

MIAMI BEACH

Special City Commission Meeting

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

February 4, 2013

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

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ATTENTION ALL LOBBYISTS

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

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

Meeting called to order at 9:44:01 a.m.

BOARD AND COMMITTEES SPECIAL COMMISSION

R9 - New Business and Commission Requests

Mayor Bower welcomed everyone and stated that this meeting is to make appointments to City boards. She wished good luck to everybody, and stated that she does not like this process because they have a very active community and everyone that will be appointed is a volunteer. It is hard to turn down applicants, and that is what happens when there is more than one applicant per position, and because there are so many competent residents willing to serve. The City Commission as a whole appreciates all the applicants that want to serve on the boards. She mentioned that there was an ordinance adopted when Victor Diaz was in office, requiring that statistics be kept relating to board and committee compositions based on gender, race, ethnicity, etc., and she asked Jose Smith, City Attorney, to explain it.

Discussion held.

Commissioner Wolfson stated that they should go on with the meeting.

Discussion continued.

Vice-Mayor Góngora requested that in the future, the Board and Committee Ethnicity Report be provided before they make appointments. **Rafael E. Granado to handle.**

Mayor Bower requested that a copy of the Board and Committees Ethnicity Report be sent to Victor Diaz. **Rafael E. Granado to handle.**

R9A Board And Committee Appointments - City Commission Appointments.
(City Clerk's Office)
(Requested by Mayor Matti Herrera Bower)

ACTION: The following appointments were made.

AFFORDABLE HOUSING ADVISORY COMMITTEE:

Muayad Abbas (5) For Profit	Term ending 12/31/14	City Commission TL 12/31/17
Juan Rojas (2) Banking/Mortgage	Term ending 12/31/14	City Commission TL 12/31/16
David Smith (3) Rep/Labor Home Bld.	Term ending 12/31/14	City Commission TL 12/31/14
Charles Urstadt (8) Local Plann. Bd.	Term ending 12/31/14	City Commission TL 12/31/17

ART IN PUBLIC PLACES:

Patricia Fuller	Term ending 12/31/13	City Commission TL 12/31/18
Susan Caraballo	Term ending 12/31/14	City Commission TL 12/31/18
James Lloyd	Term ending 12/31/14	City Commission TL 12/31/16
Megan Riley	Term ending 12/31/14	City Commission TL 12/31/16
Janda Wetherington	Term ending 12/31/14	City Commission TL 12/31/16

BOARD OF ADJUSTMENT:

Noah Fox, Real Estate Developer	Term ending 12/31/14	City Commission TL 12/31/18
Joy Malakoff, At-Large	Term ending 12/31/14	City Commission TL 12/31/16
Richard Preira, Law	Term ending 12/31/14	City Commission TL 12/31/16

BUDGET ADVISORY COMMITTEE:

Jacqueline Lalonde, Financial Advisory	Term ending 12/31/14	City Commission TL 12/31/16
Mark Gidney CPA	Term ending 12/31/14	City Commission TL 12/31/14

CAPITAL IMPROVEMENT PROJECTS OVERSIGHT COMMITTEE:

Cheryl Jacobs, (4) At-Large	Term ending 12/31/14	City Commission TL 12/31/18
Stacey Kilroy, (C3) Const/G/Cont.(TL12/13)	Term ending 12/31/14	City Commission TL 12/31/13
Dwight Kraai, (C2) Engineer (TL12/13)	Term ending 12/31/14	City Commission TL 12/31/13
Robert Rabinowitz, (C5) Engineer	Term ending 12/31/14	City Commission TL 12/31/17
Tony Trujillo, (4) Cap. Bud./Finance	Term ending 12/31/14	City Commission TL 12/31/16

DESIGN REVIEW BOARD:

Carol Housen, At-Large	Term ending 12/31/14	City Commission TL 12/31/16
Lilia Medina, Urban Planner	Term ending 12/31/14	City Commission TL 12/31/15
Marilys Nepomechie, Architect	Term ending 12/31/14	City Commission TL 12/31/17

HEALTH ADVISORY COMMITTEE:

Anthony Japour, ACLF	Term ending 12/31/14	City Commission TL 12/31/16
Dr. Stacey Kruger, Physician	Term ending 12/31/14	City Commission TL 12/31/16
Dr. Andrew Nullman, Physician	Term ending 12/31/14	City Commission TL 12/31/14
Dr. Jay Reinberg, Physician	Term ending 12/31/14	City Commission TL 12/31/16
Rachel Schuster, ACLF	Term ending 12/31/14	City Commission TL 12/31/16

