

# MIAMI BEACH

## City Commission Meeting

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

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

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

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### ATTENTION ALL LOBBYISTS

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

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

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

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

#### Presentations and Awards

PA Presentations and Awards

#### Consent Agenda

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

#### Regular Agenda

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

#### Reports and Informational Items

**Presentations and Awards**

- PA1 Certificate Of Appreciation To Be Presented To The Miami Beach Police Department's Officer Of The Month For October 2012.  
(Requested by Commissioner Jorge R. Exposito)
- PA2 Check Presentation From Florida Inland Navigation District (FIND) Commissioner T. Spencer Crowley III, In The Amount Of \$74,766 For The Pine Tree Park Shoreline Improvement Project Grant.  
(City Manager's Office)
- PA3 Certificates Of Appreciation To Be Presented For The Coordination Of The 2012 Veterans Day Parade And Ceremony.  
(Requested by Commissioner Jerry Libbin)
- PA4 Certificate Of Recognition To Be Presented To Clarkes For Their Service To The Community.  
(Requested by Vice-Mayor Michael Góngora)
- PA5 Proclamation To Be Presented To Miami Beach Senior High SHARE Program, Marking Its 75<sup>th</sup> Anniversary.  
(Requested by Vice-Mayor Michael Góngora)
- PA6 Proclamation To Be Presented To Artzine For Their 7<sup>th</sup> Anniversary.  
(Requested by Commissioner Deede Weithorn)
- PA7 Proclamation To Be Presented To Publix For Their New North Beach Store.  
(Requested by Commissioner Deede Weithorn)

**CONSENT AGENDA**

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

**C2 - Competitive Bid Reports**

- C2A Request For Approval To Award Contracts Pursuant To Invitation To Bid No. 64-11/12, For Preventive Maintenance And Repair Services For Emergency Generators, To All Power Generators, Inc., As The Primary Vendor, And TAW Power Systems, Inc., As The Secondary Vendor, In An Estimated Annual Amount Of \$31,000.  
(Public Works/Procurement)
- C2B Request For Approval To Issue A Request For Proposals (RFP) For Call Center Services.  
(Finance Department/EOC/Procurement)
- C2C Request For Approval To Issue A Request For Qualifications (RFQ) For A Construction Manager At Risk (CMR) Firm To Provide Pre-Construction Services And Construction Phase Services Via A Guaranteed Maximum Price (GMP) Amendment For The Scott Rakow Youth Center Ice Skating Rink Mechanical Repairs And Building Renovations.  
(Capital Improvement Projects)

**C4 - Commission Committee Assignments**

- C4A Referral To The Neighborhood/Community Affairs Committee A Discussion Regarding The City Of Miami Beach Centennial, Which Will Occur On March 26, 2015.  
(City Manager's Office)
- C4B Referral To The Finance And Citywide Projects Committee, A Discussion To Consider A Request For Rent Relief From Penn 17, LLC., Regarding The Retail Space At The Pennsylvania Avenue Parking Garage.  
(Real Estate, Housing & Community Development)
- C4C Referral To The Finance And Citywide Projects Committee Of A Discussion To Consider Two Lease Agreements: One Lease With State Representative David Richardson For 690 Square Feet Of Office Space Consisting Of Suites 402A And 402B Located At 1701 Meridian Avenue; And Another Lease With Commissioner Bruno Barreiro For 412 Square Feet Of Office Space Located On The Ground Floor Of City Hall; Said Discussion To Include The Setting And Advertising Of Public Hearings For The January 16, 2013, Commission Meeting.  
(Requested by Mayor Matti Herrera Bower)  
(Legislative Tracking: Real Estate, Housing & Community Development)
- C4D Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Issuance Of A Request For Proposals For The Installation And Operation Of Citywide Automated Teller Machines At Various City-Owned Properties And Facilities, Approved By The City Commission On March 21, 2012.  
(Real Estate, Housing & Community Development)

