

# MIAMI BEACH

## Special City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
September 30, 2013

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

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.*

Call to Order - 5:00 p.m.  
Inspirational Message, Pledge of Allegiance  
Requests for Additions, Withdrawals, and Deferrals

#### Presentations and Awards

PA Presentations and Awards

#### Consent Agenda

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

#### Regular Agenda

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

#### Reports and Informational Items

**R5 - Ordinances**

R5A Amend Chapter 50 And Chapter 102

1. An Ordinance Amending Chapter 50 Of The City Of Miami Beach Code, Entitled "Fire Prevention And Protection," By Amending Section 50-4 Thereof, Entitled "Enforcement By Fire Inspectors; Notice Of Violation," To Add Citations And Implement New Fine Schedule Related To Fire Code Violations; By Amending Section 50-5 Thereof, Entitled "Annual Fire Prevention And Fire Safety Inspection Permit" To Include The Night Inspection Fee Previously Adopted Under Section 102.379 Of The City Code; Providing For Repealer, Severability, Effective Date, And Codification. **5:04 p.m. Second Reading Public Hearing**
  
2. An Ordinance Amending Chapter 102 Of The Code Of The City Of Miami Beach, Entitled "Taxation," By Deleting The Nightclub Fee Set Forth In Section 102.379, Entitled "Schedule Of Taxes, Effective October 1, 2009"; Providing For Repealer, Severability, Codification, And An Effective Date. **5:04 p.m. Second Reading Public Hearing**  
(Requested by the Neighborhood/Community Affairs Committee)  
(Legislative Tracking: Fire Department)  
(First Reading on September 11, 2013)

R5B An Ordinance Amending Chapter 50 Of The Code Of The City Of Miami Beach, Entitled "Fire Prevention And Protection," By Creating Section 50-8 Thereof, To Be Entitled "Fire Alarms, Regulations, Penalties, Enforcement" To Establish Requirements And Fines For False Fire Alarms; Providing For Repealer, Severability, And An Effective Date. **5:04 p.m. Second Reading Public Hearing**

(Requested by the Finance & Citywide Projects Committee)  
(Legislative Tracking: Fire Department)  
(First Reading on September 11, 2013)

R5C An Ordinance Amending Appendix A, Entitled "Fee Schedule" For Subsection (A) Of Section 110-168, Entitled "Sanitary Sewer Service Charge," Of Chapter 110 Of The Miami Beach City Code, Entitled "Utilities," Article IV, Entitled "Fees, Charges, Rates And Billing Procedure"; Division 2 Thereof, Entitled "Rates, Fees And Charges," To Increase The Sanitary Sewer Service Charge Imposed By The City; Providing For Codification, Repealer, Severability, And An Effective Date. **5:04 p.m. Second Reading Public Hearing**

(Requested by the Finance & Citywide Projects Committee)  
(Legislative Tracking: Public Works)  
(First Reading on September 11, 2013)

**R5 - Ordinances** (Continued)

- R5D An Ordinance Amending Part I, Subpart B, Article IX, Related Special Acts, Of The Miami Beach City Code Entitled "Pension System For Disability And Retirement Of Members Of Police And Fire Departments"; Implementing Provisions Of The 2012-2015 Collective Bargaining Agreements Between The City And Fire Fighters Of Miami Beach, IAFF Local 1510, And Miami Beach Fraternal Order Of Police, William Nichols Lodge No. 8; Amending Section 62 Entitled "Definitions"; Amending Section 63 Entitled "Source Of Monies For Fund; Computation Of Liability; Use And Investment Of Fund"; Amending Section 65 Entitled "Computation Of Creditable Service; Service Record"; Amending Section 66 Entitled "Service And Disability Benefits Generally"; Amending Section 67 Entitled "Cost Of Living Adjustment"; Amending Section 79 Entitled "Deferred Retirement Option Plan"; Amending Section 82 Entitled "Military Service"; Creating A New Section 88 Entitled "Benefits For Members Hired On Or After September 30, 2013, Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing For An Effective Date. **5:04 p.m. Second Reading Public Hearing**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Human Resources)

(First Reading on September 11, 2013)

