



MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
October 27, 2010

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

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

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ATTENTION ALL LOBBYISTS

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

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.

Call to Order - 9:00 a.m.
Inspirational Message, Pledge of Allegiance
Requests for Additions, Withdrawals, and Deferrals

The City Commission will recess for lunch at approximately 1:00 p.m.

Presentations and Awards

PA Presentations and Awards

Consent Agenda

C2 Competitive Bid Reports
C4 Commission Committee Assignments
C6 Commission Committee Reports
C7 Resolutions

Regular Agenda

R2 Competitive Bid Reports
R5 Ordinances
R7 Resolutions
R9 New Business and Commission
R10 City Attorney Reports

Reports and Informational Items

Presentations and Awards

- PA1 Certificates Of Recognition To Be Presented To Earl Allen And Claudio Jurado In Recognition Of 50 Years Of Service To Mount Sinai And The Miami Beach Community. (Page 3)
(Requested by Mayor Matti Herrera Bower)
- PA2 Presentation Of Sister Cities Plaque By Sister Cities Committee Chairman George Neary.
(Requested by Mayor Matti Herrera Bower)
- PA3 Certificates Of Achievement To Be Presented To The 2010 Information Technology Summer Internship Program Participants.
(Requested by Mayor Matti Herrera Bower)
- PA4 Certificates Of Appreciation To Be Presented To Officer Of The Month Awardees From The Miami Beach Police Department.
(Requested by Vice-Mayor Jorge Exposito)
- PA5 Certificate Of Appreciation To Be Presented To “Las Maraqueras,” From The Little Havana Activities & Nutrition Centers Of Dade County.
(Requested By Commissioner Michael Góngora)
- PA6 Proclamation To Be Presented In Honor Of Hispanic Heritage Month.
(City Manager’s Office)
- PA7 Key To The City To Be Presented To Christian Mejia For His Military Service.
(Requested by Commissioner Jerry Libbin)

CONSENT AGENDA

Action:
Moved:
Seconded:
Vote:

C2 - Competitive Bid Reports

- C2A Request For Approval To Award Job Order Contracts To The Following Contractors Pursuant To Invitation To Bid (ITB) 37-09/10, For Job Order Contract - Streetscape Utilities Construction Projects: Envirowaste Services Group, Inc., Harbour Construction, Inc., M. Vila & Associates, Inc., Metro Express, Inc., RIC-Man Construction, Inc., Trans Florida Development Corp., And Williams Paving Co.; Authorize The Administration To Negotiate The Adjustment Factors With Each Contractor; And Authorize The Mayor And City Clerk To Execute Contracts Upon Completion Of Successful Negotiations By The Administration. (Page 7)
(Procurement)

C4 - Commission Committee Assignments

- C4A Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Issuance Of A Request For Proposals (RFP) To Award A Concession Agreement For The Management And Operation Of A Hop-On Hop-Off City Bus Tour Service From Various Locations In The City. (Page 17)
(Tourism & Cultural Development)
- C4B Referral To The Finance And Citywide Projects Committee To Discuss A Proposed Lease Of Approximately 2216 Square Feet Of City-Owned Property Located At 22 Washington Avenue, Miami Beach, Florida, For The Purpose Of Accommodating An Outdoor Café Associated With A Restaurant Operation Located At 816 Commerce Street, Which Is Directly Adjacent To And West Of The Subject City Property. (Page 19)
(Real Estate, Housing & Community Development)
- C4C Referral To The Land Use And Development Committee - Discussion Regarding A Stricter Panhandling Ordinance. (Page 21)
(Requested By Commissioner Michael Góngora)
- C4D Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Excessive Use Of Sign Advertising “Cheap Meals” And The Like At Restaurants On Lincoln Road And Ocean Drive. (Page 23)
(Requested By Commissioner Michael Góngora)
- C4E Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The Mapping Of Old Alton Road On Miami Beach. (Page 25)
(Requested By Commissioner Michael Góngora)
- C4F Referral To The Finance And Citywide Projects Committee – Discussion Regarding Proposing A Refund Of The Miami Beach Millage Increase. (Page 27)
(Requested by Commissioner Jerry Libbin)
- C4G Referral To The Finance And Citywide Projects Committee To Discuss A Request From Mystery Parks Arts Company, Inc. For An Amendment To Its Lease Agreement. (Page 29)
(Real Estate, Housing & Community Development)

