urban Planning for the Architecture Firm of Zyscovich Architects and has been involved in marketing professional services for over 20 years. She has taken her passion for green issues to the business community and through her involvement with several Chambers of Commerce she has been able to initiate sustainability efforts for several organizations including the Miami Beach Chamber, the Greater Miami Beach Chamber, The Coral Gables Chamber and the Hallandale Beach Chamber. She serves on the Green Hospitality Committee, the Greater Miami and the Beaches Hotel Association and the Sustainability Committee of the Southeast Florida Caribbean District Council of the Urban Land Institute. For all her green efforts during Women's History Month, she was presented with a certificate.

Cheryl Jacob spoke.

CONSENT AGENDA

ACTION: Motion made by Vice-Mayor Libbin to approve the Consent Agenda with the exception of item C6C; seconded by Commissioner Góngora; Voice-vote: 6-0; Absent: Commissioner Weithorn.

C2 - Competitive Bid Reports

C2A Request For Approval To Award Contract To Franmar Corporation, Pursuant To Invitation To Bid (ITB) No. 19 - 09/10, For The Rental Of 65-Passenger Air Conditioned School Buses With Drivers For The City's Parks And Recreation Summer Programs; Senior Enhanced Transportation Program Services (SETS); And Shuttle Service For Special Events, In The Annual Amount Of \$55,000.
(Procurement/Parks & Recreation)

ACTION: Request authorized. Kevin Smith to handle.

C2B Request For Approval To Reject All Proposals Received Pursuant To RFP No. 10-25/91, Issued By Gallagher Benefit Services, For A Voluntary Benefits Program.
(Human Resources)

ACTION: Request authorized. Gus Lopez to notify bidders.

C2C Request For Approval To Purchase Two (2) 2010 Freightliner Chassis With 12 Cubic Yard Dump Body, From Atlantic Truck Center, Pursuant To Florida State Contract No. 09-17-0908, In The Amount Of \$163,834.00.
(Fleet Management)

ACTION: Request authorized. Drew Terpak to handle.

C2D Request For Approval To Issue A Purchase Order In The Total Amount Of \$38,120 To International Surveillance Technology, Inc., For The Purchase Of Surveillance Equipment Products For The Police Department, Utilizing Grant Funds For The Urban Areas Security Initiative (UASI) Program.
(Police Department)

ACTION: Request authorized. Gus Lopez to handle.

C2E Request For Approval To Purchase One (1) 2010 Ford Explorer Sport Trac, Two (2) 2010 Ford F-250 Crew Cab With Stake Body, One (1) 2010 Ford F-350 Aluminum Bed, From Duval Ford, Pursuant To Florida State Contract No. 09-17-0908, In The Amount Of \$92,046.00. One (1) 2010 Ford Focus, Two (2) 2010 Ford F-150, One (1) 2010 Ford Ranger, Two (2) 2010 Ford F-350 Aluminum Bed, From Duval Ford, Pursuant To Florida State Contract No.09-17-0908, In The Amount Of \$101,719.00. One (1) 2010 Ford F-150, Four (4) 2010 Ford F-250 Utility Body, One (1) 2010 Ford F-250 Extended Cab, One (1) 2010 Ford F-250 Regular Cab, From Duval Ford, Pursuant To Florida State Contract No. 09-17-0908, In The Amount Of \$140,862.00. One (1) 2010 Ford F-250 Regular Cab, One (1) 2010 Ford F-250 Utility Body, From Duval Ford, Pursuant To Florida State Contract No. 09-17-0908, In The Amount Of \$40,410.00. One (1) 2010 Ford Focus And Two (2) 2010 Ford F-150, From Duval Ford, Pursuant To Florida State Contract No. 09-17-0908, In The Amount Of \$46,954.00.

(Fleet Management)

ACTION: Request authorized. Drew Terpak to handle.

C2F Request For Approval To Issue A Request For Proposals (RFP) To Provide Unarmed Security Guard Services.

(Procurement/Parking/Police Department)

ACTION: Request authorized. Gus Lopez to issue the RFP.

C4 - Commission Committee Assignments

C4A Referral To ~~The Land Use And Development~~ Neighborhood/Community Affairs Committee To Discuss The Placement Of A Plaque At The Flamingo Park Tennis Facility Commemorating Mr. Morry Moss And His Tremendous Contribution To Tennis On Miami Beach.

(Requested By Commissioner Jonah Wolfson)

ACTION: Item referred to the Neighborhood/Community Affairs Committee via the Corrections. Randi MacBride to place on the committee agenda. Kevin Smith to handle.

City Clerk's Note: The name Morry should be Jerry.

C4B Referral To The Land Use And Development Committee To Discuss An Ordinance Amendment That Would Require Notice To Be Given To Residents Within A Certain Distance Of Any Proposed Movie Or Film Permit.

(Requested By Commissioner Jonah Wolfson)

ACTION: Referred. Richard Lorber to place on the committee agenda. Max Sklar to handle.

11:03:20 a.m.

C4C Referral To The Sustainability Committee - Discussion Regarding The Issue Of Restricting Plastic Bags In Miami Beach.

(Requested by Commissioner Michael Góngora)

ACTION: Referred. Fred Beckmann to place on the committee agenda and to handle.

Mayor Bower separated the item for a comment. She requested that the restriction of issuing plastic bags be added to the State lobbying list. In addition, she stated that in Washington, Canada, Basel, Switzerland, and other countries, they are charging five cents per bag usage fee. She requested this topic be added to the discussion. Fred Beckmann to handle.

This item was approved via the Consent Agenda vote.

C4D Referral To The Sustainability Committee - Discussion Regarding The Issue Of Banning Leaf Blowers.

(Requested by Commissioner Michael Góngora)

ACTION: Referred. Fred Beckmann to place on the committee agenda and to handle.

- C4E Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Management Agreement To Provide Professional Tennis Management And Operations Services At The City's Flamingo Park and North Shore Park Tennis Centers.
(Parks & Recreation)

ACTION: Referred. Patricia Walker to place on the committee agenda. Kevin Smith to handle.

- C4F Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Whether Miami Beach Should Require Naming Rights When It Gives A Substantial Gift To An Organization.
(Requested by Mayor Matti Herrera Bower)

ACTION: Referred. Randi MacBride to place on the committee agenda. Hilda Fernandez to handle.

- C4G Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Proposed Sunset Islands 3 And 4 Entryway Improvements.
(Capital Improvement Projects)

ACTION: Referred. Patricia Walker to place on the committee agenda. Charles Carreño to handle.

- C4H Referral To The Finance And Citywide Projects Committee Of An Amendment To A Resolution Regarding Assignment Of A Police Officer To The Police Athletic League (PAL).
(City Manager's Office)

ACTION: Referred. Patricia Walker to place on the committee agenda. Robert Middaugh to handle.

- C4I Referral To The Finance And Citywide Projects Committee - Discussion Regarding Global Spectrum's Fiscal Year End 2009 Performance And Potential Adjustments/Amendments To The Existing Management Agreement.
(Tourism & Cultural Development)

ACTION: Referred. Patricia Walker to place on the committee agenda. Max Sklar to handle.

- C4J Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Miami Beach Youth Camps And The Different Ages Served By These Camps As Well As Programs Available For Children With Disabilities.
(Requested By Commissioner Jonah Wolfson)

ACTION: Referred. Randi MacBride to place on the committee agenda. Kevin Smith to handle.

- C4K Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Process For City Of Miami Beach License Renewals, Including Notices Provided To License Holders.
(Requested By Commissioner Jonah Wolfson)

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

ADDENDUM:

- C4L Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The Issue Of The Miami Beach Marina's Agreement With The City.
(Requested by Commissioner Michael Góngora)

ACTION: Referred. Randi MacBride to place on the committee agenda. Hilda Fernandez to handle.

C6 - Commission Committee Reports

11:05:07 a.m.

- C6A Report Of The Finance And Citywide Projects Committee On January 26, 2010: **1)** Selection Of A Chair And Vice-Chair For The Finance And Citywide Projects Committee For A One Year Term; **2)** Discuss Franchise Hauler Status And Options For The City; **3)** Discussion Regarding The Fiscal Impact Of Amending The City's Living Wage Ordinance To Revise The Minimum Wage Requirements; **4)** Discussion Regarding An Ordinance To Amend The CMB Living Wage Ordinance To Eliminate The Option For Companies To Not Provide Health Benefits To Employees Of Companies Contracting With City Government; **5)** Discussion Regarding A Request For Proposal (RFP) For A New Security Guard Contract; **6)** Discussion Regarding Amending And Restating The City's Bass Museum Agreement To Allow For Replacement Of The Museum's Current Board Of Trustees By A New Governing Entity; **7)** Discussion Regarding Establishing The Mayor And Commission Arts Ball; **8)** Discussion Regarding Issues Related To The Port Dredging Project; **9)** Discussion Regarding The Internal Audit Division's Audited Areas For Fiscal Year 2008/09 And FY 2009/10 Risk Assessment Areas.

ACTION:**Item No. 1:**

The Committee elected Commissioner Deede Weithorn ad Chair and Commissioner Jerry Libbin as Vice-Chair of the Finance and Citywide Projects Committee for a one year term ending January 2011.

Item No. 2:

The Committee recommended that the City pursue the option of maintaining four franchise haulers and to accept the services package presented combined with a five (5) year term. The Committee also recommended that a minimum of four (4) haulers be retained and in the event the number falls below four, the matter be brought to the attention of the City Commission. The Committee also recommended that the Commission discuss and decide how to spend the \$75,000 that had been suggested to be used for the International Baccalaureate program.

City Clerk's Note: See February 3, 2010 Afteraction – R5D: The item was referred to the Sustainability Committee.

Item No. 3:

The Committee requested an analysis be done to calculate the cost per year if the City had increased the living wage based on the Consumer Price Index (CPI) since inception in 2001, more specifically the impact to the General as well as the Enterprise Funds, and a timeline for phasing in the wage increase to bring the living wage up to at least the Federal Poverty Level.

The Committee asked staff to review the item, the requested additional analysis and to bring all Commissioners before the next Finance and Citywide Projects Committee Meeting.

The Committee asked that the analysis of the Living Wage Ordinance be brought back to the next Finance and Citywide Projects Committee meeting.

City Clerk's Note: Patricia Walker to handle.**Item No. 4:**

The Committee asked the Legal Department to bring back the item to the March Finance and Citywide Projects Committee meeting.

City Attorney Jose Smith to strengthen the language in the ordinance to give the employee the option of whether or not to purchase health insurance, as opposed to giving the employer the option.

City Clerk's Note: Legal Department to handle.

Item No. 5:

The Committee recommended that the following is included in the Request for Proposal:

- Incorporate training as an evaluation criteria
- Financial stability requirement
- Add language stating that the Living Wage is under review and is subject to change

City Clerk's Note: See Agenda item C2F

Item No. 6:

The Committee agreed to the recommendation to setup a new governing body known as the Bass Museum of Art Inc.

City Clerk's Note: See Agenda item C7K

Item No. 7:

The Committee recommended:

- The use of Miami Beach Arts Trust, Inc. (501(c)(3) as the fiscal agent
- The CAC is to develop criteria for the grant process
- The funds are restricted for use of the program
- No City resources are used.
- Any marketing with the City name or logo should be brought back to the Commission for approval.
- The list of donors (cash and in kind) is made available.
- Any dispute or un-reconciled item is to be brought back to the Finance and Citywide Projects Committee.

