

# MIAMI BEACH

## City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
January 16, 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 9:52:26 a.m.

Inspirational Message given by Rabbi Marc Phillipe.

Pledge of Allegiance led by Edna Buchanan.

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

#### SUPPLEMENTAL MATERIAL 1:

C2F	Memorandum
C4E	Revised Memo from Vice-Mayor Michael Góngora
C7A	Resolution
C7C	Resolution
C7K	Revised Resolution & Additional Information
R7A 1& 2	Resolution
R7B	Resolution
R7C	Resolution

**SUPPLEMENTAL MATERIAL 1 Continued:**

R7D Collins Park Place BODR - Under a Separate Cover  
 R7I Mayor Matti Herrera Bower's Version & NCAC's Version Resolutions  
 R7J Resolution

**SUPPLEMENTAL MATERIAL 2:**

C4E Revised Memo from Commissioner Deede Weithorn  
 C7I Resolution  
 C7L Resolution

**ADDENDUM MATERIAL 1:**

C40 C4P C4Q C4R C4S C4T

**ADDENDUM MATERIAL 2:**

C4U R9L

**ADDENDUM MATERIAL 3:**

R9M

**ADDENDUM**

Motion made by Vice-Mayor Góngora to add items C4O, C4P, C4Q, C4R, C4S, C4T, C4U, R9L, and R9M to the Agenda as emergency items; seconded by Commissioner Weithorn; Voice vote 7-0.

**Presentations and Awards****10:44:18 a.m.**

PA1 Certificate Of Appreciation To Be Presented To The Miami Beach Police Department's Officer Of The Month For November And December 2012.  
 (Requested by Commissioner Jorge R. Exposito)

**ACTION:** Certificates presented to Officer Oldie Ochoa for the month of November and to Detective Jenny Velazquez for the month of December.

Commissioner Exposito stated that Detective Ochoa responded to a call at 535 Michigan Avenue where a transgender prostitute was discovered by a friend murdered. Detective Ochoa worked with Miami-Dade Crime Lab to assess and determine DNA of the subject collected. He was faced with hardship in trying to find the culprit, and used all his effort and knowledge re-interviewing witnesses in the case concerning the deceased's habits. It was learned that there had been similar cases of prostitutes murdered in Miami, and through his perseverance, Detective Ochoa was able to arrest the culprit on November 14, one day short of eight months since the crime scene had been discovered. Detective Ochoa is commended for his perseverance, dedication and service to the City.

Detective Velazquez received FBI information of a sex offender from California living in Miami Beach. This sex offender was involved in child pornography. Through her efforts, dedication and perseverance, Detective Velazquez was able to locate and apprehend this individual, who is being sent to California for his outstanding warrants. Commissioner Exposito commended Detective Velazquez for her hard work and for removing from the City someone who could do harm to the community. On behalf of the Mayor and Commission, they are grateful for her services to the City.

Chief Martinez explained that in the murder case there were no leads and Detective Ochoa's perseverance and tenacity eight months later culminated in the arrest of the murder suspect. Detective Velazquez investigates child pornography, and being able to put this person in prison is an accomplishment. Detective Ochoa pursues her work with passion and we commend her for

her tenacity in this case.

Handout or Reference Materials:

List of recipients

**9:56:08 a.m.**

- PA2 Certificate Of Recognition To Be Presented To Rachel Umlas, For Her Service During Her Tenure In The Community Development Advisory Committee.  
(Requested by Commissioner Jorge R. Exposito)

**ACTION:** Certificate presented.

Commissioner Exposito stated that the City has many boards and committees, and Miami Beach is unique in that there are many residents who want to participate and be part of the process, and today he wants to recognize Rachel Umlas for her services in the CDAC as her term ends. She is recognized as being an outstanding individual that has been the core and the driving force of this committee, always pushing forward to make the community better with her ideas. Commissioner Exposito recognized Ms. Umlas for outstanding services to the City of Miami Beach.

Rachel Umlas spoke.

**10:15:34 a.m.**

- PA3 Certificates Of Recognition To Be Presented For The Successful Production Of Art Basel 2012.  
(Requested by Commissioner Jerry Libbin)

**ACTION:** Certificates presented.

Commissioner Libbin stated that in December they celebrated the 11<sup>th</sup> Anniversary of Art Basel Miami Beach, and it was more spectacular than the previous rendition. It is an outstanding event that does not happen by itself. He recognized Bobby Goodman, from Garber Goodman, whose staff has been in charge of promoting the event since its beginning. He read the certificate into the record, and stated that he is proud to have Garber Goodman and Mr. Goodman in the City's team.

Bobby Goodman gave a brief background of how they came about promoting the event, and added that it has been an honor to work with the Art Basel representatives from Switzerland. Over the years, other cities have asked them to leave Miami Beach, but because of the great partnership between all the elected officials over the last 11 years, Art Basel is not going anywhere. They send their greetings, and are solid behind their plans for the growth and expansion of the Convention Center, and they stand ready to assist however they can.

Commissioner Libbin recognized Global Spectrum, who manage the Convention Center, and have a lot to do with the success of Art Basel 2012. He read the certificate into the record. Their hard work and dedication has helped secure Miami Beach as the premier destination for Art Basel annually, and the City is proud to call Global Spectrum a partner and recognize its valuable contribution to the community.

Bob Balsam, Global Spectrum, stated that with the help of Goodman and Centerplate, they realized that Art Basel event's requirements and expectations were well above everything they dealt with, and they are proud to represent the City of Miami Beach.

Commissioner Libbin also commended Centerplate for their excellence. He read the certificate

into the record.

Nick Tierno, Centerplate General Manager, spoke.

**10:28:14 a.m.**

PA4 Certificates Of Recognition To Be Presented To The Principal, Vice Principals And Teachers Of North Beach Elementary In Miami Beach.

(Requested By Vice-Mayor Michael Góngora)

**ACTION:** Certificates presented.

Vice-Mayor Góngora explained that after the tragic shooting that occurred in Newton, Connecticut at the Sandy Hook Elementary, he was shocked and disturbed about the news. This shooting has reignited the gun control debate at a national level. He read about the unsung heroes and the teachers involved who died protecting the children. The teachers in our schools are there for the students, and they are recognized time and time again; however, over the next several months, he will be calling the principals of each school, and asking them to select three teachers to represent their school and come in front of the Commission to receive awards. This month we recognize from North Beach Elementary Dr. Alice Quarles, principal for the past six years, Educational Excellence School Advisory Council Chairperson and fifth grade Chairperson Ms. S. Green, Mrs. Annette Schwartzbaum, Third Grade Chairperson and Mrs. L. West, the Kindergarten Chairperson. Beach Elementary is on the top eight percent of all elementary schools in the State of Florida, and this takes team effort from the school staff up to the Mayor who is always there lending her support. He thanked them for their dedication.

Alice Quarles, North Beach Elementary School Principal, spoke.

Mayor Bower stated that parents demand a great deal from teachers, and she was very involved with PTA when her children were in school. A good teacher is a loving teacher and pays attention to each child, and that is why she opposes having too many students in a class. Teachers spend more time with our children than with parents, and they are the future of our country. Thank you to all the schools in Miami Beach and all the teachers. She thanked Vice-Mayor Góngora for bringing this up.

Commissioner Exposito also recognized the teachers and staff at North Elementary School.

**10:39:29 a.m.****New Item:**

PA5 Proclamation To Be Presented To Ed Steinman For his Dedication To The Boys Club For Over 30 years.

(Requested By Mayor Matti Herrera Bower)

**ACTION:** Proclamation presented.

Mayor Bower explained that Mr. Steinman has been a Boys Scout Master of Troop 65 since 1975; he has guided over 500 Boy Scouts in camping trips and expeditions and has helped 20 boys to achieve the Eagle Scout award, the top achievement that can be earned. Mr. Steinman is a resident of Miami Beach, and through his efforts he has helped many children in our City to become future leaders. She is happy to proclaim today "Ed Steinman's Day" in the City of Miami Beach.

Ed Steinman thanked the Mayor and the PAL, who sponsors their troops, and stated that only two percent of Boys Scouts in the United States become Eagles Scouts, and what they are trying to do is get them to be good citizens, have a good time and acquire knowledge.

**10:00:02 a.m.****New Item:**

PA6 Proclamation To Be Presented To Edna Buchanan, Acclaimed Author and City Of Miami Beach Resident.

(Requested By Vice-Mayor Michael Góngora)

**ACTION:** Proclamation presented.

Vice-Mayor Góngora presented the proclamation to a Miami Beach and national celebrity, Edna Buchanan. Edna Buchanan's writing career spans more than 40 years, and includes newspapers, magazines, fiction, nonfiction and short stories. Edna has been winning awards for her writing since she began with a small newspaper in Miami, Florida. In 1970 she joined *The Miami Herald*, one of the nation's great newspapers, and was the first woman in Florida assigned to cover the police beat full-time. For the next 18 years, Edna reported on more than 5,000 violent deaths, 3,000 of them homicides. She was the winner of the Society of Professional Journalists' Green Eyeshade Award for deadline reporting. In addition, Edna has received the Paul Hansell Award for Distinguished Achievement in Florida Journalism from the Florida Society of Newspaper Editors, the Florida Bar Association Media Award, the American Bar Association Gavel Award, and the David Brinkley Award from Barry University. In 2001, she received the George Polk Award for Career Achievement in Journalism. During the period from 1979 to 1992, Edna wrote four nonfiction books based on her crime reporting. Her autobiography, *The Corpse Had a Familiar Face*, was made into a movie for CBS TV in 1994, and a sequel, *Deadline for Murder: From the Files of Edna Buchanan*, aired in 1995. The truth is that both Edna and her work are legendary. So it is very fitting that the Florida Heritage Book Festival honored Edna Buchanan as their 2012 Literary Legend. The Mayor and City Commission take pride in proclaiming today "Edna Buchanan's Day" in the City of Miami Beach.

Edna Buchanan gave a historical biographical background of her memories of Miami Beach when she first arrived. She also shared anecdotes about Jane Fisher, Jay Dermer and others. She has been lucky to meet all these people who have made Miami Beach what it is today.

Mayor Bower recognized Ms. Buchanan for her activism and community participation.

**New Item:**

PA7 Certificates Of Recognition To Be Presented To Jesus Martinez and PNP Beach Restaurant.  
(Requested by Commissioner Jonah Wolfson)

**ACTION:** Item deferred.

**10:10:45 a.m.**

**New Item:**

PA8 Certificates Of Appreciation To Be Presented To Walgreens Store #3492 For Their Participation in the Miami Beach Fire Department Toy Drive On December 24, 2012.

(Requested by Commissioner Jorge Exposito)

**ACTION:** Certificates presented to Maria Maqieria, Cashier and Jeff Bialczak, Regional Manager.

Commissioner Exposito recognized staff from Walgreens Store #3492 for providing assistance to the Fire Department during the Toy Drive. On behalf of the City of Miami Beach, he extends his appreciation for their efforts in making this a successful event, which benefitted so many children.

Michelle Viera, Firefighter I, stated that this event would not have been possible without Walgreens participation.

Mayor Bower stated that not only do they give the toys, but they also distribute boxes of toys to other organizations.

**10:14:58 a.m.**

**Announcement**

Mayor Bower suggested recognizing all the different organizations that have Give-Away programs in Miami Beach on a monthly basis.

**CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Weithorn, excluding item C4I, to approve the Consent Agenda; seconded by Commissioner Tobin; Voice-vote: 7-0.

**C2 - Competitive Bid Reports**

C2A Request For Approval To Authorize The Issuance Of A Request For Proposals (RFP) For Audit Services For An Audit Of The City's Capital Improvement Projects Administered By The City's Capital Improvement Projects Office And Other City Departments.  
(Budget & Performance Improvement)

**ACTION:** Request authorized. Alex Denis to handle.

- C2B Request For Approval To Authorize The Issuance Of A Request For Proposals (RFP) For Emergency Management Administrative Support Services.  
(Budget & Performance Improvement)

**ACTION: Request authorized. Alex Denis to handle.**

- C2C Request For Approval To Award Contracts To A Quick Board Up Service As Primary Vendor And To Sanchez Arango Construction As Secondary Vendor Pursuant To Invitation To Bid (ITB) No. 63-11/12 For Emergency Board Up And Securing Services, In The Estimated Annual Amount Of \$60,000.  
(Building/Procurement)

**ACTION: Request authorized. Alex Denis to handle.**

- C2D Request For Approval To Award Contracts To W.W. Grainger, Inc. And To Aaron Industrial Safety, Pursuant To Invitation To Bid (ITB) No. 43-11/12, For Purchase And Delivery Of Safety Supplies, In The Estimated Annual Amount Of \$93,000.  
(Citywide/Procurement)

**ACTION: Request authorized. Alex Denis to handle.**

- C2E Request For Approval To Award Contracts To G7 Holdings, Inc. D/B/A Garbage.com As Primary Vendor, And Austin Tupler Trucking, Inc. As Secondary Vendor, Pursuant To Invitation To Bid (ITB) No. 3-12/13, For Removal And Disposal Of Construction Debris And Asphalt, In The Annual Estimated Total Amount Of \$133,960.  
(Public Works/Procurement)

**ACTION: Request authorized. Alex Denis to handle.**

**ITEM MOVED TO THE REGULAR AGENDA AS ITEM R2A**

**SUPPLEMENTAL MATERIAL 1 - Memorandum**

- C2F Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 07-12/13, For The City Of Miami Beach Bayfront Street End Improvement Project For 10th Street, Authorizing The Mayor And City Clerk To Execute An Agreement With Ebsary Foundation Co., In The Amount Of \$123,450.00, For The Construction Of The Project, Plus Approve A Project Contingency Of 10% For A Grand Total Of \$1,357,900.00 (Subject To Commission Approval Of The First Amendment To The Capital Budget); Further Authorizing The Administration To Engage In Value Engineering To Further Reduce The Cost And Time For Completion Of Said Project.  
(Public Works/Procurement)

**(Memorandum to be Submitted in Supplemental)**

**ACTION: See item R2A.**

**C4 - Commission Committee Assignments**

- C4A Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Jewish Community Center's Request For Reimbursement, In The Amount Of \$241,000, For Costs Associated With Reconstructing The Seawall Along The City-Owned Property Located At 4221 Pine Tree Drive.

(Real Estate, Housing & Community Development)

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

- C4B Referral To The Finance And Citywide Projects Committee - Discussion Of A Lease Amendment With Damian J. Gallo & Associates (D/B/A Permit Doctor).

(Real Estate, Housing & Community Development)

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

- C4C Referral To The Sustainability Committee, To Discuss The City Of Miami Beach's Participation In Earth Hour To Be Held On March 23, 2013.

(Requested by Vice-Mayor Michael Góngora)

**ACTION: Referred.** Fred Beckmann to place on the committee agenda. **Jay Fink to handle.**

**8:37:52 p.m.**

- C4D Referral To The Neighborhood/Community Affairs Committee Of A Proposed Public Art Project For Placement In South Pointe Park Pier.

(City Manager's Office)

**ACTION: Item separated for discussion by Mayor Bower and referred.** Motion made by Commissioner Libbin; seconded by Commissioner Exposito; Voice vote; 5-0; Absent: Vice-Mayor Góngora and Commissioner Tobin. Barbara Hawayek to place on the committee agenda. **Max Sklar to handle.**

Mayor Bower separated this item to ask if the City Commission will be notified when an invitation to bid is issued and before it goes to committee.

Max Sklar, Acting Assistant City Manager, explained that it will be done the same as a regular bid.

Mayor Bower explained that she did not understand the process. She added that she received many telephone calls from artists and she gave them the wrong information because she was not aware of this. She wants to ensure that all artists are provided an opportunity on this participate and that everyone knows the process.

**SUPPLEMENTAL MATERIAL 1 - Revised Memo from Vice-Mayor Michael Góngora****SUPPLEMENTAL MATERIAL 2 - Revised Memo from Commissioner Weithorn**

C4E Referral To The ~~Finance And Citywide Projects Committee~~ Convention Center Advisory Board - Discussion Regarding ING Marathon Use Of The Miami Beach Convention Center.

(Requested by Commissioner Deede Weithorn & Vice-Mayor Michael Góngora)

**(Revised Memo from Commissioner Deede Weithorn)**

**ACTION: Referred.** Lenny Timor to place on the committee agenda. **Max Sklar to handle.**

C4F Referral To The Neighborhood/Community Affairs Committee - Discuss Creating A Municipal Youth Council On Miami Beach.

