



MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
June 9, 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 Appreciation/AETNA Foundation For Obesity Prevention. (Bower)
- PA2 Certificate Of Recognition/Christina Diaz Gonzalez, Author Of "The Red Umbrella." (Exposito)
- PA3 Proclamation/National Travel And Tourism Week. (Bower)
- PA4 Certificate Of Appreciation/Vincent Andreano, Years Of Service To The City. (Gonzalez/Bower)
- PA5 Proclamation/Code Officers Appreciation Week. (Gonzalez/Bower)
- PA6 Proclamations And Certificates/Mathew Weithorn, Rachel Grosz, & Coaches. (Góngora)
- PA7 Proclamation/Happy Kids Child Care & Preschool, First Green School In Miami Beach. (Góngora)
- PA8 Certificate Of Recognition/Tamra Sheffman, Participation In The Air Race Classic 2010. (Libbin)
- PA9 Certificate Of Recognition/Rebecca Ritter, Participation In The Air Race Classic 2010. (Libbin)
- C2A Request For Approval, Purchase Various Vehicles, \$47,727.
- C2B Request For Approval (ITB 27-09/10), Multi-Space Parking Pay Station Receipt Paper, \$50,000.
- C2C Request For Approval (ITB 20-09/10), Grounds Maintenance Services, \$254,033.90.
- C2D Request For Approval (ITB 33-09/10), ACS For Multipurpose Municipal Parking, \$32,574.31.
- C2E Issue RFP, Acquisition Of An Automated Vehicle Locator (AVL) System.
- C2F Request For Approval (ITB 29-09/10), Parking Lots Utility Maintenance, \$39,000.
- C4A Ref: Finance And Citywide Projects Committee - Land Exchange And Development Agreement.
- C4B Ref: Neighborhoods/Community Affairs Committee - Amendment "Lobbyists" Ordinance.
- C4C Ref: Finance And Citywide Projects Committee - Cone Of Silence Ordinance Amendment. (Mayor)
- C4D Ref: Land Use And Development Committee - Ordinance Regarding Signage Size. (Góngora)
- C4E Ref: Sustainability Committee - Establish An EcoZone Miami Beach Program. (Góngora)
- C4F Ref: Land Use And Dev. Committee - Tennis Courts For Beach High Students. (Weithorn)
- C6A Report: Neighborhoods/Community Affairs Committee Meeting On April 6, 2010.
- C6B Report: Capital Improvement Projects Oversight Committee Meeting On April 12, 2010.
- C6C Report: Neighborhoods/Community Affairs Committee Meeting On April 27, 2010.

- C6D Report: Land Use And Development Committee Meeting On April 28, 2010.
- C6E Report: Finance And Citywide Projects Committee Meeting On April 29, 2010.
- C6F Report: Finance And Citywide Projects Committee Meeting On May 20, 2010.
- C6G Report: Land Use And Development Committee On May 27, 2010.
- C7A Execute An Agreement With McCumber Golf, Inc., Par 3 Golf Course.
- C7B Elect Commissioner Jorge Exposito As Vice-Mayor, July 1, 2010 To October 31, 2010.
- C7C Submit Grant Application To Various Funding Agencies.
- C7D Amend Parking Department Operating FY 2009/10 Budget, Pennsylvania Avenue Garage.
- C7E Urge Miami-Dade County To Implement Comprehensive Amendments To Its Parking Fines.
- C7F Approve A Historic Ad Valorem Tax Exemption For 3193 Royal Palm Avenue.
- C7G Set Public Hearing, Ordinance Adopting A 10-Year Water Supply Facilities Work Plan.
- C7H Accept Recommendation (RFP 22-09/10), Temporary Personnel Services.
- C7I Accept Recommendation (RFQ 01-09/10), Professional A/E Services In Specialized Categories.
- C7J Execute Termination To JPA w/ FDOT, Milling/Resurfacing Of State Road A1A/Collins Avenue.
- C7K Accept \$28,000 Cash Donations (Including Sponsorships), Fourth Of July Celebration.
- C7L Appropriate Funds, City's Joint Tourism And Hospitality Scholarship Program.
- R2A Issue RFP, Parking Cashiers, Attendants, And Supervisors For The City's Parking System.
- R5A **10:30 a.m. 2nd Rdg**, Amend Living Wage Ordinance.
- R5B **10:35 a.m. 2nd Rdg**, Amend City Signs Ordinance. (Exposito)
- R5C **10:40 a.m. 2nd Rdg**, Amend "Designated Children Play Areas," Ordinance. (Exposito)
- R5D **10:50 a.m. 2nd Rdg, Open/Cont.** Amend Graffiti Ordinance.
- R5E **5:00 p.m. 2nd Rdg**, Short Term Rental Of Apartment Units Or Townhomes. **5/7**
- R5F **1st Rdg**, Amend "Film And Print Productions" Ordinance.
- R5G **1st Rdg**, Repeal "Dangerous Intersection Safety" Ordinance.
- R5H **1st Rdg**, Parking Rate Ordinance Amendments.
- R7A **10:15 a.m. 2nd Rdg**, Approve Lease Agreement w/ Rubin & Bickman, 1130 Washington Avenue.
- R7B **10:20 a.m. 2nd Rdg**, Approve Lease Agreement w/ Strang Adams, 1130 Washington Avenue.
- R7C Execute Agreement w/ Choice Environmental Services, Disposal Of Residential Solid Waste.
- R7D Execute Agreement w/ CDM, Citywide Comprehensive Stormwater Management Master Plan.
- R7E **Joint**, Amend Reso No. 2009-27289, Change Commission Meeting In Oct. And Nov. 2010.
- R9A Board And Committee Appointments.
- R9A1 Board And Committee Appointments - City Commission Appointments.
- R9A2 Nominate Marc Umlas To The Health Facilities Authority Board. (Bower)
- R9A3 Nominate Sidney Goldin To The Health Facilities Authority Board. (Weithorn)
- R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9C Presentation By The City's Lobbying Team Re: 2010 Session Of The Florida Legislature.
- R9D Discuss: Ordinance Amending Regulations Of Alcoholic Beverages In Public Places. (Libbin)
- R9E Status Update On The Miami Beach Arts Gala 2010. (Libbin)
- R9F Discuss: Amend Lease, Shane Watersports Center Facility To Allow Bingo. (Libbin)
- R9G Discuss: Waive Rent For Byron Carlyle Theater For Young Talent Big Dreams Contest. (Bower)
- R10A Notice Of Closed Executive Session: Discussion Relative To Collective Bargaining.
- 1A **Joint**, Amend Reso No. 2009-27289, Change RDA Meeting In October And November 2010.
- 1B Approve Renewal Option Of The Management And Leasing Agmt w/ MBCDC Anchor Shops.

Meeting called to order at 9:49:97 a.m.

Inspirational Message given by Robert Parcher.

Pledge of Allegiance led by Senator Dan Gelber.

9:49:54 a.m.

Mayor Bower recognized former City of Miami Mayor Xavier Suarez, City of Miami Commissioners Francis Suarez and Willie Gort.

ADDENDUMS:

Motion made by Vice-Mayor Libbin to add items C4G, C4H, R9A4 AND R9H to the Agenda as emergency items; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Wolfson.

SUPPLEMENTAL MATERIALS:

C7F Resolution

R9D Additional Information

R9F Amendment No. 1 to the Second Amended Agreement & Restated Consolidated Lease Agreement and a summary of Florida Law allowing Bingo games

Presentations and Awards

- PA1 Certificate Of Appreciation To Be Presented To AETNA Foundation For Obesity Prevention.
(Requested by Mayor Matti Herrera Bower)
(Deferred from April 14, 2010)

ACTION: Item withdrawn.

9:51:13 a.m.

- PA2 Certificate Of Recognition To Be Presented To Christina Diaz Gonzalez, Author Of "The Red Umbrella," A Children's Book That Recounts Operation Pedro Pan, Which Had A Lasting Effect On The Lives Of Thousands Of Cuban Children Who Fled To The U.S. Fifty Years Ago.
(Requested by Commissioner Jorge Exposito)

ACTION: Certificate presented.

Commissioner Exposito introduced Ms. Diaz Gonzalez and explained the item. He recognized her for the successful publication of the novel.

Christina Diaz Gonzalez stated that this book is a tribute to her parents and all immigrants who come to this country and to the generous spirit of the United States.

Handout or Reference Materials:

1. Red Umbrella book written by Christina Diaz Gonzalez distributed to Mayor and Commissioners

10:12:55 a.m.

PA3 Proclamation To Be Presented In Recognition Of National Travel & Tourism Week, And A Presentation On The State Of The Tourism Industry By The Greater Miami Convention & Visitors Bureau President And CEO William Talbert.

(Requested by Mayor Matti Herrera Bower)

ACTION: Proclamation presented.

Mayor Bower introduced the item.

William D. Talbert III, President & CEO, Greater Miami Convention & Visitors Bureau, announced the 24th Annual National, Travel & Tourism Week, and on behalf of the City Commission and Administration, they want to welcome all delegates arriving today from the Institute of Architects. There will be about 15,000 delegates from all over the world; this was a business booked by the Convention Bureau in partnership with the City and will bring about \$15 million to the economy in the community. He gave an oral report regarding POW WOW coming back next year and stated that 2009 was a tough year. Foreign visitors to the United States spent 15% less than the year before, but last year they spent 4% more. He thanked the City for their support and complimented Mayor Bower, the City Manager and the entire team in regards to the potential of the Convention Center expansion. As far as the oil spill, he announced that the Bureau is working with the City and the Emergency staff since day one, and immediately went with the right kind of messaging, establishing <http://www.seemiamilive.com> which show current videos of the beach to let the world know that the beaches on Miami Beach are open and people are having fun.

William D. Talbert III, President & CEO, Greater Miami Convention & Visitors Bureau, presented the City Commission with a plaque.

Handout or Reference Materials:

1. 2009 Miami Travel & Tourism Fast Facts post card from GMCVB.

10:35:34 a.m.

PA4 Certificate Of Appreciation To Be Presented To Vincent Andreano For His Years Of Service To The City Of Miami Beach.

(Requested by Jorge M. Gonzalez & Mayor Matti Herrera Bower)

ACTION: Certificate presented.

Jorge Gonzalez, City Manager, stated that Vincent Andreano has served the City of Miami Beach for over 30 years as a lifeguard; he worked his way through since the 1980's, and in 1994 became the Chief and Captain of Ocean Rescue. He retired some months ago and it is fitting to recognize him today. Under his leadership, Ocean Rescue group, from 17 towers and 52 guards with no vehicles, went to having currently 29 towers throughout the City, 112 guards, 26 ATV's, a 27 foot rescue vehicle and six fully equipped 4x4's with all the necessary means for service on the beach. Vince worked closely with CIP and his legacy is the design and building of substation at South Pointe Park and the beautifully remodeled lifeguard headquarters at 10th Street and Ocean. He has been a leader for many years. He led the lifeguards by example. He is committed and has a caring attitude. He has always been fit and his quality of service is unparalleled. He recognized him for his 30 years of service and for his efforts, and also acknowledged his wife who has shared his time during his career.

Vincent Andreano stated that 30 years went by quickly, he loved being a lifeguard, and it was an honor and a privilege to be given the responsibility of being a leader of Ocean Rescue. He stated that he has been happy being here and thanked Kevin Smith, Floyd Jordan, Ed Del Favero, Eric Yuhr and Javier Otero for their help and mentoring. He is enjoying his retirement, he is teaching and has a soccer team of children eight years old and under. He said that if one does not enjoy work, it

becomes drudgery and he thanked the City Commission for this honor.

10:48:47 a.m.

PA5 Proclamation To Be Presented In Honor Of Code Officers Appreciation Week.
(Requested by Jorge M. Gonzalez & Mayor Matti Herrera Bower)

ACTION: Proclamation presented.

Jorge Gonzalez, City Manager, introduced the item and stated that the first week of June is recognized as Code Enforcement Officers Recognition Week. He added that Code is a vital service, and in Miami Beach, the compliance efforts are taken seriously. The Mayor and City Commission hereby proclaim the week of June 7-11, 2010 as Code Enforcement Officers Appreciation Week.

Michael Coakley, Code Enforcement Officer, took this opportunity to thank his Code Enforcement team for their support while he was in Afghanistan and presented plaques and appreciation flags to his department and the City. He presented plaques to Mayor Bower, to Jose Alberto, Code Compliance, on behalf of the department as a whole, to Willie Grant and to his former supervisor.