Item No. 8:

The Committee recommended this item be brought back to the next Finance and Citywide Projects Committee meeting.

City Clerk's Note: See December 9, 2009 Agenda Item R9F

Item No. 9:

The Committee recommended changing the committee that serves as the Audit Committee to the "Committee of the Whole."

An Item regarding the discussion of the completed FY 2008-09 Audit Reports is to be placed on a future F&CWP AGENDA.

Staff is to assist Fire Marshall Sonia Machen with statistical sampling for nightclub inspections.

City Clerk's Note: Kathie Brooks to handle.

C6B Report Of The Land Use And Development Committee Meeting On January 28, 2010: **1)** Selection Of A Chair And Vice-Chair For The Land Use And Development Committee; **2)** The Following Items: a. Discussion Of Potential Amendment To The Land Development Regulations Permitting Short Term Rentals Of Apartment Units Or Townhomes In A Specific Area District; b. Discussion Regarding Possible Expansion Of Bed And Breakfast Definition; **3)** Discussion Of An Amendment To Section 142-902 Of The Land Development Regulations, To Permit Additional Accessory Uses In Buildings Adjacent To, And Providing Access To A Public Baywalk.

ACTION:

Item No. 1:

Joint vote (2-0) Commissioner Wolfson nominated Commissioner Góngora as Chair and Commissioner Góngora nominated Commissioner Wolfson as Vice-Chair.

Item No. 2 a & b:

Item discussed, and continued to the February 25 Land Use and Development Committee meeting. (Note: The Committee instructed the Administration to start the February meeting at 2 p.m., placing this item last on the agenda).

Item No.3:

Item discussed, deferred indefinitely. The Committee advised the proponent for the ordinance to reach out to the surrounding neighborhood and build consensus before discussing this item again.

C6C Report Of The Finance And Citywide Projects Committee Meeting On February 18, 2010: **1)** Discussion Regarding The Basis Of Design Report (BODR) For The Lincoln Park Project With Funding Provided From The Previously Appropriated City Center RDA Funds; **2)** Discussion Regarding The Potential Garage Project And Joint Venture In The Collins Park Neighborhood; **3)** Discussion Regarding The Fiscal Impact Of Amending The City's Living Wage Ordinance To Revise The Minimum Wage Requirements; **4)** Discussion Regarding Temporary Storefront Signs; **5)** Discussion Regarding The City Of Miami Beach Endorsement Of Disability Awareness Day 2010; **6)** Discussion Regarding The Current Status Of The City's Planned Red Light Camera Program As Well As Use Of Funds Generated; **7)** Discussion Regarding The Issue Of Back-Billing Of Storm Equivalent Units.

ACTION: Item C6C (7) was separated for discussion by Commissioner Wolfson. The item was deferred to the April 14th Commission Meeting. Mayor Bower requested to place this item on the regular agenda. Lilia Cardillo to place on the Commission Agenda. Patricia Walker to handle.

Item No. 1:

The Committee recommended that the Basis of Design Report be refined and brought back to the full Commission.

City Clerk's Note: See Agenda Item R7E

Item No. 2:

Since no deal has been reached the Committee recommended that the item be brought to the March 25th Finance and Citywide Projects Committee meeting for a formal decision as to whether to continue or end negotiations.

Item No. 3:

The Committee recommended alternative 4A with fifty (50) percent of the increase in year one (1) and twenty-five (25) percent in years two (2) and three (3).

The Committee recommended that the item be brought to the March 25th Finance and Citywide Projects Committee.

The Committee decided not to pursue further analysis and back costs and Vice-Mayor Libbin withdrew his request.

Item No. 4:

The Committee recommended the item continue to be explored by staff, and appointed Commissioner Libbin as liaison to staff on this item.

City Clerk's Note: Richard Lorber to handle.

Item No. 5:

The Committee recommended that a letter be given to the Disability Awareness Committee members at the next meeting stating that they can raise funds as a private citizen.

City Clerk's Note: Duane Knecht to handle.

Item No. 6:

The Committee recommended the item be brought to the Commission.

The Committee recommended that the current contract with ACS be amended to provide for the following:

1. The current contractor/vendor, ACS, must (i) have eight (8) Designated Intersection approaches (from among the intersections identified in Exhibit "A" to the City's current contract with ACS, OR as said exhibit may be amended) constructed (i.e. "in the ground") ; AND (ii) Have cameras either functional or in the systems engineering and image quality assessment mode, in which the camera is able to produce images, not necessarily of the specified end quality both on or before March 10, 2010;
2. A liquidated damages provision shall be added providing that, in the event that ACS does not have an approach activated and operational within thirty (30) days from obtaining a City permit for that approach, then ACS shall be responsible for payment of liquidated damages to the city, in the amount of \$800.00 per day/per camera (to be verified by the City), until the approach is activated and operational; and
3. The definition of "Warning Period" shall be changed to mean the period up to and including April 1, 2010.

City Clerk's Note: See Agenda Item R7E

Item No. 7:

The Committee recommended the item be brought to the Commission and Administration continuing to collect monies owed.

City Clerk's Note: Patricia Walker to handle.

C6D Report Of The Capital Improvement Projects Oversight Committee Meeting On February 1, 2010: **1)** Attendance; **2)** Review and Acceptance of Minutes; **3)** Public Comments; **4)** Discussion Items: 4a) Residential Irrigation Sub-meter Process; **5)** Requested Reports: 5a) Status Report: Peak-flow Analysis Summary; 5b) Status Report: Wastewater Infiltration & Inflow; 5c) Construction Update: South Pointe Ph II Neighborhood Improvement Project; 5d) Status Report: South Pointe Ph III/IV/V Neighborhood Improvement Project; **6)** Old Business: 6a) CIP Project Status Report; 6b) Construction Update: Normandy Shores Neighborhood Improvement Project; 6c) Status Report: Venetian Islands Neighborhood Improvement Project; 6d) Status Report: Sunset Islands I & II; 6e) Status Report: Sunset Islands III & IV; 6f) Status Report: Royal Palm Avenue and 44th Street Flooding Mitigation; 6g) Status Report: Palm & Hibiscus Island Undergrounding; 6h) Status Report: Flamingo/West Avenue Neighborhood Improvement Project; **7)** Staff Action Report; **8)** Calendar; **9)** Adjournment.

ACTION:

ItemNo.1:

See attendance form at end of summary

ELEANOR CARNEY was welcomed to the Committee

Item No. 2:

MOTION: Acceptance of Minutes of the January 11, 2009 CIPOC Meeting

MOVED: Approved with changes S. Kilroy 2nd. E. Camargo

PASSED: Unanimous

Item No. 3:

No one came forward with items for Public Comment.

Item No. 4:

Procedures for obtaining a sub-meter for residential properties were included in the report in the agenda, but **Chair Saul Gross** was concerned that costs were not mentioned. The Public Works Department is working on developing a pamphlet for residents that will contain all the up-to-date information, including costs. This will be ready in time for construction to begin in the Bayshore neighborhood project (spring), which involves the relocation of water meters from the rear of properties to the right of way.

Dwight Kraai asked why the City would not allow the installation of a second meter directly to the water main, rather than to the first water meter. **Fred Beckmann**, Public Works Director, explained that the intent of the sub-meter was to measure water use that does not enter the sanitary sewer system. Mr. Kraai argued that the same thing could be accomplished with a second meter, not a sub-meter. Mr. Beckmann explained that this has been done in the past and the problem with that is that a cut has to be made into the main, whereas with a sub-meter, it is connected to the first meter only, avoiding the need for additional water main taps into the main line.

The City maintains the calibration of the meters, which are inspected regularly. Public Works also answers complaints if residents suspect that there is a leak in the line, a mis-calibration, or to determine if the leak is inside the property.

Item No. 5:

Status Report: Peak-flow Analysis Summary

Status Report: Wastewater Infiltration & Inflow

Both items 5a and 5b were presented by **Jason Johnson**, Senior Project Manager for CDM, the engineering consultant working with the City on the water and waste water system.

The sanitary sewer system is analyzed at pump station by pump station. The performance of each

station is determined based on how it performs in a two-year storm event. One question that was raised is whether aggressive lining of the system would prevent the need for an additional booster pump station. The City has lined 22% of the system, and could line the remaining 78% at a cost of \$36 million. This additional lining would not include the laterals to private property such as homes and restaurants. The lining of the entire system would *not* be cost-effective.

What has been called into question is the necessity of the Coast Guard Booster Pump Station. The study done by CDM analyzes the implications of either leaving the system as-is or adding the new Coast Guard Booster Pump Station. The system -- including the ten years of upgrades -- was designed to include the booster pump station. Hydraulic evaluation shows that the system currently functions under peak flow conditions, but the individual stations are not operating as efficiently as possible. The dependency of the booster pump station is now what is being taken into consideration.

Miami-Dade County Water and Sewer Department has also asked CDM to provide a risk-analysis and cost/benefit analysis study of the entire system and future considerations based on their plans for bringing the county-wide system into compliance. If the County only constructs Phase I of their plan, which is to replace the 36" force main to a deeper-placed 54" force main (under Government Cut and Fisher Island and on to Virginia Key), peak flow operation cannot continue indefinitely. Should the County construct Phase II of the plan, which includes a larger utility tunnel under Government Cut, the study shows that the booster pump would not be required. CDM recommends deferral of the Coast Guard Booster Pump Station in the short term, but to continue to evaluate the operation of the system as it relates to the connection with the County. There is time now to make an informed decision.

STAFF ACTION: Public Works is to provide the results of the CDM risk assessment and cost/benefit analysis to the Committee and Commission when the study is completed (approximately six months – target: September).

Dwight Kraai continues to ask for a number representing the percentage of total sewer I&I. Mr. Johnson explained that the I&I totals are derived by assessing the system basin by basin. Mr. Kraai wants a system wide percentage total. He said he has presented the City with his calculation, and has asked to be checked on that number. His complaint is that, to date, he has not been provided with that percentage.

Construction Update: South Pointe Ph II Neighborhood Improvement Project

Water Main testing occurred on the day of this meeting. After testing is complete, the contractor will flush the line, chlorinate, obtain water samples, and then will be ready to put down the first lift of asphalt. The procedures leading up to the asphalt placement should take three to four weeks, weather permitting, and is expected to be completed by the end of February. According to the project schedule, the project is expected to be completed in November.

Approximately two miles of piping has been installed, as well as 21 gravity wells and 128 drainage structures. There have been approximately two thousand email communications between residents and the Public Information Officer, many flyers and notices have been distributed and meetings have been held in an effort to communicate as effectively as possible with residents and business owners. As requested, an evaluation of the community outreach efforts was conducted and found to be satisfactory, and the project team is making concerted efforts to improve.

Status Report: South Pointe Ph III/IV/V Neighborhood Improvement Project

This project is currently out to bid. Deadline for receipt of bids is February 16, but actual evaluations may be delayed as the documents are still in permitting.

Christina Cuervo asked for a run-down of the items that had been revised by Chen and Associates, the Engineer of Record for the project. **Charlie Carreño**, CIP Director, listed what he could by memory. It includes but is not limited to roadway reconstruction, additional water mains, and the addition of pump stations.

Reducing Alton Road lane width below Fourth Street from 4 lanes to 2 lanes:

This item was proposed by the County and is not currently in the bid document, as the concept is still being evaluated. At this time it is unclear if this is to be added as a change order, included as an add-alternate item or rejected. Saul Gross commented that this issue was raised by residents in the area as a traffic calming measure.

