

MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
April 17, 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

City Manager Jimmy L. Morales
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 9:48:43 a.m.

Rafael E. Granado, City Clerk, gave the invocation: "On this day, we ask Your blessing on the men and women of our City Commission, for they have been entrusted with the care of this great City. May all that they do this day be for your greater honor and glory. We ask you to comfort and bless the families of the victims of the Boston Marathon bombing, the family of Captain Shimmenger and the family of Dr. Rosann Sidener, for they are hurting; please help them through this loss. Now and Forever, Amen."

Pledge of Allegiance led by Mrs. Dori Morales.

Requests for Additions, Withdrawals and Deferrals.

The City Commission will recess for lunch at approximately 1:30 p.m.

SUPPLEMENTAL AGENDA 1:

C7C Resolution
C7E Resolution
C7L Resolution
C7M Resolution
C7N Resolution

SUPPLEMENTAL AGENDA 1:

R7B Resolution & Agreement
R7G Resolutions
R9D Memorandum & Resolution
R9F Resolution

SUPPLEMENTAL AGENDA 2:

C7N Resolution
R7C Attachment

ADDENDUM AGENDA 1:

C4J R9H R9I R9J

ADDENDUM AGENDA 2:

R9K R9L

ADDENDUM AGENDA 3

C4K C4L

ADDENDUM

Motion made by Commissioner Góngora to add items C4J, C4K, C4L, R9H, R9J, R9K and R9L to the Agenda as emergency items; seconded by Commissioner Exposito; Voice vote 7-0.

City Clerk’s Note: Item R9I was not added to the Commission Agenda. See Action with R9I.

Presentations and Awards

11:18:25 a.m.

PA1 Certificate Of Appreciation To Be Presented To The Miami Beach Police Department's Officer Of The Month For February 2013.
(Requested by Commissioner Jorge R. Exposito)

ACTION: Certificates presented.

Commissioner Exposito stated that it is a great privilege and honor to present Certificates of Recognition to the Officers of the Month for February 2013, Officers Daniel Han and Richard Ocejo. He briefly explained that units were dispatched to a burglary in progress at 1515 Pennsylvania Avenue, and added the details that led to the arrest of individuals who had been burglarizing this area for some time. Due to the Officers’ investigation and witnesses’ accounts, the subjects were positively identified. The suspects had extensive record and multiple arrests under their names. He commended the Officers involved and their support staff for the great job they do, and for putting their lives in danger to make Miami Beach a safer place.

Chief Martinez stated that they have been having some burglary problem in the apartments in that area, and because of these arrests, they have been able to effectively eliminate that he praised these officers for their responsiveness and proactive work on the streets on a daily basis.

Commissioner Exposito stated that these officers did a great job, but it is through the participation and the partnership of the entire team of the Miami Beach Police Department that this is achieved. He also recognized the rest of the Department in helping the City stay safe.

Officer Ocejo thanked Mayor Bower and the Commissioners, and stated that this achievement is the result of teamwork, from the dispatchers to everyone who participated in getting the work done.

Handout or Reference Materials:

- 1. List of recipients

10:47:36 a.m.

PA2 Certificates Of Recognition To Be Awarded To The Co-Founders Of The Winter Party Festival And Dade Human Rights Foundation.
(Requested By Commissioner Michael Góngora)

ACTION: Certificates presented.

Commissioner Góngora stated that Mayor Bower and several of his colleagues attended the City's fifth Annual Gay Pride event on Sunday, which attracted 80,000 residents and visitors to Miami Beach. It was a fantastic event, but long before the Gay Pride came to Miami Beach, four individuals put something together in this community that was very special. He introduced Dennis Leyva, Ignacio Martinez-Ybor, Craig Reynolds and Stewart Stein.

He explained that 20 years ago in Florida, gay men and lesbians feared losing basic human rights. Even though there was a statewide ballot initiative that would have outlawed local gay rights ordinance, such as the ordinance approved by this City Commission back in 1992, these four gentlemen came up with an idea to raise money at that time for a big beach party. Last month, Miami Beach celebrated the 20th year anniversary of this "Winter Party" as it now known. Since 1994, that one-day party has morphed into a weeklong festival for men and women, raising about \$2 million for LGBT nonprofits throughout South Florida. While it was not originally envisioned as a multiyear event, it became so successful that these four founders decided to form a foundation to continue the Winter Party and distribute the proceeds to help LGBT nonprofit causes. Clark Reynolds planned the earliest events with his partner Dennis Leyva, along with businesspersons Ignacio Martinez-Ybor and Stewart Stein. These four men and other local activists also collectively formed SAVE, "Safeguarding American Values for Everyone," an organization that was fighting the anti-gay referendum that was proposed by The American Family Association. The first Winter Party was held on February 13, 1994, and attracted over 1,500 people, half were local and a large percentage came from New York City. The party at that time raised about \$4,000 for local causes, done mostly by volunteers. He was a law student at the time working the Welcome Center for them. That same year, a Florida Court threw out the anti-gay ballot initiative as unconstitutional, and the money was given to SAVE. This was never about a party; this was about changing public perception. About 2,500 individuals attended the following year, and the founders decided to create a nonprofit, the Dade Human Rights Foundation, which disburses the grant money from the party funds to local groups, including the Yes Institute, an anti-suicide project for LGBT, Aqua Girl, the Miami Gay Lesbian Film Festival and Pride Lines Youth Services. In 1997, the Winter Party expanded to a full week of events, and the foundation launched the Miami Recognition Dinner, a fundraiser to honor local activists. In 2004, this was taken over by the National Gay and Lesbian Task Force, which have since that time donated close to \$2 million in grants to local LGBT nonprofits. It is with great pleasure, as the first and only to date openly gay Commissioner that was elected to office, to recognize these individuals for co-founding the Winter Party Festival and the Dade Human Rights Foundation. Your vision made a difference in the community and continues to do so.

Clark Reynolds stated that he is honored; and that there was not much going on in 1994 at the beach. He does not even think they got a permit for the event, but they were probably the first party to actually build something on the beach, and Judy Drucker was so impressed that she brought Pavarotti six months later. It has been a wonderful experience, the beach has been very, very good to them, and has been very good to Winter Party Weekend and the gay and lesbian community. He thanked the City Commission and Administration for being so supportive of the community.

Ignacio Martinez-Ybor stated that one thing that has not been mentioned is that Clark Reynolds was here in 1992 to establish the first anti-discriminatory ordinance passed in the City. That is his individual contribution to what they hope will be the new normal. He also explained that as a child, long before there was a Cuban revolution, during his visits to Miami Beach, there was no Fontainebleau; there was a Firestone home, but there were no condominiums on Collins; there were many beautiful pine trees, but Miami Beach was a very different place then. Blacks were not allowed in the City, and Jews were not allowed at some hotels. This community has grown and it has expanded. Not only has it gotten richer, but it is wiser. In addition, if they made a little contribution, they feel proud. However, it is the City Commission's task to continue to make sure the new normal in Miami-Dade flourishes.

Stewart Stein recognized the City Commission for having the vision to adopt ordinances to create a neutral environment that ultimately affects the entire community.

Dennis Leyva explained that as volunteers, they were able to make a difference; and it does take a village. He recognized Mayor Bower and Jimmy Morales for adopting human rights ordinances locally and at the County level.

Mayor Bower stated that the perseverance, tenacity, hard work and the love they bring to the community is what makes this happen, and makes the entire community aware of how wonderful they are.

10:59:37 a.m.

PA3 Orange Bowl Presentation To City Of Miami Beach, For Appreciation Of Our Support For The 2013 Discover Orange Bowl And The 2013 Discover BCS National Championship Game.
(Requested by Mayor Matti Herrera Bower)

ACTION: Presentation made.

Mayor Bower introduced the item and thanked the participants for bringing this event to the community.

Alan Dotson stated that he has had the pleasure of serving as president of the Orange Bowl Committee and introduced CEO Eric Poms. As part of their history, they have focused on economic development and bringing tourism to South Florida. During this past year they had two games, the 79 Discovery Orange Bowl Game, and the National Championship Game. At the Discovery Orange Bowl Game, they used the Fontainebleau hotel on Miami Beach, as they have used in the past, for the Northern Illinois team, and during the National Championship game, they used the Fontainebleau Hotel for the University of Alabama, the current champions. Miami Beach is a special place for the Orange Bowl Committee and their festival. They have had a number of events here, and Miami Beach has been more than hospitable. However, one particular event took place here that sent shock waves around the country, and that was the Fan Fest.

Eric Poms, Orange Bowl CEO, stated that on January 7, earlier this year, there was a big match between Notre Dame and Alabama; this was the 16th year of World Championship series, and the game was tight. They knew the visitors wanted to be on South Beach, so they built a program on the weekend, Saturday and Sunday, and all he can say is that he left when it was being set up Saturday afternoon. As he left South Beach to go to I-95, the cars were backed up beyond I-95. By the end of the day, there was a pep rally and a concert, and according to the Police Department, there were over 50,000 people that visited South Beach during that time, and that speaks a lot for Miami Beach and what the City offers.

Al Dotson added that one of the important things that took place during this past Championship Game is that there are decisions being made as to where the games will be played over the next 12 years. Decision are being made whether South Florida will remain a part of this championship, and what took place on Miami Beach and the hospitality and support demonstrated puts a marker down for what it means to be part of post-season college football. It makes a difference and they will try to bring the championship back to South Florida. On behalf of the Orange Bowl Committee and their President Andrew Hertz, they thanked the City Commission and Administration for their support.

Handouts: Decorative Football Helmets were distributed. One Helmet, provided to the City Clerk, will be kept in the City Clerk's Office for archival purposes.

11:05:26 a.m.

PA4 Certificates Of Appreciation To Be Presented To The Miami Beach Women's Conference Committee For Their Support And To The Founders Of The Committee/Women's Exhibit.
(Requested by Mayor Matti Herrera Bower)

ACTION: Certificates presented to Sherry Roberts, Kate Sullivan, Marjorie York, Roberta Gould, Priscilla Dames, Winsome Bolt, Deanne Graham, Susan Penaranda, Karla De Vita, Erika Chassner, Dona Zemo and Wendy Doherty.

Mayor Bower introduced the item and recognized the organizers of the fifth annual event. This was started by Donna and Wendy, and it has been very successful. Sherry Roberts helped this year and put the program together and she did a wonderful job. This has grown to become an exciting, networking event, and a great learning experience, with the goal of bringing the best practices to women. She recognized Commissioner Libbin for his support.

Wendy Doherty thanked Mayor Bower and the City Commission for this award. WE "Women Exhibit, Inc.," is extremely grateful to Mayor Bower, for her shining example as the first and only woman to serve as Mayor of the City in a hundred years; they think this is an amazing experience. WE, is a nonprofit organization created to highlight and exhibit the achievement of women in this community to strive to other roles of leadership. They are sincerely grateful to them as well for the opportunity provided to WE, Inc., to cofound with the City Miami Beach Women's Conference held every March in this community in honor of National Women's History Month. During the last five years, they have been able to honor the achievement of historical women leaders, such as Barbara Capitman, Julia Tuttle, Mary Brickell and Marjorie Stoneman Douglas. Through their annual Mayor's Panel, they have been able to highlight the achievements of today's women from other women Mayors and Commissioners around the tri-county area; senators, counsel generals and other women feminist leadership and activists on the women movement. They have been able to produce a Women Expo, and an annual luncheon at the Miami Beach Botanical Garden to highlight women chefs, restaurateurs and people within the hospitality community. Funds from this effort have helped support local women's organization, including the Miami Beach Commission for Women, the Miami Dade Commission for Women, Miami Beach Chamber of Women Business Council, the Women's International Film Festival, the Miami Women's Club, the Barbara Baer Capitman Archives, the Julia Tuttle statue project, and to create scholarship for Miami Beach Senior High school girls, to give them awards to propel them into their roles of future leadership. They thanked the City of Miami Beach, and in particularly Mayor Bower, for allowing them this great honor, and they hope that in the future the City will allow them to move forward with the Miami Beach Women's Conference and inspire more women into roles of leadership.

Dona Zemo thanked the Commissioners and Mayor Bower and thanked their Executive Committee and volunteers who made this happen. She thanked the sponsors, especially the City of Miami Beach, the Miami Beach Botanical Garden, the Boucher Brothers, all the chefs that made the luncheon happen; it is all volunteers and contributions, and like Wendy said, all the funds go to women organizations. She introduced Sherry Roberts.

Sherry Roberts thanked Mayor Bower and Commissioners for their support. This year the program consisted of "Where We Were, Where We Are, And Where We Are Going." Patricia Ireland, Jersey Garcia and Elizabeth Schwartz participated in the program. The organization was found to empower them and others. So many women today are dealing with violence and other issues that if they can help one person out each year that they have been involved, she is grateful for that.

Marjorie York stated that it has been a pleasure to be a part of this committee right from the beginning. She announced on a sad note, one of the volunteers was Doris May Williams, who passed away in January. She announced that a memorial service will be held for her at the Botanical Garden, Sunday, May 5 at 3:00 p.m. Doris worked not only on the Women's Committee, but also as chairperson of the Community Action Agency, and was very involved in this community.

Dona Zemo expressed her gratitude and congratulated the new City Manager and the Women's Exhibit.

Mayor Bower informed that Ms. Garcia met with her and invited her to be on the panel to help them move forward and she will also meet others and visit Dr. Padrón to arrange a meeting and expand to bring the University to invite the youth to participate. She will keep them informed. She hopes the City Manager will continue, whether she is here or not, with this conference every year.

11:23:22 a.m.

PA5 Proclamation To Be Presented Declaring March 19 To March 23, 2013 As Fashion Week In The City Of Miami Beach.

(Requested by Commissioner Jerry Libbin)

ACTION: Proclamation presented.

Commissioner Libbin recognized Beth Sobol and stated that she is the creator of Fashion Week. This has become a powerhouse internationally, and they are fortunate to have this event in the Convention Center. This event ranks fifth in the world's fashion calendar and is recognized as the most prestigious international fashion event in the United States. He read the proclamation into the record, and proclaimed March 19 to March 23 as "Miami Fashion Week" in the City of Miami Beach.

Beth Sobol, Founder of Sobol Fashion Productions, stated that this is the 15th anniversary of bringing Fashion Week to Miami Beach and she is thrilled to have Aaron Perry as her partner, and thanked everyone for their support. At the Fashion Show they had over 750,000 international cameras for the week; promoting the City during the entire event. She added that Miami Beach was seen around the world during this week.

Commissioner Libbin was honored to receive a recognition award as Humanitarian of the Year from Beth, he thanked her for that, and added that he was stunned to learn that that there were 33 million viewers watching this week-long event.

10:13:24 a.m.

PA6 Certificates Of Appreciation To Be Presented To Participants Of The First Miami Beach Gun Buyback Event In The City Of Miami Beach.

(Requested by Commissioner Jerry Libbin)

ACTION: Certificates presented.

Commissioner Libbin made reference to several guns on display at the counter by the dais. Those were the collection of guns the City bought back. He asked the Police Department, and the Commission approved to do the first ever gun buyback in the City of Miami Beach. This is an opportunity for people with guns that they no longer need or want to safely dispose of them. Chief Martinez agreed to sponsor the program using Law Enforcement Trust Funds to buy the guns back. They did not give cash, but rather prepaid credit cards and debit cards in return for the guns. During four or five hours, drivers could come up in their cars by the Convention Center and police officer would meet them; they would open the trunks and then an offer was made. They took some assault rifles off the street, shotguns, a couple of semiautomatic pistols, all totaling 25 guns. He announced that another gun buyback event would be held in August.

He read the names of the participants: Officers Charlie Dayoub, Roy Camara, Tommy Harrison, Jorge Myares, Britney Villazan and Jason Santiago from Biscayne Park Police Department; from Miami Beach Police Department, Chief Martinez, Captain DeLa Espriella, Safety Officer Mike Gruen, Lieutenant Alex Carulo, Officers Javier Matias and William Collado; Sergeant Danny Morgalo, Officers Joe Hart and Noel Castillo, Yaden Rosenthal, Sergeant Hyok Chong, Officers Shantell Mitchell, Andre Morales, Tony Callan; Lieutenant Larry Bornstein; Liz Fojon, Derek Marrero, Patrick Henry and Michelle Sanchez.

Chief Martinez stated that this was their first endeavor to try to do a gun buyback in Miami Beach. He thanked Biscayne Park Police Department for having their officers come out and assist them with personnel and making sure everyone was safe. The program resulted in buying back a total of 25 guns off the streets, in an attempt to make this community safer. He announced that another gun buyback event is scheduled as school opens up in August, tying in to school safety. He thanked the City Commission for the opportunity and they are looking forward to the next gun program.

Handout or Reference Materials:

1. List of recipients

11:48:52: a.m.

PA7 Proclamation To Be Presented Declaring April 11, 2013 As Parkinson's Day In Miami Beach.
(Requested by Commissioner Jerry Libbin)

ACTION: Proclamation presented.

Commissioner Libbin introduced the item and read the proclamation into the record. He declared April 11, 2013 Parkinson's Day in the City of Miami Beach and introduced Joyce, the National Parkinson's Director and Marty Evans, who suffers from this disease.

Joyce Oberdorf recognized John W. Kozyak, Esq., member of the Board of Directors in the audience. She explained that this organization has been in Miami since 1957. Jeanne C. Levey founded the National Parkinson Foundation because her husband suffered from the disease. At that point, there were no medication and she was focusing on therapy to alleviate the condition. To date, they are a national organization with 21 chapters around the United States; 43 centers of excellence globally, 15 internationally, with headquarters located in Miami. There are about one million Americans with Parkinson's, and about 60,000 live in South Florida and thousands in the cities of Miami and Miami Beach. Their goal is to expand their services in Miami Beach, with continued wellness, exercise programs and support groups for people suffering from this marathon disease through research, outreach and education.

Commissioner Tobin asked how to contact them, and Ms. Oberdorf announced that the website is www.parkinson.org and there is a hotline with nurses and social workers available at **1.800.4PD.INFO**, both in English and Spanish.

Handout or Reference Materials:

1. Copy of Beach Neighbors article "Beach Commission Spurs Parkinson Disease Awareness."

11:29:38 a.m.

