City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
July 14, 2010

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

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

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ATTENTION ALL LOBBYISTS

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

REGULAR AGENDA

R2 - Competitive Bid Reports

R2A Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 26-09/10, For The Renovation And Restoration Of The Historical Fire Station No. 2 And Hose Tower, Authorizing The Mayor And City Clerk To Execute An Agreement With Edgewater Construction Group, Inc., At The Not-To-Exceed Amount Of $1,627,762.74, For The Construction Of The Project, Plus Approve A Project Contingency In The Amount Of $325,552.55 For A Grand Total Of $1,953,315.29 From Funds Previously Appropriated In The Capital Budget; Further Authorizing The Administration To Engage In Value Engineering To Further Reduce The Cost And Time For Completion Of Said Project.
(Page 393)

(Capital Improvement Projects)

R2 - Competitive Bid Reports (Continued)

R2B Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 17-09/10, For The Construction Of The City Of Miami Beach Right Of Way Infrastructure Improvement Program, Neighborhood No. 12/D/E/F, South Pointe Phases III, IV And V; Authorize The Administration To Engage In Value Engineering To Further Reduce The Cost And Time For Completion Of Said Project; Authorize The Mayor And City Clerk To Execute An Agreement With Trans Florida Development Corporation, In The Amount Of $9,950,715.92, For The Construction Of The Project, With Previously Appropriated Funding Available From South Pointe RDA Fund 379 In The Amount Of $268,719.40, And From South Pointe Capital Fund 389, In The Amount Of $9,681,996.52 For Construction; And Approving Previously Appropriated Funding In The Amount Of $995,071.59, From South Pointe Capital Fund 389 For Project Contingency, For A Grand Total Of $10,945,787.51. (Page 399)

(Capital Improvement Projects)

R5 - Ordinances

R5A An Ordinance Repealing Article XI, Entitled "Dangerous Intersection Safety," Of Chapter 106, Entitled "Traffic And Vehicles," Of The Miami Beach City Code; And Adopting The Mark Wandall Traffic Safety Act And Program; And Providing For Codification; Severability; Repealer; And An Effective Date Of July 1, 2010. **10:15 a.m. Second Reading Public Hearing** (Page 423)

(City Manager's Office)
(First Reading on June 9, 2010)

R5B An Ordinance Amending Chapter 12, Article I Of The Code Of The City Of Miami Beach Entitled "Film And Print Productions", By Amending Section 12-1(5), "Film And Print Regulations"; Providing For Codification, Repealer, Severability And An Effective Date. **10:20 a.m. Second Reading Public Hearing** (Page 435)

(Tourism & Cultural Development)
(First Reading on June 9, 2010)

R5C Parking Rate Ordinance Amendments
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 106, Entitled "Traffic And Vehicles," By Amending Article II, Entitled "Metered Parking," By Amending Division 1, Entitled "Generally," By Amending Section 106-55, Entitled, "Parking Rates, Fees, And Penalties"; By Amending Subsection (L); Entitled, "Exceptions," By Amending Sub-Subsection (1), Entitled "Special Event Parking" By Replacing Special Event Parking Rate Provisions With Flat Parking Rate Provisions; Providing For Codification, Repealer, Severability, And An Effective Date. **10:25 a.m. Second Reading Public Hearing** (Page 445)

(Parking Department)
(First Reading on June 9, 2010)

R5D 10-Year Water Supply Facilities Work Plan
An Ordinance 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 Repealer, Severability, Codification And An Effective Date. **10:30 a.m. First Reading Public Hearing** (Page 453)

(Planning Department)

R5 - Ordinances (Continued)

R5E An Ordinance Amending 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; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida; Repealer; Severability; And An Effective Date. **First Reading** (Page 465)

(City Attorney's Office/Real Estate, Housing & Community Development)

