

MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
September 12, 2012

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

Interim City Manager Kathie G. Brooks
City Attorney Jose Smith
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

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

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date, which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

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

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

Presentations and Awards

PA Presentations and Awards

Consent Agenda

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

Regular Agenda

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

Reports and Informational Items

Presentations and Awards

- PA1 Certificates Of Appreciation To Be Presented To The Miami Beach Police Department's Officers Of The Month For May, June And July, 2012.
(Requested by Vice-Mayor Jorge R. Exposito)
- PA2 Certificate Of Appreciation To Be Presented To The Miami Beach Fire Department's Lifeguards That Were Involved In A Heroic Act On July 18, 2012.
(Requested by Vice-Mayor Jorge R. Exposito)
- PA3 Proclamation To Be Presented In Honor Of Hispanic Heritage Month.
(Requested by Mayor Matti Herrera Bower)
- PA4 Certificates Of Recognition To Be Presented To Feinberg Fisher School And Biscayne Elementary For Their International Baccalaureate Primary Year Program Authorization.
(Requested by Mayor Matti Herrera Bower)
- PA5 Proclamation To Be Presented To Mango's Tropical Café For Its Donation Of K-9 Police Dogs To The Miami Beach Police Department.
(Requested by Commissioner Jerry Libbin)
- PA6 Certificate Of Appreciation To Be Presented To Dr. Richard Schulze For His Donation Of A K-9 Police Dog To The Miami Beach Police Department.
(Requested by Commissioner Jerry Libbin)
- PA7 Proclamation To Be Presented To The Police Athletic League (PAL) For Their Programs Supporting Miami Beach Students.
(Requested by Commissioner Jerry Libbin)
- PA8 Certificate Of Recognition To Be Presented To Millie Rogers, For Winning The 2012 Miami-Dade Public Library System Teen Poetry Contest.
(Requested By Commissioner Michael Góngora)
- PA9 Certificates Of Recognition To Be Presented To James And Ted Butler For Their Heroic Efforts In Restraining A Rowdy And Irrational Man During A Screening Of The New Batman Movie At The South Beach Regal Cinema In Late July, Following The Deadly Colorado Movie Theater Massacre.
(Requested By Commissioner Michael Góngora)
- PA10 Proclamation Declaring September As Hunger Action Month, To Be Presented To Anthea Pennant From Feeding South Florida.
(Requested By Mayor & Commissioners)

Presentations and Awards (Continued)

- PA11 Certificate Of Recognition To Be Presented To Luis Federico Ugarte, Participant In UNIDAD's Senior Placement Program.
(Requested By Commissioner Jonah Wolfson)
- PA12 Certificate Of Recognition To Be Presented To Miami Design Preservation League, Mr. Richard Towers, Employer/Participant In UNIDAD's Senior Placement Program.
(Requested By Commissioner Jonah Wolfson)

CONSENT AGENDA

Action:
Moved:
Seconded:
Vote:

C2 - Competitive Bid Reports

- C2A Request For Approval To Issue A Request For Proposals (RFP) For Call Center Services.
(Finance Department/Procurement)
- C2B Request For Approval To Award Contracts To The Lowest And Best Bidders For Groups 1 Through 22, Pursuant To Invitation To Bid (ITB) No. 40-11/12, For Fencing Services For Various City Departments; Awards Shall Be Based As Follows: Groups 1, 2, 3, 4, 5, 7, 8, 12, 14, 16, 18, 19, 20, And 21 To Ronald M. Gibbons, Inc.; And Groups 6, 9, 10, 11, 13, 15, 17, And 22 To Artemisa Fence & Ornamental; For A Total Estimated Budgeted Annual Amount Of \$90,000.
(Parks & Recreation/Public Works/Procurement)
- C2C Request For Approval To Issue A Request For Proposals (RFP) For Electric Fireworks And Pyrotechnics For The City Of Miami Beach Fourth Of July Event.
(Tourism & Cultural Development/Procurement)
- C2D Request For Approval To Issue A Request For Proposals (RFP) For Maintenance And Security Services For The Lincoln Road Mall Service Area.
(Public Works)
- C2E Request For Approval To Award Contracts Pursuant To Invitation To Bid No. 10-11/12, For The Purchase And Delivery Of Rock, Soil, And Sand To The Following Vendors: Austin Tupler Trucking Inc., Florida Superior Sand, Inc., G7 Holding, Inc., And Pro-Grounds Productions Inc., In The Estimated Annual Amount Of \$159,000.
(Parks & Recreation/Procurement)

