

MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
September 11, 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.

Meeting called to order at 9:49:57 a.m.

Mayor Bower called for a moment of silence in remembrance of the victims of September 11.

Inspirational Message given by Peace Ambassador Dr. Harmony Fontaine.

Pledge of Allegiance led by Dona Zemo.

Requests for Additions, Withdrawals and Deferrals announced by Rafael E. Granado, City Clerk.

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

ADDENDUM MATERIAL 1:

R2A, R9M, R9N, R9O, R9P

ADDENDUM AGENDA 2:

R9Q

SUPPLEMENTAL MATERIAL 1:

R7A 1 Memorandum
R7A2 Memorandum
R7J Resolution

SUPPLEMENT MATERIALS 2:

C7B Resolution	R5C Ordinance	R5Q Ordinance
C7I Resolution	R5H Ordinance	R5R Ordinance
C7K Resolution	R5I Ordinance	R5T Ordinance
C7P Resolution	R5J Ordinance	
C7Q Resolution	R5K Ordinance	
C7S Resolution	R5L Ordinance	
C7T Resolution	R5M Ordinance	
C7U Resolution	R5O Ordinance	

SUPPLEMENTAL MATERIAL 3:

C2D Memorandum from Commissioner Deede Weithorn with Comments
 C7B Resolution & Additional Information
 C7I Resolution
 C7S Resolution
 R7A1 Resolution R7C Resolution
 R7A2 Resolution R7D Resolution
 R7B1 Resolution R7F Resolution
 R7B2 Resolution R7N Resolution

SUPPLEMENTAL MATERIAL 4:

R5A Revised Actuarial Impact Statement
R5K Revised Memorandum
R5L Revised Memorandum
R5Q Ordinance
R7E Resolution

ADDENDUM:

Motion made by Commissioner Exposito to add Addendum Items R2A, R9M, R9N, R9O, R9P and R9Q as emergency items; seconded by Commissioner Góngora; Voice vote: 6-0; Absent: Commissioner Weithorn.

11:38:05 p.m.

Motion made by Commissioner Góngora to refer Item R9N to NCAC; seconded by Vice-Mayor Tobin; Voice vote 6-0: Absent: Commissioner Weithorn. See action with Item R9N.

Presentations and Awards**10:36:38 a.m.**

PA1 Certificate Of Appreciation To Be Presented To The Miami Beach Police Department's Officer Of The Month For July 2013.

(Requested by Commissioner Jorge R. Exposito)

ACTION: Certificate presented.

Commissioner Exposito recognized Detective Grant Reid as Officer of the Month for July. Officer Reid assisted a victim of theft at the Fontainebleau Hotel on March 25. Because of his resourcefulness, tenacity, commitment and perseverance, he was able to apprehend the thief in Jamaica, Queens, New York, with the assistance of NYPD. Detective Reid is doing an exemplary job, and Commissioner Exposito thanked Reid for his dedication.

Detective Reid stated this sends a message to perpetrators of similar crimes on tourists, that no matter where they are or where they go, the Miami Beach Police Department will find them. After this arrest, there was a major decrease in these types of crimes.

Commissioner Exposito stated that Officer Reid was assisted by Sergeant A.J. Prieto and Detective Gary Aime, and they are also being recognized for their efforts.

Chief Martinez added that Detective Reid was also selected by the Miami-Dade County Chiefs of Police Association last month as Officer of the Month for a robbery/shooting case.

PA2 Certificates Of Recognition To Be Presented To Some Members Of The Manager's Office, The Miami Beach Chamber Of Commerce And Some Members Of The Mayor's Office, For Their Prompt Assistance During The Fire At 255 West 24th, Mantell Plaza, On July 31, 2013.

(Requested by Commissioner Jorge R. Exposito)

ACTION: Item withdrawn by Commissioner Exposito.

Handout or Reference Materials:

1. Email to Granado, Rafael RE: removing item from agenda.

9:57:24 a.m.

PA3 Proclamation To Be Presented In Honor Of Hispanic Heritage Month (September 15 - October 15, 2013).

(Requested by the City Commission)

ACTION: Proclamation presented.

Mayor Bower announced that September 15 through October 15, 2013 the City celebrates Hispanic Heritage Month. She introduced Frankie Trullenque, Hispanic Affairs Committee Chair, to announce the events being held.

Mr. Trullenque, Chairman of the Hispanic Affairs Committee, accepted the proclamation on behalf of the Committee and thanked the City Commission for their support; Mayor Bower has been instrumental and they have followed her lead. This year's celebration will include exhibits and

events in City Hall. On September 25, from 6 PM to 9 PM, they are having food trucks with Hispanic oriented food, music and entertainment. Orgullo is having a concert in the Bandshell on October 5 from, Noon to 7 PM, with the cooperation of UNIDAD. The Hispanic Heritage Festival traditionally occurs through the Parks Department, and this year Assistant City Manager Mark Taxis has been instrumental in promoting and growing this event in conjunction with Kevin Smith, John Rebar, Julio Magrisso and others. There will be domino tables, baseball and soccer clinic, dancing and live music for all, including children. They are also inviting the media to participate. Through the work of Commissioner Libbin, they have secured concerts through Live Nation at the Fillmore, featuring Christian Castro, Ricky Martin and others. They are eliminating their fees on tickets sold for any of the concerts during Hispanic Heritage Month. Tickets can be paid at The Fillmore discounting the theater's fees. He also thanked Commissioner Libbin for his help. This year they have done a tremendous job of celebrating the heritage of Hispanics in the community. The festival is giving out tickets to Live Nation, and all participants can be part of the raffle.

Commissioner Libbin clarified that what is being waived is not \$25; if a ticket is purchased online, there is a \$13 additional fee waived; if in person \$5 is waived.

- PA4 Introducing The Principals From Miami Beach Senior High, John Donohue; Treasure Island Elementary, Sherry Krubitch; And Nautilus Middle, R. Bellmas, To The Miami Beach Community.
(Requested by the City Commission)

ACTION: Introduction made. Item heard in conjunction with item PA11.

10:41:39 a.m.

- PA5 Proclamation To Be Presented To Wendy Unger In Honor Of National Hereditary Breast & Ovarian Cancer Week In The City Of Miami Beach.
(Requested by the City Commission)

ACTION: Proclamation presented.

Mayor Brower introduced the item.

Wendy Unger thanked the City Commission for awarding this proclamation. She stated that this month is National Ovarian Cancer and Gynecological Cancer Awareness Month, which will be followed by October, which is Breast Cancer Awareness Month. She announced that hereditary breast and ovarian cancer gene mutation is an important issue, especially to Jewish women. Women need to know whether they are predisposed to this gene mutation or not. During this time, Facing Our Risk of Cancer Empowered (FORCE), shows their support by holding on October 12 a benefit screening of the movie Decoding Annie Parker, which tells the story of the patient and the scientist who made it possible to discover the gene mutation. She is proud to announce that Brighton Jewelers has a promotion every October and proceeds go to the organization of choice, which is FORCE.

10:04:44 a.m.

- PA6 Certificate Of Recognition To Be Presented To Ms. Carolina Garcia-Aguilera For Her Contributions As A Cuban Born American Writer, Authoring 10 Books To Date.
(Requested by Mayor Matti Herrera Bower)

ACTION: Certificate presented.

Mayor Bower introduced Carolina, a Cuban born author and resident of Miami Beach, who is a well-known mystery writer and has a series with Lupe Solano. She recognized her for her international success, and wanted to give Carolina this award during Hispanic Heritage Month.

Carolina Garcia-Aguilera explained that she is very happy and loves being a Miami Beach resident. She added that her novels have been published in ten different languages; she has had 11 published and is an honor for her to be here accepting this award.

10:16:18 a.m.

- PA7 Certificate Of Appreciation To Be Presented To Dr. Leslie Rosenfeld For Her Contributions, Hard Work And Dedication To The Miami Beach Public Schools, Students And Teachers.
(Requested by Mayor Matti Herrera Bower)

ACTION: Certificate presented.

Mayor Bower introduced the item and stated that Dr. Rosenfeld has been working for the City for over nine years. She met Leslie while she was Assistant Principal in Nautilus. Leslie is a wonderful person who has achieved much for this community, including the IB program, and Miami Beach is better because she has worked so hard for the community. Miami Beach schools are a model for the rest of the Country, and as Mayor and City Commission, it is their privilege to award this recognition to Dr. Rosenfeld.

Dr. Leslie Rosenfeld explained that she has been blessed to have been given the opportunity to reach out to this community and help the quality of life for families, and specifically for the youth. Nothing that has been accomplished could have been accomplished without the support of each one of the individuals sitting at the dais; she is thankful for the opportunity to do what she loves and work hard for the families in the community, to work hard for the children in the community, including two of her own. She recognized community supporters in the audience who motivate her in moving forward, especially Dr. Karp, their partner with Miami-Dade County Public Schools.

Dr. Karp stated that it is a privilege for him to be there recognizing Dr. Rosenfeld. They know where her heart is, and not only is she respected Citywide from the Administrators in the school system, but also from other municipalities as well; working with other cities. When she speaks, people listen, and due to her efforts, things are accomplished. This is a unique program in the United States, and it is hard work and the support of the City Commission makes it successful.

Tamar Oppenheimer, Ruth K. Broad Bay Harbor representative, thanked the City Commission for recognizing Dr. Rosenfeld, and explained that their efforts in obtaining a part-time nurse was achieved due to Leslie's vision and the support of this Commission. She is looking forward to working with her in the future.

10:47:00 a.m.

PA8 Update By The Miami Beach-Miami LGBT Sports & Cultural League, The Organizers Of The 2017 World Outgames And A Presentation On Behalf Of The City Of San Pedro Necta, Guatemala And Mayor Rony Vitalino Galicia Herrera To The City Of Miami Beach.
(Requested by Mayor Matti Herrera Bower)

ACTION: Update given.

Ivan Cano thanked the City Commission for having them here today, first and foremost, they won the World Outgames bid in February, and today, one of the sparks that has created the change was a wonderful letter from the municipalities of San Pedro Necta, Guatemala, which is an important aspect for them and the global community on what is happening in Miami Beach. He thanked Commissioners Exposito, Góngora, Libbin, Weithorn and Mayor Bower for believing that they could create something positive during Memorial Day Weekend. He thanked Mayor Bower for having the opportunity and time to spend with them in Belgium. She is a hard worker and he wants Miami Beach to know that she is the best ambassador the City can have.

Bruce Townsend announced that they expect 100,000 GLBT visitors in 2017 for the World Outgames event. He gave a verbal update on the negotiations and meetings in Berlin. He stated that during those meetings they formed a partnership with the European Gay and Lesbian Sports Federation, to ensure that there will be over 3,000 visitors in 2017 during the event. He described some of the international federations that will partner with Miami Beach to bring participants. He thanked them for being the first City to do something positive.

Commissioner Góngora recognized them for representing Miami Beach so well at the games. He had the opportunity to speak to them in February, and there was a lot of work accomplished in order for Miami Beach to host the event. People do not realize the hard work that goes into these events, working all day and meeting people well into the night; he is personally excited about the Outgames coming to Miami Beach in 2017, and congratulated them.

Commissioner Exposito also recognized the fact that Steve Adkins, Willy Brown, Cindy Brown, Bob Balsam, Jerry Torres, George Neary and Jose Sotolongo have worked together and thanked them all on a job well done.

Discussion continued.

10:09:12 a.m.

- PA9 Certificate Of Recognition To Be Presented To Christian "Chris" Demelo For His Victory In The North Miami PAL Boxing Tournament Representing Miami Beach.
(Requested by Mayor Matti Herrera Bower)

ACTION: Certificate presented.

Officer Martineau, PAL Executive Director, introduced the item and explained that Chris represented the City well. He added that children participate in the program at the Normandy gym in an effort to keep children out of the streets, and Chris is the rising star there. They thanked the City Commission and Chief Martinez for the support and recognition.

Commissioner Libbin asked if the funding for the program has been resolved.

Mayor Bower stated that she met with them and Park and Recreations staff to work out the funding problems.

Officer Martineau also thanked Mark Taxis, Assistant City Manager.

Discussion held.

Diana Chao spoke.

Vice-Mayor Tobin thanked Chief Martinez for his involvement with this program and thanked Donny Hoffman for his dedication.

11:02:27 a.m.

- PA10 Key To The City To Be Presented To Miami Beach Resident Joey Dedio "Tio Papi," Actor, Writer And Producer Of Award Winning Film Tio Papi.
(Requested by Vice-Mayor Edward L. Tobin)

ACTION: Key presented.

Vice-Mayor Tobin stated that Joey is a writer, producer and actor of family films released in theatres nationally, who has been honored by the Screen Actors Guild and given the Dove Family sign of approval for a feature film. He produced the movie "Tio Papi" one of those feel good type movies, positive and for the family. He introduced Joey, a positive person with a special creativeness.

Joey Dedio thanked the Commission for this award and stated that Tio Papi is a movie about love and family, and sticking together no matter what. As they intend to embark in the TV series in Miami Beach, he is honored to have the Executive Producer of the film Richard Pleban and film distributors Mauricio and Christian. He thanked them for making the film for the people and by the people. He thanked Mayor Bower and the aides, especially Desiree Kane.

Vice-Mayor Tobin stated that it would be icing on the cake if this series is filmed in Miami Beach. On behalf of the Mayor and the City Commission, they are proud to present the Key to the City to Joey Dedio. Additionally, he stated that Mr. Dedio is a prostate cancer survivor and he is the spokesperson for the Cancer Society. A public service announcement, which will be aired on national TV, was shown.

After the PSA was shown, being today Joey's 50th birthday, a birthday cake was brought in his honor.

Handout or Reference Materials:

1. Flyer titled "Joey's Life List," American Cancer Society "THE OFFICIAL SPONSOR OF BIRTHDAYS**"

10:27:37 a.m.

PA11 Certificates Of Recognition To Be Presented To The Principal, Vice Principals And Teachers Of Miami Beach Senior High In Miami Beach.
(Requested by Commissioner Michael Góngora)

ACTION: Certificates presented. Item heard in conjunction with item PA4.

Commissioner Góngora introduced the teachers, principal and Vice President from Miami Beach Senior High School, and gave the history of Miami Beach Senior High. He began recognizing teachers, unfortunately after the terrible Connecticut school shooting that occurred, and today being September 11, he wants to bring the message about safety in the schools. Educators are entrusted with the children's education, and today some of those best educators are present, and he introduced Bowen, Gussie, Carlos Rodriguez and Gail Slatkot. Dr. Donahue could not be here, but Assistant Principal Gonzalez is here on his behalf.

Dr. Karp thanked Commissioner Góngora, Mayor Bower and the rest of the City Commission for recognizing the teachers; he cannot recognize them enough for the work they do.

Mayor Bower recognized the new Principal for Fisher Island Elementary and John Donahue, Assistant Principal.

Vice-Mayor Tobin expressed his sincere appreciation for what they do in the community; their role is important for the future of the children.

10:54:58 a.m.

PA12 Proclamation To Be Issued For "Drive 4 Pledges Day" On September 19, 2013.
(Requested by Commissioner Michael Góngora)

ACTION: Proclamation presented.

Commissioner Góngora stated that 98% of American commuters know that sending a text while driving is not safe. Today he is taking a pledge to stop in advance of September 19 recognizing this very important day. This group is inspiring to create a social stigma around the dangerous habit of texting. "Drive 4 Pledges Day" takes place September 19, and it focuses on getting people involved to take the pledge to never text and drive and encourage others to do the same. AT&T, Sprint, T-Mobile US, Verizon, FDOT and over 200 other organizations share the commitment to not text and drive.

Maria Johnson from AT&T accepted the proclamation. She explained that FDOT has identified that texting while driving is responsible for over 100,000 car accidents per year, many of which result in injuries, other in the end of a life. She announced that a law will go into effect that makes texting while driving a secondary offense.

Commissioner Libbin recognized AT&T and Maria for their efforts.

Commissioner Exposito also thanked Commissioner Góngora for bringing this issue to their attention.

11:19:42 a.m.

New Item

PA13 Proclamation To Be Presented To Kevin Smith, Director Of Parks And Recreation, Who Is Retiring After Many Years Of Service To The City Of Miami Beach.
(Requested by City Manager)

ACTION: Proclamation presented.

Mayor Bower stated that Kevin Smith is retiring after working for the City since 1993; she read the proclamation into the record, and explained that she is sorry to see him go, but is happy for him and wished him best in his future endeavors. Among Kevin's achievements with the City, as Parks and Recreation Director, he watched over the renovation of the parks system, developed and implemented the 1995 Park and Recreation Master Plan that resulted in over \$140 million of park and recreation related to CIP improvements completed to date; a total of 30 parks, two excellent golf courses, top notch Youth and Community Center, 19 playgrounds, many with sunshades, opened the City's three community gardens, five dog parks, doubled the number of lifeguard towers when Ocean Rescue was under his management; in 2003 Miami Beach Parks Department received the Accreditation of Parks and Recreation Agency nationally accreditation which recognized the Parks and Recreation agencies for excellence in operation and service and reaccreditation in 2008, with a perfect score. At that time, the City's Parks and Recreation Department was one of the first 100 to be accredited out of over 10,000 agencies in the country. Kevin began the teen club at North Shore Park Youth Center, this program later became a national model recognized by the Department of Justice, and received over \$1.3 million in funding from the Department of Justice; he revitalized and developed many new recreation programs that have met the needs and interests when improving the quality of life of thousands of youth, adults and seniors. He is leaving a legacy behind him.

Kevin Smith, Parks and Recreation Department Director, stated that he has had a joyous time in the past years as Parks and Recreation Director, and it has been a wonderful ride. He remembers all the good times and is blessed to have such a great team with him. This City has the best Parks and Recreation professionals and with this Commission and previous Commissions a lot has been accomplished for the parks system; he is leaving it in good hands, and he knows the incoming director will do an excellent job.

Commissioner Libbin stated that Kevin is a true professional and a credit to the City. He thanked him personally on behalf of all the parents who have children in the parks systems; they cannot thank him enough for everything he has done.

Commissioner Exposito stated that he first met Kevin when he was an activist in the neighborhood, and always tried to find solutions to problems; he recognized his wonderful staff and thanked him for the transition in walking the new director through the ropes. He wished him the best on his retirement.

Commissioner Góngora echoed his colleagues' comments and stated that when he was first

elected, Kevin was the first director to contact his office, in order to set up a tour of the parks in Miami Beach; Kevin takes his work to heart, ensuring the program for children were improved and making the parks fantastic.

Vice-Mayor Tobin stated whenever he called Kevin, he always got things done. He recognized his staff, and it is a credit to him for the job that is done. He wished him a fun and easy retirement.

Jose Smith, City Attorney, stated that he has known Kevin since he was first hired; Mr. Smith's son Kevin, his oldest, worked in the Parks and Recreation Department, and his first paycheck was payable to "Kevin Smith" and Kevin thought it was a joke, not knowing that there is a second "Kevin Smith" and Mr. Smith had to call Kevin to convince him to approve the check. He will be missed and he looks forward to working with him in the future in another capacity.

Jimmy L. Morales, City Manager, stated that he has only spent five months with Kevin, and he is phenomenal; his son spent time in the playgrounds and he knows firsthand that the programs are wonderful. He presented a "Game Ball" to Kevin signed by the Mayor and Commissioners as a token of their appreciation.

11:10:31 a.m.

