



# MIAMI BEACH

## City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
July 15, 2009

Mayor Matti Herrera Bower  
Vice-Mayor Victor M. Diaz, Jr.  
Commissioner Saul Gross  
Commissioner Jerry Libbin  
Commissioner Edward L. Tobin  
Commissioner Deede Weithorn  
Commissioner Jonah Wolfson

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

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### ATTENTION ALL LOBBYISTS

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

*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/Caridad Marquez, Rain Drop Day Care. (Bower)
- PA2 Certificates of Appreciation/Members of Parks and Recreation Green Space Teams. (Tobin)
- PA3 Certificate of Appreciation/Nikki Beach, Volunteer Beach Cleanup Event. (Libbin)
- PA4 Certificate of Recognition/The New Hotel, Welcoming Them to North Beach. (Libbin)
- C2A Issue RFP, Prof. Building Inspection and Plans Review Services in Various Disciplines.
- C2B Issue RFP, Multi-Service Kiosk System w/ Automated Commerce Machine.
- C2C Issue RFP, Claims Administration Services for Self-Insured Workers' Comp Program.
- C2D Award Contract (ITB No. 32-08/09), Armored Car Services, \$44,512.
- C2E Award Contract (ITB No. 20-08-09), Purchase Pine Bark Brown Mulch, \$41,875.
- C2F Award Contracts (ITB No. 34-08/09), Provide Grounds Maintenance Service, \$324,924.00.
- C2G Award Contracts (ITB No. 35-08/09), Removal/Disposal of Construction Debris, \$116,000.
- C2H Award Contracts (ITB No. 12-08/09), Fencing Services, \$65,000.
- C2I Issue RFP, Management Consultant Study of CIP Management and Execution Processes.
- C4A Ref: Neighborhoods/Community Affairs Committee - Safety Committee. (Wolfson)
- C4B Ref: Finance and Citywide Projects Committee - Living Wage Ordinance. (Weithorn)
- C4C Ref: Finance & Citywide Projects Committee - Public Bathrooms along our Beaches. (Libbin)
- C4D Ref: Finance and Citywide Projects Committee - Special Event Permit Fees.
- C4E Ref: Land Use and Development Committee - Signage to Beachgoers. (Wolfson)
- C4F Ref: Finance & Citywide Projects Committee - Establishing Dog Park in N. Beach. (Libbin)
- C4G Ref: Finance & Citywide Projects Committee - Anchor Shops Lease Agmt.
- C4H Ref: Neigh/Community Affairs Committee - Waive Fees During Severe Storms. (Bower)
- C4I Ref: Finance & Citywide Projects Committee - New Fund Balance Designations. (Weithorn)
- C4J Ref: Neighborhoods/Community Affairs Committee - Foreclosure Registry Ordinance.
- C6A Report: Capital Improvement Projects Oversight Committee Meeting on June 1, 2009.

C6B Report: Neighborhoods/Community Affairs Committee on June 17, 2009.  
 C6C Report: Land Use and Development Committee Meeting on July 1, 2009.  
 C6D Report: Finance and Citywide Projects Committee Meeting on June 2, 2009.  
 C7A Submit Applications to Various Funding Agencies.  
 C7B Approve Extension of Permits w/ Beach Towing Services and Tremont Towing Services.  
 C7C Authorize to Videotape and Air, Candidate Presentations for November 3, 2009 Election.  
 C7D Authorize Early Voting for November 3, 2009 and November 17, 2009, Runoff Elections.  
 C7E Re-Appointment of Chief Special Master.  
 C7F Set Public Hearing - Historic Designation (Morris Lapidus Mid-Century Historic District).  
 C7G Set Public Hearing - Proposed Changes to the I-1 Urban Light Industrial District.  
 C7H Authorize Chief of Police to Execute a MOU/Joint Multi-Jurisdictional Investigations.  
 C7I Accept Easement, Public Bus Shelter at 3801 Collins Avenue.  
 C7J Accept Easement, Sidewalk w/ Pedra Portuguesa Finishes at 1100 Lincoln Road.  
 C7K Authorize City Manager to Award or Reject Contracts/Agmts, PO's, etc. during August Break.  
 C7L Accept Recommendation, RFP No. 29-08/09/, Concession Agreement at South Pointe Park.  
 C7M Adopt 1-Year (FY 2009/10) Action Plan, Federal Funds for CDBG and HOME Program.  
 C7N Support City's Participation in the State of Florida's Energy Economic Zone Pilot Program.  
 C7O Approve Concept Plan Design from BGCM-D, 1000 12th Street, Miami Beach.  
 C7P Approve Amendment to Lease Agmt w/ JCC, 4221-4229 Pinetree Drive, Miami Beach.  
 C7Q Approve Amendment to the SHIP Program Agmt w/ MBCDC, \$798,763.50.  
 C7R Appropriate Funds, City's Joint Tourism and Hospitality Scholarship Program.  
 C7S Approve Sole Source Purchase, 24x7 Software and Hardware Maintenance of Imprivata, \$33,630.  
 C7T Approve Amendment to Rental Rates for Byron Carlyle Theater and Colony Theatre.  
 C7U Approve Altos Del Mar Sculpture Park Concept Plan.  
 C7V Re-Appropriate Funds, Transformer and Electrical Upgrades in Hall C at MBCC.  
 C7W Appropriate Funds, Restore Charles O. Perry Sculpture "Untitled," at Scott Rakow Youth Ctr.  
 C7X Execute Amendment, Beachfront Concession Agreement w/ Boucher Brothers Miami Beach.  
 C7Y Accept Recommendation, (RFQ No. 42-08/09) Venetian Islands ROW Improvement Project.  
 R2A Award Job Order Contracts (ITB No. 22-08/09) to Various Contractors.  
 R2B Award Contract (ITB No. 40-08/09), Multipurpose Municipal Parking Facility, \$1,282,168.36.  
 R5A 10:15 a.m. 2nd Rdg, Requirements for Membership on Agencies/Boards and Committees. (Diaz)  
 R5B 10:20 a.m. 2nd Rdg, Commission Committee Draft Minutes - Approval. (Mayor/ Commission)  
 R5C 10:30 a.m. 1st Rdg, Commercial Rooftop Venues South of 5th Street.  
 R5D 11:00 a.m. 1st Rdg, Sale and Service of ILEV/Electric Automobiles in CPS-2 District.  
 R5E 11:15 a.m. 2nd Rdg, Amend Litter Ordinance. (Libbin)  
 R5F 11:20 a.m. 2nd Rdg, Amend Jurisdiction of the Special Master (Appeals).  
 R5G 11:45 a.m. 2nd Rdg, Amend Sidewalk Café Ordinance. (Bower)  
 R5H 1st Rdg, Allow Total Nude Entertainment Establishments to Serve Alcoholic Beverages.  
 R5I 1st Rdg, Increase Time Period for Jurisdiction of the Special Master to Mitigate Fines.  
 R5J 1st Rdg, Amend Animals Ordinance.  
 R7A 10:25 a.m. 2nd Rdg, Approve Lease Agmt w/ Roma Waxing, Inc., 1701 Meridian Avenue.  
 R7B 12:15 p.m. Submit Application for Funding, Neighborhood Stabilization Program 2.  
 R7C 1st Rdg, Approve Lease Agmt w/ Klara Gershman M.D. PA, 1701 Meridian Avenue.  
 R7D 1st Rdg, Approve Lease Agmts w/ Various Agencies, Use of South Shore Community Center.  
 R7E Call for Special Election, Limited Transfer of Appointment/Removal Powers. (Tobin)  
 R7F Call for Special Election, Sale or Other Transfers of City Interest in Public Street-End. (Diaz)  
 R7G Call for Special Election, Sale/Lease of City-Owned Property Not Requiring Approval. (Wolfson)  
 R7H Approve Selection of West 8 New York, Inc., as the New Park Project Architect for NWS.  
 R7I Enter into Agmt w/ Humana, City's Group Health (Medical) Plan and Employee Assistance Program.  
 R7J Enter into Agmt w/ Metropolitan Life Insurance Co., City's Group Dental Plan.  
 R7K Enter into Agmt w/ Eyemed Vision Care, City's Group Vision Plan.  
 R7L Enter into Agmt w/ Hartford Life and Accident, Accidental Death Policy for Police and Firefighters.  
 R7M Enter into Agmt w/ Hartford Life and Accident, Group Life Insurance and Accidental Death Policy.  
 R7N Enter into Agmt w/ Unum, City's Family and Medical Leave Program.  
 R7O Execute Concession Agmt w/ Decobike (RFP 44-07/08), Self-Service Bicycle Sharing Program.  
 R7P Approve Project Design Concept for South Pointe Park Pier.  
 R7Q Recommend M-DC Supervisor of Elections Relocate the Applicable MB Polling Places.  
 R7R Approve Modification to the M-DC Building Better Communities GO Bond Program.  
 R7S Approve Agmt w/ ACS, Red Light Violation Enforcement Camera System in Miami Beach.

- R9A Board and Committee Appointments.
- R9A1 Board and Committee Appointments - City Commission Appointments.
- R9A2 Board and Committee Appointments - BLGT Business Enhancement Committee.
- R9B1 1:30 p.m. Dr. Stanley Sutnick Citizen's Forum.
- R9C Discuss: Waiver of Parking Requirements. (Diaz)
- R9D Discuss: Policies for Removing from Public Use of Certain Public Parking Space. (Diaz)
- R9E Discuss: Resolution re: "The Military Readiness Enhancement Act." (Diaz)
- R9F Discuss: Designate a Disability Awareness Day and Plan Appropriate Activities for the Day.(Bower)
- R9G Discuss: Resolution re: Training Requirements for Teachers of English Language. (Bower)
- R9H Discuss: Arquitectonica Master Plan for the City Center. (Wolfson)
- R9I Discuss: Regarding Employee Pension and Health Insurance. (Diaz)
- R9J Discuss: Potential Operational Issues Related to South Pointe Park.
- R9K Discuss: Resolution re: Taskforce to Protect our Communities from Sexual Violence. (Bower)
- R10A Notice of Closed Executive Session: Discussion re: Labor Relations/Union Negotiations.
- A City Attorney's Status Report.
- B Parking Status Report - May 2009.
- C Informational Report: Federal, State, M-DC, U.S. Communities and All Existing City Contracts.
- D Status Report on Palm and Hibiscus Islands Underground Utilities Project.
- E1 Minutes: M-DC Tourism Development Council Meeting on April 16, 2009. (Weithorn)
- 1A Report: Itemized Revenues/Expenditures of RDA's City Ctr. District and S. Pointe – May 2009.

Meeting called to order at 9:35:45 a.m.

Invocation given by Robert Parcher, City Clerk.

Pledge of Allegiance led by Police Chief Noriega.

**ADDENDUM:**

Motion made by Vice-Mayor Diaz to add items R7T and Report E to the Commission Agenda as emergency items; seconded by Commissioner Gross; Voice vote: 6-1; Opposed: Commissioner Libbin.

**SUPPLEMENTAL MATERIALS:**

- C7J Easement Agreement
- C7Q Resolution
- R5G Ordinance
- R7B Memorandum, Resolution & NOFA
- R7I Resolution
- R7J Resolution
- R7K Resolution
- R7L Resolution
- R7M Resolution
- R7N Resolution
- R7R Resolution
- R7S Resolution

**Presentations and Awards**

- PA1 Certificate Of Appreciation To Be Presented To Caridad Marquez From Rain Drop Day Care, For Her Years Of Dedication To Children.  
(Requested by Mayor Matti Herrera Bower)

**ACTION:** Item not reached.

**9:39:30 p.m.**

PA2 Certificates Of Appreciation To Be Presented To Members Of The City Of Miami Beach Parks And Recreation Green Space Management And Green Space Management Contract Administration Teams For Their Fine Landscape Work At The Miami Beach Golf Club, Twenty-Third Street Pump Station, And The Normandy Park And Pool.

(Requested by Commissioner Edward L. Tobin)

**ACTION:** Certificates presented.

Commissioner Tobin recognized the City's Green Space Management Team for adding to the quality of life of all the residents on a job well done. He recognized the following members of the **Parks & Recreation Green Space Team**: Chaquenta Thomas, Derrick Jenkins, Domingo Macias, John Oldenburg, John Thompson, Keith Duncan, Lamar Chapman, Walter Simmons, and **from Miami Beach Golf Club and 23rd Street Pump Station**; Terrence Cook, Rhonda Gracie, Millie McFadden, Luis Mojica, Lavis Brown, Albert Knight, Earle Keels, Eugene Newton, and Hector Torres.

Kevin Smith, Parks and Recreation Director, thanked the City Manager and the City Commission for their support on this project and also recognized Miriam Carta Briega, Projects Manager from Everglades, who teamed up with the group. He added that they appreciate the opportunity to work for the residents and they take great pride in doing what they're doing.

Jorge Gonzalez, City Manager, explained that the department and division went through some reorganization several years ago and they have done a great job. The biannual surveys are rated extremely high and everyone involved knows that they have done a fantastic job and the City is much greener as a result.

**9:45:06 a.m.**

PA3 Certificate Of Appreciation To Be Presented To Nikki Beach For Hosting An Outstanding Volunteer Beach Cleanup Event.

(Requested By Commissioner Jerry Libbin)

**ACTION:** Certificate presented.

Commissioner Libbin explained that usually Nikki Beach helps coordinate a beach clean-up south of their property, but after complains of litter on public beach in the area and after Commissioner Libbin's suggestion, they organized and hosted a major clean-up with about 80 or 90 employees and vendors from his properties. Not only was this the best beach clean-up effort to date, but the most appreciated by tourists and residents, who were actually applauding as volunteers walked by. He presented Alex Guerra and Steven Joanos with the Certificates.

Steven Joanos, from Penrod's, remind everyone the slogan "*No Litter No Buds.*"

Commissioner Libbin stated that the Eden Roc and the Cleavelander will be following in their footsteps with similar beach clean-up events.

**9:48:30 a.m.**

PA4 Certificate Of Recognition To Be Presented To The New Hotel, Welcoming Them To North Beach.  
(Requested By Commissioner Jerry Libbin)

**ACTION:** Certificate presented.

Commissioner Libbin introduced Ann Castellaños and Luis Ramirez, who have just recently completed and opened "The New Hotel" in North Beach, at 7337 Harding Avenue; they completely renovated what was an old art deco apartment building and made it into a new hotel. He commended them for their accomplishments.

Luis Ramirez spoke.  
Ann Castellaños spoke.

**9:52:30 a.m.**

Mayor Bower thanked Ameresco for the sweets brought.

**CONSENT AGENDA**

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

**C2 - Competitive Bid Reports**

C2A Request For Approval To Issue A Request For Proposals (RFP) For Professional Building Inspection, Plans Review Services In Various Disciplines, And Permit Clerks On An "As-Needed Basis" And An "On-Going Basis," For The Building Department.  
(Building Department)

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

During the Wednesday morning agenda review meeting, the City Manager requested additional language to allow some flexibility with the permit clerks position such as: "or other experience as deemed appropriate."

C2B Request For Approval To Issue A Request For Proposals (RFP) For A Multi-Service Kiosk System With An Automated Commerce Machine (ACM) That Accepts Payments For City Bills, Utility Bills, Resort Tax, And Business Tax Receipts.  
(Procurement)

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

C2C Request For Approval To Issue A Request For Proposals (RFP) For Claims Administration Services For The City Of Miami Beach Self-Insured Workers' Compensation Program.  
(Human Resources & Risk Management)

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

C2D Request For Approval To Award A Contract To Transvalue, Inc. Pursuant To Invitation To Bid No. 32-08/09, For Armored Car Services, In The Annual Amount Of \$44,512.  
(Parking Department)

**ACTION: Request authorized:** Saul Frances, Patricia Walker, and Kevin Smith to handle.

C2E Request For Approval To Award A Contract To Amerigrow Recycling Corporation, Pursuant To Invitation To Bid No. 20-08-09, For The Purchase And Delivery Of Pine Bark Brown Mulch In The Estimated Annual Amount Of \$41,875.  
(Parks & Recreation)

**ACTION: Request authorized:** Kevin Smith to handle.

C2F Request For Approval To Award Contracts To The Following Primary Vendors Deemed As The Lowest And Best Bidders: Superior Landscaping & Lawn Service Inc.; Vila & Son Landscape Corp.; SFM Services, Inc.; Everglades Environmental Care, Inc.; And To The Following Secondary Vendors In The Event That The Primary Vendors Are Unable To Perform: Vila & Son Landscape Corp., Superior Landscaping & Lawn Service Inc., SFM Services, Inc., Everglades Environmental Care, Inc., Valley Crest Landscape Maintenance, And Country Bills Lawn Maintenance, Inc.; Pursuant To Invitation To Bid (ITB) No. 34-08/09 To Provide Grounds Maintenance Service For The City Of Miami Beach Causeways, Islands And Other Locations In The Estimated Annual Amount Of \$328,853.71; And For Mowing Services, To The Following Primary Vendors Deemed As The Lowest And Best Bidders: Superior Landscaping & Lawn Service Inc.; Country Bills Lawn Maintenance, Inc.; And Elan Lawn And Landscape Services, Inc.; And Secondary Vendors In The Event That The Primary Vendors Are Unable To Perform: To Country Bills Lawn Maintenance, Inc. And Southern Landscaping Enterprises, Inc., In The Estimated Annual Amount Of \$324,924.00.  
(Parks & Recreation)

**ACTION: Request authorized:** Kevin Smith to handle.

Handout or Reference Materials:

1. Letter to Mr. John Allred, Country Bill's Lawn Maintenance, Inc., from Jorge M. Gonzalez, City Manager, dated July 14, 2009, RE: Invitation to Bid (ITB) No. 34-08/09, To Provide Grounds Maintenance Service for City of Miami Beach Causeways, Islands and other Locations; and Mowing Services (the "Bid").

**11:56:01 p.m.**

C2G Request For Approval To Award Contracts To Metro Trucking Company Inc. As Primary Vendor, And Solution Construction Inc. As Secondary Vendor, Pursuant To Invitation To Bid (ITB) No. 35-08/09, For Removal And Disposal Of Construction Debris And Asphalt, In The Estimated Annual Amount Of \$116,000.

