



# MIAMI BEACH

## City Commission Meeting

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

May 12, 2010

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

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

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### ATTENTION ALL LOBBYISTS

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

*Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.*

- PA1 Certificate Of Recognition/Dr. Baruch Jacobs, Contribution To Miami Beach. (Góngora)
- PA2 Personnel Board Citywide Awards For City Employees.
- PA4 Certificates Of Recognition/Key Leaders Of The Gay Pride Parade 2010. (Góngora/Bower)
- PA5 Certificate Of Appreciation/National Council Of Jewish Women Greater Miami Section. (Bower)
- PA6 Certificates Of Recognition/North Beach Elementary School Recycling Club. (Wolfson)
- PA7 **New Item:** Certificates Of Recognition/Andres Regalado & Gina Calavia-Lopez. (Exposito)
- C2A Issue RFP, Concession Agreement For "Pavilion Building," In South Pointe Park.
- C4A Ref: Finance & Citywide Projects Committee - Procedures For Sale/Lease Of City Property.
- C4B Ref: Land Use & Development Committee - Enforcement Of Short Term Rentals. (Weithorn)
- C4C Ref: Neighborhoods/Community Affairs Comm. - Renaming The Safety Committee. (Wolfson)
- C4D Ref: Neighborhoods/Community Affairs Committee - Bottle & Can Deposit Ordinance. (Tobin)
- C4E Ref: Land Use & Development Comm. - Relief For Residents Living Close To Noise. (Bower)
- C4F Ref: Planning Board - Ordinance re: 10 Year Water Supply Facilities Work Plan.
- C4G Ref: Land Use & Development Committee - Rezoning Of 1600 Lenox Avenue. (Góngora)
- C6A Report: Capital Improvement Projects Oversight Committee Meeting On March 8, 2010.
- C6B Report: Neighborhoods/Community Affairs Committee Meeting On April 6, 2010.
- C7A Submit Grant Applications To Various Funding Agencies.
- C7B Accept Recommendation (RFP 23-09/10), Audits Of Resort Taxes & Other Internal Audits.
- C7C Execute Agreement w/ Wolfberg Alvarez & Partners, Property Management Facility Project
- C7D Approve Parking Lease Agreement w/ Design Miami, Preferred Parking Lot.
- C7E Repeal Resolution No. 2002-24765, Abolish The Public Safety Committee. (Weithorn)
- C7F Waive Competitive Bidding, Billing & Collection Services For Emergency Medical Transport.
- C7G Amend & Execute A Technical Service Support Agreement w/ Physio Control, Inc.

C7H Execute Mutual Aid Agreement With The City Of Aventura & Miami Gardens, Florida.  
 C7I Adopt Analysis Of Impediments To Fair Housing Choice (AI).  
 C7J Rehabilitate 1632 Meridian Avenue (Neptune) & Approve Assignment Of NSP1 Agreement.  
 C7K Accept Recomm. (RFP 05-09/10), Mgmt Of Beachfront Concessions (21st & 46th Street.)  
 C7L Appropriate Funds, Relocate Fire Hydrants/Water Mains On Collins Ave. (26th To 44th St.)  
 C7M Execute Agreement w/ School Board, Complete ROW Improvements On Prairie Avenue.  
 C7N Organize & Produce A "Rock for Haiti" Benefit Concert As Part Of City's Haiti Relief Efforts.  
 R5A **10:15 a.m. 2<sup>nd</sup> Rdg**, Procedure For At-Large Appointments Of Board Members. (Weithorn)  
 R5B **5:00 p.m. 2<sup>nd</sup> Rdg**, Short Term Rental Of Apartment Units Or Townhomes. **5/7**  
 R5C **1<sup>st</sup> Rdg**, Amend "City Tot Lots/Playgrounds" Ordinance. (Exposito)  
 R5D **1<sup>st</sup> Rdg**, Amend City Signs Ordinance. (Exposito)  
 R5E **4:00 p.m. 1<sup>st</sup> Rdg**, Amend Living Wage Ordinance.  
 R7A **1<sup>st</sup> Rdg**, Approve Lease Agreement w/ Rubin & Bickman, PLLC, 1130 Washington Avenue.  
 R7B **1<sup>st</sup> Rdg**, Approve Lease Agreement w/ Strang Adams, P.A., 1130 Washington Avenue.  
 R7C Approve An Energy Services Agreement w/ Ameresco.  
 R7D Enter Into An Equipment Lease Purchase Financing w/ Chase Equipment Finance, Inc.  
 R7E Execute Agmt w/ Waste Pro Of Florida (RFP 60-08/09), Collection Of Solid Waste.  
 R9A Board & Committee Appointments.  
 R9A1 Board & Committee Appointments - City Commission Appointments.  
 R9A2 Nominate Emilio Fernandez To The Miami Beach Housing Authority. (Bower)  
 R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
 R9B2 **5:31 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
 R9C **1:00 p.m.** Committee Of The Whole: FY 10/11 Proposed Operating Request - Mayor/Comm.  
 R9D **1:00 p.m.** Committee Of The Whole: MacArthur Causeway Tunnel Project. (Bower)  
 R9E Discuss: Public Sidewalk Finishes & Colors.  
 R9F Discuss: Convention Center Master Plan. (Exposito)  
 R9G Discuss: Visitor Parking Stickers Available For Residential Areas. (Wolfson)  
 R9H Discuss: Resolution Opposing Oil Drilling In Florida's Waters. (Tobin)  
 R9I Discuss: Resolution re: Action Plan For Major Projects In Miami-Dade County. (Tobin)  
 R9J Discuss: Resolution Requiring 5/7 Vote To Change A Previously Approved BODR. (Wolfson)  
 R9K **5:30 p.m.** Discuss Amendment To Flamingo Park Master Plan Re: Tennis Center Facility.  
 R9L Discuss: Recent Anti-Immigrant Legislation Passed In Arizona. (Bower)  
 R9M Discuss: Resolution re: HB No. 971 - Highway Safety & Motor Vehicles. (Wolfson)  
**Reports & Informational Items (see LTC 134-2010) and Supplemental (see LTC 141-2010)**

Meeting called to order at 9:39:41 a.m.

Inspirational Message given by Rabbi Efraim Katz from the Jewish Community Council.

Pledge of Allegiance led by Heidy Chewaly, Jon Carroll and Andrea Carroll

#### **ADDENDUMS:**

Motion made by Vice-Mayor Libbin to add Items C7N, R9L, AND R9M as an emergency item; seconded by Commissioner Exposito; Voice vote: 5-0; Absent: Commissioners Wolfson and Weithorn.

#### **SUPPLEMENTAL MATERIALS:**

C7D Resolution

R5B Memorandum and Ordinance

R7C Resolution

R7D Resolution & Attachments

R7E Resolution

R9A1:

- 1) Nomination to the CAC by Commissioner Jorge Exposito
- 2) Nomination to the VCA by Commissioner Exposito
- 3) Nomination to the DRB by Commissioner Michael Góngora
- 4) Nomination to the VCA by Commissioner Michael Góngora

**Presentations and Awards****10:27:51 a.m.**

PA1 Certificate Of Recognition To Be Presented To Dr. Baruch Jacobs For His Longstanding Contribution To Miami Beach.

(Requested By Commissioner Michael Góngora)  
(Deferred from April 14, 2010)

**ACTION:** Certificate presented.

Commissioner Góngora introduced the item and gave a brief summary of Dr. Jacobs' accomplishments in his business and the community. He introduced his wife Robin, and stated that they are both very involved and active in the community. His dedication to others is unyielding having served on different boards in the City. For his dedication and 20 years of service to the community, he recognized him with this Certificate.

**10:31:22 a.m.**

PA2 Personnel Board Citywide Awards To Be Presented To City Employees In The Following Areas: 1) Beyond The Call Of Duty Award; 2) City Achievement Award; 3) Community Services Award; 4) Customer Service Award; And 5) Safety Award.

(City Manager's Office)

**ACTION:** Awards presented as follows: Beyond the Call of Duty Award; Cynthia Aguilar and Larry Marrero; City Achievement Award, Diana Candela, Oscar Santiesteban, Lisa Martinez and Jimmy Davila; for Community Services Award, Lori Freedline, Sgt. Daniel Morgalo and Police Officer William Collado; the Customer Services Award was presented to Jose Elvis Nuñez and the Safety Award to Lucas Bocanegra.

Ramiro Inguanzo, Human Resources Director, introduced the item.

Elsa Urquiza, Chairperson of the Personnel Board, introduced the members of the Personnel Board.

David Alschuler introduced the program.

Awards were presented by:

Gabriel Paez  
Rosalie Pincus  
Bunny Patchen  
Jose Elvis Nuñez

Handout or Reference Materials:

1. Recommendation for Special Awards, Lisa Martinez, Code Violations Clerk, & Jimmy Davila, Sr. Systems Analyst, IT Department – Nomination by Bob Parcher, City Clerk

**9:49:44 a.m.**

PA3 Certificates Of Recognition To Be Presented To Select Students And Teachers Of The Miami-Dade County Public Schools For The 2009-2010 School Year.  
(Requested by Mayor Matti Herrera Bower)

**ACTION:** Certificates presented.

Mayor Bower presented certificates to students and teachers of the Miami-Dade County Public Schools. The teachers chose students based on the IB profile and four students were selected from each school.

**Treasure Island Elementary:** Julia Silva – Principled, Miguel Fornella Caring, Sarah Garces, Thinker, Indya Robinson, Balance, Ms. Eileen Lehn; Retired Teachers: Ms. Rosie Swagger, Ms. Violet Samberg, Secretary/ Treasurer Mr. Marc Alblinger, Teacher of the Year and Ms. Glennys Vincent, Rookie Teacher of the Year, from **Biscayne Elementary** Thinker Yassir Cruz, Principled Stephan Garcia, Caring Andrea Carroll, Balance Natalie Lora, Retired Teachers: Elaine Lazarus, Maria Sol, Theresa Gordeen; Veronica Campell, Community Involvement Specialist, Edward Mahr-Teacher, Maria C. Medina, Registrar and Judith Mager Assistant Principal; Teacher of the Year Vivianna Padron and Julissa Perez, Rookie Teacher of the Year. From **Nautilus Middle School** Thinker Israel Cooper, Principled Michael Thoennes, Caring Grace Friedman Balanced-Nicole Rios, Retired Teacher Cornelia Swain, Eduardo Quesada, Teacher of the Year and Rookie Teacher of the Year Abigail Laurence; from **Bay Harbor K-8 Center** Thinker Juan Vazquez, Principled Cristina Armesto, Caring Manuel Izquierdo; Balanced Genesis Ramirez, Retirees America Sarria and Peggy Mandel, Teacher of the Year and Yessenia Castillo, Rookie Teacher of the Year. From **North Beach Elementary** Thinker Chloe Namias, Principled Megan Stephenson, Caring Mateo Nunez, Balanced, Cage Edwards and Leigh Kurk, Teacher of the Year. From **Fienberg Fisher K-8 Center**, Thinker Damaris Moyano, Principled Leeanne Drucker, Caring Luis Sabogal, Well Balanced Bianca Fernandez, and Rookie Teacher of the Year Danie Llorca. **Miami Beach Senior High** Rose Dawkins, Philip Haurus and Teacher of the Year Eduardo Devarona; and from **South Pointe Elementary** Thinker Zoe Stephan, Principled Cindy Teboe, Caring Sasha Berkowitz, Well Balanced Dante Solis-Zea, Retiree Howard Pitner and Teacher of the Year and Elaine Weisburd Recipient Gary Bond.