New Item

PA14 Certificates Of Recognition/Antonio G. Vasquez, UNIDAD's Senior program.
(Requested by Commissioner Wolfson)

Commissioner Wolfson introduced the item and translated into English and Spanish for Mr. Vasquez and the audience. He stated that Antonio is a participant in the Senior Job Program and seeing the results of the program make it that much worthwhile.

Raymond Adrian, UNIDAD, stated that they are recognizing the Miami Beach Convention Center for their partnership with UNIDAD, as they help with the Youth Program, Senior Program and now with the Customer Service Training with FIU and Miami-Dade.

Antonio G. Vasquez thanked the City Commission for the opportunities given to him and for living in the USA; this society has been good to Cuban immigrants. He stated that he never thought he would be able to accomplish all he has, but with the help of UNIDAD and staff, he was able to do it. He thanked everyone for allowing him to reach his American Dream.

Miriam McGraw, Operations Manager for Global Spectrum, stated that Antonio is an excellent employee and the program is wonderful.

CONSENT AGENDA

ACTION: Motion made by Commissioner Góngora to approve the Consent Agenda excluding separated items C2D, C7D, C7G, C7K, C7L and C7P; seconded by Commissioner Libbin; Voice-vote: 6-0; Absent: Commissioner Weithorn.

Handout or Reference Material:

1. List of Separated Items

C2 - Competitive Bid Reports

C2A Request For Approval To Issue A Request For Proposals (RFP) No. 2013-411MF For An Electronic Agenda System.

(City Clerk's Office/Procurement)

ACTION: Request authorized. **Rafael E. Granado and Alex Denis to handle.**

C2B Request For Approval To: 1) Reject All Proposals Received, Pursuant To Request For Proposals (RFP) No. 54-11/12 For The Provision Of Credit Card Merchant Processing Services To The City Of Miami Beach For A Five-Year Period With Five One-Year Renewal Options; And, 2) Issue A RFP For The Required Services.

(Finance Department/Procurement)

ACTION: Request authorized. **Patricia Walker and Alex Denis to handle.**

C2C Request For Approval To Exercise Term Renewal Options On Contracts For Routine Operational Requirements.

(Procurement)

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

4:55:44 p.m.

SUPPLEMENTAL AGENDA 3 – Memorandum from Commissioner Weithorn with Comments

C2D Request For Approval To Award A Contract, Pursuant To Invitation To Bid (ITB) No. 269-2013ME, For Janitorial Services, Citywide.

(Property Management/Procurement)

ACTION: Item separated by Jimmy L. Morales, City Manager. Request rejected. Motion made by Commissioner Wolfson to continue on a month-to-month basis with the current provider until October; seconded by Commissioner Exposito; Voice vote; 5-0; Absent: Commissioner Weithorn; Commissioner Libbin recused himself. **Anthony Kaniewski and Alex Denis to handle.**

Jimmy L. Morales, City Manager, stated that the item was pulled due to a bid protest received and explained the item.

Commissioner Libbin explained that he was going to separate this item, but the City Manager did it. He is recusing himself on the appearance of conflict, because his former campaign manager is a consultant for one of the bidders. He added that even though he is allowed to vote, the right thing to do is to recuse himself on the issue, and he is doing so in order to avoid the appearance of conflict.

Discussion held.

Jimmy L. Morales, City Manager, stated for the record, that Commissioner Weithorn sent a memo

requesting that the company selected give strong consideration to retaining the existing employees.

Discussion continued.

Representative from United Service stated that they will give due consideration to retain the existing employees.

Discussion continued.

Mayor Bower requested from United Services a report of how many employees they will they will be keeping.

Commissioner Wolfson suggested doing more to keeping the employees before the Administration drafts the contract.

Jose Smith, City Attorney stated that that a clause requiring the retention of the current providers' employees could be written into the contract if they are willing to agree to it.

Discussion continued.

Representatives from United Service stated that they would exercise their best effort to retain the current employees, as long as the employees qualify, and will bring a report in 90 days.

Jimmy L. Morales, City Manager, stated that they would bring a report in 90 days as to how many employees were hired. **Anthony Kaniewski and Alex Denis to handle.**

Eric Carpenter, Public Works Director, explained.

Discussion continued.

Motion #1:

Motion made by Vice-Mayor Tobin to approve the item. No second offered.

Discussion continued.

Motion #2:

Motion made by Commissioner Wolfson to go month to month with the current provider.

Discussion continued.

Motion seconded by Commissioner Exposito who requested that the extension only be until October; Commissioner Wolfson concurred. Voice vote; 5-0; Absent: Commissioner Weithorn; Commissioner Libbin recused himself.

City Clerk's Note:

Item to be placed in the December Commission Agenda, per City Manager's request.

Handouts or Reference Materials:

1. Form 8B – Memorandum of Voting Conflict filed by Commissioner Libbin - #101
2. See Speakers List

3. Letter from Jimmy L. Morales dated September 10, 2013 to Mariela Quintanilla, Omarcio Cleaning Services, RE: Protest Filed Pursuant to Award Recommendation on ITB 269-2013-ME Janitorial Services, Citywide.

C2E Request For Approval To: 1) Reject All Proposals Received Pursuant To Request For Proposals (RFP) No. 188-2013TC For Audits Of Resort Taxes And Other Internal Audits As Needed; And, 2) Authorize The Extension Of Existing Contracts On A Month-To-Month Basis Until Such Time As A New Contract Is Awarded.

(Budget & Performance Improvement/Procurement)

ACTION: Request authorized. **John Woodruff and Alex Denis to handle.**

C4 - Commission Committee Assignments

C4A Referral To The Finance And Citywide Projects Committee To Discuss Enhancements To Our Parking System To Offer Residents Better Rate As It Pertains To Scooters And Motorcycles, And Set Up Special Spaces To Encourage The Use Of Scooters And Motorcycles To Further Reduce Traffic.

(Requested by Commissioner Jorge Exposito)

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

C4B Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding The Permanent Closure Of The 400 Block Of Española Way Between Washington Avenue And Drexel Avenue.

(Public Works)

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

C4C Referral To The Land Use And Development Committee - Discussion Regarding Revisions To City Code Chapter 54, Variance Requirements For Historic Structures.

(Building Department)

ACTION: Referred. Richard Lorber to place on the committee agenda. **Mariano Fernandez to handle.**

C4D Referral To The Neighborhood/Community Affairs Committee For A Discussion Regarding Water Taxi Proposal.

(Tourism, Culture & Economic Development)

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

- C4E Referral To The Land Use And Development Committee - Ordinance Amendment Pertaining To Oversized Single Family Homes.
(Sponsored by the Planning Board)
(Legislative Tracking: Planning)

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

- C4F Referral To The Planning Board - Proposed Amendment To The Land Development Regulations To Regulate Religious Institutions In Multi-Family Residential, Commercial And Industrial Districts In The Same Manner As Other Assembly Uses With Similar Occupancy.
(Sponsored by the Land Use And Development Committee)
(Legislative Tracking: Planning)

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

- C4G Referral To The Planning Board - Proposed Amendment To The Land Development Regulations To Expand The Permitted Uses Of RM-2 Zoned Properties To Include Office Uses For Hotels.
(Sponsored by Commissioner Deede Weithorn/Land Use & Development Committee)
(Legislative Tracking: Planning)

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

- C4H Referral To The Planning Board - Proposed Amendment To The Land Development Regulations That Would Address And Clarify The Eligibility For Contributing Buildings In Historic Districts To Be Converted To Bed & Breakfast Inns.
(Sponsored by Commissioner Michael Góngora/Land Use & Development Committee)
(Legislative Tracking: Planning)

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

- C4I Referral To The Neighborhood/Community Affairs Committee To Discuss The Possible Renaming Of 21st Street, From Miami Beach Drive To Washington Avenue, As "Collins Park South" And 22nd Street, From Miami Beach Drive To Dade Boulevard, As "Collins Park North."
(Requested by Mayor Matti Herrera Bower)

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

- C4J Referral To The Land Use And Development Committee - Special Public Workshop On Architecturally Significant Homes - The City Of Coral Gables Ordinance Language In Regards To The Review Of Total Demolition Requests For Single Family Homes.
(Requested by Mayor Matti Herrera Bower)

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

- C4K Referral To The Land Use And Development Committee - Proposed Amendment To Chapter 6, Alcoholic Beverages, To Correct Scrivener's Errors Regarding On-Premises And Off-Premises Consumption.

(City Attorney's Office)

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

- C4L Referral To The Land Use And Development Committee To Consider An Amendment To Article II, Section 142 Of The Land Development Regulations, To Modify The Regulations Pertaining To Minimum Hotel Unit Size Requirements In The City's Commercial Zoning Districts, Permitting Nonconforming Historic Hotels To Be Significantly Renovated Without The Need For Additional Variances For Unit Size.

(Requested by Commissioner Michael Góngora)

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

- C4M Referral To The Neighborhood/Community Affairs Committee To Discuss The Disability Access Committee's Motion In Regards To Alternative Leaf Blowers.

(Requested by Commissioner Michael Góngora)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. **Hernan Cardeno to handle.**

- C4N Referral To The Land Use And Development Committee To Discuss The Beachwalk II Project-Phase II (3rd Street To 5th Street).

(Requested by Commissioner Michael Góngora)

ACTION: Referred. Richard Lorber to place on the committee agenda. **David Martinez to handle.**

- C4O Referral To Land Use And Development Committee - Discussion Regarding The Creation Of An Overlay District Including And Adjacent To, Or Possible Rezoning Of, The Property Located At 1729 Lenox Avenue To Accommodate Additional Children At The Temple Beth Shmuel Montessori School.

(Requested by Mayor Matti Herrera Bower)

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

- C4P Referral To The Neighborhood/Community Affairs Committee Regarding Recycling Ordinance Amendment Recommended By The Sustainability Committee, Which Changes The Number Of Multifamily Units Required To Recycle From Nine Or More Units To Two Or More Units.

(Requested by Commissioner Jerry Libbin)

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

C6 - Commission Committee Reports

- C6A Report Of The Special Finance And Citywide Projects Committee Meeting Of July 8, 2013: Old Business: **1) Update On Potential Municipal Marketing Partnership For Sunscreen Licensing Deal Or Sponsorship With Energizer. New Business: 1) Discussion: Status Update On FY 2013/14 General Fund Operating Budget. 2) Review Of Budget Advisory Committee Recommendations For Health Insurance Plans.**

ACTION:**Item No. 1: Old Business: Update On Potential Municipal Marketing Partnership For Sunscreen Licensing Deal Or Sponsorship With Energizer. New Business:**

The Committee recommended only pursuing the licensing agreement with BL3 Holdings where the upside is greater.

Item No. 1: Discussion: Status Update On FY 2013/14 General Fund Operating Budget.

The Committee requested that all questions be directed to Assistant City Manager Kathie Brooks before the next meeting so that all requests can be addressed.

Item No. 2: Review Of Budget Advisory Committee Recommendations For Health Insurance Plans.

The Committee recommended not pursuing the BAC recommendation for health insurance reform, and delaying the change for the renewal period from calendar year to fiscal year until 2014. In addition, they also agreed that the City Administration should look at a way to equitably distribute the City cost (in dollar amounts paid) throughout the five plans.

- C6B Report Of The Special Finance And Citywide Projects Committee Meeting Of July 10, 2013: **1) Discussion Regarding Capital Projects: a) Proposed Capital Renewal And Replacement Projects; b) FY 2013/14 Capital Project Prioritization. 2) Proposed Uses Of Law Enforcement Trust Funds.**

ACTION:**Item No. 1: Discussion Regarding Capital Projects: a) Proposed Capital Renewal And Replacement Projects; b) FY 2013/14 Capital Project Prioritization.**

The Committee recommended approving the funding for the proposed Renewal and Replacement Projects proposed on attachment 1 presented at the meeting as long as there were no additional projects that were deemed a higher priority when updating our facility condition index report.

They also agreed to move the Capital Projects proposed, changing Fund 147 Art in Public Places Project for \$380,346 to pay go money and as well as Two Presidential Lecterns for \$200,000 funded in fiscal year 2014/15 to be moved to fiscal year 2013/2014 listed in Convention Center projects.

Item No. 2: Proposed Uses Of Law Enforcement Trust Funds.

The Committee agreed to fund the proposed LETF projects totaling \$489,000 from Federal funds and \$235,000 from State funds.

C6C Report Of The Land Use And Development Committee Meeting Of July 22, 2013: **1)** Reduced Parking Rates For Hotel Employees. **2)** Discussion Of The Miami Beach Current City Code Chapter 6-4 (3) Relating To Alcoholic Beverage Sales That Requires A 300 Ft. Distance Between Liquor Stores And Ask That The City Look Into Adopting The County Requirement Of 1500 Feet. **3)** Review Of Miami Beach Land Use Boards To Improve The City Of Miami Beach Building And Planning Department Processes. **3a)** Boat Docks And Marine Structures Ordinance. **4)** Discussion Regarding The Possibility Of Restricting Destination Restaurants In The South Of Fifth Neighborhood. **5)** Discussion Of Parking Issues Relating To 816 West 40th Street. **6)** Discussion Of The Legalization Of The Current Use Of 3767 Chase Avenue. **7)** Discussion Regarding Food Trucks On Private Property. **8)** Discussion On A Code Amendment Requiring That The Planning Board Has Up To Two (2) Meetings To Consider A Proposed Amendment; Or If No Recommendation Is Made After Two (2) Meetings, It Goes To Commission Without Planning Board Recommendation. **9)** Discussion Regarding Public Safety Issues In Abandoned Homes On Miami Beach (i.e. Beehive). **10)** Zoning And Planning Initiatives For North Beach Including Ordinance Amendments For Parking Requirements And Development Regulations. **11)** Discussion Pertaining To "Smarter Materials For Next Generation Infrastructure," Such As Eliminating The Disposal Of Tires In Global Landfills And Incinerators. **12)** Discussion Regarding The Condition Of The Stones In The 1100 Block Of Lincoln Road. **13)** An Amendment To The Land Development Regulations To Regulate Religious Institutions In Multi-Family Residential, Commercial And Industrial Districts In The Same Manner As Other Assembly Uses With Similar Occupancy. **14)** Discussion Regarding An Amendment To The Land Development Regulations To Regulate Temporary Business Signs On Public Property. **15)** Discussion Regarding An Amendment To Expand The Permitted Uses Of RM-2 Zone Properties And To Include The Following Proposed Language: Sec. 142-212. - Main Permitted Uses. The Main Permitted Uses In The RM-2 Residential Multifamily, Medium Intensity District Are Single-Family Detached Dwellings; Townhomes; Apartments; Apartment-Hotels; And Hotels.; And Offices That Are Incidental To And Customary With A Hotel In The RM-3 District Fronting Collins Avenue Located No More Than 1,200 Feet From The Property, Measured By Following A Straight Line From The Lot On Which The Office Is Located To The Lot On Which The Hotel Is Located, Provided That The Lot On Which The Office Is Located Shall Be Governed By A Restrictive Covenant, Approved As To Form By The City Attorney's Office And Recorded In The Public Records Of The County As A Covenant Running With The Land, Stipulating That The Office Use Shall Be Incidental To And Customary In Connection With The Hotel And May Only Remain So Long As The Hotel Use Continues. **16)** Discussion On An Ordinance Requiring An Outside Firm Or The City Being The Entity That Mails Notices In Land Use Situations. **17)** Discussion Regarding Chapter 30, Entitled "Code Enforcement," Article I, Entitled "In General," Article II, Entitled "Special Masters," And Article III, Entitled "Enforcement Procedure," Of The Code Of The City Of Miami, Florida. **18)** Discussion On Chapter 46, Entitled "Environment," Article IV, Entitled "Noise," Of The Code Of The City Of Miami Beach, Florida. **19)** Discussion On An Amendment To The Land Development Regulations Which Would Address And Clarify The Eligibility For Contributing Buildings In Historic Districts To Be Converted To Bed & Breakfast Inns Within The City Of Miami Beach. **20)** Accessory Setback Encroachments. An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, Entitled "Zoning Districts And Regulations", By Amending Article IV, Entitled "Supplementary District Regulations", By Amending Section 142-1132 To Modify The Setbacks For Allowable Encroachments Including Driveways, Carports And Mechanical Equipment; By Amending Section 142-1133 To Modify The Setback Requirements For Swimming Pools And The Requirements For The Construction Of Swimming Pools On Corner And Thru Lots Within Single Family Districts; Providing For Codification; Providing For Repealer, Severability And An Effective Date. **21)** 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. **22)** Referral To The Land Use And Development Committee - Discussion Regarding Incorporating The Stormwater Management Master Plan Into The Land Development Regulations. **23)** Consideration Of A Proposed Ballot Question To Permit Limited Transfer Of FAR Within A Specific Zone, Pursuant To Criteria That Shall Be Established In Upcoming Ordinances Regarding Alton Road. **24)** Discussion On Items Automatically Being Withdrawn If Not Heard Within Six Months From Referral Date Per Resolution No. 2013-28147.

ACTION:

Item No. 1: Reduced Parking Rates For Hotel Employees.

Item To Be Automatically Withdrawn By September, 2013 If Not Heard Per Resolution No. 2013-28147.

Item No. 2: Discussion Of The Miami Beach Current City Code Chapter 6-4 (3) Relating To Alcoholic Beverage Sales That Requires A 300 Ft. Distance Between Liquor Stores And Ask That The City Look Into Adopting The County Requirement Of 1500 Feet.

Item deferred.

Item No. 3: Review Of Miami Beach Land Use Boards To Improve The City Of Miami Beach Building And Planning Department Processes. 3a) Boat Docks And Marine Structures Ordinance.

Item deferred.

Item No. 4: Discussion Regarding The Possibility Of Restricting Destination Restaurants In The South Of Fifth Neighborhood.

Item deferred.

Item No. 5: Discussion Of Parking Issues Relating To 816 West 40th Street.

Item deferred.

Item No. 6: Discussion Of The Legalization Of The Current Use Of 3767 Chase Avenue.

Item deferred.

Item No. 7: Discussion Regarding Food Trucks On Private Property.

Item deferred.

Item No. 8: Discussion On A Code Amendment Requiring That The Planning Board Has Up To Two (2) Meetings To Consider A Proposed Amendment; Or If No Recommendation Is Made After Two (2) Meetings, It Goes To Commission Without Planning Board Recommendation.

Item deferred.

Item

No. 9: Discussion Regarding Public Safety Issues In Abandoned Homes On Miami Beach (i.e. Beehive).

Item deferred.

Item No. 10: Zoning And Planning Initiatives For North Beach Including Ordinance Amendments For Parking Requirements And Development Regulations.

Item deferred.

Item No. 11: Discussion Pertaining To “Smarter Materials For Next Generation Infrastructure,” Such As Eliminating The Disposal Of Tires In Global Landfills And Incinerators.

Item deferred.

Item No. 12: Discussion Regarding The Condition Of The Stones In The 1100 Block Of Lincoln Road.

Item deferred.

Item No. 13: An Amendment To The Land Development Regulations To Regulate Religious Institutions In Multi-Family Residential, Commercial And Industrial Districts In The Same Manner As Other Assembly Uses With Similar Occupancy.

Gary Held provided an overview of the item. Specifically he points out the Federal Laws providing religious institutions with certain protections and, explained RLUIPA, the Federal act addressing religious institutions and zoning. He proposes to conform the City's land development regulations to equate.