New traffic signs, adjustments to the crosswalks and traffic signals have been incorporated into the revised plans. On Fourth Street, for example, the crosswalk is being moved 50 feet south, and signals will be moved as well. All of this will be presented when the Community Pre-construction is held. As soon as that date is established, the CIPOC will be informed as well as the community.

During the conversation on new water lines, **Fred Karlton** said that coupons should be taken and evaluated in all neighborhoods. A short discussion of how the City established the prioritized lines followed. The priorities are to upgrade fire safety water lines first, followed by those that were badly tuberculated and last would be the lines identified as "P-3" lines, which did not meet the criteria for replacement. Since cost was always a consideration, in neighborhood right-of-way projects that did not include the water lines that were identified as priority lines, water main replacement was not included. Saul Gross pointed out that Bill Goldsmith, who worked with the team on revising the plans for the South Pointe Phase III/IV/V project, is in favor of replacing all water lines in any neighborhood where the street is being torn up. All of the water lines in the South Pointe Ph III/IV/V neighborhood will be replaced.

Rick Kendle suggested establishing a sub-committee to look at the policy pertaining to water main prioritizing. Saul Gross suggested that this be addressed through the Committee at regular meetings. He acknowledged that the Normandy Shores Neighborhood is one that did not get water main upgrades because the lines did not meet criteria, and now the City is looking into water main replacement before final asphalt is put down.

STAFF ACTION: Include in the next meeting agenda an analysis of the cost and bonding capacity of including non-priority water line replacement for the remaining seven neighborhoods to get improvements.

Stacy Kilroy asked how stormwater "hot spots" (areas within non-priority basins that experience flooding or significant standing water after normal rains) were identified. **Carla Dixon**, Capital Projects Coordinator for the South Pointe Neighborhood Improvement

Projects, replied that they were identified based on several methods including historical data, anecdotal information, site surveys, and documentation from EnviroWaste, the company that performs the storm drain clean-outs for the City.

Item No. 6:**CIP Project Status Reports****Construction Update: Normandy Shores Neighborhood Improvement Project**

STAFF ACTION: Include a printout of a GIS map showing the various water lines and their priority status and additional relevant statistical information, such as age and cost to replace, to the next CIPOC meeting. Also provide, if necessary, a live GIS presentation of the lines.

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****Status Report: Palm & Hibiscus Undergrounding****Status Report: Flamingo Neighborhood Improvement Project****Discussion Item: Sub-Committee functions and Organization**

Item No. 7:

Nothing

Item No. 8:

The next meeting of the Capital Improvement Projects Oversight Committee will be held at 5:30pm, Monday, March 8, 2010 in Commission Chambers.

Item No. 9:

The meeting was adjourned at 7:41 pm.

C6E Report Of The Land Use And Development Committee Meeting On February 25, 2010: **1)** RFLI For Parking Garage In The North Beach Town Center; **2)** Ordinance Amendment – Expanding The Use Of Parking Impact Fees (Fee In-Lieu Of Providing Parking) Monies To Have More Flexibility An Ordinance Amending Chapter 130 Of The City Code, “Off-Street Parking,” Article V, “Parking Impact Fee Program,” By Expanding The Scope Of Projects Able To Be Funded By The Program To Include Transportation And Mobility Related Improvements And Programs, By Making Minor Changes In Language To Reflect That The Program Is A Fee-In-Lieu Of Providing Parking, And Providing For Repealer, Nonseverability, Codification, And An Effective Date; **3)** a. Discussion Of Potential Amendment To The Land Development Regulations Permitting Short Term Rentals Of Apartment Units Or Townhomes In A Specific Area District; b. Discussion Regarding Possible Expansion Of Bed And Breakfast Definition; **4)** Discussion Regarding The Pending Ordinance To Permit Entertainment In The Sidewalk Café Permit Area At 1200 Ocean Drive; **5)** Referral To The Land Use And Development Committee: Discussion Of A Proposed Historic District Buffer Overlay Zoning District For The Alton Road Corridor; **6)** An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 82, “Public Property,” Article IV, “Uses In Public Rights-Of-Way,” Division 6, “Prohibited Signs Over Public Property,” Section 82-414 “Permitted Signs, Shelters And Advertising In Public Rights-Of-Way”, To Permit Advertising On Rental Bicycles As Part Of A City Bike Sharing Program; Providing For Codification, Repealer, Severability And An Effective Date.

ACTION: Approved via Consent Agenda. See Corrections Sheet.

Item No 1:

Weithorn/Góngora (vote 2-0) David Kelsey, Daniel Veitia, and Mark Weithorn all spoke about the importance of a public garage in North Beach. The Committee recommended that the City go forward with an RFLI for a broader North Beach area than just the Town Center area, but with preference given to the Town Center location.

City Clerk’s Note: Gus Lopez to handle

Item No. 2:

Weithorn/Góngora (vote 3-0). The Committee recommended that the ordinance be approved, with one modification, adding language that transit operational funding eligible for these expenditures be only for newly introduced routes and programs, and not to replace other previous funding sources.

City Clerk’s Note: See Agenda Item R5C

Item No. 3:

Wolfson/Weithorn (vote 3-0). Residents of the Flamingo Park neighborhood spoke, expressing support for the ordinance, and frustration with illegal short term rentals in their neighborhood. Alexandra Deas, representing Eric Harari, expressed her clients support for the proposed ordinance, and requested that the provision for enforcement and penalties be revised to harmonize with the existing City noise ordinance penalties. David Custin spoke against the ordinance. The Committee recommended approval of the ordinance with the removal of Whereas Clauses #6 and #12, the

inclusion of language clarifying that notwithstanding the codification of the six month minimum rental period for areas which do not permit transient occupancy, other neighborhoods may be added to these provisions permitting limited short-term rental in the future by City Commission action, and directed staff to clean up language in subheading #8 to address inconsistencies with the number of violations allowed per day, and deleting references to the City's Commercial Use Ordinance.

City Clerk's Note: Richard Lorber to handle

Item No. 4:

Góngora/Weithorn (vote 2-0). The matter was discussed and public testimony was taken from residents of the neighborhood and employees of the Palace Bar. John Shubin, attorney representing the next door Tides Hotel, spoke about his clients concerns with the performances on the sidewalk area. The Committee recommended that Option "A", the version of the proposed ordinance which requires Planning Board approval, be approved, with a recommendation to the Planning Board approval, be approved, with a recommendation to the Planning Board that this is the desired policy.

City Clerk's Note: At the Commission Meeting (see Corrections), Item No. 4 of the report was amended to reflect that the motion was to send both options forward, not just option A. **Richard Lorber to handle.**

Item No. 5:

Weithorn/Góngora (2-0). The Committee discussed the proposed ordinance with Joyce Meyers of the Planning Department. Staff explained how due to changes in the scope of the ordinance, it was determined that the item needed to go back through the Planning Board with 30 day mailed notice. The Committee recommended that the ordinance be approved, and indicated that it didn't need to come back to the Land Use and Development Committee unless there was a major material change made by the Planning Board.

City Clerk's Note: Richard Lorber to handle.

C7 - Resolutions

C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Submit The Following Applications: 1) Transportation Enhancement Funds From Miami-Dade County's Metropolitan Planning Organization For Funding In An Amount Not To Exceed \$1,000,000 For Phase 2 Of The Middle Beach Recreation Corridor; 2) National Endowment For The Arts For Funding In An Amount Not To Exceed \$100,000 For The City's "Mermaid" Sculpture; 3) American Recovery And Reinvestment Act Funding Through The United States Department Of Commerce For The Broadband Technology Opportunity Program In An Amount Not To Exceed \$5 Million For The City's Broadband Initiative; 4) Florida Inland Navigation District For Funding In An Amount Not To Exceed \$1,000,000 For The Construction Phase Of South Pointe Pier, And For Funding In An Amount Not To Exceed \$200,000 For The City's Seawall Improvement Project; And, 5) Retroactively, To The State Of Florida, Department Of Health, For Funding In An Amount Not To Exceed \$15,000 For Equipment Related To Pre-Hospital Emergency Services; Appropriating The Above Funds, If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents Related To These Applications.

(Budget & Performance Improvement)

ACTION: Resolution No. 2010-27339 adopted. Patricia Walker to appropriate the funds if accepted by the City. Judy Hoanshelt to handle.

11:10:37 a.m.

C7B A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Qualifications (RFQ) No. 10-09/10, For Planning, Design, Bid, Award And Construction Administration Services For The Property Management Facility Project; And Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm, Wolfberg Alvarez; And 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, Zyscovich; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Authorizing The Administration To Negotiate An Agreement With The Third-Ranked Firm, Borrelli & Partners.

(Procurement/Capital Improvement Projects)

ACTION: Resolution No. 2010-27340 adopted. Charles Carreño to handle.

Mayor Bower stated that this item is the first step in the process to move Property Management from Flamingo Park.

Commissioner Tobin stated that from time to time the performance of different contractors and sub-contractors has been questioned. He has discussed with the City Manager possible methods to keep track of non-performing contractors. City selection committees have no knowledge that a contractor may not have performed in a manner acceptable to the City.

Jorge Gonzalez, City Manager, stated that the City provides references from other sources to evaluation committees, but does not provide the City's own experiences with a contractor. **Gus Lopez to handle.**

Commissioner Wolfson stated that after the project is completed to consider having the selection committee evaluate and rate the work.

C7C A Resolution Approving And Authorizing The Transfer Of \$157,000 In Unused Funds From Account Number 480-2448-061357 For Design, To Account Number 480-2448-069357 For Construction, To Fund Construction Activities For The Interior Build-Out Of The City Owned 30,000 SF Of Tenant Space In The Multi-Purpose Parking Facility (City Hall Garage) Pursuant To The Construction Contract Between The City And Link Construction Group Inc., With Funding From Previously Appropriated Funds From FY 06/07 Capital Budget In The Parking Operating Fund 480.

(Capital Improvement Projects)

ACTION: Resolution No. 2010-27341 adopted. Patricia Walker and Charles Carreño to handle.

C7D A Resolution Approving A Preconstruction Application For Historic Ad Valorem Tax Exemption For A Single-Family Property At 4431 Alton Road, And Authorizing The Miami-Dade County Property Appraiser's Office To Grant This Tax Exemption For The City's Portion Of Ad Valorem Property Taxes For Qualifying Improvements To The Subject Property Following Substantial Completion Of The Project And Compliance With Certain Conditions.

(Planning Department)

ACTION: Resolution No. 2010-27342 adopted. Richard Lorber to handle.

- C7E A Resolution Adopting And Appropriating The First Amendment To The Police Confiscation Trust Fund Budget For Fiscal Year 2009/10 In The Amount Of \$6,161 To Be Funded From The Proceeds Of State Confiscated Funds.

(Police Department)

ACTION: Resolution No. 2010-27343 adopted. Patricia Walker to appropriate the funds. Chief Noriega to handle.

11:15:16 a.m.

- C7F A Resolution Approving And Authorizing The City Manager Or His Designee To Respond To A Request For Information (RFI) By Google, Inc., For Consideration Of Miami Beach As A Trial Location For Development Of An Ultra-High Speed Broadband Network.

(Economic Development)

ACTION: Resolution No. 2010-27344 adopted. Kevin Crowder to handle.

Commissioner Exposito thanked the Administration for moving on this item so quickly. He stated that he has spoken with the New World Symphony and Global Spectrum and they are willing to provide assistance if needed. This is a fantastic opportunity for the City of Miami Beach.

