

MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
June 6, 2012

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

City Manager Jorge M. Gonzalez
City Attorney Jose Smith
City Clerk Rafael E. Granada

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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.

- C2A Award Contracts, Purchase Of Public Safety Shoes.
- C2B Award Contracts, Citywide Lot Clearance Services.
- C2C Extend A Month To Month Basis, Street Lighting Maintenance/Service Agreement.
- C2D Award Contracts, Rental Of Construction Equipment.
- C2E Issue RFP, Cost Allocation Studies For The City Of Miami Beach.
- C4A Ref: Planning Board - Accessory Use Regulations - Limit Commercial Accessory. (Tobin)
- C4B Ref: Planning Board - Parking Requirements To Incentivize Hotel Development. (Wolfson)
- C4C Ref: Planning Board - Change Permitted Uses In A CD-2 District - Self Storage. (Libbin)
- C4D Ref: LUDC And FCWPC - Grant Perpetual Sub-Surface Easement To Collins 34th Street.
- C4E Ref: LUDC And NCAC - Improvements To 29th Street End And Traffic Circle.
- C4F Ref: NCAC - State Road 907/Alton Road Project From 5th Street To Michigan Avenue.
- C4G Ref: FCWPC - Water Conservation Methods And Implementation Of Same. (Wolfson)
- C4H Ref: LUDC - RFP For Tennis Maintenance. (Wolfson)
- C4I Ref: FCWPC - Municipal Marketing Program For South Pointe Park. **A1**
- C4J Ref: FCWPC - Collection Of City Liens. (Tobin) **A1**
- C4K Ref: FCWPC - CDBG Funding For Fixing Storefronts. (Weithorn) **A2**
- C6A Amended Report: Capital Improvement Projects Oversight Comm. On March 19, 2012.
- C6B Report: Land Use And Development Committee Meeting On May 16, 2012.
- C6C Report: Finance And Citywide Projects Committee Meeting On May 17, 2012.
- C6D Report: Neighborhood/Community Affairs Committee Meeting On May 22, 2012.
- C7A Submit Grant Applications To Various Funding Agencies.
- C7B Execute Federally Funded Subgrant Agreement For The Talmudic University.
- C7C Elect Commissioner Jorge R. Exposito As Vice-Mayor, July 1, 2012 - October 31, 2012.

C7D Retroactively Accept Donations For Health Fair And Bingo Night For Seniors.
 C7E Support MDCLC Priorities, Municipal Distribution Of PTP Surtax Funding.
 C7F Approve First Year Renewal Option, Financial Advisory Services.
 C7G Exercise First Renewal Option, Multi-Space Parking Pay Station Receipt Paper.**SM1**
 C7H **D-Accept Recommendation, Security Guard Services.SM1**
 C7I Execute Mutual Aid Agreement With The City Of Miami.
 C7J Execute A Vehicle Purchase And Sales Agreement With Brink's, Armored Vehicle.**SM1**
 C7K **D-Accept Recommendation, Citywide Surveying, Topographical, And Mapping Services.**
 C7L Accept Recommendation, Emergency Disaster Debris Monitoring Services.
 C7M Accept Recommendation, Disaster Recovery Services.
 C7N Approve Amendment No. 2, Citywide Janitorial Services.
 C7O Execute MOU, Recycling For Multifamily Residences And Commercial Establishments.
 C7P Accept Sponsorships Support, Community Development Week Activities.**SM1**
 C7Q Approve Renewal Option, Management Of Miami Beach Botanical Garden.
 C7R Consent To A Subconcessionaire Agreement, Ice Cream Vending Component.
 C7S Approve Expenditure, City's Joint Tourism And Hospitality Scholarship Program.
 C7T **D-Accept Recomm., Approve Lease Agmt w/ Temporary Entertainment - Orchid.SM1**
 R5A **10:15 a.m. 2nd Rdg, O/C,Board Member Qualifications And Categories. (Commission) 5/7**
 R5B **10:25 a.m. 2nd Rdg, Recycling Ordinance. (Wolfson)**
 R5C **10:30 a.m. 2nd Rdg, Amend LDR's - Maintenance And Security Bonds. (Tobin) 5/7**
 R5D **10:35 a.m. 2nd Rdg, O/C, Amend Miscellaneous Offenses - Speed Of Segways. (Weithorn)**
 R5E **1st Rdg, Bicycle Rental Kiosk Advertising. (FCWPC)**
 R5F **1st Rdg, Extend Pilot Program, Off-Leash Area For Dogs In S. Pointe Park. (NCAC)**
 R7A **10:20 a.m. Granting Or Denying DRB Appeal, 1 Washington Avenue - S. Pointe Park.**
 R7B **10:20 a.m. Grant Revocable Permit To CG Tides, 1220 Ocean Drive, etc.**
 R7C **11:15 a.m. Grant Revocable Permit To Bay Road Outparcel Partners, 1916 Bay Road.**
 R7D **Joint, Execute Amendment To Lease Agmt w/ Penn 17, Pennsylvania Ave. Garage.**
 R7E **3:00 p.m. Authorize Agmts - Action Plan To Address Potential Corruption/Misconduct.SM1**
 R7F **4:00 p.m. Professional Services-Recruitment Firms, Selection Of New City Manager.SM1**
 R7G **5:05 p.m. Approve Month-To-Month Exten. Towing Permits W/ Beach/Tremont Towing.SM1**
 R7H **11:30 a.m. Grant Easements To M-DC, Wastewater Force Main In S. Pointe Park.SM2**
 R7I Resolution Relating To City Manager Jorge M. Gonzalez.
 R9A Board And Committee Appointments.
 R9A1 Board And Committee Appointments - City Commission Appointments.
 R9B1 **12:30 p.m. Dr. Stanley Sutnick Citizen's Forum.**
 R9B2 **5:30 p.m. Dr. Stanley Sutnick Citizen's Forum.**
 R9C Committee Of The Whole: Issues w/ Dept. Directors/Asst. Directors. (Commission)
 R9D **1:00 p.m. Committee Of The Whole: FY 12/13 Budget / Mayor & Commission Budget**
 R9E **5:00 p.m. Discuss: Selection Of Interim City Manager Appointment. (Commission)**
 R9F Discuss: Amend Charter, City Clerk Appointed By/Report To Commission. (Weithorn)
 R9G **10:05 a.m. Discuss: Status And Progress Of The Stormwater Master Plan. (Wolfson)**
 R9H **5:15 p.m. Discuss: Commercial Use Of Residential Property. (Tobin)**
 R9I Discuss: Limiting Items In The City Manager's Remaining Days. (Wolfson)
 R9J Discuss: Reviewing City Code And Repealing Laws That Are Not Necessary. (Wolfson)
 R9K Discuss: Internal Affairs Investigation Of Chief Martinez & Major Angel Vazquez. (Tobin) **A1**
 R9L Discuss: Ballot 1) Qualifying Time Period; 2) Waiver Of Qualifying Fee. (Wolfson) **A1**
 R9M **5:25 p.m. Discuss: Upper La Gorce Stormwater Drainage/Criteria Package. (Tobin)A2**
 R9N **4:30 p.m. Discuss: Flooding On Star Island & The Proposed Solution. (Tobin)A2**
 R10A City Attorney's Status Report.
 Reports and Informational Items (see LTC No. 148-2012)
 1A **Joint, Execute Amendment To Lease Agmt w/ Penn 17, Pennsylvania Ave. Garage.**

Meeting called to order at 9:49:35 a.m.

Inspirational Message given by Father Gabriel from Saint Francis De Sales Church.

Pledge of Allegiance led by Marcelo Llorente.

SUPPLEMENTAL MATERIAL 1:

C7G – Resolution
C7H – Memorandum & Resolution
C7J – Memorandum & Resolution
C7P – Resolution
C7T – Resolution
R7E – Memorandum & Resolution
R7F – Memorandum & Resolution
R7G - Resolution

SUPPLEMENTAL MATERIAL 2:

R7E (1-4) - Revised Memorandum
R7H - Memorandum

ADDENDUM No. 1:

Motion made by Commissioner Góngora to add items C4I, C4J, R9K and R9L to the Agenda as emergency items; seconded by Commissioner Weithorn; Voice vote: 7-0.

ADDENDUM No. 2:

Motion made by Commissioner Góngora to add items C4K, R9M, and R9N to the Agenda as emergency items; seconded by Commissioner Weithorn; Voice vote: 7-0.

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

7:00:03 p.m.

New Item:

Report On The Memorial Day Weekend.

Hilda Fernandez, Assistant City Manager, gave an oral report on the Memorial Day Weekend event.

Commissioner Góngora congratulated Ms. Fernandez, Police Chief Martinez and staff on their enhanced efforts during a successful event, on the informative report and for a job well done.

Mayor Bower congratulated staff.

Commissioner Weithorn commended efforts in lessening the impact to the community by putting the staging area in the Convention Center; this made a huge difference in the surrounding neighborhood. She commended and congratulated the staff on the logistics that took to plan this event.

Discussion continued.

Commissioner Exposito stated that parents and residents approached him to thank him for such a pleasant event, and congratulated Assistant City Manager Hilda Fernandez, Police Chief Ray Martinez and Assistant Chief Mark Overton for a job well done.

Handout or Reference Materials:

1. Memorial Day Weekend **MEP 2012** Presentation

CONSENT AGENDA

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

C2 - Competitive Bid Reports

C2A Request For Approval To Award Contracts To Lehigh Outfitters, LLC; Safety Shoe Distributors; Global Trading, Inc.; And Paradise Sunshine Sports Development, Pursuant To Invitation To Bid (ITB) No. 25-11/12, For The Purchase Of Public Safety Shoes, In The Estimated Annual Amount Of \$67,817.70.

(Citywide/Procurement)

ACTION: Request authorized. Raul Aguila to handle.

10:01:38 a.m.

C2B Request For Approval To Award Contracts As Primary Vendors To Personally Yours Lawn Service, Inc.; Jerry's Custom Landscaping, Inc.; C & M Landscaping, Inc.; And Elan Lawn And Landscape Service, Inc. For Mowing; And Secondary Vendors To Groundkeepers, Inc. And Superior Landscaping & Lawn Service, Inc. For Pool Cleaning, Pool Pumping Removal Of Rodents, And Removal Of Beehives, Pursuant To Invitation To Bid (ITB) No. 21-11/12, For Citywide Lot Clearance Services.

(Code Compliance/Procurement)

ACTION: Request authorized. Hernan Cardeno to handle.

Handout or Reference Materials:

1. Letter to Mr. Fernando S. Navia, Greco International Corp., via fax, dated June 5, 2012 from Jorge M. Gonzalez, City Manager RE: ITB No. 21-11/12.

C2C Request For Approval To Extend On A Month To Month Basis, The Street Lighting Maintenance And Service Agreement With Under Power Corporation, Which Expired On May 31, 2012; With Said Extension Commencing Retroactively On June 1, 2012, And Terminating, For Convenience And Without Cause, At Such Time As A New Contract Is Entered Into With A Successful Bidder, Following A Successful Bidding Process.

(Public Works/Procurement)

ACTION: Request authorized. Fred Beckmann to handle.

C2D Request For Approval To Award Contracts To Equipment And Tools Solutions, Inc., Hertz Equipment Rentals Corporation, Sunbelt Rentals, Inc., And United Rentals (North America), Inc., Pursuant To Invitation To Bid (ITB) No. 29-11/12, For The Rental Of Construction Equipment, In The Annual Estimated Amount Of \$20,000 For Fiscal Year 2011/2012, And \$70,000 Annually For Subsequent Fiscal Years.

(Public Works/Procurement)

ACTION: Request authorized. Fred Beckmann and Raul Aguila to handle.

- C2E Request For Approval To Issue A Request For Proposals (RFP) For Cost Allocation Studies For The City Of Miami Beach.
(Budget and Performance Improvement)

ACTION: Request authorized. Kathie G. Brooks to handle.

C4 - Commission Committee Assignments

- C4A Referral To Planning Board - RM-2 Regulations: Accessory Use Regulations To Permit A Limited Number Of Commercial Accessory Uses In An Apartment Building Adjacent To A Public Baywalk To Be Open To The Public.
(Requested by Edward L. Tobin And Land Use & Development Committee)
(Legislative Tracking: Planning Department)

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

04:17:25 p.m.

- C4B Referral To Planning Board - Parking Requirements To Incentivize Hotel Development.
(Requested by Commissioner Jonah Wolfson And Land Use & Development Committee)
(Legislative Tracking: Planning Department)

ACTION: Referred. Item separated for discussion by Commissioner Exposito. Motion made by Commissioner Weithorn; seconded by Commissioner Exposito; Voice vote 6-0; Absent: Commissioner Tobin. Richard Lorber to place on the board agenda and to handle.

Commissioner Exposito, in regards to the parking requirements discussions to incentivize hotel development, asked if there will be some criteria placed for employee parking.

City Clerk's Note: See C6B item No. 2

- C4C Referral To Planning Board – Changing The Permitted Uses In A CD-2 District To Allow For Self Storage.
(Requested By Vice-Mayor Jerry Libbin And Land Use & Development Committee)
(Legislative Tracking: Planning Department)

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

- C4D Referral To The Land Use And Development Committee And The Finance And Citywide Projects Committee – Discussion Regarding The Appropriateness Of Granting A Perpetual Sub-Surface Easement To Collins 3300, LLC And 3420 Collins Avenue, LLC, Owners Of The Properties Located At 3301 Indian Creek Drive, 3400 Collins Avenue And 3420 Collins Avenue, For A Proposed Subsurface Parking Garage, That Spans The Entire Width Of The 50-Foot Public Right Of Way Of 34th Street For A Length Of Approximately 93 Feet.
(Public Works)

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

- C4E Referral To The Land Use And Development Committee And The Neighborhood/Community Affairs Committee – Discussion Regarding An Agreement With Marriott Seville, For Improvements To And The Maintenance Of The 29th Street End And Traffic Circle And For The Construction Of A Portion Of The Beachwalk.
(Public Works)

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

- C4F Referral To The Neighborhood/Community Affairs Committee – A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Temporary License Agreements, Permanent Easement Agreements, And A Storm Water Pump Stations And Pollution Control Structures Maintenance Memorandum Of Agreement, In Substantially The Attached Forms, With The Florida Department Of Transportation, For The Construction, Harmonization, And Maintenance Of Proposed Improvements As Part Of The State Road 907/Alton Road Project From 5th Street To Michigan Avenue.
(Public Works)

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

- C4G Referral To The Finance And Citywide Projects Committee – Discussion On Water Conservation Methods And The Implementation Of Same.
(Requested by Commissioner Jonah Wolfson)

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

- C4H Referral To The Land Use And Development Committee – Discussion Of RFP For Tennis Maintenance And Bifurcating Maintenance And Operations.
(Requested by Commissioner Jonah Wolfson)

ACTION: Referred. Richard Lorber to place on the committee agenda. **Kevin Smith to handle.**

4:16:02 p.m.

ADDENDUM No.1:

- C4I Referral To The Finance And Citywide Projects Committee – Discussion Regarding A Proposed Municipal Marketing Program For South Pointe Park, And An Update On Other Potential Municipal Marketing Partnerships.
(City Manager's Office)

ACTION: Referred. Item separated for discussion by Commissioners Góngora and Tobin. Motion made by Commissioner Weithorn; seconded by Commissioner Exposito; Voice vote 6-0; Absent: Commissioner Tobin. Patricia Walker to place on the committee agenda. **Max Sklar to handle.**

Commissioner Góngora stated that he separated this item because of all the-mails that were received, and he has questions when it goes to committee.

Commissioner Weithorn added that people are commenting that the park should not be commercialized, but she would rather discuss at committee, and stated that an invitation will be sent when the item is placed on the committee agenda.

ADDENDUM No. 1:

C4J Referral To The Finance And Citywide Projects Committee – Discussion Regarding The Collection Of City Liens.

(Requested by Commissioner Edward L. Tobin)

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

ADDENDUM No. 2:

C4K Referral To The Finance and Citywide Projects Committee – Discussion Regarding CDBG Funding For Fixing Storefronts.

(Requested by Commissioner Deede Weithorn)

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

City Clerk's Note: See Item R9N.

C4L moved from item R9M

ADDENDUM No. 2:

C4L Discussion Regarding The Upper La Gorce Stormwater Drainage, Specifically, The Budget And Design Criteria Package.

(Requested by Commissioner Edward L. Tobin)

ACTION: Item referred to the Neighborhood/Community Affairs Committee. Barbara Hawayek to place on the committee agenda. **Fred Beckmann and Fernando Vazquez to handle.** Fred Beckmann to take the lead.

Discussion item R9M moved to the Consent Agenda as item C4L.

C6 – Commission Committee Reports

C6A Amended Report Of The Capital Improvement Projects Oversight Committee Meeting On March 19, 2012: **1)** Attendance. **2)** Review And Acceptance Of Minutes. **3)** Accomplishments: Completion Of Fire Station #2 Historic Building And Hose Tower. **4)** Public Comments. **5)** Old Business/Requested Reports: **5a)** Status Report: Normandy Isle Neighborhood; **5b)** Discussion: Biscayne Point Neighborhood Improvement Project; **5c)** Status Report: Sunset Islands I & II; **5d)** Status Report: Sunset Island III & IV; **5e)** Status Report: Lower North Bay Road; **5f)** Status Report: Venetian Island; **5g)** Status Report: Palm & Hibiscus Island Undergrounding. **6)** Commission Items: **6a)** RFQ For Construction Management Service; **6b)** Flamingo Park Tennis Center Project; **6c)** Collins Park Garage.

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

See attendance sheet copy attached.

Item No. 2: Review and Acceptance Of Minutes

MOTION: D. Kraai 2nd T. Trujillo

PASSED: Unanimous

Provide a draft copy of the Stormwater Master Plan to Committee members in the April agenda (PWD).

Item No. 3: Accomplishments: Completion of Fire Station #2 Historic Building and Hose Tower.**a. Completion of Fire Station #2 Historic Building and Hose Tower.**

Maria Palacios and Shari Holbert Lipner, of the Office of Capital Improvement Projects, presented information about the construction project to restore Fire Station #2 for use as the administration building for the fire department including information about the efforts to restore some significant historic details in the building.

Chief Javier Otero spoke and said the fire department administration is very happy with the results.

Tony Trujillo commented favorably on the project.

Item No. 4: Public Comments.

No members of the public came forward.

Item No. 5: Old Business/Requested Reports**Item No. 5a: Status Report: Normandy Isle Neighborhood****a. Status Report: Normandy Isle Neighborhood**

David Martinez, Office of CIP Acting Assistant Director reported on behalf of Mattie Reyes, Senior Capital Project Coordinator, who was out. Installation of the light poles in Normandy Isle has been completed. The lights were to be energized within a few weeks of the meeting. The City secured a JOC contractor to complete the crosswalk pavers, and funding has been identified. The project is expected to begin in April 2012. CIP has identified a consultant from the A&E rotational list to complete the plans for the swale reclamation and design for drainage. Design services are expected to be completed over the summer and if the bid process is conducted on schedule, construction should be completed by summer 2013.

Item No. 5b: Discussion: Biscayne Point Neighborhood Improvement Project**b. Discussion: Biscayne Point Neighborhood Improvement Project**

CIP Director Fernando Vazquez explained that the final agreement for the new design/build contract was going to Commission (March 21). Added scope generated by newer requirements, would be included in the package. The contract includes settlement of any delay claims from the contractor as well.

