

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

Visit us at www.miamibeachfl.gov for agendas and video "streaming" of City Commission Meetings.

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.

Meeting called to order at 9:47:15 a.m.

Inspirational Message given by Pastor Hunter Thompson, the new pastor at the Miami Beach Community Church.

Pledge of Allegiance led by Joanie Balkin.

9:50:54 a.m.

New Item

Honoring 911 Victims And Tony Goldman, Posthumously

Mayor Bower stated that yesterday they honored the fallen victims of 9-11. On another note, she informed that community resident and activist Tony Goldman passed away. She stated that Tony came to Miami Beach and invested in this community when Miami Beach was down and out. He invested in Barbara Capitman's vision and made Ocean Drive what it is today by adding businesses that enhanced the ambience of Miami Beach. He was a very creative person and it is

sad that he is gone. He truly made preservation happen in the City. She added that Tony wanted a beautiful, clean Miami Beach; and he did it with style, charm, class and elegance. She further acknowledged David Wallack in the audience and asked him to say a few words about his friend.

David Wallack thanked Mayor Bower for her wonderful words. He remembers that Tony and him came together as friends and brothers first, and that carried through. Tony was a leader of leaders. He combined his art with activism. Those were truly amazing times. Mr. Wallack explained that he is here to donate a K9 to the Police Department, and it pales in comparison to the emotion, feelings and contributions that Tony made to the City.

Mayor Bower requested a moment of silence for Tony Goldman and the 9-11 victims.

10:01:14 a.m.

New Item

Introduction of State Representative Elect David Richardson

Mayor Bower introduced David Richardson, State Representative Elect.

David Richardson, Florida State Representative Elect, and a resident of Miami Beach since 2001; came to Miami Beach in 1995 and fell in love with the City. He grew up in Orlando and has lived throughout the State. He represents District 113, and is here to work with everyone, especially the ones that did not support him. He really loves living on Miami Beach because the neighborhoods are rich in diversity and there is much culture. Education is high on his list, since there have been many of cuts in education. He is also pro-business and in order to be pro-business, one must be pro-education. He added that his district is very diverse, and it includes North Bay Village, which is the second densest City in America. He also has all of Miami Beach, parts of downtown Miami and Little Havana.

Mayor Bower asked the school principals present at the meeting to stand up and stated that now they know their State Representative.

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

SUPPLEMENTAL MATERIAL:

C4F Handbook
C7B Resolution
C7L Resolution
C7N Agreement
C7O Photograph
C7P Attachments B, C & D
C7Q Resolution & Draft Easement
R5G Ordinances 1, 2, 3, & 4
R7A2 Resolution
R7E Resolution & Draft Easement
R9L Resolution

ADDENDUM

Motion made by Commissioner Wolfson to add items C4H, C4I, C4J, C4K, and R9M to the Agenda as emergency items; seconded by Commissioner Tobin; Voice vote: 7-0.

Presentations and Awards**10:49:24 a.m.**

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)

ACTION: Certificates presented to Officer Frank Celestre for the month of May, Officers Raymond Diaz and Kraig Bryan for the month of June.

Vice-Mayor Exposito recognized Officer Celestre, Officer of the Month for May, and explained that he was involved in an incident with a stolen vehicle. He stated that Frank was able to locate the stolen vehicle and apprehend the thief. He also explained that Officer Raymond Diaz and Kraig Bryan, Officers of the Month for June, were instrumental in apprehending an individual that was stealing from one of the City's local stores. He recognized all recipients for going beyond and above their duties.

Chief Martinez stated that Officer Frank Celestre is in court today, but he will accept the certificate on his behalf. He thanked the City Commission for taking the time to recognize staff.

Raymond Diaz spoke.

10:08:20 a.m.

PA2 Certificates 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)

ACTION: Certificates presented to Lieutenant Antonia Bucacci, and Lifeguards Andrew Lindberg, August Petker, and Kevin Stockhausen.

Vice-Mayor Exposito summarized in detail the heroic efforts of the lifeguards in saving the life of a tourist, and due to the immediate action and their skills, a life was saved, and it is appropriate to recognize them for their efforts.

Jason Casanova, Fire Rescue, spoke.

11:07:34 a.m.

PA3 Proclamation To Be Presented In Honor Of Hispanic Heritage Month.

(Requested by Mayor Matti Herrera Bower)

ACTION: Proclamation presented.

Mayor Bower introduced the item.

Ana Cecilia Velasco, Chairperson of the Hispanic Affairs Committee, accepted the proclamation proclaiming Hispanic Heritage Month from September 15 to October 13, 2012. She thanked Commissioner Góngora for appointing her to this Committee, and announced the Annual Hispanic Heritage Awards. She added that it is important to recognize Hispanic Heritage because it is 26 different countries that make up the culture. She stated that they are very proud

of Mayor Bower for being the first Hispanic Mayor of Miami Beach. She called and recognized the members of the committee, Frank Trullenque, Ida Percal, Patty Hernandez, Antonio Purrinos and Luz Rojas. She explained services provided and projects on the way. She announced that on October 12, they will be supporting a Latin dance contest, with some of the dancers coming from the Parks and Recreation Department. She thanked the City Commission for allowing the Committee members to serve.

Commissioner Góngora stated that this is an important recognition and he plans to attend the dance contest.

10:17:37 a.m.

- 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)

ACTION: Certificates presented.

Mayor Bower recognized Feinberg Fisher and Biscayne Elementary Schools for the International Baccalaureate Program in the primary years and stated that she is proud to say that all the Miami Beach Schools are IB schools.

Ms. Maria Zabala, Feinberg Fisher Principal spoke.
Dr. Santana-Vega, Assistant Principal at Biscayne Elementary, spoke.
Loretta Smith spoke.

10:34:41 a.m.

- 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)

ACTION: Item heard in conjunction with item PA6. Proclamation presented.

Commissioner Libbin read the proclamation into the record and stated that this is the third time that David comes forward to donate a K9 to the City's police department. David is a long friend of the community, and he enables the police to keep the area as safe as possible. He proclaimed today Mango's Tropical Café day in the City of Miami Beach.

David Wallack thanked the City Commission, and stated that in the early pioneering days, they were at the front line with the police department, and each night they are at the front line with the police, and they actually know what the MBPD does, as they take part in law enforcement. He stated that without a Police Department, there is no City, and he recognized Chief Martinez and the entire force for what they do every day. Mr. Wallack recognized Dr. Richard Schultze, who is new to the community, and has done an enormous job with the LAPD in donations, and now with great joy he has asked to participate with Mango's in making this happen.

Commissioner Libbin added that a Certificate Of Appreciation is also being presented to Dr. Richard Schultze.

Joshua Wallack spoke.

10:34:41 a.m.

- 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)

ACTION: Item heard in conjunction with item PA5. Certificate presented.

Dr. Richard Schulze is not present, but David Wallack accepted the certificate on his behalf.

10:42:06 p.m.

- PA7 Proclamation To Be Presented To The Police Athletic League (PAL) For Their Programs Supporting Miami Beach Students.
(Requested by Commissioner Jerry Libbin)

ACTION: Proclamation presented.

Commissioner Libbin stated that it is important to recognize the Police Athletic Association (PAL) for the good work that they do, and he read the proclamation into the record, including the work that Joey Daoud has done for the benefit of students and the school bag distribution program. Mayor Bower and the City Commission proclaimed today Police Athletic League Day in the City of Miami Beach.

Officer Arthur Martineau, Executive Director of the Police Athletic Association (PAL), thanked Chief Martinez and Assistant Chief Overton for their support, as well as the Miami Beach Chamber of Commerce. He stated that Joey Daoud at the tender age of 14 noticed that children did not have proper school supplies, and for the past years, working with PAL, the goal was accomplished to give 500 book bags to needy children. This was accomplished with the participation of Maria Ruiz and others; and he thanked them for their support. Future programs will include not only book bags, but also turkey dinners to needy families on the beach.

Joey Daoud thanked the City Commission for the recognition.

10:13:24 a.m.

- 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)

ACTION: Certificate presented.

Commissioner Góngora recognized Millie Rogers, a local student, for being the first place winner on teen poetry contest. The contest received over 200 submissions, and were judged on originality, artistic quality and emotional impact. Millie is very active, talented and has many hobbies. Her grandfather is a publishing poet. Millie prefers to write emotional and deep poetry such as the prize winning poem she wrote "Can You Imagine Hell." The poem is about a man fighting in a war, but does not know the points of the war, and finds no sense in the war.

Millie Rogers read the poem.

10:54:18 a.m.

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)

ACTION: Certificates presented.

Commissioner Góngora related a surprising incident that happened at the Regal Cinema movie theatre recently, where there was a person that was acting irrational, and putting residents in a state of panic. He was surprised to read in the news that Miami Beach residents James and Ted Butler restrained this individual until the police arrived and detained him, and recognized them for their heroic efforts. On behalf of the Mayor and City Commission they were presented with Certificates.

James and Ted Butler spoke.

10:23:57 a.m.

PA10 Proclamation Declaring September As Hunger Action Month, To Be Presented To Anthea Pennant From Feeding South Florida.

(Requested By Mayor & Commissioners)

ACTION: Proclamation presented.

Commissioner Tobin recognized an incredible organization and City employees that do an unbelievable job. He proclaimed today National Hunger Awareness Month, and read the proclamation. He explained that more than one million individuals, networking and partnering with this organization, have delivered food to end hunger in local communities. He gave a special recognition to City staff, Maria Ruiz, Community Services Division Director, for her inspirational dedication and participation, as well as Judy Hoanshelt, Grants Manager, who is unbelievable and assists Maria in obtaining grants for the projects. He introduced Anthea Pennant, from Feeding South Florida.

Anthea Pennant, Director of Government Relations and Advocacy, explained the program, and added that they provide food to other non-profit organizations feeding the hungry. They work with companies to redistributed foods to needy families and reiterated the need for children to receive good nutrition in order to get a good education.

Mayor Bower requested discussing this issue at depth, especially working with restaurants to be able to donate to the elderly at Rebecca Towers.

Discussion held.

Commissioner Tobin clarified that four years ago, a young man called Jack Davis, asked the same question that Mayor Bower did; he went to the Florida Legislature and they passed the "Jack's Law," named after him, which insulates restaurants from liability if they donate their food to shelters.

10:59:05 a.m.

PA11 Certificate Of Recognition To Be Presented To Luis Federico Ugarte, Participant In UNIDAD's Senior Placement Program.

(Requested By Commissioner Jonah Wolfson)

ACTION: Item heard in conjunction with item PA12. Certificate presented.

Commissioner Wolfson explained that Luis Federico Ugarte is being recognized for his achievement and informed how UNIDAD Senior Job Placement Program works in the community.

Margarita Cepeda, Executive Director, UNIDAD, thanked the City Commission for showcasing services provided by UNIDAD, and explained that the Senior Center will be opening soon, offering services to the disabled population. She also announced the hiring of a new ADA coordinator, Karen Williams.

Raymond Adrian, Director of Operations at UNIDAD, stated that National Employee Older Workers Week will be celebrated during September 23 and 29, and he will be distributing flyers which include the list of activities to be held. He thanked the Miami-Design Preservation League for hiring their seniors.

Mara Mignardi, Director of UNIDAD, explained how Mr. Ugarte was able to receive job placement and gave a brief overview of his accomplishments.

Richard Tower, Miami-Design Preservation League, spoke.

Federico Ugarte spoke in Spanish and Commissioner Wolfson translated to English.

10:59:05 a.m.

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)

ACTION: Item heard in conjunction with item PA11. Certificate presented.

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**8:19:31 p.m.**

C2A Request For Approval To Issue A Request For Proposals (RFP) For Call Center Services.
(Finance Department/Procurement)

ACTION: Item separated for discussion by Commissioner Wolfson. Request authorized. Motion made by Commissioner Weithorn: seconded by Commissioner Libbin; Voice vote: 6-0; Absent: Commissioner Wolfson. **Patricia Walker and Raul Aguila to handle.**

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)

ACTION: Request authorized. **Kevin Smith, Fred Beckmann and Raul Aguila to handle.**

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)

ACTION: Request authorized. **Max Sklar and Raul Aguila to handle.**

8:21:09 p.m.

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)

ACTION: Item separated for discussion by Vice-Mayor Exposito and Commissioners Weithorn and Wolfson. Request authorized. Motion made by Commissioner Weithorn; seconded by Commissioner Tobin; Voice vote:-6-0: Absent: Commissioner Wolfson. **Fred Beckmann to handle.**

RECOMMENDATION:

- Ensure that RFP be very specific, so that before new plantings take place, the item comes to the City Commission for review and approval.