(Requested by Commissioner Edward L. Tobin)

**ACTION: Referred.** Barbara Hawayek to place on the committee agenda. **Kevin Smith to handle.**

C4G Referral To The Neighborhood/Community Affairs Committee - Discuss An Update On Upper North Bay Road Drainage Project.

(Requested by Commissioner Edward L. Tobin)

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

C4H Referral To The Finance And Citywide Projects Committee - Discuss Timely Publication And Distribution Of Agendas For The City's Boards And Committees, Particularly The Committees Of The City Commission And The City's Land Use Boards.

(Requested by Commissioner Deede Weithorn)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. **Trish Walker and Richard Lorber to handle.**

**10:51:34 a.m.**

**3:05:27 p.m.**

C4I Referral To The Land Use And Development Committee - Discussion Concerning A Proposed Amendment Of The Charter To Prohibit The Involuntary Designation Of Single-Family Residences As Individual Historic Sites, Hereinafter Referred To As The Miami Beach Homeowner Protection Act.

(Requested by Commissioner Jonah Wolfson)

**ACTION: Item separated for discussion by Mayor Bower. Item referred and heard in conjunction with R9I.**

**MOTION ON C4I:**

Motion made by Commissioner Wolfson to refer the item as originally written to the Land Use and Development Committee; seconded by Commissioner Exposito: Voice vote: 6-1; Opposed; Mayor Bower. **Richard Lorber to place on the committee agenda and to handle.**

**MOTION ON R9I:**

Motion made by Commissioner Wolfson to refer to the Land Use and Development Committee item R9I, the discussion of involuntary designation of single family residences as historical sites; seconded by Commissioner Exposito; Voice-vote: 7-0; Motion carries, item referred.

Mayor Bower asked for a point of information, since Commissioner Wolfson wants to amend one of the items on the Consent Agenda. She asked for the procedure to follow.

Jose Smith, City Attorney, suggested pulling the item now, having a discussion, and making a motion to refer it or amend.

Discussion held.

Commissioner Wolfson requested to withdraw this item, and refer for discussion to committee.

Mayor Bower suggested deferring the item for a later time.

Motion made by Commissioner Wolfson to withdraw the current referral, Item C4I, and make (R9I) a referral to the Land Use and Development Committee for discussion concerning the involuntary designation of single family residences in historic sites, because the County Historic Preservation Charter has a provision that supersedes the ability to change certain methods of involuntary designation; seconded by Commissioner Exposito. No vote taken.

Mayor Bower stated that she wants to discuss C4I and R9I together. Discussion continued.

Motion made by Commissioner Weithorn to move the Consent Agenda excluding C4I.

**3:06:26 p.m.**

C4I and R9I are referral and discussion items.

Commissioner Wolfson explained that allowing the single-family homeowners in Miami Beach to do what they want with their homes (Item C4I) preserves the core of the City for the economic betterment of the County and the State. The historic preservation movement is ongoing, but it may be closing in a level of satisfaction where we have something that no one else has in the State. Miami Beach has a special historic district, and an economic engine because of that; but it could go too far.

Mayor Bower clarified that her referral (Item R9I) is to enhance what is already in place, which has worked well with the incentives given to maintain the historic homes in existence. She had asked to search for ordinances in other places to see what the City can bring in and make it fit to the needs and characters of the neighborhoods in Miami Beach.

Discussion held. In regards to item R9I Commissioner Wolfson asked that they look at this involuntary designation as a Charter amendment.

Jorge Gomez, Assistant City Manager, explained that Mayor Bower's referral deals with other incentives or refinements that can be made to have people consider the retention or rehabilitation of existing homes as oppose to new construction.

Discussion held.

Frank Del Vecchio recommended that this Commission refer the matters to the Land Use and Development Committee.

Discussion continued.

Daniel Ciraldo suggested the City Commission check the Design Review Board videos online, where historic homes are shown. Neighbors are concerned, but developers are not interested in saving the homes. There are demolitions by neglect; as well as demolition by foreclosure, and it has become a commercial operation that is taking place in the residential neighborhoods. They are not there to take away people's rights, but urge that this item be discussed at committee, sooner than later.

Discussion continued.

Nancy Liebman stated that this is about protecting the character of neighborhoods. The homes are part of preservation and should be treated in the same respectful manner.

Jo Manning spoke.

Discussion held.

Motion made by Commissioner Wolfson to refer C4I, as originally written, to the Land Use and Development Committee; seconded by Commissioner Exposito; Voice vote; 6-1; Opposed Mayor Bower.

Motion made by Commissioner Wolfson to refer to the Land Use and Development Committee item R9I, the discussion of involuntary designation of single family residences as historical site; seconded by Commissioner Exposito; Voice-vote: 7-0; Motion carries, item referred.

Jorge Gomez, Assistant City Manager, in answering Mayor Bower's question about the process, explained that on the Star Island home, if at the February 5, 2013 Design Review Board they obtain approvals, they will have equitable stopple rights on any individual designation, since that involves an ordinance amendment. MDPL made a separate application to the HPB to consider designation of the home, and that will be heard on February 12. If the DRB does not approve the project at Star Island, the other application in front of HPB goes forward, under the ordinance, the moment that the DRB directs staff to prepare the evaluation report, by ordinance Planning must notify the Commission and there is a sixty-day period to discuss it and vote by a 5/7 vote.

Discussion continued.

## Handouts and Reference Materials:

1. Petition RE: Stop the demolition of 42 Star Island, a 1924 landmark of Miami Beach

C4J Referral To Finance And Citywide Projects Committee A Discussion Regarding Upgrade To Municipal Parking Garage Gated Revenue Control System.  
(Parking Department)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. **Saul Frances to handle.**

C4K Referral To The Neighborhood/Community Affairs Committee - Discussion To Review And Consider Modification To The Military Veterans Vendor Preference Ordinance No. 2011-3748.  
(Requested by Commissioner Jerry Libbin)

**ACTION: Referred.** Barbara Hawayek to place on the committee agenda. **Alex Denis to handle.**

C4L Referral To The Neighborhood/Community Affairs Committee - Discussion To Review And Consider Modification To The Local Vendor Preference Ordinance No. 2011-3747.  
(Requested by Commissioner Jerry Libbin)

**ACTION: Referred.** Barbara Hawayek to place on the committee agenda. **Alex Denis to handle.**

C4M Referral To The Finance And Citywide Projects Committee A Discussion Directing The Administration To Give The Commission An Analysis Of All City Personnel Receiving Planning Day Pay And/Or Executive Work Days Pay, Details About Its Genesis, Aggregate Cost To The City, Intended Purpose, And History.  
(Requested by Commissioner Jerry Libbin)

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

C4N Referral To The Neighborhood/Community Affairs Committee - Discuss The Illegal Vendors, Including Illegal Tobacco Vendors In Miami Beach.  
(Requested by Vice-Mayor Michael Góngora)

**ACTION: Referred.** Barbara Hawayek to place on the committee agenda. **Stephen Scott to handle.**

**ADDENDUM MATERIAL 1**

C4O Referral To The Neighborhood/Community Affairs Committee To Discuss Status Of Beach Walk From Sunrise Plaza To 4<sup>th</sup> Street.

(Requested By Commissioner Edward L. Tobin)

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

**ADDENDUM MATERIAL 1**

C4P Referral To The Neighborhood/Community Affairs Committee To Discuss Beach Erosion And Sand Shifting.

(Requested By Commissioner Edward L. Tobin)

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

**ADDENDUM MATERIAL 1**

C4Q Referral To The Neighborhood/Community Affairs Committee To Discuss A Sanitation Plan During Spring Break 2013.

(Requested by Vice-Mayor Michael Góngora)

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

**ADDENDUM MATERIAL 1**

C4R Referral To The Land Use And Development Committee To Discuss The Lincoln Road Utilization Areas For Sidewalk Cafes.

(Requested by Vice-Mayor Michael Góngora)

**ACTION: Referred.** See action with item R9G, a similar item, to be heard in conjunction with C4R at committee. Richard Lorber to place on committee agenda. **Public Works to handle.**

**ADDENDUM MATERIAL 1**

C4S Referral To The Finance And Citywide Projects Committee Requesting A Status Update On The Delayed Issuance Of The RFP For The Professional Food And Beverage Facilities Management For The Miami Beach Convention Center.

(Requested By Commissioner Deede Weithorn)

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

**ADDENDUM MATERIAL 1**

C4T Referral To The Neighborhood/Community Affairs Committee For The Status Of The Major Event Plan For Spring Break.

(Requested by Commissioner Jorge R. Exposito)

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

**ADDENDUM MATERIAL 2**

C4U Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Loans-At-Work Program.

(Requested by Commissioner Deede Weithorn)

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

**C6 - Commission Committee Reports**

C6A Report Of The Neighborhood/Community Affairs Committee Meeting Of December 17, 2012: **1)** Discussion Regarding A Request Related A Plaque Being Placed At City Hall In Honor Of Rose Weiss, As The Rose Weiss Park Is Now Known As The Washington Park & Community Garden. **2)** Discussion Regarding Amending The City Code To Provide For Alternative Enforcement Means And Establish A Fixed Fine Schedule For Certain Provisions. **3)** Discussion Regarding Enhancing The Entrances Of The Beach Walk. **4)** Discuss Naming 8<sup>th</sup> Street After Tony Goldman. **5)** Discussion Regarding Criteria For Calling Special Meetings Of The City Commission. **6)** Discussion Regarding A Resolution Urging The Florida Legislature To Exempt From Public Records Disclosure Absentee Ballot Requests And Personal Information Included On Such Requests. **7)** Discussion Regarding Traffic Flow On 1<sup>st</sup> Street, In The Area East Of Alton Road And West Of Washington Avenue. **8)** Discussion Regarding Bringing V-Day To Miami Beach. **9)** Discussion Regarding A Potential Signage Program Establishing Miami Beach As A Hate Free Zone. **Addendum: 1)** Discussion Regarding The Need For Attended Bathrooms In The City Of Miami Beach. 2) Discuss An Update On The Citywide Dunes Maintenance Plan.

**ACTION:**

**Item No.1: Discussion Regarding A Request Related A Plaque Being Placed At City Hall In Honor Of Rose Weiss, As The Rose Weiss Park Is Now Known As The Washington Park & Community Garden.** The Committee (Commissioners Libbin and Exposito present) recommended that the plaque be placed at City Hall by the pole where the flag is. Motion seconded by Commissioner Libbin.

**Item No. 2: Discussion Regarding Amending The City Code To Provide For Alternative Enforcement Means And Establish A Fixed Fine Schedule For Certain Provisions.** The Committee (Commissioners Tobin, and Exposito) accepted as recommended, and forwarded the item to the City Commission, pending a review of cure period on some sections presented. Commissioner Libbin opposed as he did not have enough information.

**Item No.3: Discussion Regarding Enhancing The Entrances Of The Beach Walk.** Item was deferred as a request by Commissioner Góngora (not present)

**Item No. 4: Discuss Naming 8<sup>th</sup> Street After Tony Goldman.** Item was deferred as per request of the family not present at the meeting.

**Item No. 5: Discussion Regarding Criteria For Calling Special Meetings Of The City Commission.** Commissioner Tobin moved with the deletion of emergency requirement to make this a resolution, Commissioner Libbin and Commissioner Exposito were in favor and recommended to forward the draft Resolution to the January 2013 City Commission agenda.

**City Clerk's Note: See Item R7I – Resolution 2013-28125**

**Item No. 6: Discussion Regarding A Resolution Urging The Florida Legislature To Exempt From Public Records Disclosure Absentee Ballot Requests And Personal Information Included On Such Requests.** The Committee asked Administration to invite someone to attend a future NCAC meeting and explain the pros and cons regarding this resolution.

**Item No. 7: Discussion Regarding Traffic Flow On 1<sup>st</sup> Street, In The Area East Of Alton Road And West Of Washington Avenue.** Commissioner Libbin suggested that item be brought back to the February 2013 NCAC meeting.

**Item No. 8: Discussion Regarding Bringing V-Day To Miami Beach.** No action taken

**Item No. 9: Discussion Regarding A Potential Signage Program Establishing Miami Beach As A Hate Free Zone. Addendum: 1) Discussion Regarding The Need For Attended Bathrooms In The City Of Miami Beach. 2) Discuss An Update On The Citywide Dunes Maintenance Plan.** CLOSED OUT

**Addendum: 1) Discussion Regarding The Need For Attended Bathrooms In The City Of Miami Beach.** No Action Taken.

**Addendum: 2) Discuss An Update On The Citywide Dunes Maintenance Plan.** Recommendation was for administration to come back in 90 days for a quarterly report.

C6B Report Of The Land Use And Development Committee Of December 19, 2012: **1)** Alton Road Districts: a) Proposed Alton Road Historic District Buffer Overlay. b) Proposed Parking District #6 For The Alton Road Corridor. **2)** Parking Ordinances And Parking Discussion Items: a) Discussion On The Parking Requirement And How We Can Incentivize For Good Hotel Development. b) Sunset Harbour Parking District 5; Discussion Of A Residential Parking Reduction For Mixed-Use And Adaptively Re-Used Buildings. c) Discussion Regarding Hotels In Residential Neighborhoods And Parking Requirements. d) Proposed Ordinance: Revisions To Requirements For The Use Of Mechanical Parking Systems. **3)** Discussion Regarding Changing The Permitted Uses In A CD-2 District To Allow For Self-Storage. **4)** Reduced Parking Rates For Hotel Employees. **5)** Discussion Of The Miami Beach Current City Code Chapter 6-4 (3) Relating To Alcoholic Beverage Sales That Requires A 300 Foot Distance Between Liquor Stores And Ask That The City Look Into Adopting The County Requirement Of 1500 Feet. **6)** Review Of Miami Beach Land Use Boards To Improve The City Of Miami Beach Building And Planning Department Processes: a) Minimum Unit Sizes For Historic Hotels & RM-2 Tower Setbacks. b) RM-3 Accessory Use Signage. c) Pool Setbacks And Mechanical Equipment Setback Encroachments. **7)** Discussion Of RFP For Tennis Maintenance And Bifurcating Maintenance And Operations. **8)** 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. **9)** Discussion Concerning The Miami Beach Human Rights Committee Resolution Regarding The Posting Of Public Notices. **10)** Discussion Regarding Food Trucks On Private Property. **11)** Discussion Regarding The Status Of The Second Hand Store Ordinance.

**ACTION:**

**Item No. 1: Alton Road Districts: a) Proposed Alton Road Historic District Buffer Overlay. b) Proposed Parking District #6 For The Alton Road Corridor.** Deferred to January 23, 2013 meeting.

**Item No. 2: Parking Ordinances And Parking Discussion Items:**

**a) Discussion On The Parking Requirement And How We Can Incentivize For Good Hotel Development.** a) Libbin/Góngora: (2-0). Move to City Commission without recommendation (both Planning Board and Planning Department staff versions).

**b) Sunset Harbour Parking District 5; Discussion Of A Residential Parking Reduction For Mixed-Use And Adaptively Re-Used Buildings.** b) Libbin/Góngora: (2-0). Send to Planning Board with 1 space per unit requirement for new construction and non for adaptive reuse; to come back to LUDC prior to first reading.

**c) Discussion Regarding Hotels In Residential Neighborhoods And Parking Requirements.** c) Hotels and Residential Neighborhood: See Item 8a.

**d) Proposed Ordinance: Revisions To Requirements For The Use Of Mechanical Parking Systems.** d) Libbin/Góngora: (2-0). Send proposed ordinance to Planning Board.

**Item No. 3: Discussion Regarding Changing The Permitted Uses In A CD-2 District To Allow For Self Storage.** Libbin/Góngora: (2-0). Send to Commission with recommendation for only Alton, Sunset Harbour and Harding areas.

**Item No. 4: Reduced Parking Rates For Hotel Employees.** Deferred to January 23, 2013 meeting.

**Item No. 5: Discussion Of The Miami Beach Current City Code Chapter 6-4 (3) Relating To Alcoholic Beverage Sales That Requires A 300 Foot Distance Between Liquor Stores And Ask That The City Look Into Adopting The County Requirement Of 1500 Feet.** Deferred to January 23, 2013 meeting.