MOTION: Refer to Planning Board Libbin/Góngora (2-0)

Item No. 14: Discussion Regarding An Amendment To The Land Development Regulations To Regulate Temporary Business Signs On Public Property.

Richard Lorber provided an overview of the item. He provided a comparison to FDOT program for temporary signs.

MOTION: Refer to City Commission with a favorable recommendation. Libbin/Góngora (2-0).

Item No. 15: Discussion Regarding An Amendment To Expand The Permitted Uses Of RM-2 Zone Properties And To Include The Following Proposed Language: Sec. 142-212. - Main Permitted Uses. The Main Permitted Uses In The RM-2 Residential Multifamily, Medium Intensity District Are Single-Family Detached Dwellings; Townhomes; Apartments; Apartment-Hotels; And Hotels.; And Offices That Are Incidental To And Customary With A Hotel In The RM-3 District Fronting Collins Avenue Located No More Than 1,200 Feet From The Property, Measured By Following A Straight Line From The Lot On Which The Office Is Located To The Lot On Which The Hotel Is Located, Provided That The Lot On Which The Office Is Located Shall Be Governed By A Restrictive Covenant, Approved As To Form By The City Attorney's Office And Recorded In The Public Records Of The County As A Covenant Running With The Land, Stipulating That The Office Use Shall Be Incidental To And Customary In Connection With The Hotel And May Only Remain So Long As The Hotel Use Continues.

Steve Wernick addressed the Committee regarding the item and its impact on the Saxony West / Atlantic Hotel project. Comm. Libbin indicated that he was ok with the proposal.

MOTION: Refer to Planning Board. Libbin/Gongora (2-0)

Item No. 16: Discussion On An Ordinance Requiring An Outside Firm Or The City Being The Entity That Mails Notices In Land Use Situations.

Item deferred.

Item No. 17: Discussion Regarding Chapter 30, Entitled "Code Enforcement," Article I, Entitled "In General," Article II, Entitled "Special Masters," And Article III, Entitled "Enforcement Procedure," Of The Code Of The City Of Miami, Florida.

Item deferred.

Item No. 18: Discussion On Chapter 46, Entitled "Environment," Article IV, Entitled "Noise," Of The Code Of The City Of Miami Beach, Florida. 19) Discussion On An Amendment To The Land Development Regulations Which Would Address And Clarify The Eligibility For Contributing Buildings In Historic Districts To Be Converted To Bed & Breakfast Inns Within The City Of Miami Beach.

Item deferred.

Item No. 19: Discussion On An Amendment To The Land Development Regulations Which Would Address And Clarify The Eligibility For Contributing Buildings In Historic Districts To Be Converted To Bed & Breakfast Inns Within The City Of Miami Beach.

Item To Be Automatically Withdrawn By September, 2013 If Not Heard Per Resolution No. 2013-28147.

Item No. 20: Accessory Setback Encroachments. An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, Entitled "Zoning Districts And Regulations", By Amending Article IV, Entitled "Supplementary District Regulations", By Amending Section 142-1132 To Modify The Setbacks For Allowable Encroachments Including Driveways, Carports And Mechanical Equipment; By Amending Section 142-1133 To Modify The Setback Requirements For Swimming Pools And The Requirements For The Construction Of Swimming Pools On Corner And Thru Lots Within Single Family Districts; Providing For Codification; Providing For Repealer, Severability And An Effective Date.

Item deferred.

Item No. 21: 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.

Alan Fishman, Chair of Human Rights Committee, addressed the Land Use Committee regarding the item. He provided information on the website, as well as the multi-language notices.

Comm. Libbin raised a concern regarding the ability to enforce the requirement for signage City wide.

MOTION: Góngora/Libbin (2-0). Recommend in favor of Resolution at Full Commission.

Item No. 22: Referral To The Land Use And Development Committee - Discussion Regarding Incorporating The Stormwater Management Master Plan Into The Land Development Regulations.

MOTION: Deferred to the October LUDC

Item No. 23: Consideration Of A Proposed Ballot Question To Permit Limited Transfer Of FAR Within A Specific Zone, Pursuant To Criteria That Shall Be Established In Upcoming Ordinances Regarding Alton Road.

Item deferred.

Item No. 24: Discussion On Items Automatically Being Withdrawn If Not Heard Within Six Months From Referral Date Per Resolution No. 2013-28147.

Item deferred.

C6D Report Of The Special Finance And Citywide Projects Committee Meeting Of July 25, 2013: **1)** Discussion Regarding An Amendment To The Lease By And Between The City Of Miami Beach ("Landlord") And Massage Partners, Inc. ("Tenant") Dated September 15, 2010, For The Premises Located At 1701 Meridian Avenue, Unit 2 (A/K/A 767 17th Street), Miami Beach, Florida, Concerning: 1) The Additional Use Of The Demised Premises As A Nail Salon; And 2) The Use Of The Common Area Restrooms Located On The Second Floor Of The 1701 Meridian Avenue Office Building For Tenant's Nail Salon Customers. **2)** Discussion Update Regarding World Out Games Miami Beach 2017. **3)** Discussion Regarding A New Lease Agreement And A Concession Agreement By And Between The City Of Miami Beach ("Landlord") And Damian J. Gallo & Associates, Inc. ("Tenant") Involving The Use Of Approximately 1,269 Square Feet Of Ground Floor Retail Space Located At 1701 Meridian Avenue, Unit 4 (A/K/A 775 17th Street), Miami Beach, Florida. **4)** Discussion Regarding The Proposed Vacation Of The Alley Included In The Amended Plat Of The Aquarium Site Re-Subdivision (500 Block Of Alton Road). **5)** Discussion Regarding Potential Annual Funding Sources For The Refund Of Green Building Program Certification Application And Review Fees As Stipulated By The Green Building Ordinance. **6)** Discussion To Require Giving Favorability To The Use Of Veterans And Disabled Veterans On Large Building Projects Within The City. **7)** Discussion Regarding The Renewal Option Pertaining To The Retail Lease Agreement With 1560 Collins Ave., Inc., D/B/A Shan ("Tenant"), For The Use Of Suites B And C In The Anchor Shops, Located At 1560 Collins Avenue, Suite No 2, Miami Beach, Florida ("Space"); Consideration Of The US Vintage Proposal; And, Should Tenant Decide Not To Renew, Authority To Negotiate A Termination Agreement With Tenant, Simultaneously With The Authority To Either Accept The US Vintage Proposal Or Market The Space. **8)** Discussion Regarding Entering Into 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. **9)** Discussion Concerning The Early Termination Of An Existing Retail Lease Agreement Between Miami Beach Redevelopment Agency ("Landlord") And Cadiac, Inc. D/B/A US Vintage ("Tenant"), Involving Suites D And E In The Anchor Shops, Located At 1550 Collins Avenue, Miami Beach, Florida ("Space"); And Entering Into A New Lease Agreement With The Managing Entity For Said Space, US Vintage, Inc. ("US Vintage") For An Initial Term Of Three (3) Years, Commencing On October 1, 2013 And Ending On September 30, 2016, With Two (2) Renewal Options Of Three (3) Years And Three (3) Years And 364 Days Respectively, At The RDA's Sole And Absolute Discretion, Subject To And Pursuant To The Terms And Conditions Set Forth In The Agreement. **10)** Discussion Regarding The Issuance Of An RFP For The Management And Operation Of Street Markets On Lincoln Road, Normandy Village, Collins Park, And Other Locations. **11)** Discussion Regarding Hiring An Inspector To Investigate Claims Of Fraudulent Activity And Perform Other Investigative Services. **12) A)** Discussion Of Meals Distributed By Little Havana Activities & Nutrition Centers. **B)** Discussion Of Budgetary Resources To Keep Funding Social Programs. **13)** Discussion On Items Automatically Being Withdrawn If Not Heard Within Six Months From Referral Date Per Resolution No. 2013-28147.

ACTION:

Item No. 1: Discussion Regarding An Amendment To The Lease By And Between The City Of Miami Beach ("Landlord") And Massage Partners, Inc. ("Tenant") Dated September 15, 2010, For The Premises Located At 1701 Meridian Avenue, Unit 2 (A/K/A 767 17th Street), Miami Beach, Florida, Concerning: 1) The Additional Use Of The Demised Premises As A Nail Salon; And 2) The Use Of The Common Area Restrooms Located On The Second Floor Of The 1701 Meridian Avenue Office Building For Tenant's Nail Salon Customers.

The Committee recommended feedback is brought to the next meeting from the Building Department regarding if Code allows for there to just be access to a bathroom or if Massage Envy can be allowed the use of the Permit Doctors bathroom via an agreement between the tenants.

Item No. 2: Discussion Update Regarding World Out Games Miami Beach 2017.

The Committee recommended moving this item to the Finance and Citywide Projects Committee Budget Meeting to determine if the funds are available for next year's budget.

Item No. 3: Discussion Regarding A New Lease Agreement And A Concession Agreement By And Between The City Of Miami Beach ("Landlord") And Damian J. Gallo & Associates, Inc. ("Tenant") Involving The Use Of Approximately 1,269 Square Feet Of Ground Floor Retail Space Located At 1701 Meridian Avenue, Unit 4 (A/K/A 775 17th Street), Miami Beach, Florida.

The Committee recommended one lease for both uses and a separate concession agreement to include a new lease for 3 years with two 2-year options to renew for a total of 7 years.

Item No. 4: Discussion Regarding The Proposed Vacation Of The Alley Included In The Amended Plat Of The Aquarium Site Re-Subdivision (500 Block Of Alton Road).

The Committee recommended accepting the recommendation that the City vacate the "L" shaped alley in the 500 block of Alton Road. Legal to discuss the issue of the maintenance and irrigation and move the item to the full Commission.

Item No. 5: Discussion Regarding Potential Annual Funding Sources For The Refund Of Green Building Program Certification Application And Review Fees As Stipulated By The Green Building Ordinance.

The Committee recommended no action since there are no projects currently lined up for this program.

Item No. 6: Discussion To Require Giving Favorability To The Use Of Veterans And Disabled Veterans On Large Building Projects Within The City.

Item deferred.

Item No. 7: Discussion Regarding The Renewal Option Pertaining To The Retail Lease Agreement With 1560 Collins Ave., Inc., D/B/A Shan ("Tenant"), For The Use Of Suites B And C In The Anchor Shops, Located At 1560 Collins Avenue, Suite No 2, Miami Beach, Florida ("Space"); Consideration Of The US Vintage Proposal; And, Should Tenant Decide Not To Renew, Authority To Negotiate A Termination Agreement With Tenant, Simultaneously With The Authority To Either Accept The US Vintage Proposal Or Market The Space.

The Committee recommended allowing US Vintage, Inc. to lease the space at 1560 Collins Avenue in 6 months and allow Shan to continue to pay rent for 6 months without a lease renewal.

Item No. 8: Discussion Regarding Entering Into 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.

The Committee recommended entering into a professional services agreement with International City/County Management Association Center for Public Safety Management to conduct a review

and to provide recommendations for efficiencies for Miami Beach Fire Department to the Commission.

Item No. 9: Discussion Concerning The Early Termination Of An Existing Retail Lease Agreement Between Miami Beach Redevelopment Agency (“Landlord”) And Cadiac, Inc. D/B/A US Vintage (“Tenant”), Involving Suites D And E In The Anchor Shops, Located At 1550 Collins Avenue, Miami Beach, Florida (“Space”); And Entering Into A New Lease Agreement With The Managing Entity For Said Space, US Vintage, Inc. (“US Vintage”) For An Initial Term Of Three (3) Years, Commencing On October 1, 2013 And Ending On September 30, 2016, With Two (2) Renewal Options Of Three (3) Years And Three (3) Years And 364 Days Respectively, At The RDA’s Sole And Absolute Discretion, Subject To And Pursuant To The Terms And Conditions Set Forth In The Agreement.

The Committee recommended moving forward with the lease agreement under the new rent structure with the US Vintage, Inc.

Item No. 10: Discussion Regarding The Issuance Of An RFP For The Management And Operation Of Street Markets On Lincoln Road, Normandy Village, Collins Park, And Other Locations.

The Committee recommended moving forward with the Request for Proposal being extended 30 days and the amended change in points to the Evaluation Criteria.

Item No. 11: Discussion Regarding Hiring An Inspector To Investigate Claims Of Fraudulent Activity And Perform Other Investigative Services.

The Committee recommended sending out a Request for Proposal for an external help line and gave direction in looking into hiring a Compliance Officer, subject to funding through the budget process.

Item No. 12: A) Discussion Of Meals Distributed By Little Havana Activities & Nutrition Centers. B) Discussion Of Budgetary Resources To Keep Funding Social Programs.

The Committee recommended funding up to \$17,750 thru the end of the fiscal year and then budget will assess what can be funded for the next fiscal year.

Item No. 13: Discussion On Items Automatically Being Withdrawn If Not Heard Within Six Months From Referral Date Per Resolution No. 2013-28147.

List of items provided.

C6E Report Of The Special Finance And Citywide Projects Committee Meeting Of August 21, 2013: **1)** General Fund CSL Update (OBPI) - Including Impact Of Bargaining Unit Agreements/Givebacks. **2)** Updates Related To The General Fund Budget: **a.** Discussion On Increasing The Living Wage; **b.** Food Trucks; **c.** Information Technology Projects; **d.** Status Update On Senior Meals; **e.** Status Update On Planning Days; **f.** Sunscreen Licensing Agreement; **g.** Updated Discussion On Proposed Funding Cuts For Libraries; And **h.** Discussion On Hispanic Heritage Affairs Committee Motion On Hispanic Heritage Month. **3)** Lincoln Road Proposed Enhancements. **4)** Potential Efficiencies, Service Reductions, Revenue Enhancements And Service Enhancements (OBPI).

ACTION:

Item No. 1: General Fund CSL Update (OBPI) - Including Impact Of Bargaining Unit Agreements/Givebacks.

Status update given on the current service level since July 8 2013 from approximately 4.9 million dollar gap to a 2.4 million dollar gap. Also, to prepare a Letter to Commission of all funded open positions for the past six months.

Item No. 2: Updates Related To The General Fund Budget:

a. Discussion On Increasing The Living Wage;

The Committee recommended to move to follow the City's Living Wage Ordinance stipulating no annual increase to the Living Wage rates for the employees of City service contractors for FY 2012/13 or FY 2013/14.

b. Food Trucks;

Passed to include Food Trucks as stipulated in the budget.

c. Information Technology Projects;

The Committee reviewed the list of projects and requested that a Letter to Commission be provided for both the AVL system and the WIFI system.

d. Status Update On Senior Meals;

The Committee recommended including the funding for lost meals as a line item in the current budget.

e. Status Update On Planning Days;

The Committee recommended rejecting an increase in pay in lieu of planning days and to allow the City Manager to bring back a proposal per the feedback provided by the Committee.

f. Sunscreen Licensing Agreement;

The Committee requested the definition of Net Profit be provided to the Commission, a revenue line item be included in the budget at zero for the current fiscal year and to continue moving forward on producing the Sunscreen product.

g. Updated Discussion On Proposed Funding Cuts For Libraries; And

No action necessary.

h. Discussion On Hispanic Heritage Affairs Committee Motion On Hispanic Heritage Month.

The Committee will look at re-purposing funds later in the year.

Item No. 3: Lincoln Road Proposed Enhancements.

The Committee requested the City discontinue the process for the Issuance of Request for Proposals for the Maintenance of Lincoln Road and pursue the addition of a mall manager, enhanced code enforcement, and completion of a master plan for the upgrade of Lincoln Road through the FY 2013/14 budget process. City Manager Jimmy Morales to provide alternate solutions.

Item No. 4: Potential Efficiencies, Service Reductions, Revenue Enhancements And Service Enhancements (OBPI).

The Committee requested the complete list of enhancements to include enhancements not recommended by the Administration so the Commission can see the full picture of enhancement requests.

C6F Report Of The Special Finance And Citywide Projects Committee Meeting Of August 22, 2013: **1)** Carryover Of Any Items From August 21, 2013. **2)** Other Issues From Non-General Fund Budgets: **a)** Update Regarding World Out Games; **b)** Mass Transit Circulator Funding; **c)** GMCVB Budget For City Of Miami Beach Initiatives; **d)** Proposed "Visitors Convention Authority" Budget; **e)** Proposed Water And Sewer Rates; **f)** Discussion Regarding Future Stormwater Bonds And Related Rates.

ACTION:

Item No. 1: Carryover Of Any Items From August 21, 2013.

Note: the minutes for the items are reflected on the August 21, 2013 meeting.

Item No. 2: Other Issues From Non-General Fund Budgets:

a) Update Regarding World Out Games;

There was no discussion on this item. Chairperson Deede Weithorn to meet with the Visitors Convention Authority to look over their budget and determine if funds are available that can be used for the World Out Games.

b) Mass Transit Circulator Funding;

The Committee requested City Manager Jimmy Morales provide a memo to properly evaluate portions of the Implemented Route 115/117 circulators operating in tourism eligible areas and there budget impacts.

c) GMCVB Budget For City Of Miami Beach Initiatives;

The Committee recommended sending this item to Finance and Citywide Projects Committee since it has no impact on the budget.

d) Proposed "Visitors Convention Authority" Budget;

There was no discussion on this item. Chairperson Deede Weithorn will meet with the Visitors Convention Authority to work on fine-tuning their budget and determining if funding is available to include the World Out Games and other Convention Center items.

e) Proposed Water And Sewer Rates;

The Committee recommended approving the proposed rate in sewer to pass through the increase

in wholesale sewer rates from Miami Dade Water and Sewer Department of about \$3.29 to the customer.

f) Discussion Regarding Future Stormwater Bonds And Related Rates.

The Committee recommended the City Manager look at the financial sequencing of the projects and bring back proposed options to the Committee.

C6G Report Of The Neighborhood/Community Affairs Committee Meeting Of July 29, 2013: **1)** Discussion Regarding The 1st Annual "Canstruction" Jr. South Florida Competition. **2)** Discussion Regarding Building A Guardhouse At East Entrance Of Normandy Shores. **3)** Discussion Regarding A Request To Set Up Maintenance Standards For All City Plaques. **4)** Discussion Regarding Bringing The Junior Orange Bowl Tennis Tournament To Miami Beach. **5)** Discussion Regarding Bicyclist Safety Campaign With The Miami Beach Police Department, Deco Bikes And Local Bicycle Rental Companies. **6)** 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. **7)** Discussion Regarding Miami Beach Mass Transit Loop And Transit Enhancement For North Beach And Middle Beach Circulator. **8)** Discussion To Consider A New False Claims Ordinance (Whistle Blower). **9)** Discuss A Potential Public Basketball Court To Be Located Between 8th And 9th Streets, West Of The Dune, Near The Exercise Equipment. **10)** Discussion Regarding The Transportation And Parking Committee And The Bicycle-Pedestrian Facilities Advisory Committee Of A Resolution Approving An Amendment To The Flamingo Neighborhood Basis Of Design Report As Requested By The Flamingo Park Neighborhood Association For 10-Foot Wide Travel Lanes In The Local Avenues, 6-Foot Wide Sidewalks, And For A Cycle Track On 16th Street. **11)** An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Creating Division 8 "Alton Road - Historic District Buffer Overlay," By Including Section 142-858 "Location And Purpose," And Section 142-859 "Development Regulations," Including Among Other Provisions Regulations On Maximum Floor Area Ratio; Maximum Building Height; Minimum Setbacks; Building Separation; Demolition Or Additions To Contributing Buildings In An Historic District; And Land Use Regulations For Location Of Retail Uses, Restaurants, Bars, Entertainment Establishments, Alcoholic Beverage Establishments And Similar Uses; Requiring Conditional Use Approval Of Such Uses In Excess Of 10,000 Sq. Ft.; And Prohibiting Alcoholic Beverage And Entertainment Establishments In Open Areas With Exceptions As Prescribed In The Ordinance; Providing For Codification; Repealer; Severability; And An Effective Date. **12)** Quarterly Reports, Code Enforcement, Police And Sanitation Washington Avenue.

