

# MIAMI BEACH

## City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
October 24, 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. 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.*

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 Officer Of The Month For July, August And September 2012.  
(Requested by Vice-Mayor Jorge R. Exposito)
- PA2 Certificates Of Appreciation To Be Presented To The Members Of The Budget Advisory Committee (BAC) For All Their Work, Long Hours And Countless Meetings This Past Year Regarding The Pension Recommendations.  
(Requested by Mayor Matti Herrera Bower)
- PA3 Certificates Of Recognition To Be Presented To Celia Zarembo And Independent Living Community Services (Employer/Participant In UNIDAD's Senior Placement Program).  
(Requested By Commissioner Jonah Wolfson)
- PA4 Certificate Of Recognition To Be Presented To Cuban American Patriots And Friends (CAPAF) And Its President Emilio Izquierdo, Jr.  
(Requested By Commissioner Jonah Wolfson)
- PA5 Proclamation To Be Presented To Osteria Del Teatro For Their 25 Years Of Service.  
(Requested By Commissioner Jonah Wolfson)
- PA6 Proclamation To Be Presented To The Homeless Trust Declaring November 15, 2012 Homeless Awareness Day.  
(Requested by Commissioner Deede Weithorn)
- PA7 Department Of Veterans Affairs/Veterans Day National Committee Designates Miami Beach, Florida As A Regional Site For The Observance Of Veterans Day.  
(Requested by Commissioner Jerry Libbin)
- PA8 Certificate Of Appreciation To Be Presented To Pilar Saavedra For Her Dedication To The Senior Citizens At The North Shore Youth Center.  
(Requested by Commissioner Michael Góngora)
- PA9 Certificate Of Recognition To Be Presented To Manolo Restaurant For Their Long Standing Contribution To Miami Beach.  
(Requested by Commissioner Michael Góngora)

**CONSENT AGENDA**

**Action:**  
**Moved:**  
**Seconded:**  
**Vote:**

**C2 - Competitive Bid Reports**

- C2A Request For Approval To Issue A Request For Qualifications (RFQ) For Design/Build Services For Right Of Way Infrastructure Improvement Program Neighborhood No. 13: Palm & Hibiscus Islands.  
(Capital Improvement Projects/Procurement)

**C4 - Commission Committee Assignments**

- C4A Referral To Finance And Citywide Projects Committee - Discussion Regarding: Water And Sewer Deposits; Implementing Rules And Regulations; And Application Of Rules Similar To Miami-Dade Water And Sewer Department.  
(Requested by Vice-Mayor Jorge R. Exposito)
- C4B Referral To Finance And Citywide Projects Committee - Discussion Regarding: Business Tax Receipt Renewal Notices; How We Handle Over Charges; Reasons For Miscalculations; And Corrective Action Plan.  
(Requested by Vice-Mayor Jorge R. Exposito)
- C4C Referral To Finance And Citywide Projects Committee - Consider New Policy Establishing Criteria For The Reimbursement Of Guarantee Deposits For Those Customers Who Have Established A Positive Payment History On Their Water Bill.  
(Requested by Commissioner Deede Weithorn)
- C4D Referral To The Finance And Citywide Projects Committee - Discussion Regarding An Amendment To The Lease Between The City And Massage Partners, Inc., Located At 767 17th Street, Said Amendment Regarding A Proposed Additional Use Of The Leased Premises, A Proposal To Grant Necessary Access To Additional Restroom Facilities; And A Corresponding Rent Adjustment.  
(Real Estate, Housing & Community Development)
- C4E Referral To The Finance And Citywide Projects Committee - Discuss Catering Options For The Miami Beach Convention Center.  
(Requested by Commissioner Michael Góngora)

**C4 - Commission Committee Assignments** (Continued)

- C4F Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Changing The Bikeways Blue Ribbon Committee To A City Committee.  
(Requested by Mayor Matti Herrera Bower)
  
- C4G Referral To The Finance And Citywide Projects Committee - Discussion Regarding Disposition Of Surplus Equipment.  
(Public Works)
  
- C4H Referral To The Neighborhood/Community Affairs Committee - A Discussion Regarding Amendments To The Current Sidewalk Café Ordinances.  
(Public Works)
  
- C4I Referral To The Finance And Citywide Projects Committee – Discussion Regarding The Budget Advisory Committee’s Proposed Policies And Guidelines For The City’s Pension Plans.  
(City Manager’s Office)