**Item No. 6: Review Of Miami Beach Land Use Boards To Improve The City Of Miami Beach Building And Planning Department Processes: Minimum Unit Sizes For Historic Hotels & RM-2 Tower Setbacks. b) RM-3 Accessory Use Signage. c) Pool Setbacks And Mechanical Equipment Setback Encroachments.** Jorge Gomez explained a proposed additional zoning ordinance amendment, regarding the Planning Board's application to modify the requirements for Boat Dock approval. The Committee felt that the Planning Board is best aware of the current requirements, and could proceed with a public hearing on their proposed ordinance streamlining the approval process.

**Item No. 7: Discussion Of RFP For Tennis Maintenance And Bifurcating Maintenance And Operations.** Libbin/Góngora: (2-0). Send to the Commission a recommendation for the Administration to put out an RFP for a management company to do the entire job, to include performance standards highlighting maintenance. Send to Tennis Advisory Committee as well.

**Item No. 8: 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.** Hotels in Residential Neighborhood: Libbin/Góngora: (2-0). Move forward ordinance to prohibit hotels in the West Avenue corridor,

and Palm View to Planning Board. Legal to provide advice re property rights act. Include applicability clause to protect existing properties.

**Item No. 9: Discussion Concerning The Miami Beach Human Rights Committee Resolution Regarding The Posting Of Public Notices.** Deferred to the January 23, 2013 meeting.

**Item No. 10: Discussion Regarding Food Trucks On Private Property.** Deferred to the January 23, 2013 meeting.

**Item No. 11: Discussion Regarding The Status Of The Second Hand Store Ordinance.** Libbin/Góngora: (2-0) send to Commission for first reading as presented.

**8:39:39 p.m.**

C6C Report Of The Finance And Citywide Projects Committee Of December 20, 2012: **1)** Discussion Regarding A Proposed Marketing Program For Sunscreen And An Update On Other Potential Marketing Partnerships. **2)** Discussion Regarding The Motions Made By The Quality Of Education Committee During Their September Meeting. **3)** Discussion Concerning The Lease For The Miami-Dade Gay And Lesbian Chamber Of Commerce Foundation Located At Historic City Hall At 1130 Washington Avenue. **4)** Discussion Regarding To Consider A Request For Rent Relief From Penn 17, LLC., Regarding The Retail Space At The Pennsylvania Avenue Parking Garage. **5)** Discussion To Consider Two Lease Agreements: One Lease With State Representative David Richardson For 690 Square Feet Of Office Space Consisting Of Suites 402A And 402B Located At 1701 Meridian Avenue; And Another Lease With Commissioner Bruno Barreiro For 412 Square Feet Of Office Space Located On The Ground Floor Of City Hall; Said Discussion To Include The Setting And Advertising Of Public Hearings For The January 16, 2013, Commission Meeting. **6)** Discussion Regarding The Issuance Of A Request For Proposals For The Installation And Operation Of Citywide Automated Teller Machines At Various City-Owned Properties And Facilities, Approved By The City Commission On March 21, 2012. **7)** Discussion Of The Current Management And Operations Of The City Of Miami Beach Golf Courses, Clubhouses And Related Facilities And Options/Direction For The Future Management Agreement.

**ACTION: Item C6C-2 separated for discussion by Mayor Bower.** Motion made by Commissioner Libbin; seconded by Commissioner Wolfson; Voice vote; 5-0; Absent: Vice-Mayor Góngora and Commissioner Tobin.

**City Clerk's Notes:** Announced Corrections to original item – on Page 185, under Action, and page 186, 2<sup>nd</sup> paragraph, change:

The Committee recommended funding the City's proportionate share of the estimated \$62,000 for a full time registered nurse (with benefits), and ~~\$30,000 for a full time medical assistant (with benefits)~~, subject to the other two neighboring municipalities also contributing their proportionate share of the expenses. The City's proportionate share is approximately \$29,000. This is to be done for one year and analyzed again when preparing the operating budget going forward.

**Item No. 1: Discussion Regarding A Proposed Marketing Program For Sunscreen And An Update On Other Potential Marketing Partnerships.** Finance Committee members to meet with Assistant City Manager Max Sklar to go over any questions that can be answered before bringing this discussion back to the next meeting.

**8:39:39 p.m.**

**Item No. 2: Discussion Regarding The Motions Made By The Quality Of Education Committee During Their September Meeting.** The Committee recommended funding the City's

proportionate share of the estimated \$62,000 for a full-time registered nurse (with benefits), and \$30,000 for a full-time medical assistant (with benefits), subject to the other two neighboring municipalities also contributing their proportionate share of the expenses. This is to be done for one year and analyzed again when preparing the operating budget going forward.

Mayor Bower separated this item to understand what the change was.

Commissioner Libbin explained that the issue is that the School Board will not hire a nurse unless they have enough money for a full-time nurse. If the other communities are willing to pay their fair share, the City will be willing to pay their fair share. The committee directed the Administration to reach out, subject to the City Commission approval, to the other administrations in neighboring communities, to determine if they are willing to appropriate their share of the \$65,000 cost for nurses. **Patricia Walker to handle.**

Motion made by Commissioner Libbin; seconded by Commissioner Wolfson; Voice vote; 5-0; Absent: Vice-Mayor Góngora and Commissioner Tobin.

**Item No. 3: Discussion Concerning The Lease For The Miami-Dade Gay And Lesbian Chamber Of Commerce Foundation Located At Historic City Hall At 1130 Washington Avenue.** Item Deferred.

**Item No. 4: Discussion Regarding To Consider A Request For Rent Relief From Penn 17, LLC., Regarding The Retail Space At The Pennsylvania Avenue Parking Garage.** This item was moved with no recommendation except conceptually since it has to go to before the Commission for final approval. The Finance Committee provided parameters' that must be negotiated with the tenant regarding rent deferral which should be less than one year, no rent abatement and the tenant is to provide a timeline for the re-opening of the restaurant. Upon completion of the negotiations, the agreement should be brought to the January Commission meeting for approval.

**Item No. 5: Discussion To Consider Two Lease Agreements: One Lease With State Representative David Richardson For 690 Square Feet Of Office Space Consisting Of Suites 402A And 402B Located At 1701 Meridian Avenue; And Another Lease With Commissioner Bruno Barreiro For 412 Square Feet Of Office Space Located On The Ground Floor Of City Hall; Said Discussion To Include The Setting And Advertising Of Public Hearings For The January 16, 2013, Commission Meeting.** The Committee recommended entering into a Lease Agreement with Representative David Richardson (and/or the Florida House of Representatives) for the use of 541 square feet of space located on the 4<sup>th</sup> floor of 1701 Meridian Avenue, for the total annual rent of \$3,732 (or \$397/mo). Also entering into a Lease Agreement with Commissioner Bruno Barreiro (and/or the Miami-Dade Board of County Commissioners) for the use of 412 square feet of space currently occupied in the ground floor of City Hall, 1700 Convention Center Drive, for one dollar per year.

**City Clerk's Note: See Item R7A1, Resolution No. 2013-27117 and R7A2, Resolution 2013-28118.**

**Item No. 6: Discussion Regarding The Issuance Of A Request For Proposals For The Installation And Operation Of Citywide Automated Teller Machines At Various City-Owned Properties And Facilities, Approved By The City Commission On March 21, 2012.** The Committee recommended that an Industry or Peer Review process be conducted prior to the issuance of an RFP.

**Item No. 7: Discussion Of The Current Management And Operations Of The City Of Miami Beach Golf Courses, Clubhouses And Related Facilities And Options/Direction For The Future Management Agreement.** The Committee recommended waiving competitive bidding and re-awarding the contract to Professional Course Management II, LTD to manage the golf course under the new terms of their agreement.

### **C7 – Resolutions**

#### **SUPPLEMENTAL MATERIAL 1 - Resolution**

C7A A Resolution Approving And Authorizing The City Manager Or Her Designee To A Submit Grant Application To: 1) The National Endowment For The Arts FY 2013 Our Town Program, For Funding In The Amount Of \$25,000 For The Initial Planning Analysis For Artist Live/Work Space On Miami Beach; 2) Miami-Dade Metropolitan Planning Organization (MPO), Call For Ideas Program For Funding In The Approximate Amount Of \$250,000 For A Pre-Feasibility Study Related To Mass Transit Connectivity, And, 3) Retroactively, In The Approximate Amount Of \$65,212 To Miami-Dade County Homeless Trust In Response To The Request For Applications For Inclusion In The Application To Be Submitted By The Miami-Dade County Continuum Of Care For The 2012 US HUD Notice Of Funding Availability (NOFA) For The Continuum Of Care Program Competition, For Funding For The City's Homeless Outreach Program; Appropriating The Above Grants If Approved And Accepted By The City, And Authorizing The Execution Of All Documents Related To These Applications.

(Budget & Performance Improvement)

**ACTION: Resolution No. 2013-28105 adopted.** Patricia Walker to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.**

**8:41:51 p.m.**

C7B A Resolution Authorizing The Mayor And City Clerk To Execute Amendment Number 4 To The Professional Services Agreement With Atkins North America, Inc. For Supplemental Construction Administration Services, For A Period Of Up To Twelve (12) Months, For The South Pointe Park Pier Project; In The Negotiated Lump Sum Amount Of \$266,472 And An Additional Amount Of \$34,380 For Reimbursable Expenses, For A Total Amount Of \$300,852; With Previously Appropriated Funding In The Amount Of \$300,852 From Fund 389, South Pointe Capital Fund.

(Capital Improvement Projects)

**ACTION: Item separated for discussion by Commissioner Tobin. No discussion held. Resolution No. 2013-28106 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Exposito; Voice vote: 5-0; Absent: Vice-Mayor Góngora and Commissioner Tobin. **Fernando Vazquez to handle.**

8:41:51 p.m.

**SUPPLEMENTAL MATERIAL 1 - Resolution**

C7C A Resolution Authorizing By 5/7th Vote, The Waiver Of Competitive Bidding, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The Mayor And City Clerk To Execute An Amendment To The Contract Between The City Of Miami Beach And Frederick M. Keroff, M.D., Dated October 1, 2005, For Medical Director Of The City Of Miami Beach's Emergency Medical Services (EMS), In The Annual Amount Of \$47,207; Said Amendments Approving The Renewal Option Of The Contract, And Further Amending Section 1 Thereof (TERMS) To Allow Subsequent Renewal By The City Manager.

(Fire Department)

**ACTION: Item separated for discussion by Commissioner Tobin. No discussion held. Resolution No. 2013-28129 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Exposito; Voice vote: 5-0; Absent: Vice-Mayor Góngora and Commissioner Tobin. **Fire Chief Otero to handle.**

C7D A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Proposals (RFP) No. 62-11/12, To Install And Maintain An Externally Web Hosted Software For Parks And Recreation; Authorizing The Administration To Enter Into Negotiations With The Second-Ranked Proposer: Capturepoint.com; And Should The Administration Not Be Successful In Negotiating An Agreement With The Second-Ranked Proposer, Authorizing Negotiations With The Top-Ranked Proposer, The Active Network; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Third-Ranked Proposer, Vermont Systems, Inc.; Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Parks & Recreation/Procurement)

**ACTION: Resolution No. 2013-28108 adopted. Kevin Smith to handle.**

Handouts and Reference Materials:

1. Letter from Kathie G. Brooks, Interim City Manager, dated January 14, 2013 addressed to The Active Network, RE: RFP 62-11/12 For Web Hosted Software for the City of Miami Beach Parks and Recreation Department
2. Letter from Active Network dated January 11, 2013 RE: RFP 62-11/12 Proposer Bid Protest

**11:06:12 a.m.**

C7E A Resolution Adopting And Appropriating The First Amendment To The Police Confiscation Trust Budget For Fiscal Year 2012/2013 In The Amount Of \$130,000, To Be Funded From The Proceeds Of Federal-Justice Confiscated Funds In The Amount Of \$130,000, For The Appropriation And Expenditure Of Those Items Set Forth In Exhibit "A," Which Shall Be Funded Through The Police Confiscation Trust Fund.

(Police Department)

**ACTION: Item heard in conjunction with items R9K and C7E2. Item separated for discussion by Commissioner Libbin. Resolution No. 2013-28109 adopted.** Motion made by Commissioner Exposito to approve the item, appropriating \$10,000 for the gun buyback program, (See *Item C7E2*) and refer item to committee; seconded by Vice-Mayor Góngora; Voice vote: 7-0. Patricia Walker to place on the committee agenda. **Chief Martinez to handle.**

**Amendment**

Appropriate \$10,000 for the gun buyback program

**REFERRAL:**

Referral to the Finance and Citywide Projects Committee to:

- Discuss parameters to implement the gun buyback pilot program
- Establish the types of gift cards in return for the types of guns
- Ensure that the City is doing background check on the guns purchased
- Check feasibility of limiting the guns buyback to Miami Beach residents only
- Discuss the possible of funding surveillance cameras - Discuss pilot program for having monitored cameras placed in high crime areas, (such as 12th through 15<sup>th</sup> Streets and Washington Avenue), and use forfeiture funds for this program with funding from Law Enforcement Trust Fund

Commissioner Libbin explained the reason why this item was pulled, and explained that Police Chief Martinez and the City Manager are recommending adding \$10,000 to the request as part of the Consent Item. They are proposing to offer a gun buyback program to try to get guns off the streets, which the City has never conducted before. This would be a great opportunity for people to turn their guns in.

Kathie G. Brooks, Interim City Manager, clarified that there was a memorandum sent and suggested that Chief Martinez read the document into the record.

Chief Martinez explained the gun buyback program in light of what has occurred across the country and in regards to gun control and safety in our schools. This is a public relations program to spread the word to get guns off the street; if they are successful it would benefit the community. Many municipalities have conducted this program, such as Miami, Opa-Locka and others.

Discussion held.

Vice-Mayor Góngora is concerned about the proliferation of guns in the streets; but this may be a "feel good" measure. In reviewing the memo, many cities have done private donations from corporations or applied for grants and gift cards, but the memorandum does not clarify how this will work in Miami Beach. Before committing the funds, he wants to know what else can be obtained from the money and what might be more effective to assist law enforcement in keeping guns off the streets. He requested discussing at committee before making a decision.

Commissioner Libbin explained that the City of Miami has had three scheduled programs, and on the report it states that government funding is used in New York City and Opa-Locka, and state funding is used in Bridgeport, so it is clear that this Police confiscation funds, for crime and safety measures, should be used for the benefit of the community.

Kathie G. Brooks, Interim City Manager, recommended that the Development Coordinator reach out to find sources of funding in the community and this can be brought back at the February Commission Meeting.

Vice-Mayor Góngora asked for the options and discussion continued.

Chief Martinez stated that as far as other uses, it can be done; it is \$10,000 they have, and they have three-quarter million dollars of un-appropriated funds there for these types of uses.

Vice-Mayor Góngora stated that he will consider using \$10,000 as an experiment, but before he votes, he is concerned if this will do anything good. He added the fact that he rather not give out cash in return for the guns. Chief Martinez explained that participants in the program will receive gift cards, and that anyone can participate, not just Miami Beach residents.

Discussion continued.

Motion made by Commissioner Exposito to refer the item to the Finance and Citywide Projects Committee to discuss the parameters of how the gun buyback program is to be done, establish the types of gift cards for the types of guns, and also ensure that the City is doing background checks on the guns. He is willing to move the item but wants it to go to committee as a priority at the next meeting, and then come back for Commission approval; seconded by Vice-Mayor Góngora.

Discussion held regarding promoting the program.

Commissioner Tobin asked if forfeiture funds can be used to buy cameras and to have someone monitor them. Chief Martinez explained that on a continual basis, it becomes a general fund obligation, but to initiate a pilot program, the funding could pay for that individual.

Commissioner Tobin asked for consensus in placing cameras in the areas of 12<sup>th</sup> through 15<sup>th</sup> Streets and Washington Avenue, where there is high crime, and have a pilot program to actively monitor these specific areas and perhaps curtail the robberies.

Kathie G. Brooks, Interim City Manager, stated that this issue was discussed extensively at the Finance and Citywide Projects Committee during the last budget, but it can easily be updated for the area mentioned and go back to committee for further discussion.

Discussion continued.

Mayor Bower suggested working with the businesses that have active cameras and give them incentives so they may work together with the City.

Chief Martinez explained that this is already being done, and when a crime is committed, they canvass the area to find out who has cameras.