C4 - Commission Committee Assignments

- C4A Referral To The Neighborhood/Community Affairs Committee And The Marine Authority - Discussion Of Establishing Parasailing Safety Standards.
(Requested by Vice-Mayor Jorge R. Exposito)
- C4B Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Review Of Hurricane Season And Seasonal Flooding Parking Policies.
(Requested by Commissioner Weithorn)
- C4C Referral To The Neighborhood/Community Affairs Committee And Marine Authority - Discussion Relating To The Creation Of A No Wake Zone Ordinance.
(Requested by Vice-Mayor Jorge R. Exposito)
- C4D Referral To The Land Use And Development Committee - Discussion Concerning The Miami Beach Human Rights Committee Resolution Regarding The Posting Of Public Notices.
(Requested By Commissioner Michael Góngora)
- C4E Referral To The Land Use And Development Committee - Discussion Concerning The Motion Regarding Hours Of Operation For Clubs And Bars During Special LGBT Events Passed By The LGBT Business Enhancement Committee.
(Requested By Commissioner Michael Góngora)
- C4F Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding "Green Alleys" on Miami Beach.
(Requested by Commissioner Edward L. Tobin)
- C4G Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Section 2-459, Entitled "Certain Appearances Prohibited" Ordinance.
(Requested by Commissioner Edward L. Tobin)

C6 - Commission Committee Reports

- C6A Report Of The Land Use And Development Committee Meeting Of July 25, 2012: **1)** Discussion Regarding A Resolution By The Historic Preservation Board To Modify The Code Governing The Voluntary Designation Of Single Family Homes. **2)** Reduced Parking Rates For Hotel Employees. **3)** Discussion Regarding Not Charging Double Permit Fees For People Who Come Forward And Request Permits For Work Done Without A Permit. **4)** 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. **5)** 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. **6)** Discussion Regarding A Proposed Sewage Lift Station In 18th Street For The Shelbourne Hotel. **7)** Discussion Regarding The Commission Serving As The Evaluation Committee In Larger Significant Projects.

C6 - Commission Committee Reports (Continued)

C6B Report Of The Neighborhood/Community Affairs Committee Meeting Of July 30, 2012: **1)** Discussion & Update On The Citywide Dunes Maintenance Plan. **2)** Discussion Regarding An Ordinance Amending Chapter 82, Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article VI, Entitled "Naming Of Public Facilities And Establishment Of Monuments Or Memorials," By Amending Section 82-504, Entitled "Monuments Or Memorials," By Adding Criteria To Provide That: A) Only The Mayor Or A Member Of The Commission May Propose The Establishment Of A Monument Or Memorial; B) The Mayor & Commissioners Shall Each Be Limited To Proposing The Establishment Of One Monument Or Memorial Per Term Of Elected Office; C) Any Person To Be Recognized By The Establishment Of A Monument Or Memorial Must Be In Good Standing In The Community And If, After The Honor Is Bestowed, The Person Is Convicted Or Adjudicated Guilty Of A Felony, The Name Of The Person Shall Be Removed From Such Monument Or Memorial Or The Monument Or Memorial Itself May Be Removed, Without Any Resulting Liability To The City. **3)** Special Events: **A)** Discussion Regarding An Ordinance Amending Chapter 12 Of The Miami Beach City Code, Entitled "Arts, Culture And Entertainment," By Amending Article II Thereof, Entitled "Special Events," By Amending Section 12-5, "Special Events Permits" To Provide Clarification To Special Event Applicants Under Provision (5); By Providing Enforcement And Penalties For The Violation Of Section 12-5 As Set Forth In Provision (9). **B)** Discussion Regarding A Resolution Revising The "Special Events Requirements And Guidelines," By Amending The Following Sections: "Application Procedure," "Weddings And Ceremonies," "Product Promotion/Temporary Sampling," "Minimum Requirements," "Internal Review Procedure," "External Review Procedure," "Vehicle Access Policy," "Concession Agreements," "Use Of Public Property," "Enforcement And Penalties;" And Further Amending The Special Event Fee Schedule, And Hereby Permitting And Restricting Further Uses On Public Property. **4)** Quarterly Reports Regarding Washington Avenue. **5)** Discussion Regarding A Resolution Directing That An Application For A Sidewalk Café Permit For The Drexel Avenue And 16th Street Sidewalks In Front Of The Retail Spaces Of The Park @ 420 Garage, Located At The Corner Of 16th Street & Drexel Ave. **6)** Discussion Regarding Whether The City Should Enter Into A New Lease Agreement With Design Miami To Hold The December Design Miami Show In The Preferred Parking Lot, For Specific Dates In 2013, 2014, 2015, & 2016. **7)** Discussion Regarding 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. **8)** 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. **9)** Discussion Concerning The Flamingo Park

Neighborhood Becoming Florida's Most Pedestrian Friendly Neighborhood. **10)** Discussion Regarding The Issue Of The Correct Policy For Internal Affairs Investigations. **11)** Discussion Regarding Collins Canal Centennial Celebration. **12)** Quarterly Crime Statistics.