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

- C4E Referral To Neighborhoods/Community Affairs Committee To Discuss Potential Options For Collins Canal Project.  
(Requested by Commissioner Edward L. Tobin)
- C4F Referral To The Finance And Citywide Projects Committee To Discuss Benefits For City Employees.  
(Requested by Vice-Mayor Michael Góngora)
- C4G Referral To Neighborhoods/Community Affairs Committee To Discuss Equitable Distribution Of City Resources To Beautify Neighborhoods.  
(Requested by Commissioner Edward L. Tobin)
- C4H Referral To Neighborhoods/Community Affairs Committee To Discuss Restaurant Solicitation Of Pedestrians On City Sidewalks, Particularly Ocean Drive And Lincoln Road.  
(Requested by Commissioner Edward L. Tobin)
- C4I Referral To The Land Use And Development Committee: 1) Zoning & Planning Initiatives For North Beach Area Including Ordinance Amendments For Parking Requirements And Development Regulations; 2) Transit Enhancements For North Beach; And 3) Application Of Parking Impact Fees To Satisfy Hotel Parking Requirements Outside Of Historic Districts.  
(Requested by Commissioner Jerry Libbin)
- C4J Referral To The Neighborhoods/Community Affairs Committee - Proposed Amendments To City Code Chapter 38 Regarding "Elections."  
(City Attorney's Office)
- C4K Referral To The Finance And Citywide Projects Committee - Discussion Regarding Police Athletic League (PAL) Lease.  
(City Manager's Office)
- C4L Referral To Neighborhoods/Community Affairs Committee To Discuss Building A Guardhouse At East Entrance Of Normandy Shores.  
(Requested by Commissioner Edward L. Tobin)
- C4M Referral To The Land Use And Development Committee - Discussion Pertaining To "Smarter Materials For Next Generation Infrastructure," Such As Eliminating The Disposal Of Tires In Global Landfills And Incinerators.  
(Requested by Vice-Mayor Michael Góngora)

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

- C4N Referral To Neighborhoods/Community Affairs Committee - Discussion Involving A Long Term Solution For The Ongoing Rodent Issue On 41<sup>st</sup> Street.  
(Requested by Vice-Mayor Michael Góngora)
- C4O Referral To Neighborhoods/Community Affairs Committee - Discussion Involving Citywide Lighting Conditions.  
(Requested by Vice-Mayor Michael Góngora)
- C4P Referral To The Planning Board - An Amendment To The Land Development Regulations That Will Create Protection From Total Demolition Of Architecturally Significant Single Family Homes Built Prior To 1942.  
(Requested by Mayor Matti Herrera Bower)

**C6 - Commission Committee Reports**

- C6A Report Of The Finance And Citywide Projects Committee Meeting On November 9, 2012: **Emergency Item: 1)** Discussion Regarding A Resolution Authorizing: 1) An Amendment To The NSP1 Agreement Between The City And The State Of Florida Department Of Economic Opportunity (DEO) And The Related Agreement Between The City Of Miami Beach Community Development Corporation (MBCDC) To Extend The Expiration Date Of Both Agreements To February 15, 2013; 2) To Utilize Unspent Administration Funds In The Amount Of Approximately \$248,000 To Reduce The Debt Service At The Neptune Apartments In Order To Reduce The Rents, To Modify The Project Budgets; And 3) To Modify The Corresponding Mortgages. **Old Business: 1)** Update On Proposed Municipal Marketing Program For South Pointe Park And Other Potential Municipal Marketing Partnerships. **2)** Discussion Regarding The Issuance Of Request For Proposals (RFP) For Catering And Concession Services For The Miami Beach Convention Center. **3)** Discussion Regarding Disposition Of Surplus Equipment. **4)** Discussion Regarding 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. **5)** Discussion Regarding Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinances 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; Discussion Regarding Creating A New Subsection For Pay Grade 26. **6)** Discussion Regarding The Issuance Of RFP For Call Centers And Including A Local Preference So As To Provide The Highest Level Of Service Possible. **7)** 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.