10:07:35 a.m.

PA6 Proclamations And Certificates Of Recognition To Be Presented To Mathew Weithorn And Rachel Grosz, Miami Beach's Only Student Athletes And Their Coaches For Being Honored By Dade Schools Athletic Foundation.
(Requested By Commissioner Michael Góngora)

ACTION: Proclamations and certificates presented.

Commissioner Góngora introduced the item. He also introduced Rachel Grosz and her mother, Linda. He explained that scholar athletes are people who have achieved excellence in academics and athletics while having made significant contribution to the community. These are the people that become future leaders. Rachel is one of two scholar athletes honored by Dade School Athletic Foundation for her track and field cross country soccer and for holding a 5.86 GPA. She is one of this year's fast and finest; therefore, the City of Miami Beach is proud to proclaim today Rachel Grosz Day.

Rachel Grosz thanked the Commission for the award.

Commissioner Góngora also presented a Certificate of Appreciation to Mathew Weithorn, also a scholar athlete, and Commissioner Weithorn's son. Mathew is one of two scholar athletes awarded this year, recognized for a Bowl scholar and Water Polo; he is the Science Honor Society President, National Oceanic Science Captain, Varsity Water Polo Captain, English Honor Society Member, National Honor Society Member and on and on. He has received numerous awards such as the Miami-Dade County All-Dade Honorable Mention as Sophomore, and the City is proud to proclaim today Mathew Weithorn Day.

9:55:21 a.m.

PA7 Proclamation To Be Presented To Happy Kids Child Care & Preschool For Becoming The First Green School In Miami Beach By Obtaining Certification From The National Green School Coalition.
(Requested By Commissioner Michael Góngora)

ACTION: Proclamation presented.

Commissioner Góngora introduced the item and recognized the daycare for having a "Happy Green Kids Day." He read the proclamation.

Diana Susi spoke.

The children performed a How to Recycle show.

10:02:12 a.m.

PA8 Certificate Of Recognition To Be Presented To Tamra Sheffman, For Her Participation In The Air Race Classic 2010.
(Requested by Vice-Mayor Libbin)

ACTION: Item heard in conjunction with PA9. Certificate presented.

Vice-Mayor Libbin introduced the item and stated that this year marks the 100th anniversary of licensed women pilots.

Tamra Sheffman stated that they're honored to participate in one of only two teams flying in this Transcontinental All-Women Air Race; it's a way to encourage girls and women to learn how to fly and added that they're flying a Cessna 182 the week of June 22-25.

Rebecca Ritter spoke.

PA9 Certificate Of Recognition To Be Presented To Rebecca Ritter, For Her Participation In The Air Race Classic 2010.
(Requested by Vice-Mayor Libbin)

ACTION: See PA8.

10:20:57 a.m.**New Item:**

PA10 Certificate Of Appreciation/William Geddes, III, Heroic Effort, May 15, 2010.
(Requested by Commissioner Wolfson)

ACTION: Certificates presented. Item heard in conjunction with PA11.

Commissioner Wolfson introduced the item and stated that the City of Miami Beach has extremely safe beaches, due in large part to the best lifeguards than any municipality could have. The City has tremendous response time from staff and although two individuals are being recognized, this is a group effort. He explained the circumstances of these heroic efforts which help save the lives of 11 people caught in a rip current, and presented the certificates to both Mr. Geddes and Mr. Chanying.

Mr. Geddes suggested that when caught in a rip current, is best to float on one's back instead of fighting the current.

10:20:57 a.m.

New Item:

PA11 Certificate of Appreciation /Jesse Chanying, Heroic effort, May 14, 2010
(Requested by Commissioner Wolfson)

ACTION: Certificate presented. See action in PA10.

10:20:57 a.m.

New Item:

PA12 Certificate of Appreciation/City of Miami Commissioner Francis Javier Suarez.
(Requested by Commissioner Wolfson)

ACTION: Certificate presented.

Commissioner Wolfson introduced the item and explained how Mr. Suarez saved the life of a man who was caught in a rip current on 21st Street beach during Memorial Day Weekend, without regard for his own life.

City of Miami Commissioner Francis Suarez thanked everyone on the City Commission and recognized Senator Gelber, Representative Luis Garcia, former Mayor Xavier Suarez, and Miami Commissioner Willie Gort. He recognized his wife who was there during the rescue, and thanked his father for creating a human chain by bringing people closer to him to help get him and the victim out of the water. He is thankful that everything worked out, and added that the real hero is the City of Miami Beach for dedicating resources to the lifeguards, who were very helpful, along with the paramedics on scene, and who are the true daily heroes. He thanked everyone for the recognition.

Handout or Reference Materials:

1. Online article by David Smiley, The Miami Herald titled Miami Commissioner Francis Suarez honored for saving swimmer's life, posted June 9, 2010.

CONSENT AGENDA

ACTION: Motion made by Commissioner Weithorn to approve the Consent Agenda except for items C4F,C7A, C7E and C7G; seconded by Vice-Mayor Libbin; Voice-vote: 7-0.

C2 - Competitive Bid Reports

C2A Request For Approval To Purchase One (1) 2010 Ford F-150 4x4, One (1) 2011 Ford F-250 4x4, One (1) 2010 Ford E-350 Twelve (12) Passenger Van And Eight (8) 2010 Ford Explorer, From Duval Ford, Pursuant To Florida State Contract No.09-17-0908, In The Amount Of \$260,651 Two (2) 2010 Ford Transit Connect, From Garber Ford Mercury, Inc. Pursuant To Florida State Contract No. 09-17-0908, In The Amount Of \$47,727.

(Fleet Management)

ACTION: Request authorized. Drew Terpak to handle.

C2B Request For Approval To Award Contracts To Paper Solutions, Inc. (D/B/A Partek Solutions), And Print Media Corporation, Pursuant To Invitation To Bid (ITB) No. 27-09/10, For The Purchase And Delivery Of Multi-Space Parking Pay Station Receipt Paper, In The Estimated Annual Amount Of \$50,000.

(Parking Department)

ACTION: Request authorized. Saul Frances to handle.

C2C Request For Approval To Award A Contract To Vila & Son Landscaping Corp. As Primary Vendor For Groups A, B And C; And As Secondary Vendors: Southern Landscaping Enterprises, Inc. For Group A, SFM Services, Inc. For Group B, And Superior Landscaping For Group C; Pursuant To Invitation To Bid (ITB) No. 20-09/10 For Grounds Maintenance Services For The Northshore/Washington Avenue Areas, In The Estimated Annual Amount Of \$254,033.90; And Further Authorize The Administration To Add Service Visits Or Litter Control Services As May Be Required For Special Events, Or Other Needs.

(Procurement/Parks & Recreation)

ACTION: Request authorized. Kevin Smith to handle.

C2D Request For Approval To Award A Contract To AAA Automated Door Repair, Inc., Pursuant To Invitation To Bid No. 33-09/10, For The Installation Of The Access Control System For The Multipurpose Municipal Parking Facility Tenant Build-Out, In The Amount of \$32,574.31, To Be Paid From The Parking Operating Fund 480 For Construction Previously Appropriated In The Capital Budget.

(Procurement/Capital Improvement Projects)

ACTION: Request authorized. Charles Carreño to handle.

Handout or Reference Materials:

1. Letter to Mr. Emilio J. Perez, Delphi One System Corp., dated June 8, 2010 RE: ITB 33-09/10.

C2E Request For Authorization To Issue A Request For Proposals (RFP) For The Acquisition Of An Automated Vehicle Locator (AVL) System.

(Procurement/Building/Code Compliance/Fleet/Parking)

ACTION: Request authorized. Gus Lopez to issue the RFP. Alex Rey to handle.

C2F Request For Approval To Award Contracts To Enterprise Electrical Contracting, Inc. As Primary Vendor, And R & D Electric, Inc. As Secondary Vendor, Pursuant To Invitation To Bid (ITB) No. 29-09/10, For Parking Lots Utility Maintenance, In The Estimated Annual Amount Of \$39,000.

(Procurement/Public Works)

ACTION: Request authorized. Fred Beckmann to handle.

C4 - Commission Committee Assignments

C4A Referral To The Finance And Citywide Projects Committee To Review And Discuss A Land Exchange And Development Agreement Among Miami-Dade County, The City Of Miami Beach And South Beach Heights II; Involving The Properties At 615 Collins Avenue (P.E.T. Center), 710 Alton Road (Miami Beach Health Center) And 745 Alton Road (Vacant Private Land).
(City Manager's Office)

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

C4B Referral Of The Neighborhoods/Community Affairs Committee To Review And Discuss An Amendment To The Code Of The City Of Miami Beach, Florida; Amending Chapter 2, Article VIII, Division 3 Entitled "Lobbyists."
(City Clerk's Office)

ACTION: Referred. Randi MacBride to place on the committee agenda. Robert Parcher to handle.

C4C Referral To The Finance And Citywide Projects Committee – Amendment To City's Code Of Silence Ordinance.
(Mayor / City Attorney's Office)

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

C4D Referral To The Land Use And Development Committee – Discussion And Review Of The Current CMB Ordinance Regarding Signage Size And Neon Signage In Regards To Lincoln Road And Washington Avenue Signage District.
(Requested by Commissioner Michael Góngora)

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

C4E Referral To The Sustainability Committee – Discussion On EcoMedia In Regards To Establishing An EcoZone Miami Beach Program That Provides Funds To Support The City's Sustainability Initiatives At No Additional Cost To Taxpayers.
(Requested by Commissioner Michael Góngora)

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

5:29:53 p.m.

C4F Referral To The Land Use And Development Committee – Discussion Regarding Possible Locations For Tennis Courts For The Use Of Beach High Students.
(Requested by Commissioner Deede Weithorn)

ACTION: Item separated for discussion by Commissioner Weithorn. Motion made by Commissioner Wolfson to install 12 clay courts and five (5) hard courts at Flamingo Park; seconded by Commissioner Weithorn; Ballot vote: 4-3; Opposed: Vice-Mayor Libbin, and Commissioners Góngora and Tobin.

Commissioner Weithorn stated that at the last Commission Meeting she was unhappy that no tennis courts were provided for the students at Beach High and that it sent a terrible message to the families. She added that she would like to get the sentiment of the Commission regarding the funding of courts for Beach High and to see if there are any other options for finding a location.

Commissioner Wolfson stated that the City Attorney indicated that it would be fine to take one more vote on the issue. He made a motion to install 12 clay courts and five (5) hard courts at Flamingo Park; seconded by Commissioner Weithorn.

Discussion continued.

Commissioners Tobin and Góngora and Vice-Mayor Libbin objected to the process.

Commissioner Góngora stated that he is surprised with the motion on the table. There is an item on the Consent Agenda for a referral to find possible locations for tennis courts for Miami Beach High, and he believes Commissioner Weithorn wanted to send it to Land Use to look for other locations, other than Flamingo Park. He disagrees with the City Attorney that this has been properly noticed. He believes it is ethically and morally wrong to the voters to surprise attack them with controversial issues by flipping. Nothing can be more wrong than the procedure that is on the floor today. It's irresponsible government and sends the wrong message to voters and they should be embarrassed that this Commission is voting for it again. He is in favor of sending the item to committee.

Jose Smith, City Attorney, stated that a vote is appropriate.

Handout or Reference Materials:

1. Ballot vote

ADDENDUM ITEM:

C4G Referral To The Land Use And Development Committee – Discussion Regarding The Placement Of Water Sub-Meters.
(Requested by Commissioner Jonah Wolfson)

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

ADDENDUM ITEM:

C4H Referral To The Neighborhoods/Community Affairs Committee Meeting – Discussion Concerning Ways To Incentivize Multi-Unit Dwellings (i.e., Apartments And Condo Buildings) To Recycle More.
(Requested by Commissioner Michael Góngora)

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

Item R9D was moved from the Regular Agenda to the Consent Agenda as a referral:

C4I Discussion Regarding An Ordinance Amending Regulations Of Alcoholic Beverages In Public Places.
(Requested by Vice-Mayor Jerry Libbin)

ACTION: Referred to the Neighborhood/Community Affairs Committee. Randi MacBride to place on the committee agenda. Hilda Fernandez to handle.

Handout or Reference Materials:

1. Memorandum from Jose Smith, City Attorney, to Mayor Matti Herrera Bower and Members of the City Commission, dated June 4, 2010 RE: Alcoholic Beverages on the Beach.