PA8 Proclamation To Be Presented To Dr. Maria Mercedes Pigni.
(Requested By Vice-Mayor Jonah Wolfson)

ACTION: Proclamation presented.

Commissioner Góngora introduced the item on behalf of Vice-Mayor Wolfson. He presented Dr. Maria Mercedes Pigni, who is a general surgeon specializing in head, neck and maxillofacial surgery. She met Olga Beatriz Burgos, a Lincoln Road art vendor, who told Dr. Pigni that she was suffering from a thyroid Grade IV precancerous condition that required immediate surgical attention; however, she had no medical insurance coverage. This doctor from Argentina, Dr. Maria Mercedes Pigni, was visiting Lincoln Road when they met. Doctor Pigni was moved by her immediate need for surgery and the lack of healthcare coverage, and without hesitation offered to operate free of charge in Argentina. In less than one week, Ms. Burgos was able to travel to Argentina and successfully complete her operation. He also mentioned that Vice-Mayor Wolfson has helped assist Ms. Burgos with her citizenship. In the audience today is also the Deputy Council from Argentina. On behalf of the Mayor and City Commissioners, they proclaim today "Dr. Maria Mercedes Pigni" day in the City of Miami Beach.

Dr. Pigni thanked the City Commission and the Argentinian Council for the award; her parents, friends and also her boyfriend who stayed in Argentina. She loves medicine and surgery, and believes that helping patients is her mission. She did not expect to receive this recognition, as in her country doctors are not often recognized.

Commissioner Góngora explained that their story is a beautiful story, especially when someone with her medical skills is willing to step up to do the right thing for another human being.

11:43:33 a.m.

PA9 Certificates Of Recognition To Be Presented To Susan Carman, Participant And The Children Trust Employer, In UNIDAD's Senior Placement Program.
(Requested By Vice-Mayor Jonah Wolfson)

ACTION: Certificates presented.

Commissioner Góngora introduced the item on behalf of Vice-Mayor Wolfson.

Raymond Adrian, Director of Operations at UNIDAD, explained the program and introduced Susan Carman. He stated that on a monthly basis UNIDAD assist nonprofits in government agencies, especially in Miami Beach and Miami-Dade; one of the free programs they have is at Feinberg Fisher.

Mirizza Menendez, Susan's supervisor, stated that there are full-fledged after school programs funded through the Children's Trust, with over 49 kids in 1 school and over 42 at Feinberg Fisher.

Susan Carman thanked the City Commission and stated that it has been a privilege for her to be part of this program. It is a wonderful program for seniors that helps find good jobs, which is difficult to find at a certain age. Her training has been excellent and has helped a lot and she is grateful to the City of Miami Beach for the program.

Mr. Adrian introduced Marisela Dewindt.

Marisela Dewindt, Children's Trust representative, expressed her gratefulness for what UNIDAD is doing. Their goal is to help improve the lives of children and families in Miami-Dade.

New Item

10:05:48 a.m.

PA10 Certificate of Appreciation To Assistant U.S. Attorney Amanda Perwin.
(Requested by Commissioner Ed Tobin)

ACTION: Certificate presented.

Mayor Bower introduced the item and presented Amanda Perwin.

Amanda Perwin, Assistant United States Attorney, spoke about a bank robbery at gunpoint that happened in September 2011 at the Wells Fargo Bank on Alton Road and 19th Street in the early morning hours. The thieves stole about \$400,000; this was one of the largest robberies of its kind in the bank's history. She explained that the incident was one of the most perfect robberies in the history of Wells Fargo. Through the investigative efforts of the Miami Beach Police Department and in particular Officer Robert Lenier, the bank robber was able to be identified along with the getaway driver and the teller who was the insider. They were indicted and are now serving sentences without the chance for parole.

Chief Martinez recognized the efforts of the Assistant U.S. Attorney's Office. Ms. Perwin's work helped the Police Officers do their job, and also commended Officer Robert Lenier, who is a detective assigned to the FBI as one of the lead investigators. Their efforts led to solving this violent crime.

Mayor Bower recognized their efforts for helping putting away the culprits.

Commissioner Tobin stated that he was a prosecutor for six years and it makes a big difference when they have a lead prosecutor, and recognized Detective Lenier for his efforts and for being an unbelievable detective. They know how hard he works and how dedicated he is. They appreciate his keeping the City safe.

Detective Lenier explained that this was a very difficult and intense case because of the lack of evidence. It was a career case for him. He recognized Amanda Perwin for making a phenomenal difference.

New Item

11:34:40 a.m.

PA11 Certificate of Recognition To Mike Pearl For His Ocean Rescue.
(Requested by Commissioner Ed Tobin)

ACTION: Certificate presented.

Commissioner Tobin recognized retired Beach lifeguard Mike Pearl and read a thank you letter into the record written by Joseph Vidal for saving his life in 2012. He briefly explained the incident and how he rescued father and son from the rip currents and brought them to safety. They are grateful for his services to the community.

Mr. Pearl expressed his appreciation for the award, and in addressing Commissioner Exposito's concerns, he stated that between 53rd Street and 64 Street the beaches are unguarded. He suggested that an Ocean Rescue lieutenant be stationed at 53rd Street beach or at 72nd Street to warn people that there are rip currents, or place some type of signage for individuals to be aware of conditions during rough days. In the last 18 months, four people drowned between 54 and 59 Streets.

Commissioner Exposito stated that it is important to address these problems, and thanked Mr. Pearl for his action and for sharing the information in an effort to save lives. **Chief Otero and Scott Reynolds to handle.**

Clerk's Note: See LTC 143-2013 Dated April 25, 2013, entitled "Response to Comments Made Reference Lifeguard Coverage Between 53rd Street and 64th Street on the Beach."

Discussion held.

Announcements:

11:54:17 a.m.

Commissioner Exposito stated that last Friday Mayor Bower and himself attended the funeral services for Enrique Ros, the father of Congresswoman Ileana Ros-Lehtinen, who passed away April 10, 2013, and on behalf of the City extended their condolences to the Ros family.

Commissioner Exposito stated that April 4, 1961 marks the invasion of the Bay of Pigs. Today they are celebrating the 52nd anniversary by remembering thousands of brave soldiers who lost their lives during their attempt to free the island of Cuba. Today they recognize the value and efforts of these individuals and he wanted to share this with the community.

Announcement:**11:55:40 a.m.**

Mayor Bower informed that the 65th anniversary of the Independence of Israel was celebrated at City Hall yesterday. The Hebrew Academy provided the City with a gift of an art piece, which is located for viewing in the Mayor's front office, and they sang for the audience. This is also the 65th year of the existence of the Hebrew Academy. She congratulated them.

CONSENT AGENDA**11:56:59 a.m.**

ACTION: Motion made by Commissioner Libbin to approve the Consent Agenda excluding C7B; seconded by Commissioner Exposito; Voice-vote: 5-0; Absent: Vice-Mayor Wolfson and Commissioner Weithorn.

C2 - Competitive Bid Reports**10:21:59 a.m.**

C2A Request For Approval To Issue A Request For Qualifications (RFQ) For A Third Solid Waste Franchise Contractor To Provide Commercial Waste Collections And Disposal Services.
(Public Works/Procurement)

ACTION: Item deferred to the May 8, 2013 Commission Meeting. See items C2D and C2E, which were heard in conjunction with C2A. Lilia Cardillo to place on the Commission Agenda when received. **Eric Carpenter and Alex Denis to handle.**

Rafael E. Granado, City Clerk, requested deferring to the May 8 Commission Meeting items C2A, C2D and C2E.

Jimmy L. Morales, City Manager, explained the reason for the deferral, stating that the RFP's and RFQ's in their entirety should be available for review when they are brought in front of the Commission for approval, and not just the terms and conditions. He added that the items would be brought back with a full RFP and/or RFQ with text for review in May.

Mayor Bower is concerned that people answering the RFP's have discussed the issues among themselves and/or change the RFP in some manner. She does not have a problem with discussions under the Sunshine Law.

City Manager Morales stated that what has happened historically is that certain terms and conditions have been brought for approval before the City Commission, and after approval, the RFP is drafted. The Administration wants to ensure that when RFP's are approved, the language is there and is ready to go out to bid, and that is the intention going forward.

Discussion held.

City Manager Morales stated that once the RFP's is drafted, there should not be discussion with individual potential bidders about that RFP, and they will make sure that when RFP's are brought in front of the Commission, a statement from Procurement staff and the department will be included stating that there has not been any conversation after the point of obtaining general information. Once the RFP is issued, the Cone of Silence is in place. Going forward, when this body approves an RFP or RFQ, they will see the documents in their entirety, and they will go out as presented on a timely basis.

- C2B Request For Approval To Award Contracts To The Following Vendors: Solo Printing, Inc., Doral Digital Reprographics, Arc, And Tampa Envelope, Pursuant To Invitation To Bid No. 08-11/12, For Citywide Printing Services.

(Citywide/Procurement)

ACTION: Request authorized. Donovan Ireland and Alex Denis to handle.

- C2C Request For Approval To Award A Contract Pursuant To Invitation To Bid No. 075-2013, For Two-Way Radio Subscriber Maintenance Services, To Control Communications, Inc., In An Estimated Annual Amount Not To Exceed \$100,000.

(Information Technology/Procurement)

ACTION: Request authorized. Gladys Gonzalez and Alex Denis to handle.

- C2D Request For Approval To Issue A Request For Proposals (RFP) To Secure The Services Of A Consultant That Will Compile The City Stakeholder's Requirements And Recommend The Best Approach To Select And Replace The Existing Public Safety Radio System With A P25 Compliant System Before The 2016 Timeframe.

(Information Technology/Procurement)

ACTION: Item deferred. See action with C2A.

- C2E Request For Approval To Issue A Request For Proposals (RFP) For Pay By Phone Services For The City's Parking Department.

(Parking Department/Procurement)

ACTION: Item deferred. See action with C2A.

- C2F Request For Approval To Issue A Request For Proposals (RFP) For Gymnastic Program Instruction Services For The Parks And Recreation Department.

(Parks & Recreation/Procurement)

ACTION: Request authorized. Kevin Smith and Alex Denis to handle.

C4 - Commission Committee Assignments

- C4A Referral To The Land Use And Development Committee To Consider The Solicitation Of Letters Of Interest From Institutions Of Higher Education For The Development Of Our Municipal Assets In North Beach.

(Requested by Commissioner Deede Weithorn)

ACTION: Referred. Richard Lorber to place on the committee agenda. **Max Sklar to handle.**

- C4B Referral To The Land Use And Development Committee - Discussion Regarding A Mass Transit Connectivity Feasibility Study Entitled "Beach Corridor Transit Connection Study" To Be Conducted By The Miami-Dade Metropolitan Planning Organization In Partnership With The City Of Miami Beach, City Of Miami, Miami-Dade Transit And The Florida Department Of Transportation.

(Public Works)

ACTION: Referred. Richard Lorber to place on the committee agenda. **Eric Carpenter to handle.**

- C4C Referral To The Neighborhood/Community Affairs Committee To Discuss The Continuation Of The Adopt-A-Beach Pilot Program.

(Public Works)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. **Eric Carpenter to handle.**

- C4D Referral To The Neighborhood/Community Affairs Committee A Discussion On The Status Of The Naming Of The Tennis Center At Flamingo Park.

(Requested by Mayor Matti Herrera Bower)

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

- C4E Referral To The Land Use And Development Committee A Resolution To Amend The City's Human Rights Ordinance To Require The Posting Of Notices In Every Place Of Housing And Housing Accommodation And City Of Miami Beach Department And Facility That Is Subject To The Human Rights Ordinance.

(Requested by Mayor Matti Herrera Bower)

ACTION: Referred. Richard Lorber to place on the committee agenda. **Rafael E. Granado and City Attorney's Office to handle.**

C4F Referral To Neighborhood/Community Affairs Committee - An Ordinance Amending Miami Beach City Code Chapter 2 Entitled "Administration," Article VII Entitled "Standards Of Conduct," Division 2 Entitled "Officers, Employees, And Agency Members," By Amending Section 2-446 Thereof Entitled "Declaration Of Policy" To Provide For Limited Standards Of Conduct Applicable To The City's Special Masters, And Creating City Code Section 2-461 Establishing Special Master Lobbying Prohibitions; Providing For Repealer, Severability, Codification, And An Effective Date.

(Requested by Commissioner Deede Weithorn)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. **City Attorney's Office to handle.**

C4G Referral To The Neighborhood/Community Affairs Committee And Committee On Quality Education - A Resolution Supporting The Efforts Of Miami-Dade County And The Miami-Dade County Public Schools' Joint Roundtable On Youth Safety.

(Requested by Mayor Matti Herrera Bower)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. **Leslie Rosenfeld and Chief Rey Martinez to handle.**

C4H Referral To The Neighborhood/Community Affairs Committee To Discuss The Restoration Of Monument Island.

(Requested By Commissioner Michael Góngora)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. **Kevin Smith, Richard Lorber and Eric Carpenter to handle.**

C4I Referral To The Finance And Citywide Projects Committee To Discuss Small Cells On Existing Poles.

(Requested By Commissioner Michael Góngora)

ACTION: Referred. Patricia Walker to place on the committee agenda. **Eric Carpenter and Gladys Gonzalez to handle.**

ADDENDUM 1

C4J Referral To The Land Use And Development Committee Regarding The Redevelopment Of The Talmudic University Property Located At 4000 Alton Road.

(Requested by Commissioner Jerry Libbin)

ACTION: Referred. Richard Lorber to place on the committee agenda and handle.

ADDENDUM 3

C4K Referral To The Finance And Citywide Projects Committee To Consider The Travel Channel's Proposal To Film A Documentary With Miami Beach.

(Requested by Commissioner Michael Góngora)

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

Handout or Reference Materials:

1. Addendum 3 distributed on the floor

10:21:28 a.m.

C4L Referral To The Finance And Citywide Projects Committee Regarding Labor Peace Agreement.

(Requested by Commissioner Jorge Exposito)

ACTION: Referred. Patricia Walker to place on the committee agenda. **Raul Aguila to handle.**

Commissioner Exposito explained that this is a referral for discussion and consideration of the Labor Peace Agreements.

City Clerk's Note: This item was added on the floor by Commissioner Exposito.

C6 - Commission Committee Reports

C6A Report Of The Joint Neighborhood/Community Affairs Committee And Land Use Development Committee Meeting Of March 19, 2013: **1a)** Discussion Regarding Miami Beach Mass Transit Loop. **1b)** Discussion Regarding Transit Enhancements For North Beach. **2)** Mass Transit Connectivity. **3a)** Discussion Regarding The Bike Master Plan. **3b)** Discussion Regarding The Comprehensive Bike Master Plan. **3c)** Discussion Regarding The Impact Of Bicycles - Including The Deco Bike Program And The Bike Master Plan - And Other Vehicles, Such As Segways And Skateboards, On Sidewalks And Pedestrian Paths. **3d)** Discussion Regarding Updating The Bikeways Master Plan To Better Interact With The City's Traffic Calming Planning. **4a)** Discussion Regarding Status Of Beach Walk From Sunrise Plaza To 4th Street. **4b)** Status Update For The Beach Walk From Sunrise Plaza To Fifth Street.

ACTION:

Item No. 1a: Discussion Regarding Miami Beach Mass Transit Loop.

Item No. 1b: Discussion Regarding Transit Enhancements For North Beach.

The Committee (Commissioner Tobin, Gongora, Libbin and Exposito present) with a split vote 3-1 (Commissioner Tobin opposed) moved to have the item for the next NCAC meeting.

Item No. 2: Mass Transit Connectivity.

The Committee (Commissioner Tobin, Gongora, Libbin and Exposito present) unanimously passed the motions.

Item 3a: Discussion Regarding The Bike Master Plan.

Item 3b: Discussion Regarding The Comprehensive Bike Master Plan.

Item 3c: Discussion Regarding The Impact Of Bicycles, Including The Deco Bike Program And The Bike Master Plan; Other Vehicles, Such As Segways And Skateboards, On

Sidewalks And Pedestrian Paths.**Item No. 3d: Discussion Regarding Updating The Bikeways Master Plan To Better Interact With The City's Traffic Calming Planning.**

The Committee (Commissioner Tobin, Gongora, Libbin and Exposito present) unanimously moved to bring this item to Commission.

City Clerk's Note: See Item C7G

Item No. 4a: Discussion Regarding Status Of Beach Walk From Sunrise Plaza To 4th Street.**Item No. 4b: Status Update For The Beach Walk From Sunrise Plaza To Fifth Street.**

The Committee (Commissioner Tobin, Gongora, Libbin and Exposito present) unanimously moved to have this item discussed on 60 days at the NCAC meeting.

C6B Report Of The Capital Improvement Projects Oversight Committee Meeting Of January 14, 2013: **1) Attendance. 2) Review And Acceptance Of Minutes. 3) Approval Of 2013 Meeting Dates. 4) Public Comments. 5) Old Business/Requested Reports: a. North Beach Neighborhoods: 1. Status Report: Normandy Isle Phase II Neighborhood Improvements; 2. Status Report: Biscayne Point Neighborhood Improvements Project. b. Middle Beach Neighborhoods: 1. Status Report: Central Bayshore Improvements; 2. Status Report: Lake Pancoast Improvements; 3. Status Report: Sunset Islands I & II; 4. Status Report: Sunset Islands III & IV; 5. Status On Lower North Bay Road. c. South Beach Neighborhoods: 1. Status Report: Venetian Island Neighborhood Improvement Project; 2. Status Report: Palm & Hibiscus Island Undergrounding; 3. Status Report: South Pointe Phase III, IV, & V Neighborhood Improvement Project. 6) Commission Items: a. 6th And 53rd Street Restrooms Project. b. Sunset Islands I & II Project. c. Collins Park Garage Project. d. South Pointe Park Pier Project. 7) Additional Discussion: Capital Improvement Projects Web Site.**

(Capital Improvement Projects)

ACTION:**Item No. 1: Attendance.**

See attendance sheet copy attached.

Item No. 2: Review And Acceptance Of Minutes.

MOTION: Acceptance of Report (Minutes) of the October 22, 2012 CIPOC Meetings updated.

