

# MIAMI BEACH

## City Commission Meeting

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

March 13, 2013

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

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

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### ATTENTION ALL LOBBYISTS

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

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

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

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

#### Presentations and Awards

PA Presentations and Awards

#### Consent Agenda

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

#### Regular Agenda

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

#### Reports and Informational Items

**Presentations and Awards**

- PA1 Certificate Of Appreciation To Be Presented To Officer Thomas Fleischhauer, Miami Beach Police Department's Officer Of The Year, 2012.  
(Requested by Commissioner Jorge R. Exposito)
- PA2 Certificate Of Appreciation To Be Presented To The Miami Beach Police Department's Officer Of The Month For January 2013.  
(Requested by Commissioner Jorge R. Exposito)
- PA3 The Miami Beach Chamber Education Foundation Will Present \$10,000 To The City Of Miami Beach To Support Teacher Training In The International Baccalaureate (IB) Program.  
(Requested by Commissioner Jerry Libbin)
- PA4 Proclamation To Be Presented Declaring "Earth Hour Day" On March 23, 2013.  
(Requested by Commissioner Michael Góngora & Mayor Matti Herrera Bower)
- PA5 Proclamation To Be Presented Declaring "Military Family And Community Covenant Day" On April 17, 2013.  
(Requested by Mayor Matti Herrera Bower)
- PA6 Certificate Of Appreciation To Be Submitted To Joe Kaplan, For Years Of Service As A Special Master In The City Of Miami Beach.  
(Requested by Mayor Matti Herrera Bower)
- PA7 Certificates Of Recognition To The 2012/2013 Miami Beach Senior High PTSA Board Members For Their Hard Work And Dedication To The School.  
(Requested By Vice-Mayor Jonah Wolfson)
- PA8 Certificates Of Recognition To Be Presented To Luisa Castillo Echeverria Senior/Participant And Lincoln Marti And Its Director Ana Vazquez, Employer/Participant In UNIDAD's Senior Placement Program.  
(Requested By Vice-Mayor Jonah Wolfson)
- PA9 Proclamation To Be Presented To Pubblely Restaurants For Their Dedication And Commitment To Miami Beach.  
(Requested By Commissioner Michael Góngora)
- PA10 Certificates Of Recognition To Be Presented To The Principal, Vice Principals And Teachers Of South Pointe Elementary In Miami Beach.  
(Requested By Commissioner Michael Góngora)

**Presentations and Awards** (Continued)

PA11 Certificates Of Recognition For Outstanding Police Work Resulting In Seizure Of Over 30 Firearms.

(Requested by Commissioner Jerry Libbin)

**CONSENT AGENDA**

**Action:**

**Moved:**

**Seconded:**

**Vote:**

**C2 - Competitive Bid Reports**

C2A Request For Approval To Purchase An Additional Sixteen (16), Honda Four Trax Rubicon All-Terrain Vehicles From G, J & L Inc., Pursuant To Invitation To Bid (ITB) No. 31-11/12, In The Amount Of \$124,128.00.

(Fleet Management/Procurement)

C2B Request For Approval To Award Contracts Pursuant To Invitation To Bid No. 66-11/12, For General Building And Specialty Trades Services, To Enterprise Electrical, Southern Comfort Solutions, Advanced Roofing, Team Contracting, FHP Tectronics Corp., Kearns Construction, Servpro Of Brickell, Triangle Fire, Delcons, AGC Electric, Haber & Sons Plumbing, Aaron Construction Group, A1 Fire & Security, Commercial Interior Contractors Corp., Full Cover Roofing, A&J Roofing, Comfort Tech, Coral Gables Glass & Mirror, Sanchez Arango Construction, Edd Helms Electric, FXP Corp., And S.A. Consultants LLC, On An As Needed Basis, Subject To Budgetary Approval At Time Of Need.

(Public Works/Procurement)

**C4 - Commission Committee Assignments**

C4A Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Issuance Of A Request For Qualifications For A Third Franchise Solid Waste Contractor For Residential And Commercial Solid Waste Collections And Disposal.

(Public Works)

C4B Referral To The Planning Board - Miami Beach United Resolutions To Address The Issue Of Compatibility Of Certain Uses And Development Projects In Proximity To Residential Uses.