End

Commissioner Exposito explained that he separated the item because it seems when landscaping is done, there needs to be a set of criteria for the planting of trees to beautify the City.

Jorge Gomez, Assistant City Manager, explained the issue of the median and visibility taking in consideration during the landscaping phase.

Commissioner Weithorn stated that the specific plants were included in the RFP, and she does not understand how the City bids on a specific RFP without all the specifications needed. She pulled the item because she expects no less when doing the RFP; this is how you level the playing field. To make the system work, this Commission needs to have this level of thought process.

Vice-Mayor Exposito suggested providing a visual for the Commission for these types of projects, to get the optimum end result.

Fred Beckmann, Public Works Director, stated that the level of details has increased from that previously seen before, specifically the level of maintenance and materials used. He added that initially the contractor will be given \$150,000 to improve the landscape. Additionally there are two projects in future years to improve the entire corridor, but now the maintenance contract is very tight.

Vice-Mayor Exposito reiterated that moving forward he would like to see that the City gets the best landscaping results possible.

Discussion continued.

Commissioner Weithorn requested ensuring that the RFP be very specific, so that before new plantings take place, the item comes to the City Commission for review and approval. **Fred Beckmann to handle.**

Commissioner Libbin referred to Page 53 of the Agenda, which details 27 City positions, which explain how these can be accommodated into other positions. He pointed out that the Union contracts end October 1 and this Commission should be open-minded to the idea that there could be significant savings if outsourcing is selected; this is an opportunity to perhaps go to part-time employees, or keep Union employees and move them around.

Kathie G. Brooks, Interim City Manager, explained that as an update, five of those positions are currently vacant.

Discussion held.

Commissioner Góngora stated that he is not in favor of eliminating employee's positions while the City is negotiating Union contracts.

Discussion continued.

Mayor Bower met with employees and she was told that they are being hassled about the fact that if they do not do certain things, they might lose their job. These are tough times, and this Commission needs to be careful what is said and be sensitive to the fact that what is said at the dais resonates to the City employees. New technologies replaces people, jobs are being cut, but they must be careful.

Fred Beckmann, Public Works Director, explained that the City Commission and the Unions will be notified of any staff impacts.

8:20:04 p.m.

- 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)

ACTION: Item separated for discussion by Commissioner Wolfson. Request authorized. Motion made by Commissioner Libbin; seconded by Commissioner Góngora; Voice vote: 6-0; Absent: Commissioner Wolfson. **Kevin Smith and Raul Aguila to handle.**

Kathie G. Brooks, Interim City Manager, stated for the record, that this issue is related to the renewals; it sets a one-year term with two one-year renewals and gives the City Manager the option to exercise the renewals.

C4 - Commission Committee Assignments**9:00:25 p.m.**

- 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)

ACTION: Item separated for discussion by Vice-Mayor Exposito. Item referred. Motion made by Vice-Mayor Exposito; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Wolfson. Barbara Hawayek and Mercedes Carcasses to place on the Committee agendas. **Legal Department to handle.**

Vice-Mayor Exposito explained the referral, and added that the Florida State Legislature is looking to establish safety standards on this issue and suggested sending a letter of support, and asked that Administration looks into it and make sure that franchises within the City implement safety standards and regulations.

Jose Smith, City Attorney, stated that the City Attorney's Office has been looking into this issue very carefully, and he spoke to Mr. Boucher and his concessionaires, and they are aware that some hotels are doing this without a license. They may come back with an ordinance addressing these businesses that are doing parasailing business in the City without a license. Mr. Boucher has explained that the folks doing this activity within his contract are licensed, insured and inspected by the Coast Guard; therefore, Boucher is in compliance.

- C4B Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Review Of Hurricane Season And Seasonal Flooding Parking Policies.
(Requested by Commissioner Weithorn)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. **Saul Frances to handle.**

- 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)

ACTION: Referred. Barbara Hawayek and Mercedes Carcasses to place on the committee agendas. **City Attorney's Office and Chief Martinez to handle.**

- 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)

ACTION: Referred. Richard Lorber to place on the committee agenda. **Rafael E. Granado to handle.**

- 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)

ACTION: Referred. Richard Lorber to place on the committee agenda. **Max Sklar to handle.**

SUPPLEMENTAL MATERIAL: Handbook

- C4F Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding "Green Alleys" on Miami Beach.
(Requested by Commissioner Edward L. Tobin)

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

Handout and Reference Materials:

1. The Chicago Green Alley Handbook, Richard M. Daley, Mayor, City of Chicago; CDOT.

- C4G Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Section 2-459, Entitled "Certain Appearances Prohibited" Ordinance.
(Requested by Commissioner Edward L. Tobin)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. **City Attorney's Office to handle.**

ADDENDUM

- C4H Referral To The Neighborhood/Community Affairs Committee – Discussion Regarding Enhancing The Entrances Of The Beach Walk.
(Requested by Commissioner Michael Góngora)

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

ADDENDUM

- C4I Referral To The Sustainability Committee – Discussion On Adopting And Implementing Practices At The Miami Beach Convention Center (MBCC) That Contribute To Energy Conservation And Mitigate Greenhouse Gas Emissions.
(Requested by Commissioner Michael Góngora)

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

ADDENDUM

- C4J Referral To The Finance And Citywide Projects Committee – Update On The Status Of Convention Center And Lincoln Road.
(Requested by Commissioner Jerry Libbin)

ACTION: Referred. Patricia Walker to place on the committee agenda. **Jorge Gomez, Maria Estevez and Max Sklar to handle.**

11:12:28 a.m.

EMERGENCY ADDENDUM ITEM

- C4K Referral To The Land Use And Development Committee Discussion Concerning The Food Trucks On Private Property.
(Requested by Commissioner Wolfson)

ACTION: Referred. Motion made by Commissioner Wolfson; seconded by Commissioner Tobin; Voice vote: 7-0. **Richard Lorber to place on the committee agenda. Max Sklar to handle.**

Commissioner Wolfson explained the reason for his referral, and this item was added to the Agenda as an Emergency Item. See motion with Addendum on Page 2 of this Afteraction.

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.

ACTION:

Item No.1: Discussion Regarding A Resolution By The Historic Preservation Board To Modify The Code Governing The Voluntary Designation Of Single Family Homes.

MOTION: Libbin/Bower: (3-0) Bring back to the Committee a draft ordinance amendment setting the date for DRB review of single family homes to 1966.

Item No. 2: Reduced Parking Rates For Hotel Employees.

MOTION: Item continued to next meeting.

Item No. 3: Discussion Regarding Not Charging Double Permit Fees For People Who Come Forward And Request Permits For Work Done Without A Permit.

MOTION: Wolfson/Libbin: (3-0) Motion to direct the Building Department and the City Attorney's Office to reach out to the Florida Building Commission to see if they could allow flexibility on the double fees.

City Clerk's Note: See Item C7D

Item No. 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.

MOTION: Libbin/Góngora: (3-0) Staff to bring back these concepts to the Committee, in ordinance form, when ready.

Item No. 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.

MOTION: Libbin/Góngora: (3-0) Move the proposal forward to the City Commission, but also get a resolution of support from the Triton Towers association.

City Clerk's Note: See Item C7N

Item No. 6: Discussion Regarding A Proposed Sewage Lift Station In 18th Street For The Shelbourne Hotel.

MOTION: Wolfson/Góngora: (3-0) Motion to approve to project for the nominal cost of \$10, with a guarantee of public access if needed; item to be on consent agenda.

City Clerk's Note: See Item C7Q

Item No. 7: Discussion Regarding The Commission Serving As The Evaluation Committee In Larger Significant Projects.

MOTION: Wolfson/Góngora: (3-0) For major development projects or conveyance of property, the City Commission may either choose to serve as the selection committee, or alternatively, may directly appoint the selection committee

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.**

ACTION:

Item No. 1: Discussion & Update On The Citywide Dunes Maintenance Plan.

The Committee (Commissioners Tobin and Exposito present) directed the Administration to return to the next meeting of the Neighborhood/Community Affairs Committee with information as to how much money is being spent on the dunes, and how much money it would take to keep all the dunes maintained, while addressing all the problems in the most efficient manner possible.

Item No. 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.

The Committee (Commissioners Tobin, Libbin and Exposito present) directed the Administration to come back to the Neighborhood/Community Affairs Committee in September by consensus, with language regarding maintenance and to include the requirement for the identification of the costs in a proposed monument or memorial.

City Clerk's Note: See Item R5B

Item No. 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.

The committee (Commissioners Tobin and Exposito present) moved to take this item back to the Commission in October.

Item No. 4: Quarterly Reports Regarding Washington Avenue.

The Committee (Commissioner Tobin and Exposito present) moved to recommend accepting the recommended Enhancement Plan and directed the Administration to move it through the budget process.

Item No. 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.

Discussion of this item was deferred.

Item No. 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.

The Committee (Commissioners Tobin, Libbin, and Exposito present) moved to direct the Administration to explore a new agreement with Design Miami.

Item No. 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.

The Committee (Commissioners Tobin, Libbin and Exposito present) directed the Administration to bring this to the City Commission having considered the following:

- A speed limit of 8 mph as long as the documentation from the manufacturer substantiates the claim that the motors will burn out at 6mph
- Administration to look at the insurance requirements to ensure the company is Best Key rated of B+VI or better, to ensure coverage and that there is a medical pay on the policies in the event that someone is hurt
- Visible identification on each Segway listing the name of the company
- Accident reporting requirements that are consistent with motor vehicles
- Limiting use to certain areas
- Prior to renting, the company is to sign an affidavit that states that the renter has been trained and the company believes the driver is competent to be on the street
- Review the penalties
- Include other vehicles; not limit to Segways
- Safety requirements should be posted on the window of the businesses and the renters should have to sign-off and be given a copy of the City's safety requirements.
- Detail which department is responsible for enforcement of rules

City Clerk's Note: See Item R5A

Item No. 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.

The Committee (Commissioners Tobin and Exposito present) moved to accept the design as recommended.

City Clerk's Note: See Item C7N

Item No. 9: Discussion Concerning The Flamingo Park Neighborhood Becoming Florida's Most Pedestrian Friendly Neighborhood.

Discussion of this item was deferred.

Item No. 10: Discussion Regarding The Issue Of The Correct Policy For Internal Affairs Investigations.

The Committee made no motion.

Item No. 11: Discussion Regarding Collins Canal Centennial Celebration.

The Committee (Commissioners Libbin and Exposito present) directed the Administration to assist in promoting the event throughout the City's various communication tools. The Committee also encouraged the Administration to waive Special Event fees consistent with established policies and to provide a cake for the event. The design of a historical marker should be referred to the Historic Preservation Board for their review and location.

Item No. 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.

ACTION:

Item No. 1: Attendance.

See attendance sheet copy attached.

Item No. 2: Review And Acceptance Of Minutes.

MOTION: Acceptance of Report (Minutes) of the March 19, 2012 CIPOC Meeting.

MOVED: T. Trujillo 2nd: S. Kilroy

PASSED: With Amendments – UNANIMOUS

ACTION: City Staff to have the draft document available for those who wish to review it. (It is a very large file and would take up too much space were it to be uploaded to the City web site.)

Item No. 3: Public Comments.

ACTION: Investigate solutions to water accumulation resulting from the ARRA improvements in the North Shore ARRA project.

Item No. 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.

Status Report: Normandy Isle Neighborhood

Mattie Reyes, Senior Capital Project Coordinator, presented an update on the project components. For the Marseille lighting, FPL has received their approved permit from Public Works and the new pole and transformer are expected to be installed on April 20, 2012. The neighborhood should see new illumination the beginning of May. The FPL testing process of the lighting takes approximately three weeks, and sometimes more.

In preparing the bid for the design consultant, the City includes the pavers and the swale reclamation for drainage in the same package. The timeline included in the agenda packet remains the same, with the goal of commencing construction in February 2013 and completing construction in June 2013.

Discussion: Biscayne Point Neighborhood Improvement Project

The approved Commission item from the March 21, 2012 Commission meeting was included in the agenda packet. There was no discussion.

Status Report: Sunset Islands I & II

Maria Hernandez, Senior Capital Projects Coordinator said that work is moving along. All the water mains and laterals have been installed on Sunset Island I. The project team is waiting for the signed approvals from 9 homes for water meter relocation.

The project team is also installing fire hydrants. There were four requests for relocation by property owners who did not like the placement of the hydrants in relation to their properties. This will result in change orders from the contractor. Saul Gross commented that in order to avoid these extra costs in the future, before CIP begins another project that includes hydrant installation, such as Lower North Bay Road, the City should obtain the approvals first.