MOVED: T. Trujillo 2nd: Robert Rabinowitz

PASSED: UNANIMOUS

Item No. 3: Approval Of 2013 Meeting Dates.

Meeting dates are as follows and posted on the City's website

Monday, February 4, 2013

Monday, March 11, 2013

Monday, April 15, 2013

Monday, May 6, 2013

Monday, June 3, 2013

Monday, July 15, 2013

August - Recess

Monday, September 9, 2013

Monday, October 14, 2013

Monday, November 18, 2013

Monday, December 9, 2013

Item No. 4: Public Comments.

No one came forward with public comments (Terry Beinstock spoke about Sunset Islands III & IV when that business was discussed).

Item No. 5: Old Business/Requested Reports: a. North Beach Neighborhoods: 1. Status Report: Normandy Isle Phase II Neighborhood Improvements; 2. Status Report: Biscayne Point Neighborhood Improvements Project.

a. North Beach Neighborhoods

Status Report: Normandy Isle Phase II Neighborhood Improvements

Mattie Reyes, Senior Capital Projects Coordinator reported on the status of the project. A detailed written report is included in the January 14, 2013 agenda packet.

The City is currently negotiating with Lockwood, Andrews & Newman (LAN), the A/E consultant. They resubmitted their fee schedule and staff is negotiating fees and scope of work for this part of the project.

Although it is a relatively small project, the City will proceed to issue an ITB for the contractor. Fernando Vazquez said that in this case, the Office of CIP prefers to go through the ITB process, diminishing the use of Job Order Contracting (JOC) in light of recent events surrounding contractors on that list. If a project is well planned, he stated, it is best to go out and, competitively bid.

Status on Biscayne Point Neighborhood Improvement Project

Carl Dixon, the project manager, was not present at the meeting. No committee member had questions about the Biscayne Point project, so nothing was presented verbally.

Detailed written status of the work being performed in the three sub-neighborhoods (Biscayne Point Island, Biscayne Beach and Stillwater Drive) is included in the printed agenda packet for the January 14, 2013 meeting.

b. Middle Beach Neighborhoods: 1. Status Report: Central Bayshore Improvements; 2. Status Report: Lake Pancoast Improvements; 3. Status Report: Sunset Islands I & II; 4. Status Report: Sunset Islands III & IV; 5. Status On Lower North Bay Road. c. South Beach Neighborhoods: 1. Status Report: Venetian Island Neighborhood Improvement Project; 2. Status Report: Palm & Hibiscus Island Undergrounding; 3. Status Report: South Pointe Phase III, IV, & V Neighborhood Improvement Project.

Status Report: Central Bayshore Improvements

Maria Hernandez, Senior Capital Projects Coordinator said that water meter "back-to-front" relocations are underway on Flamingo Drive (the only area in the project with this work).

The drainage work is now 60% complete. Mrs. Hernandez noted that the drainage was at 20% in September and work has progressed very well.

Scope of work was added, based on resident input and extensive community outreach, and the team considers this "Phase II" of the project. This includes roadway narrowing, valley gutters and relocating a pump station. Additional drainage work was also added, resulting in a change order for design.

Overall, resident response has been as expected. The work on pump stations and dewatering efforts in particular can be noisy and presents some inconveniences. Once residents get information from PIOs and understand the process, they are appreciative and less likely to be upset about the impacts. The project team has demonstrated that they are committed to completing tasks and cleaning up.

There are resident groups who disagree about Prairie Avenue – widening to include bike lanes. This portion of the work requires direction from Commission. Most streets in the project will be narrowed.

Status Report: Lake Pancoast Improvements

Maria Hernandez, Senior Capital Projects Coordinator reported that the project is 70% completed overall and targeted for completion in March, 2013. The pump station on the street end at 24 Street is now at 50% completion. 24 Street and the rotunda in front of the Mantell Plaza are the last part of the project. The yearlong project is on schedule.

Status Report: Sunset Islands I & II

Maria Hernandez, Senior Capital Projects Coordinator reported that the project is 70% completed overall and targeted for substantial completion in March, 2013.

DMSI is completing the last of seven drainage structures. The first lift of asphalt will be put down on Island I soon. The first lift has already been placed on Island II.

Saul Gross asked about change orders on this project. Staff is working with DMSI, the contractor, as some of the change orders have been approved, some have not. Some of the change orders submitted are contingent on Commission approval of the additional contingency.

All of the outfalls are completed with the exception of outfall #11, which requires additional work at an additional cost, which is now being negotiated. The resident had removed the encroachment from the easement over this outfall, making way for the necessary open-cut trenching.

Status Report: Sunset Islands III & IV

Terry Bienstock, of the Sunset Island III & IV Association, spoke about the project. The residents participated in a (one) 1 month long process of voting for the utility undergrounding. There was an overwhelming response in favor of placing utilities underground.

Rick Saltrick, City Engineer, further explained that the Public Works Department has completed the Design Criteria Package (DCP) for the streetscape work.

Elizabeth Camargo asked how far into private property does the topographic survey show, referencing the need on Sunset Island II for driveway harmonization with the street elevation.

Mr. Saltrick said that the survey shows conditions that are 25 feet into private property from the right of way. The question was asked in reference to issue of the 19 driveways on Sunset Island II that now requires harmonization with the new roadway elevation. This condition is not expected to be an issue for the Sunset Island III & IV project. Mr. Saltrick pointed out that the Sunset III & IV project is a design/build project, as opposed to a design/bid/build project. The design/build firm is involved in design and construction and carries the burden of proper design and execution of the plans.

Status Report: Lower North Bay Road

Maria Hernandez explained that the project is currently on hold. The contractors were terminated for convenience. Fernando Vazquez further explained that this was a legal decision as a result of the issues with the JOC (job order contract) list. A new invitation to bid (ITB) will go out after the Public Work Department approves recent "tweaks" to the design documents (which are based on recommendations in the new stormwater master plan).

a. South Beach Neighborhoods

Status Report: Venetian Island Neighborhood Improvement Project

Mattie Reyes, Senior Capital Projects Coordinator said that bids were received and the City hired a third-party consultant to review the bids. The Technical Review Panel will meet on January 17 to evaluate the bidders. The firm of Craven and Thompson will analyze the structure of the bids, and that analysis will be presented at the February CIPOC meeting.

Roberto Rodriguez reported that the County is completing the landscaping work on the causeway. The County work on the causeway is not interfering with the neighborhood project going forward.

Status Report: Palm & Hibiscus Island Undergrounding

Mattie Reyes, Senior Capital Projects Coordinator said that the design criteria package is being reviewed by a consultant. Public Works is also reviewing the DCP. When the revisions are returned, the City will issue an RFQ for consultants to submit bids for design/build.

Status Report: South Pointe Phase III, IV & V Neighborhood Improvement Project

Capital Projects Coordinator Carla Dixon, the project manager for this project, was not present at the meeting. Information about the progress of this project is included in the agenda packet.

Item No. 6: Commission Items:

- a. 6th And 53rd Street Restrooms Project.**
- b. Sunset Islands I & II Project.**
- c. Collins Park Garage Project. d. South Pointe Park Pier Project.**

COMMISSION ITEMS:

6th and 53rd Street Restrooms Project

This item was voted on at the October 22, 2012 CIPOC meeting. This item is on the January 16, 2013 Commission Agenda.

Sunset Islands I & II Project

This item was voted on at the October 22, 2012 CIPOC meeting. This item is on the January 16, 2013 Commission Agenda.

Collins Park Garage Project

Humberto Cabanas and Thais Vieira presented the item.

The plans for the garage were presented to the public at a community meeting in September. The BODR is complete and will be approved for review by Commission on January 16, 2013.

The project is for a 5-story garage that includes 17,500 square feet of retail space, 470 parking spaces, 50 bike stalls and incorporates a pedestrian plaza and public gathering space.

Saul Gross asked who the ultimate users would be of the garage, will the hotels use the space. Fernando Vazquez clarified that at this stage, CIP is handling design, and operational questions should be directed to the Parking Department.

Saul also asked if a cost analysis was being done in conjunction with the design. The original cost estimate was for \$16 million, and that cost is now up to \$20 million. The improvements proposed also include the surrounding area and may extend into Liberty Avenue north of 23 Street.

Robert Rabinowitz asked how parking would be provided while construction is underway as two current surface lots will be unavailable. CIP is coordinating with the Parking Department, as they have on other projects. For example, when Collins Park surface lot was under construction, temporary parking on a gravel lot was provided within Collins Park.

Brian Ehrlich asked the capacity of the current lots on 23 Street, which will be demolished to make way for the new garage. Staff did not have that answer at the time of the meeting.

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

MOVED: D. Kraai 2nd: S. Kilroy

PASSED: UNANIMOUS

South Pointe Park Pier Project

Amendment #4 to the Professional Services Agreement with Atkins North America includes Resident Project Representative (RPR) services to supplement the already contacted Construction Administration (CA) services. to oversee construction and engineering, in addition to the contracted CEI services. The contract includes specialty items such as scuba diving and pile testing.

A third party looked at the additional cost. Mattie Reyes negotiated the price, which includes inspection services.

Demolition was to begin in November, but there was a setback with the location of the corals. The City is now negotiating with DERM for a solution to rebuilding the relocation boxes.

Q: What happens if the consultant is still being paid while the project is stalled? The contract is on a 12-month basis, the City has the option towards the end of the project to scale back services. Saul Gross suggested adding an amendment to the contract with language preventing payment to the consultant in instances where the project is on hold. Mattie Reyes pointed out that this project is a construction manager at risk, so it is in the contractor's best interest to complete the project as soon as possible.

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

MOVED: T. Trujillo 2nd: E. Camargo

PASSED: UNANIMOUS

Item No. 7: Additional Discussion: Capital Improvement Projects Web Site.

Capital Improvement Projects Web Site

Maria Palacios presented on the progress of the new CIP site, which is to go live by February, 2013. The site can be navigated by searching by neighborhood, by project and by type of project. It includes information about each active project, and such items as photos, alerts and related documents.

One component of the site is an interactive map with GIS (Geographic Information System) layers, which also brings users to individual project information. Integration of this element is taking longer than expected, but the site will launch soon.

The Committee asked that contact information for the individual Public Information Officers (PIO) for the projects be included, as well as searchable copies of the Basis of Design Reports for each project is included on the site. Staff is already working on these components.

- C6C Report Of The Neighborhood/Community Affairs Committee Meeting Of March 18, 2013: **1a)** Discussion Regarding How Compliance Will Be Measured In Future Bids That Include Requirements To Take Affirmative Steps To Encourage The Use Of Certified Minority And Women Owned Businesses, Veterans, And Local Preference. **1b)** Discussion Regarding A Review And Consider Modification To The Military Veterans Vendor Preference Ordinance No. 2011-3748. **1c)** Discussion To Review And Consider Modification To The Local Vendor Preference Ordinance No. 2011-3747. **2)** Discussion Regarding Proposed Amendments To The City's Film And Print Guidelines. **3)** Discussion Regarding The Fine Schedule For A Proposed Ordinance Amending The Following Chapters In The Code Of The City Of Miami Beach To Provide Civil Enforcement And Penalty Provisions To Replace Criminal Misdemeanor Enforcement And Penalty Provisions As Follows: Amending Chapter 70 Entitled "Miscellaneous Offenses," By Amending Article I, Entitled "In General," By Amending Section 70-6, Entitled "Penalties," To Provide Civil Penalties And Special Master Enforcement Provisions Relative To The Prohibitions In Chapter 70, Except For Violations Of Section 70-3 Entitled "Vibration"; By Amending Chapter 74 Of The Miami Beach City Code Entitled "Peddlers And Solicitors," By Amending Article I, Entitled "In General," By Amending Section 74-1 Entitled "Soliciting Business In Public From Pedestrians," By Providing That The Solicitation Of Any Food, Beverage Or Service Is Also A Prohibited Activity And Providing Civil Penalties And Special Master Enforcement Provisions; By Amending Chapter 82 Of The Miami Beach City Code Entitled "Public Property," By Amending Article I, Entitled "In General," By Amending Section 82-1, Entitled "Conducting Business On Streets, Parks Or Other Public Property," By Providing Civil Penalties And Special Master Enforcement Provisions. **4)** Discussion Involving A Long Term Solution For The Ongoing Rodent issue on 41st Street. **5a)** Discussion Regarding Coordination Of FDOT Projects In The City. **5b)** Discussion Regarding A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Temporary License Agreements, Permanent Easement Agreements, And A Storm Water Pump Stations And Pollution Control Structures Maintenance Memorandum Of Agreement, In Substantially The Attached Forms, With The Florida Department Of Transportation, For The Construction, Harmonization, And Maintenance Of Proposed Improvements As Part Of The State Road 907/Alton Road Project From 5th Street To Michigan Avenue. **6)** Discussion Regarding The Illegal Vendors, Including Illegal Tobacco Vendors In Miami Beach. **7)** Discussion Regarding Forming A Corporate Partnership With City Of Miami Beach And Barry University. **8)** Quarterly Report Crime Statistics.

ACTION:

Item No. 1a: Discussion Regarding How Compliance Will Be Measured In Future Bids That Include Requirements To Take Affirmative Steps To Encourage The Use Of Certified Minority And Women Owned Businesses, Veterans, And Local Preference. 1b) Discussion Regarding A Review And Consider Modification To The Military Veterans Vendor Preference Ordinance No. 2011-3748. 1c) Discussion To Review And Consider Modification To The Local Vendor Preference Ordinance No. 2011-3747.

Commissioner Libbin made a motion to strengthen this ordinance for local and veteran vendors with the points applied at the end and requiring the principal to have a local office in the City one year prior to bid submission. Motion was seconded by Commissioner Tobin.

The committee (Commissioner Tobin and Libbin present) unanimously moved the motion.

City Clerk's Note: See Item R5E, first reading.

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

Commissioner Libbin made a motion to tighten this ordinance and bring in it to the Commission Meeting; motion was seconded by Commissioner Tobin.

The committee (Commissioner Tobin and Libbin present) unanimously moved the motion to bring it to the Commission Meeting.

City Clerk's Note: See Item R5C, first reading

Item No. 3: Discussion Regarding The Fine Schedule For A Proposed Ordinance Amending The Following Chapters In The Code Of The City Of Miami Beach To Provide Civil Enforcement And Penalty Provisions To Replace Criminal Misdemeanor Enforcement And Penalty Provisions As Follows: Amending Chapter 70 Entitled "Miscellaneous Offenses," By Amending Article I, Entitled "In General," By Amending Section 70-6, Entitled "Penalties," To Provide Civil Penalties And Special Master Enforcement Provisions Relative To The Prohibitions In Chapter 70, Except For Violations Of Section 70-3 Entitled "Vibration"; By Amending Chapter 74 Of The Miami Beach City Code Entitled "Peddlers And Solicitors," By Amending Article I, Entitled "In General," By Amending Section 74-1 Entitled "Soliciting Business In Public From Pedestrians," By Providing That The Solicitation Of Any Food, Beverage Or Service Is Also A Prohibited Activity And Providing Civil Penalties And Special Master Enforcement Provisions; By Amending Chapter 82 Of The Miami Beach City Code Entitled "Public Property," By Amending Article I, Entitled "In General," By Amending Section 82-1, Entitled "Conducting Business On Streets, Parks Or Other Public Property," By Providing Civil Penalties And Special Master Enforcement Provisions.

Item was deferred to the April NCAC meeting.

Item No. 4: Discussion Involving A Long Term Solution For The Ongoing Rodent issue on 41st Street.

Item was deferred to the April NCAC meeting.

Item No. 5a: Discussion Regarding Coordination Of FDOT Projects In The City. 5b: Discussion Regarding A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Temporary License Agreements, Permanent Easement Agreements, And A Storm Water Pump Stations And Pollution Control Structures Maintenance Memorandum Of Agreement, In Substantially The Attached Forms, With The Florida Department Of Transportation, For The Construction, Harmonization, And Maintenance Of Proposed Improvements As Part Of The State Road 907/Alton Road Project From 5th Street To Michigan Avenue.

Commissioner Libbin made a motion to request the administration to provide more detail and a timeline with schedule of work and it is the impact specifically

The committee (Commissioner Tobin and Libbin present) unanimously moved the motion.

Item No. 6: Discussion Regarding The Illegal Vendors, Including Illegal Tobacco Vendors In Miami Beach.

No action was taken.

Item No. 7: Discussion Regarding Forming A Corporate Partnership With City Of Miami Beach And Barry University.

No action was taken.

Item No. 8: Quarterly Report Crime Statistics.

Raymond Martinez, Miami Beach Police Chief presented the report.

C6D Report Of The Finance And Citywide Projects Committee Of March 21, 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 The Status Of Agreed Upon Audit Procedures For Towing Companies. **3)** Discussion Regarding Water Conservation Methods And Implementation. **4)** Discussion Regarding Authorizing The City Manager To Negotiate And Enter Into Temporary Licensing-Use Agreements With Contractors Requiring The Use Of City-Owned Property For The Purpose Of Staging And/Or Storage Of Construction Equipment In Connection With City Or Privately Funded Construction Projects. **5)** Discussion Regarding 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. **6)** Discussion Regarding The Possible World Out Games Miami Beach 2017 Funding. **7)** Discussion Of Performance And Operational Audit By Crowe Horwarth. **8)** Discussion Regarding The Bike Lanes At Central Bayshore. **9)** 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. **10)** Discussion Regarding The Waiver Of Square Footage Fee And Lummus Park User Fees For Gay Pride 2013.

ACTION:**Item No. 1: Discussion Regarding The Issuance Of Request For Proposals (RFP) For Catering And Concession Services For The Miami Beach Convention Center.**

The Committee will await the decision from the ITN.

Item No. 2): Discussion Regarding The Status Of Agreed Upon Audit Procedures For Towing Companies.

City staff will continue to finalize the agreed upon procedures with the anticipation to present them at the Finance and Citywide Projects Committee meeting to be held in May.

Item No. 3: Discussion Regarding Water Conservation Methods And Implementation.

Item deferred.

Item No. 4: Discussion Regarding Authorizing The City Manager To Negotiate And Enter Into Temporary Licensing-Use Agreements With Contractors Requiring The Use Of City-Owned Property For The Purpose Of Staging And/Or Storage Of Construction Equipment In Connection With City Or Privately Funded Construction Projects.