ACTION:

Item No. 1: Discussion Regarding The 1st Annual "Canstruction" Jr. South Florida Competition.

Commissioner Tobin withdrew the Item.

Item No. 2: Discussion Regarding Building A Guardhouse At East Entrance Of Normandy Shores.

Motion by Vice-Mayor Tobin; Public Works Director, Eric Carpenter to come up with an estimate for the guardhouse and maintenance. Also, work with legal to solidify and come back to

committee in September. Second by Commissioner Exposito.

Item No. 3: Discussion Regarding A Request To Set Up Maintenance Standards For All City Plaques.

By Commissioner Tobin directing Public Works department to move forward and find a way to implement a maintenance program. Second by Exposito.

Item No. 4: Discussion Regarding Bringing The Junior Orange Bowl Tennis Tournament To Miami Beach.

Commissioner Tobin gave direction to administration to send a formal courtship letter to the USTA to see if they can be flexible with their dates and come back to committee in December.

Item No. 5: Discussion Regarding Bicyclist Safety Campaign With The Miami Beach Police Department, Deco Bikes And Local Bicycle Rental Companies.

Motion by Vice-Mayor Tobin; Transportation Division to develop a plan and refer to Bike Committee once established. Bring back to Neighborhood/Community Affairs Committee in six (6) to eight (8) months. Second by Commissioner Exposito

Item No. 6: 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.

Motion by Commissioner Tobin directing the City Attorney's Office to tweak language and move forward to Commission. Second by Commissioner Exposito

Item No. 7: Discussion Regarding Miami Beach Mass Transit Loop And Transit Enhancement For North Beach And Middle Beach Circulator.

Made by Commissioner Libbin to direct administration to bring plan to commission in September and make an additional category (5th bucket) with Quality of Life funding; Second made by Commissioner Exposito.

Item No. 8: Discussion To Consider A New False Claims Ordinance (Whistle Blower).

By Commissioner Libbin, directing City Attorney's office to go through and red line the Ordinance and bring back to committee in September; Second by Commissioner Tobin.

9) Discuss A Potential Public Basketball Court To Be Located Between 8th And 9th Streets, West Of The Dune, Near The Exercise Equipment.

Item deferred and to bring back to committee in September.

Item No. 10: Discussion Regarding The Transportation And Parking Committee And The Bicycle-Pedestrian Facilities Advisory Committee Of A Resolution Approving An Amendment To The Flamingo Neighborhood Basis Of Design Report As Requested By The Flamingo Park Neighborhood Association For 10-Foot Wide Travel Lanes In The Local Avenues, 6-Foot Wide Sidewalks, And For A Cycle Track On 16th Street.

By Commissioner Tobin directing Public Works to move item to Commission for October with the plan of action and objective.

Item No. 11: An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By

Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Creating Division 8 "Alton Road - Historic District Buffer Overlay," By Including Section 142-858 "Location And Purpose," And Section 142-859 "Development Regulations," Including Among Other Provisions Regulations On Maximum Floor Area Ratio; Maximum Building Height; Minimum Setbacks; Building Separation; Demolition Or Additions To Contributing Buildings In An Historic District; And Land Use Regulations For Location Of Retail Uses, Restaurants, Bars, Entertainment Establishments, Alcoholic Beverage Establishments And Similar Uses; Requiring Conditional Use Approval Of Such Uses In Excess Of 10,000 Sq. Ft.; And Prohibiting Alcoholic Beverage And Entertainment Establishments In Open Areas With Exceptions As Prescribed In The Ordinance; Providing For Codification; Repealer; Severability; And An Effective Date.
Administration to work with City Attorney's office and review the Ordinance.

Item No. 12: Quarterly Reports, Code Enforcement, Police And Sanitation Washington Avenue.

Police Assistant Chief Overton and Captain Doce presented the crime statistics

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Take The Following Actions: 1) Submit An Application To The 2014/2015 Florida Recreation Development Assistance Grant Program (FRDAP) For Funding In The Approximate Amount Of \$200,000 For Flamingo Park Handball Courts; 2) Submit An Application To The U.S. Conference Of Mayors For The 2014 Childhood Obesity Prevention Grants Program In An Amount Up To \$120,000; And Retroactively, 3) Submittal Of An Application To Miami-Dade County Emergency Medical Services (EMS) Grant In The Approximate Amount Of \$8,010 For The Improvement And Expansion Of Pre-Hospital Emergency Medical Services; 4) Submittal Of An Application To The Knight Foundation For Funding In The Approximate Amount Of \$50,000 For The Code For America Program For A Web Development Team To Evaluate And Implement Web And Mobile Applications; And 5) Submittal Of An Application To The Miami Beach Visitor And Convention Authority For Funding In The Amount Of \$30,000 For The Code For America Program; Appropriating The Above Grants, Matching Funds And City Expenses, If Approved And Accepted By The City; Authorizing The Execution Of All Necessary Documents Related To The Aforestated 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 2013-28307 adopted. Patricia Walker to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.**

SUPPLEMENTAL AGENDA 3 – Resolution & Additional Information

- C7B A Resolution Accepting The Recommendation Of Finance And Citywide Projects Committee (FCWPC), To Withdraw The Issuance Of Request For Proposals (RFP) No. 006-2013TC For Maintenance And Security Services At The Lincoln Road Mall.
(Procurement)

ACTION: Resolution 2013-28308 adopted. Alex Denis to handle.

- C7C A Resolution Approving An Amendment To The Professional Services Agreement Entered Into On December 22, 2010 With Camp Dresser & McKee, Inc. (CDM) For Additional Work On The Stormwater Master Plan In The Amount Of \$57,804.00 Relative To Neighborhood Concurrency Reviews, A Public Meeting, And Additional Model Runs Requested As A Result Of The Public Meeting And Authorizing And Directing The City Manager And The City Attorney's Office To Finalize The Amendment And Further Authorizing The Mayor And City Clerk To Execute The Final Amended Agreement.

(Public Works)

(Memorandum & Resolution to be Submitted in Supplemental)

ACTION: Item withdrawn.

9:29:29 p.m.

10:20:37 p.m.

- C7D 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 A Professional Services Agreement With Walker Parking Consultants, Inc., To Perform A Parking Demand Analysis, In An Amount Not To Exceed \$140,525.

(Parking)

ACTION: Item separated for discussion by Commissioner Libbin. Item heard in conjunction with items R5G and R9J. **Resolution 2013-28309 adopted.** Motion made by Commissioner Exposito; seconded by Commissioner Góngora; Voice vote; 7-0. **Saul Frances and Alex Denis to handle.**

See discussion with item R5G.

10:13:45 p.m.

Motion made by Commissioner Exposito to approve the parking analysis; seconded by Commissioner Góngora; Voice vote: 7-0.

City Clerk's Note: Commissioner Weithorn voted via Interactive video conferencing.

- C7E A Resolution Setting A Public Hearing For The September 30, 2013 Special City Commission Meeting, Adopting And Appropriating The Fourth Amendment To The Police Confiscation Trust Budget For Fiscal Year 2012/2013 In The Amount Of \$10,000, To Be Funded From The Proceeds Of 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.

(Police)

ACTION: Resolution 2013-28310 adopted. Rafael E. Granado to notice. Lilia Cardillo to place on the September 30, 2013 Commission Agenda if received. **Chief Martinez to handle.**

C7F Appointment Of Chief Special Master

1. A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Section 30-36 Of The Code Of The City Of Miami Beach, Concerning The Reappointment Of Abraham Laeser, Esq., To Serve As Chief Special Master, For A Term Commencing On September 15, 2013 And Ending On March 14, 2014; Provided Further That Chief Special Master Laeser Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of The City And County Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; And Further Incorporating All Other Matters Set Forth Within Chapter 30 Of The City Code, Including, Without Limitation, Sections 30-37 And 30-38 Thereof, Concerning The Compensation And Duties Of The Chief Special Master.

ACTION: Resolution 2013-28311 adopted. Rafael E. Granado to handle.

2. A Resolution Approving And Appointing, Pursuant To Section 102-356 Of The City Code, Abraham Laeser, Esq. (Chief Special Master Appointed Pursuant To Resolution No. 2013-28132 As The City Manager's "Designee" Under Section 102-356 Of The City Code; Said Designation Commencing With Mr. Laeser's Term As Chief Special Master On September 15, 2013 And Ending On March 14, 2014.
(City Clerk's Office)

ACTION: Resolution 2013-28312 adopted. Rafael E. Granado to handle.

11:41:12 a.m.

- C7G** A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee (FCWPC); 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 For In An Amount Of \$65,000 In Addition To \$5,000 Travel Costs And Expenses, Not To Exceed A Total Of \$70,000.
(Human Resources)

ACTION: Item separated for discussion by Mayor Bower. **Resolution 2013-28313 adopted.** Motion made by Vice-Mayor Tobin; seconded by Commissioner Libbin to conduct a professional study by the International City/County Management Association (ICMA) of the Fire Department, including a review of the report provided by the U.S. Department of Commerce; Voice vote; 6-0; Absent: Commissioner Weithorn. **Chuck Tear and Chief Martinez to handle.**

Mayor Bower explained that she insists on the study done nationally, and she requested someone to look at this and to understand the impact.

City Manager Morales stated that the study was done for the U.S. Department of Commerce, which is a report on high-rise fire ground field experiments done by the National Institute of Standards and Technology (NIST) and the Fire Research Division.

Vice-Mayor Tobin explained that three years ago the Commission came up with an executive plan and they transferred 15 low level employees in the Fire Department, and without additional

training they were promoted to Lieutenants and Captains, where instead of receiving \$90,000 and \$100,000, now they have 15 new executives at a salary of \$175,000, and those are pensionable positions. A resident recently died on the Venetian Causeway due to response delay time. Two and a half years ago, he requested a professional study to analyze the Fire Department, and he was told he would never get the votes by the Union President. After all this time to obtain a study to understand the public safety of this community, it is time to move this forward.

Motion was made by Vice-Mayor Tobin to have a professional study of the Fire Department; seconded by Commissioner Libbin.

Discussion held.

Mayor Bower stated that the report she is referring to is done independently by the Federal Government; it encompasses every facet of the Fire Department, and suggested including this comprehensive report by experts. She explained that there are different analysis and different functions that the Fire Department has.

Doug Thomson, Local 1510, Vice-President, spoke.

Jimmy Morales, City Manager, recommended reaching out to the NIST regarding safety issues.

Commissioner Libbin added that the NIST study refers to issues globally, and Vice-Mayor Tobin is asking specifically for an audit of the City of Miami Beach Fire Department. He thinks they are both appropriate and independent of each other and should both be considered.

C7H A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee (FCWPC) Rejecting The Proposal To Hire An Inspector General To Investigate Claims Of Fraudulent Activity And Perform Other Investigative Services And Recommending That The Administration Develop A Request For Proposal For A Dedicated Hotline Reporting Service Capable Of Providing A 24-Hour Call Center With A Toll-Free Number And A Customized Greeting, No Call Queues, Staffed By Trained Call Intake Personnel; Online Case Management To Report, Track And Analyze Calls, An Immediate 24-Hour Notification Service For Severe/Sensitive Situations And An Online Web-Based Reporting Mechanism For Employees; Subject To Budget Appropriation.

(Human Resources)

ACTION: Resolution 2013-28314 adopted. Joe Jimenez to handle.

SUPPLEMENTAL AGENDA 3 – Resolution

C7I A Resolution Authorizing The Donation Of Surplus Computer Equipment In "As Is" Condition To The Miami-Dade Broadband Coalition.

(Information Technology)

ACTION: Resolution 2013-28315 adopted. Gladys Gonzalez to handle.

- C7J A Resolution Setting A Public Hearing, Pursuant To Section 118-262 Of The City Code, To Consider Patricia Fuller's Appeal Of The Design Review Board's Order Relative To DRB File No. 22977 For The Property Located At 1 Washington Avenue - South Pointe Park And Setting Said Public Hearing For The City Commission Meeting Of December 11, 2013.
(Parks & Recreation/City Attorney's Office)

ACTION: Resolution No. 2013-28316 adopted. Rafael E. Granado to notice. Lilia Cardillo to place on the December 11, 2013 Commission Agenda if received. **John Rebar to handle.**

5:12:46 p.m.

SUPPLEMENTAL AGENDA 2 - Resolution

- C7K A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Proposals (RFP) No. 177-2013ME, For Pay-By-Phone Services; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.
(Parking/Procurement)

ACTION: Item separated by Jimmy L. Morales, City Manager. Resolution No. 2013-28317 adopted. Motion made by Commissioner Góngora; seconded by Commissioner Wolfson Voice vote: 6-0; Absent: Commissioner Weithorn. **Saul Frances and Alex Denis to handle.**

Jimmy L. Morales, City Manager, stated that the item was pulled due to a bid protest received and responded.

Saul Frances, Parking Department Director, introduced the item.

Discussion held.

Patricia Walker, Chief Financial Officer, explained the user's fee.

Discussion continued.

Handouts or Reference Materials:

1. Email from Estevez, Maria dated September 10, 2013 RE: RFP 177-2013ME Protest filed by PayByPhone
2. Letter from Jimmy L. Morales dated September 10, 2013 to QuickPay Corporation, Steve Hernandez RE: Protest Filed Pursuant to Award Recommendation on RFP 177-2013-ME.
3. Letter from Jimmy L. Morales dated September 10, 2013 to Pango USA, Neil Edwards RE: Protest Filed Pursuant to Award Recommendation on RFP 177-2013-ME.

12:10:00 a.m.

C7L A Resolution Authorizing The City Manager Or His Designee, And City Clerk To Execute The Coalition Involvement Agreement With The Miami Beach Coalition, Which Authorizes The Miami Beach Police Department Personnel, When Available, To Attend The Miami Beach Coalition Meetings And Training Seminars, And To Participate In Strategic Planning Relative To Juvenile Drug Prevention, Pursuant To The Drug Free Communities Support Program Grant For The Prevention Of Drug And Alcohol Abuse In The City Of Miami Beach.

(Police)

ACTION: Item separated for discussion by Commissioner Wolfson. **Resolution No. 2013-28318 adopted as amended.** Motion made by Commissioner Góngora to approve the item; seconded by Commissioner Exposito; Voice vote; 6-0; Absent: Commissioner Weithorn. **Chief Martinez to handle.**

Amendment:

Approve the item with the understanding that the Police Chief meet with representatives of Miami Beach Coalition to obtain additional information about the grant uses.

Commissioner Wolfson explained the reason why he separated this item. He asked the Police Chief who is Miami Beach Coalition and what they do that they need to apply for grant money. In order to apply for a grant, they have to be able to promise that MBPD is part of a series of event, and the Commission needs to approve them signing off on it. He was told that Chief Martinez will look into it.

Chief Martinez explained that this is the group that does the sticker shock, goes to the convenience stores and puts the "Do Not Sell Alcohol" sign to those under 21, and they hold the Miami Beach High Grim Reaper DUI Prom Event.

Commissioner Góngora stated that the Miami Beach Coalition does the "No Texting While Driving" and DIU prevention programs.

Commissioner Wolfson requested that Chief Martinez meet with the Miami Beach Coalition representatives and find out what they do before the Commission agrees to approve the grant. Therefore, he wants additional information as to the organization's activities.

Mayor Bower suggested approving the item if the grant has a deadline, with the understanding that they find more information about the organization.

Commissioner Wolfson agreed to move the item forward with the understanding that the Police Chief will meet with the Miami Beach Coalition, and if something raises a red light, the Police Chief can decide that the Police Department will not participate, and then the Police Chief reports to the City Commission in that case.

Motion made by Commissioner Góngora to adopt the resolution with the understanding that the Police Chief meet with representatives of Miami Beach Coalition; seconded by Commissioner Exposito.

- C7M A Resolution Authorizing The Mayor And The City Clerk To Execute An Inter-Local Agreement Between The City And Miami-Dade County, Florida, Permitting Miami Beach Police Officers To Enforce Provisions Of The Miami-Dade County Code, Specifically Regarding Vehicles For Hire Regulations.

(Police)

ACTION: Resolution No. 2013-28319 adopted. Chief Martinez to handle.

- C7N A Resolution Approving And Authorizing The Chief Of Police To Execute A Memorandum Of Understanding For The Purpose Of Conducting Joint Multi-Jurisdictional Investigations Pursuant To A Mutual Aid Agreement.

(Police)

ACTION: Resolution No. 2013-28320 adopted. Chief Martinez to handle.

- C7O A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Perpetual Easement Agreement With The Florida Department Of Transportation (FDOT) With Regard To A 217.2 Square Foot Parcel On The West Side Of Indian Creek Drive And North Of 26th Street For A Proposed Stormwater Outfall On Indian Creek Drive (SR A1A).

(Public Works)

ACTION: Resolution No. 2013-28321 adopted. Eric Carpenter to handle.

12:13:22 a.m.

SUPPLEMENTAL AGENDA 2- Resolution

- C7P A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Implement A Mass Transit Circulator Loop In North Beach And Work With Miami-Dade Transit To Implement A North-South Express Bus Service To Connect A North Beach Circulator To South Beach.

(Public Works)

ACTION: Item separated for discussion by Commissioner Libbin. **Resolution rejected.** Item will be discussed at the Budget Workshop. **Eric Carpenter and Jose Gonzalez to handle.**

Commissioner Libbin explained that he separated the item because what was recommended by the Finance and Citywide Projects Committee was to delay putting the money aside until mid-year, and he feels this is wrong. If they know they need more money, they should start looking for the money sooner rather than later. They wanted to wait for the decision to split into five categories.

Kathie G. Brooks, Assistant City Manager, explained that this was discussed during the budget meetings and suggested discussing it.

Discussion held.

Kathie G. Brooks, Assistant City Manager, stated that she would bring this item back when they schedule the Budget Workshop, most likely on September 18, 2013. She added that she would be contacting the Mayor's Office for their availability. **John Woodruff to handle.**

- C7Q A Resolution Approving And Authorizing The City Manager, Or His Designee, To Utilize Florida Sheriffs Association (FSA) Contract Numbers 12-20-0905, 12-10-0905, And 11-10-1202, Or Their Successor Contracts, For The Purchase Of Vehicles And Equipment Previously Approved By The Budget Process, Through Fiscal Year 2013/14, When Those Contracts Offer The Most Cost Competitive Option; And Waiving By 5/7th Vote, The Formal Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City.
(Public Works)

ACTION: Resolution No. 2013-28322 adopted. Eric Carpenter to handle.

- C7R A Resolution Authorizing The City Of Miami Beach Parking Department To Assume Responsibility For The Collection And Maintenance, Via Standard Parking, Of The Miami-Dade County Homeless Trust's Adopt-A-Homeless Donation Meter Campaign Program For Those Meters Located In The City Of Miami Beach.
(Real Estate, Housing & Community Development)

ACTION: Resolution No. 2013-28323 adopted. Saul Frances and Maria Ruiz to handle.

