

MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
October 24, 2012

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

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

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ATTENTION ALL LOBBYISTS

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

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

Meeting called to order at 9:49:53 a.m.

Inspirational Message given by Rafael E. Granado, City Clerk.

Pledge of Allegiance led by Jared Robbins.

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

SUPPLEMENTAL MATERIAL 1:

C7J Resolution
C7K Resolution & Draft Lease Agreement
C7L Memorandum & Resolution
R5D Ordinance
R7L Memorandum & Resolution
R7M Memorandum & Resolution
R7N Memorandum & Resolution
R7O Memorandum & Resolution
R7P Resolution
R9L Resolution
1A Memorandum & Resolution

SUPPLEMENTAL MATERIAL 2:

C7G Resolution

ADDENDUM 1:

C4J C4K R9N R90 R9P

ADDENDUM 2:

C4L C4M C4N R9Q

ADDENDUM 3:

R9R (Emergency Item)

R9S (Emergency Item)

ADDENDUM

Vice-Mayor Exposito requested adding an emergency item to the Addendum in reference to Amendment 4, in order to educate Miami Beach voters on the ballot question, its impact and consequences. Item R9S added as an emergency item.

Motion made by Commissioner Weithorn to add items C4J, C4K, C4L, C4M, C4N, R9N, R9O, R9P, R9Q, and R9R and R9S to the Agenda as emergency items; seconded by Vice-Mayor Exposito; Voice vote: 7-0.

Presentations and Awards**9:55:13 a.m.**

PA1 Certificates Of Appreciation To Be Presented To The Miami Beach Police Department's Officer Of The Month For July, August And September 2012.

(Requested by Vice-Mayor Jorge R. Exposito)

ACTION: Certificates presented.

Vice-Mayor Exposito explained that for his August award, Officer Fleischhauer was investigating a situation where a boat was on fire, and his team was able to help the Captain and others come out of the boat and drag the boat away from the area to avoid spread of the fire. Because of his brave and rapid action, it avoided the officer getting hurt, the boat sinking creating an ecological problem and problems to other parts of the City. For his award in July, he was involved in a vigorous search while fighting high seas. Miraculously he located a capsized vessel about six miles offshore and realizing there were survivors, he notified the Coast Guard and assisted them, bringing them to safety. In September he saved a K9 dog's life after noticing smoke rising from the vehicle, taking rapid action, and for this he received a Life Saving Award. On behalf of the City, Officer Fleischhauer was recognized for his services during these months.

Police Chief Martinez added that in July, Officer Fleischhauer was also selected for the entire Miami-Dade County and received the Life Saving Medal. He has been recently assigned to the Marine Patrol; has served for 10 years with CITO working on the waters and he is an incredible addition to the department.

Commissioner Tobin explained that the training to get on Marine Patrol is risky and very tough and he commended him for a good job.

Handout or Reference Materials:

1. Recipients' names

10:02:28 a.m.

PA2 Certificates Of Appreciation To Be Presented To The Members Of The Budget Advisory Committee (BAC) For All Their Work, Long Hours And Countless Meetings This Past Year Regarding The Pension Recommendations.

(Requested by Mayor Matti Herrera Bower)

ACTION: Certificates presented.

Mayor Bower presented certificates to all Budget Advisory Committee (BAC) members for coming to the aid of the City, and working hard on pension issues throughout the year. They did an excellent job and are being recognized for their hard work as volunteers to the City. She introduced Laurence Herrup, Antonio Hernandez, Sr., Marc Gidney, John Gardiner, Jack Benveniste, Dushan Koller, David Lancz, Stephen Hertz and Jacqueline Lalonde.

Marc Gidney, BAC Chairperson, stated that as a committee, they have a real heartfelt feeling for the City and are glad to assist.

Jacqueline Lalonde thanked Commissioner Weithorn for the task given and explained that they have a very qualified board that is impartial and focused; they are here to serve, and it is their pleasure to do so.

Mayor Bower stated that it was also a pleasure for her to work with such wonderful people that live and care for Miami Beach.

Commissioner Tobin stated that the honor is well-deserved and each member of the committee is appreciated. They have a great team, well-prepared, dedicated and respectful. He hopes that the members will take a look at the Fire Department's reorganization.

Commissioner Weithorn stated that it was a hard project that she forwarded to the committee, but only because they are such a qualified board and she has faith in them. She thanked them for their hard work and the caliber of work they do.

10:11:52 a.m.

PA3 Certificates Of Recognition To Be Presented To Celia Zaremba And Independent Living Community Services (Employer/Participant In UNIDAD's Senior Placement Program).

(Requested By Commissioner Jonah Wolfson)

ACTION: Item heard in conjunction with item PA14. Certificates presented.

Commissioner Wolfson congratulated Mara Mignardi, Director of UNIDAD, for receiving the Hispanic Heritage Award, which he had proudly nominated her for. He explained that every month the Commission highlights samples of job placement successes from UNIDAD. He introduced Ms. Zaremba to tell her story.

Celia Zaremba explained her story, and how with the help of UNIDAD she has learned the English language. She was also able to recuperate from the loss of her husband and learn new computer skills to enjoy independent living, and she is now able to help a diverse group of Senior citizens.

Raymond Adrian, Director of Operations at UNIDAD, thanked Mayor Bower and the Commissioners, especially Commissioner Wolfson, for sharing these stories on a monthly basis. He added that UNIDAD also has youth programs, and funding not only from the City, but also

from private sectors.

Margarita Cepeda, Executive Director, UNIDAD, gave a brief summary of the amount of funding received from the Department of Elderly Affairs during the past 12 years, with a total funding of \$10.1 million for the program and created 1,500 participant slots, which means job openings; out of that, 300 seniors receive full employment in the community every year. She explained that this is a special day because the people that make this happen are here today. She introduced from the Department of Elderly Affairs representative JoAnn Williams. She explained that Ms. Williams is conducting an audit this week, and UNIDAD was awarded "Best Practices" and "Best Performance" in the state. She introduced Ms. JoAnn Williams.

JoAnn Williams, Department of Elderly Affairs Representative, stated that UNIDAD goes above and beyond what is required for the senior employment program, from maintaining records of services provided to being transparent. They reach out to various partners in the communities to make the participants succeed. To show their appreciation, it is her pleasure to recognize UNIDAD of Miami Beach for the outstanding performance achieved over the last program year. She presented UNIDAD with the "Soaring Eagle" award.

Commissioner Wolfson explained that this is a program that Mayor Bower founded and she has been a star for this program and this community, and it is her legacy. He presented certificates to UNIDAD and JoAnn Williams on behalf of the City Commission.

10:26:11 a.m.

PA4 Certificate Of Recognition To Be Presented To Cuban American Patriots And Friends (CAPAF) And Its President Emilio Izquierdo, Jr.
(Requested By Commissioner Jonah Wolfson)

ACTION: Certificate presented.

Commissioner Wolfson explained that the Cuban-American patriots and Friends is a group that meets monthly at Versailles; its mission is to involve the entire community understand what it is that the exile community can go through, and those issues that affect the community. In particular, the reason this item is here today is because of the disappearance of the Cuban Flag from the Freedom Tower.

Vice-Mayor Exposito shared his personal story, from a historical perspective, when his family went through the Freedom Tower upon arriving from Cuba.

Emilio Izquierdo Jr. expressed his sadness because the Freedom Tower and other sacred monuments have been under attack for many years, and thanked Commissioner Wolfson, Mayor Bower and all the other Commissioners for the recognition.

Dalila Rodriguez shared her story when coming from Cuba to the Freedom Tower, and thanked Commissioner Wolfson for his sensitivity towards the Cuban community.

Hugo Arza said "Viva Cuba Libre" and "Viva USA."

Blanquita Garcia spoke in support of keeping the Cuban flag at Freedom Tower and stated that she keeps on fighting for Cuba's liberty someday.

Dalila Rodriguez added that she does not understand how can the flag be taken away, and why is there not an explanation. The community needs an explanation.

Maggie Vangueller spoke.

10:43:43 a.m.

PA5 Proclamation To Be Presented To Osteria Del Teatro For Their 25 Years Of Service.
(Requested By Commissioner Jonah Wolfson)

ACTION: Proclamation presented.

Commissioner Wolfson recognized Mr. Gonzalez and Chef Martin for being good citizens and residents of Miami Beach.

Gilbert Gonzalez stated that Chef Martin Perez and himself are glad to have been in the business for 25 years and thanked the City Commission for the proclamation.

Mayor Bower stated that Osteria Del Teatro is a pioneer in the business, and she recognized them for their great food, for their vision, and for bringing business and staying in business for that length of time.

Commissioner Wolfson proclaimed today "Osteria Del Teatro Day" in the City of Miami Beach.

Chef Martin Perez thanked everyone.

11:04:59 a.m.

PA6 Proclamation To Be Presented To The Homeless Trust Declaring November 15, 2012 Homeless Awareness Day.
(Requested by Commissioner Deede Weithorn)

ACTION: Proclamation presented. See referral. **Patricia Walker to place on the committee agenda.**

REFERRAL:

Encourage more businesses to support efforts by putting more parking meters and a portion of the funds to go to the Trust for homeless services. Item referred to the Finance and Citywide Projects Committee.

End

Commissioner Weithorn introduced the item and called Ron Book, Chair of the Trust, and former Assistant City Manager Hilda Fernandez.

Mr. Ronald L. Book, Esq., Chairman, MDC Homeless Trust, recognized Hilda Fernandez and Kathy Martinez for their efforts. He stated that he is privileged to have been in the board for 20 years, and during that time, former Miami Beach Commissioner David Pearlson led the efforts to put money on the table for this cause; he also thanked the continued leadership of the City. He explained that the goal of the Trust is to continue to take the message to the community that the fight is not done. He stated that restaurants in Miami Beach pay a food and beverage tax, and to date, \$18.5 million has been raised by that tax, which 85 percent of that goes to fight homelessness. Homeless Awareness Day is about telling this community that we are fighting together. It is about telling people panhandling is bad and feeding people on the streets is bad. Fifty percent of those people that panhandle are not homeless.

Mayor Bower asked Mr. Book to explain about parking meters.

Mr. Book explained that the Trust has "parking meters" located around the beach where the money deposited is used to assist the homeless; including in Joe's Stone Crab's private parking lot, because Joe's is committed to putting on meters there to help the homeless. The idea is to tell

people panhandling is not the right way; 100 cents of every dollar goes to buy more beds and services for their continuum of care, for community plans and homelessness. He recognized Hilda Fernandez's tireless work on this program.

Mayor Bower wants to remind people to put money in these special parking meters designated to help the homeless.

11:22:10 a.m.

Commissioner Weithorn stated that there should be a homeless assistance parking meter in City Hall, and she will refer that to Finance Committee and work on it.

Commissioner Wolfson stated that this also sends a message not to encourage panhandling.

Mayor Bower recognized former Assistant City Manager Hilda Fernandez for her efforts and dedication to the Homeless program while with the City of Miami Beach.

Commissioner Tobin also commended former Commissioner Pearlson, who Mr. Book had mentioned, for his dedicated services to the City.

Referral

Commissioner Weithorn referred the issue of encouraging businesses to support the effort of implementing more parking meters to the Finance and Citywide Projects Committee. Patricia Walker to place on the committee agenda.

10:48:27 a.m.

PA7 Department Of Veterans Affairs/Veterans Day National Committee Designates Miami Beach, Florida As A Regional Site For The Observance Of Veterans Day.
(Requested by Commissioner Jerry Libbin)

ACTION: Designation Plaque received.

Commissioner Libbin announced that November 11th is Veteran's Day. He added that it has been a pleasure for the past four years to coordinate Veteran's Day Parade and encouraged everyone to register and participate in the one-mile walk, which starts at 17th Street and Washington Avenue. They will walk down to 11th Street and West over to Flamingo Park with the police assistance. The event this year is being recognized by the Department of Veteran's Affairs. He read a letter from the Secretary of Veterans Affairs, and a plaque has been presented to the City designating Miami Beach, Florida as a Regional Site for the Observance of Veteran's Day 2012. Commissioner Libbin recognized Captain Mark Causey and his aide Enid Rodriguez for their efforts. This year, besides the parade, they will walk into the football stadium, either walking or driving a car. The ceremony will begin with the Golden Knights, a professional parachute team. In addition, the highest-ranking official General is arriving by helicopter to land on the field to give the keynote address. He thanked the City Commission and Administration for the support, and thanked the Department of Veterans Affairs for the plaque.

Vice-Mayor Exposito recognized Commissioner Libbin for his persistence in getting this done.

10:59:53 a.m.

- PA8 Certificate Of Appreciation To Be Presented To Pilar Saavedra For Her Dedication To The Senior Citizens At The North Shore Youth Center.
(Requested by Commissioner Michael Góngora)

ACTION: Certificate presented.

Commissioner Góngora introduced Ms. Saavedra, and explained that she has been with the City since 1997, and works with seniors at the North Beach Youth Center. She demonstrates love and dedication, patience and concern in the work that she does, and for going above and beyond her duties, she is deserving of this certificate.

Pilar Saavedra thanked the City Commission, Commissioner Góngora and her supervisor, Cindy Casanova.

10:55:53 a.m.

- PA9 Certificate Of Recognition To Be Presented To Manolo Restaurant For Their Long Standing Contribution To Miami Beach.
(Requested by Commissioner Michael Góngora)

ACTION: Certificate presented.

Commissioner Góngora presented a Certificate of Recognition to Manolo Restaurant. He called co-owner Federico Delanie and Gonzalo Gilardoni, Manager of the South Beach location. They have done an incredible job. Manolo Restaurant has been on the beach since 1974. Commissioner Góngora gave a historical background of the origins of the restaurant, and commended them for their commitment.

Federico Delanie thanked the City Commission for the recognition and explained that the business has passed from generation to generation for the past 82 years, from grandfather to sons and grandsons. He presented the City Commission with their famous "churros."

6:38:23 p.m.**New Item:**

- PA10 Key To The City/Olympic Medalist Danell Leyva.
(Requested by Commissioner Michael Góngora)

ACTION: Key to the City presented.

Commissioner Góngora explained that Mr. Leyva is a true example of the American dream. As most people know, he is the 2011 US National All Around gold medalist and 2011 World Champion on parallel bars, but most people know him from the 2012 London Olympics, where he won a bronze medal in the Men's All Around. He was the first male Cuban-America to win a medal in the Olympics. He shared a brief biography with the audience. Mr. Leyva is not only an Olympic medalist, but an inspiration. It is out honor to bestow Mr. Leyva with the Key to the City.

Danell Leyva thanked the City Commission and the people who supported the US team. It is a huge honor to receive the Key. In answering Commissioner Góngora question, he reached into his pocket and showed the Olympic medal won to the audience.

New Item:**9:51:28 a.m.**

PA11 Proclamation/Declare October 24th Jared Robins Day.
(Requested By Commissioner Tobin)

ACTION: Proclamation presented.

Commissioner Tobin introduced Jared Robins, a Senior student at Miami Country Day, and explained that Jared entered The Miami Herald regional contest titled "The Best Block in South Florida." Jared submitted an entry, including a video and a written essay of why Espanola Way should be the Best Block in Florida. Jared Robins and Espanola Way were the winners among 150 other submissions. He proclaimed "Jared Robins Day" in the City of Miami Beach on behalf of the Mayor and City Commission.

Jared Robins thanked everyone for the proclamation and The Miami Herald for presenting the opportunity to the public.

11:25:58 a.m.**New Item:**

PA12 Certificate of Recognition, MBPD's Agency Inspector Of The Year Award.
(Requested by Vice-Mayor Exposito)

ACTION: Certificate presented to Officer Kevin Milan, recipient of the 2011 Florida Association of Chemical Testers, Agency Inspector of the Year Award.

Vice-Mayor Exposito introduced the item and recognized Officer Milan for his nomination and services to the community.

Police Chief Martinez presented a plaque from the Florida Association of Chemical Testers to Officer Milan.

Handout or Reference Materials:

1. Recipients' names

11:28:30 a.m.**New Item:**

PA13 Certificate of Recognition/i-Run, "Running w/ The RAM" Project.
(Requested by Vice-Mayor Exposito)

ACTION: Certificate presented to Hector Arana.

Vice-Mayor Exposito recognized Hector for promoting the program and explained that he has helped publicize the RAM Run to foster a closer relationship between the Police Department and the community. This is part of what he calls "accomplishing a healthier community," and he thanked him for everything he does to encourage these activities.

Police Chief Martinez stated that Hector opened a store on Biscayne Boulevard a few years ago called i-Run, and has been doing that successfully. When the MBPD started their club, it was with the effort to promote health and fitness. Hector helped them through what was needed to be done, and has been a big supporter ever since. The run team meets every Tuesday at 6:30 p.m., and he welcomes the public to participate.

10:11:52 a.m.

New Item:

PA14 Certificate of Recognition/Joanne Williams, UNIDAD for SCSEP Program.
(Requested By Commissioner Bower)

ACTION: Item heard in conjunction with PA3. Certificate presented.

11:08:08 a.m.