The Committee recommended the City should continue to allow the use of City-owned fee simple land for construction staging; the Administration will establish a policy and a fee structure to govern the process and will discuss getting a credit for additional scope of work for the staging of City projects.

Item No. 5: Discussion Regarding 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.

The Committee recommended looking at the calendar to determine dates the agenda items would be due and if they are not received, they will not be included or discussed at the meeting.

Item No. 6): Discussion Regarding The Possible World Out Games Miami Beach 2017 Funding.

The Committee recommended the item going straight to Commission once the details have been worked out, because there is already a line item in the budget.

Item No. 7: Discussion Of Performance And Operational Audit By Crowe Horwarth.

The Committee recommended scheduling a special meeting to review the report beginning two hours before one of the next two scheduled finance meetings.

Item No. 8: Discussion Regarding The Bike Lanes At Central Bayshore.

The Committee failed to pass the motion to implement either proposal for Prairie Avenue and Royal Palm Avenue as recommended.

Clerk's Note: See item R7G.

Item No. 9: 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.

The Committee recommended bringing the item back to Finance with the RFQ so that the City is prepared when the franchise contractor sale is finalized.

Item No. 10: Discussion Regarding The Waiver Of Square Footage Fee And Lummus Park User Fees For Gay Pride 2013.

The Committee recommended the waiver be passed.

C7 - Resolutions

C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Submit The Following Applications: 1) A Grant Application To The Children's Trust Service Partnership Program For Funding, In The Approximate Amount Of \$720,000, For The City's Success University Program; 2) A Grant Application To The State Of Florida, Division Of Emergency Management, For Federal Funding From The U.S. Department Of Homeland Security, Federal Emergency Management Agency (FEMA), Hazard Mitigation Grant Program, In The Approximate Amount Of \$120,000, For The Window Replacement Project At The Miami Beach Botanical Garden; 3) A Request To Negotiate And Execute A Contract Renewal With The Children's Trust For The City's Out-Of-School Program, In The Approximate Amount Of \$310,000, To Provide Afterschool And Summer Services; 4) A Request To Negotiate And Execute A Contract Renewal With The Children's Trust For The Early Childhood Development Program In The Approximate Amount Of \$150,000, For The City's Parent-Child Home Program; And, Retroactively For: 5) An Application To The Re.Invest Initiative For Expertise And Staffing Support Relative To Sustainable Urban Infrastructure; And 6) A Request For Water Project Funding To The House Agriculture And Natural Resources Subcommittee In The Amount Of \$500,000, For The Bayshore Neighborhood Right Of Way Improvements Project (Lower North Bay Road); Authorizing The Execution Of All Necessary Documents Related To These Applications, Including, Without Limitation, Audits Of Such Grants, And Authorizing The City Manager Or His Designee To Take All Necessary Actions Related To These Grants.

(Budget & Performance Improvement)

ACTION: Resolution 2013-28170 adopted. Patricia Walker to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.**

10:46:57 a.m.

11:57:12 a.m.

C7B A Resolution Accepting A Donation In The Amount Of \$10,000.00 From The Miami Beach Education Foundation From Proceeds Of The Miami Beach Chamber Of Commerce's Annual Golf Tournament To Be Utilized By The City Of Miami Beach's International Baccalaureate (IB) Educational Program, And Appropriating The \$10,000.00 Donation To City's IB Program.

(Requested by Commissioner Jerry Libbin)

(Legislative Tracking: Budget & Performance Improvements)

ACTION: Resolution No. 2013-28171 adopted. Item separated by Commissioner Libbin. Motion made by Commissioner Exposito; seconded by Commissioner Góngora. Patricia Walker to appropriate the funds. **Budget Office to handle.**

Commissioner Libbin separated the item as it relates to a donation by the Chamber of Commerce to the City and recused himself.

Handout or Reference Materials:

1. Form 8B signed by Commissioner Libbin

- C7C A Resolution Retroactively Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 2, To The Existing Professional Architecture & Engineering Services Agreement Between The City Of Miami Beach And Schwebke-Shiskin & Associates, Inc. (SSA), Dated December 14, 2011, For The Bayshore Neighborhood No. 8E - Sunset Islands I & II Right Of Way Project; In The Negotiated Not-To-Exceed Amount Of \$107,098; To Provide Extended Resident Project Representation And Additional Consulting Services During Construction Of The Project; With Previously Appropriated Funding.
(Capital Improvement Projects)

ACTION: Resolution No. 2013-28172 adopted. Fernando Vazquez to handle.

- C7D A Resolution Approving The Second Year Renewal Option To The Professional Services Agreement Between The City And RBC Dain Rauscher, Inc., Now Known As RBC Capital Markets, LLC, Dated March 14, 2007, For Financial Advisory Services; Said Renewal Term Having Been Deemed To Commence Retroactively On March 15, 2013, And Ending On March 14, 2014.
(Finance Department)

ACTION: Resolution No. 2013-28173 adopted. Patricia Walker to handle.

SUPPLEMENTAL 1: Resolution

- C7E A Resolution Authorizing The Donation Of Two (2) Freightliner FL60 Ambulances, In "As Is" Condition, To Our Sister City Of Ica, Peru; And Authorizing The Donation Of Fifteen (15) Incomplete Sets Of Firefighting Protective Clothing, Forty-Five (45) Sections Of Hose, And Ten (10) Self Contained Breathing Apparatus (SCBA), In "As Is" Condition, To Our Sister City Of Cozumel, Mexico.
(Requested by Mayor Matti Herrera Bower)
(Legislative Tracking: Fire Department)

ACTION: Resolution No. 2013-28174 adopted. Chief Otero to handle.

City Clerk's Note: City Manager instructed Chief Otero to develop guidelines for future donations. **Alex Denis to assist Chief Otero in this matter.**

- C7F A Resolution Approving An Extension To The Services Framework Agreement Between The City And Parkeon, Inc., For Technical Support Services, Parkfolio And Online Credit Card Processing, Maintenance, And Extended Hardware Warranty; Said Amendment Commencing On July 1, 2013 And Expiring On June 30, 2014; Further Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Agreement.
(Parking Department)

ACTION: Resolution No. 2013-28175 adopted. Saul Frances to handle.

- C7G A Resolution Accepting The Recommendation Of The Joint Neighborhood/Community Affairs And Land Use And Development Committees, And Authorizing The City Manager To Negotiate And Execute An Interlocal Agreement With The Miami-Dade Metropolitan Planning Organization For A Mass Transit Connectivity Feasibility Study To Be Conducted By The Miami-Dade Metropolitan Planning Organization; And Further Allocating \$25,000 Towards The Total Cost Of The Feasibility Study.

(Public Works)

ACTION: Resolution No. 2013-28176 adopted. Eric Carpenter to handle.

- C7H A Resolution Setting A Public Hearing To Consider A Revocable Permit Request By The Ungar-Marshall Company To Permit Two Encroachments Into The Rights-Of-Way Adjacent To The Retail Property Located At 1100 Lincoln Road (The GAP Store): 1) A Proposed Metal Canopy With Horizontal Dimensions Not To Exceed Five Feet Eleven Inches (5'-11") Along Michigan Avenue, Six Feet (6') Along Lincoln Road Mall, And Ten Feet Four Inches (10'-4") Above The Sidewalk; And 2) A Proposed Concrete Eyebrow, Having Horizontal Dimensions Not To Exceed A Length Of 6 Feet (6') Along Lincoln Road And Michigan Avenue, At A Height Of Approximately 30 Feet (30'-00") Above The Sidewalk.

(Public Works)

ACTION: Resolution No. 2013-28177 adopted. Rafael E. Granado to notice. Lilia Cardillo to place on the May 8, 2013 Commission Agenda if received. **Eric Carpenter to handle.**

- C7I A Resolution Approving And Adopting The City Of Miami Beach Local Housing Assistance Plan (LHAP) For The State Housing Initiatives Partnership (SHIP) Program For Fiscal Years 2013/2014, 2014/2015, And 2015/2016, As Required By The State Housing Initiatives Partnership Program Act, Subsections 420.907 - 420.9079; Authorizing Execution Of The Necessary Certifications By The Mayor And The City Clerk; Authorizing Submission Of The Local Housing Assistance Plan To The Florida Housing Finance Corporation For Its Review And Approval; Authorizing The Appropriation Of SHIP Program Funds For Fiscal Years 2013/2014, 2014/2015 And 2015/2016 In Amounts To Be Determined By The State Of Florida Or Such Final Allocation Amounts As Adjusted By The Florida Housing Finance Corporation; And Authorizing The Appropriation Of Any Interest Accrued Thereon For Eligible Activities Under The SHIP Program Rules.

(Real Estate, Housing & Community Development)

ACTION: Resolution No. 2013-28178 adopted. Patricia Walker to appropriate the funds. **Anna Parekh to handle.**

- C7J A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee Waiving The Square Footage And Lummus Park User Fees For Gay Pride 2013.

(Tourism & Cultural Development)

ACTION: Resolution No. 2013-28179 adopted. Max Sklar to handle.

C7K A Resolution Waiving, By A 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The City's Best Interest, And Authorizing The Purchase Of Food And Snacks From Publix, Costco, Gordon Foods, And BJ's Wholesale To Be Consumed By: A) The City's Parks And Recreation Department's Participants In Their After-School Programs, Summer Camps, Special Events And Other Programmed Activities, And B) Other Departments And Offices Citywide, As Approved In Their Respective Annual Budgets; Said Waiver Shall Be Authorized For A Period Of Three (3) Years, On A Year-To-Year Basis, Contingent Upon City Commission Approval Of The Departments' Related Budget Allocation(s) During The Adoption Of The City's Annual Budget.

(Parks & Recreation)

ACTION: Resolution No. 2013-28180 adopted. Kevin Smith to handle.

SUPPLEMENTAL 1: Resolution

C7L A Resolution Exercising A Month-To-Month Extension Of The Agreement Between The City And Clear Channel Adshel Inc., To Construct, Operate And Maintain Directory Structures In The Lincoln Road Area; Which Expires On April 17, 2013; With Said Extension Commencing On April 18, 2013, And Terminating, For Convenience And Without Cause, At Such Time As New Directory Structures Are Replaced And Installed.

(Public Works)

ACTION: Resolution No. 2013-28181 adopted. Eric Carpenter to handle.

SUPPLEMENTAL 1: Resolution

C7M A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Amendment To The Professional Services Agreement With Industrial/Organizational Solutions, Inc., Approved By The City Commission On July 18, 2012. Said Amendment To Provide Additional Testing Services During The First Contract Year For Police And Fire Entry Level Positions; And Requesting Additional Funding, In An Amount Not To Exceed \$70,000.

(Human Resources)

ACTION: Resolution No. 2013-28182 adopted. Sylvia Crespo-Tabak to handle.

SUPPLEMENTAL 2: Resolution

C7N A Resolution Accepting A Donation For Monument Island.
(Requested By Commissioner Michael Góngora)
(Legislative Tracking: City Attorney's Office)

ACTION: Resolution No. 2013-28183 adopted. Kevin Smith, Richard Lorber and Eric Carpenter to handle.

End of Consent Agenda

REGULAR AGENDA**R2 - Competitive Bid Reports****4:01:46 p.m.**

R2A Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 049-2013TC, For The City Of Miami Beach Flamingo Park Football Field/Track Renovation Project; Authorizing The Mayor And City Clerk To Execute An Agreement With CSR Heavy Construction, Inc., In The Amount Of \$2,266,016 For The Construction Of The Project, Plus Approve A Project Contingency Of 10% For A Not-To-Exceed Grand Total Of \$2,492,618; 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)

ACTION: Request authorized as amended. Motion to approve the contract; with the inclusion of the cooler grass and allowing the City to negotiate the best price for the cooler grass; Motion by Commissioner Libbin; seconded by Commissioner Góngora. Voice-vote: 7-0. Motion passes. **Fernando Vazquez and Alex Denis to handle.**

Clerk's Note: The City Clerk announced that the Procurement Division had delivered items, which were on the dais, relating to a protest by Caribe Utilities of Florida, Inc.

Raul Aguila, Chief Deputy City Attorney, explained that the City had received a bid protest from Caribe Utilities of Florida. The City responded to the bid protest on April 16, 2013, and denied it. Caribe was one of the bidders the City deemed nonresponsive due to not meeting the licensing requirements in the bid, which required that the successful bidder have a general contractors license in Florida. Caribe did not comply with that requirement. In accordance with the bid protest the City filed, he advised that 1) that the City has responded with a denial and 2) because the issues goes to the responsiveness of the bidder, and because that was the substance of the bid protest, this is not something that is in front of this Commission today. It is not under the purview of the City Commission. Under the bid protest Ordinance, the determination of whether or not a bidder is responsive to a bid is within the purview of the City Manager and the City Attorney's Office. The City Attorney's Office has responded to Caribe's protest, and upheld the City Administration's finding that Caribe was not responsive to the bid, because they did not meet the minimum requirements of the bid. He added, for the record, that the City Manager's memorandum, which is dated today, is in accordance with the City's bid protest Ordinance. What the Manager is recommending is, if this Commission decides to award this bid today, that the City Commission do so notwithstanding the protest, which the City has denied because there is urgency to award this bid. Mr. Aguila explained that this item is of great community interest and there is time sensitivity to this award. Therefore, there is a substantial significance to the City to award this bid today.

Francisco Touron, representing Caribe Utilities of Florida, stated that their company was the lowest bidder by \$360,000, but they did not get a seat at the table for Round 2, as they were declared nonresponsive. The bid specifications in two sections stated it was an either/or requirement; they either needed to have a general contractor's license or an underground utility and excavation license. Mr. Touron explained that Caribe has an underground utility and excavation license. The largest share of the money is for the turf and track product, but not the actual construction; it is the cost of the material. The important issue is the drainage (the

underground work), that is why in the ITB there was an either/or for the licensing requirement. The first point is that Caribe should not have been declared nonresponsive and they should have had a seat at the table. Thereafter the City should have compared Caribe and its competitors, "apples to apples," and after doing so, if the City deemed that someone who was \$360,000 less expensive was better than them, that is the City's discretion. This is not a contractor short of work; it is a contractor that can do many things to improve the football team. They requested a seat at the table to discuss, and he reminded the Commission that Caribe has the right to appeal within 30 days, and if an appeal occurs, the contract will be stayed; an injunction will be granted until the Circuit Court decides whether Caribe is right that the essential of Florida law were not followed. If the City is going to have rules in the bid specifications, then he asked that they be followed. He requested a chance to be evaluated.

Raul Aguila, Chief Deputy City Attorney, stated that this was not an "either/or minimum requirement." The minimum requirements as written in addendum No. 4, which he read into the record where: "For purposes of responsiveness to this ITB, the revised minimum requirements are as follows: Bidders must be licensed as a General Contractor in the State of Florida and have completed three projects similar in size and scope in the last five years." The City absolutely and unequivocally qualified that bidders had to have a General Contractors license in the State of Florida. This was not an "either/or" licensing requirement, and if there was any ambiguity in the initial bid document, that was unequivocally clarified by Addendum 4, Question # 5.

Commissioner Góngora stated that the City Manager's opinion on the responsiveness of the bid is binding. If the bidder does not agree, the remedy is to go to the Courts. Jose Smith, City Attorney, stated that he was correct.

Discussion held as to the legal standard of review, and the likelihood of Caribe's prevailing in obtaining a preliminary injunction.

Raul Aguila, Chief Deputy City Attorney, stated that this contract, in accordance to the bid protest Ordinance, is not automatically stayed by the filing of the bid protest. He reminded the City Commission that they had the Manager's memo, dated April 17, 2013, telling them that it is urgent and critical that they award this bid today. Mr. Aguila stated that this could have been avoided by a request from Caribe for clarification to the bid specifications from the Procurement Division, prior to the bid opening. If they did not like the answer they received, they could have protested the specifications of the bid. They chose not to do that, and instead waited until the bids were opened.

Jose Smith, City Attorney, responding to a question from Commissioner Tobin, stated it was unlikely that injunctive relief would be granted, as one of the requirements for granting injunctive relief is that there is no adequate remedy at law. Therefore, even in the unlikely event that Caribe would prevail, the remedy would be damages, not injunctive relief.

Discussion held on dates of submission regarding original bid documents and Addendum 4, which clarified the ambiguity.

Frank Touron restated his argument.

4:19:30 p.m.

Raul Aguila, Chief Deputy City Attorney, read language into the record of the document that Mr. Touron is referring to. "Pursuant to the Public Disclosure Act, each license, permit or fee a contractor will have to pay before or during construction of a percentage method or unit methods of all licenses, permits and fees required by the City and payable to the City by virtue of this

construction and as part of the contract is as follows: bidder must have either a valid general contractor or underground utility and excavation contractor license issued by the State of Florida.” Although he concedes that the statement should not have been included in the form, the City corrected this by the issuance of Addendum 4.

Raul Aguila, Chief Deputy City Attorney, stated that eight bidders responded to the ITB, and no other bidder was confused as to the requirement. He also added that in cases relating to ambiguity, and in general, the law states that if a bidder disagrees with the City, if the City has established a reasonable basis for its findings, even though reasonable people could disagree, the City’s discretion will be upheld.

Discussion continued as to date of the bid opening date extensions.

Alex Denis, Procurement Director, stated that bidders, including Caribe, acknowledged receipt of Addendum 4.

Commissioner Libbin is concerned that two companies were eliminated, and the five responsive bidders, four out of six were thrown out. This is troubling to him. In an ITB, it should come down to price.

Raul Aguila, Chief Deputy City Attorney, stated that in terms of disqualifying, one was thrown out due to unresponsiveness. The other ones it comes to a question of responsibility. In an ITB, it is always the lowest and best responsive bidder.

Discussion continued.