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

- R5E Unclassified Salary Ordinance

An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance; Abolishing Pay Grade 1 And Pay Grade 2; Abolishing The Classifications Of: General Services Director, Transportation And Concurrence Manager, Neighborhood Services Director, Community/Economic Development Director, Cultural Affairs & Tourism Development Director, Procurement Division Director, Information Technology Division Director, Code Compliance Division Director, Assistant Director Procurement Division, Service Delivery Manager, Office Associate I And Public Information Officer; Establishing The Classifications Of Tourism, Cultural Affairs And Economic Development Director, Deputy Building Director, Procurement Director, Information Technology Director, Assistant Director Human Resources, Housing And Community Development Director, Infrastructure Division Director, Assistant City Engineer, Assistant Director Procurement, Building Operations Manager, Investigator Supervisor, Community Services Division Director, Administrative Services Manager, Public Safety Special Projects Coordinator, Property Maintenance/Operations Superintendent, Director Of The Office Of Communications, Leasing Specialist, Public Safety Management/Budget Analyst, Performance And Scheduling Analyst, Office Manager (City Attorney), Visual Communications Specialist, Constituent/Commission Aide, Financial Analyst, Public Safety Payroll Administrator, Senior GIS Analyst, And Records Supervisor; Ratifying The Pay Grade Change For The Assistant Director Parking, Assistant Director Parks And Assistant Director Recreation Classifications; And Effective The First Full Pay Period Ending In October 2014, Increasing The Minimum And The Maximum Of Each Pay Grade By Three Percent (3%); And Granting An Across The Board Cost Of Living Adjustment Of Up To Three Percent (3%) For Any Unclassified Employee Whose Base Salary Does Not Exceed The Maximum Of The Pay Range For The Comparable Job Title As Recommended By The 2009 Condrey Classification And Compensation Study "Pay Scale B," Subsequently Amended By Seven Percent (7%) In August 2013, By The Consultant; Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification. **First Reading**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Human Resources)

**R5 - Ordinances** (Continued)

R5F Others Salary Ordinance

An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: Providing For The Classifications In Group VI, Not Represented By A Collective Bargaining Unit And Commonly Referred To As "Others"; Amending All Of The Pay Grades By Abolishing Pay Grade 1; Establishing The Classifications Of Fire Inspector I And Seasonal Recreation Aide; And Effective The First Full Pay Period Ending In October 2014, Increasing The Minimum And The Maximum Of Each Pay Grade, By Three Percent (3%); And Granting An Across The Board Cost Of Living Adjustment Of Up To Three Percent (3%) For Any "Others" Employee Whose Base Salary Does Not Exceed The Maximum Of The Pay Range For The Comparable Job Title As Recommended By The 2009 Condrey Classification And Compensation Study "Pay Scale B" And Subsequently Amended By Seven Percent 7% In August 2013 By The Consultant; Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification. **First Reading**  
(Sponsored by Commissioner Deede Weithorn)  
(Legislative Tracking: Human Resources)

**R7 - Resolutions**

R7A1 Adopt Final Ad Valorem Millage For General Operating Purposes

A Resolution Adopting: 1) The Final Ad Valorem Millage Of 5.8634 Mills For General Operating Purposes, Which Is Six And Three-Tenth Percent (6.3%) More Than The "Rolled-Back" Rate Of 5.5158 Mills; And 2) The Debt Service Millage Rate Of 0.2529 Mills For Fiscal Year (FY) 2013/14. **5:01 p.m. Second Reading Public Hearing**  
(Budget & Performance Improvement)

R7A2 Adopt Final Budgets For General, G.O., RDA, Enterprise, And Internal Service Funds

A Resolution Adopting Final Budgets For The General, G.O. Debt Service, RDA Ad Valorem Taxes, Enterprise, And Internal Service Funds For Fiscal Year (FY) 2013/14. **5:01 p.m. Second Reading Public Hearing**  
(Budget & Performance Improvement)

R7B1 Adopt Final Ad Valorem Millage for Normandy Shores Local Government

A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Final Ad Valorem Millage Of 1.2687 Mills For Fiscal Year (FY) 2013/14 For The Normandy Shores Local Government District, Which Is Nineteen Percent (19.0%) More Than The "Rolled-Back" Rate Of 1.0664 Mills. **5:02 p.m. Second Reading Public Hearing**  
(Budget & Performance Improvement)