New Item:

PA15 Recognition to Staff Who Participated In Biscayne Elementary Second Grade School Field Trip Presentation "Who's In Charge."
(Presented by Commissioner Deede Weithorn)

Commissioner Weithorn stated that this past Monday the City welcomed 95 students from the IB Second Grade class at Biscayne Elementary. To have 95 students at City Hall for most of the day was a task that required much help from many people, and she wanted to formally thank those involved. First and foremost, Alex Fernandez, who coordinated the event; Leslie Rosenfeld, the transportation experts, the Fire Department, Graham Winick from Special Events, Rafael E. Granado, City Clerk and Lily Hatfield; Police Officers from PAL, Claudia Wong from Parking, Luis Wong and Frances Francis from the Mayor's Office, Barbie Paredes, from Vice-Mayor Exposito's Office, and Desiree Kane from Commissioner Tobin's Office. She also wants to thank her colleague Commissioner Libbin for popping in to talk to the kids.

New Item:

7:24:02 p.m.

Announcement of the Passing of Thomas Daly

Mayor Bower announced the passing of a very prominent developer, Thomas Daly. He had been in the City for many years and contributed to many developments and projects that have changed the City in many ways. She offered heartfelt prayers to the family and expressed her condolences.

New Item:

7:25:18 p.m.

Announcement of Passing of Andrea Castillo

Commissioner Wolfson announced the passing of the daughter of Miami-Dade County School Board Member Susie Castillo. He offered the family deepest condolences.

Handout or Reference Materials:

1. Obituary published in Locales, El Nuevo Herald, dated October 25, 2012

CONSENT AGENDA

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

C2 - Competitive Bid Reports

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

(Capital Improvement Projects/Procurement)

ACTION: Request authorized. **Fernando Vazquez and Raul Aguila to handle.**

C4 - Commission Committee Assignments

- C4A Referral To Finance And Citywide Projects Committee - Discussion Regarding: Water And Sewer Deposits; Implementing Rules And Regulations; And Application Of Rules Similar To Miami-Dade Water And Sewer Department.

(Requested by Vice-Mayor Jorge R. Exposito)

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

- C4B Referral To Finance And Citywide Projects Committee - Discussion Regarding: Business Tax Receipt Renewal Notices; How We Handle Over Charges; Reasons For Miscalculations; And Corrective Action Plan.

(Requested by Vice-Mayor Jorge R. Exposito)

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

- C4C Referral To Finance And Citywide Projects Committee - Consider New Policy Establishing Criteria For The Reimbursement Of Guarantee Deposits For Those Customers Who Have Established A Positive Payment History On Their Water Bill.

(Requested by Commissioner Deede Weithorn)

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

- C4D Referral To The Finance And Citywide Projects Committee - Discussion Regarding An Amendment To The Lease Between The City And Massage Partners, Inc., Located At 767 17th Street, Said Amendment Regarding A Proposed Additional Use Of The Leased Premises, A Proposal To Grant Necessary Access To Additional Restroom Facilities; And A Corresponding Rent Adjustment.

(Real Estate, Housing & Community Development)

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

C4E Referral To The Finance And Citywide Projects Committee - Discuss Catering Options For The Miami Beach Convention Center.

(Requested by Commissioner Michael Góngora)

ACTION: Referred. Patricia Walker to place on the committee agenda. **Max Sklar to handle.**

C4F Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Changing The Bikeways Blue Ribbon Committee To A City Committee.

(Requested by Mayor Matti Herrera Bower)

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

C4G Referral To The Finance And Citywide Projects Committee - Discussion Regarding Disposition Of Surplus Equipment.

(Public Works)

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

C4H Referral To The Neighborhood/Community Affairs Committee - A Discussion Regarding Amendments To The Current Sidewalk Café Ordinances.

(Public Works)

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

C4I Referral To The Finance And Citywide Projects Committee – Discussion Regarding The Budget Advisory Committee's Proposed Policies And Guidelines For The City's Pension Plans.

(City Manager's Office)

ACTION: Referred. Patricia Walker to place on the committee agenda. **Carla Gomez to handle.**

ADDENDUM 1:

C4J Referral To The Land Use And Development Committee To Discuss Hotels In Residential Neighborhoods And Parking Requirements.

(Requested by Commissioner Michael Góngora)

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

ADDENDUM 1:

C4K Referral To The Committee Of The Whole A Discussion Regarding Staff Participation At Commission Organized Meetings.

(City Manager's Office)

ACTION: Referred. Lilia Cardillo to place on the Commission Agenda and to handle.

ADDENDUM 2:

C4L Referral To The Finance And Citywide Projects Committee Relating To The Explanation And Viability Of City's Self-Funded Health Insurance Plan.
(Requested By Vice-Mayor Jorge R. Exposito)

ACTION: Referred. Patricia Walker to place on the committee agenda. **Rafael E. Granado handle.**

ADDENDUM 2:

C4M Referral To Neighborhood/Community Affairs Committee To Discuss Naming 8th Street After Tony Goldman.
(Requested by Commissioner Edward L. Tobin)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. **Max Sklar and Raul Aguila to handle.**

ADDENDUM 2:

C4N Referral To The Land Use And Development Committee To Discuss A Code Amendment Requiring That The Planning Board Has Up To Two (2) Meetings To Consider A Proposed Amendment; Or If No Recommendation Is Made After Two (2) Meetings, It Goes To Commission Without Planning Board Recommendation.
(Requested by Commissioner Jonah Wolfson)

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

City Clerk's Note: See PA6 for referral to the Finance and Citywide Projects Committee. Patricia Walker to place on the committee agenda.

C6 - Commission Committee Reports

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

ACTION:

Item No.1: Attendance.

See attendance sheet copy attached.

Item No. 2: Review & Acceptance Of Minutes.

MOTION: Acceptance of Report (Minutes) of the April 9, 2012 CIPOC Meeting.

MOVED: S. Kilroy 2nd: C. Cuervo

PASSED: With Amendments – UNANIMOUS

Item No. 3: Accomplishments: Flamingo Park Holtz Tennis Center Construction Commencement.

A groundbreaking ceremony took place June 8, 2012. The north courts have been demolished and the south courts remain open during that construction. The new courts will then open while demolition and construction occurs on the south courts. No written material was included in the agenda packet.

Fernando Vazquez mentioned that the football field and track will be the next projects to take place in Flamingo Park.

Saul Gross asked about the relocation of the Property Management facility from the park. The new facility is currently under design, and the Office of CIP anticipates receiving a guaranteed maximum price soon. When that GMP is in, the information will be brought to CIPOC.

Item No. 4: Public Comments.

No one came forward with public comments

Item No. 5: Old Business/Requested Reports:

Item No. 5A: North Beach Neighborhoods.

Item No. 5A1: Status Report: Normandy Isle Neighborhood Improvements.

Status Report: Normandy Isle Neighborhood.

Mattie Reyes, Senior Capital Project Coordinator reported that the lighting installation on Marseille Drive has been completed. Additionally, landscaping projects are commencing with the Parks Department, installing trees that were missing or needed replacement following the right of way project. There is one contract for all of the outstanding items, being addressed by one A/E and one contractor.

Item No. 5A2: Status Report: Biscayne Point Neighborhood Improvements Project;

Status on Biscayne Point Neighborhood Improvement Project.

Not discussed at the meeting.

Item No. 5B: Middle Beach Neighborhoods:

Item No. 5B1: Status Report: Sunset Islands I & II.

Maria Hernandez, Senior Capital Projects Coordinator said that drainage is now being addressed on Island II. The project team is coordinating with utility companies for some of the utility relocations. About 41% of the drainage structures have been installed, seasonal rain has slowed the roadway work, but this was anticipated. The sewer manholes need to be lined, so the team is addressing this need with Public Works to incorporate this component into the current work. Estimated completion is April of 2013 (This is a bit later than the original schedule, but incorporates added scope). So far, there have been no delay claims.

Elizabeth Camargo asked when the contractor will fill in holes that were cut into the asphalt. Maria Hernandez responded that no temporary asphalt will be installed. The roads are too narrow and become wet so this has to wait until work is complete. When the President visited a resident on Island II, the crews put down rock material to alleviate the muddy conditions in the work zone. This rock may be used more to stabilize the road. It is costly, so it will be used sparingly.

Item No. 5B2: Status Report: Sunset Island III & IV:

Status Report: Sunset Islands III & IV.

Rick Saltrick, Acting City Engineer explained that the consulting firm of C3TS is working on the design criteria package (DCP). The utilities are above ground. The community is voting in the fall on whether or not to relocate the utilities. Once that is determined, the DCP can be finalized and the project may be ready to go to a design/build firm by the end of the year.

Dwight Kraai asked about the status of the landscaping at the entrance feature. A new guardhouse is being built, and the contractor has to complete permitting before it is constructed. It will be located within the center planter that has been built.

Item No. 5B3: Status Report: Lower North Bay Road:

Status Report: Lower North Bay Road

Maria Hernandez told the Committee that the contractor obtained all the necessary permits. The contractor requested additional funds for an increase in material cost (the project has been on hold since it was awarded in December 2011, while the City worked out the plans to conform with new requirements, not the fault of the contractor). Change orders (minor modifications) are being reviewed by the consultant (Atkins) and the team will negotiate a final number.

Item No. 5C: South Beach Neighborhoods:

Item No. 5C1: Status Report: Venetian Islands Neighborhood Improvement Project.

Status Report: Venetian Islands

Not discussed at the meeting

Item No. 5C2: Status Report: Palm & Hibiscus Island Neighborhood Improvements & Utilities Undergrounding;

Status Report: Palm & Hibiscus Island Undergrounding.

Mattie Reyes, Senior Capital Project Coordinator, said that the architects signed the contract package. The architect is completing the DCP.

Item No. 6: Commission Items:

Item No. 6A: Bayshore Right Of Way Improvement Project: A Resolution Providing For 1) Amending Resolution No. 2003-25171, Which Approved The Basis Of Design Report (BODR) For The Bayshore Right Of Way Improvement Project; Said Amendment Amending The BODR As Follows: A) Incorporating Implementation Of HOA Requested Roadway Width And Landscape Items (11 Points); B) Providing Additional Stormwater Upgrades To The Area Known As Zone 4 In The BODR; And C) Providing Complete Milling And Resurfacing Of The Roadway In Lieu Of Asphalt Overlay; And 2) Authorizing The Mayor And City Clerk To Execute Amendment No. 23 To The Professional Services Agreement Between The City Of Miami Beach, Florida, And CH2M Hill For The Professional Landscape, Architectural And Engineering Services For The Right-Of-Way Infrastructure Improvements Program For Neighborhood No. 8 Bayshore And Sunset Islands, Dated May 16, 2001 (The Agreement), In The Negotiated Not-To-Exceed Amounts Of \$200,401, For Additional Design Services For The Right Of Way Infrastructure Improvements For The Central Bayshore Neighborhood No. 8A Package In Order To Incorporate The Necessary Design Changes To Accommodate The Previously Noted BODR Modifications; And \$7,440 For Reimbursable Expenses, For A Grand Total Not-To-Exceed Amount Of \$207,841; With Previously Appropriated Stormwater Bond Funding.

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

MOVED: S. Kilroy 2nd: T. Trujillo

PASSED: 1 Opposed (Dwight Kraai)

Item No. 6B: South Pointe Phases III, IV And V: A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Construction Contract Between The City Of Miami Beach, Florida, And Trans Florida Development Corporation, For The Construction Of The City Of Miami Beach Right Of Way Infrastructure Improvement Program, Neighborhood No. 12/D/E/F, South Pointe Phases III, IV And V; Dated September 9, 2010 (The Contract), In The Not-To-Exceed Amount Of \$1,749,048 For The Construction Of A New 12-Inch Water Main Along Ocean Drive From 5th Street To South Pointe Drive, Additional Roadway Reconstruction Throughout The Project Limits, Installation Of Light Emitting Diode (LED) Lighting Fixtures In Lieu Of Metal Halide, And Approving An

Amendment To The Original Basis Of Design Report (BODR) For Additional Improvements To 1st Street Between Alton Road And Washington Avenue; With Previously Appropriated Funding Available From South Pointe Capital Fund 389, In The Amount Of \$1,749,048, For The Construction, And \$174,904, For Contingency, For A Grand Total Of \$1,923,952.

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

MOVED: C. Cuervo 2nd: S. Kilroy

PASSED: UNANIMOUS

C6B Report Of The Land Use And Development Committee Meeting Of September 19, 2012: **1)** Proposed Parking District #5 For The Alton Road Corridor. **2)** Discussion Regarding The Re-Zoning Of The Property At 1729 Lenox Avenue. **3)** Reduced Parking Rates For Hotel Employees. **4)** Review Of Miami Beach Land Use Boards To Improve The City Of Miami Beach Building And Planning Department Processes. **5)** Discussion On Policy Consideration Regarding The Granting Of Subterranean Or Aerial Rights Over Public Property. **6)** Discussion Of RFP For Tennis Maintenance And Bifurcating Maintenance And Operations. **7)** Discussion On The Euclid Avenue Street End Project.

ACTION:

Item No. 1: Proposed Parking District #5 For The Alton Road Corridor.

MOTION: Libbin/Góngora: (2-0) Bring the entire matter back to the Committee in November

Item No. 2: Discussion Regarding The Re-Zoning Of The Property At 1729 Lenox Avenue.

ITEM DEFERRED TO NOVEMBER 5, 2012 LUDC MEETING.

Item No. 3: Reduced Parking Rates For Hotel Employees.

DEFERRED TO NOVEMBER 5, 2012 LUDC MEETING.

Item No. 4: Review Of Miami Beach Land Use Boards To Improve The City Of Miami Beach Building And Planning Department Processes.

DEFERRED TO NOVEMBER 5, 2012 LUDC MEETING.

Item No. 5: Discussion On Policy Consideration Regarding The Granting Of Subterranean Or Aerial Rights Over Public Property.

MOTION: Libbin/Góngora (2-0): Continue to refine the concept and bring back to the Committee.

Item No. 6: Discussion Of RFP For Tennis Maintenance And Bifurcating Maintenance And Operations.

DEFERRED TO NOVEMBER 5, 2012 LUDC MEETING

Item No. 7: Discussion On The Euclid Avenue Street End Project.

MOTION: Libbin/Góngora: (2-0) Move to the full Commission with no recommendation, with a request for the information on all the projects on the capital projects list.

- C6C Report Of The Finance And Citywide Projects Committee Meeting Of October 3, 2012: 1) Public Presentation Regarding Status Of, And Other Issues Pertaining To, The Lincoln Road Request For Proposals (The "Lincoln Road RFP" Or The "RFP"), And The Convention Center Request For Qualifications (The "Convention Center RFQ" Or The "RFQ.")

ACTION:

Following the City Attorney's Office's presentation regarding the potential Sunshine Law issue, an overview by the Interim City Manager as to the Lincoln Road RFP and the Convention Center RFQ, discussion by the Committee, and public comment, the Committee recommended curing any alleged Sunshine Law violation raised in conjunction with the Lincoln Road RFP, by recommending "Option 2" (as such Option is referenced in the City Attorney's memorandum to the Committee, dated October 3, 2012; which Option consists of (i) convening a new evaluation committee, (ii) having the committee view the proposers' original videotaped presentations (from the 5/11/12 evaluation committee meeting), and (iii) having the committee deliberate in the sunshine. With respect to the Convention Center RFQ, the Committee further recommended "Option 1"; which Option consists of (i) re-convening the original evaluation committee, (ii) have it listen to the proposers' presentations (from from the 06/4/12 and 06/5/12 evaluation committee meeting), and (iii) deliberate in the sunshine. In both cases, the proposers should be given the option to be present to answer any questions from the respective committee(s), after listening to the videotaped presentations.