C6C Report Of The Capital Improvement Projects Oversight Committee Meeting Of April 9, 2012: **1)** Attendance. **2)** Review And Acceptance Of Minutes. **3)** Public Comments. **4)** Old Business/Requested Reports: A. North Beach Neighborhoods: 1. Status Report: Normandy Isle Neighborhood; 2. Discussion On Biscayne Point Neighborhood Improvement Project; Approved Commission Item: B. Middle Beach Neighborhoods: 1. Status Report: Sunset Islands I & II; 2. Status On Sunset Islands III & IV; 3. Status On Lower North Bay Road C. South Beach Neighborhoods: 1. Status Report: Venetian Islands; 2. Status Report: Palm & Hibiscus Island Undergrounding. **5)** Commission Items A. Undergrounding Of Overhead Utilities On Hibiscus Island; B. Installation Of Parking Equipment In The Sunset Harbour Parking Garage.

C6D Report Of The Finance And Citywide Projects Committee Meetings Of July 9, July 10, July 25, And August 22, 2012:

July 9, 2012 **1)** Discussion: Status Update On FY 2012/13 General Fund Operating Budget. **2)** Overview Of Right Of Way Projects. **3)** Amendment To The Bayshore Neighborhood Basis Of Design Report. **4)** Discussion Of Normandy Shores Park Tot-Lot/Playground Project Conversion To Fitness Circuit/Passive Open Space Park Project. **5)** Discussion Regarding Establishing New Recycling Bins. **6)** The Wolfsonian-FIU Washington Avenue Initiative. **7)** Discussion: Other Public Requests. **8)** Discussion: FY 2012/13 Capital Projects Prioritization. **9)** Proposed Capital Renewal And Replacement Projects. **10)** Proposed Information And Communications Technology Fund Projects.

July 10, 2012: **1)** Proposal For Increased Rates For The Botanical Garden. **2)** Discussion Of The Current Management And Operations Of The City Of Miami Beach Golf Courses, Clubhouses, And Related Facilities And Options/Direction For The Future Management Agreement. **3)** Status On Building Development Process Fees. **4)** Mass Transit Connectivity Study. **5)** Miami Beach Mass Transit Loop.

July 25, 2012: **1)** Discussion Of FY 2012/13 Capital Project Prioritization Status Update. **2)** Repair And Reconstruction Of Seawalls. **3)** Collins Canal Seawall Repair/Dade Boulevard Bike Plan. **4)** Wolfsonian-FIU Master Plan/Washington Avenue Enhancement Plan. **5)** Discussion Of Parking Lot Projects. **6)** Discussion Of Scope And Anticipated Results From The Proposed Transportation Improvement And Implementation Plan. **7)** Proposed Capital Renewal And Replacement Projects. **8)** Proposed Information And Communications Technology Fund Projects. **9)** Presentation Regarding The Use Of Public Surveillance Cameras. **10)** Review Of Duties - Office Of The City Clerk. **11)** Discussion Regarding Festival Of The Arts. **12)** Budget Briefing Discussion: Status Update On FY 2012/13 General Fund Operating Budget. **13)** Discussion Of Proposed Law Enforcement Trust Fund Projects.

August 22, 2012: **1)** Discussion: Status Update On FY 2012/13 General Fund Operating Budget. **2)** Status Report From The Engineering Company Assigned To Do The City's Citywide Stormwater Master Plan. **3)** Discussion Regarding Utility Rates. **4)** Discussion Regarding Building Fees 10% Impact.

C6 - Commission Committee Reports (Continued)

- C6E Report Of The Finance And Citywide Projects Committee Meeting Of July 26, 2012: **1)** Discussion Regarding A Proposed Ordinance On Ethics Guidelines For Acceptance Of Gifts, Favors, Or Services By City Employees. **2)** Discussion Regarding Development Of Criteria And Procedures For Use Of The Commission Chamber. **3)** Discussion Regarding A Proposed Municipal Marketing Program For South Pointe Park, And An Update On Other Potential Municipal Marketing Partnerships.

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The City Manager Or Her Designee: 1) To Submit A Grant Application To Miami-Dade County Emergency Medical Services For Funding In The Approximate Amount Of \$20,000 To Improve And Expand Pre-Hospital Emergency Medical Services; 2) To Submit A Grant Application To Florida Highway Beautification Council Grant Program And Enter Into A Landscape Construction, And Maintenance Memorandum Of Agreement With The Florida Department Of Transportation For Funding In The Approximate Amount Of \$100,000 For Landscaping On Collins Avenue And \$70,000 For Landscaping On Alton Road; 3) To Submit A Grant Application To Florida Department Of Environmental Protection, Recreational Trails Program In The Approximate Amount Of \$75,000 For The Middle Beach Recreational Corridor; 4) To Submit A Grant Application To The National Alliance For Accessible Golf In The Approximate Amount Of \$10,000 For The City's Accessible Golf Program; And 5) To Submit A Grant Application To Florida Junior Golf Council In The Approximate Amount Of \$10,000 For The Normandy Shores Youth Golf Clinic; Appropriating The Above Grants, Matching Funds, And City Expenses Related To The Above Projects As Necessary, If Approved And Accepted By The City, And Authorizing The Execution Of All Documents Related To These Applications.