R7B2 Adopt Final Operating Budget For Normandy Shores Local Government

A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Final Operating Budget For Fiscal Year (FY) 2013/14. **5:02 p.m. Second Reading Public Hearing**  
(Budget & Performance Improvement)

**R7 - Resolutions** (Continued)

- R7C Adopt Final FY 2013/14-2017/18 Capital Improvement Plan & Capital Budget  
A Resolution Adopting The Final Capital Improvement Plan For Fiscal Years (FY) 2013/14-2017/18  
And Adopting The Final Capital Budget For FY 2013/14. **5:03 p.m. Second Reading Public  
Hearing/Joint City Commission & Redevelopment Agency**  
(Budget & Performance Improvement)
- R7D Adopt FY 2013/14 Final Budgets For Special Revenue Funds  
A Resolution Adopting Fiscal Year (FY) 2013/14 Final Budgets For Special Revenue Funds For  
Resort Tax; The 7th Street Parking Garage Operations; The 5th And Alton Parking Garage  
Operations; Art In Public Places (AiPP), Tourism And Hospitality Scholarship Program, Green/  
Sustainability Funds, Waste Hauler Additional Services And Public Benefit Funds, Education  
Compact Funds, Red Light Camera Funds, And Emergency 911 Funds. **5:03 p.m. Second Reading  
Public Hearing**  
(Budget & Performance Improvement)
- R7E Adopt Final FY 2013/14 PTP Budget & South Beach Concurrency Mitigation Funds  
A Resolution Adopting The Final Budget Of \$1,200,000 From Fiscal Year (FY) 2013/14 People's  
Transportation Plan Funds And \$87,000 From FY 2013/14 South Beach Concurrency Mitigation  
Funds, To Fund The Final Operating Budget For The South Beach Local In Miami Beach; And  
Further Adopting The Final Budget Of \$301,000 From FY 2013/14 People's Transportation Plan  
Funds For Administrative And Technical Operating Expenditures, As Part Of The Five Percent (5%)  
Allowable For Administrative Assistance And Technical Assistance. **5:03 p.m. Second Reading  
Public Hearing**  
(Public Works)
- R7F Adopt Miami Beach Cultural Arts Council's FY 2013/14 Final Budget  
A Resolution Authorizing The Adoption Of The Miami Beach Cultural Arts Council's Fiscal Year (FY)  
2013/14 Budget In The Amount Of \$1,470,000. **5:03 p.m. Second Reading Public Hearing**  
(Tourism, Culture & Economic Development)
- R7G Adopt Police Special Revenue Account Final Budget  
A Resolution Adopting The Fiscal Year (FY) 2013/14 Police Special Revenue Account Final Budget In  
The Amount Of \$75,000 For The Purchase Of Those Items Set Forth In Exhibit "A," And Such  
Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue Account.  
**5:03 p.m. Second Reading Public Hearing**  
(Police)
- R7H Adopt Police Confiscation Trust Fund Final Budget  
A Resolution Adopting The Police Confiscation Trust Fund Final Budget For Fiscal Year (FY) 2013/14  
In The Amount Of \$724,000, To Be Funded From State Confiscated Funds In The Amount Of  
\$235,000 And Federal Justice Confiscated Funds In The Amount Of \$489,000, For The Appropriation  
And Expenditure Of Those Items Set Forth In Exhibit "A," Which Shall Be Funded Through The Police  
Confiscation Trust. **5:03 p.m. Second Reading Public Hearing**  
(Police)