City Clerk's Note: See Item R7M

- C6D Report Of The Neighborhood/Community Affairs Committee Meeting Of September 24, 2012: **1)** Discussion Regarding The Ordinance That Amended Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Section 10-11, Entitled "Running At Large Prohibited," By Extending The Pilot Program Off-Leash Area For Dogs In South Pointe Park Through And Including December 31, 2012. **2)** Policies Related To Storms, Hurricanes And Parking. **2A)** Discussion Regarding Whether The City Should Have A General Standing Rule To Waive Certain Fees, Such As Parking And Other, Related To Reconstruction Of Private Property Damaged Due To A Severe Storm Event Or Similar Nature Event. **2B)** Discussion Regarding Review Of Hurricane Season And Seasonal Flooding Parking Policies. **3)** Discussion Regarding A Proposal For A Donation Of Art Pieces To Be Displayed On Lincoln Road. **4)** Discussion Regarding Proposed Amendments To The City's Film And Print Guidelines. **5)** Discussion Regarding Requiring Miami Beach Restaurants To Post Scores Given By The Health Department. **6)** Discussion Regarding An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 82, Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article VI, Entitled "Naming Of Public Facilities And Establishment Of Monuments Or Memorials," By Amending Section 82-504, Entitled "Monuments Or Memorials," By Adding Criteria To Provide That: A) Only The Mayor Or A Member Of The City Commission May Propose The Establishment Of A Monument Or Memorial; B) The Mayor And City Commissioners Shall Each Be Limited To Proposing The Establishment Of One Monument Or Memorial Per Term Of Elected Office; C) Any Person To Be Recognized By The Establishment Of A Monument Or Memorial Must Be In Good Standing In The Community And If, After The Honor Is Bestowed, The Person Is Convicted Or Adjudicated Guilty Of A Felony, The Name Of The Person Shall Be Removed From Such Monument Or Memorial Or The Monument Or Memorial Itself May Be Removed, Without Any Resulting Liability To The City; And Providing For Repealer, Severability, Codification, And An Effective Date. **7)** Discussion Regarding "Booting" Services And Raising The Allowable Rate Per Vehicle, Which Is Now \$25 Each. **8)** Discuss Bringing A New Festival Of The Arts To North Beach. **9)** Discussion Regarding The Upper La Gorce Stormwater Drainage, Specifically, The Budget And Design Criteria Package. **10)** Discussion Regarding A Resolution Directing That An Application For A Sidewalk Café Permit For The Drexel Avenue And 16th Street Sidewalks In Front Of The Retail Spaces Of The Park @ 420

Garage, Located At The Corner Of 16th Street & Drexel Ave. **11)** Discussion Regarding The Various Types Of Water Sports Activities That Exist Today To Amend The 1964 Ordinance. **12)** Discussion Regarding The Water Feature At The Washington Avenue Entry Of South Pointe Park. **13)** Discussion Concerning The Timing Of The Usage Of The City Of Miami Beach's Leaf Blowers. **14)** Discussion Regarding The Need For Attended Bathrooms In The City Of Miami Beach. **15)** Discussion Regarding A No Wake Zone Ordinance.

ACTION:

Item No. 1: Discussion Regarding The Ordinance That Amended Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Section 10-11, Entitled "Running At Large Prohibited," By Extending The Pilot Program Off-Leash Area For Dogs In South Pointe Park Through And Including December 31, 2012.

The Committee (Commissioners Tobin, Libbin and Exposito present) unanimously moved to bring the concept of a hedge for the off-leash dog area of South Pointe Park back to the commission, and recommended extending the off-leash pilot program through January 31, 2013. Commissioner Weithorn, who was also present, expressed her strong agreement with the motion.

Item No. 2: Policies Related To Storms, Hurricanes And Parking

A: Discussion Regarding Whether The City Should Have A General Standing Rule To Waive Certain Fees, Such As Parking And Other, Related To Reconstruction Of Private Property Damaged Due To A Severe Storm Event Or Similar Nature Event.

B: Discussion Regarding Review Of Hurricane Season And Seasonal Flooding Parking Policies.

The Committee (Commissioners Tobin, Libbin, and Exposito present) directed the Administration to work with Commissioner Weithorn on a plan allowing residents to park their cars in certain garages, and thus removing them from harm's way, with a program for residents to pre-register for the program and provide the details in a Letter to Commission (LTC).

Item No. 3: Discussion Regarding A Proposal For A Donation Of Art Pieces To Be Displayed On Lincoln Road.

The Committee (Commissioners Tobin, Libbin, and Exposito present) accepted the recommendation of the AIPP Committee, and Commissioner Tobin requested a report of the condition of the existing bollards on Lincoln Road.

Item No. 4: Discussion Regarding Proposed Amendments To The City's Film And Print Guidelines.

The Committee (Commissioners Tobin, Libbin, and Exposito present) moved to refer this discussion to the full City Commission with no recommendation.

Item No. 5: Discussion Regarding Requiring Miami Beach Restaurants To Post Scores Given By The Health Department.

The Committee (Commissioners Tobin, Libbin, and Exposito present) moved to recommend adding recognition of Miami Beach restaurants that meet inspection standards to the MB magazine.

Item No. 6: Discussion Regarding An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 82, Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article VI, Entitled "Naming Of Public Facilities And Establishment Of Monuments Or Memorials," By Amending Section 82-504, Entitled "Monuments Or Memorials," By Adding Criteria To Provide That:

A: Only The Mayor Or A Member Of The City Commission May Propose The Establishment Of A Monument Or Memorial;

B: The Mayor And City Commissioners Shall Each Be Limited To Proposing The Establishment Of One Monument Or Memorial Per Term Of Elected Office;

C: Any Person To Be Recognized By The Establishment Of A Monument Or Memorial Must Be In Good Standing In The Community And If, After The Honor Is Bestowed, The Person Is Convicted Or Adjudicated Guilty Of A Felony, The Name Of The Person Shall Be Removed From Such Monument Or Memorial Or The Monument Or Memorial Itself May Be Removed, Without Any Resulting Liability To The City; And Providing For Repealer, Severability, Codification, And An Effective Date.

Discussion of this item was deferred.

Item No. 7: Discussion Regarding “Booting” Services And Raising The Allowable Rate Per Vehicle, Which Is Now \$25 Each.

The Committee (Commissioners Tobin, Libbin and Exposito present) moved to recommend allowing booting for private lots to regulate the number of companies allowed to boot, and have some sort of impact fee when police officers are called to respond. Additionally, legal staff is to provide information regarding the legality of an option for some fee to be paid to the City.

(Vote: 2-1; Vice-Mayor Exposito opposed)

Item No. 8: Discuss Bringing A New Festival Of The Arts To North Beach.

The Committee requested Administration return to the Neighborhood/Community Affairs Committee in one month, with some ideas for more events and how to integrate art into the food truck events.

Item No. 9: Discussion Regarding The Upper La Gorce Stormwater Drainage, Specifically, The Budget And Design Criteria Package.

The Committee made no motion.

Item No. 10: Discussion Regarding A Resolution Directing That An Application For A Sidewalk Café Permit For The Drexel Avenue And 16th Street Sidewalks In Front Of The Retail Spaces Of The Park @ 420 Garage, Located At The Corner Of 16th Street & Drexel Ave.

The Committee (Commissioners Tobin, Libbin and Exposito present) referred this discussion to the full commission with no recommendation.

Item No. 11: Discussion Regarding The Various Types Of Water Sports Activities That Exist Today To Amend The 1964 Ordinance.

Discussion of this item was deferred.

Item No. 12: Discussion Regarding The Water Feature At The Washington Avenue Entry Of South Pointe Park.

Discussion of this item was deferred.

Item No. 13: Discussion Concerning The Timing Of The Usage Of The City Of Miami Beach’s Leaf Blowers.

Discussion of this item was deferred.

Item No. 14: Discussion Regarding The Need For Attended Bathrooms In The City Of Miami Beach.

The Committee directed the Administration to return to the November meeting of the Neighborhood/Community Affairs Committee with a report on the progress of the new janitorial contract for the restrooms, provide cost estimate for having an actual attendant in the restrooms, and detail any additional resources needed.

Item No. 15: Discussion Regarding A No Wake Zone Ordinance.

The Committee (Commissioners Tobin, Libbin and Exposito present) unanimously moved to authorize the City Attorney's Office to look into the possible establishment of a no wake zone behind Sunset Harbor and bring it to the Marine Authority. **(Vote: 3-0)**

C7 - Resolutions

C7A A Resolution Approving And Authorizing The City Manager Or Her Designee To Submit Applications To 1) US Department Of Homeland Security, Federal Emergency Management Agency (FEMA), Through The State Of Florida Division Of Emergency Management For FY 2013 Urban Area Security Funding (UASI) In The Approximate Amount Of \$100,000 For The City's Emergency Needs; 2) The Villagers Incorporated, For Funding In The Approximate Amount Of \$20,000 For Phase 1 Funding (Professional Services) For The Restoration Of The Polo Player Statue Located In Polo Park; 3) Transportation Enhancement Funds (TEP) In The Approximate Amount Of \$1,000,000 For Construction Of The Middle Beach Recreation Corridor (MBRC) Phase 2; And 4) The US Department Of Homeland Security, Federal Emergency Management Administration (FEMA) For The FEMA 2012 Community Resilience Innovation Challenge Program For Funding In The Approximate Amount Of \$35,000 For The City's Community Rapid Response Program; Appropriating The Above Grants, Program Funds And Matching Funds, As Necessary If Approved And Accepted By The City, And Authorizing The Execution Of All Documents Related To These Applications.

(Budget & Performance Improvement)

ACTION: Resolution 2012-28029 adopted. Patricia Walker to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.**

C7B A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms Pursuant To Request For Proposals (RFP) No. 50-11/12 For Cost Allocation Studies For The City Of Miami Beach; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm, Maximus Consulting Services, Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm, MGT Of America, Inc; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Completion Of Successful Negotiations By The Administration.

(Budget & Performance Improvement/Procurement)

ACTION: Resolution 2012-28030 adopted. **Georgette Daniels and Raul Aguila to handle.**

1:09:30 p.m.

C7C A Resolution Approving The Settlement In The Amount Of ~~\$11,672.30~~ **\$19,672.30** For City Liens On Property Owned By Showtime Theatres, Inc, Located At 429 Lenox Avenue, Miami Beach, Florida, In The Original Amount Of \$111,672.30, And Further Authorizing The City Manager To Take Such Action And Execute Any And All Necessary Documents To Complete Such Settlement And Lien Release.

(City Attorney's Office/Finance Department)

ACTION: Item separated for discussion by Commissioner Tobin. Resolution 2012-28031 adopted as amended. Motion made by Commissioner Tobin; seconded by Vice-Mayor Exposito; Voice vote; 7-0. **City Attorney's Office and Patricia Walker to handle.**

Amendment:

Settlement is \$19,672.30

End

Commissioner Tobin stated that he spoke to the Legal Department, and after discussion he will vote to approve this item, if the settlement amount is increased to \$19,672.30. The parties have agreed to this amount, and all that is needed is the vote.

Discussion held.

Steve Rothstein, First Assistant City Attorney, explained the item.

Discussion continued.

1:14:18 p.m.

Commissioner Góngora explained the requirements and the process for mitigation of fines.

C7D A Resolution Electing Commissioner Michael Góngora, Group III, As Vice-Mayor For A Term Commencing On November 1, 2012, And Terminating On February 28, 2013, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.

(City Clerk's Office)

ACTION: Resolution 2012-28032 adopted. Rafael E. Granado to handle.

C7E Setting Public Hearing: Parking District No. 5 - Sunset Harbour Neighborhood
A Resolution Setting A Public Hearing To Consider An Ordinance Amending The City Code Chapter 130, "Off-Street Parking," Article II "District; Requirements," Section 130-31 "Parking Districts Established," By Creating A New Parking District No. 5; Amending Section 130-33, "Off-Street Parking Requirements For Parking Districts Nos. 2, 3 And 4," By Adding New Parking Regulations For Parking District No. 5 For Properties Generally Bounded By Purdy Avenue On The West, 20th Street On The North, Alton Road On The East And Dade Boulevard On The South; Amending Section 142-483, "Conditional Uses" By Adding To The List Of Conditional Uses In The I-1 Urban Light Industrial District; Amending Chapter 142, Article II, "District Regulations," Division 5, "CD-2 Commercial Medium Intensity District," By Amending Sections 142-302, "Main Permitted Uses," Section 142-303, "Conditional Uses," And Section 142-305, "Prohibited Uses," By Clarifying The Permitted, Prohibited And Conditional Uses In Parking District #5.

(Planning Department)

ACTION: Resolution No. 2012-28033 adopted. Rafael E. Granado to notice. Lilia Cardillo to place on the November 14, 2012 Commission Agenda. **Richard Lorber to handle.**

Handout and Reference Materials:

1. Lobbyist List

C7F A Resolution Authorizing The City Manager Or His Designee And City Clerk To Execute A Memorandum Of Understanding Between The City Of Miami Beach, On Behalf Of The Miami Beach Police Department, And The Internal Revenue Service, Criminal Investigation Miami Field Office To Participate In The Financial Investigative Strike Team, Financial Crimes Task Force, For The Purpose Of Developing And Assisting With Criminal Investigations Of Illegal Activities Throughout Miami-Dade, Florida.

(Police Department)

ACTION: Resolution 2012-28034 adopted. Chief Martinez to handle.

SUPPLEMENTAL MATERIAL: Resolution

C7G A Resolution Approving And Authorizing The Mayor And The City Clerk To Grant A Utility Easement To Florida Power And Light At Flamingo Park For The Installation And Maintenance Of A Duct Bank That Will Serve The Boys And Girls Club.

(Public Works)

ACTION: Resolution 2012-28035 adopted. Fred Beckmann to handle.

C7H A Resolution Approving, In Substantial Form (As Attached Hereto), A Concession Agreement With Miami Beach Film Society, Inc. D/B/A Miami Beach Cinematheque ("Cinematheque") To Operate An Outdoor Café In The Outdoor Courtyard Area Adjacent To The Premises That Cinematheque Leases From The City Pursuant To That Certain Lease Agreement Between Cinematheque And The City, Dated December 9, 2009 ("Lease"), For A Term To Run Concurrent With The Lease, Commencing On December 1, 2012; And Further Authorizing The Mayor And City Clerk To Execute The Agreement Subject To Final Review By The City Manager And Form Approval By The City Attorney.

(Real Estate, Housing & Community Development)

ACTION: Resolution 2012-28036 adopted. Anna Parekh to handle.

9:23:22 p.m.

- C7I A Resolution Rejecting The Sole Proposal Submitted In Response To Request For Proposals No. 37-11/12, For The Management And Operation Of Food And Beverage Concessions In Flamingo Park Pool And Normandy Isle Park Pool (The RFP).
(Real Estate, Housing & Community Development)

ACTION: Item separated for discussion by Commissioner Libbin. Resolution 2012-28037 adopted. Motion made by Commissioner Libbin; seconded by Vice-Mayor Exposito; Voice vote; 4-0; Absent: Commissioners Góngora, Tobin and Weithorn. **Anna Parekh and Raul Aguila to handle.**

Commissioner Libbin separated this item because it is the fifth month in a row that he brings the same issue to their attention and he criticizes the way that RFP's go out. There was a sole responder in this case, but the RFP lacked information and so they withdrew their interest. The RFP is misleading and not written clearly.

Discussion held.

Max Sklar spoke.

11:40:50 a.m.**SUPPLEMENTAL MATERIAL: Resolution**

- C7J A Resolution Authorizing The Acceptance Of An Eighteen Thousand One Hundred Eighty-Eight Dollars (\$18,188) Cash Donation From The Marilyn And Edward Gadinsky Charitable Foundation, In Support Of The Soundscape Cinema Series For Fiscal Year 2012/13; And Authorizing The City Manager Or Her Designee To Make Such Expenditures And/OR Reimbursements From The Aforestated Donation, In Furtherance Of And Consistent With The Aforestated Event.
(Tourism & Cultural Development)

ACTION: Resolution 2012-28038 adopted. Patricia Walker to appropriate the funds. **Max Sklar and Maria Estevez to handle.** (Item approved via the Consent Agenda)

Mayor Bower stated that this is a donation of the Gadinsky family in the amount of \$18,000 and she thanked them for the donation.

Marilyn Gadinskiy, representing The Marilyn and Edward Gadinsky Charitable Foundation, spoke.

SUPPLEMENTAL MATERIAL: Resolution & Draft Lease Agreement

- C7K A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Lease Agreement With Design Miami To Hold The Design Miami Show In The Preferred Parking Lot, For Specific Dates In 2013, 2014, 2015, And 2016; As More Specifically Set Forth In The Lease Agreement Attached As Exhibit "A" To This Resolution.
(Tourism & Cultural Development)
(Resolution & Draft Lease Agreement)

ACTION: Resolution 2012-28039 adopted. Max Sklar to handle.

9:25:35 p.m.

SUPPLEMENTAL MATERIAL: Memorandum & Resolution

C7L A Resolution Authorizing The Mayor And The City Clerk To Execute Amendment No. 1 To The Fiscal Year 2009/10 State Housing Initiatives Partnership (SHIP) Program Agreement Between The City Of Miami Beach And Miami Beach Community Development Corporation (MBCDC), In A Form Acceptable To The City Manager And The City Attorney, Which Extends The Term Of The Agreement Through December 31, 2012, And Provides \$45,938.97 In SHIP Program Income To One Income-Eligible Homebuyer And Rehabilitation Household In North Beach.

