



# MIAMI BEACH

## City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
December 8, 2010

Mayor Matti Herrera Bower  
Vice-Mayor Michael Góngora  
Commissioner Jorge Exposito  
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.**

- PA1 D-Recognition Of Parks & Recreation Department's Teen Club Members And Staff.
- PA2 Certificates Of Appreciation - City Staff, The 2010 LIVCOM Awards. (Bower - City Manager)
- PA3 Certificates Of Recognition - Various Organizations, Thanksgiving Food Distributions. (Bower)
- PA4 **New Item:** Certificate of Recognition - Katrina Rios For Project PAWS-Miami. (Exposito)
- PA5 **New Item:** Proclamation/Jose Luis Nanni - CINE 8 - GEN TV. (Wolfson)
- PA6 **New Item:** Certificate of Recognition/Noelia Media, UNIDAD's Senior Program. (Wolfson)
- PA7 **New Item:** Certificate of Recognition/Borinquen Health Care Center. (Wolfson)
- C2A Request For Approval, Purchase Manifold Assemblies, Water Meters And Parts.
- C2B Request For Approval, Purchase American Darling Fire Hydrants.
- C4A Ref: LUDC - Proposed Ordinance Requiring Mandatory Recycling. (Wolfson)
- C4B Ref: FCWPC - Adopt Master Plan For North Shore Bandshell Park Project (Project).
- C4C Ref: Sustainability Committee - ECOBATT To Collect Worn or Damaged Batteries. (Góngora)
- C4D Ref: NCAC - Honor Stanley Levine With A Memorial Bench On Lincoln Road. (Bower)
- C4E Ref: FCWP - Maintenance Agmt w/ UIA Management, Lincoln Road - Soundscape Park.
- C4F Ref: FCWP - Status Report On City's Citywide Stormwater Master Plan. (Wolfson)
- C6A Report: Capital Improvement Projects Oversight Committee Meeting On October 18, 2010.
- C6B Report: Finance And Citywide Projects Committee Meeting On November 3, 2010.
- C6C Report: Land Use And Development Committee Meeting On November 22, 2010.
- C7A Submit Grant Application To Federal Emergency Management, Food And Shelter Funds.
- C7B Accept Recommendation (RFP No. 39-09/10), Automated Vehicle Locator (AVL) System.
- C7C Set Public Hrg, Grant Demolition Of Handball Courts & "Friendship Corner" At Flamingo Park.
- C7D Approve Re-Allocation Funds, Seawall - Flamingo Drive Rehabilitation Project.
- C7E Accept Recomm. (RFP No. 36-09/10), Third Party Administrator Claim Audit Services.
- C7F Execute Consent To Assignment & Amendment To JOC 23-08/09, w/ Unitech Builders.
- C7G Revise "Special Events Requirements And Guidelines," Various Sections And Fee Schedule.
- C7H Initiate Conflict Resolution Procedures, Litigation Against City Pension Fund - Fire & Police.
- C7I Endorse FDOT Interstate I-395 Interim Construction Project.
- R5A **10:15 a.m. 2<sup>nd</sup> Rdg,** Amend Agencies, Boards & Committees Ordinance, Safety Committee.

- R5B **10:20 a.m. 2<sup>nd</sup> Rdg**, Expand Public Notice Period From 15 To 30 Days, Land Use Boards. **5/7**  
 R5C **10:30 a.m. 1<sup>st</sup> Rdg**, Allow Low Impact Car Washing & Detailing In C-PS2 Zoning District. **5/7**  
 R5D **10:35 a.m. 2<sup>nd</sup> Rdg**, 40th Street Religious Overlay District. **5/7**  
 R5E **10:40 a.m. 2<sup>nd</sup> Rdg**, Bed And Breakfast Inns. **5/7**  
 R5F **10:50 a.m. 2<sup>nd</sup> Rdg**, Amend Graffiti Ordinance.  
 R5G **1<sup>st</sup> Rdg**, Roofing Materials Ordinance. **5/7**  
 R5H **1<sup>st</sup> Rdg**, Lincoln Road Sign District. **5/7**  
 R5I **1<sup>st</sup> Rdg**, Amend Criteria & Procedure - Permanent Parking Space / Loading Zone Removal.  
 R7A Approve Contract, (ITB No. 2-09/10), Neighborhood 8B, Bayshore, Lower N. Bay Rd Project.  
 R7B **2:30 p.m.** Approve Selection Of Public Art Commission For South Pointe Park, "Lighthouse."  
 R9A Board And Committee Appointments.  
 R9A1 Board And Committee Appointments - City Commission Appointments.  
 R9A2 Appoint Dr. Michael Baum To The Health Advisory Board. (Libbin)  
 R9B1 **12:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
 R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
 R9C Discuss: Reso No. 2010-27314, Miami Dolphins' Initiative To Get Public Funding. (Wolfson)  
 R9D Discuss: Land Exchange & Development Agmt w/ M-DC, CMB And South Beach Heights II.  
 R9E Discuss: Crime On Venetian Island And Throughout The City. (Tobin)  
 R9F **W-Discuss:** Extension Of Bonus Incentive Timeline For Soundscape Park. (Tobin)  
 R9G Discuss: Noise Ordinance & Allowable Noise Levels In Interior Restaurant Spaces. (Tobin)  
 Reports and Informational Items (see LTC #320-2010)

*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.*

Meeting called to order at 9:47:37 a.m.

Inspirational Message given by Robert Parcher, City Clerk.

Pledge of Allegiance led by Bunny Patchen.

Bunny Patchen presented her annual Christmas rum cake to the members of the City Commission.

#### **ADDENDUMS:**

Motion made by Commissioner Libbin to add items C4E, C4F, C7I and R9A2 to the Agenda as emergency items; seconded by Commissioner Weithorn; Voice vote: 7-0.

#### **SUPPLEMENTAL:**

C7F- Revised Contract

R9E-Additional Information

#### **NEW ITEM (Hebrew Academy):**

**10:36:31 a.m.**

Commissioner Tobin requested adding to the agenda, as an emergency item, the issue of a parking problem by the Hebrew Academy, which may result in someone getting hit by a vehicle. There is a lack of parking along the street construction and it looks like a dangerous condition.

Motion made by Commissioner Tobin to add to the Consent Agenda as an emergency item; seconded by Vice-Mayor Góngora; Voice vote: 7-0. See Agenda item C4G.

**Presentations and Awards**

PA1 Recognition Of The Parks And Recreation Department's Teen Club Members And Staff For Receiving The National Dorothy Mullen Arts And Humanities Award (Class III) Presented By The National Recreation And Park Association For Their Outstanding Drama And Theater Programs And Stage Performances.

(Parks & Recreation)

**ACTION:** Item deferred.

**10:23:46 a.m.**

PA2 Certificates Of Appreciation To Be Presented To City Staff Involved In The City's Application To The 2010 LIVCOM Awards.

(Requested by Mayor Matti Herrera Bower & City Manager)

**ACTION:** Certificates presented to Leslie Rosenfeld, Gary Farmer, Max Sklar, Rhonda Gracie, Richard Lorber, Hilda Fernandez, Lisa Botero, Dolores Mejia, Caroline Defreze. Chris Latt and Jeff Singer.

Jorge Gonzalez, City Manager, explained that LIVCOM is an organization sponsored by the United Nations Environmental Program. This is an international program focused on improving the quality of life throughout the world by creating livable communities. Miami Beach was chosen as a finalist for the whole City award, in Category D, based on population size of 150,000 up to 400,000 residents. The judges looked at six categories in the City's presentation: enhancement of natural and built landscapes, support of the arts, cultures and heritage, environmental best practices, community participation and empowerment of citizens, developing healthy lifestyles, and strategic plans to sustain the livability of this community. After presentations Miami Beach was awarded a gold award with respect to community participation, and received second place winner internationally as second most livable community in this category. He acknowledged staff that participated, Hilda Fernandez, Lisa Botero, Max Sklar, Dolores Mejia, Caroline Defreze, Leslie Rosenfeld, Chris Latt, Richard Lorber, Jeff Singer and Gary Farmer; they helped put together a good application and an even better oral presentation to international representatives across the world.

Mayor Bower recognized staff efforts and their competitiveness and explained that the video of the award ceremony will be shown at another Commission Meeting.

**10:13:07 a.m.**

PA3 Certificates Of Recognition To Be Presented To Various Organizations That Participated In Thanksgiving Food Distributions To Needy Miami Beach Residents.

(Requested by Mayor Matti Herrera Bower)

**ACTION:** Certificates presented to Mike Dee, Maggie Perez, Roberto DaTorre, Manuel Forero, Richard Kuper and Ray Adrian.

Mayor Bower recognized participants who made this Thanksgiving food distribution possible. She acknowledged the Miami Dolphins and Publix who donated 800 turkeys, Miami Beach PAL donated 560, MBCDC and Tapas and Tintos donated 380, the Miami Dade League of Cities donated 1,000 turkeys countywide, and Unidad reached 200 families. She thanked them all and presented each one with a Certificate.