HISTORIC PRESERVATION BOARD:

Dominique Bailleul, At-Large	Term ending 12/31/14	City Commission TL 12/31/16
Jane Gross, Dade Heritage	Term ending 12/31/14	City Commission TL 12/31/16
Josephine Manning, At-Large	Term ending 12/31/14	City Commission TL 12/31/14
Herb Sosa, MDPL	Term ending 12/31/14	City Commission TL 12/31/15

MIAMI BEACH CULTURAL ARTS COUNCIL:

Beatrice Hornstein	Term ending 12/31/15	City Commission TL 12/31/15
Daniel Novela	Term ending 12/31/15	City Commission TL 12/31/15
Marjorie O'Neill-Butler	Term ending 12/31/15	City Commission TL 12/31/15

MIAMI BEACH HUMAN RIGHTS COMMITTEE:

Alan Fishman, Law	Term ending 12/31/13	City Commission TL 12/31/16
Monica Harvey	Term ending 12/31/14	City Commission TL 12/31/18
Carlos J. Ortuño	Term ending 12/31/14	City Commission TL 12/31/16
Dr. Barry Ragone	Term ending 12/31/14	City Commission TL 12/31/16
Elizabeth Schwartz	Term ending 12/31/13	City Commission TL 12/31/16
Rafael Treviño	Term ending 12/31/14	City Commission TL 12/31/16
Bradley Ugent	Term ending 12/31/13	City Commission TL 12/31/18
Rachel Umlas	Term ending 12/31/14	City Commission TL 12/31/18

NORMANDY SHORES LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENTS

John Bowes	Term ending 12/31/14	City Commission TL 12/31/18
Ronald Loring	Term ending 12/31/14	City Commission TL 12/31/14
Mark Wojak	Term ending 12/31/14	City Commission TL 12/31/18

PERSONNEL BOARD

Mojdeh Khaghan	Term ending 12/31/14	City Commission TL 12/31/16
Gabriel Paez	Term ending 12/31/14	City Commission TL 12/31/15

PLANNING BOARD:

Jack Johnson, HP	Term ending 12/31/14	City Commission TL 12/31/18
Frank Kruszewski, General Bus.	Term ending 12/31/14	City Commission TL 12/31/18
Jean-Francois Lejeune, Architect	Term ending 12/31/14	City Commission TL 12/31/17

VISITOR AND CONVENTION AUTHORITY:

Steven Adkins, At-Large	Term ending 12/31/14	City Commission TL 12/31/14
Margaret (Peggy) Benua, At-Large	Term ending 12/31/14	City Commission TL 12/31/17
Aaron Perry, At-Large	Term ending 12/31/14	City Commission TL 12/31/16

Motion 1:**BUDGET ADVISORY COMMITTEE**

Motion made by Commissioner Weithorn to reappoint by acclamation the members listed for reappointment on the Budget Advisor Committee: Jacqueline Lalonde and Mark Gidney; seconded by Commissioner Exposito; Voice vote: 7-0. **Rafael E. Granado to handle.**

Motion 2:**VISITOR AND CONVENTION AUTHORITY**

Motion made by Commissioner Weithorn to reappoint by acclamation the members listed for reappointment on the Visitor and Convention Authority: Margaret Benua, Aaron Perry and Steven Adkins; seconded by Commissioner Exposito; Voice vote: 7-0. **Rafael E. Granado to handle.**

Motion 3:**AFFORDABLE HOUSING ADVISORY COMMITTEE**

Motion made by Commissioner Weithorn to reappoint by acclamation the members listed for reappointment on the Affordable Housing and Advisory Committee: Muayad Abbas, Charles Urstadt, David Smith and Juan Rojas; seconded by Commissioner Exposito; Voice vote: 7-0. **Rafael E. Granado to handle.**

Commissioner Weithorn stated that there are no nominations for the vacancy for (1) Residential Home Builder.