(Real Estate, Housing & Community Development)

(Memorandum & Resolution to be Submitted in Supplemental)

ACTION: Item separated for discussion by Commissioner Tobin. Resolution 2012-28040 adopted. Motion made by Commissioner Wolfson seconded by Vice-Mayor Exposito: Voice vote; 4-0: Absent: Commissioners Góngora, Tobin and Weithorn. **Anna Parekh to handle.**

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances

12:02:05 p.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 Eight (8) MPH On All City Sidewalks, Sidewalk Areas, And Bicycle Paths; And By Prohibiting The Operation Of Electric Personal Assistive Mobility Devices On Interior Pathways Within South Pointe Park And Collins Park; By Amending Section 70-68, Entitled "Exemptions," By Exempting The Use Of Electric Personal Assistive Mobility Devices By City Police And City Contracted Services From The Restrictions Of Division II; By Amending Section 70-69, Entitled "Responsibilities Of Bicyclists And Skaters," By Adding Responsibilities For Persons Operating Electric Personal Assistive Mobility Devices; By Amending Section 70-70, Entitled "Penalties," To Provide For Responsibilities Of Businesses Providing Rentals And Tours Of Electric Personal Assistive Mobility Devices; By Creating Section 70-71, To Be Entitled "Penalties" To Provide Civil Penalties In Addition To Existing Non-Criminal Infraction Penalties For The Violation Of Certain Provisions In Chapter 70, Article II, Division II; Providing For Repealer; Severability; Codification; And An Effective Date. **10:35 a.m. Second Reading Public Hearing**

(Requested by Commissioner Deede Weithorn)

(Legislative Tracking: Public Works)

(Continued from September 12, 2012/Referred to NCAC)

ACTION: Item heard in conjunction with item R7F. Public Hearing held. Ordinance No. 2012-3780 adopted. Motion made by Commissioner Weithorn to approve the ordinance; seconded by Commissioner Wolfson; Ballot vote: 6-1; Opposed: Commissioner Libbin. Rafael E. Granado to transmit to Municipal Code. **Fred Beckmann to handle.**

AMENDMENTS FOR RESOLUTION ITEM R7F:

- Substitute language for Section I (d) for the business that rent...accidents regarding electric personal assistive mobility devices shall be reported to the Miami Beach Police Department and Miami Beach Fire Rescue
- Amendment suggested by Mr. Morris Sunshine, to add the word promptly reported.
- Section II (a) and (c):
 - (a)- If an operator has an accident with a pedestrian or other person, the operator must immediately report the accident to the Miami Beach Police Department and Miami Beach Fire Rescue. In addition, the operator must i) remain on the scene until a police officer arrives, ii) identify himself/herself to the victim and to the police officer, and iii) provide to the victim and the police officer the name of the person or business that leased or rented the device.
 - (c) Electric personal assistive mobility devices shall not be operated after sunset or before sunrise or during inclement weather.
- Liability Amendment Section I(a) for \$1 million insurance to be required for any and all renters
- Disability Amendment to include language that persons riding these devices, that they are not being prohibited on the grounds of City Hall, Municipal Parking Garages, the Police Station, and the Fire Stations because those areas are excluded from any Segways.
- **Suggested Additions to the Administrative Rules:**
 - ✓ That the rules and regulations apply to privately owned Segways
 - ✓ Possibly using the bicycle paths for the Segways
 - ✓ Company's logo or distinctive color shall be prominently displayed on Segways rentals
 - ✓ Acknowledgment of the Administrative Rules in writing from renters

End

Jeff Bechdel, pertaining to Section 70-69 (a)(1), requested a list of what is considered historically designated properties, in order to work with the City. Pertaining to Section 70-70(e), they are working with the City Attorney's Office and will present a draft of the map showing the areas that are off limits (Lincoln Road and Ocean Drive); and lastly Section 70-70(1)(b)(1), they want to work with the City to see if there is a way to require a deposit to be able to return any fines out of the deposit back to the City.

Commissioner Weithorn thanked Mr. Bechdel and Mr. Berry for working for the greater good of the community, and also thanked the industry for working with the City on this.

Benjamin Berry spoke.

Mayor Bower stated that there should be language in the ordinance preventing aggressive panhandling and soliciting customers to rent Segways as this is unacceptable.

Jose Smith, City Attorney, stated that there is a peddling ordinance in place that prohibits this.

Discussion held.

Paul Jonas spoke.

Jose Smith, City Attorney, stated that State Statute specifically exempts Segways from the operation of the motor vehicle laws, so leaving the scene of the accident, and the other items mentioned by Mr. Jonas do not apply, and that is why this language is in the ordinance, so if somebody leaves the scene of an accident, they are violating the law.

Discussion continued.

David Kelsey spoke.

Jo Manning spoke.

Morris Sunshine spoke in support of this legislation. He recognized Deborah Turner for her hard work on the revisions of this ordinance and offered minor changes: 1) in the case of a collision between the operator and a pedestrian, the operator must stop immediately and render aid to the injured person; 2) he must fully identify himself/herself to the victim, and the vehicle number he/she is driving, and submit evidence of where he/she rented the vehicle from; and 3) the operator must remain on the scene until the police arrive. Dr. Sunshine is in support of the approval of this ordinance today, and recommends looking at speed and other issues later. He proposed the following language changes:

- Every Segway rental agency is to be identified by a distinctive color.
- In a passing situation, the Segway operator shall stop or steer safely to the curb, rather than "yield."
- One single document that lists all the laws and regulations pertaining to operating a Segway should be created, and be provided to, and signed by, the renters indicating that they understand the laws listed.

Commissioner Wolfson referred to page five, subsection (b) of the ordinance where there is a minimum of \$1 million in insurance liability. This only insures the City of Miami Beach. This liability insurance should also cover the renter of the Segway.

Jose Smith, City Attorney, stated that this is a good suggestion and added that the City is ensured, but at Neighborhood/Community Affairs Committee there was a recommendation that the City require med pay, which is being done by a way of resolution, offering medical payment of \$25,000.

Discussion continued regarding speed.

Deborah Turner, First Assistant City Attorney, in answering Mr. Smith's questions, stated that under the revised resolution in the Administrative Rules, which will be distributed, Legal does not recommend rendering aid to be a requirement, as that is the responsibility of Fire Rescue. Additional language has been included as responsibility for operators of mobility devices, stating that they must remain on the scene until a police officer arrives, identify himself or herself to the victim and police officer and provide the victim and police officer the name of the business where they rented the device from.

Discussion continued regarding Segway recognition devices.

Motion 1:

Motion made by Commissioner Weithorn to move the ordinance, so amendments can be made; seconded by Commissioner Libbin.

Discussion continued.

Mayor Bower asked how this ordinance can apply to private Segway owners, and if the Segways could use the bicycle paths. She suggested sending this to committee for further amendment.

Fred Beckmann, Public Works Director, explained that there is no prohibition for Segways to use the bicycle paths.

Discussion continued.

Adam Shedroff spoke and discussion continued.

Commissioner Weithorn requested adding to the Administrative Rules either the company's logo or a distinctive color be prominently display in Segway that are rented. **Fred Beckmann to handle.**

Commissioner Wolfson proposed amending section 70-70(1)(a) to include that the companies provide a minimum of \$1 million liability insurance to cover the City of Miami Beach and any and all rentals of the Segway.

Commissioner Weithorn accepted the amendment.

Commissioner Libbin stated that they do not know the financial consequences of the liability amendment and withdrew his second on the motion.

Discussion continued regarding liability.

Commissioner Góngora offered a friendly amendment, that language be added that the acknowledgment of the Administrative Rules be in writing from the renters.

Final Motion

Commissioner Weithorn's motion was seconded by Mayor Bower, as amended. Voice-vote: 6-1; Opposed: Commissioner Libbin.

Deborah Turner, First Assistant City Attorney, explained an additional amendment, which clarified that disable persons riding these devices are not prohibited on the grounds of City Hall, Municipal Parking Garages, the Police Station, and the Fire Stations, because those areas are excluded from any Segways.

Commissioner Weithorn accepted the disability amendment and Commissioner Wolfson seconded the motion as amended. Voice-vote: 6-1; Opposed: Commissioner Libbin.

Commissioner Libbin stated that he is voting against everything, as it is unwise to pass items when they do not know the financial impact.

Jose Smith, City Attorney, explained that no material changes have been made to the ordinance; the resolution has all the material changes that will be discussed at the Neighborhood/Community Affairs Committee. He further explained that there is a \$1 million liability requirement in the ordinance; the amendments made could be placed into both, the ordinance and the resolution; however, to avoid any potential challenge, he is suggesting that a motion be made to withdraw the amendment to the ordinance, and include the amendment into the resolution, which is binding to the companies.

Discussion held.

Motion To Rescind Insurance Requirement Amendments From The Ordinance

Motion made by Commissioner Góngora to rescind the insurance requirement amendment from the ordinance and insert it into the resolution (Item R7F); seconded by Commissioner Weithorn; Voice vote 6-1; Opposed, Commissioner Libbin.

Motion To Adopt The Resolution For Item R7F

Motion made by Commissioner Góngora; seconded by Commissioner Weithorn; Voice vote: 6-1; Opposed: Commissioner Libbin.

Commissioner Weithorn, for the record, asked Ms. Turner to read the amendments made.

Deborah Turner, First Assistant City Attorney, read the amendments into the record:

- o Substitute language for Section I (d) for the business that rent...accidents regarding electric personal assistive mobility devices shall be reported to the Miami Beach Police Department and Miami Beach Fire Rescue
- o Amendment suggested by Mr. Morris Sunshine, to add the word promptly reported.
- o Section II (a) and (c)
 - (a)- If an operator has an accident with a pedestrian or other person, the operator must immediately report the accident to the Miami Beach Police Department and Miami Beach Fire Rescue. In addition, the operator must i) remain on the scene until a police officer arrives, ii) identify himself/herself to the victim and to the police officer, and iii) provide to the victim and the police officer the name of the person or business that leased or rented the device.
 - (c) Electric personal assistive mobility devices shall not be operated after sunset or before sunrise or during inclement weather.
- o Liability Amendment Section I(a) for \$1 million insurance to be required for any and all renters

Commissioner Wolfson asked the City to ensure that these rules and regulations would be enforced.

Jose Smith, City Attorney, explained that the ordinance specifically provides for the enactment of regulations, which are enforceable under the ordinance. A violation of the resolution is in effect a violation of the ordinance.

Discussion was held regarding minors riding the vehicles only when supervised by adults.

Mayor Bower offered an amendment, that an adult must supervise a minor, below 18 years of age, while riding a Segway.

Discussion continued.

Kathie G. Brooks, Interim City Manager, stated that the Administrative Rules state that electronic personal assisted mobility devices shall not be rented, or leased to, or use by tourists or any person under 16 years of age or under 100 lbs.

The resolution (Item R7F) was referred to the Neighborhood/Community Affairs Committee.

Handout or Reference Materials:

1. Sec. 70-69. – Responsibilities of bicyclists and skaters

1:17:04 p.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 September 12, 2012/Referred to NCAC)

ACTION: Title of the ordinance read into the record. Public Hearing held. Ordinance No. 2012-3781 adopted as amended. Refer appropriate guidelines issues back to the Neighborhood/Community Affairs Committee. Motion made by Commissioner Góngora to approve the ordinance; seconded by Vice-Mayor Exposito; Ballot vote: 7-0. Barbara Hawayek to place on the committee agenda. Rafael E. Granado to transmit to Municipal Code. **Kevin Smith to handle.**

Amendment:

Delete Section 82-504(a)(2)(a) regarding limitation of amount of recommendations made per elected term of office

End

Raul Aguila, Chief Deputy City Attorney, distributed the ordinance and explained that since the first reading of the amendment to the naming ordinance, the item had been discussed at Neighborhood/Community Affairs Committee (NCAC) for clarification. The amendments as recommended by NCAC at its July 30, 2012 meeting are: 1) provide that only the Mayor and/or City Commission bring forth a recommendation for a monument or memorial to the City Commission for approval; 2) limit the amount of monuments or memorials that the City Commission can bring to one (1) per elected term of office, and 3) unless the City Commission provides otherwise, the final approval of a monument or memorial by the City Commission will presume that the City will assume the maintenance for that monument or memorial.

Commissioner Tobin made a motion to exclude the limitation of memorial recommendations per term.

Discussion held.

Commissioner Góngora clarified that he voted against the item at NCAC due to the issue of limitation; otherwise, it is a good ordinance. He added that there is not an abuse in the system, and if it exists, it can be handled at Commission level.

Mayor Bower suggested guidelines be implemented to regulate the issue of limitation.

Motion made by Commissioner Góngora to delete the section of the ordinance that limits the recommendation for memorials by the City Commission, and as amended, refer appropriate

guidelines back to the Neighborhood/Community Affairs Committee.

Raul Aguila, Chief Deputy City Attorney, stated for the record, that this motion deletes Section 82-504(a)(2)(a).

Handouts or Reference Materials:

1. Revised Ordinance

2:15:39 p.m.

R5C An Ordinance Amending The Miami Beach City Code By Amending Chapter 90, Entitled "Solid Waste," By Amending Article IV, Entitled "Private Waste Contractors," By Amending Division 3, Entitled "Franchise," By Amending Section 90-230 Entitled "Term Of Franchise Agreements; Initial Term; Renewal Term," To Provide That Prior To The Expiration Of The Initial Term Of A Franchise Agreement, The City Commission May Agree To Renew Term Of An Existing Franchise Agreement, For Up To An Additional Three Year (3) Renewal Term; And Providing For Repealer, Severability, Codification, And An Effective Date. **11:15 a.m. Second Reading Public Hearing**

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

ACTION: Public Hearing held. Ordinance No. 2012-3782 adopted. Motion made by Commissioner Weithorn to approve the ordinance; seconded by Commissioner Góngora; Ballot vote: 7-0. Rafael E. Granado to transmit to Municipal Code. **Fred Beckmann to handle.**

2:17:02 p.m.

Commissioner Libbin stated that he is in support of the item, but wants to point out that it includes \$25,000 for ECOMB. Commissioner Libbin inquired if this money for ECOMB is to help the City in its recycling effort.

Kathie G. Brooks, Interim City Manager, explained the item. She stated that the committee had directed that the \$25,000 be used for environmental initiatives, but it did not specifically state recycling.

Commissioner Tobin added that at committee it was not specified that they would support ECOMB and give the \$25,000 directly every year. It is for the Administration or the Commission to decide where the money goes every year.

Ms. Brooks explained that the committee After Action reflected the \$25,000 dedicated for environmental programs, and then it lists in parentheses ECOMB.

Commissioner Tobin requested that the Administration re-listen to the tape of the committee.

Commissioner Góngora stated that he voted against this item, but nevertheless, it passed without his vote.

Discussion continued.

Commissioner Weithorn stated that her recollection is that ECOMB was to be an example and not an absolute. They were mentioned as an example, but not the only possible receiver of the \$25,000. ECOMB is a suitable example, but not the only player.

Mayor Bower inquired if the money is still directed to the IB Program.

Fred Beckmann, Public Works Director, explained that the IB Program would continue to receive the contribution to be applied toward the schools. The same amount will go the IB Program.

Mayor Bower suggested a one year payment of \$25,000 to ECOMB.

Ms. Brooks suggested doing a competitive process for the \$25,000, to be used for environmental programs, as is done with other grants. **Fred Beckmann to handle.**

Commissioner Góngora suggested reconsidering getting three haulers; and restated that ECOMB should receive the \$25,000. They have been promised this money at three different meetings. ECOMB has already budgeted the \$25,000 for this year. This is incredibly unfair and wrong, but this year they should receive this money. If this Commission wants to change how the money is spent in future years, that is acceptable, but this year the money has been promised to ECOMB.

Commissioner Tobin stated that if ECOMB had been so promised, then he stands corrected. He does not have a problem with giving the \$25,000 to ECOMB this year, his objection is to give them the money in perpetuity.

Discussion continued.

Kathie G. Brooks, Interim City Manager, recommended doing a grant agreement, which states the deliverables. **Fred Beckmann to handle.**

Commissioner Tobin requested Administration to check the committee record. **Fred Beckmann to handle.**

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #747

2:30:06 p.m.

SUPPLEMENTAL MATERIAL: Ordinance

R5D An Ordinance Amending Chapter 12 Of The Miami Beach City Code, Entitled “Arts, Culture And Entertainment,” By Amending Article II Thereof, Entitled “Special Events,” By Amending Section 12-5, “Special Events Permits” To Provide Clarification To Special Event Applicants Under Provision (5); By Providing Enforcement And Penalties For The Violation Of Section 12-5 As Set Forth In Provision (9); And Providing For Repealer, Codification, Severability, And An Effective Date. **11:30 a.m. Second Reading Public Hearing**

(Requested by the Neighborhood/Community Affairs Committee)

(Legislative Tracking: Tourism & Cultural Development)

(Continued from July 18, 2012/Referred to NCAC)

ACTION: Title of the Ordinance heard into the record. Item heard in conjunction with Item R7G. Public Hearing held. Ordinance No. 2012-3783 adopted. Motion made by Commissioner Wolfson to approve the ordinance; seconded by Vice-Mayor Exposito; Ballot vote: 6-0; Absent: Commissioner Góngora. Rafael E. Granado to transmit to Municipal Code. **Max Sklar to handle.**

Max Sklar, Acting Assistant City Manager, summarized the item.

See action with Item R7G.

7:29:06 p.m.

R5E An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance Of The City Of Miami Beach, Florida (The "Ordinance"), By Amending The Salary Ranges and Establishing Compensation Provisions For The City Manager And The Attorney; Providing For Repealer, Severability, Codification, And An Effective Date. **11:40 a.m. Second Reading Public Hearing**

(Requested by Commissioner Jonah Wolfson)
(Legislative Tracking: City Attorney's Office)
(Continued from September 12, 2012/Referred to FCWPC)

ACTION: Item opened and continued to December 12, 2012 Commission Meeting. Moved by Commissioner Weithorn; seconded by Commissioner Libbin; Voice vote; 6-0; Absent: Commissioner Wolfson. Lilia Cardillo to place on the Commission Agenda. **City Attorney's Office to handle.**

City Clerk's Note: Correction On Page 275)

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #724

7:30:20 p.m.