Elizabeth Camargo, who is also a Sunset Island resident, commented that most of the residents did not have an issue with hydrants that replaced old ones in the same location. But the additional hydrants and those that were moved as part of NFPA compliance caused some concern.

Maria Hernandez pointed out that 13 hydrants total are being installed.

Status Report: Sunset Islands III & IV

Rick Saltrick explained that FPL and the other utilities are submitting binding estimates on the due date of April 10. The design criteria engineer, C3TS, is now updating the survey and preparing other preliminary work for the project. A ballot will be mailed at the end of April to property owners, who have 45 days to respond.

Status Report: Lower North Bay Road

(Note: this item was taken out of agenda order – see time for this and for the Sunset Islands III & IV item)

Maria Hernandez told the Committee that the project remains on hold. The project team awaits a new stormwater model in order to determine the next plan of action. Rick Saltrick also spoke and noted that he had a conversation on the day of the meeting with the engineer of record (CH2MHILL) and that the engineer is addressing the review comments. Based on the conversation, Mr. Saltrick said the engineer found the analysis to be valid, so there would not be significant changes to the plans. The official engineering opinion would come in on April 10.

Status Report: Venetian Islands

Aaron Sinnes, Senior Capital Projects Coordinator, said that the revisions to the drainage plans were submitted to Public Works. An ITB for this project might be ready in May. If that happens, and bids are submitted, the contract could be awarded in July. If it does not go to the Commission in July, it would have to go to the September Commission (no meeting in August) for award. The entire process has been slowed so that construction on the islands will not begin until the County is substantially complete on the causeway.

Eleanor Carney asked for a copy of the schedule.

ACTION ITEM: Provide a schedule for the Venetian Neighborhood Project

Status Report: Palm & Hibiscus Island Undergrounding

This item was combined with the Commission Item. Mattie Reyes, Senior Capital Project Coordinator, said that the City is awaiting approval of the memo for the inter-local agreement, expected on April 11. Saul Gross clarified that the inter-local agreement states that the City will do the work, front the money for the work through a line of credit, and the undergrounding work is reimbursed by the County. Chair Gross also praised City Staff on the effort that they have put forward towards this project.

In order to remain within budget, CIP has submitted a budget that no longer includes the 6% fee for administrative services. Stacy Kilroy asked that staff bring calculations on staff costs for the time put into this project.

ACTION: Provide calculations of the work done by CIP and other City Staff for the Overhead Utility Lines Conversion to Underground on Palm & Hibiscus Islands.

Item No. 5: Commission Items A. Undergrounding Of Overhead Utilities On Hibiscus Island; B. Installation Of Parking Equipment In The Sunset Harbour Parking Garage.

Undergrounding of Overhead Utilities on Hibiscus Island

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

MOVED: S. Kilroy 2nd: E. Camargo

PASSED: UNANIMOUS

Installation of Parking Equipment in the Sunset Harbor Parking Garage

No vote

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.**

ACTION:

July 9, 2012:

Item No. 1: Discussion: Status Update On FY 2012/13 General Fund Operating Budget.

The Committee asked for an update on the Condrey Study and a list of the open and unfilled positions in the City be given at the July 25, 2012 Finance and Citywide Projects Committee meeting.

Item No. 2: Overview Of Right Of Way Projects.

The Committee recommended that the above ground funding needs for the following neighborhood projects be part of the capital prioritization discussion and that the water and sewer and stormwater funding needs be presented to the Finance & Citywide Projects Committee at a later date in concert with discussions on bonding requirements and rate impacts.

- Bayshore Neighborhood Central Bayshore – Bid Pack A
- Bayshore Neighborhood – Lower North Bay Road – Bid Pack 8B
- Bayshore Neighborhood Lake Pancoast - Bid Pack C
- Bayshore Neighborhood Bid Pack E – Sunset Island 1 & 2
- Bayshore Neighborhood Sunset Island 3 & 4 – Bid Pack D
- Palm and Hibiscus Islands Enhancements
- Venetian Neighborhood - Venetian Islands
- La Gorce Neighborhood Improvements
- Flamingo Neighborhood – Bid Pack 10A
- Flamingo Neighborhood – Bid Pack 10C
- West Avenue/Bay Road Improvements
- Sunset Harbor Neighborhood Pump Station Upgrades

Item No. 3: Amendment To The Bayshore Neighborhood Basis Of Design Report.

The Committee referred the discussion of widening the streets for bike lanes to the Neighborhood/Community Affairs Committee.

Item No. 4: Discussion Of Normandy Shores Park Tot-Lot/Playground Project Conversion To Fitness Circuit/Passive Open Space Park Project.

The Committee recommended moving forward with the changes requested by the Normandy Shores HOA.

Item No. 5: Discussion Regarding Establishing New Recycling Bins.

The Committee recommended moving forward with a pilot program on Lincoln Road with the Coca-Cola recycling bins pending approval from the Historic Preservation Board.

Item No. 6: The Wolfsonian-FIU Washington Avenue Initiative.

The Committee recommended that the item be brought to the July 25, 2011 Budget meeting and classified it as a Potential Enhancement as part of a broader initiative related to Washington Avenue improvements.

Item No. 7: Discussion: Other Public Requests.

The Committee asked that Staff look at options for Altos Del Mar Park, that a place holder be put in City Center Funding for Collins Canal/Beautification of Dade Boulevard, and that a detailed report of the steps that needed to be taken, how long each process takes and an explanation of why the process takes so long, be given to Commissioner Ed Tobin.

Item No. 8: Discussion: FY 2012/13 Capital Projects Prioritization.

The Committee tentative approved:

- the additional funding requested for existing projects
- future unfunded projects in adopted CIP requested for FY 2012/13
- funding Crespi Park Field Renovation, Fisher Park Irrigation System Restoration, Flamingo Park Madvac System, Stillwater Park Sports Field Landscape & Irrigation, and Tatum Park to Construct 2 Outdoor Sand Volleyball courts.
- Funding the Beach Access Gates, Alton Road Irrigation System from 5th Street to Michigan Avenue, and Collins Avenue 5th Street to Lincoln Road projects for FY2012/13

The Committee Requested:

- Staff provide a timeline for the completion of the Middle Beach Rec Corridor Phases II
- that funding for furniture, fixtures, and equipment be included in the funding when buildings are planned
- the funding source for the North Beach Town Center Complete Streets be changed from North Beach Quality of Life (QOL) to either Pay-as-you-go or CDT/RT
- the funding source for South Pointe Pier be changed from South Beach QOL to South Pointe Capital
- the Muss Park Kayak Launch be designated as residential use only and be separated from other areas used by children.
- a report detailing how seawalls are prioritized/programmed
- that staff find alternative to artificial turf
- funding a Pay-as-you-go component from the General Fund Operating budget

The Committee asked that status updates regarding the Middle Beach Rec Corridor Phase II be given at future Finance and Citywide Projects Committee meetings.

The Committee also recommended bringing a list of projects that have requested funding from Pay-as-you-go for FY2012/13 to the upcoming Committee Meeting.

Review of projects funding from other sources be deferred to the July10, 2012

Item No. 9: Proposed Capital Renewal And Replacement Projects.

Item deferred to July 10, 2012

Item No. 10 Proposed Information And Communications Technology Fund Projects.

Item deferred to July 10, 2012

July 10, 2012:**Item No.1: Proposal For Increased Rates For The Botanical Garden.**

The Committee recommended authorizing the increased rental rates for the Botanical Garden.

Item No. 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.

The Committee recommended the agreement be extended on a month-to-month basis while the Administration meet with Professional Course Management II, Ltd. (PCM) to discuss any additional benefits that would be proffered to the City in consideration of waiving the competitive bidding process; that Staff provides more detailed information on the cost of other golf course management companies and how the golf courses are maintained and the Administration report the results of the discussions and finding of the golf courses comparisons

Item No. 3: Status On Building Development Process Fees.

The Committee recommended that the item be brought to the full Commission.

Item No. 4: Mass Transit Connectivity Study.

The Committee recommended that Administration contact FEVE to explore the matter further, they discussed maybe setting aside funding for the project with the provision that it cannot be used without authorization from the Commission, and that status updates be given to the Finance & Citywide Projects Committee.

Item No. 5: Miami Beach Mass Transit Loop.

The Committee recommended that Staff research bus ridership in Middle and North Beach and that the item be pursued for the future and referred the item to the Neighborhood/Community Affairs Committee.

July 25, 2012:**Item No. 1: Discussion Of FY 2012/13 Capital Project Prioritization Status Update.**

The Committee recommended the item be brought to the full Commission for approval.

Item No. 2: Repair And Reconstruction Of Seawalls.

The Committee requested a copy of the seawall study along with the prioritization list.

Item No. 3: Collins Canal Seawall Repair/Dade Boulevard Bike Plan.

Staff is to give the Commission a report in approximately three months regarding the status of the project and provide details of mangrove planting.

Item No. 4: Wolfsonian-FIU Master Plan/Washington Avenue Enhancement Plan.

The Committee asked that the item be brought to the August 22, 2012 Finance and Citywide projects Committee meeting to discuss granting the \$150,000.

Item No. 5: Discussion Of Parking Lot Projects.

None Required

Item No. 6: Discussion Of Scope And Anticipated Results From The Proposed Transportation Improvement And Implementation Plan.

The Committee recommended funding the Miami Beach Transportation Improvement and Implementation Plan.

Item No. 7: Proposed Capital Renewal And Replacement Projects.

The Committee recommended the item be brought to the full Commission for approval.

Item No. 8: Proposed Information And Communications Technology Fund Projects.

The Committee recommended the item be brought to the full Commission for approval.

Item No. 9: Presentation Regarding The Use Of Public Surveillance Cameras.

The Committee asked that a comparison of the amount of lighting and crime be done.

Item No. 10: Review Of Duties - Office Of The City Clerk.

The Committee recommended that should the Charter amendment pass, an item regarding who the Special Master should report to be discussed at a Legal Oversight Committee meeting.

Item No. 11: Discussion Regarding Festival Of The Arts.

The Committee recommended reinstating the funding for the Festival of the Arts as part of the FY 2012/13 budget process.

Item No. 12: Budget Briefing Discussion: Status Update On FY 2012/13 General Fund Operating Budget.

The Committee recommended all positive impact/minimal service impact, efficiencies listed.

The Committee recommended discussing the potential enhancements for the Police Department at the August 22, 2012 Finance & Citywide Projects Committee meeting and approving the potential enhancements listed except for the Police Department and Fire Department/Ocean Rescue requests.

The Committee recommended that at the next Executive Session the Police Department Maximus Study be discussed.

Item No. 13: Discussion Of Proposed Law Enforcement Trust Fund Projects.

The Committee tentatively approved the FY 2012/13 budget request.

Staff is to follow up with Commissioner Jerry Libbin regarding maintenance costs of the mobile command unit, Panasonic tough books, and tasers with video capability.

August 22, 2012:

Item No. 1: Discussion: Status Update On FY 2012/13 General Fund Operating Budget.

The Committee recommended moving forward with operating budget and bringing the item to the full Commission.

Item No. 2: Status Report From The Engineering Company Assigned To Do The City's Citywide Stormwater Master Plan.

The Committee recommended having a meeting with FDOT.

Item No. 3: Discussion Regarding Utility Rates.

The utility rates do not need to be raised at this time and bring back the line of credit to the full Commission when ready.

Item No. 4: Discussion Regarding Building Fees 10% Impact.

The Committee recommended bringing the item back to the next meeting.

- 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.

ACTION:

Item No. 1: Discussion Regarding A Proposed Ordinance On Ethics Guidelines For Acceptance Of Gifts, Favors, Or Services By City Employees.

The Committee recommended moving forward with the ethics guidelines and bringing the item to the full Commission.

Item No. 2: Discussion Regarding Development Of Criteria And Procedures For Use Of The Commission Chamber.

The Committee recommended no action be taken.

Item No. 3: Discussion Regarding A Proposed Municipal Marketing Program For South Pointe Park, And An Update On Other Potential Municipal Marketing Partnerships.

The Committee recommended The Superlative Group bring back a more detail report to the October meeting.

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)

ACTION: Resolution 2012-27978 adopted. Patricia Walker to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.**

SUPPLEMENTAL MATERIAL: Resolution

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)

ACTION: Resolution 2012-27979 adopted. Fernando Vazquez and Raul Aguila to handle.

11:22:23 a.m.

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.

ACTION: Item separated for discussion by Commissioner Tobin. Resolution 2012-27980 adopted. Motion made by Commissioner Góngora; seconded by Vice-Mayor Exposito; Voice-vote: 7-0. **Rafael E. Granado to handle.**

Vice-Mayor Exposito stated that this Commission recognizes the need for improvement in some areas of the Special Masters, and he requested that the Commission begins moving forward with the recommendations to make it work in a better fashion.