C6 - Commission Committee Reports

C6A 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.
(Deferred from May 12, 2010)

ACTION:**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: Search for all discussion regarding "tennis"

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.

City Clerk's Note: See City Manager Memorandum 22(a)-2010

Item No. 3:

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

City Clerk's Note: See Agenda item C6C-6**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.

C6B Report Of The Capital Improvement Projects Oversight Committee Meeting On April 12, 2010: **1)** Attendance; **2)** Appointment Of Vice-Chair; **3)** Public Comments; **4)** Commission Item: 4a) Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 16-09/10, For The North Shore Bandshell Facility Renovations Project, Authorizing The Mayor And City Clerk To Execute An Agreement With OAC Action Construction Corp., At The Not-To-Exceed Amount Of \$934,262.81, For The Construction Of The Project, Further Authorizing The Administration To Engage In Value Engineering To Further Reduce The Cost And Time For Completion Of Said Project; **5)** Requested Reports: 5a) Fire Department Fire Hydrant Testing Schedule; 5b) GIS Presentation: Water Line Prioritization(Deferred From March 8, 2010 Meeting; **6)** Old Business: 6a) CIP Project Status Report; 6b) Construction Update: Normandy Shores Neighborhood Improvement Project; 6c) Status Report: Venetian Islands Neighborhood Improvement Project; 6d) Status Report: Sunset Islands I & II; 6e) Status Report: Sunset Islands III & IV; 6f) Status Report: Royal Palm Avenue And 44th Street Flooding Mitigation; 6g) Status Report: Palm & Hibiscus Island Undergrounding; 6h) Status Report: Flamingo/West Avenue Neighborhood Improvement Project; **7)** Staff Action Report; **8)** Calendar; **9)** Adjournment.

ACTION:**Item No. 1:**

See attendance sheet, attached.

Item No. 2:

MOTION: Acceptance of the nomination for Christina Cuervo to serve as Vice- Chair. MOVED: (Stacy Kilroy) 2nd: (Rick Kendle). PASSED: Unanimous

Item No. 3:

No one came forward with items for Public Comments

Item No. 4:

No motion was made due to insufficient data to make a recommendation.

Item No. 5a:

Confirm with the Fire Department that they have tested the fire hydrants and obtain their schedule and test results to show to CIPOC.

Item No. 5b:

A discussion ensued on the 16 inch transmission line broke on 63rd Street. Mr. Beckman informed the committee that there could have been a number of reasons why the pipe burst. Mr. Beckman mentioned that the valve was encased in concrete, possibly resulting from the demolition of the 63rd Street Bridge, and it was exposed to salt water. Fred Beckman assured the committee that further testing is being done to determine the actual cause.

Item No. 6:

CIP Project Status Report

Construction Update: Normandy Shores Neighborhood Improvement Project

Status Report: Venetian Island Neighborhood Improvement Project

Status Report: Sunset Islands I & II

Status Report: Sunset Islands III & IV

Status Report: Royal Palm Avenue and 44th Street Flooding Mitigation

Status Report: Palm & Hibiscus Island Undergrounding

Status Report: Flamingo/West Avenue ROW

Item No. 7:

STAFF ACTION ITEMS

Construction Update: Normandy Shores Neighborhood Improvement Project

Aurelio Carmenates, the project manager, for Normandy Shores Right-of-Way Improvement project reported that residents complained about hazardous material being dumped adjacent to the Avant Condominium. It was determined that the material found was actually debris resulting from the cleaning of the structures. Mr. Carmenates ordered the removal of the debris and the area was immediately cleaned-up by the contractor. Additionally, Mr. Charles Carreño, CIP Director, announced a soft opening of the Normandy Shores Golf Club House on Wednesday, April 13, 2010.

Status Report: Venetian Island Neighborhood Improvement Project

City Attorney Raul Aguila reported to the committee that his office had been working closely with Mr. Greg Carney and the other members of the Venetian Island's Homeowner's Association to determine the rightful owners of the roadways and street-ends leading to the bay. At the request of the committee, a title attorney was hired by the City at a nominal cost. The City is in fact the owners of the street-ends. Mr. Aguila mentioned that this is now an encroachment matter, which will be handled through Public Works. Moreover, the affected homeowners will be contacted.

Project manager Roberto Rodriguez mentioned that once RIC-MAN International has acquired their permits for the project, they could receive the second notice to proceed. Mr. Albert Dominguez from RIC-MAN International informed the committee that he was prepared to move forward with both the County and City's right-of-way improvement projects on the Venetian Islands. However, he is having issues with acquiring the Dewatering permit from DERM. Mr. Carreño mentioned that this has been an issue with the other capital projects. Mr. Carreño is planning a visit to DERM to address this issue and will report back to the committee on how this matter can be resolved.

A discussion on the FPL undergrounding ensued. It was requested by the committee for staff to provide established procedures for neighborhoods seeking undergrounding of utility lines.

Status Report: Sunset Islands I & II

Mr. Goldsmith discussed the results of the Nutting report and revealed the findings of the existing soil conditions on the islands. The muck was not as widespread and deep as initially anticipated. There will be a further review of the report. A decision will be made as to the most acceptable sediment tolerance. The City staff and the HOA agreed to the 9-foot travel lanes and the addition of the 18 inch to 24 inch valley gutters proposed for Sunset Islands 1 and 2. The staff mentioned that outreach on this issue is currently being done throughout the islands.

Report: Sunset Islands III & IV

Project Manager Keith Mizell informed the committee that Sunset Islands III & IV Homeowners Association had requested additional funding, approximately \$400,000, for the entry way improvements, which include the guardhouse and entry gate. This request has been referred to the Finance and Citywide Projects Committee by the City Commission in May. The CIPOC committee has requested from staff an inventory of guard houses.

Status Report: Royal Palm Avenue and 44th Street Flooding Mitigation.

Charles Carreño informed the committee that the project is currently in the design phase. The committee has requested that Public Works keep the homeowners' apprised monthly on the

developments of the project.

Status Report: Palm & Hibiscus Island Undergrounding

The residents submitted signed petitions from the Miami Dade County for the proposed undergrounding project on the island. The association is expecting this process to be validated in two weeks from the Miami Dade County.

Status Report: Flamingo /West Avenue Neighborhood ROW

Mr. Carreño informed the committee that since the last meeting, the County and State had executed their portion of the agreement. RIC-MAN International is the contractor for the project and a pre-construction kick-off meeting was held on March 18, 2010.

Item No. 8:

NO CALENDAR

Item No. 9:

The meeting was adjourned at 8:47 p.m.

C6C Report Of The Neighborhoods/Community Affairs Committee Meeting On April 27, 2010: **1)** Discussion Regarding An Ordinance Requiring Automated External Defibrillators (AED) In Certain Public Facilities; **2)** Discussion Regarding The Issue Of The Miami Beach Marina's Agreement With The City; **3)** Discussion Regarding The Miami-Dade County Homeless Trust's Campaign To Use Refurbished Parking Meters In Miami Beach In An Effort To Give People An Alternative To Giving Money To Panhandlers; **4)** Discussion Regarding Pedestrian Safety For Residents In South Of Fifth Neighborhoods; **5)** Discussion Regarding Street Conditions On 6th Street Near Las Olas Café; **6)** Discussion Regarding The Placement Of A Plaque At The Flamingo Park Tennis Facility Commemorating Mr. Morry Moss And His Tremendous contribution to Tennis On Miami Beach; **7)** Update Regarding The Status Of Efforts Made By The Administration To Encourage FDOT To Restripe The Lanes In The Mid Beach Area Along Alton Road; **8)** Discussion Regarding The Bayshore Neighborhood G.O. Bond And Changes To The Original BODR Specifications, As Well As Review Current Plans; **9)** Discussion Regarding A Request By The Shane Watersport Center To Hold Bingo Events, For The Purpose Of Funding Needed Capital Repairs/Improvements To The Center; **10)** Discussion Regarding Whether Miami Beach Should Require Naming Rights When It Gives A Substantial Gift To An Organization; **11)** Discussion Regarding Belle Isle Traffic And Parking Conditions; **12)** Discussion Regarding An Ordinance To Provide That Adults, Only While Supervising Children, Be Allowed In Playgrounds or Tot-Lots; **13)** Discussion Regarding Field Rentals in South Pointe Park.

ACTION:

Item No. 1:

The Committee, (Vice-Mayor Libbin and Commissioner Tobin present), gave direction for Chief Yuhr to apply for the grant for eight AEDs, add the Senior Center to the recommended list of location to have an AED and to report back via LTC on the State's decisions to determine whether to bring this back onto the agenda.

City Clerk's Note: Chief Yuhr and Judy Hoanshelt to handle.

Item No. 2:

The item was not discussed and was pulled from the agenda.

Item No. 3:

The committee moved to proceed with the project and go ahead with the recommended locations with a change to the location on 13th Street to the west side of 11th Street. **(Vote: (2-0) Vice-Mayor**

Libbin and Commissioner Tobin)

City Clerk's Note: Fred Beckmann to handle.

Item No. 4:

The committee moved to encourage the County to expedite the installation of the stop signs and to report back to the next NCAC meeting. **(Vote: (3-0) Commissioners Tobin, Exposito, and Góngora)**

City Clerk's Note: Fred Beckmann to handle.

Item No. 5:

The committee, **(Vice-Mayor Libbin and Commissioner Tobin present)**, directed the Administration to report back to this committee on what violations were issued for the year prior to the recent 58 issued by Code Compliance, plus these 58, and provide the dispositions; whether they have complied, if not, why, and if they are in Special Master as well as what has been done since then.

Additionally, Administration is to report back to this committee information on:

1. What can be implemented to methodically make our neighborhoods clean and safe
2. Research public toilets and options for pay to use
3. Provide the service schedule for the public restrooms

City Clerk's Note: Hilda Fernandez to handle.

Item No. 6:

The committee moved to refer the plaque to AiPP with the caveat that Administration consider a design that allows for recognitions of others in the future. **(Vote: (2-0) Vice-Mayor Libbin and Commissioner Tobin)**

City Clerk's Note: Max Sklar to handle.

Item No. 7:

The committee, **(Vice-Mayor Libbin, Commissioners Tobin and Exposito present)**, requested an update at the next NCAC on Mr. Pego's response to Mr. Beckmann's request to allow us to just do the re-striping and then we can argue over the \$300,000 or whether we are going to wait to hear back from the Secretary's Office to see what they come up with.

City Clerk's Note: Fred Beckmann to handle.

Item No. 8:

The committee, **(Vice-Mayor Libbin, Commissioners Tobin and Exposito present)**, directed CIPOC provide the committee their final report, for administration to provide an LTC in the next two weeks on the eleven points and where we stand on them, and administration to give the committee some indication of where the critical junctures are that we are not following through on the Atlantic Greenway; where are the conflict points in the implementation of connectivity and restrictions that do not allow it on a case-by-case basis. Additionally, if this all cannot be completed by the next meeting, there is to be a report on the status.

City Clerk's Note: Jorge Gomez to handle.

Item No. 9:

The committee moved to recommend to the commission to modify the lease in such a way to allow Shane Watersport Center to have these games. The request is that when this goes to commission, that the agenda item includes from the State Statute, the relevant points of the statute. Additionally, administration is to provide an LTC on the status of the drainage and the seawall at the site and report back to the NCAC. **(Vote (3-0), Vice-Mayor Libbin, Commissioners Tobin and Exposito)**

City Clerk's Note: See Agenda item R9F.

Item No. 10:

The committee did not discuss this item and it was deferred to the next NCAC meeting.

City Clerk's Note: Randi MacBride to place on the agenda. Hilda Fernandez to handle.

Item No. 11:

The committee, **(Vice-Mayor Libbin, Commissioners Tobin and Exposito present)**, by acclamation, moved to direct Legal Department to come back to the NCAC with a resolution incorporating, in a very clean fashion, that the commission will be notified in the event of a repair necessary that diminishes service to the community where the City could cure the issue pending resolution of a claim. This would enable the commission to have the option to give direction to the administration to move forward at the City's expense in the interim, including a threshold amount.

City Clerk's Note: Randi MacBride to place on the agenda. Legal Department to handle.

Item No. 12:

The committee directed Legal to prepare both options; an ordinance as well as the "obey all signs" resolution for consideration by the commission. **(Vote (3-0), Vice-Mayor Libbin, Commissioners Tobin and Exposito)**

City Clerk's Note: 1st reading of the ordinance 5/12/2010 – R5C; 2nd reading of the ordinance see Agenda item R5B

Item No. 13:

The item was deferred to the May 25, 2010 NACA meeting.