**9:42:57 a.m.**

PA4 Certificates Of Recognition To Be Presented To The Key Leaders Of The Gay Pride Parade 2010.  
(Requested By Commissioner Michael Góngora  
& Mayor Matti Herrera Bower)

**ACTION:** Certificates presented.

Commissioner Góngora introduced the item and recognized the hard working committee members: Cindy Brown, Daniel Spring, Thomas Barker, Chad Richter, Laura Veitia and recognized Babak Movahedi, who is not in the audience today.

Cindy Brown stated that it is an honor to play a role in the Gay Pride parade. She announced that the National Gay Lesbian Task Force will take place October 2<sup>nd</sup> at The Fontainebleau.

Mayor Bower thanked the group for the Gay Pride Parade 2010 and stated that everyone had a lot of fun and with the efforts from all volunteers this turned out to be a very successful event.

**10:20:00 a.m.**

PA5 Certificate Of Appreciation To Be Presented To The National Council Of Jewish Women Greater Miami Section For Their Donation Of \$10,000 To Support The International Baccalaureate Program At Biscayne Elementary School.

(Requested by Mayor Matti Herrera Bower)

**ACTION:** Certificates presented to Fran Levey, President National Council Of Jewish Women (NCJW) Miami Section, Leslie Sternlieb- NCJW Pacs Co-Chair, Sharon Yudewitz - NCJW Executive Director, Leslie Rosenfeld, NCJW VP Leadership Development, and Maria Costa, Principal at Biscayne Elementary.

Fran Levey, President of the National Council of Jewish Women, spoke.

Maria Costa, Principal from Biscayne Elementary School, spoke.

**9:59:47 a.m.**

PA6 Certificates Of Recognition To Be Presented To The Students/Members Of North Beach Elementary School Recycling Club, And The Teacher/Coordinator Of The Club.

(Requested by Commissioner Jonah Wolfson)

**ACTION:** Certificates presented.

Commissioner Wolfson introduced the item and explained that these students are very active in the green and recycling issues.

The following students were recognized: Daniela Amaro, Ignacio Azcarate, Jennifer Canizares, Joselyn Carcamo, Alejandro Miguel, Nicolas Roccatagliata, Roza Prizant, Sonia Bucan, Jordan Glick, and Teacher Jenny Cisneros, 4th Grade Teacher, North Beach Elementary.

**5:17:04 p.m.**

**New Item:**

PA7 Certificates Of Recognition/Andres Regalado & Gina Calaia-Lopez

(Requested by Commissioner Jorge Exposito)

**ACTION:** Certificates presented.

Commissioner Exposito explained that these two individuals have impressed him greatly and wanted to thank them personally, because they took the initiative and spent the afternoon picking up approximately six or seven 55 gallon trash bags of litter on the beach at First Street with friends and relatives. He added that Gina and Andres have volunteered their time and worked very hard to clean the beaches, even though they are not Miami Beach residents.

**CONSENT AGENDA**

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

**NEW ITEM:****10:57:18 a.m.**

Vice-Mayor Libbin asked Mayor Bower to recognize Bobby Goodman and the individuals from Design Miami.

Alexandra Cunningham, Exhibitor and Special Projects Manager, Design Miami, spoke on behalf of Craig Robbins and thanked the City Commission for their enthusiastic support. Vice-Mayor Libbin officially welcomed Design Miami to Miami Beach.

**C2 - Competitive Bid Reports**

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

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

**C4 - Commission Committee Assignments**

- C4A A Referral To The Finance And Citywide Projects Committee To Review And Discuss An Amendment To The Code Of The City Of Miami Beach, Florida; Amending Chapter 82, "Public Property," Article II "Sale Or Lease Of Public Property," Sections 82-36 Through 82-40, Amending The Procedures For Sale Or Lease Of City Property.  
(Real Estate, Housing & Community Development)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. Raul Aguila to handle.

- C4B Referral To The Land Use And Development Committee - Discussion Regarding Enforcement Of Short Term Rentals In Single Family Homes.  
(Requested by Commissioner Deede Weithorn)

**ACTION: Referred.** Richard Lorber to place on the committee agenda. Alex Rey and Greg Tindle and to handle.

- C4C Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Renaming And Restructuring The Safety Committee As The CERT Committee.  
(Requested by Commissioner Jonah Wolfson)

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

- C4D Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding A Bottle And Can Deposit Ordinance For The City Of Miami Beach.  
(Requested by Commissioner Edward L. Tobin)

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

- C4E Referral To Land Use And Development Committee - Discussion Regarding Potential Sources Of Relief For Residents Living In Close Proximity To Commercial Operations With Late Hour Deliveries And Similar Habitual Sources Of Noise.  
(Requested by Mayor Matti Herrera Bower)

**ACTION: Referred.** Richard Lorber to place on the committee agenda. Jorge Gomez to handle.

Handout or Reference Materials:

1. Email from Jorge Gomez to Robert Parcher and Jorge Gonzalez RE: Sonia Navarro dated May 7, 2010.

- C4F Referral To The Planning Board For Review And Recommendation Of An Ordinance Of The City Of Miami Beach, Florida, Adopting A 10 Year Water Supply Facilities Work Plan And Amending The City's Comprehensive Plan To Strengthen Coordination Between Water Supply And Local Land Use Planning As Required By Florida Law; Providing For Severability; And Providing An Effective Date.  
(Planning Department)

**ACTION: Referred.** Richard Lorber to place on the Planning Board agenda and to handle.

City Clerk's note: Attached to this item is a document titled "City of Miami Beach Proposed 10 Year Water Supply Facilities Work Plan dated February 17, 2010, prepared by The Corradino Group

- C4G Referral To The Land Use And Development Committee - Discussion Concerning The Possible Rezoning Of 1600 Lenox Avenue.  
(Requested by Commissioner Michael Góngora)

**ACTION: Referred.** Richard Lorber to place on the committee agenda and to handle.

**C6 - Commission Committee Reports**

C6A Report Of The Capital Improvement Projects Oversight Committee Meeting On March 8, 2010: **1)** Attendance; **2)** Review And Acceptance Of Minutes; **3)** Public Comments; **4)** Referral Items: 4a) Referral To The Finance And Citywide Projects Committee: Discussion Regarding The Proposed Sunset Island 3 And 4 Entryway Improvements; 4b) Referral To The Neighborhood And Community Affairs Committee: Discussion Regarding Central Bayshore Neighborhood; **5)** Discussion Items: 5a) Construction Claims Process; 5b) Results Of The Water Line Investigation In Normandy Shores Neighborhood; **6)** Requested Reports: GIS Presentation: Water Line Prioritization; **7)** Old Business: 7a) CIP Project Status Report; 7b) Construction Update: Normandy Shores Neighborhood Improvement Project; 7c) Status Report: Venetian Islands Neighborhood Improvement Project; 7d) Status Report: Sunset Islands I & II; 7e) Status Report: Sunset Islands III & IV; 7f) Status Report: Royal Palm Avenue And 44th Street Flooding Mitigation; 7g) Status Report: Palm & Hibiscus Island Undergrounding; 7h) Status Report: Flamingo/West Avenue Neighborhood Improvement Project; **8)** Staff Action Report; **9)** Calendar; **10)** Adjournment.

**ACTION:****Item No. 1:**

See attendance sheet.

**Item No. 2:**

Acceptance of Minutes of the February 1, 2010 CIPOC Meeting. Changes were made to the minutes.

Moved: as amended by C. Cuervo-Seconded by D. Krai. Passed unanimously.

**Item No. 3:**

No one came forward with items for Public Comments.

**Item No. 4a:**

CIPOC recommended that this go through the formal referral process through Finance and Citywide Projects Committee (FCWP) and then through Commission. The FCWP has the authority to make the recommendation to Commission add the beautification to the project and the Commission has the power of the purse. There are still questions about ownership of the guardhouse at Sunset III & IV entrance.

**Item No. 4b:**

This item was brought to the Neighborhoods and Community Affairs Committee, because residents and property owners in the Central Bayshore Neighborhood were seeking items that were included in the BODR, but were not shown on the plans. The Neighborhoods Committee referred the item to CIPOC. Staff declared that all the funded items that are in the BODR will be included. The residents and property owners want additional items and those will have to be brought before Commission to approve modifying the BODR.

STAFF ACTION: Charlie Carreño, CIP Director, requested a letter from the Central Bayshore HOA, highlighting all the requests, which will be used to present to Commission for all the items, including those that entail modifications to the BODR.

STAFF ACTION: Approach the County with the three requests:

- 1) Keep the width of Fairgreen Drive
- 2) Get permission to install a traffic circle at 34<sup>th</sup> and Prairie
- 3) 9ft roadways on Meridian.

Richard Barron, resident, also spoke in favor of the bike lanes and asked that they not be taken out.



STAFF ACTION: Bring back an update on the Bayshore Neighborhood information once the County is contacted.

**Item No. 5a:**

Presented in printed format in the agenda packet. This was brought to CIPOC by request of Commissioner Weithorn, because the Committee had requested that a handout with claim information be made available to the public.

**Item No. 5b:**

Support the Administration's recommendation not to replace the water lines in Normandy Shores, but asks staff to look into any complaints that were reported and to find another way to address it.

MOVED: E. Carney 2<sup>nd</sup>: E. Agazim

PASSED: Unanimous

**Item No. 6:**

Deferred.

