

MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
November 14, 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. Granado

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 9:52:35 a.m.

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

Pledge of Allegiance led by David Kelsey.

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

SUPPLEMENTAL MATERIAL 1:

C7D Resolution
C7F Resolution
C7I Resolution
C7J Resolution
C7N Resolution
R5D Ordinance
R7H Memorandum

SUPPLEMENTAL MATERIAL 2:

C7H Resolution
R7B Memorandum
R7H Resolution
R9C Memorandum
R9H Resolution
1B Memorandum
1C Memorandum & Resolution

ADDENDUM MATERIAL 1:

R9J R9K

ADDENDUM MATERIAL 2:

R7I

ADDENDUM

Motion made by Vice Mayor Góngora to add R7I, R9J and R9K to the Agenda as emergency items; seconded by Commissioner Exposito; Voice vote: 6-0; Absent: Commissioner Wolfson.

Presentations and Awards**9:57:55 a.m.**

PA1 Certificate Of Appreciation To Be Presented To Outstanding Citizens: Drs. Robert Lopez And Leilany Irizarry.

(Requested by Commissioner Jorge R. Exposito)

ACTION: Certificates presented.

Commissioner Exposito commended Drs. Robert Lopez and Leilany Irizarry for their extraordinary and thoughtful efforts in maintaining the environment and enhancing the appearance of the Middle Beach community; and on behalf of the City Commission, they are being recognized for setting an example to the rest of the community.

Dr. Robert Lopez explained how he and his wife, who could not be here today, began to take over this project over a year ago, to set an example to their children - an example of responsibility to the community, and more importantly to the environment. He stated that they have an obligation and a commitment to the environment, and through actions we can all ensure a better tomorrow for future generations. Dr. Lopez added that he would like to see more recycling bins throughout public areas, and that he will continue with this activity.

10:05:05 a.m.

PA2 Certificates Of Appreciation To Be Presented To The Miami Beach Police Department's Officers Of The Month For September And October 2012.

(Requested by Commissioner Jorge R. Exposito)

ACTION: Certificates presented.

Commissioner Exposito introduced the item and explained that Officer Villa was involved in a burglary in progress on San Marino Island. He explained the incident in which Officers Villa and Patterson were involved, and stated that because of their quick response and keen observation, a residential burglar was taken off the street, one who had been victimizing the neighbors in the Venetian Islands. He also recognized Officers Eddy Patterson, Denny Hernandez and Detective Garcia for their services and efforts.

10:02:29 a.m.

PA3 Certificate Of Recognition To Be Presented To Detective Vivian Hernandez For Her Involvement In Promoting Breast Cancer Awareness Month In October.

(Requested by Commissioner Jorge R. Exposito)

ACTION: Certificate presented.

Commissioner Exposito explained the item and recognized Commissioner Weithorn for her efforts in raising cancer awareness in her own battle with cancer. He recognized Detective Hernandez

for coordinating and attending different events to raise awareness for Breast Cancer Awareness and explained how incredibly busy she was during the month of October in order to raise awareness for this excellent cause. On behalf of himself, Mayor Bower and the rest of his colleagues, he would like to recognize her for her dedication in doing such a wonderful job and in raising funds.

Police Chief Martinez explained that Detective Hernandez has done an incredible job, and explained that a couple of years ago she spearheaded the idea of a "pink police car" to raise awareness of breast cancer.

Handout or Reference Materials:

1. List of recipients

10:07:09 a.m.

PA4 Presentation Of The Aetna Voices Of Health 1st Place Contest Prize Of \$30,000 Which Will Be Used To Address The Shortfall Of Healthcare In Our Schools.
(Requested by Commissioner Jerry Libbin)

ACTION: Presentation made. Item heard in conjunction with PA10.

Commissioner Libbin introduced Noemi Alarcon to explain the National Program introduced by Aetna.

Noemi Alarcon, Director of Community Relations, Aetna for the Southeast Region, stated that one of the things they do in the healthcare industry is trying to humanize what they do as an industry, and they bring the community to Aetna and Aetna to the community. She explained that they created the Voices of Health last year as a result of their support of the Martin Luther King, Jr., National Memorial, and to continue that legacy, they chose agencies across the country to honor that commitment to the community. The Miami Chamber Education Foundation was one of the chosen ones, and they will receive a \$35,000 award to support the public school system. She presented the check to Alan Lips.

Alan Lips, Chairman of the Miami Beach Chamber of Commerce, stated that the non-for profit organization, Miami Beach Chamber Education Foundation, is dedicated to improving the lives of children in the community. Mr. Lips added that the foundation has contributed hundreds of thousands of dollars to improve educational opportunities for Miami Beach students by providing annual scholarships to seniors graduating from Miami Beach High each year. In addition, the Foundation has contributed annually to the City of Miami Beach to assist in the funding of teacher training for the IB Program, providing \$9,000 earlier this year alone. At the request of the City Commission, a Joint Task Force was formed with the City's Quality Education Committee to commence studying how best to address the schools' healthcare needs. Shortly thereafter, Noemi presented the Chamber with the opportunity to compete in the Aetna Voices Health competition, and if successful 100% of the proceeds would be dedicated to addressing the shortfall in healthcare in local schools. He recognized Aaron Perry, past Chairman of the Board, Jeff Cohen, Fontainebleau and many others who were in support of this program, and presented the check.

Commissioner Libbin also recognized Maria Delgado, Dr. Karp's Office School Board member, Gloria Barnes, Principal at Treasure Island, Maria Rodriguez, Principal at Ruth K. Broad Bay Harbor, Heidi Tandy, Committee for Quality Education, Chair; Monique Moore-Ramos, representing Dr. Gorsky, from The Children's Trust, Rosa Neely, PTSA Treasure Island, Sofia Emuriel, PTSA Treasure Island and QEC, Tiva Lesser, PTSA North Beach Elementary and Leslie Rosenfeld, QEC Liaison. He explained the money will be given to the schools directly or the

Children's Trust.

Mayor Bower requested that the City Commission be kept informed as to the proceeds distribution.

Alan Lips recognized Dr. Rosanne Sidener for her dedication to Miami Beach High and the community, and announced that through the efforts of Past Chairman Aaron Perry and members of the School Board, approval was officially given to name the drive to Miami Beach High "Dr. Rosanne Sidener Way."

Mayor Bower explained that Miami Beach has a very special education system, and through the Miami Beach Educational Foundation, funds have been raised to support the school system, and private partnership is essential to continue the goal to provide each child in Miami Beach equal educational opportunity. She proclaimed today, November 14, 2012, "Miami Beach Education Foundation Day."

Handout or Reference Materials:

1. List of recipients

10:21:03 a.m.

PA5 Presentation Of The Stepping Out For The Arts Luncheon Grant Of \$30,000, To Benefit Miami Beach Local Artists Through The Cultural Arts Council.

(Requested by Commissioner Jerry Libbin)

ACTION: Presentation made.

Commissioner Libbin introduced the item and asked Mr. Breslin to introduce the members and announce this year's gala.

Ray Breslin explained how he became involved with raising funds to benefit the Cultural Arts Council, and stated that in 2012 they successfully partnered with Arts and Business Council, to honor their Arts Heroes plus giving a Patron of the Art Award to Mark Steinberg and Denis Edwards this year. He introduced the committee; Honorary Chair Commissioner Jerry Libbin, Laura Bruney, Harvey Burnstein, James Echols, Luis Iglesias, Matt Knobel, Gerold Seroy and Ted Vancleave.

He recognized the sponsors: the City of Miami Beach, the Greater Miami Beach Visitors and Convention Bureau, South Beach Group Hotels, The Shoreclub, The Shelborne, Perry South Beach, JMH Development, Greenberg Traurig Law Firm, Jerry Libbin himself, Collins Park Neighborhood Association and many others. He especially thanked the Leroy Schecter Foundation for their donations.

Harvey Burnstein, Chair of the Miami Beach Arts Trust and publisher of MiamiArtZine, presented a check for \$30,000.

Gary Farmer, Head of Cultural Affairs Department, spoke.

10:27:07 a.m.

- PA6 Certificate Of Recognition To Be Presented To The Opium Group For Their Long Standing Commitment To The Senior Citizens Of Miami Beach In Hosting An Annual Halloween Bash.
(Requested by Vice-Mayor Michael Góngora)

ACTION: Certificate presented.

Vice-Mayor Góngora recognized the Opium Group as one of the best corporate citizens in Miami Beach. He introduced representatives Vanessa Menkes and Bridgette Stearnshine. Opium Group has been recognized by People, Times, Harper's Bazaar, and Travel and Leisure magazines, as well as The New York Times, and many other local publications, for drawing A-list celebrities and international jet-setters to the various Miami Beach locations. Managing partners Eric Milon, Roman Jones and Francis Milon created a force of hospitality, design and ambiance for their clubs. But today, Opium Group is being recognized for the quiet service that often goes unnoticed. While many do not know this, they are constantly there for Miami Beach whenever the City calls upon them or need them. For the past four years, the Opium Group has opened its doors to the senior citizens of Miami Beach. During this past Halloween, the Opium Group hosted the Halloween Bash at Mansion, attended by over 300 seniors this year. In addition, the Opium Group donates to many South Florida non-profit organizations throughout the year. Further, Opium Group has been a regular participant in the annual Miami Beach Clean Up. Vice-Mayor Michael Góngora expressed his gratitude for all they do for the community.

Vanessa Menkes thanked the City Commission for the recognition, and added that it is an honor to serve the community.

Commissioner Wolfson added that the Halloween Bash was an idea that developed from the previous Administration and is a wonderful event.

10:34:14 a.m.

- PA7 Certificates Of Appreciation To Be Presented For Commissioner Tobin's Passion Awards, To City Of Miami Beach Employees That Have Passionately Worked On The Sunrise Plaza Project: Elizabeth Wheaton, Elizabeth Estevez, Hermes Diaz And Marvin Serria From The Public Works Department; Millie McFadden, Phillip Knowles And Rhonda Gracie From The Parks & Recreation/Greenspace Management Division; And Julio Blanco From The Police Department.
(Requested by Commissioner Edward L. Tobin)

ACTION: Certificates presented.

Commissioner Tobin introduced the item and recognized Officer Julio Blanco. Officer Blanco personifies the new generation of police officers who have the ability to be strong and work hard, while being thoughtful and helpful to all residents. He goes the extra mile to take care of the North Beach neighborhood, and this Certificate of Appreciation is presented to him for the passion he has during the performance of his duties.

Officer Blanco thanked the City Commission and also recognized community leaders, such as Deborah Ruggiero, with Team Job Corp.

Commissioner Tobin also recognized for their passion in giving to the City the following individuals: Elizabeth Wheaton, Elizabeth Estevez, Hermes Diaz, Marvin Serria from the Public Works Department; Millie McFadden, Phillip Knowles and Rhonda Gracie from the Parks & Recreation/Greenspace Management Division, and for the work on the Sunrise Plaza Project.

Commissioner Tobin announced that the City will open Sunrise Plaza on November 15, 2012 at 5:30 p.m., and neighbors are invited to participate in music, treats and the opening of this

amenity.

10:40:01 a.m.