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

- C6B Report Of The Neighborhood/Community Affairs Committee Meeting Of November 19, 2012: **1)** Discussion To Enhance The Capital Project Entitled Normandy Shores Golf Course Aluminum Picket Security Fence. **2)** Discussion Regarding Licensing And Authorization Requirements For Mobile Trucks And Proposal For A City Sponsored Food Truck Festival. **3)** Quarterly Crime Statistics (Recurring Item On A Quarterly Basis). **4)** Follow Up Report On The Progress Of The Cat Network's Efforts In The City Of Miami Beach. **5)** Resolutions Authorizing Agreements With Various External Entities To Assist The City In Implementing The Action Plan To Address Potential Corruption And Misconduct: **A.** A Resolution Approving And Authorizing The City Manager And City Attorney To Negotiate An Agreement With Miami-Dade County, On Behalf Of The Miami-Dade County Office Of The Inspector General (MDCOIG), To Authorize The MDCOIG To Provide Independent Investigations Into City Practices And Operations In Order To Prevent And Detect Fraud, Waste, Financial Mismanagement, Employee Misconduct, Or Other Abuses. **B.** A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement In The Not To Exceed Amount Of \$45,000, With Miami-Dade County, Florida, On Behalf Of The Miami-Dade County Commission On Ethics And Public Trust, To Develop And Provide A Comprehensive Ethics Training Program For City Employees Who Hold Positions That Are In Regulatory Areas Of The City. **6)** Discussion Regarding Proposed Amendments To The City's Film And Print Guidelines. **7)** Discussion Regarding An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration," By Amending Article VI, Entitled "Procurement," By Amending Division 5, Entitled "Debarment Of Contractors From City Work," By Amending Section 2-397, Entitled "Purpose Of Debarment," To Provide The Purpose For Suspensions; By Amending Section 2-398, Entitled "Definitions," To Provide Additional Definitions Regarding Suspension Of Contractors; By Amending Section 2-399, Entitled "List Of Debarred Contractors," To Provide For The Additional Listing Of Suspended Contractors; By Amending Section 2-400, Entitled "Effects Of Debarment" To Provide For The Effects Of Suspension; By Amending Section 2-401, Entitled "Continuation Of Current Contracts," To Provide That Suspension May Affect The Continuation Of Current Contracts Or Bids; By Amending Section 2-402, Entitled "Restrictions On Subcontracting," To Provide For Restrictions On Suspended Contractors; By Amending Section 2-403; Entitled "Debarment," To Provide For The Suspension Of Contractors; By Amending Section 2-404, Entitled "Causes For Debarment," By Providing For An Additional Cause For Debarment When A City Contractor Is Found To Have Committed Any Offense Indicating A Lack Of Business Integrity Or Honesty That Seriously And Directly Affects The Present Responsibility Of A City Contractor, And To Provide For Causes For Suspension; By Amending Section 2-405, Entitled "Debarment Procedures," To Provide Procedures For Suspension Of Contractors; By Amending Section 4-206, Entitled "Period Of Debarment," By Providing For Periods Of Suspension And Requests For Reducing Periods Of Suspension; Providing For Repealer; Severability; Codification; And An Effective Date. **8)** Discussion Of Establishing Parasailing Safety Standards. **9)** Quarterly Reports Regarding Washington Avenue. **10)** Discussion Regarding The Various Types Of Water Sports Activities That Exist Today To Amend The 1964 Ordinance.