**Item No. 7a:**

CIP Project Status Report

**Item 7b**

CIP Project Status Report

**Item No. 7c:**

STAFF ACTION: CAO to provide a report on the ownership of the Venetian Islands street ends to the HOA.

**Item No. 7d:**

The geotechnical survey has been completed. Once the information is discussed with the HOA engineer and Mr. Goldsmith, the findings will be incorporated into the plan documents. There is some concern that the amount of unsuitable material in the ground will impact the cost and approach of construction material used. The plans could be at 100% as early as April.

**Item No. 7e:**

Terry Beinstock, (2312 Bay Avenue), said that the neighborhood wants to fight the County on the issue of widening the roadway, since the plans also include the installation of valley gutters.

**Item No. 7h:**

Judy Robertson (8<sup>th</sup> & Lenox) discussed the neighborhood's expectations for timeline. 7th to 9<sup>th</sup> Streets from Washington to Meridian project has been sent by the County for review and approval of the grant to the State. Denis Russ (940 Pennsylvania Ave) offered help with people within the MBDC who work with CDBG Block Grants all the time.

Denis and Judy also asked about the status of the Stormwater Master Plan. The Commission gave direction at the February meeting to move forward with the top-ranked firm. Fernando Vazquez, City Engineer, said that the City had begun discussions with CDM to define scope of services. Once final cost is agreed upon, it will be brought back to Commission for approval. This should be brought back to Commission in May.

The meeting was adjourned at 8:50 p.m.

C6B Report Of The Neighborhoods/Community Affairs Committee Meeting On April 6, 2010: **1)** Discussion Regarding An Amendment To The Flamingo Park Master Plan Relative To The Tennis Center Facility; **2)** Discussion Regarding A Report From The Transparency, Reliability, Accountability Committee; **3)** Discussion Regarding The Placement Of A Plaque At The Flamingo Park Tennis Facility Commemorating Mr. Jerry Moss And His Tremendous Contribution To Tennis On Miami Beach; And **4)** Discussion Regarding Miami Beach Youth Camps And The Different Ages Served By These Camps As Well As Programs Available For Children With Disabilities.

**City Commission Action: Item deferred to the June 9, 2010 meeting. Lilia Cardillo to place on the Commission Agenda.**

**Item No.1:**

The committee moved to:

- Direct administration to vet the cost of de-mucking and making five new hard courts at Polo Park, with an add alternate of lights.
- Instruct administration to obtain an estimate on how much it would cost to engage Wolfberg, Alvarez and Partners to develop a site plan at a level sufficient to submit to the HPB to review the option of twenty tennis courts including the five hard courts at Flamingo Park with the smaller encroachment into the green space.

**City Clerk's Note: This item was discussed at the April 14<sup>th</sup> Commission Meeting (R9E). See Current Agenda Item R9K**

**Item No. 2:**

The committee moved to accept the accomplishments listed on page 2 of 6 of the TRAC Report of the Online Check Registry, the Online Commission Agenda, and the TRAC Issues on the Government Portal Website. Additionally, the committee moved, by consensus, to forward the discussion to determine the handling of future transparency, reliability and accountability issues to the meeting of the Committee of the Whole.

**Item No.3:**

**ACTION:** The item was deferred to the next meeting of the Neighborhoods/Community Affairs Committee.

**Item No.4:**

The committee moved to direct administration to seek out grant opportunities, contact local universities for internship opportunities for their students to work with special-needs children for credit and to price out the cost of providing staffing for one-on-one.

**City Clerk's Note: Kevin Smith and Judy Hoanshelt to handle.**

**C7 - Resolutions**

- C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Submit The Following Grant Applications: 1) National Endowment For The Arts, In An Amount Not To Exceed \$250,000, For The NEA Mayors' Institute On City Design 25th Anniversary Initiative For The Lincoln Park Arts In The Park Multimedia And Messaging Project; And, 2) To Support And Partner With Miami-Dade County Public Schools (M-DCPS), On An Application To The Us Department Of Education, Under The Investing In Innovation Fund (I3) Grant Program For Funding For The International Baccalaureate Program For The Elementary And Middle School Level, With M-DCPS Serving As The Applicant; Appropriating The Above Funds, If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents Related To These Applications.  
(Budget & Performance Improvement)

**ACTION: Resolution 2010-27381 adopted.** Patricia Walker to appropriate the funds if accepted by the City. Judy Hoanshelt to handle.

- C7B A Resolution Accepting The Recommendation Of The City Manager Pursuant To Request For Proposals (RFP) No. 23-09/10, For Audits Of Resort Taxes And Other Internal Audits As Needed; Authorizing The Administration To Enter Negotiations With The Firms Of Jefferson Wells International, Inc.; TCBA Watson Rice LLP; RGL Forensics; MarcumRachlin; And Sharpton, Brunson & Company For The Audits Of Resort Taxes; And With The Firms Of Jefferson Wells International, Inc.; MarcumRachlin; TCBA Watson Rice LLP; RGL Forensics; Crowehorwath, LLP; And Sharpton, Brunson & Company For Other Internal Audits As Needed; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Conclusion Of Successful Negotiations By The Administration.  
(Budget & Performance Improvement)

**ACTION: Resolution 2010-27382 adopted.** James Sutter to handle.

- C7C A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement With Wolfberg Alvarez & Partners, In The Not To Exceed Amount Of \$286,916.28 (Plus An Additional Amount Of \$28,300.00 For Approved Reimbursables), For The Planning, Design, Bid, Award, And Construction Administration Services For The Property Management Facility Project.  
(Capital Improvement Projects)

**ACTION: Resolution 2010-27383 adopted as amended.** Charles Carreño to handle.

**Amendment via Corrections listed on the Time-Certain listing**

Change "not to exceed" to "lump sum"

**End**

**SUPPLEMENTAL MATERIALS: RESOLUTION**

C7D A Resolution Approving The Substantive Terms Of A Parking Lease Agreement With Design Miami For The Preferred Parking Lot; And Services To Be Provided By The City's Parking Department, For Specific Dates In October, November And December 2011; 2012; And 2013, As Set Forth In That Certain Term Sheet Attached As Exhibit "A" To This Resolution; Further Authorizing The City Manager To Negotiate The Final Agreement With The Design Miami And, If Successful, Approving And Authorizing The Mayor And City Clerk To Execute The Agreement, Subject To And Contingent Upon The Following Conditions: 1) The Final Version Of The New Agreement Shall Be Subject To Review And Sign Off By The City Manager And Subject To Form Approval By The City Attorney; And 2.) In The Event That The City And Design Miami Deem It Necessary To Include Any New Substantive Terms (Which Are Not Contained In The Attached Term Sheet), Then, Prior To Finalizing The Agreement, The City Manager Shall Be Required To Report Same To The City Commission.  
(Tourism & Cultural Development)

**ACTION: Resolution 2010-27384 adopted.** Max Sklar to handle.

C7E A Resolution Repealing Resolution No. 2002-24765 And Abolishing The Public Safety Committee.  
(Requested by Commissioner Deede Weithorn/City Attorney's Office)

**ACTION: Resolution 2010-27385 adopted.** Robert Parcher to handle.

C7F A Resolution Waiving, By 5/7ths Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City As, In This Case, It Would Enable The City To Amend An Existing Contract With Advanced Data Processing, Inc. (D/B/A ADPI – Intermedix), For Billing And Collection Services For Emergency Medical Transport; With Said Amendment Allowing The City To Provide For Additional Services To Utilize The Triptix System, And Realize An Estimated Five Year Cost Savings Of \$247,585; And Extend The Term Of The Existing Agreement For Three (3) Years With One Three (3) Year Option To Renew; Authorizing The City Manager And The City Clerk To Execute The Amendment.  
(Fire Department)

**ACTION: Resolution 2010-27386 adopted.** Eric Yuhr to handle.

C7G A Resolution Finding And Declaring That This Is A Sole-Source Procurement Pursuant To Section 2-367 (d) of the City Code, And Authorizing The City Manager And City Clerk To Amend And Execute The Technical Service Support Agreement Between The City And Physio Control, Inc., Currently Set To Expire On September 30, 2010; Allowing The New Term To Commence On June 1, 2010, And End On September 30, 2015, In The Estimated Annual Amount Of \$26,974; Adding Coverage For An Additional Two (2) Lifepak 12 Monitor/Defibrillators That Are No Longer Under Warranty, And One (1) Additional Automated External Defibrillator (AED) Not Previously Covered In The Agreement; And Further Adding Coverage For Eight (8) Lifepak 15 Monitor/Defibrillators, Of Which The Factory Warranty Will Expire In January, 2011.  
(Fire Department)

**ACTION: Resolution 2010-27387 adopted.** Eric Yuhr to handle.

- C7H A Resolution Authorizing The City Manager And City Clerk To Execute A Voluntary Cooperation And Operational Assistance Mutual Aid Agreement With The City Of Aventura And The City Of Miami Gardens, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach, The City Of Aventura, And The City Of Miami Gardens, Florida.

(Police Department)

**ACTION: Resolution 2010-27388 adopted.** Chief Carlos Noriega to handle.

- C7I A Resolution Approving And Adopting The Attached Analysis Of Impediments To Fair Housing Choice (AI) As Required By The U.S. Department Of Housing And Urban Development (HUD) Of All Local Jurisdictions Receiving Funding Through The Consolidated Plan Funding Process Ensuring That Jurisdictions Will Affirmatively Further Fair Housing; Authorizing The Necessary Certifications By The Mayor And City Clerk; And Authorizing Its Submission To The U.S. Department Of Housing And Urban Development.

(Real Estate, Housing & Community Development)

**ACTION: Resolution 2010-27389 adopted.** Anna Parekh to handle.

City Clerk's Note: Attached to this agenda item is a document titled City of Miami Beach Analysis of Impediments to Fair Housing Choice dated September 2009, and submitted by Housing Opportunities Project for Excellences, Inc. (HOPE, Inc)

- C7J A Resolution Taking The Following Actions With Respect To That Certain Affordable Housing Project To Be Acquired And Rehabilitated By Miami Beach Community Development Corporation (MBCDC), And Known As The Neptune, Located At 1632 Meridian Avenue, Miami Beach, Florida (The Property): Approving A Consent To Assignment Of That Certain Amendment To NSP1 Agreement Dated March 30, 2010 By And Between The City And Miami Beach Development Corporation, A Not-For-Profit Corporation, Said Assignment Transferring Ownership From MBCDC To MBCDC Neptune, LLC; Further Approving A Subordination (To Second Place) Of The City's Interest/Mortgage In/On The Property In Favor Of A Loan Made To MBCDC By International Finance Bank (IFB Loan), With Said IFB Loan To Be Secured By A First Mortgage Against The Property And Further Authorizing The City Manager And The City Clerk To Execute Any And All Documents To Effectuate The Aforestated Transactions, In Such Form As Shall Be Reviewed And Approved By The City Attorney's Office.