R5F Miami Heart Institute FLUM Change

1. An Ordinance Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Category For The Parcel Known As The "Miami Heart Institute," More Particularly Described In The Legal Description Attached As Exhibit "A" Hereto, From The Current PF-HD, "Public Facility, Hospital," To The Future Land Use Category Of RM-1, "Residential Multifamily Low Intensity;" Providing For Inclusion In The Comprehensive Plan, Transmittal, Repealer, Severability And An Effective Date.

5:01 p.m. First & Only Reading Public Hearing

ACTION: Item Opened and Continued to December 12, 2012 Commission Meeting. Motion made by Commissioner Weithorn to open and continue the item; seconded by Vice-Mayor Exposito; Ballot vote: 6-0; Absent: Commissioner Wolfson. Lilia Cardillo to place on the Commission Agenda. **Richard Lorber to handle.**

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #749
2. Summary of the proposed covenant for the Miami Heart Property, prepared by the attorney for the applicant, Lucia Dougherty and Edward Martos, dated October 23, 2012.
3. Lobbyist List

7:32:36 p.m.

Zoning Map Change

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

ACTION: Public Hearing held. Ordinance adopted on first reading. Motion made by Commissioner Góngora to approve the ordinance; seconded by Commissioner Libbin; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second reading and second public hearing scheduled for December 12, 2012. Lilia Cardillo to place on the Commission Agenda. **Item to go to the Design Review Board; Thomas Mooney to place on the Board Agenda and Richard Lorber to handle.**

Richard Lorber, Acting Planning Department Director, introduced the item. The Miami Heart Institute is the site of a former hospital that has been out of operations for a few years. This ordinance will rezone the parcel that the hospital sits on, from hospital district to residential multi-family low intensity. This is the same zoning as the adjacent parcel, the parking lot. Several years ago there was an ordinance adopted that stated that the parcel could not be zoned to a greater intensity than the adjacent parcel (the parking lot). There are no residents in opposition here today, as all matters have been worked out. The architecture is a nice plan that retains hospital building and converts it to apartments. On the parking lot side, there are nine single-family townhouse structures, compatible to the surrounding neighborhood. From a planning standpoint, rezoning from hospital to apartments will generate a large reduction in traffic and activity, in this otherwise single-family surrounding neighborhood. The Administration recommends that this item be approved, and go for second reading in December 12, 2012.

Mayor Bower has heard good things about the project, and asked if the item had been properly advertised to the neighbors. Mr. Lorber responded that it had been advertised in the newspaper and mail notices had been sent to residents within 375 feet of the site.

Commissioner Libbin stated that he called the residents, and there were about 50 requests made of the developer from the neighbors, and that the developer had agreed to all. The developer was very sensitive to the needs of the residents and the project appears well vetted.

Mr. Lorber explained that the reason for the delay on second reading to December 12, 2012, is that between now and December, this item will go to the Design Review Board.

Commissioner Exposito inquired as to the height of the townhouses, which he was informed were three villas at 33 feet, and the remainder, which will probably be eight villas, at 36 feet.

Commissioner Tobin also agrees that this is a good project. It does not increase the height of the existing hospital structure, and the 33 feet on the townhouses is right. The vast majority of the residents are agreeable. It is less intense than a hospital, so he is voting for it.

Mayor Bower thanked former Commissioner Elaine Weisburd whose vision should be credited for this project.

City Clerk's Note: Correction on Page 283. Date changed from November 14, 2012 to December 12, 2012.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #749
2. Summary of the proposed covenant for the Miami Heart Property, prepared by the attorney for the applicant.

1:24:23 pm

R5G Ground Floor Additions In The Architectural District

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

(Requested by Land Use & Development Committee)

(Legislative Tracking: Planning Department)

ACTION: Ordinance approved on first reading. Motion made by Commissioner Góngora to approve the ordinance; seconded by Commissioner Wolfson; Ballot vote: 5-2; Opposed: Mayor Bower, and Vice-Mayor Exposito. Second Reading and Public Hearing scheduled for November 14, 2012. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Richard Lorber to handle.**

Jorge Gomez, Assistant City Manager, explained that this ordinance amends the development regulations for the RM-3 District in the architectural district; which is the oceanfront hotels, roughly from the Lowes Hotel to the W. Currently the ordinance allows for a five-story ground floor addition, typically in the rear of the hotels, as there is no room in the front. The ordinance also allows, regardless of the height of the building, to expand the existing floors for the purpose of expanding the hotel units. What this ordinance will do is, while still limiting the additions so that it does not increase the number of units, that extension would be more than just for the single unit, so you could create new units in those existing higher floors, but you would have to remove units somewhere else in the building. It would also limit the availability to add that five-story addition. There would be no more than a two-story addition; then there is a series of restrictions of what could be done in the new floor area, and some of the negative impacts uses that are associated with hotel would not be allowed, like outdoor entertaining or open-air entertainment.

Richard Lorber, Acting Planning Department Director, explained that this item was reviewed by the Historic Preservation Board and they approved the recommendation.

Michael Larkin Esq., representing South Beach Hotel, proponent of the ordinance, spoke and made a presentation.

Discussion held.

Mayor Bower asked what the difference is between the existing ordinance and the proposed ordinance.

Jorge Gomez, Assistant City Manager, read the proposed ordinance into the record: "The proposed addition shall consist of the expansion of existing hotel units only, and shall not result in an increased number of units." In answering Mayor Bower's question, he clarified that the ordinance states that the addition is only for the expansion of the units.

Discussion continued.

Michael Larkin, Esq., spoke.

Mayor Bower asked the proponent of the ordinance to give up the ability to do any rear additions for the consideration of this ordinance.

Vice-Mayor Exposito stated that they should be mandated by floor area ratio, FAR, and expressed his concern that the original legislation provided for changes for the expansion of rooms, but now the proposed ordinance is changing the expansion of hotel rooms and adding uses, such as the cabanas.

Jorge Gomez, Assistant City Manager, explained that a building can never exceed the floor area ratio, but if the FAR available, then they could still do the rear addition. He added that Administration was trying to put in the prohibitions that if a developer did the addition for hotel rooms, they could not come back and convert those into establishments later on and/or add entertainment venues in the rooftops. He added that in Paragraph b, Page 303 reads: *(b) No new outdoor or open air entertainment establishment shall be created on the property. Existing outdoor or open air entertainment establishments may continue but shall not be expanded if a property avails itself of this provision.*

Discussion continued.

Vice-Mayor Exposito explained that his issue is with the additional structure in the back.

Michael Larkin, Esq., stated that there are different size cabanas and discussion continued.

Commissioner Tobin is in support of the ordinance, but for clarification, the ordinance states that no new outdoor open-air entertainment establishments shall be created on the property; however, existing open-air entertainment establishments may continue, but shall not be expanded if a property avails itself from this provision. Therefore, in theory, one can open their outdoor establishments now, and in six months from now will put-in for the changes.

Richard Lorber, Interim Planning Department Director, stated that language could be added to address Commissioner Tobin's concern.

Discussion continued regarding cabanas and change in uses and FAR.

Commissioner Wolfson added that it is important to state that they're not going to go beyond that FAR, which would require a voter referendum, but they are asking to clean up the language so they can play with the massing and the scale of it, so that it looks and fits right. This is just adjusting the ordinance to allow them to design something more pleasing and he has no problem with that.

Discussion continued.

Mayor Bower does not agree to changing ordinances for one developer.

Commissioner Góngora is in favor of the project. He explained that the project went through the Planning Board and the Historic Preservation Board, and those members voted unanimously for it and he thinks this is good for Miami Beach; it is a good ordinance, it will create more attractive properties, which will generate more resort tax.

Motion made by Commissioner Góngora, seconded by Commissioner Wolfson.

Discussion continued.

John Taft, South Beach Hotel owner, spoke.

Charlie Urstadt, member of the Planning Board, spoke. He added that on the second question on the ballot he urges voters to vote "Yes" to strengthen the Historic Preservation.

Commissioner Libbin supports the Historic Preservation Board amendment on the ballot and also the HPB is in support of this. For him this is about improving customer experience.

Commissioner Weithorn stated that in her opinion it is for the "greater good," it will be a better property for Miami Beach visitors and residents and she is in support of the item.

Discussion continued.

Commissioner Góngora stated that the ordinance allows for a change to the building, but it is a change for the positive.

Mayor Bower commented that what is important is the service provided to the customers visiting a hotel, not the size of the rooms. Many boutique hotels have very small rooms, but are fully booked because of the excellent service they provide.

Discussion continued.

R7 - Resolutions

1:16:35 p.m.

R7A A Resolution Granting An Easement To Collins 3300, LLC And 3420 Collins Avenue, LLC, Owners Of The Properties Located At 3301 Indian Creek Drive, 3400 Collins Avenue And 3420 Collins Avenue, Following A Duly Noticed Public Hearing, For A Proposed Subsurface Parking Garage, That Spans The Entire Width Of The 50-Foot Public Right-Of-Way Of 34th Street For A Length Of Approximately 93 Feet. **10:45 a.m. Public Hearing**

(Public Works)

(Continued from September 12, 2012)

ACTION: Item opened and continued to the December 12, 2012 City Commission meeting.
Motion made by Commissioner Weithorn; seconded by Commissioner Libbin; Voice vote: 6-0;
Absent: Commissioner Wolfson. Lilia Cardillo to place on Commission Agenda.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #728

9:32:45 pm

R7B A Resolution Repealing City Of Miami Beach Resolution No. 93-20694 Which Established The City's Complimentary Ticket Policy, And Substituting Therefore A Comprehensive Policy Statement Of The City Of Miami Beach Regarding Its Use And Distribution Of City Tickets To Events And Productions Occurring At City-Owned Venues And/Or City-Sponsored Events.

(City Manager's Office/City Attorney's Office)

(Not reached on September 12, 2012)

ACTION: Item referred to the Neighborhood/Community Affairs Committee. Motion made by Commissioner Libbin to refer the item to the Neighborhood/Community Affairs Committee to establish a Ticket Policy methodology; seconded by Vice-Mayor Exposito; Voice-vote: 4-0; Absent Commissioners Góngora, Tobin and Weithorn. Barbara Hawayek to place on committee agenda. **Max Sklar to handle.**

Jose Smith, City Attorney, explained that this is a resolution to conform the City's tickets policy to the recommendations by the Ethics Commission. He had a discussion with Mayor Bower as to how the tickets will be distributed and suggested sending the issue to a committee to decide which organizations will receive the tickets, and how the tickets will be distributed.

Mayor Bower stated that she does not use the tickets; she gives them to her secretary to give them away or raffle them. She is concerned how the City receives the tickets. She added that the tickets are received so late that it is impossible to get them to the people. She is fine with the ordinance, but work needs to be done on the distribution of the tickets, since they are distributed according to the location of the individuals receiving them to be able to attend the functions. There needs to be a better formula for the distribution.

Discussion continued.

Max Sklar, Acting Assistant City Manager, spoke.

Discussion held.

Commissioner Wolfson stated that they should not be receiving any tickets. He sincerely disagrees with receiving tickets and distributing them to other people from any of the events held at the different facilities. If they want the community to receive tickets, there should be a discount; otherwise, distribute them directly from the ticket box.

Discussion continued.

Motion made by Commissioner Libbin to send to committee; seconded by Vice-Mayor Exposito.

Jose Smith, City Attorney, stated that it is sent to committee to come up with the methodology.

- R7C A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Guaranteed Maximum Price (GMP) Amendment No. 1, To The Pre-Construction Services Agreement With Thornton Construction Company, Inc., Dated January 13, 2012, For The Construction Of The 6th And 53rd Street Restrooms Project, In The Amount Of \$1,200,493, Plus An Owner's Project Contingency Of \$120,049, For A Total Of \$1,320,542; With Previously Appropriated Funding In The Amount Of \$568,539 From SP Post RDA CDT And Municipal Resort Tax Fund 388, \$107,215 From SB Quality Of Life Resort Tax Fund 305, \$644,788 From Capital Projects Not Financed By Bonds Fund 301.
(Capital Improvement Projects)

ACTION: Item deferred.

City Clerk's Note: Corrections: Page 364, in the Condensed Title, change date from July 6, 2012 to January 13, 2012. Page 365, in the Commission Memo Subject: A RESOLUTION GUARANTEED MAXIMUM PRICE (GMP) AMENDMENT NO.1, TO THE PRE-CONSTRUCTION SERVICE AGREEMENT WITH THORNTON CONSTRUCTION COMPANY, INC, DATED JANUARY 13, ~~JULY 6~~, 2012, FOR THE CONSTRUCTION OF THE 6TH AND 53RD STREET RESTROOMS PROJECT

- R7D A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Construction Contract Between The City Of Miami Beach, Florida, And Trans Florida Development Corporation, For The Construction Of The City Of Miami Beach Right Of Way Infrastructure Improvement Program, Bayshore Neighborhood No. 8B, Lower North Bay Road; Dated June 28, 2011 (The Contract), In The Not-To-Exceed Amount Of \$798,424 Plus An Owner's Contingency Of \$79,842 For A Total Of \$878,266, For Additional Storm Water & Hardscape Components Throughout The Project Limits And Approval Of An Increased Materials Cost; With Previously Appropriated Funding In The Amount Of \$337,721 From Gulf Breeze 2006 Fund 423, \$274,351 From Stormwater Bonds 2011 Series Fund 431, \$158,512 From Stormwater Enterprise Fund 427, \$67,893 From Capital Reserve Fund 304, \$30,000 From 2003 Go Bonds Neighborhood Improvement Fund 384, And \$9,789 From Pay As You Go Fund 302.
(Capital Improvement Projects)

ACTION: Item deferred.

- R7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Construction Contract, Dated July 13, 2011, Between The City Of Miami Beach, Florida, And David Mancini & Sons, Inc., For The Construction Of The City Of Miami Beach Right Of Way Infrastructure Improvement Program, Bayshore Neighborhood No. 8E, Sunset Islands I & II Project (The Contract); In The Amount Of \$386,465 Plus An Owner's Contingency Of \$38,646, For A Grand Total Of \$425,111, For The Construction Of A Temporary And Permanent Street Lighting System As A Result Of An Unforeseen Condition For The Sunset Island 1 & 2 Project Limits; With Previously Appropriated Funding In The Amount \$85,021 From Fund 304 - Capital Reserve, \$28,215 From Fund 423 - Gulfbreeze 2006 Water & Sewer Bonds, \$99,320 From Fund 424 - Water & Sewer Bonds 2000 Series, And \$212,555 From Fund 431 - Storm Water Bonds 2011.
(Capital Improvement Projects)

ACTION: ACTION: Item deferred.

12:13:39 p.m.

R7F A Resolution Adopting Administrative Rules For Chapter 70, Entitled "Miscellaneous Offenses", Article II, Entitled "Public Places," Division II, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Transportation," Of The Miami Beach City Code, As Provided For In Sections 70-69 And 70-70 Of The City Code.

(City Attorney's Office)

ACTION: Item heard in conjunction with item R5A. Resolution No. 2012-28041 adopted as amended and referred to the Neighborhood/Community Affairs Committee. Motion made by Commissioner Góngora to approve the resolution as amended and refer to the Neighborhood/Community Affairs Committee; seconded by Commissioner Weithorn; Voice-vote: 6-1; Opposed: Commissioner Libbin. Barbara Hawayek to place on committee agenda. **Fred Beckmann to handle.**

See Discussion and Amendments in Action Item R5A.

Handout or Reference Materials:

1. Revised Administrative Rules "Alternate Language"

2:32:10 p.m.

R7G A Resolution Revising The "Special Events Requirements And Guidelines," By Amending The Following Sections: "Application Procedure," "Weddings And Ceremonies," "Product Promotion/Temporary Sampling," "Minimum Requirements," "Internal Review Procedure," "External Review Procedure," "Vehicle Access Policy," "Booking Policy," "Concession Agreements," "Use Of Public Property," "Enforcement And Penalties;" And Further Amending The Special Event Fee Schedule, And Hereby Permitting And Restricting Further Uses On Public Property.

(Tourism & Cultural Development)

ACTION: Item heard in conjunction with Item R5D. Resolution No. 2012-28042 adopted. Motion made by Commissioner Wolfson to approve the resolution; seconded by Commissioner Góngora; Voice-vote: 7-0. **Max Sklar to handle.**

RECOMMENDATIONS:

- Include criteria
- Come back to City Commission with a 4/7 vote
- Administration to submit event details and impact to the community
- Information of other events held at the same time
- Information regarding staffing issues
- Other events occurring before and after the event to be approved
- Advertise to everyone interested that this resolution is available, and asked that this be advertised for event producers

End

Max Sklar, Acting Assistant City Manager, explained the changes to the resolution regarding administrative policy. The Neighborhood/Community Affairs Committee in October recommended that for long established events taking place in private property with the need to expand, that the City draft the amended policy.