**C7 - Resolutions**

- C7A A Resolution Approving And Authorizing The City Manager Or Her Designee To Support A Grant Application From The Miami Beach Chamber Of Commerce's Education Foundation (Miami Beach Education Foundation), With The Miami Beach Education Foundation Serving As The Applicant And The City Of Miami Beach As A Partner, To The Health Foundation Of South Florida For Funding In The Approximate Amount Of \$200,000, For A Full Time Registered Nurse (Or Equivalent Services) To Provide Services At Treasure Island Elementary, North Beach Elementary And Ruth K. Broad Bay Harbor K-8 Center.  
(Budget & Performance Improvement)
- C7B A Resolution Setting A Public Hearing Pursuant To Miami Beach City Code Section 118-563, To Consider Granting A Certificate Of Appropriateness For The Total Demolition Of An Existing Single Story Building And The Construction Of A New 5-Story Parking Garage With Accessory Ground Level Commercial Space At 340 23rd Street (Collins Park Garage).  
(Capital Improvement Projects)
- C7C A Resolution Setting A Public Hearing To Consider Granting A Waiver Of Certain Development Regulations, Pursuant To Section 142-425(d) Of The City's Zoning Ordinance, For The Collins Park Garage Project, Located Within The Museum Historic District And Collins Park Neighborhood; Said Waiver Regarding The Maximum Building Height.  
(Capital Improvement Projects)
- C7D A Resolution Approving The Recommendation Of The Neighborhood And Community Affairs Committee To Enhance The Capital Project Entitled Normandy Shores Golf Course Aluminum Picket Security Fence.  
(City Manager's Office)
- C7E A Resolution Authorizing The City Manager To Execute A One Month Extension, From December 31, 2012 To January 31, 2013, To The Agreement For A Voluntary Employee Loan Program Through The BMG Money Loans-At-Work Program To Make Available Loans To Interested Active Employees Of The City Of Miami Beach, Further Referring Renewal Of The Agreement Versus Issuance Of A New RFP, To The Finance And Citywide Projects Committee For Their Recommendation Of The Aforstated Matter.  
(Human Resources)
- C7F A Resolution Authorizing The Donation Of FY 2010/11 And FY 2011/12 Surplus Computer Equipment In "As Is" Condition To The Miami-Dade Broadband Coalition.  
(Information Technology)
- C7G A Resolution Amending The Permit Terms Issued To The Miami Beach Senior High School Parent Teacher Association (MBSH-PTA), A Not-For-Profit Entity, To Utilize The Public Swale Area Located At Dade Boulevard, Adjacent To The School, To Provide Additional Parking From February 15-18, 2013, For The Miami International Boat Show, Through A Fundraising Event; Further Providing For An Increase In The Parking User Fee From \$20.00 To \$30.00 Per Vehicle.  
(Parking Department)

**C7 - Resolutions** (Continued)

- C7H A Resolution Approving Pursuant To Section 2-367(d) Of The Miami Beach City Code, The Sole Source Purchase Of Taser X-2 Electronic Control Devices (ECD), And All Department-Issued Accessories (Extended Warranties, Battery Packs, Holsters, Cartridges, Etc.), From DGG Taser, Inc., The Sole Manufacturer Authorized Distributor In The State Of Florida For Taser Brand Products.  
(Police Department/Procurement)
- C7I A Resolution Approving, Pursuant To Section 2-367(d) Of The Miami Beach City Code, The Sole Source Purchase Of Alliant Techsystems (ATK) Ammunition, From Florida Bullet Inc., The Sole Source Distributor In The State Of Florida, In An Amount Not To Exceed \$44,767.70.  
(Police Department/Procurement)
- C7J A Resolution Approving And Authorizing The Mayor And The City Clerk To Grant A Utility Easement To Florida Power And Light At Marjory Stoneman Douglas Park For The Installation And Maintenance Of Pad-Mounted Transformers That Will Provide For Underground Service Of The Lighting System.  
(Public Works)
- C7K A Resolution Approving And Authorizing The Mayor And The City Clerk To Grant A Utility Easement To Florida Power And Light On Lot B Of The Hibiscus Island Tract For The Installation And Maintenance Of Conduits, Switch Cabinets, And A Capacitor Bank That Will Provide For Underground Service Of The Lighting System.  
(Public Works)
- C7L A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Stormwater Pump Station And Pollution Control Structures Maintenance Memorandum Of Agreement, A Memorandum Of Agreement Regarding Off-System Construction And Maintenance Of Improvements, And A Perpetual Easement Agreement With The Florida Department Of Transportation, For The Construction Of Drainage Improvements Along 43<sup>rd</sup> Street, And Maintenance Of Pump Station And Pollution Control Structures, As Part Of The State Road A1A/Indian Creek Drive Project, From 42<sup>nd</sup> Street To 44<sup>th</sup> Street And State Road A1A/Collins Avenue/Indian Creek Drive Along 43<sup>rd</sup> Street Projects.  
(Public Works)
- C7M A Resolution Approving The Sole Source Purchase Of The Matching Trash Receptacle From Recycle Clear, The Manufacturer Of The Recycling Receptacle Provided Under The Coca-Cola Sponsorship Agreement, In The Estimated Amount \$34,400 For Fiscal Year 2012/13, And Waiving By 5/7th Vote, The Formal Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City.  
(Public Works)
- C7N A Resolution Receiving The Incentives Review And Recommendations Report From The Affordable Housing Advisory Committee.  
(Real Estate, Housing, & Community Development)