City Clerk's Note: Randi MacBride to place on the agenda. Hilda Fernandez to handle.

C6D Report Of The Land Use And Development Committee Meeting On April 28, 2010: **1)** Discussion Regarding The Following Board Of Adjustment Related Issues: a) Consideration Of Alteration Of Variance Criteria; And b) Review Of Types Of Applications Which May Be Heard By The Board; **2)** Discussion Regarding The Relationship Between Production Sud And The City Of Miami Beach; **3)** Discussion On An Ordinance Amendment That Would Require Notice To Be Given To Residents Within A Certain Distance Of Any Proposed Movie Or Film Permit; **4)** Consultant Review Fee Ordinance; **5)** Discussion Regarding The Possibility Of An Ordinance Prohibiting The Sale Of Individual Cans Or Bottles Of Alcoholic Beverages By Retail Establishments; **6)** Short Term Rental Of Apartment Units Or Townhomes; And **7)** Discussion On An Ordinance That Would Limit Rooftop Business Operations Citywide.

ACTION:

Item No. 1:

Deferred to the May LUDC meeting.

City Clerk's Note: Richard Lorber to place on the agenda and to handle.

Item No. 2:

No Action Necessary

Item No. 3:

The Committee directed that the proposed ordinance be brought back to the Commission as proposed, to be revised and to permit the Administration to impose stricter requirements.

City Clerk's Note: See Agenda item R5F

Item No. 4:

The Committee directed staff to begin the preparation of a second ordinance to be brought back to the LUDC which would address the concerns raised by Dr. Sunshine.

City Clerk's Note: Richard Lorber to handle.

Item No. 5:

Withdrawn.

Item No. 6:

The Commission directed that the ordinance be sent back to the Commission with minor amendments and no recommendation as to which date to use for legalization threshold, and directed staff to begin preparation of an ordinance to address the questions raised about bed and breakfast inns.

City Clerk's Note: Richard Lorber to handle.

Item No. 7:

No Action Taken.

C6E Report Of The Finance And Citywide Projects Committee Meeting On April 29, 2010: **1)** Discussion Regarding The Process For City Of Miami Beach License Renewals, Including Notices Provided To License Holders; **2)** Discussion Regarding Property Management Division Cost Savings Recommendation; **3)** Update On Ameresco Financing; And **4)** City Ordinances - Beach Clean Up.

ACTION:

Item No. 1:

The Committee recommended sending postcards in lieu of the 8.5" by 11" renewal notices prior to October 1st and sending a second postcard on colored stock after November 1st.

The Committee asked that a report be given to the Finance Committee in November 2010 as to the number of BTRs outstanding.

City Clerk's Note: Patricia Walker to handle. Note the report due in November.

Item No. 2:

Payroll coordinators in each department/division will be tasked to monitor the number of hours that an employee is receiving out-of-class and/or stand-by pay in order to ensure that the appropriate authorizations are in place. The Department Director who signs off on payroll will also monitor. In addition Human Resources will perform audits to ensure compliance.

Commissioner Jerry Libbin asked that a Letter to Commission be prepared on stand-by pay. The Committee asked staff to prepare a Letter to Commission (LTC) quarterly on stand-by pay payments made.

City Clerk's Note: Ramiro Inguanzo to handle.

Item No. 3:

The committee recommended that City Manager Jorge Gonzalez, sign a nonbinding letter of intent with Chase, with the discretion to substitute should Chase no longer be the best choice for the City.

Item No. 4:

The Committee requested staff to give an update on the number of citations issued for underage drinking at the May 12th Commission meeting.

The Committee asked that a Letter to Commission (LTC) on noise be discussed at the Neighborhoods Committee.

The Committee directed the Administration to:

- Track litter citations
- Create a publicity campaign for public awareness, community and teen involvement
- Ask bars/cafes not to give "to go" cups as open container laws will be enforced
- Create a smoke free zone on the beach, as allowed by law
- Banning Styrofoam coolers on the beach
- To prepare a final report to show what has been done to address the clean up issues.

City Clerk's Note: Hilda Fernandez to handle.

C6F Report Of The Finance And Citywide Projects Committee Meeting On May 20, 2010: **1)** Discussion Item: Update On Revenue Parking Bonds; **2)** Discussion Regarding A Lease Agreement Between The City And Rubin & Bickman, PLLC, For Use Of 1,515 Sf Of City-Owned Property Located At 1130 Washington Avenue, 4th Floor; **3)** Discussion Regarding A Lease Agreement Between The City And Strang Adams, P.A., For The Use Of 858 Sf Of City-Owned Property Located At 1130 Washington Avenue, 3rd Floor East; **4)** Review And Discuss An Amendment To The Code Of The City Of Miami Beach; 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.

ACTION:

Item No. 1:

The Committee recommended proceeding with the bond issue.

The Committee asked Administration to look at on-street parking rates in other cities and to bring back a report to determine if on-street parking rates should be higher than garage rates.

City Clerk's Note: Patricia Walker and Saul Frances to handle.

Item No. 2 :

The Committee approved the proposed lease and recommended that the lease be brought to the June 9, 2010 Commission Meeting.

City Clerk's Note: Approved May 12, 2010 – R7A

Item No. 3:

The Committee approved the proposed lease and recommended that the lease be brought to the June 9, 2010 Commission Meeting.

City Clerk's Note: Approved May 12, 2010 – R7B

Item No. 4:

The Committee recommended amending the ordinance so that proposed leases may be referred by the City Manager (without the need for referral by the City Commission) to the F&CWP for review; leases less than ten (10) years (including the renewal option periods) are discussed at the F&CWP, and following the Committee's review, one (1) reading at the City Commission; and leases greater than ten (10) years are discussed at the F&CWP, and following the Committee's review, two (2) readings at the City Commission.

City Clerk's Note: Raul Aguila to handle.

C6G ~~Report Of The Land Use And Development Committee On May 27, 2010: **1)** Discussion Regarding The Following Board Of Adjustment Related Issues: 1) Consideration Of Alteration Of Variance Criteria; And 2) Review Of Types Of Applications Which May Be Heard By The Board; **2)** Discussion On The Blighted Condition Of The 300 Block Of Ocean Drive; **3)** Short Term Rental Of Apartment Units Or Townhomes; **4)** Discussion On The Enforcement Of Short Term Rentals In Single Family Homes; **5)** 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; **6)** Discussion On The Possible Re-Zoning Of 1600 Lenox Avenue.~~

Revised title submitted via the Correction Under Time-Certain:

1. Discussion Regarding The Following Board Of Adjustment Related Issues: 1) Consideration Of Alteration Of Variance Criteria; And 2) Review Of Types Of Applications Which May Be Heard By The Board **2.** Short Term Rental Of Apartment Units Or Townhomes **3.** Discussion On The Enforcement Of Short Term Rentals In Single Family Homes **4.** 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 **5.** Discussion On The Possible Re-Zoning Of 1600 Lenox Avenue

ACTION:

Item No. 1

Gongora/Tobin (vote 2-0)

Prepare a draft ordinance as recommended by staff creating a practical difficulty standard for certain variances. Variances dealing with distance separations shall remain within the jurisdiction of the Board of Adjustment with modified review criteria.

City Clerk's Note: Richard Lorber to handle.

Item No. 2

Administration to modify the ordinance for second reading as follows: Sections C.2 and C.3 should remain but the language should be simplified; Section D.7 should re-introduce the noise ordinance provision with a clarification that it is applicable when the noise violation is attributed to the short term renters.

City Clerk's Note: See Agenda item R5E.

Item No. 3

Tobin/Gongora (vote 2-0)

Direct the Administration to begin pro-active enforcement of the single family home ordinance on houses which have had violations (including noise violations) adjudicated; also seek all back liens on properties with adjudicated violations of commercial use of houses ordinance.

City Clerk's Note: Alex Rey to handle.

Item No. 4

Tobin/Gongora (vote 2-0)

The Administration is to report back next month with a proposal for a municipal fine ordinance for loading activities on Ocean Drive

City Clerk's Note: Saul Frances to handle.

Item No. 5

Tobin/Gongora (vote 2-0)

The Committee referred the matter to the Planning Board.

City Clerk's Note: Richard Lorber to handle.

C7 - Resolutions**5:26:29 p.m.**

C7A A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement With McCumber Golf, Inc.; For Design, Bid And Award, And Construction Management Services, In The Negotiated Lump Sum Fee Of \$294,500.00, Plus An Additional Not-To-Exceed Amount Of \$92,600.00 For Approved Reimbursables, For The Par 3 Golf Course, Pursuant To Request For Qualifications (RFQ) No. 07-09/10; Funding To Be Appropriated From The Middle Beach Quality Of Life Resort Tax Fund 161.

(Capital Improvement Projects)

ACTION: Item separated for discussion by Commissioner Weithorn. Resolution 2010-27407 adopted. Motion made by Commissioner Exposito; seconded by Commissioner Góngora; Voice vote: 7-0. Charles Carreño to handle.

Commissioner Weithorn stated this item was tentatively added to the capital program and asked if the Commission wants to approve the item before the capital program is approved.

Jorge Gonzalez, City Manager, stated that the plan was to retain savings from the Scott Rakow project and use the saving for the golf course. At the meeting last week it was Administratively determined that instead of using the savings, it was proposed for the funds to be used from the Interlocal Agreement with Miami-Dade County that are tied to CDT eligible projects, which are more restrictive and can be used for the Par-3 project. It is recommended that the \$2.5 million saving be used in a different way. The monies are programmed for the Capital Budget starting October 2010. If the Commission is considering not funding the project, then the design is not needed.

Commissioners Góngora and Wolfson stated that they want to move forward with the project.

C7B A Resolution Electing Commissioner Jorge Exposito, Group II, As Vice-Mayor For A Term Commencing On July 1, 2010, And Terminating On October 31, 2010 Or On Such Date When A New Vice-Mayor Is Thereafter Elected.

(City Clerk's Office)

ACTION: Resolution 2010-27408 adopted. Robert Parcher to handle.

C7C A Resolution Approving And Authorizing The City Manager Or His Designee To Submit The Following Grant Application: 1) US Department Of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG) For Funding In An Amount Not To Exceed \$103,000, For Police Department Initiatives; 2) Florida Junior Golf Council Funding In An Amount Not To Exceed \$10,000 For The Normandy Shores Junior Golf Program; 3) State Of Florida, Division Of Cultural Affairs, Culture Builds Florida Under The Specific Cultural Projects Program, For Funding In An Amount Not To Exceed \$25,000 For Sleepless Night 2011; 4) US Department Of Justice, Bulletproof Vest Partnership Program, For Funding In An Amount Not To Exceed \$20,000 For Bulletproof Vests; 5) Miami-Dade County For Edward Byrne Memorial Justice Assistance Grant Program Funds In An Amount Not To Exceed \$20,000 For The City's Police Department Initiatives; And 6) Approval To Accept A Congressional Earmark From The U.S. Department Of Justice, Office Of Justice Programs For Funding In An Amount Not To Exceed \$500,000 For The City Of Miami Beach Teen Club, Gang And Drug Prevention Program; And, 7) To Support An Application To The Us Department Of Education, Promise Neighborhoods Grant Program, For Funding To Complement The City's Service Partnership Program; Appropriating The Above Grant And Matching Funds, If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents Related To These Applications.

(Grants Management)

ACTION: Resolution 2010-27409 adopted. Patricia Walker to appropriate the funds if accepted by the City. Judy Hoanshelt to handle.

C7D A Resolution Adopting And Appropriating An Amendment To The Parking Department Operating Budget For Fiscal Year 2009/2010 In The Amount Of \$138,048 For The Operation Of The Pennsylvania Avenue Garage To Be Funded From Parking Fund 480.

(Parking Department)

ACTION: Resolution 2010-27410 adopted. Patricia Walker to appropriate the funds. Saul Frances to handle.

5:25:59 p.m.

C7E A Resolution Urging Miami-Dade County To Implement Comprehensive Amendments To Its Parking Fines And Urging The Florida Legislature To Amend The Florida Statutes In Order To Increase State Penalties For Various Parking Violations.

(Parking Department)

ACTION: Item separated for discussion by Commissioner Weithorn. Resolution 2010-27411 adopted. Motion made by Commissioner Weithorn; seconded by Vice-Mayor Libbin; Voice vote: 7-0. R. Parcher to transmit the Resolution.