**C6 - Commission Committee Reports**

- C6A Report Of The Capital Improvement Projects Oversight Committee Meeting Of July 16, 2012: **1)** Attendance. **2)** Review & Acceptance Of Minutes. **3)** Accomplishments: Flamingo Park Holtz Tennis Center Construction Commencement. **4)** Public Comments. **5)** Old Business/Requested Reports: **5A)** North Beach Neighborhoods: **5A1)** Status Report: Normandy Isle Neighborhood Improvements; **5A2)** Status Report: Biscayne Point Neighborhood Improvements Project; **5B)** Middle Beach Neighborhoods: **5B1)** Status Report: Sunset Islands I & II; **5B2)** Status Report: Sunset Island III & IV; **5B3)** Status Report: Lower North Bay Road; **5C)** South Beach Neighborhoods: **5C1)** Status Report: Venetian Islands Neighborhood Improvement Project; **5C2)** Status Report: Palm & Hibiscus Island Neighborhood Improvements & Utilities Undergrounding; **6)** Commission Items: **6A)** Bayshore Right Of Way Improvement Project: A Resolution Providing For 1) Amending Resolution No. 2003-25171, Which Approved The Basis Of Design Report (BODR) For The Bayshore Right Of Way Improvement Project; Said Amendment Amending The BODR As Follows: A) Incorporating Implementation Of HOA Requested Roadway Width And Landscape Items (11 Points); B) Providing Additional Stormwater Upgrades To The Area Known As Zone 4 In The BODR; And C) Providing Complete Milling And Resurfacing Of The Roadway In Lieu Of Asphalt Overlay; And 2) Authorizing The Mayor And City Clerk To Execute Amendment No. 23 To The Professional Services Agreement Between The City Of Miami Beach, Florida, And CH2M Hill For The Professional Landscape, Architectural And Engineering Services For The Right-Of-Way Infrastructure Improvements Program For Neighborhood No. 8 Bayshore And Sunset Islands, Dated May 16, 2001 (The Agreement), In The Negotiated Not-To-Exceed Amounts Of \$200,401, For Additional Design Services For The Right Of Way Infrastructure Improvements For The Central Bayshore Neighborhood No. 8A Package In Order To Incorporate The Necessary Design Changes To Accommodate The Previously Noted BODR Modifications; And \$7,440 For Reimbursable Expenses, For A Grand Total Not-To-Exceed Amount Of \$207,841; With Previously Appropriated Stormwater Bond Funding. **6B)** South Pointe Phases III, IV And V: A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Construction Contract Between The City Of Miami Beach, Florida, And Trans Florida Development Corporation, For The Construction Of The City Of Miami Beach Right Of Way Infrastructure Improvement Program, Neighborhood No. 12/D/E/F, South Pointe Phases III, IV And V; Dated September 9, 2010 (The Contract), In The Not-To-Exceed Amount Of \$1,749,048 For The Construction Of A New 12-Inch Water Main Along Ocean Drive From 5th Street To South Pointe Drive, Additional Roadway Reconstruction Throughout The Project Limits, Installation Of Light Emitting Diode (LED) Lighting Fixtures In Lieu Of Metal Halide, And Approving An Amendment To The Original Basis Of Design Report (BODR) For Additional Improvements To 1st Street Between Alton Road And Washington Avenue; With Previously Appropriated Funding Available From South Pointe Capital Fund 389, In The Amount Of \$1,749,048, For The Construction, And \$174,904, For Contingency, For A Grand Total Of \$1,923,952.
- C6B Report Of The Land Use And Development Committee Meeting Of September 19, 2012: **1)** Proposed Parking District #5 For The Alton Road Corridor. **2)** Discussion Regarding The Re-Zoning Of The Property At 1729 Lenox Avenue. **3)** Reduced Parking Rates For Hotel Employees. **4)** Review Of Miami Beach Land Use Boards To Improve The City Of Miami Beach Building And Planning Department Processes. **5)** Discussion On Policy Consideration Regarding The Granting Of Subterranean Or Aerial Rights Over Public Property. **6)** Discussion Of RFP For Tennis Maintenance And Bifurcating Maintenance And Operations. **7)** Discussion On The Euclid Avenue Street End Project.