Jimmy Morales, City Manager, explained that the issue raised in his memorandum, is that in a traditional ITB, once elimination is done for non-responsiveness and responsible, selection of the lowest and responsible bidder is done. Some years ago, previous Procurement Directors and Building Officials started a “best value” concept, which took an ITB and then added at the end of it an administrative review committee that essentially converted it into an RFP. This subverts the policy that all RFP’s should come before the City Commission. Additionally, it confuses the market place, because the market place says, “I am the lowest responsive and responsible bidder, I should win.” This was an ITB issue that he inherited; even after they are ranked by price, then there is an evaluation committee that evaluates qualitative factors as in an RFP. Based on the qualitative factors, the evaluation committee recommended the second highest bidder as being the most qualified. His recommendation, per his memorandum, is that best value procurement be eliminated in this City because it does not work. We are going to do traditional ITB’s and traditional RFP’s. That said, he faces a conundrum; Beach High wants to play in 120 days; if this process is delayed this will not happen. His recommendation, while not happy with the best value approach, is to accept the recommendation, since if we go back to a traditional ITB we will miss the season.

Commissioner Libbin stated that another option is to build the field, and accept another bidder, that is part of the Manager’s due diligence.

Commissioner Góngora stated that if they do not move forward with the City Manager’s recommendation students would not play football.

Jimmy Morales, City Manager, explained that he reviewed the three companies that were the highest rated, and it was a \$70,000 gap for the best bidder, which is what he is recommending. The number was small enough that he said we want to get this done in 120 days, we want to get

this done right, let us pick the best one.

Discussion continued.

Commissioner Tobin stated that this Commission is trying to do the right thing and follow the rules; however, at this time they need to do what Legal recommends.

Mayor Bower explained that if the right qualifications are not met by a bidder or the right licenses or specifications are not met by a bidder, they cannot award the lowest bidder. The City needs to follow the law to show an example.

Commissioner Libbin stated that Debbie Lee Lutz, (Sustainability Committee) requested that the artificial grass insulation should account for proper drainage and heat.

Jeff Bruce, engineer of record, stated this is top of the line turf, and heat related product is not on it. Discussion continued regarding artificial grass cost, temperature and products. The company makes something called Cool Play, which is an option but not currently included in project. The differential in cost is about \$0.35 a square foot or \$30-\$35 thousand upcharge. It replaces the top layer of black rubber with a cork product. The difference in temperature in chest high area is 3 to 5 degrees cooler; the actual turf can be 8 or 10 degrees cooler.

Mayor Bower explained her opposition to artificial grass.

Steve Bubba Cohen spoke on behalf of the kids that want to play on the football field; he suggested looking at value.

Jimmy Morales, City Manager, stated that the turf the City is proposing to install provides the best combination of safety and playability. He does not know how the cooler grass will perform as far as safety.

Jeff Bruce stated that the company has their testing lab and has an alternate product, definitely not an inferior product. To be clear, top football players play on this same turf. They would not have the cooler grass if not as safe. He stated that the same company makes the cooler grass. It is an upcharge.

Motion to approve the contract; with the inclusion of the cooler grass and allowing the City to negotiate the best price for the cooler grass; Motion by Commissioner Libbin; seconded by Commissioner Góngora. Voice-vote: 7-0. Motion passes.

Jason Kradman, Miami Beach Senior High Football coach, spoke.

Coach Sims spoke about injuries and is grateful that the Commission made this decision.

Jimmy Morales, City Manager, extended condolences to students for the passing of their beloved principal, Dr. Rosann Sidener.

Dion Cenus spoke.

Handout or Reference Materials:

1. Letter to Francisco Touron III, via e-mail: frank@touronlaw.com dated April 16, 2013 RE: ITB 049-2013TC for the Flamingo Park Football Field/Track Renovation Project, from Jimmy L. Morales, City Manager.

2. Letter from Francisco Touron III, representing Caribe Utilities of Florida, Inc. ("Caribe"). dated April 8, 2013 Via US Mail and via E-mail theocarrasco@miamibeachfl.gov; RE: Flamingo Park Football Field/Track Renovation Project, ITB 049-2013TC.
3. Letter to Miguel Cabranes, Caribe Utilities of Florida, Inc., dated April 11, 2013 from Alex Denis, Procurement Director, via email gcarlo@caribeutilities.com RE: ITB 049-2013TC - Flamingo Park Football Field/Track Renovation Project.
4. City Manager's Memorandum dated April 17, 2013 RE: Item R2A to Mayor and Commission.

R5 - Ordinances

12:01:57 p.m.

R5A 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)

(Continued from March 13, 2013/Referred to LUDC)

ACTION: Title of the ordinance read into the record. Item opened and continued. Motion made by Commissioner Libbin to open and continue the item to the May 8, 2013 Commission Meeting at 10:45 a.m.; seconded by Commissioner Exposito; Ballot vote: 5-0. Absent: Vice-Mayor Wolfson and Commissioner Weithorn. Lilia Cardillo to place on the Commission Agenda when received. **Richard Lorber to handle.**

12:27:42 p.m.

R5B No Wake Zone 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. **11:00 a.m. Second Reading Public Hearing**

(Requested by Commissioner Jorge R. Exposito)

(Legislative Tracking: City Attorney's Office)

(First Reading on March 13, 2013/Referred to LUDC)

ACTION. Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2013-3796 adopted.** Motion made by Commissioner Exposito to approve the ordinance; seconded by Commissioner Góngora; Ballot vote: 5-0; Absent: Vice-Mayor Wolfson and Commissioner Weithorn. Rafael E. Granado to transmit to Municode. **City Attorney's Office, Marine Patrol, Police and Public Works to handle.**

Max Sklar, Tourism and Cultural Department Director, explained the item. **Max Sklar to contact Michelle Berger.**

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 769

12:14:41 p.m.

R5C An Ordinance Amending Chapter 12 Of The Miami Beach City Code, Entitled "Arts, Culture And Entertainment," By Amending Article I Thereof, Entitled "Film And Print Production Permits," By Amending Section 10 Entitled "Enforcement"; And Providing For Repealer, Codification, Severability, And An Effective Date. **First Reading**

(Requested by Neighborhood/Community Affairs Committee)
(Legislative Tracking: Tourism & Cultural Development)

ACTION: Title of the ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Libbin to approve the ordinance; seconded by Commissioner Tobin; Ballot vote: 5-0. Absent: Vice-Mayor Wolfson and Commissioner Weithorn. Second reading and Public Hearing scheduled for May 8, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **Max Sklar to handle.**

Max Sklar, Tourism Cultural Department Director, introduced the item. The amendment of the ordinance was approved on first reading and referred to the Neighborhood/Community Affairs Committee (NCAC) to discuss permits and penalty enforcement.

Commissioner Libbin stated that at NCAC he asked for a list of types of violations that might be issued. First, he asked the kind of violations that are being discussed; secondly, as it was done with Special Events permits, if someone should violates any of the conditions of the Special Events permits, which it be made so that during that event, no matter how many violations there are, the violation is cited as one event. He wants to know if that is being done.

Max Sklar stated that violations are included in the guidelines approved in February, which he read into the record, referring to page 13 of the Film and Print guidelines.

Discussion held.

Commissioner Góngora suggested referring the item to the Production Industry Council and bringing it back next month.

Max Sklar, Tourism Cultural Department Director, stated that the item had been discussed at Committee and in front of the Production Industry Council several times.

Discussion continued.

Commissioner Tobin recognized Max Sklar for a great job during his Interim position, for his dedication and professionalism. He is a straightforward individual, classy and a gentleman and he is very important to the organization. Max has always worked on the North Beach revitalization and he was always eager to help. He asked him not to forget that project and thanked him for his services.

Max Sklar, Tourism Cultural Department Director, thanked Commissioner Tobin for his comments and stated that it was a wonderful experience and he is ready and able to assist the City Manager and the City Commission in the policies and goals that they set.

City Manager Jimmy Morales stated, for the record, that during the reorganization, Max will not only be overseeing Tourism and Culture, but also Economic Development, and his work in North Beach will continue.

12:09:26 p.m.

R5D 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 December 31, 2013; By Amending The Afternoon Off-Leash Hours In The Designated Area From Between 4:00 p.m. And 7:00 p.m. To Between 6:00 p.m. And 9:00 p.m., Monday Through Friday; And Relocating The Off-Leash Area From The Area South And East Of The Washington Avenue Entry Plaza To Its Original Location In The Triangular Area South And West Of The Washington Avenue Entry Plaza; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**
(Requested by the City Commission)
(Legislative Tracking: Parks & Recreation)

ACTION: Title of the ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Libbin to approve the ordinance; seconded by Commissioner Góngora; Ballot vote: 5-0; Absent: Vice-Mayor Wolfson and Commissioner Weithorn. Second reading and Public Hearing scheduled for May 8, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **Kevin Smith to handle.**

Commissioner Libbin stated that he attended the meeting at South Pointe Park with Kevin Smith and Julio Magrisso, and few residents were there, perhaps eight (8). A few residents spoke whether or not there should be more trees; but generally, there was consensus.

Discussion held regarding shifting of hours.

Kevin Smith, Recreation and Parks Director, stated that an email was received from SOFNA (South of Fifth Neighborhood Association) in which they opposed a fenced in dog off-leash area in the prime spot of the lighthouse. Kevin Smith read the e-mail into the record.

Discussion held regarding neighborhood consensus.

Commissioner Exposito requested bringing to City Commission's attention issues of concern during public hearings,

Commissioner Tobin clarified that he is in favor of the hedge and if changes are needed, there is time to do so between first and second reading.

Handout or Reference Materials:

E-mail from Victor Diaz, Dated April 17, 2013 regarding Community Meeting to Discuss South Pointed Park Dog Off-Leash Area.

12:02:41 p.m.

R5E Ordinances Amending Procedures For Vendor Preference

1. An Ordinance Amending Section 2-372 Of The Miami Beach City Code, Entitled "Procedures To Provide Preference To Miami Beach-Based Vendors In Contracts For Goods And Contractual Services;" Amending Section 2-372(1)(b) Thereof, To Require That Miami Beach-Based Vendors Have A Business Tax Receipt To Provide The Goods And Services Required Under A Subject City Bid For At Least One (1) Year Prior To The Issuance Of The Bid, As Well As Have Their Business Headquarters, Or An Office Of The Business, Within The City For A Period Of At Least One (1) Year Prior To The Issuance Of The Bid; And Amending Section 2-372(2)(b) To Limit Such Preference Only To Proposers; Providing For Codification, Repealer, Severability, And An Effective Date.

First Reading

ACTION: Title of the ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Libbin to approve the ordinance; seconded by Commissioner Tobin; Ballot vote: 5-0. Absent: Vice-Mayor Wolfson and Commissioner Weithorn. Second reading and Public Hearing scheduled for May 8, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **Alex Dennis to handle.**

Commissioner Libbin stated that the language in this preference ordinance is drafted to target local vendors and veterans that own businesses. He feels that there are companies that are trying to claim the extra five points for being a local vendor, and they should have a license to do business in the City of Miami Beach for over a year. This is for the bidder to be the principal of the company and the company has to have a business operating in the City for a year prior to the bid.

Jose Smith, City Attorney, agreed, and the language was clarified that one cannot be a team member, but be the actual bidder on the award. Discussion held.

Commissioner Tobin asked if there was a way of rewarding local businesses that employ City residents, and suggested writing into the ordinance a method for the selection committee to consider those businesses that employ a certain amount of Miami Beach residents. **Alex Denis to handle.**

Discussion held.

2. An Ordinance Amending Section 2-374 Of The Miami Beach City Code, Entitled "Procedure To Provide Preference To Veterans In Contracts For Goods And Contractual Services;" By Amending Section 2-374(2)(b) To Limit Such Preference Only To Proposers; Providing For Codification, Repealer, Severability, And An Effective Date.

First Reading

(Requested by Commissioner Jerry Libbin)
(Legislative Tracking: Procurement)

ACTION: Title of the ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Libbin to approve the ordinance; seconded by Commissioner Exposito; Ballot vote: 5-0; Absent: Vice-Mayor Wolfson and Commissioner Weithorn. Second reading and Public Hearing scheduled for May 8, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Alex Denis to handle.**

R7 - Resolutions**12:25:26 p.m.**

R7A A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Third Amendment 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; And Further Approving, Following A Duly Noticed Public Hearing As Required By Section 142-362 Of The City Of Miami Beach Code, An Entertainment Component, Which Will Be Added As An Additional Use Of The Leased Premises In Conjunction With Tenant's Re-Opening And Re-Branding Of Such Premises. **10:00 a.m. Public Hearing, Joint City Commission & Redevelopment Agency**

(Real Estate, Housing & Community Development)

ACTION: Item opened and continued. Heard in conjunction with 1A. Motion made by Commissioner Góngora, seconded by Commissioner Libbin to open and continue the item to the May 8, 2013 Commission Meeting. Voice-vote: 5-0; Absent: Vice-Mayor Wolfson and Commissioner Weithorn. Lilia Cardillo to place on the Commission Agenda when received.

Handouts and Reference Materials

1. Ad in The Miami Herald – Ad 770

9:51:00 a.m.**SUPPLEMENTAL AGENDA 1: Resolution & Agreement**

R7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Employment Agreement Between The City Of Miami Beach And City Manager Jimmy Morales, With The City Manager's Term Of Employment Having Deemed To Commence Retroactively, As Of April 1, 2013.

(City Attorney's Office)

(To Be Submitted In Supplemental)

ACTION: Resolution No. 2013-28184 adopted. Motion made by Commissioner Góngora; seconded by Commissioner Exposito to approve the resolution by unanimous acclamation. Voice vote 5-0; Absent: Vice-Mayor Wolfson and Commissioner Weithorn. **Sylvia Crespo-Tabak to handle.**

Oath administered by Judge Lisa Walsh. She stated that it is an honor to swear Mr. Morales into this prestigious position.

Jimmy Morales, City Manager, thanked the City for this great opportunity. He thanked and recognized Judge Walsh, his good friend, for administering the Oath. Mr. Morales stated that he is "back home." He recognized his family, his mother, mother-in-law, his wife Dori, who has been his best friend and partner in life during the past 34 years, and his son who is excited about his public service to the City. This is an incredible City, where he grew up, and the opportunity to come back and make a difference at this critical time is appreciated. He will be motivated to do his best, to push the City forward, to be progressive and innovative and will ask from employees' integrity, dedication and commitment to make this City the best in the United States. He added that he has an open door policy and he thanked God for this opportunity.

Commissioner Góngora stated that he had the opportunity to work with the City Manager as a Special Master and got to know him. His integrity, intelligence, passion and hard work are well known, and Miami Beach is lucky to have him. Welcome aboard.

Commissioner Libbin congratulated the Manager, and he welcomes the opportunity to work with Mr. Morales and meet the executive staff he has recommended.

Commissioner Exposito stated that it is an honor to have him as City Manager. He wishes the City Manager great success and added that it is important that the City goes in the same direction to ensure this is the best community; he pledged to work with him and his staff for many years of service.

Commissioner Tobin pledged to work hard with the City Manager, and he appreciates his comment to make this the best practice City in the nation. He thanked Kathie G. Brooks for a job well done as Interim City Manager.

Mr. Morales added that his daughter Nora is watching online from Denver, and he sent her a warm message.

Mayor Bower stated that the entire community is proud of him. He has learned very fast and she has been assured that he is very straight, honest person. She will work with him very closely and feels that he is good for the community. People trust him, and half the battle is won when that happens. Jimmy's parents were very well known; his mom was an example of good family bringing up a child through the school system and they are humble by his family being in this community and doing so much. Jimmy is an example of success and a role model for many of us.

Handout or References Materials:

1. Oath
2. Memorandum from Kathie G. Brooks, Interim City Manager, dated April 4, 2013, RE: Time Certain Item

SUPPLEMENTAL 2: Attachment

R7C 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)
(Not Reached on March 13, 2013)

ACTION: Item not reached.

12:46:45 p.m.

R7D A Resolution Adopting The First Amendment To The General Fund, Enterprise, Internal Service And Special Revenue Funds Budgets For Fiscal Year (FY) 2012/13 To Appropriate Funds Carried Forward From FY 2011/12, And To Appropriate Funds To The Waste Haulers Additional Services And Public Benefit Fund Budget, To Be Funded By Additional Contributions From The City's Existing Waste Haulers.

(Budget & Performance Improvement)

ACTION: Resolution No. 2013-28185 adopted. Motion made by Commissioner Libbin to approve the resolution; seconded by Commissioner Exposito; Voice vote 5-0; Absent: Vice-Mayor Wolfson and Commissioner Weithorn. **Budget Office to handle.**

Jimmy Morales, City Manager, introduced the item.

12:47:31 p.m.**6:17:54 p.m.**

R7E A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee At Its December 20, 2012 Meeting, And Waiving, By 5/7th Vote, The Formal Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager To Negotiate, In Accordance With The Substantive Terms (In The Term Sheet Attached As Exhibit "A" To This Resolution) And, If Successful, Execute A New Agreement With Professional Course Management II, LTD., For The Management And Operations Of The City Of Miami Beach Golf Courses, Clubhouses And Related Facilities; With Said Agreement Having An Initial Term Of Three (3) Years, With Two (2) One (1) Year Renewals, At The City's Sole Discretion.

(Parks & Recreation Department)

ACTION: Resolution No. 2013-28186 adopted. Motion made by Vice-Mayor Wolfson to approve the resolution; seconded by Commissioner Góngora; Voice vote 6-1. Opposed; Commissioner Tobin. **Kevin Smith to handle.**

Jimmy Morales, City Manager, explained that because this item is the Golf Course Management Agreement, and they are requesting a waiver of competitive bid to continue with the current operator, it requires a 5/7th vote.

Discussion held and the item was deferred to a later time during the day.

Kevin Smith, Parks and Receptions Department Director, explained the item and summarized the recommendations made at Committee. Under the current contract, PCM is entitled to 10% over \$1.87 million in revenues at each Golf Course after debt service. In the past, PCM negotiated a reduction of 2%, and if negotiations proceed as proposed now, the incentive would be that they continue to receive \$125,000 management fee per Golf Course; Miami Beach Golf Club would go up to \$4 million, and at that point, they would receive a 5% bonus; they would receive a capped fee at \$25,000. The incentive fee would kick in at the Normandy Shore Golf Club starting at 7% over \$1.8 million, and the end result is the benefit to the City, generating revenues and to continue having a great management operator. The difference between the current contract and what is being proposed is approximately \$75,000 per year, and if that is taken off the 8% rather than the 10%, it comes down to about \$25 to \$30,000 a year more to the City.