Raymond Adrian thanked the Commission and invited everyone to the Seniors Party on December 15<sup>th</sup> and the Toy Drive on the 18<sup>th</sup>.

Richard Kuper, Miami-Dade League of Cities Executive Director, accepted the Certificate on behalf of the League of Cities, and thanked the City Commission for the support given through the course of the year. He also recognized Commissioner Weithorn who is a board member in the League of Cities for her efforts and further recognized Jose Smith, City Attorney, who will be receiving an award through the City Attorney Legal Advisor Committee on December 9th.

Commissioner Weithorn thanked Anne Swanson, and in particular the employees in the Parks and Recreation Department who help with this event.

Jorge Gonzalez, City Manager, stated that it is a team effort and a gratifying event.

**9:50:46 a.m.****New Item:**

PA4 Certificate Of Recognition To Be Presented To Katrina Rios For Project PAWS-Miami,  
(Requested by Commissioner Jorge Exposito.

**ACTION:** Certificate presented.

Commissioner Exposito explained his reasons for wanting to award the youth of the community, in this instance Katrina, for spearheading the project PAWS (Program Animal Wellness and Safety), a rising organization dedicated to informing and educating individuals on animal cruelty, preventing future incidences, and creating animal-wellness advocates through teaching and implementing the values associated with character education. He introduced Cindy Soell, Recruitment for Miami-Dade County Public Schools, Sequoia Soell, Pet Therapy Dog, Rosann Sidener, Principal Miami Beach High, Mrs. Rios, Katrina's mother, and Tanya Diaz, Lead Teacher Scholar's & I.B. Coordinator.

Katrina Rios, student & Project PAWS-Miami Founder, thanked the City Commission and especially Commissioner Exposito for the award and explained what inspired her to create this program.

Tanya Diaz, Lead Teacher Scholar's & I.B. Coordinator, spoke. She announced that applications for the IB program are online in the Miami Beach website and the deadline is January 15, 2011. She thanked the City for the support for the academy and the IB program.

Katrina Rios, student & Project PAWS-Miami Founder, invited people to get involved with the program and asked the City Commission to take the promise to prevent animal cruelty which Mayor Bower and Commissioners did.

Handout or Reference Materials:

1. List of names

**9:59:05 a.m.****New Item:**

PA5 Proclamation To Be Presented To Jose Luis Nanni-Cine-8-GENTV.  
(Requested by Commissioner Jonah Wolfson)

**ACTION:** Proclamation presented.

Commissioner Wolfson introduced Mr. Nanni and Sergio Omar. He stated that Mr. Nanni is being recognized for bringing back the old classic Hispanic movies that are so special. He also spoke in Spanish.

Mr. Nanni spoke in Spanish.

**10:06:26 a.m.**

**New Item:**

PA6 Certificate of Recognition To Be Presented To Noelia Meida Medina, UNIDAD's Senior Program.  
(Requested by Commissioner Jonah Wolfson)

**ACTION: Item heard in conjunction with item PA7.** Certificates presented.

Commissioner Wolfson introduced Noelia Medina and gave a brief overview of her achievements. Noelia Medina arrived from Cuba less than a year ago, and after participating in the program for Seniors at Unidada, she obtained a full-time job and is the sole supporter of her family. He spoke in Spanish and thanked the Borinquen Health Center for providing this program and seniors with employment.

Noelia Medina spoke in Spanish expressing her appreciation and Commissioner Exposito translated her comments.

Valarie Cruz Executive Director of Marketing at Borinquen Health Care Center, spoke.

**10:06:26:**

**New Item:**

PA7 Certificate of Recognition To Be Presented to Borinquen Health Care Center.  
(Requested by Commissioner Jonah Wolfson)

**ACTION: Item heard in conjunction with item PA6.** See comments in PA6.

**New Item**

**10:31:48 a.m.**

Jorge Gonzalez, City Manager, announced that the United States Hispanic Chamber of Commerce has designated Miami Beach as its national conference for next year in September. He recognized Commissioner Exposito for the efforts in pursuing this.

Commissioner Exposito explained how this came about and added that in talking to Javier Palomares, President of US Hispanic Chamber of Commerce, he was told that they were considering Miami Beach as one of the top four cities at that time and now it has been confirmed. It's a great convention of about 5,000 people, it brings many influential Hispanic officials to the City and it could be a gateway to similar conventions. He acknowledged the Greater Miami Visitors Convention Bureau for preparing the package for him to present to the Chamber as well as Bob Balsam, General Manager of the Convention Center, for making this possible.

**CONSENT AGENDA**

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

**C2 - Competitive Bid Reports****1:35:37 p.m.**

C2A Request For Approval To Purchase Manifold Assemblies, Water Meters And Parts From Sensus Metering Systems, Inc., In The Estimated Annual Amount Of \$125,627.49.  
(Public Works)

**ACTION: Item separated for discussion by Commissioner Wolfson and referred to the Finance and Citywide Projects Committee.** Motion made by Commissioner Wolfson to refer items C2A and C2B to the Finance and Citywide Projects committee; seconded by Commissioner Libbin; Voice vote: 7-0. Patricia Walker to place on the committee agenda. **Fred Beckmann to handle.**

Discussion held.

Commissioner Wolfson stated that he would like to have a better understanding of these expenditures and to know how many spares are already in inventory. **Fred Beckmann to handle.**

Jorge Gonzalez, City Manager, stated that these items, C2A and C2B, are allocating dollars in the event a purchase is necessary and not that this amount of money will be spent. He added that statistics can be provided, such as a list as to how many fire hydrants and water meters were replaced over the last five (5) years. **Fred Beckmann to handle.**

Fred Beckmann, Public Works Department Director, explained the item.

Motion made by Commissioner Wolfson to refer items C2A and C2B to the Finance and Citywide Projects Committees, seconded by Commissioner Libbin; Voice vote: 7-0.

Commissioner Libbin stated that he made a referral sometime ago to the Finance and Citywide Projects Committee directing the Administration to create a fund for reimbursement to taxpayers. This is because the millage was increased and if there are areas where saving can be achieved then the savings should be given back. **Kathie Brooks to handle.**

Commissioner Wolfson stated that he thinks that Mr. Beckmann is an honorable and honest person and his issue has nothing to do with Mr. Beckmann.

**1:28:24 p.m.**

C2B Request For Approval To Purchase American Darling Fire Hydrants From American Flow Control, The Manufacturer Of The American Darling Fire Hydrants, In The Estimated Annual Amount Of \$40,000.  
(Public Works)

**ACTION: Item separated for discussion by Commissioner Wolfson and referred to the Finance and Citywide Projects Committee.** See Agenda item C2A for discussion.

**C4 - Commission Committee Assignments**

- C4A Referral To The Land Use And Development Committee Of A Proposed Ordinance Requiring Mandatory Recycling For Multi-Family Residences And Commercial Establishments.  
(Requested by Commissioner Jonah Wolfson)

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

- C4B Referral To The Finance And Citywide Projects Committee - Discussion On Adopting The Master Plan For The North Shore Bandshell Park Project (Project).  
(Capital Improvement Projects)

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

- C4C Referral To The Sustainability Committee – Discuss ECOBATT, A Self-Sustaining Container Designed To Collect Worn, Damaged Or Outdated Batteries And Electronic Devices.  
(Requested By Vice-Mayor Michael Góngora)

**ACTION: Referred.** Fred Beckmann to place on the committee agenda and to handle.

- C4D Referral To The Neighborhoods/Community Affairs Committee – Discussion Regarding A Proposal To Honor The Extensive Community Legacy Of Stanley Levine With A Memorial Bench On Lincoln Road.  
(Requested by Mayor Matti Herrera Bower)

**ACTION: Referred.** Randi MacBride to place on the committee agenda. Kevin Smith to handle.

**ADDENDUM:**

- C4E Referral To The Finance And Citywide Projects Committee – Discussion Regarding The Expansion Of The Maintenance Agreement Between The City Of Miami Beach And UIA Management, LLC, For The Maintenance Of Lincoln Road From Lenox Avenue To The Lincoln Road Street End, And The Miami Beach Soundscape Park.  
(Public Works)

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

**ADDENDUM:**

- C4F Referral To The Finance And Citywide Projects Committee - Status Report From The Engineering Company Assigned To Do The City's Citywide Stormwater Master Plan.  
(Requested by Commissioner Jonah Wolfson)

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



**Emergency Item:****10:36:52 a.m.**

C4G Referral to the Neighborhood/Community Affairs Committee and the Transportation and Parking Committee - the issue of a parking problem by the Hebrew Academy which may result in somebody getting hit by a vehicle. There is a lack of parking along with the street construction and it looks like a dangerous condition.

(Added as an Emergency Item at the Request of Commissioner Tobin)

**ACTION: Referred.** Randi MacBride to place on the NCAC agenda and Saul Frances to place on the TPC Agenda. Fred Beckmann to handle.