**C6 - Commission Committee Reports** (Continued)

- C6C Report Of The Finance And Citywide Projects Committee Meeting Of October 3, 2012: 1) Public Presentation Regarding Status Of, And Other Issues Pertaining To, The Lincoln Road Request For Proposals (The "Lincoln Road RFP" Or The "RFP"), And The Convention Center Request For Qualifications (The "Convention Center RFQ" Or The "RFQ.")
- C6D Report Of The Neighborhood/Community Affairs Committee Meeting Of September 24, 2012: **1)** Discussion Regarding The Ordinance That Amended 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. **2)** Policies Related To Storms, Hurricanes And Parking. **2A)** Discussion Regarding Whether The City Should Have A General Standing Rule To Waive Certain Fees, Such As Parking And Other, Related To Reconstruction Of Private Property Damaged Due To A Severe Storm Event Or Similar Nature Event. **2B)** Discussion Regarding Review Of Hurricane Season And Seasonal Flooding Parking Policies. **3)** Discussion Regarding A Proposal For A Donation Of Art Pieces To Be Displayed On Lincoln Road. **4)** Discussion Regarding Proposed Amendments To The City's Film And Print Guidelines. **5)** Discussion Regarding Requiring Miami Beach Restaurants To Post Scores Given By The Health Department. **6)** Discussion Regarding An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, 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. **7)** Discussion Regarding "Booting" Services And Raising The Allowable Rate Per Vehicle, Which Is Now \$25 Each. **8)** Discuss Bringing A New Festival Of The Arts To North Beach. **9)** Discussion Regarding The Upper La Gorce Stormwater Drainage, Specifically, The Budget And Design Criteria Package. **10)** 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. **11)** Discussion Regarding The Various Types Of Water Sports Activities That Exist Today To Amend The 1964 Ordinance. **12)** Discussion Regarding The Water Feature At The Washington Avenue Entry Of South Pointe Park. **13)** Discussion Concerning The Timing Of The Usage Of The City Of Miami Beach's Leaf Blowers. **14)** Discussion Regarding The Need For Attended Bathrooms In The City Of Miami Beach. **15)** Discussion Regarding A No Wake Zone Ordinance.

**C7 - Resolutions**

- C7A A Resolution Approving And Authorizing The City Manager Or Her Designee To Submit Applications To 1) US Department Of Homeland Security, Federal Emergency Management Agency (FEMA), Through The State Of Florida Division Of Emergency Management For FY 2013 Urban Area Security Funding (UASI) In The Approximate Amount Of \$100,000 For The City's Emergency Needs; 2) The Villagers Incorporated, For Funding In The Approximate Amount Of \$20,000 For Phase 1 Funding (Professional Services) For The Restoration Of The Polo Player Statue Located In Polo Park; 3) Transportation Enhancement Funds (TEP) In The Approximate Amount Of \$1,000,000 For Construction Of The Middle Beach Recreation Corridor (MBRC) Phase 2; And 4) The US Department Of Homeland Security, Federal Emergency Management Administration (FEMA) For The FEMA 2012 Community Resilience Innovation Challenge Program For Funding In The Approximate Amount Of \$35,000 For The City's Community Rapid Response Program; Appropriating The Above Grants, Program Funds And Matching Funds, 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 City Manager Pertaining To The Ranking Of Firms Pursuant To Request For Proposals (RFP) No. 50-11/12 For Cost Allocation Studies For The City Of Miami Beach; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm, Maximus Consulting Services, Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm, MGT Of America, Inc; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Completion Of Successful Negotiations By The Administration.  
(Budget & Performance Improvement/Procurement)
- C7C A Resolution Approving The Settlement In The Amount Of \$11,672.30 For City Liens On Property Owned By Showtime Theatres, Inc, Located At 429 Lenox Avenue, Miami Beach, Florida, In The Original Amount Of \$111,672.30, And Further Authorizing The City Manager To Take Such Action And Execute Any And All Necessary Documents To Complete Such Settlement And Lien Release.  
(City Attorney's Office/Finance Department)
- C7D A Resolution Electing Commissioner Michael Góngora, Group III, As Vice-Mayor For A Term Commencing On November 1, 2012, And Terminating On February 28, 2013, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.  
(City Clerk's Office)