SUPPLEMENTAL AGENDA 3 – Resolution

- C7S A Resolution Approving An Amendment To The Special Events Requirements And Guidelines To Include Recycling Requirements For Events That Require A Sanitation Plan, As Recommended By The Neighborhood/Community Affairs Committee.
(Requested by Commissioner Jerry Libbin)
(Legislative Tracking: Tourism, Culture & Economic Development)

ACTION: Resolution No. 2013-28324 adopted. Max Sklar to handle.

- C7T A Resolution Approving The Donation Of Approximately 7,900 Surplus Chairs From The Miami Beach Convention Center To Non-Profit Organizations.
(Tourism, Culture & Economic Development)

ACTION: Resolution No. 2013-28325 adopted. Max Sklar to handle.

SUPPLEMENTAL AGENDA 2- Resolution

- C7U A Resolution Approving And Authorizing The Placement Of Twenty (20) Banners For The Miami Book Fair International, To Be Held November 22-24, 2013, In The City Of Miami, As Requested By The Applicant At The Following Locations: Fifth (5th) Street, Between Alton Road And Ocean Drive; Collins Avenue, From Fifth (5th) Street To Tenth (10th) Street; Washington Avenue, From Fifth (5th) Street To Lincoln Road; And MacArthur Causeway From Fountain Drive To Terminal Island; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Shown On The Attached Drawings; To Be Installed And Removed In Accordance With All Other Applicable City Requirements; Banners To Be Installed No Earlier Than October 24, 2013 And Removed By November 25, 2013.
(Tourism, Culture & Economic Development)

ACTION: Resolution No. 2013-28326 adopted. Max Sklar to handle.

Handouts or Reference Materials:

1. Flyer "Miami Book Fair International, Nov. 17-24" downtown Miami – Miami-Dade College

C7V A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Create New Procedures And A Fine Schedule For False Fire Alarms Generated In The City Of Miami Beach And Directing The Administration To Present The Recommended Amendments To The City Commission For Consideration.

(Fire)

ACTION: Resolution No. 2013-28327 adopted. Chief Otero to handle.

C7W A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Increase The Current Fines And To Create A Fine Schedule For New Fire Code Violations And Directing The Administration To Present The Recommended City Code Amendments To The City Commission For Consideration.

(Fire)

ACTION: Resolution No. 2013-28328 adopted. Chief Otero to handle.

End of Consent Agenda

REGULAR AGENDA

12:16:56 p.m.

ADDENDUM AGENDA 1:

R2A Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 2013-380TC, For The Parkview Island Right-Of-Way Improvements.

(Public Works)

ACTION: Request authorized. Motion made by Vice-Mayor Tobin to award the contract; seconded by Commissioner Libbin; Voice vote: 6-0; Absent: Commissioner Weithorn. **David Martinez to handle.**

Eric Carpenter, Public Works Director, introduced the item and explained that the majority of the funding for the project is being provided under a HUD loan, and as a condition to the loan, the City must complete the project prior to the expiration of the loan on May 1, 2014. He explained the work of the project, which includes the replacement of water mains and re-pavement of roadways.

Jose Smith, City Attorney, announced that there is a bid protest on this item.

Raul Aguila, Chief Deputy City Attorney, stated that the City received the bid protest on this item from Ric-Man International, Inc. yesterday afternoon before the 5 PM deadline; the City responded and denied the protest and it has been entered into the record with the City Clerk.

Jimmy L. Morales, City Manager, explained that Ric-Man International is one of the companies in the affidavit with a procurement investigation still pending; they were the low bidder, but received a poor ranking in terms of credit rating and he did not feel comfortable recommending them and found them to be non-responsive, and he recommended the second company, still within the

budget.

Raul Aguila, Chief Deputy City Attorney, stated that one of the reasons Ric-Man International is deemed non-responsive, is that in addition to having been named in the affidavit for the arrest for former Procurement Director Gus Lopez, there was an additional issue having to do with the criteria, as the company is listed as a high risk company under Dunn and Bradstreet; this gave Administration reasonable criteria for the City Manager's determination that they are not the best and most responsible bidder in this case.

Handouts or Reference Materials:

1. Letter from Jimmy L. Morales dated September 10, 2013 to Ric-Man International, Inc., Rene L. Castillo, RE: Protest Filed Pursuant to Award Recommendation on ITB 2013-380-TCF, Parkview Island Right-of-Way Improvements.

R5 - Ordinances

11:51:12 a.m.

SUPPLEMENTAL AGENDA 4: Revised Actuarial Impact Statement

R5A CWA, Unclassified And Others - MBERP Pension

An Ordinance Implementing Provisions Of The 2012-2015 Collective Bargaining Agreement Between The City And The Communications Workers Of America, (CWA) Local 3178; Implementing Similar Retirement Plan Amendments For Members Who Are Not Included In Any Bargaining Unit; Amending The Miami Beach Employees' Retirement Plan Created By Ordinance 2006-3504; Amending Section 2.26 Of The Plan By Extending The Deferred Retirement Option Plan (Plan) Program From Three (3) To Five (5) Years For Eligible Members; Amending Section 5.13 To Reflect Amended Eligibility And Participation Requirements And Amended DROP Plan Features; Amending Section 4.03 By Eliminating The Purchase Of Additional Creditable Service For Certain Members; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing An Effective Date. **10:15 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Human Resources)

(First Reading on July 17, 2013)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2013-3806 adopted as amended.** Motion made by Commissioner Libbin to approve the Ordinance; seconded by Commissioner Exposito; Ballot vote: 6-0; Absent: Commissioner Weithorn. **Sylvia Crespo-Tabak to handle.**

Amendment

Extend the length of time to pay back the full amount of the 10% from six months to one year

Bradley Mester, Building Department Financial Analyst I, explained that he has worked for the City for almost five years, and this proposed Ordinance affects him dramatically; he planned to utilize the buy back and is not represented by the CWA. He stated his rights are being taken away from him. He read Sec. 3.02 of the Ordinance to the Commission, "any person who becomes an employee, on or after the effective date of this Ordinance, shall be a member of this plan as a condition of his employment in office as the first day of employment." None of the pension changes previously were for people already in the plan, but for new employees. He urged that this should apply for new employees only. On a recent LTC about executive planning days, it stated that it was part of the benefit package upon employment with the City, so they

should not be taken away, but this benefit, which was part of his original benefit package has been taken from him. It is obviously not fair, and there is misrepresentation in the item summary as far as the total of vested employees in the City, as there are only about 80 unclassified or 60 employees per year that this affects. He urged the Commission to do the right thing and ensure that this applies only for new employees.

Kathie G. Brooks, Assistant City Manager, for the record, stated that changes have previously been made to the General Pension Plan and it affected existing employees when the FAME was extended from two to five years. In addition, for the recent changes made in Police and Fire, it affects existing employees; as to the number of 157 employees per year, it was based on the average, and she clarified that there are 550 vested employees who have not yet bought back two years and an additional 221 non-vested employees unable to buy into the plan.

Discussion held.

Commissioner Libbin asked how many employees are within six months of being vested. Discussion was held.

Commissioner Wolfson stated that it is unfortunate that some individuals are benefitting from something that caused the City to be in an unfunded liability that is unsustainable, and now they have to aim to correct it at some point. He is sorry, but it is a defined benefit pension, and what Mr. Mester gets will be incredible wonderful anyhow; so the notion that he cannot buy two additional years for time that he was not even here, is no big deal. It is a buy back, is not taking away Mr. Mester's time worked. The frenzy has to end at some point. He asked if they are doing the same with Fire and Police.

Kathie G. Brooks, Assistant City Manager, explained that the only exception in Fire and Police is military time, that they will still be able to buy back. Discussion continued.

Commissioner Wolfson asked what the Federal Government pension for military is, and if they provide a pension, the City should not have the duty to provide people with more pension based on military service and allow double dipping by allowing them to buy two years of pension. Discussion continued. Kathie G. Brooks will obtain the information at a later time with the Fire and Police Ordinance.

Ms. Brooks added that they have ratified their contract with Fire and Police, but police had one change related to the 11% grandfathering in; that contract will be brought back for ratification. Discussion continued.

Vice-Mayor Tobin agrees with the buy back for the military, because it attracts serious officers as a general rule for the Police Department. Discussion continued.

Commissioner Libbin stated that the way the Ordinance is written, employees would have to pay the full amount of the ten percent within six months. He asked if there is consensus from this body to extend the length of time to one year. Discussion continued.

Jose Smith, City Attorney, stated that as long as it is more lenient, the Ordinance may be amended during second reading.

Motion made by Commissioner Libbin to approve the item with the amendment that the length of time to pay back the full amount of the 10% is extended to one year; seconded by Commissioner

Exposito.

Bradley Mester spoke.

Jimmy L. Morales, City Manager, stated that the Budget Advisory Committee recommended cutting the two-year buy back, it is the direction of the City Commission, and it has been taken from all other groups. This is now a citywide policy.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 799
2. See Speakers List

12:40:31 p.m.

R5B CWA 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 IV, Represented By The Communications Workers Of America (CWA) Local 3178, In Accordance With The Negotiated Collective Bargaining Agreement, Effective October 1, 2012, There Shall Be An Increase Of Eleven Percent (11%) To The Maximum Wage For The Classifications Of Lifeguard II And Lifeguard Lieutenant; Effective The First Pay Period Ending In October Of 2014, There Shall Be An Across The Board Cost-Of-Living Adjustment (COLA) Of Three Percent (3%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Three Percent (3%); Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification. **10:30 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Human Resources)

(First Reading on July 17, 2013)

ACTION. Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2013-3807 adopted.** Motion made by Commissioner Exposito to approve the Ordinance; seconded by Vice-Mayor Tobin; Ballot vote: 6-0; Absent: Commissioner Weithorn. **Sylvia Crespo-Tabak to handle.**

Jimmy L. Morales, City Manager, introduced the item.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 798
2. Copy of Ad and mailing labels
3. Copy of Ad 798 and Mailing Labels

12:43:22 p.m.

SUPPLEMENTAL AGENDA 2 - Ordinance

R5C Minimum Unit Sizes For Historic Hotels And RM-2 Tower Setbacks

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," By Amending Article II, "District Regulations," By Amending Division 3, "Residential Multifamily Districts," By Amending Section 142-155 To Modify The Requirements For Minimum Hotel Room Size For Historic Hotels Within The RM-1 District; By Amending Section 142-217 To Modify The Requirements For Minimum Hotel Room Size For Historic Hotels Within The RM-2 District; By Amending Section 142-218 To Modify The Tower Setback Requirements Within The RM-2 District; By Amending Section 142-246 To Modify The Requirements For Minimum Hotel Room Size For Historic Hotels Within The RM-3 District; Providing For Codification; Repealer, Severability And An Effective Date. **10:45 a.m. Second Reading Public Hearing**

(Requested by the Land Use & Development Committee)

(Legislative Tracking: Planning Department)

(First Reading July 17, 2013)

ACTION. Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2013-3808 adopted.** Motion made by Commissioner Libbin to approve the Ordinance; seconded by Commissioner Góngora; Ballot vote: 6-0; Absent: Commissioner Weithorn. **Richard Lorber to handle.**

Steve Warnick, Esq., explained that the item came in front of the Commission in July, and the Planning Board and Historic Preservation Board recommended approval; he encouraged to pass the item tonight.

Richard Lorber, Acting Planning Director, added that a referral was made to discuss the commercial district in the City. The Ordinance is not to require variance when existing historic hotels undergo renovation, and often they do not meet the existing minimum unit size for hotel room, but they can rearrange the configuration of these historic buildings. The way the Ordinance was advertised was for the RM districts, not advertised for other zoning districts or commercial zoning districts, CD2 or CD3. Another Ordinance was referred this morning.

Discussion held.

Mayor Bower stated that this should have been done holistically taking all other hotels in consideration.

Richard Lorber, Acting Planning Director, added that the great majority of these renovations are in the RM district, but there are some hotels that are in the commercial district. He stated that they probably did not go far enough to include all areas.

Mayor Bower explained that she does not continually visit the historic district, and if something has to be done in the historic district, it should be done comprehensively. Every time a change is made, a door is opened for more changes and she is concerned with that.

Mr. Lorber stated that this was not a developer's request, and it was truly an oversight.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 799

12:50:44 p.m.

R5D An Ordinance Amending Chapter 90 Of The Miami Beach City Code, Entitled "Solid Waste," By Amending Article V, Entitled "Citywide Recycling Program For Multifamily Residences And Commercial Establishments," By Amending Section 90-343, Entitled "Public Education Program; Requirements For Recycling Contractors; Warning Period; Enforcement Date," By Extending The Warning Period From June 30, 2013 To December 31, 2013 And Extending The Beginning Of The Enforcement Period From July 1, 2013 To January 1, 2014; By Amending Section 90-345, Entitled "Enforcement," By Extending The Beginning Of The Enforcement Period From July 1, 2013 To January 1, 2014; Providing For Repealer, Severability, Codification, And An Effective Date. **11:00 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Jerry Libbin)
(Legislative Tracking: Public Works)
(First Reading July 17, 2013)

ACTION. Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2013-3809 adopted as amended.** Motion made by Commissioner Libbin to approve the Ordinance; seconded by Commissioner Exposito; Ballot vote: 6-0; Absent: Commissioner Weithorn. **Eric Carpenter to handle.**

Amendment:

Extend the warning period until July 2014, subject to approval from Miami-Dade County.

Commissioner Libbin explained that what the Sustainability Committee recommended was that the Ordinance as of July 1 would have required fines to be made for buildings that did not have recycling in place, and they realized that there were many buildings that do not have recycling, and the intent would not be to fine all of them, so they recommended extending the educational period for six months, after a third hauler is in place. The way it is worded, he recommended extending until June of 2014.

Commissioner Wolfson is completely against the fines on multifamily buildings, and explained that anybody passing by can put garbage into the recycle bins, but the owner will be the one cited, although the tenants or others are the ones that should receive the fines.

Commissioner Libbin explained that this was changed, and added that the fine is for not having a recycling plan in place. The committee strongly feels that there has to be some enforcement, they urge the Commission to educate and then enforce. Discussion held.

12:58:48 p.m.

Commissioner Góngora stated that there are two good points on this item; the intent in Miami Beach is that people recycle, and there is a current law in place that is not being enforced. He does not want to fine people either, and is in agreement with Commissioner Libbin to extend the educational period until they have a hauler in place.

Discussion continued. There was consensus to extend to July 2014.

Jose Smith, City Attorney, stated that this change does not prejudice anyone, and is liberalizing the time to educate residents; the one issue he heard from staff, is that apparently this is something that has to be approved by the County.

Eric Carpenter, Public Works Director, explained that Miami-Dade County has an Ordinance

currently in place, and they agree not to enforce their Ordinance because the City had an Ordinance approved on June 6, 2012. Following the approval of that Ordinance, a Memorandum of Understanding was executed with the County that precluded them from enforcing their recycling Ordinance in Miami Beach. Staff contacted the County to extend the warning period, and they agreed to extend it to January 1st.

Jose Smith, City Attorney, recommended adding “subject to the County’s approval.” Commissioner Libbin accepted the amendment.

Vice-Mayor Tobin suggested incentives for participation and compliance. Discussion continued regarding incentives.

Mayor Bower suggested creating some sort of formula in the contract, that if they do not have recycling in apartment buildings and they begin recycling and garbage is reduced, something has to compensate, since they make money with the recycling.

Commissioner Wolfson explained that recycling is a State law that the City cannot regulate. We can regulate commercial haulers, but anyone can do the recycling from his recollection. The City has limited say on the recycling. He explained that an incentive might want to be placed on a commercial contract, that if a building owner has a recycling program, that they provide some discount.

Eric Carpenter, Public Works Department Director, explained that there is a flat fee of \$36.19 per unit per month, which includes recycling services; that is a package deal provided to eight (8) units or less; anything larger than eight units, will have to contract with a private hauler.

Discussion continued.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 799

1:09:40 p.m.

R5E An Ordinance Amending Chapter 90 Of The Miami Beach City Code, Entitled “Solid Waste,” By Amending Section 90-39 Entitled “Fine Schedule For Violations Issued And Applied To Owners, Agents, Tenants, Occupants, Operators Or Managers, Or Persons Responsible For The Violation,” By Amending The Fine Schedules For Violations Of Section 90-36 And 90-96 And Providing For Consistent Terminology Regarding First And Subsequent Offenses; By Amending Section 90-40, Entitled “Fine Schedule For Violations Of Sections 90-98; 90-107; 90-191 Et Seq.; 90-221 Et Seq.; And 90-228 By Private Waste Contractors,” By Amending And Providing For Fine Schedules And Violations Consistent With The Provisions In The Referenced Sections And In Sections 90-36, 90-99, And 90-100, And Providing For Consistent Terminology Regarding First And Subsequent Offenses; By Amending Section 90-222, Entitled “List Of Accounts,” By Providing Reporting Requirements For Discontinued Accounts Consistent With Section 90-36; Providing For Repealer, Severability, Codification, And An Effective Date. **11:15 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Public Works)

(First Reading July 17, 2013)

ACTION. Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2013-**

3810 adopted. Motion made by Vice-Mayor Tobin to approve the Ordinance; seconded by Commissioner Góngora; Ballot vote: 6-0; Absent: Commissioner Weithorn. **Eric Carpenter to handle.**

Vice-Mayor Tobin requested an update on this item.

Eric Carpenter, Public Works Director, stated that the item was discussed at Finance and Citywide Projects Committee, the third RFQ was referred with the recommendation that there are a number of problems with this Ordinance that needed to be cleaned up, as far as non-collection and making sure they provide the services they charge for, and maintaining an office in Miami-Dade County. This is clean-up language, and also a number of items attributed to the homeowners making their responsibility and the fines going to them, that should have been the responsibility of the waste haulers.

Jimmy L. Morales, City Manager, clarified the clean-up language.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 799

1:14:51 p.m.

R5F An Ordinance Amending Chapter 82 Of The City Code, Entitled “Public Property,” By Amending Article VI, Entitled “Naming Of Public Facilities And Establishment Of Monuments Or Memorials,” By Amending Section 82-503, Entitled “Naming Of Public Facilities,” By Eliminating The Requirement Of A Referendum In Such Cases When The Facility To Be Named Or Renamed Is City Owned, And Not Already Named For An Individual Or Individuals Pursuant To Section 82-503(a)(4), And The Proposed Name Includes The Name Of The Physical Location Of The Facility Or The Facility To Be Named Or Renamed, Which May Include The Name Of The Park And/OR Street Where The Facility Is Located, Providing For Repealer, Severability, Codification, And An Effective Date. **11:30 a.m. Second Reading Public Hearing**

(Requested by the Neighborhood/Community Affairs Committee)

(Legislative Tracking: City Attorney’s Office)

(First Reading July 17, 2013)

ACTION. Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2013-3811 adopted as amended.** Motion made by Commissioner Exposito to approve the Ordinance; seconded by Commissioner Góngora; Ballot vote: 6-0; Absent: Commissioner Weithorn. **City Attorney’s Office to handle.**

AMENDMENT:

Remove the word “include”

Language shall read “to be named or renamed for solely the name of the City, the physical location of the facility, and/or the street where facility is located.”