CIP and the contractor have been meeting with the City Manager. The full, executed contract was not complete at the time of the CIPOC meeting, and was not yet ready for presentation to Commission, so a copy was not brought to CIPOC. Christina Cuervo asked for a presentation on this item to be brought to the Committee for review.

Bring information and a presentation to CIPOC on the final agreement with DMSI for the Biscayne Point new design/build package. **Fernando Vazquez to handle.**

In the meantime, work had not stopped in the Biscayne Point neighborhood. The contractor is finalizing water main installations and lighting.

Item No. 5c: Status Report: Sunset Islands I & II**c. Status Report: Sunset Islands I & II**

Maria Hernandez, Senior Capital Projects Coordinator said that work is proceeding according to schedule.

E. Camargo, who is also a resident of Sunset Island II, commented that work is progressing well.

Christina Cuervo asked how the RPR for this project is working out with the team. Ms. Hernandez responded that the company, Schwebke Shiskin, is very responsive and working well. The Engineer of Record is Chen and Associates, and all entities involved attend the meetings and respond to all inquiries.

Item No. 5d: Status Report: Sunset Island III & IV**d. Status Report: Sunset Islands III & IV**

Rick Saltrick, Acting City Engineer, explained that the Design Criteria Package (DCP) is being developed with the firm CT3S for the undergrounding of utilities. The City is working with the HOA for a ballot question to distribute to the neighborhood the end of April.

Entry improvements are underway. Final permitting for the guardhouse is also underway. The City has agreed to pay \$50,000 for enhancements to the guardhouse, and the rest of the work will be funded by the HOA.

*The Committee noted that the item that was brought to the last meeting, which HOA representatives complained had been pulled from the City Commission agenda in February, had been placed back on the agenda, and the undergrounding efforts are proceeding.

Item No. 5e: Status Report: Lower North Bay Road**e. Status Report: Lower North Bay Road**

Maria Hernandez told the Committee that this project is temporarily on hold while revisions to the drainage design are being considered, using the new stormwater model. A report on the new design is expected April 6.

The City Public Works Department is verifying through the drainage model if the design meets the level of service required.

Dwight Kraai asked if the City is waiting for new Stormwater Master Plan to be completed before verifying the design for LNBR. Rick Saltrick explained that this project was designed under the older criteria and is not required to meet tailwater elevations. Public Works is making use of a more detailed model, and that data is being used to help in the design.

Eleanor Carney asked what hydrographics were being used in the modeling and on what time period they were basing the rain results. Mr. Saltrick responded that they are using the South Florida Water Management District graphs which are based on a 5year, 1day storm event.

Item No. 5f: Status Report: Venetian Island

f. Status Report: Venetian Islands

Aaron Sinnes, Senior Capital Projects Coordinator, said that the design was resubmitted to the overseeing agencies after the City responded to the last set of comments (Feb. 3). Schwebke Shiskin received the changes on February 20, and have submitted their revised cost estimates.

An ITB is anticipated in May.

Eleanor Carney asked for further clarification about the revised cost estimates.

David Martinez said that a certain percentage of fluxuation is allowed with the cost estimate. The estimate that was just submitted is current and reflects the current market and the cost of fuel.

Ms. Carney asked how much of a shortfall is reflected in the current cost estimate. Mr. Martinez says that the estimate is short by approximately 10%, which is the equivalent of the contingency, but to cover all costs comfortably, the City is seeking approximately an additional \$650,000. Ms. Carney complained that the shortfall was a result of money taken out of the project and placed in the causeway waterline project, without increasing the budget.

Additional discussion surrounded concern over the time schedule. In previous meetings, the City indicated that the ITB would be out in March and now that component is two month behind the anticipated schedule.

Bring a revised schedule to the April CIPOC meeting for the Venetian Island Neighborhood Improvement Project. **Fernando Vazquez to handle,.**

Eleanor Carney added that the City was to make efforts to seek other funding sources.

Item No. 5g: Status Report: Palm & Hibiscus Island Undergrounding

g. Status Report: Palm & Hibiscus Island Undergrounding

David Martinez, Assistant Director of the Office of Capital Improvement Projects, said that the City's Legal Department had not yet received the inter-local agreement from the County and City officials are currently inquiring with the County to receive it. There is a negotiable fee for the design criteria package preparations and the contract will be executed when the inter-local agreement comes back and the numbers are known.

Item No. 6: Commission Items

Item No. 6a: RFQ for construction management service

MOTION: Recommend to the Mayor and Commission to pass the resolution.

MOVED: B. Erlich 2nd: T. Trujillo

PASSED: 5 Votes in favor

Item No. 6b: Flamingo Park Tennis Center Project;

MOTION: Recommend to the Mayor and Commission to pass the resolution.

MOVED: T. Trujillo 2nd: E. Camargo

PASSED: Unanimous

C. Cuervo abstained (citing that a relative works for the company being hired)

Item No. 6c: Collins Park Garage

Bring a breakdown of square footage to the CIPOC as soon as available, preferably at the April meeting. **Fernando Vazquez to handle.**

MOTION: Recommend to the Mayor and Commission to pass the resolution.

MOVED: T. Trujillo 2nd: E. Carney

PASSED: Unanimous

C6B Report Of The Land Use And Development Committee Meeting Of May 16, 2012: **1)** Board Member Qualifications And Categories. **2)** Discussion On The Parking Requirement And How We Can Incentivize For Good Hotel Development. **3)** Discussion On RM-2 Zoning District Regulations. **4)** Discussion Of Jurisdiction Of Land Use Boards Over Appeals. **5)** Discussion Of Procedures For Obtaining Informal Opinions And Formal Administrative Determinations From The Planning Director. **6)** Discussion Regarding Changing The Permitted Uses In A CD-2 District To Allow For Self Storage. **7)** Follow-Up Discussion Of Controlled, Limited And Attentive Off-Leash Hours At Pine Tree Park **8)** Discussion On Artificial Grass At Hotels And Homes And The Planning Department Procedure For Approving Same. **9)** Discussion Regarding A Resolution By The Historic Preservation Board To Modify The Code Governing The Voluntary Designation Of Single Family Homes. **10)** Reduced Parking Rates For Hotel Employees. **11)** Discussion Regarding Not Charging Double Permit Fees For People Who Come Forward And Request Permits For Work Done Without A Permit. **12)** Discussion Concerning The Terminal Island Traffic Study And Circulation Study. **13)** Discussion On Ways To Enhance The Land Use Boards Of Miami Beach In Order To Improve The City Of Miami Beach Building And Planning Department And Processes. **14)** Request From City Attorney's Oversight Committee For Referral To Land Use And Development Committee To Discuss Amendment To Section 30-36, Appointment Of Chief Special Master.

ACTION:**Item No. 1: Board Member qualifications and categories**

DEFERRED

Item No. 2: Discussion on the parking requirement and how we can incentivize for good hotel development

MOTION: Libbin/Wolfson: (3-0). Refer to Planning Board.

City Clerk's Note: See item C4B

Item No. 3: Discussion on RM-2 Zoning District Regulations

MOTION: Libbin/Wolfson: (3-0) refer ordinance to Planning Board.

Item No. 4: Discussion of Jurisdiction of Land Use Boards over appeals

MOTION: Libbin/Wolfson: (3-0) Deferred from LUDC – Referred to Charter Review Committee.

Item No. 5: Discussion of procedures for obtaining informal opinions and formal administrative determinations from the Planning Director

MOTION: Libbin/Wolfson: (3-0) Deferred from LUDC – Referred to Charter Review Committee.

Item No. 6: Discussion regarding changing the permitted uses in a CD-2 District to allow for self storage

MOTION: Libbin/Wolfson: (3-0) Refer to Planning Board with direction to address limiting the proliferation of this use in the CD-2 districts, and to address issues of signage; item to return to the LUDC prior to going to Commission.

Item No. 7: Follow-up discussion of controlled, limited and attentive off-leash hours at Pine Tree Park

MOTION: Libbin/Wolfson (3-0) Expand the dog park, as shown in the approved plan, but keep it fenced, subject to County approval if the City Attorney's office determines it is required.

Item No. 8: Discussion on artificial grass at hotels and homes and the Planning Department Procedure for approving same

MOTION: Wolfson/Libbin (3-0) Send both versions to the full Commission.

Item No. 9: Discussion regarding a resolution by the Historic Preservation Board to modify the code governing the voluntary designation of single family homes

DEFERRED

Item No. 10: Reduced parking rates for hotel employees

DEFERRED

Item No. 11: Discussion regarding not charging double permit fees for people who come forward and request permits for work done without a permit

DEFERRED

Item No. 12: Discussion concerning the Terminal Island traffic study and Circulation Study

MOTION: Libbin/Góngora (2-0) Direct staff to meet with FPL and bring back an update at next meeting.

Item No. 13: Discussion and ways to enhance the Land Use Boards Of Miami Beach in order to improve the City Of Miami Beach Building And Planning Department and processes

MOTION: Bring back to Committee with additional suggestions.

Item No. 14: Request from City Attorney's Oversight Committee for referral to Land Use And Development Committee to discuss amendment to section 30-36, appointment of Chief Special Master.

MOTION: Send to full Commission.

C6C Report Of The Finance And Citywide Projects Committee Meeting On May 17, 2012: **1)** Discussion Regarding New Recycling Bins Throughout The ROW On The Beach. **2)** Discussion Regarding A Renewal Of The Current Management Agreement Between The City Of Miami Beach And The Miami Beach Garden Conservancy For The Management And Operation Of The Botanical Garden; As Well As A Proposal To Increase The Rental Rates For Use Of The Facility. **3)** Discussion Regarding The Issuance Of A Request For Proposals (RFP) For The Management And Operation Of Street Markets In Miami Beach At Various Locations. **4)** A Discussion Regarding Approving A Second Amendment To The Retail Lease Agreement By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency (RDA) And Penn 17, LLC (Lessee), Involving The Lease Of Ground Floor Retail Space At The Pennsylvania Avenue Garage. **5)** Discussion Regarding A Resolution Authorizing The City Manager To Solicit The Services Of A Qualified Firm(s) To Audit The Processes Of Certain Regulatory Departments Or Divisions. **6)** Discussion Regarding Memorandum Of Understanding Between The City, On Behalf Of The Police Department, And The Federal Bureau Of Investigation, Miami Area Corruption Task Force.

ACTION:

Item No. 1 Discussion regarding new recycling bins management agreement between the City Of Miami Beach and the Miami Beach Garden Conservancy for the management and operation of the Botanical Garden; as well as a proposal to increase the rental rates for use of the facility

The Committee recommended that the item be brought back at the time the FY 2012/13 budget is presented and that staff determine the number of recycling bins needed and where the recycling bins will be placed to ascertain the costs associated with each bin option.

Item No. 2: Discussion Regarding A Renewal Of The Current Management Agreement Between The City Of Miami Beach And The Miami Beach Garden Conservancy For The Management And Operation Of The Botanical Garden; As Well As A Proposal To Increase The Rental Rates For Use Of The Facility.

The Committee recommended that the management agreement be extended for the five-year renewal option, and that a review of the proposed fee increases be discussed when the FY 2012/13 budget is presented, and that the Miami Beach Garden Conservancy prepare a projection of what their income will be based on the new rate schedule; and that the discussion on an additional renewal period occur at that time.

Item No. 3: Discussion regarding the issuance of a request for proposals (RFP) for the management and operation of street markets in Miami Beach at various locations

The Committee recommended issuing the Request for Proposals (RFP); that the RFP is broad enough for a market in locations other than where the markets are today; and recommended that the current agreement(s) be allowed to continue on a month-to-month basis until the process was completed.

Staff is to review and research the per day charge for electrical service.

City Clerk's Note: See item C7Q.

Item No. 4: A Discussion regarding approving a second amendment to the retail lease agreement by and between the City of Miami Beach, the Miami Beach Redevelopment Agency (RDA) and Penn 17, LLC (lessee), involving the lease of ground floor retail space at the Pennsylvania Avenue Garage

The Committee recommended that the item be approved and brought to the full Commission along with the maintenance standards of the sidewalk café permit. **Anna Parekh to handle.**

City Clerk's Note: See item R7D and RDA 1A.

Item No. 5: Discussion regarding a resolution authorizing the City Manager to solicit the services of a qualified firm(s) to audit the processes of certain regulatory departments or divisions

The meeting was recessed and will reconvene June 1, 2012 at 10 am.

City Clerk's Note: See item R7E (4).

Item No. 6: Discussion regarding memorandum of understanding between the City, On behalf of the Police Department, and the Federal Bureau of Investigation, Miami Area Corruption Task Force.

The Committee recommended approval of the Memorandum of Understanding (MOU) and that the item be brought to the full Commission.

City Clerk's Note: See item R7E (1)

C6D Report Of The Neighborhood/Community Affairs Committee Meeting On May 22, 2012: **1)** Discussion Regarding A Draft Ordinance That Regulates Private Parking Lots Or Facilities With Automated Pay Machines. **2)** Discussion Regarding Security Cameras. **3)** Discussion And Update On The Citywide Dunes Maintenance Plan. **4)** Follow-Up Discussion And Request For Direction Concerning The Continuation Or Termination Of The Dog Off-Leash Pilot Program Approved By The City Commission In South Pointe Park. **5)** Discussion Regarding The Implementation Of A "See It, Report It" Campaign To Facilitate And Expedite The Reporting Of Code Compliance And Non-Emergency Police Issues. **6)** Discussion Regarding Prohibition Of Cat Feeding In Miami Beach City Parks. **7)** Discussion Regarding The Impact Of A Proposed Development And Construction Of The West Avenue Bridge Project In Regards To Option 3. **8)** Discussion Regarding The Consideration Of An Agreement Between The City And Temporary Entertainment, LLC, For The Presentation Of "Orchid", A Live Theatrical And Musical Performance Within A Spiegeltent And The Installation Of Ancillary Food And Beverage Services And Entertainment Areas, To Be Located At The Collins Park Spoil Area, Between 21st And 22nd Streets. **9)** Discussion Regarding A Resolution Granting And Authorizing The Mayor And City Clerk To Execute An After-The-Fact Revocable Permit To ASR Berwick Family LTD Partners, As Owner Of The Commercial Property Located At 335 West 47th Street, To Retain A/C Units, A Utility Room, And A Trash Enclosure, Currently Placed Within The Public City Right-Of-Way On West 47th Court.

ACTION:

Item No. 1: Discussion regarding a draft ordinance that regulates private parking lots or facilities with automated pay machines

The Committee (Commissioners Tobin, Libbin, Exposito, and Wolfson present) unanimously moved to recommend the signage requirement to the City Commission and to revisit the issue in six months. **Saul Frances to handle.**

Item No. 2: Discussion regarding security cameras

The Committee (Commissioners Tobin, Exposito, and Wolfson present) directed Police staff to prepare a presentation for the July Commission meeting to include options and suggestions for the installation and use of public surveillance cameras. The presentation should include rough cost estimates, recommended locations for cameras, monitoring recommendations and comparative information from other cities for both passive and active surveillance. **Chief Martinez to handle.**

Item No. 3: Discussion and update on the citywide dunes maintenance plan

The Committee (Commissioners Tobin, Exposito, and Wolfson present) directed the Administration to return to the next Committee meeting with a plan for maintenance of the dunes and identifying who is responsible. **Fred Beckmann to handle.**

Item No. 4: Follow-up discussion and request for direction concerning the continuation or termination of the Dog Off-Leash Pilot Program approved by the City Commission in South Pointe Park

The Committee (Commissioners Tobin, Libbin, Exposito, and Wolfson present) unanimously moved to extend the pilot program through the end of the calendar year to allow final determination on the issue of the hedge. Additionally, Commissioner Tobin requested that when the appeal of the Design Review Board decision comes back to Commission that a sub-issue be brought up to get a sense of the how the Commission would feel about making dogs off-leash a criminal offense. **Kevin Smith to handle.**

City Clerk's Note: See item R5F

Item No. 5: Discussion regarding the implementation of a "see it, report it" campaign to facilitate and expedite the reporting of Code Compliance and non-emergency police issues.

The Committee (Commissioners Tobin, Exposito, and Wolfson present) moved to push the item forward to the City Commission for approval. **Nannette Rodriguez and Gladys Gonzalez to handle.**

Item No. 6: Discussion regarding prohibition of cat feeding in Miami Beach city parks

The Committee (Commissioners Tobin, Exposito, and Wolfson present) requested a follow-up report to the Neighborhood/Community Affairs Committee in three (3) months on the progress of the efforts by the Cat Network to spay and neuter cats. **Lynn Bernstein to handle.**

Item No. 7: Discussion regarding the impact of a proposed development and construction of the West Avenue Bridge Project in regards to option 3

The Committee (Commissioners Tobin, Exposito, and Wolfson present) moved to recommend Option 2 to the City Commission.

Item No. 8: Discussion regarding the consideration of an agreement between the city and Temporary Entertainment, LLC, for the presentation of "Orchid", a live theatrical and musical performance within a Spiegel tent and the installation of ancillary food and beverage services and entertainment areas, to be located at the Collins Park spoil area, between 21st and 22nd streets

The Committee (Commissioners Tobin, Exposito, and Wolfson present) unanimously moved the discussion to the June meeting of the City Commission.

City Clerk's Note: See item C7T

Item No. 9: Discussion regarding a resolution granting and authorizing the Mayor and City Clerk to execute an after-the-fact revocable permit to ASR Berwick Family LTD Partners, as owner of the commercial property located at 335 West 47th street, to retain A/C units, utility room, and a trash enclosure, currently placed within the public city right-of-way on West 47th Court.

The Committee (Commissioners Tobin, Libbin, Exposito, and Wolfson present) deferred further discussion to a future meeting of the Neighborhood/Community Affairs Committee.

C7 – Resolutions

- C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Submit Grant Applications To: 1) Miami-Dade County For FY 2013 Edward Byrne Memorial Justice Assistance Grant Program Funds In The Approximate Amount Of \$9,114 For The Police Department's E-Ticketing Initiative; 2) The U.S. Department Of Energy, National Energy Technology Laboratory, Office Of Energy Efficiency And Renewable Energy, Clean Cities – Implementation Initiatives To Advance Alternative Fuel Markets Program, For Funding In The Approximate Amount Of \$250,000 For The City's Alternative Vehicle Fuels Program; And, 3) Florida Department Of Transportation, Public Transit Service Development Program, For Funding In The Approximate Amount Of \$1,731,000 Over Three Years For The City's North/Middle Beach Circulator; Appropriating The Above Grants, Matching Funds And City Expenses, If Approved And Accepted By The City, And Authorizing The Execution Of All Documents Related To These Applications; Appropriating The Above Grants If Approved And Accepted By The City, And Authorizing The Execution Of All Documents Related To These Applications.
(Budget & Performance Improvement)

ACTION: Resolution 2012-27907 adopted. Patricia Walker to appropriate the funds if approved and accepted. **Kathie G. Brooks and Judy Hoanshelt to handle.**

- C7B A Resolution Approving And Authorizing The City Manager Or His Designee To Execute A Federally Funded Subgrant Agreement, On Behalf Of The Talmudic University (University), With The State Of Florida, Division Of Emergency Management (DEM), For Federal Funding From The U.S. Department Of Homeland Security, Federal Emergency Management Agency (FEMA), Pre-Disaster Mitigation Program In An Amount Not To Exceed \$706,825.12, For The Windstorm Hazard Mitigation Project At The Talmudic University Located At 4000 Alton Road, Miami Beach, With The Aforestated Scope Of Work To Be Undertaken And Completed By The University; Further Authorizing The City Manager Or His Designee To Negotiate And Execute A Memorandum Of Understanding Between The City And Talmudic University, Whereby The University Agrees To Be Solely And Completely Responsible For Prosecuting And Completing The Aforestated Scope Of Work In Accordance With The Terms And Conditions Of The Subgrant Agreement (As If It Were A Party Thereto), And Whereby The University Further Agrees To Indemnify And Hold The City Harmless From Any Liability Under The Subgrant Agreement.
(Budget & Performance Improvement)

ACTION: Resolution 2012-27908 adopted. Patricia Walker to appropriate the funds if approved and accepted. **Kathie G. Brooks and Judy Hoanshelt to handle.**

- C7C A Resolution Electing Commissioner Jorge R. Exposito, Group II, As Vice-Mayor For A Term Commencing On July 1, 2012, And Terminating On October 31, 2012, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.
(City Clerk's Office)

ACTION: Resolution 2012-27909 adopted. Rafael E. Granado to handle.