(Planning Department)

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

- C4C Referral To The Neighborhood/Community Affairs Committee A Discussion Regarding The City Of Miami Beach Fire Prevention Fines And Citations Related To Nightclubs And Other Assemblies.  
(Fire Department)
- C4D Referral To The Land Use Committee An Amendment To The Land Development Regulations To Regulate Temporary Business Signs On Public Property.  
(City Manager's Office)
- C4E Referral To Transportation And Parking Committee And Neighborhood/Community Affairs Committee For A Discussion Regarding Sightseeing And Tour Bus Industry Regulations.  
(Parking Department)
- C4F Referral To The Neighborhood/Community Affairs Committee Of A Discussion Regarding Possible Amendments To Chapter 70 Article III (Section 70-122-129), "Graffiti Ordinance."  
(City Manager's Office)
- C4G Referral To The Finance And Citywide Projects Committee A Discussion Regarding Fine Schedules And Enforcement Of The City Of Miami Beach Code Provisions For Police And Fire False Alarms, Implementing Additional Fines For False Alarms, And Contracting With An Outside Entity For Billing And Collection Services For False Alarm Fees.  
(Police Department)
- C4H Referral To The Finance And Citywide Projects Committee And The Committee For Quality Education In Miami Beach For Discussion Of The Florida's Safe Routes To School Program (FLSRTS).  
(Requested By Commissioner Jorge R. Exposito)
- C4I Referral To The Historic Preservation And Design Review Boards To Seek Their Direction As To What Type Of Directory Structures Are Most Appropriate For The Lincoln Road Corridor.  
(Public Works)
- C4J Referral To The Land Use And Development Committee An Amendment To Expand The Permitted Uses Of RM-2 Zone Properties.  
(Requested by Commissioner Deede Weithorn)
- C4K Referral To The Land Use And Development Committee To Discuss Status Update For The Beach Walk From Sunrise Plaza To Fifth Street.  
(Requested By Commissioner Michael Góngora)

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

- C4L Referral To The Sustainability Committee To Discuss Green Building Incentives For Residential And Commercial Use.  
(Requested By Commissioner Michael Góngora)
- C4M Referral To The Neighborhood/Community Affairs Committee - Discussion To Consider Hosting A Biannual Art Camp Held In Miami Beach In Cooperation With UNESCO.  
(Requested by Commissioner Jerry Libbin)

**C6 - Commission Committee Reports**

- C6A Report Of The Neighborhood/Community Affairs Committee Of January 28, 2013: **1)** Discussion Concerning The Flamingo Park Neighborhood Becoming Florida's Most Pedestrian Friendly Neighborhood. **2)** Discussion Regarding Expanding The Ordinance (2012-3751) Amending Chapter 66, "Marine Structures, Facilities And Vehicles," Article IV, "Vessels," Section 66-151, "Launching And Hauling," To Prohibit Docking, Securing, Embarking Or Disembarking Vessels At Municipal Or Public Seawalls, Wharfs, Docks Or Bulkheads In Single Family Neighborhoods, Creating Exceptions, Providing For Repealer; Codification; Severability And An Effective Date To Make It More Comprehensive. **3)** Discussion Naming 8th Street After Tony Goldman. **4)** Discussion Regarding The City Of Miami Beach Centennial, Which Will Occur On March 26, 2015. **5)** Discussion Regarding The Placement Of A Fence Along The Perimeter Of The Scott Rakow Youth Center Playfield. **6)** Discussion Regarding Creating A Municipal Youth Council On Miami Beach.
- C6B Report Of The Neighborhood/Community Affairs Committee Of February 19, 2013: **1)** Discussion Regarding An Ordinance Amending Regulations Of Alcoholic Beverages In Public Places. **2)** Discussion Concerning The Flamingo Park Neighborhood Becoming Florida's Most Pedestrian Friendly Neighborhood. **3)** Discussion Regarding A Resolution To Establishing And Designating Tobacco-Free Zones In All City Parks And Outdoor Recreational Facilities. **4)** Discussion Regarding Building A Guardhouse At East Entrance Of Normandy Shores. **5)** Discussion Regarding An Update On Upper North Bay Road Drainage Project. **6A)** Discussion Regarding A Sanitation Plan During Spring Break 2013. **6B)** Discussion Regarding The Status Of The Major Event Plan For Spring Break. **7)** Discussion Regarding Items That Are Referred To Commission Committees To Be Reviewed If Not Heard By That Committee Within (6) Six Months Of Its Referral Dates. **8)** Discussion Regarding Considering The Removal Of The Four (4) Public Parking Spaces On Sunset Drive At The Entrance Of Sunset Harbor Island. **9)** Discussion Regarding Relocation Of The Maintenance Vehicles From The Sunset Harbor Neighborhood. **10)** Discussion Regarding Amending Procedures For Appeals To The Special Master For Certain Frequent Code Enforcement Violations.