Commissioner Exposito offered an amendment to include as part of the discussion: 1) the proper process to be implemented as well as procedures, and 2) the discussion of possibly using and monitoring surveillance cameras.

Commissioner Libbin clarified that the motion is to appropriate the \$10,000 and refer to Finance and Citywide Projects Committee for discussion. **Chief Martinez to handle.** The maker of the motion concurred.

Commissioner Tobin further clarified that the motion included the discussion of the camera pilot program.

Handouts and Reference Materials:

1. Proposal for a gun buyback program

C7E2 A Resolution Adopting And Appropriating The First Amendment To The Police Confiscation Trust Budget For Fiscal Year 2012/2013 In The Amount Of \$10,000, To Be Funded From The Proceeds Of Federal-Justice Confiscated Funds, For The Appropriation And Expenditure Of Those Items Matters Set Forth In Exhibit "A."

(Police Department)

**ACTION: Resolution No. 2013-28145 adopted. Chief Martinez to handle.**

**City Clerk's Note:** C7E2 item (Appropriation of \$10,000) was added to the Afteraction by the Legal Department as a new resolution resulting from amendment to Item C7E. C7E2 does not appear in the original Commission Agenda. Instructions provided by Aleksandr Boksner, Senior Assistant City Attorney: The City Commission approved the \$10,000 appropriation from the State Confiscation Trust Fund. This \$10,000 approval requires a separate resolution from the initial resolution for the expenditure of \$130,000, which is to be funded by the Federal Confiscation Trust Fund. In order to ensure compliance with Florida Law, a separate resolution must be accomplished to address the approval of this expenditure. (E-mail dated February 8, 2013 11:43 a.m.)

C7F A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee Changing The Mayor's Blue Ribbon Bikeways Committee To A Permanent Committee, Entitled Bicycle-Pedestrian Facilities Advisory Committee.

(Public Works)

**ACTION: Resolution No. 2013-28110 adopted. Fred Beckmann to handle.**

C7G A Resolution Accepting A Utility Easement From And Vacating A Portion Of A Utility Easement To William Goldsmith, Owner Of The Property Located At Lot 9 Of Block 2H Of The Third Revised Plat Of Sunset Islands, For The Construction, Installation, Maintenance, Repair, And Replacement Of Stormwater Piping.

(Public Works)

**ACTION: Resolution No. 2013-28111 adopted. Fred Beckmann to handle.**

C7H A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's FY 2008-2012 Consolidated Plan To Douglas Gardens Community Mental Health Center Of Miami Beach, Inc. For Its Starting Again Project; Further Authorizing The City Manager To Execute Any Subsequent Certifications Of Consistency With The City's Consolidated Plan For Renewal Applications Of Funding For The Aforesaid Project.

(Real Estate, Housing & Community Development)

**ACTION: Resolution No. 2013-28112 adopted. Anna Parekh to handle.**

**SUPPLEMENTAL MATERIAL 2: Resolution**

C7I A Resolution Setting A Public Hearing, Pursuant To Section 118-262 Of The City Code, For An Appeal Filed By W. Tucker Gibbs, P.A., On Behalf Of Sunset Islands 3 And 4 Property Owners, Inc. And Olga Lens, Of The Design Review Board's Order Relative To DRB File No. 22889 For 1201-1237 20th Street, Palau At Sunset Harbor, And Setting Said Public Hearing For The City Commission Meeting Of March 13, 2013.

(Planning Department)

**ACTION: Resolution No. 2013-28113 adopted.** Rafael E. Granado to notice. Lilia Cardillo to place on the March 13, 2013 Commission Agenda if received. **Richard Lorber to handle.**

C7J A Resolution Accepting The Recommendation Of The City Manager Pursuant To Request For Proposals (RFP) No. 68-11/12, For Electric Fireworks And Pyrotechnics For The City's Fourth Of July Celebration; Authorizing The Administration To Enter Into Negotiations With The Sole Proposer Zambelli Fireworks; Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Tourism & Cultural Development/Procurement)

**ACTION: Resolution No. 2013-28114 adopted. Max Sklar to handle.**

**SUPPLEMENTAL MATERIAL 1 - Revised Resolution & Additional Information**

C7K A Resolution Creating The Mayor's Ad Hoc Committee To Plan The 2013 Sustainable & Authentic Florida Conference And Prescribing The Duties, Manner Of Appointment, And The Terms Of Office Of Committee Members.

(Requested by Mayor Matti Herrera Bower)

(Legislative Tracking: City Attorney's Office)

**ACTION: Resolution No. 2013-28115 adopted. Kevin Crowder to handle.**

1:31:18 p.m.

**SUPPLEMENTAL MATERIAL 2: Resolution**

C7L A Resolution Adopting The First Amendment To The Capital Budget For Fiscal Year 2012/13.

(Public Works)

**ACTION: Item separated for discussion by Commissioners Tobin and Wolfson. Resolution 2013-28116 adopted.** Motion made by Commissioner Wolfson; seconded by Vice-Mayor Góngora; Voice vote: 7-0. **Fred Beckmann to handle.**

Commissioner Tobin emphasized that the City needs an expert in construction as part of the City staff that has built and charged for, in order to get a handle on the money that the City is spending. He explained that sometimes they use the means book or the job order contractors pricing. He gave an example of instances where the City saved money by having a staff person review projects. The City must hire someone from the private sector that has built things before. We are missing that type of skill set in the construction department.

Discussion held.

**End of Consent Agenda**

**REGULAR AGENDA****1:34:05 p.m.****ITEM C2F MOVED TO THE REGULAR AGENDA AS ITEM R2A.****SUPPLEMENTAL MATERIAL 1 - Memorandum**

R2A Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 07-12/13, For The City Of Miami Beach Bayfront Street End Improvement Project For 10th Street; Authorizing The Mayor And City Clerk To Execute An Agreement With Ebsary Foundation Co., In The Amount Of ~~\$123,450.00~~ \$1,234,500.00, For The Construction Of The Project, Plus Approve A Project Contingency Of 10% For A Grand Total Of \$1,357,900.00 (Subject To Commission Approval Of The First Amendment To The Capital Budget); Further Authorizing The Administration To Engage In Value Engineering To Further Reduce The Cost And Time For Completion Of Said Project.

(Public Works/Procurement)

**(Memorandum to be Submitted in Supplemental)**

**ACTION: Request authorized.** Motion made by Commissioner Weithorn; seconded by Vice-Mayor Góngora; Voice vote: 7-0. **Fred Beckmann and Alex Denis to handle.**

Commissioner Wolfson asked about the status of drainage improvements on Alton Road.

Jorge Gomez, Assistant City Manager, explained that the State Road project begins this year, with the first phases on pumps on 5<sup>th</sup>, 10<sup>th</sup> and 14<sup>th</sup> Streets and they will tie with the outfalls. The pumps and the outfalls are part of phase I.

Discussion held.

Commissioner Wolfson asked about the status of implementing the Stormwater Master Plan, and requested to make this a priority. He asked how the City is going to get funding, and what the time frame is for the implementation. Additionally, he suggested scheduling a workshop with CDM to discuss prioritization of what the areas of concern are and how it will be implemented, either by increasing stormwater fees or another methodology.

Jorge Gomez, Assistant City Manager, spoke.

Kathie G. Brooks, Interim City Manager, stated that there was a referral to Land Use that was generally on sea level rise, flooding and storm surge, and she recommended holding a series of workshops to look at the various components; capital projects as outlined in the plan, stormwater plan, and other aspects such as storm surge and other elements that need to be taken into account.

Discussion continued.

Kathie G. Brooks informed Commissioner Libbin that she has been appointed as Municipal Representative to the Climate Change Task Force and there is a retreat she will be attending with a number of experts that they can start bringing in.

**R5 - Ordinances****11:25:47 a.m.**

R5A 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 Mayor And City Commission, At Its Option And By Majority Vote, To Hear Debarment Or Suspension Matters, And To Provide For Procedures For The Suspension Of Contractors; By Amending Section 2-404, Entitled "Causes For Debarment," By Providing For Additional Causes For Debarment, And To Provide For Causes For Suspension; By Amending Section 2-405, Entitled "Debarment Procedures," To Amend The Procedures For Debarment And To Provide Procedures For The Suspension Of Contractors; By Amending Section 4-206, Entitled "Period Of Debarment," By Providing For Periods Of Suspension And Requests For Reducing Periods Of Suspension; Providing For Repealer; Severability; Codification; And An Effective Date.

**11:00 a.m. Second Reading Public Hearing**

(Requested by Mayor Matti Herrera Bower)

(Legislative Tracking: City Attorney's Office)

(First Reading on December 12, 2012 - Option B Version)

**ACTION.** Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2013-3787 adopted.** Motion made by Commissioner Weithorn to approve the ordinance; seconded by Mayor Bower; Ballot vote: 7-0. Rafael E. Granado to transmit to Municipal Code. **Alex Denis to handle.**

Deborah Turner, First Assistant City Attorney, handed out pages 5 and 6 of the ordinance that reflect adjustments made to Section 2-401, which now covers invitation to negotiate (ITN) as well as referring to bids as Invitation to Bid (ITB). Jose Smith, City Attorney, stated that these were the changes suggested by Mayor Bower.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #756

**1:03:59 p.m.**

R5B An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance Of The City Of Miami Beach, Florida, By Amending The Salary Ranges And Establishing Compensation Provisions For The City Manager And The City Attorney; Providing For Repealer, Severability, Codification, And An Effective Date. **11:40 a.m. Second Reading Public Hearing**  
(Requested by Commissioner Jonah Wolfson)  
(Legislative Tracking: City Attorney's Office)  
(Deferred from December 12, 2012)

**ACTION. Public Hearing held. Ordinance No. 2013-3788 adopted as amended. Item heard in conjunction with Item R7F.** Motion made by Commissioner Wolfson to approve Option C of the ordinance; seconded by Commissioner Exposito; Ballot vote: 6-1; Opposed Commissioner Libbin. **Carla Gomez to transmit to Municipal Code and to handle.**

**Amendment:**

To make them consistent between the City Attorney and City Manager, the ordinance will read "vehicle allowance and/or City vehicle."

Jose Smith, City Attorney, explained that there are three versions of the ordinance before the Commission. Commissioner Wolfson recommends Option C, and he concurs with Commissioner Wolfson's recommendation, as it will probably withstand a legal challenge, if contested.

Commissioner Wolfson made a motion to approve Option C. He explained that this gives the most transparency to the public of what the City Attorney and City Manager's salaries are. For clarification, he added that this ordinance is to get in line with the City's Charter requirements. The Charter requires that this Commission set by ordinance the compensation of the City Manager and City Attorney. For years this has been done by resolution, which is contrary to the Charter requirements.

Commissioner Libbin has concerns with the inclusion of "planning days" in the ordinance, and he suggested excluding them. When the City made its final separation with the previous City Manager, they had to pay for accumulated sick days, vacation days, unused planning days, etc., and to him a salary is paid for working days, minus vacation days and the weekends. He does not want to include planning days because this does not seem to make sense.

Commissioner Wolfson is agreeable with excluding planning days from the Option C ordinance as moved.

Discussion held regarding planning days.

Commissioner Libbin suggested referring the planning days issue to Finance and Citywide Projects Committee, to get a full report of how long it has been implemented, how much it costs the taxpayers, etc. No consensus was reached on the referral.

Jose Smith, City Attorney, stated that the City Manager is doing a complete assessment and analysis of how the planning days came about and how much it costs. In answering Vice-Mayor Góngora's question, he stated that there is no issue in removing planning days, with the exception that if there is a contractual obligation either to the City Manager or the City Attorney to provide for planning days, by eliminating this from the Ordinance, the Commission will not be authorized to award planning days to the City Manager or the City Attorney. His recommendation is that if this Commission wants to eliminate planning days from the ordinance, contractually they may be obligated to the City Manager to provide her with planning days, and he will let Ms. Brooks address the issue.

Commissioner Exposito explained that they recognize that there is a need for planning days; however, at termination of a contract, planning days should not be paid in addition to the salary.

Kathie G. Brooks, Interim City Manager, cautioned that the City has hired a number of employees with the understanding of planning days and they are doing the research. When she was hired, she was always told it was part of a way of dealing with the salary compression for executive staff and department heads.

Discussion continued.

Commissioner Libbin suggested that for those planning days in place currently, they will have them until the end of the contract, but for new contracts planning days should be removed. Secondly, he suggested considering vehicles for the City Attorney and for City Manager, which reads "vehicle allowance" to make it "City vehicle and/or allowance" to be consistent with both.

Commissioner Wolfson accepted the vehicle allowance amendment.

Vice-Mayor Góngora clarified the motion for adopting Option C of the ordinance, with the amendment to make them consistent between the City Attorney and City Manager; it will read "vehicle allowance and/or City vehicle."

Discussion continued regarding planning days.

Commissioner Wolfson stated that if you give a City Manager or City Attorney a new salary that is not in this ordinance, by Charter there will be a need to amend the range.

Jose Smith, City Attorney, explained that if the salary awarded to a new City Manager is within the range provided within Option C, there is no need for amendment; only if the salary goes beyond that range. Currently the range is from \$162,916 to \$263,126.

Commissioner Tobin commented that he agrees with bringing the salary and benefits to the public at a Commission Meeting and it will prevent what happened with former City Manager. This should be a public process; however, he disagrees with setting a range. He thinks they should monetize the extra benefits and include some sort of total for salary and benefits not to exceed a calculated amount.

7:23:05 p.m.

R5C Miami Heart Institute FLUM Change And Zoning Map Change

1. An Ordinance Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Category For The Parcel Known As The "Miami Heart Institute," More Particularly Described In The Legal Description Attached As Exhibit "A" Hereto, From The Current PF-HD, "Public Facility, Hospital," To The Future Land Use Category Of RM-1, "Residential Multifamily Low Intensity;" Providing For Inclusion In The Comprehensive Plan, Transmittal, Repealer, Severability And An Effective Date. **5:01 p.m. First & Only Reading, Public Hearing 5/7<sup>th</sup> vote**

(Requested by Applicant - 4701 North Meridian, LLC)

(Legislative Tracking: Planning Department)

(Continued from December 12, 2012)

**ACTION. Title of the ordinance read into the record. First and Only Public Hearing held. Ordinance No. 2013-3789 adopted.** Motion made by Commissioner Libbin to approve the ordinance and to instruct the City to pursue a No Wake Zone; seconded by Commissioner Wolfson; Ballot vote: 6-1; Opposed: Vice-Mayor Góngora. Rafael E. Granado to transmit to Municipal Code. **Richard Lorber to handle.**

The applicant committed to pursuing a No Wake Zone.

Richard Lorber, Acting Planning Department Director, introduced the item.

Jeff Berkow, Director of Middle Beach Community Association, spoke.

Michelle Burger spoke.

Vice-Mayor Góngora is concerned with the addition of 41 docks and how that will impact the aquatic life and the environment.

Alfredo Gonzalez, Esq. spoke.

Jeff Berkow, Director of Middle Beach Community Association, spoke.

Discussion held.

Commissioner Tobin stated that if they are going to have 41 boats there, he will vote against it.

Discussion continued.

Commissioner Libbin stated that he does not want to kill a great project when the residents have participated in the process and are agreeable with it.

Commissioner Tobin asked if there is a way resolve a situation if it was to become a problem.

Gary Held, First City Attorney, stated that there is a Special Master process for enforcement or mediation. In addition, the marine patrols are scheduled to go by four times a day.

Discussion continued.

Mayor Bower asked how the boat slips are sold and if the owner can sublet the boat slip.

Alfredo Gonzalez, Esq., explained that the boat slips can only be rented to residents of the project.

Ricardo Dunin, Project Developer, agreed to pursue a "No Wake Zone."

Alfredo Gonzalez, Esq., in answering Commissioner Exposito's questions, explained that there are a total of 137 units (122 in HD, 8 in RM1 and 7 units in single family district), and the total parking spaces is 318.

Commissioner Exposito stated that he has had the privilege of working with Mr. Dunin in the past and he understands the positive comments the homeowners are saying. Commissioner Exposito is very comfortable with the project, and he has a great sense of calmness that Mr. Dunin is doing this because he knows that he can deliver on his word based on his past personal experience with him. He seconded the motion.

Commissioner Libbin stated that the City will request a No Wake Zone.

Discussion continued.

Jeff Bercow spoke.