C7D A Resolution Retroactively Approving And Authorizing The Acceptance Of A Total Of Seven Thousand Eight Hundred Dollars (\$7,800) In Cash And In-Kind Donations From The Sponsors Set Forth In This Resolution, Made To The City For Health Fair And Bingo Night For Seniors, A Free Informative And Entertainment Event Held On May 22, 2012; And Further Appropriating Said Funds; And Also Accepting And Authorizing The City Manager Or His Designee To Make Such Expenditures And/Or Reimbursements From The Aforestated Donations, In Furtherance Of And Consistent With The Aforestated Event.

(Community Services)

ACTION: Resolution No. 2012-27910 adopted. Patricia Walker to appropriate the funds.
Maria Ruiz to handle.

C7E Regarding The Municipal Distribution Of The People's Transportation Plan Surtax Funding; Authorizing The Administration To Represent The City Of Miami Beach During Negotiations Between The MDCLC And Miami-Dade County; And Further Reaffirming The City's Position That Surtax Funding For Newly Incorporated Municipalities Should Be From The County's 80% Share Of The Surtax, As Originally Negotiated In Good Faith And Agreed To By Miami-Dade County In 2002, And As Currently Required By Miami-Dade County Ordinance 02-116.

(Economic Development)

ACTION: Resolution No. 2012-27911 adopted. Kevin Crowder to handle.

C7F A Resolution Approving The First Year Renewal Option To The Professional Services Agreement Between The City And RBC Dain Rauscher, Inc. (D/B/A RBC Capital Markets), Dated March 14, 2007, For Financial Advisory Services; Said Renewal Term Having Been Deemed To Commence Retroactively On March 15, 2012, And Ending On March 14, 2013.

(Finance Department)

ACTION: Resolution No. 2012-27912 adopted. Patricia Walker to handle.

SUPPLEMENTAL MATERIAL 1: Resolution

C7G A Resolution To Exercise The First Renewal Option With Paper Solutions, Inc. (D/B/A Partek Solutions), And Print Media Corporation, Pursuant To Invitation To Bid (ITB) No. 27-09/10, For The Purchase And Delivery Of Multi-Space Parking Pay Station Receipt Paper, In The Estimated Annual Amount Of \$75,000.

(Parking Department)

ACTION: Resolution No. 2012-27913 adopted. Saul Frances to handle.

SUPPLEMENTAL MATERIAL 1: Memorandum & Resolution

C7H A Resolution Accepting The Recommendation Of The City Manager To Reject All Proposals Received Pursuant To Request For Proposals No. 23-11/12 To Provide Security Guard Services (The RFP) And, In The Alternative, Retroactively Approving The Third Renewal Term Of Security Alliance's Current Contract For Security Guard Services, Dated April 2, 2007, With Such Third Renewal Term Being Effective As Of May 1, 2012, To April 30, 2013; And Further Authorizing The Issuance Of A New Request For Proposals (RFP) For Security Guard Services, At Least Six (6) Months Prior To Contract Expiration (Or October 1, 2012).

(Parking/Police/Procurement)

(Memorandum & Resolution to be Submitted in Supplemental)

ACTION: Item deferred to the July 18, 2012 City Commission meeting. Lilia Cardillo to place on the Commission Agenda. **Raul Aguila to handle.**

C7I A Resolution Authorizing The City Manager, And City Clerk To Execute A Voluntary Cooperation And Operational Assistance Mutual Aid Agreement With The City Of Miami, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach And The City Of Miami, Florida.

(Police Department)

ACTION: Resolution No. 2012-27914 adopted. Chief Martinez to handle.

SUPPLEMENTAL MATERIAL 1: Memorandum & Resolution

C7J A Resolution Authorizing The City Manager Or His Designee And City Clerk To Execute A Vehicle Purchase And Sales Agreement Between The City Of Miami Beach, On Behalf Of The Miami Beach Police Department, And Brink's, Inc. For The Purchase Of An Armored Vehicle In The Amount Of \$10,000; Further Establishing An Amount Of \$10,664 For The Conversion Of The Armored Vehicle, And Setting Forth The Annual Expense Of \$4,235 For The Maintenance Of The Armored Vehicle; And Directing The Fleet Department To Acknowledge The Inclusion Of The Armored Vehicle Within The City Of Miami Beach's Fleet Of Vehicles.

(Police Department/Fleet Management)

(Memorandum & Resolution to be Submitted in Supplemental)

ACTION: Resolution No. 2012-27915 adopted. Chief Martinez and Larry Bornstein to handle.

C7K A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 24-11/12, For Citywide Surveying, Topographical, And Mapping Services On An As-Needed Basis; Authorizing The Mayor And City Clerk To Execute Agreements Upon Completion Of Successful Negotiations With The Five Top-Ranked Proposers: Atkins North America, Inc., F.R. Aleman & Associates, Inc., Manuel G. Vera & Associates, Inc., Miller Legg, And Woolpert, Inc.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Public Works/Procurement)

ACTION: Item deferred.

- C7L A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Proposals (RFP) No. 28-11/12, For Emergency Disaster Debris Monitoring Services; Authorizing The Administration To Enter Into Negotiations With The Two (2) Top-Ranked Proposers: O'Brien's Response Management Inc. And Science Application International Corporation; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Completion Of Successful Negotiations.
(Public Works/Procurement)

ACTION: Resolution No. 2012-27916 adopted. Fred Beckmann and Raul Aguila to handle.

- ~~C7M A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Proposals (RFP) No. 27-11/12, For Disaster Recovery Services; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Firms Of Ceres Environmental Services, Inc., Ashbritt, Inc, Tag Grinding Services, Inc., Byrd Brothers Environmental Services, Inc., D&J Enterprises, Inc., And Phillips And Jordan, Inc.; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Conclusion Of Successful Negotiations By The Administration; And Further Approving The City's Exercise Of A One (1) Year Renewal Term Under The City's Current Contracts For Disaster Recovery Services With The Following Firms: Ashbritt, Inc.; Ceres Environmental Services, Inc.; Phillips And Jordan, Inc.; And Crowdergulf Joint Ventures, Inc. (With Such Renewal Term Commencing Retroactively On February 1, 2012, And Ending On January 31, 2013).
(Public Works/Procurement)~~

Title Corrected At The Dais:

- C7M A Resolution Florida, Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Proposals (RFP) No. 27-11/12, For Disaster Recovery Services; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Firms Of Ceres Environmental Services, Inc., Ashbritt, Inc, Tag Grinding Services, Inc., Byrd Brothers Environmental Services, Inc., D&J Enterprises, Inc., And Phillips And Jordan, Inc.; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Conclusion Of Successful Negotiations By The Administration With Ashbritt, Inc. As The Primary Firm; And Further Approving The City's Exercise Of A One (1) Year Renewal Term Under The City's Current Contracts For Disaster Recovery Services With The Following Firms: Ashbritt, Inc.; Ceres Environmental Services, Inc.; Phillips And Jordan, Inc.; And CrowderGulf Joint Ventures, Inc. (With Such Renewal Term Commencing Retroactively On February 1, 2012, And Ending On January 31, 2013).
(Public Works/Procurement)

ACTION: Resolution No. 2012-27917 adopted. Fred Beckmann and Raul Aguila to handle.

4:18:41 p.m.

- C7N A Resolution Approving Amendment No. 2 To The Contract Between The City And Professional Building Services, Dated August 3, 2011, For Citywide Janitorial Services; Said Amendment Adding The Following Locations: Historic City Hall; Police Substation; North End Ocean Rescue Headquarters; And Beachfront Restrooms; And Increasing The Contract, In The Amount Of \$22,559.63 Per Month.
(Public Works)

ACTION: Item separated for discussion by Vice-Mayor Libbin. Resolution No. 2012-27918 adopted. Motion made by Vice-Mayor Libbin; seconded by Commissioner Exposito; Voice vote; 6-0; Absent: Commissioner Tobin. **Fred Beckmann to handle.**

Vice-Mayor Libbin separated this item because the City has done a very good job, and a different

way to provide service was found. A new company was hired with three times as much staffing. There are six people per shift instead of two per shift with increased benefits; and the City is able to save money even with all the increased benefits. He wanted to recognize this accomplishment and to send the message that during the budget process each department should be critically looked at, in order to find ways of saving money. **Kathie G. Brooks to handle.**

Commissioner Exposito requested that they have very subjective criteria in terms of what they are going to do. They show pressure cleaning to be done once a week. He suggested that during high impact events, and during periods of intense use of the beach, the City should consider doing the pressure cleaning twice a week. **Fred Beckmann to handle.**

10:57:28 a.m.

C70 A Resolution Approving And Authorizing The City Manager Or His Designee, To Execute A Memorandum Of Understanding With The Miami-Dade County Public Works And Waste Management Department That Provides For The City Of Miami Beach To Operate A Recycling Program For Multifamily Residences And Commercial Establishments That Meets The Minimum Standards Of Miami-Dade County Code Sections 15-2.2, 15-2.3, 15-2.4, And 15-2.5.
(Public Works)

ACTION: Item separated for discussion by Mayor Bower. See action in R5B. Resolution No. 2012-27919 adopted. Motion made by Commissioner Weithorn to approve the item and the amendment to item R5B as stated; seconded by Vice-Mayor Libbin; Voice vote; 6-1; Opposed: Commissioner Tobin. **Fred Beckmann to handle.**

AMENDMENT TO R5B:

The ordinance will indicate that the enforcement component will require an additional vote of the City Commission.

See companion item R5B.

Mayor Bower stated that she separated this item at the request of the City Clerk.

Jorge Gonzalez, City Manager, explained that this is the Memorandum of Understanding (MOU) with Miami-Dade County that allows the City to take over this responsibility, and the companion item to R5B.

Discussion held.

Deborah Turner, First Assistant City Attorney, explained the item.

Discussion continued.

11:00:12 a.m.

Commissioner Wolfson stated that he is considering changing his vote on the initial ordinance (R5B) because it got out of hand. He commented that he has great concerns on an ordinance like this.

Commissioner Tobin stated that the Sustainability Committee has worked very hard, and that is the reason why he was considering voting for it. However, he is concerned about spending the money.

Commissioner Wolfson asked if there is something in the ordinance that will trigger the City Commission to re-approve the ordinance before any official citation is issued.

Jorge Gonzalez, City Manager, stated that not right now.

Commissioner Wolfson stated that before any citations are given, at the one-year mark, it should be reviewed by the City Commission to decide if people should be fined. He wants to make sure the ordinance (item R5B) will come back in one year for City Commission review.

Jorge Gonzalez, City Manager, stated that the City Attorney's Office needs to amend the ordinance.

Jose Smith, City Attorney, stated that a sunset provision could be added or if the City Commission wants it to automatically come back at the end of the year that can be done also.

Mayor Bower stated she thought it automatically would come back to the City Commission.

Commissioner Wolfson suggested adding a requirement that it needs City Commission approval at the end of one-year before citations can be issued. **City Attorney's Office to handle.**

Jorge Gonzalez, City Manager, suggested that the ordinance would indicate that the enforcement component would require an additional vote of the City Commission. **City Attorney's Office to handle.**

City Clerk's Note: See item R5B

SUPPLEMENTAL MATERIAL 1: Resolution

C7P A Resolution Authorizing The Acceptance Of \$1,250 Of Sponsorships Support Of The City's Community Development Week Activities, And Further Accepting Future Sponsorships For This Purpose, Subject To Ratification By The Mayor And City Commission; And Authorizing The City Manager Or His Designee To Make Such Expenditures And/Or Reimbursements From The Aforestated Sponsorship, In Furtherance Of And Consistent With The Aforestated Event.
(Real Estate, Housing & Community Development)

ACTION: Resolution No. 2012-27920. Anna Parekh to handle.

C7Q A Resolution Approving The Renewal Option Provided For In The Management Agreement Between The City Of Miami Beach And The Miami Beach Garden Conservancy For The Management And Operation Of The Miami Beach Botanical Garden, Extending The Term For An Additional Five (5) Years, Commencing On July 1, 2012 And Ending On June 30, 2017.
(Real Estate, Housing & Community Development)

ACTION: Resolution No. 2012-27921 adopted. Anna Parekh to handle.

City Clerk's Note: See item C6C No.3

C7R A Resolution Consenting To A Subconcessionaire Agreement Of The Ice Cream Vending Component Only Of The Concession Agreement Between Bettoli Trading Corp., And The City, To Advance Ice Cream Vending Co.
(Real Estate, Housing & Community Development)

ACTION: Resolution No. 2012-27922 adopted. Anna Parekh to handle.

- C7S A Resolution Authorizing The Approval And Expenditure Of \$9,350 For The City's Joint Tourism And Hospitality Scholarship Program In Partnership With Global Spectrum And Centerplate; And Further Awarding Said Scholarships.
(Tourism & Cultural Development)

ACTION: Resolution No. 2012-27923 adopted. Max Sklar to handle.

10:04:11 a.m.

SUPPLEMENTAL MATERIAL 1: Resolution

- C7T A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee And Approving The Substantive Terms Of A Proposed Lease Agreement Between The City Of Miami Beach And Temporary Entertainment, LLC, As Set Forth In The Draft Agreement Attached As Exhibit "A" Hereto, For The Presentation Of "Orchid," A Live Theatrical And Musical Performance Within A Spiegelent, And The Installation Of Ancillary Food And Beverage Services And Entertainment Areas, All To Be Located At The Collins Park Spoil Area Between 21st And 22nd Streets, Further Authorizing The City Manager To Negotiate The Final Lease Agreement With Temporary Entertainment LLC, And, If Successful, Approving And Authorizing The Mayor And City Clerk To Execute The Agreement, Subject To And Contingent Upon The Following Conditions: 1) The Final Version Of The Lease Shall Be Subject To Review And Sign Off By The City Attorney; And 2) In The Event That The City And Temporary Entertainment, LLC Deem It Necessary To Include Any Substantive Terms Which Are Not Included In The Attached Draft Agreement, Then, Prior To Finalizing The Lease, The City Manager Shall Be Required To Bring The Agreement Back To The City Commission; Further Incorporating The Neighborhoods And Community Affairs Committee's Additional Conditions And Recommendations As Also Set Forth Herein.
(Tourism & Cultural Development)

ACTION: Item deferred. Motion made by Vice-Mayor Libbin requesting an expression of sentiment for the approval of the lease agreement, so that Art Basel will know that the event is supported by the City Commission and they can make a decision; seconded by Commissioner Wolfson; Voice vote: 7-0. **Max Sklar to handle.**

RECOMMENDATIONS

Mayor Bower requested to be informed of the costs of the tickets. **Max Sklar to handle.**

Commissioner Tobin wants the City to look into the impact of noise and traffic control to the surrounding neighborhood resulting from this event. **Max Sklar to handle.**

Discussion held.

Motion made by Vice-Mayor Libbin requesting an expression of sentiment for the approval of the lease agreement so that Art Basel will know that it is supported by the City Commission and they can make a decision; seconded by Commissioner Wolfson; Voice vote: 7-0. **Max Sklar to handle.**

Mayor Bower stated that this is only an expression of sentiment and it is not an approval, and requested to make sure that the noise is controlled during this event. Everyone agreed on the noise control. **Max Sklar to handle.**

Commissioner Wolfson stated that this is a tremendous opportunity for the City. What this event is bringing to the City is advantageous.

Mayor Bower expressed concerns regarding the use of public property for private gains. The City will make \$75,000, but the private company will make much more money.

Commissioner Góngora stated that Spiegel tent is a good thing for the City, and it will not have a major impact on residents.

Discussion continued.

Mayor Bower requested to know the cost of tickets for the Orchid show. **Max Sklar to handle.**

Commissioner Tobin requested that in addition to noise, traffic be controlled in surrounding neighborhoods and that there should be some criteria put in place for the City to use that to judge events in the future, and only accept events that are good events. **Max Sklar to handle.**

City Clerk's Note: See item C6D Item 8

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances

10:17:04 a.m.

R5A Board Member Qualifications And Categories

An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 118, "Administrative And Review Procedures," Article II, "Boards," Division 2, "Planning Board," Section 118-53, "Composition;" Division 3, "Design Review Board," Section 118-72, "Membership;" Division 4, "Historic Preservation Board," Section 118-103, "Membership;" And 118-104, "Appointment;" Division 5, "Board Of Adjustment," Section 118-131, "Membership," To Clarify The Qualifications And Categories Of Members To Be Appointed To The City's Land Use Boards; Providing For Repealer; Codification; Severability And An Effective Date.

10:15 a.m. Second Reading Public Hearing

(Requested By City Commission)

(Legislative Tracking: Planning Department)

(First Reading on April 11, 2012/Referred to LUDC)

ACTION: Title of the ordinance read into the record. Public Hearing held. Item opened and continued to July 18, 2012 at 10:15 a.m. Motion made by Commissioner Exposito; seconded by Commissioner Weithorn; Voice vote: 7-0. Lilia Cardillo to place on the Commission Agenda. **Richard Lorber to handle.**

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #707
2. Ballot vote

10:27:28 a.m.

R5B Recycling Ordinance

An Ordinance Amending Chapter 90 Of The Miami Beach City Code, Entitled "Solid Waste," By Amending The Definitions In Article I, Entitled "In General," By Amending Section 90-2, Entitled "Definitions"; By Amending Article II, Entitled "Administration" By Amending The Penalties For Solid Waste Violations And To Provide Provisions And Penalties Relative To Recycling For Multifamily Residences And Commercial Establishments; By Creating Article V, To Be Entitled "Citywide Recycling Program For Multifamily Residences And Commercial Establishments," To Provide Provisions For Recycling Requirements And Enforcement, A Public Education Program, A Warning Period, An Enforcement Date, Requirements For Recycling Contractors, Penalties, And Special Master Appeal Procedures; Providing For Repealer, Severability, Codification, And An Effective Date. **10:25 a.m. Second Reading, Public Hearing**

(Requested by Commissioner Jonah Wolfson)

(Legislative Tracking: Public Works)

(First Reading on May 9, 2012/Referred to Sustainability Committee)

ACTION: Title of the ordinance read into the record. Public Hearing held. See action in C70. Ordinance No. 2012-3768 adopted as amended. Motion made by Commissioner Góngora to approve the ordinance; seconded by Vice-Mayor Libbin; Ballot vote: 6-1; Opposed Commissioner Tobin. R. Granado to transmit to Municipal Code. **Fred Beckmann to handle.**

Amendment

- Section 90-343, subsection c; line two, instead of ~~December 31, 2012~~ the date should read June 30, 2013, to make the dates consistent to provide for the six-month warning period, beginning January 1, 2013 and ending on June 30, 2013.
- Bring ordinance back in a year to discuss the enforcement components of the ordinance.
- Bring Memorandum of Understanding between the City and Miami-Dade County back in a year.