C6 - Commission Committee Reports

- C6A Report Of The Neighborhoods/Community Affairs Committee Meeting On August 31, 2010: **1)** 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. **2)** Discussion Regarding Whether Miami Beach Should Require Naming Rights When It Gives A Substantial Gift To An Organization. **3)** Discussion Regarding Renaming And Restructuring The Safety Committee As The CERT Committee. **4)** Discussion Regarding A Bottle And Can Deposit Ordinance For The City Of Miami Beach. **5)** Discussion Regarding The Placement Of A Plaque On The Jose Marti Bust Commemorating Mr. Luis Hernandez For His Tremendous Contribution To The Local Hispanic Community. **6)** Discussion Regarding West Avenue Traffic. **7)** Review and Discuss The Approval And Adoption Of A Miami Beach Traffic Calming Manual. **8)** Discussion Regarding Banning Or Restricting Smoking On Some Or All Of The City's Beaches. **9)** Discussion Regarding The Banning Of Coolers Made From Extruded Polystyrene Foam (aka "Styrofoam") From The City's Beaches. **10)** Discussion Regarding The Possibility Of A "How's My Driving?" Program. (Page 33)
- C6B Report Of The Land Use And Development Committee On September 27, 2010: **1)** Ordinance Amendment - Expand The Public Notice Period For All Four Land Use Boards From 15 Days To 30 Days. **2)** Entertainment In Sidewalk Café Permit Areas On Ocean Drive - An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 82, Public Property, Article IV, Uses In Public Rights-Of-Way, Division 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 9th 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. **3)** Discussion Regarding The Placement Of Water Sub-Meters. **4)** Review And Recommendation Of 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 IV, "Supplementary District Regulations ", Section 142-875 "Roof Replacements" To Modify And Expand The Requirements For Roofing Materials In All Districts; Providing For Repealer, Codification, Severability And An Effective Date. **5)** Historic Single Family Property Ad Valorem Tax Exemption. **6)** Discussion Regarding Strengthening The Process By Which Permanent Parking Spaces May Be Removed From City Inventory, For Instance By Limiting The Purpose And/Or Requiring Commission Approval. **7)** Discussion Regarding Lessening The Intensity Of The Industrial Light District. (Page 41)

C6 - Commission Committee Reports (Continued)