Commissioner Weithorn stated that the fee is \$18 and the fee has not been increased in 14 years. There is no cost-of-living adjustment.

SUPPLEMENTAL MATERIALS: RESOLUTION

C7F A Resolution Approving A Preconstruction Application For Historic Ad Valorem Tax Exemption For A Single-Family Property At 3193 Royal Palm Avenue, And Authorizing The Miami-Dade County Property Appraiser's Office To Grant This Tax Exemption For The City's Portion Of Ad Valorem Property Taxes For Qualifying Improvements To The Subject Property Following Substantial Completion Of The Project And Compliance With Certain Conditions.

(Planning Department)

ACTION: Resolution 2010-27412 adopted. Richard Lorber to handle.

5:21:30 p.m.

C7G A Resolution Setting A Public Hearing To Consider 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.

(Planning Department)

ACTION: Item separated for discussion by Vice-Mayor Libbin. Resolution 2010-27413 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Góngora; Voice vote; 7-0. Richard Lorber to handle.

Vice-Mayor Libbin stated that this item is a good example of what Amendment #4 (hometown democracy), which is on the November ballot, if approved will be very costly to the City.

Gary Held, First Assistant City Attorney, explained that if Amendment #4 is approved by the voters in November, for every Comprehensive Plan amendment or the initial adoption of a Comprehensive Plan after all reviews and approval by the City Commission it will require a citywide referendum.

Vice-Mayor Libbin stated that there is the potential to be cutoff from Federal and State funding.

C7H A Resolution Accepting The Recommendation Of The City Manager Relative To The Ranking Of Temporary Personnel Agencies, Pursuant To Request For Proposals (RFP) No. 22-09/10, For Temporary Personnel Services; Authorizing The Administration To Enter Into Negotiations With The Ten (10) Top Ranked Proposers, As Set Forth In This Resolution; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon The Completion Of Successful Negotiations By The Administration.

(Procurement/Human Resources)

ACTION: Resolution 2010-27414 adopted. Ramiro Inguanzo to handle.

Handout or Reference Materials:

1. Letter to Ms. Yvonne Rodriguez-Rasbach dated June 8, 2010 RE: RFP 22-09/10.

C7I A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Architectural And Engineering Firms, Pursuant To Request For Qualifications (RFQ) No. 01-09/10, For Professional Architectural And Engineering Services In Specialized Categories, On An "As-Needed Basis," For Projects In Which The Basic Construction Cost Does Not Exceed \$2 Million Or For Study Activities When The Fee For Such Professional Services Does Not Exceed \$200,000; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firms Of Each Specialty; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Conclusion Of Successful Negotiations By The Administration.

(Procurement/Capital Improvement Projects/Public Works)

ACTION: Resolution 2010-27415 adopted. Gus Lopez to handle.

- C7J A Resolution Approving And Authorizing The City Manager To Execute A Termination To Joint Participation Agreement (JPA) Between The City And Florida Department Of Transportation (FDOT) For JPA A1494, Executed On June 14, 2000, For The Milling And Resurfacing Of State Road A1A/Collins Avenue From 5th Street To 15th Street.
(Public Works)

ACTION: Resolution 2010-27416 adopted. Fred Beckmann to handle.

- C7K A Resolution Authorizing The Acceptance Of \$28,000 Dollars In Cash Donations (Including Sponsorships) Made To The City For The Annual Fourth Of July Celebration, A Free Event; And Further Appropriating Said Funds For The Fourth Of July Celebration; And Accepting And Appropriating Future Donations For This Purpose; And Authorizing The City Manager Or His Designee To Make Such Expenditures And/Or Reimbursements From The Aforestated Donations, In Furtherance Of And Consistent With The Aforestated Even.
(Tourism & Cultural Development)

ACTION: Resolution 2010-27417 adopted. Patricia Walker to appropriate the funds. Max Sklar to handle.

10:44:34 a.m.

- C7L A Resolution Authorizing The Appropriation And Expenditure Of \$13,550 For The City's Joint Tourism And Hospitality Scholarship Program In Partnership With Global Spectrum And Centerplate; And Further Awarding Said Scholarships As Detailed In Exhibit "A."
(Tourism & Cultural Development)

ACTION: Item approved via the Consent Agenda. Resolution 2010-27418 adopted. Patricia Walker to appropriate the funds. Max Sklar to handle.

Jorge Gonzalez, City Manager, introduced the item. He explained the amount of funding that has been awarded during the past seven years to Miami Beach students, and recognized eleven additional children awarded scholarships this year based on applications and qualifications. He read their names: Allison Novack, Elizabeth Galvis, Maydel Almaguer, Jennifer DeArmas, Melissa Tatta, Noelia Gonzalez, Natalie Koller, Yessike Garcia and Murat Akkelle. He thanked the Bureau, Global Spectrum and Centerplate for their partnership and contributions on behalf of the City Commission. Certificates were presented to Allison Novack and Maydel Almaguer, who were in the audience.

End of Consent Agenda

REGULAR AGENDA**R2 - Competitive Bid Reports****5:16:57 p.m.**

R2A Request For Approval To Issue A Request For Proposals (RFP) To Provide Parking Cashiers/ Attendants And Supervisors For The City's Parking Garages.
(Parking Department)

ACTION: Referred to the Finance and Citywide Projects Committee. Motion made by Commissioner Weithorn to refer the item with Commissioner Góngora's request; seconded by Commissioner Góngora; Voice vote: 7-0. Patricia Walker to place on the committee agenda. Saul Frances to handle.

Finance and Citywide Projects Committee to consider:

1. Criteria for evaluation
2. Add a labor peace clause

End

Jorge Gonzalez, City Manager, introduced the item.

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

Commissioner Góngora stated that he thinks the criteria for evaluation regarding the annual contract cost is too high and requested that the Finance and Citywide Projects committee review as well as to consider a possible labor peace clause.

Jorge Gonzalez, City Manager stated that the priority now for the Finance and Citywide Projects Committee is the budget but they will try for the July 29th agenda.

Handout or Reference Materials:

1. Letter to The Honorable Mayor and City Commissioners dated June 7, 2010 from Chester Escobar, General Manager, Impark, Re: Proposed Billing Rate Modification to Impark's Current Contract.

R5 - Ordinances**11:39:17 a.m.**

R5A 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. **10:30 a.m. Second Reading Public Hearing.**

(Finance Department)
(First Reading on May 12, 2010)

ACTION: Public Hearing held. Ordinance 2010-3682 adopted as amended. Motion made by Vice-Mayor Libbin; seconded by Commissioner Weithorn; Ballot vote: 7-0. Robert Parcher to transmit to Municipal Code. Gus Lopez to handle.

Amendments (on second reading):

1. Section 2-410(b) (3) The complaint shall be signed by the person making the complaint (hereinafter, the "complainant"...) and if the complainant is not the covered employee, by the covered employee as well;....

2. Section 2-410(c) .by filing suit against the covered employer in any court of competent jurisdiction... Upon a finding by a court of competent jurisdiction that a covered employer unlawfully withheld wages under this division, such covered employee shall be entitled to an award of unpaid or underpaid wages, to reasonable costs and attorneys fees and, in addition, to liquidated damages in a sum equal to twice the amount of wages the covered employer is found to have unlawfully withheld in order to compensate the covered employee for the economic losses they suffered by reason of not receiving their wage at the time it was due and in order to deter future noncompliance by the covered employer.

3. Section 2-410(d) (4) In order to compensate the city for the costs of investigating and remedying the violation, the city may also order the violating covered employer to pay the city's reasonable costs (for investigating and defending the complaint and remedying the violation). Such funds shall be allocated and used to offset the costs of implementing en enforcing this division.

4. Section 2-410(g) Retaliation and discrimination barred... reduce the compensation of, or otherwise discriminate...or take adverse action against any covered employee in retaliation for exercising the rights protected under this division including, without limitation, making a complaint to the city, under this division; or informing any person about any party's alleged non-compliance with this division; or informing any person of his or her potential rights under this division and to assist him/her in asserting such rights. Protections under this subsection (g) shall apply to any person who mistakenly, but in good faith, alleges non-compliance with this division. Taking adverse action against a person within ninety (90) days of the person's exercise of rights protected under this division shall raise a rebuttable presumption of having done so in retaliation for the exercise of such rights.

End

Gary Waters, Present Chair of the Miami-Dade County Living Wage Commission, spoke in regards to the removal of one of the penalties that may be imposed on employers that ignore the living wage ordinance to underpaid employees, and stated that one of the options is to eliminate that employer from doing business with the City.

Jose Smith, City Attorney, stated that his concern has been addressed by the ordinance.

Gary Waters, Present Chair of the Miami-Dade County Living Wage Commission, stated that the City

should have the options of imposing penalties.

Discussion held.

Mayor Bower stated that the fine should be quantified.

Discussion continued.

Raul Aguila, Deputy City Attorney, explained that the language can be changed in 2-410(d)(1) from "...The City may impose damages in the sum of \$500 per week..." to delete the fixed (\$500) monetary requirement, and just leave it at "The City May impose damages...." He also explained that other changes are being recommended to the ordinance, which were made between first and second reading. Section 2-408(c) allows an employee that does not opt for insurance coverage during their employee's annual open enrollment period to be paid a higher living wage (to be reflected in the next pay period, which is consistent with the City's Human Resources Department's policy). In 2-408 (i) a new section was created for employees who receive tips, and a tip exemption has been created in the ordinance, similar to the tip credit exemption under federal minimum wage law.

Discussion continued regarding health benefits.

Mayor Bower stated that she feels strongly that employees should have health insurance.

Raul Aguila, Deputy City Attorney, will continue to research this issue and bring back to Commission, to determine whether the City is consistent with the new federal health reform law and that the City is not pre-empted by it. He added that one change, which he incorporated into the record, was to broaden the sanctions under 2-410(d) to provide an additional section, whereas the City has to provide money to investigate valid living wage complaints; and the City should also be allowed to recuperate its cost for investigating the complaints for the employers. A new Section 2-410(d)(4) was created which states that the City can charge the violating employer the City's reasonable costs for investigating and defending complaints and remedying violations, and that money will go back to funding the cost that the City will expand for the living wage. He also explained amendment to 2-410(g) regarding retaliatory actions by employers.

Jose Javier Rodriguez, Florida Legal Services, stated that in addition to the issues raised, one significant change weakens the enforcement of the ordinance, and that is that employees should enforce the ordinance on their own for those unscrupulous contractors. He thanked the City for leading the way.

Raul Aguila, Deputy City Attorney, explained that the language in the section of the ordinance that addresses these sanctions, Section 2-410(g) was omitted, in order to simplify the procedures, but was not intended to weaken the ordinance. He stated that the original language could be put back in if it's the will of the Commission.

Vice-Mayor Libbin thanked the Finance and Citywide Projects Committee and members of the City Commission for their efforts, and recommended that the language be included. He made a motion to adopt the ordinance, as amended.

Discussion continued.

Raul Aguila, Deputy City Attorney, explained that the proposed language in Section 2-410(c) reads: *upon a finding by a court of competent jurisdiction that a covered employer unlawfully withheld wages under this division, such covered employee shall be entitled to an award of unpaid or underpaid wages, to reasonable costs and attorneys fees and, in addition, to liquidated damages in a sum equal to twice the amount of wages the covered employer is found to have unlawfully withheld in order to compensate the covered employee for the economic losses they suffered by reason of not receiving*

their wage at the time it was due and in order to deter future noncompliance by the covered employer.

Commissioner Weithorn requested that the language read by Mr. Aguila be included in the amendment and suggested changing the amount to recover costs to be a *reasonable* cost.

Discussion held.

Jorge Gonzalez, City Manager, explained that this ordinance is an amendment to the existing living wage ordinance, principally adjusting the rate effective as of October 10, 2010; to \$10.16 per hour if health benefits are provided or \$11.41 per hour if health benefits are not provided.

Commissioner Weithorn stated that this ordinance requires that the City Commission take action every year, on whether to decide to index or not index the living wage rate, in order to avoid past errors from happening again.

Jorge Gonzalez, City Manager, explained that on an annual basis, as part of the budget process, a resolution will be in place to establish the rate for the year, and it will be an affirmative action of the Commission. The expenses and fiscal analysis is based on the information at hand, and it does not factor in what, if any, ripple effects that may occur for employees working for corporations or concessionaires beyond the living wage.

Motion made by Vice-Mayor Libbin, seconded by Commissioner Weithorn with all the amendments. Ballot vote: 7-0.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 606
2. Section 2-410 with amendments

1:18:01 p.m.