PA8 Certificates Of Appreciation To Be Presented To Miami Beach Lifeguard Alex Montero For Creating "Montero Good Grades Incentive Program" And Acknowledging Program Sponsors: Whole Foods Market South Beach And The Miami Heat.
(Requested by Commissioner Edward L. Tobin)

ACTION: Certificates presented.

Commissioner Tobin stated that he met Alex Montero a couple of years ago at the Normandy Shores Pool. He has been a lifeguard with the City for seven years. Alex grew up on Miami Beach and attended Miami Beach High. He is devoted to his community, and always thinking of ways to encourage children's education. He actually came up the "Good Grade Initiative," linking teaching teenagers how to swim if their grades improved, which proved to be successful. The Montero Good Grade Incentives Program allocates incentives using a rewards system by having local businesses and enterprises sponsor awards given to the City of Miami Beach Teen Club. He recognized Alex for his dedication to the community, and to the sponsors such as Whole Foods Market, Jordan Wolf, the Miami Heat and William Sonoma among others.

Alex Montero thanked the City Commission for the recognition.

Sol Macarena, from Whole Foods Market, spoke.
Jordan Wolf, Whole Foods Market South Beach, spoke.
Andrea Ellis, from William Sonoma, spoke.

Alex Montero thanked Julio Magrisso, Assistant Director of Parks and Recreation, for encouraging him on this project.

10:47:26 a.m.

New Item:

PA9 Certificates Of Recognition/Rodolfo Robinson And Jorge Zulaga, From UNIDAD.
(Requested by Commissioner Jonah Wolfson)

ACTION: Certificates presented.

Commissioner Wolfson explained the item.

Rodolfo Robinson explained how UNIDAD gave him the opportunity to learn new skills, and thanked Jorge Zulaga, First Class Parking Services, for providing him with a job.

Jorge Zulaga, President, First Class Parking Services, spoke.

Margarita Cepeda, Executive Director, UNIDAD, explained that Raymond Adrian is not in the audience today, as he is in Peru attending his son's wedding. She also informed that UNIDAD has been awarded one-quarter of a million dollars for meals at the Senior Center. Also Alliance for Aging awarded the Center \$282,000 for 191 more meals, 20 kosher meals at the Senior Center, and the program will be up and running by January 1, 2013.

Discussion held.

Mara Mignardi, Director of UNIDAD, spoke.

Commissioner Libbin congratulated UNIDAD and First Class Parking for partnering and also recognized Jorge Zulaga for another community benefit that the City is about to receive. He explained that as of Saturday, during "Small Business Saturday" First Class Parking would be honoring a 20% discount at all Miami Beach valet parking locations, with the use of the InCard, which can be easily downloaded. He thanked him for his participation.

10:17:07 a.m.

New Item:

PA10 Proclamation Presented Proclaiming November 14, 2012 "Miami Beach Foundation Education Day" In The City Of Miami Beach.

(Requested by Mayor Bower)

ACTION: Proclamation presented. Item heard in conjunction with PA4.

CONSENT AGENDA

ACTION: Motion made by Vice Mayor Góngora to approve the Consent Agenda; seconded by Commissioner Exposito; Voice-vote: 6-0; Absent: Commissioner Wolfson.

C2 - Competitive Bid Reports

C2A Request For Approval To Award Contracts Per Group As Follows: Groups I And III - A-1 Fire And Security, LLC; Group II - Triangle Fire, Inc.; Groups V And VI - All Fire Services, Inc.; Group VII - Fire Alarm Systems And Security, Inc.; Group VIII: A-1 Fire And Security, LLC, Advance Fire Security, Inc., All Fire Services, Inc., Fire Alarm Specialists, Inc. (DBA Fire Alarms And Sprinklers), Fire Alarm Systems And Security, Inc., National Fire Protection, LLC, Triangle Fire, Inc., And Tri-City Electric Co. Inc., Pursuant To Invitation To Bid (ITB) No. 48-11/12, For Citywide Fire Safety System Inspection, Testing, Repair And Monitoring Services, In The Annual Estimated Total Amount Of \$61,736.

(Property Management/Procurement)

ACTION: Request authorized. **Fred Beckmann and Alex Denis to handle.**

C2B Request For Approval To Award A Contract Pursuant To Invitation To Bid No. 61-11/12, For Waterway Resource Maintenance, With Adventure Environmental, Inc., (AEI) In An Estimated Annual Amount Of \$115,999.92.

(Public Works/Procurement)

ACTION: Item separated for discussion by Commissioner Tobin. Request authorized. Motion made by Commissioner Weithorn; seconded by Vice Mayor Góngora: Voice vote; 5-0; Absent: Commissioners Exposito and Tobin. **Fred Beckmann to handle.**

C4 - Commission Committee Assignments

C4A Referral To The Land Use And Development Committee - Discussion Of The City's Draft Tree Ordinance Prepared By The Parks And Recreation Department's Green Space Management Division.

(City Manager's Office)

ACTION: Referred: Richard Lorber to place on the committee agenda. **Kevin Smith to handle.**

C4B Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Traffic Flow On 1st Street, In The Area East Of Alton Road And West Of Washington Avenue.

(Requested by Commissioner Deede Weithorn)

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

C4C Referral To The Finance And Citywide Projects Committee - Discussion Concerning The Lease For The Miami-Dade Gay And Lesbian Chamber Of Commerce Foundation Located At Historic City Hall At 1130 Washington Avenue.

(Requested by Vice-Mayor Michael Góngora)

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

C6 - Commission Committee Reports

C6A Report Of The Capital Improvement Projects Oversight Committee Meeting Of September 10, 2012: **1)** Attendance. **2)** Review And Acceptance Of Minutes. **3)** Public Comments. **4)** Old Business/Requested Reports: **4A)** North Beach Neighborhoods: **4A1)** Status Report: Normandy Isle Neighborhood Improvements. **4A2)** Status Report: Biscayne Point Neighborhood Improvements Project. **4B)** Middle Beach Neighborhoods: **4B1)** Status Report: Central Bayshore Improvements. **4B2)** Status Report: Lake Pancoast Improvements. **4B3)** Status Report: Sunset Islands I & II. **4B4)** Status Report: Sunset Island III & IV. **4B5)** Status Report: Lower North Bay Road. **4C)** South Beach Neighborhoods: **4C1)** Status Report: Venetian Islands Neighborhood Improvement Project. **4C2)** Status Report: Palm & Hibiscus Island Neighborhood Improvements & Utilities Undergrounding. **4C3)** Status Report: South Pointe Phase III, IV, & V Neighborhood Improvement Project. **5)** Commission Items: **5A)** A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Guaranteed Maximum Price (GMP) Amendment No. 1 To The Pre-Construction Services Agreement With The Weitz Company, Dated April 5, 2012, For Construction Management At Risk Services For The South Pointe Park Pier Project, In The Amount Of \$4,809,017 With Funding For This Amendment Previously Appropriated As Follows: \$1,442,417 From The South Pointe Capital Fund 389; And \$3,366,600 From The South Pointe CDT Agreement Rev/Municipal Resort Tax Fund 388. **5B)** A Resolution Accepting The Recommendation Of The Interim City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 38-11/12, For Professional Engineering Services To Provide, On An "As-Needed" Basis, Construction Management Support Of Right-Of-Way Capital Improvement Projects; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Conclusion Of Successful Negotiations By The Administration With The Three Top-Ranked Proposers: CDM Smith, Inc., Atkins North America, Inc., And AECOM Technical

Services, Inc. As The Primary, Secondary, And Tertiary Firms Respectively; And Should The Administration Be Unable To Negotiate An Agreement With Any Of The Top-Ranked Firms, Authorizing The Administration To Negotiate With The Fourth-Ranked Firm Of PCL/Pirtle, A Joint Venture, As The Tertiary Firm.

ACTION: Item separated for discussion by Commissioner Tobin Motion made by Commissioner Weithorn; seconded by Vice Mayor Góngora: Voice vote; 5-0; Absent: Commissioners Exposito and Tobin.

Item No. 1: Attendance.

See attendance sheet copy attached.

Item No. 2" Review And Acceptance Of Minutes.

MOTION: Acceptance of Report (Minutes) of the July 16, 2012 CIPOC Meeting.

MOVED: D. Kraai 2nd: T. Trujillo

PASSED: UNANIMOUS

Item No. 3: Public Comments.

No one came forward with public comments

Item No. 4: Old Business/Requested Reports:

Item No. 4A: North Beach Neighborhoods:

Item No. 4A1: Status Report: Normandy Isle Neighborhood Improvements.

Status Report: Normandy Isle Neighborhood:

Mattie Reyes, Senior Capital Projects Coordinator reported that the relocation of the Royal palms on Bay Drive is complete, additional new landscaping will be installed by the Parks and Recreation Department, through Greenspace Management. The lighting on Marseille Drive is complete.

Lockwood, Andrews & Newman (LAN) submitted proposals which are under review for the swales, aprons and pavers.

Item No. 4A2: Status Report: Biscayne Point Neighborhood Improvements Project.

Status on Biscayne Point Neighborhood Improvement Project: Carla Dixon explained that timeline for completion of the overall project is on track for September 2013. At the time of the meeting, 80% of the water-main installations were complete, with 98% on Stillwater and 95% on Biscayne Beach.

Two of the three hot spot drainage locations are complete. At the time of the meeting, the third well was being drilled.

The lighting is installed on Biscayne Point Island; the City awaits FPL to energize the lamps. New light pole bases are being installed on Stillwater Drive. Crews are repairing and installing sidewalks on Biscayne Point Island. Schwebke Shiskin (a firm hired from a rotational list to survey concrete flatwork) performed a survey of the sidewalk and curb & gutter repair and work to be done and they found the work being done to replace and repair sidewalks on the island to be within the budgeted amount.

The brick pavers on the bridge to the island should be completed this December. Hardscape design is currently under review by the Public Works Department.

Albert Dominguez, of DMSI, Inc, spoke about the work being done. He stated that 50% of the drainage had been completed on Stillwater Drive and three weeks of heavy construction was anticipated to follow, then work would continue on reconstruction of curb and gutter, then the

installation of shade trees and road resurfacing. In response to a question by Saul Gross as to when Stillwater Drive would receive first lift of asphalt, Mr. Dominguez stated that Stillwater Drive will require some additional reconstruction work before the final paving is done. Some additional roadwork, including widening and some landscaping areas will go in first. The newest cross-section design eliminated the bump-outs so there is no loss of parking. Mr. Dominguez promised that work on Biscayne Point Island will be complete by the end of the year, Stillwater shortly after that and Biscayne Beach and all of the close out for all three areas by September, 2013.

Item No. 4B: Middle Beach Neighborhoods:

Item No. 4B1: Status Report: Central Bayshore Improvements.

Status Report: Central Bayshore Improvements:

Maria Hernandez, Senior Capital Projects Coordinator said that the project is 35% complete overall, with 100% of the water main installation done. 15% of the drainage, which includes five pump stations, is complete.

The additional scope, labeled as Phase 2 of the project, which was approved at the last Commission meeting, includes additional drainage and other improvements. This work will take place in the area of 34 Street south to 28 Street, between Pine Tree Drive and Prairie Avenue. More landscaping is also included.