(Procurement)

**ACTION: Item separated for discussion by Commissioner Tobin.** No action taken. Item to be placed on the September 9<sup>th</sup> Commission Agenda at the request of Commissioner Tobin. Lilia Cardillo to place on the Commission Agenda. Gus Lopez to handle.

Handout or Reference Materials:

1. Letter to Mr. Andres Correa, Solution Construction, from Jorge M. Gonzalez, City Manager, dated July 14, 2009, RE: INVITATION TO BID (ITB) NO. 35-08/09 FOR REMOVAL AND DISPOSAL OF CONSTRUCTION DEBRIS AND ASPHALT, CITY OF MIAMI BEACH'S RESPONSE TO SOLUTION CONSTRUCTION, INC'S PROTEST, DATED JUNE 13, 2009.

C2H Request For Approval To Award Contracts To The Following Vendors: Sunrise Security Agency & Maintenance, Inc, Guaranteed Fence Corp. And Murray Fence Company As The Lowest And Best Bidders, Pursuant To Invitation To Bid No. 12-08/09, For Fencing Services In The Estimated Annual Amount Of \$65,000.

(Procurement)

**ACTION: Request authorized:** Fred Beckmann and Kevin Smith to handle.

**9:55:37 a.m.**

C2I Request For Approval To Issue A Request For Proposals (RFP) For A Management Consultant Study Of The Capital Improvement Projects Management And Execution Processes.

(Procurement)

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

Jorge Gonzalez, City Manager, stated that the Scope of Service will be sent to the CIP Oversight Committee (CIPOC). Charles Carreño to place on the committee agenda and to handle.

#### **C4 - Commission Committee Assignments**

C4A Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Renaming And Restructuring The Safety Committee As The CERT Committee.

(Requested by Commissioner Jonah Wolfson)

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

C4B Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Living Wage Ordinance.

(Requested by Commissioner Deede Weithorn)

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

C4C Referral To The Finance And Citywide Projects Committee - Discussion Regarding Possible Solutions To Keep Public Bathrooms Along Our Beaches Opened Until Midnight.

(Requested by Commissioner Jerry Libbin)

**ACTION: Referred. Item separated for discussion by Vice-Mayor Diaz.** Later in the meeting Vice-Mayor Diaz stated that his question was answered. Motion made by Vice-Mayor Diaz to approve; seconded by Commissioner Libbin; Voice vote: 6-0; Absent: Commissioner Tobin. Patricia Walker to place on the committee agenda. Fred Beckmann to handle.

- C4D Referral To The Finance And Citywide Projects Committee - Discussion Regarding The City's Special Event Permit Fees As They Pertain To Use Of The Public Right-Of-Way And The Accompanying Right-Of-Way Permit Fees.  
(Tourism & Cultural Development)

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

- C4E Referral To The Land Use And Development Committee To Discuss Two Matters That Were Recently Raised By The Marine Authority: 1) Waterside Address Signage For Residence; And 2) Improved Beach Signage That Points Out Dangers To Beachgoers.  
(Requested by Commissioner Jonah Wolfson)

**ACTION: Referred.** Jorge Gomez to place on the committee agenda. Greg Tindle to handle.

- C4F Referral To The Finance And Citywide Projects Committee – Discussion Regarding Establishing A Dog Park In North Beach.  
(Requested by Commissioner Jerry Libbin)

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

- C4G Referral To The Finance And Citywide Projects Committee – Discussion Of A Proposed Modification Of An Existing Retail Lease Agreement With Cadiac, Inc., Involving Suites D And E In The Anchor Shops, Located At 1550 Collins Avenue, Miami Beach, Florida.  
(Redevelopment Agency)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. Anna Parekh to handle.

- C4H Referral To The Neighborhoods/Community Affairs Committee – Discussion Regarding Whether The City Should Have A General Standing Rule To Waive Certain Fees, Such As Parking And Other, Related To Reconstruction Of Private Property Damaged Due To A Severe Storm Event Or Similar Nature Event.  
(Requested by Mayor Matti Herrera Bower)

**ACTION: Referred.** Randi MacBride to place on the committee agenda. Tim Hemstreet to handle.

- C4I Referral To The Finance And Citywide Projects Committee - Discussion On Early Adoption Of New Fund Balance Designations As Part Of The 2009/10 Budget.  
(Requested by Commissioner Deede Weithorn)

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

- C4J Referral To The Neighborhoods/Community Affairs Committee A Discussion Of An Ordinance Relating To A Foreclosure Registry.  
(City Manager's Office)

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



**C6 - Commission Committee Reports**

C6A Report Of The Capital Improvement Projects Oversight Committee Meeting On June 1, 2009: **1)** Attendance; **2)** Review And Acceptance Of Minutes; **3)** Public Comments; **4)** Old Business; 4a) CIP Project Status Report: CIP Projects; Public Works-Managed Capital-Funded Projects; 4b) Construction Update: Normandy Shores Neighborhood Improvement Project; 4c) Status Report: Venetian Island Neighborhood Improvement Project; 4d) Status Report: Sunset Islands I & II; 4e) Status Report: 44<sup>th</sup> Street & Royal Palm Avenue Drainage Improvements; 5f) Status Report: Normandy Shores Golf Course Clubhouse; **5)** Sub-Committee Meeting Reports; 5a) Flood Mitigation Sub-Committee; 5b) Flamingo Neighborhood Sub-Committee; 5c) Venetian Island Neighborhood Improvements Sub-Committee; **6)** Calendar; **7)** Adjournment; Additional Item) Construction Update: Nautilus ROW Improvement Project.

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

See Attendance Sheet attachment.

**Item NO.2:**

MOTION: Acceptance of Minutes of the May 4, 2009 CIPOC Meeting

MOVED: Fred Karlton 2<sup>nd</sup>: Stacy Kilroy

PASSED (Unanimous)

*Full audio and visual records of the meetings held in the Commission Chambers are available online on the City's website <http://www.miamibeachfl.gov/video/video.asp>*

*Note: Meeting conducted out of order from published agenda. Please note times alongside each item.*

**Item No.3:**

**Terry Beinstock**, (2312 Bay Avenue), President of the **Sunset Islands III & IV** Property Owners Association spoke about the history of the proposed CIP project for the neighborhood and the residents' desire to see the plans come to fruition. Sunset III & IV began discussions with FPL for undergrounding utilities in 1993. All along, any discussions of other neighborhood improvements were on hold while they waited for this to be done. 16 years later, they want to reinitiate interest in CIP, and they desire to coordinate the installations with FPL, if possible. Other members of the Sunset III & IV Board were in attendance. Mr. Beinstock introduced William Goldsmith and explained that he would be helping the neighborhood in evaluating the proposed improvements and providing similar assistance as he has in other neighborhoods.

**William Goldsmith** (1829 West 25<sup>th</sup> Street) spoke with the Board of Sunset III & IV and looked at the proposed plans. The 35% design plans from CH2MHill show 1" asphalt overlay on the roads, 20% of the roads to be milled, no sub-surface restabilization (although, he says, the roads are settling and there are cavities and convexities). He says the roads need stabilization. There is no proposed drainage on Sunsets III & IV, and the drainage needs are not as high as on Sunset I & II. But he says there should be some surface-water conveyance. The perimeter streets are scheduled to receive 8" DIP water lines, but he was concerned that this was not carried through to the side streets. Valve boxes, hydrants and meters are also included. He is concerned that "arbitrary decisions that may not stand up to coupon testing" were made, resulting in the interior homes not receiving new lines. The pipes are 80 years old, brittle and are likely heavily tuberculated.

**Fred Karlton** asked particularly about the water lines. He asked again for Mr. Goldsmith to explain where the water lines were to be installed, Mr. Goldsmith expressed concern over lack of water lines to the interior homes. Mr. Karlton asked if coupons were done on the lines in Sunset III & IV.

**Fred Beckmann**, Public Works Director, explained that the new water lines are planned to service all homes on the islands. The installation will be a loop that is installed in the perimeter streets, which

will, in turn feed into the existing meter boxes. All homes on Sunset Islands III & IV will be serviced by a new water line.

**Rick Kendle** asked if the decision was made based on the result of pressure-testing the lines and asked how the City was able to “get around the policy issue that we don’t do all new water mains in neighborhoods.” Mr. Beckmann answered that the water lines are 3.1 DPI, and there is a policy in place that the City is replacing all 3.1 water lines.

**Stacy Kilroy** asked for clarification that new laterals were to be included. Mr. Beckmann answered affirmative. The laterals connect the main water line to each meter at each property, at no cost to the property owners.

**Tim Murphy**, (1501 21<sup>st</sup> Street, Sunset Island IV) asked about the water connection to his home. Mr. Beckmann showed him on the plans where the line would meet his water meter. The existing water lines will be abandoned once the new lines are installed.

**Item No. 4:**

**A. CIP Project Status Report**

Included in agenda packet, but not discussed.

**B. Construction update: Normandy Shores Neighborhood Improvement Project**

Written report submitted. Fred Beckmann explained that this project is on schedule.

**C. Status Report: Venetian Island Neighborhood Improvement Project**

Bring a presentation to the next CIPOC meeting on how the City prioritizes water lines for replacement and an overview of the City water system.

**D. Status Report: Sunset Islands I & II**

Public Works is to make a request of Miami-Dade County for a traffic study on Sunset Islands I & II to create a one-way road on Sunset Island I. When the request is made, Mr. Goldsmith is to be copied.

Mr. Goldsmith asked for the results of the testing of existing stormwater lines (video). A contractor is scheduled for June 8, 2009 to take video of the stormwater drains and lines.

STAFF ACTION: When video testing of the existing stormwater lines on Sunset I & II is completed, Mr. Goldsmith is to be provided with the results of the testing.

MOTION: To recommend to City Commission that procedures for planning and design incorporate investigative video of existing stormwater systems prior to developing the design plans. Video is to be used to inspect existing stormwater infrastructure that is proposed to remain in order to check if it is still viable. This is to be done during the schematic phase of the design process, no earlier. Staff is to be directed to come up with procedure, and to decide whether these videos should be independently supplied or if the consultant should supply it. MOVED: Stacy Kilroy 2<sup>ND</sup>: Fred Karlton.

MOTION PASSED: Unanimous

**E. Status Report: 44<sup>th</sup> Street & Royal Palm Avenue Drainage Improvements**

Final report submitted with agenda packet. Not discussed.

**Item No. 5:**

**A. Flood Mitigation Sub-committee**

STAFF ACTION: Present an overview of the GIS system at the next CIPOC Flood Mitigation Sub-Committee meeting on July 14. Please also include a report on the Tide-flex valves used

throughout the City.

#### **B. Flamingo Neighborhood Sub-Committee**

Rick Kendle, Sub-Committee Chair reported that at the last meeting, they were assured that funding would be in place. He said he is concerned about the condition of water lines, seeing the situations in other neighborhoods. He is also concerned that the City is not sure at this time which streets will be reconstructed, rather than simply paved over.

Mayor Bower reiterated that it is important to take lessons learned and positive processes used in other neighborhoods and apply them to all neighborhoods. This, she stated, is the role of the sub-committees and she hopes that the sub-committees bring these suggestions to the general meetings.

Fred Karlton noted that there is a framework in place for proceeding with plans for Flamingo and other neighborhoods. He emphasized again that the City should make sure to cut back on soft costs and make sure to accomplish proper drainage, and not to re-design over again.

**Denis Russ** (945 Pennsylvania Avenue) said that the residents have been focused on the above-ground improvements and pedestrian amenities. Now that the project involves storm drainage and water distribution, the neighborhood is counting on City Staff to get that designed so that the entire project can move forward. Now, the focus is on getting the money and pushing the project forward.

There is a Design Criteria Package in draft form and this will be reviewed at the next sub-committee meeting.

Tim Hemstreet explained that there are no contracts for the Flamingo neighborhood, and the sub-committee was set up to steer the process through design and into construction and to control soft costs, etc. The project is on hold because it needs some additional funding, pending a decision from Commission. No soft-costs are being expended right now because there is no designer of record. One of the issues in the sub-committee has been whether to move forward with a design/bid/build process or a design/build process with a DCP. The City has been actively engaged in the process with the sub-committee and community members.

Stacy Kilroy said that it is important to note that the neighborhood has embraced the BODR without modification. She noted that what has happened in other neighborhoods is that there is not always consensus if the BODR is several years old. Mr. Russ stated that the neighborhood is happy with the BODR and the plans for the above-ground improvements. The 60% documents are on display at the Seymour Hotel for the entire neighborhood to view.

#### **C. Venetian Islands Sub-Committee**

6

The construction update and sub-committee report were heard at the same time. *See item 4c.*

#### **Item No. 6:**

##### **Staff Action Report**

Included in agenda packet, but not discussed.

#### **Item No, 7:**

##### **Calendar**

#### **Item No. 8:**

##### **Adjournment:**

The next meeting of the Capital Improvement Projects Oversight Committee will be held at 5:30pm, Monday, July 13, 2009.



C6B Report Of Neighborhoods/Community Affairs Committee On June 17, 2009: **1)** Discussion Regarding The Potential Operational Issues Related To The Newly Reconstructed South Pointe Park; **2)** Discussion Regarding Amendments To The Graffiti Ordinance As It Pertains To Acid Etched Glass; **3)** Discussion Regarding Amendments To The Sidewalk Café Ordinance; **4)** Discussion Regarding Application For Round Two Of Neighborhood Stabilization Program (Foreclosure) Funds Which Is Due to HUD By July 17, 2009; **5)** Discussion Regarding Clarification About What Ethics-Related Regulations, Other Than City Code Chapter 2, Article VII, Are In The City Code So That The City Commission Can Have A Discussion As To Whether A Referendum Question Is Needed; **6)** Discussion Regarding Miami Beach Polling Place Relocations; **7)** Discussion Regarding The Establishment Of An "Adopt A Beach" Program; **8)** Discussion To Place The Wine And Food Festival On A Rotating Schedule; **9)** Discussion Regarding The Issue That Businesses Be Able To Fly The American Flag Without Having To Get Permit Via Established Standard Criteria.

**ACTION:**

**Item No. 1:**

The committee moved the following:

- (Bicycles/skateboards) Restrict bicycles and skateboards from being ridden on the elevated portion of the serpentine walkway
- (Motorized Vehicles) No unauthorized motorized vehicles in the park.
- (Fishing) There would be no fishing in the park
- (Recreational Center ("Community Room") Rental) There will be no alcohol, amplified music be limited to 10:00am to 8:00pm, no admission allowed to be charged, the doors must be closed during amplified music.
- (Playground Rental) To not allow playground rental as it is too heavily used.
- (Field Rental) No rental of the fields
- (Pavilion (rooftop) Rental) No rental of the pavilion
- (City Produced Events) City produced special events are limited to six per fiscal year have priority over non-city produced special events. That no city produced special event shall extend longer than two days in duration, that setup and removal may not exceed two additional days that setup and removal not restrict public access to the park, any live or amplified sound is to face south and not begin earlier than 10:00am and conclude by 10:00 pm
- (Non-city produced special events) Referred to City Commission without recommendation.

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

**Item No. 2:**

The committee unanimously moved the item forward for the requirement to remove or remediate acid-etched graffiti on glass with a standard that incorporates a formula such as the greater of 25% or some designated square footage to be determined by the Administration. Additionally, Administration is to explore whether the City can utilize the Building Department's application fee excess funds to subsidize the cost of installing protective film for business owners. The City Attorney's office is to explore the possibility, under the First Amendment, if obscenity and offensive symbols could be given a heightened requirement for removal.

**City Clerk's Note: Hilda Fernandez to handle.**

**Item No. 3:**

The committee moved to allow, on a first come, first served basis, as long as it does not exceed 20% of the permitted sidewalk area on Lincoln Road, excluding the "no table zone", that the exception to require the storage of the furniture indoors be recommended to the Commission. Additionally, the application period will be set from July 1 through September 30 for the upcoming fiscal year.

**City Clerk's Note: See Agenda Item R5G****Item No. 4:**

The committee unanimously moved to bring this item to the July 15, 2009 meeting of the City Commission and request \$15 million.

**City Clerk's Note: See Agenda item - R7B****Item No. 5:**

The committee unanimously moved to recommend the item with the amendment to the resolution attached in the agenda, to change from City Personnel to just City Commissioners and to further discuss at the July 22, 2009 Special Commission Meeting.

**Item No. 6:**

The committee moved

- Relocate Precinct 41 (MB Fire Station #1) to Precinct 46 (South Shore Community Center)
- Relocate Precinct 44 (temporarily at the Savoy Hotels) to South Pointe Park Community Center
- Relocate Precinct 15 to either Normandy Park and Pool (old precinct 18 to new precinct 19) depending on the Election Department Analysis to determine if the Normandy Park and Pool can support both Precincts 15 and Precinct 19, otherwise move Precinct 15 to the North Shore Park Youth Center. Commissioner Libbin to contact Shane Water Sports to see if can be used as a voting precinct.
- Change Miami Beach Hispanic Community Center from Precinct 19 to Precinct 18.
- Change Normandy Park and Pool from Precinct 18 to Precinct 19.
- Relocate Precinct 39 (MB Fire Station #1) to Precinct 36 (Flamingo Park Boys and Girls Club)

For the July 15 Commission Meeting the Election Department is to provide for any precinct that has changed locations more than twice in the last four (4) municipal elections (8 years) and several precincts that have not relocated the following information:

Number of Registered voters  
Number of voters who have voted at the precinct  
Number of voters who vote absentee or early voted.

**City Clerk's Note: See Agenda item – R7Q****Item No. 7:**

The committee moved for the Administration report to the City Commission criteria for and "Adopt a Beach" program for the City of Miami Beach to include the criteria, obligations, accountability, and locations for placards.

**City Clerk's Note: Fred Beckmann to handle.****Item No. 8:**

The committee made no motion however Commissioner Libbin stated that he expects the proposal in two months.

**City Clerk's Note: Max Sklar to handle.****Item No. 9:**

The committee unanimously moved the item forward to the Planning Board.