- C7G A Resolution Approving The Realignments Of The South Beach Local Route Extensions To Belle Isle And Collins Park As Requested By Community Representatives Of Each Respective Neighborhood, And Request The Implementation Of The Realignments By Miami-Dade Transit, As Part Of The June 2010 Bus Route Selection Process.

(Public Works)

ACTION: Resolution No. 2010-27345 adopted. Fred Beckmann to handle.

- C7H A Resolution Authorizing The Mayor And City Clerk To Appropriate Funds In The Amount Of \$496,498 To Establish Water Main Fire Flow Redundancy Outside The Neighborhood Improvements Program Along Collins Avenue From 41st To 44th Streets; From The 2010 Water And Sewer Bonds.

(Public Works)

ACTION: Resolution No. 2010-27346 adopted. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

- C7I A Resolution Approving And Authorizing The City Manager To Issue A Time-Limited Certification Of Consistency With The City's Consolidated Plan To The Housing Authority Of The City Of Miami Beach (HACMB) For Its Five-Year And Annual Plan For Fiscal Year 2010, To Be Submitted By HACMB To The U.S. Department Of Housing And Urban Development (U.S. HUD).

(Real Estate, Housing & Community Development)

ACTION: Resolution No. 2010-27347 adopted. Anna Parekh to handle.

- C7J A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Neighborhood Stabilization Program 1 (NSP1) Agreement, Dated January 27, 2010, Between The City And Miami Beach Community Development Corporation (MBCDC); Said Amendment Approving A One Time Only Assignment Of The Madeleine Apartments, Located At 7871-7861 Crespi Boulevard (The Property, Acquisition And Rehabilitation Of Which Property Is Funded By NSP1 Funds Under The Forestatic Agreement, In The Amount Of \$2,376,181.53) From MBCDC To MBCDC: Madeleine Village, LLC, A Limited Liability Corporation Whose Sole Member (Agent) Is MBCDC. Further Approving And Authorizing The City Manager And City Clerk To Amend The Mortgage And Security Agreement To Reflect An Increase In The Affordability Period From Fifteen (15) Years To Thirty (30) Years.

(Real Estate, Housing & Community Development)

ACTION: Resolution No. 2010-27348 adopted. Anna Parekh to handle.

- C7K A Resolution Approving An Amended And Restated Agreement Between The City And Dennis Alan Richard (As Testamentary Devisee Under The Will Of John Bass, On Behalf Of John And Johanna Bass), Which New Agreement Replaces And Supercedes The 1963 Agreement (And All Amendments Thereto) Between The City And John And Johanna Bass, And Hereinafter Sets Forth The Parties' Respective Rights And Obligations With Respect To The Continued Administration, Operation And Maintenance Of The John And Johanna Bass Collection At The Bass Museum Of Art; Provided Further That The City And Mr. Richard Shall Not Execute And Effectuate The Said New Agreement Until Such Time As 1) The Friends Of The Bass Museum, Inc. Approves Its New By-Laws, Which By-Laws, In Part, Will Formally Rename The Friends To The Bass Museum Of Art, Inc.; And 2) The Transition From The Friends (And The Current Bass Museum Board Of Directors) To The Bass Museum Of Art, Inc., As The Intended New Governing Entity Of The Bass Museum, Is Accomplished.

(Tourism & Cultural Development)

ACTION: Resolution No. 2010-27349 adopted. Max Sklar to handle.

11:05:04 a.m.

Jorge Gonzalez, City Manager, explained the item and recognized Dennis Richard, George Lindemann, Joyce Kaiser, and Silvia Cubina.

Jorge Lindemann spoke.

Dennis Richard spoke.

Joyce Kaiser spoke.

Silvia Cubina spoke.

- C7L A Resolution Retroactively Accepting And Appropriating Contributions From The South Florida Super Bowl Host Committee, Ocean Drive Association And Motorola, Incorporated In An Amount Not To Exceed One Hundred And Eight Thousand Dollars (\$108,000) Toward The Costs Associated With The Closure Of Ocean Drive During Super Bowl XLIV.

(Tourism & Cultural Development)

ACTION: Resolution No. 2010-27350 adopted. Patricia Walker to appropriate the funds. Max Sklar to handle.

- C7M A Resolution Authorizing The City Of Miami Beach To Submit An Application For Funding To The U.S. Department Of Homeland Security On Behalf Of Mount Sinai Medical Center For The Storm Surge Emergency Power Protection Project; Directing The City Manager To Sign All Corresponding Documents For The Submission Of The Application; And Acknowledging The Retained Accountability By The City Of Miami Beach For Those Funds That Are Awarded To The Project.
(Economic Development)

ACTION: Resolution No. 2010-27351 adopted. Kevin Crowder to handle.

- C7N Agency Account For Additional Two-Percent (2%) Employee Contribution
1. A Resolution Retroactively Authorizing The Administration To Create An Agency Account For The Purposes Of Holding The Additional Deduction Of Two-Percent (2%) Of Earnings For The Employee Pension Contribution For All Employees Covered By The Government Supervisors Association Of Florida/OPEIU Local 100, Who Participate In The Miami Beach Employees' Retirement Plan (MBERP), Effective With The Pay Period Beginning On January 18, 2010 And Shall Continue For One (1) Twelve (12) Month Rolling Period.

ACTION: Resolution No. 2010-27352 adopted. Ramiro Inguanzo to handle.

2. A Resolution Retroactively Authorizing The Administration To Create An Agency Account For The Purposes Of Holding The Additional Deduction Of Two-Percent (2%) Of Earnings For The Employee Pension Contribution For All Employees Not Covered By A Bargaining Unit And Known As The Groups "Unclassifieds" And "Others", Who Participate In The Miami Beach Employees' Retirement Plan (MBERP), Effective With The Pay Period Beginning On January 18, 2010 And Shall Continue For One (1) Twelve (12) Month Rolling Period.
(Human Resources)

ACTION: Resolution No. 2010-27353 adopted. Ramiro Inguanzo to handle.

End of Consent Agenda

REGULAR AGENDA

R2 - Competitive Bid Reports

6:57:10 p.m.

- R2A Request For Approval To Award A Contract To SSE & Associates, Inc. Pursuant To Invitation To Bid No. 14-09/10, For The Miami Beach Convention Center Airwall Repairs, Replacement, And Re-Covering In The Amount Of \$1,243,542.59.
(Procurement/Tourism & Cultural Development)

ACTION: Motion made by Commissioner Góngora; seconded by Commissioner Exposito; Voice vote: 6-0; Absent: Commissioner Weithorn. Max Sklar to handle.

Jorge Gonzalez, City Manager, introduced the item.

R5 - Ordinances**11:20:03 a.m.**

R5A Bicycle Advertising

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 82, "Public Property," Article IV, "Uses In Public Rights-Of-Way," Division 6, "Prohibited Signs Over Public Property," Section 82-414 "Permitted Signs, Shelters And Advertising In Public Rights-Of-Way", To Permit Advertising On Rental Bicycles As Part Of A City Bike Sharing Program; Providing For Codification, Repealer, Severability And An Effective Date. **10:20 a.m. Second Reading Public Hearing**

(Parking Department)
(First Reading on February 3, 2010)

ACTION: Public Hearing held. Ordinance No. 2010-3674 adopted. Motion made by Vice-Mayor Libbin; seconded by Commissioner Góngora; Ballot vote: 6-0; Absent: Commissioner Weithorn. Robert Parcher to transmit to Municipal Code. Saul Frances to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 598

11:24:18 a.m.

R5B An Ordinance Amending Ordinance No. 1335, The Classified Employees' Leave Ordinance, By Amending The Provisions For Accumulation And Payment Of Annual And Sick Leave For The Government Supervisors Association Of Florida/OPEIU, Local 100, Providing For A Repealer, Severability, And An Effective Date. **10:30 a.m. Second Reading Public Hearing**

(Human Resources)
(First Reading on February 3, 2010)

ACTION: Public Hearing held. Ordinance No. 2010-3675 adopted. Motion made by Commissioner Góngora; seconded by Commissioner Exposito; Ballot vote: 6-0; Absent: Commissioner Weithorn. Robert Parcher to transmit to Municipal Code. Ramiro Inguanzo to handle.

Jorge Gonzalez, City Manager, introduced the item.

Commissioner Tobin stated that he attended a four day seminar on collective bargaining in the public sector. He found out that Ramiro Inguanzo, Human Resources Director, is very knowledgeable and he feels comfortable since Ramiro agrees with this item.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 598

11:30:38 a.m.**R5C Fee-In-Lieu Of Providing Parking**

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 130, "Off-Street Parking," Article V, "Parking Impact Fee Program," Clarifying That This Is A Fee In-Lieu Of Providing Parking, And Permitting More Flexibility In The Use Of Fees Collected By The City As Part Of This Program By Allowing Funds Collected By This Program To Be Used For Alternative Transportation And Mobility Projects In Addition To Construction Of Parking Garages; Providing For Codification, Repealer, Severability And An Effective Date. **10:40 a.m. Second Reading Public Hearing**

(Planning Department)

(First Reading Public Hearing On January 13, 2010)

ACTION: Public Hearing held. Ordinance No. 2010-3676 adopted. Motion made by Vice-Mayor Libbin; seconded by Commissioner Góngora; Ballot vote: 5-1; Opposed: Commissioner Wolfson; Absent: Commissioner Weithorn. Robert Parcher to transmit to Municipal Code. Richard Lorber to handle.

Jorge Gomez, Assistant City Manager, introduced the item.

Discussion held.

Commissioner Wolfson stated that they are deviating from a priority in the middle of funding and added that he believes this is a huge error. There needs to be a parking structure in or around 71st Street to spur the revitalization of the area. The vision and number one priority was to provide parking in the area and now impact fee dollars will be used for another purpose.

Discussion continued.

Commissioner Tobin gave a brief explanation of the impact fee and stated that the question that needs to be studied is will building a big parking garage stimulate growth and traffic in the North Beach area. He questioned the fact that a parking garage will stimulate growth.

Gil Zriny spoke.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 598

11:50:29 a.m.

R5D An Ordinance Amending Chapter 70 Of The Miami Beach City Code Entitled "Miscellaneous Offenses"; By Amending Article III, Entitled "Graffiti"; By Amending Division I, Entitled "Generally"; By Amending Section 70-126, Entitled "Responsibility Of Property Owner(s) To Remove Graffiti; Graffiti Removal And Notice; Enforcement" By Amending The Responsibilities Of Property Owners With Regard To The Abatement Of Graffiti And Amending Enforcement Provisions; Providing For Repealer; Severability; Codification; And An Effective Date. **10:50 a.m. Second Reading Public Hearing**

(Code Compliance)

(Continued from January 13, 2010)

ACTION: Public Hearing open and continued to April 14, 2010 at 10:50 a.m. Motion made by Vice-Mayor Libbin; seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Commissioner Weithorn. Lilia Cardillo to place on the Commission Agenda. Hilda Fernandez to handle.

11:51:32 a.m.

R5E Consultant Review Fee Ordinance

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

11:00 a.m. Second Reading Public Hearing

(Planning Department)

(First Reading on February 3, 2010)

ACTION: Public Hearing held. Ordinance No. 2010-3677 adopted as amended and referring items 2, 3 and 4 submitted by Dr. Morris Sunshine to the Land Use and Development Committee and then to the Planning Board. Motion made by Commissioner Wolfson to approve the ordinance as amended; seconded by Commissioner Góngora; Ballot vote: 7-0. Richard Lorber to place on the committees agendas. Robert Parcher to transmit to Municipal Code. Richard Lorber to handle.