(Budget & Performance Improvement)

- C7B A Resolution Accepting The Recommendation Of The Interim City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 38-11/12, For Professional Engineering Services To Provide, On An "As-Needed" Basis, Construction Management Support Of Right-Of-Way Capital Improvement Projects; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Conclusion Of Successful Negotiations By The Administration With The Three Top-Ranked Proposers: CDM Smith, Inc., Atkins North America, Inc., And AECOM Technical Services, Inc. As The Primary, Secondary, And Tertiary Firms Respectively; And Should The Administration Be Unable To Negotiate An Agreement With Any Of The Top-Ranked Firms, Authorizing The Administration To Negotiate With The Fourth-Ranked Firm Of PCL/Pirtle, A Joint Venture, As The Tertiary Firm.

(Capital Improvement Projects/Procurement)

C7 - Resolutions (Continued)

C7C Appointment Of Chief Special Master

1. A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Section 30-36 Of The Code Of The City Of Miami Beach, Concerning The Reappointment Of Abraham Laeser, Esq., To Serve As Chief Special Master, For A Term Commencing On September 15, 2012 And Ending On March 14, 2013; Provided Further That Chief Special Master Laeser Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of The City And County Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; And Further Incorporating All Other Matters Set Forth Within Chapter 30 Of The City Code, Including, Without Limitation, Sections 30-37 And 30-38 Thereof, Concerning The Compensation And Duties Of The Chief Special Master.

2. A Resolution Approving And Appointing, Pursuant To Section 102-356 Of The City Code, Abraham Laeser, Esq. (Chief Special Master Appointed Pursuant To Resolution No. _____), As The City Manager's "Designee" Under Section 102-356 Of The City Code; Said Designation Commencing With Mr. Laeser's Term As Chief Special Master On September 15, 2012 And Ending On March 14, 2013.
(City Clerk's Office)
(Deferred from July 18, 2012/Referred to City Attorney's Oversight Committee)

C7D A Resolution Urging The Florida Building Commission To Adopt An Amendment To The Florida Building Code Giving All Municipalities The Authority To Waive The Mandated Double Permit Fee For Work Performed Without A Permit, Subject To The Building Official's Discretion Where Equitable Circumstances Are Presented.
(Building Department/City Attorney's Office)

C7E A Resolution Approving A Settlement For \$13,500 In Exchange For A Release Of A City Lien On Property Owned By AB International Holdings LLC, Located At 850 W 40th Street, Miami Beach, Florida, In The Original Amount Of \$29,400, And Further Authorizing The City Manager To Take Such Action And Execute Any And All Necessary Documents To Complete Such Release Of Lien And Settlement.
(City Attorney's Office/Finance Department)

C7F A Resolution Approving The Settlement In The Amount Of \$45,000 For City Liens On Property Owned By Plaza Hotel, LLC, Located At 418-422 Meridian Avenue And 426 Meridian Avenue, Miami Beach, Florida, In The Original Amount Of \$338,522.46, And Further Authorizing The City Manager To Take Such Action And Execute Any And All Necessary Documents To Complete Such Lien Release And Settlement.
(City Attorney's Office/City Manager's Office)

C7 - Resolutions (Continued)