**City Clerk's Note: Jorge Gomez to handle.**

C6C Report Of The Land Use And Development Committee Meeting On July 1, 2009: **1)** A Discussion Regarding Restrictions That Can Be Put Into Place So The City Commission, By A Majority Vote, Can Not Dispose Of Public Land; **2)** Discussion Regarding Levels Of Service Of The Transportation Element Of The Comprehensive Plan; **3)** Discussion Regarding A Proposed Amendment To Chapter 12, Article II "Special Events" To Provide That Special Events Permits May Not Contravene The Provisions Of Part II Of The City Code – The Land Development Regulations, Or Orders Of The City's Land Use Boards, While Also Allowing The City Manager Or His Designee To Authorize Activities Consistent With The Intent Of Such Orders, But That May Deviate From Them In Certain Limited, Nonmaterial Temporary Ways, Subject To The Approval Of The Planning Director, Or His Designee; **4)** An Ordinance Relating To The Jurisdiction Of The Special Master; Amending Chapter 30, "Code Enforcement," Article III, "Enforcement Procedure," Section 30-73, "Powers Of The Special Master," By Clarifying That The Special Master Lacks Jurisdiction Over Appeals From Or Challenges To Interpretations Or Actions Of The Building Official, Planning Director And Fire Marshall, Or Claims That An Act Of The City Is Unconstitutional, Which Are By Applicable Law Vested In Other Authorities, Providing For Repealer; Codification; Severability, Applicability And An Effective Date; **5)** Discussion On Temporary Parking Lots – Amendment To The Ten Year Limit (Two Ordinances); **6)** Discussion Regarding The Recommendation To Relocate The Lincoln Road Green Market To Collins Park And The Renewal Of The Management And Operation Agreements For The Espanola Way Street Market, The Normandy Isle Street Market And The Antiques And Collectibles Market; **7)** An Ordinance Amending The Code Of The City Of Miami Beach Code, By Amending Chapter 82, Public Property, Article IV, Uses In Public Rights-Of-Way, Division 5, Sidewalk Cafes, Subdivision II, Permit, Section 82-385, By Providing Minimum Standards, Criteria, And Conditions For Entertainment In Sidewalk Café Permit Areas On Ocean Drive Between 8th And 13th Streets, And By Amending Chapter 142, Zoning Districts And Regulations, Article V, Specialized Use Regulations, Division 6, Entertainment Establishments, Section 142-1361, Definitions, To Amend The Definition Of Outdoor Entertainment To Include Such Sidewalk Café Areas On Ocean Drive, Providing For Repealer, Severability, Codification And An Effective Date; **8)** Discussion Regarding The Property Located At 1001 West 46th Street, As Well As How The City Can Prevent Institutional Uses In Single Family Neighborhoods In The Future; **9)** Discussion Regarding A Proposed Amendment To The Amended And Restated Concession Agreement Between The City Of Miami Beach, Florida And Boucher Brothers Miami Beach LLC For Management And Operation Of Beachfront Concessions, Increasing The Fenced Storage Area In Lummus Park And Increasing The Permitted Uses Of The Storage Facility, As Delineated In Section 10.2.1 Of The Concession Agreement, In Conjunction With An Overall Expansion Of The Fenced Storage Area For The Use By The County And The City; **10)** Discussion Of The Ordinance Allowing Automobile Sales On The North Side Of 5th Street In The CPS Zoning District.

**ACTION:**

**Item No. 1:**

Motion #1: Diaz/Gross (Vote -3-0). Instruct the Administration to amend the City Charter (Section 1.03) requiring a unanimous approval of the City Commission for the disposition of any public street-end bordering on the GU, GC districts or bordering on any waterfront (See proposed text below):

(e) Public Street Ends Bordering GU, GC or Waterfront Land.

The sale, exchange, conveyance, lease, or any other transfer of any City interest in any public street-end bordering on land designated "Government Use", "Golf Course" or Waterfront land, shall require unanimous approval of the City Commission (7/7 vote in favor thereof), excluding the sale, exchange, conveyance, lease or any other transfer not exceeding 10% in width of such street end.

Motion #2: Wolfson/Diaz (Vote-3-0). Instruct the Administration to amend the City Charter (Section 1.03(b)(3) requiring a six-sevenths (6/7) vote of the City Commission for the disposition of any public land not already provided for in the Charter and to remove the Planning Board's review of such disposition (See proposed text below):



3. The sale, exchange, conveyance or lease of ten years or longer of all remaining City-owned property (other than public beach rights-of-way -- see (d) herein below, and other than those properties addressed more specifically in this Charter section 1.03) shall, ~~as provided by Ordinance, require approval by a majority ( 4/7) vote of all members of the Planning Board and five-sevenths~~ require 6/7 vote of all members of the City Commission.

**City Clerk's Note: See agenda item R7F.**

**Item No. 2:**

Item not reached.

**Item No. 3:**

Hilda Fernandez, Assistant City Manager and Max Sklar, Cultural Affairs & Tourism Development Director outlined the issues. Motion #1: Gross/Diaz (Vote- 3-0). Instruct the Administration to prepare an ordinance adding a review criteria to the Planning Board's Conditional Use process that evaluates

Motion #2: Diaz/Gross (Vote- 3-0). The Committee requested that the Special Events Permit Guidelines be brought to the Land Use and Development Committee for review and possible codification of certain criteria.

**City Clerk's Note: Max Sklar to handle.**

**Item No. 4:**

Item not reached.

**Item No. 5:**

Jorge Gomez, Planning Director and Mercedes Lamazares, Principal Planner explained the proposed ordinances. Andrew Frey, representing proponents of the ordinances also spoke. Motion: Diaz/Gross (Vote 3-0). The Administration is to bring forth the Citywide version of the ordinance and allow the further extension of time for temporary parking lots provided the lots comply with the setback and landscape standards for permanent parking lots.

**City Clerk's Note: Jorge Gomez to handle.**

**Item No. 6:**

Motion #1: Antiques and Collectibles Market.  
Diaz/Wolfson (Vote 3-0). Renew current agreement.

Motion #2: Lincoln Road Green Market.  
Diaz/Gross (Vote 3-0). Keep market on Lincoln Road, renew agreement however the Administration should work with vendor to either increase the percent return to the City or increase the minimum guarantee to the City.

Motion #3: Espanola Way Street Market.  
Diaz/Wolfson (Vote 3-0). Defer renewal of agreement. The Administration is instructed to work with vendor to explore the possibility of a new strategy for the Market that might circulate between Espanola Way, Collins Park and South Pointe Elementary (with involvement of the PTA).

Motion #4: Normandy Village Street Market.  
Diaz/Wolfson (Vote 3-0) renew current agreement.

**City Clerk's Note: Anna Parekh to handle.**

**Item No. 7:**

Motion: Gross/Wolfson (Vote 2-0). The Committee instructed the Administration to place the ordinance on the Commission agenda for consideration.

**City Clerk's Note: Jorge Gomez to handle.**

**Item No. 8:**

City staff briefed the Committee on the actions taken by the Planning Department and Code Compliance regarding the subject property. Planning Department staff suggested that refinements to the definition of "institutional uses" would further help the City in enforcement of these types of uses. Motion: Gross / Wolfson (Vote 2-0). The Committee directed staff to explore a Code amendment clarifying and defining "institutional use", and to bring it back to the Land Use and Development Committee at a future date for review.

**City Clerk's Note: Jorge Gomez to handle.**

**Item No. 9:**

Hilda Fernandez, Assistant City Manager outlined the issue. Motion: Gross/Diaz (Vote 3-0). Approve the amendment to the concession agreement provided that the Boucher Brothers do not occupy an area greater than the proportionate share of their contribution. The Committee also instructed the Administration to bring back the issue of maintenance around the area and to provide photographs of the current conditions for the construction of the new area.

**City Clerk's Note: See Agenda item C7X.**

**Item No. 10:**

Gary Held, First Assistant City Attorney explained the issue of certain Federal regulations that could affect the proposed ordinance. After much discussion, the Committee decided that the ILEV standards (Inherently Low Emission Vehicle) met the intent of promoting an environmentally friendly and sustainable environment as a legitimate government purpose and concluded that the regulations did not apply. Motion: Gross / Wolfson (Vote 3-0). Instruct the Administration to bring forth the ordinance as per the Planning Board's recommendation including the prohibition of this use East of Washington Avenue. Furthermore, the Committee clarified that only those vehicles qualifying as Inherently Low Emissions Vehicle (ILEV) were to be included in the definition of "alternative fuel" vehicles.

**City Clerk's Note: See Agenda item R5D.**

C6D Report Of The Finance And Citywide Projects Committee Meeting On June 2, 2009: 1) Review And Discussion Of The Ameresco Preliminary Report And List Of Energy Savings Projects; 2) Discussion Regarding A Self-Service Bicycle Rental Program; 3) Discussion Regarding A Shared Car Program.

**ACTION:**

**Item No. 1:**

The Committee recommended the following projects:

- Energy Conservation Measure (ECM) 1 - Facility Lighting and Lighting Control Upgrades; ECM 2 - Street Lighting Upgrades; ECM 3 - Domestic Water Conservation; ECM 5 - HVAC Controls, ECM 7 - Geothermal Cooling – Police Station; ECM 8 - Ice Arena Cooling Savings; ECM 9 - Wall Insulation – Scott Rakow Center; ECM 10 - Power Transformer Replacement; ECM 12 - Renewable Energy – Scott Rakow Center.
- Add as an additive alternate ECM 4 - Irrigation Water Conservation: Scalping Plant and ECM 6 - Convention Center Upgrade and Expansion

The Committee further recommended that ECM 3 and ECM 7 be the projects designated for the Energy Block Grant program in the Federal Stimulus effort.

**City Clerk's Note: Robert Middaugh to handle.**

**Item No. 2:**

The Committee advised staff to bring the final contract to the July 15<sup>th</sup> Commission meeting.

**City Clerk's Note: See Agenda item R70.**

**Item No. 3**

**ACTION**

**Status Update**

Assistant City Manager Robert Middaugh presented the item and gave a brief history and stated that the Administration is continuing negotiations with the Hertz Corporation and hopes to finalize the remaining outstanding terms of the agreement which include the financial return to the City. Upon completion of said negotiations, the Administration will present an Agreement to the Finance Committee for their review, input, and direction.

**City Clerk's Note: Robert Middaugh to handle.**

**C7 - Resolutions**

- C7A A Resolution Authorizing The City Manager Or His Designee To Submit The Following Applications For Funding: 1) Culture Builds Florida For Funding In An Amount Not To Exceed \$25,000 For The City's Sleepless Night 2009 Event; 2) Justice Assistance Grant Funds For Funding In An Amount Not To Exceed \$116,000 For Police Department For The City's Law Enforcement Programs; 3)United States Golf Association For Funding In An Amount Not To Exceed \$15,000 For The Normandy Shores Golf Club Youth Clinic; 4) Miami-Dade County Byrne Grant For Funding In An Amount Not To Exceed \$15,000 For The City's Records Improvement Program; Further Appropriating The Above Funds, If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents Related To These Applications By The City Manager.  
(Budget & Performance Improvement)

**ACTION: Resolution No. 2009-27103 and 2009-27150 adopted.** Patricia Walker to appropriate the funds if approved and accepted. Judy Hoanshelt to handle.

**9:24:18 p.m.**

- C7B A Resolution Approving An Extension Of The Towing Permits With Beach Towing Services, Inc. And Tremont Towing Services, Inc., Respectively, For A Period Commencing On September 1, 2009, And Terminating On The Earlier Of: 1) August 31, 2011; Or 2) The Date That Tremont Towing Is Required To Vacate Its Current Premises For Commencement Of Construction Of The Sunset Harbor Garage Project; Provided, Further, That The Aforestated Renewal Of The Towing Permits Is Subject To And Conditioned Upon Beach And Tremont's Continued Compliance With The Conditions Imposed By The City Commission Pursuant To Resolution No. 2009-26999; And Further Approving The New Administrative Rules And Regulations For Police Department And Parking Department Towing Permits.

(Parking Department)

**ACTION: Item separated for discussion by Vice-Mayor Diaz.** Motion made by Vice-Mayor Diaz to continue to the July 22<sup>nd</sup> Commission Meeting; Voice vote: 7-0. Lilia Cardillo to place on the Commission Agenda. Saul Frances and Raul Aguila to handle.

Vice-Mayor Diaz stated that based on a complaint, he visited the towing yard and the "Bill Of Rights" signage had not been placed on the tow trucks as required.

Neisen Kasdin, Esq., spoke.

Both Commissioners Libbin and Weithorn explained that there should be clear notification on the trucks indicating that the customers' "Bill Of Rights" is available.

**Motion #1:**

**Motion made by Mayor Bower that signage be displayed on each tow truck similar to: "Ask For A Copy Of Your Miami Beach Towing Bill Of Rights And Captions"; seconded by Vice-Mayor Diaz; Voice vote: 7-0.**

Robert Switkes, Esq., spoke.

Neisen Kasdin, Esq., spoke.

Vice-Mayor Diaz stated that some of the terms agreed to are not in the Administrative Rules and Regulations, such as storage facility, additional landscaping and other conditions that were added at

the Land Use and Development Committee meeting. **Saul Frances to handle.**

Discussion continued.

Saul Frances, Parking Department Director, stated that a police officer will be used on holidays and major events only, not on weekends.

Discussion continued.

Harold Rosen, Esq. spoke.

Jorge Gomez, Planning Department Director, answered questions pertaining to the conditional use process.

Motion made by Vice-Mayor Diaz to extend the current agreement for two (2) months and refer to the Land Use and Development Committee; seconded by Commissioner Gross. The discussion continued and no vote was taken on this motion.

Raul Aguila, Deputy City Attorney, stated that he went through at least 50 drafts of this contract. The noise, security, traffic mitigation, implementation of the "How's My Driving Program", Citizens Bill Of Rights, and the waiver of the drop fees have all been added. He stated that he can easily insert any additional items, such as landscaping.

Commissioner Libbin suggested bringing the list to the next City Commission meeting in the Consent Agenda.

Vice-Mayor Diaz withdrew his previous motion.

Raul Aguila, Deputy City Attorney, stated that the items left off the Administrative Rules and Regulations can easily be added after reviewing the actions of the Committee.

Robert Parcher, City Clerk, asked for clarification exactly what items need to be added to the agreement.

Vice-Mayor Diaz stated that because the list of items is not available at this meeting that question cannot be answered.

Neisen Kasdin, Esq., stated that there were 13 items and there needs to be a discussion to determine which of the 13 need to be done. **Saul Frances to handle.**

Motion made by Vice-Mayor Diaz to continue to the July 22<sup>nd</sup> Special Commission Meeting, Voice vote: 7-0. **Lilia Cardillo to place on the Commission Agenda. Saul Frances and Raul Aguila to handle.**

**City Clerk's note:** Attached to this item is the "Administrative Rules and Regulations for Police and Parking Towing Permits." Revised as of July 15, 2009

C7C A Resolution Authorizing The Administration To Videotape And Air On MBTV 77 The Mayor And Group I, II, And III Commission Candidate Presentations For The November 3, 2009 General Election.

(City Clerk's Office)

**ACTION: Resolution No. 2009-27105 adopted.** Hilda Fernandez and Robert Parcher to handle.

C7D A Resolution Pursuant To City Code Section 38-6, Authorizing Early Voting For The November 3, 2009, And For The November 17, 2009, Runoff Elections, If A Runoff Election Is Required.

(City Clerk's Office)

**ACTION: Resolution No. 2009-27106 adopted.** Robert Parcher to handle.

C7E Re-Appointment Of Chief Special Master

1. A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Section 30-36 Of The Code Of The City Of Miami Beach, Concerning The Re-Appointment Of Judge Mario P. Goderich, To Serve As Chief Special Master, For A Term Commencing On September 5, 2009, And Ending On March 4, 2010; Provided Further That Chief Special Master, Judge Goderich Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of The City And County Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; And Further Incorporating All Other Matters Set Forth Within Chapter 30 Of The City Code, Including, Without Limitation, Sections 30-37 And 30-38 Thereof, Concerning The Compensation And Duties Of The Chief Special Master.

**ACTION: Resolution No. 2009-27107 adopted.** Robert Parcher to handle.

2. A Resolution Approving And Re-Appointing, Pursuant To Section 102-356 Of The City Code, Judge Mario P. Goderich, (Chief Special Master Re-Appointed Pursuant To Resolution No. 2009-27107, As The City Manager's "Designee" Under Section 102-356 Of The City Code; Said Designation Commencing With Judge Goderich's Term As Chief Special Master On September 5, 2009, And Ending On March 4, 2010.

(City Clerk's Office)

**ACTION: Resolution No. 2009-27108 adopted.** Robert Parcher to handle.

C7F Setting Of Public Hearing - Historic Designation

A Resolution Setting A Public Hearing To Consider The Proposed Designation Of The Morris Lapidus Mid-Century Historic District By Amending The Land Development Regulations Of The Miami Beach City Code; Amending Section 118-593, "Historic Preservation Designation"; Amending Section 118-593(E), "Delineation On Zoning Map"; Amending Section 118-593(E)(2), "Historic Preservation Districts (HPD) By Designating The Morris Lapidus Mid-Century Historic District.

(Planning Department)

**ACTION: Resolution No. 2009-27109 adopted.** Robert Parcher to notice. Lilia Cardillo to place on the September 9<sup>th</sup>, 2009 City Commission Agenda. Jorge Gomez to handle.

Handout or Reference Materials:

1. Letter from Jill Spalding dated 7/5/9

- C7G Setting Of Public Hearing - Proposed Changes To The I-1 Urban Light Industrial District  
A Resolution Setting A Public Hearing To Consider A Proposed Amendment To The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Division 11, "I-1 Light Industrial District," By Amending The List Of Permitted, Conditional And Prohibited Uses; And By Amending Section 142-487 "Setback Requirements."

(Planning Department)

**ACTION: Resolution No. 2009-27110 adopted.** Robert Parcher to notice. Lilia Cardillo to place on the September 9<sup>th</sup>, 2009 City Commission Agenda. Jorge Gomez to handle.