Commissioner Weithorn requested a progress report in December to give them a mid way point to check on the status. **City Attorney's Office to handle.**

Commissioner Góngora stated that he is satisfied to reappoint Abe Laeser today, but he is not satisfied with the manner in which the Legal Oversight Committee meeting was handled.

Commissioner Tobin agreed with Commissioner Góngora, and explained that the Chief Special Master needs to recognize that there will always be someone that is not satisfied with the process; therefore, the complaints. He added that there are many Judges with excellent ratings, who make tough calls all the time. He asked that Chief Laser smile to the residents; it is not all necessarily in gloom. He added his lack of satisfaction with the Legal Oversight Committee meeting, and explained that he also wants progress and improvement. He is in favor of Chief Laeser's reappointment, with the understanding that he is to take the reigns as Chief and make things smooth.

Motion made by Commissioner Góngora; seconded by Vice-Mayor Exposito; Voice-vote: 7-0.

Mayor Bower expressed her dissatisfaction with the Legal Oversight Committee meeting and with the Assistant City Attorney. She explained that the Assistant City Attorney was disrespectful to the Special Master, and added that the Assistant City Attorney takes liberties that maybe he should not take. She thinks that people should be respectful and be careful when speaking to another attorney. Aside from a logistic problem, she feels this is a problem of personality, and is not only the Special Master, but also the City Attorneys representing the City that must be respectful.

- 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. 2012-27980), 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)

ACTION: Resolution 2012-7981 adopted. Rafael E. Granado to handle.

9:02:08 p.m.

- 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)

ACTION: Item separated for discussion by Vice-Mayor Exposito. Resolution 2012-27982 adopted. Motion made by Vice-Mayor Exposito; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Wolfson. **Rafael E. Granado to transmit resolution to the Florida Building Commission. Kevin Crowder and Stephen Scott to handle.**

No discussion held.

City Clerk's Note: See Item C6A, Item No.3

- 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)

ACTION: Resolution 2012-27983 adopted. City Attorney's Office and Patricia Walker to handle.

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)

ACTION: Resolution 2012-27984 adopted. City Attorney's Office and the City Manager's Office to handle.

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)

ACTION: Resolution 2012-27985 adopted. Anna Parekh to handle.

8:49:47 p.m.

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)

ACTION: Item separated for discussion by Commissioner Libbin. Resolution 2012-27986 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Góngora; Voice vote: 5-1; Opposed: Commissioner Libbin; Absent: Commissioner Wolfson. **Saul Frances and Raul Aguila to handle.**

Commissioner Libbin explained that it seems that at every Commission Meeting, the RFP's are written in such a way, that the City is able to get only one acceptable bidder, and he separated the item in order to vote against it.

Patricia Walker, Chief Financial Officer, stated that these handheld devices will replace the decal system and access cards in the parking system, and move forward with license plate readers. In order to do that, since there are multiple operations required, both the handheld and mobile devices are required. Originally the RFP was written as an "and," for both the handheld and mobile systems, but no bidders qualified; therefore, it was separated to be either one, handheld or mobile, to try to get more bidders and perhaps get a joint venture, but only one viable handheld company bid. However, that company has also worked with other companies on mobile devices.

Commissioner Libbin explained that his point is to look more critically at the RFP, and make the language more flexible, and give enough room for these RFP's and RFQ's, to get more responsive bidders.

Discussion continued.

Commissioner Weithorn suggested piggybacking items separately.

Patricia Walker, Chief Financial Officer, explained that no one company has been found to carry both devices. She explained that if negotiations are entered into with Parktrak, they can strike a deal to get the mobile equipment as well.

Discussion held about the number of devices and software required.

Saul Frances Parking Director, spoke.

- C71 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)

ACTION: Resolution 2012-27987 adopted. Kevin Smith to handle.

8:39:22 p.m.

- 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)

ACTION: Item separated for discussion by Commissioner Libbin. Resolution 2012-27988 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Commissioner Wolfson. **Chief Martinez to handle.**

Commissioner Libbin explained that there was a budget reduction of police officers tasked with this Strike Task Force duty from four to two. In this budget, additional officers are needed again, and funds are going for additional police officers. He explained the revenue, or share of confiscation money, and he suggested monitoring this, and if there is another year with relatively small returns, these police officers should be put back on the street and this should be considered pulled from the budget. **Chief Martinez to handle.**

Discussion held.

Commissioner Tobin explained that this is a policy decision that the Police Chief makes.

Discussion continued.

Police Chief Martinez explained that MBPD is part of the South Florida Money Laundering Strike Force, and stated that as part of the Task Force, the department gets a percentage of what is seized, based on how many people are assigned to this Task Force. In summary, they seize or make a deal today, and two, three or four years from today, the moneys will go through the pipeline and go to the court before they take possession of the monies.

Discussion continued.

Commissioner Libbin requested a status report in six months. **Chief Martinez to handle.**

- 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)

ACTION: Resolution 2012-27989 adopted. Chief Martinez to handle.

SUPPLEMENTAL MATERIAL: Resolution

- 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; Subject To And Conditioned Upon A Formal Written Acknowledgement By Mt. Sinai That The City's Approval And Execution Of The Aforestated Letter Agreement Satisfies And Releases The City's Obligations Under The 2008 Memorandum Of Understanding ("MOU") Between The City And Mt. Sinai For The Lowenstein Building Workforce Housing Project; Further Appropriating \$250,000 For The Letter Agreement (Representing The Amount Of What Would Have Been The City's Contribution To Mt. Sinai Under The MOU).

(Finance Department)

ACTION: Resolution 2012-27990 adopted. Patricia Walker to appropriate the funds and to handle.

- 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)

ACTION: Resolution 2012-27991 adopted. Fred Beckmann and Raul Aguila to handle.

SUPPLEMENTAL MATERIAL: Agreement

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)

ACTION: Resolution 2012-27992 adopted. Fred Beckmann to handle.

City Clerk's Note: See Item C6A, Item No.5

SUPPLEMENTAL MATERIAL: Photograph

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)

ACTION: Resolution 2012-27993 adopted. Fred Beckmann to handle.

Handouts and Reference Materials:

1. Color Prints photographs, Intersection of 5 Street and Washington Avenue, and alleyway.

SUPPLEMENTAL MATERIAL: Attachments B, C & D

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)

ACTION: Resolution 2012-27994 adopted. Fred Beckmann to handle.

SUPPLEMENTAL MATERIAL: Resolution & Draft Easement

- C7Q A Resolution Approving And Authorizing The Mayor And City Clerk, Subject To Final Review By The City Attorney's Office And The Public Works Department, To Execute A Grant Of Easement With Shelborne Ocean Beach Hotel Condominium Association, Inc., Owner Of The Shelborne Hotel, 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 Avenue, With A Total Area Of 527 Square Feet.
(Public Works)

ACTION: Resolution 2012-27995 adopted. Fred Beckmann to handle.

City Clerk's Note: See Item C6A, Item No. 6

- 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)

ACTION: Resolution 2012-27996 adopted. Anna Parekh to handle.

- 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)

ACTION: Resolution 2012-27997 adopted. Anna Parekh to handle.

End of Consent Agenda

REGULAR AGENDA**R5 - Ordinances****11:17:31 a.m.**

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)

ACTION: Item opened and continued to October 24, 2012 at 10:35 a.m. Motion made by Commissioner Weithorn to open and continue the item to October 24, 2012; seconded by Commissioner Exposito; Voice vote: 7-0. Lilia Cardillo to place on the Commission Agenda. **Fred Beckmann to handle.**

Commissioner Weithorn stated that the changes made are good ones; she asked to work over the next two months to have the second reading in November, since the first reading is in October.

11:27:48 a.m.

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)

ACTION: Item opened and continued to October 24, 2012 at 11:00 a.m. Motion made by Commissioner Libbin to open and continue the item to October 24, 2012; seconded by Commissioner Exposito; Voice vote: 6-0: Absent: Commissioner Wolfson. Lilia Cardillo to place on the Commission Agenda. **Kevin Smith to handle.**

11:36:38 a.m.

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)

ACTION: Public Hearing held. Ordinance No. 2012-3773 adopted. Motion made by Commissioner Góngora to approve the ordinance; seconded by Commissioner Libbin; Ballot vote: 5-2; Opposed: Mayor Bower, and Commissioner Weithorn. Rafael E. Granado to transmit to Municipal Code. **Kevin Smith and Rafael E. Granado to handle.**

Commissioner Góngora stated that there is not an automatic sunset, so they need to come back to the City Commission in two years to determine if the committee should continue.

Discussion held.

Kevin Smith, Parks and Recreation Director, spoke.

Discussion continued.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #724

11:45:42 p.m.

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)

ACTION: Public Hearing held. Ordinance No. 2012-3774 adopted with the changes made to the sign. Motion made by Commissioner Libbin to approve the ordinance; seconded by Commissioner Exposito; Ballot vote: 6-0; Absent: Commissioner Weithorn. Rafael E. Granado to transmit to Municipal Code. **Saul Frances to handle.**

Changes to the sign:

1. "Warning Notice"

"Private Parking Tow Away If Meter Expires" - Use large font size in red

2. Change "The expense to recover the vehicle from the towing service is subject to the maximum allowable rates" to "The towing service are subject to the maximum allowable towing rates."

3. Proofread the sign to eliminate excess wording

End

Discussion held.

Saul Frances, Parking Director, showed the new sign and stated that each private parking facility will need to purchase the sign and post it. He expects the cost of the sign to be under \$100.00.

Mayor Bower asked that "private property" be a little larger and in red so it will be easy to see. She added that nobody will read the whole sign. She requested less wording. It should be: "Warning Notice," and underneath "Private Parking Tow Away If Meter Expires." **Saul Frances to handle.**

Commissioner Tobin stated that the sign reads: "The expense to recover the vehicle from the towing service is subject to the maximum allowable rates;" and that it should read: "The towing service is subject to the maximum allowable towing rates." This will eliminate about eight words. He asked that somebody should proofread the sign and eliminate excess words. By doing this, the font could be larger. **Saul Frances to handle.**

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #724

11:29:41 a.m.

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)

ACTION: Public Hearing held. Ordinance No. 2012-3775 adopted. Motion made by Commissioner Weithorn to approve the ordinance; seconded by Commissioner Libbin; Ballot vote: 6-1. Opposed: Mayor Bower. Rafael E. Granado to transmit to Municipal Code. **Richard Lorber to handle.**

Commissioner Góngora clarified that he is not a big fan of artificial grass, but this is a more restrictive version of the ordinance, and it only allows artificial grass in certain limited areas and on certain percentages of the property. It is the more restrictive version of the two ordinances.

Commissioner Wolfson stated that this is a good idea because there are hotels that have private property in the rear, and they may want to use artificial grass to be more economical since it requires less maintenance.

Commissioner Weithorn stated that the reason for approving the more restricted version is because, although in general we all prefer real grass, there are cases where real grass, especially in high traffic areas, is not sustainable, and this is the purpose of this ordinance.

Mayor Bower stated that she does not want to tell anyone what they have to do in their private property, but this is all about money. She stated that there is no reason why hotels should not do upkeep, since this is one of the best economical years in Miami Beach for the hotel industry. She asked the "green committee" (Sustainability Committee) to look into this issue to decide what is best. They have not looked into it. She requested to know what is best, and if artificial grass is bad for the ecology. Her personal opinion is that it should be natural grass. **Fred Beckmann to place on the Sustainability Committee agenda.**

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #724

1:08:02 p.m.

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)

ACTION: Item opened and continued to October 24, 2012 at 11:40 a.m. Motion made by Commissioner Góngora to open and continue the item to October 24 2012; seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Commissioner Weithorn. Lilia Cardillo to place on the Commission Agenda. **Ramiro Inguanzo to handle.**

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #724

12:54:07 p.m.

SUPPLEMENTAL MATERIAL: Ordinances

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 Code 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**

ACTION: Ordinance approved on first reading. Motion made by Commissioner Góngora to approve the ordinance; seconded by Vice-Mayor Exposito; Ballot vote: 5-0; Absent: Commissioners Weithorn and Wolfson. Second Reading and Public Hearing scheduled for September 27, 2012. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Stephen Scott to handle.**

Kathie G. Brooks, Interim City Manager, introduced the items.

Jorge Gomez, Assistant City Manager, stated that most fees are lower but on some of the fees the Finance and Citywide Projects Committe requested that the Consumer Price Index (CPI) be applied, therefore, some fees are higher by 3.7%.

12:58:14 p.m.