C6C Report Of The Capital Improvement Projects Oversight Committee Meeting On July 12, 2010: **1)** Attendance. **2)** Review And Acceptance Of Minutes. **3)** Public Comments. **4)** Commission Items: A) A Resolution Approving And Authorizing The Mayor And City Clerk To Approve Additional Contingency Funding In The Amount Of \$469,175.21, For Horizon Contractors, Inc. For The Construction Of Additional Owner Requested Items And Betterment Scope Of Work For The City Of Miami Beach Right Of Way Infrastructure Improvement Program, Neighborhood No. 12C, South Pointe Phase II Project, Funding Is Available From Previously Appropriated South Pointe Capital Fund 389 In The Amount Of \$469,175.21, For The Additional Scope Of Work. Passed: Unanimous. B) A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Professional Architectural And Engineering (A/E) Services Agreement Between The City Of Miami Beach, Florida And Wolfberg Alvarez And Partners, In The Amount Of \$77,720, For The Additional Professional Services For The Flamingo Park Project; With Funding From 99 GO Bond Parks And Beaches Fund 377 For Design, In The Amount Of \$22,162, Previously Appropriated In The Fiscal Year (FY) 2006-2007 Capital Budget, And From The MDC CDT Interlocal-CDT Resort Tax Fund 388 For Design, In The Amount Of \$55,558, Previously Appropriated In The FY 2009-2010 Capital Budget. C) Request For Approval To Award Contract, Pursuant To Invitation To Bid No. 26-09/10, For The Renovation And Restoration Of The Historical Fire Station No. 2 And Hose Tower, Authorizing The Mayor And City Clerk To Execute An Agreement With Edgewater Construction Group, Inc. At The Not-To-Exceed Amount Of \$1,627,762.74 For The Construction Of The Project, Plus Approve A Project Contingency In The Amount Of \$325,552.55 For A Grand Total Of \$1,953,315.29 From Funds Previously Appropriated In The Capital Budget; Further Authorizing The Administration To Engage In Value Engineering To Further Reduce The Cost And Time For Completion Of Said Project. Passed: Unanimous. D) Request For Approval To Award Contract, Pursuant To Invitation To Bid No. 17-09/10, For The Construction Of The City Of Miami Beach Right Of Way Infrastructure Improvement Program Neighborhood No. 12/D/E/F, South Pointe Phases III, IV And V; Authorize The Administration To Engage In Value Engineering To Further Reduce The Cost And Time For Completion Of Said Project; Authorize The Mayor And City Clerk To Execute An Agreement With Trans Florida Development Corporation, In The Amount Of \$9,950,715.92. For The Construction Of The Project, With Previously Appropriated Funding Available From South Pointe RDA Fund 379 In The Amount Of \$268,719.40, And From South Pointe Capital Fund 389, In The Amount Of \$9,681,996.52 For Construction; And Approving Previously Appropriated Funding In The Amount Of \$995,071.59 From South Pointe Capital Fund 389 For Project Contingency, For A Grand Total Of \$10,945,787.51. **5)** Requested Reports: A) Public Works GIS Presentation To Highlight The Waterline Breaks In The Bayshore Neighborhood, B) Stormwater Master Plan Milestones. **6)** Discussion: A) City's Standard Form A/E Agreement – Penalty Language, B) Citywide Guard House Inventory And Ownership, C) Outfall Cleaning Schedule. **7)** Old Business: A) Construction Update: Normandy Shores Neighborhood Improvement Project B) Status Report: Venetian Island Neighborhood Improvement Project, C) Status Report: Sunset Islands I & II, D) Status Report: Sunset Islands III & IV, E) Status Report: Royal Palm Avenue And 44th Street Flooding Mitigation F) Status Report: Palm & Hibiscus Island Undergrounding G) Status Report: Flamingo/West Avenue ROW H) Status Report: South Pointe Phase II Neighborhood Improvement Project. (Page 47)

C7 - Resolutions

C7A A Resolution Retroactively Approving And Authorizing The City Manager Or His Designee To Submit Grant Applications To: 1) Florida Recreation Development Assistance Program (FRDAP) For Funding In The Amount Of \$200,000 For The Renovation Of The Handball Courts At Flamingo Park; 2) Federal Emergency Management Agency (FEMA) For Funding In An Amount Not To Exceed \$72,000 From The Pre-Disaster Mitigation Grant Program For Impact Resistant Doors And Windows At The Miami Beach Botanical Garden; 3) Federal Emergency Management Agency (FEMA) For Funding From The Pre-Disaster Mitigation Grant Program In An Amount Not To Exceed \$112,500 For A Storm Drainage Study; 4) Department Of Homeland Security For Urban Area Security Initiative (UASI) Funds An Amount Not To Exceed \$350,000 For The City's Homeland Security Needs; 5) Miami-Dade County Homeless Trust For Funding In An Amount Not To Exceed \$64,000 For The City's Homeless Program; 6) State Of Florida Department Of Environmental Protection, Coastal Partnership Initiative For Funding In An Amount Not To Exceed \$50,000 For Dune Restoration; 7) State Of Florida Legislature, In The Form Of Community Budget Issue Requests (CBIRS), In An Amount Not To Exceed \$10,000,000 For Funding For Stormwater, Drinking Water And Wastewater Infrastructure Improvements; Appropriating The Above Grants, And Matching Funds As Necessary If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents Related To These Applications. (Page 57)

(Budget & Performance Improvement)