- C7H A Resolution Approving And Authorizing The Chief Of Police To Execute A Memorandum Of Understanding For The Purpose Of Conducting Joint Multi-Jurisdictional Investigations Pursuant To A Mutual Aid Agreement, Dated March 3, 2005.

(Police Department)

**ACTION: Resolution No. 2009-27111 adopted.** Police Chief Noriega to handle.

- C7I A Resolution Accepting An Easement From Mosaic On Miami Beach Condominium Association, Inc., As The Owner Of The Property Located At 3801 Collins Avenue (Mosaic On Miami Beach, A Condominium), For The Installation, Operation, Maintenance, Construction, And Repair Of A Public Bus Shelter, Foundation, And Utilities To The Bus Shelter On A Portion Of The Above Mentioned Property.

(Public Works)

**ACTION: Resolution No. 2009-27112 adopted.** Fred Beckmann to handle.

**SUPPLEMENT MATERIALS: EASEMENT AGREEMENT**

- C7J A Resolution Accepting An Easement Agreement From 1100 Lincoln Road L. P., As The Owner Of The Property Located At 1100 Lincoln Road (Regal Cinema Building), For The Installation, Maintenance, And Repair Of A Sidewalk With Pedra Portuguesa Finishes On A Portion Of The Above Mentioned Property Adjacent To The Public Right-Of-Way.

(Public Works)

**ACTION: Resolution No. 2009-27113 adopted.** Fred Beckmann to handle.

- C7K A Resolution Authorizing The City Manager, Or His Designee, To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; And Terminate Existing Contracts, As Needed, From The Last Commission Meeting On July 15, 2009, Until The First Regularly Scheduled Meeting On September 9, 2009, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting On September 9, 2009.

(Procurement)

**ACTION: Resolution No. 2009-27114 adopted.** Gus Lopez to handle.



**9:53:01 am.**

C7L A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Proposals (RFP) No. 29-08/09, For A Concession Agreement For The Management And Operation Of A Concession Facility Within The Structure Commonly Referred To As The "Pavilion Building," Located In South Pointe Park; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of SB Café, LLC, D/B/A Touch Catering, And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm Of SB Café, LLC, D/B/A Touch Catering, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of The Oasis, D/B/A Errandboy Deliveries, LLC; Further Authorizing The Mayor And City Clerk To Execute An Agreement, Upon Conclusion Of Successful Negotiations.

(Real Estate, Housing & Community Development)

**ACTION: Item separated by Vice-Mayor Diaz. Resolution No. 2009-27115 adopted. Agreement amended.** Approved without objection; 7-0. Anna Parekh to handle.

**Amendment:**

Administration to add to the agreement the minimum hours of operations.

**End**

Jorge Gonzalez, City Manager, stated that this is a good suggestion and it will be incorporated.

C7M A Resolution Adopting The One-Year (FY 2009/10) Action Plan For Federal Funds In Substantially The Attached Forms; Which Includes The Community Development Block Grant (CDBG) Program And The Home Investment Partnerships (HOME) Program; Authorizing The City Manager To Make Minor Non-Substantive Changes To The One-Year Action Plan Or Resulting Agreements Before Execution Which May Be Identified During The Finalization And/Or Review Process, And Which Do Not Affect The Purpose, Scope, Approved Budget And/Or Intent Of The Plan; Authorizing The City Manager To Execute All Applicable Documents And Submit The One-Year Action Plan To The U.S. Department Of Housing And Urban Development (HUD); Further Authorizing The Mayor And City Clerk To Execute Agreements With Providers Of Activities As Set Forth In Exhibit "1" To This Resolution; And Authorizing The Appropriation Of All Federal Funds When Received.

(Real Estate, Housing & Community Development)

**ACTION: Resolution No. 2009-27116 adopted.** Anna Parekh to handle.

**City Clerk's Note:** Attached to this item is the Draft FY2009/10 Action Plan

**11:56:01 p.m.**

C7N A Resolution Expressing Support For The City's Participation In The State Of Florida's Energy Economic Zone Pilot Program; Further Authorizing The City's Submission Of A Proposal To Said Pilot Program Requesting The Energy Economic Zone Pilot Program Designation.

(Economic Development)

**ACTION: Item separated for discussion by Commissioner Libbin. Resolution No. 2009-27117 adopted.** Motion made by Commissioner Libbin; seconded by Vice-Mayor Diaz; Voice vote: 7-0. Kevin Crowder to handle.

Commissioner Libbin pointed out several initiatives such as the creation of the Sustainability Committee, Car Sharing Program and the Bicycle Sharing Program.

C7O A Resolution Approving The Concept Plan Design, As Submitted By Boys And Girls Club Of Miami Dade, Inc. ("BGCM-D"), For The Proposed Capital Improvements Consisting Of Demolition Of The Existing Structure, Located At 1000 12th Street, Miami Beach, Florida; And Construction Of A New Two Story Structure, Having Approximately 10,000 Square Feet, On The Approximate Footprint Of The Current Structure; And As Said Concept Plan Design Was Submitted And Reviewed By The City Manager, And Approved By The City's Planning Board At Its June 23, 2009, Meeting; All As Further Required Pursuant To The Management And Operation Agreement Between The City And BGCM-D, Dated November 5, 2008.

(Real Estate, Housing & Community Development)

**ACTION: Resolution No. 2009-27118 adopted.** Anna Parekh to handle.

Handout or Reference Materials:

1. Four color architectural drawings with different views of South Beach Boys & Girls Club by Nexus Design Group.

C7P A Resolution Approving A Sixth Amendment To That Certain Amended And Restate/Consolidated Lease Agreement By And Between The City Of Miami Beach And The Miami Beach Jewish Community Center, Inc. (JCC) For A Parcel Of Land And Facilities Located At 4221-4229 Pinetree Drive, Miami Beach, Florida, Amending The Agreement To Extend The Time Period For The JCC To Obtain A Building Permit To Be Concurrent With The Design Review Board Order.

(Real Estate, Housing & Community Development)

**ACTION: Resolution No. 2009-27119 adopted.** Anna Parekh to handle.

#### **SUPPLEMENT MATERIALS: RESOLUTION**

C7Q A Resolution Approving In Substantial Form, Amendment No. 1 To The State Housing Partnerships (SHIP) Program Agreement For Fiscal Year 2006/2007 Between The City And Miami Beach Community Development Corporation, A Not-For-Profit Corporation (MBCDC), In The Amount Of \$798,763.50, For Rehabilitation, Down Payment Assistance, Closing Costs Assistance And Home Ownership Counseling For The Scattered-Site Home Ownership Program And Rental Development Program For Income-Eligible Participants; Said Amendment Providing For An Extension Of The Term To June 30, 2010; Allowing Drawdown Of Funds For Eligible Costs (Such Drawdowns To Be Secured With Appropriate Legally Enforceable And Recordable Documentation); Further Authorizing The City Manager To Execute Any Documentation Necessary To Effectuate The Amendment To The Agreement.

(Real Estate, Housing & Community Development)

**ACTION: Resolution No. 2009-27120 adopted.** Anna Parekh to handle.

C7R A Resolution Authorizing The Appropriation And Expenditure Of \$14,200 For The City's Joint Tourism And Hospitality Scholarship Program In Partnership With Global Spectrum And Centerplate; And Further Awarding Said Scholarships To Aysha Mowshumi In The Amount Of \$1,250; Elizabeth Galvis In The Amount Of \$1,900; Maydel Almaguer In The Amount Of \$2,300; Christine Achilla In The Amount Of \$1,900; Melissa Tatta In The Amount Of \$2,050; Noelia Gonzalez In The Amount Of \$1,100; Guiherme Cunha In The Amount Of \$1,150; Katie Goncalves In The Amount Of \$1,200; And Colby Goncalves In The Amount Of \$1,350.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2009-27121 adopted.** Patricia Walker to appropriate the funds. Max Sklar to handle.

C7S A Resolution Approving Pursuant To Section 2-367 (D) Of The Miami Beach City Code, The Sole Source Purchase Of 24x7 Software And Hardware Maintenance Of The Imprivata Onesign Single Sign-On Software And Hardware From Imprivata Which Have Been In Use At The City Since 2006 In The Estimated Amount Of \$33,630.

(Procurement)

**ACTION: Resolution No. 2009-27122 adopted.** Gladys Acosta to handle.

C7T A Resolution Approving An Amendment To The Rental Rates For The Byron Carlyle Theater And Colony Theatre Effective October 1, 2009.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2009-27123 adopted.** Max Sklar to handle.

C7U A Resolution Approving The Altos Del Mar Sculpture Park Concept Plan.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2009-27124 adopted.** Max Sklar to handle.

C7V A Resolution Re-Appropriating One Hundred Twenty-Five Thousand Dollars (\$125,000) From Available FY 08/09 Capital Budget Fund 440-2234-069357 (Repairs, Replacement, And Recovering Of MBCC Airwalls) For Transformer And Electrical Upgrades In Hall C In An Amount Not To Exceed One Hundred Thousand Dollars (\$100,000) And To Replace Three Hundred Forty Feet (340 Ft) Of Deteriorating HVAC Chilled Water Piping Insulation In The C Ballroom In An Amount Not To Exceed Twenty-Five Thousand Dollars (\$25,000)

(Tourism & Cultural Development)

**ACTION: Resolution No. 2009-27125 adopted.** Patricia Walker to appropriate the funds. Max Sklar to handle.

C7W A Resolution Appropriating \$94,818 From Art In Public Places Fund 147; To Fund The Repair And Restoration Of The Artist, Charles O. Perry Sculpture "Untitled," Located At The Scott Rakow Youth Center.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2009-27126 adopted.** Patricia Walker to appropriate the funds. Max Sklar to handle.

**11:57:57 p.m.**

C7X A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Third Amendment To The Amended And Restated Beachfront Concession Agreement Between The City And Boucher Brothers Miami Beach, LLC, Dated May 18, 2005, For The Operation And Management Of Beachfront Concessions On The Beaches Seaward Of Lummus Park, Ocean Terrace, And North Shore Open Space Park; Said Amendment Providing For The Reconfiguration Of The Fenced Storage Area On The North Side Of The 10th Street Auditorium, For Use By Concessionaire For Storage And For A Dumpster Facility.

(Real Estate, Housing & Community Development)

**ACTION: Item separated for discussion by Commissioner Weithorn. Resolution No. 2009-27127 adopted.** Motion made by Vice-Mayor Diaz; seconded by Commissioner Libbin; Voice vote: 6-0; Abstained: Commissioner Weithorn. Anna Parekh to handle.

Commissioner Weithorn separated the item to recuse herself due to a conflict of interest.

Handout or Reference Material

1. Form 8B filed by Commissioner Weithorn

**City Clerk's note:** Attached To This Item Is The "Third Amendment To The Amended And Restated Beachfront Concession Agreement Between The City Of Miami Beach And The Boucher Brothers Miami Beach LLC For Management And Operation Of Beachfront Concessions"

**9:11:20 p.m.**

C7Y A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Qualifications (RFQ) No. 42-08/09 For Re-Design, Bid And Award, And Construction Management Services For The Re-Design Component, For Venetian Islands Bid Package 13c Neighborhood Right-Of-Way Improvement Project, To Include Additional Stormwater Infrastructure, Additional Potable Water System Infrastructure, And Additional Streetscape And Hardscape Improvements; And Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm, Schwebke-Shiskin & Associates, Inc.; Should The Administration Not Be Able To Successfully Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm, Keith And Schnars, P.A.; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Authorizing The Administration To Negotiate An Agreement With The Third-Ranked Firm, Corzo Castella Carballo Thompson Salman, PA (C3TS).

(Procurement)

**ACTION: Item separated for discussion by Vice-Mayor Diaz. Resolution No. 2009-27128 adopted.** Motion made by Vice-Mayor Diaz; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Weithorn. Charles Carreño to handle.

Vice-Mayor Diaz referenced an LTC and asked if the scope of work for this project is funded.

Charles Carreño, CIP Director, explained that the water line portion is funded and the stormwater is partially funded. He will have a better idea after negotiations are concluded.

Bill Goldsmith spoke.

Commissioner Gross stated that he has an issue he wants to raise publicly. He explained that Schwebke-Shiskin & Associates, Inc., has performed a very valuable function in working with Mr. Goldsmith to review the project and estimate the materials and quantity, and help price it out. This is the first time that Schwebke-Shiskin & Associates, Inc., is being awarded a contract and they deserve it. He stated that going forward the City has to be careful that the engineer Mr. Goldsmith picks to work with does not end up having an advantage in the bidding process because that will start to make the process seem less than open and transparent. He stated that he is OK in this case.

Mayor Bower agreed with Commissioner Gross and stated that her concern is that bidders do not have the same opportunity of looking at the projects, attending homeowner's association meetings and all the other extras. She agreed with Commissioner Gross that it is okay this time and actually the City will have better numbers because of Mr. Goldsmith's involvement. She added that from now on the City needs to develop a process that is fair to all the companies that are going to bid.

### **End of Consent Agenda**

### **REGULAR AGENDA**

#### **R2 - Competitive Bid Reports**

**3:46:45 p.m.**

R2A Request For Approval To Award Job Order Contracts To The Following Contractors Pursuant To Invitation To Bid (ITB) 22-08/09 - Vertical: 1. BDI Construction Co., 2. Gerrits Construction, Inc., 3. Harbour Construction, Inc., 4. Matrix Construction Group, Inc., 5. Team Contracting, Inc.; ITB 23-08/09 - Horizontal: 1. Carivon Construction Co., 2. Downrite Engineering Corp., 3. Envirowaste Services Group, 4. GEC Associates, Inc., 5. H.A. Contracting Corp., 6. RIC-Man International, Inc., 7. Unitech Builders Corp.; ITB 24-08/09 – Electrical: 1. AGC Electric, Inc., 2. Edd Helms Electric & Air Conditioning, 3. GR Electric Corp.; ITB 25-08/09 – Mechanical: 1. Comfort Tech Air Conditioning, Inc., 2. FXP Corp., 3. Thermal Concepts, Inc.; ITB 26-08/09 – Waterproofing/Painting: 1. Chuck's Painting, Inc., 2. Coastline Painting Systems, Inc., 3. JCI International, Inc.; ITB 27-08/09 – Roofing: 1. Advanced Roofing, Inc., 2. National Roofing Of South Florida, Inc., 3. Weiss & Woolrich Southern Enterprises, Inc., 4. Z-Roofing, Inc.; And Authorize The Administration To Enter Into Negotiations With The Recommended Contractors, And Upon Completion Of Successful Negotiations By The Administration, Authorize The Mayor And City Clerk To Execute Contracts.  
(Procurement)

**ACTION: Request authorized as amended.** Motion made by Commissioner Gross; seconded by Commissioner Libbin; Voice vote: 7-0. Gus Lopez to handle.

#### **Amendments:**

1. Request surety bond to lock in the pricing.
2. Commissioner Gross accepted the amendment subject to the City Manager's discretion as to whether it is worth the cost under the circumstances for the particular project.
3. Notify the City Commission via LTC prior to awarding any contract exceeding \$1 million,

**End**

Gus Lopez, Procurement Director, introduced the item.

Wade Helms, representing two separate companies, Ed Helms Electric and Ed Helms Air Conditioning, spoke.

Discussion continued.

Raul Aguila, Deputy City Attorney, stated that there was no protest filed on this matter and it is inappropriate to hear this because the issue that he is raising is more appropriate to a bid protest.

Wade Helms, representing Ed Helms Electric & Air Conditioning, spoke.

Mayor Bower stated that it should be looked into as to how it is written. She does not understand that if there are two corporations with two licenses, why they are considered one company. **Gus Lopez to handle.**

Vice-Mayor Diaz stated that this is a very valuable contract and asked if it is possible to lock in the pricing for two years and get a surety bond guaranteeing the pricing.

Jorge Gonzalez, City Manager, stated that he believes the City has the ability, at its discretion, to accept the increase or reject it.

Gus Lopez, Procurement Director, explained the pricing process and stated that the City has the discretion to lock in the pricing.

**Amendment #1:**

Vice-Mayor Diaz requested that, as part of the negotiations, the surety bond is requested to lock in the pricing. **Gus Lopez to handle.**

Discussion continued.

**Amendment #2:**

Commissioner Gross accepted the amendment subject to the City Manager's discretion as to whether it is worth the cost under the circumstances for the particular project. **Gus Lopez to handle.**

**Amendment #3:**

Commissioner Libbin suggested requesting the City Manager that on any contract that exceeds the \$1 million threshold, prior to award, advise the City Commission via LTC so the City Commission will have an opportunity to review it. **Gus Lopez to handle.**

Handout or Reference Materials:

1. Letter to Mr. David R. Elder, Elder & Lewis, P.A., from Jorge M. Gonzalez, City Manager, dated July 15, 2009, RE: Invitation to Bid (ITB) No. 22-08/09 for Job Order Contracting – Vertical (the "Bid"); City of Miami Beach's Response to Grace & Naeem Uddin, Inc.'s Bid Protest, dated July 14, 2009.
2. Letter to Mr. David R. Elder, Elder & Lewis, P.A., from Jorge M. Gonzalez, City Manager, dated July 15, 2009, RE: Invitation to Bid (ITB) No. 25-08/09 for Job Order Contracting – Mechanical (the "Bid"); City of Miami Beach's Response to Koldaire, Inc.'s Bid Protest, dated July 14, 2009.

**11:58:45 p.m.**

R2B Request For Approval To Award A Contract To Link Construction Group, Inc., Pursuant To Invitation To Bid (ITB) No. 40-08/09, For The Multipurpose Municipal Parking Facility Bid Package 04 – Tenant Build-Out In The Amount Of \$1,165,607.60. Funding For This Award Has Been Previously Appropriated In The Amount Of \$150,000 In City Center RDA Fund (365) For Construction; \$30,000 In Parking Operating Fund (480) For Construction; \$111,000 In Parking Impact Fees Fund (155) For Construction; \$874,607.60 In Parking Impact Fees Fund (155) For Contingency To Be Transferred To Construction; And A Ten Percent Construction Contingency In The Amount Of \$116,560.76 Previously Appropriated In Parking Operating Fund (480) For Contingency, For A Total Project Amount Of \$1,282,168.36.