End

Paul Jonas spoke.

Motion made by Commissioner Góngora and immediately withdrawn because there were questions.

Commissioner Tobin requested a brief presentation from the Administration for the benefit of the public.

Commissioner Góngora asked Mr. Beckmann to address the concern of any significant cost associated with this item. He also asked, in clarifying Mayor Bower's question, if the City is proactively going into condominium associations to explain the ordinance.

Fred Beckmann, Public Works Director, explained the item and answered the questions and concerns of increased costs for multifamily units, but stated that in most instances they will be able to reduce the costs, since recycling has a value to the recycler. There is a one-year transition for outreach purposes and to advertise the community recycling ordinance.

Mayor Bower requested bringing the item back to the City Commission after the year-ramp up period for review; and in the meantime reach out to residents in multifamily and commercial buildings via advertising in radio, MBTV-77, periodicals and MB magazines, to disseminate the information. **Fred Beckmann to handle.**

Discussion was held regarding approval of the City's ordinance by Miami-Dade County, and per Deborah Turner, First Assistant City Attorney, the County will execute the Memorandum of Understanding if approved by the City on second reading.

Commissioner Tobin opposes adopting this ordinance and explained his reasons. He asked Mr. Beckmann to explain what is the recycling ordinance and what can residents expect.

Fred Beckmann, Public Works Director, explained that multifamily units in a commercial establishment only have solid waste collection, which means that all recyclables are mixed with the solid waste. Waste haulers will offer to provide recycling services along with solid waste, most likely with separate bins; the multifamily units in the commercial establishments are not required to contract with the franchise haulers, as recycling is not regulated by the State and anyone that has a recycling license can actually recycle in the City or anywhere in the State. What is expected of the residents is that they will have to prove that they have contracted out with the recycling company and they have the recycling services. Residential service is provided currently by the County, up to eight (8) units; recycling services will need to be provided for multifamily units for nine (9) units or more. The Ordinance requires that the provider of the recycling services will provide the bins and pick up the recycling material.

Commissioner Góngora explained that the City of Miami Beach has committed to become a greener, more sustainable community, and we need to "talk the talk and walk the walk." In other cities outside and inside the United States, there are sustainable communities that encourage recycling. Miami Beach still has not taken the next step, which is promoting recycling. This ordinance commenced because of condominium residents that want to recycle, and people are asking to have a bin to be greener.

Discussion continued.

Motion made by Commissioner Góngora to approve the ordinance.

Deborah Turner, First Assistant City Attorney, read corrections into the record: On page 322 of the Agenda, relating to Section 90-343 that relates to the public education warning period, subsection c; line two, instead of the ~~December 31, 2012~~ the date should read June 30, 2013, that would make the dates consistent to provide for the six-month warning period, beginning January 1, 2013 and ending on June 30, 2013.

Commissioner Tobin asked for the total cost, and if there are any additional costs to the taxpayers.

Fred Beckmann, Public Works Director, explained that the set up cost for the first year to the City is approximately \$104,000; in addition to the \$50,000 (for community outreach), which is already appropriated, with the recurring cost being \$67,500.

Motion made by Commissioner Góngora, seconded by Vice-Mayor Libbin; Ballot vote: 6-1; Opposed: Commissioner Tobin. Motion carries.

Deborah Turner, First Assistant City Attorney, explained that under the resolution approved pursuant to this item, the City is being given the authority to operate the City's own recycling program meeting the minimum standards of the County's ordinance.

Discussion continued.

Jose Smith, City Attorney, stated that the ordinance needs to be amended as to whether it automatically comes back in a year or if it sunsets in a year.

Jorge Gonzalez, City Manager, suggested having the ordinance indicate that the enforcement component requires an additional vote of the City Commission within a certain period of time. **City Attorney's Office to handle.**

FINAL MOTION:

Motion made by Commissioner Góngora to have the ordinance come back in a year to discuss the enforcement components of the ordinance, seconded by Vice-Mayor Libbin; Ballot vote: 6-1; Opposed: Commissioner Tobin. Motion carries.

Jose Smith, City Attorney, stated that if the ordinance is brought back and the City does not desire to enforce the ordinance, the City will have to change the Memorandum of Understanding with the County. The agreement will have to be brought back as well. **Fred Beckmann to handle.**

10:57:26 a.m.

City Clerk's Note: See companion item C7O (Memorandum of Understanding between the City and Miami-Dade County allowing the City to take over the responsibilities.) See Action in C7O.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #707
2. Ballot vote

11:03:50 a.m.

11:05:26 a.m.

R5C An Ordinance Amending The Land Development Regulations Of The City Code, Chapter 118, "Administration And Review Procedures," By Creating A New Article XII, "Maintenance And Security Bonds," Establishing Definitions And Requirements For Property Owners Applying For Development Review Approval For Substantial Construction Work To Ensure That Their Properties Are Properly Maintained And Secured Until Completion Of Work; Providing For Codification, Repealer, Severability, And An Effective Date. **10:30 a.m. Second Reading, Public Hearing**

(Requested by Commissioner Edward L. Tobin)
(Legislative Tracking: Planning Department)
(First Reading on May 9, 2012)

ACTION: Title of the ordinance read into the record. Public Hearing held. Ordinance No. 2012-3769 adopted as amended. Motion made by Commissioner Tobin to approve the ordinance; seconded by Commissioner Góngora; Ballot vote: 6-0. Absent: Commissioner Wolfson. R. Granado to transmit to Municipal Code. Richard Lorber to handle.

Amendment

- All references to Miami-Dade County Code 8-5(f), change to 8-5.
- Page 336 (Ordinance), Section 118-803(b)(3) is amended as follows: (3) If at any time the Maintenance and Security Bond is not provided or maintained in full force and effect in compliance with the requirements of this Article XII, by either the applicant or any subsequent owner, the Land Use Board approval and/or Building Permit and all construction work shall be suspended until such time as evidence of such compliance is furnished to the Planning Director or designee and approved by the City Attorney. A requirement to provide and maintain the Maintenance and Security Bond as provided in this Article XII, shall be a condition of the Final Order.

End

Richard Lorber, Acting Planning Director, introduced the item.

William Cary, Assistant Planning Director, explained the details of the ordinance, and recognized Debbie Tackett for her research in drafting the document; which adds another level of regulation and they believe it will work for the City.

Discussion held.

Commissioner Tobin thanked the Legal and Planning Departments, and recognized Jorge Gomez, Assistant City Manager, William Cary, Richard Lorber and everyone who participated in the efforts on this proactive job.

Motion made by Commissioner Tobin; seconded by Commissioner Góngora.

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

Gabrielle Redfern spoke.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #707
2. Ballot vote
3. Amendments distributed by Gary Held

11:27:32 a.m.

R5D An Ordinance Amending Chapter 70 Of The Miami Beach City Code Entitled “Miscellaneous Offenses,” By Amending Article II, Entitled “Public Places”; By Amending Division II, Entitled “Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation,” By Amending Section 70-66, Entitled “Definitions,” By Adding A Definition For Bicycle Path; And By Amending Section 70-67, Entitled “Prohibited Activities,” By Amending The Prohibitions Regarding Motorized Means Of Transportation, Including Electric Personal Assistive Mobility Devices (Also Known As Segways), By Rewording The Provisions Therein And Conforming The Language To State Law; By Restricting The Speed Of Electric Personal Assistive Mobility Devices To Six (6) MPH On All City Sidewalks, Sidewalk Areas, And Bicycle Paths; And By Prohibiting The Operation Of Electric Personal Assistive Mobility Devices On Interior Pathways Within South Pointe Park And Collins Park; By Amending Section 70-68, Entitled “Exemptions,” By Exempting The Use Of Electric Personal Assistive Mobility Devices By City Police And City Contracted Services From The Restrictions Of Division II; By Amending Section 70-69, Entitled “Responsibilities Of Bicyclists And Skaters,” By Adding Responsibilities For Persons Operating Electric Personal Assistive Mobility Devices; By Amending Section 70-70, Entitled “Penalties,” To Provide For Responsibilities Of Businesses Providing Rentals And Tours Of Electric Personal Assistive Mobility Devices; By Creating Section 70-71, To Be Entitled “Penalties” To Provide Civil Penalties In Addition To Existing Non-Criminal Infraction Penalties For The Violation Of Certain Provisions In Chapter 70, Article II, Division II; Providing For Repealer; Severability; Codification; And An Effective Date. **10:35 a.m. Second Reading, Public Hearing**

(Requested by Commissioner Deede Weithorn)
(Legislative Tracking: Public Works)
(First Reading on May 9, 2012)

ACTION: Title of the ordinance read into the record. Public Hearing held. Item opened and continued to the September 12, 2012 Commission Meeting and referred to the Neighborhood/Community Affairs Committee. Motion made by Commissioner Weithorn;

seconded by Commissioner Góngora; Ballot vote: 7-0. Lilia Cardillo to place on the Commission Agenda. Barbara Hawayek to place on the committee agenda. **Fred Beckmann to handle.**

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #707
2. Ballot vote

12:58:10 p.m.

R5E Bicycle Rental Kiosk Advertising

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 6, "Prohibited Signs Over Public Property," Section 82-414 "Permitted Signs, Shelters And Advertising In Public Rights-Of-Way", To Permit Advertising On Bicycle Rental Kiosks As Part Of A City Bike Sharing Program; Providing For Codification, Repealer, Severability And An Effective Date. **First Reading**

(Requested by Finance & Citywide Projects Committee)

(Legislative Tracking: Planning Department)

ACTION: Title of the ordinance read into the record. Ordinance approved on first reading and referred to Finance and Citywide Projects Committee prior to second reading. Motion made by Commissioner Weithorn to approve the ordinance; seconded by Commissioner Góngora; Ballot vote: 5-0; Absent: Mayor Bower and Commissioner Wolfson. Second Reading and Public Hearing scheduled for July 18, 2012. R. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Richard Lorber and Kevin Smith to handle.**

RECOMMENDATIONS:

- Refer the item back to Finance and Citywide Projects Committee in two weeks.
- Include a sunset provision between first and second reading, and find other funding options (other than advertising) to subsidize this program.
- Bring back to the July 18, 2012 Commission with the revised numbers.

Jorge Gomez, Assistant City Manager, explained that in the discussion about the DecoBike program and the ability to add a component of advertising into the kiosks, the ordinance needs to be amended to allow doing that. He added that last year during preliminary discussions regarding feedback, the community was hesitant to accept advertising in the kiosks; however, the constant theme was that if this was the way to maintain the program, residents might find it acceptable. At committee discussion, the Finance and Citywide Projects Committee reviewed the DecoBike business model and determined that the only way to get back some of that initial capital cost layout, as well as providing for a maintenance and a replacement program of the bicycles as they wear out, DecoBike needs to have the initial revenue that advertising can generate.

Vice-Mayor Libbin suggested getting a breakdown of capital cost and the ongoing expense, and asked if the \$288,000 is projected additional revenue; projected in total or is it the share that the City gets.

Jorge Gomez, Assistant City Manager, explained that the City's share is over a five-year period.

Commissioner Weithorn quoted from the financial report in the agenda package that there is \$200,000 additional in advertising per year, and DecoBike has a cumulative loss today; the additional capital intends to make them whole on those losses.

Discussion held.

Vice-Mayor Libbin asked that if the City allows advertising revenue, and if the City earns \$57,000, assuming they sell all the advertising, DecoBike will make approximately \$150,000 a year extra, only losing \$76,000; therefore, they will receive an additional \$75,000 as a result from the revenue from advertising to repay the capital investment. He is not compelled to reimburse 100 cents on a dollar of their capital investment, that is their responsibility, but he does feel it is an important program and is willing to help. He asked that between first and second reading a sunset provision be added, either by increasing revenue, fees or other alternatives that need to be explored.

Discussion continued.

Commissioner Weithorn stated that the assumption at Finance and Citywide Projects Committee was to allow for this to move forward and bring it back to second reading. The committee can look at the costs, subsidizing issues and the advertising options.

Patricia Walker, Chief Financial Officer, stated that not only is DecoBike losing money, but they will not have sufficient money to replace the bicycles.

Commissioner Tobin asked about the operating budget, bicycle replacement costs and profit if any. He added that he has no problem leaving the recommendation up to the Finance committee, and he is against advertisement, but it is a dynamite amenity and anything they can do to help he is in favor of.

Vice-Mayor Libbin asked for an explanation of the income projections in year one without the advertising component.

Patricia Walker, Chief Financial Officer, explained the proposed basket advertising. The additional advertising comes in year two (2); the first year is only for basket revenue. The capital investment is \$3 million, and the goal is to generate enough so DecoBike has a return of their capital investment over a ten-year term, and that they make a modest profit of about 3%; that is all that was in the contract. The City gets a substantial amount of money from this contract. If DecoBike achieves capital recovery prior to the tenth year, there is a windfall protection that gives back to the City.

Vice-Mayor Libbin suggested including a sunset provision between first and second reading, and find other funding options to support this program other than advertising.

Commissioner Weithorn moved the ordinance on first reading, and referred the item back to Finance and Citywide Projects Committee in two weeks, and then to bring it back to Commission with the revised numbers; seconded by Vice-Mayor Libbin. Ballot vote: 5-0. Absent: Mayor Bower and Commissioner Wolfson.

4:57:40 p.m.

R5F An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Section 10-11, Entitled "Running At Large Prohibited," By Extending The Pilot Program Off-Leash Area For Dogs In South Pointe Park Through And Including December 31, 2012, Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(Requested by Neighborhood/Community Affairs Committee)
(Legislative Tracking: Parks & Recreation)

ACTION: Title of the ordinance read into the record. Ordinance approved on first reading. Motion made by Commissioner Góngora to approve the ordinance; seconded by Commissioner Wolfson; Ballot vote: 5-2; Opposed: Mayor Bower and Vice-Mayor Libbin. Second Reading and Public Hearing scheduled for July 18, 2012. R. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Kevin Smith to handle.**

Vice Mayor Libbin requested that Hilda Fernandez, Assistant City Manager, read into the record the number of violations from repeat offenders and other cases of non-compliance. He explained the reasons why he opposes the ordinance.

Hilda Fernandez Assistant City Manager, for the record, informed the City Commission with detailed information on the number of cases (Agenda Pages 378-379).

City Clerk's Note: See action in companion item R7A.

Handout or Reference Materials:

1. Ballot vote.
2. South Pointe Park Dogs Off Leash Pilot Project Violations Summary statistics

R7 - Resolutions

11:30:01 a.m.

4:50:49 p.m.

R7A A Resolution Setting Forth An Order [~~Granting Or Denying~~] An Appeal Request Filed By The City Manager Of The City Of Miami Beach, On Behalf Of The City Administration, Pertaining To A Decision Of The Design Review Board ("DRB") For The Property Located At 1 Washington Avenue - South Pointe Park (File No. 22894). **10:20 a.m. Public Hearing; 5/7**
(Parks & Recreation/City Attorney's Office)
(Continued from May 9, 2012)

ACTION: Public Hearing held. Motion made by Commissioner Góngora to deny the City Manager's appeal on the basis that there was substantial, competent evidence in the record, to support the decision of the DRB; seconded by Commissioner Weithorn; Voice-vote: 3-4; Opposed: Mayor Bower, Vice-Mayor Libbin, and Commissioners Exposito and Tobin. Motion fails and DRB order stands.

Jose Smith, City Attorney, explained the item.

Motion made by Vice-Mayor Libbin to reverse the DRB decision to allow the hedge; seconded by Commissioner Tobin. No vote taken.

Jose Smith, City Attorney, asked that the motion be read into the record.

Vice-Mayor Libbin read the motion into the record:

Motion is to grant the appeal filed by the City Manager on basis that there was no substantial,

competent evidence in the record, to support the decision of the Design Review Board (DRB). The decision of the DRB is modified to remove the condition prohibiting the hedge; the use of such changes approved subject to the conditions contained in the staff report, which provides that it shall be installed in substantial accordance to the plans submitted, and should be maintained at a maximum height of 24 inches, subject to review and approval of staff.

End

Commissioner Góngora will be voting no and explained the reasons; 1) the hedge is not necessary, and 2) there was sufficient evidence presented to the DRB to legally support their conclusion.

Discussion held on evidence presented.

Jose Smith, City Attorney, in answering Vice-Mayor Libbin's question if there is not substantial evidence on this decision; stated that he can defend the decision to overrule the DRB's decision.

Discussion continued.

Vice-Mayor Libbin stated that he will not vote for this item because he will not be able to support the extension of the off-leash program without the hedge.

Commissioner Tobin motioned to overturn the decision and put up the hedge.

Vice-Mayor Libbin requested a roll call; 2-4; Absent: Commissioner Wolfson. Appeal fails.

Discussion continued.

Motion made by Commissioner Weithorn to reconsider; seconded by Vice-Mayor Libbin. Voice-vote: 7-0.

Discussion held.

Motion made by Commissioner Góngora to deny the City Manager's appeal on the basis that there was substantial, competent evidence in the record, to support the decision of the DRB; seconded by Commissioner Weithorn; Voice-vote: 3-4; Opposed: Mayor Bower, Vice-Mayor Libbin, and Commissioners Exposito and Tobin. Motion fails and DRB order stands.

City Clerk's Note: See action in companion item R5F.

Note: At the direction of the City Commission at its March 21, 2012 Commission Meeting, Item R9F, direction was given to the Administration to appeal the DRB order (File 22894).

12:35:48 p.m.

R7B A Resolution Granting A Revocable Permit To CG Tides, LLC, CG Tides Village, LLC, CG Tides Village I, LLC And CG Tides Village II, LLC; The Owners Of The Properties Located At 1220 Ocean Drive And 1201, 1221 And 1225 Collins Avenue, For A Proposed Elevated, Covered Pedestrian Bridge That Spans The 20' Public Right-Of-Way Of Ocean Court At A Width Of 9'1" With A Minimum Vertical Height Of 15' Above Ocean Court. **10:20 a.m. Public Hearing**
(Public Works)

ACTION: Public Hearing held. Item referred to the June 13, 2012 Land Use and Development Committee and return to the July 18, 2012 Commission Meeting. Motion made by Commissioner Góngora; seconded by Commissioner Exposito; Voice vote 6-0. Absent: Commissioner Wolfson. Patricia Walker to place on the committee agenda. Lilia Cardillo to place on the Commission Agenda. **City Attorney's Office and Fred Beckmann to handle.**

Fred Beckmann, Public Works Director, introduced the item and suggested referring to Land Use and Development Committee and the Finance & Citywide Projects Committees.

Michael Larkin, representing the applicant, explained benefits offered, such as receiving enhanced tax rate revenue and allowing improvement of allies.