Ordinance

Motion made by Commissioner Wolfson to approve the ordinance with the following amendment: that in Sec 118-6 (iii) paragraph (D) substitute the word "may" with "shall"; seconded by Commissioner Exposito; Voice vote: 7-0.

Amendments:

- 1) On Section 118-6 (d) (ii)- changing the word "may" to "shall."
- 2) 118-6(d)(iv): If an applicant elects to prepare a required study/report using its own consultant, ~~but there is either insufficient time and/or expertise available among the City staff charged with reviewing the required report/study, then the City in its sole discretion shall~~ may retain a consultant from the City's approved list having the necessary expertise and/or time to review the study/report.
- 3) Look back at the effect of this ordinance in one year.

End

Referral:

Motion made by Commissioner Tobin to:

- 1) Refer items 2, 3 and 4, (recommendations submitted by Dr. Morris Sunshine), to the Land Use and Development Committee first and then to the Planning Board; seconded by Commissioner Góngora; Voice vote 7-0. Richard Lorber to place on the committees agendas and to handle.

2. All technical reports, including those submitted as part of a progress report hearing, shall be in writing

3. Technical reports shall be submitted to the Planning Department at least 10-days before the land use board meets to deal with that case

4. Authors of technical reports shall accompany any technical reports they submit to a board in order to answer questions from the members of the land use board, the city staff, or the public

End

Richard Lorber, Acting Planning Director introduced the item.

Dr. Sunshine spoke.

Rose Barco spoke.

Jo Manning spoke.

Gil Zriny spoke.

Discussion continued.

Motion made by Commissioner Wolfson to substitute the word “may” to “shall” in Sec 118-6 (iii) paragraph (D); seconded by Commissioner Tobin. Discussion continued.

Commissioner Góngora suggested leaving the word “shall” for noise issues and using the word “may” for non-noise or other issues.

Jorge Gonzalez, City Manager, stated that traffic should also be included.

Discussion continued.

Commissioner Wolfson stated that he will accept an amendment that if the City staff does the review that the City gets reimbursed, and include a second look back provision in a year.

Discussion continued.

Commissioner Tobin stated his motion would be the same issue except only for noise and traffic.

Jorge Gonzalez, City Manager, suggested the following amendment on 118-6(d)(ii) “.... The applicant shall be responsible for all costs associated with the City’s ~~consultant~~ review, and shall pay for the costs associated with the City’s ~~consultant~~-review prior....”. Although accepted by Commissioner Wolfson it was later determined based on the final motion that this amendment is not needed.

Motion made by Commissioner Tobin to refer items 2, 3 and 4, (recommendations submitted by Dr. Morris Sunshine), to the Land Use and Development Committee first and then to the Planning Board; seconded by Commissioner Góngora; Voice vote 7-0. Richard Lorber to place on the committees agendas and to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 598
2. Dr. Sunshine’s handout titled: Comments by Morris Sunshine. Agenda item R5E
3. Commission Memorandum (Supplemental) dated March 10, 2010 Ordinance Amendment – Expanding the use of Parking Impact Fees (Fee In-Lieu Of Providing Parking) Monies To Have More Flexibility

6:22:42 p.m.

R5F An Ordinance Amending Chapter 18 Of The Miami Beach City Code Entitled "Businesses," By Amending Article XV, Entitled "Street Performers And Art Vendors" By Amending Section 18-901, Entitled "Definitions," By Expanding Geographical Definitions And Areas Relating To Street Performers And Artist Vendors; By Amending Section 18-903, Entitled "Artist Vendor Certificate Required," By Amending The Provisions Regarding Fees, Certificate Requirements, Administrative Rules, And The Procedures For The Processing Of Applications; By Amending Section 18-905, Entitled "Permit Application," By Amending The Provisions Regarding Fees, And Amending The Procedures Relative To Permits And Lotteries; By Amending Section 18-906, Entitled "Regulations And Prohibitions" By Amending The Provisions Concerning Lottery Procedures, Zone Locations, Expanding The Number Of Zones And Providing For Multiple Permits For Zone Locations Pursuant To The Administrative Rules, And Amending Provisions Regarding The Maintenance Of Artist Vendor Or Street Performer Zones; By Amending Section 18-909, Entitled "Disclaimer, Display, And Expiration Permit Or Certificate" To Correct A Typographical Error And To Require That Permits Be Displayed At The Permittees' Tables; Providing For Repealer, Severability, Codification, And An Effective Dates. **11:15 a.m. Second Reading Public Hearing**

(Code Compliance)

(First Reading on February 3, 2010)

ACTION: Public Hearing held. Ordinance No. 2010-3678 adopted. Motion made by Commissioner Góngora; seconded by Commissioner Exposito; Ballot vote: 6-0; Absent: Commissioner Weithorn. Robert Parcher to transmit to Municipal Code. Patricia Walker and Alex Rey to handle.

David Possin spoke.

6:28:54 p.m.

R5G An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 2 Thereof By Creating Section 2-463 Entitled "Prohibition Of Certain Post-Service/Employment Relationships" Prohibiting Certain Post-Service/Employment Activity Of Members Of City Commission And City Employees For A Period Of Two Years After Leaving City Service/Employment; Providing For Penalties; Repealer, Severability, Codification And Effective Date. **11:30 a.m. Third Reading Public Hearing**

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

(Continued from December 9, 2009)

ACTION: Ordinance not approved. Motion made by Commissioner Tobin; no second offered.

Jose Smith, City Attorney, explained the proposed ordinance by Commissioner Diaz.

Motion made by Commissioner Tobin. No second offered. The motion died for lack of a second.

5:54:33 p.m.

R5H An Ordinance Amending Section 90-230 Of Chapter 90 Of The City Code, Entitled "Solid Waste;" Said Amendment Increasing The Term Of The City's Franchise Waste Contractors/Franchise Waste Contractor Agreements From Three (3) To Five (5) Years; Amending Section 90-231, Entitled "Recycling Requirements For Franchise Waste Contractors; Protest Procedures;" And Further Amending Various Non-Substantive Definitions And Terms Throughout Chapter 90 To Update And Clarify Same (As Well As Deleting Various Definitions And Terms For The Same Corresponding Purposes Of Update/Clarification); And Providing Further For Codification, Severability, And An Effective Date. **First Reading**

(City Manager's Office)

ACTION: Ordinance approved on first reading as amended. Motion made by Commissioner Wolfson approving the Ordinance with the Sustainability Committee recommendations 1, 2 and 4 ; seconded by Commissioner Góngora; Ballot vote: 6-0; Commissioner Weithorn recused herself. Second Reading and Public Hearing scheduled for April 14, 2010. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Fred Beckmann to handle.

Commissioner Góngora referred the Richfield Equities presentation to the Sustainability Committee; seconded by Commissioner Wolfson; Voice vote 6-0; Commissioner Weithorn recused herself. Fred Beckmann to place on the committee agenda.

Amendments:

A. Sustainability Committee Recommendations:

- 1) The Committee recommended that franchise contracts include language that clearly stipulates that the County Code requires a recycling program to be in place and further that the client may save money by recycling.

NOTE: This recommendation is a minor alteration of existing language in the Ordinance that requires all waste haulers to offer recycling to all of their accounts and to disclose in that offer a tangible dollar savings attributable to implementing the offer of recycling.

- 2) The Committee recommended that there be three (3) single stream recycling drop off locations for general community use in South, Middle and North Beach.

NOTE: This recommendation was accepted by the waste haulers present at the Sustainability Committee meeting. If the City can develop the sites and have the sites permitted by DERM they will accept responsibility for providing the containers and servicing the containers. This recommendation is most appropriately done in the Service Agreement which will be presented for City Commission action for each of the franchise haulers at the regular meeting of the City Commission in April, at which time the Second Reading of the Ordinance dealing with waste hauler provisions will be considered by the Commission.

- 4) The Committee recommended to the City Commission that a portion of the funds that will be received from each of the franchise haulers be placed in a sustainability fund, to be used by of the City be used to hire an environmental officer/facilitator.

NOTE: The Committee members anticipated that the environmental officer/ Facilitator would be involved in enforcement activities within the community, which are currently not provided for within our City Code. At present, enforcement for recycling is exclusively provided by the County. The Commission may also wish to consider this position and the function in light of the overall budget (as it is developed later in this fiscal year).

- B. Legal Departments Amendment: Creating section 90-235 incorporating the Required Certification Disclosure Franchise Waste Customers form

End

Commissioner Weithorn announced her recusal.

Robert Middaugh, Assistant City Manager, introduced the item.

Raul Aguila, Deputy City Attorney, explained the "Disclosure and Certification for City of Miami Beach Customers" form. He suggested on second reading the creation of section 90-235 incorporating the Required Certification Disclosure Franchise Waste Customers Form. **Legal Department to handle.**

Commissioner Libbin suggested that the franchisee send the City a copy of the form. **Legal Department to place language in the ordinance.**

Commissioner Wolfson stated that the Sustainability Committee was adamant that the \$75,000 be used on sustainability related items and he doesn't necessarily agree because there will be up to \$275,000 coming back to the City over time for sustainability issues. He added that the \$75,000 was set aside for the IB program.

Discussion continued.

Motion made by Commissioner Wolfson to move the item and to approve recommendations numbers 1, 2 and 4; seconded by Commissioner Góngora.

Jorge Gonzalez, City Manager, answering the Mayor's question regarding the \$275,000, he stated that its usage has not yet been determined, except that there was a recommendation to hire someone to help enforce the ordinance.

Commissioner Góngora stated that the Sustainability Committee needs to develop a commercial recycling ordinance.

Mr. Jawad, representing Richfield Equities, spoke.

Dr. Fred Hambleton, representing Richfield Equities, spoke.

Mayor Bower suggested that Mr. Hambleton makes his presentation in front of the Sustainability Committee and she will attend the meeting and ask all her questions. She also requested Commissioner Wolfson's aide to contact Mr. Hambleton regarding the Sustainability Committee meeting date.

Commissioner Góngora referred the Richfield Equities presentation to the Sustainability Committee; seconded by Commissioner Wolfson; Voice vote 6-0; Absent: Commissioner Weithorn. Fred Beckmann to place on the committee agenda.

Handout or Reference Materials

1. Form 8B filed by Commissioner Weithorn
2. Addendum For Solid Waste Collection And Disposal Service Agreements- Disclosure and Certification For City of Miami Beach, Florida Customers.

6:31:14 p.m.

R5I An Ordinance Amending Chapter 86 Of The Miami Beach City Code Entitled "Sales," By Amending Article III, Entitled "Non-Profit Vending And Distribution," By Amending Division 1, Entitled "Generally," By Amending Section 86-141, Entitled "Definitions," By Amending The Definition Of Message-Bearing Merchandise; By Amending Section 86-143, Entitled "Area Reserved For Non-Profit Vending And Distribution," By Clarifying Permit Requirements And Amending The Provisions Regarding The Relocation Or Suspension Of Non-Profit Vending Under Certain Circumstances; By Amending Section 86-145, Entitled "Prohibitions," By Amending The Activities And Actions Prohibited By A Permit Holder; By Amending Section 86-148, Entitled "No Permit; Penalty," By Amending The Activities Prohibited Without A Permit; By Amending Section 86-152, Entitled "Disclaimer, Display, And Expiration Of Permit," By Creating Provisions And Requirements Regarding The Content Of Permits And Display Requirements; By Amending Division II Of Chapter 86, Entitled "Permit," By Amending Section 86-172, Entitled "Application," By Amending Requirements Relative To The Content Of Permit Applications; By Amending Section 86-173, Entitled "Processing Fee," By Amending The Requirements For Processing Fees For Permits; By Amending Section 86-174, Entitled "Administrative Rules," By Amending The Provisions Regarding Administrative Rules And Setting Forth Fines And Penalties For Non-Compliance With The Administrative Rules; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(City Manager's Office)

ACTION: Ordinance approved on first reading as amended. Motion made by Vice-Mayor Libbin; seconded by Commissioner Tobin; Ballot vote: 6-0; Absent: Commissioner Weithorn. Second Reading and Public Hearing scheduled for April 14, 2010. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to research.