(Procurement/Capital Improvement Projects)

**ACTION: Request authorized.** Motion made by Commissioner Gross; seconded by Vice-Mayor Diaz; Voice vote: 5-0; Absent: Commissioners Tobin and Wolfson. Charles Carreño to handle.

Jorge Gonzalez, City Manager, introduced the item and announced that there was a bid protest.

Commissioner Libbin asked about the Risk Assessment Plan.

Orlando Ceballos, Link Preconstruction Group Project Manager, spoke.

Jose Smith, City Attorney, stated the rules on bid protest.

Tom Thornton, Thornton Construction Co., spoke regarding the risk assessment plan.

Orlando Ceballos, Link Preconstruction Group Project Manager, spoke regarding the risk assessment plan.

Tim Hemstreet, Assistant City Manager, spoke.

Motion made by Commissioner Gross; seconded by Vice-Mayor Diaz, Voice vote: 5-0; Absent: Commissioners Tobin and Wolfson.

**Handout or Reference Materials:**

1. Letter to Mr. Thomas Thornton, President, Thornton Construction Company, Inc., from Jorge M. Gonzalez, City Manager, dated July 14, 2009, RE: Invitation to Bid (ITB) No. 40-08/09 for Multipurpose Municipal Parking Facility Bid Package 04 – Tenant Build-Out (the "Bid).

**R5 - Ordinances****5:06:12 p.m.**

R5A An Ordinance Amending Miami Beach City Code Chapter 2, Article III, Section 2-22 Thereof Regarding General Requirements Related To Membership On City Of Miami Beach's Agencies, Boards And Committees, By Adding Thereto Subsection (19) To Provide That At-Large Appointment Of Board Members To Fill Categories Shall Be By Separate Vote For Each Category; Providing For Repealer, Severability, Codification, And An Effective Date. **10:15 a.m. Second Reading Public Hearing**

(Requested by Commissioner Victor M. Diaz, Jr./City Attorney's Office)  
(First Reading on June 3, 2009)

**ACTION: Public Hearing held. Ordinance No. 2009-3642 adopted as amended.** Motion made by Vice-Mayor Diaz to move the item with the amendment, seconded by Commissioner Weithorn; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code and to handle.

**Amendment:**

1.".... said votes to be taken and publicly announced in the order of category listings as set forth within the respective enabling legislations. Individuals seeking such appointments may qualify for more than one category."

**End**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 548
2. Draft Ordinance

**5:10:24 p.m.**

R5B An Ordinance Amending Miami Beach City Code Chapter 2, Article III, By Adding Section 2-27 Entitled: "Commission Committee Draft Minutes -- City Commission Approval," Reciting Applicable Parliamentary Procedure Concerning City Commission Review And Acceptance Of Draft Minutes From Commission Committee Meetings; Providing For Repealer, Severability, Codification, And An Effective Date. **10:20 a.m. Second Reading Public Hearing.**

(Requested by Mayor & Commission/City Attorney's Office)  
(First Reading on June 3, 2009)

**ACTION: Public Hearing held. Ordinance No. 2009-3643 adopted.** Motion made by Vice-Mayor Diaz, seconded by Commissioner Weithorn; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code and to handle.

At the request of Commissioner Tobin, there was a discussion regarding liens and lien mitigation.

Vice-Mayor Diaz stated that he understands that until the minutes are approved, items for action will be highlighted.

Jorge Gonzalez, City Manager, stated that any action taken by the Administration as a result of a City Commission Committee action in advance of City Commission acceptance of the report will be highlighted in some manner. **Patricia Walker, Randi MacBride and Jorge Gomez to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 548



**10:46:27 p.m.**

R5C Commercial Rooftop Venues South Of 5<sup>th</sup> Street  
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II "District Regulations," Division 18 "PS Performance Standard District," Amending Section 142-693 "Permitted Uses," By Restricting Or Prohibiting Commercial Rooftop Venues South Of 5<sup>th</sup> Street; Providing For Repealer, Codification, Severability And An Effective Date. **10:30 a.m. First Reading Public Hearing**

(Planning Department)

**ACTION: Public Hearing held. Ordinance approved on first reading as amended. Second reading and Second Public Hearing scheduled for September 9, 2009.** Motion made by Commissioner Wolfson, seconded by Vice-Mayor Diaz; Ballot vote: 7-0. Second Reading and second Public Hearing scheduled for September 9, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

**Amendments:**

1. 142-693(h): "...may be licensed or operated as a main permitted, conditional or access ..."
2. Add language regarding no commercial activity on the rooftop between 8 PM and 10 AM
3. Add language no variances or special events permitted

**End**

Gary Held, First Assistant City Attorney, read changes into the record on page 559.

Jorge Gomez, Planning Department Director, introduced the item.

David Paine spoke.

Frank Del Vecchio spoke.

Discussion continued.

**Amendment:**

Vice-Mayor Diaz suggested banning all commercial activities from 8:00 PM to 10:00 AM

Discussion continued.

**Amendment:**

Vice-Mayor Diaz suggested also no variance and no special events permits.

**Handout or Reference Materials:**

1. Ad in The Miami Herald – Ad # 546
2. Note from David M. Paine, RE: R5C with attached letter to Mayor Matti Herrera Bower and Members of the City Commission dated July 13, 2009 RE: Agenda Item R5C Commercial Rooftop Venues South of 5th Street.

**12:30:02 a.m., July 16, 2009**

R5D Sale & Service Of ILEV (Inherently Low Emission Vehicle)/Electric Automobiles In CPS-2 District An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II "District Regulations," Division 18 "PS Performance Standard District," Amending Section 142-693(B) "Permitted Uses," By Permitting Sales And Accessory Service Of Alternative Fuel/Electric Automobiles Under Certain Specified Conditions In That Portion Of The CPS-2 District Fronting On The North Side Of 5<sup>th</sup> Street; Providing For Repealer, Codification, Severability And An Effective Date. **11:00 a.m. First Reading Public Hearing.**

(Planning Department)

**ACTION: Public Hearing opened and continued to July 22, 2009 at 9:30 a.m.** Motion made by Vice-Mayor Diaz, seconded by Commissioner Weithorn; Approved by acclamation, 7-0. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Jorge Gomez, Planning Director, introduced the item, and stated that as a result of the Land Use and Development Committee meeting, he needs to work with the Legal Department to clarify the definition of alternative fuel.

Motion made by Commissioner Weithorn; seconded by Commission Gross. Discussion continued.

Commissioner Gross complained about the advertising on the building and requested that an ordinance be drafted to prevent this type of advertising.

Jorge Gomez, Planning Director, stated that the advertising is illegal and a violation has been cited.

Commissioner Gross asked if there is an ordinance being worked on because he is really opposed to outside corporations branding themselves in this manner.

Hilda Fernandez, Assistant City Manager, stated that the signs are put up, Code Compliance cites the violation, and by the time the appeal occurs the advertisement is removed.

Vice-Mayor Diaz stated that there needs to be a really strong ordinance which states that no license will be issued, no variance, no zoning, and no application while out of compliance. **Jorge Gomez to prepare an ordinance which will prohibit this type of advertising.**

The Administration is to notify the violator that this ordinance will not be approved unless the sign is removed. **Greg Tindle to handle.**

Motion made by Vice-Mayor Diaz to open and continue the item to July 22<sup>nd</sup> at 9:30 a.m.; seconded by Commissioner Weithorn; Voice vote: 7-0.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 545

**5:08:00 p.m.**

R5E An Ordinance Amending Chapter 46 Of The Miami Beach City Code, Entitled "Environment," By Amending Article III, Entitled "Litter," By Amending Section 46-92, Entitled "Throwing Litter In Public Places; Possession Of Glass Or Metal Containers On Beaches Unlawful; Sweeping Or Throwing Litter In Gutters; Garbage Containers Required For Take-Out Restaurants; Rebuttable Presumptions; Civil Fines For Violations; Seizure; Removal; Definition Of Litter," By Clarifying The Prohibitions On Litter And Amending The Definition Of Litter, Amending The Fines And Penalties For A Violation Of Section 46-92, And Amending The Provisions Regarding Enforcement By Code Compliance Officers; By Repealing Division 2 Entitled "Handbills," But Incorporating Provisions Relative To Special Master Appeals And Additional Means Of Enforcement Into Section 46-92; Providing For Repealer; Severability; Codification; And An Effective Date. **11:15 a.m. Second Reading Public Hearing**  
(Requested by Commissioner Jerry Libbin/City Attorney's Office/City Manager's Office)  
(First Reading on June 3, 2009)

**ACTION: Public Hearing held. Ordinance No. 2009-3644 adopted.** Motion made by Commissioner Libbin, seconded by Commissioner Weithorn; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Greg Tindle to handle.

## Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 548

**5:20:00 p.m.**

R5F An Ordinance Relating To The Jurisdiction Of The Special Master; Amending Chapter 30, "Code Enforcement," Article III, "Enforcement Procedure," Section 30-73, "Powers Of The Special Master," By Clarifying That The Special Master Lacks Jurisdiction Over Appeals From Or Challenges To Interpretations Or Actions Of The Building Official, Planning Director And Fire Marshal, Or Claims That An Act Of The City Is Unconstitutional, Which Are By Applicable Law Vested In Other Authorities, Providing For Repealer; Codification; Severability; And An Effective Date. **11:20 a.m. Second Reading Public Hearing.**  
(City Attorney's Office)  
(Continued from May 13, 2009)

**ACTION: Public Hearing opened and continued to September 9, 2009 at 11:20 a.m.** Motion made by Commissioner Weithorn to open and continue the item; seconded by Commissioner Libbin; approved by acclamation; 7-0. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

2:30:09 p.m.

**SUPPLEMENT MATERIALS: ORDINANCE**

R5G An Ordinance Amending Section 82-385(L) Of The City's Sidewalk Café Ordinance, As Codified In Chapter 82, Article IV, Division 5, Sections 82-366 Through 82-385 Of The City Code; Said Amendment Allowing Sidewalk Café Operators/Permittees For Sidewalk Cafes On Lincoln Road Mall To Maintain Tables, Chairs, And Closed-Up Umbrellas Within The Permit Area When The Café Is Not In Operation; And Closed-Up Umbrellas Within The Permit Area When The Café Is Not In Operation; Also Creating And Adding A New Section 82-387, Entitled "Prohibited 'No Table' Zones," And Subsection (A) Thereof, Prohibiting Sidewalk Cafes From Being Permitted And Placed In A Pre-Defined Area On The 1100 Block Of Lincoln Road, Between Lenox Avenue And Alton Road; Providing For Repealer, Codification, Severability, And An Effective Date. **11:45 a.m. Second Reading Public Hearing.**

(Requested by Mayor Matti Herrera Bower/City Attorney's Office/Public Works)  
(First Reading on June 3, 2009)

**ACTION: Public Hearing held. Ordinance No. 2009-3645 adopted.** Motion made by Vice-Mayor Diaz; seconded by Commissioner Libbin; Ballot vote: 6-0; Absent: Commissioner Wolfson. R. Parcher to transmit to Municipal Code. Fred Beckmann to handle.

David Kelsey spoke.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 548

9:58:50 a.m.

R5H An Ordinance Amending Chapter 6, "Alcoholic Beverages," Of The Code Of The City Of Miami Beach, Florida, By Amending Section 6-40 "Total Nudity And Sexual Conduct Prohibited," To Allow Establishments Licensed To Provide Total Nude Entertainment To Serve Alcoholic Beverages To Their Customers; Providing For Codification, Repealer, Nonseverability, And An Effective Date. **First Reading.**

(City Attorney's Office)

**ACTION: Item deferred.** Motion made by Vice-Mayor Diaz to defer the item at the request of the applicant to September 9, 2009 Commission Meeting; seconded by Commissioner Weithorn; Voice vote 7-0. Lilia Cardillo to place on the September 9, 2009 Commission Agenda. Legal Department to handle.

Vice-Mayor Diaz stated that his understanding is that the applicant confirmed that there will be no further request for continuance.

Gary Held, First City Attorney, spoke.

James Benjamin, Esq., explained that he is requesting a deferral because Mr. Aaronson, Esq., who is representing Club Madonna, is out of the country, and added that they will not seek any more continuances on this matter.

Handout or Reference Materials:

1. Commission Memorandum from Jose Smith, City Attorney, dated July 10, 2009 to Mayor Matti Herrera Bower and Members of the City Commission RE: R5H; with attachments: a) letter from Daniel Aaronson, Esq., to Gary Held, Esq., dated July 10, 2009 RE: Ordinance Regarding Alcoholic Beverages.
2. CD dated July 2009 RE: Club Madonna Materials.

**5:20:53 p.m.**

R5I An Ordinance Amending Chapter 30, Entitled "Code Enforcement," By Amending Article III Thereof, Entitled "Enforcement Procedure," By Amending Section 30-74, Entitled "Fine," By Amending The Provisions Relating To The Mitigation Of Fines; By Amending Section 30-76, Entitled "Rehearings; Mitigation," By Increasing The Time Period For The Jurisdiction Of The Special Master For The Mitigation Of Fines To Three Years And Providing Criteria Relative To Fine Mitigation; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading.**  
(City Manager's Office)

**ACTION: Ordinance approved on first reading as amended and the issue of mandatory cap was referred to the Land Use and Development Committee.** Motion made by Vice-Mayor Diaz; seconded by Commissioner Tobin; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for September 9, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Robert Middaugh to handle. **Jorge Gomez to place on the committee agenda.**

The issue of mandatory cap applied when violators come into compliance was referred to the 7/27/09 Land Use & Development Committee. Jorge Gomez to place on the committee agenda. Robert Middaugh to handle.

#### **Amendment**

1. Notify owner when lien is imposed
2. Embark in billing process and notify property owners
3. The issue of mandatory cap applied when violators come into compliance was referred to the 7/27/09 Land Use & Development Committee

#### **End**

Robert Middaugh, Assistant City Manager, introduced the item.

Commissioner Gross requested that: 1) the owner is noticed at the time the lien is imposed, and 2) that periodically thereafter, the City sends billing to property owners for payment, and requested that these requirements come in some formal way. **Robert Middaugh to handle.**

Commissioner Libbin asked for an annual notice. He also suggested placing a mandatory cap that the Special Master imposes per item basis, in addition to the aggregate. He explained that the fines should reflect what is left unresolved. The Special Master at the time that there are subsequent rehearings and some of the violations are cured, that they would adjust the maximum at that time.

Discussion held.

Jose Smith, City Attorney, stated that the three-year jurisdiction extension will apply to mitigation petition only and not relief from and "order" as the ordinance states.

Vice-Mayor Diaz requested that a cap apply only when a violator comes into full compliance and to add this language between first and second reading.

Discussion continued.

Motion made by Vice-Mayor Diaz to approve the ordinance as amended, and refer the issue of mandatory cap applied when violators come into compliance to the Land Use & Development Committee.

**12:40:11 a.m. July 16, 2009**

R5J An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Section 10-10, Entitled "Animals Prohibited In Public Parks And On Beaches" By Providing That The City Commission May Designate Dog Parks In Public Park Areas; Amending Section 10-11, Entitled "Running At Large Prohibited" By Providing That The City Commission May Designate Specific Off-Leash Areas For Dogs In Public Parks; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**

(City Attorney's Office)

**ACTION: Ordinance approved on first reading.** Motion made by Vice-Mayor Diaz; seconded by Commissioner Gross; Ballot vote: 6-1; Opposed: Commissioner Libbin. Second reading and public hearing scheduled for September 9, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Kevin Smith to handle.

**R7 - Resolutions****7:27:50 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 Roma Waxing, Inc. (D/B/A Uni.K Wax), For Use Of 1,290.59 Square Feet Of City-Owned Property, Located At 1701 Meridian Avenue, Unit 3 (A/K/A 771 17th Street), Miami Beach, Florida; Said Lease Having An Initial Term Of Three Years, With An Additional Three Year Renewal Term, At The City's Sole Discretion; Authorizing The Mayor And City Clerk To Execute The Lease Agreement. **10:25 a.m. Second Reading Public Hearing.**

(Real Estate, Housing & Community Development)

(First Reading on June 3, 2009)

**ACTION: Title of the resolution read into the record. Public hearing held. Resolution No. 2009-27129 adopted.** Motion made by Vice-Mayor Diaz; seconded by Commissioner Libbin, Voice vote: 7-0. Anna Parekh to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 547

**4:06:04 p.m.****SUPPLEMENT MATERIALS: RESOLUTION**

R7B A Resolution Authorizing The City Manager To Submit An Application For Funding, In The Amount Of \$17,300,000, Pursuant To Notice Of Funding Availability (NOFA) For The Neighborhood Stabilization Program 2 (NSP2) Under The American Recovery And Reinvestment Act Of 2009 Issued By The U.S. Department Of Housing And Urban Development (HUD), For Eligible Strategies To Benefit Low To Moderate Income Households; In Conjunction With The Funding Application, Authorizing The City Manager To Execute A Consortium Agreement With MBCDC, Carrfour Supportive Housing, Inc., And Miami-Dade Affordable Housing Foundation, Inc. (As Required By The NSP2 Grant Application); And Further Authorizing The City Manager To Execute All Applicable Documents For Submission To HUD

(Real Estate, Housing & Community Development)

**(Memorandum, Resolution & NOFA)**

**ACTION: Public hearing held. Resolution No. 2009-27130 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Weithorn; Voice vote: 7-0. Anna Parekh to handle.

Hilda Fernandez, Assistant City Manager, introduced the item and informed the City Commission that there is a recommendation in the package to request an additional \$2.3 million to fill a funding gap for existing vacant buildings that qualify under Section E of the application, which is redevelopment of vacant properties or buildings. She requested approval for the recommendation to submit a \$17,300,000 application.

Roberto Datorre spoke.