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

- C6C Report Of The Land Use And Development Committee Meeting Of February 13, 2013: **1)** Reduced Parking Rates For Hotel Employees. **2)** 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. **3)** Review Of Miami Beach Land Use Boards To Improve The City Of Miami Beach Building And Planning Department Processes. **4)** Discussion Regarding Food Trucks On Private Property. **5)** Discussion Pertaining To “Smarter Materials For Next Generation Infrastructure,” Such As Eliminating The Disposal Of Tires In Global Landfills And Incinerators. **6)** Discussion Regarding An Amendment To The Land Development Regulations That Will Create Protection From Total Demolition Of Architecturally Significant Single Family Homes Built Prior To 1942. **7)** 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. **8)** Discussion Regarding Restricted Wake Zones: **8a)** An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 66, Entitled “Marine Structures, Facilities And Vehicles,” By Amending Article II, To Be Entitled “Restricted Wake Zones,” To Create Regulations For Restricted Wake Zones; Providing For A Purpose; Providing For Definitions; Providing For Restricted Areas; Providing For Posting Of Regulatory Markers; Providing For Exemptions; Providing For Enforcement And Penalties; Providing For Repealer, Severability, Codification, And An Effective Date; **8b)** Discussion On Adding Surprise Lake To “No Wake Zones” On Miami Beach. **9)** Discussion Regarding The Development Of The West Lots Between 79th Street To 87th Street And Collins Avenue. **10)** Discussion Regarding Development Of The Parking Lot Between 72nd And 73rd Street And Collins Avenue. **11)** Zoning And Planning Initiatives For North Beach Including Ordinance Amendments For Parking Requirements And Development Regulations. **12)** Application Of Parking Impact Fees To Satisfy Hotel Parking Requirements Outside Of Historic Districts. **13)** Discussion Regarding The Current Sidewalk Café Ordinance; **13a)** Discussion Regarding The Lincoln Road Utilization Areas For Sidewalk Cafes. **13b)** Use Of Electricity By Sidewalk Cafés. **13c)** Discussion Regarding Restaurant Solicitation Of Pedestrians On City Sidewalks, Particularly Ocean Drive And Lincoln Road.

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

- C6D Report Of The Finance And Citywide Projects Committee Meeting Of January 24, 2013: **Emergency Item: 1)** Discussion Regarding The Convention Center Catering Invitation To Negotiate. **2)** Discussion Regarding The BMG Loan Program. **Old Business: 1)** Discussion Regarding To Consider A Request For Rent Relief From Penn 17, LLC., Regarding The Retail Space At The Pennsylvania Avenue Parking Garage. **2)** Discussion Regarding A Recommendation By The GLBT Committee To Address The Issue Of Benefits Tax Inequality For City Employees With Registered Domestic Partners Versus Legally Married Spouses. **3A)** Discussion Regarding Water And Sewer Deposits; Implementing Rules And Regulations And Applications Of Rules Similar To Miami-Dade Water And Sewer Department. **3B)** Discussion Regarding Consideration Of New Policy Establishing Criteria For The Reimbursement Of Guarantee Deposits For Those Customers Who Have Established A Positive Payment History On Their Water Bill. **3C)** Discussion Regarding The Creation Of Procedures To Provide A 24 To 48 Hour Notification To Homeowners Prior To Water Being Shut Off Due To Non-Payment. **4)** Discussion Regarding: Business Tax Receipt Renewal Notices; How We Handle Over Charges; Reasons For Miscalculations; And Corrective Action Plan. **5)** Discussion Regarding Police Athletic League (PAL) Lease. **6)** 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. **7)** Discussion Of A Lease Amendment With Damian J. Gallo & Associates (D/B/A Permit Doctor). **8)** Discussion Regarding Developing Parameters For The Gun Buyback Program. **9)** Discussion Concerning The Lease For The Miami-Dade Gay And Lesbian Chamber Of Commerce Foundation Located At Historic City Hall At 1130 Washington Avenue.
- C6E Report Of The Finance And Citywide Projects Committee Meeting Of February 20, 2013: **1)** Discussion Regarding The Issuance Of Request For Proposals (RFP) For Catering And Concession Services For The Miami Beach Convention Center. **2)** Discussion Regarding Giving Guidance To The IT Steering Committee To Review The Pros And Cons Of Becoming A Paperless Environment And Create New Policies And Procedures To Be Implemented Within The City Of Miami Beach. **3)** Discussion Regarding Renewal Of The Professional Services Agreement Between The City Of Miami Beach And The Superlative Group For Professional Services In Corporate Sponsorship Marketing Pursuant To Request For Proposals No. 06-04/05. **4)** Discussion To Consider Replacement Of The City's Public Safety Radio System With A New P25 Compliant System Before The Federally Mandated 2016 Timeframe. **5)** Discussion regarding the possible World Out Games Miami Beach 2017 Funding. **6)** Discussion Budget Advisory Committee's Proposed Policies And Guidelines For The City's Pension Plan. **7)** Discussion To Consider Additional Community Input For The Sunset Harbor Neighborhood Improvements Projects. **8)** Discussion Directing The Administration To Give The Commission An Analysis Of All The 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. **9)** Discussion Regarding Advertising Panels On Lincoln Road.
- C6F Report Of The Special Land Use And Development Committee Meeting Of February 21, 2013: **1)** 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.