Saul Gross asked about integration with the Par3 golf course. Bert Cabanas, Capital Projects Coordinator spoke about the project, including the fact that a sidewalk extension will be installed to connect the high school to the Scott Rakow Youth Center. The City anticipates being able to secure the Guaranteed Maximum Price by the end of the year, with construction to take less than one year. Anticipated completion of the Par3 is September 2013.

Item No. 4B2: Status Report: Lake Pancoast Improvements.

Status Report: Lake Pancoast Improvements:

Maria Hernandez, Senior Capital Projects Coordinator said that 100% of the drainage work is complete in this historic section of Bayshore. Now the contractor is installing landscape and hardscape. All the pump stations will be completed by December. The paving, brickwork and roundabout will be completed by the end of the year.

Item No. 4B3: Status Report: Sunset Islands I & II.

Status Report: Sunset Islands I & II:

Maria Hernandez, Senior Capital Projects Coordinator said that 100% of the water mains are installed on both islands. All the homes on Sunset Island 2 are now connected to the new water line. 93% of the drainage structures are installed.

Utility conflicts are of major concern in this project. Maria anticipates that the project will be completed by the end of April 2013, barring any additional issues in the coordination with utility companies.

Nelson Liberti, of DMSI, spoke about the occurrences of muck on the islands. He said it was bad on the east side of the island.

Elizabeth Camargo spoke about her experience as a resident on the islands. She stated that conditions have been muddy and dusty, but overall the construction has moved along well. She asked further about the responsiveness of AT&T. Maria Hernandez explained that it has been difficult to work with the utility companies because they have not been responsive and are being uncooperative. The discussion continued on the difficulties of working with the utility companies because if they are slow and/or unresponsive, it causes delays for the contractor. There was also discussion about the current requirements of the franchise agreements with utilities.

Item No. 4B4: Status Report: Sunset Island III & IV.**Status Report: Sunset Islands III & IV:**

Rick Saltrick, Acting City Engineer said that the design criteria professional, CT3S is expected to complete the design criteria package by the end of the year. The Homeowners Association (HOA) will vote by ballot in December and on whether they want to underground the utilities. They have estimates of probable cost from all three utilities.

Item No. 4B5: Status Report: Lower North Bay Road.**Status Report: Lower North Bay Road:**

Maria Hernandez told the Committee that the work on Lower North Bay Road will begin before the end of the year. The road will not be increased in width and all the utilities remain above ground. The contractor is Trans Florida Development.

Robert Rabinowitz confirmed that the residents of Lower North Bay Road have decided not to proceed with the placement of undergrounding and are making no provisions to do this in the future

Item No. 4C: South Beach Neighborhoods**Item No. 4C1: Status Report: Venetian Islands Neighborhood Improvement Project.****Status Report: Venetian Island Neighborhood Improvement Project:**

Roberto Rodriguez, Capital Projects Coordinator, explained that the project is in the bidding process. Potential bidders made many inquiries. The City has requested an extension to perform additional boring and utility identification.

Target construction start is early next year.

Item No. 4C2: Status Report: Palm & Hibiscus Island Neighborhood Improvements & Utilities Undergrounding.**Status Report: Palm & Hibiscus Island Undergrounding:**

Mattie Reyes, Senior Capital Projects Coordinator, said that the DCP documents are to be submitted by the end of September. While waiting for the DCP, the City is advertising in October to pre-qualify bidders. Up to four design/build firms will be selected and they are to submit proposals.

Item No. 4C3: Status Report: South Pointe Phase III, IV, & V Neighborhood Improvement Project.**Status Report: South Pointe Phase III, IV & V Neighborhood Improvement Project:**

Carla Dixon, Capital Projects Coordinator, said that water distribution system has been 80% installed and the added 12" water line on Ocean Drive is at about 30% complete. Contractor is transferring services. The Stormwater system is complete and undergoing testing. All inspections have passed. The pump station at Washington Avenue and South Pointe Drive has been energized. The entire drainage system will be in operation by January 2013.

The landscaping is 90% complete. The final lift of asphalt will be placed after the stormwater testing is complete. Landscaping is moving from the south to the north. This project will be 100% complete by next summer.

Item No. 5: Commission Items: 5A) A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Guaranteed Maximum Price (GMP) Amendment No. 1 To The Pre-Construction Services Agreement With The Weitz Company...

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

MOVED: S. Kilroy 2nd: E. Camargo

PASSED: UNANIMOUS

5 5B: A Resolution Accepting The Recommendation Of The Interim City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 38-11/12

MOTION: Recommend to the Mayor and Commission to pass the resolution. With Revision: Additional recommendation that the Top-ranked firm of CDM appear before Commission to explain and qualify their position to advise the City not to move forward in construction of the Coast Guard Booster Pump Station

MOVED: T. Trujillo 2nd: R. Rabinowitz

PASSED: 5 IN FAVOR / 1 OPPOSED: D. Kraai / 1 ABSTAINED: C. Cuervo

C6B Report Of The Land Use And Development Committee Meeting Of November 5, 2012: **I. Items For Withdrawal: 1. Discussion Regarding The Re-Zoning Of The Property At 1729 Lenox Avenue. II. Regular Agenda: 1. a) Proposed Parking District #6 For The Alton Road Corridor. 1. b) Proposed Alton Road Historic District Buffer Overlay. 2. Discussion Regarding A Resolution By The Historic Preservation Board To Modify The Code Governing The Voluntary Designation Of Single Family Homes. 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 Of RFP For Tennis Maintenance And Bifurcating Maintenance And Operations. 6. Discussion Regarding Miami Beach United Resolutions To Address The Issue Of Compatibility Of Certain Uses In Proximity To Residential Uses, To Create Safeguards While Still Allowing For Flexibility Of Development. 7. Discussion Regarding The Environmental Impacts Of Artificial Turf. 8. Discussion Concerning The Motion Regarding Hours Of Operation For Clubs And Bars During Special LGBT Events Passed By The LGBT Business Enhancement Committee. 9. Discussion Regarding Food Trucks On Private Property.**

ACTION:

Item No. I: Items For Withdrawal: 1. Discussion Regarding The Re-Zoning Of The Property At 1729 Lenox Avenue. II. Regular Agenda.

WITHDRAWN. (Not to be placed back onto LUDC agenda without a new referral approved by City Commission.)

Item No.1a: Proposed Parking District #6 For The Alton Road Corridor.

DEFERRED TO DECEMBER 19, 2012

Item No. 1b: Proposed Alton Road Historic District Buffer Overlay.

DEFERRED TO DECEMBER 19, 2012

Item No. 2b. Discussion Regarding A Resolution By The Historic Preservation Board To Modify The Code Governing The Voluntary Designation Of Single Family Homes.

MOTION: Libbin/Góngora: (2-0) Refer to Planning Board.

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

DEFERRED TO DECEMBER 19, 2012

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

DEFERRED TO DECEMBER 19, 2012

Item No. 5b: Discussion Of RFP For Tennis Maintenance And Bifurcating Maintenance And Operations.

DEFERRED TO DECEMBER 19, 2012

Item No. 6b: Discussion Regarding Miami Beach United Resolutions To Address The Issue Of Compatibility Of Certain Uses In Proximity To Residential Uses, To Create Safeguards While Still Allowing For Flexibility Of Development.

MOTION: Libbin/Góngora: (2-0) Staff to do a further analysis of areas that have sidewalk cafes and bring back information and recommendation regarding different neighborhoods, to be brought back for the December meeting.

MOTION: Libbin/Góngora: (2-0) Staff to further analyze the MBU resolution and bring back to the next LUDC meeting.

Item No. 7: Discussion Regarding The Environmental Impacts Of Artificial Turf.

MOTION: Góngora/Libbin: (2-0) Refer the matter to the Sustainability Committee.

Item No. 8: Discussion Concerning The Motion Regarding Hours Of Operation For Clubs And Bars During Special LGBT Events Passed By The LGBT Business Enhancement Committee.

MOTION: Góngora/Libbin: (2-0) Recommend approval of extended hours for Winter Party and White Party only.

Item No. 9. Discussion Regarding Food Trucks On Private Property.

DEFERRED TO DECEMBER 19, 2012

- C6C Report Of The Neighborhood/Community Affairs Committee Meeting Of October 15, 2012: **1)** Discussion Regarding Landscape Encroachments In Single Family Neighborhoods. **2)** Discussion Regarding Proposed Amendments To The City's Film And Print Guidelines. **3)** Discussion Regarding A Review Of The City's Special Event Permit Policy, Which Does Not Allow For Any New Events During Spring Break And Ultra Festival. **4)** 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. **5)** Discussion Regarding The Water Feature At The Washington Avenue Entry Of South Pointe Park. **6)** Discussion Concerning The Timing Of The Usage Of The City Of Miami Beach's Leaf Blowers. **7)** Follow-Up Regarding A Proposal To Honor The Extensive Community Legacy Of Stanley Levine With A Memorial Bench On Lincoln Road. **8)** 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.

ACTION:

Item No. 1: Discussion Regarding Landscape Encroachments In Single Family Neighborhoods.

The Committee (Commissioners Libbin, Exposito, and Wolfson present) directed the Administration to implement an education campaign to the community regarding resident responsibility to maintain plantings so they do not encroach into the public right of way; to include a segment on MBTV77, possible inclusion in the water bills and MB Magazine.

Item No. 2: Discussion Regarding Proposed Amendments To The City's Film And Print Guidelines.

The Committee (Commissioners Libbin, Exposito and Wolfson present) concurred to bring this discussion back to the November meeting of the NCAC with some drafted alternatives from the Administration for their review.

Item No. 3: Discussion Regarding A Review Of The City's Special Event Permit Policy, Which Does Not Allow For Any New Events During Spring Break And Ultra Festival.

The Committee (Commissioners Libbin and Wolfson present at the time of the motion) moved to recommend approval to the City Commission with the clarification that the event on public property cannot coexist on private property.

Item No. 4: 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..."

The Committee (Commissioners Libbin, Exposito, and Wolfson present) unanimously moved to bring this item to the full Commission. Commissioner Libbin requested the Administration to consider options and ideas as to how to honor Mr. Tony Goldman.

Item No. 5: Discussion Regarding The Water Feature At The Washington Avenue Entry Of South Pointe Park.

The Committee (Commissioners Libbin, Exposito, and Wolfson present) unanimously moved to the City Commission the approval of Alternative 2 for the reconstruction of the water feature as a non-interactive water park.

Item No. 6: Discussion Concerning The Timing Of The Usage Of The City Of Miami Beach's Leaf Blowers.

The Committee (Commissioners Libbin, Exposito, and Wolfson present) concurred to monitor the situation and should more complaints be made, then the issue can be revisited.

Item No. 7: Follow-Up Regarding A Proposal To Honor The Extensive Community Legacy Of Stanley Levine With A Memorial Bench On Lincoln Road.

The Committee (Commissioners Libbin, Exposito and Wolfson present) unanimously moved to recommend to the Commission to approve the proposed memorial bench and directed the Administration to work with the Levine family to determine an appropriate amount to establish a maintenance fund.