2. An Ordinance Amending Section 50-3 "Plans Examination, Inspections, Permits" And That Portion Of Appendix A Of The City Code 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**

ACTION: Ordinance approved on first reading. Motion made by Commissioner Góngora to approve the ordinance; seconded by Commissioner Libbin; Ballot vote: 6-0; Absent: Commissioner Weithorn. Second Reading and Public Hearing scheduled for September 27, 2012. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Stephen Scott to handle.**

Stephen Scott, Building Department Director, stated that in the fees that are being reduced, the Consumer Price Index (CPI) was not added.

12:59:15 p.m.

3. An Ordinance Amending Section 15-40 "Refunds"; 15-42 "Adjusted Rates"; And That Portion Of Appendix A Of The City Code 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**

ACTION: Ordinance approved on first reading. Motion made by Commissioner Libbin to approve the ordinance; seconded by Vice-Mayor Exposito; Ballot vote: 6-0; Absent: Commissioner Weithorn. Second Reading and Public Hearing scheduled for September 27, 2012. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Stephen Scott to handle.**

1:00:06 p.m.

4. An Ordinance Amending Section 98-94 "Refunds"; And That Portion Of Appendix A Of The City Code 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)

ACTION: Ordinance approved on first reading. Motion made by Commissioner Góngora to approve the ordinance; seconded by Commissioner Tobin; Ballot vote: 6-0; Absent: Commissioner Weithorn. Second Reading and Public Hearing scheduled for September 27, 2012. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Stephen Scott to handle.**

RECOMMENDATION:

The issue of incentives to property owners who use the green initiatives, is to be discussed at Finance & Citywide Projects Committee

End

Commissioner Tobin stated that he had discussed a while back if they could significantly reduce, if not waive, fees or returning fees somehow on "green" projects. He stated that he remembers this issue being referred to provide incentives for green initiatives.

Stephen Scott, Building Department Director, stated that this was presented to the Finance and Citywide Projects Committee. He added that there is a green ordinance in effect that provides for refunds of permit fees once it has gone through all of the approvals.

Jorge Gomez, Assistant City Manager, stated that this should be revisited as per Commissioner Tobin's request and will be sent back to the Finance and Citywide Projects Committee. **Stephen Scott to handle.**

Commissioner Wolfson stated that Mr. Scott is doing a wonderful job working with the public, and the public respects him.

1:02:57 p.m.

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)

ACTION: Ordinance approved on first reading as amended. Motion made by Commissioner Góngora to approve the ordinance; seconded by Commissioner Wolfson; Ballot vote: 6-0; Absent: Commissioner Weithorn. Second Reading and Public Hearing scheduled for October 24, 2012. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Fred Beckmann to handle.**

Raul Aguila, Deputy City Attorney, introduced the item and explained that this ordinance allows the City to exercise renewals of the current franchise agreements before expiration, and provides for a straight one-year renewal term, as well as providing for up to three-year renewal terms.

Discussion held.

Fred Beckmann, Public Works Director, gave specific details, and explained the need for the ordinance amendment.

Discussion continued.

R7 - Resolutions**6:13:50 p.m.**

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)

ACTION: Title of the Resolution read into the record. Public Hearing held. Resolution 2012-27998 adopted as amended refunding \$400,000 to the taxpayers and 3 Mills in employee givebacks in the General Fund. Motion made by Commissioner Libbin; seconded by Commissioner Tobin; Voice vote: 4-2; Opposed: Commissioners Weithorn and Exposito; Absent Commissioner Wolfson. Second reading and second Public Hearing scheduled for Thursday, September 27, 2012 at 5:01 p.m. Lilia Cardillo to place on the Commission Agenda. **Timothy Finch to notice and to handle.**

Amendment

Total Operating Millage Rate is 6.0909 mills (Reduced from 6.1122, due to refunding \$400,000 or its equivalent of 0.2131 Mills)

End

Kathie G. Brooks, Interim City Manager, gave a PowerPoint presentation.

PowerPoint presentation is available via:

<http://web.miamibeachfl.gov/cityclerk/scroll.aspx?id=66724>

Discussion held.

Commissioner Exposito inquired of Interim City Manager Brooks the implication of the proposed Amendment 4 to the Florida Constitution, which the voters will decide on November 6, 2012.

Ms. Brooks explained that non-homestead or commercial property would have their assessment increases capped at three percent (3%) per year. Additionally, the measure would implement an additional homestead exemption for first-time buyers equal to fifty percent (50%) of the median home price in the county. The additional exemption, however, would be gradually reduced until it expires within five (5) years.

Commissioner Libbin stated that the Commission has set an internal goal of returning the millage rate of .56555; achievable over a three-year period and added that the proposed millage is putting the City at 18% of that goal. Commissioner Libbin is not going to support this with the \$400,000 pension credit going to a side fund, because he would like to give the \$400,000 back to the taxpayers. This \$400,000 was received by the City after a change as to how the pension is being recognized, after a legal battle with the Union, and now the pension board has to recognize the dollars for new employees in such a manner that there is a \$400,000 savings. The taxpayers pay the bulk of the pension, so they should benefit from these savings.

Mayor Bower asked what each taxpayer would receive.

Kathie G. Brooks, Interim City Manager, stated that it would be approximately \$3.00 to the median taxpayer.

Motion made by Commissioner Libbin to give back the \$400,000 to the taxpayers; seconded by Commissioner Tobin.

Commissioner Weithorn stated that she has no problem placing the \$400,000 into a pension stability fund; however, she has a problem with leaving the \$800,000, just to have it. She would prefer that the \$800,000 go back to the taxpayer. She will vote "no" on this motion.

Discussion held.

Commissioner Tobin requested the numbers on salary savings due to a Major position vacant in the Police Department, and other savings due to vacancies in the Police Department. **Kathie G. Brooks, Interim City Manager, to handle.**

Discussion continued.

Mayor Bower stated that they should be prudent, and she rather keep the \$800,000 and will vote "no" on the motion on the floor. They are making enhancements in certain departments, yet they are asking employees to give back from their salaries.

Paul Jonas spoke.

Christine Flores spoke.

Ronald Lowy, from CWA Local 3178, explained that on September 30 Ocean Rescue personnel will have their salaries reduced because of losing their longevity pay and the 5% EMT certification pay.

Commissioner Libbin amended the motion to return to the taxpayers \$800,000 instead of \$400,000; seconded by Commissioner Tobin.

7:18:25 p.m.

Commissioner Weithorn stated that this budget accomplished all the enhancements, they cut the fat and in addition, there is an \$800,000 surplus. She added that services are being enhanced and not cut.

Dr. Barry Ragone spoke.

Gary Gentle spoke.

Adam Stanley, from Ocean Rescue, spoke.

Shawn Cory, from Ocean Rescue, spoke.

Mayor Bower asked Kathie Brooks, Interim City Manager, to state what the cuts are for Ocean Rescue.

Kathie G. Brooks, Interim City Manager, explained that two of the positions in the current contract will no longer receive longevity pay as of September 30, consistent with the rest of the bargaining units. Longevity pay for the remainder of the bargaining units was eliminated in 2006; except for lifeguards, and with this last contract it was eliminated for lifeguards as well. The Emergency Medical Training (EMT) certification pay was eliminated for lifeguards effective September 30, 2012. Longevity pay ranges from 2.5% to 11%, and EMT pay is an additional 5%, depending on the years of service.

Commissioner Libbin stated that these are negotiated items that are not going to be resolved

today.

Elizabeth Roden spoke.

Discussion continued.

Larry Jessup, Economic Consultant for CWA, spoke.

Ramiro Inguanzo, Human Resources Director, gave an example of how the cut will affect a paycheck effective October 1, 2012.

Larry Jessup, Economic Consultant for CWA, spoke.

Ronald Lowy, from CWA Local 3178, spoke.

Richard McKinnon, CWA President, spoke.

Discussion continued.

Jose Smith, City Attorney, cautioned the City Commission to refrain from discussing union contract, and go back to the item being discussed.

Commissioner Tobin suggested that CWA meet with the Interim City Manager and point out the unfairness of this issue, because it cannot be discussed today. **Kathie G. Brooks to handle.**

Commissioner Góngora stated that he appreciates the hard work these employees do, but they cannot renegotiate the contract tonight.

Commissioner Tobin withdrew his motion of returning the \$800,000 amount.

Commissioner Libbin went back to the \$400,000 motion. Motion made by Commissioner Libbin to give back the \$400,000 to the taxpayers; seconded by Commissioner Tobin.

A ballot vote was called.

7:49:39: p.m.

Kathie G. Brooks, Interim City Manager, gave the change in the millage due to the refunding the \$400,000; it is equivalent to .02131 mills, so it takes the total operating millage rate down from 6.1122 to 6.0999 mills.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 725
2. LTC 232-2012 Correction to Position Report in Proposed FY2012/13 Budget Book
3. Handout by union member.

City Clerk's Note: Corrections

On Page 27 of the Budget Related Items Book, which is the Commission Item Summary, line 3 of the section entitled "Item Summary/Recommendation", the word increased should be replaced with the word decreased. The section should state... the voted debt service millage rate is ~~increased~~ decreased from 0.2884 to 0.2568."

On Page 28 of the Budget Related Items Book, the Commission Memo, Section 1 lists the incorrect fiscal year. FY 2011/12 should be deleted and replaced with FY 2012/13. The section should state...1) Proposed Millage Rates for FY ~~2011/12~~ 2012/13.

7:50:31 p.m.

SUPPLEMENTAL MATERIAL: Resolution

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.

(Office of Budget & Performance Improvement)

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

(Resolution)

ACTION: Title of the Resolution read into the record. Public Hearing held. Resolution 2012-27999 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Góngora; Voice vote: 6-0; Absent: Commissioner Wolfson. Second reading and second Public Hearing scheduled for Thursday, September 27, 2012 at 5:01 p.m. Lilia Cardillo to place on the Commission Agenda. **Timothy Finch to notice and to handle.**

Andrew Lindberg, Fire Rescue, spoke.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 725

2: LTC 232-2012 Correction to Position Report in Proposed FY2012/13 Budget 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)

ACTION: Title of the Resolution read into the record. Public Hearing held. Resolution 2012-28000 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Góngora; Voice vote: 6-0; Absent: Commissioner Wolfson. Second reading and second Public Hearing scheduled for Thursday, September 27, 2012 at 5:01 p.m. Lilia Cardillo to place on the Commission Agenda. **Timothy Finch to notice and to handle.**

Kathie G. Brooks, Interim City Manager, read into the record, that the reason for the amount above the roll back rate is due to the living wage, as well as the increased costs of operating the cameras and security, and the property management charges, primarily due to personnel costs increases.

Mickey Minagori, President HOA Normandy Shores, thanked the Police Department for the work they are doing in the Normandy Shores neighborhood. He explained that this item was taken to the Normandy Shores Board of Directors, and on behalf of the HOA member, he is here to request the approval of this item.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 725

7:57:10 p.m.

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)

ACTION: Title of the Resolution read into the record. Public Hearing held. Resolution 2012-28001 adopted. Motion made by Commissioner Weithorn; seconded by Vice-Mayor Exposito; Voice vote: 6-0; Absent: Commissioner Wolfson. Second reading and second Public Hearing scheduled for Thursday, September 27, 2012 at 5:01 p.m. Lilia Cardillo to place on the Commission Agenda. **Timothy Finch to notice and to handle.**

Commissioner Tobin stated that there are some budget items that were not vetted properly and he does not agree with. First, he wants more detailed information as to how the \$500,000 that have been set aside to fix Euclid Avenue/Lincoln Road in front of Mel Schlessler's building will be spent. **Kathie G. Brooks to handle.**

Commissioner Weithorn explained that the money is in a placeholder for the project, as the project is not ready yet. At no time has the project been approved, and the money is sitting in Capital as a placeholder.

Commissioner Tobin wants the City Commission to have some type of memorial that this project is merely in a placeholder. **Kathie G. Brooks to handle.**

Discussion held.

Mayor Bower stated that the City Commission needs to be informed of these funds in placeholders for specific projects. **Kathie G. Brooks to handle.**

Commissioner Weithorn stated that they are not voting on the Capital Budget tonight, so nothing is being done with this money.

Commissioner Tobin stated that The Wolfsonian is receiving \$10,000,000, and Cathy Leff is asking for funds to hire a consultant to help her decide how to spend the money. He requested the Interim City Manager to speak with Cathy Leff to find out if they will lose the \$10,000,000 if they do not receive the City's \$150,000. In other words, is the \$150,000 needed to release of the \$10,000,000? **Kathie G. Brooks to handle.**

Discussion continued.

Jorge Gomez, Assistant City Manager, stated that what Cathy Leff has explained that the soft costs associated with designing this type of cultural facility involves a great deal of specialized designers to be involved, and that would pick up a lot of her soft costs. That does not leave her enough money to do the facility concept plans that she needs to get the release the rest of the money.