**C7 - Resolutions** (Continued)

- C7O A Resolution Approving An Assignment From Syanna, LLC., A Florida Limited Liability Corporation, As Lessee/Assignor, To Italian Food Factory, LLC., A Florida Limited Liability Corporation, As Assignee/New Lessee, Of That Certain Lease Between The City And Assignor, Dated November 17, 2010, Involving The Use Of Approximately 2,216 Square Feet Of City-Owned Property Located At 22 Washington Avenue For Use As An Outdoor Café; Said Lease Having A Commencement Date Of November 18, 2010, And Expiring On November 17, 2015, With An Option To Renew For Four (4) Years And 364 Days.  
(Real Estate, Housing, & Community Development)
- C7P A Resolution Approving The Neighborhoods/Community Affairs Committee's Recommendation To Extend The North Beach Music And Food Festival Through The End Of FY 2012/2013.  
(Tourism & Cultural Development)
- C7Q A Resolution Approving And Authorizing The Appropriation Of A Contribution From The Ocean Drive Association Of An Amount Not To Exceed \$145,000 In Support Of The Closure Of Ocean Drive For The 2012-2013 New Year's Celebration And The 2013 Bowl Championship Series (BCS) Game.  
(Tourism & Cultural Development)

**End of Consent Agenda**

**REGULAR AGENDA**

**R5 - Ordinances**

- R5A An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Section 10-11, Entitled "Running At Large Prohibited," By Extending The Pilot Program Off-Leash Area For Dogs In South Pointe Park Through And Including March 31, 2013, Providing For Repealer, Severability, Codification, And An Effective Date. **10:30 a.m. Second Reading Public Hearing**  
(Requested by Neighborhood/Community Affairs Committee)  
(Legislative Tracking: Parks & Recreation)  
(First Reading on November 14, 2012)
- R5B An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration," By Amending Article VI, Entitled "Procurement," By Amending Division 5, Entitled "Debarment Of Contractors From City Work," By Amending Section 2-397, Entitled "Purpose Of Debarment," To Provide The Purpose For Suspensions; By Amending Section 2-398, Entitled "Definitions," To Provide Additional Definitions Regarding Suspension Of Contractors; By Amending Section 2-399, Entitled "List Of Debarred Contractors," To Provide For The Additional Listing Of Suspended Contractors; By Amending Section 2-400, Entitled "Effects Of Debarment" To Provide For The Effects Of Suspension; By Amending Section 2-401, Entitled "Continuation Of Current Contracts," To Provide That Suspension May Affect The Continuation Of Current Contracts Or Bids; By Amending Section 2-402, Entitled "Restrictions On Subcontracting," To Provide For Restrictions On Suspended Contractors; By Amending Section 2-403; Entitled "Debarment," To Provide For The Suspension Of Contractors; By Amending Section 2-404, Entitled "Causes For Debarment," By Providing For An Additional Cause For Debarment When A City Contractor Is Found To Have Committed Any Offense Indicating A Lack Of Business Integrity Or Honesty That Seriously And Directly Affects The Present Responsibility Of A City Contractor, And To Provide For Causes For Suspension; By Amending Section 2-405, Entitled "Debarment Procedures," To Provide Procedures For Suspension Of Contractors; By Amending Section 4-206, Entitled "Period Of Debarment," By Providing For Periods Of Suspension And Requests For Reducing Periods Of Suspension; Providing For Repealer; Severability; Codification; And An Effective Date.  
**11:00 a.m. Second Reading Public Hearing**  
(Requested by Mayor Matti Herrera Bower)  
(Legislative Tracking: City Attorney's Office)  
(First Reading on November 14, 2012/Referred to NCAC)  
**(Memorandum & Ordinance to be Submitted in Supplemental)**
- R5C An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance Of The City Of Miami Beach, Florida, By Amending The Salary Ranges And Establishing Compensation Provisions For The City Manager And The City 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 October 24, 2012/Referred to FCWPC)