Item No. 8: Agreements With Various External Entities To Assist The City In Implementing The Action Plan To Address Potential Corruption And Misconduct...

Discussion of this item was deferred.

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The City Manager Or Her Designee Retroactively To Submit A Grant Application To Miami-Dade County Homeless Trust For Funding For Identification Assistance Services For Homeless Individuals And Families In The Approximate Amount Of \$25,000 For The City's Homeless Outreach Program; Appropriating The Grant, If Approved And Accepted By The City, And Authorizing The Execution Of All Documents Related To This Application.

(Budget & Performance Improvement)

ACTION: Resolution 2012-28051 adopted. Patricia Walker to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.**

- C7B A Resolution Exercising The Second Renewal Option With Inktel Direct Government BPO Services, Inc., Pursuant To Request For Proposal (RFP) No 08-08/09 For The Delivery Of Call Center Services For The Building Department, In The Estimated Annual Amount Of \$95,000.00.

(Building Department)

ACTION: Item separated by Commissioner Tobin. Resolution 2012-28052 adopted. Motion made by Commissioner Weithorn; seconded by Vice Mayor Góngora: Voice vote; 5-0; Absent: Commissioners Exposito and Tobin. **Stephen Scott to handle.**

8:37:25 p.m.

- C7C A Resolution Approving And Authorizing The City Manager To Enter Into A Professional Services Agreement, In An Amount Not To Exceed \$40,500 With Kevin Scott Crowder (Contractor), For A Period Of Five (5) Months, Commencing On January 1, 2013, And Terminating On May 31, 2013, To Continue To Provide The City With Certain Services Related To Business Development, Market Research And Intergovernmental Affairs.

(City Manager's Office)

ACTION: Item separated for discussion by Commissioners Libbin and Tobin. Resolution 2012-28053 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Weithorn; Voice vote: 5-0; Absent: Commissioners Exposito and Tobin. **City Attorney's Office to handle.**

Commissioner Libbin wished Kevin Crowder well on his new career, and said that Kevin has been an advocate for the City, and he has enjoyed working with him. The only reason he separated this item was to state, publicly for the record, that since Kevin will be working as a consultant for other communities beginning in January 2013, and working on a part time basis for us, Commissioner Libbin wanted to be clear that Kevin may not do work for other communities that will be competing for the same dollars the City of Miami Beach may be seeking from the Federal or State government. The work schedule should be clearly stated on the contract as to who will be overseeing him, and the days and hours of work. It should not be lose, and left to work when he is needed, or called, or works from the house. He requested to see the contract when completed.

Kathie G. Brooks, Interim City Manager, will provide the contract via LTC. **Kathie Brooks to handle.**

Mayor Bower stated that this is a great loss to the City. Mayor Bower sated that Kevin knows his

lobbying material and was effective in Tallahassee and in Washington. She is happy that he is staying on a part-time basis.

SUPPLEMENTAL MATERIAL 1 (Resolution)

C7D A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 2, In A Negotiated Not-To-Exceed Amount Of \$145,876, To The Agreement Between The City Beach And Superior Landscaping & Lawn Services, Inc., Dated June 15, 2011, For Ground Maintenance Services For The North Shore/Washington Avenue Area; Said Amendment For The Inclusion Of The Miami Beach Convention Center (MBCC) Ground Maintenance.
(Convention Center/Procurement)

ACTION: Resolution 2012-28054 adopted. Max Sklar and Alex Denis to handle.

C7E A Resolution Accepting The Recommendation Of The Interim City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 53-11/12 For The Provision Of Various Banking Services To The City Of Miami Beach For A Five-Year Period With Five One-Year Renewal Options; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, SunTrust Bank; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, TD Bank, N.A.; Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.
(Finance Department/Procurement)

ACTION: Resolution 2012-28055 adopted. Patricia Walker and Alex Denis to handle.

SUPPLEMENTAL MATERIAL 1 (Resolution)

C7F A Resolution Waiving By 5/7th Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager, Or Her Designee, To Negotiate And Execute An Agreement With Terremark North America Inc., In An Amount Not To Exceed \$328,560, For A Period Of One (1) Year, To Provide Internet Access, Managed Router Services And Hardware Co-Location Space At The Network Access Point (NAP) Of The Americas Data Center Facility.
(Information Technology/Procurement)

ACTION: Resolution 2012-28056 adopted. Gladys Gonzalez and Alex Denis to handle.

C7G A Resolution Approving And Authorizing The City Manager To Execute An Agreement, In An Amount Not To Exceed \$350,000, For The Acquisition Of Handheld And Mobile License Plate Recognition (LPR) Parking Enforcement Systems With The Firm Of Parktrak, Pursuant To Request For Proposals No. 55-11/12; And Further Waiving, By 5/7th Vote, The Formal Competitive Bidding Requirements As To The Portion Of The Agreement Pertaining To The Purchase Of The Mobile LPR Parking Enforcement System, Finding Such Waiver To Be In The Best Interest Of The City.
(Parking Department/Procurement)

ACTION: Item separated for discussion by Commissioner Tobin. Resolution 2012-28057 adopted. Motion made by Commissioner Weithorn; seconded by Vice Mayor Góngora: Voice vote; 5-0; Absent: Commissioners Exposito and Tobin. **Saul Frances and Alex Denis to handle.**

SUPPLEMENTAL MATERIAL 2 (Resolution)

C7H A Resolution Authorizing The Mayor And The City Clerk To Execute An Interlocal Agreement Between The City And The Clerk Of Courts, Miami-Dade County, Florida, Permitting The Miami Beach Parking Department Use Of A License Plate Recognition System In Order To Apprehend Miami-Dade County Scofflaws And Vehicles Otherwise Subject To Impoundment And Immobilization.

(Parking Department)

ACTION: Resolution 2012-28058 adopted. Saul Frances to handle.

8:39:47 p.m.

SUPPLEMENTAL MATERIAL 1 (Resolution)

C7I A Resolution Rejecting All Bids Received Pursuant To Invitation To Bid (ITB) No. 47-11/12, To Provide Grounds Maintenance Services On Selected Sites Throughout The South Beach District, And Authorizing The Administration To Issue A New Invitation To Bid.

(Parks & Recreation/Procurement)

ACTION: Item separated for discussion by Commissioner Libbin. Resolution 2012-28059 adopted. Motion made by Commissioner Libbin; seconded by Vice Mayor Góngora: Voice vote: 5-0; Absent: Commissioners Exposito and Tobin. **Kevin Smith and Alex Denis to handle.**

Commissioner Libbin stated that unfortunately it seems that, again, he has to separate an item because he feels that the City is not doing a good job preparing our bid document. He added that we sent the bid to fifty-five bidders, and only received four responses. The bid form was so confusing that only one of the four actually understood the form. The Procurement Division has to do a better job writing these bids, the Legal Department needs to do a better job overseeing the process, and the Administration needs to make sure it is done correctly. We are losing credibility with the public, and thereby having less and less bidders. Commissioner Libbin asked Interim City Manager Kathie G. Brooks to do what must be done to correct this problem, and hold people accountable.

Kathie G. Brooks, Interim City Manager, added that on a positive note, they have a new Procurement Director that started yesterday. He is very much on notice that he has to pay very close attention to the bids specifications. She introduced Mr. Alex Denis and added that he is a Miami Beach resident.

Mayor Bower stated that she has heard great things about Mr. Denis and she welcomed him to the City.

Alex Denis, Procurement Director, spoke.

Vice Mayor Góngora stated that he has heard great things about Mr. Denis as well, and welcomed him.

Commissioner Wolfson complimented Kathie G. Brooks on holding people's feet to the fire when needed. Commissioner Wolfson added that Ms. Brooks deals swiftly with difficult situations and has tremendous accountability and everyone knows what is expected of them.

Commissioner Weithorn added that on the situation that Commissioner Wolfson had referred to, Rafael E. Granado, City Clerk, had assisted in solving the situation.

SUPPLEMENTAL MATERIAL 1 (Resolution)

- C7J A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 2 To The Contract With Radio Satellite Integrators, Inc. (RSI), Dated June 27th, 2011, In An Amount Not To Exceed \$193,000, To Install The Automated Vehicle Locator (AVL) Device In Parks And Recreational Department Vehicles, Public Works Department Vehicles, Property Management Division Vehicles, And Additional Fire Department Vehicles; With Funding Previously Appropriated In The FY 2012/13 Budget.
(Public Works)

ACTION: Resolution 2012-28060 adopted. Fred Beckmann to handle.

- C7K A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Memorandum Of Agreement, With The Florida Department Of Transportation, To Establish An Interest-Bearing Escrow Account To Deposit Funds For The Construction Of Proposed Decorative Pedestrian Crosswalks And Embedded Sidewalk Pavers With Street Names, As Part Of The State Road A1A/Collins Avenue Project, From 5th Street To Lincoln Road.
(Public Works)

ACTION: Item separated for discussion by Commissioner Tobin. Resolution 2012-28061 adopted. Motion made by Commissioner Weithorn; seconded by Vice Mayor Góngora: Voice vote; 5-0; Absent: Commissioners Exposito and Tobin. **Fred Beckmann to handle.**

- C7L A Resolution Accepting A Subterranean Utility Easement From Bernard S. Baumel, As Trustee Under Trust Agreement Dated November 28, 2004, Of The Property Located At 1700 West 25th Street, For The Construction, Installation, Maintenance, Repair, And Replacement Of Water And Sewer Mains.
(Public Works)

ACTION: Resolution 2012-28062 adopted. Fred Beckmann to handle.

- C7M A Resolution Approving An Amendment To The Lease Agreement Between The City And Massage Partners, Inc. Authorizing The Additional Use Of The Leased Premises Located At 767 17th Street As A Nail Salon; Furthermore, Approving The Additional Rent To Be Paid By Massage Partners, Inc. For The Use Of The Common Area Bathrooms Located On The Second Floor Of The 1701 Meridian Avenue Office Building For Its Nail Salon Customers; 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: Item withdrawn.

8:34:56 p.m.

SUPPLEMENTAL MATERIAL 1 (Resolution)

C7N A Resolution Approving And Authorizing The Following Actions With Regard To The City's Neighborhood Stabilization Program 1 (NSP1) Agreements: 1) Approving And Authorizing The Mayor And City Clerk To Execute Amendment Number 4 To The Subgrant Agreement Between The State Of Florida Department Of Economic Opportunity (DEO) And The City Modifying The Expiration Date Of The Subgrant Agreement From November 23, 2012, To February 15, 2013, Re-Allocating Unspent Administration Funds, And Modifying The Program Budgets; 2) Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 8 To The NSP1 Agreement Between The City And Miami Beach Community Development Corporation (MBCDC), Dated January 21, 2010, Modifying The Expiration Date Of Such Agreement From November 23, 2012 To February 15, 2013, And Allocating The City's Unspent Administration Funds In The Amount Of Approximately \$248,000, To Reduce The Debt Service On The Neptune Apartments; And 3) Further Authorizing The City Manager Or Her Designee To Take Such Actions As May Be Required With Regard To Preparing And Having The Mayor And City Clerk Execute Modifications Of Mortgages For The Referenced NSP1 Funded Projects; Such Modifications Revising The Mortgage Amounts To Reflect The Final Budgeted Amounts For Each Project.