R5F An Ordinance Amending Ordinance No. 1335, The Classified Employees' Leave Ordinance, By Amending The Provisions For Accumulation And Payment Of Annual Leave For The American Federation Of State, County And Municipal Employees/Local No. 1554 (AFSCME); Providing For A Repealer, Severability, And An Effective Date. **First Reading** (Page 479)

(Human Resources)

(Memorandum & Ordinance To Be Submitted In The Supplemental)

R5G An Ordinance Amending The Miami Beach Employees' Retirement Plan; Implementing Provisions Of The 2009-2012 Collective Bargaining Agreements Between The City And The American Federation Of State, County And Municipal Employees, Local 1554 (AFSCME), And Government Supervisors Association Of Florida/OPEIU Local 100 (GSA); Implementing Similar Retirement Plan Amendments For Members Who Are Not Included In Any Bargaining Unit; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing An Effective Date. **First Reading** (Page 481)

(Human Resources)

(Memorandum & Ordinance To Be Submitted In The Supplemental)

R5H An Ordinance Amending Chapter 106 Of The Miami Beach City Code, Entitled "Traffic And Vehicles," By Amending Article II, Entitled "Metered Parking," By Amending Division I, Entitled "Generally," By Amending Section 106-55, Entitled "Parking Rates, Fees, And Penalties," By Amending Subsection (N), Entitled "Hybrid/ILEV (Inherently Low Emissions Vehicles) Vehicles Incentive," By Amending Vehicle Participation Criteria For The Hybrid/ILEV Vehicles Incentive Program To Include Vehicles With An EPA (Environmental Protection Agency) Rating Of Six "6" Or Higher ("Smartway" Designation) And Street Legal Electric Vehicles, Increasing The Number Of Reserved Hybrid Vehicle Spaces At The 42nd Street Garage From One Percent (1%) To Two Percent (2%), Establishing One Percent (1%) Of The Parking Spaces At The 7th Street Garage And 13th Street As Reserved For Hybrid Vehicles Only, And Establishing An Automatic Review Of All Hybrid Vehicle Incentives Upon Reaching A Hybrid Permit Sales Threshold Of Five Percent (5%) Of Total Permit Sales; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading** (Page 483)

(Parking Department)

R5I An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 3 Entitled "Lobbyists", Section 2-482 Thereof Entitled "Registration" So As To Clarify That The Annual Lobbyist Registration Fee Is Required To Be Paid For Each Twelve Month Period Commencing October 1 Of Each Year; And Amending City Code Section 2-485 Thereof Entitled "List Of Expenditures; Fee Disclosure; Reporting Requirements", So As To Change Annual Reporting Date For Lobbyist Expenditure And Fee Disclosure From October 1 To January 31, And Changing Corresponding Annual Date For Post-Delinquency Lobbbyist Suspension Due To Failure To File Report After Imposition Of Penalty From December 1 To March 31; Providing For Repealer, Severability, Codification, And Effective Date. **First Reading** (Page 489)

(City Clerk's Office)

R7 - Resolutions

R7A A Resolution Setting 1) The Proposed Operating Millage Rate; 2) The Required Debt Service Millage Rate; 3) The Calculated "Rolled-Back" Rate; And, 4) The Date, Time, And Place Of The First Public Hearing To Consider The Millage Rates And Budgets For Fiscal Year (FY) 2010/11; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes. (Page 499)

(Budget & Performance Improvement)

(Memorandum & Resolution To Be Submitted In Supplemental)

R7B A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Setting 1) The Proposed General Operating Millage Rate For The Normandy Shores Neighborhood Improvement District; 2) The Calculated Rolled-Back Rate; And, 3) The Date, Time And Place Of The First Public Hearing To Consider The Operating Millage Rate And Budget For Fiscal Year (FY) 2010/11; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes.
(Page 501)

(Budget & Performance Improvement)