C7B A Resolution Waiving, By 5/7th Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Approving And Authorizing The Mayor And The City Clerk To Execute Utility Construction Agreements For The Underground Placement Of All Overhead Facilities Along 22nd Street, From Collins Avenue To Park Avenue, With The Following Utilities Or Their Contractors: AT&T, In The Amount Of \$63,720.00, And Atlantic Broadband, In The Amount Of \$35,734.00; Further Approving And Authorizing The City Manager To Execute An Agreement With Gulf Coast Real Estate Consultants, Inc., (Utility Contractor For Sprint), In The Amount Of \$19,955.64; With Funding Available From Previously Appropriated Funds In The City Center RDA Capital Fund 365. (Page 69)

(Capital Improvement Projects)

C7C A Resolution Approving A Memorandum Of Understanding (MOU) Between The City And The City Of Coral Gables Authorizing The City Attorney's Office To Provide Legal Services, To The City Of Coral Gables In Connection With Recovery Of Monies And/Or Property Pursuant To The Florida Contraband Act (I.E. Forfeitures Collections). (Page 83)

(City Attorney's Office)

C7D A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A First Amendment To The Interlocal Agreement Between The City And The School Board Of Miami-Dade County, Florida, Providing For The School Board's Construction Of Certain Improvements On The City's Right Of Way Along Portions Of Prairie Avenue And Dade Boulevard (As Originally Approved Pursuant To City Resolution No. 2007-26478); Said Amendment Providing For The City's Design And Construction Of Certain Remaining Improvements On The Right Of Way, In Consideration Of The Board's Payment Of \$215,074. (Page 85)

(City Attorney's Office)

(Memorandum & Resolution To Be Submitted In Supplemental)

C7 - Resolutions (Continued)

- C7E A Resolution Re-Appointing Mr. Warren Bittner, Esq. To Serve As Special Master For Appeals Of Decisions Of The City's Historic Preservation Board Until September 16, 2013, And Setting The Compensation At \$100.00 Per Hour With A Maximum Payment Of \$500.00 Per Case. (Page 87)
(City Clerk's Office)
(Deferred from September 15, 2010)
- C7F A Resolution Electing Commissioner Michael Góngora, Group III, As Vice-Mayor For A Term Commencing On November 1, 2010, And Terminating On February 28, 2011, Or On Such Date When A New Vice-Mayor Is Thereafter Elected. (Page 91)
(City Clerk's Office)
- C7G A Resolution Accepting The Recommendation Of The City Manager Pursuant To Request For Proposals (RFP) No. 46-09/10 For A Medical Services Provider For The Provision Of Various Medical Services That May Be Required By The City Of Miami Beach, And Other Local, State, And Federal Laws; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Health Care Center Of Miami, And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Jackson Health System ; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon The Completion Of Successful Negotiations By The Administration. (Page 95)
(Human Resources)
- C7H Alton Road Historic District Buffer Overlay – Setting First Reading Public Hearing
A Resolution Setting A First Reading Public Hearing To Consider Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Creating Division 8 "Alton Road - Historic District Buffer Overlay," By Including Section 142-858 "Location And Purpose," And Section 142-859 "Development Regulations,: Including Among Other Provisions Regulations On Maximum Floor Area Ratio; Maximum Building Height; Minimum Setbacks; Building Separation; Demolition Or Additions To Contributing Buildings In An Historic District; And Land Use Regulations For Location Of Retail Uses, Restaurants, Bars, Entertainment Establishments, Alcoholic Beverage Establishments And Similar Uses; Requiring Conditional Use Approval Of Such Uses In Excess Of 20,000 Sq. Ft.; And Prohibiting Alcoholic Beverage And Entertainment Establishments In Open Areas With Exceptions As Prescribed In The Ordinance. (Page 105)
(Planning Department)
- C7I A Resolution Authorizing The City Manager, And The City Clerk To Execute A Voluntary Cooperation And Operational Assistance Mutual Aid Agreement With The Town Of Golden Beach, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach And The Town Of Golden Beach, Florida. (Page 117)
(Police Department)

C7 - Resolutions (Continued)