(Real Estate, Housing & Community Development)

ACTION: Item separated for discussion by Commissioner Tobin. Resolution 2012-28063 adopted as amended. Motion made by Commissioner Libbin; seconded by Commissioner Weithorn: Voice vote: 5-0; Absent: Commissioners Exposito and Tobin. **Anna Parekh to handle.**

Amendment: Remove Item No. 2

Motion made by Commissioner Weithorn to approve the item; seconded by Vice Mayor Góngora; Voice vote: 5-0; Absent Commissioners Exposito and Tobin.

Kathie Brooks, Interim City Manager, stated that they received an update from the Department of Housing and Urban Development (HUD) and the item needs to be amended.

Motion made by Commissioner Weithorn to reconsider previous vote on item C7N only; seconded by Commissioner Libbin; Voice vote 5-0; Absent: Commissioners Exposito and Tobin.

Max Sklar, Assistant City Manager, stated that everything on the item can be approved except portion 2, which is to pay down the mortgage by \$248,000. The Department of Housing and Urban Development (HUD) does not want this done at this time. They only want the City to extend the deadline; we can continue spending the administrative funds and monitor the program. The Department of Housing and Urban Development (HUD) will get back to us at a later date to let us know how they want us to proceed.

- C7O A Resolution Setting A Public Hearing To Consider 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, If Approved, Authorizing The City Manager To Execute An Agreement With The Levine Family Establishing A Maintenance Reserve Account For The First Year Of Maintenance And Repairs To Said Memorial Bench.

(Tourism & Cultural Development)

ACTION: Resolution 2012-28064 adopted. Rafael E. Granado to notice. Lilia Cardillo to place on the December 12, 2012 Commission Agenda, upon receipt from Administration. **Max Sklar to handle.**

- C7P A Resolution Authorizing The Acceptance Of A Thirty Thousand Dollar (\$30,000) Donation From The Miami Beach Arts Trust, From The "Stepping Out For The Arts" Luncheon; And Further Appropriating Said Funds For The Creation Of A Dedicated City Cultural Grants Program Which Will Be Administered By The Cultural Arts Council, Consistent With The City's Established Policies And Procedures.

(Tourism & Cultural Development)

ACTION: Resolution 2012-28065 adopted. Patricia Walker to appropriate the funds. **Max Sklar to handle.**

New Item:

8:45:04 p.m.

Commissioner Wolfson asked as to status of the City Manager search. He asked how much longer the process will take and stated that he saw a resume that came in recently that he happens to like quite a bit. He was very impressed with the resume from Jimmy Morales.

Mayor Bower asked how he submitted the resume.

Commissioner Wolfson stated that it was submitted by e-mail.

Vice Mayor Góngora reminded everyone that the acceptance of resumes was extended until December 1, 2012. This will be addressed at the December 12 meeting.

8:45:34 p.m.

Announcement:

Vice Mayor Góngora announced that today is the Food Truck Festival up in North Beach until 10:00 p.m.

End of Consent Agenda

REGULAR AGENDA**R5 - Ordinances****11:02:54 a.m.****11:22:39 a.m.**

R5A 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. **10:15 a.m. First Reading Public Hearing**

(Requested by Land Use & Development Committee)

(Legislative Tracking: Planning Department)

ACTION: Public Hearing held. Title read into the record. Ordinance approved on first reading as amended. Item referred to Land Use and Development Committee (LUDC). Motion made by Commissioner Wolfson to approve the ordinance; seconded by Commissioner Exposito; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for December 12, 2012. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, upon receipt from Administration, and Richard Lorber to place on the committee agenda. **Saul Frances to handle.**

Amendment

- Strike the applicability section and move ordinance as written;
- Add a sunset provision in two years;
- Look back in 11 months and refer to Land Use and Development Committee (LUDC);
- Include a standard applicability clause; and
- Housing/residential portion to be submitted as new ordinance and referred to LUDC.

Rafael E. Granado announced that the item is being requested to be continued to 5:00 p.m.

Commissioner Tobin suggested following a protocol as to the time certain, and requested that items time certain are to be taken at the appropriate time. Mayor Bower stated that this should be done by the Mayor's Office.

Jose Smith, City Attorney, stated that there is no need to open and continue the item to 5:00 p.m. because this item was advertised for 10:15 a.m.

Richard Lorber, Acting Planning Director, introduced and explained the item.

Jorge Gomez, Assistant City Manager, spoke.

Scott Robins spoke.

Discussion held.

Commissioner Exposito requested an analysis of the number of available spaces be provided in the future. **Richard Lorber to handle.**

Nancy Liebman spoke.

Discussion continued.

Terry Bienstock, President of the Sunset Islands 3 & 4 HOA, spoke.

Discussion continued.

Commissioner Tobin stated that he asked for the City to look at the property behind Fire Station No.2, because there is a lot of space between Miami Beach High and Fire Station No. 2, and the Property Management building could go where the other facility management buildings are. He asked that Public Works not be the determinant factor if this is feasible or not.

Discussion continued.

Kathie G. Brooks, Interim City Manager, stated that the Property Management facility is nearly 100% designed, and it will hold up the process if they have to start redesigning again.

Mayor Bower will place the Property Management Facility item requested by Commissioner Tobin on the Commission Agenda in December. Discussion continued.

The following individuals spoke:

Nancy Liebman

Terry Bienstock

Marilyn Frolich, Sunset Harbour Neighborhood Association

Christine Florez, West Avenue Corridor HOA

Wayne Pathman, representing Greenstreet Partners

Discussion continued regarding the applicability cause. Mr. Pathman explained how his client is the only individual affected by the passing of this ordinance.

Jose Smith, City Attorney, explained that the law states that if someone has received an order from the Design Review or the Historic Preservation Boards, that means that he/she is vested; and if so, zoning in progress does not apply. The issue of equitable estoppels mentioned is not applicable here because there is an ordinance that deals with equitable estoppel. In this case, Mr. Pathman's client would have to go through a Conditional Use process, if this ordinance is adopted as written, the applicability clause would exempt him from having to go through that process.

Discussion continued.

Commissioner Exposito expressed his concern about the development fitting the size and scale for the neighborhood. Commissioner Exposito inquired if the project will be of a size that meets the neighborhood's needs. He additionally asked if the applicability clause can be approved conditional on the Planning Board presentation and size approval.

Wayne Pathman, Esq., spoke.

Discussion continued.

Commissioner Exposito requested that when changing the applicability clause, or any clause that is important in an ordinance, the changes must be brought to the Commission's attention for approval from the beginning, and anything of relevance is imperative that it be disclosed to the Commission in the future. **Richard Lorber to handle.**

Discussion continued.

Brad Satchick spoke.

Commissioner Exposito is concerned that the administration should not be lobbying for one particular client. It is the purview of this Commission to discuss, and either approve or disapprove. He does not appreciate that this change was made by the City without first consulting the Commissioners.

Discussion held.

Commissioner Tobin asked if the Administration can expedite this process on behalf of this landlord, so the process is not burdensome.

Brad Satchick spoke and discussion continued.

Commissioner Tobin suggested an Administrative Conditional Use be done, including all the protections warranted for residents, and if violated, they would have to come in front of the Planning Board, and then they would be subject to new conditions. Discussion continued.

Jose Smith, City Attorney, suggested doing a covenant running with the land.

Motion made by Commissioner Wolfson to strike the applicability clause and move the ordinance; seconded by Commissioner Exposito.

Vice Mayor Góngora offered an amendment to provide a sunset provision and review in two year, as recommended by Commissioner Weithorn.

Item referred to Land Use and Development Committee, by acclamation, in eleven months for report, and sunset in two years. **Richard Lorber to handle.**

There was discussion regarding adapting reuse of a building as suggested by Nancy Liebman. Jorge Gomez, Assistant City Manager, explained the parking requirements and adaptive reuse of establishments.

Commissioner Weithorn suggested referring to Land Use and Development Committee the issue of mixed-use adaptive housing uses and to remove vague language within the ordinance. **Richard Lorber to handle.**

Commissioner Wolfson accepted the referral and amendments as maker of the motion.

The following individuals spoke:

Peter Luria

Michael Larkin

Scott Robbins

Discussion continued.

Commissioner Wolfson clarified his motion for the record - which is to strike the applicability

section and move the ordinance as written; seconded by Commissioner Exposito; with an amendment accepted made by Vice Mayor Góngora to add a sunset provision in two years, with a look back in 11 months to Land Use and Development Committee, including a standard applicability cause. Ballot vote: 7-0.

Commissioner Weithorn made a motion to refer to Land Use and Development Committee on the residential portion of the ordinance; seconded by Commissioner Exposito. Referred by acclamation. **Richard Lorber to place on the committee agenda and to handle.**

Lyle Stern spoke and discussion continued.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #753

11:14:48 a.m.

R5B 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. **10:30 a.m. Second Reading Public Hearing**

(Requested by Land Use & Development Committee)
(Legislative Tracking: Planning Department)
(First Reading on October 24, 2012)

ACTION: Public Hearing held. Title of the ordinance read into the record. Ordinance No. 2012-3784 adopted. Motion made by Vice Mayor Góngora to approve the ordinance; seconded by Commissioner Tobin; Ballot vote: 5-2; Opposed: Mayor Bower and Commissioner Exposito. Rafael E. Granado to transmit to Municipal Code. **Richard Lorber to handle.**

Richard Lorber, Acting Planning Department Director, introduced the item and read minor changes into the record.

Discussion held.

Michael Larkin, Esq., spoke.

Discussion continued.

Motion made by Vice Mayor Góngora to approve the ordinance; seconded by Commissioner Weithorn; Ballot vote: 4-2. Opposed: Mayor Bower and Commissioner Exposito. Absent: Commissioner Wolfson. Motion fails.

Motion made by Mayor Bower to reconsider the vote; approved by consensus, until Commissioner Wolfson returns. Final ballot vote was taken.

Motion made by Vice Mayor Góngora to approve the ordinance; seconded by Commissioner Tobin; Ballot vote: 5-2; Opposed: Mayor Bower and Commissioner Exposito.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #753

2:07:40 p.m.:

R5C 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 ~~January 31, 2013~~ March 31, 2013, Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Requested by Neighborhood/Community Affairs Committee)
(Legislative Tracking: Parks & Recreation)

ACTION: Ordinance approved on first reading, as amended. Item heard in conjunction with R7E. Motion made by Commissioner Libbin to approve the ordinance by extending the pilot program through March 31, 2013; seconded by Vice Mayor Góngora; Ballot vote: 7-0; Second Reading and Public Hearing scheduled for December 12, 2012. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, upon receipt from Administration. **Kevin Smith to handle.**

2:08:48 p.m.**SUPPLEMENTAL MATERIAL 1 (Ordinance)**

R5D 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. **First Reading**

(Requested by Mayor Matti Herrera Bower)
(Legislative Tracking: City Attorney's Office)

ACTION: Ordinance approved on first reading as amended, and referred to the Neighborhood/Community Affairs Committee. Motion made by Commissioner Libbin to approve the ordinance; seconded by Commissioner Tobin; Ballot vote: 7-0; Second Reading and Public Hearing scheduled for December 12, 2012. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, upon receipt from Administration. Barbara Hawayek to place on the committee agenda. **City Attorney's Office handle.**

Amendment: Add language, "at the option of the City Commission, the Commission can either refer to the Debarment Committee or hear the complaint themselves."