Raul Aguila, Chief Deputy City Attorney, stated that this is a clean-up to the naming Ordinance approved on first reading, and what it does is for the naming of public parks and public buildings, it exempts from the referendum requirement the exception that currently one can name a building to describe what it does and have the name of the City of Miami Beach. One can name a building if you are naming it referencing the name of the park where located or the name of the street where located; without having to go to referendum.

Vice-Mayor Tobin stated that subsection 2 eliminates the need for a referendum under certain circumstances, and the way he reads it is that they eliminate the referendum “as long as the facility to be named or renamed includes the name of the City or its physical location.” He suggested taking out the word “include.”

Raul Aguila, Chief Deputy City Attorney, stated that the word “include” will be removed and it will read “to be named or renamed for solely the name of the City, the physical location of the facility, and/or the street where facility is located. He agreed that clean-up language is needed between first and second reading. He suggested approving this as amended.

Discussion held.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 799

9:28:13 p.m.

R5G Alton Road Parking District No. 6

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 130 Off-Street Parking, Article II “Districts; Requirements,” Section 130-31 “Parking Districts Established,” Creating A New Parking District No. 6, And Section 130-33 “Off-Street Parking Requirements For Parking Districts Nos. 2, 3, 4 And 5,” By Adding New Parking Regulations For Parking District No. 6, For Properties With A Lot Line On Alton Road, From 5th Street To Dade Boulevard, Including A Reduction In Off-Street Parking Requirements For Certain Land Uses And Bicycle Parking Requirements; Providing For Codification; Repealer; Severability; And An Effective Date. **5:05 p.m. Second Reading Public Hearing**

(Sponsored by Commissioner Jonah Wolfson)

(Legislative Tracking: Planning Department)

(Deferred on June 5, 2013)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2013-3812 adopted. Item heard in conjunction with Items C7D and R9J.** Motion made by Commissioner Wolfson to approve the Ordinance; seconded by Commissioner Libbin; Ballot vote: 6-1; Oppose: Mayor Bower. **Richard Lorber to handle.**

Commissioner Libbin requested to combine related items C7D and R9J in conjunction with this item waiving parking study. He recommended they move forward with this regardless if they do the study or not. He explained that \$140,000 can be spent in parking studies, but he knows that there is an existing need for parking. What they are looking at with the overlay is a slightly different thing; they have a garage paid by taxpayers; they paid \$15 million for spaces that are empty on a daily basis, and they have the opportunity to fill those spaces and have some revenue; that has nothing to do with the fact that they should continue to find more parking, with a study or without a study. He believes that a) they should go with the overlay and use those empty spaces; and b) he rather not spend the money for a parking study.

Mayor Bower differs from Commissioner Libbin’s opinion, since they are not sure if parking is going to be used; secondly they are reducing parking for a developer and she thinks they should build the parking that they are required to build. Thirdly, for the record, she disclosed that the people will first park in the neighborhood; if they do not find parking, they will go to the garage; the issue of the hotels and people that need parking, she still believes that the City is subsidizing the developers because they are building parking for them. She is fundamentally against this, and

hotels agree that this is a problem for their employees. She is not against the issue, but the City Commission is not doing their job and moving forward, she feels this is not the right thing to do.

Vice-Mayor Tobin stated that there is another way to solving the gridlock; the more parking, the more cars, the more congestion. The only way to get relief is to have a great mass transit system, by taking one of the parking lanes on Alton Road, one of the parking lanes on Washington Avenue, one of the lanes on 17th Street and one of the parking lanes on 5th Street. No matter how much parking, they will continue to have congestion. He hopes a new Mayor will take this issue and resolve it.

Commissioner Góngora agrees on mass transit connectivity and there is a need for a real modern circulator, not a bus. Discussion held.

Mark Needle agreed with having a rapid transit system, and stated that one of the problems in the parking Ordinance is that it assumes that the City has a rapid transit; the Flamingo Neighborhood Association has asked for several changes through the parking overlay, and he wants to say that the HOA reaffirmed its position that the parking overlay and historic buffer are to be considered together. They need to be linked, and he proposed a way to do that, but they need to address the needs of the residents. The overlay district and some of the fixings in the parking Ordinance can be achieved, but he wants to make sure that those that want to protect the neighborhood interests, not only the developers, vote for it and come back and reconsider this item. They need to go together. He is for the study and for solving neighborhood interests. This needs to be reconsidered.

Mayor Bower explained that this is in the design phase. Discussion continued.

Mr. Needle stated that the Flamingo Neighborhood Association supports Administration's recommendation to open and continue the item, but they want to make sure that the neighborhood's interests are represented, whether they take action or not today.

Discussion held.

Jose Smith, City Attorney, explained that once the Ordinance goes into effect, it is in effect; one of the members at the next meeting can file a motion to reconsider to hear the item. Discussion continued.

Commissioner Wolfson stated that this is a commercial corridor and to ask this Commission to rezone for whatever concerns, is not appropriate to other's rights. It may be interpreted as a betrayal of honest intellectual thinking and he disagrees.

Discussion continued.

The following individuals spoke:

Gail Durham

Robert Wallace

Christine Florez, President of the West Avenue HOA

Jay Matthau

Jack Johnson

Marc Needle

Discussion continued.

See Item R9J

Motion made by Commissioner Wolfson to move the parking overlay R9J; seconded by Commissioner Libbin; Ballot vote; 6-1; Opposed: Mayor Bower.

Commissioner Góngora explained that this Ordinance has been back and forth for a number of years, and he thinks the parking overlay district is a good thing, since they have an underutilized parking garage; there are interesting components of the other Ordinance coming up in October.

Motion made by Commissioner Libbin to stop the parking study. No second offered. Discussion continued.

See item C7D.

Motion made by Commissioner Exposito to do the study; seconded by Commissioner Góngora; Voice-vote: 6-0; Absent: Commissioner Weithorn.

Handouts or Reference Materials:

1. Memorandum from Mark Weithorn, Transportation & Parking Committee Chair, dated June 4, 2013, RE: TPC Motion – Alton Road Parking District No. 6.

10:43:30 p.m.

SUPPLEMENTAL AGENDA 2- Ordinance

R5H Palm View Hotel Uses

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Subdivision IV, "RM-2 Residential Multifamily, Medium Intensity," To Limit Hotels As Hereinafter Provided In The Palm View Corridor To Those Existing As Of May 28, 2013; Defining The Palm View Corridor As All Properties Abutting The West Side Of Meridian Avenue Between 17th Street And Collins Canal; Defining The Rights Of Existing Hotels As Legal Conforming Uses; To Exclude Outdoor Entertainment Establishments And Outdoor Entertainment From Permitted Hotel Accessory Uses; To Add Hotels As A Prohibited Use Within The Boundaries Of The Palm View Corridor Of The RM-2 District; Acknowledging State Pre-Emption Of Short Term Rental Regulations; Providing Rules For Cessation And Resumption Of Hotel Uses; And Providing For Codification; Repealer, Severability And An Effective Date. **5:15 p.m. First Reading Public Hearing**

(Requested by the Land Use and Development Committee)

(Legislative Tracking: Planning Department)

ACTION: Title of the Ordinance read into the record. Public Hearing held. Ordinance approved on first reading. Second reading and Public Hearing scheduled for October 16, 2013. Motion made by Commissioner Góngora to approve the Ordinance; seconded by Commissioner Libbin; Ballot vote: 7-0. Lilia Cardillo to place on the Commission Agenda if received. **Richard Lorber to handle.**

Commissioner Góngora explained that this Ordinance, to the extent of any hotel uses existing in Palm View, legalizes them in that corridor and prohibits any future hotel uses.

Richard Lorber, Acting Planning Director, explained that this is also related to the West Avenue Corridor; these were split into two different geographical areas. He defined the area as being along Meridian Avenue and the West side of Meridian from 17th up to Collins.

Commissioner Wolfson asked if there are apartment buildings in Palm View that can be converted to hotel use.

Mr. Lorber explained that if that is the case, they would have to obtain approval from the DRB or HPB before conversion. No new hotel can be created. The residents have expressed that this area is very much residential and not characterized by hotels.

Discussion held.

Commissioner Góngora explained that he placed this item through the request of Miami Beach United because of the proposed Convention Center development; it was referred to LUDC and they thought it was an appropriate Ordinance, prohibiting any future potential hotel uses abutting residential neighborhoods.

Toni Grecio, representing owner of the aforementioned hotel, explained that they reviewed the Ordinance and are in favor of it.

Motion made by Commissioner Góngora to approve the item; seconded by Commissioner Exposito; Ballot vote: 7-0.

City Clerk's Note: Commissioner Weithorn voted via Interactive video conferencing.

Handouts or Reference Materials:

1. Notice to the Public and Mailing Labels

10:49:30 p.m.

SUPPLEMENTAL AGENDA 2- Ordinance

R5I West Avenue Hotel Uses

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Subdivision IV, "RM-2 Residential Multifamily, Medium Intensity"; And By Amending Subdivision V, "RM-3 Residential Multifamily, High Intensity," To Limit Hotels As Hereinafter Provided In The West Avenue Corridor To Those Existing As Of May 28, 2013; Defining The West Avenue Corridor As That Area Bordered By Collins Canal To The North, Alton Road To The East, Biscayne Bay To The West And 6th Street To The South; Defining The Rights Of Existing Hotels As Legal Conforming Uses; To Exclude Outdoor Entertainment Establishments And Outdoor Entertainment From Permitted Hotel Accessory Uses; To Add Hotels As A Prohibited Use Within The Boundaries Of The West Avenue Corridor Of The RM-2 And RM-3 Districts; Acknowledging State Pre-Emption Of Short Term Rental Regulations; Providing Rules For Cessation And Resumption Of Hotel Uses; And Providing For Codification; Repealer, Severability And An Effective Date. **5:20 p.m. First Reading Public Hearing**

(Requested by the Land Use and Development Committee)

(Legislative Tracking: Planning Department)

ACTION: Title of the Ordinance read into the record. Public Hearing held. Ordinance approved on first reading. Second reading and Public Hearing scheduled for October 16, 2013. Motion made by Commissioner Libbin to approve the Ordinance; seconded by Commissioner Exposito; Ballot

vote: 7-0. Lilia Cardillo to place on the Commission Agenda if received. **Richard Lorber to handle.**

Christine Florez thanked Commissioner Góngora, Miami Beach United and the developers who worked with the residents for the betterment of the community.

City Clerk's Note: Commissioner Weithorn voted via Interactive video conferencing.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 802
2. Email from Alexander I. Tachmes dated September 9, 2013 RE: Proposed law to ban hotels on West Avenue – Commission Item R5I

1:52:00 p.m.

SUPPLEMENTAL AGENDA 2- Ordinance

R5J RM-3 Accessory Use Signage

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 138, Entitled "Signs," By Amending Article I, Entitled "In General," By Amending Section 138-8 To Modify The Accessory Use Sign Requirements For Oceanfront Buildings; By Amending Article V, Entitled "Sign Regulations By District," By Amending Section 138-171 To Modify The Requirements For Hotels And Apartment Buildings Within The RM-3 District And By Amending Section 138-172 To Modify The Requirements For Hotels And Apartment Buildings Within The RM-3 District; Providing For Codification, Repealer, Severability And An Effective Date. **First Reading**

(Requested by the Land Use and Development Committee)
(Legislative Tracking: Planning Department)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading as amended.** Motion made by Commissioner Libbin to approve the Ordinance as amended; seconded by Commissioner Góngora; Ballot vote: 6-0; Absent: Commissioner Weithorn; Second reading and Public Hearing scheduled for October 16, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **Richard Lorber to handle.**

Amendment:

Historic Preservation Board to review between first and second reading

Richard Lorber, Acting Planning Department Director, introduced the item, which is designed to reduce the number of variances for signage along Collins Avenue, hotels in the RM3 residential zone, and this will liberalize the sign regulation in that area. This streamlines the process for hotel development and he recommends approval.

Discussion held.

Commissioner Góngora added that at LUDC this was reviewed and they looked at areas where people were getting variances 100% of the time and having to spend the money doing it; staff recommended it could be done administratively.

Discussion continued regarding signs.

Richard Lorber, Acting Planning Director, stated that much of it is in the historic district, the RM3

oceanfront area. In answering Mayor Bower's question, he stated that the item had not been reviewed by the HPB. Discussion continued.

Jimmy L. Morales, City Manager, explained that this was a response to direction of the City Commission, and 99.9% of the time, signs are granted.

Commissioner Tobin stated he is happy to move the item.

Jimmy L. Morales, City Manager, stated that language could be added and that this does not exempt HPB review.

Mayor Bower offered an amendment requesting that the Historic Preservation Board (HPB) review the Ordinance between first and second reading.

10:52:42 p.m.

SUPPLEMENTAL AGENDA 4: Revised Memorandum

R5K Unclassified Salary Ordinance

An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance By Amending All Of The Pay Grades By Eliminating The Annualized Salary For Each Pay Grade And Providing For The Biweekly Pay For Each Pay Grade; Abolishing Pay Grade 1 And Pay Grade 2; Abolishing The Classifications Of 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, And Public Information Officer; Establishing The Classifications Of Tourism, Cultural Affairs And Economic Development Division Director, Deputy Building Director, Procurement Director, Information Technology Director, Human Resources Assistant Director, Housing And Community Development Director, Infrastructure Division Director, Assistant City Engineer, Procurement Assistant Director, Building Operations Manager, Investigator Supervisor, Community Services Division Director, Administrative Services Manager, Public Safety Specialist Projects Coordinator, Property Maintenance/Operations Superintendent, Director Of The Office Of Communications, Leasing Specialist, Public Safety Management/Budget Analyst, Performance Schedule Analyst, Visual Communications Specialist, Labor Relations Specialist, Constituent/Commission Aide, Financial Analyst, Public Safety Payroll Administrator, And Records Supervisor; Amending The Pay Grades For The Classifications Of Assistant Director Parking, Assistant Director Parks And Assistant Director Recreation; 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" 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)

ACTION: Item withdrawn.

City Clerk's Note:

Item to be brought back at the September 30, 2013 Special Commission Meeting.

Vice-Mayor Tobin acknowledged that there were tough negotiations and representatives of the Unions did a great job in the compromise and in the end, they made headway in pension. He thanked Alex and Steve, and he believes Commissioner Weithorn feels the same way.

Commissioner Weithorn stated that it was not an easy thing to do, but she thanked everyone for the time they put in.

SUPPLEMENTAL AGENDA 4: Revised Memorandum

R5L 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 And Pay Grade 2; Eliminating The Annualized Salary For Each Pay Grade And Providing For The Biweekly Pay For Each Pay Grade; 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)

ACTION: Item withdrawn.

City Clerk's Note:

Item to be brought back at the September 30, 2013 Special Commission Meeting.

2:16:43 p.m.

R5M Fire And Police Salary Ordinance

An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: In Accordance With The Negotiated Collective Bargaining Agreements, Providing For The Classifications In Group II, Represented By The Fraternal Order Of Police (FOP) William Nichols Lodge No. 8., And For The Classifications In Group III, Represented By The International Association Of Fire Fighters, (IAFF), Local 1510; Effective The First Pay Period Ending In October Of 2014, There Shall Be An Across The Board Cost-Of-Living Adjustment (COLA) Of Three Percent (3%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Three Percent (3%); Effective April 1, 2015, Adding An Additional Step (I) To The Classifications Of Police Officer, Sergeant Of Police, Lieutenant Of Police And Firefighter I, Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification. **First Reading**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Human Resources)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Góngora to approve the Ordinance; seconded by Commissioner Exposito; Ballot vote: 5-1; Opposed: Commissioner Wolfson; Absent: Commissioner Weithorn.

Second reading and Public Hearing scheduled for October 16, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **Sylvia Crespo-Tabak to handle.**

Kathie G. Brooks, Assistant City Manager, explained that the Ordinance reflects language agreed to in the labor agreement with FOP and IAFF. The FOP contract is not yet ratified. In answering Vice-Mayor Tobin, she explained that the City Commission is voting on first reading and if the Union does not ratify the contract, on second reading they will withdraw the item. The agreements provide for across the board cost of living adjustment effective October 1, 2014, adjusting the minimum and maximums of the pay range accordingly. The FOP salary additionally reflects a pay step to a maximum pay range for the classifications of police officer, sergeant and lieutenant, and for the IAFF, an additional pay step to the maximum pay range for Fire Fighter I classification; both Unions have provided concessions to offset the cost of that. FOP is a combination of things, including quality of life pay, court time pay, etc., and FOP the offset is in terms of holiday pay.

Discussion held.

Vice-Mayor Tobin requested the economic impact of the executive plan implemented in the Fire Department. Discussion continued.

Commissioner Wolfson asked what the unfunded pension liability was for Police and Fire, and Ms. Brooks stated that it is approximately \$400 million. Discussion continued.

Jimmy L. Morales, City Manager, explained that negotiations are give and take, and these had a cost to the Unions, and far outweigh by the significant savings in terms of the pension reform, and it was the actuary for the Trust itself who is roughly estimating \$145 million of savings over 30 years. Discussion held.

Kathie G. Brooks, Assistant City Manager, explained that in the pension, year one is \$5.6 million, year two \$6 million, of what the City actually contributes to the pension, and continuing for 30 years and bring in it back to today's dollars, is \$145 million. The unfunded pension liability is how much you are short over the next 30 years. The year one reduction on the unfunded liability is about \$40 million dollars; over 30 years assuming all assumptions are met, unfunded liability is to be paid off regardless; that is the way projections are made. That is part of the reason why the savings of \$5.6 million. Discussion continued.

Vice-Mayor Tobin stated that they created 50 positions that top at \$170,000 per year. Ms. Brooks stated that they estimated originally \$400,000; it was based on percentage payroll, and the pension was included. Vice-Mayor Tobin stated that what the prior Administration did was to calculate the impact and they included the two years where the plan was not implemented, and then included six months of the plan implemented. Ms. Brooks will double check that. **Kathie G. Brooks to handle.**

Commissioner Wolfson suggested waiting for a decision until after the elections.

Commissioner Libbin stated that this Commission has an obligation to adopt a balanced budget; if this is not approved and ratified, then there is a \$5.6 million deficit. It is our obligation to ensure in adding revenue or other expenses.

Discussion held regarding refund by former Mayor Dermer of tax money to the residents. Commissioner Libbin clarified that a refund was not given to every taxpayer, but gave a dividend

to single-family homeowners.

Commissioner Góngora explained that he attended executive sessions and discussed the issue of the savings for Fire and Police, and stated that Commissioner Weithorn negotiated this great deal with the savings. The elected officials that were there will move forward with this plan, which will provide \$5.6 million dollars.

Discussion continued.

Motion made by Commissioner Góngora; seconded by Commissioner Exposito; Ballot vote: 5-1; Opposed: Commissioner Wolfson; Absent: Commissioner Weithorn.

Vice-Mayor Tobin stated that this was a difficult negotiation, and they made significant savings; the challenge is for the next Commission to give a little during negotiations; this Commission has the benefit of the economic crisis and they have made strides in the right direction; it is incumbent upon the Administration to make notes for the next Commission so they know how hard it was to get concessions. From what he learned, the City cannot make dramatic change right away with a 2,000 men and women force. He thinks they could have maybe gone a little farther, but he is relatively content with the negotiations. It is the right thing to do.

Handouts or Reference Materials:

1. Copy of Ordinance Implementing Pension Provisions of 2012-2015 IAFF and FOP Collective Bargaining Agreements.

1:21:10 p.m.