**R5 - Ordinances** (Continued)

R5D Miami Heart Institute FLUM Change And Zoning Map Change

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

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

(Requested by Applicant - 4701 North Meridian, LLC)

(Legislative Tracking: Planning Department)

(Continued from October 24, 2012)

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. Second Reading Public Hearing**

(Requested by Applicant - 4701 North Meridian, LLC)

(Legislative Tracking: Planning Department)

(First Reading on October 24, 2012)

R5E Parking District No. 5 - Sunset Harbour

An Ordinance Amending The Code Of The City Of Miami Beach, Florida By Amending 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; Providing For Codification; Repealer; Severability; Applicability; And An Effective Date. **5:15 p.m. Second Reading Public Hearing**

(Requested by Land Use & Development Committee)

(Legislative Tracking: Planning Department)

(First Reading Public Hearing on November 14, 2012/Referred to LUDC)

**R5 - Ordinances** (Continued)

- R5F An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 66, Entitled "Marine Structures, Facilities And Vehicles," By Amending Article II, To Be Entitled "Restricted Wake Zones," To Create Regulations For Restricted Wake Zones; Providing For A Purpose; Providing For Definitions; Providing For Restricted Areas; Providing For Posting Of Regulatory Markers; Providing For Exemptions; Providing For Enforcement And Penalties; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**  
(Requested by Commissioner Jorge R. Exposito)  
(Legislative Tracking: City Attorney's Office)  
**(Memorandum & Ordinance to be Submitted in Supplemental)**

**R7 - Resolutions**

- R7A Levine Memorial Bench Donation  
A Resolution Accepting The Donation From The Levine Family Of A Memorial Bench Designed By Agustina Woodgate Honoring The Community Legacy Of I. Stanley Levine, For Placement On The Nine Hundred Block Of Lincoln Road; And Further Authorizing The City Manager To Execute A Contract With The Levine Family Accepting The Donation Valued At \$40,000 And Establishing A Maintenance Reserve Account Of \$1,000 For The First Year Of Maintenance And Repairs To Said Memorial Bench. **10:15 a.m. Public Hearing**  
(Tourism & Cultural Development)
- R7B 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 October 24, 2012)  
**(Memorandum to be Submitted in Supplemental)**
- R7C A Resolution Approving The Extension Of Hours For Certain Alcoholic Beverage Establishments With A 5:00 a.m. Liquor License And Under Certain Specified Conditions Pursuant To Section 6 Of The City Code For Winter Party (March 8 - 9, 2013) And White Party (November 29, 30, 2013) As Recommended By The Land Use And Development Committee.  
(City Manager's Office)  
(Requested by Vice-Mayor Michael Góngora)