**C7 - Resolutions**

C7A A Resolution Approving And Authorizing The City Manager Or Her Designee To Submit The Following Grant Applications: 1) Florida Inland Navigation District For Funding In The Approximate Amount Of \$280,000 For Shoreline Reconstruction Of Normandy Shores Park Seawall; 2) Florida Inland Navigation District For Funding In The Approximate Amount Of \$160,000 For Design Of Indian Creek Park Seawall; 3) Florida Inland Navigation District For Funding In The Approximate Amount Of \$40,000 For A Parks Blueways Plan; 4) The Florida Department Of Agriculture And Consumer Services, Urban Forestry Program, In The Approximate Amount Of \$10,000 For Tree Plantings; And, 5) State Of Florida, Department Of Health, For Funding In The Approximate Amount Of \$40,000 For Equipment Related To Pre-Hospital Emergency Services; Appropriating The Above Funds, If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents Related To These Applications.

(Budget & Performance Improvement)

C7B A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee Automatically Withdrawing Items Referred To City Commission Committees If Not Heard Within Six (6) Months From Its Referral Date And Recommending Inclusion Of A Report In City Commission Agenda Transmitting A List Of Withdrawn Items.

(City Manager's Office)

C7C A Resolution Accepting A Donation Of Surplus Funds From The Miami Beach Health Facilities Authority ("MBHFA") Account, Pursuant To A Resolution Of The MBHFA Adopted At Its February 20, 2013 Meeting, In The Amount Of \$715,331, For Appropriation And Disbursement By The City To Non-Profit Human Health Service Agencies, As Provided In Section 154.209(14), Florida Statutes; Provided Further That The MBHFA Recommends That Such Surplus Funds Be Appropriated And Disbursed As Follows: \$150,000 To Provide Continued Support To Miami Beach Community Health Center, Inc.; And 2) \$565,331 To Mount Sinai Medical Center, To Be Used For Its Miami Beach Resident Indigent Care Program To Provide Treatment For Unfunded Residents Of The City Of Miami Beach.

(Finance Department)

C7D A Resolution Consenting To And Confirming The Appointment Of Jay Fink As The Acting Director Of The Public Works Department For The City Of Miami Beach.

(Human Resources)

C7E A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its January 28, 2013 Meeting To Install A Fence Around The Perimeter Of The Scott Rakow Youth Center Playground.

(Parks & Recreation)