**C7 - Resolutions** (Continued)

- C7E Setting Public Hearing: Parking District No. 5 - Sunset Harbour Neighborhood  
A Resolution Setting A Public Hearing To Consider An Ordinance Amending The City Code Chapter 130, "Off-Street Parking," Article II "District; Requirements," Section 130-31 "Parking Districts Established," By Creating A New Parking District No. 5; Amending Section 130-33, "Off-Street Parking Requirements For Parking Districts Nos. 2, 3 And 4," By Adding New Parking Regulations For Parking District No. 5 For Properties Generally Bounded By Purdy Avenue On The West, 20th Street On The North, Alton Road On The East And Dade Boulevard On The South; Amending Section 142-483, "Conditional Uses" By Adding To The List Of Conditional Uses In The I-1 Urban Light Industrial District; Amending Chapter 142, Article II, "District Regulations," Division 5, "CD-2 Commercial Medium Intensity District," By Amending Sections 142-302, "Main Permitted Uses," Section 142-303, "Conditional Uses," And Section 142-305, "Prohibited Uses," By Clarifying The Permitted, Prohibited And Conditional Uses In Parking District #5.  
(Planning Department)
- C7F A Resolution Authorizing The City Manager Or His Designee And City Clerk To Execute A Memorandum Of Understanding Between The City Of Miami Beach, On Behalf Of The Miami Beach Police Department, And The Internal Revenue Service, Criminal Investigation Miami Field Office To Participate In The Financial Investigative Strike Team, Financial Crimes Task Force, For The Purpose Of Developing And Assisting With Criminal Investigations Of Illegal Activities Throughout Miami-Dade, Florida.  
(Police Department)
- C7G A Resolution Approving And Authorizing The Mayor And The City Clerk To Grant A Utility Easement To Florida Power And Light At Flamingo Park For The Installation And Maintenance Of A Duct Bank That Will Serve The Boys And Girls Club.  
(Public Works)
- C7H A Resolution Approving, In Substantial Form (As Attached Hereto), A Concession Agreement With Miami Beach Film Society, Inc. D/B/A Miami Beach Cinematheque ("Cinematheque") To Operate An Outdoor Café In The Outdoor Courtyard Area Adjacent To The Premises That Cinematheque Leases From The City Pursuant To That Certain Lease Agreement Between Cinematheque And The City, Dated December 9, 2009 ("Lease"), For A Term To Run Concurrent With The Lease, Commencing On December 1, 2012; And Further Authorizing The Mayor And City Clerk To Execute The Agreement Subject To Final Review By The City Manager And Form Approval By The City Attorney.  
(Real Estate, Housing & Community Development)
- C7I A Resolution Rejecting The Sole Proposal Submitted In Response To Request For Proposals No. 37-11/12, For The Management And Operation Of Food And Beverage Concessions In Flamingo Park Pool And Normandy Isle Park Pool (The RFP).  
(Real Estate, Housing & Community Development)



**C7 - Resolutions** (Continued)

- C7J A Resolution Authorizing The Acceptance Of An Eighteen Thousand One Hundred Eighty-Eight Dollars (\$18,188) In Cash Donation (Including Sponsorship) From The Marilyn And Edward Gadinsky Charitable Foundation Made To The City In Support Of The Soundscape Cinema Series For Fiscal Year 2012/13; And Authorizing The City Manager Or Her Designee To Make Such Expenditures And/Or Reimbursements From The Aforestated Donation, In Furtherance Of And Consistent With The Aforestated Event.  
(Tourism & Cultural Development)
- C7K A Resolution Approving A Lease Agreement With Design Miami To Hold The Design Miami Show In The Preferred Parking Lot, For Specific Dates In 2013, 2014, 2015, And 2016; As More Specifically Set Forth In The Lease Agreement Attached As Exhibit "A" To This Resolution.  
(Tourism & Cultural Development)
- C7L A Resolution Authorizing The Mayor And The City Clerk To Execute Amendment No. 1 To The Fiscal Year 2009/10 State Housing Initiatives Partnership (SHIP) Program Agreement Between The City Of Miami Beach And Miami Beach Community Development Corporation (MBCDC), In A Form Acceptable To The City Manager And The City Attorney, Which Provides \$45,938.97 In SHIP Program Income To One Income-Eligible Homebuyer And Rehabilitation Household In North Beach.  
(Real Estate, Housing & Community Development)  
**(Memorandum & Resolution to be Submitted in Supplemental)**

**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 Eight (8) 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 September 12, 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 September 12, 2012/Referred to NCAC)

**R5 - Ordinances** (Continued)

- R5C 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. **11:15 a.m. Second Reading Public Hearing**

(Requested by City Commission)  
(Legislative Tracking: Public Works)  
(First Reading on September 12, 2012)