Commissioner Tobin asked how much programming do they do for children at both golf courses and how many days per week can students attend?

Mr. Kevin Smith explained that the Miami Beach Golf Course offers programs through the Jim McLean Academy, but at Normandy Shores, there are free golf programs for children predominantly from the North Shore area. Discussion held.

Julio Magrisso, Parks and Recreation Assistant Department Director, added that they provide a four-month program, from January to May, and children are transported for the program once a week. Discussion continued.

Commissioner Tobin requested an aggressive sales pitch, especially in the North Beach area, where children have challenges, and he requested a commitment from Parks and PCM to actually promote these golf clinics and get children in the neighborhood involved.

Discussion continued.

Commissioner Libbin announced that on May 17, 2013 a North Shore event will be held in honor of former Commissioner Billy Shockett.

Commissioner Exposito stated that as part of the redevelopment of the Par 3 Golf Course, 12 years ago there was a program in place, where children learn to play on the Par 3 Golf Course, it was a 16-20 week session during weekends, broken up by age groups, and for each week completed, coupons were given to play at the Bayshore Golf Course for free. He suggested establishing a program funded with grants, through Scott Rakow, to allow more children to participate.

Discussion continued.

Mayor Bower stated that they missed the opportunity by not insisting that Miami-Dade County Public School incorporate Par 3 in the physical education in the High School curriculum.

Commissioner Tobin stated that the City is spending \$2.5 million to fix the Par 3, and will cost \$400,000 to maintain. Yet only a few people play during the week. Discussion continued. He expressed his reasons for opposing the item. He requested more value, to put it out for a competitive bid, to have a professional analysis done, and to have permanent free programming for children four months out of a year.

Jimmy Morales, City Manager, stated that direction can be given to negotiate for children programs once the deal is finished, perhaps during the summer programs.

Commissioner Weithorn, for the record, stated that at Finance, they looked at Premier Card, which is an integral part of the financial projections and viability of the courses owned by the same people that manage the golf courses. The City will not have the ability to participate in the Premier Card program if they are not the managers. They looked at the finance impact at Committee and requested a waiver of competitive bidding, and asked them at the table to give the City that money and they agreed. There was a strong fiscal reason to waive competitive bidding.

Discussion continued.

Vice-Mayor Wolfson stated that PCM has done a great job maintaining the golf courses and it behooves them to stay with them for the reasons Commissioner Weithorn mentioned. They are the best in the community and he agrees with the City Manager's recommendation.

Discussion continued.

Handout or Reference Materials:

1. Premier Card informational document listing City benefits received from 2009 to 2012

12:49:02 p.m.

R7F A Resolution Approving And Appointing, Pursuant To Sections 142-108(g)(3) And 118-537(b) Of The Miami Beach City Code, Murray Greenberg To Serve As Special Master, On The Appeal Of "In Re: 42 Star Island Drive, Miami Beach, FL", Case No. HPSM-13-001, DRB File No. 22936.
(City Clerk's Office)

ACTION: Resolution No. 2013-28187 adopted. Motion made by Commissioner Góngora to approve the resolution; seconded by Commissioner Libbin; Voice vote 5-0; Absent: Vice-Mayor Wolfson and Commissioner Weithorn. **Rafael E. Granado and City Attorney's Office to handle.**

Jose Smith, City Attorney, stated that both parties agree that former County Attorney Murray Greenberg would be a perfect selection for this Special Master proceeding.

Handout or Reference Materials:

1. Commission Memorandum from Gary M. Held, First Assistant City Attorney, dated April 17, 2013 RE: Recommended Potential Appointees, Item R7F, including resumes for 1) Thomas Goldstein, Esq., 2) Samuel Goren, and 3) Murray Greenberg.

5:11:44 p.m.

SUPPLEMENTAL 1: Resolution

R7G Bicycle Lane Along Prairie Avenue And Royal Palm Avenue

1. A Resolution Accepting The Recommendation By Staff And Respective Consultants Atkins North America, Inc. And Street Plans, Inc., Following A Presentation To The Finance And Citywide Projects Committee On March 21, 2013, And Maintaining The Current Width Of Prairie Avenue As Well As Its Respective Bicycle Lanes, Pursuant To The Regulations Established By Miami-Dade County Public Works, And Further Retaining Royal Palm Avenue's Current Design As Proposed In The Construction Plans, And As Approved Under Resolution 2013-28163 Via Amendment No. 2 To Lanzo Construction Co.

ACTION: Resolution not adopted. No action taken.

2. A Resolution Rejecting The Recommendation By Staff And Respective Consultants Atkins North America, Inc. And Street Plans, Inc., Following A Presentation To The Finance And Citywide Projects Committee On March 21, 2013, And Directing Staff To Continue To Evaluate The Reduction Of Prairie Avenue To Eliminate The Current Bicycle Lanes And Study Further The Possibility Of Including An Advisory Bicycle Lane Along Both Prairie Avenue And Royal Palm Avenue; And Further Authorizing The City Manager To De-Program Work Associated In The Construction Of The Valley Gutters, As Well As Proposed Re-Grading And Milling And Resurfacing Along Prairie Avenue, As Outlined In

Amendment No 2, And As Authorized Under Resolution 2013-28163; Modifying Such Amendment To Add To The Contract Funds For A One Inch (1") Overlay Of Asphalt Over The Current Existing Roadway, And Resurface The Street To A Drivable Condition During The Experiment And Approval Process For An Advisory Bicycle Lane, By Providing For All Respective Credits And Charges To Be Further Defined And Amended Into The Contract At A Later Date.

(Capital Improvement Projects Office)

ACTION: Resolution not adopted. No action taken.

3) **Third Alternative Recommendation Adopted - Title of Resolutions To Be Submitted**

ACTION: See motions and Resolution numbers below:

MOTION No. 1:

Resolution No. 2013-28188. Motion made by Commissioner Libbin to approve the City Manager's third alternate recommendation, which was transmitted via LTC 130-2013, and give residents what they asked for; seconded by Commissioner Exposito; Voice vote 7-0. **Fernando Vazquez to handle.**

MOTION No. 2:

Resolution 2013-28189 adopted. Motion made by Commissioner Libbin to file an appeal to try to get safe bike lanes on Royal Palm and apply for the Safe Route to Schools Grant; seconded by Commissioner Exposito; Voice vote 7-0. **Fernando Vazquez to handle; Judy Hoanshelt to apply for grants, and Caroline DeFreze to do outreach.**

The City Manager's Third Alternative being:

1. Remove the additional four feet of valley gutter, which would gain an overall credit of approximately \$92,000 into the project.
2. Deprogram the installation of valley gutters.
3. Compensate for the efficient transport of water by suppressing the current grate elevations of the newly installed grates, and installing flumes where necessary.
4. Continue to include the addition of approximately 400 shade trees.

Jimmy Morales, City Manager, introduced the item. Mr. Morales explained that the goals of the Central Bayshore Neighborhood project are to: 1) improve the quality of streets and 2) improve the quality of storm water drainage in the neighborhood.

Prairie Avenue being a collector road has currently on it two bike paths on each side of the road. In the proposals that are being moved forward in the Commission package, the best way to address storm water drainage was to add on each side of the road two feet for valley gutters, which therefore take the road to 32 feet in width, with the preservation of the bike paths. The neighbors approached staff and the City Commission about the question as to whether the bike path could be moved to Royal Palm or some other alternative. The City checked with its consultant and the County; the consultant advised against moving it, and the County stated they would not be supportive. This is a collector road with bike paths on it that connect the middle school to the high school; it is a traffic path. His original recommendation was that they move forward with the project as is. In the alternative, if you want to revisit issues, with such things as studies and appeals, and whether or not you can move the bike lanes to Royal Palm, then you would have to deprogram the project, or certain aspects of it, which could lead to additional costs and delays, and it might not result in success.

In the last 48 hours, he asked staff to look at additional options, and last night he circulated an LTC that provided an alternative to the original recommendation. In lieu of paving two sides on each side of the road with valley gutters, we keep it a 28 foot road, the two four (4) feet on each side of bike lanes, and in lieu of paving for valley gutters we would use the same type of flume gutters that you see in a portion of Prairie, south of the area in question. Flume gutters are indentations in the existing swale so that you preserve the swale, and the road is not widened. You achieve improved storm water drainage, not perhaps as effective as valley gutters, but certainly far more effective than the current condition of the swale. Because you preserve all the green space, we are still committed to the addition of 400 shade trees. This will add shade and improve the ability of the swale to address water. Every other aspect of the project is the same. Maintain the bike lanes on Prairie, but address the drainage almost as well, through these flume drains into the swale.

Fernando Vazquez, CIP Director, showed photographs and explained the draining options.

Discussion held.

Commissioner Libbin wants to know to whom this Commission can appeal the decision regarding the bike lanes. The City should try to get a reversal of the decision that said we could not do the bike facility on Royal Palm. The neighbors have notified him that if the City appealed it, and found they still could not do it, they would be accepting of it.

Jimmy Morales, City Manager, stated that his recommendation and the staff's recommendation, is to maintain the bike lanes on Prairie Avenue. There are questions about federal law as to whether they can be moved from there. If the Commission directs the Administration to appeal, they will proceed with the appeal. However, his recommendation is to maintain the bike lanes on Prairie. This does not prevent the City and the neighborhood from continuing to have conversations with the County.

Discussion continued.

Commissioner Weithorn asked if the City has considered if bike lanes on Royal Palm would be less safe, as the street is much narrower, has many more trees, and the line of sights are more difficult. Mr. Vazquez stated that bike paths actually slow traffic. She also asked if an appeal is filed regarding the bike paths, will it delay the project; how much would it cost and what would be the delay? Mr. Vazquez stated that there would be at a minimum a remobilization cost, the price as to material is the market price.

Discussion continued.

Jimmy Morales, City Manager, stated that the appeal would move the bike lanes to another road, which is a striping use but it would not result in the valley gutters going in; it may have to be revisited in the long range.

Mr. Vazquez continued with his presentation.

Commissioner Exposito stated that absent these valley gutters they are not going to see massive flooding. There have been pumps installed that were not previously in the project. They need to look at the global picture. Absent the valley gutters there have been others things put in place that are going to help eliminate the flooding. He does not want the

Commission to make a decision in a vacuum. Mr. Vazquez stated that the system is going to be improved.

Discussion continued.

Vice-Mayor Wolfson stated, and Mr. Vazquez agreed, that the actual proposal will not have valley gutters, which is why it will not be as efficient, so water will not be channeled as efficiently.

Discussion continued as to the water flow and drain systems, injections wells, pumps, and gravity flow.

Commissioner Libbin suggested that we direct the City to apply Safe Route to School Grant. This may allow us to pay for some of the construction and design of bike lanes.

Commissioner Tobin stated that the way this project was planned, they were going to take about three feet from the sidewalk and replace with concrete; neighbors gave their input and brought this to our attention and plans were changed. This is why he encourages people to get involved with the community. This is a credit to the residents that live in this neighborhood.

Mr. Vazquez suggested directing the grant writer to apply for federal funds to go towards the bikeways as well as design.

Gary Hunt stated that Resolution 2 is his preference. The issue is the width of the asphalt; they want their streets to look like Meridian Avenue with shaded trees and built in traffic calming.

5:40 p.m.

Resolution No. 2013-28188 adopted. Motion made by Commissioner Libbin to approve the City Manager's third alternate recommendation, which was transmitted in LTC 130-2013, and give residents what they asked for; seconded by Commissioner Exposito; Voice vote 7-0. **Fernando Vazquez to handle.**

Commissioner Tobin asked that the motion be amended to include adding extra catch basins, as we are not reconstructing the road. Mr. Vazquez stated that they are milling and resurfacing the road with two inches, so water will not puddle. The Manager explained that the City is saving money with the proposed changes, so it will be considered.

Discussion continued.

Mr. Vazquez recognized the staff that assisted in bringing this project forward.

Commissioner Weithorn stated that bike lanes are not about beauty, they are all about safety; and her concern is that riders will not use Royal Palm. Prairie Avenue is the connector for those that live north of 41st to get over to Dade Boulevard, to go across the Venetian Causeway. Her concern is that you are not going to get those kinds of rider to use Royal Palm. If we want people to leave their cars at home and ride bicycle, we must have facilities that are practical, usable and safe. In her opinion, Prairie Avenue is that road. If the experts tell her she is wrong, then she is agreeable to it. She does not want to file an appeal to the decision just because we like it on Royal Palm; she would only appeal it if it was safer on Royal Palm.

Commissioner Exposito stated that Prairie Avenue has between 2,267 or 2,900 car trips per day, and Royal Palm has approximately 367 car trips per day; that by far would make it safer. Additionally, the connectivity of the bicycle master plan connecting Royal Palm to north of 41st Street creates an easier connectivity. Then with the Par 3 Golf project, you would have an extended wider sidewalk that would connect to the Par 3, which would allow bicyclist to go safely into to the school without the necessity to be on the street. The idea is to do things that enhance bike facilities, and which are used in a safer manner.

5:47:13 p.m.

Resolution No. 2013-28189 adopted. Motion made by Commissioner Libbin to appeal to try to get safe bike lanes on Royal Palm and apply for the Safe Route to Schools Grant; seconded by Commissioner Exposito; Voice vote 7-0. **Fernando Vazquez to handle; Judy Hoanshelt to apply for grants, and Caroline DeFreze to do outreach.**

Rabbi Bickson stated that he hopes that this Commission is listening to the residents for the betterment of the community. There have been concerns in regards to the width of the streets and he hopes there is greater sensitivity towards residents. By eliminating parking spaces, this is forcing people to park into residential parking areas.

Jimmy Morales, City Manager, stated that he now has direction to appeal, and he would like to do significant outreach on Royal Palm, to ensure that residents are not going to be upset with this decision. **TO DO:** Do outreach on Royal Palm Avenue. **Fernando Vazquez, Eric Carpenter and Caroline DeFreze to handle.**

Selena Demetriades spoke.

11:58:06 a.m.

R7H A Resolution Consenting To And Confirming The Appointment Of Sylvia Crespo-Tabak As The Director Of Human Resources For The City Of Miami Beach.
(Human Resources)

ACTION: Resolution No. 2013-28190 adopted. Motion made by Commissioner Exposito to approve the resolution; seconded by Commissioner Góngora; Voice vote 5-0; Absent: Vice-Mayor Wolfson and Commissioner Weithorn. **Sylvia Crespo-Tabak to handle.**

Jimmy Morales, City Manager, introduced the new Department Directors.

Sylvia Crespo-Tabak has been serving as Interim Human Resources Department Director for a number of months and will be a wonderful addition on a full-time basis. She has extensive experience in the field, and he personally knows her and can attest to every aspect of her character.

Eric Carpenter, Public Works Director, has worked with him closely for the last four years; he comes from the City of Doral where he served as Public Works Director. He explained that he has been involved in water improvement programs for the County and he is one of the finest directors he has worked with.

Mariano Fernandez was a Building Official/Building Director with the City of Miami, and the County was trying to hire him as well. He has tremendous years of service and turned the Building Department in Miami into one of the best in customer service departments.

Keith Kleiman comes from the City Coral Gables and has great experience in the field. He has big shoes to fill with the vacancy left by Kathie G. Brooks, but both Kathy and himself believe Keith will do a great job as Director of The Office of Budget and Performance Improvement.

11:59:00 a.m.

R7I A Resolution Consenting To And Confirming The Appointment Of Mariano V. Fernandez As The Director Of Building Department And Building Official For The City Of Miami Beach.
(Human Resources)

ACTION: Resolution No. 2013-28191 adopted. See comments with Item R7H. Motion made by Commissioner Góngora to approve the resolution; seconded by Commissioner Exposito; Voice vote 5-0. Absent: Vice-Mayor Wolfson and Commissioner Weithorn. **Sylvia Crespo-Tabak to handle.**

12:00 p.m.

R7J A Resolution Consenting To And Confirming The Appointment Of Keith R. Kleiman As The Director Of The Office Of Budget And Performance Improvement For The City Of Miami Beach.
(Human Resources)

ACTION: Resolution No. 2013-28192 adopted. See comments with Item R7H. Motion made by Commissioner Exposito to approve the resolution; seconded by Commissioner Góngora; Voice vote 5-0. Absent: Vice-Mayor Wolfson and Commissioner Weithorn. **Sylvia Crespo-Tabak to handle.**

City Clerk's Note: See LTC 138-2013, dated April 22, 2013, informing the Mayor and Commissioners that that Keith Kleiman has declined the position of the Director of the Office of Budget and Performance Improvement with the City of Miami Beach.

12:00 p.m.

R7K A Resolution Consenting To And Confirming The Appointment Of Eric Carpenter As The Director Of Public Works Department For The City Of Miami Beach.
(Human Resources)

ACTION: Resolution No. 2013-28193 adopted. See comments with Item R7H. Motion made by Commissioner Exposito to approve the resolution; seconded by Commissioner Góngora; Voice vote 5-0; Absent: Vice-Mayor Wolfson and Commissioner Weithorn. **Sylvia Crespo-Tabak to handle.**

4:52:00: a.m.

R7L A Resolution Approving Option "A" And Accepting The Recommendation Of The City Manager Pursuant To Invitation To Negotiate No. 059-2013ME, For Food And Beverage Services For The Miami Beach Convention Center (ITN), And Authorizing The Administration To Enter Into Negotiations With The Second And Third Ranked Proposers, Centerplate And Aramark; Or, In The Alternative, Approving Option "B" And Rejecting All Proposals In Response To The ITN, And Authorizing The Administration To Include The Provision Of Food And Beverage Services For The Miami Beach Convention Center As A Component Of The Scope Of Services In The New Convention Center Management And Operation Agreement Being Negotiated With Global Spectrum.