Discussion held.

Commissioner Libbin explained that at NCAC, there was discussion that the Commission would be open to looking at events, but it will come down to whether or not there are resources.

Mayor Bower wants to know who asked for this amendment to the Special Events policy and suggested for Administration to come up with objective criteria that must be followed.

Discussion continued.

Commissioner Góngora explained that he thought this item was to give the hotel applicant the ability, under certain criteria, to see if they qualified for expansion to the beach, and if the City Commission would consider doing this. The City has to balance events with the residents' needs.

Mayor Bower requested that the motion include that the Administration works on strict criteria and guidelines and bring back to Commission for approval. Discussion continued.

Commissioner Tobin stated that if crowds cannot be handled, the City will not have any more events.

Discussion continued.

Commissioner Weithorn stated that the Administration should have the flexibility with the appropriate criteria.

Mayor Bower suggested adopting the resolution, excluding the criteria amendment, and referring this issue to the Neighborhood/Community Affairs Committee to recommend guidelines and criteria, and bring back in December.

Motion made by Commissioner Wolfson to adopt the resolution.

Commissioner Tobin asked the Administration to come up with objective indicators when the City is at capacity, and cannot control crowds. **Max Sklar to handle.**

Discussion held.

Motion made by Commissioner Wolfson; seconded by Commissioner Góngora.

Mayor Bower suggested referring the impact, analysis and criteria to committee and bring back in December and discussion continued.

Rafael Andrade, Esq., representing Mr. Cowan, explained that there is no assurance that they will be approved when submitting an application. It gives them an opportunity to submit an application for consideration, and if the City has resources it may be approved. This event is an ongoing event, it has happened during nine years, and is a benefit to the City in different ways. The event was held at the Shelborne, and they're seeking an alternative location on public property, on the beach at 21st Street.

Commissioner Libbin added that after Administration reviews it, to have it come back to the City Commission for approval.

Mayor Bower added that all new public property events must come in front of the City Commission for approval. **Max Sklar to handle.**

James Rauh, Esq., representing Mr. Jonathan Cowan, proponent of the change in the City's policy which was voted at committee, stated that the policy guidelines are incorporated into the Special Events Guidelines. He explained that if Mr. Cowan had to wait until November to find out whether or not he could get the permit, he would not be able to hold the event. He requested

Administration to give Mr. Cowan an indication whether he can hold the event or not.

Discussion continued.

Commissioner Góngora stated that this item should come back to Commission in November with all the details of the event.

Mayor Bower asked about the length of time when issuing permits.

Max Sklar, Acting Assistant City Manager, explained the process and added that this is a five-day long event, from noon to 5:00 p.m., east of the dune on the 21st beach. He also explained the fees involved.

Discussion continued.

Rafael Andrade, Esq., asked if the resolution could be adopted with the criteria that the City Commission reserves the right to a revocable permit upon second review.

Mayor Bower reiterated that the motion must include adopting the resolution as is, but adding the criteria that any new event in this category must go to the City Commission to be approved by a 5/7 vote.

Discussion continued regarding details of event.

Commissioner Tobin requested the following information: 1) what is the revenue or public benefit, 2) what is the burden to the public, 3) how are people attending being ensured of their safety, and 4) what is the maintenance of traffic plan.

Mayor Bower stated, for the record, that the motion is to approve the resolution as provided, without any of the amendments stated previously.

First Motion Without Amendments

Motion made by Commissioner Wolfson; seconded by Commissioner Góngora; Roll call: 2-5; Opposed: Mayor Bower, Vice-Mayor Exposito, and Commissioners Libbin, Tobin and Weithorn. Motion failed.

Second Motion With Amendments & 5/7 Vote

Motion made by Commissioner Libbin to approve the resolution with the amendments, including the specific criteria, to come back to the City Commission with a 5/7 vote; seconded by Commissioner Góngora; Roll call: 3-4; Opposed: Vice-Mayor Exposito, and Commissioners Weithorn and Wolfson. Motion failed.

Third Motion With Amendment with a 4/7 Vote - Adopted

Motion made by Commissioner Wolfson to approve the resolution with the amendments, including criteria, and to come back to City Commission with a 4/7 vote; seconded by Commissioner Góngora; Roll call: 4-3; Opposed: Mayor Bower and Commissioners Libbin and Tobin.

Commissioner Tobin specifically requested all the details and set up of the event, including what other events are occurring at the same time. **Max Sklar to handle.**

Mayor Bower requested announcing to everyone interested that this resolution is available, and asked that this be advertised for event producers.

Commissioner Weithorn clarified, for the record, that she also is requesting all details in order to understand the impact, information regarding other events being held at the same time, staffing issues and what is going on before and after the event. **Max Sklar to handle.**

Handout or Reference Materials:

1. Lobbyist List

7:58:54p.m.

R7H A Resolution Establishing, Pursuant To City Charter Section 2.04, Procedures For Calling Special Meetings Of The City Commission By A Majority Of The Members Of The City Commission.
(City Attorney's Office)

ACTION: Item referred to the Neighborhood/Community Affairs Committee (NCAC) to set up criteria. Motion made by Commissioner Tobin to refer the item; seconded by Commissioner Libbin; Voice vote: 7-0. Barbara Hawayek to place on the committee agenda. **City Attorney's Office to handle.**

REFERRAL

NCAC to come up with criteria for Calling Special Meetings

End

Jose Smith, City Attorney, stated that this is a resolution that establishes guidelines and procedures for calling Special Meetings of the City Commission by a majority of the City Commission, and it is being done pursuant to the Charter question that was recently adopted. It is implementing the Charter change by providing for a procedure where members of the City Commission can inform the City Clerk that they wish to have a Special Meeting and the City Clerk will be required to provide notice and advise the members and set a date for the meeting.

Mayor Bower stated that she gave suggestions at Agenda Review, and there should be some criteria as to how and why a Special Meeting should be called. She added that it should be due to an emergency, so it will not be misused. She requested not calling a Special City Commission meeting until the criteria is in place.

Motion made by Commissioner Tobin to refer the item for criteria to committee, seconded by Commissioner Libbin.

R7I A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee And Adopting The 2011 Citywide Stormwater Management Master Plan.
(Public Works)

ACTION: Item deferred to November 14, 2012 Commission Meeting.

8:03:50 p.m.

R7J A Resolution Strongly Opposing The Proposed 16% Base Rate Increase By Florida Power And Light Company ("FPL.")

(Requested by Commissioner Jonah Wolfson)

ACTION: Resolution No. 2012-28044 adopted. Motion made by Commissioner Wolfson to approve the resolution; seconded by Commissioner Góngora; Voice-vote: 7-0. **Fred Beckmann to handle.**

Commissioner Wolfson explained his opposing the raising of rate by FPL.

Discussion held.

Commissioner Weithorn stated that the Public Service Commission has made several appearances and she does not believe that they recommended the increase, but she agrees that this is a good time to tell the residents that the City understands that this is not the right time for an increase.

10:26:11 a.m.

R7K A Resolution Expressing Appreciation For The Return Of The Cuban Flag At The Freedom Tower And Requesting An Explanation As To The Flag's Temporary Removal.

(Requested by Commissioner Jonah Wolfson)

ACTION: Resolution No. 2012-28045 adopted by acclamation. Item heard in conjunction with PA4. **Kevin Crowder to handle.**

3:20:46 p.m.**SUPPLEMENTAL MATERIAL: Memorandum & Resolution**

R7L A Resolution Approving Funding, In An Amount Not To Exceed \$250,000, To Address The Relocation Of The Kitchen Exhaust Venting System Installed By The Pennsylvania Avenue Garage Retail Tenant, Penn 17, LLC (D/B/A Cooper Avenue); With Funding Available From Previously Appropriated City Center RDA Capital Fund 365; And Further, Authorizing The Interim City Manager And Penn 17, LLC To Negotiate And, If Successful, Execute An Agreement To Proceed With The Re-Design, Permitting And Constructing Of Kitchen Exhaust Venting System That Discharges Away From The Service Alley Located Between The New World Symphony Building And The Pennsylvania Avenue Garage. **Joint City Commission And Redevelopment Agency**

(Real Estate, Housing & Community Development)
(Memorandum & Resolution)

ACTION: Item heard in conjunction with RDA Item 1A. Item referred by acclamation to the November 9, 2012 Finance and Citywide Projects Committee (FCWPC) for discussion and bring back to the November 14, 2012 Commission Meeting. Patricia Walker to place on the committee agenda. Lilia Cardillo to place on the Commission Agenda. **Anna Parekh to handle.**

RECOMMENDATIONS

- Referred to the November 9, 2012 FCWPC to analyze options and costs.
- Bring back to the November 14, 2012 Commission Meeting.
- NWS to obtain accurate estimates

End

Kathie G. Brooks, Interim City Manager, introduced the item and explained that the location discussed for the kitchen exhaust was the alley between the parking garage and the New World Symphony Center facility. Since operation began, the NWS has expressed concern as to the smell emitting from the exhaust potentially impacting the facility. She added that two options were explored; 1) exhaust going to 17th Street, which is about \$65,000, or 2) exhaust to go out to Pennsylvania Garage entrance for \$180,000 cost of relocation.

Discussion held.

Jorge Gomez, Assistant City Manager, stated that this might be a nuisance to the NWS; if when the dock doors are open, the smell may get into the building.

Discussion continued as to relocation options and costs.

Bruce Clinton, Trustee of the New World Symphony, stated that the most efficient solution with minimal impact would be to relocate the exhaust system to the southwest corner.

Commissioner Tobin stated that the solution is carbon filtration; and that he had visited the area and could smell the fumes from the outside, but not the inside. Discussion continued.

Discussion held.

Kathie G. Brooks, Interim City Manager, stated that the Administration needs to have an independent review on the process.

Discussion continued.

Mayor Bower suggested appropriating funds and referring to Finance and Citywide Projects Committee the issue of exploring all the options discussed as well as the cost, and then come back to the City Commission for approval.

Discussion continued regarding cost of options.

Motion made by Commissioner Wolfson to appropriate the funds to rectify the problem. No second offered.

Commissioner Weithorn is concerned about new and unintended consequences. It is not prudent for this Commission to take any action today, as there is no understanding of options, consequences, what the possibilities are, etc. This has never been to committee for discussion.

Discussion continued.

Kathie G. Brooks, Interim City Manager, explained the reasons this item did not go to committee.

Discussion continued.

Commissioner Libbin explained that the City and NWS are partners, but he needs to know what happens if they accommodate the recommendation of the NWS and then find out that it does not resolve the problem. Who will be responsible for the cost?

Discussion continued.

Howard Herring, President of the New World Symphony, explained that the real problem is that four or five times per week people walk across the bridge from the parking garage into their building and they are invited for food, and about 2/3 of the people that access the building, come from the garage across the walkway.

Discussion continued.

Commissioner Tobin requested the NWS to get accurate estimates.

Mayor Bower suggested referring the item to the Finance and Citywide Projects Committee on November 9, 2012 and bring back to the November 14, 2012 City Commission Meeting. **Referral approved by acclamation.**

Kathie G. Brooks, Interim City Manager, expressed her concerns of not being able to get the additional options analyzed and to Finance committee by November 9.

6:47:00 p.m.

SUPPLEMENTAL MATERIAL: Memorandum & Resolution

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

(City Attorney's Office)

(Memorandum & Resolution)

ACTION: Resolution No. 2012-28046 adopted. See motions below. Raul Aguila to handle.

Convention Center RFQ Motion

Motion made by Vice-Mayor Exposito to adopt the recommendations (Option 1) of the Finance and Citywide Projects committee as to the RFQ; seconded by Commissioner Tobin. Voice-vote: 6-1; Opposed: Commissioner Wolfson.

Lincoln Road RFP Motion

Motion made by Commissioner Libbin to approve Option 2 as recommended by the FCWPC; seconded by Commissioner Góngora; Voice vote: 5-1; Opposed; Mayor Bower. Absent: Commissioner Wolfson.

RECOMMENDATIONS:***Convention Center RFQ Option No. 1***

- Reconvene current evaluation committee
- Committee to meet in a duly noticed public meeting
- Review original videotape of proposes
- Hold question and answer (Q&A) with individual proposers
- Viewing and Q&A will be close to the public
- Deliberations will be open to the public.

Lincoln Road RFP – Option No. 2

- Convene a new evaluation committee
- Committee to listen to the original taped presentations
- Question and Answer (Q&A) will be held
- Public deliberation
- Rectify committee if there is a deviation from the original written proposal

End

Raul Aguila, Chief Deputy City Attorney, explained that this is a resolution asking that the City Commission accept the recommendation that the Finance and Citywide Projects Committee made at its October 3, 2012 meeting, with regards to the Sunshine law issues on two pending RFP's, the North Lincoln Lane Property Development RFP and the RFQ for the Convention Center Development. The issue discussed regarding a Sunshine Issue was raised by one of the proposers of the Lincoln Road RFP who stated that the City did not follow the Sunshine law because the RFP Evaluation Committee did not deliberate in public. Legal recommends approving and authorizing the Administration to cure all alleged violations in order to move forward with the process.

Mr. Aguila continued explaining that the Convention Center RFQ was discussed and the committee decided to reconvene the RFQ's original selection committee and reconvene to listen to the seven proposers and deliberate in public, on record and on tape. In regards to the Lincoln Road RFP, in addition to the alleged Sunshine law issue, he stated on the record, that the City Attorney's Office does not believe that any committee members had any conflict of interest and Legal recommends bringing a recommendation and final deliberation to the City Commission, convene a new evaluation committee to hear the original presentations of the four proposers and deliberate on the record.

Mayor Bower asked since new questions will be asked during the deliberations, how are the questions going to be monitored.

Raul Aguila, Deputy City Attorney, stated that this issue was raised at committee. He stated that they want to cure the violation and then address the concern that no proposer will be given the opportunity to effectively amend or change what they originally proposed in the written proposal. In both cases, the Evaluation committee will have the original proposal in front of them, and if there are deviations from the oral presentation from what was proposed in writing, they will be told that they cannot consider something that was not originally proposed in writing. He explained the exemptions to the Sunshine law.

Discussion held.

Jose Smith, City Attorney, suggested notifying the proposers that they need to raise any questions now rather than later.

Discussion continued.

Raul Aguila, Chief Deputy City Attorney, stated that the City has been fully transparent on this issue, and it is not admitting or denying that there has been a Sunshine law violation, but the legal recommendation, in order to move forward with regards to the Convention Center, is not to waste time with litigation and move forward with the process.

Convention Center RFQ Motion

Motion made by Vice-Mayor Exposito to adopt the recommendations (Option 1) of the Finance and Citywide Projects committee as to the RFQ; seconded by Commissioner Tobin. Voice-vote: 6-1; Opposed: Commissioner Wolfson.

Raul Aguila, Chief Deputy City Attorney, explained that Option No. 1 is reconvening the current evaluation committee, having the committee meet in a duly noticed public meeting, review original videotape of proposes, hold a question and answer with individual proposers and the viewing and Q&A will be close to the public; however, deliberations will be open to the public.

Discussion continued.

Russell W. Galbut, Esq., representing Crescent Heights, spoke.

Raul Aguila, Chief Deputy City Attorney, explained that the Finance and Citywide Projects Committee had recommended Option 2 for the Lincoln Road RFP. Cure Option 2 will be to convene a new evaluation committee, have the committee listen to the original taped presentations, followed by a physical Q&A, and deliberations in public.

Lincoln Road RFP Motion

Motion made by Commissioner Libbin to approve Option 2 as recommended by the FCWPC; seconded by Commissioner Góngora; Voice vote: 5-1; Opposed; Mayor Bower. Absent: Commissioner Wolfson.

Discussion continued.

Mayor Bower expressed her concerns that proposers may have the opportunity of changing the presentation and is requesting that this will not be allowed.

Raul Aguila, Chief Deputy City Attorney, explained that Mr. Gomez, Maria Poncel and himself were present at the presentations, and after proposers gave the presentation, they instructed the committee where proposers deviated from the original in writing. This time around, if they see a deviation from the original proposal, the committee will be instructed in the same way.

Discussion continued.

Handout or Reference Materials:

1. Lobbyist List
2. Email from Wendy Kallergis dated October 23, 2012 to Max Sklar RE: GMBHA Letter of Request for CMB 10/24/12 Commission Meeting.
3. The Miami Herald article, posted on Mon, Oct. 22, 2012, titled "Miami Beach Convention Center needs upgrades, top meeting planner says," by Hanna Sampson.

7:26:06 p.m.

SUPPLEMENTAL MATERIAL: Memorandum & Resolution

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

(Requested by Mayor Matti Herrera Bower)

(Legislative Tracking: City Attorney's Office)

ACTION: Resolution No. 2012-28047 adopted. Motion made by Vice-Mayor Exposito to approve the resolution; seconded by Commissioner Weithorn; Voice-vote: 6-0; Absent: Commissioner Wolfson. **Patricia Walker, Max Sklar and Kevin Crowder to handle.**

Kathie G. Brooks, Interim City Manager, introduced the item. The County's Infrastructure Community has passed a resolution, which is going to full Commission, requesting a report of all possible uses of funding to be able to address the water and sewer infrastructure needs for the County, which are significant. Most concerning is that the Committee has listed Convention Development Taxes as one of the possible funding sources; and the Administration recommends that this be excluded, as it is not an appropriate use of the funds.