Motion 4:**ART IN PUBLIC PLACES**

Motion made by Commissioner Weithorn to reappoint by acclamation the members listed for reappointment on the Arts in Public Places: James Lloyd, Janda Wetherington, and Megan Riley; seconded by Commissioner Exposito; Voice vote: 7-0. **Rafael E. Granado to handle.**

Motion 5:**ART IN PUBLIC PLACES-VACANCIES**

Motion made by Commissioner Exposito to nominate Patricia Fuller and Susan Caraballo by acclamation.

Motion made by Commissioner Libbin to nominate David Lombardi by acclamation.

Motion made by Commissioner Wolfson to appoint both Susan Caraballo and David Lombard. Ballot vote taken.

The following were appointed:

Patricia Fuller (six votes)

Susan Caraballo (six votes).

Ballot 1:

Patricia Fuller (6 votes) -Commissioners Exposito, Góngora, Tobin, Wolfson, Weithorn and Mayor Bower.

Susan Caraballo (6 votes) - Commissioners Exposito, Góngora, Libbin, Tobin, Weithorn and Mayor Bower.

David Lombardi (2 votes) - Commissioners Libbin and Wolfson.

Motion 6:**CAPITAL IMPROVEMENT PROJECTS OVERSIGHT COMMITTEE**

Motion made by Commissioner Weithorn to reappoint by acclamation the members listed for reappointment on the Capital Improvements Projects Oversight Committee: Robert Rabinowitz, Tony Trujillo, Dwight Kraai, and Stacy Kilroy; seconded by Commissioner Exposito; Voice vote: 7-0. **Rafael E. Granado to handle.**

Motion 7:**CAPITAL IMPROVEMENT PROJECTS OVERSIGHT COMMITTEE(AT LARGE)**

Motion made by Vice-Mayor Góngora to nominate Cheryl Jacobs to the C4 At-Large category; seconded by Commissioner Weithorn; Voice vote: 7-0. **Rafael E. Granado to handle.**

Motion 8:**HEALTH ADVISORY COMMITTEE**

Motion made by Commissioner Weithorn to reappoint by acclamation the members listed for reappointment on the Health Advisory Committee: Rachel Schuster, Dr. Stacey Kruger, Dr. Andrew Nullman, Dr. Jay Reinberg and Anthony Japour; seconded by Commissioner Exposito; Voice vote: 7-0. **Rafael E. Granado to handle.**

Motion 9:**MIAMI BEACH CULTURAL ARTS COUNCIL**

Motion made by Commissioner Weithorn to reappoint by acclamation the members listed for reappointment on the Miami Beach Cultural Arts Council: Daniel Novela, Beatrice Hornstein and Marjorie O'Neill-Butler; seconded by Commissioner Exposito; Voice vote: 7-0. **Rafael E. Granado to handle.**

Motion 10:**MIAMI BEACH CULTURAL ARTS COUNCIL-VACANCY**

Motion made by Commissioner Libbin to appoint by acclamation Monica Minagorri to the vacancy on the Miami Beach Cultural Arts Council; seconded by Commissioner Tobin. **No vote taken.**

Vice-Mayor Góngora stated that he has not met with either one of the individuals nominated and requested to leave this vacancy open. Commissioner Tobin agreed.

Commissioner Wolfson requested that appointments be done at regular City Commission meetings.

Mayor Bower stated that this will be done at the March 2013 City Commission Meeting and suggested that all the Commissioners meet with the candidates. **Rafael E. Granado to handle.**

Motion 11:**MIAMI BEACH HUMAN RIGHTS COMMITTEE**

Motion made by Commissioner Weithorn to reappoint by acclamation all the members listed for reappointment on the Miami Beach Human Rights Committee: Rafael Treviño, Carlos Ortuño and Dr. Barry Ragone; seconded by Commissioner Exposito; Voice vote: 7-0. **Rafael E. Granado to handle.**

Motion 12:**MIAMI BEACH HUMAN RIGHTS COMMITTEE-VACANCIES**

Commissioner Weithorn stated that there are three people nominated for the two vacancies.

Commissioner Libbin nominated Monica Harvey.

Vice-Mayor Góngora stated that the three nominees are: Monica Harvey, Bradley Ugent and Rachel Umlas. Discussion held.

Mayor Bower stated that she has been asking that a photo of the applicant be included with the application to be able to visually identify the applicant. **Rafael E. Granado to handle.**

Commissioner Weithorn stated that this is a great idea.