Possible Amendments

1. Research and bring back suggestions on how to govern the number of applications any one entity can submit
2. Research reviewing the product to make sure it complies with the non-profit message

End

Hilda Fernandez, Assistant City Manager, explained the item.

Jose Smith, City Attorney, clarified that any first amendment message to be conveyed, whether religious or cultural, if it has to do with first amendment, it will fall into the ordinance.

Discussion held.

Monica Entin, Esq, spoke.

Vice-Mayor Libbin requested that the Administration look into it and bring back suggestions on how to govern the number of applications an entity can submit. **Hilda Fernandez to handle.**

Discussion continued.

Mayor Bower asked that vendors bring and show what they are going to sell.

Handout or Reference Materials:

1. Five double sided color photographs of T-shirts with various messages

R7 - Resolutions**11:21:07 a.m.**

R7A A Resolution Approving On Second Reading (And Final Approval), Following A Duly Noticed Public Hearing, A Lease Agreement Between The City And MDGLCC Foundation, Inc., For Use Of Approximately 2,543 Square Feet Of City-Owned Property, Located At 1130 Washington Avenue, 1st Floor North, Miami Beach, Florida; Said Lease Having An Initial Term Of Three Years, With Two Additional Three Year Renewal Terms, At The City's Sole Discretion; Authorizing The Mayor And City Clerk To Execute The Lease Agreement. **10:15 a.m. Second Reading Public Hearing**
(Real Estate, Housing & Community Development)
(First Reading on February 3, 2010)

ACTION: Title of the resolution read into the record. Public Hearing held. Resolution No. 2010-27354 adopted. Motion made by Vice-Mayor Libbin; seconded by Commissioner Góngora; Voice vote: 6-0; Absent: Commissioner Weithorn. Anna Parekh to handle.

Steve Adkins announced that on April 15th there will be an event at their new location and everyone is invited.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 597

11:17:02 a.m.

R7B A Resolution Approving, Following Duly Noticed Public Hearings, The Placement Of Four (4) Memorial Plaques On Park Benches In The Washington Avenue Dog Park, Located At 225 Washington Avenue, Miami Beach, Florida, In Honor Of Sheldon & Susan Kruger (Parents Of Stacey Kruger) And Lorraine Bolowich, (Mother Of Jackie Lalonde), And Dogs Owned By Tony A. Trujillo And Mr. And Mrs. Larry Wyman, All In Accordance With Section 82-504 Of The Miami Beach City Code; Accepting The Arts In Public Places (AIPP) Committee's Recommendations Regarding The Memorial Plaques At The Committee's February 23, 2010 Meeting; And Further Authorizing The Acceptance Of Donations From Jackie Lalonde, Stacey Kruger, Tony A. Trujillo, And Mr. And Mrs. Larry Wyman (South Pointe Neighborhood Residents) In The Amount Of \$3,000 Each, For A Total Of \$12,000, To Be Added To The Washington Avenue Dog Park Budget For The Purchase Of The Four (4) Park Benches And Other Improvements To The Dog Park. **10:50 a.m. Public Hearing**
(Parks & Recreation)

ACTION: Four (4) separate Public Hearings were held. Resolution No. 2010-27355 adopted. Kevin Smith to handle.

Public Hearing 1) In honor of Sheldon and Susan Kruger submitted by their daughter Stacey Kruger; Motion made by Commissioner Góngora; seconded by Vice-Mayor Libbin; Voice vote: 6-0; Absent: Commissioner Weithorn.

Public Hearing 2) In honor of her mother Lorraine Bolowich, submitted by Jackie Lalonde; Motion made by Vice-Mayor Libbin; seconded by Commissioner Exposito; Voice vote: 6-0; Absent: Commissioner Weithorn.

Public Hearing 3) In honor of their dogs submitted by Tony A Trujillo and Russell Lee; Motion made by Commissioner Góngora; seconded by Vice-Mayor Libbin; Voice vote: 6-0; Absent: Commissioner Weithorn.

Public Hearing 4) In honor of their dog Leo submitted by Mr. and Mrs. Larry Wyman; Motion made by Commissioner Góngora; seconded by Vice-Mayor Libbin; Voice vote: 6-0; Absent: Commissioner

Weithorn..

Robert Parcher, City Clerk, announced that he has been advised by the Legal Department that this item needs to have four (4) separate public hearing.

Jackie Lalonde spoke.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 599

SUPPLEMENTAL MATERIALS: ADDITIONAL INFORMATION

R7C A Resolution Approving And Adopting Operational Guidelines For South Pointe Park Relating To Park Hours, Bicycles And Skateboards, Motorized Vehicles, Fishing And Swimming In The Park, The Rental Of The Recreational Center (Community Room), Fields And Pavilion (Rooftop); And Special Events In The Park As Recommended By The Neighborhoods/Community Affairs Committee At Its Meeting Of February 16, 2010.

(Parks & Recreation)

ACTION: Deferred to the April 14th Commission Meeting. Lilia Cardillo to place on the Commission Agenda. Kevin Smith to handle.

6:50:36 p.m.

R7D A Resolution Adopting The First Amendment To The General, Enterprise, And Internal Service Funds Budgets For Fiscal Year (FY) 2008/09 To Appropriate Prior Year Encumbrances And Amend Certain Budgets.

(Budget & Performance Improvement)

ACTION: Resolution No. 2010-27356 adopted. Motion made by Vice-Mayor Libbin to adopt the Administration's recommendation; seconded by Commissioner Wolfson; Voice vote: 6-0; Absent: Commissioner Weithorn. Patricia Walker to appropriate the funds. Kathie Brooks to handle.

City Manager's Recommendations

1. \$1.7 million associated with the Building Department should be retained in the Building fund
2. Hold the \$3.6 million in a reserve pending the FY 2010/11 budget discussions/decisions

End

Jorge Gonzalez, City Manager, introduced the item and stated that this is the budget closeout for FY 2008/09. The good news is the FY closeout is \$5.3 million in the positive. A considerable part of the \$5.3 million is attributable to reduced expenses. The question now is what does the City do with the \$5.3 million? The policy is any excess monies cannot be used for recurring purposes and at least 50% of the dollars should be placed in the capital reserve fund. Based on the market conditions and Administrative bidding procedure there is no need to put additional dollars in the capital reserve which presently has a balance of approximately \$12 million dollars. He stated that \$1.7 million associated with the Building Department should be retained in the Building Fund. For the remaining \$3.6 million, he recommended holding the money in reserve pending the FY 2010/11 budget discussions/decisions. He also mentioned the GASB 45 obligation which is the retiree health cost. He stated that the City is not required to fund it but to report it and a \$7 million dollar GASB contribution is being made, which is about 60% of the full amount GASB is requiring.

Motion made by Vice-Mayor Libbin to adopt the Administration's recommendation; seconded by Commissioner Wolfson.

Handout or Reference Materials:

1. Email from Hilda Fernandez dated March 08, 2010 RE: R7C March 10 Commission Agenda: South

Pointe Park Operational Rules.

12:38:21 p.m.

7:05:12 p.m.

SUPPLEMENTAL MATERIALS: RESOLUTION

R7E A Resolution Approving Amendment No. 1 To The Agreement Between The City And ACS State And Local Solutions, Inc., For Photo Red Light Enforcement Program, Dated September 23, 2009, To Require ACS To Install Eight (8) Designated Intersection Approaches By March 10, 2010; Amending The Warning Period, To Be Extended To April 5, 2010; And Amending The Parties' Respective Rights And Obligations With Respect To Certain Termination Provisions, As Same Are More Specifically Set Forth In The Agreement.

(City Manager's Office)

ACTION: Resolution No. 2010-27357 adopted as amended. Motion made by Commissioner Wolfson; seconded by Commissioner Góngora; Voice vote: 4-1; Opposed: Mayor Bower; Absent: Commissioner Weithorn and Vice-Mayor Libbin recused himself. Robert Middaugh to handle.

Raul Aguila, Deputy City Attorney, read into the record the proposed points for amendments to the ACS contract.

MOTION #1:

Motion made by Commissioner Wolfson to direct the Administration to begin negotiations with the second ranked vendor (ATS) with the same or better contract terms (as the contract with ACS); seconded by Commissioner Exposito; Voice vote 5-0; Absent: Commissioner Weithorn. Commissioner Góngora recused himself.

MOTION #2:

Motion made by Commissioner Wolfson to give ACS the 15 cameras from the locations listed on Exhibit A (Agenda page #526); to approve the negotiated contract amendments (6 amendments); and to exclude the right of first refusal listed in Amendment #4; seconded by Commissioner Góngora; Voice vote: 4-1; Opposed: Mayor Bower: Absent: Commissioner Weithorn and Vice-Mayor Libbin recused himself.

Commissioner Tobin requested to add the intersection at 10th and Ocean Drive.

Commissioner Wolfson stated that the Police Department needs to let the City Manager know the difficulties and what is impractical about having two different vendors. He added that there are advantages also but he requested a report on the positive and the negative of having two different vendors. **Robert Middaugh to handle.**

End

Vice-Mayor Libbin stated that on this item, in the abundance of caution, he will declare an appearance of conflict since he will be the President and CEO of the Miami Beach Chamber Commerce effective April 1, 2010. He added that there is a present member of the board who will be speaking on this item.

Jorge Gonzalez, City Manager, summarized what occurred at the Finance and Citywide Projects Committee meeting.

Robert Middaugh, Assistant City Manager, explained the item and distributed a handout showing the actual installation and the images that come from the installations. He summarized that the proposed contract amendment includes two items: 1) the eight camera threshold (changed from the original 10) for today's date, March 10th, which has been met; and 2) changing the Warning Period to April 14th, 2010.

Commissioner Weithorn stated that at the Finance and Citywide Projects Committee meeting they did

not change contract requirements. They had asked for a list of what was possible for ACS to do by this meeting so the City Commission will have something to measure.

Discussion continued.

Commissioner Tobin stated that he was told we were doing 10th and Ocean Drive and now we are not doing it. He asked if this intersection will be done since this is an easy one to attach to a public building.

Robert Middaugh, Assistant City Manager, stated that the camera on 10th and Ocean Drive is on the list, but only as a possible means to deal with high pedestrian traffic as opposed to intersection accidents caused by running red lights. All the other intersections selected were based on the high incident of accidents that occurred at the intersection listed. This camera will not be one of the first to be installed.

Commissioner Tobin stated that of the list of cameras (in Exhibit "A" of the ACS contract) considered to be of Second Priority, they have done two, and he feels there is high pedestrian traffic at this intersection and this camera will be very easy to install to a public building.

Discussion continued.

Jorge Gonzalez, City Manager, stated that they will look into that intersection. **Robert Middaugh to handle.**

Discussion continued.