(City Manager/Procurement)

ACTION: Resolution No. 2013-28194 adopted. Motion made by Vice-Mayor Wolfson to approve the resolution; seconded by Commissioner Góngora; Voice vote 6-1; Opposed: Commissioner Tobin. **Max Sklar and Alex Denis to handle.**

Max Sklar, Tourism and Development Department Director, introduced the item and explained the selection process. Four proposals were received. The evaluation committee met, and recommended to enter into negotiations with the top three proposers: Ovations, Centerplate and Aramark. In the Commission agenda, page 579, Attachment A, provides an overview of the financial proposal provided by the proposers. As background, during the 2012 RFP, the original RFP was done for the food and beverage services for the Convention Center; during that process, Centerplate had sent two separate letters that raised potential conflicts of interest with the relations between Ovations and Global Spectrum. Those concerns were reviewed by the City Attorney's Office and the Administration. In the interest of full transparency, the City Attorney and the City staff recommended to reject proposals at that time and re-issue a competitive solicitation. This is ultimately what the City Commission did. This is how we got to the new ITN process. At that time, as well, in an effort to address the conflict of interest issued raised by Centerplate, the City Attorney had recommended to Ovations that they request an opinion from the Miami-Dade County Ethics Commission on this issue. Ovations did this, and on March 20, 2013, the Ethics Commission issued a non-binding advisory opinion (Attachment D in the Commission Agenda). The Commission concluded, "It is evident from the aforesaid facts that based on the prior opinions issued by the Commission on Ethics that there is an inherent conflict of interest for Global to be supervising, evaluating and overseeing the performance of its sisters affiliate Ovations."

During the City Manager's review and due diligence, he considered this conflict of interest issue, and the potential impact of determining whether or not to recommend the shortlist of Ovations, who was the top ranked firm by the evaluation committee. There certainly exists a legitimate concern with regard to the relationship and whether or not Global could oversee Ovations and provide objective administration over their contract. By no means is the Administration trying to question Global's integrity, they have done a great job with their contract with the City. However, it must be considered, and the opinion of the Ethics Commission is something we must be mindful of.

If it is the opinion of the City Commission that Ovations being the top ranked firm should be the company that proceeds to provide food service, then it is the Administration's recommendation that they reject all proposals and proceed to amend Global Spectrum's contract to include food service in their agreement. However, the other alternative would be to proceed with the number two and number three ranked firms, Centerplate and Aramark, and allow the Administration to negotiate with them and bring back a contract for consideration.

Jimmy Morales, City Manager, stated that the evaluation committee recommended that the City negotiate with all three; however, he cannot in good faith recommend it, in light of the opinion of the City Attorney and the Ethics Commission. He agrees with the policy of not having a company oversee its affiliate, and cannot recommend Ovations for negotiation purposes. The only thing he can do is bring the recommendation of negotiating with the second and third ranked companies. The alternative, if it is the Commission's desire to make a change, given the fact that Ovations did very well in the evaluation, the City is the process of negotiating a waiver of bid to negotiate with Global Spectrum a continuation of their contract managing the Convention Center, and in an earlier point the City Commission had a discussion of including food and beverage as part of their contract, at that point the Commission's decision was not to do that. Therefore, if making a change is what you want to do, an alternative approach is to have Global Spectrum do the food and beverage, and then Global could bring in Ovations as a subcontractor. However, his recommendation is to negotiate with the second and third ranked company.

Discussion held.

Commissioner Libbin believes the City Manager made a good recommendation. The biggest issue is restoring ethics in government. The City Manager made his recommendation as well as the Commission on Ethics. To go any other way would certainly send the wrong message.

Commissioner Weithorn reminded that they waived the competitive bid for the Global Spectrum peace because the market was different. The market said that there were only two players in the convention management business, and the other competitors prohibited them from working with the City because they have a contract that precludes that in Fort Lauderdale. Therefore, we are happy with Global, and there is no other player of the size and stature and we waived competitive bidding as she believes we should. We bid on food because we had alternatives in the market place. We treated them differently because the market and situation were different. There was never an ethics issue. We did this one right. She complements the City Manager for doing this right, and she believes we have ended up with an excellent recommendation.

Commissioner Góngora stated that with the Ethics opinion and the City Manager's opinion, he is in agreement with the City Manager's recommendation, and we should negotiate with the second and third ranked companies.

Commissioner Tobin stated that Ovations is a far superior company than the second or third ranked. The Convention Center should have the best food, and Global should bring in their partner, Ovations. There is no ethics problem if you amend the contract to allow Global to do food and beverage.

Vice-Mayor Wolfson made a motion to accept the City Manager's recommendation; seconded by Commissioner Góngora.

Stu Bloomberg, Chairman, Miami Beach Convention Center Advisory Board, advised not to pass the motion. They were not aware that there was an ethics issue. He stated, based on his professional opinion, that to go to a No. 2 and 3 team, so different from the No. 1 team, is telling the people in the Convention Center, that we are settling for the second best. Four years ago, the vote was 4-2 for Global, which never had experience this size. As Chairman of the Advisory Board, he asserts they have done a phenomenal job, and they have shown profits.

Commissioner Libbin stated that if looking back for a ten-year period survey, out of the 20 cities, Aramark has lost the contract in seven out of ten; Centerplate has 11 and has not lost a single contract.

Handout or Reference Materials:

1. Facilities Jointly Managed by Ovations and Global Spectrum

6:40:01 p.m.

R7M Calling For A Special Election To Amend Charter Section 2.02 With Regard To Term Limits For The Mayor And City Commissioners

1. A Resolution Calling For A _____, 2013 City Of Miami Beach Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether Miami Beach City Charter Section 2.02 Should Be Amended To Provide That Commencing With The City's General Election In November 2013 The "Consecutive" Term Limit Language Shall Be Deleted, Providing Instead For Term Limits Of Six Years (Three Terms) For Mayor And Eight Years (Two Terms) For Commissioner, Retaining Remaining Provisions In Charter Section 2.02 Including Retroactive Applicability Of Term Limits.

ACTION: Resolution not adopted. Motion made by Vice-Mayor Wolfson to approve the resolution; seconded by Commissioner Tobin; Voice vote 2-5; Opposed: Mayor Bower and Commissioners Exposito, Góngora, Libbin, and Weithorn. Motion failed.

2. A Resolution Calling For A _____, 2013 City Of Miami Beach Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether Miami Beach City Charter Section 2.02 Should Be Amended To Provide That Commencing With The City's General Election In November 2013 Term Limits Set Forth Therein Are Subject To A Lifetime Ban On Further Election To The City Commission For Individuals Who Have Served 14 Consecutive Years As Members Of The City Commission, Retaining Remaining Provisions In Charter Section 2.02 Including Retroactive Applicability Of Term Limits.

ACTION: Resolution not adopted. Motion made by Vice-Mayor Wolfson to approve the resolution retroactive; seconded by Commissioner Tobin; Roll call: 4-3; Opposed: Mayor Bower, Commissioners Exposito and Libbin. Motion failed.

(Requested by Commissioner Edward L. Tobin)
(Legislative Tracking: City Attorney's Office)

Commissioner Tobin requested a discussion regarding term limits. The Charter as written states that a Commissioner shall serve two (2) terms of four (4) years each, so that is a total of eight years. A Mayor shall serve three (3) terms of two (2) years each, for a total of six years. Presently there is no prohibition against, although there are terms limits, from starting again and to go another eight years as a Commissioner and six years of Mayor. He wanted to get the view of his colleagues on that. On the one hand, maybe it would be acceptable as the public gets to make their choice; on the other hand, he thinks term limits is a good idea. He wanted to get everyone else's view on term limits. He put two proposals on for consideration: The first proposes a 14-year lifetime ban; and the second, which is much softer, proposes that you must take a hiatus of two years before you start the track again.

Vice-Mayor Wolfson stated that Commissioner Tobin was correct.

Commissioner Tobin stated that he is not picking on the Mayor. He knows the Mayor is contemplating running. What occurred is that he never thought there was a loophole in the Charter until it came up that the Mayor was going to run again. It only was brought up because it is going to happen. He thinks we should get some fresh blood. He is willing to rethink it if there are some cogent arguments that we should not do it. He wanted to put it on the agenda, and hear how the Mayor feels about it.

Vice Mayor Wolfson stated that no one wants their elected officials hanging around for a lifetime. It is not about the Mayor, it is about service that exceeds its reasonable period. Term limits are very popular for a reason. People eventually get tired of their elected officials, it is time for new people to come in and serve and bring forth new ideas and that is what this is all about. It is about an ebb and flow in the change of viewpoints. He thinks it is not directed at any one person. The Mayor's consideration to run made everyone look at the provision, and realize that it was possible for someone to be elected perpetually. A perpetually elected official is not what the people want.

Commissioner Libbin stated that the proper way to have this discussion is not on the dais; he suggested letting the Charter Review Board discuss this issue. That is why the Charter Review meets every decade. Why should the City Commission usurp what has been delegated to the Charter Review Committee. The proper place for this discussion is the Charter Review Committee. He finds it curious that it is at this particular moment that this is coming up; particularly since this is not the first time that it comes up. Since he has been on the Commission, Mayor Dermer served six years as Mayor, and there was a strong push by Vice-Mayor Wolfson to appoint former Mayor Dermer to a term back to the Commission. This is an attempt to suppress votes in the next election, and the issue should be discussed by the Charter Review Committee.

Mayor Bower asked Commissioner Tobin if his Charter Amendments were retroactive. Commissioner Tobin responded, "No."

Commissioner Tobin rejected Commissioner Libbin's assertion that this was an attempt to suppress votes. Commissioner Tobin then spoke about Commissioner Libbin's campaign fundraising strategies.

Discussion continued.

MOTION No. 1

Vice-Mayor Wolfson made a motion to approve Version #1, for a permanent ban after 14 years; seconded by Commissioner Tobin. Discussion continued.

Jose Smith, City Attorney, in response to Commissioner Góngora's remarks, interjected that this would apply to the Mayor, as there is retroactivity written into the Charter question.

Commissioner Góngora expressed that this was not something that we needed to move forward with, this could be forwarded to the Charter Review Committee and put it on the ballot in November like all other Charter Amendments; that would be fine. However, to rush this through as some emergency that needs to be taken care of, with this particular time it is wrong.

Voice vote on Motion No. 1

Voice vote 2-5; Opposed: Mayor Bower and Commissioners Exposito, Góngora, Libbin, and Weithorn.

Motion No. 2

Motion made by Vice-Mayor Wolfson to approve Version #2, with the two-year break; seconded by Commissioner Tobin.

Commissioner Libbin added that when the County did this recently, it was going forward, not retroactively.

Voice vote on Motion No. 2

Roll call: 3-4; Opposed: Mayor Bower and Commissioners Exposito, Góngora and Libbin. Motion failed.

Ignacio Diaz, former Mayor of the City of North Bay Village, spoke on term limits.

Mayor Bower stated that this issue would be taken by the Charter Review Board; just by the fact that it was discussed here today. Strong Mayor will be looked at as well. That is the function of Charter Review, to look at this and many other issues.

Motion No. 3

Motion made by Commissioner Libbin to refer this matter to the Charter Review Board; seconded by Commissioner Exposito.

Discussion continued.

Mayor Bower explained as to when and how term limits were first brought to Miami Beach. She added that the embarrassment that this is causing is not to herself, but to the people that are suggesting this. She thanked the people for the pleasure of being the Mayor, but most of all she thanks the people of Miami Beach that have always respected her, loved her and given her their vote to serve them for 14 years, as the highest vote taker in Miami Beach.

Voice vote on Motion No. 3

Roll call: 7-0. **Rafael E. Granado to handle.**

REFERRAL:

Referred to the Charter Review Board to discuss term limits

Handout or Reference Materials:

1. Email from Edward Tobin to Christina White RE: Miami-Dade County Special Election, 5/14/13, dated April 16, 2013.

R9 - New Business and Commission Requests

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

ACTION: The following appointments were made:

AD HOC CHARTER REVIEW AND REVISION BOARD:

Alex Fernandez Term ending 01/01/14 Appointed by Commissioner Weithorn

BICYCLE-PEDESTRIAN FACILITIES ADVISORY COMMITTEE:

Ada Llerandi Term ending 12/31/13 Appointed by Mayor Bower TL 12/31/20
 Frederick Charles Sake Term ending 12/31/14 Appointed by Commissioner Libbin TL 12/31/20

COMMITTEE FOR QUALITY EDUCATION IN MB:

Christy Farhart Rep of the PTA for South Pointe Elementary Term ending 06/30/13

COMMUNITY RELATIONS BOARD:

Andres Asion Term ending 12/31/14 Appointed by Kathie G. Brooks, Int. CM TL 12/31/20

DESIGN REVIEW BOARD:

Lilia Medina Deceased

DISABILITY ACCESS COMMITTEE:

Larry Fuller (TL12/31/13) Term ending 12/31/13 Appointed by Commissioner Libbin TL 12/31/13

HEALTH ADVISORY COMMITTEE:

Harold Foster Reinstated
 (Private Individual) Term ending 12/31/13 Appointed by City Commission TL 12/31/15

HOUSING AUTHORITY:

Eugenio Cabreja Term ending 10/2016 Appointed by Mayor Bower TL 10/11/18

MIAMI BEACH SISTER CITIES PROGRAM:

Bruce Reich (TL12/13)
 Nahariya, Israel Term ending 12/31/14 Appointed by Mayor Bower TL 12/31/13
 Gary Twist Term ending 12/31/14 Appointed by Mayor Bower TL 12/31/17
 Fortaleza Brazil Term ending 12/31/14 Appointed by Mayor Bower TL 12/31/16
 Stephanie Trinidad Term ending 12/31/14 Appointed by Mayor Bower TL 12/31/16
 Other Term ending 12/31/14 Appointed by Mayor Bower TL 12/31/16
 George Neary Term ending 12/31/14 Appointed by Mayor Bower TL 12/31/16
 Other Term ending 12/31/14 Appointed by Mayor Bower TL 12/31/16
 Jessica Londono Term ending 12/31/14 Appointed by Mayor Bower TL 12/31/17
 Ica, Peru Term ending 12/31/14 Appointed by Mayor Bower TL 12/31/17
 Faye Goldin Term ending 12/31/14 Appointed by Mayor Bower TL 12/31/18
 Other Term ending 12/31/14 Appointed by Mayor Bower TL 12/31/18
 Zeiven Beitchman Term ending 12/31/14 Appointed by Mayor Bower TL 12/31/14
 Other Term ending 12/31/14 Appointed by Mayor Bower TL 12/31/14
 Annette Fromm Term ending 12/31/14 Appointed by Mayor Bower TL 12/31/19
 Other Term ending 12/31/14 Appointed by Mayor Bower TL 12/31/19
 Jennifer Diaz Term ending 12/31/14 Appointed by Mayor Bower TL 12/31/19
 Santa Marta, Colombia Term ending 12/31/14 Appointed by Mayor Bower TL 12/31/19

Charlotte Libov Other	Term ending 12/31/13	Appointed by Mayor Bower	TL 12/31/20
Ivan Rusilko Other	Term ending 12/31/13	Appointed by Mayor Bower	TL 12/31/20
Michael McNamme Fujisawa, Japan	Term ending 12/31/13	Appointed by Mayor Bower	TL 12/31/20
Elaine Roden Basel, Switzerland (Moving from Other)	Term ending 12/31/14	Appointed by Mayor Bower	TL 12/31/17

PARKS AND RECREATIONAL FACILITIES BOARD:

Stephanie Rosen Ex-Officio member of the Youth Center Advisory Board

WATERFRONT PROTECTION COMMITTEE:

Mathew Krieger (TL 12/31/13)	Term ending 12/31/14	Appointed by Commissioner Góngora	TL 12/31/13
Margarita Wills	Ex-Officio member, City's Environmental Specialist		

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

ACTION: No appointments were made.

Handout or Reference Materials:

1. City Commission At-Large Nominations for Wednesday, April 17, 2013 – Release #1

12:29:57 p.m.

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

ACTION: The following individuals spoke:

1. Shulamit Klein stated that there is a serious issue regarding a traffic light, where the yellow light is actually changing to red in a very short time. People are aware and complaining. She made reference to a signed petition with approximately 400 signatures. She asked for assistance from the City, and further explained that the Police Department suggested that she speaks to the Mayor and the City Commission about the issue. She has been getting tickets by mail for passing red lights and is going to court.

Mayor Bower requested copies of the petitions and suggested that she speaks to her Aide Gabrielle Redfern.

Commissioner Exposito requested to know who to address in regards to the City's traffic light sequencing. **Public Works will look into this issue, per City Manager Morales.**

Handout or Reference Materials:

1. Letter from Shulamit Klein dated March 18, 2013 to Mayor H. Bower, RE: traffic violation and fines
2. Albert Machado stated that the City lives from the revenue of tourists, and they should take care of the well-being of residents and visitors. He asked why the City does not do something to correct the behavior of bus drivers and the hours of delay in between buses arrivals especially after 11:00 p.m., on weekends.

- 3 Paul Jonas repeated last month's suggestion that meetings should be called on time. He also stated that regarding Item C7E, donation of ambulance and fire equipment to Peru and Mexico, he is curious to know why a large amount of money coming from the residents is being donated to Cities in other countries, and asked why not auction the equipment and use proceeds to fund the Fire Department.

Mayor Bower stated that she will assign staff to speak to him about these issues.

4. Juergen Brendel, President of Venetian Homeowners, stated that in June-July 2011, there was increased burglary at the Venetian Islands. They went to the Police Chief, and at the time, the Chief looked at the budget to install cameras but that did not happen. On March 20th, they visited with Police Chief Martinez and he was told they had money for two license plate readers to be installed on the Islands to be fixed on each side of the island. Mr. Brendel also spoke about the victim on DiLido who passed away due to Fire Rescue delay, and asked that a camera be installed on that bridge, in order for the Police to be able to see if the bridge is up or down and call ahead of time in case of emergencies. **See item R9J.**

Discussion held.

Jimmy Morales, City Manager, clarified that this item is in front of the City Commission to set a public hearing in the future to properly approve this budget.

Commissioner Tobin stated that Mr. Brendel has been here all morning to speak on item R9J, and he suggested that he speak at Sutnick. He added that there are items that do not need to go through the Agenda. He explained that this neighborhood has been hit with many things, and the City could have done something to pacify residents. They were promised two years ago that in the next budget year, license plate readers would be installed. He suggested finding sources to purchase license plate readers without further delay.