The following were appointed:

Bradley Ugent (5 votes)

Rachel Umlas (5 votes)

Monica Harvey (by acclamation)

Ballot 1:

Monica Harvey (4 votes) - Commissioners Góngora, Libbin, Tobin and Wolfson

Bradley Ugent (5 votes) - Commissioners Exposito, Góngora, Weithorn Wolfson and Mayor Bower

Rachel Umlas (5 votes) - Commissioners Exposito, Libbin, Tobin, Weithorn and Mayor Bower

Vice-Mayor Góngora pointed out that on the Human Rights Committee the number of members is flexible and added that another appointment could be made.

Mayor Bower appointed **Monica Harvey** as a new position to the Miami Beach Human Rights Committee and approved by acclamation.

Motion #13:**NORMANDY SHORES LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT**

Motion made by Commissioner Libbin to reappoint by acclamation Ronald Loring, listed for reappointment on the NSLGN; seconded by Commissioner Tobin; Voice vote: 7-0. **Rafael E. Granado to handle.**

Motion 14:**NORMANDY SHORES LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT VACANCIES**

Motion made by Commissioner Libbin to appoint by acclamation Mark Wojak and John Bowes to the vacancies listed; seconded by Commissioner Weithorn. He explained that the members of this board work with the City Commission on behalf of the neighborhood association and they are members of the association. Voice vote taken: 7-0. **Rafael E. Granado to handle.**

Motion 15:**PERSONNEL BOARD**

Motion made by Commissioner Weithorn to reappoint by acclamation the members listed for reappointment on the Personnel Board: Mojdeh Khaghan and Gabriel Paez; seconded by Commissioner Exposito; Voice vote: 7-0. **Rafael E. Granado to handle.**

Discussion held.

Mayor Bower stated that on this board she must meet the applicants. This is a very important board and she has questions she needs to ask the applicants.

Commissioner Tobin requested to defer the vote on this. His understanding is that the function of this board has changed. Previously this board reviewed the hiring and the firing of employees, but this is not the case now.

Mayor Bower requested the City Attorney to review the duties of the Personnel Board and explain it to the members of the City Commission, and then he will meet with the applicants. **City Attorney's Office to handle.**

Vice-Mayor Góngora agreed that they City Commission needs to meet with the applicants.

Commissioner Wolfson requested from the City Attorney's Office clarification as to how the Civil Service Rules and the labor union contract works and intercept with each other, and the different choice of remedies. **City Attorney's Office to handle.**

Mayor Bower requested a meeting of the Legal Oversight Committee to review the duties and responsibilities of the Personnel Board. **City Attorney's Office to handle.**

Commissioner Wolfson requested a 1-1/2 page explaining the interaction of the Civil Service Rules and the different labor union contracts. **City Attorney's Office to handle.**

Jose Smith, City Attorney, explained that employees can chose to go to the Civil Service Board, but they usually chose to go through the grievance process. He added that the union contracts give them the choice and they chose arbitration.

Discussion continued.

Motion 16:

HISTORIC PRESERVATION BOARD

Motion made by Vice-Mayor Góngora to reappoint by acclamation the members listed for reappointment on the Historic Preservation Board: Dominique Bailleul, Jane Gross, Josephine Manning and Herb Sosa; seconded by Commissioner Exposito; Voice vote 7-0. **Rafael E. Granado to handle.**

Vice-Mayor Góngora stated that there is an applicant to the Design Review Board, Terry Bienstock, that has been making the rounds.

Rafael E. Granado, City Clerk, clarified that Terry Bienstock did not apply within the 10-day deadline per Section of the City Code 118-32, and this will require a 5/7 vote to appoint him.

Motion 17:

DESIGN REVIEW BOARD-TO CONSIDER TERRY BIENSTOCK

Motion made by Commissioner Wolfson to consider Terry Bienstock; seconded by Vice-Mayor Góngora. No vote taken.

Motion made by Commissioner Tobin to nominate Gary Twist to the Board of Adjustment. No second offered.

Motion 18:

BOARD OF ADJUSTMENT

Motion made by Commissioner Weithorn to reappoint by acclamation the members listed for reappointment on the Board of Adjustment: Joy Malakoff and Richard Preira; seconded by Vice-Mayor Góngora; Voice vote: 7-0: **Rafael E. Granado to handle.**

Commissioner Libbin nominated Noah Fox for the Real Estate Developer position on the Board of Adjustment.

Commissioner Tobin nominated Gary Twist for the Real Estate Developer position on the Board of Adjustment.