Discussion held.

Commissioner Tobin suggested that in the negotiations with the Administration to include that funding paid by the applicant go towards the beautification of the alley and maintenance of it to City's standards. He suggested getting an appraiser to get a reasonable value.

Discussion continued.

Commissioner Góngora stated that he has done research on this matter as part of his private practice, and in reality, what the applicant is obtaining from the City is an easement, not a revocable permit.

Mayor Bower reasoned that truck heights in the future, for example fire trucks, may increase, and having such a pedestrian bridge over a roadway may impede such vehicles from traversing the road. The matter needs to be further discussed.

Motion made by Commissioner Góngora to refer item to the Land Use and Development Committee; seconded by Commissioner Exposito; Voice vote; 6-0.

Mayor Bower requested sending information to the surrounding property owners as to what is being done with the alley. **Fred Beckmann to handle.**

Jorge Gonzalez, City Manager, stated that this is a disposition of property and there should be a discussion as to how to handle it. **Fred Beckmann to handle.**

Commissioner Tobin requested Administration to expedite. **Fred Beckmann to handle.**

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #703
2. Rendering of Tides Pedestrian Bridge, 1220 Ocean Drive & 1201-1225 Collins Avenue prepared by Bercow Radell & Fernandez, distributed by Michael Larkin

12:28:30 p.m.

R7C A Resolution Granting A Revocable Permit To Bay Road Outparcel Partners, LLC, As The Owner Of The Property Located At 1916 Bay Road, To Allow For A Decorative Metal Eyebrow To Extend 3 Feet Into And 48 Feet Along The Public Right-Of-Way On Bay Road, (And A Minimum Of 11.5 Feet Above The Sidewalk). **11:15 a.m. Public Hearing**

(Public Works)

(Continued from May 9, 2012)

ACTION: Public Hearing held. Resolution No. 2012-27924 adopted. Motion made by Commissioner Góngora; seconded by Commissioner Exposito; Voice vote 6-0. Absent: Commissioner Wolfson. **City Attorney's Office and Fred Beckmann to handle.**

Scott Robbins, property owner, spoke. Mr. Robbins mentioned that the process had taken a lengthy time to complete.

Jorge Gomez, Assistant City Manager, spoke.

Mayor Bower stated that she can see Mr. Robbins is upset, and asked him make an appointment to see her in her office.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #700
2. Photographs, emails and timelines distributed by Mr. Robins

10:26:39 a.m.

R7D A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 2 To That Certain Retail Lease Agreement By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency And Penn 17, LLC. (Lessee), Dated September 16, 2011, Involving The Lease Of Approximately 7,655 Square Feet Of Ground Floor Retail Space At The Pennsylvania Avenue Garage, 1661 Pennsylvania Avenue, Miami Beach, Florida; Said Amendment Providing For The Following: 1) An Abatement Of One (1) Month's Rent And Deferring An Additional Two (2) Months' Rent To Be Paid By The Lessee In Lump Sum Or In Thirty Six (36) Equal Monthly Installments, Commencing In The Third Year Of The Lease Term, And Ending On The Last Day Of The Fifth Year Of The Lease Term; 2) Increasing The Size Of The Tenant's Additional Area (Storage Space), As Defined In Section 3.11 Of The Lease, To Include An Additional 284 Square Feet (Formerly Designated For Storage Of The Building's Flood Panels); 3) Increasing The Charge For Common Area Maintenance (CAM) From \$98,850 Per Year, To \$101,690, To Reflect The Increase In The Size Of The Storage Space; And 4) Providing For The Construction Of A New Replacement Enclosure, At The Tenant's Sole Cost And Expense, For The Storage Of Flood Panels.

Joint Redevelopment Agency And City Commission

(Real Estate, Housing & Community Development)

ACTION: Item heard in conjunction with RDA Item 1A. Resolution No. 2012-27925 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Góngora; Voice vote: 7-0. **Anna Parekh to handle.**

5:13:58 p.m.

SUPPLEMENTAL MATERIAL 1: Memorandum & Resolution

SUPPLEMENTAL MATERIAL 2: Revised Memorandum

R7E Resolutions Authorizing Agreements With Various External Entities To Assist The City In Implementing The Action Plan To Address Potential Corruption And Misconduct:

1. A Resolution Approving And Authorizing The City Manager And City Clerk To Execute A Memorandum Of Understanding Between The City, On Behalf Of Its Police Department, And The Federal Bureau Of Investigation, Miami Area Corruption Task Force, For The Purpose Of Identifying And Prosecuting Public Officials And Law Enforcement Officers At The Federal, State, And Local Levels Of Government Involved In Public Corruption Throughout The Southern District Of Florida.

ACTION: Resolution No. 2012-27926 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Exposito. Voice vote: 7-0. Chief Martinez to handle.

Jorge Gonzalez, City Manager, stated that at the last meeting the City Commission gave instructions in reference to these four items. In regards to the first one, he stated that the Finance and Citywide Projects committee endorsed the City Manager's recommendation to detach a police officer, on a permanent basis, to serve in the Public Corruptions Unit. This person would be an employee of the City, and report directly to and under the supervision of the Federal Bureau of Investigation (FBI), and will be working not only on corruption issues that might occur on the Beach, but throughout the seven districts that the FBI has jurisdiction for. That person will serve on a team that will be assigned to wherever is necessary and it will be strictly up to the Special Agent in charge. The FBI will cover all costs for training and supervision. The City will provide salary and benefits.

5:16:42 p.m.

2. A Resolution Approving And Authorizing The City Manager And City Attorney To Negotiate An Agreement With Miami-Dade County, On Behalf Of The Miami-Dade County Office Of The Inspector General (MDCOIG), To Authorize The MDCOIG To Provide Independent Investigations Into City Practices And Operations In Order To Prevent And Detect Fraud, Waste, Financial Mismanagement, Employee Misconduct, Or Other Abuses.

ACTION: Item referred to the Neighborhood/Community Affairs Committee. Motion made by Commissioner Góngora; seconded by Commissioner Tobin; Voice vote 7-0. Barbara Hawayek to place on the committee agenda. **Ramiro Inguanzo to handle.**

Commissioner Tobin stated that the Inspector General will not be coming but that they are available if the City needs them, and invited the Commission to look at their website.

Commissioner Weithorn stated that it will be nice if the Inspector General could visit them on a one-on-one basis, so he could answer their questions, as the Federal Bureau of Investigation (FBI) had done.

Jorge Gonzalez, City Manager, explained that the item is to finalize the negotiations with the Office of the Inspector General to make sure the City has the appropriate scope.

Mayor Bower asked the City Attorney to detail the items that the City Attorney does not want looked at, and what are the issues to be discussed when this item goes to the committee. She requested the City Attorney to bring this information to the Committee meeting for discussion. **City Attorney's Office to handle.**

5:19:43 p.m.

3. A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement In The Not To Exceed Amount Of \$45,000, With Miami-Dade County, Florida, On Behalf Of The Miami-Dade County Commission On Ethics And Public Trust, To Develop And Provide A Comprehensive Ethics Training Program For City Employees Who Hold Positions That Are In Regulatory Areas Of The City.

ACTION: Item referred to the Neighborhood/Community Affairs Committee. Motion made by Commissioner Libbin; seconded by Commissioner Wolfson; Voice vote 7-0. Barbara Hawayek to place on the committee agenda. **Ramiro Inguanzo to handle.**

Jorge Gonzalez, City Manager, introduced the item.

Commissioner Tobin stated that he will not vote for this item, but would like to discuss it further. He stated that the problem is crime and not ethics. He feels that they need more law enforcement response than training on ethics.

Discussion held.

5:30:08 p.m.

- 4 A Resolution Authorizing The Administration To Negotiate A Professional Services Agreement, In An Amount Not To Exceed \$150,000, With Crowe Horwath, LLP For Services Related To Auditing The Processes Of Certain Regulatory Departments Or Divisions; And Should The Administration Not Be Able To Successfully Negotiate An Agreement With Crowe Horwath, LLP, Authorizing The Administration To Enter Into Negotiations With TCBA Watson Rice, LLP; Authorizing The Mayor And City Clerk To Execute An Agreement With The Successful Proposer Upon Completion Of Negotiations By The Administration.

(Police/Building/Human Resources)

(Deferred from May 9, 2012/Referred to FCWPC)

(Memorandum & Resolutions to be Submitted in Supplemental)

ACTION: Resolution No. 2012-27927 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Exposito. Voice vote 6-0; Absent: Vice-Mayor Libbin. **Kristin Tigner to handle.**

Jorge Gonzalez, City Manager, introduced the item.

Deborah Garringer, representative from Crowe Horwath, made a PowerPoint presentation.

Commissioner Weithorn emphasized that the time frame be adhered and requested the Legal Department to work out the legal details on time. **City Attorney's Office to handle.**

Handout or Reference Materials:

1. Crowe Horwath PowerPoint copy of City of Miami Beach Performance Audit June 5, 2012 presentation.
2. Envelope containing a copy of Commission Memorandum, documents and emails of executive search firm headquarters: David Gomez & Associates, Stone Legal, LLC, Bob Murray & Associates, Waters Consulting Group, Inc; Colin Baenziger & Associates and Slavin Management Consultants.

4:21:22 p.m.

5:02:58 p.m.

SUPPLEMENTAL MATERIAL 1: Memorandum & Resolution

~~R7F A Resolution Pertaining To The Responses Received, Pursuant To A Request For Expression Of Interest For The Engagement Of Qualified Recruitment Firms To Provide Professional Services In Conjunction With The Screening And Selection Process For The New City Manager; Authorizing The _____ To Enter Into Negotiations With _____; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Completion Of Successful Negotiations.~~

~~(City Attorney's Office/Procurement)~~

(Memorandum & Resolution to be Submitted in Supplemental)

R7F A Resolution Authorizing, By 5/7th Vote, The Waiver Of Competitive Bidding, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Attorney To Negotiate A Professional Services Agreement With A Qualified Recruitment Firm(s) To Assist The Mayor And City Commission In The City Manager Selection/Hiring Process; Further Appropriating An Amount Not To Exceed \$25,000.00 For Such Agreement(s) With The Successful Firm(s), Once Negotiated And Executed, And To Cover Miscellaneous Expenses Related To The Process.

(City Attorney's Office/Procurement)

(Memorandum & Resolution)

ACTION: Resolution No. 2012-27928 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Góngora to approve the selection of Bob Murray and Associates recruitment firm; Voice vote 6-1; Opposed: Commissioner Tobin. Patricia Walker to appropriate the funds. **Don Papy to handle.**

Commissioner Weithorn explained that at the Commission Retreat she was asked to work with the City Attorney to reach out to recruitment firms to assist in the process of the selection of the City Manager; there were seven firms that responded, and after due diligence, this was reduced to four. After verifying references, and based on recommendations, they selected Bob Murray and Associates.

Discussion held regarding services provided.

Commissioner Weithorn listed what the firm will be tasked:

- Conduct a meeting with the City and others involved in the process
- Develop recruitment brochures and advertisement, including electronic
- City Commission will review brochures and advertisement
- Print and advertise after the July Commission Meeting
- Actively begin recruitment
- Closing date to be agreed upon
- Screen resumes
- Interview top candidates
- Conduct public record searches
- Submit recommendations
- Set up interviews and the City Commission will make the final recommendation

Discussion held regarding advertising, firm services, time frame and fees.

Commissioner Tobin suggested giving one firm a thirty or forty-day exclusive contract to bring candidates and engage a second firm as well after that period of time. He would prefer selecting candidates that are already hired doing a good job in other municipalities, as expert firms do, and he thinks they should explore allowing firms to compete, and give an incentive to go out and find the absolute best candidates.

Discussion continued.

Mayor Bower expressed her concerns on interviewing candidates having two firms.

Commissioner Góngora stated that what Commissioner Tobin is suggesting works in the private industry, and the flaw in communication here is that this is not a private sector; this is a public entity and meetings have to be noticed, and that takes time. In public recruitment the City pays a flat fee.

Discussion continued regarding firms to be selected.

Vice-Mayor Libbin stated his concerns regarding the process with two firms, and added that this will prolong the decision and the selection.

Discussion continued.

Commissioner Weithorn stated that this is the public sector, and when resumes are submitted, they become public record.

Discussion held.

Commissioner Tobin suggested giving both firms a certain fee and the chance to compete, and added that there are certain core values and qualities they want in hiring a City Manager; the package he wants is a performance package.

Discussion continued.

Commissioner Weithorn stated that there are costs involved with this; the City is paying for this firm to do the recruitment process and there may be up to 400 resumes for them to review.

Motion made by Commissioner Weithorn to approve the selection of Bob Murray and Associates recruitment firm; seconded by Commissioner Góngora; Voice-vote: 6-1; Opposed: Commissioner Tobin.

5:39:54 p.m.

SUPPLEMENTAL MATERIAL 1: Resolution

R7G Update To The February 8, 2012 Commission Memorandum On Public Towing Permits A Resolution Authorizing And Approving A Month To Month Extension Of The Towing Permits With Beach Towing Services, Inc. And Tremont Towing Services, Inc., Respectively; Said Extension Commencing On July 1, 2012, And Expiring On December 31, 2012.
(Parking Department)

ACTION: Resolution No. 2012-27929 adopted extending the towing permit on a month to month basis, and refer to a joint meeting of the Finance and Citywide Projects and Neighborhood/Community Affairs Committees and bring back to the City Commission in September 12, 2012. Motion made by Commissioner Weithorn; seconded by Commissioner Wolfson; 6-0; Absent: Vice-Mayor Libbin. Lilia Cardillo to place on the Commission Agenda. Patricia Walker and Barbara Hawayek to place on the committees agendas. **Saul Frances to handle.**

REFERRAL

- Referred to a joint meeting of the Finance and Citywide Projects and Neighborhood/Community Affairs committees in July
- Bring back to the September City Commission
- Discuss moving towing trucks out of the Sunset Harbor neighborhood
- Review policy and rates and monthly residential parking ("no tows.")

End

Mayor Bower suggested reviewing the regulations and to refer the item to Neighborhood/Community Affairs committee to discuss the towing process and regulation for certain areas.

Motion made by Commissioner Weithorn to refer item to the Neighborhood/Community Affairs. She added that there has been a small change in the districts in which they have a decal; the residents have reached out to her to complain that the decals have been devalued by not towing. No second offered.

Discussion held.

Commissioner Exposito stated that there are two issues to be discussed that he is aware of: 1) people are parking in the swale, and 2) multi-family and single family residents looking for legal parking cannot find legal parking because others are parked without decals in decal parking areas and are not being towed. Steps need to be taken to address the issue of residents not finding legal parking. **Saul Frances to handle.**

Mayor Bower stated that the Parking Department is a regulatory department and they have the discretion to tow or not to tow. She has not heard any complaints lately, but the perception of the public is that there is something going on with the towing from public areas. She stated that the process in place is too strict and takes too much time, but she agrees that there needs to be a process. She suggested the issue be discussed. **Saul Frances to handle.**

Commissioner Weithorn requested that in the interim to go back to the old process. **Saul Frances to handle.**

Jorge Gomez, Assistant City Manager, clarified the interim direction given; the concern that has been raised is in the residential parking zones where they have the monthly passes. He asked that reverting back during the interim will be between today and after June 27th when the meeting takes place. **Saul Frances to handle.**

Motion made by Commissioner Góngora to revoke the new policy in the residential neighborhoods and to refer the item to the Neighborhood/Community Affairs Committee. No second offered.

Discussion continued.

Motion seconded by Commissioner Wolfson who added that the item should also be referred to the Finance and Citywide Projects Committee.

Jorge Gonzalez, City Manager, clarified that the policy issue has been discussed, but they still need to discuss the question of either allowing a month-to-month or extending the permit.

Commissioner Weithorn suggested going month-to-month and not changing anything until a joint meeting of the Neighborhood/Community Affairs and the Finance and Citywide Projects Committees takes place, which it needs to be scheduled; seconded by Commissioner Wolfson. No vote taken.

Jorge Gonzalez, City Manager, stated that when this item came up in December, the item was coupled with an extension of permit and an increase on the towing rates. He is recommending separating those issues. He explained that in extending the permit and going on a month-to-month basis, there are several provisions that warrants in implementing the requirement for the purpose of towing, which has to do with accountability measures, GPS, etc. The issue of the

towing rates can be bifurcated and discussed separately. Once you go month-to-month, the urgency of bringing this back is on the issue of towing rates, and that could be discussed at any time or during the budget process.

Commissioner Góngora stated that this is a good suggestion, but these items started together and should stay together. He prefers discussing them together.

Discussion continued.

Ralph Andrade, representing Beach Towing, spoke.

Discussion continued.

Commissioner Góngora restated that this is an extension of the status-quo while negotiations take place, there is no rate increase and it is going to Committee as suggested.

Jorge Gonzalez, City Manager, stated that the industry has asked for an extension of the permits and an increase of the rates. The City Commission can grant one or the other, or both. In granting the extension of the permits, whether on a month-to-month basis or a permanent basis, you could and should be able to demand certain measures to increase the accountability of the industry separate from increasing the rates. The City Commission can then discuss at leisure what if any rate increase the Commission wishes to grant. This has nothing to do with increased accountability and this is exclusively a business decision as to what will be a fair rate in this community. The value of the permit alone should off-set the getting the accountability measures recommended by the Administration.

Ralph Andrade, representing Beach Towing, spoke.

Commissioner Tobin clarified that the City suggested, as part of the enhancements, that the tow truck drivers wear uniforms, submit to drug screening, and have driver licenses in good standing. These items need to be discussed because they are too difficult to implement at the dais.

Discussion continued.

Commissioner Tobin explained that there are also technological items and that there should not be two truck companies in the Sunset Harbor neighborhood. This is a residential neighborhood and he wants to have this discussion once and for all as to how they can move these two truck companies out of there. **Saul Frances to handle.**

Discussion continued.

Jorge Gonzalez, City Manager, stated the enhancements being asked. In addition to the ones mentioned by Commissioner Tobin: that the tow truck drivers wear uniforms, submit to drug screening, and have driver licenses in good standing, in exchange, the storage requirement will be reduced. There are also some technological improvements such as GPS in the trucks for accountability purposes to track the length of the tow, the storage, etc., and all the documentation now done manually.

Discussion continued.

Jorge Gonzalez, City Manager, stated that an audit should be conducted to make sure the rate increase is justified.

Ralph Andrade, representing Beach Towing, spoke.

Discussion continued.

Manny Diaz, Tremont Company, spoke.

Discussion continued.

David Custin, representing Beach Towing, spoke.

Discussion continued.

Commissioner Weithorn suggested that the meeting is scheduled and placed on the agenda a week in advance so they can all attend. **Saul Frances to handle.**

Mayor Bower stated that the meeting should be scheduled after June 27 because she would like to attend the Committee meeting.

Commissioner Weithorn asked the Administration to check with the members of the City Commission and schedule the meeting when they all can attend and it will be sometime in July. **Saul Frances to handle.**

Commissioner Tobin requested that the item be brought back to the September City Commission meeting. **Saul Frances to handle.**

Commissioner Weithorn stated that these issues could either be discussed together or bifurcated.

Motion made by Commissioner Weithorn to refer the item to a joint meeting of the Finance and Citywide Projects and Neighborhood/Community Affairs Committees in July and bring back to the September City Commission; seconded by Commissioner Wolfson; Voice vote 6-0; Absent: Vice-Mayor Libbin.