Jose Smith, City Attorney, stated that the City of Aventura filed a petition for rehearing on the Mason V. City of Aventura case, because apparently the judge made some comments in the Summary Judgment that are not accurate and there is going to be reconsideration. The order in Aventura lawsuit is not final; once it is final; it will be appealed to the Third District Court of Appeal. He added that other cities are proceeding with similar red light camera programs and some are placing the money in escrow; some are not. His recommendation (from a legal perspective and putting aside all other issues with the contract) is to move forward.

Discussion continued.

Jose Smith, City Attorney, stated that if the State Legislature does nothing, then it is up to the courts to decide whether or not the program is legal.

Discussion continued.

Jorge Gonzalez, City Manager, suggested that at least for the next 30 days not to have the contractor incur any additional cost for new cameras, unless they are working on some intersections right now. The City Commission needs to be clear that in passing this item, the City agrees that 8 cameras by March 10th satisfies the original requirement (10 by January 31, 2010).

Discussion continued.

Lou Miller, from ACS, stated that ACS is prepared to operate in good faith with the City, and not charge for the Warning Period thru April 14th, 2010. They are prepared to have a longer Warning Period and forego their fees until April 15th when the 10 cameras are on the ground. They are working on the 9th camera right now.

Discussion continued.

Commissioner Weithorn stated, for the record, that perhaps in the past the City has not been particularly strict on vendors that did not meet contract requirements, but this is the City Commission's fault. As we hit tougher economic times, it will be incumbent on government to hold every vendor to 100% of their contracts. This is our job as stewards of the taxpayer's dollars. The reason this Commission has been more lenient on some contracts is because those contract were from past commissions, but she is making sure to have measurable provisions for performance on all new contracts.

Discussion continued.

Motion made by Commissioner Wolfson to instruct staff to begin negotiations with the second ranked vendor to install more cameras; seconded by Commissioner Weithorn for the purpose of discussion.

Discussion continued.

Commissioner Wolfson restated his previous motion, to approve the ACS amendment, and also give the Administration the direction to negotiate with another service provider and to report back with a report from the Police Department; seconded by Commissioner Góngora.

Jose Smith, City Attorney, stated the second part of the motion states to go out and negotiate, but does not specify which vendor.

Commissioner Wolfson clarified that what he meant by the "second ranked vendor" was ATS.

Discussion continued.

Robert Sanchez from ACS spoke.

Discussion continued.

Commissioner Góngora amended the motion to amend the contract to nine cameras instead of fifteen. Commissioner Wolfson accepted the amendment.

Discussion continued.

Mayor Bower suggested for the Administration and the Legal Department to continue to work on the ACS contract amendment and bring the item back to the afternoon session.

7:05:12 p.m.

Raul Aguila, Deputy City Attorney, read into the record the proposed amendments to the ACS contract.

Discussion continued.

Raul Aguila, Deputy City Attorney; summarized as follows: Approve the amendments; take away the cap and the right of first refusal and require ACS to install 15 cameras from the Exhibit A list (including the eight (8) already installed). ACS also wanted language added to this motion that if we decide to negotiate with another vendor, at a minimum, the City will hold the new vendor to the same contractual language.

Raul Aguila, Deputy City Attorney; suggested two motions; 1) approve the ACS amendment with the amendments made by Commissioners Góngora and Wolfson to remove the right of first refusal; and 2) to negotiate with the second vendor (ATS).

Commissioner Góngora disclosed, as recommended by the City Attorney, that some attorneys at his firm represented some companies that do red light cameras. He will recuse himself as to #2 above.

Discussion continued.

MOTION #1:

Motion made by Commissioner Wolfson to direct the Administration to begin negotiations with the second ranked vendor (ATS) with the same or better contract terms (as the contract with ACS); seconded by Commissioner Exposito; Voice vote 5-0; Absent: Commissioner Weithorn, Commissioner Góngora recused himself.

Commissioner Exposito disclosed for the record, as per Sec. 2-458 (b) of the Miami Beach City Code, that he had a contractual relationship with David Custin during his campaign.

Jorge Gonzalez, City Manager, explained that when this second contract (the ATS contract) comes back for approval, it will require a 5/7 waiver of competitive bidding vote.

MOTION #2:

Motion made by Commissioner Wolfson to give the present vendor (ACS) the 15 cameras per the locations listed on Exhibit A (Agenda page #526); to approve the negotiated contract amendments (6 amendments); and to exclude the right of first refusal listed in Amendment #4; seconded by Commissioner Góngora; Voice vote: 4-1; Opposed: Mayor Bower: Absent: Commissioner Weithorn and Vice Mayor Libbin recused himself.

Commissioner Tobin requested adding the intersection of 10th and Ocean Drive.

Jorge Gonzalez, City Manager, stated that they will explore the 10th and Ocean intersection.

Michael Gruen, Police Planning & Research Manager, spoke.

Commissioner Wolfson stated that the Police Department needs to let the City Manager know the difficulties and why it may be impractical about having two different vendors. He added that there may be advantages, also but he also requested a report on the positive and the negative of having two different vendors. **Robert Middaugh to handle.**

Handout or Reference Materials

1. Form 8B filed by Commissioner Góngora pertaining to motion #1 (ATS)
2. Form 8B filed by Vice-Mayor Libbin regarding motion #2 (ACS) and the final vote
3. Proposed Amendment number 1 to ACS contract (March 10, 2010).
4. Supplemental Abstention and Disclosure Requirement Sec. 2-458(b)-MB City Code completed by Commissioner Jorge Exposito
5. ACS – Miami Beach Dangerous Intersection Sample Images booklet

5:19:13 p.m.

R7F A Resolution Approving And Officially Adopting The Basis Of Design Report (BODR), Which Final BODR, If Approved, Shall Also Be The Approved Lincoln Park (Park) Project Concept Plan; With Funding Provided From The Previously Appropriated City Center RDA Funds; And Further Approving The Preliminary Park Project Budget, In The Amount Of \$13,085,000.
(City Manager's Office)

ACTION: Resolution No. 2010-27358 adopted. Motion made by Commissioner Weithorn, seconded by Commissioner Wolfson to adopt the resolution with the additional design element; Voice-vote: 7-0. Jorge Gomez to handle.

Additional design element:

1. Compare park maintenance cost with other parks
2. Add a temporary food concession

End

Jorge Gomez, Assistant City Manager, introduced the item.

Adriaan Geuze, Design Director/Principal, West 8 New York, gave a technical presentation via the internet from Rotterdam, Netherlands.

Discussion held.

Jorge Gomez, Assistant City Manager, explained the ongoing maintenance cost.

Bruce Clinton, Trustee of the New World Symphony, spoke.

Mayor Bower requested a comparison of the maintenance costs with other parks. She is also concerned with the amount of trees and their impact on the corridor views.

Discussion continued.

Mayor Bower, referring to page 29 of the Lincoln Park Miami Beach Florida Basis of Design Report booklet, expressed her concern that the concrete retainer-type wall will attract skateboarders. She also requested to have a temporary concession for serving food and drinks and it needs to be compatible with the rest of the park. **Jorge Gomez to handle.**

Discussion held.

Jorge Gonzalez, City Manager, asked Adriaan Geuze to design a temporary concession structure compatible with the rest of the park.

Discussion continued.

There was a discussion regarding a water feature and Adriaan Geuze explained the pros and cons of the water feature.

Commissioner Weithorn is concerned about the timeframe, as she would like to have the park open as close to the opening of the building to take advantage of the projection wall. A water feature can always be added. Also she is asking that the first contingency dollars go towards sound system security.

Discussion continued.

Motion made by Commissioner Weithorn, seconded by Commissioner Wolfson to adopt the resolution with the additional designs; Voice-vote: 7-0.

Bruce Clinton spoke.

Handout or Reference Materials

1. Color booklet titled "LINCOLN PARK Miami Beach Florida Basis of Design Report" dated January 2010 – WEST 8 NEW YORK

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:

Merri Mann	(TL 12/31/10)	Term ending 12/31/2011	Appointed by Commissioner Góngora	TL 12/31/10
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Committee on the Homeless:

Andrew Fisher		Tem ending 12/31/2011	Appointed by Mayor Bower	TL 12/31/17
Rachel J. Zuckerman		Term ending 12/31/2011	Appointed by Commissioner Weithorn	TL12/31/17

Community Development Advisory Committee:

Karen Fryd		Term ending 12/31/2011	Appointed by Mayor Bower	TL 12/31/17
Rachel Umlas		Term ending 12/31/2010	Appointed by Commissioner Exposito	TL 12/31/12
Dona Zemo		Term ending 12/31/2010	Appointed by Mayor Bower	TL 12/31/17

Convention Center Advisory Committee:

Tim Nardi		Term expires 12/31/2011	Appointed by Commissioner Weithorn	TL 12/31/17
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Debarment Committee:

Darius Asly		Term ending 12/31/2011	Appointed by Commissioner Weithorn	TL 12/31/17
Dr. Ronald Shane		Term ending 12/31/2011	Appointed by Commissioner Libbin	TL 12/31/17
Stephen Zack		Term ending 12/31/2010	Appointed by Mayor Bower	TL 12/31/12

Fine Arts Board:

Ellen Brazer		Term ending 12/31/2010	Appointed by Commissioner Exposito	TL 12/31/17
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Golf Advisory Board:

George Castillo		Term ending 12/31/2011	Appointed by Mayor Bower	TL 12/31/13
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Hispanic Affairs Committee:

Julian Linares		Term ending 12/31/2011	Appointed by Commissioner Góngora	TL 12/31/17
Eliane Soffer		Term ending 12/31/2010	Appointed by Commissioner Exposito	TL 12/31/17

Housing Authority:

Michael Band HA Commissioner		Term ending 10/11/2013	Appointed by Mayor Bower	TL 10/11/16
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Loan Review Committee:

Juan Torres		Term ending 12/31/2011	Appointed by Mayor Bower	TL 12/31/15
Michael Robart		Term ending 12/31/2011	Appointed by Commissioner Weithorn	TL 12/31/13

Marine Authority:

Joel Aberbach	Term ending 12/31/2011	Appointed by Mayor Bower	TL 12/31/11
Antonio Maldonado	Term ending 12/31/2010	Appointed by Commissioner Góngora	TL 12/31/17

Miami Beach Commission for Women:

Regina Berman	Term ending 12/31/10	Appointed by Mayor Bower	TL 12/31/17
Claudia Moncarz	Term ending 12/31/10	Appointed by Mayor Bower	TL 12/31/17

Miami Beach Sister Cities Program:

Maria Begoña Calcerrada Other	Term ending 12/31/2010	Appointed by Mayor Bower	TL 12/31/17
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Parks and Recreational Facilities Board:

Jonathan Groff	Term ending 12/31/2010	Appointed by Commissioner Weithorn	TL 12/31/17
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Police Citizens Relations Committee:

Beverly Aberbach	Term ending 12/31/2010	Appointed by Commissioner Exposito	TL 12/31/13
Faye Goldin (TL12/31/10)	Term ending 12/31/2011	Appointed by Mayor Bower	TL 12/31/10

Production Industry Council:

Allee Newhoff - Fashion	Term ending 12/31/2010	Appointed by Commissioner Exposito	TL 12/31/13
Ivan Parron - News Media	Term ending 12/31/2010	Appointed by Commissioner Góngora	TL 12/31/16

Safety Committee:

Jeannette Egozi	Term ending 12/31/2011	Appointed by Commissioner Góngora	TL 12/31/17
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Sustainability Committee:

Mitch Novick	Term ending 12/31/2011	Appointed by Mayor Bower	TL 12/31/16
Gabriole Van Bryce	Term ending 12/31/2010	Appointed by Commissioner Góngora	TL 12/31/17

Waterfront Protection Committee:

Diego Oramas	Term ending 12/31/2011	Appointed by Mayor Bower	TL 12/31/15
Morris Sunshine	Term ending 12/31/2011	Appointed by Commissioner Exposito	TL 12/31/15

Youth Center Advisory Board:

Ester Egozi Choukroun	Term ending 12/31/2010	Appointed by Commissioner Góngora	TL 12/31/17
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R9A1 Board And Committee Appointments - City Commission Appointments.
(City Clerk's Office)

ACTION: The following appointments were made:

R9A2 Reappoint Michael Band To The Miami Beach Housing Authority.
(Requested by Mayor Matti Herrera Bower)

ACTION: Motion made by Commissioner Exposito to reappoint Michael Band to the Miami Beach Housing Authority for the position of HA Commissioner; seconded by Vice-Mayor Libbin; Voice vote: 4-0; Absent: Commissioners Góngora, Tobin and Weithorn. Robert Parcher to handle.