R5B 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. **10:35 a.m. Second Reading Public Hearing.**

(Requested by Commissioner Jorge Exposito/City Attorney’s Office)
(First Reading on May 12, 2010)

ACTION: Public Hearing held. Ordinance 2010-3683 adopted. Motion made by Commissioner Exposito; seconded by Commissioner Weithorn; Ballot vote: 7-0. Robert Parcher to transmit to Municipal Code. Carlos Noriega and Alex Rey to handle.

Hilda Fernandez, Assistant City Manager, introduced the item.

Mark Johnson spoke.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 605

1:22:27 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 “Designated Children Play Areas,” And Providing That Adults Must Be Accompanied By A Minor In Areas Designated As Children Play

Areas; Providing For Repealer; Severability; Codification; And An Effective Date. **10:40 a.m. Second Reading Public Hearing.**

(Requested by Commissioner Jorge Exposito/City Attorney's Office)
(First Reading on May 12, 2010)

ACTION: Public Hearing held. Ordinance 2010-3684 adopted. Motion made by Commissioner Exposito; seconded by Commissioner Tobin; Ballot vote: 6-0; Absent: Vice-Mayor Libbin. Robert Parcher to transmit to Municipal Code. Kevin Smith to handle the signage. Chief Carlos Noriega to handle.

Mark Johnson spoke.

Jose Smith, City Attorney stated that the Legal Department has done the research and this ordinance is clearly constitutional.

Commissioner Tobin stated that at Fisher Park there is only one bench and the bench is in the tot-lot. He asked if a bench should be added, and if so, can the Administration handle?

Hilda Fernandez, Assistant City Manager, stated that the Administration will certain look at it but there will be a fiscal impact. **Kevin Smith to handle.**

Discussion continued.

Carla Probus spoke on behalf of Catherine Prescott, the mothers' group.

Jorge Gonzalez, City Manager, stated that this is expected to be a complaint-driven process; it is only when someone is there that is going to warrant a complaint for officers to respond.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 605

1:33:52 p.m.

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

(Code Compliance)
(Continued from April 14, 2010)

ACTION: Public Hearing opened and continued to December 8, 2010 at 10:50 a.m. Motion made by Commissioner Weithorn; seconded by Commissioner Exposito; Voice vote: 5-0; Absent: Vice-Mayor Libbin and Commissioner Wolfson. Lilia Cardillo to place on the Commission Agenda. Hilda Fernandez to handle.

5:54:08 p.m.

R5E 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)
(Continued from May 12, 2010)

ACTION: Public Hearing held. Ordinance 2010-3685 adopted as amended with a referral of the Noise Ordinance to the Land Use and Development Committee. Motion made by Commissioner Weithorn; seconded by Vice-Mayor Libbin; Ballot vote: 6-1; Opposed: Mayor Bower. Robert Parcher to transmit to Municipal Code. Alex Rey to handle.

Richard Lorber to place the referral on the committee agenda. Hilda Fernandez to handle.

Amendments:

1. 142-1111 (c)(3) Compliance: Added: This subsection shall not prevent these officials from undertaking enforcement action prior to such date
2. 142-1111 (d) (3) Contact person: Delete "If not living on site"
3. 142-1111 (d) (7) Effect of Violations on Licensure: Delete "Either the noise ordinance (if attributable to short term rental activity) or "
4. 142-1111 (e) (1) (e) reverse "revocation or suspension"
5. 142-1111 (e) (3) remove "or on the owner's registered agent" and substitute: "and a courtesy notice to the contact person identified in (d)(3) above."
6. 142-1111 (d) (2) No more than once every 7 days
7. 142-1111 (b) (1) (a and c) the operative dates are changed to March 10, 2010
8. 142-1111 (2) (a) the operative dates are changed to March 10, 2010

End

Jorge Gomez, Assistant City Manager, introduced the item and clarified the changes. He added that Legal would like to clarify language with paragraph 1 in regards to three or six months to comply with.

Gary Held, First Assistant City Attorney, explained the language changes to the ordinance and clarified that between Paragraphs 1 and 2, Page 301, Paragraph c(2), there are inconsistencies in regards to legalization period of time.

Discussion held.

Jose Smith, City Attorney, stated that the policy to be made by the Commission is to set a time frame of three months or six months for legalization time.

Discussion continued.

Commissioner Góngora stated that six months is appropriate, and suggested that the City use the most liberal legalization date and Mayor Bower agreed that there is consensus on the six months.

Discussion continued.

Jorge Gomez, Assistant City Manager, explained the compliance process, and added that at the Land Use and Development Committee meeting there was discussion regarding a drop-dead date, but the ordinance is written with the permissive language. The policy question is that if the Fire Marshall and Building Official believe the individual is making good faith effort the process can continue, and if approvals have not been obtained by then, the process is over, that is the policy

question before this Commission.

Commissioner Weithorn stated that this is where the City needs to be liberal, because if the City has the ability to be in control by having a drop-dead date, the process cannot be administratively deemed effective. She added that she is not liberalizing on the date.

Discussion continued regarding fees charged to hotels and short-term rentals.

Commissioner Góngora explained that this issue has been discussed at committee and hotels and short-term rental operators should be charged the same fee; he added that it is not fair to charge \$600 to short term operators.

Mayor Bower stated that the fee of \$600 will remain and discussion continued.

Jorge Gomez, Assistant City Manager, explained the noise ordinance and other violation provisions and discussion was held.

Commissioner Weithorn explained that there is already a noise ordinance in the City Code.

Commissioner Góngora suggested removing the noise ordinance provision from the ordinance and let the noise ordinance stand on its own and to treat everyone equally.

Vice-Mayor Libbin also suggested removing the noise element and strengthening the noise ordinance impact in the residential area separately.

Jorge Gomez, Assistant City Manager, stated that they will remove the language inserted at Land Use and Projects Committees in reference to the noise ordinance and he asked if there would be a referral to Land Use and Development Projects Committee to look at the noise ordinance and come up with a different fine schedule for commercial activity in residential districts.

There was consensus for referring this issue to Land Use and Projects Development Committee.

Gary Held, First Assistant City Attorney, stated for the record the clean-up language made to the ordinance:

- At end of enforcement paragraph, top of page 305, there is reference to a copy of violation served on the owner and its mailing address and the owner's registered agent, in order to be in compliance with State Law, they are proposing removing on or the owner's registered agent and substituting with and a courtesy notice to the contact person identified in d3 above.
- Language to edit in regards to violation -Revocation or Suspension to read Suspension or Revocation
- Section dealing with contact person, Page 303, there is language "if not living on site" language is proposed to be removed making requirement uniformed that if someone is engaging in short-term rental in the building, that there be contact information outside.
- Minimum time period of rental

Discussion continued.

Jorge Gomez, Assistant City Manager, explained the different legalization dates. Recommendation and staff report is August 2009, which is when zoning in progress started and discussion continued.

Commissioner Góngora agreed with Commissioner Weithorn that the language should be "rent once during a one-week period," and allow the latitude to rent no more than once a week. He added that in regards to the legalization date of August 2009, he agrees with Vice-Mayor Libbin in that very few properties will be legalized, and the fact that every property owner has participated in this process, they should have the opportunity to become legalized. The biggest problem with short-term rental is

noise and he agrees that the noise ordinance should be strengthened.

Discussion continued.

Jorge Gomez, Assistant City Manager, summarized the language proposed.

Richard Lorber, Acting Planning Director, asked the Commission to look at the implications of reducing the rental time in regards to the Comp Plan Amendment.

Discussion continued.

The following individuals spoke:

Carter McDowell, Esq.

Neil Flaxman Esq., representing First Class Vacation Properties

Virginia Mastrapa

Marsha Tabri

Luis Rojas

Bernard Superstein

Donna Bragassa

Adam Shedroff

Alfredo Gonzalez

Michael Schad

Judy Robertson

Aaron Sugarman

Jeff Donnelly

Eric Ferrari

Richard Caba

Motion made by Commissioner Weithorn to approve the item as amended with the March date and with the referral of the noise ordinance to the Land Use and Development Projects Committee; seconded by Vice-Mayor Libbin; Ballot vote; 6-1; Opposed: Mayor Bower.

2:00:53 p.m.

R5F 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. **First Reading.**
(Tourism & Cultural Development)

ACTION: Ordinance (Option #1) approved on first reading. Motion made by Commissioner Wolfson; seconded by Commissioner Weithorn; Ballot vote: 7-0; Second Reading and Public Hearing scheduled for July 14, 2010. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Max Sklar to handle.

2:05:41 p.m.

R5G An Ordinance Repealing Article XI, Entitled "Dangerous Intersection Safety," Of Chapter 106, Entitled "Traffic And Vehicles," Of The Miami Beach City Code; And Providing For Codification; Severability; Repealer; And An Effective Date Of July 1, 2010. **First Reading.**
(City Manager's Office)

ACTION: Ordinance approved on first reading. Motion made by Vice-Mayor Libbin; seconded by Commissioner Góngora; Ballot vote: 7-0; Second Reading and Public Hearing scheduled for July 14, 2010. R. Parcher to notice. Lilia Cardllo to place on the Commission Agenda. Robert Middaugh to handle.

2:07:02 p.m.

R5H 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. **First Reading.**
(Parking Department)

ACTION: Ordinance approved on first reading as amended. Motion made by Commissioner Weithorn to approve the item with the amendment distributed on the dais; seconded by Commissioner Tobin; Ballot vote: 7-0; Second Reading and Public Hearing scheduled for July 14, 2010. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Saul Frances to handle.

Amended language:

Sec. 106-55, Parking rates, fees, and penalties

(l) Exceptions.

(1) Flat Parking Rate. A flat parking rate for non-residents and for residents of the City (photo identification required) may be established during the city's annual budget process, as recommended by the city manager and approved by the city commission, at certain attended municipal garages and surface lots which have been identified by the city manager to be in the best interest of the community's health, safety, and welfare.

End

Jorge Gonzalez, City Manager, introduced the item.

Discussion held.

Motion made by Commissioner Weithorn to approve the ordinance with the amendment that was handed to them because it gives more flexibility.

Jorge Gonzalez, City Manager explained that the amendment gives the city the ability to change the rates on any one of the four lots, on particular occasions. It provides the ability to raise the Special Events rate from the standard and have a differentiated rate for tourists and non-residents and residents will be charged the standard rate. Residents will not be affected by the increase.

Discussion continued.

Commissioner Weithorn stated that she dislikes having a number in anything. She stated that the rates in today's term seem reasonable a few years from now will not be and it is better to decide the rate at budget time each year. The City Commission will have the flexibility to change the rates from time to time.

Handout or Reference Materials:

1. Miami Beach City Code Sec. 106-55 and 106-56. Parking rates, fees, and penalties.

R7 - Resolutions

1:34:43 p.m.

R7A A Resolution Approving On Second Reading (And Final Approval), Following A Duly Noticed Public Hearing, 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; Authorizing The Mayor And City Clerk To Execute The Lease Agreement. **10:15 a.m. Second Reading Public Hearing.**

(Real Estate, Housing & Community Development)

ACTION: Title of the Resolution read into the record. **Resolution No. 2010-27419 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Góngora; Voice vote: 5-0; Absent: Vice-Mayor Libbin and Commissioner Góngora. Anna Parekh to handle.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 603

1:35:53 p.m.

R7B A Resolution Approving On Second Reading (And Final Approval), Following A Duly Noticed Public Hearing, 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; Authorizing The Mayor And City Clerk To Execute The Lease Agreement. **10:20 a.m. Second Reading Public Hearing.**

(Real Estate, Housing & Community Development)

ACTION: Title of the Resolution read into the record. **Resolution No. 2010-27420 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Góngora; Voice vote: 7-0. Anna Parekh to handle.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 604

12:11:29 p.m.

R7C A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Service Agreement With Choice Environmental Services, 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 September 1, 2010, And Ending On August 31, 2015, With Three (3) One-Year Renewal Options, Upon The Same Terms And Conditions, At The City's Sole Discretion.
(Public Works)

ACTION: Resolution No. 2010-27421 adopted as amended. Motion made by Commissioner Tobin to approve the contract; seconded by Commissioner Góngora with commitments; Voice vote: 4-3; Opposed Mayor Bower, Vice Mayor Libbin and Commissioner Weithorn. Fred Beckmann to handle.