11:48:44 a.m.

SUPPLEMENTAL MATERIAL 2: Memorandum

~~R7H A Resolution Granting Two Perpetual Easements And A Temporary Construction Easement To Miami-Dade County, For A Proposed 60-Inch Diameter Wastewater Force Main In South Pointe Park.~~

(Public Works)

(Memorandum & Resolution to be Submitted in Supplemental)

R7H A Resolution Approving, In Concept, The Grant, To Miami-Dade County, Of: 1.) A Temporary Ingress-Egress And Construction Staging Easement (Or License Agreement); And 2.) Two Perpetual Non-Revocable Easements, For The Construction And Installation Of A 60-Inch Diameter Sanitary Sewer Force Main In, Over And Under A Portion Of South Pointe Park; Provided, However, That The Aforestated Conceptual Approval Be Subject To And Contingent Upon Continuing Negotiation Of The Agreements Between City And County Staff, Which Agreements, If Successfully Negotiated And Finalized, Shall Be Subject To Final Approval By The City Manager And City Attorney; Further Authorizing The Mayor And City Clerk To Execute The Final Agreements, If And When Finalized; Further Accepting The Recommendation Of The City Manager And Authorizing A Waiver Of The City Permit Fees In Connection With The Activities Contemplated In South Pointe Park Under The Aforestated Agreements, As Well As In Connection With The Right-Of-Way Permit To Be Issued By The City For The Portion Of The Project That Will Entail A Closure Of The Right-Of-Way On The West Side Of Washington Avenue, From Commerce Street To South Pointe Park, And Commerce Street, From Washington Avenue To Alton Road.

(Public Works)

ACTION: Resolution No. 2012-27930 adopted. Motion made by Commissioner Tobin; seconded by Commissioner Góngora; Voice vote 6-0; Absent: Commissioner Wolfson. **Fred Beckmann to handle.**

RECOMMENDATIONS

- Move forward with conceptual approval on easement, subject to approval by Legal Department
- Waive staging fees
- Include the ability for the City to spend the funds provided by Miami-Dade County to replace the park to its present condition as the City deems appropriate

Fred Beckmann, Public Works Director, made a presentation.

Eduardo Vega, Assistant Director for Engineering from Miami-Dade County, spoke about the 60-inch force main installation from Fisher Island to Miami Beach. He explained the County's negotiations with Apogee; and that the Apogee had asked for an unreasonable amount of money for an easement to locate the pipe underneath its property.

Discussion held.

Raul Aguila, Deputy City Attorney, expressed his concerns regarding the County's lack of flexibility and cooperation in the negotiations. Mr. Aguila emphasized the importance for the City to get protections in place, and he would appreciate as much time as possible to review the necessary documents.

Mayor Bower stated that the City should get fair and equivalent pay from the County; similar to what the County was offering the Apogee.

Eduardo Vega, Assistant Director for Engineering from Miami-Dade County, explained the dredging of the Port of Miami and the emergency nature of the project, since the pipe is defective; he also explained the public benefits the City will be receiving from the project.

Raul Aguila, Deputy City Attorney, stated that the City is not requiring a use/staging fee because it is a project with public purpose, but the City must adequately be covered and made whole.

Discussion held.

Commissioner Weithorn stated that the City Commission cannot jeopardize summer camps during two consecutive summers due to this work.

Raul Aguila, Deputy City Attorney, recommended approving the item conceptually, to allow the Legal Department to negotiate with Miami-Dade County for restoration, indemnification and other financial remunerations.

Jose Smith, City Attorney, stated for the record, that there is ongoing litigation with the water feature at South Pointe Park, and any damage done to that water feature during the project must be replaced by Miami-Dade County.

Commissioner Weithorn stated that the City should be paid by the County the funds equivalent to place the park in its present condition (replacement value); however, the City should be allowed to utilize the funds as it deems appropriate.

Discussion continued.

Commissioner Tobin suggested that Mayor Bower, himself and the City Engineer should meet with County Mayor Gimenez to discuss and resolve the issues.

12:28:06 p.m.

Motion restated:

Move forward with conceptual approval on easement, subject to approval by Legal Department; waive staging fees and include the ability to spend the money as the City desires to replace the park to its present condition.

Handout or Reference Materials:

1. Miami-Dade Water and Sewer Department Emergency 60-Inch Force Main Installation Fisher Island to Miami project description, contact information and aerial map flyer.

7:19: 38 p.m.

R71 A Resolution Relating To City Manager Jorge M. Gonzalez.
(City Manager's Office)

ACTION: Resolution No. 2012-27931 adopted. Motion made by Commissioner Wolfson; seconded by Commissioner Weithorn; Approved by acclamation: 6-0; Absent: Vice-Mayor Libbin. **Ramiro Inguanzo and Don Papy to handle.**

RECOMMENDATION:

- In addition to the resolution, allow the City Manager to draw down his accrued time (sick and annual leave), and collect health insurance.

Commissioner Wolfson stated that he and the City Manager had a very nice talk regarding working through his employment agreement. Commissioner Wolfson stated that the City Manager has worked very hard for the past 12 years. Commissioner Wolfson would like to participate in the discussions regarding the terms and conditions of the City Manager's separation. Commissioner Wolfson would like the City Manager to depart in an amicable fashion without participating in arbitration. Commissioner Wolfson stated that the Manager has mentioned some very simple things, like making sure his family receives health insurance. Commissioner Wolfson would be supportive of this. He would like the City Manager to receive the same benefits other City retirees receive, such as the City paying for 50% of his health insurance when the Manager turns 55. It is reasonable that the City Manager receives such a benefit. The only thing that is nebulous is what is "one-year of compensation," and there needs to be further discussion and negotiations on that matter.

Mayor Bower understands the there are two separate issues, one being the payout of the City Manager's leave; one way of doing this is placing the City Manager on a paid leave status, so the City Manager is able to retain the health insurance.

Commissioner Wolfson stated that this should be done today, and suggested doing the matters that are not severance related.

Jorge Gonzalez, City Manager, requested to be placed on a pay status, using his sick, vacation and other forms of leave, and to have health insurance deducted; the other three items are the car, the computer equipment and the parking pass.

Commissioner Wolfson stated that there is precedent for this. The same thing has been done in the past.

Mayor Bower concurred that there was precedent for Commissioner Wolfson's suggestion.

Commissioner Wolfson explained that what he is suggesting is a fraction of what would be paid in the private sector, so he does not have a problem with it.

Commissioner Tobin would like to negotiate everything, and all-in-one package, and he does not want to do it by piecemeal, so whatever they vote on today, he will vote "no"; unless they can go over it in more detail.

Commissioner Weithorn commented that after 12 years the City Manager has put in, they should at least be able to do this with as little discourse as possible. The City Manager has served this City well.

Commissioner Tobin would like to see the terms of the deal, which have yet to be presented, completely in writing, and not at 7:00 p.m. when nobody is here.

Commissioner Wolfson concurred with Commissioner Tobin, and stated that the final separation package for the City Manager should be publicly noticed and placed on the agenda. What is before this Commission, and is time relevant, is the payout of the City Manager's accumulated time, and Commissioner Wolfson requested to do that part, so the Manager can continue to receive health insurance, which is something that is commonly provided to employees. If they could do just the part of the City Manager's health insurance, where the City will payout out of his sick, vacation and leave, over a period of time, so that he can still receive health insurance during that time period, that alone is something given to any employee who has given 12 years in a government position. Once they come to some type of resolution, then they can put that to rest. Commissioner Wolfson explained that what he is suggesting is to pay the City Manager's sick, vacation and leave over a period of time, through February, which is how much he has, just pay out over time so that the City Manager is basically receiving a pay check, which is money he is entitled to anyway.

City Manager Gonzalez explained that it may exceed a little bit past February, but it is on a biweekly basis, as if he was on leave.

Commissioner Wolfson stated the City could either write one check for the City Manager's outstanding, sick and vacation leave, or it can pay it over time. If paid over time, the Manager gets to stay on the health insurance plan just for that time.

Commissioner Tobin added that he is okay, in principle, with not leaving the City Manager without any health insurance. What he is not okay with, in principal, is that if the City Manager ends up in negotiations demanding half a million dollars in his payout; and if he does not think the City Manager deserves half a million dollars in payout, when salary and everything else is added. If they have a disagreement, which may involve an arbitration or litigation posture, Commissioner Tobin is not going to agree to something now if they are going to end up in any type of adversarial position.

Commissioner Wolfson stated that this is the base of what the City needs to pay the City Manager as separation pay. Commissioner Wolfson agrees with Commissioner Tobin. He added that the City Manager's future employers are watching how he leaves this job – weather he tried to gouge the City, so it's incumbent on the City Manager to have a smooth negotiation; and for the City, any future manager that comes to the City, may also be watching, so they must be fair, but not give away the farm.

Commissioner Tobin said that this was analogous when the City wanted to give the CWA the DROP program six months prior to contract negotiations. For him, he goes with whatever the majority wants, but if there is any way to give him the health insurance, and so on and so forth, and if the negotiations go well, that they continue with that, but that if they end up in a hostile posture, because they cannot agree on the terms of his departure, and he knows the City Attorney has been discussing the matter for a couple of week, he does not want to be in a situation where he gives up something now, and later on ends up in an adversarial position.

Commissioner Wolfson stated that the health insurance they are giving is only eight months, so they are basically providing what the City Manager would be entitled under COBRA.

City Manager Gonzalez stated that he has accrued time that he is entitled, the accrued time can be written as a check, or paid to him on a biweekly basis, as if he was working 40 hours a week – he would not be doing anything, not carrying the title, but paid as a full-time employee, drawing

down the hours; and while in that status he receives health insurance. The City Manager agreed that during the leave status he would waive his rights to (workers' compensation) insurance.

Commissioner Wolfson declared that the City Manager could sign something that says that he is agreeing to waive his worker's compensation insurance rights during the course and scope of employment while on leave status.

Commissioner Weithorn suggested passing the resolution that is in front of them, with the sentiment that the City Manager gets the insurance, because she thinks that most of them agree; and in July, they will make sure that all the legal caveats will be presented to them. What they are trying to say is that Jorge Gonzalez has served the City well for 12 years. They all understand that giving the City Manager eight months of health insurance for his family is something they would give to anyone, and he is clearly deserving of it. They will take care of the legal paperwork in July, and suggested doing what they need to do; but the sentiment is there.

Commissioner Wolfson requested, for the next time, when they do resolve, as he is confident they will figure it out, the terms and conditions of severance, that they do not do it this way. They must put it on the agenda. When they work something out, it must go on the agenda so the public can come and comment. It must be noticed and discussed publically.

Commissioner Tobin stated that he is not opposed to giving the City Manager his health insurance; he believes that the City is being a great employer; the Manager has resigned and yet he is being sent to Europe next week, for two weeks.

City Attorney Jose Smith stated that the resolution before the Commission does not do what is being suggested.

Commissioner Weithorn declared that they want to pass this resolution with the sentiment for the insurance.

Commissioner Góngora moved that in addition to the resolution, they are going to allow the City Manager to draw down his accrued time (sick and annual leave), and collect health insurance.

R9 - New Business and Commission Requests

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

ACTION: The following individuals were appointed:

COMMITTEE ON QUALITY EDUCATION IN MIAMI BEACH:

Rebeka Cohen Rep. of the PTA North Beach Elementary School 6/30/2013

DESIGN REVIEW BOARD:

Marilys Nepomechie - Architect	Term ending 12/31/12	City Commission Appointment TL 12/31/17
Leslie Tobin - Reg. Architect	Term ending 12/31/13	City Commission Appointment TL 12/31/16

DISABILITY ACCESS COMMITTEE:

Elaine Litvak	Term ending 12/31/12	Appointed by Commissioner Góngora TL 12/31/19
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HEALTH ADVISORY COMMITTEE:

Kathryn Abbate	Resigned effective 5/22/2012
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HISTORIC PRESERVATION BOARD:

Ira Giller - Reg. Architect	Term ending 12/31/13	City Commission Appointment TL 12/31/17
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PRODUCTION INDUSTRY COUNCIL:

Joyce Galbut- Production

Term ending 12/31/12

Appointed by Mayor Bower TL 12/31/19

5:03:50 p.m.

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

ACTION: The following appointments were made.

Historic Preservation Board:

Jorge Gomez, Assistant City Manager, informed that there were two names submitted for nomination for the Historic Preservation Board for the Registered Architect position: Ira Giller and Marilys Nepomechie. He clarified that the ten-day application requirement can be waived by a 5/7 vote of the City Commission to add a name that is not on the list of applicants. A ballot vote was taken; Ira Giller has five (5) votes, Marilys Nepomechie has two (2) votes. Ira Giller is appointed.

Ballot #1:

Ira Giller 5 votes

Marilys Nepomechie 2 votes

The City Clerk announced the following votes:

Mayor Bower	Ira Giller
Commissioner Weithorn	Ira Giller
Vice-Mayor Libbin	Ira Giller
Commissioner Wolfson	Ira Giller
Commissioner Tobin	Ira Giller
Commissioner Góngora	Marilys Nepomechie
Commissioner Exposito	Marilys Nepomechie

Handout or Reference Materials:

1. Ballot votes

Design Review Board:

Richard Lorber, Acting Planning Director, informed that there are two vacancies on the Design Review Board, one for a Registered Architect and one for an Urban Planner. He explained that Leslie Tobin would like to be on this board and Marilys Nepomechie was interested on the Historic Preservation Board, but has expressed interest on the Design Review Board if she is not appointed to the Historic Preservation Board.

Discussion held.

Commissioner Góngora stated that there could be two architects on this board and he nominated Marilys Nepomechie.

Motion made by Commissioner Góngora to appoint Leslie Tobin to the Registered Architect seat and Marilys Nepomechie to the Architect seat; seconded by Commissioner Tobin. Appointments made by acclamation.

Planning Board:

Appointments deferred to the July 18, 2012 City Commission meeting.

1:17:14 p.m.

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

ACTION: The following individuals spoke:

1. Steve "Bubba" Cohen read one page document of what he discovered during an Internal Affairs investigation.

Handouts and Reference Materials:

1. One page document read by Steve "Bubba" Cohen.

2. Gary Wattie, Senior Vice-President for Centerplate, stated that they have been the City's hospitality partner since 1987 and now is in the last year of a contract with a five-year extension provision. At the December City Commission meeting, the City Manager recommended a two-year extension, but the City Commission decided to go for an RFP. That decision was made based on bad information. He requested the City Commission to reconsider the extension, or at least reconsider rescinding the RFP and consider engaging an independent consultant to assist in the process. He feels there is a conflict with Global's involvement in the process since a sister company of Global has expressed interest pursuing this contract.

Jose Smith, City Attorney, stated that the Cone Of Silence does not apply at a public meeting, and requested comments from Raul Aguila, Deputy City Attorney.

Raul Aguila, Deputy City Attorney, stated that Gary Wattie's letter was sent to Procurement and applies to a policy decision and he cannot make a policy decision. He advised Centerplate of this. He does not know if Gary Wattie's letter was responded to and advised them to send the letter to the City Commission and to the staff.

Jorge Gonzalez, City Manager, explained the Cone of Silence in place.

Jose Smith, City Attorney, stated that there is no Cone, provided that discussions are held in public.

Mayor Bower suggested that speaker approaches the City Commissioners at Sutnick Hour.

Handout or Reference Materials:

1. Letter from Desmond G. Hague, President and CEO, Centerplate, dated June 7, 2012 RE: RFP 39-11/12.

3. Paul Jonas spoke regarding the recycling ordinance and thanked Commissioner Tobin for the points he made. He also spoke in reference to the LTC No. 144-2012 and asked why the City is not using the empty lot.

Vice-Mayor Libbin stated that he should ask that question to the Public Works Department.

4. Peter Luria spoke in reference to pension reforms for the 2012/2013 budget. He stated that he has been looking at the current adopted budget, and stated that over 80% of the cost is pension cost listed, which will only continue increasing. He read from a document that he turned in to the City Clerk. It is a very difficult politically decision. It may make sense to put these issues to voter's referendum.

Handout or Reference Materials:

1. Letter dated September 27, 2011 from Jorge Gonzalez, City Manager, to Mayor Matti Herrera Bower and Members of the City Commission with an article from The New York Times and Wall Street Journal related to retirement benefits for city workers.

7:31:59 p.m.

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

ACTION: The following individuals spoke:

1. David Kelsey spoke about the item discussing South Pointe Park, and the only concern of the City Commission was about how much money Miami-Dade County will pay, and nothing was discussed as to what will happen if the pipe bursts.

Commissioner Tobin explained that there will be a coffer dam around the drilling; also there will be barges standing by and pumps to pump the sewage into the barges. The barges will fill out in a couple of hours. After that the contingency plan was to open up the outflow on 71 Street and pump it about one and a half mile into the ocean.

David Kelsey stated that this should be a priority and all equipment needed should be on standby.

New Item

7:35:40 p.m.

Recognition To Jorge Gonzalez, City Manager:

ACTION: There will be an event in honor of Jorge Gonzalez at the Convention Center. Approved by acclamation.

The following comments were addressed to the City Manager:

Commissioner Weithorn:

I think we shouldn't leave without thanking the Manager for his service to the City because I know that I mentioned today to someone that I have learned a tremendous amount in my tenure here, and I learned some of it from the Manager and I thank you for your service here. I think I really became active in the City about the same time you arrived, maybe right before you were here, maybe a year or two, but, you know, we would be a different City if not for you, and in no shape or form what we are today. In fact, the work that you've done and the integral part of this community that you have been in, and I think we will all be remised and I want my colleagues to chime in and thank you for what you have done for the City, for this community, for really taking to the next level what a Manager has been, and the person behind you has very big shoes to fill, and from the bottom of my heart, and I hope on behalf of all of us, I want to say a thank you.

Commissioner Wolfson:

And I too, I would like to along the same lines, you know, tell the Manager that his years of service that well predate my involvement with the City, and as I have said from the beginning of the discussion of his separation has been the vast majority very positive, and I think that's what the public should take from his tenure, his 12 years, is that it was overwhelmingly positive, I think that the City, we should do something in the way of some sort of a send-off; I think that would be positive, maybe at the Convention Center, he said he's okay with that, and so the people can give him the respect that he's due for his service and that the public can, and that the future Manager can see that while things have their time, when the time comes, it comes and things don't last forever, that we still have respect for people that work for us and it's not all just politics, but at the end of the day, he's done a good job overall and that we recognize that, and I think it would also

be good for... Well, let me just leave it at that.

Commissioner Góngora:

I guess I'll go on, and I'm going to be very brief. The year you came to the City actually was the year I became President of the Miami Beach Latin Chamber of Commerce, and I remember you came to speak to one of our lunches early on and since that time, I guess we are kind of contemporary in age, even though I like to think of myself as much younger, and since that time, I've had an incredible amount of respect for your intelligence and your dedication to the City of Miami Beach and I think many wonderful things were achieved during your tenure as City Manager, and I think in the history books of Miami Beach, you will very well be remembered, and fondly remembered for all of the positive accomplishments that took place during your tenure, so, thank you.