- C7G A Resolution Authorizing The Issuance Of A Request For Letters Of Interest (RFLI) In Anticipation Of Pursuing Grant Opportunities Through The Children's Trust, And State And Federal Funding Agencies, And Private Foundations; And Authorizing The City Manager Or Her Designee To Execute Memoranda Of Understanding With Selected Entities, In Furtherance Of And Consistent With The Aforestated Funding Opportunities.
(Community Services)
- C7H A Resolution Accepting The Recommendation Of The City Manager To Award A Contract Pursuant To Request For Proposals No. 55-11/12 For The Acquisition Of A Mobile And/Or Handheld License Plate Recognition (LPR) Parking Enforcement System (The RFP); Authorizing The Administration To Enter Into Negotiations With Parktrak For The Handheld LPR Parking Enforcement System; Authorizing The Mayor And City Clerk To Execute An Agreement With The Proposer Upon Completion Of Negotiations By The Administration.
(Parking Department/Procurement)
- C7I A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee At Their July 10, 2012 Meeting, To Extend The Current Management Agreement With Professional Course Management II, LTD. (PCM), Which Expires On September 30, 2012, On A Month-To-Month Basis Until Such Time As A New Management Agreement For The Management And Operations Of The City Of Miami Beach Golf Courses, Clubhouses And Related Facilities Is Authorized By The City Commission.
(Parks & Recreation)
- C7J A Resolution Authorizing The City Manager And City Clerk To Execute A New, Multi-Jurisdictional Voluntary Cooperation Mutual Aid Agreement, By The City Of Miami Beach, On Behalf Of The Miami Beach Police Department, For The Purpose Of Participating In The South Florida Money Laundering Strike Force Which Is Dedicated To The Intensive And Preventative Investigations Of Illegal Money Laundering And Drug Trafficking Operations Throughout South Florida.
(Police Department)
- C7K A Resolution Authorizing The City Manager, And City Clerk To Execute A Memorandum Of Understanding, On Behalf Of The Miami Beach Police Department, Between The City Of Miami Beach, The Metropolitan Police Department Of Washington D.C. And The United States Attorney For The District Of Columbia, For The Purpose Of Participating In The Presidential Inauguration Task Force, To Provide Crowd Control And Security For The 2013 United States Presidential Inauguration In Washington D.C. From January 16, 2013 Through January 22, 2013.
(Police Department)

C7 - Resolutions (Continued)

- C7L A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Letter Of Agreement Between The City Of Miami Beach And The State Of Florida, Through Its Agency For Health Care Administration (The "LOA"), And Appropriating \$250,000 Subject To And Conditioned Upon A Formal Written Acknowledgement By Mt. Sinai Medical Center That The City's Approval And Execution Of The Aforestated LOA Satisfies And Releases The City's Obligations Under The 2008 Memorandum Of Understanding Between The City Of Miami Beach And Mt. Sinai To Provide "Workforce Housing' In The Lowenstein Building (The"MOU").
(Finance Department)
- C7M A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 57-11/12, For The Purpose Of Conducting The Required 40-Year Building Recertification And Subsequent 10-Year Building Recertification, As Required By Miami-Dade County Code; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, Douglas Wood Associates/Gartek Engineering; And Should The Administration Not Be Able To Successfully Negotiate An Agreement With The Top-Ranked Proposer, Authorizing The Administration To Negotiate With The Second-Ranked Proposer, Eastern Engineering Group; And Should The Administration Not Be Successful In Negotiating With The Second-Ranked Proposer, Negotiate With The Third-Ranked Proposer, M2E Consulting Engineers As Needed Respectively; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.
(Public Works/Procurement)
- C7N A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Declaration Regarding Improvements And Maintenance Of Traffic Circle Areas Within The Right-Of-Way And Public Beach Walk And Exchange Of Easements Related Thereto, With Seville Acquisition, LLC, Owner Of The Marriott Seville, For Improvements To And The Maintenance Of The 29th Street Streetend And Traffic Circle, And For The Construction Of A Portion Of The Beachwalk.
(Public Works)
- C7O A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Locally Funded Agreement In The Amount Of \$126,530, And A Maintenance Memorandum Of Agreement, With The Florida Department Of Transportation, For The Construction And Maintenance Of Proposed Decorative Pedestrian Crosswalks And Embedded Sidewalk Pavers With Street Names, As Part Of The State Road A1A/Collins Avenue Project, From 5th Street To Lincoln Road.
(Public Works)
- C7P A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Joint Participation Agreement, A Utility Work By Highway Contractor Agreement, Utility Work By A Contractor Memorandum Of Agreement, And A Stormwater Pump Stations And Pollution Control Structures Maintenance Memorandum Of Agreement, With The Florida Department Of Transportation, For The Construction Of Drainage Improvements Along 10 Street, Watermain Improvements Along Alton Road, And Maintenance Of Pump Station And Pollution Control Structures, As Part Of The State Road 907/Alton Road Project From 5th Street To Michigan Avenue.
(Public Works)

C7 - Resolutions (Continued)