Amendments:

Green Initiative Commitments:

1. Everything possible will be recycled off the beach
2. Recycle of bulky items
3. Engine oil recycling, with OPS system, and zero omission trucks
4. Coastal cleanup on an annual basis throughout Miami-Dade County
5. Reward for recycling included upon approval of Miami-Dade County
6. Any replacement vehicles will be replaced with CNG vehicles

End

Jorge Gonzalez, City Manager introduced the item.

Commissioner Weithorn stated that the process was wrong and explained that the prudent thing to do is to start over. She added that she cannot approve the contract in good faith.

Motion made by Commissioner Weithorn to reject the award and begin the RFP process; seconded by Vice-Mayor Libbin.

Discussion held.

Commissioner Wolfson stated that pursuant to the City of Miami Beach Code Section 2458 2(b), he is disclosing a business relationship with his campaign and constituent services activities which transacted more than \$10,000 of business in the preceding 12 months with the subject DRC Consultant, operated by David Custin, and clarified that it poses no conflict on the vote intended.

Commissioner Exposito disclosed his relationship with Mr. Custin.

Mayor Bower disclosed her business relationship with Bobby Sanchez, as recommended by the City Attorney.

Discussion continued.

Commissioner Góngora's expressed his concerns regarding green issues, and added that both companies appear to be good companies, but he is ready to award the contract to Choice as he thinks they have more of a local presence and have stronger green initiatives.

Discussion continued.

Jose Smith, City Attorney, advised the Commission not to discuss potential litigations, and clarified for the record, that the selection should be based not only on the price, but on the green initiatives

and which is the best company.

Discussion regarding the process continued.

Sylvester Lukis, Esq., representing Waste Pro, spoke.

Michael Pizzi, Esq., representing Choice Waste Services, spoke.

Discussion continued.

On the motion made by Commissioner Weithorn to reject the award and begin the RFP process; seconded by Vice-Mayor Libbin, Voice vote 3-4; Opposed: Commissioners Exposito, Góngora, Tobin, and Wolfson. Motion failed.

Commissioner Góngora wants to ensure that environmental initiatives on the package will be incorporated into the agreement, such as using compressed natural gas vehicles, etc.

James Sage, Regional Manager for Choice, stated that the Compressed Natural Gas (CNG) powered vehicles will not be available until the site is approved and he cannot make a commitment on CNG vehicles as it will be about a year long when the permitting process goes through.

Commissioner Góngora asked about the special trucks that were going to be used.

James Sage, Regional Manager for Choice, stated that the zero emission trucks are new generation diesel trucks, but they cannot make that commitment.

Jorge Gonzalez, City Manager, asked Mr. Sage to specify the commitments.

James Sage, Regional Manager for Choice, stated that the commitment of the CNG powered vehicles will be made when the facility unit is available and permitted. In answering Mayor Bower's question, he stated that the facility is located in Opa-Locka. He explained that the application has been approved by the State of Florida for the Opa-Locka facility but it may be a year and a half long for permit and construction. He stated that they will recycle everything possible off the beach, including items that come through bulk waste and yard waste pick-up, the recycling of bulk items, the recycling of engine oil, which is OPS system and these trucks will have in place on them, with zero emission trucks with the OPS system, and the coastal cleanup sponsored last year, which they intend to sponsor going forward every year.

Vice-Mayor Libbin asked if the coastal clean-up is within the City of Miami Beach.

Mr. Sage responded that the coastal cleanup is all of Miami-Dade County.

Jorge Gonzalez, City Manager, asked about the rewards for recycling.

Mr. Sage explained that the rewards will be put in place and the initial meeting with Miami-Dade County was a positive one. He explained that this program is operated by Miami-Dade County and they need their approval.

Fred Beckmann, Public Works Director, asked for clarification on CNG vehicles, if the contract requires providing new vehicles, when CNG becomes available, will they change to CNG vehicles?

Discussion held regarding CNG vehicles replacement.

Jorge Gonzalez, City Manager, suggested buying the new diesel lower emission vehicles, and that the commitment is that when those vehicles need to be replaced, they will be replaced with CNG vehicles.

James Sage agreed.

Motion made by Commissioner Tobin to approve the contract; seconded by Commissioner Góngora with commitments outlined; Voice vote: 4-3; Opposed: Mayor Bower, Vice Mayor Libbin and Commissioner Weithorn.

Commissioner Wolfson recognized Al Zamora, Fred Beckmann, Raul Aguila, and Gus Lopez.

Jorge Gonzalez, City Manager, also recognized Patricia Walker.

Handout or Reference Materials:

1. Letter to Tomas F. Panza, Esquire, from Office of the City Attorney, Miami Beach, dated June 9, 2010 RE: City's Response to Waste Pro of Florida's ("Waste Pro") "Bid Protest" Letter, dated June 5, 2010.
2. Letter to Mr. Raul Aguila, Deputy City Attorney, from Panza, Maurer & Maynard, P.A., dated June 5, 2010 RE: Waste Pro of Florida – Waste Pro's Bid Protest Regarding RFP 60-08/09.
3. Letter from Raul J. Aguila, Deputy City Attorney to Thomas F. Panza, Esquire dated June 4, 2010 RE: City's Response to Waste Pro's "Bid Protest" Letter, dated June 3, 2010.
4. Letter to Mr. Jorge Gonzalez, City Manager, from Panza, Maurer & Maynard, P.A., dated June 3, 2010, RE: Waste Pro of Florida – Waste Pro's Bid Protest Regarding RFP 60-08/09.
5. Supplemental Abstention and Disclosure Requirement completed and signed by Commissioner Jorge Exposito.

1:36:52 p.m.

R7D A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement With Camp Dresser & McKee, Pursuant To Request For Qualifications No. 03-09/10, For The Preparation Of A New Citywide Comprehensive Stormwater Management Master Plan And Flamingo/West Avenue/North Bay Road Stormwater Design Effort, With Funding In The Amount Of \$1,039,705 From The Line Of Credit Approved By The City Commission In May 2009, And To Be Repaid From The Future Stormwater Bond, And The Appropriation Of \$51,730 From The Previously Appropriated 16th Street Operational Improvements Capital Project In The Fy2006/07 Capital Improvement Plan.
(Public Works)

ACTION: Resolution No. 2010-27422 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Wolfson; Voice vote: 7-0. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

Jorge Gonzalez, City Manager, introduced the item and stated that the master plan is a citywide master plan that will take into consideration all the issues affecting the City and update the current 1997 plan. It will incorporate new technology, improvements and environmental changes that have occurred since 1997.

Drew Chesler spoke and distributed photos and materials.

Discussion held.

Fred Beckmann, Pubic Works Director, stated that this is a comprehensive review of the City's stormwater master plan and one element of the master plan is for CDM to develop operating a maintenance standard not only for City systems but also for private developments.

Drew Chesler stated that discharging the water is the biggest issue for the west side. He stated that the key and the challenge for CDM is to discharge the water at a level above high tide so the salt water does not enter the streets. He added that the plan must be updated every 5 years, or possibly

Jorge Gonzalez, City Manager, stated that this is an important step and recognized City Engineer Fernando Vazquez for his effort in developing, securing, negotiating and further managing this project.

Handout or Reference Materials:

1. Black folder with documentation titled "MIAMI BEACH, THE NEXT NEW ORLEANS, JUNE 9, 2010" by Drew Chesler, CEO and President, Gold's Gym.
2. Email from Wakefield, Rebecca dated Monday, June 07, 2010 2 4:39 PM RE: June 9th Commission Meeting Agenda from 'Drew Chesler.'
3. Email from Rodriguez, Enid on behalf of Libbin, Jerry dated June 7, 2010 to Robert Parcher, RE: NFIP Authority on Ice.

1:15:31 p.m.

R7E A Resolution Amending Resolution No. 2009-27289, Setting The Dates For The Year 2010 Commission Meetings; Authorizing A Change In The Commission Meeting In October 2010, From The Scheduled Meeting Date Of October 20 To October 27; And Further Authorizing A Change In The Commission Meeting In November 2010, From The Scheduled Meeting Date Of November 10 To November 17, And Making November 10 The Alternate Meeting.
(City Clerk's Office)

ACTION: Item heard in conjunction with RDA item 1A. **Resolution No. 2010-27423 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Exposito; Voice vote: 7-0. Robert Parcher to handle.

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 MB:

Dakshesh Bhatt	Rep. PTA for Biscayne Elementary School	6/30/11
Becky Cohen	Rep. PTA for North Beach Elementary School	6/30/11
Patrica Kaine	Rep. PTA for MB Sr. High School	6/30/11
Nizia Motola	Rep. PTA. for Ruth K. Broad Elementary School	6/30/11
Lauren Radick	Rep. PTA for Nautilus Middle School	6/30/11
Waldy Blanco	Rep. PTA for Feinberg-Fisher Elementary School	6/30/11

Committee on the Homeless:

Anthony Japour	Term ending 12/31/2010	Appointed by Commissioner Góngora	TL 12/31/17
Jonathan Kroner	Term ending 12/31/2011	Appointed by Commissioner Exposito	TL 12/31/17

Community Relation Committee:

Jessica Jacobs	Term ending 12/31/2011	Appointed by Commissioner Góngora	TL 12/31/17
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Disability Access Committee:

Sabrina Cohen	Term ending 12/31/2010	Appointed by Commissioner Tobin	TL 12/31/17
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Health Facilities Authority Board:

Sidney Goldin	General Business	Term ending 06/10/2014	City Commission Appointment
Marc Umlas	Health Provider	Term ending 06/10/2014	City Commission Appointment

Miami Beach Commission for Women:

Robyn Ragone Term ending 12/31/2010 Appointed by Commissioner Wolfson TL 12/31/15
Zahara Mossman Term ending 12/31/11 Appointed by Commissioner Libbin TL 12/31/17

Police Citizens Relations Committee:

Jared Dokovna Term ending 12/31/2010 Appointed by Commissioner Góngora TL 12/31/17

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

ACTION: No appointments were made.

7:35:11 p.m.

R9A2 Nomination For Reappointment Of Marc Umlas To The Health Facilities Authority Board.
(Requested by Mayor Matti Herrera Bower)

ACTION: Marc Umlas reappointed to the Health Facilities Authority Board by acclamation.

7:34:39.m.

R9A3 Nomination For Reappointment Of Sidney Goldin To The Health Facilities Authority Board.
(Requested by Commissioner Deede Weithorn)

ACTION: Sidney Goldin reappointed to the Health Facilities Authority Board by acclamation.

7:35:26 p.m.**New Item:**

R9A4 Nomination Of Herb Sosa To The Historic Preservation Board.
(Requested by Commissioner Michael Góngora)

ACTION: Deferred.

Commissioner Tobin stated that he has not had a chance to meet some of these members.

Commissioner Weithorn stated that these individual should make appointments to meet with the members of the City Commission and everyone will be better prepared to vote at the next meeting.

Handout or Reference Materials:

1. Letter dated June 2, 2010 to Mayor and City Commissions Re: Nominations for Historic Preservation Board Appointment.

2:18:14 p.m.

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

ACTION: The following individuals spoke:

1. Mark Johnson spoke about the possibility of doing away with the GMCVB (Greater Miami and the Beaches Convention Visitors Bureau) and doing the job themselves. His company has great TV facilities and the webmaster is one of the best in the nation, if not in the world. He added that the general nature of GMCVB is representing their competition; they are Miami Beach, GMCVB represents Miami-Dade County. He asked the City Commission to consider the possibility of having the Miami Beach Chamber of Commerce help with the oil spill endeavor and have the general membership vote on the policy instead of the Board of Directors.
2. Carl Zabloutny, 17 year resident, stated that he is a Gay Tourism and Night Life Entertainment advocate and promoter of small businesses on the beach. He continues to be puzzled by the alcohol and nudity issue. He does not understand why there is a prohibition of alcohol in adult entertainment establishments. He is troubled by the issue of Club Madonna which he has been following since 2003. He added that on Washington Avenue he sees Lap Dance Tuesday at the Cameo Theatre with a poster advertising a half-naked woman; Mansion has Burlesque Sundays promoting adult entertainment personalities coming in the Mansion; across from Madonna they have Fantasy Wednesdays at Dream, and he wonders why there seems to be selective enforcement of the alcohol and nudity issue. He thinks it's time to re-examine this issue so that Club Madonna can compete on an equal basis.

Motion made by Commissioner Góngora to refer the discussion of nudity and alcohol to the Land Use and Development Projects Committee. No second offered.

Mayor Bower suggested placing this referral at the next Commission Agenda.