Handout or Reference Materials:

1. Letter from Lucia Dougherty and Edward Martos, from Greenberg Traurig dated January 16, 2013, RE: Outline Summary of Declaration of Restrictive Covenants Proposed in Connection with the Redevelopment of the former Miami Heart Institute.
2. Declaration of Restrictive Covenants prepared by Neisen O. Kasdin, Esq., made the 15<sup>th</sup> day of January, 2013, executed by Ophir Steinberg, January 15, 2013.

**7:58:50 p.m.**

2. An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For The Parcel Known As The "Miami Heart Institute," More Particularly Described In The Legal Description Attached As Exhibit "A" Hereto, From The Current Zoning Classification HD, "Hospital District," To The Proposed Zoning Classification RM-1, "Residential Multi-Family Low Intensity," Providing For Codification, Repealer, Severability And An Effective Date. **5:01 p.m. Second Reading, Public Hearing**  
(Requested by Applicant - 4701 North Meridian, LLC)  
(Legislative Tracking: Planning Department)  
(Continued from December 12, 2012)

**ACTION. Public Hearing held. Ordinance No. 2013-3790 adopted.** Motion made by Commissioner Libbin to approve the ordinance; seconded by Commissioner Weithorn; Ballot vote: 6-1; Opposed: Vice-Mayor Góngora. Rafael E. Granado to transmit to Municipal Code. **Richard Lorber to handle.**

**1:20:00 p.m.****R5D Second Hands Goods Stores – Precious Metals**

An Ordinance Amending The City Code, By Deleting Chapter 18, "Businesses", Article XII, "Secondhand Goods", Division 3, "Pawnshops"; And Division 4, "Secondhand Dealers"; And By Amending Chapter 102, "Taxation", Article V, "Local Business Tax", Section 102-356, "Construction Of Article; Definitions"; In Order To Conform City Code Provisions On Pawnshops And Secondhand Goods With Applicable Florida Statutes; And By Amending Chapter 142, "Zoning Districts And Regulations," Article II "District Regulations," Division 4 "CD-1 Commercial, Low Intensity District," Section 142-273, "Conditional Uses" And Division 5 "CD-2 Commercial, Medium Intensity District," Section 142-303 "Conditional Uses" By Including Second Hand Dealers Of Precious Metals As A Conditional Use In The CD-1 And CD-2 Zoning Districts; And Division 6, "CD-3 Commercial, High Intensity District," Section 142-335 "Prohibited Uses" And Division 18 "PS Performance Standard District," Section 142-693(c) "Permitted Uses," By Including Second Hand Dealers Of Precious Metals As Prohibited Uses In The CD-3 And PS Districts, Providing For Repealer, Severability, Codification And An Effective Date. **First Reading**  
(Requested by Vice-Mayor Michael Góngora)  
(Legislative Tracking: Planning Department)

**ACTION:** Title of the ordinance read into the record. Public Hearing held. **Ordinance approved on first reading.** Motion made by Commissioner Libbin to approve the ordinance; seconded by Vice-Mayor Góngora; Ballot vote: 7-0. Second reading and Public Hearing scheduled for February 6, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Richard Lorber to handle.**

**3:34:54 p.m.****R5E Hotel Parking Requirements**

A Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 130 "Off-Street Parking," Article II, "Districts; Requirements," By Amending The Off-Street Parking Requirements For Hotels In All Districts; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading**  
(Requested by Land Use & Development Committee)  
(Legislative Tracking: Planning Department)

**ACTION: Item referred to the next LUDC.** Motion made by Vice-Mayor Góngora to refer item to the next meeting of the Land Use and Development Committee; seconded by Mayor Bower; Voice vote: 7-0. Lilia Cardillo to place on the Commission Agenda when received. **Richard Lorber to place on the committee agenda and to handle.** Item to return to the City Commission on February 6, 2013.

**FIRST MOTION:**

Motion by Commissioner Tobin to defer the item; seconded by Mayor Bower; Ballot vote; 2-5; Opposed; Vice-Mayor Góngora and Commissioners Exposito, Libbin, Weithorn and Wolfson. The motion failed.

**SECOND MOTION:**

Motion made by Vice-Mayor Góngora to refer item to the next meeting of the Land Use and Development Committee; seconded by Mayor Bower; Voice vote: 7-0.

Richard Lorber, Acting Planning Department Director, explained the item.

Discussion held.

Commissioner Libbin asked for information from GMCVB on statistics and percentages of visitors arriving to Miami-Dade County, coming through Miami International Airport, in regards to any statistics on car rental uses versus buses. He asked if there is evidence of an 80% car rental versus other mode of transportation.

Richard Lorber, Acting Planning Department Director, explained that several hotels have been surveyed by the Bureau, and the percentage of guests that check-in with a car range from a low of 10% for hotels in the Collins Avenue and Washington corridor area. In answering Commissioner Libbin's question as the percentage of staff and the ratio of staff to room, he explained that this issue is somewhat controversial, where neighborhoods are reporting hotel employees parking illegally and they are trying to address the issue with the hotel industry.

Commissioner Libbin stated that the number of employees each hotel has and the number of cars driven to the hotels is a good statistic to have.

Commissioner Exposito requested that there should be percentage taken into consideration to accommodate for those parking spaces of employees that are coming in, as not all hotels are providing parking for staff.

Discussion continued regarding parking for hotel employees.

Mayor Bower's asked why they need to give more incentives to developers when they have to subsidize the parking for them and then receive complaints from neighbors because the parking is filled. She asked that for new constructions parking be provided for hotel employees. She further asked what the use of impact fees is.

Jorge Gomez, Assistant City Manager, explained that the use of those funds is to identify transit oriented projects.

Discussion continued.

Mayor Bower stated that if those funds are to be used for transportation, why not connect the Beach with the mainland and offer transport to visitors to and from.

Discussion continued.

Frank Del Vecchio suggested deferring the item, and bringing it back with specific questions. First, the Planning Department wants to bring back the item, second, the impact fees have not been examined; and thirdly there has been no examination of the parking ratio and destination restaurants that impact the occupancy.

Richard Finvarb stated that they have a 90-room hotel in South Beach that they have owned and operated for 30 years. They have 40 parking spaces in the hotel, and said spaces usually are half-full or half empty. Most of the employees take mass transportation, but they allow them to park and take up to four to six spaces at no charge. There is no issue with parking. The numbers from the Bureau, he is positive, include employee parking. He believes that 0.5 is adequate. In historic district there is no parking; other hotels that do not have parking rent parking in garages.

Discussion continued.

Motion made by Commissioner Wolfson to approve the Planning Board recommendation (0.5); seconded by Commissioner Weithorn. No vote taken.

Discussion continued.

Commissioner Tobin stated that he does not understand the full economic impact and sees no harm in deferring the item to another meeting. He will vote no on this.

Discussion continued.

Motion by Commissioner Tobin to defer the item; seconded by Mayor Bower; Ballot vote; 2-5; Opposed; Vice-Mayor Góngora and Commissioners Exposito, Libbin, Weithorn and Wolfson. The motion failed.

Discussion held.

Jose Smith, City Attorney, informed that there are many hotels that do not have the Certificate of Occupancy, which according to the memorandum would be entitled to a refund.

Harold Rosen asked if the item could be deferred to the next meeting. He asked to pass it on first reading and amend it on second reading.

Discussion continued.

Motion made by Vice-Mayor Góngora to refer item to the next meeting of the Land Use and Development Committee; seconded by Mayor Bower; Voice vote: 7-0.

Handouts or Reference Materials:

1. Aerial Map of Miami Beach showing Proposed Hotel Parking Requirements
2. SOBE 17, LLC Marriot Residence Inn 1231-51 17<sup>th</sup> Street, Hotel Parking Ordinance booklet

**1:27:08 p.m.**

R5F An Ordinance Amending Chapter 102 Of The Miami Beach City Code, Entitled "Taxation," By Creating Section 102-2, To Be Entitled "Homestead Exemption For Low-Income Senior Citizens Who Are Long-Term Residents"; Providing For An Additional Homestead Exemption For Certain Low-Income Qualifying Senior Citizens Who Are Long-Term Residents To Be Applied To Millage Rates Levied By The City Of Miami Beach; Requiring Delivery Of Ordinance To The Miami-Dade County Property Appraiser; Providing For Repealer, Severability, Codification, An Effective Date, And Requiring A Majority Plus One Vote Of The Members Of The City Commission. **First Reading**

(Requested by Mayor Matti Herrera Bower)

(Requested by Vice-Mayor Góngora)

(Legislative Tracking: Finance Department)

**ACTION:** Title of the ordinance read into the record. Public Hearing held. **Ordinance approved on first reading.** Motion made by Vice Mayor Góngora to approve the ordinance; seconded by Mayor Bower; Ballot vote: 7-0. Second reading and Public Hearing scheduled for February 6, 2013. Rafael E. Granado to notice. ilia Cardillo to place on the Commission Agenda when received. **Patricia Walker to handle.**

Kathie G. Brooks, Interim City Manager, explained that this is Amendment 11, approved by the voters through referendum to the State Constitution in November, and we are required to do an implementing ordinance, if desired, to take effect in Miami Beach. The amendment provides for \$15,000 exemption for low-income seniors; there are estimated 305 qualified seniors, of which 89

would benefit by this ordinance. The impact to the City for 2013 is estimated to be less than \$17,000; however, the impact to low-income seniors that will be eligible is significant.

Vice-Mayor Góngora stated that this has a big impact to low-income seniors that barely get by on their retirements. It is important to do that for the community.

## **R7 – Resolutions**

**2:29:04 pm.**

### **SUPPLEMENTAL MATERIAL 1 - Resolution**

- R7A Lease Agreements With State Representative David Richardson & Commissioner Bruno Barreiro
1. A Resolution Waiving, By 5/7ths Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Approving A Lease Agreement With State Representative David Richardson To Temporarily Lease Suite 402B, Located At 1701 Meridian Avenue, Miami Beach, Florida, Containing 149 Square Feet Of Office Space, Until Such Time As Suite 402A, Containing 541 Square Feet Of Office Space Becomes Available, For An Initial Term Of Two Years Retroactively Commencing On December 20, 2012, And Expiring November 30, 2014, With Three (3) Extension Options For A Period Of Two (2) Years Each; 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. **2:15 p.m. Public Hearing**

**ACTION:** Public Hearing held. **Resolution No. 2013-28117 adopted.** Motion made by Commissioner Wolfson to approve the resolution; seconded by Commissioner Libbin; Voice-vote: 7-0. **Anna Parekh to handle.**

Mayor Bower recognized Miami-Dade County Commissioner Bruno Barreiro, who was present at the meeting.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #759

**2:30:08 p.m.**

2. A Resolution Waiving, By 5/7ths Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Approving A Lease Agreement With Commissioner Bruno Barreiro And/Or The Miami-Dade Board Of County Commissioners To Lease 412 Square Feet Of Ground Floor Office Space Located At 1700 Convention Center Drive, Miami Beach, Florida, For An Initial Term Of Forty Six (46) Months Commencing On February 1, 2013, And Expiring November 30, 2016, With One (1) Extension Option For A Period Of Four (4) Years; 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. **2:15 p.m. Public Hearing**  
(Real Estate, Housing & Community Development)

**ACTION:** Public Hearing held. **Resolution 2013-28118 adopted.** Motion made by Commissioner Libbin to approve the resolution; seconded by Commissioner Exposito; Voice-vote: 7-0. **Anna Parekh to handle.**

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #759

**12:20:47 a.m.**

**SUPPLEMENTAL MATERIAL 1 - Resolution**

R7B A Resolution Accepting The Recommendations Of The Historic Preservation Board, And Granting A Certificate Of Appropriateness For The Total Demolition Of An Existing Single Story Building And The Construction Of A New 5-Story Parking Garage With Accessory Ground Level Commercial Space At 340 23rd Street (Collins Park Garage). **10:50 a.m. Public Hearing**  
(Capital Improvement Projects)

**ACTION:** Public Hearing held. **Resolution 2013-28119 adopted.** Motion made by Commissioner Libbin to approve the resolution; seconded by Commissioner Exposito; Voice-vote: 7-0. **Fernando Vazquez to handle.**

Jorge Gomez, Assistant City Manager, explained the item.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #757

**12:21:15 p.m.**

**SUPPLEMENTAL MATERIAL 1 - Resolution**

R7C A Resolution Granting A Waiver Of Certain Development Regulations, Pursuant To Section 142-425(d) Of The City's Zoning Ordinance, For The Collins Park Garage Project, Located Within The Museum Historic District And Collins Park Neighborhood; Said Waiver Regarding The Maximum Building Height. **10:55 a.m. Public Hearing**  
(Capital Improvement Projects)

**ACTION:** Public Hearing held. **Resolution 2013-28120 adopted.** Motion made by Commissioner Libbin to approve the resolution; seconded by Commissioner Weithorn; Voice-vote: 7-0. **Fernando Vazquez to handle.**

Jorge Gomez, Assistant City Manager, explained the item.

Discussion held.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #758
2. Mailers and labels

11:30:00 a.m.

**SUPPLEMENTAL MATERIAL 1 - Collins Park Place BODR - Under a Separate Cover**

R7D A Resolution Approving And Officially Adopting The Basis Of Design Report (BODR) For The Collins Park Garage Project (The Project).  
(Capital Improvement Projects)

**ACTION: Resolution No. 2013-28121 adopted.** Motion made by Commissioner Libbin to approve the resolution; seconded by Commissioner Wolfson; but to include a discussion with the architect about the passive park on the rooftop; Voice-vote: 7-0. **Fernando Vazquez to handle.**

**TO DO:**

1. Mayor Bower requested a sample of the actual concrete so they can see the finish color of the concrete.
2. Commissioner Tobin requested the architect to look at a possible rooftop passive park, and advice how the architect feels about a passive rooftop area of green space, as opposed to parking spots.
3. Commissioner Wolfson requested having a discussion of the seams and the color of the building at a later date.
4. Commissioner Exposito asked what type of additives could be added to the concrete to add color and texture.
5. Commissioner Tobin requested that if the funds do not come in, to discuss with the architect that the \$22 million is too much and look for possible savings.
6. Commissioner Exposito requested a contingency plan for the maintenance of the building.

Jorge Gomez, Assistant City Manager, outlined the BODR for the Collins Avenue Garage and stated that it was an opportunity for the Commission to provide input before construction phase. The demolition of the western half of the parcel, which is in a historic district, has been approved by the HPB, but they need to take final action on that. They need a waiver from the Commission as well on the maximum height requirements for the garage, which will be detailed in the future. He introduced Chris Lepine, Architect for the project.

Chris Lepine, from Zahad Hadid Architects, presented a PowerPoint presentation.

Discussion held.

Vice-Mayor Góngora explained that this will revitalize this area, and it is good for Miami Beach. His one concern, which has been raised at community meetings, was in the rendering. The solid color appears to be white and pristine, but there is a question that the actual color is different in hue as presented, and he wanted to know what could be done about that.

Discussion held regarding concrete finish color.

Commissioner Libbin asked about the expected cost per parking space, revenue projection, ground leases, total cost and where the parking revenue is coming from.

Mr. Lepine stated that painting the concrete white would be a consideration, but he was trying to point out that this is a mixture of different materials, the columns are not concrete; they are smooth polished painted steel.

Jorge Gomez, Assistant City Manager, suggested bringing samples of the finish concrete and of other colors as well.

Discussion continued.

Mayor Bower requested a sample of the actual concrete finish and asked that they talk to the architect and discuss the issues raised. **Fernando Vazquez to handle.**

Discussion continued.

Commissioner Tobin asked if activating the top floor as a public space was considered, and if they would consider a rooftop garden and restaurant as a public amenity.

Jorge Gomez, Assistant City Manager, stated that there was resistance at committee, due to the impact that an open-air restaurant or entertainment venue may have on the rooftop. The focus came down to creating a plaza, activating the plaza with the surrounding facilities, but having the plaza flexible enough to convert it for special events.

Discussion held regarding rooftop space.

Mr. Lepine explained that the plaza will be a shaded area with trees, activated with retail and restaurant facility, and that is where the emphasis is.

Discussion continued.

Commissioner Tobin stated that in researching different projects, he noticed that rooftops venues were activated into a passive green space.

Discussion continued.