R7C A Resolution Approving, Following First Reading And Public Hearing, A Development Agreement Between The City And The Housing Authority Of The City Of Miami Beach (HACMB) Pertaining To The Design, Development, And Construction Of The Following Projects On Certain Real Property Owned By HACMB, Located At 1231-1251 17th Street, Miami Beach, Florida: 1.) An Affordable Elderly Housing Project With Ground Level, Neighborhood Oriented Commercial Space, To Be Developed And Constructed At HACMB's Sole Cost And Expense; (The "HACMB Project") And 2.) A Public Right Of Way, Including A Bridge, For Vehicular And Pedestrian Access, Connecting West Avenue And Dade Boulevard, To Be Designed, Developed, And Constructed At The City's Sole Cost And Expense (The "West Avenue Bridge Project") Over A Perpetual Easement Over The Property; Which Easement The City Intends To Purchase From HACMB (The 'City Easement"); And Further Approving, In Substantial Form, A Purchase And Sale Agreement Between The City And HACMB For Purchase Of The City Easement, In The Amount Of $1,635,000; Authorizing The City Manager And City Attorney's Office To Finalize Said Purchase And Sale Agreement, And Authorizing The Mayor And City Clerk To Execute The Final Agreement And, Thereafter, Authorizing The Mayor And City Clerk, And/Or The City Manager And City Clerk, To Execute Any And All Documents, As Necessary To Close On The Sale Of The Subject Easement; Further Authorizing And Setting The Public Hearing For Second And Final Reading Of The Development Agreement For September 15, 2010; Provided Further, However, That In The Event The Development Agreement Between The City And HACMB Is Not Approved By The City On Second And Final Reading And Public Hearing, Then The Purchase And Sale Agreement Shall Automatically Terminate And The City And HACMB Will Have No Further Rights Or Obligations Thereunder. **10:40 a.m. First Reading Public Hearing**
(Page 509)

(Economic Development)

R7 - Resolutions (Continued)

R7D A Resolution Approving On First Reading, A Lease Agreement Between The City And David A. Wrubel, CPA, P.A., For Use Of Approximately 1,518 Square Feet Of City-Owned Property, Located At 1130 Washington Avenue, 5th Floor, Miami Beach, Florida; Said Lease Having An Initial Term Of Three Years, With Two Additional Three Year Renewal Terms, At The City's Sole Discretion; Waiving By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, As Required By Section 82-39 Of The Miami Beach City Code; Referring The Lease To The Finance And Citywide Projects Committee For Discussion; Further Setting A Public Hearing On September 15, 2010, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading** (Page 585)

(Real Estate, Housing & Community Development)

R7E A Resolution Approving On First Reading, A Lease Agreement Between The City And Leonardo Salon, Inc., For Use Of Approximately 1,326.78 Square Feet Of City-Owned Property, Located At 1701 Meridian Avenue, Unit 1 (A/K/A 765 17th Street), Miami Beach, Florida; Said Lease Having An Initial Term Of Four Years And 364 Days, With One Additional Five Year Renewal Term, At The City's Sole Discretion; Waiving By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, As Required By Section 82-39 Of The Miami Beach City Code; Referring The Lease To The Finance And Citywide Projects Committee For Discussion; Further Setting A Public Hearing On September 15, 2010, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading**
(Page 619)

(Real Estate, Housing & Community Development)

R7F A Resolution Approving On First Reading, A Lease Agreement Between The City And Jon Krutchik, For Use Of Approximately 1,802.89 Square Feet Of City-Owned Property, Located At 1701 Meridian Avenue, Unit 2 (A/K/A 767 17th Street), Miami Beach, Florida; Said Lease Having An Initial Term Of Four Years And 364 Days, With One Additional Five Year Renewal Term, At The City's Sole Discretion; Waiving By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, As Required By Section 82-39 Of The Miami Beach City Code; Referring The Lease To The Finance And Citywide Projects Committee For Discussion; Further Setting A Public Hearing On September 15, 2010, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading**
(Page 629)