**C6 - Commission Committee Reports**

C6A Report Of The Capital Improvement Projects Oversight Committee Meeting On October 18, 2010: **1)** Attendance. **2)** Old Business: A) CIP Project Status Report; B) Construction Update: Normandy Shores Neighborhood Improvement Project; C) Status Report: Venetian Island Neighborhood Improvement Project; D) Status Report: Sunset Islands I And II; E) Status Report: Sunset Islands III And IV; F) Status Report: Royal Palm Avenue And 44th Street Flooding Mitigation; G) Status Report: Palm And Hibiscus Island Undergrounding; H) Status Report: Flamingo/West Avenue Neighborhood ROW. **3)** Requested Reports. **4)** Review And Acceptance Of Minutes. **5)** Commission Item. **6)** Adjournment.

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

See attendance sheet copy attached.

**Item No. 2(A):**

CIP Project Status Report

**Item No. 2(B)****Normandy Shores Neighborhood Improvement Project**

Dedication was held on September 16, 2010 for the Normandy Shores Neighborhood as well as the Clubhouse. The Normandy Shores Neighborhood Improvement Project is being finalized.

**Item No. 2(C):****Venetian Islands Street End Encroachments**

Public Works will send out encroachment notices to residents later in the week.

**Venetian Island Neighborhood Improvement Project**

Watermains continue to progress. The design of the Neighborhood Improvements is being finalized and is in permitting. Eleanor Carney asked about schedule conflicts between the City of Miami Beach and Miami-Dade County Projects. Roberto Rodriguez noted that the County does not have a schedule and will coordinate with Miami-Dade County.

Staff Action: Provide Miami-Dade County construction schedule for the Venetian Causeway Improvements upon receipt and review with respect to the City's Venetian Islands Neighborhood Improvement Project.

**Item No. 2(D)****Sunset Islands I & II**

Design is almost at 100% completion. Permits have been received and we are ready to bid. Need to resolve width of roads vs. accessibility issue.

**Item No. 2(E):****Sunset Islands III & IV**

Completed the existing conditions survey of the outfalls, report is under review internally. The City Commission will consider a City Special Assessment District for the utility undergrounding project in its forthcoming meetings.

**City Clerk's Note: The item below should be 2(F) instead of (G)****Item No. 2(G):****Royal Palm Avenue and 44<sup>th</sup> Street Flooding Mitigation**

This project has all its permits and construction mobilization has begun.

**City Clerk's Note: The item below should be listed as 2(G)****Palm & Hibiscus Island Undergrounding**

Miami-Dade County Commission unanimously passed the ordinance to form the special taxing district on September 21, 2010, now it will move forward with the election of the registered voters.

**Item No. 2(H):****Flamingo/West Avenue Neighborhood ROW**

CIP is awaiting results from the stormwater masterplan which remains on schedule for December.

**Item No. 3:****Indian Creek Water/Wastewater Project Sanitary Sewer Lateral Scope of Work.**

Fernando Vazquez from Public Works reported that he reviewed all the bids that were submitted for this project and none of the bids included the sanitary sewer lateral work.

**Disability access along roads with minimum width and no sidewalks**

Fred Beckmann from Public Works reported reviewing the existing legislation and existing guidelines. The guidelines show that for new construction the City must follow all criteria required by ADA. In areas where we don't have a pedestrian pathway or sidewalks, there are no requirements to create sidewalks. The requirement is if the road is being resurfaced, then the road has to be resurfaced to the maximum width possible.

**Bayshore Neighborhood Water Main Replacements**

Fred Beckmann passed out paperwork displaying a chart that shows all water lines that are being replaced. All the water lines in Bayshore Central are being replaced with the exception of the 16" main line along Prairie Avenue.

**Item No. 4:**

The following revisions were requested to the September 13, 2010 Meeting Minutes:

- a) Saul Gross suggested that the referenced "Disability Police" be revised. Minutes will reflect disability coordinator.
- b) Eleanor Carney stated that she did not say Item #2 under Review and Acceptance of Minutes in the September 13, 2010 minutes. The tape was reviewed and that item was said by Saul Gross.

MOTION: Amend September Minutes

MOVED: Stacy Kilroy 1<sup>st</sup>, Christina Cuervo, 2<sup>nd</sup> PASSED: Unanimous

**Item No. 5:**

FACILITIES ALONG 22ND STREET, FROM COLLINS AVENUE TO PARK AVENUE, WITH THE FOLLOWING UTILITIES OR THEIR CONTRACTORS: ATT IN THE AMOUNT OF \$63,720.00; ATLANTIC BROADBAND IN THE AMOUNT OF \$35,734.00; AND GULF COAST REAL ESTATE CONSULTANTS, INC., (UTILITY A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE UTILITY CONSTRUCTION AGREEMENTS FOR THE UNDERGROUND PLACEMENT OF ALL OVERHEAD 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.

MOTION: Recommend to the Mayor and City Commission approval of Commission Item

MOVED: Stacy Kilroy 1<sup>st</sup>, Christina Cuervo 2<sup>nd</sup> PASSED: Unanimous

**Item No. 6:**

Meeting was adjourned at 6:29pm

- C6B Report Of The Finance And Citywide Projects Committee Meeting On November 3, 2010: **1)** Discussion Regarding An Amendment To A Resolution Regarding Assignment Of A Police Officer To The Police Athletic League (PAL). **2)** Discussion Regarding Parity For Future Sidewalk Café Fee Increases. **3)** Discussion Regarding A Proposed Lease Agreement With Syanna, LLC, Involving Approximately 2,216 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. **4)** Discussion Regarding Request From Mystery Parks Arts Company, Inc. For An Amendment To Its Lease Agreement. **5)** Discussion Regarding \$94,000 – Sleepless Night. **6)** Discussion Regarding The Miami Beach Visitors And Convention Authority (VCA) FY 2010/11 Budget. **7)** Amend Ameresco Agreement To Include Lighting Improvements To Three Additional Parking Garages.

**ACTION:**

**Item No. 1:**

The Committee asked that a list of goals and measurables for the PAL is submitted to the City Manager and is submitted via Letter to Commission (LTC).

**City Clerk's Note: Chief Noriega to handle.**

**Item No. 2:**

The Committee asked that this item be part of future budget discussions.

**City Clerk's Note: Kathie Brooks to handle.**

**Item No. 3:**

The Committee approved the proposed lease, recommended that the lease be brought to the full Commission, and asked the Administration to meet with the South of Fifth Neighborhood Association (SOFNA) before the item is brought to the full Commission.

**City Clerk's Note: Approved on November 17, 2010 – R7B – Resolution 2010-27555****Item No.4:**

The Committee approved the proposed lease amendment and recommended that the lease be brought to the full Commission.

**City Clerk's Note: Approved on November 17, 2010 – C7M – Resolution 2010-27551****Item No. 5:**

The Committee asked that a status update on the 2011 Sleepless Night event be given at the January Finance & Citywide Projects Committee Meeting.

**City Clerk's Note: Patricia Walker to place on the Agenda. Max Sklar to handle.****Item No. 6:**

The Committee asked that the MBVCA bring their suggestions for the use of the amounts in excess of their reserve level to the January Finance & Citywide Projects Committee Meeting.

**City Clerk's Note: Patricia Walker to place on the Agenda. Hilda Fernandez and Grisette Roque to handle.****Item No. 7:**

The Committee asked staff to research companies who offer a model where the vendor would pay for the improvement.

**City Clerk's Note: Fred Beckmann to handle.**

C6C Report Of The Land Use And Development Committee Meeting On November 22, 2010: **1)** Municipal Ordinance Regulating Commercial Loading Zones. **2)** Discussion Regarding Temporary Storefront Signs. **3)** Discussion On A Stricter Panhandling Ordinance. **4)** Discussion Regarding The Proposed Flamingo Park Skate Park.

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

Motion: Wolfson/Góngora (vote 2-0)

Move the proposal to the Transportation and Parking Committee, and then on to the full City Commission.

**City Clerk's Note: Saul Frances to place on the Agenda and to handle.****Item No. 2:**

MOTION: Wolfson/Gongora (vote 2-1, Tobin opposed)

Return in two month with a fully developed proposal for non-commercial temporary storefront window signs.

**City Clerk's Note: Hilda Fernandez to handle.****Item No. 3:**

**MOTION:** Tobin/Gongora (vote 2-0)

Return in one month with additional information on how the proposal should be further developed and structured.

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

**Item No. 4:**

**MOTION:** Wolfson/no second

Motion to modify the Flamingo Park Master Plan to remove the skatepark.

**MOTION:** Wolfson/Tobin (vote 3-0)

Motion to reject this particular version of the proposed Flamingo Park skatepark.

**MOTION:** Góngora/Wolfson (vote 2-1, Tobin opposed)

Motion to direct the Administration to explore finding an alternate location within the City for a skatepark other than Flamingo Park.

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

### **C7 - Resolutions**

- C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Submit A Grant Application To The Federal Emergency Management Agency For Emergency Food And Shelter Funds In An Amount Not To Exceed \$50,000 For Emergency Assistance; Appropriating The Above Funds, And Matching Funds As Necessary, If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents Related To This Application.  
(Budget & Performance Improvement)

**ACTION: Resolution 2010-27560 adopted.** Patricia Walker to appropriate the funds if accepted by the City. Judy Hoanshelt to handle.