- R5D 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); And Providing For Repealer, Codification, Severability, And An Effective Date. **11:30 a.m. Second Reading Public Hearing**

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

- R5E 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)  
(Continued from September 12, 2012/Referred to FCWPC)

**R5 - Ordinances** (Continued)

- R5F Miami Heart Institute FLUM Change And Zoning Map Change
1. An Ordinance Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Category For The Parcel Known As The "Miami Heart Institute," More Particularly Described In The Legal Description Attached As Exhibit "A" Hereto, From The Current PF-HD, "Public Facility, Hospital," To The Future Land Use Category Of RM-1, "Residential Multifamily Low Intensity;" Providing For Inclusion In The Comprehensive Plan, Transmittal, Repealer, Severability And An Effective Date.  
**5:01 p.m. First & Only Reading Public Hearing**
  2. An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For The Parcel Known As The "Miami Heart Institute," More Particularly Described In The Legal Description Attached As Exhibit "A" Hereto, From The Current Zoning Classification HD, "Hospital District," To The Proposed Zoning Classification Rm-1, "Residential Multi-Family Low Intensity," Providing For Codification, Repealer, Severability And An Effective Date. **5:01 p.m. First Reading Public Hearing**  
(Requested by Applicant - 4701 North Meridian, LLC)  
(Legislative Tracking: Planning Department)

- R5G Ground Floor Additions In The Architectural District
- An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," By Amending Division 3, "Residential Multifamily Districts," By Amending Subdivision V, "RM-3 Residential Multifamily High Intensity," To Create Additional Regulations Regarding Ground Floor Additions For Properties Located In The Architectural District; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading**  
(Requested by Land Use & Development Committee)  
(Legislative Tracking: Planning Department)

**R7 - Resolutions**

- R7A 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)  
(Continued from September 12, 2012)

**R7 - Resolutions** (Continued)

- R7B 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)  
(Not reached on September 12, 2012)
- R7C A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Guaranteed Maximum Price (GMP) Amendment No. 1, To The Pre-Construction Services Agreement With Thornton Construction Company, Inc., Dated January 13, 2012, For The Construction Of The 6th And 53rd Street Restrooms Project, In The Amount Of \$1,200,493, Plus An Owner's Project Contingency Of \$120,049, For A Total Of \$1,320,542; With Previously Appropriated Funding In The Amount Of \$568,539 From SP Post RDA CDT And Municipal Resort Tax Fund 388, \$107,215 From SB Quality Of Life Resort Tax Fund 305, \$644,788 From Capital Projects Not Financed By Bonds Fund 301.  
(Capital Improvement Projects)
- R7D A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Construction Contract Between The City Of Miami Beach, Florida, And Trans Florida Development Corporation, For The Construction Of The City Of Miami Beach Right Of Way Infrastructure Improvement Program, Bayshore Neighborhood No. 8B, Lower North Bay Road; Dated June 28, 2011 (The Contract), In The Not-To-Exceed Amount Of \$798,424 Plus An Owner's Contingency Of \$79,842 For A Total Of \$878,266, For Additional Storm Water & Hardscape Components Throughout The Project Limits And Approval Of An Increased Materials Cost; With Previously Appropriated Funding In The Amount Of \$337,721 From Gulf Breeze 2006 Fund 423, \$274,351 From Stormwater Bonds 2011 Series Fund 431, \$158,512 From Stormwater Enterprise Fund 427, \$67,893 From Capital Reserve Fund 304, \$30,000 From 2003 Go Bonds Neighborhood Improvement Fund 384, And \$9,789 From Pay As You Go Fund 302.  
(Capital Improvement Projects)
- R7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Construction Contract, Dated July 13, 2011, Between The City Of Miami Beach, Florida, And David Mancini & Sons, Inc., For The Construction Of The City Of Miami Beach Right Of Way Infrastructure Improvement Program, Bayshore Neighborhood No. 8E, Sunset Islands I & II Project (The Contract); In The Amount Of \$386,465 Plus An Owner's Contingency Of \$38,646, For A Grand Total Of \$425,111, For The Construction Of A Temporary And Permanent Street Lighting System As A Result Of An Unforeseen Condition For The Sunset Island 1 & 2 Project Limits; With Previously Appropriated Funding In The Amount \$85,021 From Fund 304 - Capital Reserve, \$28,215 From Fund 423 - Gulfbreeze 2006 Water & Sewer Bonds, \$99,320 From Fund 424 - Water & Sewer Bonds 2000 Series, And \$212,555 From Fund 431 - Storm Water Bonds 2011.  
(Capital Improvement Projects)