Commissioner Exposito:

Jorge, this is my habit; I'll be short and brief. It's been a pleasure, a true pleasure being able to work with you, to know you. You and I have not always agreed on everything but we've always been able to talk things out properly. I hold you in very high esteem. I think you are an excellent professional; I wish you and your family all the best. I can't say thank you enough for all you've done for the City, the programs you've implemented, such as the Leadership Academy that I graduated from and we got a lot from, there's a lot of concern from those people in that academy that it might be eliminated and I would ask Kathie and any City Manager that comes after you, this is something that I think is a testament to your legacy and that we should hold very strongly. Again, all I can say is just thanks from the bottom of my heart.

Jose Smith, City Attorney:

I was privileged to be sitting at this dais as a City Commissioner when I voted to have Jorge Gonzalez to come here as City Manager, and at that time I called him "a young Dan Marino," I thought that he would be an outstanding pro quarterback, and a lot of people laughed at that and didn't think he would have the stature that he has today and I worked with him closely during budgets, during Union negotiations. He was responsible for a number of Interlocal agreements with the County that saved the City millions of dollars. He always brings out the best in you and is a master negotiator and I certainly hope that you stay active and continue to help the City in any way that you can because your skills are the best and I'm going to miss you.

Commissioner Ed Tobin:

I would want to go on the record to say that Jorge has done a very good job in a lot of different areas and I respect his intellect and his ability to negotiate through government processes, and I've also learned a lot from him, so I wish him and his family success. I'm sure he doesn't need our wishes; he'll be great, fine and even more successful in the years to come. Thank you.

Mayor Bower:

I echo everybody and everybody knows because they tell me of this, but I'm going to tell you a little story. I moved to Miami Beach about 35 years, maybe now... the years keep going and the 35 stays the same with me, and when I moved to where I live at the dead end of Española Way, I lived with my husband and his father and his aunt, and his father was senile and in the back of my house there was the parking lot, but it was not a parking lot, it was a field, and where the dog park is now, it was a dump; a dump was there at that time. And when I moved there, I'm not an outdoor person, and when I moved there, the yard in the back, we have a yard in the back and it has a huge tree, and there were never any leaves out there, it was clean and manicured and beautiful all the time. And it was because Richard's father had lived there since 1928 when he bought the house, and he was senile, and every day he would go in the backyard, he was already in his 80's and he would go in the backyard and pick up the leaves; and he would run out of leaves on the floor and he would go to the bushes and pick them off, and so the yard was beautiful. It came the day when he passed away, and my husband retired and he went out in the

back in the yard and it wasn't as clean because he wouldn't pick up the leaves from the bushes because he didn't have the patience or the time. He would just rake the leaves, pick them up and it was still pretty nice. Once in a while, you saw a leaf or two, but most of the time he kept up with the yard and he would cut the grass, and you know, me being me, I never really went out there that much, I thought that was the normal way. Well, now my husband has passed away. I spend so much time picking up leaves and I can never catch up with neither one of them because it looks so easy while somebody else was doing it, but it is so hard to keep up with the work that they were doing, that they made look so easy. I cannot keep my backyard without leaves. The leaves are all over the back, even though I tried to pick them up, I go out every day, I rake some up, put them in the garbage and more leaves come out, and so we don't know what we have until we lose it, and I hope that the shoes are filled but I doubt it. I have gone through many City Managers and I think that he has been the most level person that we've had that has taken care of the needs of everybody in the City, has made us look good, has made it look easy and we will miss that, and for that, I thank you.

Adonis Garcia, Firefighters Union President:

I'm sorry; I didn't know we were going to be doing this tonight. I thought it was going to be next month, but very briefly, I can go on here. If I could sum it up very quickly, in dealing with sometimes very tense negotiations, very tough labor negotiations, in a day where labor is treated with such disrespect in so many levels, this Manager showed me that you can treat labor with respect and get great results, and I will say for the record, the City is losing a giant, and wherever he goes, I wish him the best of luck.

1:33:54 p.m.

Committee of the Whole Announcement

R. Granado, City Clerk, announced that the Committee of the Whole Meeting for R9D will take place during lunch at approximately 2:45 p.m. He announced that item R9C has been cancelled.

R9C The Committee Of The Whole Will Meet During Lunch Recess Of The June 6, 2012 City Commission Meeting At The City Manager's Office Large Conference Room To Discuss Pending Issues With Department Directors And Assistant Directors.

(Requested by City Commission)

ACTION: Committee of the Whole Meeting is cancelled.

2:55 p.m.

R9D The Committee Of The Whole Will Meet During Lunch Recess Of The June 6, 2012 City Commission Meeting At The City Manager's Office Large Conference Room To Discuss: 1) The Status Of The FY 2012/13 Budget; And 2) The Proposed FY 2012/13 Mayor And Commission Office Budget.

(Budget & Performance Improvement)

ACTION: Announced and held. Present at the Committee of the Whole meeting were: Mayor Matti Herrera Bower, Vice Mayor Jerry Libbin, Commissioner Jorge Exposito, Commissioner Michael Góngora, Commissioner Edward L. Tobin, Commissioner Deede Weithorn and Commissioner Jonah Wolfson (arrived at approximately at 3:29 p.m.); also present were: Jorge M. Gonzalez, City Manager, Kathie G. Brooks, Director, Office of Budget and Performance Improvement, Jose Smith, City Attorney and Rafael E. Granado, City Clerk.

The Committee of the Whole meeting commenced at 2:55 p.m.

At the start of the meeting, Ms. Kathie G. Brooks, Office of Budget and Performance Improvement Director, distributed a spreadsheet entitled "FY 2012/13 General Fund Budget As of June 2012." Ms. Brooks explained that the top portion of the spreadsheet described the General Fund Revenues, the middle of the form detailed the General Fund Expenditures, and the bottom of the worksheet explained the Estimated Increases in Pension and Risk Claims.

Ms. Brooks proceeded to give an overview of the FY 2012/13 General Fund Budget, and commented as follows:

- The preliminary FY 2012/13 estimates for property taxes show an approximate four million dollar increase, as compared to FY 2011/12. Other revenues, in the aggregate, are flat.
- Revenues from "Other Taxes" are estimated to be down, a decrease of approximately \$255,385 or -1.1%.
- Licenses and Permits are estimated to be up approximately 13.5% or \$2,308,947.
- Charges for services are down, approximately -2.3% or (\$247,371) – this is primarily due to a decrease in Fire Rescue transport services. Ms. Brooks added that it is not intuitive as to why Rescue transport service revenue is down and that this will need to be researched further. **Fire Chief Otero to handle.**
- Fines and Forfeits are down approximately -14.8%, a decrease of \$382,000 – this is due to red-light camera revenues, as expenditures and revenues are breaking even.

In response to Commissioner Tobin, Ms. Brooks stated that as of the last report, the red-light camera program appears to have a positive correlation on safety.

TO DO: Provide current statistics to show the safety impact of the red-light camera program. **Police Chief Ray Martinez to handle.**

- Rents and Leases are up approximately 6.7%. Ms. Brooks added that "Old City Hall" and the "777 Building" are rented.
- Miscellaneous revenues are down by 5.4%. Ms. Brooks reminded the Mayor and Commissioners that this figure was impacted by the one-time front payment from Coca-Cola of about \$500,000.
- In response to a question from Commissioner Exposito, Ms. Brooks explained that resort taxes are up, approximately \$4 million more than last year, for a total of approximately \$50 million. However, what is shown in the spreadsheet is for FY 2012/13, approximately \$27 million; the same amount as in FY 2011/12. Additional revenues will be available to be transferred from Resort tax, and that will be part of the discussion in the July Budget Briefings as a means to address the "gap" between revenues and expenses.

Vice-Mayor Libbin inquired about passing to the residents the property value increase by rolling back the millage.

Mayor Bower suggested that they also continue the focus on pension reform during the upcoming contract negotiations with the Labor Unions. Mayor Bower added that they must send a message to the Unions that the City is still facing challenging financial times, irrespective of the increase in property values.

Vice-Mayor Libbin added that the increase in property tax revenues belongs to the residents, so it should not be available for contract negotiations.

City Manager Jorge Gonzalez explained that he understands that there is a desire to roll back the millage. The roll back gets \$4.4 million out of the revenue side. If they set-in the lower millage rate in July, they are making the decision, and they are going into negotiations with the Union

next fiscal year.

Commissioner Weithorn stated that she would prefer a 50% roll back this year, and a second roll back next year. The City should be conservative; given the circumstances, it is highly unlikely that the City will have labor contracts in place in time for the next Fiscal Year.

Ms. Brooks suggested that it would be better to phase in a reduction in the millage because any employee givebacks negotiated probably would not occur until late in FY 13 at best.

TO DO: Calculate the following:

- A rollback rate returning 100% of the anticipated \$4 million increase in property taxes to the residents during FY 2012/13; and
- A rollback rate returning 50% of the anticipated \$4 million increase in property taxes to the residents during FY 2012/13, and 50% in FY 2013/14. **Ms. Brooks to handle.**

City Manager Gonzalez stated that the preliminary cost estimate from pensions Citywide is \$7.2 million, which has a \$5.84 million impact on the General Fund. Additionally, the City Manager reminded the Mayor and Commissioners that this year the City had a one-time \$2 million credit, which it will not have in FY 2012/13.

City Attorney Jose Smith detailed that the District Court of Appeals has yet to issue its ruling on the Pension Board/Referendum Litigation.

Commissioner Weithorn stated that the City should err on the side of conservatism. Once a millage is set, it is easy to go down, but hard to increase. She wants to be conservative, in order not to deplete the fund balance, which will also affect the City's bond ratings.

Thereafter, Ms. Brooks continued her overview of the General Fund expenditures, explaining that:

- The maximum merit step for general employees is 2%, excluding Police and Fire, which have steps of 5%, and CWA, which has zero merit increase, based on status quo of the existing contracts, until a new contract is negotiated.

Commissioner Tobin suggested the Administration should look into having two shifts of 12-hours per day, instead of three shifts of 10-hours, in the Police Department; as this would be cost-effective, and the officers will "love it." Commissioner Tobin proceeded to explain how the proposed schedule would work.

TO DO: Provide Commissioner Tobin a breakdown of Police and Fire Department overtime. **Police Chief Martinez and Fire Chief Otero to handle.**

TO DO: Evaluate the savings if the Police Department went from three shifts of 10-hours to two shifts of 12-hours. **Police Chief Martinez to handle.**

Ms. Brooks commented that the City Commission must be united to be successful in contracts negotiations.

Ms. Brooks continued her recap of General Fund expenditures, and stated that:

- Employee health and life insurance cost assume a 10% increase in cost from the FY 2012/13 budget; and that retiree health costs are assumed to increase by the same percentage.

City Clerk's Note: Commissioner Wolfson arrived at approximately 3:29 p.m.

TO DO: Provide Vice-Mayor Libbin the value of unfilled positions. **Ms. Brooks to handle.**

Ms. Brooks stated that FY 2012/13 revenues less expenditures, is anticipated to result in a shortfall of \$1,125,000, prior to the impact of pension and increased liability claims.

Ms. Brooks proceeded to recap the estimated increases in Pension and Risk claims, and stated that:

- The preliminary pension cost is \$7.2 million from pension plans Citywide, with a \$5.84 million impact to the General Fund.
- Ms. Brooks reminded the Mayor and Commissioners that the City received a \$2.5 million credit in FY 2011/12, which had a \$2.18 million impact on the General Fund.
- The primary reasons for the increase in pension costs are the down rate in the markets; a reduction in the anticipated rate of return by the pension boards; and the five-year smoothing.

City Attorney Smith stated that the Fire and Pension Board has expended approximately \$250,000 for the pension litigation, for which the City is ultimately responsible to reimburse the Board as an operating expense.

Ms. Brooks continued with the recap in Risk Claims, and stated that:

- There is an estimated increase in claims and outside legal fees of \$1 million, with an impact to the General Fund of \$700,000. Ms. Brooks reported that she will be recommending continuing to set aside funding for Incurred but Not Reported claims (IBNR) in the Risk Fund, as there continues to be a deficit when IBNR claims are accounted for.

Commissioner Exposito inquired of City Attorney Smith, how many lawsuits the City has. Mr. Smith reported that there are seven known high-profile cases: a) three claims resulting from the ATV incident; and b) four claims arising out of the 2011 Memorial Day shootings. However, he does not know what the exposure will be.

City Attorney Smith reported that workers' compensation costs are down by \$2 million, which is very good news for the City.

Ms. Brooks concluded by stating that revised revenues less expenditures show a shortfall of approximately \$5.5 million, if the millage rate remains the same. However, if the millage rate is reduced to return 100% of the increase in property taxes, there will be a shortfall of approximately \$10 million.

City Manager Gonzalez added that the City Commission has an opportunity to recoup some of this anticipated shortfall through the upcoming contract negotiations.

Ms. Brooks provided the Mayor and Commissioners with the following tentative schedule for discussion items for the budget briefings:

July 9, 2012

Budget Briefing: Capital Projects

July 10, 2012

Budget Briefing: Status Update on FY 2012/13 General Fund Operating Budget

- July 1 Preliminary Property Tax Values
- Status of General Fund "Gap"

Items Previously Referred for Discussion, e.g.

- Proposal for Increased Rates for the Botanical Garden
- Potential Cost Impacts of Rebidding the Management Agreement for City Golf Courses
- Mass Transit Connectivity Study
- Miami Beach Mass Transit Loop

July 11, 2012

Budget Briefing: Potential Efficiencies, Outsourcing, Service Reductions and Service Enhancements / Potential Revenue Enhancements

July 12, 2012

Budget Briefing: Other Issues

TO DO: Ms. Brooks inquired if the City Commission wanted to consider outsourcings. Commissioner Exposito stated that he would like to see the numbers presented, in order to examine all the options. **Ms. Brooks to handle.**

City Manager Gonzalez stated that in a negotiation year, the more options the City has the better.

TO DO: Commissioner Tobin would like to discuss during the budget briefings the “4th Man on the truck (Fire Department).” **Fire Chief Otero to handle.**

Commissioner Tobin recommended that his colleagues attend two seminars that he has found very helpful: 1) a one-day seminar from ICMA entitled Asking Your Police and Fire Chiefs the Right Questions to Get the Right Answers; and 2) a multi-day seminar related to contract/labor negotiations sponsored by FPERLA.

TO DO: Commissioner Tobin requested the cost of calling out sick in the Fire Department. **Fire Chief Otero to handle.**

Upon further discussion, the Mayor and Commissioners agreed to have Commissioner Tobin contact the ICMA to inquire about hiring the ICMA to conduct a study of the Fire Department.

The Mayor and Commissioners agreed to discuss the Mayor & Commission FY 12/13 Budget Request in July, possibly during the budget briefings. A copy of the Proposed Budget Request was distributed.

There being no further business, the Committee of the Whole meeting concluded at 3:50 p.m.

Handout or Reference Materials:

1. Proposed Budget Request (Mayor and Commission)

6:46:08 p.m.

R9E Discuss Selection Of Interim City Manager Appointment.
(Requested by City Commission)

ACTION: Discussion held. Resolution No. 2012-27932 adopted as amended appointing Kathie G. Brooks as Interim City Manager, effective July 8, 2012, and pending an employment agreement to be ratified at the July 18, 2012 City Commission meeting. Motion made by Commissioner Wolfson; seconded by Commissioner Góngora; Voice vote 6-0 Absent: Vice-Mayor Libbin. **Ramiro Inguanzo to handle.**

Amendment

Change the title and delete substantially consistent with the terms outlined at the June 6, 2012 Commission Meeting

Number 3 - add the reference that Ms. Brooks will get her job back as Budget & Performance Director once she completes her services of Interim City Manager.

End

6:54:30 p.m.

Commissioner Góngora:

He made a motion to move it forward. Do you want to second my Motion?

Commissioner Wolfson:

Yes, I will second the motion, the only thing; I just want to make it clear that whatever happens with the negotiation of an employment agreement, she remains the City Manager. There was some confusion as to the way it was written initially, so I just want to make sure -- my concern was the old version, which said basically that her appointment was subject to the completion of the employment agreement.

Congratulations.

Jose Smith, City Attorney:

Mr. Del Vecchio suggested that perhaps the resolution should be read into the record.

Commissioner Wolfson read the title of the resolution into the record:

A resolution of the Mayor and City Commission of the City of Miami Beach, Florida, appointing Kathie G. Brooks as City Manager, effective July 8, 2012, subject to the completion of a full background check and ratification of an employment agreement between Kathie G. Brooks and the City of Miami Beach (she didn't change the title), whereas City Manager, Jorge Gonzalez submitted his resignation on May 9, 2012 effective July 8, 2012, and his resignation was accepted by the City Commission, and whereas the Mayor and the City Commission, pursuant to Section 2.03 of the City Charter, appoints the City Manager and, whereas the Mayor and City Commission wish to appoint Kathie G. Brooks, the City's current Budget & Performance Improvement Director to serve as City Manager effective July 8, 2012, subject to the completion of a full background check and pursuant to an employment agreement negotiated by the City Attorney substantially consistent with the terms outlined.

Jose Smith, City Attorney:

Explained language to be removed"substantially consistent with the terms outlined at today's Commission Meeting."

Commissioner Wolfson continued reading:

... at today's Commission Meeting, June 6, 2012 Commission Meeting...between Kathie G. Brooks and the City of Miami Beach, which will be ratified at the July 18, 2012 Commission Meeting or any alternative date that this City Commission Meeting is actually held. Now

therefore, be it duly resolved by the Mayor and the City Commission of the City of Miami Beach, Florida, that Kathie G. Brooks is appointed as City Manager, subject to the completion of a full background check and pursuant to an employment agreement negotiated by the City Attorney (take out substantially completed)...and with the terms outlined at the June 6, 2012 City Commission Meeting between Kathie G. Brooks and the City of Miami Beach, which shall be ratified at the July 18, 2012 Commission Meeting or on any alternate date that the City Commission meeting is actually held, as adopted this 6th day of June, 2012.

Mayor Bower:

Where does it say here that is an Interim City Manager and that we're looking for a New City Manager and that she will go back to her original job, it says City Manager, so I am concerned about that.

Don Papy, First Assistant City Attorney:

I understand. The thought was that, first of all, the Charter only mentions a City Manager, it doesn't mention an Interim, so effective July 8, 2012, Kathie G. Brooks will be the City Manager. It will be subject to the employment agreement, which will address the issues that you're talking about, the term and what would happen to her at the end of the term, so that's how it's being handled through the employment agreement.

Commissioner Wolfson:

It all comes down as we have said multiple times, as the resolve of the body, the body has said what they've said in multiple meetings, and this is an interim position.

Mayor Bower:

The contract that she signs, is what you're saying, I want to make sure it's very clear.

Commissioner Wolfson:

In fact, you may want to put in the contract...my suggestion is put in the contract and perhaps in the resolution that she'll go back to her position once she finishes the term of Interim City Manager so that she feels -- I mean I think she's entitled to that because she's -- like she said in her interview, that's one of the things she didn't want.

Jose Smith, City Attorney:

And the last time this was done in 2000, the contract that was entered into with Larry Levy specifically said that it was an interim appointment and that at the end of that period, that he would go back to his previous position.

Mayor Bower:

That contract will come in July? Do you think it should be in this Whereas that she will go back?

Commissioner Wolfson:

We can put that in if you would like. Let's put in there that she gets her job back, I think that's fair, and you can put anything in this, you could even theoretically put that it's interim.