Jose Smith, City Attorney, introduced and explained the revised ordinance.

Raul Aguila, Chief Deputy City Attorney, stated for the record, the changes to the ordinance, and explained the process and explained that the Debarment Committee is the final adjudicator in the City to determine debarment or suspension of a contract or contractor, or an appeal in the Circuit Court. The causes for debarment and suspension have been broadened.

Discussion held.

Item referred to the Neighborhood/Community Affairs Committee by consensus.

Commissioner Tobin suggested authorizing the City Commission to be able to go forward with a debarment process, rather than delegating to a citizens board, for expediting purposes.

Discussion continued.

Handout or Reference Materials:

1. Ordinance distributed on the dais

R7 - Resolutions

4:03:54 p.m.

R7A A Resolution Setting The Dates For The Year 2013 City Commission Meetings. **Joint City Commission And Redevelopment Agency**
(City Clerk's Office)

ACTION: Item heard in conjunction with RDA Item 1A. Resolution No. 2012-28066 adopted as amended. Motion made by Commissioner Weithorn to approve the resolution; seconded by Vice Mayor Góngora; Voice-vote: 7-0. **Rafael E. Granado to handle.**

Amendment: Change Proposed February 20, 2013 Commission Meeting to February 6, 2013.

City Clerk's Note: Correction, Page 237 and 241, change the 2013 proposed Commission meeting date from February 20th to February 6th, to avoid having a Commission meeting on a week where Monday is a Holiday.

3:59:22 p.m.

SUPPLEMENTAL MATERIAL 2: (Memorandum)

R7B 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)

(Item Referred to FCWPC October 24, 2012)

(Memorandum & Resolution to be Submitted in Supplemental)

ACTION: Item heard in conjunction with RDA Item 1B. Resolution No. 2012-28067 adopted. Motion made by Commissioner Weithorn to approve the resolution; seconded by Commissioner Exposito; Voice-vote: 7-0. **Anna Parekh to handle.**

Commissioner Exposito explained what occurred at the Finance and Citywide Projects Committee meeting. The Committee wanted to ensure that the proper scrubbers were used and that the cost remains under the \$250,000.

Ms. Brooks explained that the Administration has not completed the study as to the scrubbers and the need for a carbon filter.

Commissioner Weithorn reminded the administration that she wanted them to look at dispersion techniques.

Commissioner Weithorn moved the item, with the condition that proper scrubbers, filters, dispersion techniques be included, and costs to remain under \$250,000.

8:29:26 p.m.

R7C A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee And Adopting The 2011 Citywide Stormwater Management Master Plan.

(Public Works)

(Deferred from October 24, 2012)

ACTION: Resolution No. 2012-28068 adopted. Motion made by Commissioner Weithorn to approve the resolution; seconded by Commissioner Wolfson; Voice-vote: 5-0; Absent: Commissioners Exposito and Tobin. **Fred Beckmann to handle.**

Fred Beckmann, Public Works Director, introduced the item and suggested deferring the presentation, which is available on the City of Miami Beach website and also on MBTV77.

Commissioner Libbin stated that he supported the presentation, but recently has become aware of another philosophy that is the how the Dutch government handles their water challenges, since they are below sea level. His issue is that when adopting a Stormwater Master Plan for 20 years, he feels that we should educate ourselves with what other Cities are doing. New Orleans has contracted the Dutch government to address their situation. In New York, Mayor Bloomberg is analyzing considering looking at their problems in a different way. The Dutch government has invited representatives from the South Florida Water Management District next week to visit the Netherlands, and feels that the Administration should be open to other ideas to keep the water out of the City.

Discussion held.

Commissioner Weithorn stated that at the Finance Committee they requested that every five years they readdress this plan, as they recognize that technology will change, as well as the methodology.

Commissioner Libbin directed Administration to arrange to send a designee to the Netherlands to see what they are doing.

Fred Beckmann, Public Works Director, stated that they spoke to the Dutch Consulate today, and they are willing to accommodate a delegation from Miami Beach anytime.

2:38:35 p.m.

R7D 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 December 1, 2012, And Ending On November 30, 2015; And Further Approving Amendment No. 2 To The Administrative Rules And Regulations For Police And Parking Towing Permits.

(Parking Department)
(Deferred from October 24, 2012)

ACTION: Item heard in conjunction with item R7D1. Adopted Resolution on item R7D1.

MOTION:

Motion made by Commissioner Wolfson to approve the Resolution and include as part of the Item Amendment No. 2 to the Rules and Regulations (as amended); included as part of Item R7D1; seconded by Vice Mayor Góngora; Voice 4-3; Opposed: Mayor Bower, Commissioners Libbin and Tobin.

Amendments:

- Approve the maximum allowable rates only for year one of the permit term
- Hold off on approval increases for years two (2) and three (3),
 - Until agreed upon audit procedures are in place
 - Permittees allow the City to perform audits
- Keeping the resident discount flat for the entire three years of the permit term

TO DO:

1. Within 90 days of the effective date of the new permit term (December 1, 2012), the City will meet with the tow companies to develop audit procedures. In the event the City and tow companies cannot agree upon audit procedures, then the item will be referred to the Finance Citywide Projects Committee. If the Finance Citywide Projects Committee is unable to resolve, bring back to the City Commission.
In regards to the GPS, by December 1, 2012, they will receive the standards from the City for the GPS specifications.
2. Uniforms are effective on December 1, 2012
3. GPS requirements effective on December 1, 2012
4. Year 2 cameras go into effect
5. Year 3 software goes into effect
6. Permit fees will not go up unless they increase rate in year 2

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

Commissioner Tobin asked if the City did the audit of their books.

Kathie G. Brooks, Interim City Manager, stated that the City did an audit for compliance but not an audit of their books and added that the contract does not allow the City to do an audit of their books.

Commissioner Weithorn stated that Raul Aguila has language that changes that for the future.

Commissioner Tobin asked why discuss in the future a “mutually agreed upon audit.”

Raul Aguila, Deputy City Attorney, explained.

Discussion held.

Saul Frances, Parking Department Director, spoke.

Discussion continued.

Jorge Gomez, Assistant City Manager, spoke.

Discussion continued.

Commissioner Tobin stated that it is important to know the total amount the tow company is grossing based on the total reported for the 14,000 tows. **Saul Frances to handle.**

Discussion continued.

Kathie G. Brooks, Interim City Manager, spoke.

Motion 1:

Commissioner Wolfson stated that he agrees with a modest increase, offset with a 20% resident discount for each tow company. He listed all the other benefits the City will be obtaining. His motion is to move R7D1, which was his resolution. No second offered.

Mayor Bower suggested a 20% discount 4 times a year. She stated that keep rates at \$115 for the three years, and at the last year, there should be about \$2 per residents. Freeze residents fee at \$115.00 for the three years.

Discussion continued.

Motion made by Commissioner Wolfson to approve R7D1.

Discussion continued.

Rafael Andrade agreed to freeze the rates for the residents on all categories.

Commissioner Tobin asked how long they keep the car, once in the lot if the resident is not able to pick up the car.

Rafael Andrade stated that the first 8 hours are free, and then \$25 per day for storage.

Commissioner Libbin stated that he has many issues. He wants to make sure that they honor the agreement to drop the car when the owner shows up. He knows they are not honoring this agreement. He asked that there should be three types of payments: cash, checks and credit cards. He knows that they only accept cash.

Raul Aguila, Deputy City Attorney, explained the types of payments and the types of identifications required.

Discussion continued.

Commissioner Libbin asked if the tow companies accept another type of payment other than cash. He would like to add to the rules that they accept credit card payments. He added that the Miami Parking Authority accepts credit cards. He asked if the companies allow a car to be released to other than the owner under specific conditions.

Rafael Andrade stated that they comply with Florida law, and accept a notarized letter.

Discussion continued.

Commissioner Libbin stated he applauds the enhancements on page 272 such as uniforms, drug screening, driver's license screening, and added that this enhancement should be enforced even on a month-to-month basis. He would like to look at the technological improvements recommended. The cameras should be installed on the vehicles so everything is recorded, and should be implemented by the end of the first year. He considers this item very important.

Discussion continued.

Patricia Walker, Chief Financial Officer, spoke.

Commissioner Libbin stated he is not against giving a justified increase, but he is against it if it is not justified. The books should be open to Patricia Walker to determine this. On page 276, one of the fees is the first 30 minutes at the scene; he asked what happens after the 30 minutes?

Rafael Andrade explained that it would be \$16 per hour. He added that what has not been discussed is the cost increase of fuel, minimum wage, CPI, etc. since 2004. They believe that the increase of the cost warrants the increase.

Commissioner Libbin asked if Patricia Walker could visit them and see the records in a private setting, and the records will not be made public.

Rafael Andrade explained that such review of the records is not being approved.

Discussion continued.

Vice Mayor Góngora stated that he has two concerns: 1) He rather keep the fees lower; 2) He would like better accountability. He would approve a one-year plan with a review next year.

3:31:32 p.m.

Commissioner Wolfson restated his motion to approve R7D1:

- Keep residential rates the same on all six categories
- Four 20% discount a year for the residents
- Allow a one-year increase and a one-year look back.

3:33:03 p.m.

Commissioner Weithorn offered an amendment, that instead of a one year look back, it stay increases two and three until 1) the audit provision is in place and 2) allows us to perform the audit. She also stated that she would work with Finance to get the audit provision in place.

Discussion continued.

Raul Aguila, Deputy City Attorney, explained that if this is passed today and the Administrative Rules and Regulations are amended, they have 90 days to come up with audit requirements mutually agreed upon.

Discussion continued.

Motion seconded by Vice Mayor Góngora with all the amendments.

Discussion continued.

Commissioner Libbin stated that the cameras are more important than the GPS.

Discussion continued.

3:44:51 p.m.

Raul Aguila, Deputy City Attorney, restated the motion: To approve Commissioner Wolfson's resolution and the Administrative Rules and Regulations with the following amendments:

1. Approve the maximum allowable rates only for year one.
2. Hold the resident discount constant (the current rate) for the entire three years of the permit term.

Raul Aguila, Deputy City Attorney, stated that this is all he has.

Commissioner Libbin clarified that this is for public tows.

Raul Aguila, Deputy City Attorney, added the following:

1. In regard to the audit within 90 days, the City should have met with the tow companies to develop audit procedures. In the event the City and Tow companies cannot agree, it is referred to the Finance Citywide Projects Committee (FCWPC). If the Finance Citywide Projects Committee (FCWPC) cannot come up with recommendations; it goes back to the City Commission.
2. In regards to the GPS by December 1, they will receive the standards from the City for the GPS.
3. Uniforms are effective on December 1, 2012.
4. GPS effective on December 1, 2012.
5. Audit December 1 thru the beginning of March 2013, to come up with procedures for the audit.
6. Year 2 cameras go into effect.
7. Year 3 software goes into effect.
8. Permit fees do not go up until they get the year 2 increases.