- C7Q A Resolution Authorizing The Mayor And City Clerk To Execute A Grant Of Easement With Shelborne Ocean Beach Hotel Condominium Association, Inc., Owner Of The Property Located At 1801 Collins Avenue, For A Lift Station And Associated Connection To City's Sanitary Sewer System In The Public Right-Of-Way, On The North Side Of 18th Street, East Of Collins Ave., With A Total Area Of 527 Square Feet.
(Public Works)
- C7R A Resolution Approving And Authorizing The City Manager To Execute A Renewal Of The Sovereignty Submerged Lands Fee Waived Lease Renewal (BOT File No. 130037916) For A Four (4)-Slip Docking Facility At The North Shore Police Substation By And Between The City Of Miami Beach, As Lessee, And The Board Of Trustees Of The Internal Improvement Trust Fund Of The State Of Florida, As Lessor; Said Lease Renewal Having A Term Of Five (5) Years, Retroactively Commencing On May 17, 2012 And Ending On May 17, 2017.
(Real Estate, Housing & Community Development)
- C7S A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee At Its May 17, 2012 Meeting To Extend, On A Month-To-Month Basis, The Management And Operating Agreements Between The City And The Market Company For The Operation Of The Green Markets On Lincoln Road And Normandy Isle And Between The City And Production Sud, Inc., For The Operation Of The Antique And Collectibles Market On Lincoln Road, For A Period Not To Exceed Eight (8) Months, Commencing On October 1, 2012 And Ending No Later Than May 31, 2013; And, Authorizing The City To Proceed In Preparing And Issuing A Request For Proposals (RFP) For The Management And Operation Of Street Markets In Miami Beach At Various Locations.
(Real Estate, Housing & Community Development)

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances

R5A 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)
(Continued from June 6, 2012/Referred to NCAC)

R5B An Ordinance Amending Chapter 82, Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article VI, Entitled "Naming Of Public Facilities And Establishment Of Monuments Or Memorials," By Amending Section 82-504, Entitled "Monuments Or Memorials," By Adding Criteria To Provide That: A) Only The Mayor Or A Member Of The City Commission May Propose The Establishment Of A Monument Or Memorial; B) The Mayor And City Commissioners Shall Each Be Limited To Proposing The Establishment Of One Monument Or Memorial Per Term Of Elected Office; C) Any Person To Be Recognized By The Establishment Of A Monument Or Memorial Must Be In Good Standing In The Community And If, After The Honor Is Bestowed, The Person Is Convicted Or Adjudicated Guilty Of A Felony, The Name Of The Person Shall Be Removed From Such Monument Or Memorial Or The Monument Or Memorial Itself May Be Removed, Without Any Resulting Liability To The City; And Providing For Repealer, Severability, Codification, And An Effective Date. **11:00 a.m. Second Reading Public Hearing**

(Requested by the Neighborhood/Community Affairs Committee)
(Legislative Tracking: Parks & Recreation)
(Continued from July 18, 2012/Referred to NCAC)

R5 - Ordinances (Continued)

- R5C An Ordinance Amending The Miami Beach City Code By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Creating Division 33, To Be Entitled "Tennis Advisory Committee," And By Creating Section 2-190.148 To Create A Tennis Advisory Committee And Provisions Establishing The Committee And Its Purpose, Powers And Duties, Composition, And Supporting Department; And Providing For Repealer, Severability, Codification, And An Effective Date. **11:10 a.m. Second Reading Public Hearing**

(Requested by Commissioners Michael Góngora & Jonah Wolfson)
(Legislative Tracking: Parks & Recreation)
(First Reading on July 18, 2012)

- R5D Private Parking Facilities With Automated Payment Machines
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 106, "Traffic And Vehicles"; Article VI, "Towing And Immobilizations"; Section 262(a)(5), "Vehicles Parked On Private Property; Towing"; Requiring Notification Of Private Property And Automated Payment Machine Use; Providing For Codification, Repealer, Severability And An Effective Date. **11:20 a.m. Second Reading Public Hearing**

(Requested by Commissioner Jerry Libbin)
(Legislative Tracking: Parking Department)
(First Reading on July 18, 2012)

- R5E Artificial Grass (With Restrictions)
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Division 2, "Dune Preservation Overlay," By Amending Section 142-774, "Uses And Structures Permitted," To Establish Policies Regarding The Installation Of Synthetic Grass; Providing For Repealer, Codification, Severability And An Effective Date. **11:30 a.m. Second Reading Public Hearing**

(Requested By Commissioner Jonah Wolfson)
(Legislative Tracking: Planning Department)
(First Reading on July 18, 2012)

- R5F An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance Of The City Of Miami Beach, Florida (The "Ordinance"), By Amending The Salary Ranges and Establishing Compensation Provisions For The City Manager And The Attorney; Providing For Repealer, Severability, Codification, And An Effective Date. **11:40 a.m. Second Reading Public Hearing**

(Requested by Commissioner Jonah Wolfson)
(Legislative Tracking: City Attorney's Office)
(First Reading on July 18, 2012/Referred to FCWPC)

R5 - Ordinances (Continued)

R5G Ordinances Modifying The Building, Fire, Planning And Public Works Departments Fees Related To The Building Development Process Implemented On February 1, 2010.