Vice-Mayor Exposito stated that he expressed to the County, on the record, the City's objection on the use of Convention Development Tax (CDT) for water and sewer infrastructure. After the County Infrastructure Committee took the vote, he asked them to reconsider and strike CDT taxes from the resolution, but the Committee members refused to do so. In fact, the Committee stated that they were looking at the legality of whether or not they could use said funds; which is not very comforting. The City was also told that it needs to move forward as to what is to be done with the Convention Center, as there are other opportunities being sought west. It is a serious threat. Vice-Mayor Exposito informed the County Committee that he had an Attorney General Opinion, with clarity and specificity, as to what the proper use of CDT funds could be utilized for. However, the County refused to listen.

8:05:19 p.m.

SUPPLEMENTAL MATERIAL: Memorandum & Resolution

R7O A Resolution Approving The Design Of The Recycling Receptacle To Be Provided Under The Coca-Cola Sponsorship Agreement, And Also Approving The Design Of A Matching Trash Receptacle, As Recommended By The Finance And Citywide Projects Committee At Its July 9, 2012 Meeting.

(Public Works)

ACTION: Resolution No. 2012-28048 adopted as amended. Motion made by Commissioner Libbin to approve the resolution; seconded by Commissioner Góngora; Voice-vote: 7-0. **Fred Beckmann to handle.**

Amendment

Recycling bins to be designed in silver color

Trash containers to be design in blue color

Replace containers as needed

End

Max Sklar, Acting Assistant City Manager, introduced the item was reviewed by the Design Review Board (DRB) and the Historic Preservation Board (HPB). The HPB said that the design of the container should be more consistent with the unique design and character of Miami Beach, and the DRB endorsed it subject to minor modification. To satisfy some of the concerns

expressed by HPB, was to look at modifying the colors. The HPB agreed with the silver colors, and the garbage containers should be in "Miami Beach" blue color.

Commissioner Libbin stated that the Sustainability Committee strongly feels that the colors of the containers should be silver for the recycling and blue for the trash bins.

There was consensus that the design of the recycling containers be silver, and the trash containers blue.

Max Sklar, Acting Assistant City Manager, clarified that the recycling bins are provided free with the Coca-Cola contract and the trash bins would have to be manufactured.

11:33:42 p.m.

SUPPLEMENTAL MATERIAL: Resolution

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

(Parking Department)

ACTION: Item deferred.

Rafael Andrade, representing Beach Towing, respectfully requested a continuance of the item to the November 14, 2013 Commission Meeting. He does not represent Tremont, but they know he is requesting the continuance.

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.

(City Clerk's Office)

ACTION: The following individuals were appointed and/or removed:

Affordable Housing Advisory Committee:

Robert Saland Removed due to absences

Committee on Quality Education in MB:

Maria Hosu Removed due to absences

Disability Access Committee:

Andrea Lisa Travaglia Term ending 12/31/12 Appointed by Vice-Mayor Exposito TL 12/31/19

Fine Arts Board:

Seth Frohlich Removed due to absences

Monica Minagorri Removed due to absences

Hispanics Affairs Committee:

Luz Rojas Term ending 12/31/12 Appointed by Mayor Bower TL 12/31/19

Miami Beach Human Rights Committee:

Michael Andrews Resigned effective 09/10/2012

Miami Beach Sister Cities Program:

Jacobo Epelbaum, Other) Term ending 12/31/2013 Appointed by Mayor Bower TL 12/31/19

Personnel Board:

David Richardson Resigned effective 08/29/12

Production Industry Council:

Joyce Galbut Removed due to absences

Ivan Pol Removed due to absences

Safety Committee:

Mark Jacobs Resigned effective 10/10/12

Jason Witrock Term ending 12/31/12 Appointed by Vice-Mayor Exposito TL 12/31/19

Tennis Advisory Committee:

Rebecca Boyce Term ending 12/31/12 Appointed by Commissioner Góngora TL 12/31/19

Gayle Durham Term ending 12/31/14 Appointed by Commissioner Tobin TL 12/31/20

Dolores Hirsch Term ending 12/31/13 Appointed by Commissioner Wolfson TL 12/31/19

Transportation and Parking Committee:

Robert Newman Removed due to absences

Handout or Reference Materials:

1. Memorandum to Mayor Matti Herrera Bower and Members of the City Commission from Rafael E. Granada, City Clerk, dated October 19, 2012, RE: At-Large Nominations Updates.

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

ACTION: No appointments were made.

4:00 p.m.

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

ACTION: The following individuals spoke:

1. Jo Manning stated that The Miami Herald building is being considered for historic designation, and added that in her opinion, the building meets all the criteria. She explained that when they attempted to speak in favor of the designation with other preservationists in front of the Miami Historic Preservation Board, they were told that they were all lobbyists from Dade Heritage Trust and would need to register. The hall was packed with people opposing the issue, and the preservationists in support had to register with the City Clerk. She registered because she was under duress and only three individuals were allowed to speak, but she wants to know what to do.

Discussion held.

Jose Smith, City Attorney, suggested that Ms. Manning check with the Ethics Commission to give them advice and possible violation of ethics law.

Commissioner Wolfson suggested bringing a resolution in support of the designation of The Miami Herald building to be placed on the November 14, 2012 City Commission Meeting.

2. Paul Jonas spoke about item C4F and suggested establishing the Bike Committee rather than referring to Commission Committee. He also made reference to item R7F on page 440, Section H, regarding Segways, and safety issues. He also stated regarding item R7G, that he thinks is an unnecessary delay and an extra step for event producers.
3. Richard McKinnon, CWA President, requested to be added to the Committee of the Whole meeting to update them on contract negotiations.

Motion made by Commissioner Wolfson; seconded by Commissioner Tobin to add Richard McKinnon to the Committee of the Whole. No vote taken and discussion held.

Mayor Bower warned that this has never been done before, and cautioned against doing it for this Union, as it would set a precedent. Mayor Bower will vote no.

Discussion continued.

Kathie G. Brooks, Interim City Manager, expressed her concern and asked Legal to advice, since they are in collective bargaining process, and wants to make sure that there are no violations. There is a bargaining team in place.

Discussion continued.

Jose Smith, City Attorney, stated that the nature of the conversation at the dais could lead them to a place they do not want to be. This Union has filed many unfair labor practice complaints against the City in the past, and he is concerned that the conversation may lead to something unwanted. He suggested designating Kathie G. Brooks, Interim City Manager, to do the negotiations.

Discussion continued.

Richard McKinnon, President CWA, stated that there are civil service board issues that he wanted to address. He commented that what is happening in the Parking Department has nothing to do with Union negotiations.

4. Steve "Bubba" Cohen stated that the City and/or the Police Department hired a former Miami Herald executive to do Media Relations for the beach, and he wants to know who it is. He added that a lot of negative articles, including the PAL articles from about a year ago, are no longer in the Herald's database. He questioned other article, such as the one regarding a settlement of \$700,000 against a female firefighter from April 2012, which is no longer in The Miami Herald's database, and he requested to meet with the new Administration.

Discussion held.

Jose Smith, City Attorney, explained that there is no \$700,000 settlement with a firefighter, the judgment was reduced to \$300,000 and is presently on appeal.

9:20:33 p.m.

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

ACTION: The following individual spoke:

Fay Loesman stated that the SunPost published a story about police presence, and in that story the Chief talked about not disbanding the narcotic unit and investigating auto theft; he wanted to inform the City Commission that his \$23,000 motorcycle was stolen, another gentleman's motorcycle has been stolen and there is no follow up by the Police Department. He called the Chief in three occasions and complained about auto theft and he has not had the courtesy to call him back. There should be some type of accountability by the Police Department and the Police Chief himself. The comments in the SunPost are not true.

Rafael Granado, City Clerk, requested the speaker's phone number for follow up. **Chief Martinez to handle.**

8:11:02 p.m.

R9C Discussion Regarding A Resolution Urging The Florida Legislature To Exempt From Public Records Disclosure Absentee Ballot Requests And Personal Information Included On Such Requests.

(Requested by Commissioner Deede Weithorn)

(Not reached on September 12, 2012)

ACTION: Discussion held. **Item referred to the Neighborhood/Community Affairs Committee by consensus.** Barbara Hawayek to place on the committee agenda. **City Attorney's Office to handle.**

8:12:15 p.m.

R9D Discussion Regarding The Issuance Of RFP For Call Centers And Including A Local Preference So As To Provide The Highest Level Of Service Possible.

(Requested by Commissioner Jonah Wolfson)

ACTION: Discussion held. **Item referred to the Finance and Citywide Projects Committee by consensus.** **Patricia Walker to place on the committee agenda and to handle.**

Mayor Bower suggested for all the Commissioners to speak with Interim City Manager Kathie G. Brooks, so they will be prepared with all the information when the item goes to Committee.

4:27:21 p.m.**Committee of the Whole Announcement:**

Rafael E. Granado, City Clerk, announced that the Committee of the Whole Meeting for item R9E will take place during lunch recess.

4:27:21 p.m.

R9E The Committee Of The Whole Will Meet During Lunch Recess Of The October 24, 2012 City Commission Meeting At The City Manager's Office Large Conference Room To Discuss Resumes Received For The City Manager's Position.
(City Manager's Office)

ACTION: Announced and held. Lilia Cardillo to place the City Manager's Candidates for review and consideration at the December 12, 2012 Commission Meeting.

S. Reneé Narloch, Vice President, Eastern Region of Bob Murray & Associates, gave an overview of the recruitment process thus far.

Ms. Narloch provided a brief overview of the candidates that she recommended for additional consideration.

TO DO: Commissioner Tobin requested the list of the 150 potential candidates that Ms. Narloch attempted to recruit directly through mailings. **Reneé Narloch to handle.**

TO DO: Commissioner Tobin requested that Ms. Narloch continue to do her due diligence on the four or so recommended candidates, and continue the recruitment process. **Reneé Narloch to handle the continuation of due diligence process.**

Commissioner Tobin expressed that the recruitment process, as conducted by Bob Murray & Associates, was improperly handled.

Commissioner Tobin stated that they must use a different recruiter. Commissioner Tobin reminded his colleagues that he had suggested using a compilation of recruiters from the onset. They give one recruiter exclusivity for one month, and then open it up to more. Whichever recruiter brings the selected candidate, earns the commission.

Thereafter, discussion was held regarding the commission fee normally paid to such a recruiter. Commissioner Tobin stated that the industry practice was a fee of approximately 20-30% of salary.

Consensus reached:

1. Bob Murray & Associates to continue its recruitment process until December 1, 2012, at which time, the additional candidates will be provided to the City Commission for review and consideration at the December 12, 2012 Commission Meeting.
2. Commissioner Tobin to be the point person to bring back names of additional recruiters to be presented to the City Commission on November 14, 2012. Information to be provided by Commissioner Tobin to include name of entity, experience, cost, and samples of recent placements. Jose Smith, City Attorney, to work with Commissioner Tobin on the RFP process and invitation letters.
3. Jose Smith, City Attorney, to provide Commissioner Tobin with the names, addresses and contact information of the 200 or so recruiters to whom invitation letters were sent during the first recruiter selection process conducted by Mr. Smith and Commissioner Weithorn.

Handout or Reference Materials:

1. Term sheet provided by City Attorney

8:23:07 p.m.

R9F Discussion Regarding Update On The Negotiations With Former City Manager Jorge Gonzalez.
(City Attorney's Office)

ACTION: Discussion held. Motion made by Commissioner Libbin to approve \$440,000, offset by the value of ten months of insurance; seconded by Commissioner Góngora. Either we pay him for the one-year insurance or the City pays the premium he is asking for, not both. Ballot vote; 5-2; Opposed, Commissioners Tobin and Wolfson. **City Attorney's Office to handle.**

Jose Smith, City Attorney, provided an update on the negotiations. He stated that after analyzing all the items that are compensable, the amount the City is responsible to the former City Manager, Jorge Gonzalez, is \$420,500. There are other issues about his car, his laptop and his iPad. There is a dispute as to whether he is entitled to one year of pension credit. There was an issue involving the cost of the one-year worth of pension that the City Manager believes he is entitled to as part of aggregate compensation. Jorge Gonzalez believes that the number is \$150,000, reduced to present value, and it depends what numbers are used, but roughly after speaking with the Pension Board, that number came to about \$150,000 over Mr. Gonzalez's lifetime. Mr. Smith's position is that he does not believe Mr. Gonzalez is entitled to that one-year worth of credit. In order to avoid the uncertainty and the cost of litigating that issue and putting the matter to rest, Mr. Smith came to an understanding with Jorge Gonzalez, the former City Manager, and prepared a term sheet that allows for the sum of \$35,000 as that piece of the claim in order to resolve that one issue. Mr. Smith believes that is a reasonable amount and that saves the City money, because they would not have to spend that amount of money in litigation, and it would avoid uncertainty. The former City Manager also has asked for additional health care insurance through May 2013.

Include In The Total Aggregate Compensation:

- ✓ 144 hours of planning days
 - ✓ 96 hours of sick leave, which is payable at 50%
 - ✓ 136 hours vacation leave
 - ✓ 24 hours of floaters
 - ✓ 8 hours of birthday leave; and
 - ✓ Additional 96 hours of vacation in the bank
- For a total of 504 hours, which amounts to approximately \$50,000.

Discussion held.

Commissioner Tobin will like to know the value of all the accrued time for a separation agreement. He will like to see the value of his separation check. **City Attorney's Office to handle.**

Discussion continued.

Commissioner Tobin inquired if former Manager Gonzalez was requesting the City to both pay for the health insurance for him and his family through May 2013 and in addition, he is asking for \$27,000 for health insurance. Mr. Smith responded in the affirmative.

Commissioner Góngora stated that we need to check the insurance issue.

Commissioner Libbin stated that he asked the City Attorney how much will it cost to go to arbitration and the cost is \$35,000. He stated that it is a business decision and the arbitrator may award Gonzalez more. Commissioner Libbin suggest for the City to agree to the \$440,000, but not pay it until the other items are agreed on.

Commissioner Tobin stated that he would like to put the final figures in writing and present it to Mr. Gonzalez, for him to either take it, or go to litigation.

Jose Smith, City Attorney, stated that item leave bank payout is a matter of law and not negotiable.

Commissioner Tobin stated that if we owe him as a matter of law, cut him a check. He would like to offer him a take it or leave it on all the other issues.

Discussion continued.

Mayor Bower asked for a motion.

Motion made by Commissioner Libbin to pay the former Manager the \$440,000.

Commissioner Góngora asked if the \$440,000 included the \$27,000 for double health insurance Mr. Libbin responded "no."

Commissioner Góngora asked Commissioner Libbin if the motion was to pay the former Manager what he is entitled pursuant to contract; to resolve the disputed pension credit at \$35,000; but not agree to the additional charge for double insurance. Commissioner Libbin stated that Commissioner Góngora had correctly interpreted his motion.

Motion seconded by Commissioner Góngora.

Mr. Smith wanted to clarify, because the former City Manager had been very clear on this issue, that health insurance is an item that the former City Manager believes he is entitled to.

Commissioner Góngora explained that this was a "take it or leave it" motion. He does not want to see this item back again. If not accepted, it goes wherever it needs to go.

Commissioner Libbin commented that if this Commission made a motion to pay the former Manager his health insurance through May 2013, they now have to live with that.

Voice vote: 4-3; Opposed: Commissioners Tobin, Weithorn and Wolfson.

Commissioner Tobin stated that after the former City Manager came in after being discharged, he requested health insurance. Commissioner Tobin would agree to give the contractually mandated health insurance, but not the additional \$35,000, on the disputed number.

Commissioner Weithorn stated that if they wanted to change that motion to add that they would include an offset for the health insurance, then she would be amenable to change her vote.

Commissioner Libbin restated the motion as amended. Motion to pay the \$440,000, with the adjustment necessary for the offset for health insurance; seconded by Commissioner Góngora. Voice vote: 6-1; Opposed: Commissioner Wolfson.

Commissioner Tobin stated that he did not want to pay the \$35,000.

Commissioner Weithorn stated that she would be agreeable to pay the \$35,000, as this was equivalent to the legal fees. Commissioner Weithorn just cannot agree to a double dip. She also stated that this is all subject to the former City Manager signing a release, and on the day of the release the City writes a check, and they are done.

Commissioner Tobin requested to see the draft of the settlement agreement and release. **City Attorney's Office to handle.**

Motion read:

Motion made by Commissioner Libbin to approve \$440,000, offset by the value of ten months of insurance; seconded by Commissioner Góngora. (Either City to pay the former Manager for the one-year of insurance or the City to pay the premium he is asking for, not both.) Ballot vote; 5-2; Opposed, Commissioners Tobin and Wolfson. Motion carries.