C7J A Resolution Authorizing The City Manager, And The City Clerk To Execute A Memorandum Of Understanding Between The City Of Miami Beach, On Behalf Of The Miami Beach Police Department, And The Federal Bureau Of Investigation, South Florida Violent Crime Fugitive Safe Streets Task Force, Which Serves The Purpose Of Identifying And Prosecuting Criminal Enterprise Groups Or Individuals Responsible For Violent Crimes, And The Apprehension Of Dangerous Fugitives. (Page 121)

(Police Department)

C7K A Resolution Approving The Following With Regard To The Proposed Florida Department Of Transportation (FDOT) Construction Improvements On Abbott Avenue And Collins Avenue (State Road A1A): 1) Approving And Authorizing The Mayor And City Clerk To Execute License Agreements With FDOT To Allow The FDOT Contractor To Harmonize The Grades Between The City Owned Property In The Project Area And The Project Improvements; And 2) Approving The Granting Of Four (4) Perpetual Easements To FDOT For Maintenance And Improvements Of, Respectively, A Control Box, Pedestrian Ramps, And A Sidewalk On City Property Within The FDOT Project Area. (Page 125)

(Public Works)

C7L A Resolution Authorizing The Reallocation Of \$361,390 In Previously Appropriated Construction RDA Funds, And \$36,139 In Project Contingency RDA Funds, For A Total Of \$397,529, From The Right Of Way (ROW) Infrastructure Improvements Project For Neighborhood No. 9A, City Center Historic District, To The FY 2009/2010 Stormwater Pipe – Repairs Capital Project, For The Rehabilitation Of The Stormwater Pipe Located Along Washington Avenue, Between 18th And 20th Streets; And Approving A Change Order, In A Not To Exceed Amount Of \$361,390, To The Agreement Between The City And M. Vila And Associates, Inc., For The Right Of Way (ROW) Infrastructure Improvements Project For Neighborhood No. 9A, City Center Historic District. (Page 155)

(Public Works)

C7M A Resolution Approving Amendment No. 1 To That Certain Lease Agreement By And Between The City And ECOMB, Inc., Dated December 9, 2009, For The Lease Of Approximately 1,251 Square Feet Of City-Owned Property, Located At 210 Second Street, Miami Beach, Florida: Said Amendment Providing For A New Reimbursement Fee Of Water And Sewer Costs; Further Authorizing The Mayor And City Clerk To Execute The Amendment. (Page 169)

(Real Estate, Housing & Community Development)

C7N A Resolution Approving Amendment No. 1 To That Certain Lease Agreement By And Between The City And Miami Beach Film Society, Inc., Dated December 9, 2009, For The Lease Of Approximately 2,523 Square Feet Of City-Owned Property, Located At 1130 Washington Avenue, 1st Floor South, Miami Beach, Florida; Said Amendment Providing For An Additional Five (5) Month Rent Abatement; Further Authorizing The Mayor And City Clerk To Execute The Amendment. (Page 177)

(Real Estate, Housing & Community Development)

C7 - Resolutions (Continued)

- C7O A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To The Miami-Dade County Homeless Trust For Its Application Of Funding (Through The U.S. Department Of Housing And Urban Development's Super Notice Of Funding Availability) For Douglas Gardens Community Mental Health Center Of Miami Beach's Application For Funding For A 12-Bed Shelter Plus Care Program At The Mayfair Residence, Located At 1960 Park Avenue, Miami Beach, Florida; Further Authorizing The City Manager To Execute Any Subsequent Certifications Of Consistency With The City's Consolidated Plan For Renewal Applications Of HUD Funding For The Aforesaid Project. (Page 187)
(Real Estate, Housing & Community Development)
- C7P A Resolution Approving The Implementation Of The Miami-Dade County Homeless Trust's Adopt-A-Homeless Donation Meter Campaign Program In The City; Which Program Will Provide Entities And Individuals An Opportunity To Contribute To Miami-Dade County's Homeless Programs As An Alternative To Giving Money To Panhandlers; And Authorizing The City Manager To Take Any Action Necessary To Implement This Program. (Page 193)
(Real Estate, Housing & Community Development)

End of Consent Agenda