**R7 - Resolutions** (Continued)

- R7D Resolutions Authorizing Agreements With Various External Entities To Assist The City In Implementing The Action Plan To Address Potential Corruption And Misconduct:
1. A Resolution Approving And Authorizing The City Manager And City Attorney To Negotiate An Agreement With Miami-Dade County, On Behalf Of The Miami-Dade County Office Of The Inspector General (MDCOIG), To Authorize The MDCOIG To Provide Independent Investigations Into City Practices And Operations In Order To Prevent And Detect Fraud, Waste, Financial Mismanagement, Employee Misconduct, Or Other Abuses.
  2. A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement In The Not To Exceed Amount Of \$45,000, With Miami-Dade County, Florida, On Behalf Of The Miami-Dade County Commission On Ethics And Public Trust, To Develop And Provide A Comprehensive Ethics Training Program For City Employees Who Hold Positions That Are In Regulatory Areas Of The City.  
(Human Resources)
- R7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No 1 To An Employment Agreement Between The City And Kathie G. Brooks, Extending Ms. Brooks' Engagement As City Of Miami Beach Interim City Manager For An Additional Three (3) Month Period, Commencing On January 8, 2013, And Ending On April 30, 2013.  
(City Attorney's Office)
- R7F A Resolution Adopting The Official Certificate Of The Miami-Dade Canvassing Board For The Final Results Of The November 6, 2012 Special Election For The City Of Miami Beach, And Declaring The Final Results Thereof.  
(City Attorney's Office/City Clerk's Office)
- R7G A Resolution Ratifying And Confirming The Appointment Of Rafael E. Granado As The City Clerk For The City Of Miami Beach, Florida.  
(City Attorney's Office)
- R7H A Resolution Approving Special Event Permit No. 201377 For WMC DJ Mag, Produced By Jonathan Cowan Productions, LLC, From March 20, 2013 To March 24, 2013, As Well As Load-In And Load-Out.  
(Tourism & Cultural Development)
- R7I A Resolution Accepting The Recommendation Of The Marine Authority Board At Its October 9, 2012 Meeting For The City Commission To Consider A No Wake Zone Ordinance And Referring The Proposed No Wake Zone Ordinance To The Neighborhoods/Community Affairs Committee For Its Further Consideration.  
(Requested by Commissioner Jorge R. Exposito)  
(Legislative Tracking: City Attorney's Office)

**R7 - Resolutions** (Continued)

- R7J A Resolution Urging The State Attorney Katherine Fernandez Rundle To Aggressively Prosecute The Criminals That Are Perpetrating Crimes In The Normandy Shores Neighborhood And Requesting That The Chief Judge Joel Brown Of The Eleventh Judicial Circuit Court In And For Miami-Dade County Give Due Consideration To The Administration Of Such Matters In The Interest Of Victims' Rights.  
(Requested by Commissioner Jerry Libbin)  
(Legislative Tracking: City Attorney's Office)
- R7K A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee At Its November 9, 2012 Meeting To Consider The Attached Ordinance Amending The Salary Ranges And Providing For Such Other Terms, Conditions, And Benefits As The City Commission May Deem In The Best Interest Of The City.  
(City Attorney's Office)
- R7L A Resolution Approving The Recommendation Of The City Manager To Shortlist The Two (2) Top Ranked Proposers Of Portman CMC And South Beach Ace Which Will Proceed To Phase II Of Request For Qualifications (RFQ) No. 22-11/12 For A Public-Private Mixed-Use Development In Miami Beach For The Enhancement Of The Miami Beach Convention Center Campus/District, Including The Expansion Of The Miami Beach Convention Center And Development Of A Convention Center Hotel (The RFQ); Authorizing The City Manager To Negotiate Letters Of Intent (LOI's) With The Respective Shortlisted Proposers; And Further Providing That The Negotiated LOI's And Master Plan(s) Developed By The Respective Proposers Be Brought Back To The Mayor And City Commission At A Future Date For Further Action.  
(City Manager's Office)
- R7M ROW Infrastructure Improvement Program - Central Bayshore
1. 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 Lanzo Construction Co., Florida, For The Construction Of The City Of Miami Beach Right Of Way Infrastructure Improvement Program, Neighborhood No. 8 Central Bayshore (Package A) And Lake Pancoast (Package C); Dated April 8, 2011 (The Contract), In The Not-To-Exceed Amount Of \$306,194 To Provide Complete Milling And Resurfacing Of The Roadway In Lieu Of Asphalt Overlay For Certain Areas Within Package A, North Of 34 Street To 41 Street Between Alton Road And Meridian Avenue; And Package C, 25 Street, 26 Street And Flamingo Drive North Of 25 Street; With Currently Appropriated Funding In The FY 2012/13 Capital Budget, In The Amount Of \$278,358 For Construction, And \$27,836, For Contingency, For A Grand Total Of \$ 306,194.
  2. A Resolution Approving An Increase To The Base Construction Contract Value, For The Right-Of-Way Infrastructure Improvement Program - Neighborhood No. 8 - Central Bayshore (Package A) And Lake Pancoast (Package C), In The Amount Of \$415,450 For Additional Water Meter Boxes And Relocation Of Backyard Water Services; From Previously Appropriated Funding From Fund 424 - Water And Sewer Bonds 2000 Series.  
(Capital Improvement Projects Office)