City Clerk's Note:

1. Resolution 2012-28107 adopted.
A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Settlement Agreement Between The City And Former City Manager Jorge Gonzalez, In Full And Final Settlement Of Any And All Claims Including, But Not Limited To, Mr. Gonzalez's Rights To Any Severance And Other Payments Which May Now Or Hereinafter Be Due Under That Certain Employment Agreement Between The City And Mr. Gonzalez, Dated July 26, 2000 (Including Any Amendments Thereto).
2. Settlement Agreement With Mutual Full And General Waiver And Release Of All Claims, executed December 20, 2012 along with the Resolution.

9:32:14 p.m.

R9G Discussion Regarding Middle Beach Recreational Corridor - Phase 1.
(Requested by Commissioner Edward L. Tobin)

ACTION: Item not reached since Commissioner Tobin was absent.

8:11:55 p.m.

R9H Discussion On Giving Guidance To The IT Steering Committee To Review The Pros And Cons Of Becoming A Paperless Environment And Create New Policies And Procedures To Be Implemented Within The City Of Miami Beach.
(Requested by Vice-Mayor Jorge R. Exposito)

ACTION: Discussion held. **Item referred to the Finance and Citywide Projects Committee by acclamation.** Patricia Walker to place on the committee agenda. **Gladys Gonzalez to handle.**

7:38:51 p.m.

R9I Discussion Regarding Assisting Jewish Community Services (JCS) With Temporary Facility During Renovations.
(Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held.

Fred Stock, MSW President and Chief Executive Officer, Jewish Community Services of South Florida, explained that over the past two years there has been a tremendous partnership developed with the City, Miami-Dade County, Dade County School Board and JCS, and funds have been put together to rehabilitate this facility beginning sometime in January. That would necessitate relocating from the building for four to five months, and the JCS is looking for an appropriate space to house the facility while renovations are being completed. He asked for assistance to find space.

Discussion held.

Max Sklar, Acting Assistant City Manager, stated that the Administration has actively been searching for the space needed. They have reached out to churches, synagogues and non-profit organizations, but have not been able to meet their needs.

Fred Stock suggested using the 6th Street Community Center.

Mayor Bower asked the Administration to investigate the space available at the 6th Street Community Center, and enter into an agreement if possible. **Max Sklar to handle.**

7:43:18 p.m.

R9J Discussion Regarding Commencement Of Penny Tax For Convention Center.
(Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held.

Commissioner Tobin explained that there may be a vehicle to collect the 1% bed tax and he asked the Legal Department to look over the referendum and perhaps draft some improvement agreement to implement the 1% right away. **City Attorney's Office to handle.**

Discussion held.

Alex Heckler, Esq., spoke.

Discussion continued.

Jose Smith, City Attorney, stated that an ordinance is needed to implement the one-cent tax.

Raul Aguila, Deputy City Attorney, explained the ballot question for the one-cent tax. There are two triggers to implement this 1% tax; 1) triggered by passage of an ordinance, and; 2) there is an agreement in place for the developer for the expansion, enlargement, renovation and/or improvement of the Miami Beach Convention Center. He stated that the intent was to have a holistic project for the renovation and expansion of the center, not a minor project.

Rolando L. Aedo, Chief Marketing Officer and Executive Vice President of Greater Miami Convention & Visitors Bureau (GMCVB), spoke.

Discussion continued.

Alex Heckler, Esq., spoke.

Discussion continued.

8:11:45 p.m.

R9K Discussion Regarding Status Update Of Flamingo Baywalk.
(Requested by Commissioner Edward L. Tobin)

ACTION: Item withdrawn by Commissioner Tobin.

11:42:58 a.m.

SUPPLEMENTAL MATERIAL: Resolution

R9L Discussion Regarding A Resolution In Support Of Miami-Dade County Public Schools' Capital Bond Referendum To Modernize And Construct Schools, Including Technology Upgrades At All Schools.

(Requested by Mayor Matti Herrera Bower)

ACTION: item heard in conjunction with item R9M. Discussion held. **Resolution No. 2012-28049 adopted. Item referred to the Finance and Citywide Projects Committee.** Motion made by Commissioner Libbin; seconded by Vice-Mayor Exposito; Voice vote: 5-0; Absent Commissioners Tobin and Wolfson. Patricia Walker to place on the committee agenda. **Leslie Rosenfeld to handle.**

REFERRAL TO FINANCE

Finance to find ways to strengthen and fill the need for permanent healthcare

End

Iraida R. Mendez-Cartaya, Assistant Superintendent of the Miami-Dade County School Board, on behalf of the Superintendent of Schools and the School Board of Miami-Dade County, thanked the City Commission for their support on the bond initiative, and most importantly for the City's continued steadfast support of the schools and the public school system and public education in Miami-Dade County and the State of Florida. Miami Beach was the first City to have an education compact which serves as a model for other cities. Miami Beach has a committed and strong education advisory committee, with Ms. Tandy, current Chair and the past two Chairs, Ms. Heller and Ms. Rivo. She explained about the November 6, 2012 Ballot Question on Item 222, regarding whether to authorize the issuance of \$1.2 billion dollars in general obligation bonds. Item 222 is an investment in County schools, students, and teachers, it is an investment in the community and in the future. This is an investment in a district that just won the Broad Prize, a coveted national prize of student achievement of closing the gaps between whites and minority groups. She explained the improvements that would be made what the passing of Item 222.

Commissioner Libbin congratulated the School Board on the Broad Prize and explained how the Joint Task Force and the Miami Beach Chamber of Commerce formed a committee under the City's Quality of Education Committee to work on health care issues at North Beach Elementary, Biscayne Elementary and Treasure Island schools. He added that out of 350 schools, only 150 schools have any level of health care. He asked the Quality of Education Committee to pass a resolution urging this City Commission to see if there is consensus to strengthen the statements met about the importance of health care. He asked if the Fire Department would consider, on an interim basis, putting a Rescue Unit in the parks in the afternoon, to be evaluated by EMT's if needed at no charge.

Motion made by Commissioner Libbin to refer to the Finance and Citywide Projects Committee the issue to find ways to strengthen and fill the healthcare needs in all Miami Beach Schools; seconded by Vice-Mayor Exposito; Voice vote: 5-0. **Patricia Walker to place on the committee agenda.**

Heidi Tandy, Committee for the Quality Education Chair, spoke.

Laura Levy spoke.

Karen Rivo, Committee for the Quality Education in Miami Beach member, spoke.

Iraida R. Mendez-Cartaya spoke.

Adam Shredoff spoke.

Handout or Reference Materials:

1. Email from Enid Rodriguez to Leslie Rosenfeld, dated October 22, 2012 RE: MDC Public Schools Resolution

- R9M Discussion Regarding The Sustainability Committee's Recommendation For The Administration To Develop Appropriate Guidelines To Require All Special Events In The City To Offer Recycling.
(Requested by Commissioner Jerry Libbin)

ACTION: Discussion held. Motion made by Commissioner Libbin that this is done administratively and to bring it back to the City Commission for approval; seconded by Commissioner Wolfson; Voice vote: 7-0. **Max Sklar to handle.**

Motion made by Commissioner Libbin, member of the Sustainability Committee, to the direct the Administration to develop appropriate guidelines for all special events, requiring some form of recycling. No second offered.

Motion made by Commissioner Weithorn to direct the Administration to draft the guidelines and refer it to the Neighborhood/Community Affairs Committee. No second offered.

Commissioner Tobin requested that this be done administratively.

Motion made by Commissioner Libbin that this be done administratively and to bring it back to the City Commission for approval; seconded by Commissioner Wolfson; Voice vote: 7-0. **Fred Beckmann to handle.**

11:42:23 a.m.

ADDENDUM 1:

- R9N Discussion Regarding Motions Made By The Quality Of Education Committee During Their September Meeting.
(Requested by Commissioner Jerry Libbin)

ACTION: Item heard in conjunction with item R9L. Discussion held. Item referred to the Finance and Citywide Projects Committee. See Action with Item R9L.

8:17:02 p.m.

ADDENDUM 1:

- R9O Discussion Regarding Public Safety Issues In Abandoned Homes On Miami Beach (i.e. Beehive).
(Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held. Item referred to the Land Use and Projects Committee by acclamation. **Richard Lorber to place on the committee agenda and Alex Boksner to handle.**

Commissioner Tobin requested to refer the issue to the Land Use and Projects Committee. Referral approved by acclamation.

8:13:55 p.m.

ADDENDUM 1:

R9P Discussion Regarding Extending The Food Truck And Music Fest In North Beach.
(Requested by Commissioner Michael Góngora)

ACTION: Discussion held. **Event extended for a month and referred to the Neighborhood/Community Affairs Committee in December.** Motion made by Commissioner Góngora to extend the festival until December 2012, and then refer it to the Neighborhood/Community Affairs Committee for discussion; seconded by Commissioner Weithorn; Voice vote: 7-0. **Barbara Hawayek to place on the committee agenda. Max Sklar to handle.**

Commissioner Góngora stated that he added this item because the Food Truck and Music Festival in North Beach is only approved for a three-month pilot program, which will run out the day of the next City Commission meeting.

Discussion held.

Commissioner Góngora requested that the event be extended for another three months.

Discussion continued.

Motion made by Commissioner Góngora to extend the Food Truck and Music Festival in North Beach for one more month, until December 2012, and bring it back for discussion.

Max Sklar, Acting Assistant City Manager, explained that this item is already scheduled for discussion at the November Neighborhood/Community Affairs Committee.

Motion made by Commissioner Góngora to extend the festival until December 2012, and then refer it to the Neighborhood/Community Affairs Committee for discussion; seconded by Commissioner Weithorn; Voice vote: 7-0.

8:17:50

ADDENDUM 2:

R9Q Discussion Regarding The Changes To Valet And Metered Parking With Respect To Joe's Stone Crab.

(Requested By Vice-Mayor Jorge R. Exposito)

ACTION: Discussion held. The request for an extended ramp during the construction can be accommodated with the provision that this will sunset at the end of the construction period. **Saul Frances to handle.**

RECOMMENDATION:

Administration to review the process that triggers the signs based on CIP projects
END

Vice-Mayor Exposito explained that there is a lot of construction going on in front of Joe's Stone Crab. The valet services changed due to the construction, and this triggered a change in the number of parking spaces. There are no parking meters from the entrance to the corner of Biscayne Street, and they are asking that during construction, to allow them two valet parking spaces.

Saul Frances, Parking Department Director, stated that this could be accommodated. He explained that what they are asking for is an extended ramp during the construction with the provision that this will sunset at the end of the construction period. **Saul Frances to handle.**

Mayor Bower stated that when she went there for the meeting every single meter was bagged in three entire blocks and she called to report it.

Discussion held.

Saul Frances, Parking Department Director, explained that they have a process that triggers the posting of the signs when CIP informs him of the project.

Kathie G. Brooks, Interim City Manager, stated that they will review the process that triggers the signs based on CIP projects. **Saul Frances to handle.**

9:03:22 p .m,
EMERGENCY ITEM:
ADDENDUM 3

R9R Discussion Regarding A Resolution Rescinding Award Of Contract To Security Alliance And Issue A New RFP.

(Requested by Mayor Bower)

ACTION: Discussion held. **Resolution No. 2012-28050 adopted.**

Motion 1: Motion made by Commissioner Góngora to rescind the RFP award with Security Alliance; seconded by Commissioner Wolfson; Voice vote 6-0; Absent: Commissioner Tobin. **Raul Aguila and Patricia Walker to handle.**

Motion 2: Motion by Commissioner Libbin; seconded by Commissioner Góngora, to have the Police Department investigate all 16 companies involved and bring back findings to the City Commission. **Chief Police Martinez to handle.**

RECOMMENDATIONS

Rescind RFP award with Security Alliance

MBPD to investigate all 16 companies involved and bring back findings to Commission

End

Kathie G. Brooks, Interim City Manager, explained that this item is to rescind the award that was made earlier this year to Security Alliance, for which a contract has not been entered into, and her recommendation is to issue a new RFP for security services.

Ms. Brooks announced the arrest of former Procurement Director, Gus Lopez, on Monday, and reminded everyone that this investigation was initiated by the City, and she recognized the efforts of two of the City's detectives assigned to the State Attorney's Office for their hard work, Rick Arias and Neil Fagan. She explained that the charges centered on a consulting company that was formed by Gus Lopez and his partner Pierre Landrin, whereby the company was allegedly paid for providing competitive advantage in bidding City contracts, and included racketeering, money laundering and unlawful compensation among others issues of corruption. It is important to note that several of the companies that were listed have or continued to do business with the City, but they have not been charged by the State Attorney's Office; which presents several challenges to the City in moving forward. Security Alliance is one of the companies that was listed. Since the City does not yet have a contract in place, the Administration recommends

rebidding that contract. Investigation needs to continue to see what actions are appropriate and they are working with the City Attorney's Office.

Commissioner Libbin stated that this Commission should direct the Police Department to investigate those companies that were on the JOC that already have contracts, just to make sure that they did not knowingly participate. They should investigate those companies the State Attorney has chosen not to prosecute, and if the City's investigations prove otherwise, he would immediately move to debar them.

Motion made by Commissioner Libbin for the City to investigate that the companies involved did not participate in illegal activities; seconded by Commissioner Góngora.

Mayor Bower was reminded that the debarment ordinance states that a company or individual must be convicted in order to debar, so either the debarment ordinance needs amendment, or this Commission can adopt other measures to investigate, such as the lobbyist ordinance. There are more options and this should be looked at in depth.

Jose Smith, City Attorney, made a public records request to the State Attorney's Office to obtain copies of statements and any and all evidence they have on the City's contractors.

Discussion continued and Commissioner Libbin suggested referring the issue to the Neighborhood/Community Affairs Committee.

Commissioner Wolfson stated that this is by far the most depressing thing he has seen happen since he was elected, and rises to the highest level and gives distrust in government citywide and also from bidders. He added that with respect to Security Alliance, he placed an item on the Agenda several months ago where they got in trouble for doing the same thing in another county, and he wanted to prevent the deal from being reissued.

Raul Aguila, Chief Deputy City Attorney, stated that debarment is an extraordinary remedy and explained the process. He explained that if convicted, it is an automatic debarment; if not convicted or accused by the State Attorney's Office, Legal needs to look at to what extent can the City deemed this as default.

Discussion continued.

Raul Aguila, Chief Deputy City Attorney, added that if the cases are heard before the Debarment Committee, under extenuating circumstances the City could debar a contractor from future contracts but allow them to complete an existing contract.

Discussion held.

Motion made by Commissioner Góngora to rescind the RFP award with Security Alliance; seconded by Commissioner Wolfson; Voice vote 6-0; Absent: Commissioner Tobin. **Raul Aguila and Patricia Walker to handle.**

Motion by Commissioner Libbin; seconded by Commissioner Góngora, to have the Police Department investigate all 16 companies involved and bring back findings to the City Commission. **Chief Police Martinez to handle.**

9:26:07 p.m.

New Item:

R9S Requesting An Explanation For Residents Regarding Ballot Amendment 4 And Explain Impact On Voters.

(Requested by Vice-Mayor Exposito)

ACTION: Discussion held. **Resolution No. 2012-28043 adopted.** Motion made by Vice-Mayor Exposito; seconded by Commissioner Libbin to adopt the resolution and transmit to the Florida League of Cities; Voice-vote: 3-1; Opposed: Commissioner Wolfson. Absent: Commissioners Góngora, Tobin and Weithorn. **Rafael E. Granado to transmit a copy of the resolution to the Florida League of Cities.**

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

Discussion held.

Vice-Mayor Exposito requested that the electorate should be well informed about this amendment so that they can make an informed choice.

Discussion continued.

Vice-Mayor Exposito read the resolution into the record and urged residents to consider carefully the consequences of Amendment 4 before voting in the November 6, 2012 Special Election.

Handout or Reference Materials:

1. Resolution

R10 - City Attorney Reports

R10A City Attorney's Status Report.

(City Attorney Office)

ACTION: Report included in the Agenda.

R10B Notice Of Closed Executive Session

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, October 24, 2012, In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

ACTION: Closed Executive Session held.

Reports and Informational Items

Reports and Informational Items (see LTC 267-2012)

End of Regular Agenda

Miami Beach Redevelopment Agency

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

October 24, 2012

Chairperson of the Board Matti Herrera Bower

Member of the Board Jorge Exposito

Member of the Board Michael Góngora

Member of the Board Jerry Libbin

Member of the Board Edward L. Tobin

Member of the Board Deede Weithorn

Member of the Board Jonah Wolfson

Executive Director Kathie G. Brooks

Assistant Director Jorge Gomez

General Counsel Jose Smith

Secretary Rafael E. Granado

AGENDA

1. NEW BUSINESS

3:20:46 p.m.

SUPPLEMENTAL MATERIAL: Memorandum & Resolution

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

ACTION: Item heard in conjunction with Item R7L. Item referred to the Finance and Citywide Projects Committee by acclamation. Patricia Walker to place on the committee agenda. **Anna Parekh to handle.**

See action in R7L.

Meeting adjourned at 9:43:20 p.m.