**1:16:40 p.m.**

- C7B A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 39-09/10, For The Acquisition Of An Automated Vehicle Locator (AVL) System; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, Radio Satellite Integrators; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, Geodecisions; Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration In The Estimated Annual Amount Of \$52,645 For The Purchase And Installation Of 110 Vehicle Devices, And Authorizing The Purchase Of Additional Vehicle Devices On An "As Needed" Basis Subject To Funding Appropriation; Provided Further, That In The Event The City Administration Cannot Negotiate An Agreement With Radio Satellite Integrators, Inc Or Geodecisions, Then Authorizing The City Manager To Reject All Proposals Pursuant To This RFP.  
(Building/Parking)

**ACTION: Item separated for discussion by Commissioner Weithorn. Resolution 2010-27561 adopted.** Motion made by Commissioner Weithorn, seconded by Vice-Mayor Góngora; Voice vote:

7-0. Patricia Walker to handle.

Commissioner Weithorn separated this issue because there was a bid protest letter from the number three ranked firm that highlighted the issue she wanted to discuss. The GPS devices on City vehicles will provide accountability. There are two pieces to the cost; one is the actual cost of the unit and the other is the monthly fee. The recommended firm proposed monthly rate is \$29.50 per month per vehicle, and the number two ranked firm is \$18.50 per month. She wanted to discuss this difference.

Jorge Gonzalez, City Manager, explained that the evaluators felt that the firm being recommended has better functionality than the other responders. Radio Satellite Integrators also is Miami-Dade County's provider. The Administration is requesting to negotiate with Radio Satellite Integrators and if a price can not be negotiated that is better than the County contract, the City can piggyback on the Miami-Dade County contract or go to the second bidder. He explained how the system works.

Patricia Walker, Chief Financial Officer, explained the system.

Commissioner Wolfson stated that the most important information as to the cost of the equipment and the monthly fee was not in the Agenda materials.

Jorge Gonzalez, City Manager, stated that the startup costs for Radio Satellite Integrators is \$33,450 and for GeoDecisions is \$55,560; however, he understands Commissioner Wolfson's point. He explained that Phase I installation is Building, Code and Parking Enforcement, the second phase will be Public Works, Fire and Police.

Discussion continued.

#### Handouts or Reference Materials

1. Letter from Robert Rubin, CEO, Skypatrol to Gus Lopez, Procurement Director, dated December 2, 2010 REF: Request of Proposals (RFP) No. 39-09/10 for the Acquisition of an Automated Vehicle Locator (AVL) System.
2. Letter from Jorge M. Gonzalez, City Manager dated December 6, 2010 to Robert Rubin, SKYPATROL, LLC, Via E-Mail: [jpico@skypatrol.com](mailto:jpico@skypatrol.com); [rrubin@toppcompanies.com](mailto:rrubin@toppcompanies.com) RE: Request for Proposal No. 39-09/10, for the Acquisition of an Automated Vehicle Locator (AVL) System (the "RFP") denying the protest.

- C7C A Resolution Setting Of A Public Hearing For The Granting Of Certificates Of Appropriateness For The Demolition Of The Robert C. Haas Handball Courts And For The Demolition Of A Facility Known As "Friendship Corner" Pursuant To The Miami Beach City Code - Land Development Regulation Section 118-564 (F) (4), Both Facilities Are Located At Flamingo Park, 1200 Meridian Avenue.  
(Capital Improvement Projects)

**ACTION: Resolution 2010-27562 adopted.** R. Parcher to notice. Lilia Cardillo to place on the January 19, 2011 Commission Agenda. Charles Carreño to handle.

- C7D A Resolution Approving And Authorizing The Re-Allocation Of \$114,205 In Savings From The Seawall – Sunset Lake Park Project And Further Appropriating \$49,582 From Fund 384, 2003 G.O. Bonds – Neighborhood Improvements; For Additional Work Scope And Associated Fees For The Seawall – Flamingo Drive Rehabilitation Project.  
(Capital Improvement Projects)

**ACTION: Resolution 2010-27563 adopted.** Patricia Walker to appropriate the funds. Charles Carreño to handle.

- C7E A Resolution Accepting The Recommendation Of The City Manager Relative To The Ranking Of Proposals, Pursuant To Request For Proposals (RFP) No. 36-09/10, For Third Party Administrator Claim Audit And Performance Evaluation Services; Authorizing The Administration To Enter Into Negotiations With Claim Technologies, Incorporated, And Should The Administration Not Be Able To Negotiate An Agreement With Claim Technologies, Authorizing The Administration To Negotiate With Deloitte Consulting, LLP; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon The Completion Of Successful Negotiations By The Administration.  
(Human Resources)

**ACTION: Resolution 2010-27564 adopted.** Ramiro Inguanzo to handle.

**SUPPLEMENTAL: Revised Contract**

- C7F A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Consent To Assignment And First Amendment To Job Order Contract (JOC) No. 23-08/09, Between The City And Unitech Builders Corp., Which Provides For Unitech To Assign The JOC Contract To David Mancini And Sons, Inc.  
(Procurement)

**ACTION: Resolution 2010-27565 adopted.** Gus Lopez to handle.

**10:40:01 a.m.**

- C7G A Resolution Revising The "Special Events Requirements And Guidelines," By Amending The Sections Entitled "Weddings And Ceremonies," "Minimum Requirements," "Internal Review Procedure," "Criteria For Grant Of Special Event Permit," "External Review Procedure," "Adherence To Regulations And Other Policies," "Beach Vehicle Access Policy," "Event Signage," "Product Promotion/Temporary Sampling", And "Enforcement And Penalties;" And Further Amending The Special Event Fee Schedule, And Hereby Permitting And Restricting Further Uses On Public Property.  
(Tourism & Cultural Development)

**ACTION: Item separated for discussion by Commissioners Libbin and Weithorn and referred to the Neighborhood/Community Affairs Committee.** Motion made by Commissioner Weithorn to refer to the Neighborhood/Community Affairs Committee; seconded by Commissioner Libbin; Voice vote: 7-0. Randy McBride to place on committee agenda. **Max Sklar to handle.**

Jorge Gonzalez, City Manager, stated that he believes the item was separated because the Commissioners would like to refer the Special Events Requirements and Guidelines due to the changes.

Motion made by Commissioner Weithorn to refer the item to the Neighborhood/Community Affairs Committee; seconded by Commissioner Libbin; Voice vote: 7-0. Randy McBride to place on the committee agenda. Max Sklar to handle.

Handouts or Reference Materials

1. Language amendments regarding Special Events Requirements and Guidelines



C7H A Resolution Initiating Conflict Resolution Procedures Provided By Section 164.1052 Of The Florida Statutes Prior To Initiating Litigation Against The City Pension Fund For Firefighters And Police Officers In The City Of Miami Beach ("Pension Fund") With Regard To The Pension Fund's Position Not To Implement The Terms Of City Of Miami Beach Ordinance No 2010-3705 As They Relate To Pension Fund Members.

(City Attorney's Office)

**ACTION: Withdrawn.**

**ADDENDUM:**

C7I A Resolution Endorsing The Florida Department Of Transportation Interstate I-395 Interim Construction Project, From Northeast 1st Street To The Macarthur Causeway, As Referenced In The Fiscal Year 2012-2016 FDOT Tentative Work Program.

(Public Works)

**ACTION: Resolution 2010-27566 adopted.** Fred Beckmann to handle.

**End of Consent Agenda**

**REGULAR AGENDA**

**R5 - Ordinances**

**11:39:22 a.m.**

R5A An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 14, Entitled "Safety Committee," By Amending Sec. 2-176(E) To Require That One Of The Two Direct Appointments Made By The Mayor And Each City Commissioner Be Citizen Emergency Response Team (CERT) Certified; Providing For Codification, Repealer, Severability, And An Effective Date. **10:15 a.m. Second Reading Public Hearing.**

(City Clerk's Office)

(First Reading on November 17, 2010)

**ACTION: Public Hearing held. Ordinance 2010-3710 adopted as amended.** Motion made by Vice-Mayor Góngora; seconded by Commissioner Libbin; Ballot vote: 7-0. Robert Parcher to transmit to Municipal Code and to handle. R. Parcher to handle.

**Amendments:**

1. Ordinance effective April 1, 2011
2. To phase in, members can be appointed; however, they will have six (6) months period to obtain their certification
3. Item number two (2) above only applies for the appointments made in the phase in period which is 2011

**End**

Jose Smith, City Attorney, stated that there is one amendment to the ordinance in the packet to

provide a 90 days grace period in which to apply for certification.

Discussion held.

Motion made by Vice-Mayor Góngora to approve the ordinance with the amended ordinance as proposed by the City Attorney.

Commissioner Libbin raised the issue of how will the 2011 appointments, which will need to be CERT certified, be phased in.

Discussion continued.

Commissioner Weithorn suggested making the ordinance effective April 1 and 90 days or if classes are quarterly to make it 120 days to get certified applicants.

Jose Smith, City Attorney, stated that the Fire Chief informed him that there will be a class in February and it takes six weeks to get certified.