Commissioner Tobin requested the architect to look for a possible roof top passive park. He also inquired as to how the architect feels about a passive rooftop area of green space, as opposed to parking spots, from an aesthetic view.

Chris Lepine stated that they are 100% happy with the design they are presenting now. The design has gone through months of work, communication and collaboration, and they have reached the design they like. They are not opposed to a passive space above, but they feel that the current design achieves the objectives of creating parking, public space and activity with a very utilitarian type of project, and they are very excited and back it 100%, and that is the only answer he can give Commissioner Tobin.

Commissioner Tobin again requested to hear from the architect on the issue of the passive rooftop green space. **Fernando Vazquez and Jorge Gomez to handle.**

Discussion continued.

Commissioner Exposito stated that he knows there are additives that can be mixed with the cement that gives color and texture, and asked that as they go through the process, to inform the City Commission as to what type of additives can be added to the concrete. He also asked if the concrete would be seamless as shown on the pictures. **Fernando Vazquez to handle.**

Chris Lepine, from Zahad Hadid Architects, stated that there would be seams.

Commissioner Wolfson asked if they could stucco it to cover the seams. He would like to have the discussion of the seams and the color of the building at a later date. **Fernando Vazquez to handle.**

Discussion continued.

Commissioner Tobin asked if they are tied to the cost by voting for the BODR, because if the funds do not come in, they should discuss with the architect that \$22 million is too much. **Fernando Vazquez to handle.**

Jorge Gomez, Assistant City Manager, explained that by approving the BODR, the City is not approving the budget, and there could be discussion later for further reduction of costs.

Commissioner Exposito stated that there should be a contingency for the maintenance of the building. **Fernando Vazquez to handle.**

Handouts and Reference Materials:

1. Collins Park Place - Task 1.10 Final Basis of Design Report BODR

**1:43:37 p.m.**

R7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Guaranteed Maximum Price (GMP) Amendment No. 1, To The Pre-Construction Services Agreement With Thornton Construction Company, Inc., For The Construction Of The 6th And 53rd Street Restrooms Project, In The Amount Of \$1,225,197, Plus An Owner's Project Contingency Of \$110,268, For A Total Of \$1,335,465; With Previously Appropriated Funding In The Amount Of \$568,439 From SP Post RDA CDT And Municipal Resort Tax Fund 388, \$101,172 From SB Quality Of Life Resort Tax Fund 305, \$665,854 From Capital Projects Not Financed By Bonds Fund 301.

(Capital Improvement Projects)

**ACTION: Item referred to the Land Use and Development Committee.** Motion made by Vice-Mayor Góngora to refer to the Land Use and Development Committee with back-up information; seconded by Commissioner Libbin; Voice-vote: 7-0. Richard Lorber to place on the committee agenda. **Fernando Vazquez to handle.**

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

Commissioner Tobin requested to have a contractor that actually does construction look at these numbers.

Fernando Vazquez, CIP Director, explained that this is Amendment No. 1 to Thornton Construction for the construction of the beach restrooms at 6<sup>th</sup> and 53<sup>rd</sup> Streets. With respect to the concerns regarding costs, Atkins conducted an independent analysis, and based on what Thornton provided, an extensive design was done which incorporated all components recommended by the Planning Board and the community. Additional components were introduced, the facility has been improved, and other items, sustainable in nature, have been added, which increased the price. When the price analysis was conducted, based on what was done previously in other restrooms, the prices are about the same. He explained that when looking at the cost escalation between 2004 and 2012, and you look at the average increase of 3% per year on the CPI, we are about the same square footage on the cost. Also on the 53<sup>rd</sup> Street restroom, they are also doing some additional landscaping improvement.

Commissioner Tobin stated that he will be voting against this item because spending \$1.3 million on bathrooms is a lot of money, and to compare prices to what was spent in 2004, he is not comfortable with that.

Discussion held.

Commissioner Tobin stated that they discovered hundreds of millions of dollars in overspending over the last couple of years, and stated that before construction is done, they need to have someone look at it.

Commissioner Wolfson asked what the square footage for the bathrooms is.

Mr. Vazquez answered that each bathroom is 1,500 square ft., which comes out to approximately \$586,000 for the 53<sup>rd</sup> Street bathroom and \$614,000 for the 6<sup>th</sup> Street bathroom.

Discussion continued.

Fernando Vazquez, CIP Director, for the record, stated that they retained consulting firms for constructability purposes, and Atkins is one of those firms. He came in front of the Commission at one time to request for an RFQ to hire firms specifically focused on large projects like this, and they look at background data for South Florida, they analyzed the market, and they are doing thorough analysis every specific proposed item. It is a competitive price, but they have to move quickly. Premium items have been included to restore the bathrooms.

Discussion continued.

Commissioner Wolfson stated that \$650,000 per bathroom is ridiculous; and \$16,000 for landscaping and irrigation for one bathroom to be renovated, does not justify spending these funds.

Discussion continued.

Mayor Bower referred the item to the Land Use and Development Committee.

Vice-Mayor Góngora requested to have all the back-up documentation and bids to understand how these bathrooms became so expensive.

Discussion continued.

Commissioner Tobin stated that the City needs to hire someone that understands, and actually builds in the local community, that can review these prices. Discussion continued.

Commissioner Wolfson is also concerned about the cost of architecture and soft costs.

Motion by Vice-Mayor Góngora to refer item to the Land Use and Development Committee (LUDC) with back-up information; seconded by Commissioner Libbin; Voice vote 7-0.

**1:03:59 p.m.**

R7F A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee At Its November 9, 2012 Meeting To Consider The Attached Ordinance Amending The Salary Ranges And Providing For Such Other Terms, Conditions, And Benefits As The City Commission May Deem In The Best Interest Of The City.

(City Attorney's Office)  
(Deferred from December 12, 2012)

**ACTION:** Item heard in conjunction with R5B. See action in R5B.

Handout and Reference Materials:

1. Email from Debora Turner dated January 18, 2011 regarding Version C of the Ordinance approval

**2:08:35 p.m.**

R7G A Resolution Approving The City's State Legislative Agenda For The 2013 Session Of The Florida Legislature.

(City Manager's Office)

**ACTION: Resolution No. 2013-28123 adopted as listed below.** Motion made by Commissioner Weithorn to approve the resolution; seconded by Commissioner Libbin; Voice-vote: 7-0. **Max Sklar to handle.**

**TO DO:**

1. Commissioner Tobin requested to make sure that, at least annually, aerial photographs are taken of the City's shoreline.
2. Add to the list that the City of Miami Beach opposes that parking revenues generated from meters on State roads should go to the State rather than to the City. If this State proposal regarding parking revenues passes at the State Legislature, the City to make them free parking areas.

Kevin Crowder explained the item.

Discussion held.

Commissioner Tobin requested an explanation on opposing the Business Tax Receipt Repeal.

Kevin Crowder explained that this is a proposal to repeal the authority of local governments to collect business tax receipts. This is a complete repeal of that authority and the revenues associated with it for the former occupational licenses, and for Miami Beach is about \$4 million.

Mayor Bower stated that this is a challenge to the Home Rule.

Commissioner Tobin stated that for him the biggest priority is beach re-nourishment because this is why people come to Miami Beach.

Kevin Crowder explained the list of priorities.

Discussion continued.

Commissioner Tobin asked if aerial photographs are taken every six months of the City's shoreline beach area. Kevin Crowder responded that he is not sure if it is every six months, but they are done periodically. Commissioner Tobin requested to make sure that, at least annually,

aerial photographs are taken of the shoreline. **Fred Beckmann to handle.**

Discussion continued.

Mayor Bower stated that they need to discuss the possibility that if State Legislators are willing to raise a penny to fund a private endeavor (Dolphin Stadium), the Convention Center, which is a public endeavor, could be funded with those tax dollars also.

Commissioner Weithorn stated that this item is covered under "identify opportunities to create funding options."

Kevin Crowder informed that they would like to add one more item that they just found out today. There is a possible recommendation by the Department of Transportation in reference to parking revenues. Parking revenues generated from meters on State roads should go to the State, rather than to the City. Commissioner Wolfson stated that the moment they pass this item, make that free parking. Mayor Bower stated that they should add to the agenda that the City of Miami Beach opposes this item.

Discussion continued.

Handouts and Reference Materials:

1. 2013 Preliminary Florida Legislative Agenda Critical Legislative Priorities

**2:04:43 p.m.**

R7H A Resolution Urging The United States Congress To Ban The Sale And Possession Of Semi-Automatic And Assault Weapons And High Capacity Ammunition Devices And Magazines And To Close The "Gun Show Loophole" Nationwide; Urging The Florida Legislature To Act Statewide To Require Private Sales Of Firearms To Include A Mandatory Background Check Of A Purchaser Of A Firearm Regardless Of Whether The Firearm Vendor Is Licensed Or Non-Licensed Pursuant To Federal Or State Law; And Giving Direction To The City Manager With Regard To The Enforcement Of Gun Laws Within The City.

(Requested by Vice-Mayor Michael Góngora)

(Legislative Tracking: City Attorney's Office)

**ACTION: Resolution No. 2013-28124 adopted as amended.** Motion made by Vice-Mayor Góngora to approve the resolution; Voice vote 7-0. **The City Clerk's Office to transmit a certified copy of the Resolution to the members of Miami-Dade County Congressional Delegation, Governor Rick Scott, the Florida Senate President, the Florida House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, to the United States Senate, President and Speaker of the House of Representative, as well as to the City of Miami Beach's lobbyists in Washington DC.**

**AMENDMENT:**

Jose Smith, City Attorney, stated to strike the word ~~and~~. "Ban The Sale And Possession Of Semi-Automatic ~~And~~ Assault Weapons..."

Vice-Mayor Góngora explained the item.

Commissioner Tobin stated that as originally written, it implies that we are banning semi-automatic guns and assault weapons, i.e. eliminating all guns.

Amendment:

Jose Smith, City Attorney, suggested striking the word and to make it read "Ban the sale and possession of semi-automatic ~~and~~ assault weapons."

8:00:05 p. m

**SUPPLEMENTAL MATERIAL 1**

**Mayor Matti Herrera Bower's Version & NCAC's Version Resolutions**

R7I A Resolution Establishing, Pursuant To City Charter Section 2.04, Procedures For Calling Special Meetings Of The City Commission By A Majority Of The Members Of The City Commission.  
(City Attorney's Office/Mayor Matti Herrera Bower)

**ACTION: Resolution No. 2013-28125 adopted.** Motion made by Commissioner Wolfson to approve the resolution; seconded by Commissioner Weithorn; Voice-vote: 6-0; Absent: Commissioner Tobin. **City Attorney's Office to handle.**

Jose Smith, City Attorney, introduced the item.

Mayor Bower is concerned with a developer being able to convince four Commissioners to have an emergency meeting to get something done. She added that whenever possible, the item should wait to the regular committee meeting, and not do this frivolously.

Discussion held.

8:08:57 p.m.

**SUPPLEMENTAL MATERIAL 1 – Resolution**

R7J A Resolution Approving An Increase To The Owner's Contingency For The Right-Of-Way Infrastructure Improvement Program, Neighborhood No. 8E Bayshore, Sunset Islands I & II Project, In The Amount Of \$696,285, For The Additional Work Related To Construction Of Permanent Street Lighting System In Sunset Island I, Suitable And Unsuitable Fill Material Overruns, Outfall Reconstruction And Upsizing, Sanitary Sewer Pipe Lining, And Driveway Harmonization As A Result Of Unforeseen Conditions And Improvements With Previously Appropriated Funding In The Amount \$73,292 From Fund 304 - Capital Reserve, \$34,017 From Fund 424 - Water & Sewer Bonds 2000 Series, \$491,550 From Fund 431 - Storm Water Bonds 2011, And \$97,426 From Fund 427 – Storm Water Enterprise Fund, For A Grand Total Of \$696,285.

(Capital Improvement Projects)

**ACTION: Resolution No. 2013-28126 adopted.** Motion made by Commissioner Weithorn to approve the resolution; seconded by Commissioner Exposito; Voice-vote: 6-0; Absent: Commissioner Tobin. **Fernando Vazquez to handle.**

Fernando Vazquez, CIP Director, introduced the item.

Mr. Vazquez stated the anticipated completion date to be in March 2013. Mr. Vazquez is requesting \$696,285 be added to replenish the contingency.

Kathie G. Brooks, Interim City Manager, explained the funding of the item, and stated that this amount had been added to the budget in July when it was discussed at Finance.

Discussion held.

**R9 - New Business and Commission Requests**

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

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

**Affordable Housing Advisory Committee:**

Stephanie Berman Removed due to absences

**Beautification Committee:**

Maria Koller Term ending 12/31/14 Appointed by Commissioner Wolfson TL 12/31/15

**Budget Advisory Committee:**

Stephen Hertz Term ending 12/31/14 Appointed by Commissioner Tobin TL 12/31/16

David Lancz Term ending 12/31/14 Appointed by Commissioner Weithorn TL 12/31/18

**Capital Improvements Projects Oversight Committee:**

Eleanor Carney Removed due to absences

**Committee for Quality Education in MB:**

Karen Bajaroff Term ending 12/31/14 Appointed by Commissioner Tobin TL 12/31/15

**Committee on the Homeless:**

Gail Harris Term ending 12/31/14 Appointed by Commissioner Tobin TL 12/31/16

Lisa Ware (TL12/31/13) Term ending 12/31/14 Appointed by Commissioner Wolfson TL 12/31/13

**Community Development Advisory Committee:**

Marina Aviles Term ending 12/31/13 Appointed by Commissioner Exposito TL12/31/20

Adam Greenberg Term ending 12/31/14 Appointed by Commissioner Weithorn TL 12/31/19

Christina LaBuzetta Term ending 12/31/14 Appointed by Commissioner Wolfson TL 12/31/19

James Weingarten Term ending 12/31/14 Appointed by Commissioner Tobin TL 12/31/18

**Community Relations Board:**

Laurie Kaye Davis (TL12/31/13) Term ending 12/31/14 Appointed by Kathie G. Brooks, City Manager TL 12/31/13

Seth Feuer Term ending 12/31/14 Appointed by Commissioner Libbin TL 12/31/20

Debra Schwartz Term ending 12/31/14 Appointed by Commissioner Tobin TL 12/31/15

**Convention Center Advisory Board:**

Joshua Wallach Term ending 12/31/14 Appointed by Commissioner Tobin TL 12/31/19

**Debarment Committee:**

Anthony Broad Term ending 12/31/14 Appointed by Commissioner Tobin TL 12/31/16

Antonio Hernandez Jr. Term ending 12/31/14 Appointed by Commissioner Góngora TL 12/31/18

**Disability Access Committee:**

John Bennett Removed due to absences

Sabrina Cohen Term ending 12/31/14 Appointed by Commissioner Tobin TL 12/31/17

Andrew Feuerstein Removed due to absences

Lawrence Fuller Removed due to absences

Elaine Litvak Removed due to absences

David New Term ending 12/31/14 Appointed by Commissioner Weithorn TL 12/31/15

Lee Weiss Term ending 12/31/14 Appointed by Commissioner Wolfson TL 12/31/19

**Fine Arts Board:**

Nathaniel Korn	Term ending 12/31/14	Appointed by Commissioner Wolfson	TL 12/31/15
Carmen Lopez	Term ending 11/31/13	Appointed by Commissioner Góngora	TL12/31/20
Tamara Sheffman	Term ending 12/31/14	Appointed by Commissioner Weithorn	TL 12/31/15

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

Nelida Barrios	Term ending 12/31/14	Appointed by Commissioner Weithorn	TL 12/31/16
Ivan Cano	Term ending 12/31/14	Appointed by Commissioner Wolfson	TL 12/31/17
Chad Richter	Term ending 12/31/14	Appointed by Commissioner Tobin	TL 12/31/16
Dale Stine	Term ending 12/31/14	Appointed by Commissioner Góngora	TL 12/31/17

**Golf Advisory Committee:**

John Barker	Term ending 12/31/14	Appointed by Commissioner Tobin	TL 12/31/15
Michael Piazza	Term ending 12/31/14	Appointed by Commissioner Wolfson	TL 12/31/17

**Hispanic Affairs Committee:**

Antonio Purrinos	Term ending 12/31/14	Appointed by Commissioner Wolfson	TL 12/31/17
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**Loan Review:**

Jay Dermer	Term ending 12/31/14	Appointed by Commissioner Wolfson	TL 12/31/18
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**Miami Beach Commission For Women:**