Jose Smith, City Attorney:

We'll do that, we'll put it in there.

Commissioner Wolfson:

So, a motion to amend the Resolution, first to change the title and then to take out the phrase substantially consistent with the terms outlined at the June 6, 2012 Commission Meeting, and number 3 is to add the reference that she will get her job back as Budget & Performance Director once she completes her services of Interim City Manager.

Commissioner Góngora:

I second the motion.

Mayor Bower:

All those in favor?

Unanimous vote of the City Commission:

Aye.

Kathie G. Brooks:

Madam Mayor, Commissioners, I stated in my interview that I was deeply honored to be one of the candidates selected to be interviewed for the position, So today, I am beyond honored. I really thank you. I know it's a big trust you're putting in me. I know that there are challenges that will not make it easy; we talked about some of them in the interview, you know, the need to further the process to eradicate corruption from the City, elevating morale, addressing staff shortages and making sure that the City's budget process doesn't suffer as a result of my new role, and in addition, just ensuring the management of the day-to-day activities, labor negotiations and moving forward in general your priorities, and I realize that there will be personal challenges for me as well; I'm very familiar with City departments, but there's a lot that I need to learn and I will need to reach out to those who know. One thing I already learned from my interview is that I need to be ensured that you all have information accessible to you at the same level and at the same time. But leadership is about taking risks when a situation calls for it, and I believe I can have a positive impact on the organization. As I told you, I see the primary role of the Interim City Manager as managing the transition process, making sure that the agenda and priorities of the Commission keep going, but not forgetting that our day-to-day service to our community, police, fire, parks, recreation, are as important as our priority action items. To that end, we talked about meeting with each of you and hopefully having a Committee of the Whole where you can define for me what you see as some things I need to achieve and what I need to do to make this both the City and myself a success. I obviously need to deal with my position, I need to put somebody in there to help and I need to look within the organization as to who can fill in for those key positions that we have lost or are losing. I hope to provide whatever support you desire in the selection process for the permanent City Manager and I will be open to input from our residents and to the community that I so love. Those of you who know me know that I will work extremely hard, that I'm generally a quick study, I'm very ethical and I will give it my all to make this transition successful. I mention in my interview that through the process, and I will say it again, I have been so surprised and heartened by all of the support that I have gotten from members of the organization, from you as elected officials, from the community especially. I want to thank you all and hope to serve the City for the long term, most especially I have with me today and I want to say thank you to my family, my husband who you all know, Alex Rey who's here today, and he is always there to support me in whatever I choose to do. Also, there are my boys, Alexander, Javier and Jonathan, and despite the fact that they will be seeing me less, they have never hesitated in encouraging me once I decided to apply for the position, so again, I just want to say thank you and to let you know that I will work very hard to make sure this is a success. Thank you.

Barton Goldberg spoke.

6:08:22 p.m.

R9F Discuss Whether The City Charter Should Be Amended To Provide That The Position Of City Clerk Be Appointed By, And Report Directly To, The City Commission Or Whether The City Clerk Remain A City Employee Who Is Hired By And Reports Directly To The City Manager.
(Requested by Commissioner Deede Weithorn)

ACTION: Discussion held. Motion made by Commissioner Weithorn to amend the City Charter to decide if the City Clerk should report directly to the City Commission or to the City Manager; seconded by Commissioner Góngora; Voice vote: 6-0 Absent: Vice-Mayor Libbin. **City Attorney's Office to handle.**

Commissioner Weithorn stated that she is recommending that this is changed and that she provided the members of the City Commission the list of cities that have this. A question should be prepared for a vote if the City Clerk should report to the City Commission.

Mayor Bower stated that the question, if the City Clerk should report to the City Commission, should be placed on the November ballot for the voters to decide.

Commissioner Góngora stated that the exact language for the question needs to come back on a resolution for the July 18, 2012 City Commission meeting. **City Attorney's Office to handle.**

Handout or Reference Materials:

1. List of municipalities list of whom the City Clerk's Office reports to.

11:17:06 a.m.

R9G Discussion On The Status And Progress Of The Stormwater Master Plan.
(Requested by Commissioner Jonah Wolfson)

ACTION: Discussion held. Item referred to the June 21, 2012 Finance and Citywide Projects Committee. Patricia Walker to place on the committee agenda.

Fred Beckmann, Public Works Director, explained that per Commissioner Wolfson, he approved discussing the item in his absence. Mr. Beckmann gave a brief summary of the item in question including the recommendation to refer to Finance and Citywide Projects Committee.

Discussion held.

Dwight Kraai spoke.

Discussion continued.

Commissioner Tobin commended Mr. Kraai, who is an engineer, and has done great work.

Commissioner Exposito asked Mr. Beckmann to identify "quick fixes" versus long-term, to expedite and added that as they move forward, is there something that can be done to alleviate future costs. **Fred Beckmann to handle.**

6:13:31 p.m.

R9H Discussion Regarding Commercial Use Of Residential Property.
(Requested by Commissioner Edward L. Tobin)

ACTION: Item referred to the Neighborhood/Community Affairs Committee (NCAC). Motion made by Commissioner Weithorn to refer the item to the Neighborhood/Community Affairs Committee; to review the issues and to look at repeat offenders; seconded by Commissioner Góngora; Voice-vote: 6-0; Absent: Vice-Mayor Libbin. Barbara Hawayek to place on the committee agenda. **City Attorney's Office and Hilda Fernandez to handle.**

RECOMMENDATIONS:

- Code Compliance to go through their files, locate any other properties in the same situation, prepare the file, and submit to the City Attorney's Office for processing
- The City Attorney's Office to file a lawsuit on this property
- At committee, revisit the complaint-driven system
- Look beyond some of issues they are dealing with
- Look at the issue of repeat offenders

End

Commissioner Tobin introduced Mr. Neil Eisenberg.

Neil Eisenberg explained the issue. He stated that his neighbor is renting his home for short-term periods. It is advertised on the Internet. The renters have no respect for the neighborhood, they create noise and overall disturb the neighborhood. Mr. Eisenberg also noted that the property in question is in foreclosure and has \$25,000 in fines. The owner does not pay but continues renting the house.

Discussion held.

Hilda Fernandez, Assistant City Manager, explained the item.

Jose Smith, City Attorney, stated that it was brought to his attention, a week ago, that this property had \$20,000 or \$30,000 in liens. When the City Attorney's Office receives a file and are asked to foreclose, they do it. They did not know about this case. If he gets the file with instructions to foreclose on a lien, the City Attorney's Office will do it.

Discussion continued.

Motion made by Commissioner Tobin to direct the City Attorney's Office to file a lawsuit on this property; seconded by Commissioner Góngora; Voice-vote: 6-0; Absent: Vice-Mayor Libbin. He also requested Code Compliance to go through their files, locate any other properties in the same situation, prepare the file, and submit to the City Attorney's Office for processing. **City Attorney's Office and Hilda Fernandez to handle.**

Discussion continued.

Hilda Fernandez, Assistant City Manager, suggested generating a report from Permit Plus on what cases for short-term rental violations have been issued, particularly in cases of repeat offenders, and review them to see if the Administration should proceed the same as with this property. **Hilda Fernandez to handle.**

Commissioner Weithorn requested revisiting the complaint-driven system only and to look beyond some of issues they are dealing with and asked that this item go back to the Neighborhood/Community Affairs Committee, to look at the issue of repeat offenders. No second

offered.

Neil Eisenberg spoke.

Jose Smith, City Attorney, stated that if there is a foreclosure, that probably the City has been named as a party, and the City Attorney's Office can go to the judge and get a Receiver appointed, and they will follow up on it.

Seconded by Commissioner Góngora; Voice vote: 6-0; Absent: Vice-Mayor Libbin.

R9J Discussion Regarding Limiting The Sort Of Items The Commission And City Manager Shall Pursue In The Manager's Remaining Days.

(Requested by Commissioner Jonah Wolfson)

ACTION: Item withdrawn. Commissioner Wolfson withdrew this item, as it had been already discussed.

6:10:42 p.m.

R9J Discuss Reviewing The Code And Repealing Laws That Are Not Necessary.

(Requested by Commissioner Jonah Wolfson)

ACTION: Discussion held and item referred to the 2013 Charter Review Board and to the City Attorney's Oversight Committee. Motion made by Commissioner Wolfson to refer item for discussion to the 2013 Charter Review Board and to the City Attorney's Oversight Committee; seconded by Commissioner Góngora; Voice-vote: 6-0; Absent: Vice-Mayor Libbin. **City Attorney's Office to handle.**

Commissioner Wolfson would like to refer this issue to the City Attorney's Oversight Committee.

Jose Smith, City Attorney, stated a better place would be during the Charter Review process next year. He explained that in addition to reviewing the Charter, there is an opportunity for them to look at the code sections that need to be repealed.

Commissioner Wolfson stated that if the Charter Review Board could be given this additional task, the City Attorney's Office could report to them on a series of things, and there should be some policy direction on the repealing of ordinances. He added that this process will require "give and take" from the policy makers.

Mayor Bower stated that Commissioner Wolfson is correct, and it should be sent to the Charter Review Board, and she requested to be invited to those meetings, and suggested that the entire City Commission be notified so they have an opportunity to attend. **City Attorney's Office to handle.**

Commissioner Góngora stated that it could be sent to both committees.

Motion made by Commissioner Wolfson to refer item for discussion to the 2013 Charter Review Board; and to the City Attorney's Oversight Committee; seconded by Commissioner Góngora; Voice-vote: 6-0; Absent: Vice-Mayor Libbin.

6:26:41 p.m.

ADDENDUM No. 1:

R9K Discussion Regarding Internal Affairs Investigation Of Chief Ray Martinez And Major Angel Vazquez.

(Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held. Motion made by Commissioner Tobin to refer this item to the Miami-Dade Internal Affairs Public Corruption Unit, to investigate the allegations (**Legal Department to handle**), to refer the review of the policy for Internal Affairs investigations to the Neighborhood/Community Affairs Committee; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Vice-Mayor Libbin. **Barbara Hawayek to place on the committee agenda and City Attorney's Office to handle.**

TO DO:

Commissioner Tobin suggested discussing with the Fraternal Order of Police (FOP) to consider a group of two or three outside investigators that will only be fact finders. The Union could participate in choosing the outside investigators to only find the facts. He does not agree that the officers of the Internal Affairs (IA) should actually be the investigators. This should be a policy decision discussed. **Chief Martinez to handle.**

REFERRAL TO THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE:

- 1) Look at the current policy for Internal Affairs investigations.
- 2) Receive input to decide what it should include; should IA investigate high ranking officers lower than the Chief, such as Assistant Chiefs?
- 3) The City Commission should learn how the IA policy works, and the Police Department should make any changes required by the City Commission.

End

Commissioner Tobin stated that he did not hear about an investigation of Chief Martinez during the selection of the Chief of Police. He suggested that Miami-Dade Internal Affairs Public Corruption Unit should investigate this matter, and not the City of Miami Beach Police Department. Katherine Fernandez-Rundle's staff member was a witness to this case, so the State Attorney's Office is not the proper venue. The best way to handle it is to have an outside agency investigate the matter. This could perhaps be a criminal allegation and Joe Centerino, from the Commission on Ethics, does not have jurisdiction to investigate criminal matters. Commissioner Tobin stated that he did not understand why the City forwarded this investigation to the Commission on Ethics.

Discussion held.

Mayor Bower stated that the best Chief of Police was selected. This was the candidate recommended by three panels, including members of the community.

Jorge Gonzalez, City Manager, stated that there is an ongoing Internal Affairs investigation, a report was given to him by Internal Affairs, and it was referred to the Miami-Dade County Commission on Ethics. He asked them if it was not their jurisdiction, to advice as to where it should go. The file has not been returned to the City, but he will be glad to refer it to any entity the City Commission wishes to refer it.

Discussion continued.

Motion made by Commissioner Tobin to refer this item to the Miami-Dade Internal Affairs Public Corruption Unit, to investigate the allegations; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Vice-Mayor Libbin. **City Attorney's Office to handle.**

Discussion continued.

Police Chief Ray Martinez explained that if there is an allegation of any member of the Police Department, except the Chief of Police, the Internal Affairs Unit normally handles the investigation. The investigation is conducted in accordance with Florida Statutes. If there is an allegation against the Chief of Police, that complaint is referred to the Florida Department of Law Enforcement (FDLE), to the Miami-Dade County State Attorney's Office, or the Miami-Dade County Police Department.

Chief Ray Martinez stated, to clear the record, that there is no allegation against him. The Commissioner raised this concern to the City Manager and he suggested to the City Manager that if there are any allegations against him to refer the complaint to another entity to look at it.

Discussion continued.

Commissioner Tobin suggested discussing with the Fraternal Order of Police (FOP) to consider a group of two or three outside investigators that will only be finders of facts. The Union could participate in choosing the outside investigators to only find the facts. He does not agree that the officers of the Internal Affairs should actually be the investigators. This should be a policy decision to be discussed. **Chief Martinez to handle.**

Discussion continued.

Chief Ray Martinez stated again, to make it clear, that there are no allegations against him, that this is a concern the Commissioner raised.

Commissioner Exposito referred the issue of the correct policy for Internal Affairs investigations to the Neighborhood/Community Affairs Committee. **Barbara Hawayek to handle.**

Discussion continued.

Mayor Bower clarified that the referral should be:

- 1) To look at the current policy for Internal Affairs investigations.
- 2) To receive input to decide what it should include, and if it should include ranking officers lower than the Chief, such as Assistant Chiefs.
- 3) The City Commission should be informed as to how the policy works, and make any changes required by the City Commission.

6:10:03 p.m.

ADDENDUM No. 1:

R9L Discussion Regarding (2) Resolutions, Placing (2) Ballot Questions To Amend Section 6.03 Of The City Charter, For The November 6, 2012, General Election:

1. A Resolution Calling For A November 6, 2012 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether Miami Beach City Charter Section 6.03 Should Be Amended To Change The Time Period That A Qualified Elector Of The City, Residing Within The City For At Least One (1) Year Prior To Qualifying, Has To File With The City Clerk His/Her Petition For Qualifying As A Candidate For Office, From No Later Than The Second Day Of The Consecutive Four (4) Day Period For Qualifying As A Candidate For Such Office, To No Later Than Noon Of The 14th Day Preceding The First Day Of Such Consecutive Four (4) Day Qualifying Period.

ACTION: Discussion held. Resolution No. 2012-27933 adopted. Motion made by Commissioner Wolfson; seconded by Commissioner Góngora. Voice vote: 6-0. Absent: Vice-Mayor Libbin. **City Attorney's Office and Rafael E. Granado, City Clerk, to handle.**

2. A Resolution Calling For A November 6, 2012 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether Miami Beach City Charter Section 6.03 Should Be Amended To Require A Waiver Of The City Qualifying Fee In The Event That The County Supervisor Of Elections Does Not Verify A Candidate For Office's Qualifying Petition By 5:00 PM On The Second Day Of The Four Day Qualifying Period.

(Requested by Commissioner Jonah Wolfson)

ACTION: Discussion held. Resolution No. 2012-27934 adopted. Motion made by Commissioner Wolfson; seconded by Commissioner Góngora. Voice vote: 6-0; Absent: Vice-Mayor Libbin. **City Attorney's Office and Rafael E. Granado, City Clerk, to handle.**

ADDENDUM No. 2:

Moved to Consent Under Item C4L

R9M Discussion Regarding The Upper La Gorce Stormwater Drainage, Specifically, The Budget And Design Criteria Package.

(Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held. See referral item C4L.

9:57:02 a.m.

6:01:16 .p.m.

ADDENDUM No. 2:

R9N Discussion Regarding Flooding On Star Island, Specifically The Proposed Solution.

(Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held.

Commissioner Tobin asked as to the status of the flooding on Star Island since he receives calls from residents as to the flooding that occurs. Presently, the City's drainage solution is to send a pump truck to pump the water. He would like to know the proposed solution for Star Island and the timetable.

Fred Beckmann, Public Works Director, gave a status report and explained the temporary solution implemented.

Discussion held.

Commissioner Tobin asked Richard Saltrick, City Engineer, if he was confident that this will be a drainage solution for Star Island and responded that he is confident.

Commissioner Exposito stated that he has been receiving e-mails from residents in Palm Island that they are having continuous flooding situation. He requested an update on the situation and the time frame to resolve it.

Fred Beckmann, Public Works Director, stated that there is a design criteria package being managed now that covers water drainage improvements and the undergrounding.

Discussion continued.

Fred Beckmann, Public Works Director, stated that the construction will start after the rainy season. He will review this problem again and inform Commissioner Exposito. **Fred Beckmann to handle.**

R10 - City Attorney Reports

R10A City Attorney's Status Report.

(City Attorney Office)

ACTION: Report included in the Agenda.

Reports and Informational Items

Reports and Informational Items (see LTC No. 148-2012)

End of Regular Agenda

Miami Beach Redevelopment Agency

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

June 6, 2012

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

Executive Director Jorge M. Gonzalez
Assistant Director Jorge Gomez
General Counsel Jose Smith
Secretary Rafael E. Granado

AGENDA

10:19:13 a.m.

1. NEW BUSINESS

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency Approving And Authorizing The Chairperson And Secretary To Execute Amendment No. 2 To That Certain Retail Lease Agreement By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency And Penn 17, LLC. (Lessee), Dated September 16, 2011, Involving The Lease Of Approximately 7,655 Square Feet Of Ground Floor Retail Space At The Pennsylvania Avenue Garage, 1661 Pennsylvania Avenue, Miami Beach, Florida; Said Amendment Providing For The Following: 1) An Abatement Of One (1) Month's Rent And Deferring An Additional Two (2) Months' Rent To Be Paid By The Lessee In Lump Sum Or In Thirty Six (36) Equal Monthly Installments, Commencing In The Third Year Of The Lease Term, And Ending On The Last Day Of The Fifth Year Of The Lease Term; 2) Increasing The Size Of The Tenant's Additional Area (Storage Space), As Defined In Section 3.11 Of The Lease, To Include An Additional 284 Square Feet (Formerly Designated For Storage Of The Building's Flood Panels); 3) Increasing The Charge For Common Area Maintenance (CAM) From \$98,850 Per Year, To \$101,690, To Reflect The Increase In The Size Of The Storage Space; And 4) Providing For The Construction Of A New Replacement Enclosure, At The Tenant's Sole Cost And Expense, For The Storage Of Flood Panels. **Joint Redevelopment Agency And City Commission**
(Real Estate, Housing & Community Development)

ACTION: Item heard in conjunction with R7D. Resolution No. 585-2012 adopted as amended. Motion made by Commissioner Góngora; seconded by Commissioner Weithorn; Voice vote 7-0. Anna Parekh to handle.

Hilda Fernandez, Assistant City Manager, introduced the item.

Commissioner Weithorn stated that when this item first came to the Finance and Citywide Projects committee they said that because this was taking so long, the committee did not want to take back the space and to place the City in a position waiting for something that may not happen, and since there were no backup offers for the space, the committee

decided to take what they had and start receiving money. She felt this was important and needed to be said.

Discussion held.

Anna Parekh, Housing and Community Development Director, spoke.

Motion made by Commissioner Wolfson; seconded by Commissioner Weithorn to adjourn the meeting at 7:46:41 p.m. By acclamation; 6-0: Absent: Vice-Mayor Libbin.