**C7 - Resolutions** (Continued)

- C7F A Resolution Approving, Pursuant To Section 2-367(d) Of The Miami Beach City Code, The Sole Source Purchase Of Beach Access Accessibility "Mobi-Mats" From Deschamps Mat Systems, Inc. (D.B.A. DMS), The Exclusive Distributor Of The Access Mats, In The Annual Estimated Amount Of \$86,731.68, For A Period Of (3) Three Years.  
(Property Management/Procurement)
- C7G A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Amendment To The Joint Participation Agreement, Executed On October 17, 2012, With The State Of Florida Department Of Transportation, For The Construction Of Drainage Improvements On S.R. 907/Alton Road At 10th Street.  
(Public Works)
- C7H A Resolution To Accept The Recommendation Of The Finance And Citywide Projects Committee To Execute An Amendment To The Lease Agreement Between The City Of Miami Beach And Damian J. Gallo & Associates, Inc. D/B/A Permit Doctor, Dated July 30, 2003, Involving The Use Of Approximately 1,269 Square Feet Of Ground Floor Retail Space Located At 1701 Meridian Avenue, Unit 4 (A/K/A 775 17th Street), Miami Beach, Florida; Said Amendment Authorizing An Additional Use Of The Premises And Further Authorizing The City To Negotiate A Concession Agreement Allowing For An Outdoor Eating Area, Adjacent To The Leased Premises.  
(Real Estate, Housing & Community Development)
- C7I A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee And Approving And Authorizing The Mayor And City Clerk To Execute An Amendment To The Lease Agreement Between The City And MDGLCC Foundation, Inc., Dated March 10, 2010, Involving The Use Of Approximately 2,543 Square Feet Of Office Space Located At Historic City Hall, 1130 Washington Avenue, 1st Floor North, Miami Beach, Florida; Said Amendment Providing A Rent Reduction.  
(Real Estate, Housing & Community Development)
- C7J A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee Requesting The Miami Beach Visitor And Convention Authority To Serve As The Host Committee For The City Of Miami Beach Centennial, Which Will Occur On March 26, 2015.  
(Tourism & Cultural Development)
- C7K A Resolution Accepting The Recommendation Of The Interim City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 56-11/12, For The Purpose Of Conducting And Documenting A Detailed Facilities Condition Assessment Of Various Buildings/Assets Owned By The City Of Miami Beach, And To Develop A Schedule For Assets And Equipment Replacement Within The Buildings/Assets To Include Current And Projected Future Replacement Costs; Authorizing The Administration To Enter Into Negotiations With All Three Proposers: Bermello Ajamil & Partners, Inc.; Nova Engineering And Environmental, LLC.; And VFA, Inc.; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Conclusion Of Successful Negotiations By The Administration.  
(Property Management/Procurement)

**C7 - Resolutions** (Continued)

C7L A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Proposals (RFP) No. 022-2013ME, For Call Center Services; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, 1-800 We Answer; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, Inktel Government BPO Services; And Should The Administration Not Be Successful In Negotiating An Agreement With The Second-Ranked Proposer, Authorizing Negotiations With The Third-Ranked Proposer, IVOX Solutions, LLC.; Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Finance/Parking/Fire/Procurement)

C7M A Resolution Waiving By 5/7th Votes, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager To Purchase Vehicles Pursuant To The Florida Sheriffs Association Contract No. 12-20-0905.

(Fleet Management)

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

C7N A Resolution Accepting The Recommendation Of The Interim City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 52-11/12, For Professional Construction Engineering And Inspection (CEI) Firms To Provide Various CEI Services On An "As Needed" Basis; Authorizing The Mayor And City Clerk To Execute Agreements Upon Completion Of Successful Negotiations With The Five Top-Ranked Proposer: Atkins North America, Inc., Bermello Ajamil & Partners, Inc., Chen Moore And Associates, Corzo Castella Carballo Thompson Salman, P.A. (C3TS), And Parson Brinckerhoff, Inc.

(Capital Improvement Projects/Procurement)

**End of Consent Agenda**

**REGULAR AGENDA**

**R5 - Ordinances**

- R5A An Ordinance Amending The Miami Beach City Code By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Creating Division 34, To Be Entitled "Bicycle-Pedestrian Facilities Advisory Committee," And Sections 2-190.149 Through 2-190.153 Therein To Provide Provisions Establishing The Committee And Its Purpose, Powers And Duties, Composition, And Supporting Department; Providing For Repealer, Severability, Codification, And An Effective Date. **10:15 a.m. Second Reading Public Hearing**  
(Requested by Neighborhood/Community Affairs Committee)  
(Legislative Tracking: Public Works)  
(First Reading on February 6, 2013)
- R5B An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Section 10-11, Entitled "Running At Large Prohibited," By Extending The Pilot Program Off-Leash Area For Dogs In South Pointe Park Through And Including June 30, 2013; Providing For Repealer; Severability; Codification; And An Effective Date. **10:30 a.m. Second Reading Public Hearing**  
(Requested by the City Commission)  
(Legislative Tracking: Parks & Recreation)  
(First Reading on February 6, 2013)
- R5C CD-2 Self Storage  
An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, CD-2 "Commercial, Medium Intensity District," By Permitting "Self-Storage Warehouses" As A Conditional Use In This Zoning District; Providing For Repealer, Severability, Codification And An Effective Date. **10:45 a.m. Second Reading Public Hearing**  
(Requested by Commissioner Jerry Libbin)  
(Legislative Tracking: Planning Department)  
(First Reading on February 6, 2013/Referred to LUDC)
- R5D An Ordinance Amending The Miami Beach City Code By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 29, Entitled "Debarment Committee," By Amending The Purpose, Powers, And Duties Of The Committee To Include Authority To Consider The Suspension Of Contractors In Addition To Debarments; 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 February 6, 2013/Referred to NCAC)