Gertrude Arfa	Term ending 12/31/14	Appointed by Commissioner Tobin	TL 12/31/14
Jessica Conn	Term ending 12/31/14	Appointed by Commissioner Wolfson	TL 12/31/19
Monica Harvey	TL12/31/13 Term ending 12/31/14	Appointed by Commissioner Wolfson	TL 12/31/13
Regina Suarez	Term ending 12/31/14	Appointed by Commissioner Gogra	TL12/31/17
Nikki Weisburd	Term ending 12/31/14	Appointed by Commissioner Tobin	TL 12/31/15

**Parks and Recreational Facilities Board:**

Leslie Graff	Term ending 12/31/14	Appointed by Commissioner Tobin	TL 12/31/15
Jonathan Groff	Term ending 12/31/14	Appointed by Commissioner Weithorn	TL 12/31/17
Amy Rabin	TL 12/31/13 Term ending 12/31/14	Appointed by Mayor Bower	TL 12/31/13

**Police Citizens Relations Board:**

Beverly Aberbach	Removed due to absences		
Jared Dokovna	Removed due to absences		
Gianluca Fontani	Removed due to absences		
Glenda Krongold	Term ending 12/31/14	Appointed by Commissioner Tobin	TL 12/31/15
Stephen Oppenheimer	Term ending 12/31/14	Appointed by Commissioner Wolfson	TL 12/31/17

**Production Industry Council:**

Ivan Parron, News Media	Term ending 12/31/14	Appointed by Commissioner Góngora	TL 12/31/16
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**Safety Committee:**

Barbara Gillman	(TL12/31/13) Term ending 12/31/14	Appointed by Commissioner Wolfson	TL 12/31/13
Oren Lieber	Term ending 12/31/14	Appointed by Commissioner Tobin	TL 12/31/14
Alfredo Rey	Term ending 12/31/14	Appointed by Commissioner Weithorn	TL 12/31/17
Irene Valines	Term ending 12/31/14	Appointed by Commissioner Tobin	TL12/31/19

**Sustainability Committee:**

Eric Hecht	Removed due to absences		
Dave Doeblor	Term ending 12/31/13	Appointed by Commissioner Libbin	TL 12/31/20
Luiz Rodrigues	Term ending 12/31/14	Appointed by Commissioner Tobin	TL 12/31/15
Gabriole Van Bryce	Term ending 12/31/14	Appointed by Commissioner Góngora	TL 12/31/17

**Transportation and Parking Committee:**

Eric Ostroff	Term ending 12/31/14	Appointed by Commissioner Weithorn	TL 12/31/18
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**Youth Center Advisory Board:**

Annette Cannon Term ending 12/31/14 Appointed by Commissioner Tobin TL 12/31/18

**CHARTER REVIEW BOARD: Effective 01/01/2013-01/01/2014:**

Aaron Perry Term ending 01/01/14 Appointed by Commissioner Libbin  
Ricky Preira Term ending 01/01/14 Appointed by Commissioner Wolfson

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

**ACTION:** No appointments made.

Handout or Reference Materials:

1. City Commission At-Large Nominations dated December 12, 2012
2. LUB list of members and applicants

**2:32:15 p.m.**

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

**ACTION:**

1. Mark Makalsky, an artist whose studio is located on Española Way, stated that artists have been leaving Miami Beach, because Española Way is no longer an artist colony. Next month the Española Center will close and will be converted to a hotel. He will be moving out of his studio and does not have the money to rent a place on Lincoln Road. He would like to stay here and has some ideas as to how to accomplish it. Scott Robins is the owner of the block on South Beach. He would like to create an arts center residency with the \$1.3 million to be spent on City's bathrooms. A lot of money has been spent for the Symphony and nothing for the local artists. Some of the money for the Convention Center should go for some space for artists.

Mayor Bower suggested that he go to the Miami Beach Development Corporation (MBDC). They can have space that can be converted to living space. She asked him to speak to her Assistant for the information. **Mayor Bower's Aide to handle.**

Mark Makalsky stated that his idea was to live upstairs and paint and sell downstairs. He is hoping for a wish list for something in the future.

2. Alberto Machado stated that he was hit by a bus route No. 22, the bus took his bike and refused to open the door. He called the police, rescue and the supervisor.
3. Christine Florez spoke on the walk ability, bikeways and walkways.
4. Steve "Bubba" Cohen stated that the Sutnick Hour should start at 12:30 p.m. He spoke on the criminal activity at the PAL being investigated.

Commissioner Tobin spoke.

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

**ACTION:** No speakers.

**4:34:03 p.m.**

**Committee of the Whole Announcement:**

Rafael E. Granado, City Clerk, announced that the Committee of the Whole Meeting for items R9C, R9D and R9E will take place during lunch recess.

R9C The Committee Of The Whole Will Meet During Lunch Recess Of The January 16, 2013 City Commission Meeting At The City Manager's Office Large Conference Room To Discuss External Audit Reports For FY 2010/11 And Internal Audit Status Report For FY 2011/12.  
(Budget & Performance Improvement)

**ACTION:** Discussion held. Committee of the Whole commenced at 6:00 p.m.

Ms. Brooks introduced the item, and explained that there are two components to the audits performed by the City:

- The External Audit; and
- Internal Audits

**Internal Auditor's Reports**

Mr. James Sutter, Internal Auditor presented the item.

Mr. Sutter provided a background of the City's Internal Audit Division, and explained that the Division is responsible for ensuring compliance with Resort Tax Ordinances by auditing Miami Beach businesses; compliance with City policies and procedures and financial integrity and sufficiency of internal controls by Departments and Not-for-Profits; supporting and special projects assisting other City areas; and the integrity of performance measures reported Citywide.

**Resort Tax Audits**

Resort tax generated for the fiscal year 2011/12 was \$54,071,219. Scheduled audits are based upon the type of business, actual resort tax receipts received, and the frequency of the last audit. There are approximately 1,830 businesses registered to collect resort taxes. The Division's goal is to audit the 763 businesses consisting of hotels, restaurants, nightclubs, and bars at least once every four to five years, approximately 153 per year. The remaining 1,067 accounts representing apartments having less risk are audited much less frequently. The total combined goal is 250 audits per year.

In fiscal year 2011/12, the Division completed 210-resort tax audits (84% of our total goal) of which 121 were hotels, restaurants, nightclubs and bars. Total audits completed fell short due to the contracted audit firms only performing 68 out of the 100 audits targeted for completion. The 210 audits resulted in additional tax assessments of \$278,579. The audits serve as a deterrent to ensure compliance with the City's resort tax ordinances.

**Internal Audits**

In response to a question raised by Commissioner Exposito, Mr. Sutter explained that areas targeted by the Division are based on a risk assessment approach. Audits are classified as to high, medium or low risk. Higher assigned risk areas are subject to more frequent audits, and lower risk areas are less frequent. Commissioner Exposito suggested that Internal Audit develop

an additional source of data analysis based upon variances of key City revenues generated or expenditures. Any high variances would be a trigger point which would cause that area to be audited.

The Parking Department is considered high risk due to the considerable revenues received and the manner of collection, and therefore has resources dedicated for ongoing audits. Mr. Sutter thereafter explained the audit procedures for the Parking Department, including that surprise audits are conducted, that parking enforcement employees are followed to audit ticket citation compliance, attended lots are inspected to ensure the cost counts, etc.

The review of waste franchise contractors and roll-off haulers for compliance with the City's sanitation ordinance is also has a priority. In addition, inputs for audits in other Departments are obtained from Directors and the City Manager.

The internal audit goals are: Audit 90% of the high-risk areas approximately once every five years; Audit 75% of the medium risk areas approximately once every seven years; Audit 60% of the low risk areas approximately once every ten years. Special circumstances are taken into account that may lengthen or shorten said period. Unplanned projects may affect the schedule in any given year. Annually required audits include those mandated by City Code and State Agreements.

In response to Commissioner Tobin's question regarding how the City verifies revenues for South Beach Marina, Mr. Sutter provided details as to how said audit is conducted, including that the Division reviews the Dock and storage contracts, the invoices, and cash register receipts. Mr. Sutter acknowledged that the auditors did not speak to persons who dock their boats at the marina. Mr. Sutter was informed by Commissioner Tobin that patrons sometimes pay double dock fees if a patron docks at the marina. Mr. Smith stated that the marina lease has a provision for free parking. Mr. Smith suggested that Mr. Sutter develop a methodology to determine whether the marina is actually charging for parking. Commissioner Tobin suggested that if South Beach Marina has borrowed money, that the City review the loan documents to see what income the marina reported. Commissioner Weithorn explained that one of the key purposes of these audits is to determine if there is a gaping hole in internal controls over the contractor's system of recording revenues and expenses.

Mr. Sutter explained the contract for the marina is very complex and contains several amendments. Commissioner Tobin suggested meeting with Mr. Sutter and City's contract administrator to gain more familiarity with the Marina contract.

TO DO: Sutter to meet with Commissioner Tobin and Wolfson to discuss the Marina contract and audit testing performed.

Commissioner Tobin suggested that Internal Audit report to the Commission any area where significant problems exist. Mr. Sutter pointed out that all audit reports are posted on the web; however additional reporting format could be developed.

TO DO: Sutter to develop reporting system to inform Commission any areas of significant issues.

Commissioner Libbin inquired as to the last audit of the City's P-cards. Mr. Sutter stated that the last audit was in 2009 and the Finance Department made significant changes to the P-card program by reducing the number of P-cards, lowering the individual credit limits and implementing a review that P-card purchases follow procurement policies.

TO DO: Commissioner Libbin requested that audits of P-Cards be conducted.

Commissioner Tobin stated, that based on our current history, we need to have more systems in place to detect fraud. Commissioner Weithorn commented that we can have the best systems in place, but if we do not monitor them, they are useless. We need to devote more resources to monitor them. Mr. Sutter indicated that he included additional hours in the current audit plan for following up on prior audit findings.

Mr. Sutter discussed the new computer program that had been instituted for Fire Department's night time inspections, that generates locations to be inspected randomly. Commissioner Tobin inquired whether the fire inspectors utilize any inspection checklist for their review. Mr. Sutter explained his discussion with the Fire Chief regarding the implementation of this document.

Mr. Sutter continued to discuss the Status of Audits for Departments and Not-For-Profit completed during fiscal year 2011/12. Mr. Sutter directed the Commissioners to Exhibit 2 of the Commission Item (R9C). Overall, twenty-one Department and Not-For-Profit audit areas were completed during said fiscal year, represents 70% completed out of thirty audit areas initially targeted for the year. Out of the audit areas completed, three audits were added during the year. Additionally, a substantial amount of time was dedicated to the analysis of code and fire cases resulting from the April arrests of seven City employees as part of a criminal investigation. Time was also spent on the supervision of resort tax audits and coordinating responses to audits of FEMA hurricane grants. The remaining twelve audits were carried forwarded to next fiscal year.

The Committee informed Mr. Sutter that if any additional resources are needed to let the Committee know. Mr. Sutter indicated that additional monies were budgeted for outside assistance which included the RFP request for CIP audits which was passed by the Commission at today's meeting.

#### **External Auditors Reports for FY 2010/11**

Item introduced by Patricia Walker, Chief Financial Officer. Donovan Maginley of McGladrey & Pullen, LLP Certified Public Accountants explained the item.

The City's External Auditors are responsible for issuing an opinion after conducting an audit of the City's financial statements in accordance with Generally Accepted Auditing Standards, and the standards applicable to financial audits contained in the Governmental Auditing Standards.

The City contracts with McGladrey & Pullen, LLP to prepare and issue an auditor's opinion after conducting an audit of the City Comprehensive Annual Financial Report (CAFR) in accordance with Generally Accepted Auditing Standards and the standards applicable to financial audits contained in the Governmental Auditing Standards, issued by the Comptroller General of the United States.

The audit is conducted and an opinion expressed on the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining funds information of the City except for the retirement and pension funds that are audited by other auditors. Florida Statutes requires this annual audit. The external auditors also perform a Single Audit separate from the CAFR audit to satisfy the audit requirements imposed by the Single Audit Act and the U.S. Office of Management and Budget (OMB), Circular A-133 and the Florida Single Audit Act, and Florida Rules of the Auditor General, Section 10.550. The external auditors issue a separate management letter that addresses any recommendations to improve financial management, accounting procedures and internal control. Their report on internal controls included any reportable condition and material weaknesses in the system of which they became aware because of obtaining an understanding of the City's internal controls and performance of tests of internal controls. The report of compliance addresses any

material errors, fraud, violation of compliance requirement and other responsibility imposed by Florida and Federal Statutes and regulations.

For the past several years, the external auditor's management letters contained no reportable conditions and/or material weakness only minor recommendations to improve financial management, accounting procedures and internal controls.

Further, the external auditors issue separate opinions on the Miami Beach Redevelopment Agency, (RDA), the Parking Service Fund, the Miami Beach Convention Center and Jackie Gleason Theater, the Visitor and Convention Authority (VCA), City of Miami Beach Safe Neighborhood Parks Bonds Projects, the City of Miami Beach Building Bond Communities Bond Projects and the City's Children Trust Fund. Annually, a Letter to Commission is sent to satisfy the auditors' required communication with management. Information forwarded with this letter included their Management Letter, the Single Audit Report, the City's Comprehensive Annual Financial Report and the auditors required communication with management. Attached as Exhibit 1 to this item (also found under LTC 180-2012 dated July 13, 2012), are the required reports for communication with the City Commission.

Mr. Maginley provided two handouts: 1) City of Miami Beach, Audit Plan for the Fiscal Year that Ended September 30, 2012; and 2) a Report to the Mayor and Commission dated September 30, 2012.

Mr. Maginley discussed the Notes to the Schedule of Expenditures of Federal Awards and State Assistance. The condition noted that there were no procedures in place over payroll to monitor and ensure that personnel activity reports delineating the hours worked by employees on each grant or certifications for those employees that worked solely on one grant are completed. It was noted that individuals whose salaries were charged to the Federal program did not have certifications completed. In addition, it was noted that there were no personnel activity reports or similar documents delineating the hours worked on each grant and other activities for employees that worked on multiple grants. McGladrey recommended that the City establish a formal policy and procedure relating to the payroll certification process.

Mr. Maginley also discussed the Sub-recipient Monitoring, and explained that monthly reports were not submitted in a timely manner by the sub-recipient to the City. McGladrey recommended the City track the timely submission of the reports from the sub-recipient and ensure that all policies and procedures implemented by the City are adhered to by the sub-recipient.

Mr. Maginley then discussed the self-insurance fund deficit and actuarial discount rate, and stated that the City's self-insurance fund reported a net asset deficit of approximately \$7.9 million, as of September 30, 2011. McGladrey recommended that the City evaluate its self-insurance program, to not only help ensure that the levels of amounts charged to user funds are sufficiently balanced to sustain the self-insurance program, but to help ensure that reserves will be replenished in order to fund the growing deficit. The total charge by the internal service fund to the other funds should be based on a systematic method and adjusted over a reasonable period so that internal service fund revenue and expenses are approximately equal.

Ms. Brooks explained that the self-insurance fund deficit has been reduced, and added that there are currently no major claims in the horizon.

Handout or Reference Materials:

1. Committee of the Whole – Audit Committee – Memorandum
2. Audit Plan for Fiscal Year ended September 30, 2012, by McGladrey
3. Report to the Honorable Mayor and Members of the City Commission, September 30, 2011, by

McGladrey

- R9D A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Relating To The Annual Performance Evaluation Of The City Attorney; Receiving The City Attorney's Performance Evaluation Report; And, In Consideration Of The City Attorney's Exemplary Performance During The Contract Years From, Respectively, April 11, 2010, Through April 10, 2011, And April 11, 2011, Through April 10, 2012, Granting A Cost Of Living Adjustment (Cola) Of Three (3) Percent, Effective As Of April 9, 2012; Extending The City Attorney's Contract Of Employment, Dated April 11, 2006, For An Additional Two (2) Year Term, Commencing Upon The Expiration Of The Initial Term Of Said Contract; Further Amending The City Attorney's Employment Contract To Reduce The Allowable Amount Of Severance Pay From Twelve (12) Months Aggregate Salary, To Twenty (20) Weeks (Or Five (5) Months) Aggregate Salary, And Acknowledging That The City Attorney Voluntarily Agreed To Forego Compensation For Future Planning Days.