Commissioner Libbin recommended amending the Law Enforcement Trust Funds (Confiscation Funds); and State law requires the Commission to amend their budget to authorize to spend the funds. The Police Chief has agreed to spend the money and rather than doing it in October, since it is a life safety issue, it was agreed to amend the budget in May or June and purchase the cameras.

5:54:48 p.m.

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

ACTION: The following individuals spoke:

1. Gil Zriny read an email regarding tennis courts and distributed materials to the City Commission.

Handout or Reference Materials:

1. Flyer "Get the Bollettieri Experience"

- 2 Albert Machado spoke against the bicycles and asked that they move them three feet away from Lincoln Road. He showed pictures of bus drivers that have terrible behavior with the disabled and the elderly. He also showed x-rays of his back. He has trophies and was in the Olympics, but now he is disabled and feels he is mistreated while riding the buses. He praised

Mayor Bower for the work she has done for the beach.

Mayor Bower stated that the bike rack off Lincoln Road is on the east side of the bus stop, very close, and what happens is that the buses stop further up, and not on the bus stop. People cannot come through the bicycle rack, but have to go around, on the street. She agreed that the rack is too close to the bus stop. **Eric Carpenter and Jose Gonzalez to handle.**

- 3 Tammy Tibbles stated that two months ago she spoke at Commission regarding the need to reengage FDOT construction in Alton Road and above ground improvements. The residents are asking for the City Commission to work with them and make a plan to find parking spaces. They also feel that the City needs to engage in getting a speed limit corrected. At the golf course section is 30 mph, which they feel this should be corrected. Businesses along that important commercial corridor need to be protected, engaged and have an advocate from the City to help them through the process. They are working with SOFNA and are now quite a large organization, representing more than 30% of the residents.

Commissioner Tobin stated that FDOT has been working on the project for the past three years.

Mayor Bower requested to find out how many parking spaces are lost during the Alton Road FDOT construction. The problem needs to be looked at holistically to figure out how to help the residents, bike riders to be safe and help the drivers as well. **Saul Frances to handle.**

Jimmy Morales, City Manager, stated that they are on top of FDOT and he will work this out.

4. Paul Jonas stated that 90 parking spaces are being taken by FDOT, and his understanding is that they are required to do that by guidelines. He stated that this would be a good issue for the lobbyists on Tallahassee to discuss.

Handout or Reference Materials:

1. Flamingo opposition to FDOT plan for Alton Road transmitted to Mayor Bower and Members of the Miami Beach City Commission, Senator Gwen Margolis; Representative David Richardson, Florida Secretary of Transportation Ananth Prasad, P.E.; District Six FDOT Secretary Gus Pego.

12:50:24 p.m.

R9C Update On The Miami Beach Convention Center Project.
(City Manager's Office)

ACTION: Oral update given.

Jimmy Morales, City Manager, stated that his goal is to bring the Commission a proposal they are looking for: a state of the art facility for the Convention Center, a state of the art facility for the Convention Center Hotel, and a top-notch public space. The other amenities will be evaluated as a cost component. He is focused on the critical RFP issue. There were internal review sessions during March 26 and 27 with each of the teams seeking to review and refine the Master Plan. A workshop was held on March 27 with an additional updated master plan, traffic and massing details and even a 3D model. Significant public and Commission input were gathered then. Both teams presented to the Convention Center Advisory Board and to the GMCVB and received comments. They followed the Commission's direction and met with Art Basel, Boat Show representatives and others. In addition, there were working sessions on zoning assumptions for

parking with each team on April 2. A presentation to the Miami-Dade County League of Cities was made by Assistant City Manager Jorge Gomez, who did a phenomenal job. They have received rough drafts of LOI's from both parties; Jeff Sachs has been working hard with bond counsel team and financial advisors. There is work in progress, information that is incomplete and they will begin negotiations to get a final LOI in early in May. On an important note, an Affidavit Of Compliance was received during his first week on the job and they are being reviewed by Legal. There is an upcoming May 13 Community Meeting at 6 p.m., followed by a May 15 Commission Workshop, and they will see whether or not to combine the Workshop and Community meetings into one with the City Commission's approval. At the May or June meeting he will probably be bringing a contract with an estimator to examine construction costs from both proposers; but he recommended hiring a consultant and a financial advisor to review the costs to make sure that the City has the expertise and to ensure that the figures are correct.

Mayor Bower stated that her concern is that when presenters asked questions, she tells them that they have to do whatever the people like best; that is what she wants. However, she needs to know more about the deal and about the numbers. She does not feel comfortable at this point, and needs to know more of the deal. This needs to be worked out as it is one of the biggest things happening in the City.

Jimmy Morales, City Manager, shared her concerns, and that is the reason he recommended experts to review costs. He reported that by the July 17 Commission Meeting they do not need to vote on the referendum ballot question to get it on the November 2013 ballot, since the deadline is September 6. He strongly encouraged giving ourselves more time to get comfortable. One critical thing is to get comfortable with the program being proposed (how much retail, residential, etc.); how much of this project they will be subsidizing, and then get comfortable with the reality of the numbers. He suggested taking a hard look at having 1,000-unit hotel, not 800; and Jeff Sachs is already working with that. He suggested not rushing judgment but give themselves additional time. On the referendum issue, there is a question of what exactly triggers the referendum. It is possible that proposers may not want a referendum and they may propose a program that does not affect parking lot. He wants to propose a meeting of the Commission with staff, open to the public, to discuss elements of this program, where they want to see this go, and to some degree their own opinion, as this process has been driven by the public comment process and the development proposers, and not so much for what the City Commission's vision is. He proposes at some point a meeting that is not for public or proponent comments, but a real discussion on issues so that from a collective body you can give direction to the proponents, just like the public has. The decision that will be made in June or July is not a final decision; they will select a team, a Master Plan vision or program to a degree, a path that has a balance of private and public funding, but in regards to developer fees; they need to lock this amount. The three critical elements are from either Tishman or Portman: 1) to build a state of the art Convention Center for a fee, 2) a quality hotel, and 3) quality public spaces. The rest goes to how much can be subsidized. He is in the process, it is a work in progress, and they should give themselves ample time and information.

Commissioner Libbin stated that the funding source or methodology at some point, perhaps in May, needs to be laid out, so people understand where the money is coming from.

Jimmy Morales, City Manager, explained that they are identifying public and private sources, and he is meeting with Mayor Gimenez tomorrow to talk about the RDA. Staff is identifying all possible public pots of money, the private streams that can be generated, so they can put together the minimum costs and discuss the extra costs and how much they want to do. The mandate this Commission had is to have a competitive, state of the art Convention Center facility with a Convention Center Hotel, and they will have to look at the booking policy in order to attract

meetings and shows that bring “heads and beds,” and the public space. This project needs to have that quality space that is Miami Beach. The other elements of how much retail or residential, to a degree affect the costs.

Commissioner Tobin stated that the City Manager gave a decent explanation. He wants a great Convention Center and a Convention Center Hotel. As far as he is concerned, the rest of the property can be a park. They considered building anything else, because it may help to defray the costs of fixing the Convention Center. He suggested that expert estimators calculate the cost of the two projects, and hire an expert that looks at constructability during the planning process and while the architects are drafting their plans. **Maria Hernandez to handle.** He also suggested that in addition to an estimator, that someone more practical is hired. The hotel will be built on City property; the way this deals work is that the City gets a percentage of the gross revenue generated from the hotel, whatever that percentage may be, and the extra part of that deal might be at a certain excessive profit or net revenue. That is the real estate part. The part that comes out of the City’s pocket is \$300 or \$400 million, and in that respect is a construction deal. They do not have any professionals at this juncture that are making sure that construction schedules or process are met or that stay on time, so he urges again to get someone on board that understands construction at a deep level as the City Manager is suggesting.

Commissioner Exposito thanked the City Manager for addressing his concerns, and he added that it is important to do proper due diligence before voting in terms of which team is better capable of delivering the project, which team can deliver on time and budget, and ensure that they do not get into overruns and cost additions. Lastly, is the issue of having a full analysis of how these bonds will affect the City’s ability moving forward for future projects. That needs to be looked at. **Patricia Walker to handle.**

Commissioner Tobin suggested vetting local construction companies as well.

Commissioner Góngora stated that most meetings address the design, and he asked that they focus collectively on the financial picture, how is it going to be done, what the responsibilities are, and what the developers are bringing to the table. Other than the design component, they need to focus on the financial issues. One of the big concerns raised by residents is the traffic impact. The issue of mass transit was recently referred to Land Use and Development Committee, but they need to focus on how this project can affect traffic and how the City will deal with that.

Jimmy Morales, City Manager, suggested targeting booking policies to attract more of meeting conventions that last a few days and bringing programming that will bring large conventions that do not necessarily affect traffic.

Commissioner Tobin is very confident that this Commission is doing this in a very thoughtful and organized manner with great public input, and feels good about it so far. In regards to holding the Workshop , he stated that it is an excellent suggestion by the City Manager.

1:21:57 p.m.

SUPPLEMENTAL 1: Memorandum & Resolution

- R9D Discuss A Resolution Urging The United States Congress To Support National Immigration Reform That Leads To A Pathway To United States Citizenship.
(Requested by Mayor Matti Herrera Bower)

ACTION: Discussion held. **Resolution No. 2013-28195 adopted.** Motion made by Commissioner Góngora; seconded by Commissioner Exposito; Voice vote: 5-0; Absent: Vice-Mayor Wolfson and Commissioner Weithorn. **Rafael E. Granado to transmit.**

- R9E Discuss Repealing Sec. 74-1, Entitled "Soliciting Business In Public From Pedestrians" Of The Code Of The City Of Miami Beach, Florida And/Or A Referral To The Land Use And Development Committee To Discuss Said Section 74-1.
(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Item not reached.

- R9F Discuss A Resolution Requiring The Two Short Listed Proposer Firms Being Disqualified If They Do Not Submit The Required Affidavits On Or Before May 1, 2013, For The Convention Center RFQ.
(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Item not reached.

- R9G Discussion Of Actuarial Valuation Reports For The City's Two Pension Plans, The Miami Beach Employees Plan And The City Pension Fund For Firefighters And Police Officers.
(Requested by Commissioner Deede Weithorn)

ACTION: Item not reached.

ADDENDUM 1

1:27:40 p.m.

- R9H Discussion Regarding A Prior Agreement Between Ocean Drive Association And The City Of Miami Beach To Share The Costs Of Barricades To Be Placed On Ocean Drive During Memorial Weekend For The Safety Of The Patrons In The Sidewalk Cafes.
(Requested by Commissioner Jerry Libbin)

ACTION: Discussion held. Motion made by Commissioner Libbin to find funds and share cost of barricades during this year's Memorial Weekend in sidewalk cafes, not to exceed \$7,500; seconded by Commissioner Exposito; Voice-vote; 5-0; Absent: Vice-Mayor Wolfson and Commissioner Weithorn.

Commissioner Libbin stated that he met with the Ocean Drive Association and the Police about the upcoming Memorial Day, and during the meeting it was brought out that during last year the Police Department made a commitment to share the cost of the barricades that were placed on Ocean Drive to protect the people inside of the cafes, and the total cost was about \$15,000, the bill was sent to MBPD, apparently during administration changes, and the bill never was paid. They are not seeking reimbursement of the \$7,500, but are requesting that this year they want

commitment 50% of the cost to recover from this year. He thinks it is reasonable for the protection of people.

Discussion held.

Jimmy Morales, City Manager, stated that if the Commission direction is to do that, it is fine. If last year the Police agreed to pay half, it should have been a direction to come from the City Manager's Office.

TO DO: Commissioner Libbin directed Administration to find the half and share the cost not to exceed \$7,500.

10:29:17 a.m.

ADDENDUM 1

R9I Discussion Regarding A Resolution Pursuant To City Code Section 118-591 Declining To Pursue The Proposed Designation Of 42 Star Island Drive As An Historic Site.
(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Item not added to the agenda.

Mayor Bower stated that both parties have not been informed and she would like to give them an opportunity. She asked if the resolution can be voted on today. Mr. Held answered affirmatively, and she would rather discuss this issue when both parties have the input. She suggested discussing the item at the May 8 Commission Meeting.

Commissioner Tobin wants to discuss this item, and he asked the City Clerk or the City Attorney for clarification to discuss, although he is not prepared to vote at this time.

Jose Smith, City Attorney, explained the window of time of 60 days under the City Code, to decide to abort the designation process; it can be done today or at the next meeting.

Jorge Gomez, Assistant City Manager, explained the City Commission was notified by LTC and that it requires 5/7 vote to stop the designation process, and it will have to come back after the Land Use Boards review, which may take a lengthy process.

Discussion continued.

Commissioner Tobin has a problem with singling out a private home and declaring it against the property owner's wishes as historic; he does not want, due to legal loophole, to take away the authority of the City Commission to act on this matter.

Jorge Gomez, Assistant City Manager, stated that the Historic Preservation Board took action on April 9, 2013. Sixty days from this date is June 8, 2013, so the item can come back to Commission in May or June.

Michael Larkin requested a time certain. Mayor Bower agreed to grant a time certain after 5:00 p.m.

12:39:25 p.m.

ADDENDUM 1

R9J Discussion Regarding Setting A Public Hearing To Amend The Miami Beach Police Department Law Enforcement Trust Fund (LETF) Budget To Accommodate The Purchase And Installation Of A Permanent License Plate Reader System On The Venetian Causeway.

(Requested by Commissioner Jerry Libbin)

ACTION: Discussion held. **Resolution No. 2013-28196.** See comments made by Mr. Brendel, Item R9B(1). Motion made by Commissioner Libbin; seconded by Commissioner Tobin; Voice-vote: 5-0; Absent: Vice-Mayor Wolfson and Commissioner Weithorn. Rafael E. Granado to advertise. **Chief Martinez to handle.**

Handout or Reference Materials:

1. Speaker's List – Juergen Brendel, Item R9J

1:24:11 p.m.

R9K Discussion Regarding A Resolution Urging The Governor And Legislature Of The State Of Florida To Enhance The Florida Film & Entertainment Industry Financial Incentive Program With Additional Tax Credits.

(Requested by Commissioner Jerry Libbin)

ACTION: Discussion held. **Resolution 2013-28197 adopted.** Motion made by Commissioner Libbin; seconded by Commissioner Góngora; Voice-vote: 5-0. Absent: Vice-Mayor Wolfson and Commissioner Weithorn. **Rafael E. Granado to transmit. Max Sklar to handle.**

Commissioner Libbin explained that one of the legislative priorities was to support the film industry and asked the Legislature to improve a subsidy for the film industry last year, approximately \$60 million; however, this year the Governor has not agreed to put that in, and he suggested passing a resolution to give direction to the City's Lobbyists to push the issue at State level. He added that the Governor was not inclined to include this in the budget because the industry did not quantify the results from the subsidy, so he thinks from this last effort it is essential to direct our lobbyists to bring forth whatever information is available.

1:26:00 p.m.

R9L Discussion Concerning The Charter Review Committee, To Include: Membership, Meeting Schedule, Timeline, And Expected Outcomes.

(Requested by Commissioner Michael Góngora)

ACTION: Discussion held.

Commissioner Góngora wants to make sure that everyone has appointed members to the Charter Review Board Committee, and that meetings will be held in a timely fashion.

Rafael E. Granado, City Clerk, stated that the first Charter Review Board meeting is scheduled for April 25, 2013 at 3:30 p.m. He read into the record the names of the board members, which are as follows:

Steve Zack	Appointed by Mayor Bower
Scott Diffenderfer	Appointed by Commissioner Exposito
Jackie Lalonde	Appointed by Commissioner Góngora
Aaron Perry	Appointed by Commissioner Libbin
Alex Fernandez	Appointed by Commissioner Weithorn
Rick Preira	Appointed by Vice-Mayor Wolfson

The City Clerk added that an email was sent on April 16, 2013 to the City Commission with a draft agenda, and asked for suggestions to include.

Handout or Reference Materials:

1. CRB Agenda and list of members

R10 - City Attorney Reports

p.m.

R10A City Attorney's Status Report.

(City Attorney Office)

ACTION: Report given.

1:32:51 p.m.

Announcement

Jose Smith, City Attorney, announced the Closed Executive Session below:

R10B Notice Of Closed Executive Session

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, April 17, 2013, In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Of Actuarial Valuation Reports For The City's Two Pension Plans, Miami Beach Employees Plan And The City Pension Fund For Firefighters And Police Officers.

(Requested by Commissioner Deede Weithorn)

ACTION: Closed Executive Session held.

Handout or Reference Materials:

1. Email from Sylvia Crespo-Tabak dated April 16, 2013 RE: Executive Session.

Reports and Informational Items

1. Reports and Informational Items (see LTC No. 118-2013)
2. List of Projects Covered by the Cone of Silence Ordinance - LTC.
(Procurement)

End of Regular Agenda

Miami Beach Redevelopment Agency

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
April 17, 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

Executive Director Jimmy L. Morales
Assistant Director Jorge Gomez
General Counsel Jose Smith
Secretary Rafael E. Granado

AGENDA

1. NEW BUSINESS

12:25:26 p.m.

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Approving And Authorizing The Chairperson And Secretary To Execute A Third Amendment 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; And Further Approving, Following A Duly Noticed Public Hearing As Required By Section 142-362 Of The City Of Miami Beach Code, An Entertainment Component, Which Will Be Added As An Additional Use Of The Leased Premises In Conjunction With Tenant's Re-Opening And Re-Branding Of Such Premises. **10:00 a.m. Public Hearing, Joint City Commission & Redevelopment Agency**

(Real Estate, Housing & Community Development)

ACTION: Item opened and continued. Item heard in conjunction with R7A. Motion made by Commissioner Libbin, seconded by Commissioner Góngora to open and continue the item to the May 8, 2013 Commission Meeting. Voice-vote: 5-0; Absent: Vice-Mayor Wolfson and Commissioner Weithorn. Lilia Cardillo to place on the Commission Agenda when received. **Anna Parekh to handle.**

Commissioner Tobin stated that he has been asking to discuss this item for several months. He understands that the tenants need to provide the City with documents needed for review to resolve this issue.

Discussion held.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad #770

Meeting adjourned at 7:03:39 p.m.