R5N An Ordinance Amending The Code Of The City Of Miami Beach By Amending Chapter 62, Entitled "Human Relations," By Amending Article II, Entitled "Discrimination," By Amending Division 3, Entitled "Regulations," By Adding Sec. 62-92 To Require The Posting Of Notices In Every Place Of Employment, Public Accommodation, Housing Accommodation, And City Facility That Falls Subject To The Human Rights Ordinance Indicating The Applicable Substantive Provisions Of The Human Rights Ordinance, The Place Where Complaints May Be Filed, And Such Other Information As The City Of Miami Beach Deems Pertinent; Providing For Enforcement Procedures And Providing For Severability, Codification And An Effective Date.

First Reading

(Sponsored by Mayor Matti Herrera Bower & Commission Michael Góngora)
(Legislative Tracking: City Clerk's Office)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading as amended.** Motion made by Commissioner Góngora to approve the Ordinance; seconded by Commissioner Exposito; Ballot vote: 6-0; Absent: Commissioner Weithorn. Second reading and Public Hearing scheduled for October 16, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **City Attorney's Office and Rafael E. Granado to handle.**

Amendment:

After the warning is received during the amnesty period, the discrimination poster should be displayed after five business days, or a fine shall be given

Rob Rosenwald, Legal Liaison to the Miami Beach Human Rights Committee (MBHRC) stated that this item commenced as a resolution of the MBHRC. The MBHRC is charged with providing

education to the public regarding the terms of the Human Rights Ordinance. He introduced the Chair of the Human Rights Committee.

Alan Fishman, Chair of the Miami Beach Human Rights Committee, explained that this item has been worked on for the past three years; they have a two-track Committee; to assist the City Manager in case of violations of the Human Rights Ordinance, and to ensure people are aware. He announced that the MBHRC website is online and they have complaints forms for people to fill out grievances in English, Spanish and Creole. This Committee believes this is the way to allow people to find out about the Human Rights Ordinance. He showed a discrimination poster which will be emailed to businesses to post in their establishments.

Commissioner Libbin asked if there is a notice before the fine. Should there be a verbal warning.

Mr. Fishman stated that the first year is an amnesty, and they are not looking to fine anyone, only warn them. Discussion continued regarding posting notices and compliance.

Rob Rosenwald, Legal Liaison to the MBHRC, stated that there is not currently a warning, only an educational period. He suggested adding a provision that there will be two warnings before a fine, which is very small. Discussion held.

Rafael E. Granado, City Clerk, explained that the poster is on the website. The purpose of this is for the poster to be downloaded by the users.

Mr. Rosenwald corrected himself by clarifying that during the one-year grace period, there is a warning provision, so if one is found to be in violation, a warning is received from Code Enforcement, the City Manager's Office or the Human Rights Committee upon a majority vote to direct the City Manager to issue such a warning.

Commissioner Libbin offered an amendment to include that after the warning is received during the amnesty period, it should be posted and allow five business days to post it.

Commissioner Góngora accepted the amendment.

Vice-Mayor Tobin stated that Mr. Fishman does an outstanding effort in different areas and he appreciates what he does for the City.

1:50:16 p.m.

SUPPLEMENTAL AGENDA 4: Ordinance

R50 An Ordinance Amending Chapter 100 Of The Miami Beach City Code, Entitled "Sustainability," By Amending Article II Entitled "Energy Economic Development Zone Pilot Program" To Include Miami-Dade County's Green Business Certification As An Additional Eligibility Criteria To Participate In The Energy Economic Development Zone Pilot Program; Providing For Severability; Codification; Repealer; And An Effective Date. **First Reading**

(Sponsored By Commissioner Jerry Libbin)

(Legislative Tracking: Tourism, Culture & Economic Development Department)

ACTION: Ordinance approved on first reading. Motion made by Commissioner Libbin to approve the Ordinance; seconded by Commissioner Góngora; Ballot vote: 6-0; Absent: Commissioner Weithorn; Second reading and Public Hearing scheduled for October 16, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received.

Max Sklar to handle.

2:07:55 p.m.

R5P An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 54, Entitled "Floods," By Amending Article II, Entitled "Floodplain Management," By Amending Division 1, Entitled "Generally," By Amending Section 54-35, Entitled "Definitions" By Amending And Deleting Certain Definitions Therein; By Amending Division 2, Entitled "General Provisions," By Amending Section 54-38, Entitled "Designation Of Floodplain Administrator" To Designate The Building Official, Instead Of The Building Director, As The Floodplain Administrator; By Amending Division 3, Entitled "Administration," By Amending Section 54-45, Entitled "Permit Procedures" And Section 54-46, Entitled "Duties And Responsibilities Of The Building Director Or Designee" To Change All Building Director References Therein To The Floodplain Administrator; Amending Division 4, Entitled "Provisions For Flood Hazard Reduction"; By Amending Section 54-47, Entitled "General Standards," Section 54-48, Entitled "Specific Standards," And Section 54-49, Entitled "Specific Standards For A-Zones Without Base Flood Elevations And Regulatory Floodways" To Modify Certain Flood Hazard Reduction Provisions; By Deleting The Provisions In Section 54-50, Entitled "Standards For A-O Zones"; By Amending Division 5, Entitled "Variance Procedures," To Change All Building Director References Therein To The Floodplain Administrator; Providing Non-Substantive, Clerical Revisions Throughout Article II Of Chapter 54; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Mayor Matti Herrera Bower)

(Legislative Tracking: Building Department)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Vice-Mayor Tobin to approve the Ordinance; seconded by Commissioner Góngora; Ballot vote: 6-0; Absent: Commissioner Weithorn. Second reading and Public Hearing scheduled for October 16, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **Mariano Fernandez to handle.**

Stephen Scott, Assistant Building Department Director, introduced the item. Late last year FEMA reviewed the City's Floodplain Ordinance, among other things. As part of that review, they recommended cleanup language throughout the Ordinance. In addition to that, both staff and the City Attorney's Office have reviewed the Ordinance and they have made additional cleanup changes. For instance, changing Building Director to Floodplain Administrator, and correcting scrivener's error. Nothing that affects the public has been changed in this Ordinance. It is cleanup.

In response to Mayor Bower's request for a redline version of the changes, it was pointed out that such a redline version was included as Exhibit 2. Additionally, Exhibit 3 itemizes the changes.

City Attorney Jose Smith stated that the only controversial issue having to do with variances is not in this Ordinance. That is going to be referred to the Land Use Committee to consider whether variances will be needed in the future.

In response to a question raised by Mayor Bower, Mr. Smith responded that there were no policy changes in the proposed Ordinance. Mr. Scott stated that the Ordinance was left the same. Mr. Scott added that there is a problem with that, as there are two different provisions in the Ordinance: one that would require variances for historic structures; and a second section that can be interpreted not to require such a variance. Unfortunately, they went to the both the Historic Preservation Board and the Floodplain Management Board and they got diametrically opposed votes on that issue. Therefore, they decided that it must be a policy issue that is going to be referred to Land Use for discussion, and the Ordinance was left exactly as is.

Gary Held, First Assistant City Attorney, explained that there is an issue with the definition of "substantial improvement." They will address that issue and bring a different Ordinance to resolve it.

Mayor Bower inquired as to the new section e, on page 655 of the Agenda. Mr. Held stated that the City Attorney, the Building Department, the Historic Board and the Board of Adjustment agree; this item clarifies that all our locally designated historic structures and buildings are covered by the definition of historic structure in the Ordinance. Mr. Held drafted that amendment. Mr. Smith stated that there is no controversy with that addition.

Motion made by Vice-Mayor Tobin to approve the Ordinance; seconded by Commissioner Góngora.

10:52:28 p.m. / 10:54:05 p.m.

R5Q An Ordinance Amending Miami Beach City Code Chapter 82, Entitled "Public Property," By Amending Article IV Thereof Entitled "Uses In Public Right-Of-Way," By Amending Section 82-383, Entitled "Permit Fee; Penalties For Late Payments; Review Of Fee," By Amending Subsection (A) Thereof To Abate Sidewalk Café Fees For Businesses North Of 63rd Street, Through And Including September 30, 2015 And Requiring A Budget Analysis And Review By The City Administration By September 15, 2015; Providing For Repealer, Codification, Severability, And An Effective Date. **First Reading**

(Sponsored by Commissioner Jerry Libbin)

(Legislative Tracking: Public Works)

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 Vice-Mayor Tobin; Ballot vote: 7-0; Second reading and Public Hearing scheduled for October 16, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **Eric Carpenter to handle.**

No discussion.

City Clerk's Note: Commissioner Weithorn voted via Interactive video conferencing.

10:55:43 p.m.

SUPPLEMENTAL AGENDA 2- Ordinance

R5R An Ordinance Amending Chapter 90 Of The Miami Beach City Code, Entitled "Solid Waste," By Amending Article V, Entitled "Citywide Recycling Program For Multifamily Residences And Commercial Establishments" By Amending Section 90-340, Entitled "Recycling Program And Separation Of Recyclable Materials From Solid Waste Stream Required For Multifamily Residences Of Nine (9) Dwelling Units Or More; Owner/Association Liability; Recycling Contractors' Assistance," To Apply To Multifamily Residences Of Two (2) Or More Dwelling Units; Providing For Repealer Severability, Codification, And An Effective Date. **First Reading**
(Sponsored by Commissioner Jerry Libbin)
(Legislative Tracking: Public Works)

ACTION: Item deferred to the October Commission Meeting by acclamation. Lilia Cardillo to place on the Commission Agenda if received. **Eric Carpenter to handle.**

Commissioner Libbin explained that this is an item from the Sustainability Committee. Single-family homes are required to perform single stream recycling. Multifamily units that have nine units or more are governed by the County Code. The ones that fall between two and eight units are not required to do single stream recycling. This Ordinance would require those buildings that have between two and eight units to do single stream recycling.

City Manager Morales explained that this Ordinance would allow units between two to eight to utilize either the City or private waste haulers.

Commissioner Libbin stated that what the Sustainability Committee wants is to allow the buildings that have between two to eight units to do single stream recycling.

In response to Mayor Bower's question, Commissioner Libbin explained that single stream means that you do not have to separate your recyclables.

Eric Carpenter, Public Works Director, explained the item. The current waste hauler franchise agreements state that if you have between two and eight multifamily family units you can either chose to obtain the City service, which includes recycling for that flat fee or you can opt out to do the private hauler. If you opt out to do the private hauler, right now there is no requirement that you have any recycling services associated with those buildings. This would close that loophole.

Vice Mayor Tobin stated that this makes it a requirement for a building between two to eight units to have recycling, so now the chances are that they will opt for the City service. Vice-Mayor Tobin explained that he does not want to put an undue burden on a small unit building.

Commissioner Libbin stated that there is always the choice to opt out.

Mr. Carpenter added that most of the waste hauler are going into the direction of single stream as it a more efficient operation and less costly. It was really more a matter of there being no requirement that between two and eight units for them to do recycling. If they are doing recycling, we would want them to do single stream, but it was more a matter of recycling or not recycling.

Both Vice-Mayor Tobin and Commissioner Wolfson announced that they intend to vote "no" on the matter. Vice-Mayor Tobin suggested referring it to a future meeting so he may understand it better. Mayor Bower agreed to bring it back in October.

Item deferred to the October meeting by acclamation.

11:02:11 p.m.

R5S Stay Against Issuance Of Demolition Orders Or Permits - Architecturally Significant Homes Outside Of Historic Districts

An Ordinance To Adopt A Stay On The Issuance Of Orders Or Permits For The Substantial Or Total Demolition Of Architecturally Significant Homes Located Outside Of Historic Districts, To Allow For The Review Of Current And Proposed Ordinances That Would Protect Against Demolition, And For Review Of Incentive Programs To Encourage Retention And Restoration Of Such Homes, Providing For Duration Of Stay Through November 28, 2013, Providing For Extensions, Providing For Exceptions And Review Procedures, And Providing For Repealer, Severability And An Effective Date. **First Reading**

(Sponsored by the City Commission)

(Legislative Tracking: Planning)

ACTION: Item deferred to the October meeting by acclamation.

11:03:39 p.m.

R5T 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. **First Reading**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Human Resources)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Góngora; Ballot vote: 6-1; Opposed: commissioner Wolfson; Second reading and Public Hearing scheduled for September 30, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **Sylvia Crespo-Tabak to handle.**

No discussion held.

City Clerk's Note: Commissioner Weithorn voted via Interactive video conferencing.

11:05:43 p.m.

R5U 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. **First Reading**

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Vice-Mayor Tobin to approve the Ordinance; seconded by Commissioner Góngora; Ballot vote: 6-0; Absent: Commissioner Weithorn; Second reading and Public Hearing scheduled for September 30, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **Chief Otero and Sonia Machen to handle.**

Sonia Machen, Fire Marshall, explained the item.

This Ordinance increases some of the existing fines that the City has for overcrowding conditions and locked exists for public facilities. It also increases a fee that we currently have under Chapter 102, and needs to be moved to Chapter 50; it was incorrectly placed on the taxation Chapter of the City Code, and it should be an inspection fee.

Vice-Mayor Tobin inquired if it was a new fee. Fire Marshall Machen stated that it was a current fee that was in Chapter 102, which is taxation, and it an inspection fee, therefore it must be moved to Chapter 50, which is the Fire Prevention Code.

Vice-Mayor Tobin stated that it was his understanding that there was a new fine schedule, and one was changing the Chapter. Fire Marshall Machen stated that Vice-Mayor Tobin was correct. One of the provisions is to increase the current fines that we have for overcrowding condition and establishing new fines for other Fire Code violations, such as fire extinguishers being out of date, instead of going to the Special Master process; so these are new fines. Fire Chief Otero stated that he was in support of these fines.

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. **First Reading**

(Requested by the Neighborhood/Community Affairs Committee)

(Legislative Tracking: Fire Department)

(Item submitted in a separate "Budget Related Items" book)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Góngora to approve the Ordinance; seconded by Commissioner Libbin; Ballot vote: 5-0; Absent: Vice Mayor Tobin and Commissioner Weithorn; Second reading and Public Hearing scheduled for September 30, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **Fire Chief Otero and Sonia Machen to handle.**

City Manager Jimmy L. Morales explained that this Ordinance deletes it out of the wrong section of the Code.

Fire Marshal Sonia Machen explained that it is currently in the taxation section of the Code, and it belongs in Chapter 50 as it is an inspection fee.

11:10:39 p.m.

R5V 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. **First Reading**

(Requested by the Finance & Citywide Projects Committee)

(Legislative Tracking: Fire Department/Police Department)

(Item submitted in a separate "Budget Related Items" book)

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: 6-0; Absent: Commissioner Weithorn; Second reading and Public Hearing scheduled for September 30, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **Chief Otero and Sonia Machen to handle.**

Commissioner Wolfson inquired what the current false alarm fine is right now. Fire Marshall Machen stated that the Fire Department currently does not have a false alarm fine, but the Police Department does have a false alarm schedule. This Ordinance is to establish the False Alarm Fine Schedule; the first two false alarms have no fine; they start fines on the third false alarm

Fire Chief Otero stated that the first recommendation was to adopt the same fines as Miami-Dade County for false alarms. Then the Finance Committee recommended that the City adopt a lower fine than what Miami-Dade County has implemented.

11:13:02 p.m.

R5W 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. **First Reading**

(Requested by the Finance & Citywide Projects Committee)

(Legislative Tracking: Public Works)

(Item submitted in a separate "Budget Related Items" book)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Góngora to approve the Ordinance; seconded by Vice-Mayor Tobin; Ballot vote: 4-2; Opposed: Mayor Bower and Commissioner Wolfson; Absent Commissioner Weithorn; Second reading and Public Hearing scheduled for September 30, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **John Woodruff to handle.**

City Manager Jimmy L. Morales explained that this was passing through the sanitary sewer

increase that the County has adopted.

Vice-Mayor Tobin was very proud of the fact that they had made a significant tax decrease this year, and then Miami-Dade County hits the City with this rate increase, and he would like the residents to know that this is strictly a pass-through. The County raised the rates significantly, and they are passing it to the residents.

Vice-Mayor Tobin requested to clarify on the utility bills that this is an increase the City is passing through, as it is an increase from Miami-Dade County. Vice-Mayor Tobin stated that the notice in the utility bills should be done multiple times. City Manager Morales agreed. **Eric Carpenter to handle.**

Mayor Bower stated that one year they absorbed the pass-through fee. Vice-Mayor Tobin stated that previously they also faced in the pass-through fee.

City Manager Morales explained that the cost to the City if they were not to pass it on would be \$2.4 million.

In response to Commissioner Wolfson's question, Eric Carpenter, Public Works Director, stated that the average monthly cost to a resident at the 11,000-gallon mark is \$3.29.

R7 - Resolutions

9:00:44 p.m.

SUPPLEMENTAL AGENDA 1: Memorandum

SUPPLEMENTAL AGENDA 3 – Resolution

R7A1 Adopt Tentative Ad Valorem Millage for General Operating Purposes

A Resolution Adopting: 1) The Tentative Ad Valorem Millage Of 5.8909 Mills For General Operating Purposes, Which Is Six And Eight-Tenth Percent (6.8%) More Than The "Rolled-Back" Rate Of 5.5158 Mills; And 2) The Debt Service Millage Rate Of 0.2529 Mills; Further Setting The Second Public Hearing To Consider The Millage Rate For Fiscal Year (FY) 2013/14, On Monday, September 30, 2013 At 5:01 p.m. **5:01 p.m. First Reading Public Hearing**

(Budget & Performance Improvement)

(Item submitted in a separate "Budget Related Items" book)

ACTION: Title of the Resolution read into the record. Public Hearing held. Resolution No. 2013-28329 adopted. Motion made by Commissioner Góngora; seconded by Commissioner Exposito; Roll Call Vote: 6-0; Absent: Commissioner Weithorn. Rafael E. Granado to notice. Lilia Cardillo to place on the September 30, 2013 Commission Agenda if received, at a time certain of 5:01 p.m. **John Woodruff to handle.**

Vice-Mayor Tobin requested a presentation on the item, to notify the public how significantly the Commission is reducing taxes.

John Woodruff, Budget Director, explained the item.

The proposed budget is an increase of 3.2% (or \$8.3 million) from the previous year's budget. This is primarily attributable to a \$4.5 million increase in salaries, benefits, pension costs and overtime; a \$1 million increase in operating costs; a \$1.9 million increase in internal service funds chargebacks; \$617,000 in efficiencies; \$1.7 million in enhancements and the \$550,000 surplus

that the Commission needs to make a decision on tonight.

Commissioner Góngora stated that the Commission brought down the Millage .2 over July, and that is roughly \$4 million, and today the Millage rate that the Commission sets cannot be increased, but it can be reduced between now and the Second Budget Hearing on September 30, 2013. Mr. Woodruff concurred. Commissioner Góngora stated that if additional areas can be identified, the Commission could see if there is a possibility to bring the Millage down even further.

City Manager Jimmy L. Morales stated that the proposed 5.5158 Millage rate makes significant progress toward eventually getting back to the Millage Rate of 2009/2010, the number before the financial crises, which required an increase in the Millage. We are making significant progress in that direction; that is the direction the Commission gave in July and it is reflected in this budget. To the extent that the Commission desires to further review the surplus and the enhancement proposed by the Administration, some of which the City Commission may not want, there may be room for additional relief.