**R5 - Ordinances** (Continued)

- 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. **5:15 p.m. Second Reading Public Hearing**  
(Requested by Land Use & Development Committee)  
(Legislative Tracking: Planning Department)  
(First Reading on February 6, 2013)
- R5F No Wake Ordinance  
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 66, Entitled "Marine Structures, Facilities And Vehicles," By Amending Article II, To Be Entitled "Restricted Wake Zones," To Create Regulations For Restricted Wake Zones; Providing For A Purpose; Providing For Definitions; Providing For Restricted Areas; Providing For Posting Of Regulatory Markers; Providing For Exemptions; Providing For Enforcement And Penalties; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**  
(Requested by Commissioner Jorge R. Exposito)  
(Legislative Tracking: City Attorney's Office)  
(No Action Taken on December 12, 2012/Referred to LUDC)

**R7 - Resolutions**

- R7A A Resolution [Granting Or Denying] An Appeal Request 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. **5:01 p.m. Public Hearing**  
(Planning Department)  
**(Memorandum & Resolution to be Submitted in Supplemental)**
- R7B 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 Street Restrooms In The Amount Of \$614,322; 53rd Street Restrooms And Ocean Rescue Building In The Amount Of \$586,171, And The Provision Of A Temporary Office Trailer For Ocean Rescue In The Amount Of \$24,704, For A Subtotal Project Cost In The Amount Of \$1,225,197, Plus An Owner's Project Contingency Of \$110,268, For A Grand 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)

**R7 - Resolutions** (Continued)

R7C A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 13, To The Existing Professional Services Agreement Between The City And Chen Moore & Associates, Inc., Dated September 8, 2004, For The City Center Right-Of-Way Neighborhood Improvement Project Bid Packages 9A And 9B; In The Negotiated Not-To-Exceed Amount Of \$145,044, Plus An Additional Amount Of \$2,000 For Approved Reimbursable Expenses, For A Grand Total Of \$147,044; To Provide Extended Construction Administration And Resident Project Representative Services Until Project Completion; With Previously Appropriated Funding From The City Center RDA Fund 365.

(Capital Improvement Projects)

R7D A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 2 To The Construction Contract Between The City And Lanzo Construction Co., Florida, For The Construction Of The City Of Miami Beach Right Of Way Infrastructure Improvement Program, Neighborhood No. 8 Central Bayshore (Package A) And Lake Pancoast (Package C); Dated April 8, 2011; Said Amendment In The Not-To-Exceed Amount Of \$3,385,441, For The Construction Of The Additional Scope Of Work Approved Under Resolution No. 2012-27972, Which Includes The Homeowner Association (HOA) Requested Roadway Width And Landscape Items, Providing Additional Stormwater Upgrades To The Area Known As Zone 4 In The Basis Of Design Report (BODR), And Providing Milling And Re-Surfacing Of The Roadway (In Lieu Of Asphalt Overlay) For The Remaining Areas Within Package A; With Previously Appropriated Funding In The FY 2012/13 Capital Budget, In The Amount Of \$3,385,441 For Construction, And \$338,545 For Contingency, For A Grand Total Of \$3,723,986.

(Capital Improvement Projects)

R7E A Resolution Approving A Contract Award, Pursuant To Invitation To Bid No. 49-11/12, For The Right-Of-Way Infrastructure Improvement Program - Venetian Islands Bid Package 13C; Authorizing The Mayor And City Clerk To Award A Construction Contract To Lanzo Construction Co. Florida, In The Amount Of \$9,699,509 Base Bid Plus \$640,028 For Selected Alternates And A Project Contingency In The Amount Of \$1,033,954; For A Total Construction Cost Of \$11,373,491 From Previously Appropriated Funding In The Capital Budget From The Following Funds: \$2,842,713 From Fund 384 - 2003 Go Bonds - Neighborhood Improvements; \$2,336,942 From Fund 420 - W&S GBL Series 2010; \$130,484 From Fund 423 - Gulf Breeze 2006; \$450,275 From Fund 425 - Water & Sewer Enterprise Fund; \$1,357,846 From Fund 427 - Stormwater Enterprise Fund; And \$2,254,223 From Fund 431 - Stormwater Bond Fund 2011; And An Additional \$1,003,062 In Water & Sewer Funds And \$977,946 In Stormwater Funds Subject To The 2<sup>nd</sup> Amendment To The Capital Budget For Fiscal Year 2012/13; And Further Authorizing The Administration To Engage In Value Engineering To Further Reduce The Cost And Time For Completion Of Said Project.