Commissioner Tobin requested that they get the answer in writing from Miami-Dade County that explains parameters of the grant. **Jorge Gomez to handle.**

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 725

12:36:18 p.m.

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)

ACTION: Item Opened and Continued to October 24, 2012 at 10:45 a.m. Motion made by Commissioner Libbin to open and continue the item to October 24, 2012; seconded by Vice-Mayor Exposito; Voice vote 6-0; Absent: Commissioner Weithorn. Lilia Cardillo to place on the Commission Agenda. **City Attorney's Office and Fred Beckmann to handle.**

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 728

12:41:06 p.m.

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)

ACTION: Public Hearing held. Resolution No. 2012-28002 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Góngora; Voice vote 5-0; Absent Commissioners Weithorn and Wolfson. **City Attorney's Office and Fred Beckmann to handle.**

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 727

11:50:30 a.m.**5:36:14 p.m.****SUPPLEMENTAL MATERIAL: Resolution & Draft Easement**

R7E A Resolution Approving And Authorizing The Mayor And City Clerk, Subject To Final Review By The City Attorney's Office And Public Works Department, 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).
(Public Works)

ACTION: Public Hearing held. Resolution No. 2012-28003 adopted as amended. Item referred to committee. Motion made by Commissioner Libbin; seconded by Commissioner Wolfson; Voice vote 6-0; Absent: Commissioner Wolfson. Patricia Walker to place on the committee agenda. **City Attorney's Office and Fred Beckmann to handle.**

RECOMMENDATIONS/AMENDMENTS

- Refer the four methodologies recommended by the appraiser to the Finance and Citywide Projects Committee
- Developer to pay the City \$250,000 for the creation of the Green Alley
- Payments to be made in three payments:

- 1) \$75,000 due upon execution of agreement;
 - 2) Within 12 months, and
 - 3) Within a 30-month period or upon obtaining a Certificate of Occupancy, whichever is first.
- Include criteria language in the Easement Agreement so as not to create a precedent
 - Certificate of Occupancy subject to payment in full
 - Alley's cleaning and maintenance in the contract, to be done by developer; not the City
 - Provide appraisal report as requested by Commissioner Tobin
 - Funds to go into specific "Green Alley" line item only

End

Kathie G. Brooks, Interim City Manager, introduced the item, which is a resolution approving the easement for the pedestrian bridge for The Tides Hotel, and the consideration is based on a single appraisal valued at \$75,000.

Commissioner Tobin explained that the appraiser was asked to use a certain methodology and come up with a price based on that methodology, which is not the actual value. He might agree to sell The Tides this easement over the alleys for \$75,000, but he does not want to make a decision based on an appraisal record that does not reflect accuracy. He requested to know the actual value on behalf of the taxpayers, and added that The Tides wants to be a good partner, but he thinks the idea of basing a sale price on the wrong appraisal is incorrect and he will oppose to it until they get a real appraisal.

Mayor Bower is concerned that this will set a precedent for others to expect to be given the same price. She opposes approving this item, but she needs to look at it further, discuss with the preservationists and they need to understand what expense is passed through to business owners in the area. One of her concerns is the use of "working" alleys accumulating trash items that could be seen from the bridge. She suggested directing Planning to look at the Green Alleys liabilities, and to look at it holistically.

Commissioner Libbin requested the Administration to explain the process that was done, whether it has been done in the same way that all other projects have been done, and asked how the appraisal process was determined. If the process is different from other projects, why and how is it different? There should be a consistent methodology used.

Discussion continued.

Jorge Gomez, Assistant City Manager, explained that the option suggested to use was Methodology No. 3, (described on Page 7 of the Appraisal Report), which is based on the fee simple market value of the adjoining parcels, and in this approach no deduction is made for loss of utility, but also no separate fees are charged. Additionally, the City requested no deductions, and at Finance and Citywide Projects Committee, it was discussed for this to be looked at on a case by case basis, and that the City Commission would decide if discounts are to be applied or not.

Discussion held.

Vice-Mayor Exposito requested that the City Commission be provided the complete information in the future in order to make an intelligent decision. **Fred Beckmann to handle.**

Jorge Gomez, Assistant City Manager, explained that in his opinion, the intrinsic value of air right does not seem to take into account the value added to the private property by connecting them to a bridge. This is an intangible value.

Motion made by Commissioner Wolfson to approve the item. No second offered and discussion continued.

Commissioner Tobin stated that The Tides is a great corporate citizen, but will vote eventually to approve the easement, recognizing the benefit they provide to the community, potentially with the Green Alley and Collins Avenue, but he wants to know the correct value.

Discussion continued.

Vice-Mayor Exposito agrees with Commissioners Góngora and Tobin in their statements and will not approve the item as is; he further explained that this is the first Green Alley with air rights that is done in the City, and a procedure and protocol needs to be established before moving forward. **Fred Beckmann to handle.**

Discussion continued.

Michael Larkin, Esq., spoke.

Discussion continued.

Commissioner Libbin is supportive of the project, and will support it once the appraisal value is accurate; however, he is not comfortable asking property owners to do Green Alley to the entire block. Discussion continued and he seconded Commissioner's Wolfson's motion to continue with the discussion. He requested an appraisal process.

Raul Aguila, Chief Deputy City Attorney, in answering Mayor Bower's questions, stated that if there is a general issue as to valuation, rather than negotiating the issue at the dais and Mr. Larkin, the item could be opened and continued until the correct appraisal value is received.

Commissioner Libbin withdrew his second; motion dies for lack of second.

Motion made by Commissioner Libbin to obtain a proper appraisal and a process that the Commission is comfortable with before moving forward. No second offered.

Mayor Bower added a friendly amendment to the motion to look at exactly what the City wants to do with and the cost of the Green Alley.

Commissioner Wolfson suggested bifurcating the issue of the Green Alley and the appraisal issue. Discussion continued.

Vice-Mayor Exposito reiterated that the Commission needs to ensure that the process valuation is in place for future projects, and then analyzed case by case. He added that a proper valuation process should include all methodologies and the City Commission is to analyze the options and make the final decision. **Fred Beckmann to handle.**

Mayor Bower stated that the methodologies process should be referred to the Finance and Citywide Projects Committee and everyone should be informed so they can attend the meeting.

Discussion continued.

Motion made by Commissioner Libbin to request all four methodology options from the appraiser, as recommended by Vice-Mayor Exposito; and refer to the Finance and Citywide Projects

Committee; seconded by Vice-Mayor Exposito; Voice vote: 6-0; Absent: Commissioner Weithorn.

Discussion continued.

Ari Pearl, Developer and part-owner, The Tides Hotel, explained the urgency of approval of item at this meeting. He complied with everything the City requested, including the appraisal, and he is willing to negotiate in order to grant the approval.

Commissioner Libbin suggested deferring the discussion to the afternoon in order to contact the appraiser and request revised numbers.

Mayor Bower tabled the matter to the afternoon.

5:36:14 p.m.

Jorge Gomez, Assistant City Manager, stated that the appraiser was unable to give the City an appraisal for several weeks, but they discussed the creation of a Green Alley as a public benefit within certain parameters and a specific location and the costs. The developer proffers to pay the City \$250,000 for the creation of the Green Alley at the City's discretion as far as location, to be paid in three payments: the first payment of \$75,000 upon the execution of the agreement, and the next two payments within a thirty-month period. The actual footprint of the aerial is 181 square foot, and the City will be receiving over \$1,300 per square foot.

Discussion continued.

Motion made by Commissioner Libbin to approve the proposal; seconded by Commissioner Wolfson.

Discussion continued.

Ari Pearl, Developer and part-owner, The Tides Hotel, spoke.

Mayor Bower stated that they should still move forward with the highest appraisal, make sure that the amount is accurate, and expects that this will not be considered as a precedent. She requested the Administration to come up with criteria for managing these types of requests in the future. **Fred Beckmann to handle.**

Vice-Mayor Exposito stated that he likes the project with the creation of an improved environment; however, his concern is setting a precedent, and requested including language and the correct process to avoid that in the future. He prefers to see all options before making a determination and further added that he wants to make sure the City's assets are protected. He concluded stating that this is not the developer's fault, and he apologized for that, but they must do what is right for the community.

Jose Smith, City Attorney, stated that language in the Easement Agreement will include: 1) criteria so as not to set a precedent; 2) criteria to be satisfied by applicant; 3) the Certificate of Occupancy will be subject to payment to the City in full. **City Attorney's Office to handle.**

Jorge Gomez, Assistant City Manager, explained that the City Commission intended for this agreement not set a precedent, and language should be reflected in the agreement as to that effect. The Administration will bring criteria via Resolution for the City Commission to adopt in the future.

Discussion continued.

Mayor Bower explained that this is a “working” alley, and her concerns are that garbage items may be visible from the bridge. She suggested including in the contract in the Current Level of Services, that The Tides is responsible for cleaning and maintaining the area, not the City. **Fred Beckmann and City Attorney’s Office to handle.**

Commissioner Tobin requested an appraisal for reference, but he is in approval of the \$250,000. **Fred Beckmann to handle.**

Ari Pearl, Developer and part-owner, The Tides Hotel, spoke.

Michael Larkin, Esq., spoke.

Discussion continued.

Jorge Gomez, Assistant City Manager, stated that a Green Alley in the City is a public benefit that may be worth more than the actual cost of the alley, but this is an opportunity to create a public amenity and have the private sector, in consideration for the easement, help achieve a Green Alley. He suggested revisiting the issue if the appraisal comes back at a higher number and recommended that the item be discussed at the Sustainability Committee.

Discussion continued.

Jose Smith, City Attorney, stated that there will be a deadline, and if they do not comply by the deadline, the easement reverts back to the City. **City Attorney’s Office to handle.**

Discussion continued.

Ari Pearl, Developer and part-owner, The Tides Hotel, continued discussing negotiating details.

Mayor Bower requested that the funds be added to a line item specific for “Green Alley” only. **Patricia Walker to handle.**

Mayor Bower clarified the payment options: 1) \$75,000 upon execution of agreement; 2) Second payment in 12 months, and 3) Third payment within 30 months or upon Certificate of Occupancy

Motion made by Commissioner Libbin to approve the proposal with all recommendations as discussed; seconded by Commissioner Wolfson. Voice vote: 6-0; Absent: Commissioner Wolfson.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 729

12:53:31 p.m.

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)

ACTION: Resolution No. 2012-28004 adopted. Motion made by Commissioner Libbin to approve the resolution; seconded by Commissioner Tobin; Voice-vote: 6-0; Absent: Commissioner Weithorn. **Rafael E. Granado to handle.**

12:42:51 pm

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)

ACTION: Resolution No. 2012-28005 adopted. Motion made by Commissioner Libbin to approve the resolution; seconded by Commissioner Tobin; Voice-vote: 6-0; Absent: Commissioner Weithorn. **Fernando Vazquez to handle.**

Fernando Vazquez, CIP Director, introduced the item and gave a PowerPoint presentation.

Discussion held.

William"Bill" Pircher, from Adkins Engineer, spoke.

Discussion continued.

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)

ACTION: Item not reached.

1:09:42 p.m.

R71 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)

ACTION: Resolution No. 2012-28006 adopted as amended. Item referred. Motion made by Commissioner Wolfson; seconded by Commissioner Weithorn; Voice-vote: 7-0. Patricia Walker to place on the committee agenda. **Max Sklar to handle.**

AMENDMENT/RECOMMENDATIONS:

- Reject bids
- Rebid
- Continue current contract on a quarter-to-quarter basis
- Include a 90-days Notice of Termination
- Refer to Finance and Citywide Projects Committee the issuance of request for proposals (RFP) for catering and concession services for the Miami Beach Convention Center.
- Bring back to Commission in November

End

Kathie G. Brooks, Interim City Manager, introduced the item and recommendations.

Discussion held.

Max Sklar, Acting Assistant City Manager, explained that October to March is the apex of the business, and they need to give their customers a certain level of assurance during events; he added that the Miami Beach Convention Center Management Agreement is also expiring in September 2013, and suggested that both contracts be renewed for one-year concurrently, for Catering and Concession and Management Agreement.

Discussion held.

Jose Smith, City Attorney, stated that there was a threat of an Ethics complaint and the City Attorney's Office contacted the Ethics Commission as well as Robert Meyers, and Raul Aguila reviewed many of procurement ethics opinions that said, in effect, that a wholly owned subsidiary of the company that manages the convention center created a conflict of interest.

Discussion continued.

Max Sklar, Acting Assistant City Manager, clarified that if the Commission proceeds with the RFP, clarification from the Ethics Commission is needed, as to whether or not Ovation can bid.