(Real Estate, Housing & Community Development)

**ACTION: Resolution 2010-27390 adopted.** Anna Parekh to handle.

- C7K A Resolution Of Accepting The Recommendation Of The City Manager, Pursuant To Request For Proposals (RFP) No. 05-09/10, For The Management And Operation Of Concession Stands And Beachfront Concessions, Located East Of Collins Avenue, At Both 21st Street And 46th Street; And Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm, M & M Concessions, Inc.; Should The Administration Not Be Able To Successfully Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm, SB Café, LLC.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement, Upon Conclusion Of Successful Negotiations.

(Real Estate Housing and Community Development)

**ACTION: Resolution 2010-27391 adopted.** Anna Parekh to handle.

- C7L A Resolution Authorizing The Appropriation Of Funds In The Amount Of \$185,000 To Relocate Fire Hydrants And Water Mains In Advance Of A Florida Department Of Transportation Project On Collins Avenue From 26th To 44th Streets; From The 2010 Water And Sewer Bonds.  
(Public Works)

**ACTION: Resolution 2010-27392 adopted.** Patricia Walker to appropriate funds. Fred Beckmann to handle.

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

**ACTION: Resolution 2010-27393 adopted.** Patricia Walker to appropriate funds. Robert Middaugh to handle.

**ADDENDUM:**

- C7N A Resolution Authorizing The City Administration To Organize And Produce A "Rock For Haiti" Benefit Concert As Part Of The City's Haiti Relief Efforts; And Authorizing The Donation Of Any Proceeds From The Concert, As Well As Any Other Fundraising Efforts For Haiti Relief, To Project Medishare, Inc.  
(City Manager's Office)

**ACTION: Resolution 2010-27394 adopted.** Hilda Fernandez to handle.

**End of Consent Agenda**

**REGULAR AGENDA****R5 - Ordinances****10:59:42 a.m.**

R5A An Ordinance Amending Miami Beach City Code Chapter 2, Article III, Section 2-22(20) Establishing Procedure Applicable To The City Commission At-Large Appointments Of Board Members By Providing That With Regard To The City Of Miami Beach Visitor And Convention Authority, Any Vacancy Remaining After City Commission Appointment(s) Under The Established Categories May Be Filled By Applicants From Either Or Both (Combined) "Hotel Industry" Or "Community At Large" Category; Providing For Repealer, Severability, Codification, And An Effective Date. **10:15 a.m. Second Reading Public Hearing**

(Requested by Commissioner Deede Weithorn/City Attorney's Office)  
(First Reading on April 14, 2010)

**ACTION: Ordinance 2010-3681 adopted.** Motion made by Commissioner Weithorn; seconded by Vice-Mayor Libbin; Ballot vote: 7-0. Robert Parcher to transmit to Municipal Code and to handle.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 601

**5:22:20 pm.****SUPPLEMENTAL MATERIALS: MEMORANDUM AND ORDINANCE**

R5B Short Term Rental Of Apartment Units Or Townhomes  
An Ordinance Amending Chapter 142 Of The City Code, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 3, "Supplementary Use Regulations," By Creating New Ordinance Section 142-1111, "Short Term Rental Of Apartment Units Or Townhomes," Providing For Repealer, Severability, Codification, And An Effective Date. **5:00 p.m. Second Reading Public Hearing**

(Planning Department)  
(First Reading on April 14, 2010)

**(Memorandum and Ordinance To Be Submitted In The Supplemental)**

**ACTION: Public Hearing opened and continued to the June 9, 2010 meeting at 5:00 p.m., and referred to the Land Use and Development Committee between first and second reading.** Motion made by Vice-Mayor Libbin to open and continue the Public Hearing with a referral to the Land Use and Development Committee; seconded by Commissioner Tobin; Voice vote: 5-2; Opposed: Commissioners Weithorn and Wolfson. Richard Lorber to place on the agenda and to handle.

Richard Lorber, Acting Planning Director, introduced the item.

Discussion held.

**Motion made by Commissioner Góngora to adopt the ordinance with the following amendments; delete 142-1111 (c) 2 and 3 and 142-1111 (d) 1; seconded by Commissioner Wolfson. No vote taken and discussion continued.**

Commissioner Tobin stated that he does not like to delete paragraph wholesale and he is not comfortable voting on this today.

Discussion continued.

**Motion made by Vice-Mayor Libbin to open and continue the public hearing to June 9, 2010 at 5:00 p.m., and to refer the item to the Land Use and Development Committee; seconded by Commissioner Tobin; Voice vote: 5-2: Opposed: Commissioners Weithorn and Wolfson.**

Discussion held regarding the date.

Richard Lorber, Acting Planning Director, stated that originally the Administration recommended using the date of February 2009 with a six (6) month prior to zoning-in-progress. The Administration revised its recommendation to August 2009.

Mayor Bower's preferred date is February 2010.

Vice-Mayor Libbin stated that he believes March 2010 is the appropriate date.

Commissioner Weithorn stated that she will vote against the ordinance because she believes it sends the wrong message and if the date is changed to March 2010 she will vote against the ordinance.

Clarifying the record, Dr. Jeff Donnelly stated that the Flamingo Park Neighborhood Association resolution was passed in September 2009 but the resolution recommends six (6) months prior.

Commissioner Tobin explained to the public what the ordinance is proposing. He added that he had a discussion with the Administration regarding the enforcement of single-family short-term rentals and the Administration should have some type of watch list to handle violations to the ordinance.

Commissioner Weithorn stated that the issue of the enforcement of single-family short-term rentals was referred to committee. Once there is a history of violating the rules of short-term rentals they go on a watch list. **Richard Lorber to place on the Land Use and Development Committee Agenda and to handle.**

Jorge Gonzalez, City Manager, stated that regarding violations, measures will be put in place to accomplish the monitoring and follow-up. Alex Rey and Greg Tindle to handle.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 601



**12:53:58 p.m.**

R5C An Ordinance Amending Chapter 82, Entitled "Public Property," By Amending Article I, Entitled "In General," By Renaming Section 82-6, Entitled "Reserved," To "City Tot Lots/Playgrounds," And To Provide That Adults Must Be Accompanied By A Child Under Twelve (12) Years Of Age In City Tot Lots And Playgrounds, Providing For Repealer; Severability; Codification; And An Effective Date.

**First Reading**

(Requested by Commissioner Jorge Exposito)

**ACTION: Ordinance approved on first reading as amended.** Motion made by Commissioner Exposito; seconded by Vice-Mayor Libbin; Ballot vote: 7-0; Second Reading and Public Hearing scheduled for June 9, 2010. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Kevin Smith to handle.

**Amendment (revised language distributed at the Commission Meeting)**

82-6 Designated Children Play Areas

Adults are allowed in designated children play areas in the city only when accompanied by a minor. Children play areas where this section is applicable will be specifically designated and signs will be posted informing the public of the designation.

**End**

Handout or Reference Materials:

1. Commission Memorandum from City Attorney Jose Smith to Mayor Matti Herrera Bower, Members of the City Commission and City Manager Jorge M. Gonzalez, dated May 12, 2010 RE: First Reading Ordinance Amending Chapter 82 "Private Property."

**11:21:04 a.m.**

R5D An Ordinance Amending Chapter 82, Entitled "Public Property"; By Amending Article I, Entitled "In General," By Renaming Section 82-5, Entitled "Reserved," To "City Signs To Be Obeyed" To Provide That City Signs Shall Be Obeyed And Disobedience To Such Signs Shall Be Enforced Pursuant To Chapter 30; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**

(Requested by Commissioner Jorge Exposito)

**ACTION: Ordinance approved on first reading.** Motion made by Commissioner Exposito; seconded by Commissioner Tobin; Ballot vote: 7-0; Second Reading and Public Hearing scheduled for June 9, 2010. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

**4:36:38 p.m.**

R5E An Ordinance Amending Chapter 2 Of The City Code, Entitled, "Administration;" By Amending Article VI Thereof Entitled, "Procurement", By Amending Division 6 Entitled "Living Wage Requirements For Service Contracts And City Employees", Sections 2-407 Through 2-410 Therein; And Providing Further For Codification, Severability, And An Effective Date. **First Reading**  
(Finance Department)

**ACTION: Ordinance approved on first reading with a referral of the health insurance requirement in RPF issue to the Finance and Citywide Projects Committee.** Motion made by Commissioner Weithorn; seconded by Commissioner Góngora; Ballot vote: 7-0; Second Reading and Public Hearing scheduled for June 9, 2010 at 10:30 a.m. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Patricia Walker to handle and place on committee agenda. Gus Lopez to handle.

Jorge Gonzalez, City Manager, stated that between first and second reading the issue of tips needs to be addressed. Commissioner Weithorn identified some Federal language that can be incorporated. **Patricia Walker to handle.** He also explained the history of the ordinance.

Jorge Gonzalez, City Manager, addressing Vice-Mayor Libbin's question stated that if the employer offers insurance and the employee elects not to take the insurance, the employer must pay the higher rate.

Commissioner Weithorn thanked the City Manager and Raul Aguila for their help with this item. She also thanked SEIU for being the City's partner.

Jorge Gonzalez, City Manager, stated that Patricia Walker did a lot of work on this item.

Mayor Bower stated that when the City issues an RFP, the RFP gives the choice to provide or not provide benefits. She stated that she believes that the benefit of health insurance should be provided and requested a referral to the Finance and Citywide Projects Committee.

Jorge Gonzalez, City Manager, stated that the City has a living wage ordinance and an equal benefits ordinance but does not have a required health benefit ordinance. When RFP's or bids are issued it needs to be stipulated that a living wage will be paid along with health insurance benefits. **Gus Lopez to handle.**

Motion made by Commissioner Weithorn to refer the item to the Finance and Citywide Projects Committee; seconded by Commissioner Góngora; Voice vote 7-0.