(Real Estate, Housing & Community Development)

R7G A Resolution Approving And Authorizing The Construction Of The Median Along Lincoln Road, Between Washington Avenue And Collins Avenue, As Currently Designed In The City Center Bid Package 9C Right-Of-Way Improvement Project, And As Approved By The Historic Preservation Board, At Their June 8, 2010 Meeting. (Page 663)

(Capital Improvement Projects)

R7H A Resolution Approving And Adopting The Basic Operational Guidelines For The Use Of The West Lawn/Field In South Pointe Park As Recommended By The Neighborhoods/Community Affairs Committee At Its Meeting Of May 25, 2010. (Page 671)

(Parks & Recreation)

R7 - Resolutions (Continued)

R7I A Resolution Authorizing The Issuance By The City Of Miami Beach, Florida Of (I) Parking Revenue Refunding Bonds, Series 2010A, In An Aggregate Principal Amount Not To Exceed $19,000,000, For The Purpose Of Refunding The City's Outstanding Parking Revenue Bonds, Series 1997, And (II) Parking Revenue Bonds, Series 2010b, In An Aggregate Principal Amount Not To Exceed $48,000,000, For The Purpose Of Paying Costs Of Improvements To The Parking System; Providing For The Issuance Of Additional Parking Revenue Bonds And The Incurrence Of Other Types Of Indebtedness Of The City To Pay All Or Part Of The Cost Of Additional Improvements To The City's Parking System And For Refunding Outstanding Parking Revenue Bonds; Providing For The Payment Of Such Bonds And Other System Debt; Setting Forth The Rights And Remedies Of The Holders Of Such Bonds And Other System Debt; Providing Certain Details Of The Series 2010 Bonds; Delegating Other Matters In Connection With The Issuance Of The Series 2010 Bonds, Including Whether To Secure One Or More Credit Facilities And/Or Reserve Account Insurance Policies, And The Refunding Of The Prior Bonds To The Mayor; Appointing Underwriters, A Bond Registrar, An Escrow Agent And A Disclosure Dissemination Agent; Authorizing The Negotiated Sale Of The Series 2010 Bonds And Approving The Form And Execution Of A Bond Purchase Agreement For The Series 2010 Bonds; Approving The Forms Of A Preliminary Official Statement And An Official Statement For The Series 2010 Bonds And Authorizing Execution Of The Official Statement; Covenanting To Provide Continuing Disclosure In Connection With The Series 2010 Bonds And Approving The Form And Execution Of A Continuing Disclosure Agreement; Approving The Form And Execution Of An Escrow Deposit Agreement For The Prior Bonds; Authorizing Officials Of The City To Take All Necessary Actions In Connection With The Issuance Of The Series 2010 Bonds And Refunding Of The Prior Bonds; Providing A Severability Clause; And Providing An Effective Date. (Page 677)

(Finance Department)

R7J A Resolution Waiving By 5/7ths Vote Competitive Bidding Requirements And Approving A Contract For A Red Light Camera System With American Traffic Solutions Inc., A Kansas Corporation, With Its Principal Office At 7681 E. Gray Road, Scottsdale, Arizona. (Page 685)

(City Manager's Office)

R7K A Resolution Ratifying A Revised Three Year Labor Agreement Between The City Of Miami Beach And The Government Supervisors Association Of Florida/OPEIU Local 100 (GSA), For The Period From October 1, 2009 Through September 30, 2012; And Authorizing The Mayor And City Clerk To Execute The Agreement. (Page 729)

(Human Resources)

(Memorandum & Resolution To Be Submitted In Supplemental)

R7L A Resolution Ratifying A Three (3) Year Labor Agreement Between The City Of Miami Beach And The American Federation Of State, County And Municipal Employees/Local No. 1554 (AFSCME), For The Period From May 1, 2010 Through April 30, 2013; And Authorizing The Mayor And City Clerk To Execute The Agreement. (Page 731)