**City Clerk's note:** The public hearing was noticed by the Real Estate, Housing & Community Development office.

**7:28:09 p.m.**

R7C A Resolution Approving On First Reading, A Lease Agreement Between The City And Klara Gershman M.D. PA, For Use Of Approximately 1,926 Square Feet Of City-Owned Property, Located At 1701 Meridian Avenue, Suite 400, Miami Beach, Florida; Said Lease Having An Initial Term Of Three Years, With An Additional Three Year Renewal Term, At The City's Sole Discretion; Waiving By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, As Required By Section 82-39 Of The Miami Beach City Code; Further Setting A Public Hearing On September 9, 2009, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading.**  
(Real Estate, Housing & Community Development)

**ACTION: Title of the resolution read into the record. Resolution No. 2009-27131 adopted.** Motion made by Vice-Mayor Diaz; seconded by Commissioner Llibbin; Voice vote: 6-0; Absent: Commissioner Weithorn. Second reading and public hearing scheduled for September 9, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Anna Parekh to handle.

**7:30:00 p.m.**

R7D A Resolution Approving On First Reading, Lease Agreements Between The City And 1) Jewish Community Services Of South Florida, Inc.; 2) Little Havana Activities And Nutrition Centers Of Dade County, Inc.; 3) Miami Dade County Community Action Agency, Inc.; And 4) UNIDAD Of Miami Beach, Inc.; Additionally Approving A Concession Agreement With Jewish Community Services Of South Florida, Inc. And A Letter Agreement With Little Havana Activities And Nutrition Centers Of Dade County, Inc.; All Agreements Being For Use Of The South Shore Community Center, Located At 833 6th Street, Miami Beach, Florida; Said Agreements Having An Initial Term Of Four Years And Three Hundred Sixty Four Days, With An Additional Five Year Renewal Term, At The City's Sole Discretion; Waiving By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, As Required By Section 82-39 Of The Miami Beach City Code; Further Setting A Public Hearing On September 9, 2009, For The Second Reading (And Final Approval) Of The Lease Agreements. **First Reading.**  
(Real Estate, Housing & Community Development)

**ACTION: Title of the resolution read into the record. Resolution No. 2009-27132 adopted. Agreements amended.** Motion made by Commissioner Gross with the amendments; seconded by Commissioner Libbin; Voice vote: 5-0; Absent: Mayor Bower and Commissioner Weithorn. Second reading and public hearing scheduled for September 9, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Anna Parekh to handle.

**Amendments:**

**Final Motion:**

Motion made by Vice-Mayor Diaz to approve the item with the following amendments:

- 1. That the CAM not be effective until everybody is paying it.**
- 2. Expand the cure period for monetary defaults in section 18.1.1 to 30 days.**

3. **Commissioner Gross added that the renewal option be subject to mutual agreement on the rent during the extension period.**
4. **Vice-Mayor Diaz as long as they are in compliance the only things that can be renegotiated is the terms of the CAM and the base rent.**

**Commissioner Gross stated that the renewal terms the term would be subject to a mutual agreement on the rent during the extension period.**

**Vice-Mayor Diaz stated automatic renewal if they are in compliance subject to the base rent and CAM.**

**End**

Vice-Mayor Diaz stated that he has shared his concerns with the Legal Department and the City Manager. On section 18.1.1 of the agreement, these entities were given five (5) days to cure monetary defaults, and this is a very short time for social service agencies. He requested to have the extension to cure monetary defaults to 30 days. **Hilda Fernandez to handle.**

Discussion continued.

Vice-Mayor Diaz stated that the termination term of the lease after four (4) years could be better and added that if the organizations are in compliance with the terms and conditions of the lease, they are still offering the services and not in material default, the lease should be renewed for up to one additional four-year term.

Jose Smith, City Attorney, stated that this is not ordinarily in City leases and this is a policy question.

Vice-Mayor Diaz stated that Unidad already has a lease and has been paying CAM and recommended that the other agencies also be required to execute a lease and pay CAM. He commended Jorge Gonzalez, Hilda Fernandez, and Anna Parekh for convincing the other social service agencies that they need to start paying CAM.

Commissioner Gross stated that he has a problem with extending the lease because it is a long time to only be collecting CAM. If for budgetary reasons the City needs to increase the payment, the City should be able to do so. He recommended one five (5) year term instead of a four (4) year term.

Vice-Mayor Diaz asked if there was any problem extending the term as long as the financial terms can be renegotiated.

Commissioner Gross stated that he has no problem with what Vice-Mayor Diaz just stated.

Discussion continued.

Vice-Mayor Diaz stated that there is only one agency that has identify funding sources to pay the CAM payment and the rest of them will have to come up with it. He asked if there will be a problem with phasing the CAM payments in since it could be a problem with some of the agencies.

Commissioner Gross stated that the citizens need to understand that this means these agencies will be allowed to stay rent free, on City property, as long as they cover the City's out-of-pocket cost of operating the building.

Vice-Mayor Diaz stated that the City has been letting the agencies have free rent for about fifteen years and the City is now having the agencies pay the maintenance cost to the City.



Commissioner Gross stated that the City has had a policy for the last couple of years in all of the City's building that when renting to not-for-profit entities at a minimum the City needs to recover the out-of-pocket expenses.

Discussion continued.

Final Motion:

Motion made by Vice-Mayor Diaz to approve the item with the following amendments:

1. That the CAM not be effective until everybody is paying it.
2. Expand the cure period for monetary defaults in section 18.1.1 to 30 days.
3. Commissioner Gross added that the renewal option be subject to mutual agreement on the rent during the extension period.
4. Vice-Mayor Diaz as long as they are in compliance the only things that can be renegotiated is the terms of the CAM and the base rent.

Commissioner Gross stated that the renewal terms the term would be subject to a mutual agreement on the rent during the extension period.

Vice-Mayor Diaz stated automatic renewal if they are in compliance subject to the base rent and CAM.

Handout or References Materials:

1. Email from Aguila, Raul dated July 17, 2009 to VICTOR M. DIAZ Re: South Shore Agreement.

**11:17:34 p.m.**

R7E A Resolution Calling For A November 3, 2009 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether The City Charter Should Be Amended To Provide For Limited Transfer Of The Appointment/Removal Powers Of Unclassified City Officers And Employees (Except Those In The Mayor's Office And In The City Attorney's Office) From The City Manager To The City Commission (By Majority Vote) Concerning Those Unclassified City Employees Whose Annual Salary And Benefits Are \$150,000 Or More?

(Requested by Commissioner Edward L. Tobin/City Attorney's Office)

**ACTION:** Discussion regarding performance audits referred to the Neighborhood/Community Affairs Committee by acclamation. Randi MacBride to place on the committee agenda. Kathie Brooks to handle.

Commissioner Tobin introduced the item and spoke about his ballot question, or as an alternative, to consider the proposal submitted by Mr. Del Vecchio.

Frank Del Vecchio spoke.

Discussion held.

Motion made by Commissioner Tobin to approve the resolution calling for a special election; no second offered.

Commissioner Gross referred the item to the Neighborhood/Community Affairs Committee for discussion, specifically to find if there any departments which the committee believes should have a performance audit and explain the difference between an internal auditor function done today and how it could be turned into a performance auditor.

Handout or References Materials:

1. Email from Frank Del Vecchio [fdelvecchio@atlanticbb.net] dated July 14, 2009 to Parcher, Robert RE: Item R7E, July 15 Agenda. Powers of the City Commission. Charter Revision.
2. Memo for City Commission from Frank Del Vecchio, RE: R7E – Accountability of City Departments dated July 15, 209
3. City of Miami Beach Office of Budget and Performance Improvement (OBPI) list of staff, phone numbers and email addresses.

**12:35:33 am., July 16, 2009**

R7F A Resolution Calling For A November 3, 2009 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether Miami Beach City Charter Section 1.03 Should Be Amended To Require City Commission's Unanimous (7/7) Approval Prior To The Sale, Exchange, Conveyance, Lease, Or Other Transfers Of Any City Interest In Any Public Street-End Bordering Land Designated "Government Use," "Golf Course," Or Waterfront Land, With The Sole Exception Of A Sale, Exchange, Conveyance, Lease Or Other Transfer Not To Exceed 10% In Width Of Such Street-End Which Advances A Significant Public Purpose.  
(Requested by Vice-Mayor Victor M. Diaz, Jr./City Attorney's Office)

**ACTION: Resolution No. 2009-27134 adopted as adopted as amended.** Motion made by Vice-Mayor Diaz; seconded by Commissioner Gross; Voice vote: 7-0. Robert Parcher to handle.

**Amendments:**

1. Change the 7/7 to unanimous approval of the voting commissioners or voter approval
2. 10% limitation
2. Vice-Mayor Diaz requested to exempt underground utility easements

**End**

Handout or References Materials:

1. Draft Resolution

**12:39:16 a.m. July 16, 2009**

R7G A Resolution Calling For A November 3, 2009 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether Miami Beach City Charter Section 1.03(B)3 Should Be Amended To Delete Requirement For Planning Board's 4/7's Vote And To Increase Required City Commission's Vote From 5/7's To 6/7's Approval Prior To The Sale, Exchange, Conveyance, Or Lease Of Ten Years Or Longer Of City-Owned Property Not Requiring Voter Approval Or Otherwise Addressed In The City Charter.  
(Requested by Commissioner Jonah Wolfson/City Attorney's Office)

**ACTION: Deferred to the July 22, 2009 Special Commission Meeting by acclamation.**

**2:32:00 p.m.**

R7H A Resolution Approving The Selection Of West 8 New York, Inc. As The New Park Project Architect Pursuant To And As Required Under The Development Agreement Between The City And New World Symphony, Inc. As Amended.  
(City Manager's Office)

**ACTION: Resolution No. 2009-27135 adopted.** Motion made by Commissioner Tobin to accept the recommendation; seconded by Commissioner Libbin; Voice vote: 6-1; Opposed: Vice-Mayor Diaz. Tim Hemstreet to handle.

Jorge Gonzalez, City Manager, introduced the item and stated that this item is approving the park

landscape project team for the proposed Lincoln Park which is adjacent to, and part of, the New World Symphony (NWS) Campus. He gave a history of the project. The primary reason for the item is that the previous architect declined to continue and a new architect needs to be approved.

Neisen Kasdin, Esq., Chairman of the Board of Trustees for the New World Symphony, stated that there is a public/private partnership between the City and the NWS. The City of Miami Beach elected to have the NWS develop the park, on the City's land, at the City's expense. This enabled the process to be expedited, and not subject to the procurement rules, and to be done faster. There is a "key man" provision and Frank Gehry is still the "key man" on this project. He is designing the building and the parking garage. He is no longer involved in the designing of the park. He stated that the City and the NWS agreed that in selecting an alternate park designer the City Commission would have the final approval of the selection. He named the members of the selection team and explained the selection process.

Mathew Barry, Hines representative, responded to Vice-Mayor Diaz's questions about the dates of the process.

Vice-Mayor Diaz explained what he felt was wrong with the entire process and called for the voluntary disclosure of all lobbying contacts that took place with respect to the selection of this consultant.

Neisen Kasdin, Esq., responded to Vice-Mayor Diaz's statement.

Commissioner Libbin requested that the City Attorney talk about the delegation of the selection process.

Jose Smith, City Attorney, stated that the contract gives the authority to solicit designers to the NWS and the City Commission has the right to approve or reject the recommendation.

Discussion continued.

Raul Aguila, Deputy City Attorney, stated that the action before the City Commission today is to approve a replacement architect. Once that is done, the NWS will be required to come back to the City Commission with a park project concept plan to be approved by the City Commission. If not approved, the City has the election not to go forward with the park project. He added that if the Commission chooses to hear presentations it does not mean the City is in the middle of a City bid and selection process.

Howard Herring, President of the NWS spoke.

Robert Wennett, Chairman of the selection panel, explained the selection process.

Commissioner Gross thanked Mr. Wennett for volunteering his time since he is a developer and he feels comfortable with him reviewing all the proposals. He is also thankful that William Cary sat through the evaluation committee meetings and he knows Mr. Cary always has the best interest of the citizens at heart. He agrees that the City Commission should have been informed of the process but he is happy with the outcome. He thanked all the members of the evaluation committee for their hard work.

Discussion continued.

Vice-Mayor Diaz echoed Commissioner Gross' comments and stated that his comments about the selection process were not directed at the evaluation committee.

Commissioner Tobin asked if it is a violation of Florida Statutes if the City delegates the procurement

process to its partner in a Development Agreement and at the end comes in and makes a selection. He asked the City Attorney if there is a legal problem with this.

Jose Smith, City Attorney, stated that under Florida Law a government agency has the authority to enter into a joint venture agreement with a private party. Under the Florida Statutes governing joint venture agreements, the City can delegate the selection process to the joint venture partner. In addition, the City Commission has the authority and discretion to inform itself as to who is the better choice to perform the work.

Motion made by Commissioner Tobin to approve the Selection Committee's recommendation; seconded by Commissioner Libbin; voice Vote: 6-1; Opposed: Vice-Mayor Diaz.

Discussion continued.

Vice-Mayor Diaz stated that with respect to the Hargreaves letter, there is one issue, the completion date which is September 2011, and asked if the fee the City is accepting is tied to a completion date guarantee? He stated that he would like this as an amendment to the Development Agreement.

Commissioner Gross stated that there is a discrepancy on the completion date because it shows part of the Park being completed for Art Basel 2010/January 2011 and in West 8 New York timeframe bar chart it shows the landscaping and some of the other tasks not being completed until later in 2011.

Mathew Barry, Hines representative, stated that he believes the completion date of the park will be in the fall of 2011. He added that Hines is trying to have as much of the park available for the grand opening of the NWS. There are certain components, the video projection screen, the audio systems, and a site which is appropriate for a newly opened building. That is the goal.

Commissioner Gross stated that if Hargreaves' proposal contemplated finishing the entire process and park by January 2011 why can't West 8 New York be held to the same schedule.

Commissioner Libbin stated that Hargreaves' proposal indicated they would do their best to meet the January 2011 completion date, but it was not guaranteed.

Jorge Gonzalez, City Manager, stated that the agenda item today is to select a landscape architect and not the contractor who will be executing the work.

Commissioner Gross stated that the concern is the Symphony building is going to open and the park will be a construction site.

Howard Herring, President of the New World Symphony, stated that this is also a big concern for the NWS. He stated that the NWS sees the construction of the park being done in phases. Phase one is to get the park ready for the January 2011 date and phase two is to complete the park.

Vice-Mayor Diaz stated that the City Manager's comments regarding the selection of a contractor to execute the work could impact the completion date.

Jorge Gonzalez, City Manager, stated that it is his understanding that the next milestone coming to the Commission is the Basis of Design Report (BODR), then construction drawings, and the completion date cannot be fixed until the contractor is selected and approved by the City Commission.

Commissioner Gross stated that the schedule for community involvement is a visioning session contemplated for September 2009, the first community workshop October 2009, the second community workshop November 2009 and the BODR submitted to the City Commission in December 2009. He urged the Administration to get the first community workshop scheduled as soon as

possible after the summer. **Tim Hemstreet to handle.**

Howard Herring, President of the New World Symphony (NWS), stated that West 8 New York's fee is capped and added that this is an aggressive timeframe.

Neisen Kasdin, Esq., stated that no one has a greater interest in seeing this done well than the NWS.

Commissioner Wolfson stated that going through this process saved the taxpayers \$3.5 million dollars.

Commissioner Gross thanked Hargreaves Associates and expressed his appreciation for their participation.

#### Handout or Reference Material

1. Color Booklet titled: Lincoln Park: Miami Beach – Response to Request for Proposal for Landscape Architect – Architect of Record – West 8 New York
2. Color Booklet titled: Lincoln Park: Miami Beach, Florida – Hargreaves Associates
3. LTC 190-2009 issued on July 14, 2009: Letter from Hargreaves Associates dated July 13, 2009, and a letter from Hines dated July 14, 2009

**7:45:05 p.m.**

#### **SUPPLEMENT MATERIASLS: RESOLUTION**

R7I A Resolution Authorizing The City To Enter Into An Agreement With Humana Insurance Company For The Administration Of The City's Group Health (Medical) Plan And Employee Assistance Program For A Three Year Period, With A Not To Exceed Fee Of \$1,200,000 Annually For The First And Second Years, Pursuant To The Request For Proposals Issued By Gallagher Benefits Services, The City's Consultant Of Record.

(Human Resources & Risk Management)

**ACTION: Resolution No. 2009-27136 adopted.** Motion made by Commissioner Weithorn; seconded by Vice-Mayor Diaz; Voice vote: 7-0. Ramiro Inguanzo to handle.

**7:45:05 p.m.**

#### **SUPPLEMENT MATERIASLS: RESOLUTION**

R7J A Resolution Authorizing The City To Enter Into An Agreement With Metropolitan Life Insurance Company For The Administration Of The City's Group Dental Plan For A Three Year Period, With A Not To Exceed Fee Of \$175,000 Annually For The First And Second Years, Pursuant To The Request For Proposals Issued By Gallagher Benefits Services, The City's Consultant Of Record.

(Human Resources & Risk Management)

**ACTION: Resolution No. 2009-27137 adopted.** Motion made by Commissioner Weithorn; seconded by Vice-Mayor Diaz; Voice vote: 7-0. Ramiro Inguanzo to handle.

**7:45:05 p.m.**

#### **SUPPLEMENT MATERIASLS: RESOLUTION**

R7K A Resolution Authorizing The City To Enter Into An Agreement With Eyemed Vision Care For The Administration Of The City's Group Vision Plan For A Four Year Period, With A Not To Exceed Fee Of \$12,000 Annually, Pursuant To The Request For Proposals Issued By Gallagher Benefits Services, The City's Consultant Of Record.

(Human Resources & Risk Management)

**ACTION: Resolution No. 2009-27138 adopted.** Motion made by Commissioner Weithorn; seconded by Vice-Mayor Diaz; Voice vote: 7-0. Ramiro Inguanzo to handle.

7:45:05 p.m.

**SUPPLEMENT MATERIALS: RESOLUTION**

R7L A Resolution Authorizing The City To Enter Into An Agreement With Hartford Life And Accident Insurance Company For A Statutory Accidental Death And Dismemberment Policy For Police And Firefighters For A Three Year Period, For An Annual Premium Of \$13,000 For Each Year, Pursuant To The Request For Proposals Issued By Gallagher Benefits Services, The City's Consultant Of Record.