Discussion continued.

Commissioner Weithorn requested making the ordinance effective April 1<sup>st</sup>, with six (6) months period to receive certification.

Vice-Mayor Góngora accepted the amendments. He re-stated the amendments of effective date of April 1, 2011, with a six months window to secure the training to become certified.

Commissioner Libbin stated that the Administration should make sure that there are multiple opportunities to obtain the certification. **Chief Yuhr to handle.**

Commissioner Exposito stated that appointments can be made without the certification; however, the appointee needs to be certified by the end of the six months.

Jorge Gonzalez, City Manager, stated that this works for the phase in process; but asked how does the Commission want to handle future appointments?

Mayor Bower stated that applicants who want to be appointed should know that CERT certification is a requirement. The date of the classes should be posted in the Board and Committee Report. **R. Parcher and Chief Yuhr to handle.**

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 637
2. Ordinance
3. Email from Yuhr, Eric to Parcher, Robert dated December 07, 2010 RE: CERT classes

**11:46:45 a.m.**

R5B Expand Public Notice Period From 15 Days To 30 Days For All Four Land Use Boards  
An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 118, "Administrative And Review Procedures," Article II, "Boards," Division 5, "Board Of Adjustment," Section 118-134, "Notification Of Hearings"; Article IV, "Conditional Use Procedure," Section 118-193. "Applications For Conditional Uses"; Article VI, "Design Review Procedures"; Section 118-254, "Decision Of Design Review Board," And Section 118-257, "Deferrals, Continuances And Withdrawals," Article X, "Historic Preservation"; Section 118-563, "Review Procedure," And Section 118-591, "Historic Designation Procedure," And Article XI. "Neighborhood Conservation Districts (NCD)"; Section 118-705, "Procedures For Adoption Of Specific NCD Overlay Districts," To Expand The Public Notice Period For All Four Land Use Boards From 15 Days To 30 Days; Providing For Repealer; Codification; Severability And An Effective Date. **10:20 a.m. Second Reading Public Hearing.**

(Planning Department)  
(First Reading on November 17, 2010)

**ACTION: Public Hearing held. Ordinance 2010-3711 adopted.** Motion made by Commissioner Tobin; seconded by Vice-Mayor Góngora; Ballot vote: 6-0; Absent: Commissioner Wolfson. Robert Parcher to transmit to Municipal Code. Richard Lorber to handle.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 637

**11:49:54 a.m.**

R5C Allow Low Impact Car Washing And Detailing In The C-PS2 Zoning 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 "Permitted Uses," By Permitting Low Impact Car Washing And Auto Detailing In The CPS-2 District, When Completely Contained Within A Parking Garage Structure, And Not Visible From The Street Or Public Right-Of-Way; Providing For Repealer, Codification, Severability And An Effective Date. **10:30 a.m. First Reading Public Hearing.**

(Planning Department)

**ACTION: Public Hearing held.** Motion made by Vice-Mayor Góngora; seconded by Commissioner Tobin; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second reading and second public hearing scheduled for January 19, 2011. Lilia Cardillo to place on the Commission Agenda with the public hearing after 5 pm. Richard Lorber to handle.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 638

**11:50:04 a.m.**R5D 40<sup>th</sup> Street Religious Overlay District

An Ordinance Amending The City Code, By Amending Chapter 114 Of The City Code, "Zoning Districts And Regulations," Section 114-1, "Definitions," Defining "Religious Institution"; Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Creating Division 8, "40th Street Overlay," And By Adding Sections 142-858 "Location And Purpose," 142-859 "Compliance With Regulations," Requiring Conditional Use Approval For Religious Institutions In The 40th Street Overlay District, And 142-860 "Off-Street Parking Regulations;" And Amending Article II, "District Regulations," Division 2 "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," Section 142-103 "Conditional Uses," To Add Religious Institutions As A Conditional Use For Properties In The 40th Street Overlay District; And Amending Article IV, "Supplementary District Regulations," Division 4 "Supplementary Yard Regulations," Section 142-1131(D) "Generally," To Exempt Properties In The 40th Street Overlay District From Additional 50 Feet Minimum Side Yard Requirement For Public And Semi-Public Buildings; And Amending Chapter 118 Of The City Code, "Administration And Review Procedures," Article IV, "Conditional Use Procedures," Section 118-192, "Review Guidelines," To Add Review Criteria For Religious Institutions; Providing For Codification; Repealer; Severability; And An Effective Date. **10:35 a.m. Second Reading Public Hearing.**

(Planning Department)

(First Reading on October 27, 2010)

**ACTION: Public Hearing opened and continued to January 19, 2011 at 11:15 a.m.** Motion made by Commissioner Weithorn; seconded by Commissioner Exposito; Voice vote: 6-0; Absent: Commissioner Wolfson. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Richard Lorber to handle.

## Handouts or Reference Materials

1. Copy of Ad Notice to the Public for Wednesday, January 19, 2011 at 11:15 a.m. and mailing labels

**10:41:14 a.m.**

## R5E Bed And Breakfast Inns

An Ordinance Amending The Code Of The City Of Miami Beach Code, By Amending Chapter 142, Zoning Districts And Regulations, Article V, Specialized Use Regulations, Division 7, Bed And Breakfast Inns, Section 142-1401, Conditions For Bed And Breakfast Inns, By Modifying The Conditions For Bed And Breakfast Inns To Widen The Eligibility For Alterations; Providing For Repealer; Codification; Severability; And An Effective Date. **10:40 a.m. Second Reading Public Hearing.**

(Planning Department)

(First Reading on October 27, 2010)

**ACTION: Public Hearing held. Ordinance No. 2010-3712 adopted as amended.** Motion made by Vice-Mayor Góngora; seconded by Commissioner Weithorn; Ballot vote: 6-1; Opposed: Mayor Bower. Richard Lorber to handle.

**Amendments**

- 1) Paragraph 9 will change to address prior assembly use that existed prior to the effective date of the ordinance.
- 2) Item 9B, the time will remain 11:30 p.m.
- 3) Add a limitation that such uses shall have no speakers on any outdoor or outside areas.

**End**

Jorge Gomez, Assistant City Manager, introduced the ordinance.

Richard Lorber, Acting Planning Director, stated that staff went to the Flamingo Park Neighborhood Association to clarify their position on the ordinance. The ordinance has been amended by the main proponent, Mr. Davidson, to include additional limitations:

- 1) Bed and Breakfast Inns, which are currently permitted in single family houses in historic districts, will be allowed to have accessory assembly uses.
- 2) Limited to private events, by invitation only, not open to members of the public.
- 3) The event will end no later than 11:30 p.m.
- 4) The invitations will indicate that no street parking is available and direct guests to the city parking lots.
- 5) No deliveries will be permitted before 9:00 a.m. or after 5:00 p.m. on weekdays, and 10:00 a.m. on weekends.
- 6) Conditional use permit will be required.

These amendments were presented to the board of the Flamingo Neighborhood Association and they liked it and recommend City Commission approval. The Administration has concerns because of the introduction of commercial accessory uses and it is difficult to distinguish exactly what is the difference between a low intensity corporate event and a party house. As written, the Administration does not recommend approval. If the Commission wishes to approve, the Administration recommends those restrictions and also that the time is changed from 11:30 p.m. to 10:00 p.m.

Discussion held.

Commissioner Wolfson, addressing Mayor Bower's concern regarding conditional uses given to churches, recommended adding language to the ordinance such as "any place that qualifies for assembly use prior to the enactment of this ordinance." This should address the Mayor's concern.

Discussion continued.

Dr. Morris Sunshine spoke.

Jack Johnson, Flamingo Homeowners Association, spoke.

Neisen Kasdin, Esq., representing Mr. Davidson, the homeowner, spoke.

Discussion continued.

Dr. Sunshine entered violations at that property into the record.

Commissioner Exposito asked Mr. Davidson about parking and what arrangements have been made to limit the parking impact in the neighborhood. Secondly, would he consider limiting the outdoor music level and the activities in the outdoor area by the pool?

Dan Davidson stated that any audible noise will never exceed or impact normal conversation.

Miriela Marcos spoke.

Melissa Pardo spoke.

Discussion continued.

Vice-Mayor Góngora stated that there are two concerns: one, if the property is sold, is the ordinance going to require the purchaser to get a whole new conditional use permit; and two: what are the hours of the assembly event?

Discussion continued.

Commissioner Weithorn stated, for the record, that her family built the temple.

Motion made by Vice-Mayor Góngora to approve the ordinance in the agenda with the assembly event ending no later than 11:30 p.m. (the current time in the ordinance); seconded by Commissioner Weithorn.

Commissioner Wolfson requested that this ordinance be amended by including that this only apply to assembly uses prior to the date of enactment of this ordinance (Paragraph 9 of the ordinance).

Vice-Mayor Góngora accepted the amendment.

Discussion continued.

**Amendment:**

Mayor Bower asked if the maker of the motion will accept an amendment to include that there will be no speakers outside the property.

Jorge Gomez, Assistant City Manager, stated that this specific question would be the subject of the conditional use. If the Commission wants to add a general condition that any applicant would have to apply, then the condition would be no speakers or music in any outdoor areas.