**R7 - Resolutions****11:22:07 a.m.**

R7A A Resolution Approving On First Reading, A Lease Agreement Between The City And Rubin & Bickman, PLLC, For Use Of Approximately 1,518 Square Feet Of City-Owned Property, Located At 1130 Washington Avenue, 4th Floor, Miami Beach, Florida; Said Lease Having An Initial Term Of Three Years And Twenty One Days, With Two Additional Three Year Renewal Terms, At The City's Sole Discretion; Waiving By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, As Required By Section 82-39 Of The Miami Beach City Code; Further Setting A Public Hearing On June 9, 2010, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading**

(Real Estate, Housing & Community Development)

**ACTION:** Title of the Resolution read into the record. **Resolution No. 2010-27395 adopted, Lease Agreement amended and referred to the Finance and Citywide Projects Committee between first and second reading.** Motion made by Commissioner Weithorn; seconded by Góngora; Voice vote: 7-0. Second reading and Public Hearing scheduled for June 9, 2010. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Patricia Walker to place on the committee agenda. Anna Parekh to handle.

**Lease Agreement Amended via Corrections listed on the Time-Certain listing**

The reference to security deposit should be corrected to read that the Tenant shall furnish the City with a Security Deposit in the sum of \$5,692.50 (equal to two months Rent and Additional Rent costs.)

**End**

Commissioner Weithorn stated that traditionally Lease Agreements are referred to the Finance and Citywide Projects Committee. This item has not been reviewed at the committee. She suggested approving the item on first reading and refer the item to Finance and Citywide Project Committee between first and second reading.

Jorge Gonzalez, City Manager, stated that on today's agenda [C4A] there is a referral to the Finance and Citywide Projects Committee to try to speed up the leasing process.

**11:25: 59 a.m.**

R7B A Resolution Approving On First Reading, A Lease Agreement Between The City And Strang Adams, P.A., For Use Of Approximately 858 Square Feet Of City-Owned Property, Located At 1130 Washington Avenue, 3rd Floor East, Miami Beach, Florida; Said Lease Having An Initial Term Of Three Years And Twenty One Days, With Two Additional Three Year Renewal Terms, At The City's Sole Discretion; Waiving By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, As Required By Section 82-39 Of The Miami Beach City Code; Further Setting A Public Hearing On June 9, 2010, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading**

(Real Estate, Housing & Community Development)

**ACTION:** Title of the Resolution read into the record. **Resolution No. 2010-27396 adopted and referred to the Finance and Citywide Projects Committee between first and second reading.** Motion made by Commissioner Góngora; seconded by Commissioner Exposito; Voice vote: 7-0. Second reading and Public hearing scheduled for June 9, 2010. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Patricia Walker to place on the committee agenda. Anna Parekh to handle.

**11:01:53 a.m.**

**SUPPLEMENTAL MATERIALS: RESOLUTION**

R7C A Resolution Approving An Energy Services Agreement Between The City And Ameresco, (The Company).

(City Manager's Office)

**ACTION:** Item heard in conjunction with item R7D. **Resolution No. 2010-27397 adopted.** .Motion made by Commissioner Wolfson to approve the item; seconded by Commissioner Góngora; Voice vote: 7-0. Robert Middaugh to handle.

Jorge Gonzalez, City Manager, introduced the item.

Robert Middaugh, Assistant City Manager, explained the item. He also read the following statement into the record: ECM costs referenced in Schedule C shall be considered a guaranteed maximum price. In no event shall payments to the company exceed these amounts without approval of the City Commission. Any savings attributed to the bid process shall inure to the benefit of the City. The Company shall review all bid pricing with the City and in the event the Company selects the lowest bid, or a bid within five percent of the lowest bid, the Company may proceed with the respective sub-contractor. In the event a bid in excess of five percent of the low bid is desired by the Company, the bid must first be reviewed by the City Commission before proceeding.

Vice-Mayor Libbin, in trying to save money, noted that the present work schedule appears to be a five (5) day work schedule and stated that as an add/alternate, a six (6) day work schedule be included in the bid. **Robert Middaugh to handle.**

Commissioner Wolfson explained the item for the public.

Motion made by Commissioner Wolfson to approve the item; seconded by Commissioner Góngora; Voice vote: 7-0. Robert Middaugh to handle.

Commissioner Góngora stated that he is happy because this was the first item the Sustainability Committee took up when they were formed in 2007. This is good for the City, the environment, and saves money.

Tracey Gallentine with Ameresco, thanked the City staff for the assistance and support and added this will be an extremely beneficial project for the City, and they are glad to be a part of it.

Jorge Gonzalez, City Manager, recognized and thanked Robert Middaugh, Assistant City Manager, for the yeoman job he has done on this project.

Handout or Reference Materials

1. Chart titled Exhibit 7, "Cash Flow Analysis for Potential Energy Savings Projects" April 26, 1010

**11:17:09 a.m.**

**New Item**

Mayor Bower wished Bobby Sanchez a Happy Birthday on this 28<sup>th</sup> birthday.

11:01:53 a.m.

11:17:27 a.m.

**SUPPLEMENTAL MATERIALS: RESOLUTION & ATTACHMENTS**

R7D A Resolution Authorizing The City To Enter Into An Equipment Lease Purchase Financing In An Aggregate Principal Amount Not To Exceed \$15,000,000 With Chase Equipment Finance, Inc.; Authorizing The Execution And Delivery Of A Summary Of Terms And Conditions And A Master Lease-Purchase Agreement In Connection Therewith; Authorizing The Lease And Purchase Of Equipment And The Payment Of Related Costs Of Issuance And The Execution Of One Or More Lease Schedules With Respect To Such Equipment; Authorizing The Execution Of Such Other Related Documents, Including One Or More Escrow Agreements, As May Be Necessary To Complete The Transactions Contemplated Hereby; Appointing An Escrow Agent; And Providing An Effective Date.

(Finance Department)

**ACTION: Item heard in conjunction with Item R7C. Resolution No. 2010-27398 adopted;** Motion made by Commissioner Weithorn to approve the item; seconded by Vice-Mayor Libbin; Voice vote: 6-0; Absent: Commissioner Wolfson. The item was referred to the Finance and Citywide Projects Committee to look at the possibility of expanding the project to include all garages for reducing the energy of the lights. Patricia Walker to place on the committee agenda and Robert Middaugh to handle.

See details with item R7C.

Patricia Walker, Chief Financial Officer, explained the item. At the time the Administration approved to enter into negotiations the financing rate of 4.88% over 15 years. The deal was locked at 4.18% which will result in excess of \$1 million worth of savings.

Motion made by Commissioner Weithorn to approve the item; seconded by Vice-Mayor Libbin; Voice vote: 6-0; Absent: Commissioner Wolfson.

**Vice-Mayor Libbin referred the item to the Finance and Citywide Projects Committee, to look at the possibility of expanding the project to include all garages for reducing the energy of the lights; seconded by Commissioner Tobin; 7-0. Patricia Walker to place on the committee agenda and Robert Middaugh to handle.**

Jorge Gonzalez, City Manager, directed staff to do an assessment and bring assessment to the Finance and Citywide Projects Committee. **Robert Middaugh to handle.**

City Clerk's retrieval aid: Ameresco

City Clerk's Note: Documents signed 5/19/2010

11:28:42 a.m.

**SUPPLEMENTAL MATERIALS: RESOLUTION**

R7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement With Waste Pro Of Florida, Pursuant To Request For Proposals (RFP) No. 60-08/09, For The Collection And Disposal Of Residential Solid Waste, Yard Trash, And Bulk Waste, And Operation Of The City's Green Waste Facility; Said Agreement Having An Initial Term Of Five (5) Years, Commencing On July 1, 2010, And Ending On June 30, 2015, With Three (3) One-Year Renewal Options, Upon The Same Terms And Conditions, At The City's Sole Discretion.  
(Public Works/Procurement)

**ACTION: See motions.**

Commissioner Wolfson disclosed a past business relationship with his campaign and constituent services activity that transacted more than \$10,000 of business in the preceding 12 months with the subject DRC Consultant, (David Custin), and clarified that it poses no conflict on the present vote.

Commissioner Exposito also disclosed his relationship with Mr. Custin.

Mayor Bower stated that Bobby Sanchez had helped her with her campaign. She did not pay him except for some advertising done.

**Final Motion**

**Motion made by Commissioner Wolfson to negotiate with Choice Environmental Services the same contract or better; seconded by Commissioner Tobin. Administration also directed to address Commissioners Góngora and Weithorn's concerns (below); Ballot vote: 5-2; Opposed: Mayor Bower and Vice-Mayor Libbin. Fred Beckmann to handle.**

**Commissioner Weithorn's concerns:**

- There is no requirement in the contract to keep the trucks in Miami-Dade or even Broward County
- There is no fine for failure to have a replacement truck in service within two hours
- The contract references minimum wage instead of Living Wage.
- There are other deficiencies in this contract which she wants to address.

**Commissioner Góngora's concerns:**

- To get information from both companies regarding sustainability issues and green initiatives, and come back next meeting so that they can make an informed decision.

**Motion to Refer**

Motion made by Vice-Mayor Libbin to refer the entire procurement process to a special Finance and Citywide Projects Committee workshop after the budget process has been completed (October or November timeframe); seconded by Commissioner Exposito; Voice-vote: 7-0. Patricia Walker to place on the committee agenda. Gus Lopez to handle.

**End**

Jorge Gonzalez, City Manager, introduced the item.

**Motion made by Vice-Mayor Libbin to move the item; no seconded offered.**

Mayor Bower recognized Mayor Pizzi, from Miami Lakes, in the audience.

Commissioner Tobin commended the City Manager for going through this process and added that

the decision left is price neutral. He prefers using a local company that is already doing business in the City. He added that this would eliminate excess trucks from the roads, since the same contractor would be doing both residential and commercial pick ups. Choice does this and this will be a big help during a hurricane. Choice was also the proposer with the lowest price in the original RFP process. He is also concerned that the City's due diligence report on Waste Pro revealed a discrimination complaint and labor violation.

Jorge Gonzalez, City Manager, stated that he has been informed that an e-mail was sent to the City Commission with respect to Choice's offer to match Waster Pro's best and final price. He has not formally received any information and does not know the details of the e-mail. He explained that the City Commission is now at a different stage in the procurement process. The City Commission is not at the stage to determine who is first or who is second in what was done in February. The item in front of the Commission is a contract and procedurally the City Commission can either approve or reject this contract and instruct the Manager to negotiate a similar contract with a different provider and ensure that all stipulations and provisions are included. There are provisions in this contract that may or may not be met by another company. Waste Pro of Florida will sign this contract.