**R7 - Resolutions** (Continued)

- R7I Adopt Police Training And School Resources Fund Final Budget  
A Resolution Adopting The Fiscal Year (FY) 2013/2014 Police Training And School Resources Fund Final Budget In The Amount Of \$35,000. **5:03 p.m. Second Reading Public Hearing**  
(Police)
- R7J A Resolution Adopting The Second Amendment To The Fiscal Year (FY) 2012/13 General Fund And Enterprise Fund Budgets. **5:03 p.m. Public Hearing**  
(Budget & Performance Improvement)
- R7K A Resolution Adopting And Appropriating The Fourth Amendment To The Police Confiscation Trust Budget For Fiscal Year 2012/13 In The Amount Of \$10,000, To Be Funded From The Proceeds Of State Confiscated Funds, For The Appropriation And Expenditure Of Those Items Set Forth In Exhibit "A," Which Shall Be Funded Through The Police Confiscation Trust Fund. **5:03 p.m. Public Hearing**  
(Police)
- R7L A Resolution Approving An Allocation, In The Amount Of \$651,000, From FY 2013/14 General Fund Account No. 011.0930; Said Allocation To Be Provided And Utilized By The Friends Of The Bass Museum, Inc., For The Purpose Of Continuing To Fund And Provide Certain Operating Expenses At The Bass Museum Of Art, Through September 30, 2014; And Further Authorizing The City Manager To Execute A New Letter Agreement With The Friends Of The Bass Museum, Inc., Memorializing The Parties' Respective Obligations With Regard To Certain Management And Operation Responsibilities Of The Bass Museum Through September 30, 2014.  
(Tourism, Cultural & Economic Development)
- R7M A Resolution Adopting The Miami Beach Visitor And Convention Authority (MBVCA) FY 2013/14 Budget, In The Amount Of \$2,664,000.  
(Tourism, Cultural & Economic Development)
- R7N A Resolution Accepting The City Manager's Recommendation, And Approving The Cultural Arts Council's Funding Recommendations, And Awarding \$710,000 In Cultural Grants, For Fiscal Year 2013/14, As Identified In The Attached Exhibit "A"; And Further Authorizing The Mayor And City Clerk To Execute Said Grant Agreements, And Make The Award Of Said Grant Monies Subject To And Contingent Upon The Approval Of The Cultural Arts Council's Budget For The Fiscal Year 2013/14.  
(Tourism, Cultural & Economic Development)
- R7O A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee (FCWPC) To Maintain Fiscal Year 2014 Living Wage Rate Levels Consistent With Fiscal Year 2013 Rate Levels.  
(Procurement)

**R7 - Resolutions** (Continued)

- R7P A Resolution Setting A Public Hearing To Adopt The Second Amendment To The Special Revenue Fund Budgets For Fiscal Year (FY) 2012/13.  
(Budget & Performance Improvement)
- R7Q Resolution Approving The Terms Of A License Agreement Between The City And Destination Brands For An Exclusive Miami Beach Sun Care Line, Which Is Attached As Exhibit "A," With Said Agreement Having An Initial Term Of Five (5) Years; And Authorizing The Mayor And City Clerk To Execute The Final Agreement; Provided, However, That In The Event That The Final Negotiated Agreement Includes Any Term Or Terms Which Substantially Deviate From The Approved Substantive Terms (As Referenced In The Attached Exhibit "A"), Or Contain New And/Or Additional Terms Which, In The City Manager And City Attorney's Opinion, Materially Alter The Proposed Transaction, Then Requiring That The Final Negotiated Agreement To Be Brought To The City  
(Tourism, Culture And Economic Development)  
**(Memorandum to be Submitted in Supplemental)**

**R7 - Resolutions** (Continued)

R7R Independent Contractor Agreements

1. A Resolution Authorizing The City Manager, On Behalf Of The City, To Enter Into Certain Independent Contractor Agreements For Professional And Other Services, As Required And As The City Manager Deems In The Best Interest Of The City, Subject To And Contingent Upon The Following Parameters: 1) The City Manager Shall Only Enter Into Contracts For Such Professional And Other Services To Provide Services And/Or Work Related To Vacant Budgeted Positions, As Identified In The City's Approved Fiscal Year (FY) 2013/2014 Annual Budget; 2) The Amount Of The Fee And/Or Other Compensation To Be Paid By The City Under Such Contract(s) Shall Not Exceed The Authorized Amount For The Respective Position/ Classification, As Set Forth, Respectively, In The City's Classified Or Unclassified Salary Ordinance (As The Case May Be); 3) The Term Of Any Independent Contractor Agreement Authorized Herein Shall Not Extend Beyond The End Of FY 2013/2014 (September 30, 2014); 4) At A Minimum, The City Manager Shall Require That Any Independent Contractor Agreement Entered Into Pursuant To This Resolution Shall Utilize The City's Standard Form For Independent Contractors (As Attached To This Resolution), Provided That The City Manager May Incorporate Additional Terms, Which May Be More Stringent Than The City's Form, But Not More Lenient; And 5) Providing That The Authority Granted To The City Manager Pursuant To This Resolution Shall Be Brought To The City Commission For Renewal Annually As Part Of The Annual Operating Budget Approvals.
  