3. Dushan Koller, resident since 1972, explained that 75% of the general revenue goes towards payroll and benefits, leaving a small percentage to provide other services to Miami Beach citizens. Based on an estimated shortfall on the budget, of \$30 to \$35 million dollars, he asked the City Commission and Administration not to raise taxes and not to raise Millage, and not to cut services. To balance the budget a common sense approach should be used, not a political approach. The payroll and benefits must be adjusted dramatically. The government serves the people; the people do not serve the government.
4. Carla Probus stated that as a long time resident of the beach, she organized about 15 people to prepare any oil spill that arrives to the shores. It was a well received group. She will be sending an email around to keep the volunteer team going.

Mayor Bower explained that the City is ready and preparations are underway with the Chamber. They will be meeting to see the outcome.

5:53:22 p.m.

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

ACTION: No speakers.

R9C Presentation By The City's Lobbying Team Regarding The 2010 Session Of The Florida Legislature.
(City Manager's Office)

ACTION: Oral presentation made.

Mayor Bower introduced the item and welcomed the lobbyist team.

Florida State Senator Dan Gelber congratulated the new Commissioners and welcomed back Commissioner Góngora. He explained that it was not a great year in Legislature, but for Miami Beach the funding was put into for beach renourishment, some condominium reform was finished and recognized Vice-Mayor Libbin for his efforts on the condo issue. He commented about school funding and stated that what this Commission did for the feeder pattern is extraordinary; the feeder pattern has been changed in a way that citizens recognize it's exciting and innovative, and making it an IB program and delivering resources is going to do amazing things. He spoke about the budget and explained that next year is going to be a massive problem especially in the education. One of the next projects he suggested should be restoring Beach High Debate Team, and this can be done by working with the alumni from the 60's and the 70's and working with local leaders.

Mayor Bower stated that she will work with him on the Debate Team.

Vice-Mayor Libbin wished him the best in his running for Attorney General.

Florida State Representative Richard Steinberg added that on education as far as next year he sees trouble ahead, because there does not seem to be a significant desire to fund education, but in fact there is a desire to do a minimal necessary to pull down the necessary dollars to balance the budget. There will be no stimulus dollars next year and therefore the strings are gone. Next year we are facing \$6 billion deficit at State level, and perhaps more depending on the oil spill and its impact on the economy. It will probably be a troubling year for education and he encouraged City officials to become involved.

Mayor Bower asked who at the State level is voting against education.

Florida State Representative Richard Steinberg explained that if perhaps there is commitment from individuals running for office not to support a budget that cuts education it will force legislators to do the right thing. He added that the State passed the law to deal with the Red Light Cameras; to the extent that the City began enforcing before the effective date of July 1, there is grandfathered language, and also important is added language to require FDOT to give access for cameras to be installed in right-of-ways. Regarding the issue of people living under the Julia Tuttle Bridge, it is now a misdemeanor for people to leave under the bridges on FDOT's right of way, at ramps or on the causeway, and there will be serious consequences for violators on probation. In regards to the IB program funded properly, there is a new change to the law that would require that a significant amount of the money flow down to the school that creates it, which will be for Beach High. Miami Beach had a good year in the legislative session this year. In addition, with term limits coming up, we will have significant changes in the Legislature as a whole with a new legislative cycle and this highlights the importance of redistricting in two years, and voters will have an opportunity to have three questions on the ballot to create more fair districts and he encouraged everyone to vote in favor of Questions 5 and 6 and to vote against Question 7 which would maintain the status quo.

Florida State Representative Luis Garcia Jr., thanked the team of lobbyists and explained the accomplishments made on educational issues and the Red Light camera policy. He added that he hopes that a resolution is passed in support of amendments 5 and 6 and against amendment 7.

Gary Rutledge commented that with the budget for 2011 there is going to be an excess of \$5 billion shortfall; there was no activity with regards to the Burt Harris Act or activity of an expansion of

gambling with local approval; there was negative activity with the online tax collection in regards to hotels, which also failed. The changes in sexual predators' bill were satisfactory to the City as discussed before. He gave a report with regards to condominium expansion of payment required for foreclosed banks; expansion to five years to comply with elevator requirement regarding safety; opting out common areas, the permit issue, beach renourishment, Red Light Cameras language and they continued working with film incentives that begin in July 2011, with the sale and use tax and corporate tax credit.

Mayor Bower stated that Representative Garcia mentioned something important and that is about the citations for valet parking, and requested the Administration to look into it.

Florida State Representative Richard Steinberg clarified that when a citation is sent out for a Red Light ticket, the receiver signs an affidavit as to who was driving the car; when there is a valet park the driver is not known, and he suggested to the City Commission to draft some agreement that there gives determination that the valet parking company be responsible for the violation.

Mayor Bower is concerned with the issue of Highway 395 and the Port of Miami Tunnel issue and added that the funding is not there. She requested assistance from the Tallahassee team in regards to funding.

Florida State Representative Richard Steinberg clarified that the Governor veto \$170 million trust funds so there may be more money on road projects and he will be happy to look into it.

Discussion held.

Jorge Gonzalez, City Manager, stated that they are working with the MPO for an interim solution that can expand the capacity to avoid the bottleneck problem.

Gary Rutledge spoke.

Vice-Mayor Libbin stated that Amendment 4, which is related to an item on the Consent Agenda today, is for the adoption of the 10 year water supply. He stated that Amendment 4 will require public referendum and asked that in the event the item on the agenda is not approved, what will happen to the water supply

Gary Rutledge explained that his understanding is that that has to do with utilization of property and how property is change for zoning purposes; his concerns may be legitimate and he'll be glad to get information to Administration and the City Attorney.

Discussion continued.

Commissioner Weithorn requested the Legislative team's support to increase maximum parking fines for illegal parking meters and include a provision to authorize the increase to include the cost of living index (COLA) adjustment.

Handout or Reference Materials:

1. LTC 166-210 dated June 1, 2010 RE: Final Legislative Report on the 2010 Session of the Florida Legislature.

SUPPLEMENTAL MATERIALS: ADDITIONAL INFORMATION

R9D Discussion Regarding An Ordinance Amending Regulations Of Alcoholic Beverages In Public Places.
(Requested by Vice-Mayor Jerry Libbin)

ACTION: Item moved to the Consent Agenda. See Item C4I.

R9E Status Update On The Miami Beach Arts Gala 2010.
(Requested by Vice-Mayor Jerry Libbin)

ACTION: Written report submitted.

1:02:50 p.m.

SUPPLEMENTAL MATERIALS: AGREEMENT & SUMMARY OF FLORIDA LAW

R9F Discussion Regarding An Amendment To Lease Between CMB And Miami Beach Watersports, Inc.
For Shane Watersports Center Facility To Allow Bingo.
(Requested by Vice-Mayor Jerry Libbin)

ACTION: Discussion held. **Resolution 2010-27424 adopted.** Motion made by Vice-Mayor Libbin to approve the amendment to the lease with limitations; seconded by Commissioner Góngora; Voice vote: 6-1; Opposed: Commissioner Wolfson.

Lease Amendments/Limitations:

- 1) Ensure parking enforcement of meters during Bingo sessions
- 2) No sale of alcohol
- 3) No advertising on the building or around
- 4) Review period in one year
- 5) Proceeds must be reinvested in the building for capital expenses
- 6) City has audit rights in the lease

End

Jorge Gonzalez, City Manager, introduced the item and explained the Center's desire to generate additional dollars in an attempt to maintain the facility by operating Bingo games, which requires an amendment to the lease. He suggested tweaking the lease to allow for audit rights to ensure proceeds going towards the facility; limit the type of advertising for Bingo, and revisiting the issue.

Mayor Bower stated that there needs to be a policy so other facilities such as the Botanical Garden and others can also have Bingo or have other fundraising methods.

Commissioner Góngora stated that the City needs to have limitations; 1) to use proceeds for facilities and specify which facilities are allowed to have Bingo, 2) do this on a probationary period and bring back for review in a year; 3) there should be no signs advertising Bingo on or around the building.

Jorge Gonzalez, City Manager, asked if the Commission would restrict the sale of alcohol.

Mayor Bower explained that there should be no alcohol sold in the facility and added that individuals attending Bingo should pay for meter parking.

Discussion held.

Elaine Roden, Executive Director of the Center, spoke.

Motion made by Vice-Mayor Libbin to approve the item with the limitations as discussed; seconded

by Commissioner Góngora.

Jorge Gonzalez, City Manager, summarized the limitations: 1) ensure parking enforcement of meters is appropriate; 2) no sale of alcohol, 3) no advertising on the building; 4) revisit in one year and 5) dollars must go to capital expenses by including audit rights in the lease to allow that.

Commissioner Wolfson asked if there is a conflict of interest between Vice-Mayor Libbin, Ronald W. Shane Watersports Center, and the Miami Beach Chamber of Commerce.

Vice-Mayor Libbin explained that this item was referred to the Neighborhoods Community Affairs Committee and there is no conflict of interest to disclose.

11:34:18 a.m.

R9G Discussion Regarding A Request For Rent Waiver For The Byron Carlyle Theater For The Young Talent Big Dreams Contest.

(Requested by Mayor Matti Herrera Bower)

ACTION: Discussion held. Motion made by Commissioner Góngora to approve the rent waiver; seconded by Commissioner Exposito; Voice vote: 5-0; Absent: Commissioners Weithorn and Wolfson. Max Sklar to handle.

Robert Holtzman, representing the Actor's Play House in Coral Gables, explained that the Actor's Playhouse with the assistance of the Children's Trust, Miami-Dade County, FIU and hopefully the City of Miami Beach will be conducting a very broad talent competition for ages 8 to 17. There will be auditions in six theatres including the Byron Carlyle and they are seeking a rent waiver for this event.

Motion made by Commissioner Góngora to approve the rent waiver; seconded by Commissioner Exposito; Voice vote: 5-2; Absent: Commissioners Weithorn and Wolfson.

5:20:32 p.m.

New Item:

R9H Discussion Regarding The Implementation Of The Baylink Project Through The Metropolitan Planning Organization (MPO).

(Requested by Commissioner Michael Góngora)

ACTION: Item deferred to the October 2010 meeting. Lilia Cardillo to place on the Commission Agenda.

R10 - City Attorney Reports

R10A Notice Of Closed Executive Session.

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, June 9, 2010, In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

ACTION: Closed Executive Session held.

Reports and Informational Items

Reports and Informational Items (see LTC #161-2010)

End of Regular Agenda

Miami Beach Redevelopment Agency

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
June 9, 2010

Chairperson of the Board Matti Herrera Bower
Member of the Board Jorge Exposito
Member of the Board Michael Góngora
Member of the Board Jerry Libbin
Member of the Board Edward L. Tobin
Member of the Board Deede Weithorn
Member of the Board Jonah Wolfson

Executive Director Jorge M. Gonzalez
Assistant Director Jorge Gomez
General Counsel Jose Smith
Secretary Robert E. Parcher

AGENDA

1. NEW BUSINESS

1:15:31 p.m.

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Amending Resolution No. 567-2009, Setting The Dates For The Year 2010 RDA Meetings; Authorizing A Change In The RDA Meeting In October 2010, From The Scheduled Meeting Date Of October 20 To October 27; And Further Authorizing A Change In The RDA Meeting In November 2010, From The Scheduled Meeting Date Of November 10 To November 17, And Making November 10 The Alternate Meeting.
(City Clerk's Office)

ACTION: Item heard in conjunction with item R7E. Resolution 569-2010 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Exposito; Voice vote: 7-0. Robert Parcher to handle.

1:15:59 p.m.

- B A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Approving The Renewal Option Of The Management And Leasing Agreement With The Miami Beach Community Development Corporation (MBCDC), In Association With Felenstein Koniver Stern Realty Group (FKS) For The Management Of The Retail Component Of The Anchor Shops And Parking Garage (Anchor Shops); Said Renewal Term, Providing For An Additional Three (3) Year Term, Commencing Retroactively On May 1, 2010, (Upon Expiration Of The Initial Term) And Ending On April 30, 2013; Further Approving An Amendment To The Scope To Eliminate Leasing And To Remove Felenstein Koniver Stern Realty Group As A Contractor; And Authorizing The Executive Director And City Clerk To Execute The Agreement.
(Real Estate, Housing & Community Development)

ACTION: Resolution 570-2010 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Góngora; Voice vote: 7-0. Anna Parekh to handle.

End of RDA Agenda

Meeting adjourned at 7:37:03 p.m.