Neisen Kasdin, Esq., spoke.

Discussion continued.

Dan Davidson spoke.

Vice-Mayor Góngora stated that based on the discussion there seems to be a consensus for no outdoor speakers, so he accepts the amendment.

Jorge Gomez, Assistant City Manager, clarify the amendments:

- 1) Paragraph 9 will change to address prior assembly use that existed prior to the effective date of the ordinance.
- 2) Item 9B, the time will remain 11:30 p.m.
- 3) Add a limitation that such uses shall have no speakers on any outdoor or outside areas.

It was clarified that the transferability to a new operator was not included in the motion.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 637
1. Email from Alberto, Jose to Morris Sunshine “quality of life” dated November 03, 2010 RE: Request for information.

**11:52:29 a.m.**

R5F An Ordinance Amending Chapter 70 Of The Miami Beach City Code Entitled "Miscellaneous Offenses"; By Amending Article III, Entitled "Graffiti"; By Amending Division I, Entitled "Generally"; By Amending Section 70-126, Entitled "Responsibility Of Property Owner(s) To Remove Graffiti; Graffiti Removal And Notice; Enforcement" By Amending The Responsibilities Of Property Owners With Regard To The Abatement Of Graffiti And Amending Enforcement Provisions; Providing For Repealer; Severability; Codification; And An Effective Date. **10:50 a.m. Second Reading Public Hearing.**

(Code Compliance)  
(Continued from June 9, 2010)

**ACTION: Referred to the Neighborhood/Community Affairs Committee.** Motion made by Commissioner Weithorn; seconded by Commissioner Libbin; Voice vote: 5-0; Absent Mayor Bower and Commissioner Wolfson. Randi MacBride to place on the committee agenda. Hilda Fernandez to handle. Lilia Cardillo to place on the January 19, 2011 Commission Agenda as a first reading.

Hilda Fernandez, Assistant City Manager, explained the ordinance.

**City Clerk's note:** Since it has been a year and a half since the NCAC last heard this item, and over a year since the City Commission considered this item at first reading, the Administration recommends referring this item back to the NCAC at its December 14, 2010 meeting for discussion, and then back to the City Commission on January 19, 2011 for first reading.

**11:54:18 a.m.****12:27:48 p.m.**

R5G Roofing Materials

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. **First Reading.**

(Planning Department)

**ACTION: Ordinance approved on first reading as amended.** Motion made by Commissioner Weithorn; seconded by Commissioner Libbin; Ballot vote: 5-0; Absent: Mayor Bower and Commissioner Wolfson. Second Reading and Public Hearing scheduled for January 19, 2011. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Richard Lorber to handle.

**Amendment**

Page 206, Sec 142-875 (4) change " the design review board ~~shall~~ may be required....."

Page 206, Sec 142-875 (4)(b) " on existing non-contributing structures ~~shall~~ may require the approval...."

**End**

Commissioner Libbin requested the following amendments: Page 206, Sec 142-875 (4) change " the design review board ~~shall~~ may be required....." and Page 206, Sec 142-875 (4)(b) " on existing non-contributing structures ~~shall~~ may require the approval...."

**12:27:48 p.m.**

Discussion occurred after the vote. Mayor Bower explained her concerns regarding the tile being changed.

Jorge Gonzalez, City Manager, stated that the Mayor had stated that she has no problem in allowing for a change in materials, but changing from a barrel tile to a flat tile, then it should go to a review board.

Mayor Bower requested that this be addressed between first and second reading and that Planning staff meet with her. **Richard Lorber to handle.**

**12:29:34 p.m.**

R5H Lincoln Road Sign District

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 138, Entitled "Signs", By Amending Article V, Entitled "Sign Regulations By District", By Amending Section 138-173 To Modify The Requirements For The Lincoln Road Signage District; Providing For Inclusion In The City Code; Providing For Repealer, Severability And An Effective Date. **First Reading.**

(Planning Department)

**ACTION: Ordinance approved on first reading as modified.** Motion made by Vice-Mayor Góngora; seconded by Commissioner Libbin; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for January 19, 2011. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Richard Lorber to handle.

**Amendment**

1. Section 138-173 (b) (c) reads: "... limited to the name of the establishment and related products and service(s) available on site only.

Allow a third sign if there is a historic precedent

**End**

Richard Lorber, Acting Planning Director, introduced the item.

Thomas Mooney, Planning Department, showed a sample signage and explained the signage size that would be permitted under the proposed ordinance.

Discussion held.

Gary Held, First Assistant City Attorney, read into the record amended language.

Jorge Gonzalez, City Manager, stated that signs on corner buildings need to be discussed.

Discussion continued regarding sign size.

Vice-Mayor Góngora asked clarification for the applicant's desire to have a third sign.

Michael Larkin, Esq., representing TD Bank, 350 Lincoln Road, suggested that where there is a historic evidence to support a third corner sign the tenant should be entitled to ask for one.

Vice-Mayor Góngora stated that in order to do the third sign it would require some kind of proof by historic evidence, Historic Preservation Board approval and all three signs would not exceed the 35% of the building façade area.

Michael Larkin's responded "correct."

Handouts or Reference Materials

1. Property Information Map Re: Property 350 Lincoln Road and copies of photographs of Lincoln Building (showing Kitty Kelly Shoes signs) and color renderings of example of proposed sign types at TD Bank



Lincoln Building distributed by Michael Larkin, Esq.

2. Section 138-173. Lincoln Road Signage District

11:58:05 a.m.

12:01:06 p.m.

R5I An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 106, "Traffic And Vehicles," Article II, "Metered Parking," Division 1, "Generally" Section 106-55 (h)(2), "Permanent Parking Space Removal" To Amend The Criteria And Procedure For Permanent Parking Space Or Loading Zone Removal, Providing For Codification, Repealer, Severability And An Effective Date.  
**First Reading.**

(Parking Department)

**ACTION: Ordinance approved on first reading as amended\*\*\*.** Motion made by Commissioner Weithorn; seconded by Commissioner Libbin; Ballot vote: 5-0; Absent: Mayor Bower and Commissioner Wolfson. Second Reading and Public Hearing scheduled for January 19, 2011. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Richard Lorber to handle.

**Amendment\*\*\*:**

106-55 (h)(2) "The permanent removal of a parking space or loading zone for any other reason shall require a 5/7<sup>th</sup> approval from the City Commission."

**End**

Jorge Gonzalez, City Manager, introduced the ordinance.

Vice-Mayor Libbin stated that a year ago or more there was a discussion about the removal of five (5) parking spaces on 16<sup>th</sup> Street as the traffic is moving west towards Alton Road and asked about the status.

Jorge Gonzalez, City Manager, stated that he spoke with Fred Beckmann about this and the approval is stuck between the County and FDOT on the regulatory aspects. A follow-up application will be provided in the next week or so because all the City wants to do is simply re-strip. He added that an LTC will be provided. **Fred Beckman to handle.**

Jorge Gomez, Assistant City Manager, spoke about the temporary removal of parking spaces and stated that the item has been referred to the Land Use and Development Committee.

Discussion held.

Motion made by Commissioner Weithorn; seconded by Commissioner Libbin. After the vote Mayor Bower rejoined the meeting.

Jorge Gomez, Assistant City Manager, addressed Mayor Bower's question about removal of parking spaces. He explained that the ordinance states that the permanent removal of a parking space or loading zone for any other reason shall require approval from the City Commission.

After the vote, Mayor Bower stated that to remove parking spaces for any other reason should require a super-majority (5/7) vote.

**\*\*\* Note for the record that the amendment below was not included in the vote:**

106-55 (h)(2) "The permanent removal of a parking space or loading zone for any other reason shall require a 5/7<sup>th</sup> approval from the City Commission."

**R7 - Resolutions****12:41:21 p.m.**

R7A A Resolution Approving A Contract Award, Pursuant To Invitation To Bid No. 2-09/10, For The Construction Of The Right-Of-Way Infrastructure Improvement Program – Neighborhood No. 8B, Bayshore, Lower North Bay Road Project; Authorizing The Mayor And City Clerk To Execute An Agreement With Trans Florida Development Corporation, In The Amount Of \$4,055,222.92, For The Construction Of The Project, Plus Approve A Project Contingency In The Amount Of \$405,522.29, For A Grand Total Not To Exceed \$4,460,745.21; Including \$1,399,596.62 From Funds Previously Appropriated In The Capital Budget; Appropriating \$3,061,148.59 From Fund 429 Stormwater Projects Line Of Credit, With Such Funds To Be Repaid From Proposed Future Storm Water Bonds; And Further Authorizing The Administration To Engage In Value Engineering To Further Reduce The Cost And Time For Completion Of Said Project.

(Capital Improvement Projects)

**ACTION: Resolution No. 2010-27567 adopted.** Motion made by Commissioner Wolfson; seconded by Vice-Mayor Góngora; Voice vote: 7-0. Patricia Walker to appropriate funds. Charles Carreño to handle.