Discussion continued.

Commissioner Tobin asked where in the City the GPS record would be kept.

Saul Frances, Parking Department Director, stated that the GPS records would be kept on a website available to the Police Department.

Raul Aguila, Deputy City Attorney, explained where and how the GPS records would be kept as per the contract. To answer Commissioner Tobin, there will not be a GPS on all tow trucks, only on the tow trucks used in public tows.

Discussion continued.

Roll-call vote: 4-3; Opposed: Mayor Bower, Commissioners Libbin and Tobin.

2:38:35 p.m.

R7D1 Alternate Resolution And Administrative Rules And Regulations For Police And Parking Towing Permits.

(Requested by Commissioner Jonah Wolfson)

ACTION: Item heard in conjunction with item R7D. Resolution No. 2012-28069 adopted as amended. Motion made by Commissioner Wolfson to approve the resolution R7D1 as amended; seconded by Vice Mayor Góngora; Voice-4-3; Opposed: Mayor Bower, Commissioners Libbin and Tobin. **Saul Frances to handle.**

Discussion details with item R7D.

Handout or Reference Materials:

1. Section 27. INSPECTIONS AND DUTIES

2:10:06 p.m.

R7E A Resolution Accepting The Recommendations Of The Neighborhood/Community Affairs Committee At The September 24, 2012 Committee Meeting To A) Bring The Concept Of A Hedge For The Off-Leash Dog Area Of South Pointe Park Back To The City Commission For Further Discussion And Direction And B) Extend The Dog Off-Leash Pilot Program In South Pointe Park.
(Parks & Recreation)

ACTION: Resolution No. 2012-28070 adopted. See action with R5C. Motion made by Commissioner Libbin to direct Administration to file a new application in front of the Design Review Board and come back to Commission with recommendations; seconded by Commissioner Weithorn; Voice-vote: 6-1; Opposed: Vice-Mayor Góngora. **Richard Lorber and Kevin Smith to handle.**

Kevin Smith, Parks and Recreation Department Director, explained the item.

Commissioner Libbin stated that the Commission should have overruled the Design Review Board, and his motion is to direct Administration to file a new application before DRB to consider the hedge to be heard as soon as possible and come back with recommendations. Also see action in R5C.

Discussion held.

Commissioner Weithorn explained her concerns with the off-leash program, and a decision has to be made to protect the people that visit the park.

6:15:12 p.m.

R7F A Resolution Adopting The Certification Of The Unofficial Results Of The November 6, 2012 Special Election For The City Of Miami Beach Ballot Questions, And Declaring The Results Thereof.

(City Attorney's Office)

ACTION: Resolution No. 2012-28071 adopted. Motion made by Commissioner Libbin to approve the resolution; seconded by Vice Mayor Góngora; Voice-vote: 6-0; Absent: Commissioner Exposito. **City Attorney's Office and Rafael E. Granado to handle.**

6:14:15 p.m.

R7G A Resolution Creating The City Of Miami Beach Ad Hoc Charter Review And Revision Board; Prescribing Its Duties, And Providing For The Manner Of Its Appointment And The Terms Of Office Of Its Members.

(City Attorney's Office)

ACTION: Resolution No. 2012-28072 adopted. Motion made by Commissioner Libbin to approve the resolution; seconded by Commissioner Tobin; Voice-vote: 5-0; Absent: Commissioners Exposito and Wolfson. **City Attorney's Office to handle.**

Jose Smith, City Attorney, stated that the Board will consist of direct appointments by members of the City Commission and the Committee should start meeting in January. **Rafael E. Granado and Jose Smith to handle.**

6:34:34 p.m.**SUPPLEMENTAL MATERIAL 1 (Memorandum)****SUPPLEMENTAL MATERIAL 2: (Resolution)**

R7H A Resolution Adopting The Third Amendment To The Fiscal (FY) 2011/12 General Fund Budget And The Second Amendment To The Enterprise, Internal Service And Special Revenue Funds Budget.

(Budget & Performance Improvement)

(Memorandum & Resolution to be Submitted in Supplemental)

ACTION: Resolution No. 2012-28073 adopted. Motion made by Commissioner Weithorn to approve the resolution; seconded by Vice Mayor Góngora; Voice-vote: 6-0; Absent: Commissioners Exposito. **Victoria Kroger to handle.**

6:34:48 p.m.

Kathie G. Brooks, Interim City Manager, stated that this resolution is adopting the third amendment to the General Fund budget and the second amendment to the Enterprise Internal and Special Revenue Fund budgets for Fiscal Year 2011/2012. The Special Revenue Fund is specifically the Resort Tax Fund. Overall, there is an estimated operating surplus of \$5.2 million in the General Fund. There are Building Department revenues in excess of expenditures in the amount \$535,000 and we are recommending that this be set aside in accordance with State law. In addition, we are also recommending that \$440,000 be set aside for encumbrances for purchase orders that have been entered but services have not been provided for the rollover for Fiscal Year 2012/2013. There were projects planned for Fiscal Year 2011/2012, and we are recommending to carry them forward to 2012/2013, and set aside \$440,000 for the former City Manager's severance package resulting on a net of \$3.2 million. Also recommending \$500,000 for department projects for unforeseen items that may arise. The Finance Department will continue closing out the departments through March 2013. We are recommending that \$2.7 million be set aside to be carried forward to Fiscal Year 2013/2014. There are a couple of significance differences; 1) that the revised values from the Property Appraiser, have not declined as previously estimated, and 2) departments have come under budget.

Discussion held.

Commissioner Weithorn stated that she does not want anyone to think that they are going to repeat this, because there was a \$2.2 million pension savings. They will not be getting this pension savings again.

Discussion continued.

Kathie G. Brooks, Interim City Manager, stated that there are vacancies, and added that she needs to start filling some of those vacancies since they are short staffed.

6:45:18 p.m.

ADDENDUM MATERIAL 2

R71 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.

(City Manager's Office)

ACTION: No action on the resolution. **Max Sklar to handle.**

TO DO:

1. Well-advertised community outreach and approval.
2. Administration to determine if they can handle the event.
3. Reduce the event to 1,200 people.
4. Possibly reduce the event by one day.
5. Experts to answer Commissioner Weithorn technical questions.
6. Promoter and the Administration to work together and to bring back to the December 12, 2012 City Commission Meeting.

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

Max Sklar, Assistant City Manager spoke.

Discussion held.

Richard Lorber, Acting Planning Department Director, spoke.

Discussion continued.

Commissioner Libbin stated that this proposal was not discussed at Neighborhoods/Community Affairs Committee, what was discussed was the policy. He is confused about the order of things.

Discussion continued.

Jonathan Cohen spoke.

Mayor Bower stated that they need to protect the residents and the beaches. She asked what could be done to facilitate and receive more information because 3,500 is very large.

The following individuals spoke:

Rafael Andrade

Jonathan Cohen

James Brown spoke.

Commissioner Weithorn stated that it is very important to her that no queuing be allowed on the beach walk.

Discussion continued.

Commissioner Libbin stated that he is a “no” on this, but if they would allow more community notice and public meetings, and if the community is agreeable and staff can handle it then he would consider it.

Jose Smith, City Attorney, spoke.

Discussion continued.

Rafael Andrade spoke.

Discussion continued.

Jose Smith, City Attorney, suggested adopting it subject to approval of the homeowner’s associations.

Gilbert Gonzalez spoke.

Timothy Wilcox spoke.

Cheryl Gold spoke.

Commissioner Wolfson asked the Administration if they lower the occupancy to perhaps 1,200, would it be acceptable.

Max Sklar, Assistant City Manager, spoke

Kathie G. Brooks, Interim City Manager stated that it would be a smaller footprint, which would make it easier.

Commissioner Libbin stated that they should have a well-advertised community meeting, if the community wants it, and THE Administration can handle it then he is OK.

Commissioner Weithorn stated that it is subject to proper community outreach and experts to answer her technical questions.

Discussion continued.

Vice Mayor Góngora stated that the promoter and the Administration need to do some work and bring it back to the December meeting.

Vice Mayor Góngora stated that he would be happy with one day less.

Handout or Reference Materials:

1. Two-Pages color Aerial Overlay presented by Gonzalez Architecture, WMC DJ MAG BEACH EVENT, Jonathan Cowan Productions, LLC.

R9 - New Business and Commission Requests

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

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

Board of Adjustment:

Andrew Resnick Resigned effective 10/22/12

Convention Center Advisory Board:

Jason Loeb		Resigned effective 11-5-2012
Alan Lips	Term ending 12/31/12	Appointed by Commissioner Exposito TL
12/31/19		
Stephanie Ruiz		Ex-officio Chairperson, Board of Directors,
MBCC		

Health Advisory Committee:

Julie Zaharatos		Rep from the Health Council of South Florida
Marisel Losa		Replaced by Julue Zaharatos

Marine Authority:

Maurice Goodbeer	Term ending 12/31/12	Appointed by Commissioner Libbin TL
12/31/19		

Tennis Advisory Committee:

David Berger	Term ending 12/31/12	Appointed by Commissioner Exposito
TL12/31/19		

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

ACTION: No appointments made.

2:33:26 p.m.

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

ACTION: The following individuals spoke:

1. Alberto Machado spoke on his concerns with public transportation.

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

ACTION: No speakers.

4:04: 19 p. m.

Committee of the Whole Announcement:

Rafael E. Granado, City Clerk, announced that the Committee of the Whole Meeting for item R9C will take place during lunch recess.

SUPPLEMENTAL MATERIAL 2: (Memorandum)

R9C The Committee Of The Whole Will Meet During Lunch Recess Of The November 14, 2012 City Commission Meeting At The City Manager's Office Large Conference Room To Discuss: 1) Staff Participation At Commission Organized Meetings; And 2) Implementation Of Charter Amendment Affecting The City Clerk.

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

ACTION: Announced and held.

- 1) The Discussion on staff participation at Commission organized meeting was deferred.
- 2) Agreed by consensus, to have the City Attorney and the City Clerk draft a policy, delineating the responsibilities of the City Clerk. Said policy to be submitted to the Legal Oversight Committee for discussion. (See below for further details.)

Mayor Bower stated that she would rename her "Mayor on the Move" community meetings to "Mayor and Commission on the Move"; thereby encouraging the participation of Commissioners in these meetings.

Commissioner Weithorn stated that her intent in proposing the Charter Amendment, making the City Clerk appointed and answerable to the City Commission was to create greater transparency. She wanted this implemented years ago, but out of courtesy to the former City Clerk, who was in the process of retiring she agreed not bring the matter forward. Her proposal was not intended to be a reflection on the work being performed by the City Clerk.

Discussion was had to have the City Clerk and City Attorney work together to develop clear guidelines to include: a description of the work that the City Clerk will continue to perform for the Manager (for example the preparation of the Agenda); a delineation of the work to be performed by the City Clerk, in addition to that described in Resolution 2012-27962; Commissions expectations of the City Clerk and oversight of the Special Master Office (Special Master Clerks).