Discussion held.

Raul Aguila, Chief Deputy City Attorney, explained that there were two issues brought to the City Attorney's attention by Centerplate after the RFP was issued; 1) one of the bidders, Ovation, had

a relationship with Global Spectrum, both Global Spectrum and Ovations are owned by the same parent company (Comcast); and 2) Global Spectrum had input into the specifications of the RFP to manage food and beverage concession services. He stated that after conversations with both companies, the Ethics Commission opined that there was a potential conflict of interest.

Discussion continued.

Raul Aguila, Chief Deputy City Attorney, explained that a prior Miami-Dade County Ethics Commission opinion states that whether is a relationship between an entity and an entity that has the obligation of overseeing that entity, then there is a conflict of interest.

Discussion held.

Raul Aguila, Chief Deputy City Attorney, clarified that the legal opinion, prior to convening an evaluation committee and prior to having anyone spend more money on this, is that the process could be challengeable, and therefore it is best to reject all bids and rebid, and If Ovation does want to submit a bid in the new RFP process, they are going to need an opinion from the Commission on Ethics.

Discussion continued regarding the item and recommendations by Legal.

Raul Aguila, Chief Deputy City Attorney, stated for clarification, that what is before the City Commission today is primarily a motion to reject this RFP and issue a new one; because there were issues raised that would likely subject the RFP to a challenge. Discussion continued.

Max Sklar, Acting Assistant City Manager, explained that the difference in scope of the RFP is the guarantee minimum, which was higher than done in previous contracts.

Raul Aguila, Chief Deputy City Attorney, recommended starting the process all over again, processing the RFP, and obtaining an opinion from the Ethics Commission regarding conflict of interest.

Discussion held.

Commissioner Libbin suggested accepting the recommendation to reject all bids and move forward; start the RFP in June or July, and make a decision by August or September.

Discussion continued.

Roberto Sanchez, III, representing Armark, spoke.

Discussion continued regarding options and maximum flexibility.

Raul Aguila, Chief Deputy City Attorney, stated that one of the options the Administration is recommending, since the contract with Global Spectrum expires in September, is that when and if they go to bid for the management of the Convention Center, have the Management contract incorporate a food and beverage component; therefore, there will not be a need to issue an RFP for food and beverages if they follow that route.

Discussion held regarding contracts that provide both services.

Raul Aguila, Chief Deputy City Attorney, stated that there are two separate entities now and it is a policy decision, but the primary recommendation is to reject this process.

Vice-Mayor Exposito recognized and thanked the City's Legal Department for the excellent recommendation and for bringing the conflict of interest to their attention.

Discussion continued.

Raul Aguila, Chief Deputy City Attorney, in answering Commissioner Tobin's question, stated that the City can go on a month-to-month basis and have two options: 1) issue a new RFP for food and beverage, or 2) study a methodology to have the Manager absorb that service as a subcontract when the Convention Center contract expires.

Discussion held.

Roberto Sanchez, III, representing Armark, spoke.

Discussion continued.

Commissioner Weithorn stated that the focus should be on how to proceed, since they recognize that there is a problem. She asked what make senses from a logistic perspective, since this is a food service.

Discussion continued and there was consensus to renew on a quarter-to-quarter basis.

Motion made by Commissioner Wolfson to reject the bids, rebid as soon as possible, and continue the current contract on a quarter-to-quarter basis with a 90 days Notice For Termination.

Gary Wattie, Senior Vice-President of Centerplate, stated that he is pleased to go quarter-to-quarter with the 90 days notice; however, there is an issue with the terms of the current agreement that need to be discussed.

Discussion continued regarding negotiations with Centerplate.

Motion made by Commissioner Wolfson; seconded by Commissioner Weithorn; Voice-vote: 7-0.

Commissioner Weithorn recognized Raul Aguila for a job well done.

Bob Balsam stated that the City must be careful on how this is done and the message that is sent to the industry.

Motion made by Commissioner Libbin to reconsider the previous motion and change it to one year; seconded by Commissioner Tobin. Motion failed.

Commissioner Weithorn explained that the bid cannot go out until after the October meeting with the Finance and Citywide Projects Committee; then bring back to the City Commission in November. The earliest the bids can go out will be some time in November or at a later time.

R9 - New Business and Commission Requests

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

ACTION: The following individuals were appointed:

Committee for Quality Education in MB:

Ivette Birba	Rep. of the PTA for Feinberg Fisher Elementary School	06/30/2013
Sovia EMuriel	Rep. of the PTA for Treasure Island Elementary School	06/30/2013
Lisa Simon	Rep. of the PTA for Ruth Broad Elementary School	06/30/2013
Heidi Tandy	Rep of the PTA for Nautilus Middle School	06/30/2013

Committee on the Homeless:

Rabbi Daniel Sherbill	Term ending 12/31/12	Appointed by Commissioner Góngora	TL 12/31/19
-----------------------	----------------------	-----------------------------------	-------------

Community Development Advisory Committee:

Zachary Cohen	Term ending 12/31/13	Appointed by Commissioner Góngora	TL 12/31/19
Mark Hayes	Term ending 12/31/13	Appointed by Commissioner Wolfson	TL 12/31/15

Community Relations Board:

Darin Feldman	Term ending 12/31/13	Appointed by Kathie G. Brooks	TL 12/31/19
Adam Kravitz	Term ending 12/31/13	Appointed by Commissioner Wolfson	TL 12/31/19
GeneT Solomon	Resigned 09/10/12		

Disability Access Committee:

Jonathan Macedo	Removed due to no longer a Miami Beach resident.
-----------------	--

Gay, Lesbian, Bisexual and Transgender Committee (GLBT):

Cindy Brown	Term ending 12/31/13	Appointed by Commissioner Wolfson	TL 12/31/19
-------------	----------------------	-----------------------------------	-------------

Marine Authority:

Ira Nusbaum	Removed due to absences
-------------	-------------------------

Miami Beach Commission for Women;

Rocio Sullivan	Term ending 12/31/12	Appointed by Commissioner Góngora	TL 12/31/19
----------------	----------------------	-----------------------------------	-------------

Normandy Shores Local Government Neighborhood Improvements:

Geoff Green	Resigned effective 08/17/12
-------------	-----------------------------

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

ACTION: No appointments were made.

2:13:54 p.m.

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

ACTION: The following individuals spoke:

Jeff Donnelly, representing the Flamingo Park Neighborhood Association, asked for the active, fair, and effective enforcement of the Short Term Rental Ordinance. On behalf of the association, he asked for resources so that Administration can carry out the following five steps: 1) inform neighborhood of enforcement efforts, 2) notify property owners by letter about the ordinance and its effect; 3) provide information on the City's website, 4) enable search function on the City's website for transient rentals, and 5) provide MBPD with list of properties in the neighborhood permitted to operate as short term rentals. He also asked that the City addresses the issue and ensure that the appropriate standard of proof is enforced.

Eric Harari, Representing the Flamingo Park Neighborhood Association, also spoke.

Commissioner Góngora stated that the City Commission made it clear at the last meeting, that they are frustrated with the Special Master when it comes to the enforcement of short-term ordinance and party houses; repeatedly the Special Master has been told that the complaints need to stop. If by December there is no resolution, there will be changes in March.

Commissioner Weithorn added that the issue is not only Special Master, but also Code Enforcement. This Commission needs to make sure that the existing ordinance is enforced, and that Special Masters adjudicates, but it is frustrating to hear complaints about equitable treatment, and this needs to be addressed.

Jeff Donnelly added that there is something going on that is making this more difficult than it should be; "we are shooting ourselves in the foot." He requested that the City Commission lead Administration in addressing this issue.

Commissioner Tobin agrees that the City must enforce the existing laws, and suggested that they make the proof in the advertisement, and perhaps amend the existing ordinance.

Discussion continued.

Jose Smith, City Attorney, explained that the ordinance cannot be amended to prohibit advertising, as that effectively would void the City's ordinance under State Statute.

Discussion continued regarding adequate proof of advertising.

Commissioner Libbin asked the City Attorney to look at the Condominium Hotel rooms rentals that are advertising as short-term rentals and are not paying resort taxes.

Per City Attorney, this item was referred to the Neighborhood/Community Affairs Committee. Barbara Hawayek to place on the committee agenda. **City Attorney's Office to handle.**

Handout or Reference Materials:

1. Eric Harari and Jeff Donnelly "Active, Fair, and Effective Enforcement of the City's 2010 Short Term Rental Ordinance (2010-3685), including Florida Statute 4)(a); for the Flamingo Park Neighborhood Association.

9:03:37 p.m.

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

ACTION: The following individuals spoke:

1. Dr. Barry Ragone explained that he has never asked for anything from this Commission, but he is asking for something that is important for his business; The City has an ordinance that prohibits displaying a telephone on a building, with the exceptions of some entities. He asked if the City could come up with some emergency plan for a temporary period of time, to allow business owners to display telephone numbers actually on the buildings, to allow for an increase in business. **Richard Lorber to handle.**
2. Paul Jonas stated that public input should apply to all of the committees, as he was not able to speak at a Budget Advisory meeting. On the issue of texting and driving and synthetic drugs, he stated that it is a personal freedom that should be left up to the individual. He also explained that lifeguards do a great job, but during a recent tropical storm, the beach was closed, and he was not allowed to swim at his own risk, and he is in favor of individuals swimming at their own risk. Finally, regarding the budget, he stated that several fees should be increased, such as towing fees and litter fees.

8:35:34 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)

ACTION: Discussion held.

Manuel "Mickey" Minagori, HOA President for the Normandy Shores, and representing himself, Carol Housen, president of North Beach Development Corporation, and Margaritte Ramos, Normandy SUD, stated that the three associations feel it is important to increase the viability of the entire area for North Beach, and Max Sklar has put this together as an event combined with Octoberfest event and music; it is a demonstration project to be done three times per year, and about 1,000 homeowners are in favor of it; some restaurant owners are in favor, some are not, but he asked that this be approved.

Mayor Bower stated that the item has already been approved.

Max Sklar, Assistant City Manager, stated that three Food Truck & Music Fest events are coming up on September 19, October 17 and November 14; twelve food trucks are scheduled for Wednesday night, from 5 p.m. to 10:00 p.m. The fest will feature mobile food trucks, free entertainment and the participation by area restaurants. The event takes place at the North Shore Bandshell and Ocean Terrace, on Collins Avenue and 73rd Street. For more information, the website is mbculture.com.

Mickey Minagori suggested that the information is sent to the associations to disseminate among themselves, and advertise the event for its success. **Max Sklar to handle.**

6:06:01p.m.

R9D Discussion Regarding The Convention Center.
(Requested by Commissioner Edward L. Tobin)
(Not Reached on July 18, 2012)

ACTION: Discussion held.

Commissioner Tobin placed the matter on the agenda because the way the evaluations were done. They are still in the Cone of Silence, but he wants to figure out a way to get out of the Cone and have a discussion. He suggested curing the mistakes made in the evaluation, recommend a short list, and discuss it once is out of the Cone. He suggested scheduling a Special Meeting dedicated to the Miami Beach Convention Center.

Discussion held.

Kathie G. Brooks, Interim City Manager, stated that this item was not advertised and should not be discussed, as it is under the Cone of Silence.

Discussion continued.

Raul Aguila, Chief Deputy City Attorney, explained that the item has been referred to the Finance and Citywide Projects Committee, and suggested Administration update the Commission on recent happenings.

Mayor Bower requested an outline to expedite the process in regards to the Convention Center from the City Attorney's Office.

Discussion continued.

Kathie G. Brooks, Interim City Manager, announced that the next Finance and Citywide Projects Committee will be scheduled as soon as possible in October.

8:11:17 p.m.

R9E Miami Beach Police Athletic League (PAL) Investigation By The Miami-Dade Police Department Public Corruption Investigations Bureau.
(City Attorney's Office)

ACTION: Discussion held. Written report submitted with the Commission Agenda.

Jose Smith, City Attorney, explained that this is a report on his conversations with the State Attorney's Office regarding investigations.

5:20:50 p.m.

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)

ACTION: Discussion held. Motion made by Commissioner Wolfson; seconded by Commissioner Góngora, to withdraw the February 28, 2012 referral of the towing permits to a joint committee meeting, and place the Finance and Citywide Projects Committee report and recommendations at the October City Commission Agenda. Voice-vote: 5-2; Opposed: Commissioners Libbin and Tobin.

RECOMMENDATIONS:

- Withdraw referral of towing permits to joint committee
- Include committee report and recommendations at the October Agenda
- List of recommendations to be provided to the City Commission prior to October
- Look into other accommodations for Terminal Island to bring in revenue

End

Commissioner Tobin introduced the item.