Discussion continued.

Commissioner Weithorn explained that she cannot vote for the contract as it is, as there are unanswered questions. The contract states that there will be two spare trucks and that they will be on the road in two hours. It does not address where these trucks will be or what condition the trucks will be in. There is no penalty clause for not meeting the two hour time frame. She added that there is not sufficient information in this package to be comfortable with an agreement.

Discussion continued.

**Motion made by Commissioner Wolfson to instruct the Administration to negotiate with Choice Environmental Services and bring back the same contract or better; seconded by Commissioner Exposito; Voice-vote: 3-4; Opposed: Mayor Bower, Vice-Mayor Libbin and Commissioners Góngora, and Weithorn. Motion failed.**

Discussion continued.

Raul Aguila, Deputy City Attorney, stated that like the City Manager he was not aware of any counter offer submitted by e-mail. The evaluation process was done in February and the Administration was authorized to negotiate with both companies. The action today is to award the contract. If the City Commission does not like the contract, there are two options; 1) the Commission can vote it down, authorize the Administration to continue negotiation with Waste Pro and get a better deal, or 2) authorize the Administration to negotiate with Choice.

Discussion continued.

Commissioner Góngora needs more information from both companies as to their green initiatives.

Discussion continued.

Commissioner Weithorn stated that this contract has other deficiencies. It talks about minimum wage not the Living Wage. It does not specify a location for trucks. It does not have a penalty clause if they do not meet the terms, and there are more. She added that these deficiencies are the City's fault and not the company's.

Discussion continued.

**Commissioner Weithorn moved to reject the Waste Pro contract; seconded by Commissioner**

**Exposito; Ballot vote: 4-3; Opposed: Mayor Bower, Vice-Mayor Libbin, and Commissioner Wolfson.**

Discussion continued.

**Motion made by Commissioner Wolfson directing the Administration to negotiate with Choice Environmental Services and come up with a similar or better agreement.**

Jorge Gonzalez, stated that from a friendly amendment perspective, Commissioner Weithorn's concerns be incorporated so that the contract coming back next month addresses her concerns adequately.

Mayor Bower asked to include Commissioner Góngora's concerns regarding comparison among both companies and sustainability concerns.

Discussion continued.

**Commissioner Wolfson requested a second to his motion to authorize the Administration to negotiate with Choice Environmental Services; seconded by Commissioner Tobin.**

Jorge Gonzalez, City Manager suggested an amendment that the contract be sent to the Finance and Citywide Projects Committee to address Commissioner Weithorn's concerns before it comes back to the City Commission.

**Amendment:**

**Commissioner Góngora requested to get answers from both companies regarding sustainability issues and green initiatives and come back next month to make an informed decision.**

**Commissioner Wolfson accepted the amendment.**

Discussion continued.

**Amendment:**

**Commissioner Weithorn's concerns:**

- There is no requirement in the contract to keep the trucks in Miami-Dade or even Broward County
- There is no fine for failure to have a replacement truck in service within two hours
- The contract references minimum wage instead of Living Wage.
- There are other deficiencies in this contract which she wants to address.

**Commissioner Wolfson accepted the amendment.**

**Final Motion restated:**

**Motion made by Commissioner Wolfson to negotiate with Choice Environmental Services the same contract or better; seconded by Commissioner Tobin. Administration also directed to address Commissioners Góngora and Weithorn's concerns (below); Ballot vote: 5-2; Opposed: Mayor Bower and Vice-Mayor Libbin. Fred Beckmann to handle.**

Discussion continued.

**Motion to Refer**

**Motion made by Vice-Mayor Libbin to refer the entire procurement process to a special**



**Finance and Citywide Projects Committee workshop after the budget process has been completed (October or November timeframe); seconded by Commissioner Exposito; Voice-vote: 7-0. Patricia Walker to place on the Committee agenda. Gus Lopez to handle.**

Handout or Reference Materials:

1. Letter from Panza, Maurer & Maynard, P.A., dated May 14, 2010 from Thomas F. Panza, Esq., addressed to Mr. Jorge Gonzalez, City Manager, RE: Waste Pro of Florida – Bid Protest RFP 60-08/09 received at 11:36 p.m., May 14, 2010.
2. Letter from Thomas F. Panza, Esq., to Mr. Jorge Gonzalez, City Manager, RE: Waste Pro of Florida received at 12:25 p.m., May 14, 2010.
3. Roll call #1 and #2
4. Letter from Russell Mackie, Regional Vice President, Waste Pro of Florida, Inc., dated May 19, 2010 addressed to Jorge Gonzalez City Manager, RE: Response to Commissioner’s concerns in R7E Draft and supporting documentation regarding Green Initiatives from Waste Pro “The Waste Professionals.”

**R9 - New Business and Commission Requests**

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

**ACTION:** The following appointments were made:

**Committee for Quality Education in Miami Beach:**

Sheila Duffy-Lehrman	Term ending 12/31/2010	Appointed by Commissioner Exposito TL 12/31/17
Linda Jackson	Rep. of the PTA of South Pointe Elementary School	6/30/11

**Disability Access Committee:**

Ann Thomas	Term ending 12/31/10	Appointed by Commissioner Exposito TL 12/31/12
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**Miami Beach Commission for Women:**

Tiffany Lapciuc	Term ending 12/31/11	Appointed by Commissioner Weithorn TL 12/31/17
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**Police Citizens Relations Committee:**

Don Konetz	Term ending 12/31/11	Appointed by Commissioner Wolfson TL 12/31/16
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1:16:42 p.m.

**SUPPLEMENTAL MATERIALS: NOMINATIONS**

R9A1 Board And Committee Appointments - City Commission Appointments.  
(City Clerk's Office)

**ACTION:** The following appointments were made:

**Design Review Board:**

Lillian Medina Urban Land Planner Term ending 12/31/2010 City Commission Appointment TL 12/31/15

Motion made by Commissioner Góngora nominating Lillian Medina for the Urban Land Planner category; seconded by Commissioner Exposito; Voice vote 7-0.

**Health Facilities Authority Board:**

Sidney Goldin General Business Term ending 06/19/2010 City Commission Appointment FS-154-207

Commissioner Weithorn restated her motion to nominate Sidney Goldin to the Health Facilities Board; seconded by Commissioner Góngora; Voice vote: 7-0.

**Housing Authority:**

Emilio Fernandez HA Commissioner Term ending 10/11/2013 Appointed by Mayor Bower TL 10/11/17

**Miami Beach Cultural Arts Council:**

Gregg Melvin Term ending 12/31/2011 City Commission Appointment TL 12/31/15

Motion made by Commissioner Góngora to nominate Gregg Melvin to the Miami Beach Cultural Arts Council; seconded by Commissioner Exposito. Appointment made by acclamation.

**Visitor and Convention Authority:**

Deborah Castillo At-large Term ending 12/31/2010 City Commission appointment TL 12/31/15

Motion made by Commissioner Góngora to appoint Deborah Castillo for the at large category; seconded by Commissioner Exposito. Appointed by acclamation.

R9A2 Nomination For Appointment Of Emilio Fernandez For Commissioner To The Miami Beach Housing Authority.

(Requested by Mayor Matti Herrera Bower)

**ACTION:** Motion made by Mayor Bower; seconded by Commissioner Góngora; Voice vote: 7-0.  
R. Parcher to handle.

**1:30:17 p.m.**

R9B1 Dr. Stanley Sutnick Citizen's Forum.

**ACTION:** The following individuals spoke:

1. Stanley Shapiro praised Mayor Bower for handling Commission Meetings in a professional way and added that Administration has not continued implementing the returning of phone calls within 48 hours. He asked Legal Department to see if an ordinance can be drafted to prohibit employees from using cell phones while on the job. He commended Bobby Jenkins and Saul Frances for resolving the bus stop parking issue. He proposed increasing the fine from \$25 to \$100 for any vehicles parking illegally at a bus stop.

Discussion continued.

Jose Smith, City Attorney, explained that conversations have been held with Harvey Ruvin, Miami-Dade County Clerk, and Administration and he has proposed a resolution to the County Commission.

**Resolution No. 2010-27406. Motion made by Commissioner Weithorn to urge Miami-Dade County for a minimum increase of the fines from \$25 to \$100 for all vehicles illegally parked at a bus stop; seconded by Vice-Mayor Libbin; Voice-vote: 7-0. Legal Department to handle.**

**Vice-Mayor Libbin suggested referring the cell phone prohibition on City employees usage while driving City vehicles discussion to the Land Use and Development Committee. Richard Lorber to place on the committee agenda. Ramiro Inguanzo to handle.**

2. Harry Cherry spoke regarding the 40 year recertification ordinance and added there is no due process and excessive punishment. He stated that he has a right to privacy according to the Florida State Constitution and asked to be left alone.

Discussion held.

Handout or Reference Materials:

1. Copy of article from the Constitution of the State of Florida As Revised in 1968 and Subsequently Amended, ARTICLE 1

**6:32:02 p.m.**

R9B2 Dr. Stanley Sutnick Citizen's Forum.

**ACTION:** The following individuals spoke:

1. Sheryl Gold wants to put a personal face on the short-term transient rentals and added that until the City fixes the dysfunctional compliance enforcement system, the City should not grandfather anything, pass another short-term rental ordinance or any other ordinance in the City. She complained about the violations to the property adjacent to hers and how this is affecting her quality of life. Transient rentals continue and she urged the City to do something drastic. She also asked, for the record, to check the Historical Art Deco Homes short term rental units' website.

Handout and Reference Materials:

1. Color photos of Miami Beach Vacation Rental House – from [www.homeaway.com/vacation-rental](http://www.homeaway.com/vacation-rental)
2. Benita Argos stated that at the 1400 West Avenue single family home there was a big party on the terrace until after 2:00 in the morning and it happens periodically on this property. This is a cancer in the neighborhood and it has to be dealt with. She stated that the ordinance should include language stating that condominium units be excluded.
3. Jeannette Varela stated that Benita is not telling the truth because her house was not rented last weekend, but it was his nephew celebrating his graduation.

R9C The Committee Of The Whole Will Meet During Lunch Break In The City Manager's Large Conference Room To Discuss The Fiscal Year (FY) 2010/11 Proposed Operating Request For The Office Of The Mayor And City Commission.  
(Budget & Performance Improvement)

**ACTION: Deferred to the May 26, 2010 Special Commission Meeting.** Lilia Cardillo to place on the Commission Agenda. Kathie Brooks to handle.