Discussion held.

Vice-Mayor Góngora nominated Roberta Gould for the Real Estate Developer position on the Board of Adjustment.

Commissioner Tobin asked if Gary Twist can serve on this board as he is a member of Sister Cities. **City Attorney's Office to handle.**

Discussion continued.

Commissioner Libbin nominated Scott Needleman for the Real Estate Developer position on the Board of Adjustment.

Commissioner Weithorn asked if Roberta Gould met the qualifications for the Real Estate Developer.

Discussion continued regarding criteria and qualifications.

Jose Smith, City Attorney, explained that Roberta Gould, based on the information presented in her resume, sells condominium units for a Real Estate Developers, but that does not make her a Real Estate Developer. She could qualify for other categories, but not this one.

Motion 19

DESIGN REVIEW BOARD

Motion made by Commissioner Weithorn to reappoint by acclamation lo Nepomechie to the architect category on the Design Review Board; seconded by Commissioner Tobin; Voice vote: 7-0. **Rafael E. Granado to handle.**

Motion 20:

BOARD OF ADJUSTMENT-VACANCY FOR THE REAL ESTATE DEVELOPER.

Motion made by Vice-Mayor Góngora to appoint Noah Fox; seconded by Commissioner Wolfson; Voice vote: 6-1; Opposed: Commissioner Tobin.

Motion 21

DESIGN REVIEW BOARD:

Motion made by Commissioner Wolfson to nominate Terry Bienstock. No second offered.

Discussion held.

Motion 22

DESIGN REVIEW BOARD:

Motion made by Commissioner Wolfson to waive the ten-day waiting period and consider Terry Bienstock; seconded by Vice-Mayor Góngora; Voice vote: 5-2; Opposed: Commissioners Libbin and Weithorn.

Commissioner Wolfson nominated Terry Bienstock.

Discussion held.

Ballot 1:

Terry Bienstock (3 votes) - Commissioners Exposito, Góngora, and Wolfson

Carol Housen (4 votes) - Commissioners Libbin, Tobin, Weithorn and Mayor Bower

Discussion continued.

Carol Housen was appointed to the DRB with 4 votes.

Motion 23

DESIGN REVIEW BOARD

Motion made by Commissioner Libbin to reappoint by acclamation Lilia Medina to the Urban Planner category; seconded by Commissioner Exposito; Voice vote: **Rafael E. Granado to handle.**

Motion 24**PLANNING BOARD:**

Motion made Commissioner Weithorn to nominate Jack Johnson to the Historic Preservation category; seconded by Mayor Bower. Discussion held.

Motion made by Commissioner Wolfson to nominate Daniel Veitia to the Historic Preservation category; seconded by Commissioner Libbin. Discussion held.

Motion 25**PLANNING BOARD-ARCHITECT CATEGORY**

Motion made by Vice-Mayor Góngora to reappoint Jean-Francois Lejeune to the General Business category by acclamation; seconded by Commissioner Weithorn; Voice vote: 7-0. **Rafael E. Granado to handle.**

Ballot 1:**PLANNING BOARD-HISTORIC PRESERVATION CATEGORY**

Jack Johnson (4 votes) - Commissioners Góngora, Weithorn, Tobin and Mayor Bower

Daniel Veitia (3 votes) - Commissioners Exposito, Libbin and Wolfson

Jack Johnson was appointed to the Historic Preservation with 4 votes.

The following individuals were nominated to the General Business category: Daniel Veitia and Frank Kruszewski.

Ballot 1:**PLANNING BOARD-GENERAL BUSINESS CATEGORY**

Frank Kruszewski (4 votes) - Commissioners Góngora, Weithorn, Wolfson and Mayor Bower

Daniel Veitia (3 votes) - Commissioners Exposito, Tobin and Libbin

Frank Kruszewski was appointed to the General Business category with 4 votes.

Jose Smith, City Attorney, stated that appointments need to be made to the Debarment Committee.

10:52:00:

Motion made by Commissioner Tobin to reconsider all the votes on the Planning Board; seconded by Commissioner Wolfson 3-4; Opposed: Mayor Bower, Vice-Mayor Góngora and Commissioners Exposito and Weithorn. The motion failed.

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

ACTION: No appointments were made.

Meeting adjourned at 10:53 a.m.

End of Regular Agenda