(Capital Improvement Projects/Procurement)

R7F A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Amend Section 70-87(a)(1) Of The City Code To Provide An Exemption Allowing For The Sale, Service, Possession And Consumption Of Alcoholic Beverages Within Designated Approved Beach Concession Areas, Subject To The Approval Of Amendments To The City's Amended And Restated Rules And Regulations For Beachfront Concession Operations To Allow For Such Exemption.

(City Manager's Office)

**R7 - Resolutions** (Continued)

R7G A Resolution Approving In Substance The Terms Of A Professional Services Agreement With The International City/County Management Association ("ICMA") For Review And Recommendations For Efficiencies For The Fire Department; Authorizing The City Manager And City Attorney's Office To Negotiate And Draft The Agreement Based Upon The Approved Terms; And Authorizing The Mayor And City Clerk To Execute The Final Agreement In An Amount Not To Exceed \$70,000.

(City Manager's Office)

R7H A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Amendment To The Professional Services Agreement Between The City Of Miami Beach And Strategic Advisory Group Dated October 19, 2011 For Consulting Services Relative To The Expansion And Enhancement Of The Miami Beach Convention Center Campus/District In An Amount Not To Exceed \$240,945, Including All Reimbursable Expenses, With Previously Appropriated Funds From FY 2012/2013 Operating Budget Fund 168 RDA City Center Operations.

(City Manager's Office)

R7I A Resolution Adopting The Second Amendment To The Capital Budget For Fiscal Year 2012/13.

(Budget & Performance Improvement)

R7J A Resolution Opposing The Expenditure Of Any Public Funds For Renovations To Dolphin Stadium.

(Requested by Commissioner Edward L. Tobin)

(Legislative Tracking: City Attorney's Office)

R7K A Resolution Accepting The Neighborhood/Community Affairs Committee Recommendation Regarding The Relocation Of The Property Management Facility From The Sunset Harbour Neighborhood.

(Public Works)

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

**R7 - Resolutions** (Continued)

- R7L A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee Pertaining To A Proposed Amendment No. 3 To That Certain Retail Lease Agreement By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency (Collectively, Lessor) And Penn 17, LLC (Lessee), Dated September 16, 2011, Involving The Lease Of Approximately 7,655 Square Feet Of Ground Floor Retail Space At The Pennsylvania Avenue Garage, 1661 Pennsylvania Avenue, Miami Beach, Florida; Recommending That, As Part Of Said Amendment, The Mayor And City Commission Approve The Following Amended Schedule Of Rent: 1) Applying One Third (1/3) Of The Lessee's Existing Security Deposit, Representing \$47,844, Toward Base Rent Owed For The Month Of November 2012; 2) Deferring \$8,474 For Common Area Maintenance (CAM) For November 2012, And Base Rent, Plus CAM, For December 2012, In The Total Amount Of \$64,792 (Hereinafter Referred To As The Back-Due Rent); 3) Approving An Abatement Of Fifty Percent (50%) Of The Base Rent And CAM Due For The Six (6) Month Period Commencing January 13, 2013 Through July 12, 2013; 4) Deferring Fifty Percent (50%) Of The Base Rent And CAM For The Six (6) Month Period Commencing July 13, 2013 Through January 12, 2014; And, 5) Providing For Re-Payment By Lessee Of The One Third Security Deposit And Re-Payment Of The Back-Due Rent For November And December, 2012; All In Accordance With The Payment Schedule Attached As Exhibit "A" Hereto; Further Setting Of A Public Hearing By The City For April 17, 2013, Regarding Lessee's Proposal To Add An Entertainment Component As A New Proposed Use On The Lease Premises (And As Part Of Lessee's Proposal To "Re-Brand" And Re-Open The Premises), And As Required By Section 142-362 Of The City Code. **Joint City Commission and Redevelopment Agency**  
(Real Estate, Housing & Community Development)