(Human Resources)

(Memorandum & Resolution To Be Submitted In Supplemental)

R7 - Resolutions (Continued)

R7M A Resolution Ratifying A Three (3) Year Labor Agreement Between The City Of Miami Beach And The International Association Of Fire Fighters/Local No. 1510 (IAFF), For The Period From October 1, 2009 Through September 30, 2012; Authorizing The Mayor And City Clerk To Execute The Agreement. (Page 733)

(Human Resources)

(Memorandum & Resolution To Be Submitted In Supplemental)

R7N A Resolution Authorizing The City Manager, Or His Designee To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire, And Terminate Existing Contracts As Needed From The Last City Commission Meeting On July 14, 2010, Until The First Regularly Scheduled City Commission Meeting On September 15, 2010, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting On September 15, 2010. **Joint City Commission And Redevelopment Agency** (Page 735)

(Procurement)

R9 - New Business and Commission Requests

R9A Board And Committee Appointments. (Page 741)

(City Clerk's Office)

R9A1 Board And Committee Appointments - City Commission Appointments. (Page 745)

(City Clerk's Office)

R9A2 Re-Appointment Of Stu Blumberg To The Convention Center Advisory Board. (Page 753)

(Requested by Mayor Matti Herrera Bower)

R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.) (Page 755)
R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

R9C Discussion Regarding The Status And Update On 1415 Euclid Avenue – Temple House. (Page 757)

(Requested by Commissioner Edward L. Tobin)

R9D Discussion Regarding Parking Spaces For The Holocaust Memorial. (Page 759)

(Requested by Mayor Matti Herrera Bower)

R9E Discussion On The Status Of Alton Road And West Avenue Roadway, And Stormwater Improvements Between 5th Street And Lincoln Road. (Page 761)

(Requested by Commissioner Jonah Wolfson)

R9 - New Business and Commission Requests (Continued)

R9F The Committee Of The Whole Will Meet During Lunch Recess Of The July 14, 2010 City Commission Meeting At The City Manager's Office Large Conference Room To Discuss The City Attorney's Performance Evaluation. (Page 763)
(City Attorney's Office)

R9G Discussion Regarding A Resolution Authorizing A Memorandum Of Understanding To Memorialize Support For The Southeast Florida Regional Plan For Sustainable Development. (Page 765)
(Requested by Commissioner Michael Góngora)

R10 - City Attorney Reports

R10A Notice Of Closed Executive Session (Page 773)
Pursuant To Section 768.28, Florida Statutes, A Closed Executive Session With The Mayor And City Commission Will Be Held During The Lunch Break Of The City Commission Meeting Of July 14, 2010 To Discuss The Following Risk Management Claim:

Monticello Insurance Co., A Delaware Corporation V. City Of Miami Beach; Israel Poleyeff, As Personal Representative Of Eugenie Poleyeff; And Frederica Breaux, As Administratrix Of The Estate Of Zachary Charles Breaux, Case No. 06-20459-Civ-Gold; Monticello Insurance Company V. City Of Miami Beach, Et Al., Court Of Appeals No. 10-10989-1; Frederica E. Breaux, As Administratrix Of The Estate Of Zachary Charles Breaux, Deceased Vs. City Of Miami Beach, Et. Al. , Case No. 99-3808 Ca 27 And Rabbi Israel Poleyeff, As Personal Representative Of The Estate Of Eugenie Poleyeff, Deceased, Vs. Sevilla Beach Hotel Corporation, Et. Al Case No. 99-04209 Ca 13

The Closed Executive Session Will Be Held In The City Manager's Large Conference Room, Fourth Floor, City Hall.

R10B Notice Of Closed Executive Session (Page 775)
Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, July 14, 2010, In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

Reports and Informational Items

Reports and Informational Items (see LTC #190-2010)

End of Regular Agenda