Commissioner Tobin asked that the City Engineer review the drainage solutions and proposed modifications that the scope of the project contemplates and that he signs off that in his opinion this is the best drainage solution. **Fred Beckmann to handle.**

Commissioner Libbin, regarding the bid process, asked when the Commission Workshop regarding the procurement process will be held.

Commissioner Weithorn stated that the Procurement Policies Workshop has been scheduled for Thursday, January 13, 2011 at 3:00 p.m.

**3:45:28 p.m.**

R7B A Resolution Approving The Selection Of A Public Art Commission For South Pointe Park, Entitled “Lighthouse” (Working Title), As Recommended By The Art In Public Places Committee; The Neighborhoods/Community Affairs Committee; And The Design Review Board; Further Approving And Authorizing The Mayor And City Clerk To Execute A Contract With The Artist, Tobias Rehberger; And Appropriating Funds, In An Amount Not To Exceed \$500,000, For Design, Creation, And Installation Of Aforestated Work Of Art; And Appropriating Funds From Fund No. 147 Art In Public Places.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2010-27568 adopted.** Motion made by Commissioner Exposito; seconded by Commissioner Tobin; Voice vote: 4-2; Opposed: Mayor Bower and Commissioner Libbin; Absent: Commissioner Wolfson. Max Sklar to handle.

Hilda Fernandez, Assistant City Manager, introduced the item.

Max Sklar, Tourism and Cultural Development Department Director, explained the process used by the Art in Public Places Committee to recommend the approval of the project and spoke about the artist and his background.

Jeremy Chestler, Chairman of the Art in Public Places Committee, spoke.

George Neary spoke.  
Sidney Richardson spoke.  
Mariangela Capuzzo spoke.  
Raquel Vallejo spoke.  
Chris Ingalls spoke.  
Alexandra Cunningham spoke.

Discussion was held regarding questions and answers in regards to the zoning.

Mayor Bower stated that she is concerned about the process.

Max Sklar in regards to the process stated that the AiPP Committee is looking at the Master Plan and the ordinance as a whole and will be making recommendations and come back with other changes.

Discussion continued.

Commissioner Libbin stated that it troubles him that for something that impacts the community forever and will be seen by millions of people, there has been no community outreach. He suggested the Commission consider not making a decision to either move forward or decline the project, but at least have more of a public process.

Commissioner Tobin explained that he has read all the emails both pro and con and this is not an easy decision. He thanked the AiPP committee members for two years of work, and thanked the individuals who took the time to express their opinion one way or another.

Discussion held regarding the process and Commissioner Weithorn explained that she feels community outreach has been missed. This Commission should be excited about this project and there must be a way to include the community in some feedback panel to avoid controversy. **Max Sklar to handle.**

Mayor Bower explained her concerns regarding the process and added that public artwork should be educational and should be looked at from the perspective of other people. She informed the public that efforts are underway to create a PowerPoint presentation for students to learn about Art in Public Places. She expressed her appreciation to the committee members for their efforts and dedication in helping the City become a better known cultural place. **Max Sklar to handle.**

Motion made by Commissioner Exposito; seconded by Commissioner Tobin; Voice vote: 4-2; Opposed: Mayor Bower and Commissioner Libbin; Absent: Commissioner Wolfson.

#### Handouts or Reference Materials

1. Email from Victor M. Diaz to Mayor and City Commission, dated December 1, 2010 RE: SOFNA Opposition to AiPP Proposed Lighthouse Project dated December 02, 2010.
2. Memo to Mayor and City Commission, from Jeremy T. Chestler, Chairperson, AiPP, dated December 8, 2010 RE: Support "Lighthouse" including Art Circuit Newsletter, Art newspaper clippings, renderings of the artwork proposed and emails from several committee members and residents.

**R9 - New Business and Commission Requests**

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

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

**Beautification Committee:**

\*Moni Cohen Term ending 12/31/12 Appointed by Commissioner Libbin TL 12/31/18  
\*Appointment effective 1/1/2011

**Budget Advisory Committee:**

\*John Gardiner Term ending 12/31/12 Appointed by Commissioner Libbin TL 12/31/16  
\*Appointment effective 1/1/2011

**Committee on the Homeless:**

\*Lisa Ware Term ending 12/31/12 Appointed by Commissioner Wolfson TL 12/31/13  
\*Prakash Kumar Term ending 12/31/12 Appointed by Commissioner Libbin TL 12/31/16  
\*Appointments effective 1/1/2011

**Community Development Advisory Committee:**

\*Michael Bernstein Term ending 12/31/12 Appointed by Commissioner Libbin TL 12/31/16  
\*Jay Parker Term ending 12/31/11 Appointed by Commissioner Exposito TL 12/31/18  
\*Appointments effective 1/1/2011

**Community Relations Board:**

\*Laurie Davis Term ending 12/31/12 Appointed by City Manager TL 12/31/13  
\*Robert Newman Term ending 12/31/12 Appointed by Commissioner Libbin TL 12/31/16  
\*Appointment effective 1/1/2011

**Fine Arts Board:**

\*Ellen Brazier Term ending 12/31/12 Appointed by Commissioner Exposito TL 12/31/17  
\*Jamie Dokovna Term ending 12/31/12 Appointed by Vice-Mayor Góngora TL 12/31/17  
\*Debra Ruggiero Term ending 12/31/12 Appointed by Commissioner Libbin TL 12/31/18  
\*Appointments effective 1/1/2011

**Health Advisory Committee:**

\*Kathryn Abbate, CEO MB Community Health Center  
Term ending 12/31/12 City Commission Appointment

**\*Re-Instated from CEO of Stanley Meyers.**

Marisel Losa, Representative from the Health Council of South Florida

**Hispanic Affairs Committee:**

\*Ida Percal Term ending 12/31/12 Appointed by Commissioner Libbin TL 12/31/16  
\*Antonio Purriños Term ending 12/31/12 Appointed by Commissioner Wolfson TL 12/31/17  
\* Appointments effective 01/01/2011

**Loan Review Committee:**

\* Steve Zuckerman Term ending 12/31/12 Appointed by Commissioner Libbin TL 12/31/14  
\*Appointment effective 1/1/2011

**Marine Authority:**

\*Ira Nusbaum Term ending 12/31/12 Appointed by Commissioner Libbin TL 12/31/15  
**\*Appointment effective 1/1/2011**

**Miami Beach Commission for Women:**

\*Karen Edelstein Term ending 12/31/12 Appointed by Commissioner Libbin TL 12/31/15  
 \*Monica Harvey Term ending 12/31/12 Appointed by Commissioner Wolfson TL 12/31/13  
**\*Appointment effective 1/1/2011**

**Miami Beach Sister Cities Program:**

\*Faye Goldin, Other Term ending 12/31/12 Appointed by Mayor Bower TL 12/31/18  
 \*Zeiven Beitchman, Other Term ending 12/31/12 Appointed by Mayor Bower TL 12/31/14  
**\* Appointments effective 01/01/2011**

**Police Citizens Relations Committee:**

\*Dina Dissen Term ending 12/31/12 Appointed by Commissioner Libbin TL12/31/14  
 \*Steven Oppenheimer Term ending 12/31/12 Appointed by Commissioner Wolfson TL 12/31/17  
**\*Appointments effective 01/01/2011**

**Transportation and Parking Committee:**

\*Dr. Corey Narson Term ending 12/31/12 Appointed by Commissioner Libbin TL 12/31/18  
**\*Appointment effective 01/01/2011**

**Waterfront Protection Committee:**

\*Barbara Herskowitz Term ending 12/31/12 Appointed by Commissioner Libbin TL 12/31/14  
**\* Appointment effective 01/01/2011**

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

**ACTION: No appointments made.**

## Handouts or Reference Materials

1. Email from Góngora, Michael to Aguila, Raul dated December 02, 2010 RE: Appointment Of Initial Members To City Of Miami Beach Human Rights Committee

R9A2 Appoint Dr. Michael Baum To The Health Advisory Board.  
 (Requested by Commissioner Jerry Libbin)

**ACTION:** Vice-Mayor Góngora requested to bring an amendment for the January meeting to eliminate the South Shore Hospital position on the Health Advisory Committee and make it a different type of position. Lilia Cardillo to place on the Commission Agenda. **Robert Parcher to handle.**

**1:06:46 p.m.**

R9B1 Dr. Stanley Sutnick Citizen's Forum. (12:30 p.m.)

**ACTION:**

- 1) Nieves Ruth Fenichel spoke about the terrible condition of two buildings at 422 and 426 Meridian Avenue. There is a terrible situation on both buildings owned by the same person. There have been many violations for Code, Fire and Building for over 15 years and nobody cares. She stated that the 426 building is the worst. She requested for City Staff to go to the buildings and evaluate the situation. The ceiling is falling. She heard that the owner is Simon Nemni, a member of the Historic Preservation Board; he does not care about the situation and this is shameful. She has been suffering with bed bugs for 15 years and the manager and the maintenance person are involved in drugs. This place needs to be closed down. She provided the City Commission with a report of violations. She thanked Commissioners Exposito, Góngora, Libbin and Wolfson who tried to help her.