Commissioner Wolfson explained that for months this item has been discussed at Finance and Citywide Projects Committee, and after speaking with Kathie G. Brooks, Interim City Manager, and going through the status report of the negotiation with companies and permits, he asked for a status report as an Agenda item. He suggested withdrawing the referral to Finance and come back in October for a final disposition.

Commissioner Tobin explained that he wants the tow companies out of Sunset Neighborhood, as it is not an industrial neighborhood; the goal is to get towing out of this newly created place; with that, there is an issue and a way to accomplish that. The tow companies are also asking for a raise, in addition to the renewal. They presently charge a hefty price and the benefits generates profit for them. In addition to every vehicle towed and stored; they get separate contracts from different people in the City. He requested: 1) referring the issue of the towing company raise to a joint committee meeting of the Finance and Citywide Projects and Neighborhood/Community Affairs Committee; and 2) eliminate towing from Sunset Neighborhood.

Commissioner Wolfson stated that there was a recommendation made by the Finance and Citywide Projects Committee on this topic and it was referred back to committee.

Commissioner Wolfson made a motion to withdraw the February 28, 2012 referral of the towing permits, and place the Finance and Citywide Projects Committee report and recommendations at the October City Commission Meeting for a final vote.

Discussion held.

Commissioner Weithorn stated that the recommendation was to send to the full Commission, and a set of conditions were listed, including having Finance check certain things, enhancements as far as operation and other recommendations.

Discussion continued.

Commissioner Libbin will not support this item until the facts are known; he is open to the idea if they justify an increase, but until they are willing to open the books so the people can see how

much they are attributing costs and writing off expenses on towing, public and private, he will not vote in favor of it.

Commissioner Góngora seconded Commissioner Wolfson's motion.

Mayor Bower requested the list of recommendations made by the Finance and Citywide Projects to the City Commission prior to October. **Patricia Walker to handle.**

Commissioner Tobin asked about the issue of Terminal Island accommodating and subcontracting towing services; the City can earn some revenue by converting a garage. He also suggested, perhaps in order to level off the traffic added to Terminal Island, some of the cars can be serviced for gas there.

Mayor Bower stated that Terminal Island should have the light eliminated, and merge the traffic going out onto oncoming traffic; maybe FDOT can add it in the five-year plan.

Motion made by Commissioner Wolfson; seconded by Commissioner Góngora, to withdraw the February 28, 2012 referral of the towing permits to a joint committee meeting, and place the Finance and Citywide Projects Committee report and recommendations at the October City Commission Meeting for a final vote. Mayor Bower requested the list of committee recommendations to be provided to the City Commission prior to the October Commission Meeting. Voice vote: 5-2; Opposed: Commissioners Libbin and Tobin.

Commissioner Tobin agreed with Commissioner Libbin and in support voted against it.

8:11:53 p.m.

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 Synthethic 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)

ACTION: Discussion held. Resolution No. 2012-28007 adopted. Motion made by Commissioner Weithorn; seconded by Vice-Mayor Exposito; Voice vote: 6-0; Absent: Commissioner Wolfson. Rafael E. Granado to transmit the resolution to the Florida Legislature, and to the United States Drug Enforcement Administration (DEA). **Kevin Crowder to handle.**

Commissioner Weithorn explained that this item is to encourage the State to do the right thing by banning synthetic drugs.

Discussion held.

Deborah Turner, First Assistant Attorney, explained the transmittal process.

9:13:34 p.m.

R9H Discussion Regarding Update On The Negotiations With Former City Manager Jorge Gonzalez.
(City Attorney's Office)

ACTION: Motion made by Commissioner Weithorn to terminate former City Manager Jorge Gonzalez today and send negotiations to an arbitrator; seconded by Commissioner Tobin. Voice vote: 7-0. **Ramiro Inguanzo to handle and City Attorney's Office to handle.**

Jose Smith, City Attorney, gave a report on the negotiations since the last Commission meeting. In determining the total aggregate compensation, they have reached consensus with the former Manager that the amount is \$420,500. Providing for the purchase of his vehicle at \$15,000, his laptop at \$250 and his iPad at \$250, it leaves a net of \$405,500.

The area where there is difficulty reaching consensus is the post-termination period, the time from July 8 through March 15. Mr. Gonzalez is asking that said period be pensionable, and Mr. Smith has not agreed to that. Mr. Jorge Gonzalez requested to meet again and suggested mediation to narrow the differences. Mr. Smith believes there is good possibility to reach an agreement before the next Commission Meeting. Mr. Smith asked if he has direction to meet again with Mr. Gonzalez, as he is confident that an agreement can be reached.

Vice-Mayor Exposito asked if the severance pay is pensionable.

Donald Papy, Chief Deputy City Attorney, stated that the amount of severance will be considered for pension purposes.

Mayor Bower explained that the question is if the year he is being paid for, but not working, is pensionable.

Donald Papy, Chief Deputy City Attorney, stated that this is the item not agreed on, Mr. Gonzalez says "Yes" and the City says "No."

Discussion held.

Commissioner Weithorn stated that her preference is to terminate the manager today, and send this to an arbitrator.

Discussion continued.

9:24:58 p.m.

Motion made by Commissioner Weithorn that her preference is to terminate the former Manager today, and send this to an arbitrator; seconded by Commissioner Tobin.

Discussion continued.

Commissioner Weithorn suggested paying former City Manager what the City owes him and let him get COBRA, then go to an arbitrator to tell this Commission what we owe him.

Commissioner Tobin suggested terminating the former Manager now, paying him what they owe him and ending it.

Mayor Bower asked if the mediator can be hired before the next meeting in September 27; if not, after that go to an Arbitrator.

Motion made by Commissioner Weithorn to go to a mediator before September 27, if nothing is accomplished then go to Arbitration.

Commissioner Tobin stated that he should be terminated tonight.

Jose Smith, City Attorney, explained the difference between a mediator and an arbitrator. Mediation is not binding, while an arbitrator's decision is binding on the parties.

Mayor Bower inquired if mediation could occur between now and September 27, 2012, as the Commission has a budget meeting on that date. If it is not resolved, then go to arbitration after that.

Commissioner Tobin explained that even if they terminate tonight, the parties are not precluded from continuing negotiations; however, if they terminate Mr. Gonzalez tonight, they stop the bleeding. Gonzalez is not in a hurry to negotiate.

Commissioner Weithorn is willing to wait until the 27th before going to arbitration, but the Commission should terminate Mr. Gonzalez tonight, he get his health insurance paid through the end of the month, and if on the 27th they have reached an agreement, they can always rescind their actions. However, they are sending a loud message tonight.

TO DO:

Mayor Bower suggested the mediation before September 27, 2012, and if not resolved by the 27th then go to arbitration. **City Attorney's Office to handle.**

Commissioner Tobin believes that after they take action today, Mr. Gonzalez will be amenable to negotiate.

Commissioner Wolfson stated that an argument could be made that the former Manager has been paid an illegal amount, as the former Manager's salary was never approved by Ordinance, as is required, and therefore owes the City money.

Discussion continued.

Question called. All in favor 7-0.

TO DO:

Commissioner Tobin requested Donald Papy, Chief Deputy City Attorney, to tell the Commission and show them the documents that state what is the pensionable amount. **City Attorney's Office to handle.**

2:26:56 p.m.

Committee of the Whole Announcement:

Rafael E. Granado, City Clerk, announced that the Committee of the Whole Meeting for item R9I will take place during lunch recess.

R91 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)

ACTION: Announced and held.

Meeting called to order at 4:54 p.m.

Effective October 1, 2012, the position of Office Associate V in the Office of the Mayor and Commission will be reclassified to a new classification of Constituent/Commission Aide at a grade 12. **Ramiro Inguanzo to handle.**

TO DO: Review the newly created job description of Constituent/Commission Aide, to ensure that it accurately reflects the job that is performed by the Aides. **Ramiro Inguanzo to handle.**

Commissioner Wolfson proposed a grade 13 for the position of Constituent/Commission Aide.

Commissioner Tobin inquired as to what was the difference between a grade 12 and a 13.

Commissioner Tobin stated that businesses that are successful run on performance, and the Aides are performing a great deal of more work. Commissioners need Aides that do fact checking on information provided by the Administration.

Mayor Bower and Commissioner Wolfson inquired what the salary is for a grade 13. Ramiro Inguanzo stated that the minimum for a grade 13 is \$55,000 and the maximum is \$85,000.

Commissioner Wolfson stated that the difference is a couple of thousand dollars, and inquired if the Mayor would sign off on \$55,000? Mayor Bower responded "yes" on \$55,000.

Commissioner Wolfson inquired if they could get consensus on that figure.

Discussion continued.

Ms. Desiree Kane requested that they write in the duties of the Aides the things that they really do; so the duties are more clearly defined. Many of the extra things that the Aides handle are not listed in the current job description.

Mayor Bower opined that many of the duties that the Aides are being asked to do are not "City business." Commissioner Tobin explained that the main job of the Aides is constituent outreach, and that each Commissioner uses his/her own best judgment to determine what they consider constituent service. Commissioner Tobin responded to the Mayor that everything he does is for his constituents.

Commissioner Góngora explained that they are all elected by the public, and responsible for their own actions. Commissioner Góngora commented that all the Aides are very hard working and professional; however, Commissioners are responsible to the public, and whatever they do has to be very gradual and reasonable. That is one of the reasons that they recalled Carlos Alvarez, for giving his staff raises, while he was lowering everyone's salary. They are asking money back from every employee, and he cautioned against excluding the Aides. The Aides deserve a lot more money, but so do every other employee in the City – example Police and Fire. That is his concern with how that reads.

Mayor Bower stated that it was politics 101, and that is why she told her former Aide that she was sorry, but she could not give her a raise; and this is not the time to do it, when they are asking people to give back. She will vote against it. In good times, they could do it right away.

Commissioner Wolfson stated that the increase is justified by saying that for years the job was improperly classified.

Mayor Bower explained that the problems with the salary rest with the fact that there has been a citywide freeze in merit and COLA, because of the last round of contract negotiations. Most of the Aides currently in the workforce were hired during the freeze, which has affected their salary.

Mayor Bower stated that the grade 12 was fine.

Interim City Manager Brooks stated that the grade 12 salary for the Aides is in the budget.

Commissioner Wolfson stated that he respects the work that is being performed by the Aides, and recognized the good work that they perform. Commissioner Wolfson added that based on the discussion he did not think it would go beyond the 12.

Dessiree Kane, Aide to Commissioner Tobin, thanked the Commissioners for having the conversation, and is very grateful to her Commissioner, as he recognizes the work the Aides perform. That means a lot.

Commissioner Góngora sat with Jorge Gonzalez months ago, and inquired as to the reclassification. This is not a fresh idea.

Ms. Kane again requested looking at the description and ensuring that it properly reflects the work done by the Aides. **Ramiro Inguanzo to handle.**

R9J Update To The June 6, 2012, Commission Memorandum On Public Towing Permits.
(Parking Department)

ACTION: Update given.

9:02:33 p.m.

R9K Discussion On The Status Of The City Manager's Recruitment.
(City Manager's Office)

ACTION: Discussion held.

Kathie G. Brooks, Interim City Manager, gave an update on the City Manager's recruitment. She stated that as of the close of business today the City's Professional Recruiter, Bob Murray and Associates, (BMA) has received 56 applications via their online system. They include City Managers from the region, state and nationwide, as well as applicants from the private sector. BMA is expecting to continue receiving applications and expect to have more information to the City Commission by October 9, 2012 as requested.

8:14:04 p.m.

SUPPLEMENTAL MATERIAL: Resolution

R9L Discussion Regarding A Resolution Urging The Florida Legislature To Ban Texting While Driving.
(Requested by Commissioner Jerry Libbin)
(Resolution)

ACTION: Discussion held. Resolution No. 2012-28008 adopted. Motion made by Commissioner Libbin: seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Wolfson. **Rafael E. Granado to transmit the resolution to the Florida Legislature. Kevin Crowder to handle.**

Commissioner Libbin explained the item.

8:14:53 p.m.

ADDENDUM

R9M 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)

ACTION: Discussion held. Item tabled.

Commissioner Weithorn explained the item.

R10 - City Attorney Reports

R10A City Attorney's Status Report.

(City Attorney Office)

ACTION: Report included in the Agenda.

2:26:48 p.m.

Announcement

Jose Smith, City Attorney, announced the Closed Executive Session below:

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.

ACTION: Closed Executive Session held.

Reports and Informational Items

Reports And Informational Items (see LTC 228-2012)

Meeting adjourned at 9:36:18 p.m.

End of Regular Agenda