**R9 - New Business and Commission Requests**

- R9A Board And Committee Appointments.  
(City Clerk's Office)
- R9A1 Board And Committee Appointments - City Commission Appointments.  
(City Clerk's Office)
- R9B1 Dr. Stanley Sutnick Citizen's Forum. (12:30 p.m.)  
R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)
- R9C Update On The Miami Beach Convention Center Project.  
(City Manager's Office)
- R9D Discussion Of Providing Reserved Parking For Monthly Permit Holders On Lower Floors In Our Garages To Alleviate Inconvenience Experienced By Permit Holders During Major Events Such As The Boat Show.  
(Requested by Commissioner Jerry Libbin)

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

- R9E Discuss Putting Out To Bid The Commercial Waste Hauling Franchises As There Has Been Further Consolidation.  
(Requested by Vice-Mayor Jonah Wolfson)
- R9F Discussion Item - The Office Of The City Clerk Is Seeking Direction As To The Usage Of Pre-Paid Return Postage Or Regular Envelopes, Where Voters Must Provide Their Own Postage, To Return Absentee Ballots In The Upcoming November 2013 City Elections.  
(City Clerk's Office)
- R9G Discussion Regarding Prohibiting Capital Improvement Projects Or County Capital Improvement Projects During The Miami International Boat Show And Art Basel.  
(Requested By Commissioner Michael Góngora)
- R9H Discussion To Withdraw From The Planning Board's Consideration The Proposed Ordinance "Revising The Year Of Review For Architectural Significance Of Single Family Homes From The Current 1942 To The Year 1966, And By Modifying The Procedures For The Review And Approval Of Demolition Requests For Single Family Homes Determined To Be Architecturally Significant And Not Located Within A Designated Historic District" (Planning Board File No. 2098), And To Refer The Matter Back To The Land Use And Development Committee For Further Discussion And Evaluation.  
(Requested by Vice-Mayor Jonah Wolfson)
- R9I Discuss Selecting The City Manager.  
(Requested by Mayor Matti Herrera Bower)

**R10 - City Attorney Reports**

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

**Reports and Informational Items**

1. Reports and Informational Items (see LTC No. 073-2013)
2. List of Projects Covered by the Cone of Silence Ordinance - LTC No. 064-2013.  
(Procurement)

**End of Regular Agenda**

## **Miami Beach Redevelopment Agency**

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
March 13, 2013**

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

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

### **AGENDA**

#### **1. NEW BUSINESS**

- A A Resolution Of The Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Accepting The Recommendation Of The City's Finance And Citywide Projects Committee Pertaining To A Proposed Amendment No. 3 To That Certain Retail Lease Agreement By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency, (Collectively, Lessor) And Penn 17, LLC (Lessee), Dated September 16, 2011, Involving The Lease Of Approximately 7,655 Square Feet Of Ground Floor Retail Space At The Pennsylvania Avenue Garage, 1661 Pennsylvania Avenue, Miami Beach, Florida; Recommending That, As Part Of Said Amendment, The Chairperson And Members Of The RDA Approve The Following Amended Schedule Of Rent: 1) Applying One Third (1/3) Of The Lessee's Existing Security Deposit, Representing \$47,844, Toward Base Rent Owed For The Month Of November 2012; 2) Deferring \$8,474 For Common Area Maintenance (CAM) For November 2012, And Base Rent, Plus CAM, For December 2012, In The Total Amount Of \$64,792 (Hereinafter Referred To As The Back-Due Rent); 3) Approving An Abatement Of Fifty Percent (50%) Of The Base Rent And CAM Due For The Six (6) Month Period Commencing January 13, 2013 Through July 12, 2013; 4) Deferring Fifty Percent (50%) Of The Base Rent And Cam For The Six (6) Month Period Commencing July 13, 2013 Through January 12, 2014; And, 5) Providing For Re-Payment By Lessee Of The One Third Security Deposit And Re-Payment Of The Back-Due Rent For November And December, 2012; All In Accordance With The Payment Schedule Attached As Exhibit "A" Hereto; Further Ratifying The Setting Of A Public Hearing By The City For April 17, 2013, Regarding Lessee's Proposal To Add An Entertainment Component As A New Proposed Use On The Lease Premises (And As Part Of Lessee's Proposal To "Re-Brand" And Re-Open The Premises), And As Required By Section 142-362 Of The City Code. **Joint City Commission and Redevelopment Agency**  
(Real Estate, Housing & Community Development)