**R7 - Resolutions** (Continued)

- R7F A Resolution Adopting Administrative Rules For Chapter 70, Entitled "Miscellaneous Offenses", Article II, Entitled "Public Places," Division II, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Transportation," Of The Miami Beach City Code, As Provided For In Sections 70-69 And 70-70 Of The City Code.  
(City Attorney's Office)
- R7G 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," "Booking 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.  
(Tourism & Cultural Development)
- R7H A Resolution Establishing, Pursuant To City Charter Section 2.04, Procedures For Calling Special Meetings Of The City Commission By A Majority Of The Members Of The City Commission.  
(City Attorney's Office)
- R7I A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee And Adopting The 2011 Citywide Stormwater Management Master Plan.  
(Public Works)
- R7J A Resolution Strongly Opposing The Proposed 16% Base Rate Increase By Florida Power And Light Company ("FPL").  
(Requested by Commissioner Jonah Wolfson)
- R7K A Resolution Expressing Appreciation For The Return Of The Cuban Flag At The Freedom Tower And Requesting An Explanation As To The Flag's Temporary Removal.  
(Requested by Commissioner Jonah Wolfson)
- R7L A Resolution Approving A Funding Contribution In The Amount Of \$250,000 To Address The Relocation Of The Kitchen Exhaust Venting System Installed By The Pennsylvania Avenue Garage Retail Tenant, Penn 17, LLC D/B/A Cooper Avenue; With Funding Available From Previously Appropriated City Center RDA Capital Fund 365; And Further, Authorizing The Interim City Manager To Negotiate Terms Of An Agreement With Penn 17, LLC To Proceed In Redesigning, Permitting And Constructing A Kitchen Exhaust Venting System That Discharges Away From The Service Alley Located Between The New World Symphony Building And The Pennsylvania Avenue Garage. **Joint City Commission And Redevelopment Agency**  
(Real Estate, Housing & Community Development)  
**(Memorandum & Resolution to be Submitted in Supplemental)**

**R7 - Resolutions** (Continued)

R7M A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee (FCWPC) Meeting, Pertaining To A Cure Of The Sunshine Law Issue Raised With Respect To Request For Proposals No. 14-11/12 (The Lincoln Road RFP), And Also Recommending That A Cure Be Undertaken, As A Pre-Emptive Measure, With Respect To Request For Qualifications No. 22-11/12 (The Convention Center RFQ); Authorizing The City Administration And City Attorney's Office To Proceed With The Following Cure Options (As Presented To The FCWPC By The City Attorney At The Committee's October 3, 2012 Meeting): 1) Approving Cure "Option 2" For The Lincoln Road RFP, And Authorizing The City Manager To Convene A New Evaluation Committee And Have Such New Committee Meet In A Duly Noticed Public Meeting To (A) View The Videotape Of The RFP Proposers' Original Oral Presentations, Followed By (B) Question And Answer Sessions With The Individual Proposers, And Ending With (C) The Committee's Deliberations, Rankings And Final Recommendation(s) To The City Manager (Provided That Portion (B) Of The Meeting May Be Closed To The Public, As Permitted Pursuant To Section 286.0113(2), Florida Statutes, But Shall Be Recorded By The City); And 2) Approving Cure "Option 1" For The Convention Center RFQ And Authorizing The City Manager To Re-Convene The Current RFQ Evaluation Committee And Have The Committee Meet In A Duly Noticed Public Meeting To (A) View The Videotape Of The RFQ Proposers' Original Presentations, Followed By (B) Question And Answer Sessions With The Individual Proposers, And Ending With (C) The Committee's Deliberations, Rankings And Final Recommendation(s) To The City Manager (Provided That Portion (B) Of The Meeting May Be Closed To The Public, As Permitted Pursuant To Section 286.0113(2), Florida Statutes, But Shall Be Recorded By The City).

(City Attorney's Office)

**(Memorandum & Resolution to be Submitted in Supplemental)**

R7N A Resolution Opposing The Use Of Any Convention Development Tax ("CDT") Funds For A Purpose Other Than For Convention Center Development, And Further Opposing Any Expenditure Of Such CDT Taxes For Water And Sewer Infrastructure Or For Any Other Purpose That Is Not Eligible For CDT Funding Pursuant To State Law.