1. An Ordinance Amending Section 14-61 "Permit Fees", Section 14-62 "Building Permits", And That Portion Of Appendix A Of The City's Code Of Ordinances By Modifying Inspection Fees For Building, Plumbing, Electrical, And Mechanical Work, And For Other Building Department Activities; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
2. An Ordinance Amending Section 50-3 "Plans Examination, Inspections, Permits" And That Portion Of Appendix A Of The City's Code Of Ordinances By Modifying Inspection Fees For Building, Plumbing, Electrical, And Mechanical Work, And For Other Fire Department Activities; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
3. An Ordinance Amending Section 15-32 "Fees", 15-40 "Refunds", 15-42 "Adjusted Rates" And That Portion Of Appendix A Of The City's Code Of Ordinances By Modifying Zoning Fees For Building, Plumbing, Electrical, And Mechanical Work, And For Other Planning Department Activities; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
4. An Ordinance Amending Section 98-92 "Permit Fees", Section 98-94 "Refunds", And That Portion Of Appendix A Of The City's Code Of Ordinances By Modifying Inspection Fees For Building, Plumbing, Electrical, And Mechanical Work, And For Other Public Works Department Activities; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Requested by Finance & Citywide Projects Committee)

(Legislative Tracking: Building Department)

(Item submitted in a separate "Budget Related Items" book)

R5H An Ordinance Amending The Miami Beach City Code By Amending Chapter 90, Entitled "Solid Waste," By Amending Article IV, Entitled "Private Waste Contractors," By Amending Division 3, Entitled "Franchise," By Amending Section 90-230 Entitled "Term Of Franchise Agreements; Initial Term; Renewal Term," To Provide That Prior To The Expiration Of The Initial Term Of A Franchise Agreement, The City Commission May Agree To Renew Term Of An Existing Franchise Agreement, For Up To An Additional Three Year (3) Renewal Term; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Requested by City Commission)

(Legislative Tracking: Public Works)

R7 - Resolutions

- R7A1 A Resolution Adopting: 1) The Tentative Ad Valorem Millage Of 6.1122 Mills For General Operating Purposes, Which Is Eight And Eight-Tenths Percent (8.8%) More Than The "Rolled-Back" Rate Of 5.6184 Mills; And 2) The Debt Service Millage Rate Of 0.2568 Mills; Further Setting The Second Public Hearing To Consider The Millage Rate For Fiscal Year (FY) 2012/13, On Thursday, September 27, 2012 At 5:01 p.m. **5:01 p.m. First Reading Public Hearing**
(Office of Budget & Performance Improvement)
(Item submitted in a separate "Budget Related Items" book)
- R7A2 A Resolution Adopting Tentative Budgets For The General, G.O. Debt Service, RDA Ad Valorem Taxes, Enterprise, And Internal Service Funds For Fiscal Year 2012/13 Subject To A Second Public Hearing Scheduled On Thursday, September 27, 2012 At 5:01 p.m. **5:01 p.m. First Reading Public Hearing**
(Office of Budget & Performance Improvement)
(Item submitted in a separate "Budget Related Items" book)
- R7B1 A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Tentative Ad Valorem Millage Of 1.1444 Mills For Fiscal Year (FY) 2012/13 For The Normandy Shores Local Government District, Which Is Thirteen And Seven-Tenth Percent (13.7%) More Than The "Rolled-Back" Rate Of 1.0063 Mills, Subject To A Second Public Hearing Scheduled On Thursday, September 27, 2012 At 5:02 p.m. **5:02 p.m. First Reading Public Hearing**
(Office of Budget & Performance Improvement)
(Item submitted in a separate "Budget Related Items" book)
- R7B2 A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Tentative Operating Budget For Fiscal Year (FY) 2012/13 Subject To A Second Public Hearing Scheduled On Thursday, September 27, 2012 At 5:02 p.m. **5:02 p.m. First Reading Public Hearing**
(Office of Budget & Performance Improvement)
(Item submitted in a separate "Budget Related Items" book)
- R7C A Resolution Granting An 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, Following A Duly Noticed Public Hearing, 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. **10:45 a.m. Public Hearing**
(Public Works)
- R7D A Resolution Granting A Revocable Permit To Seville Acquisition, LLC, As The Owner Of The Property Located At 2901 Collins Avenue, Following A Duly Noticed Public Hearing, To Allow For Decorative Concrete Eyebrows To Extend 3 Feet Into And 35.45 Feet Along The Public Right-Of-Way On 29th Street And To Extend 3 Feet Into And 354 Feet Along The Public Right-Of-Way On 30th Street. **10:50 a.m. Public Hearing**
(Public Works)

R7 - Resolutions (Continued)