- R9D The Committee Of The Whole Will Meet During Lunch Break In The City Manager's Large Conference Room To Discuss The MacArthur Causeway Tunnel Project.  
(Requested by Mayor Matti Herrera Bower)

**ACTION:** Announced and held.

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

Gus Pego P.E., FDOT District VI Secretary made opening remarks by thanking the City Commission for the opportunity to present both the Port of Miami Tunnel Project (POMT) as well as the status of the I-395 expansion project. Gus Pego went on to introduce Louis Brais, Bouygues Civil Works Florida Project Director of the POMT Construction.

Mr. Brais presented the various phases of construction for the POMT project, and indicated that no lane closures would be anticipated except during the first phase of the project. Mr. Brais also assured the City that implementation for all MOT's would be done in strict coordination with the City of Miami Beach. Mr. Brais also gave a detailed explanation of the Tunneling Boring Machine (TBM) assembly as well as operations. Mr. Brais further indicated that the spoil materials for the tunnel would be hauled out through barges. He also assured the City that strict construction monitoring should be conducted to maintain noise and dust at low levels.

Commissioner Weithorn questioned if there would be fuel tanks onsite and what precautions had the contractor taken to mitigate any potential fires resulting from fuels. Mr. Brais indicated that most, if not all systems including the TBM and water treatment facility used for dewatering, would run strictly on electrical power. Mr. Brais also indicated that FPL would install a power facility and a subsequent 13.8 KV line to support the electrical needs of the tunnel. Mr. Brais indicated as well that generators would be used sporadically too, but not to support any of the main tunneling activities rather used for ancillary construction equipment.

Commissioner Libbin questioned if the POMT had any similarities to the Big Dig project in Boston, and expressed concerns about the results of the Boston project. Mr. Brais clarified that he had worked on the Big Dig Project and that the tunneling techniques applied in the Big Dig Project were very different (cut and over) than the POMT (TBM).

Mayor Bower requested specific information on noise and dust. Mr. Brais elaborated on the special techniques utilized by the TBM, and reconfirmed that the noise level would not be anticipated to be high during the Tunnel Boring process. Mr. Brais further suggested that Bouygues had established various noise measuring stations within an influence radius, in which measurements were consistently taken to a) understand the ambient decibels, and b) consistently measure and model decibel propagation during construction. As far as dust control, Mr. Brais indicated that every precaution would be taken to contain all mined material within a covered conveyor system to its point of discharge at a barge location under the MacArthur Bridge. Mayor Bower asked how the contractor would handle the spoil materials, and Mr. Brais indicated that the plan at this point in time would be to store and barge the material offsite. Mr. Brais indicated that Bouygues was in the process of coordinating with FPL the utilization of spoils at Turkey Point.

Commissioner Weithorn requested additional clarification about what mitigation techniques had the TBM concessionaire considered for hurricane preparedness and if the TBM would require dismantling. Mr. Brais indicated that TBM machine was basically an industrial plant made of hundreds of tons of steel and electrical and mechanical equipment which once assembled that it could not be disassembled; however, Bouygues was extremely experienced in working in hurricane prone environments and that they had processes of anchoring the system as well as developing flood protection walls to protect the equipment in the event of a major storm event. Mr. Brais went on to

indicate that Bouygues had recently completed a job in the Caribbean, further underlining the company's expertise in hurricane prone environments.

Following presentation by Bouygues, Gus Pego went on to introduce Aileen Boucle, AICP, District Planning and Environmental Management Administrator, who presented the status of the I-395 PD&E between the I-95/I-395 interchange and the McArthur bridge.

A discussion ensued on the current traffic conditions. Ms. Boucle indicated that the I-395 corridor PD&E study was primarily to address existing safety and operational deficiencies rather than a capacity improvement project. The I-395 project is an independent project that is warranted with or without the construction of the POMT. Based on traffic analysis of the POMT and I-395 traffic, the traffic level of service is not projected to deteriorate until 2025. Ms. Boucle indicated that the I-395 PD&E had taken into consideration the projected volumes for the Port, the I-395 projections were based on the approved Miami-Dade County travel demand model and approved and reviewed by the FDOT and FHWA. The analysis includes I-395 traffic and the 2007 PB POMT traffic study for the Port Tunnel future year volumes. These port numbers are conservative since they include the projections based on Post-Panamax ship traffic, as well as older traffic projections which are in fact higher than more recent updated projections. FDOT indicated that they did this in an effort to be as conservative as possible to show worst-case scenario associated with port traffic along I-395.

Ms. Boucle indicated that the project was currently under review and approval by FHWA to obtain a favorable Record of Decision which would grant Location Design Concept Acceptance of the project, allowing for future federal participation for funding. Secretary Pego indicated that the project cost was approximately \$750 to \$800 Million.

FDOT indicated that should the reconstruction of I-395 not move forward, interim improvements to I-395 will be evaluated to accommodate the additional Port traffic. However, this additional traffic is not an issue until year 2025, which is enough time to plan, design and build any capacity improvements. Such improvement would potentially entail the widening of I-395 (from approximately NE 2 Avenue to the MacArthur Bridge) in both the Eastbound and Westbound directions to accommodate the additional lane from/to the MacArthur Bridge.

#### Handout and Reference Materials:

1. Color aerial map of I-395 Project Development and Environment Study – Preferred Alternative
2. Aerial map titled Freeway Analysis (Alternative 1) from the Florida Department of Transportation
3. Aerial map titled Freeway Analysis (Alternative 3) from the Florida Department of Transportation
4. Sign-in sheet

**1:23:59 p.m.**

R9E Discussion Regarding Public Sidewalk Finishes And Colors.  
(City Manager’s Office)  
(Deferred from April 14, 2010)

**ACTION:** Discussion held.

William Cary, Assistant Director of Planning, explained that the recommendation is to continue to use red sidewalks in the historic district based on the Historic Preservation Board determination that red is the appropriate color there, and outside of the historic district, where there are mixed colors, to begin to transition into the gray sidewalks. This is a more consistent color and less expensive to pour.

Motion made by Commissioner Góngora to continue to use red sidewalks in the historic district based on the Historic Preservation Board’s determination that red is the appropriate color there and outside of the historic district, where there are mixed colors, to begin to transition into the gray sidewalks; seconded by Vice-Mayor Libbin; Voice vote; 6-0; Absent: Commissioner Wolfson. **Fred Beckmann and William Cary to handle.**

Handout or Reference Materials

- 1. Color document titled: “Sidewalk Color” – “Miami Beach Red” vs Natural Concrete

**4:46:24 p.m.**

R9F Discussion Regarding The Convention Center Master Plan.  
(Requested by Commissioner Jorge Exposito)

**ACTION:** Jorge Gonzalez, City Manager, explained the item and gave an overview of the project via a PowerPoint presentation. He added that this is an evolving project.

Discussion held.

Handout or Reference Materials

- 1. Miami Beach Convention Center PowerPoint

**1:22:41 p.m.**

R9G Discussion Regarding Visitor Parking Stickers Available For Residential Areas.  
(Requested by Commissioner Jonah Wolfson)

**ACTION: Item referred.** Motion made by Commissioner Wolfson to refer the item to the Finance and Citywide Projects Committee; seconded by Vice-Mayor Libbin; Voice vote 7-0. Patricia Walker to place on the committee agenda. **Saul Frances to handle.**

1:04:39 p.m.

R9H Discussion Regarding A Resolution In Light Of The Recent Oil Rig Disaster In The Gulf Of Mexico, Reiterating And Its Opposition To The Approval Of Oil Drilling In Florida's Waters In Areas Other Than Those Already Approved For Oil Leasing And Oil Exploration.  
(Requested by Commissioner Edward L. Tobin)

**ACTION:** Discussion held. **Resolution No. 2010-27400 adopted as amended and referred to the Sustainability Committee.** Motion made by Commissioner Tobin; seconded by Commissioner Weithorn; Voice vote: 7-0. Fred Beckmann to place on the committee agenda. Kevin Crowder to handle.

Motion made by Commissioner Góngora to refer this issue of the oil spill to the Sustainability Committee to assess the potential impact and for their recommendation. Approved by acclamation. **Fred Beckmann to place on committee agenda.**

**Amendment:**

Motion made by Vice-Mayor Libbin to raise the cap on liability for damages from \$75 million to \$10 billion arising from oil spills that could occur in the Gulf. Amendment accepted by Commissioner Tobin. **Legal to handle.**

**End**

Motion made by Commissioner Tobin to adopt the resolution; seconded by Commissioner Weithorn.

Commissioner Libbin stated that he totally supports this resolution and added that he has contacted the Legal Department regarding how the City can protect the businesses and tourists if the oil spill reaches Miami Beach because just the fear of the spill reaching Miami Beach's shores could cause cancellations of conventions, hotel bookings and could have serious financial consequences. The Legal Department researched this issue and we are now aware that in 1990 the Federal Government created a \$1.6 billion fund for loss and damages due to something like this. In addition, Senator Nelson has asked to raise the liability cap that could be made to companies like BP Oil from \$75 million to \$10 billion. The City needs to be vigilant and the City needs to let businesses know that, if this happens, they need to start documenting any loss of business so that we can join what could possible be a class action lawsuit. He also stated that he is not comfortable that the emergency management group is sufficiently planning for Miami Beach and Miami-Dade County for a worst case scenario. They seem to be more concerned about the Keys. We should direct the Administration to take action and urging that a plan be put in place. **Robert Middaugh to handle.**

Commissioner Weithorn stated that we should publicize the information on whatever we plan to due because there are lots of people in our community willing to help. **Fred Beckmann to handle.**

Motion made by Commissioner Góngora to refer this issue to the Sustainability Committee to assess impact and for their recommendation. Approved by acclamation. **Fred Beckmann to place on Committee Agenda.**

Discussion continued.

Vote taken for Commissioner Tobin's motion 7-0.

**Amendment:**

Motion made by Vice-Mayor Libbin to raise the cap on liability for damages from \$75 million to \$10 billion arising from oil spills that could occur in the Gulf. Amendment accepted by Commissioner Tobin.