Commissioner Wolfson suggested that instead of a policy, he would prefer a memorandum, authored by the Commission, listing what is expected of the City Clerk.

Commissioner Tobin asked if his colleagues would be willing to have the City Clerk be responsible for budgetary matters, answering directly to the Commission. If this occurred, the City Manager could not manipulate the budget without additional oversight. City Attorney Jose Smith stated that this would require a Charter change, as the budget process is the purview of the City Manager.

After further discussion, it was agreed by consensus, to have the City Attorney and the City Clerk draft a policy, as described above, and submit it for further discussion to the Legal Oversight Committee. **Referred to Legal Oversight Committee.**

Mayor Bower commented that she recently learned that \$90,000 had been set aside for the North Beach Food Truck events. Mayor Bower inquired as to why the City was footing the entire bill for these events, when the Food Trucks are profit-making enterprises. Mayor Bower stated that the City should not be in the "event hosting" business.

Vice Mayor Góngora and Commissioners Weithorn and Tobin expressed their support of this event. Commissioner Tobin commented that at last event there were 20 police officers present, a number much greater than necessary. Ms. Brooks agreed with Commissioner Tobin, and stated that she would look further into this. **Chief Martinez to provide Ms. Brooks with recommendations as to police staffing for the event.**

Mayor Bower stated that the City does not financially support other organizations, when holding events. Mayor Bower cited as an example the GLBT, who organize the Pride Parade without City sponsorship.

Mayor Bower commented that she is not opposed for the City to, in the short term, continue to provide financial assistance for this event, but stated that the event must become self-sufficient. Mayor Bower suggested that North Beach Development, or other similar neighborhood association, undertake the project.

TO DO:

Provide LTC detailing the City's cost and budget of the North Beach Food Truck Festival. Kathie G. Brooks to handle.

Commissioner Tobin stated that we must have a comprehensive plan for the redevelopment of North Beach.

7:55:03 p.m.

R9D Discussion Regarding An Application For A Sidewalk Café Permit For The Drexel Avenue And 16th Street Sidewalks In Front Of The Retail Spaces Of The Park at 420 Garage, Located At The Corner Of 16th Street And Drexel Avenue.

(Planning Department)

ACTION: Discussion held. Motion made by Commissioner Weithorn to lift the stay on the issuance of sidewalk café permits for the subject property, and accept the owners voluntary proffer, limiting the operation of a sidewalk café; seconded by Vice Mayor Góngora; Voice vote: 5-0; Absent: Commissioners Exposito and Tobin.

REFERRAL

Item referred to the Land Use and Development Committee to re-examine the requirement for residential neighborhoods. **Richard Lorber to place on the committee agenda and to handle.**

Jorge Gomez, Assistant City Manager, introduced the item.

The following individuals spoke:

Lucia Doherty
Adam Shedroff
Jeff Donnelly
Jack Johnson
Jane Lawson
Sheryl Gold

Discussion continued.

Vice Mayor Góngora stated that he appreciates Miami Beach United for bringing forth the resolution regulating the sidewalks ordinance, which he introduced. There needs to be ground rules for Sidewalks cafés. Vice Mayor Góngora explained that there are no vested rights to

sidewalks cafés, and the permits could be eliminated. He added that this applicant was not treated fairly. However, there needs to be ground rules because the residents need to be treated fairly as well.

Motion made by Commissioner Weithorn to approve the application for the Sidewalk Café Permit; seconded by Vice Mayor Góngora; Voice vote: 5-0; Absent: Commissioners Exposito and Tobin. Richard Lorber to handle.

Commissioner Weithorn stated that when we force the ground floor to be retail in a garage on a residential neighborhood, we create this conflict, and we should reexamine this requirement for residential neighborhoods at the Land Use and Development Committee.

- R9E Discussion Regarding Preparing A Directive To Federal Legislature Lobbyist, Asking Them To Promote A Federal Windstorm Program.
(Requested by Commissioner Jorge R. Exposito)

ACTION: Item not reached.

6:16:07 p.m.

- R9F Discussion Regarding The Status Of The Second Hand Store Ordinance.
(Requested by Vice-Mayor Michael Góngora)

ACTION: Discussion held. Motion made by Commissioner Góngora to refer to the Land Use and Development Committee and to bring it back to the December 12, 2012 meeting. Approved by acclamation. Lilia Cardillo to place on the Commission Agenda, upon receipt from Administration. **Richard Lorber to place on the committee agenda and to handle.**

Vice Mayor Góngora stated that he would like a status report on this issue.

Richard Lorber, Acting Planning Department Director explained the history of this item.

Vice Mayor Góngora explained that this is to make second hand stores go through the same process that pawn shops undertake. .

Jorge Gomez, Assistant City Manager, spoke.

Mayor Bower explained that she does not want to impact collectibles because they sell second hand jewelry. There is a difference between collectibles and second hand jewelry stores. She does not want to create an issue where stores that sell jewelry as collectibles will be impacted. **Richard Lorber to handle.**

Motion made by Commissioner Góngora to refer to the Land Use and Development Committee; and to bring it back to the December 12, 2012 meeting; Seconded by Commissioner Libbin; Voice Vote 6-0; Commissioners Exposito absent. **Richard Lorber to handle.**

6:25:26 p.m.

- R9G Discussion Regarding Adding Seating Capacity On The Roof Of The Future Flamingo Tennis Center.
(Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held.

Commissioner Tobin introduced the item and asked for suggestions in regards to contemplating the option to accommodate the use of the roof for "live load."

Kathie G. Brooks, Interim City Manager, explained that this item went through extensive community review and committees, and her recommendation is to complete the project, and go back to the community for redesign.

Jorge Gomez, Assistant City Manager, explained that access needs to be created and that has impact to the building significant enough to amend the master plan, which needs community input, and ultimately delays the project.

Commissioner Tobin stated that he wants to make sure that the roof is designed to handle a live load.

Fernando Vazquez, CIP Director, stated that option would have to be analyzed.

Discussion held.

Mayor Bower does not agree with having the roof redesigned for a live load because it can create a noise problem for the neighborhood.

Jack Johnson stated that the neighborhood has not been consulted, but he believes the neighborhood would oppose due to the additional noise it may create.

Commissioner Tobin requested a straw vote. No vote taken.

6:19:48 p.m.

SUPPLEMENTAL MATERIAL 2: (Resolution)

R9H Discussion Regarding A Resolution Urging The State Of Florida To Restore Early Voting To Two Weeks.

(Requested by Vice-Mayor Michael Góngora)

ACTION: Discussion held. **Resolution No. 2012-28074 adopted as amended.** Motion made by Vice Mayor Góngora; seconded by Commissioner Libbin; Voice vote: 7-0. **Rafael E. Granado to handle.**

Amendment: Add consistent hours throughout the 14-day period during Early Voting

Vice Mayor Góngora explained that during the recent elections, Fire Station No. 3 had the third highest voter turnout in all of Miami-Dade County, with 83.6% of registered voters attending the polling place. As he voted on Election Day there, he waited for over three hours, and he thought it was important for the City of Miami Beach to send a resolution to the Governor and the Federal Government urging to restore early voting to minimum total of 96 hours, spread over 14-day period, including the Sunday immediately prior to Election Day to give voters plenty of time to vote prior to Election Day.

Mayor Bower suggested keeping the early voting schedule hours the same; 7:00 a.m. to 7:00 p.m., during the suggested 14-day early voting period. Mayor Bower stated that different commencing and ending times for early voting times, as was had in the past, is confusing to voters.

- R9I Discussion Regarding Granting Of The Easement On The Saxony Hotel Project On 33rd/34th Collins Avenue And The Public Benefit Of Granting Of The Easement.
(Requested by Vice-Mayor Michael Góngora)

ACTION: Item withdrawn by Vice-Mayor Góngora.

6:24:31 p.m.

ADDENDUM MATERIAL 1:

- R9J Discussion Regarding Extending The Food Truck Festival In North Beach On A Month To Month Basis.
(Requested by Vice-Mayor Michael Góngora)

ACTION: Discussion held. Motion made by Vice Mayor Góngora to extend the festival through January 2013, during which time the item will be discussed at Neighborhood/Community Affairs Committee; seconded by Commissioner Weithorn; Voice vote 6-0; Absent: Commissioner Exposito. **Max Sklar to handle.**

6:24:40 p.m.

- R9K Discussion On The City's Current Plan In Regards To Containing Rising Seas And Destructive Storm Surges.
(Requested by Vice-Mayor Michael Góngora)

ACTION: Discussion held. Motion made by Vice Mayor Góngora to refer the item to the Land Use and Development Committee; seconded by Commissioner Weithorn; Voice-vote: 7-0. Richard Lorber to place on the committee agenda. **Fred Beckmann to handle.**

R10 - City Attorney Reports

- R10A City Attorney's Status Report.
(City Attorney Office)

ACTION: Report given.

- 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, November 14, 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 No. 284-2012)

End of Regular Agenda

MIAMI BEACH

Miami Beach Redevelopment Agency

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
November 14, 2012

Chairperson of the Board Matti Herrera Bower
Member of the Board Jorge Exposito
Member of the Board Michael Góngora
Member of the Board Jerry Libbin
Member of the Board Edward L. Tobin
Member of the Board Deede Weithorn
Member of the Board Jonah Wolfson

Executive Director Kathie G. Brooks
Assistant Director Jorge Gomez
General Counsel Jose Smith
Secretary Rafael E. Granado

AGENDA

1. NEW BUSINESS

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Setting The Dates For The Year 2013 Redevelopment Agency Meetings.
Joint City Commission And Redevelopment Agency
(City Clerk's Office)

ACTION: Item heard in conjunction with Item R7A. Resolution No. 589-2012 adopted as amended. Motion made by Commissioner Weithorn; seconded by Vice Mayor Góngora; Voice vote: 7-0. **Rafael E. Granado to handle.**

City Clerk's Note: Correction, Page 237 and 241, change the 2013 proposed Commission meeting date from February 20th to February 6th, to avoid having a Commission meeting on a week where Monday is a Holiday.

4:02:20 p.m.

SUPPLEMENTAL MATERIAL 2: (Memorandum)

- B 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)

(Item Referred to FCWPC On October 24, 2012)

(Memorandum & Resolution to be Submitted in Supplemental)

ACTION: Item heard in conjunction with Item R7B. Resolution No. 590-2012 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Libbin;

Voice vote: 7-0. **Anna Parekh to handle.**

4:03:21 p.m.

SUPPLEMENTAL MATERIAL 2: (Memorandum & Resolution)

- C A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency Adopting And Appropriating The First Amendment To The Fiscal Year 2011/12 Operating Budget For The City Center Redevelopment Area, The Anchor Shops And Parking Garage, And The Pennsylvania Avenue Shops And Parking Garage For Items That Are Over-Budget.

(Budget & Performance Improvement)

(Memorandum & Resolution to be Submitted in Supplemental)

ACTION: Resolution No. 591-2012 adopted. Motion made by Commissioner Weithorn; seconded by Vice Mayor Góngora; Voice vote: 6-1; Commissioner Tobin voting No. **Victoria Kroger to handle.**

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

Meeting adjourned at 8:46:08 p.m.