7:34:03 p.m.

Motion made by Vice-Mayor Libbin to extend the term of the current members until April 14th Commission meeting; seconded by Commissioner Exposito; Voice vote: 4-0; Absent: Commissioners Góngora, Tobin and Weithorn.

Handout or References Materials;

1. Letter to The Mayor and Commissioners from Charles D. Urstadt, Chairman, MDPL, RE: City Planning Board Appointment
2. Email from Victor M. Diaz dated March 03, 2010 RE: Status of Frohlich Appointment to Planning Board
3. Email from Mark Tamis dated March 08, 2010 RE: VCA.
4. Email from Jean Olin dated March 05, 2010 RE: VCA.
5. LTC 069-2010 dated March 4, 2010 RE: Cultural Art Council Vacancies.

2:06:33 p.m.

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

ACTION:

- 1) Raphael Herman thanked the Commissioners for meeting with him but his item still has not been placed on the agenda. He explained that the City destroyed his house, Public Works destroyed his house, the City Manager is the CEO of Miami Beach and he has no communication with him. He wants to have his item placed on the agenda to resolve this matter for the best interest of Miami Beach.

City Clerk's note: At the February 3, 2010 Commission Meeting Mr. Herman addressed the City Commission on this same issue and the answer was: "Jose Smith, City Attorney, stated that Clifton Leonard, Risk Management, reviewed Mr. Herman's claim carefully, and concluded that the City has no liability and that the claim is without merit. He looked at the claim very carefully and also concluded that the claim has no merit. Mr. Herman has the right to go to court and file a claim against the City if he wishes to challenge the City's position, but he reiterated that the City's position is that the City is not liable.

- 2) Dennis Russ spoke about the upcoming 50th year anniversary reunion of Beach High Class of 1960. He explained that one of his friends, Esther Mazer and her husband Len, lost a son in Iraq, and since then they began an institute to serve the members of the military and their families, in which old cell phones are recycled and turned into phone cards and send to soldiers to call home. He asked the City's help in collecting old cell phones.

Mayor Bower stated that a box will be placed in the Mayor's Office to collect cell phones for this cause.

- 3) Stanley Shapiro stated that: 1) Seniors Are First mailed out 500 letters in support of the Women's

Conference; 2) he commended Robert Middaugh, Assistant City Manager and Bobby Jenkins for their work with illegal parking at Alton and 16th and Washington and 17th; 3) asked that City Manager and Legal look into prohibiting City employees from using cell phones while driving a car while on City's time, and 4) asked why during special events there are construction on City's roads.

- 4) Jack Johnson, Co-Chair from the Flamingo Park Association, urged that the City move forward with the project as approved.
- 5) Sam Jawad, Richfield South and Richfield Equities, respectfully requested a 4:00 PM time certain regarding item R5H.
- 6) Judy Robertson asked questions regarding the relocation of the club house and the additional tennis courts at Flamingo Park.

Jorge Gomez, Assistant City Manager, explained actions taken by HPB.

- 7) Tammy Tibbels expressed her interest in speaking on R5H. She also requested that the City adopt a policy or procedure that all City documents, staff reports and agendas be scanned in Acrobat 9 so the documents are searchable. The other item is regarding residential garbage, which is now on a month to month basis; she commended the sanitation workers and asked that the current service level be kept the same. A signed petition was distributed. She asked the City Commission to ask the residents by sending a survey for their input with the utility bill.

Jorge Gonzalez, City Manager, explained the bids for new provider of services and fees. The current provider is more expensive.

Handout or Reference Materials:

1. Signed petition to Keep the Current Garbage Pick-Up Contractor and Services

6:59:30 p.m.

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

ACTION:

- 1) Dana Turken spoke regarding the tennis item.
- 2) Vice-Mayor Libbin explained that there are off shore explosions scheduled with the dredging of the port and he would like Administration to look into this. The way they plan to do the dredging is with off shores explosion that would severely harm the offshore reefs, and he asked for support from this Commission to ask that this be done in the most sensitive ecological matter.

Commissioner Wolfson suggested the item be referred to the Sustainability Committee. **Fred Beckmann to handle.**

Vice-Mayor Libbin asked that the item be referred and then come back with strong language in the form of a resolution.

8:12:13 p.m.

R9C Discussion And Referral To The Land Use And Development Committee - Resolution Against Gambling On Miami Beach.

(Requested By Commissioner Jonah Wolfson)

ACTION: Discussion held.

Commissioner Wolfson explained the item. He stated that the City is receiving ongoing reports from Tallahassee on this issue.

Vice-Mayor Libbin requested a copy of the two resolutions: 2008-26925 and 2008-26927. R. Parcher to handle.

8:11:23 p.m.

R9D Discussion Regarding The Possibility Of An Ordinance Prohibiting The Sale Of Individual Cans Or Bottles Of Alcoholic Beverages By Retail Establishments.

(Requested By Commissioner Jonah Wolfson)

ACTION: Motion made by Commissioner Wolfson to refer to the Land Use and Development Committee; Seconded by Vice-Mayor Libbin; Voice vote 5-0; Absent: Commissioners Tobin and Weithorn. Richard Lorber to place on the committee agenda and to handle.

City Clerk's note: Attached to this Agenda item is a Memorandum in the Commission Agenda from Jose Smith, City Attorney, regarding the sale of single cans or bottles of alcoholic beverages dated February 25, 2010.

R9E Discussion Regarding The Current Status Of The Baywalk Behind The Flamingo.

(Requested by Commissioner Edward L. Tobin)

ACTION: Item deferred to the April 14th Commission meeting. Lilia Cardillo to place on the Commission Agenda.

Commissioner Tobin requested the item be placed on the April 14th Commission Agenda.

R9F Discussion Regarding Public Sidewalk Finishes And Colors.

(City Manager's Office)

ACTION: Item deferred to the April 14th Commission meeting. Lilia Cardillo to place on the Commission Agenda.

City Clerk's note: Attached to this Agenda item is the history, as best as it can be determined, of the sidewalk colors (red, green and natural)

R9G Discussion On An Amendment To The Flamingo Park Master Plan Relative To The Tennis Center Facility.

(Capital Improvement Projects)

ACTION: Approved via the Consent Agenda; see Corrections Sheet. Referred to the Neighborhood/Community Affairs Committee before the April 14th Commission meeting. Randi MacBride to place on the committee agenda. Lilia Cardillo to place on the April 14th Commission Agenda. Charles Carreño to handle.

7:36:00 p.m.

R9H Discussion Of The City Center 9C Project - Lincoln Road Median As Discussed At The February 16, 2010 Neighborhoods/Community Affairs Committee Meeting.

(City Manager's Office)

ACTION: Discussion held. Motion made by Vice-Mayor Libbin to go forward with the project with the deletion of the median, and the direction that on the sidewalks they use an alternative material or create a clear path and leave the sidewalk widths the way they are in the design; seconded by Commissioner Exposito; Voice vote: 5-1; Opposed: Commissioner Góngora; Absent: Commissioner Weithorn.

Jorge Gomez, Assistant City Manager, introduced the item and stated that at the Neighborhood Community Affairs Committee it was recommended keeping the median and the Administration's recommendation is also to leave the median in.

Discussion held.

Motion made by Commissioner Góngora to send back to redesign the project without the median and expand the size of the sidewalks and to come up with different type of stone path. No second offered.

Discussion continued regarding the median, path surface and traffic congestion.

William Cary, Assistant Planning Director, spoke.

Discussion continued.

Jorge Gonzalez, City Manager, explained that these are 100% complete drawings ready to issue a bid to get it build, and his recommendation is to take the median out, perhaps paint double yellow-lines, which is a modest amendment to the plan and that can be reviewed without delay; if it has to go back to engineering and HPB, then it could take months for approval.

Discussion continued.

Motion made by Vice-Mayor Libbin to go forward with the project with the deletion of the median, with the direction that on the sidewalks they use an alternative material or create a clear path, and leave the sidewalk widths the way they are in the design.

Jorge Gomez, Assistant City Manager, suggested putting the project out to bid with the deletion of the median.

William Cary, Assistant Planning Department, explained that they will explore to see if changes can be done administratively by removing trees and bringing central median down to grade level, so it's a

change in pavement.

Discussion continued.

Commissioner Exposito seconded Vice-Mayor Libbin's motion; Voice vote: 5-1; Opposed: Commissioner Góngora; Absent: Commissioner Weithorn.

7:34:29 p.m.

SUPPLEMENTAL MATERIALS: SUPPLEMENTAL INFORMATON

R9I Discussion Regarding A Resolution Supporting Legislative Efforts To Extend Life Safety Retrofit Relief To Community Associations, And Urging Governor Charlie Crist To Support The Adoption Of HB 561, Sponsored By Representative Ellyn Bogdanoff, And SB1222, Sponsored By Senator Jeremy Ring.

(Requested by Vice-Mayor Jerry Libbin)

ACTION: Discussion held. Resolution No. 2010-27359 adopted. Motion made by Vice-Mayor Libbin; seconded by Commissioner Góngora: Voice vote: 4-0; Absent: Commissioners Tobin, Weithorn and Wolfson. R. Parcher to transmit to Governor Crist.

R10 - City Attorney Reports

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 10, 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 Jorge Gonzalez, Jose Smith, Hilda Fernandez, Kathie Brooks, Alex Rey, Ramiro Inguanzo, Kristin Tigner, Yarily Sam, Carla Gomez, Kim McCoy, Eric Yuhr, and Ray Martinez.

Reports and Informational Items - See LTC 054-2010

A Non-City Entities Represented By City Commission:
1. Minutes From The Miami-Dade Metropolitan Planning Organization (MPO) For The Miami Urbanized Area Governing Board Meeting On January 28, 2010.
(Requested by Mayor Matti Herrera Bower)

ACTION: Written report submitted.

2. Minutes From The Wolfsonian - Florida International University Advisory Board Meeting On January 20, 2010.
(Requested by Mayor Matti Herrera Bower)

ACTION: Written report submitted.

ADDENDUM:

3. Minutes From The Miami-Dade Metropolitan Planning Organization (MPO) For The Miami Urbanized Area Governing Board Meeting On February 8, 2010.
(Requested by Mayor Matti Herrera Bower)

ACTION: Written report submitted.

End of Regular Agenda

Meeting adjourned at 8:17:05 p.m.