(Human Resources & Risk Management)

**ACTION: Resolution No. 2009-27139 adopted.** Motion made by Commissioner Weithorn; seconded by Vice-Mayor Diaz; Voice vote: 7-0. Ramiro Inguanzo to handle.

7:45:05 p.m.

**SUPPLEMENT MATERIALS: RESOLUTION**

R7M A Resolution Authorizing The City To Enter Into An Agreement With Hartford Life And Accident Insurance Company For A Group Life Insurance And Accidental Death And Dismemberment Policy For An Annual Premium Of \$170,000 For The First And Second Years, Pursuant To The Request For Proposals Issued By Gallagher Benefits Services, The City's Consultant Of Record.

(Human Resources & Risk Management)

**ACTION: Resolution No. 2009-27140 adopted.** Motion made by Commissioner Weithorn; seconded by Vice-Mayor Diaz; Voice vote: 7-0. Ramiro Inguanzo to handle.

7:45:05 p.m.

**SUPPLEMENT MATERIALS: RESOLUTION**

R7N A Resolution Authorizing The City To Enter Into An Agreement With Unum, For The Administration Of The City's Family And Medical Leave Program With A Not To Exceed Fee Of \$38,000 For The First And Second Years, A Long-Term Disability Policy For The Participants In The City's 401(A) Defined Contribution Pension Plan With A Not To Exceed Fee Of \$9,950 For The First And Second Years, And Short-Term Disability And Long-Term Disability Policies Fully Funded By Employee Contributions, For A Three Year Period, Pursuant To The Request For Proposals Issued By Gallagher Benefits Services, The City's Consultant Of Record.

(Human Resources & Risk Management)

**ACTION: Resolution No. 2009-27141 adopted.** Motion made by Commissioner Weithorn; seconded by Vice-Mayor Diaz; Voice vote: 7-0. Ramiro Inguanzo to handle.

Commissioner Wolfson stated that he asked to get a quote for insurance in case legislature passes the special bill and the City is liable for anything over \$200,000 cap and also to look into getting insurance for the 1983 cases in case the City is liable. **Ramiro Inguanzo to handle.**

**9:58:15 p.m.**

R70 A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Concession Agreement Between The City And Deco Bike, LLC, As The Successful Proposer Pursuant To Request For Proposals (RFP) 44-07/08, For The Implementation, Management, And Operation Of A Self-Service Bicycle Sharing Program; Said Agreement Having An Initial Term Of Five (5) Years (Commencing On The Operational Rollout Date, As Defined In The Agreement) With A Five (5) Year Renewal Term, To Be Exercised At The City's Sole Option And Discretion.  
(City Manager's Office)

**ACTION: Resolution No. 2009-27142 adopted. Agreement amended.** Motion made by Commissioner Gross; seconded by Commissioner Libbin; Voice vote: 6-1; Opposed: Vice-Mayor Diaz. Saul Frances to handle.

**Amendment:**

1. Section 8.3 – instead of UNIDAD make the language more generic and include unemployed
2. Include disclosure notification regarding theft prevention and “no locks” provided

**End**

Robert Middaugh, Assistant City Manager, introduced the item.

Commissioner Gross thanked Assistant City Manager, Robert Middaugh, for his hard work on this item and moved the item; seconded by Commissioner Libbin.

Commissioner Libbin suggested reducing the locations projected for Ocean Drive and Lummus Park.

Discussion continued.

Colby Reese, from Deco Bike, spoke. He brought a Deco Bike for display.

Vice-Mayor Diaz suggested including language for the company to hire unemployed people in Miami Beach.

Discussion continued.

Mitchell Wentworth spoke.

Joel Vargas spoke.

Colby Reese, from DecoBike, spoke.

Commissioner Gross suggested prominent disclosure at the point of sale stating that the bikes have no locks and that the people are responsible if stolen.

Colby Reese explained that there will be a disclaimer on the kiosk and the receipt will include this information.

Raul Aguila, First City Attorney, stated that one of the reasons the locking system does not work is because people need to be taught how to use the locking system. This needs to be considered and it should be a simple procedure at the kiosks.

Commissioner Gross explained that he recently visited Amsterdam where they have hundreds of bikes and is a method of choice for getting around in that City. Miami Beach can start the move towards that direction and it's a great thing and he is hoping to develop an alliance between them and the local bike shops.



**Motion made by Commissioner Gross; seconded by Commissioner Libbin; Voice vote: 7-0.**

Commissioner Wolfson thanked Raul Aguila for putting in a lot of work in an item for bus shelters and stated that Raul, as an attorney, is as good as they come and also complimented his staff.

## Handout or References Materials:

1. Email from COLBY REESE [Colby@decobike.com] DATED July 10, 2009 RE: Bicycle Rental Program / RFP 44-07/08
2. Deco Bike, LLC., Proposed Rollout Timeline Presentation
3. Email from COLBY REESE [Colby@decobike.com] DATED July 10, 2009 RE: Bicycle Rental Program / RFP 44-07/08 with scan1.pdf attached.

**4:15:09 p.m.**

R7P A Resolution Approving The Project Design Concept For The South Pointe Park Pier.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2009-27143 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Weithorn; Voice vote: 7-0. Charles Carreño to handle.

Charles Carreño, CIP Director, spoke.

Matthew Tucker, Hargreaves Associates, gave an overview of the project.

Mayor Bower is concerned with the new park and how the trucks and materials will get to the construction site.

Matthew Tucker, Hargreaves Associates, stated that one possibility is that there will not be permanent staging on the beach but there will be a construction access.

Motion made by Commissioner Gross to approve the design; seconded by Commissioner Weithorn.

Charles Carreño, CIP Director, stated that most of the construction will be done from the oceanside. They are anticipating having a barge. In reference to working from the cut side, that needs to be discussed with the Army Corps. He added that their goal is not to disturb the park. If any materials need to be dropped off they can use the beach access to the north that is used by the City.

12:12:42 a.m. July 16, 2009

R7Q A Resolution Recommending The Miami-Dade County Supervisor Of Elections Relocate The Applicable Miami Beach Polling Places.

(City Clerk's Office)

**ACTION: Resolution No. 2009-27144 adopted as amended with items 1, 2, 4, 5, and 6 as listed on page 1079 of the agenda and use the Shane Water Sports facility for precinct 21 if the Elections Department deems it to be a suitable facility.** Motion made by Vice-Mayor Diaz; seconded by Commissioner Gross; Voice vote: 5-2; Opposed: Commissioners Libbin and Wolfson. Robert Parcher to handle.

**Amendment:**

Polling locations to recommend to the Miami-Dade Elections Department

1. Relocate Precinct 41 (MB Fire Station #1) to Precinct 46 (South Shore Community Center)
2. Relocate Precinct 44 (temporarily at the Savoy Hotel) to South Pointe Park Community Center
3. ~~Relocate Precinct 15 to either Normandy Park and Pool (old precinct 18 to new precinct 19) depending on the Election Department Analysis to determine if the Normandy Park and Pool can support both Precincts 15 and Precinct 19, otherwise move Precinct 15 to the North Shore Park Youth Center. Commissioner Libbin to contact Shane Water Sports to see if can be used as a voting precinct.~~
4. Change Miami Beach Hispanic Community Center from Precinct 19 to Precinct 18.
5. Change Normandy Park and Pool from Precinct 18 to Precinct 19.
6. Relocate Precinct 39 (MB Fire Station #1) to Precinct 36 (Flamingo Park Boys and Girls Club)

For precinct 21, use the Shane Water Sports facility if the Elections Department deems it to be a suitable facility.

**End**

Vice-Mayor Diaz introduced the item.

Commissioner Libbin stated that the Shane Water Center agreed to have the polling place; however, it will be on the second floor with certain conditions. He voiced his concern regarding polling location changes.

Commissioner Wolfson expressed his concern regarding polling precinct location changes.

Vice-Mayor Diaz listed the relocation of precincts as per the list on page 1079 with the exception of #3.

Handout or Reference Material

1. Color copy of Current and Proposed Polling place to be relocated
2. Email from Elaine (MBRC) <elaine@rowmiamibeach.com to Jerib@aol.com dated July 13, 2009 Re: Usage of Shane Watersports Center as a voting precinct.

4:25:27 p.m.

**SUPPLEMENT MATERIALS: RESOLUTION**

R7R A Resolution Approving A Significant Modification To The Miami-Dade County Building Better Communities General Obligation Bond Program Interlocal Agreement For Project No. 233 - Miami Beach Convention Center, And Authorizing The City Manager Or His Designee To Execute An Agreement With Miami-Dade County, For Funding For The Convention Center Project In The Amount Of \$55,000,000; Further Appropriating The Funds And Authorizing The Execution Of All Other Necessary Documents Related To This Agreement.

(City Manager's Office)

**ACTION: Item heard in conjunction with item R9H. Resolution No. 2009-27145 adopted.** Motion made by Vice-Mayor Diaz; seconded by Commissioner Weithorn; Voice vote: 6-1; Opposed: Commissioner Wolfson. Hilda Fernandez to handle.

Jorge Gonzalez, City Manager, introduced the item.

Commissioner Wolfson requested that this item be heard together with item R9A and stated that his issue with the master plan is what reflects the image of Miami-Dade County; not the City's. He stated that before Arquitectonica prepares a master plan, the City should weigh in our vision for this area. He requested that the following two items are taken into account; 1) there will not be an up zoning and 2) there will not be any granting of public land.

Discussion held.

Commissioner Weithorn stated that Miami-Dade County should be asked to handle as an add-alternate those items that require legislation. She stated that this is another issue to celebrate and she thanked Mayor Bower.

Jorge Gonzalez, City Manager, stated that the City can give the architect any and all restrictions.

Vice-Mayor Diaz commended Mayor Bower and Jorge Gonzalez, City Manager. This is a great achievement and a joyous occasion for the City Commission.

Discussion continued.

Commissioner Libbin complimented Mayor Bower on her efforts to accomplish this. He also complimented the City Manager.

Commissioner Gross stated that they should send the County a loud signal that they are not willing to increase the FAR or go to referendum for a larger hotel than the zoning will allow. If they propose a hotel that is feasible and to our agreement, it will be okay. Arquitectonica knows the zoning requirements for the beach.

Commissioner Tobin stated that he echoes Mayor Bower's comments and added that he does not think that at the beginning stage we should be telling them anything but rather will leave it to the City Manager and the Mayor's discretion to communicate to them our feelings.

Jorge Gonzalez, City Manager, stated that he understands the sentiment of the Commission, but they're moving with a momentum that never existed before, and he recommends not to stand in the way. While Miami-Dade County is funding the Arquitectonica project, the process is entirely in the City's control; it's not the County's Master Plan at all, it will be the City's Master Plan.

**Motion for item R7R:**

**Motion made by Vice-Mayor Diaz to approve the Ineterlocal Agreement as presented in item**

**R7R; seconded by Commissioner Weithorn; Voice vote 6-1; Opposed: Commissioner Wolfson.**

Stu Blumberg spoke.

William D. Talbert III, GMCVB President & CEO, spoke.

**Motion for item R9H:**

**Commissioner Wolfson stated that his reason for voting against the Interlocal Agreement is because the connection with the Arquitectonica Agreement and what is being considered in order to get the Interlocal Agreement and his concern is the Convention Center Hotel. He made a motion to instruct the Administration to work with Arquitectonica so whatever plan they decide on is not an increase in FAR.**

**Commissioner Gross restated Commissioner's Wolfson motion and that is to instruct the Administration to inform Arquitectonica not to consider any solutions that increases the FAR; and he seconded the motion; Voice vote: 7-0.**

Jorge Gonzalez, City Manager, explained that the \$55 million is specifically tied to the expansion and enhancement of the Convention Center, and not to be used for a hotel. He explained that the Arquitectonica plan is intended to take the recommendations they received from the Convention Sports and Leisure Study, who are the consultants who told them what is needed to make the Convention Center competitive. To be most competitive in the market, a ballroom, a roof top amenity, connectors, a Convention Center hotel, a parking garage, etc., are needed. The elements were given to Arquitectonica with what land the City owns and the zoning regulations, etc., to provide the City with a master plan. He stated that Commissioner Wolfson's motion is not inconsistent with the parameters given to Arquitectonica to work with. He urged not to take the hotel completely off the table and chill the momentum.

5:37:36 p.m.

**SUPPLEMENT MATERIALS: RESOLUTION**

R7S A Resolution Approving An Agreement With Affiliated Computer Systems (ACS) To Install, Operate And Maintain A Red Light Violation Enforcement Camera System In The City Of Miami Beach, And To Provide Related Support Services Pursuant To Request For Proposals No. 02-08/09.  
(Police Department)

**ACTION: Resolution No. 2009-27146 adopted. Agreement amended.** Motion made by Vice-Mayor Diaz to approve the agreement with the listed changes; seconded by Commissioner Libbin; Voice vote: 5-2; Opposed: Mayor Bower and Commissioner Wolfson. Robert Middaugh to handle.

**Motion made by Vice-Mayor Diaz to approve the contract with further instruction to the City Manager to amend the contract to include the following changes:**

- 1) Paragraph 6.2 – Expand the termination provisions after the warning period to allow termination for convenience.
- 2) Paragraph 10.4 – To expand the cap on their contribution to attorney's fees beyond \$100,000 to be secured by a bond.
- 3) Paragraph 10.5 – Amend it to provide if there is a court award of attorney's fees to the prevailing party plaintiff that they will split the fees 50/50 with the City.
- 4) Paragraph 10.4- Amend the agreement to reflect that the City has the ability to either tender the entire defense to them at their full expense, or the unilateral right to settle the litigation at any point in time without their consent.
- 5) To add a provision to the agreement that clarifies that there will be a maximum of two poles per approach.
- 6) To clarify the language in the agreement that there is a monthly true up and no carry over with respect to funding obligations, if there is no revenue produced sufficient to meet the City's minimum obligation to them,
- 7) Operational with a minimum number of 10 cameras by the end of January 2010 with a clause that the City will not unduly enforce it if due to reasons beyond their control or failure or lack of action on the part of the City.

**End**

Jorge Gonzalez, City Manager, introduced the item.

Robert Middaugh, Assistant City Manager, identified the key issues in the contract.

Raul Aguila, Deputy City Attorney, stated that Section 10 sets forth the indemnities. He explained that 10.1 provides the standard indemnification in the event of negligence, 10.2 provides indemnification due to copyright infringement. The City Commission should review 10.4 and 10.5. He explained that 10.4 talks about what the party's respective rights are in the event of a legal challenge. In the interim, this contract provides, that if there is a legal challenge to the red light program the parties agree to share the defense of the litigation including settlement of the litigation pursuant to their pro-rata share. ACS legal fees were capped at \$100,000 so the language inserted to clarify says that if there is a legal challenge first, the in house legal resources will be used to defend the case. If that is not practical or feasible, outside counsel will be retained mutually acceptable to both parties.

Discussion continued.

Raul Aguila, Deputy City Attorney, stated that the intent on the definition of pro-rata is that it be defined as the percentage of compensation received by a vendor from the total amount of civil fees collected. This is further clarified in 10.5. He stated that this language will be clarified further. **Legal Department to handle.**

Alan Shutt, from ACS, spoke.

Vice-Mayor Diaz stated, for the record, that the cameras will be placed at intersection locations that have the highest rate of red light running collisions.

Commissioner Tobin requested to insert in this agreement what the reimbursement is going to be in the event that the court says we need to reimburse the plaintiff for their attorney's fees. How would the pro-rata share be defined? **Legal Department to handle.**

Commissioner Weithorn requested that the contract reflect the maximum number of poles. **Legal Department to handle.**

Discussion continued.

Commissioner Tobin requested to add to the agreement that the City has the right not to defend the lawsuit and the sole discretion to settle the litigation. **Legal Department to handle.**

Commissioner Tobin stated that in Section 10.6 it states that if there is a change in the State Law we will negotiate in good faith according to the change in State Law; we should be able to have a termination for convenience.

Motion made by Vice-Mayor Diaz to clarify 10.5 to include the clause of termination with or without cause or termination for convenience. **Legal Department to handle.**

Discussion continued.

Brian May, from ACS, spoke.

Commissioner Tobin requested that warnings be given for the first 60 days of the program. **Hilda Fernandez to handle.**

Carlos Gimenez, representing American Traffic Solutions, spoke.

David Custin, representing ATS, spoke.

Michael McAllister spoke.

Discussion continued.

David Custin, representing ATS, spoke.

Commissioner Libbin asked the following question of Mr. Shutt.

- 1) Are you willing to increase the cap beyond \$100,000 to \$500,000? Mr. Shutt stated that he does not have the authority to answer this.
- 2) Are you willing to agree to have a termination for convenience at any time? Mr. Shutt responded "yes."
- 3) Are you willing to split legal fees 50/50, not prorated? Mr. Shutt responded "yes."
- 4) Will you agree to a maximum of two poles? Mr. Shutt responded "yes."
- 5) Will you agree for the City to terminate litigation at any time? Mr. Shutt responded "yes."
- 6) Will you agree to escrow from your monthly revenues to build up a balance since there is no collateral? Mr. Shutt responded "no." He added that instead they can give a bond.
- 7) What amount of revenue are you willing to guarantee for the first year? Vice-Mayor Diaz stated that revenue guarantee will be a condition of the motion.

**Motion made by Vice-Mayor Diaz to approve the contract with further instruction to the City Manager to amend the contract to include the following changes:**

- 1) Paragraph 6.2 – Expand the termination provisions after the warning period to allow termination for

convenience.