- R7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Grant Of Easement For Air Rights With CG Tides, LLC, CG Tides Village, LLC, And CG Tides Village I, LLC, For A Proposed Elevated Pedestrian Bridge Spanning The 20-Foot Public Right-Of-Way Of Ocean Court (At A Width Of 9'1" With A Minimum Vertical Height Of 16 Feet Above Ocean Court). **10:55 a.m. Public Hearing**
(Public Works)
- R7F A Resolution Adopting The Certification Of The Official Results Of The August 14, 2012 Special Election For The City Of Miami Beach Ballot Questions, And Declaring Results Thereof.
(City Attorney's Office)
- R7G A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Guaranteed Maximum Price (GMP) Amendment No. 1 To The Pre-Construction Services Agreement With The Weitz Company, Dated April 5, 2012, For Construction Management At Risk Services For The South Pointe Park Pier Project, In The Amount Of \$4,809,017 With Funding For This Amendment Previously Appropriated As Follows: \$1,442,417 From The South Pointe Capital Fund 389; And \$3,366,600 From The South Pointe CDT Agreement Rev/Municipal Resort Tax Fund 388.
(Capital Improvement Projects)
- R7H A Resolution Repealing City Of Miami Beach Resolution No. 93-20694 Which Established The City's Complimentary Ticket Policy, And Substituting Therefor A Comprehensive Policy Statement Of The City Of Miami Beach Regarding Its Use And Distribution Of City Tickets To Events And Productions Occurring At City-Owned Venues And/Or City-Sponsored Events.
(City Manager's Office/City Attorney's Office)
- R7I A Resolution Accepting The Recommendation Of The City Manager To Reject All Proposals Received Pursuant To Request For Proposals (RFP) 39-11/12 For Catering And Concession Services For The Miami Beach Convention Center; Approving A One-Year Extension Of The Current Catering And Concessions Services Agreement Between The City And Service America Corporation D/B/A Centerplate For The Miami Beach Convention Center, With Said Extension Commencing On October 1, 2012, And Terminating, For Convenience And Without Cause On September 30, 2013; And Further Referring To The Finance And Citywide Projects Committee A Discussion Regarding The Issuance Of Request For Proposals (RFP) For Catering And Concession Services For The Miami Beach Convention Center.
(Tourism & Cultural Development)

R9 - New Business and Commission Requests

- R9A Board And Committees.
(City Clerk's Office)
- R9A1 Board And Committee Appointments - City Commission Appointments.
(City Clerk's Office)
- R9B1 Dr. Stanley Sutnick Citizen's Forum. (12:30 p.m.)
R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)
- R9C Discussion Regarding North Beach Quality Of Life And Food Trucks.
(Requested by Commissioner Edward L. Tobin)
(Not Reached on July 18, 2012)
- R9D Discussion Regarding The Convention Center.
(Requested by Commissioner Edward L. Tobin)
(Not Reached on July 18, 2012)
- R9E Miami Beach Police Athletic League (PAL) Investigation By The Miami-Dade Police Department
Public Corruption Investigations Bureau.
(City Attorney's Office)
- R9F Discussion On The Status Update Regarding Renewal Of Towing Permits, Amendments To The
Administrative Rules And Regulations For The Police And Parking Towing Permits, And Rates Or
Charges Associated With Towing.
(Requested by Commissioner Jonah Wolfson)
- R9G Discussion Regarding A Resolution Urging And Encouraging The Florida Legislature To Enact
Further Legislation Banning The Marketing, Possession, Sale, Or Manufacture Of "Bath Salts"
Containing Dangerous Synthetic Drugs Or Chemicals, And Urging And Encouraging The United
States Drug Enforcement Administration (DEA) To Make Its One Year Ban On Three Synthetic
Drugs Used To Make Bath Salts A Permanent Ban.
(Requested by Commissioner Deede Weithorn)
- R9H Discussion Regarding Update On The Negotiations With Former City Manager Jorge Gonzalez.
(City Attorney's Office)
- R9I The Committee Of The Whole Will Meet During Lunch Recess Of The September 12, 2012,
City Commission Meeting At The City Manager's Office Large Conference Room To Discuss
The Overview Of Job Audit For Classification Of Office Associate V In The Office Of The
Mayor And Commission.
(Mayor & Commission)

R9 - New Business and Commission Requests (Continued)

- R9J Update To The June 6, 2012, Commission Memorandum On Public Towing Permits.
(Parking Department)
- R9K Discussion On The Status Of The City Manager's Recruitment.
(City Manager's Office)
- R9L Discussion Regarding A Resolution Supporting A Ban On Texting And Driving.
(Requested by Commissioner Jerry Libbin)

R10 - City Attorney Reports

- R10A City Attorney's Status Report.
(City Attorney Office)
- R10B Notice Of Closed Executive Session
Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, September 12, 2012, In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

Reports and Informational Items

Reports And Informational Items (see LTC 228-2012)

End of Regular Agenda