(Requested by Mayor Matti Herrera Bower)

(Legislative Tracking: City Attorney's Office)

**(Memorandum & Resolution to be Submitted in Supplemental)**

R7O A Resolution Approving The Design Of The Recycling Receptacle To Be Provided Under The Coca-Cola Sponsorship Agreement And The Design Of A Matching Trash Receptacle As Recommended By The Finance And Citywide Projects Committee.

(Public Works)

**(Memorandum & Resolution to be Submitted in Supplemental)**

R7P A Resolution Approving The Issuance Of New Police And Parking Towing Permits To Beach Towing Services, Inc. And Tremont Towing Services, Inc., With Said Permits Having A Three (3) Year Term, Commencing On November 1, 2012, And Ending On October 31, 2015; Further Approving Amendment No. 2 To The Administrative Rules And Regulations For Police And Parking Towing Permits All As Presented At The January Finance And Citywide Projects Committee Meeting.

(Parking Department)

**R9 - New Business and Commission Requests**

- R9A Board And Committee Appointments.  
(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 A Resolution Urging The Florida Legislature To Exempt From Public Records Disclosure Absentee Ballot Requests And Personal Information Included On Such Requests.  
(Requested by Commissioner Deede Weithorn)  
(Not reached on September 12, 2012)
- R9D Discussion Regarding The Issuance Of RFP For Call Centers And Including A Local Preference So As To Provide The Highest Level Of Service Possible.  
(Requested by Commissioner Jonah Wolfson)
- R9E The Committee Of The Whole Will Meet During Lunch Recess Of The October 24, 2012 City Commission Meeting At The City Manager's Office Large Conference Room To Discuss Resumes Received For The City Manager's Position.  
(City Manager's Office)
- R9F Discussion Regarding Update On The Negotiations With Former City Manager Jorge Gonzalez.  
(City Attorney's Office)
- R9G Discussion Regarding Middle Beach Recreational Corridor - Phase 1.  
(Requested by Commissioner Edward L. Tobin)
- R9H Discussion On Giving Guidance To The IT Steering Committee To Review The Pros And Cons Of Becoming A Paperless Environment And Create New Policies And Procedures To Be Implemented Within The City Of Miami Beach.  
(Requested by Vice-Mayor Jorge R. Exposito)
- R9I Discussion Regarding Assisting Jewish Community Services (JCS) With Temporary Facility During Renovations.  
(Requested by Commissioner Edward L. Tobin)
- R9J Discussion Regarding Commencement Of Penny Tax For Convention Center.  
(Requested by Commissioner Edward L. Tobin)



**R9 - New Business and Commission Requests** (Continued)

- R9K Discussion Regarding Status Update Of Flamingo Baywalk.  
(Requested by Commissioner Edward L. Tobin)
- R9L Discussion Regarding In Support Of Miami-Dade County Public Schools' Capital Bond Referendum To Modernize And Construct Schools, Including Technology Upgrades At All Schools.  
(Requested by Mayor Matti Herrera Bower)
- R9M Discussion Regarding The Sustainability Committee's Recommendation For The Administration To Develop Appropriate Guidelines To Require All Special Events In The City To Offer Recycling.  
(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, October 24, 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 267-2012)

**End of Regular Agenda**

## **Miami Beach Redevelopment Agency**

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
October 24, 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 Kathie G. Brooks  
Assistant Director Jorge Gomez  
General Counsel Jose Smith  
Secretary Rafael E. Granado

### **AGENDA**

#### 1. NEW BUSINESS

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Approving A Funding Contribution In An Amount Of \$250,000 To Address The Relocation Of The Kitchen Exhaust Venting System Installed By The Pennsylvania Avenue Garage Retail Tenant, Penn 17, LLC. D/B/A Cooper Avenue; With Funding Available From Previously Appropriated City Center RDA Capital Fund 365; And Further, Authorizing The Interim Executive Director To Negotiate Terms Of An Agreement With Penn 17, LLC To Proceed In Redesigning, Permitting And Constructing A Kitchen Exhaust Venting System That Discharges Away From The Service Alley Located Between The New World Symphony Building And The Pennsylvania Avenue Garage. **Joint City Commission And Redevelopment Agency**  
(Real Estate, Housing & Community Development)  
**(Memorandum & Resolution to be Submitted in Supplemental)**