- 2) Paragraph 10.4 – To expand the cap on their contribution to attorney's fees beyond \$100,000 to be secured by a bond.
- 3) Paragraph 10.5 – Amend it to provide if there is a court award of attorney's fees to the prevailing party plaintiff that they will split the fees 50/50 with the City.
- 4) Paragraph 10.4- Amend the agreement to reflect that the City has the ability to either to tender the entire defense to them at their full expense, or the unilateral right to settle the litigation at any point in time without their consent.
- 5) To add a provision to the agreement that clarifies that there will be a maximum of two poles per approach.
  - 6) To clarify the language in the agreement that there is a true up and no carry over with respect to funding obligations, if there is no revenue produced sufficient to meet the City's minimum obligation to them,
- 7) To bring back language to negotiate a secured minimum revenue guarantee to the City for the year.
- 8) Operational with a minimum number of 10 cameras by the end of January 2010 with a clause that the City will not unduly enforce it if due to reasons beyond their control or failure or lack of action on the part of the City.

Commissioner Tobin stated that there should be a 30-day grace period per pole instead of overall. The discussion continued and this was not agreed to.

Mr. Shutt, Managing Director of ACS Global Photo Enforcement, spoke.

Commissioner Libbin stated that there should be a minimum of ten (10) cameras by the end of January 2010 or subject to termination.

Discussion continued.

Commissioner Tobin seconded the motion and stated that the warnings are important.

Mr. Shutt stated that the standard is 30 days warning.

Vice-Mayor Diaz stated that there will be Public Service Announcement on Channel 77. **Hilda Fernandez to handle.**

Jorge Gonzalez, City Manager, stated that there will be a Public Relations campaign on this. **Hilda Fernandez to handle.**

**Voice vote taken: 6-1; Opposed: Mayor Bower.**

**Commissioner Wolfson changed his vote to a "no."**

David Paine spoke.

Handout or Reference Material

1. Color copies of camera mountings
2. ATS Clientele in Florida illustration
3. ACS Data Bars – Manatee County, Fl
4. Email from [CustinDR@aol.com](mailto:CustinDR@aol.com) To Mayor Bower and City Commissioners RE: Item R7S.
5. Section 10.6 Change in State Law language.

12:41:07 a.m., July 16, 2009

**ADDENDUM:**

R7T A Resolution Calling For A November 3, 2009 Special Election For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach An Advisory, Non-Binding Straw Ballot Question Asking Whether All Of The Public Parking Spaces In The 17<sup>th</sup> Street Surface Level Parking Lot Site, Which Spaces Were Lost Due To The New World Symphony Campus Expansion Project, Should Be Required To Be Replaced In The Proposed Publicly-Financed Parking Garage Being Constructed Adjacent To The New World Symphony Project.

(Requested by Vice-Mayor Victor M. Diaz, Jr.)

**ACTION: Deferred to the July 22, 2009 meeting. Lilia Cardillo to place on the City Commission Agenda.**

**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:**

Rita Goldberg	Rep of the PTA for Nautilus Middle School PTS	06/09/10
Patricia Kaine	Rep of the PTA for MB Senior High School	06/09/10

**Gay, Lesbian, and Transgender Business Development Committee:**

Willis "Chip" Arndt	Term ending 12/31/09	Appointed by Commissioner Tobin	TL 12/31/16
Thomas Barker	Term ending 12/31/09	Appointed by Commissioner Diaz	TL 12/31/16
Nellie Barrios	Term ending 12/31/10	Appointed by Commissioner Weithorn	TL 12/31/16
Michael Guss	Term ending 12/31/10	Appointed by Commissioner Libbin	TL12/31/16
Billy Kemp	Term ending 12/31/10	Appointed by Mayor Matti Herrera Bower	TL 12/31/16
Babak Movahed	Term ending 12/31/10	Appointed by Mayor Matti Herrera Bower	TL 12/31/16
C. J. Ortuno	Term ending 12/31/10	Appointed by Commissioner Diaz	TL 12/31/16
Chad Richter	Term ending 12/31/10	Appointed by Commissioner Tobin	TL 12/31/16
Robin Schwartz	Term ending 12/31/09	Appointed by Commissioner Weithorn	TL 12/31/16
Daniel Spring	Term ending 12/31/09	Appointed by Commissioner Gross	TL 12/31/16
Laura Veitia	Term ending 12/31/10	Appointed by Commissioner Gross	TL 12/31/16

**Miami Beach Commission for Women:**

Francinelee Hand	Term ending 12/31/09	Appointed by Commissioner Libbin	TL 12/31/16
Maribel Quiala	Term ending 12/31/10	Appointed by Commissioner Gross	TL 12/31/16

**Miami Beach Sister Cities Program:**

Diana Fontani Martinez Pescara-Italy	12/31/09	Appointed by Mayor Matti Herrera Bower	TL 12/31/16
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**Production industry Council:**

Ivan Parron	Term ending 12/31/10	Appointed by Commissioner Diaz	TL 12/31/16
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**Safety Committee:**

Marcela Paz Cohen	Term ending 12/31/09	Appointed by Commissioner Weithorn	TL 12/31/16
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**Transportation and Parking Committee:**

Maria Mayer

Term ending 12/31/09

Appointed by Commissioner Tobin

TL1231/16

**Youth Center Advisory Board:**

Jeffrey Graff

Term ending 12/31/10

Appointed by Jerry Libbin

TL 12/31/16

**12:44:18 a.m., July 16, 2009**

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

**ACTION: Deferred to the July 22, 2009 Commission Meeting.**

**12:44:18 a.m., July 16, 2009**

R9A2 Board And Committee Appointments - The Gay, Lesbian, Bisexual, And Transgender (BLGT) Business Enhancement Committee Consist Of Fifteen (15) Members, Eleven (11) Members Have Been Appointed From The Gay Business Development Ad-Hoc Committee, Leaving Four (4) Appointments To Be Made. Pursuant To Ordinance 2009-3635, The Four (4) Additional Members As Required To Complete The Total Number Of Members To Be Appointed At Large By A Majority Vote Of The City Commission.

(City Clerk's Office)

**ACTION: Deferred to the July 22, 2009 Commission Meeting.**

**7:05:18 p.m.**

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

**ACTION: Resolution No. 2009-27155 adopted.** Motion made by Vice-Mayor Diaz to draft a resolution for Security Alliance stating that 1) they are expected to strictly comply with all Federal laws respecting the rights of workers to organize union, in accordance with the laws, and 2) the forming of a union will not be a violation, or affect the relation ship with the City; seconded by Commissioner Weithorn; Voice vote: 7-0. **Cornelius O'Reagan, Security Administrator, to handle.**

1) Harry Cherry spoke regarding multi family/single family issue.

Jose Smith, City Attorney, stated that he will speak to the Building Department.

2) Frank Del Vecchio spoke.

3) Eric Brakken, SEIU, spoke on the security officers hired by the security company. See resolution above.

4) Chris Wooten, security guard, spoke.

Vice-Mayor Diaz asked if the contract has been reviewed for Security Alliance and requested that something be done under the contract to address grievances.

Commissioner Weithorn stated that this contract is going to be reviewed at the Finance and Citywide Projects Committee.

Jorge Gonzalez, City Manager, stated that staff reviewed the performance of Security Alliance. He stated that they were given the pay raise retroactively. He also stated the message that they want the City to send to Security Alliance is that they can form a union and it will not impair the contract

they have with the City. He asked if the City Commission would like to pass a resolution or an expression of sentiment stating that if the workforce is unionized it will not impair the contract provisions in place.

**Motion made by Vice-Mayor Diaz to draft a resolution for Security Alliance stating that 1) they are expected to strictly comply with all Federal laws respecting the rights of workers to organize union, in accordance with the laws, and 2) the forming of an union will not be a violation, or affect the relationship with the City; seconded by Commissioner Weithorn; Voice vote: 7-0.**

Handout or Reference Materials:

1. Flyer from Security Alliance "We protect the public. Who protects us?"
2. Letter to Harry S. Cherry dated April 15, 2009 from Rhonda Montoya Hasan RE: Public Records Request and attachments.

R9C Discussion Regarding Waiver Of Parking Requirements.  
(Requested by Commissioner Victor M. Diaz, Jr.)

**ACTION: Vice-Mayor Diaz withdrew the item.**

R9D Discussion Regarding Various Parking Department Policies For Removing From Public Use Of Certain Public Parking Space.  
(Requested by Commissioner Victor M. Diaz, Jr.)

**ACTION: Vice-Mayor Diaz deferred the item.**

**12:43:31 a.m., July 16, 2009**

R9E Discussion Regarding A Resolution Adopting The Recommendation Of The Mayor's Gay Business Development Committee, And Urging President Barack Obama And The United States Congress To Adopt And Enact "The Military Readiness Enhancement Act" (H.R. 1283), Which Eliminates The "Don't Ask, Don't Tell" Policy And Adopts A Policy Of Non Discrimination On The Basis Of Sexual Orientation With The United States Armed Forces.  
(Requested by Commissioner Victor M. Diaz, Jr.)

**ACTION: Discussion held. Resolution No. 2009-27147 adopted.** Motion made by Vice-Mayor Diaz; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Tobin. Robert Parcher to transmit the resolution to President Obama and the United States Congress.

**5:34:42 p.m.**

R9F Discussion Regarding The Disability Access Committee's Request To Designate A Disability Awareness Day And Direct Staff To Work With The Committee To Plan Appropriate Activities For The Day.  
(Requested by Mayor Matti Herrera Bower)

**ACTION: Discussion held.** Motion made by Vice-Mayor Diaz; seconded by Commissioner Weithorn; Voice vote: 7-0. **John Toledo to handle.**

David New, Chairman of the Disability and Access Committee, requested making October 23, 2009 Miami Beach Disability Awareness Day.



**12:11:36 a.m., July 16, 2009**

R9G Discussion Regarding A Resolution Urging The Florida Department Of Education To Maintain The Existing Training Requirements For Teachers Of English Language Learners.

**ACTION: Discussion held. Resolution No. 2009-27148 adopted.** Motion made by Vice-Mayor Diaz; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Wolfson. Robert Parcher to transmit the resolution to the Governor, State Senate President, House Speaker, the chair and members of the Miami-Dade State Legislative Delegation and the Commissioner of the Florida Department of Education.

**Kevin Crowder to include this item in the 2009 through 2012 State legislative packages.**

**4:25:27 p.m.**

R9H Discussion Regarding The Arquitectonica Master Plan For The City Center And Whether A Convention Center Hotel Should Be Included In The Master Plan.  
(Requested by Commissioner Jonah Wolfson)

**ACTION: Discussion held. Item heard in conjunction with item R7R.** Motion made by Commissioner Wolfson to instruct the Administration to inform Arquitectonica not to consider any solutions that increases the FAR; seconded by Commissioner Gross; Voice vote: 7-0.

See details with item R7R.

**7:47:33 p.m.**

R9I Discussion Regarding Employee Pension And Health Insurance.  
(Requested by Commissioner Victor M. Diaz, Jr.)

**ACTION: Discussion held.**

Vice-Mayor Diaz introduced the item and gave an oral presentation as well as presented four slides.

Alex Bello, FOP President, requested permission to respond to some of the information presented. He went on to state that the pensions and salaries are established by the City Commission. He added that the slides presented showed that for the most part, the pension for former Police Chiefs, Assistant Police Chiefs, Majors and Captains, and that these are not the members that he represents in the FOP bargaining unit. He stated that it was not fair to give this information and say that it is a representation of the FOP membership. He represents Police Officers, Sergeants and Lieutenants and these are the employees that are out on the streets risking their lives.

Adonis Garcia, IAFF Local 1510 President, stated that it is not fair to give out statistics and not give the unions an opportunity to be prepared to respond. He also stated that the statistics presented are not for the average employees and are more equivalent to that of the CEO's of a corporation. He explained the difference in compensation between public safety employees and general employees, and this is not fair comparison.

Commissioner Weithorn stated that everyone should have an opportunity to discuss this issue. She added that these figures were published by the City a while back and have been discussed before. She stated that there needs to be a plan and this should not be done tonight.

Commissioner Gross stated that public safety employees are very important to the City and what Vice-Mayor Diaz stated was not to minimize what these public safety employees do for the City. Commissioner Gross stated that Vice-Mayor Diaz is speaking for the entire Commission but he

agrees that showing the pensions of the highest paid employees is not necessarily the best way to get his point across. He stated that the pension unfunded liability is important and we need to solve this problem together.

Vice-Mayor Diaz requested setting a date for a public meeting.

Mayor Bower stated that she views this as an opportunity to understand the perspectives of both sides, to hear the differences, and to work together to attempt to reach a resolution.

Vice-Mayor Diaz suggested a date in August, to be determined later by the City Manager. He added that it will be a public-televised hearing to discuss the plan for dealing with the unfunded pension liability.

Kathleen Phillips, Esq., representing the IAFF and FOP Unions, spoke.

Jorge Gonzalez, City Manager stated that the Mayor decides on the date of the Commission Workshop and asked what the expectation of this Commission is and what exactly will take place. He needs to know what to prepare administratively to meet the Commission's expectations.

Vice-Mayor Diaz stated that he would like to have the Unions make a presentation. He told Ms. Phillips that he would made sure that she received all the documents she requested.

Vice-Mayor Diaz stated that they only received three items; the Gabriel Roeder Smith (GRS) & Company Report (for the MBERP), the Buck Consultant Report (Police and Fire Pension), and the Projections provided by GRS. He would like for the Unions to provide their numbers to compare. He needs to make sure that the information he was provided is accurate.

Jorge Gonzalez, City Manager, handed Ms. Phillips the reports that she was missing. The information is posted on the City's website and includes a Memorandum from Jorge Gonzalez, City Manager to Victor Diaz, Commissioner, dated July 14, 2009 and titled "Request for Information regarding Unfunded Employee Pension Liability".

Vice-Mayor Diaz stated that he is looking for a description of the problem, for the public to understand the problem, and educate the City Commission about it. He wants this done where all the citizens of Miami Beach can be educated on this issue.

Adonis Garcia, IAFF Local 1510 President, stated that he also wants to see a discussion at this Commission Workshop of the bed tax dollars and as to where they go and who gets them.

Discussion continued.

Jorge Gonzalez, City Manager, suggested having the bed tax dollars discussion on the same day they are discussing the pension, and to allow the Police and Fire Unions to respond to today's presentation on that date, and also hold a session on education of the Convention Development Taxes and Resort Taxes.

Handout or Reference Materials:

1. Unfunded Actuarial Accrued Liability Slide Show presentation
2. CD containing Unfunded Actuarial Accrued Liability Slide Show presentation

**12:42:39 a.m., July 16, 2009**

R9J A Follow-Up Discussion Concerning The Potential Operational Issues Related To The Newly Reconstructed South Pointe Park.  
(Parks & Recreation)

**ACTION: Deferred to the September 9, 2009 meeting. Lilia Cardillo to place on the City Commission Agenda.**

**12:10:30 a.m., July 16, 2009**

R9K Discussion Regarding A Resolution Urging Governor Charlie Crist To Convene A Taskforce To Explore Effective Means To Protect Our Communities From Sexual Violence And Directing The City Clerk To Transmit A Copy Of This Resolution To The Officials Designated Herein.  
(Requested by Mayor Matti Herrera Bower)

**ACTION: Discussion held. Resolution No. 2009-27149 adopted as amended.** Motion made by Commissioner Weithorn; seconded by Commissioner Gross; Voice vote: 5-0; Absent: Commissioners Tobin and Wolfson. Robert Parcher to transmit the resolution to Governor Charlie Crist, Senate President Jeff Atwater, House Speaker Larry Cretul, and all the members of the Florida Legislature.

**Amendment:**

Not only to address the need for housing, but also balance the needs of protecting the community from sexual predators.

**End**

Vice-Mayor Diaz suggested amending the resolution so that in addition to addressing the housing needs, it also addresses the needs of protecting the community from sexual predators.

Amendment approved by the maker of the motion.

**R10 - City Attorney Reports****10:01:57 a.m.**

R10A Notice Of Closed Executive Session.  
Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held Immediately Following Presentations And Awards On Wednesday, July 15, 2009 In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Labor Relations/Union Negotiations.

**ACTION:** Closed Executive Session announced and held. In addition to the City Manager, the following individuals will be in attendance at the Executive Session on July 15, 2009: Jim Linn, Pension Attorney, Michael Tierney, Pension Actuary, Trish Walker, Kathie Brooks, Kristin Tigner, Yarily Sam, Carla Gomez, and Ramiro Inguanzo.

Robert Parcher, City Clerk, read the title into the record.

Kathleen Phillips, Esq., representing the Police and Fire Unions, asked to be provided with the studies before the Commission goes into the Close Executive Session.

Jorge Gonzalez, City Manager, stated that some of the documents prepared for collective bargaining are protected and are not public record at this time. The documents prepared for Vice-Mayor Diaz

are public documents and Ms. Phillips can have those documents.

Vice-Mayor Diaz stated that the document she requested to be prepared are public record and they can have that. There are three studies and these are also public record.

Closed Executive Session adjourned at 10:06:25 a.m.

Commission called back to order at 2:30:00 p.m.

### Reports and Informational Items

- A City Attorney's Status Report.  
(City Attorney's Office)

**ACTION: Written report submitted.**

- B Parking Status Report - May 2009.  
(Parking Department)

**ACTION: Written report submitted.**

- C Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.  
(Procurement)

**ACTION: Written report submitted.**

- D Status Report On Palm And Hibiscus Islands Underground Utilities Project.  
(Capital Improvement Projects)

**ACTION: Written report submitted.**

- E1 Non-City Entities Represented By City Commission:  
1 Minutes From The Miami-Dade County Tourism Development Council Meeting On April 16, 2009.

(Requested by Commissioner Deede Weithorn)

**ACTION: Written report submitted.**

**Addendum item:**

E2 Minutes of SFEC Corridor Coalition/ Business Comm. & Local Government Meeting June 17, 2009.

(Requested by Mayor Bower)

**ACTION: Written report submitted.**

**End of Regular Agenda**



## **Miami Beach Redevelopment Agency**

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

**July 15, 2009**

Chairperson of the Board Matti Herrera Bower  
Member of the Board Victor M. Diaz, Jr.  
Member of the Board Saul Gross  
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 Tim Hemstreet  
General Counsel Jose Smith  
Secretary Robert E. Parcher

### **AGENDA**

1. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of May 2009.  
(Finance Department)

**ACTION: Written report submitted.**

Meeting adjourned at 12:45:00 a.m., July 16, 2009.

**End of RDA Agenda**