(City Attorney's Office)

**ACTION: Resolution 2013-28122 adopted.** Motion made by Commissioner Libbin to extend Jose Smith's contract for a period of two years, with the contract to include a cost-of-living increase of 3%, an amount equivalent to that given to City employees in May 2012; decreasing severance pay from one-year to 20 weeks, and foregoing future paid planning days; seconded by Commissioner Wolfson; Voice vote: 5-2; Opposed Commissioners Góngora and Tobin. **City Attorney's Office to prepare Resolution. Carla Gomez to handle implementation.**

Discussion held. Committee of the Whole commenced at 6:45 p.m.

Jose Smith, City Attorney, reported that his employment contract expires in April 2013. Mr. Smith recounted significant accomplishments the Law Department has had while he has been leading the Department as City Attorney.

Mr. Smith is requesting a two-year contract. Mr. Smith is voluntarily reducing his agreed-upon severance pay from one-year to 20 weeks, and accepted Commissioner Libbin's request to forgo future planning days. Mr. Smith is requesting a cost-of-living increase of 3%, an amount equivalent to that given to City employees in April 2012.

Mr. Smith informed the Mayor and Commissioners that he plans to retire after his two years are up, when he is 65.

Vice Mayor Góngora announced that he would not vote in favor of the contract at this time, as he believes that Mr. Smith's contract should be coordinated with the future City Manager's contract. Vice Mayor Góngora said he opposed the severance pay, as it is not the norm in the private sector.

Commissioner Tobin stated the he is comfortable with a 20-week severance package, as this is a significant reduction from the prior one-year severance, but is against any COLA adjustment for any City employee.

Commissioner Libbin expressed that he is comfortable with a two-year contract, as it is reasonable, and will assure stability in the Legal Department. Commissioner Libbin added that he is in favor of a 3% COLA adjustment for Mr. Smith, consistent with what other City employees received in 2012.

Commissioner Exposito stated that Mr. Smith has provided consistency in this time of turmoil.

R9E The Committee Of The Whole Will Meet During Lunch Recess Of The January 16, 2013 City Commission Meeting At The City Manager's Office Large Conference Room To Discuss The City Manager Recruitment.

(City Clerk's Office)

**ACTION:** Discussion held. Committee of the Whole commenced at 5:00 p.m.

**Direction and Schedule:**

1. The Mayor and Commission will interview the following seven candidates for the City Manager Position:
  - Steve Barwick
  - Monica Cepero
  - Robert Frank
  - Tom Wilson
  - Emanuel Mayer
  - Jimmy L. Morales
  - Frank Rollason
2. On the morning of January 29, 2013, there will a tour of the City given to the candidates. Example of tour sites: CIP Projects Underway and/or Planned; Major Development Projects; Historic Districts; City Facilities, Convention Center project, etc. On the evening of January 29, 2013, the candidates will attend and observe the Convention Center public input meeting to be held on January 29, 2013 at 6:00 p.m., Convention Center, Rooms A101/105.
3. There will be at least one-hour (possibly a one-hour and fifteen minutes) interviews of each candidate by the Commission as a whole on January 30, 2013. Interviews to commence at 8:00 a.m. Each candidate will have an hour or so before the entire Commission. (Taped for subsequent broadcast on Channel 77).
4. On January 31, 2013, the Mayor and Commissioners will do a one-on-one interview with each of the candidates for approximately 30 minutes. At approximately 4:00 p.m., the Mayor and Commissioners will convene to discuss narrowing the field down to two or three candidates for background checks and final steps in the process.

Ms. Renee Narloch, Vice President of Bob Murray & Associates provided a recap of the recruitment process.

Discussion was held regarding Mr. Steve Alexander's request, via e-mail, to be reconsidered for participation in the interview phase. The City Commission, via consensus, denied the request. The Commission agreed that although Mr. Alexander's resume is notable, it was not to par with the candidates selected to be interviewed.

Mayor Bower wanted to make sure that the City tour that will be given to the candidates on January 29, 2013, includes stops in South Beach, Middle Beach and North Beach. Commissioner Libbin instructed that the tour include the Convention Center project site. Commissioner Wolfson wants the tour to include Miami Beach Community Development Corporation sites. Mayor Bower added that the tour should include affordable housing sites such as Rebecca Towers and Council Towers, during lunchtime so the candidates can interact with the senior citizen residents.

Commissioner Tobin recommended that they spend more time with the candidates. As a result, a consensus was reached that on January 31, 2013, the Mayor and Commissioners will do one on one interview with each of the candidates for approximately 30 minutes. At approximately 4:00 p.m., the Mayor and Commissioners will convene to discuss narrowing the field down to two or three candidates for background checks and final steps in the process.

Discussion was had regarding the length of the interviews on January 30, 2013. It was agreed that one-hour interview of each candidate was too short, and instead the schedule will be amended so that each candidate is interviewed for approximately one hour and fifteen minutes. Consensus was reached to commence the interview process at 8:00 a.m. on January 30, 2013.

Discussion was held regarding a reception, in a "meet and greet" style, whereby the Commissioners and community stakeholders would be invited. The City Commission opted to instead invite the candidates to attend and observe the Convention Center public input meeting to be held on January 29, 2013 at 6:00 p.m.

The City Attorney and Renee Narloch will work together to develop suggested interview questions. Ms. Narloch suggested no more than 12 to 15 questions.

Ms. Narloch, in response to Commissioner Tobin's question, stated that once the candidate pool is narrowed further, she would conduct Nexis searches of said candidates, which will include criminal, credit and driving checks. Commissioner Tobin wants a background check similar to that conducted for Police Officers, to possibly include canvassing of neighbors, stakeholders and employers, not included in the candidates list of references. Commissioner Tobin further instructed that Ms. Narloch ask the references provided by the candidates to provide the names of additional persons who she may contact in order to obtain additional information of the candidate.

The Mayor and Commissioners unanimously agreed to include Emanuel Mayer, Jimmy L. Morales and Frank Rollason in the interview phase, and proceed with the following seven finalists: Steve Barwick, Aspen, CO; Monica Cepero, Broward County; Robert Frank, Ocoee, FL; Emanuel Mayer, Miami Beach; Jimmy Morales, Coral Gables; Frank Rollason, Miami; and Tom Wilson, Palm Springs, CA.

Handout or Reference Materials:

1. Committee of the Whole City Manager Recruitment Agenda, January 16, 2013
2. LTC 004-2013 RE: City Manager Recruitment
3. Email dated January 6, 2013 from Steve Alexander to Mayor and Commission RE: Miami Beach City Manager Candidate
4. City Manager Applicant List

**8:36:16 p.m.**

R9F Discussion On The Schedule For The Selection Process Of The New City Manager.  
(Requested by Commissioner Deede Weithorn)

**ACTION:** Discussion held.

Ms. Brooks, Interim City Manager, recapped the direction received at the Committee of the Whole meeting held earlier in the day.

**Direction:**

1. The Mayor and Commission will interview the following seven candidates for the City Manager Position:
  - Steve Barwick
  - Monica Cepero
  - Robert Frank
  - Tom Wilson
  - Emanuel Mayer
  - Jimmy L. Morales
  - Frank Rollason
2. On the morning of January 29, 2013, there will be a tour of the City given to the candidates. Example of tour sites: CIP Projects Underway and/or Planned; Major Development Projects; Historic Districts; City Facilities, Convention Center project, etc.) On the evening of January 29, 2013, the candidates will attend and observe the Convention Center public input meeting at 6:00 p.m. Convention Center, Rooms A101/105.
3. There will be at least a one-hour (possibly a one-hour and fifteen minutes) interview of each candidate by the Commission as a whole on January 30, 2013. Interviews to commence at 8:00 a.m. Each candidate will have an hour or so before the entire Commission. (Videotaped for subsequent broadcast on Channel MBTV77).
4. On January 31, 2013, the Mayor and Commissioners will do a one-on-one interview with each of the candidates for approximately 30 minutes. At approximately 4:00 p.m., the Mayor and Commissioners will convene to discuss narrowing the field down to two or three candidates for background checks and final steps in the process.

**8:17:58 p.m.**

R9G Discussion On The Use Of Electricity By Sidewalk Cafes  
(Requested by Commissioner Deede Weithorn)

**ACTION:** Discussion held. Item referred to the Land Use and Development Committee. Motion made by Commissioner Weithorn, seconded by Vice-Mayor Góngora; Voice vote 6-0; Absent: Commissioner Tobin. **Richard Lorber to place on the committee agenda and Stephen Scott to handle.**

**REFERRAL:**

Referred to Land Use and Development Committee to set protocol and give warning notices prior to citations. There was unanimous consensus to refer all current Sidewalk Café matters to the Land Use and Development Committee.

Commissioner Weithorn explained the item, and expressed her concerns that on Lincoln Road, businesses are using the City's electricity and they should pay for it.

Discussion held regarding costs.

Commissioner Libbin stated that people should not use the City's electricity, and a policy needs to be put into place.

Kathie G. Brooks, Interim City Manager, stated that it is also a safety concern.

Motion made by Commissioner Weithorn to issue a warning first before citing violations and refer to committee; seconded by Vice-Mayor Góngora; Voice vote 6-0; Absent: Commissioner Tobin.

Discussion continued.

**12:25:53 p.m.**

R9H Discussion Regarding A Request For Reconsideration Of "Resolution Approving The Recommendation Of The City Manager To Shortlist The Top Two (2) Teams Of Portman CMC And South Beach ACE As The Shortlisted Proposers To Continue Onto Phase II Of The MBCC RFQ No. 22-11/22; And Authorizing The City Manager To Negotiate Letters Of Intent (LOI's) With The Shortlisted Proposers," Approved, City Commission Meeting December 12, 2012.  
(Requested by Commissioner Deede Weithorn)

**ACTION:** Discussion held. **Resolution No. 2013-28127 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Wolfson; Voice vote: 7-0. **Jorge Gomez to handle.**

Commissioner Weithorn stated that she needs discussion on this item, and it is important that they have consensus. First of all, public community meetings need clarification in regards to location of the public meetings. The public needs to be well informed and the City is not doing a good job at it. If the City cannot handle it, then an expert public relations firm should be hired.

Mayor Bower stated that she is in agreement to hire a firm to delineate how the input is to be obtained.

Commissioner Weithorn added that the second issue is Commission input. The schedule does not explain how they are controlling the project to make it happen. She was told that there may have been some outreach from Gus Lopez and his agents to one of the proposers, and she would like, in abundance of caution, to have an affidavit from everyone that proposed in the teams to confirm that they have had no contact with Gus Lopez or his agents, and thereby stop these allegations. She wants to make sure that the right steps are taken to move forward and she wants assurance.

Raul Aguila, Deputy City Attorney, stated that they can ask the representatives from the two shortlisted companies for an affidavit stating that they did not communicate with Mr. Lopez after he left the City, outside the Cone of Silence or with Mr. Landrin, Gus Lopez's partner. An affidavit does carry criminal penalty, and this can be given to all the proposers responding to the RFQ. He suggested that it might be useful in the negotiations to appoint a Commission liaison to report back to the Commission as it has been done during past projects.

Jose Smith, City Attorney, stated that in the past during the MBCC expansion a Commissioner was appointed that was very involved in the process and provided constant feedback to the Commission.

Kathie G. Brooks, Interim City Manager, clarified that as far as the schedule the intent was to have numerous check-in meetings.

Commissioner Weithorn stated that she does not have a problem with the RFP process, but she has a problem with the execution. The first meeting is January 29, 2013 and there is not enough time for publicity. She may bring this back multiple times.

Mayor Bower suggested that the City Manager place a permanent agenda item with an update on the Convention Center project and requested a verbal report. **Kathie G. Brooks, Jorge Gomez and Max Sklar to handle.**

Discussion continued.

Mayor Bower stated that the word has to go out to every private resident and e-mail address informing of the meeting and that their input is needed. **Jorge Gomez to handle.**

Discussion continued.

Commissioner Wolfson agrees with the affidavit and he thinks it should include language that there has been no illegal lobbying. He is in agreement with extending to three companies in the short list.

Discussion continued and Commissioner Weithorn explained that she wanted consensus.

Commissioner Wolfson referred to an Editorial article in The Miami Herald regarding the Convention Center and he is not supportive of the way the process is going, or its scope, and he asked Commissioner Exposito to support his residents in the neighborhood.

Discussion continued.

Motion made by Commissioner Weithorn to request the affidavit and to hire a public relations company to do the proper outreach; seconded by Commissioner Wolfson; Voice vote: 7-0. **Raul Aguila, Jorge Gomez and Max Sklar to handle.**

Motion made by Commissioner Exposito suggested setting up a website for the project. **Media Relations Office to handle.**

Mayor Bower wants to be involved in this process with the public relations person and to be invited to all the negotiation meetings. **Jorge Gomez and Max Sklar to handle.**

Commissioner Tobin requested that the City Commission be notified when the teams come in for any reason, and schedule far in advance so that before the teams leave, they can meet and the Commission can find out what direction the City gave, and keep the pulse on the project. Meetings should be advertised in advance. **Jorge Gomez and Max Sklar to handle.**

Commissioner Weithorn thanked her colleagues for the discussion and recommendations.

- R9I Discussion Concerning The Potential Involuntary Designation Of A Single Family Residence Located At 42 Star Island Drive As An Individual Historic Site By A Third Party.  
(Requested by Commissioner Jonah Wolfson)

**ACTION:** Item heard in conjunction with Item C4I. Discussion held.

See discussion with Item C4I.

**8:16:25 p.m.**

R9J Discussion On The Miami Beach Human Rights Committee Resolution 2012-002 Regarding FDA Regulations For Blood Donation.

(Requested by Vice-Mayor Michael Góngora)

**ACTION:** Discussion held. **Resolution No. 2013-28128 adopted.** Motion made by Vice-Mayor Góngora; seconded by Mayor Bower; Voice vote 6-0; Absent: Commissioner Tobin.

Vice-Mayor Góngora introduced the item, and explained that the FDA regulates blood donation in the United States and explicitly bars any man who has had sex with another man, at any time since 1977, from donating blood. In the almost 30 years since the FDA's decision, the medical community has made great strides in preventing, diagnosing, creating and understanding HIV/AIDS. Vice-Mayor Góngora urges his colleagues to adopt the resolution passed by the Miami Beach Human Rights Committee and call upon the United States Food and Drug Administration (FDA) to repeal their longstanding prohibition on men who have sex with men from donating blood.

R9K Discussion Regarding A Community Gun Buy Back Program.

(Requested by Commissioner Jerry Libbin)

**ACTION:** Discussion held. **Item discussed with item C7E.**

**ADDENDUM MATERIAL 2:****ADDENDUM MATERIAL 2 REVISED:**

R9L Discussion On The Important Changes To The Low Income Senior Exemption For 2013.

(Requested by Vice-Mayor Michael Góngora)

**ACTION:** **Item heard in conjunction with item C7E.** Discussion held.

See action details in item C7E.

**8:29:02 p.m.****ADDENDUM MATERIAL 3:**

R9M Discussion Regarding A City Of Miami Beach Earth Day Celebration.

(Requested by Commissioner Jerry Libbin)

**ACTION:** Discussion held.

Commissioner Libbin introduced the item and at the request of the Sustainability Committee; he suggested that the City Commission authorize the City Manager to appropriate \$25,000 to be given in maximum of \$5,000 grants to local 501 (c)3 organizations to recognize Earth Day in April 2013 from funds provided from the extension of Waste Hauler contracts.

Kathie G. Brooks, Interim City Manager, spoke.

Vice-Mayor Góngora suggested bringing this item back at the next Commission Meeting.

Mayor Bower explained her concern that allocating money to this Committed for this project would start a precedent.

Discussion held.

Commissioner Weithorn suggested that Parks and Recreations Department should do an Earth Day program.

There was consensus in giving direction to the Administration to have the Parks and Recreations Department handle. **Kevin Smith to handle.**

Handouts and Reference Materials:

1. R9M distributed at the dais.

### **R10 - City Attorney Reports**

#### **ADDENDUM MATERIAL 2:**

R10A City Attorney's Status Report.

(City Attorney Office)

**ACTION:** Report given.

### **Reports and Informational Items**

Reports and Informational Items (see LTC 008-2013)

### **End of Regular Agenda**

Meeting adjourned at 8:42:42 p.m.