**End**



**1:01:26 p.m.**

- R9I Discussion Regarding A Resolution Directing The City Manager To Inform The Commission And Develop An Action Plan As Appropriate For Major Initiatives, Projects, Or Occurrences In Miami-Dade County That Significantly Impact The City Of Miami Beach And To Bring Such Matters To The Attention Of The Mayor And City Commission As Soon As Practicable.  
(Requested by Commissioner Edward L. Tobin/City Attorney's Office)

**ACTION:** Discussion held. **Resolution 2010-27401 adopted.** Motion made by Commissioner Tobin; seconded by Vice-Mayor Libbin; Voice vote: 7-0. **Kevin Crowder to handle.**

Commissioner Tobin introduced the item.

Motion made by Commissioner Tobin; seconded by Vice-Mayor Libbin; Voice vote: 7-0.

Jorge Gonzalez, City Manager, stated that he supports this resolution and he is happy to do this as often as possible and added that this is being done now. He added that there have been discussions to hire resources to monitor at County level. He wants to make sure that everyone understands that we are all imperfect and there may be times when things come up that he is not aware of or somehow become aware late in the game. He thinks this is great and he supports it.

**12:59:37 p.m.**

- R9J Discussion Regarding A Resolution Requiring That A Basis Of Design Report (BODR) That Has Been Previously Approved By The Mayor And City Commission Shall Require Approval By 5/7ths Vote Of The City Commission To Change The Approved BODR.  
(Requested by Commissioner Jonah Wolfson)

**ACTION: Referred to the Neighborhood/Community Affairs Committee.** Motion made by Commissioner Wolfson; seconded by Commissioner Tobin; Voice vote-6-0; Absent: Vice-Mayor Libbin. Jorge Gomez to handle.

Commissioner Wolfson requested to refer this item to the Land Use and Development Committee to see if it is possible to codify the process.

Jose Smith, City Attorney, stated that it should be referred to the Neighborhood/Community Affairs Committee.

**6:42:03 p.m.**

R9K Discussion On An Amendment To The Flamingo Park Master Plan Relative To The Tennis Center Facility.

(Parks & Recreation)  
(Deferred from April 14, 2010)**ACTION:** Discussion held.

Motion made by Commissioner Tobin to have 17 clay courts at Flamingo Park; seconded by Mayor Bower; Ballot vote: 5-2; Opposed: Vice-Mayor Libbin and Commissioner Weithorn. **Charles Carreño to handle.**

Motion made by Commissioner Tobin to segregate the \$325,000 [\$300,000] which was left over from the Flamingo Park budget to be used for the five (5) hard courts for high school use; seconded by Commissioner Wolfson; 6-0; Absent: Commissioner Weithorn. **Patricia Walker and Kevin Smith to handle.**

**End**

Jorge Gonzalez, City Manager, introduced the item.

Discussion continued.

**The following individuals spoke:**

Andrew Levi

Jonathan Groff, Chairperson of the Parks and Recreational Facilities Board, spoke.

Richard Crenshaw

Toni Harmony

Adam Shedroff

Michael Schad

Gayle Durham

Tegan Eve

Dr. Rosann Sidener, Principal of Beach High School

Dana Turken

Silvia Winitzky, Co-President of the Bayshore Homeowner's Association

Howard Kaufman

Marguerite Ramos

Jack Johnson

Carol Housen

Aaron Sugarman

Robert Turken

Rebecca Boyce

Discussion continued.

**Motion #1:**

**Motion made by Commissioner Tobin to have 17 clay courts; seconded by Commissioner Góngora; Voice vote: 2-5; Opposed: Mayor Bower, Vice-Mayor Libbin, Commissioners Exposito, Weithorn and Wolfson. The motion failed.**

Commissioner Weithorn stated that the City Commission had already agreed to the 17 clay courts with the \$300,000 carved out to build the five (5) additional courts as agreed. She stated that this motion does not reinstate the \$300,000.

Commissioner Tobin stated that his motion does not include spending or giving any money because he opposes the five (5) additional tennis courts. He is against building the five tennis courts at the

Par 3, but he would consider making a motion to build five tennis courts at the high school.

Discussion continued.

Commissioner Tobin asked why no tennis courts can be built at the high school.

Dr. Rosann Sidener, Principal of Beach High School, stated that the high schools in the State of Florida have specifications that must be met in reference to the acreage that is available for the building as well as the physical education facilities. She explained that the school has a variance because there is not as much acreage as needed and that is why they do not have a practice field. The school is already maxed out and cannot build the tennis courts.

Discussion continued.

**Motion #2:**

**Motion made by Vice-Mayor Libbin to have 17 clay courts at Flamingo Park and five hard courts at the Par 3; seconded by Commissioner Góngora; Ballot Vote: 3-4; Opposed: Mayor Bower, and Commissioners Exposito, Tobin and Wolfson. The motion failed.**

**Amendment by Commissioner Góngora to make sure that it includes no lighting. Amendment accepted by Vice-Mayor Libbin.**

**Amendment by Commissioner Weithorn to include the \$325,000 [~~\$300,000~~] previously approved. Amendment accepted by Vice-Mayor Libbin.**

Discussion continued.

Silvia Winitzky, Co-President of the Bayshore Homeowner's Association, spoke.

**Motion #3:**

**Motion made by Commissioner Exposito for 12 clay courts and five hard courts at Flamingo Park; seconded by Commissioner Wolfson; Ballot vote: 3-4; Opposed: Vice-Mayor Libbin, Commissioners Góngora, Tobin and Weithorn. The motion failed.**

**Motion #4:**

**Motion made by Commissioner Weithorn for the Burger Plan (17-5 and redesign the tennis center) using as little green space as possible, less than 30 ft.; seconded by Vice-Mayor Libbin.**

Mayor Bower asked the Administration if there will be a delay with the above motion.

Jorge Gonzalez, City Manager, explained that this will have to go to the Historic Preservation Board, a new design will be needed for the tennis facility, and a full design of this facility will cost between \$300,000 and \$400,000. He estimated at least a six months delay for the new design and the approvals.

Discussion continued.

**Motion #4 restated:**

**Commissioner Weithorn restated her motion for the Burger plan with 19 courts, 14 clay and 5 hard courts with a redesign of the tennis facility with minimum intrusion into the green space; seconded by Vice-Mayor Libbin; Ballot vote: 3-4; Opposed: Mayor Bower and Commissioners Exposito, Tobin and Wolfson. The motion failed.**

**Motion # 5: FINAL**

**Motion made by Commissioner Tobin to have 17 clay courts at Flamingo Park; seconded by Mayor Bower; Ballot vote: 5-2; Opposed: Vice-Mayor Libbin and Commissioner Weithorn.**

**Motion #6:**

**Motion made by Commissioner Tobin to segregate the \$325,000 [\$300,000] which was left over from the Youth Center to be used for the five hard courts for the high school use; seconded by Commissioner Wolfson; 6-0; Absent: Commissioner Weithorn.**

## Handout or Reference Materials:

1. Tennis Survey submitted by Rebecca Boyce
2. Memorandum from Hilda M. Fernandez, Assistant City Manager addressed to Jorge M. Gonzalez, City Manager, via Kevin Smith, Parks and Recreation Department dated May 11, 2010 RE: Motion by the Parks and Recreation Department Facilities Authority Board.
3. Petition to the Commissioners and Mayor of Miami Beach from Concerned Citizens titled S.O.T. "Save Our Tree!!!! Submitted by Andrew Levi.
4. Roll Call #1, #2, #3 and #4

**NEW ITEM:****8:33:37 p.m.**

Robert Parcher, City Clerk, reminded everyone of the Special City Commission meeting on Wednesday, May 26, 2010 at 10:00 a.m., regarding the Lincoln Park Project and several other items.

**12:55:42 p.m.****ADDENDUM:**

R9L Discussion Regarding The Recent Anti-Immigrant Legislation Passed In Arizona.  
(Requested by Mayor Matti Herrera Bower)

**ACTION:** Discussion held. **Resolution 2010-27399 adopted.** Motion made by Mayor Bower; seconded by Commissioner Exposito; Voice vote: 6-0; Absent: Commissioner Wolfson. Robert Parcher to transmit the resolution.

Robert Parcher, City Clerk, announced that there was a resolution distributed on the dais.

12:57:01 p.m.

**ADDENDUM:**

R9M Discussion Regarding A Resolution Urging Governor Charlie Crist To Veto The Committee Substitute, Amendment 169265, For House Bill No. 971, An Act Relating To Highway Safety And Motor Vehicles, And Which Would Authorize A Person With A Permanent Driver's License Or Driving Privilege Suspension For Having Four Or More Driving Under The Influence Convictions To Petition For Reinstatement Of Their Driving Privileges After Five Years; And Directing The City Clerk To Transmit A Certified Copy Of This Resolution To Governor Charlie Crist, And Members Of The City Of Miami Beach State Legislative Delegation.

(Requested by Commissioner Jonah Wolfson)

**ACTION:** Discussion held. **Resolution 2010-27404 adopted.** Motion made by Commissioner Wolfson to adopt the amended resolution handed at the floor; seconded by Commissioner Góngora; Voice vote-6-0; Absent: Vice-Mayor Libbin. Robert Parcher to transmit the resolution.

Commissioner Wolfson introduced the item.

Handout or Reference Materials:

1. Commission Memorandum from Jose Smith, City Attorney, to Mayor Matti Herrera Bower, Members of the City Commission and City Manager Jorge Gonzalez dated May 12, 2010, RE: Resolution Urging Governor Charlie Crist to Veto Committee Substitute for Committee Substitute For House Bill No. 971.
2. Article dated May 4, 2010 titled "Lawyers Arrive and Suits Follow" by Ashby Jones.

1:15:36 p.m.

**Emergency Item**

R9N A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Strongly Opposing Florida House Bill 1143 And Urging Governor Charlie Crist To Veto Said Legislation.  
(Commissioner Deede Weithorn)

**ACTION:** Discussion held. **Resolution 2010-27405 adopted.** Motion made by Commission Weithorn opposing House Bill 1143 and urging Governor Crist to veto this legislation; seconded by Commissioner Góngora; Voice vote: 5-0; Absent: Commissioners Tobin and Wolfson. Robert Parcher to transmit the resolution.

**Add as an emergency item:**

Motion made by Commissioner Weithorn to add an item to the agenda creating a resolution strongly opposing House Bill 1143 and urging the Governor to veto this legislation; seconded by Commissioner Góngora; Voice vote: 5-0; Absent: Commissioners Tobin and Wolfson.

Commissioner Weithorn presented the item.

**Reports and Informational Items**

Reports and Informational Items (see LTC 134-2010)

Meeting adjourned at 8:35:06 p.m.

**End of Regular Agenda**