2. A Resolution Authorizing The City Manager, On Behalf Of The City, To Enter Into Certain Independent Contractor Agreements For The Following Services, As Required And As The City Manager Deems In The Best Interest Of The City: Athletics Instruction/Coaching/ Refereeing Including But Not Limited To The Following Categories: Baseball, Softball, Soccer, Gymnastics, Cheerleading, Volleyball; Ice Skating, Hockey, Swimming, Ice Guards, Aerobics Instruction; Fitness Instruction; Arts/Music/Cultural/Drama Instruction And Or Instrument Repair; Computer/Media Services Including But Not Limited To Instruction And Repair; Summer Camp Instruction; Special Needs Children Instruction; Instruction/Tutoring Including But Not Limited To Education; Cotillion; Speech, Debate, Social Skills, Literacy, Math And SAT; Fitness Classes Including But Not Limited To Aerobics, Zumba, Weight Room, Weight Loss, General Fitness Instruction, Adult And Youth Boot Camp And Baby Boot Camp; School Liaison Officers; Resident Project Representatives (RPR); Community/Public Information Services; Construction Cost Estimating/ Consulting Services; Video Production Services; Photography/Videography Services; Graphic Design Services; Program Monitor Services; Cost Allocation Service; Job Audits; Step III Disciplinary Grievance Hearing Officer; Auditors; Historical Research; Latent Examiner Services; Medical Director And Accreditation Services/Support; Psychological And Testing Services; Professional Training Services Including But Not Limited To Sexual Harassment, Diversity And Team Building; Provided Further That The City Manager Shall Be Authorized To Negotiate, Enter Into, And Execute The Aforestated Agreements Subject To The Following Minimum Parameters: 1) The Amount Of The Fee And/Or Other Compensation To Be Paid By The City Under Such Agreement(s) Shall Not Exceed The Authorized Amount For The Respective Services, As Set Forth In The City's Approved Fiscal Year (FY) 2013/2014 Annual Budget; 2) The Term Of Any Services Agreement Authorized Herein Shall Not Extend Beyond The End Of FY 2013/2014 (September 30, 2014); 3) At A Minimum, The City Manager Shall Require That Any Agreement Entered Into Pursuant To This Resolution Shall Utilize The City's Standard Form Independent Contractor Agreement (As Attached To This Resolution), Provided That The City Manager May Incorporate Additional Terms, Which May Be More Stringent Than The City's Form, But Not More Lenient; And 4) Providing That The Authority Granted To The City Manager Pursuant To This Resolution Shall Be Brought To The City Commission For Renewal Annually As Part Of The Annual Operating Budget Approvals.

(Human Resources)

**R9 - New Business and Commission**

R9A Discussion Regarding The Florida Third District Court Of Appeal Decision In: Let Miami Beach Decide v. City Of Miami Beach And SBACE, LLC, Third District Court Of Appeal, Case #3D13-2243; Lower Tribunal Case No. 13-025234 CA13.  
(City Attorney's Office)

R9B Discussion Regarding Miami-Dade County's Request For Contribution Toward The Operational Cost Of South Shore Library.  
(City Manager's Office)

**End of Regular Agenda**

## **Miami Beach Redevelopment Agency**

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
September 30, 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 Joe Jimenez  
General Counsel Jose Smith  
Secretary Rafael E. Granado

### **AGENDA**

#### 1. NEW BUSINESS

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency, Adopting And Appropriating The Operating Budgets For The City Center Redevelopment Area, The Anchor Shops And Parking Garage And The Pennsylvania Avenue Shops And Garage For Fiscal Year 2013/14.  
(Tourism, Cultural & Economic Development)
  
- B A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency, Adopting And Appropriating The Miami Beach Redevelopment Agency Capital Budget For Fiscal Year (FY) 2013/14 And Adopting The Capital Improvement Plan For 2013/14 Through 2017/18. **Joint City Commission & Redevelopment Agency**  
(Tourism, Cultural & Economic Development)

**End of RDA Agenda**