**R7 - Resolutions** (Continued)

- R7N Convention Center Management And Catering Solicitation
- 1 A Resolution Authorizing The Issuance Of A Request For Proposals (RFP) For Management And Operation Of The Miami Beach Convention Center, And/Or To Provide Catering And Concession Services For The Convention Center, As Recommended By The Finance And Citywide Projects Committee.
  2. A Resolution Authorizing The Issuance Of An Invitation To Negotiate (ITN) For Management And Operation Of The Miami Beach Convention Center, And/Or To Provide Catering And Concession Services For The Miami Beach Convention Center.  
(Tourism & Cultural Development)

**R9 - New Business and Commission Requests**

- R9A Board And Committee Appointments.  
(City Clerk's Office)
- R9A1 Board And Committee Appointments - City Commission Appointments.  
(City Clerk's Office)
- R9B1 Dr. Stanley Sutnick Citizen's Forum. (12:30 p.m.)  
R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)
- R9C Discussion Regarding Preparing A Directive To Federal Legislature Lobbyist, Asking Them To Promote A Federal Windstorm Program.  
(Requested by Commissioner Jorge R. Exposito)  
(Item not reached in November 14, 2012)
- R9D The Committee Of The Whole Will Meet During Lunch Recess Of The December 12, 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)
- R9E Discussion Regarding The Condition Of The Stones In The 1100 Block Of Lincoln Road.  
(Requested by Commissioner Jonah Wolfson)
- R9F Discussion To Consider A Potential Development Of The Parking Lot Between 72<sup>nd</sup> And 73<sup>rd</sup> Street Of Collins Avenue.  
(Requested by Commissioner Jerry Libbin)

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

- R9G Discussion To Consider An RFP For The Development Of The West Lots Between 79<sup>th</sup> Street To 87<sup>th</sup> Street Of Collins Avenue.  
(Requested by Commissioner Jerry Libbin)
- R9H Discussion To Revisit The Absolute Necessity For Mass Transit Connectivity From The Mainland To Miami Beach.  
(Requested by Commissioner Jerry Libbin)
- R9I Discussion Regarding The Creation Of Procedures To Provide A 24 To 48 Hour Notification To Homeowners Prior To Water Being Shut Off Due To Non-Payment.  
(Requested by Commissioners Jorge R. Exposito And Edward L. Tobin)
- R9J Discussion Regarding The Seawall Along Historic Collins Canal And Employee Accountability.  
(Requested by Commissioner Edward L. Tobin)
- R9K Discussion On The Florida Statutes Regarding License Plates.  
(Requested by Commissioner Jorge R. Exposito)
- R9L Discussion Regarding The Sudden Ticketing Of Vehicles With License Plate Covers.  
(Requested by Vice-Mayor Michael Góngora)

**R10 - City Attorney Reports**

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

**Reports and Informational Items**

Reports and Informational Items (see LTC No. 314-2012)

**End of Regular Agenda**