Jorge Gonzalez, City Manager, stated that a staff person from Commissioner Wolfson's office alerted him yesterday of this situation and he will send a team to review the situation, and if it is an unsafe structure they will do whatever is necessary. **Kristen Tigner to handle.**

Handouts or Reference Materials

1. Property Maintenance Code Compliance Violation List RE: 426 Meridian Avenue, Case No. CE 10009088 distributed by Ruth Fenichel.
- 2) Gabriel Redfern stated for the record, that although she may disagree on issues, that she wants them to understand that she loves this City and what she does is because she wants the best for the residents. She does not want any of her actions to be construed as anything else.
- 3) Tammy Tibbles spoke because she has a question on a point of order regarding the issue of the bed and breakfast item discussed earlier. The public hearing was opened and never closed and the public was not given an opportunity to speak.

Jose Smith, City Attorney, asked if there was anybody present that wanted to speak and did not get a chance to, but no one came forward.

Tammy Tibbles stated that she was one of those people, and explained that the vote went the way she wanted it to, but she wanted to say that this is not for Dan Davidson to get his ordinance. One thing not mentioned and discussed at the Flamingo Neighborhood Association was that they did not see this as spot zoning. The neighborhood sees this as an extension of their desire and the city's mandate for historic preservation. This is one of a handful of buildings in the neighborhood identified as historic but it was never housing. She added that historic preservation goes hand in hand with adapted re-use, and this is what this ordinance does.

Jose Smith, City Attorney, stated that there was no issue of spot zoning because if there was, this ordinance would not have been brought to the City Commission.

- R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)  
**ACTION:** Meeting adjourned before this item was reached.

**12:46:01 p.m.**

- R9C Discussion Regarding Resolution No. 2010-27314, In Which The City Commission Voted Against Supporting The Miami Dolphins' Initiative To Get Public Funding For Their Stadium.  
(Requested by Commissioner Jonah Wolfson)  
(Deferred from November 17, 2010)

**ACTION: Discussion held.**

Commissioner Wolfson read a previous resolution [2010-27314] that stated that any funding for the stadium should be from private funding. He wants to see if this Commission stands where they stood before and asked if anybody has had a change of heart. He added that anybody representing this City at other places give the message that this is where this Commission stands.

**12:49:21 p.m.**

- R9D A Discussion Of A Proposed Land Exchange And Development Agreement Among Miami-Dade County, The City Of Miami Beach And South Beach Heights II, Involving The Properties At 615 Collins Avenue (P.E.T. Center), 710-720 Alton Road (Miami Beach Community Health Center), And 725-745 Alton Road (Vacant Private Land).  
(Economic Development)

**ACTION: Discussion held. Item referred.** Motion made by Commissioner Exposito; seconded by Vice-Mayor Góngora to refer the item to the Finance and Citywide Projects Committee; Voice vote: 7-0. Patricia Walker to place on the committee agenda. Kevin Crowder to handle.

Jorge Gonzalez, City Manager, explained that discussions have been held with the developer, Mr. Galbut, for the development on the corner of Alton and 5<sup>th</sup> Street, and included in his conversations is the concept of a possible swap of property that addresses three parcels, the currently occupied Miami Beach Health Center parcel, a second parcel owned by the developer across the street and a third parcel owned by the City but encumbered by a long term lease by Miami-Dade County on Collins and 6<sup>th</sup> Street. As it relates to potential swapping of the parcels, (consolidating what is the Prevention Education and Treatment Center or PET Center and the Miami Beach Health Center onto one site on the East side of Alton Road in exchange for the sale and transfer of ownership interest on the Collins site and the site west of Alton) is in discussion among multiple parties. The developer has expressed a desire to move forward on the component of the transfer, and his advice continues to be that that is one piece of a larger puzzle that is being contemplated, and he recommends the Commission not act on this yet, and instead, hold out to see the larger picture of what the developer is proposing on the west side of Alton. The developer came in front of the Commission regarding zoning component, and there is a second reading to be scheduled on that zoning. The developer was requested to provide at the second reading proposed drawing or renderings on what is being proposed at the site. The Administration is also concerned with the traffic impact from a 400,000 square foot retail center on that corner will bring as this is the single main entry point to Miami Beach. The developer would like to know if he designs the project with the parcel in or with the parcel out. This item is here for discussion and guidance. If in fact there is a land transfer subject to the new restrictions in the Charter, it will take an extraordinary supermajority vote of the Commission (6/7) in order to pass.



Commissioner Weithorn is uncomfortable discussing the item without the presence of anyone from the Flamingo Park neighborhood, the health center or the developer, and suggested referring the item to Finance and Citywide Projects Committee and added that the entire Commission should be present.

Commissioner Exposito stated that he does not have enough information at this time.

Mayor Bower stated that her issue is how does the Commission know and approve the final design and that design doesn't change and create an adverse impact on the neighborhoods.

Jorge Gonzalez, City Manager, stated that he has asked the developer for a traffic engineering study to gage the actual traffic impact that a development such as this might have to the entrance to the City. This is a concept being presented and this Administration is asking for guidance before moving forward.

Commissioner Wolfson explained that he is against the land swap and added that in his opinion the right way to do this is to look at each step and approve it as a whole, not by piecemeal. Before he can make a decision, he requested: 1) the impact on the residents (traffic impact), and 2) the impact on other local businesses. With the ongoing construction of the Port Tunnel and traffic coming to South Beach, how does the City through that narrow feeder can possibly survive one more major development, especially one that possible could take five plus acres? The residents have a major concern. Another concern is from landlords and local businesses. If this project introduces a significant amount of new retail, that much more retail can have a very injurious effect on existing businesses. He indicated that he opposes the land swap for these reasons.

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

Commissioner Libbin asked for the present status of the Health Clinic on Collins Avenue in regards to the physical plant and its licensure.

Jorge Gonzalez, City Manager, regarding the Alton Road property, stated that he does not have the data, but in talking to the Executive Director he learned that they invested \$1 to \$2 million recently from stimulus monies received from the federal government. He would rather ask the Health Center Executive Director directly for a status report.

Commissioner Tobin explained to the public what this item is about and stated that he needs a traffic engineering study.

Discussion continued.

Jorge Gonzalez, City Manager, made a correction regarding his reply to Commissioner Libbin's question on the status of the physical plant. He clarified that the reply given earlier was for the Health Center on Alton, but the information and status report will be requested from Miami-Dade County on the physical plant on Collins Avenue. **Kevin Crowder to handle.**

**10:37:41a.m.**

R9E Discussion Regarding Crime On Venetian Island And Throughout The City.  
(Requested by Commissioner Edward L. Tobin)

**(Additional Information To Be Submitted In The Supplemental)**

**ACTION: Item withdrawn.** Commissioner Tobin stated that he met with various members of the Police Department and they are working on better statistics. He added that he has a good understanding of the statistics provided to him.

R9F Discussion Regarding Extension Of Bonus Incentive Timeline For The New World Symphony Soundscape Park.

(Requested by Commissioner Edward L. Tobin)

**ACTION: Withdrawn by Commissioner Tobin.**

**12:06:11 p.m.**

**SUPPLEMENTAL: Additional Material**

R9G Discussion Regarding The Noise Ordinance And Allowable Noise Levels In Interior Restaurant Spaces.

(Requested by Commissioner Edward L. Tobin)

**ACTION: Discussion held and item referred.** Motion made by Commissioner Weithorn to refer item to the Land Use and Development Committee for direction and to the South of Fifth Neighborhood Association (SOFNA) for their review and input; seconded by Vice-Mayor Góngora with an expression of interest; Voice vote 7-0. Richard Lorber to place on the committee agenda. **Richard Lorber to handle.**

Mayor Bower stated that she would also like the South of Fifth Neighborhood Association (SOFNA) to review and give input.

Commissioner Tobin asked for a status.

Jorge Gonzalez, City Manager, stated that there is an extraordinary restriction in the South of Fifth Street and the Sunset Harbour neighborhoods with respect to entertainment allowed in an establishment. There is a landlord who has a potential tenant interested in a piece of property and wants to have some level of entertainment.

Discussion held.

Jorge Gonzalez, City Manager, stated that the debate by a previous Commission was centered on noise but the way it was ultimately addressed was to eliminate entertainment.

Commissioner Weithorn stated that the ordinance may be too stringent and would like to refer to the Land Use and Development Committee to get direction.

Mayor Bower stated that she would like this to be reviewed by the South of Fifth Neighborhood Association.

Discussion continued.

Scott Robins spoke.

Discussion continued.

Motion made by Commissioner Weithorn to refer the issue to the Land Use and Development Committee; seconded by Vice-Mayor Góngora with an expression of interest; Voice vote: 7-0.

Jorge Gonzalez, City Manager, stated that the City has a process it needs to go through and asked if it would help if the Commission gave some expression that it wants to do what is necessary to help this restaurant, would that be helpful?

Scott Robins stated that it would help.

Discussion continued.

### **Reports and Informational Items**

Reports and Informational Items (see LTC #320-2010)

### **End of Regular Agenda**

Meeting adjourned at 4:26:02 p.m.