The public hearing was opened. There being no members of the public indicating a desire to speak on the item, the public hearing was closed.

Commissioner Góngora stated that the people must be happy that the Commission is bringing the property taxes down.

Motion made by Commissioner Góngora; seconded by Commissioner Exposito; Roll Call Vote: 6-0; Absent: Commissioner Weithorn.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 804

9:05:06 p.m.

SUPPLEMENTAL AGENDA 1: Memorandum

SUPPLEMENTAL AGENDA 3 – Resolution

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

A Resolution Adopting Tentative Budgets For The General, G.O. Debt Service, RDA Ad Valorem Taxes, Enterprise, And Internal Service Funds For Fiscal Year 2013/14 Subject To A Second Public Hearing Scheduled On Monday, September 30, 2013 At 5:01 p.m. **5:01 p.m. First Reading Public Hearing**

(Budget & Performance Improvement)

(Item submitted in a separate “Budget Related Items” book)

ACTION: Title of the Resolution read into the record. Public Hearing held. Resolution No. 2013-28330 adopted as amended. Commissioner Góngora moved the budget forward, with the carve out of Attachment D, the proposed additions and enhancements (including the technology enhancements), to be discussed at a Budget Workshop and said moneys to be put in as a surplus reserve to be determined later; the moneys for the proposed additions and enhancements, which the Commission may or may not do, will be left there until that decision is made. Motion seconded by Commissioner Weithorn via interactive video conference. Roll Call Vote: 7-0. Rafael E. Granado to notice. Lilia Cardillo to place on the September 30, 2013 Commission Agenda if received, at a time certain of 5:01 p.m. **John Woodruff to handle.**

The public hearing was opened. There being no members of the public indicating a desire to speak on the item, the public hearing was closed.

Jimmy L. Morales, City Manager, explained the item. Back in the workshops in August the Administration presented a budget that was balanced including the .2 Mills reduction, with the presumed Union savings, that now both the IAFF and FOP have approved, so those savings can now be safely budgeted. The Administration had also proposed some enhancements, there were some comments that the Commission wanted some additional information, so in the budget booklet that Budget Staff prepared, we have the list of the proposed enhancements that the City Manager Proposed, the list of the Proposed revenue enhancements, the proposed efficiencies, the enhancements that some Departments were proposing that the City Manager did not propose, and the rest of the proposed enhancements, and some cuts that were proposed by the Departments, but cuts that in the past the City Commission had not approved, but all has been presented to the Commission for consideration. The Manager explained that all the proposed enhancements, including those that he proposed which are mostly paid with \$1.2 million in Parking Money, to the extent that the Commission does not want some or all of those, then that plus money could be taken out of Parking, or more money that can go into reserves.

Kathie G. Brooks, Assistant City Manager, in response to a question raised by Mayor Bower explained that pursuant to Florida Statutes, the first substantive issue that must be discussed is the General Fund millage and then the General Fund Budget.

Commissioner Góngora stated that the Administration has done a good job with the budget. However, as he has stated previously, he is concerned with the addition of thirty-one new positions. He understands that the City has made significant cuts in the past six years, but he has a difficult time voting for the additional positions today.

Jimmy L. Morales, City Manager, suggested approving the budget without the enhancement, but leaving the money in the surplus so it can be considered at a later time.

Commissioner Exposito stated that he requested the list of the positions that are budgeted but not filled. He finally got it last week. He would like to hear the opinion of his fellow Commissioners on these 139 positions budgeted but not filled. This discussion needs to be as a group, so the Commission can impart knowledge on one another, and come to a consensus as to what the Commission wants to do.

Jimmy L. Morales, City Manager, suggested that if the Commission approves the budget without the enhancements, the Commission can then come back at a Workshop between now and September 30, 2013, and look at all those issues, the vacant positions, the enhancements, even the revenue and efficacies, all those things can be kept on the table, and in the Workshop the Commission can come up with a number and then the Administration can reflect that on the budget.

Commissioner Góngora stated that none of that could affect the millage going up, but it could affect it going down.

Kathie G. Brooks, Assistant City Manager, stated that the vacant position list is being refined even further, to show which positions have been vacant six months or longer. **Sylvia Crespo-Tabak to handle.**

Commissioner Exposito stated he would like a vote of confidence for Raul Aguila, Chief Deputy

City Attorney, since he is a finalist for the City of Miami City Attorney position. Commissioner Exposito holds Raul Aguila in the highest esteem, and feels that he has done a wonderful job for the City of Miami Beach; that being said, one of the approvals is to correct his salary in a certain matter. He would like a vote of confidence on behalf of the Commission because Raul Aguila will be placed in a position where the City of Miami is going to offer the City Attorney position to one of the two finalists, and he would like to know when he makes this decision that there is sentiment on behalf of the Commission that it would like to see him to be the next City Attorney.

Mayor Bower stated that she does not want to lose Raul Aguila, and it would be good to do something like that.

Jose Smith, City Attorney, stated that there could be a Committee of the Whole meeting in October where the City Commission can express that sentiment, and a plan is put into place so that Raul Aguila has the comfort to stay in the City of Miami Beach. One of the things he is looking for is not a guarantee, but a sense of comfort that he is next in line. Perhaps that conversation can be had in at Meeting of the Whole to be held in October. Commissioner Góngora stated that it was a great idea. **City Attorney to handle.**

MOTION:

Commissioner Góngora moved the budget forward, with the carve out of Attachment D, the proposed additions and enhancements (including the technology enhancements), to be discussed at Budget Workshop. Kathie G. Brooks, Assistant City Manager, clarified that it is with the caveat that the moneys are put in as a surplus reverse to be determined later. Commissioner Góngora agreed, and stated the money for the proposed additions and enhancements, which the Commission may or may not do, will be left there until that decision is made. Motion seconded by Commissioner Weithorn via interactive video conference.

Jimmy L. Morales, City Manager, requested the availability of the City Commission member to schedule the Budget Workshop. **John Woodruff to handle.**

City Clerk's Note: Commissioner Weithorn voted via Interactive video conferencing.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 804

9:16:04 p.m.

SUPPLEMENTAL AGENDA 3 – Resolution

R7B1 Adopt Tentative 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 Tentative 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 Subject To A Second Public Hearing Scheduled On Monday, September 30, 2013 At 5:02 p.m. **5:02 p.m. First Reading Public Hearing**

(Budget & Performance Improvement)

(Item submitted in a separate “Budget Related Items” book)

ACTION: Title of the Resolution read into the record. Public Hearing held. Resolution No. 2013-28331 adopted Motion made by Commissioner Libbin; seconded by Commissioner Exposito; Roll Call Vote: 7-0. Rafael E. Granado to notice. Lilia Cardillo to place on the

September 30, 2013 Commission Agenda if received, at a time certain of 5:02 p.m. **John Woodruff to handle.**

9:16:04 p.m.

Jose Smith, City Attorney, stated for the record, the legal authority and his opinion that Commissioner Weithorn can participate and vote via interactive video conferencing. Pursuant to Attorney General Legal Opinion AGO 92-44, which states that a Commissioner who is physically unable to attend a Commission Meeting because of her medical treatment may participate and vote in a Commission Meeting held in a public place in the County, and attended by other Commission members, constituting a legal quorum of the Commission, through the use of interactive video and telephone system that permits the Commissioner to see the other members of the Board and the audience. Based on that Attorney General Opinion, it is his conclusion that Commissioner Weithorn may vote on this item.

John Woodruff, Budget Director, introduced the item. There is an increase in Normandy Shores Budget of \$47,000. That is primarily due from an enhancement to fund \$40,000 of one-time costs to redesign a security gate and enhance security cameras at Normandy Shores.

Eric Carpenter, Public Works Director, explained the item. This is something that the City has been working closely with the HOA. The City has seen a significant increase in repair costs to the gate, to the tune of more than double the repair cost from the previous years. That is due to the configuration of the gate, and the way it is operating. The City has gone through several correction designs, and he believes the City has good ideas as to how to correct the issue permanently; thereby eliminating the future need for the City to budget additional funds for gate repairs. This correction is done as a one time basis, in order to change the actual functioning of the gate, and then the City can go back to the previous, much lower, repair cost budgeted year over year.

9:19:41 p.m.

Mickey Minagorri, President of the Normandy Shore HOA, spoke in support of reconfiguring the existing gate to achieve a permanent solution and in support of the proposed budget.

John Bowes spoke in favor of the solution being proposed by the City, as it will eliminate the maintenance issues and ensure security of the community. The solution includes two gates to make the cycle time shorter, moving the loops back so no one crowds the gate, and making opening wider to make a better pass-through.

City Clerk's Note: Commissioner Weithorn voted via Interactive video conferencing.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 804

9:25:30 p.m.

SUPPLEMENTAL AGENDA 3 – Resolution

R7B2 Adopt Tentative 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 Tentative Operating Budget For Fiscal Year
(FY) 2013/14 Subject To A Second Public Hearing Scheduled On Monday, September 30, 2013
At 5:02 p.m. **5:02 p.m. First Reading Public Hearing**

(Budget & Performance Improvement)

(Item submitted in a separate “Budget Related Items” book)

ACTION: Title of the Resolution read into the record. Public Hearing held. Resolution No. 2013-28332 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Góngora; Roll Call Vote: 7-0. Lilia Cardillo to place on the September 30, 2013 Commission Agenda if received, at a time certain of 5:02 p.m. **John Woodruff to handle.**

The public hearing was opened. There being no members of the public indicating a desire to speak on the item, the public hearing was closed.

City Clerk’s Note: Commissioner Weithorn voted via Interactive video conferencing.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 804

10:22:23 p.m.

SUPPLEMENTAL AGENDA 3 – Resolution

R7C Adopt Tentative FY 2013/14-2017/18 Capital Improvement Plan & Capital Budget
A Resolution Adopting The Tentative Capital Improvement Plan For Fiscal Years (FY) 2013/14-
2017/18 And Adopting The City Of Miami Beach Tentative Capital Budget For (FY) 2013/14
Subject To A Second Public Hearing Scheduled On Monday, September 30, 2013 At 5:03 p.m.
5:03 p.m. First Reading Public Hearing

(Budget & Performance Improvement)

(Item submitted in a separate “Budget Related Items” book)

ACTION: Title of the Resolution read into the record. Public Hearing held. Resolution No. 2013-28333 adopted. Motion made by Commissioner Góngora; seconded by Commissioner Libbin; Roll Call Vote: 6-0; Absent: Commissioner Weithorn. Lilia Cardillo to place on the September 30, 2013 Commission Agenda if received, at a time certain of 5:03 p.m. **John Woodruff to handle.**

The public hearing was opened. There being no members of the public indicating a desire to speak on the item, the public hearing was closed.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 804

10:24:10 p.m.

SUPPLEMENTAL AGENDA 3 – Resolution

R7D Adopt FY 2013/14 Tentative Budgets For Special Revenue Funds

A Resolution Adopting Fiscal Year (FY) 2013/14 Tentative 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 Contribution Funds, Education Compact Funds, Red Light Camera Funds, And Emergency 911 Funds, Subject To A Second Public Hearing Scheduled On Monday, September 30, 2013 At 5:03 p.m. **5:03 p.m. First Reading Public Hearing**

(Budget & Performance Improvement)

(Item submitted in a separate “Budget Related Items” book)

ACTION: Title of the Resolution read into the record. Public Hearing held. Resolution No. 2013-28334 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Góngora; Roll Call Vote: 6-0; Absent: Commissioner Wolfson. Lilia Cardillo to place on the September 30, 2013 Commission Agenda if received, at a time certain of 5:03 p.m. **John Woodruff to handle.**

The public hearing was opened. There being no members of the public indicating a desire to speak on the item, the public hearing was closed.

City Clerk’s Note: Commissioner Weithorn voted via Interactive video conferencing.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 804

10:26:52 p.m.

SUPPLEMENTAL AGENDA 4: Resolution

R7E Adopt Tentative FY 2013/14 PTP Budget & South Beach Concurrency Mitigation Funds

A Resolution Adopting The Tentative Budget Of \$1,200,000 From Fiscal Year 2013/14 People's Transportation Plan (PTP) Funds And \$87,000 From Fiscal Year 2013/14 South Beach Concurrency Mitigation Funds, To Fund The Tentative Operating Budget For The South Beach Local In Miami Beach; And Further Adopting The Tentative Budget Of \$301,000 From Fiscal Year 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 Subject To A Second Public Hearing Scheduled On Monday, September 30, 2013 At 5:03 p.m. **5:03 p.m. First Reading Public Hearing**

(Public Works)

(Item submitted in a separate “Budget Related Items” book)

ACTION: Title of the Resolution read into the record. Public Hearing held. Resolution No. 2013-28335 adopted. Motion made by Commissioner Góngora; seconded by Commissioner Libbin; Roll Call Vote: 6-0; Absent: Commissioner Wolfson. **Eric Carpenter and John Woodruff to handle.** Lilia Cardillo to place on the September 30, 2013 Commission Agenda if received, at a time certain of 5:03 p.m.

The public hearing was opened. There being no members of the public indicating a desire to speak on the item, the public hearing was closed.

City Clerk’s Note: Commissioner Weithorn voted via Interactive video conferencing.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 804

10:27:41 pm.

SUPPLEMENTAL AGENDA 3 – Resolution

R7F Adopt Miami Beach Cultural Arts Council's FY 2013/14 Tentative Budget
A Resolution Authorizing The Adoption Of The Miami Beach Cultural Arts Council's Fiscal Year 2013/14 Tentative Budget In The Amount Of \$1,470,000 Subject To A Second Public Hearing Scheduled On Monday, September 30, 2013 At 5:02 p.m. **5:03 p.m. First Reading Public Hearing**

(Tourism, Culture & Economic Development)

(Item submitted in a separate "Budget Related Items" book)

ACTION: Title of the Resolution read into the record. Public Hearing held. Resolution No. 2013-28336 adopted. Motion made by Commissioner Góngora; seconded by Vice-Mayor Tobin; Roll Call Vote: 6-0; Absent: Commissioner Wolfson. **Max Sklar and John Woodruff to handle.** Lilia Cardillo to place on the September 30, 2013 Commission Agenda if received, at a time certain of 5:03 p.m.

The public hearing was opened. There being no members of the public indicating a desire to speak on the item, the public hearing was closed.

City Clerk's Note: Commissioner Weithorn voted via Interactive video conferencing.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 804

10:28:40 p.m.

R7G Adopt & Appropriate Tentative Funds For Police Special Revenue Account Budget
A Resolution Adopting And Appropriating Funds For The Fiscal Year 2013/14 Police Special Revenue Account Tentative 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, Subject To A Second Public Hearing Scheduled On Monday, September 30, 2013 At 5:03 p.m. **5:03 p.m. First Reading Public Hearing**

(Police Department)

(Item submitted in a separate "Budget Related Items" book)

ACTION: Title of the Resolution read into the record. Public Hearing held. Resolution No. 2013-28337 adopted. Motion made by Commissioner Góngora; seconded by Vice-Mayor Tobin; Roll Call Vote: 7-0; Chief **Martinez and John Woodruff to handle.** Lilia Cardillo to place on the September 30, 2013 Commission Agenda if received, at a time certain of 5:03 p.m.

The public hearing was opened. There being no members of the public indicating a desire to speak on the item, the public hearing was closed.

City Clerk's Note: Commissioner Weithorn voted via Interactive video conferencing.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 804

10:29:51 p.m.

R7H Adopt & Appropriate Tentative Funds For Police Confiscation Trust Fund Budget
A Resolution Adopting And Appropriating Funds For The Police Confiscation Trust Fund Tentative Budget For Fiscal Year 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, Subject To A Second Public Hearing Scheduled On Monday, September 30, 2013 At 5:03 p.m. **5:03 p.m. First Reading Public Hearing**

(Police Department)

(Item submitted in a separate "Budget Related Items" book)

ACTION: Title of the Resolution read into the record. Public Hearing held. Resolution No. 2013-28338 adopted. Motion made by Commissioner Góngora; seconded by Vice-Mayor Tobin; Roll Call Vote: 7-0; **Chief Martinez and John Woodruff to handle.** Lilia Cardillo to place on the September 30, 2013 Commission Agenda if received, at a time certain of 5:03 p.m.

The public hearing was opened. There being no members of the public indicating a desire to speak on the item, the public hearing was closed.

City Clerk's Note: Commissioner Weithorn voted via Interactive video conferencing.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 804

10:31:26 p.m.

R7I Adopt & Appropriate Tentative Funds For Police Training And School Resources Fund Budget
A Resolution Adopting And Appropriating Funds For The Fiscal Year 2013/2014 Police Training & School Resources Fund Tentative Budget In The Amount Of \$35,000, Subject To A Second Public Hearing Scheduled On Monday, September 30, 2013 At 5:03 p.m. **5:03 p.m. First Reading Public Hearing**

(Police Department)

(Item submitted in a separate "Budget Related Items" book)

ACTION: Title of the Resolution read into the record. Public Hearing held. Resolution No. 2013-28339 adopted. Motion made by Commissioner Góngora; seconded by Vice-Mayor Tobin; Roll Call Vote: 7-0; **Chief Martinez and John Woodruff to handle.** Lilia Cardillo to place on the September 30, 2013 Commission Agenda if received, at a time certain of 5:03 p.m.

The public hearing was opened. There being no members of the public indicating a desire to speak on the item, the public hearing was closed.

City Clerk's Note: Commissioner Weithorn voted via Interactive video conferencing.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 804

10:32:32 p.m.

SUPPLEMENTAL AGENDA 1: Resolution

R7J A Resolution Setting A Public Hearing To Adopt The Second Amendment To The General Fund, Enterprise, Internal Service Fund, And Special Revenue Fund Budgets For Fiscal Year (FY) 2012/13.

(Budget & Performance Improvement)

(Item submitted in a separate “Budget Related Items” book)

ACTION: Resolution No. 2013-28340 adopted. Motion made by Commissioner Góngora; seconded by Commissioner Libbin; Roll Call vote; 7-0; Rafael E. Granado to notice. Lilia Cardillo to place on the September 30, 2013 Commission Agenda if received. **John Woodruff to handle.**

City Clerk’s Note: Commissioner Weithorn voted via Interactive video conferencing.

10:33:19 p.m.

R7K A Resolution Ratifying The Amended Three Year Labor Agreement Between The City Of Miami Beach And The Fraternal Order Of Police, William Nichols Lodge No. 8 (FOP), For The Period From October 1, 2012 Through September 30, 2015; Authorizing The Mayor And City Clerk To Execute The Agreement.

(Human Resources)

ACTION: Resolution No. 2013-28341 adopted. Motion made by Commissioner Weithorn; seconded by Vice-Mayor Tobin; Voice vote; 7-0. **Sylvia Crespo-Tabak to handle.**

There was no discussion.

City Clerk’s Note: Commissioner Weithorn voted via Interactive video conferencing.

12:34:46 p.m.

R7L A Resolution Approving A Revocable Permit Request By First Street Development, LLC, As The Owner Of The Commercial Property Located At 800 First Street, To Construct Four (4) Concrete Eyebrows That Project Over And Into The Public Right-Of-Way, At A Minimum Horizontal Dimension Of 2’-2” At 9’-6” Above The Sidewalk, And Up To A Maximum Horizontal Dimension Of 5’-0” At 9’-8” Above The Sidewalk. **11:45 a.m. Public Hearing**

(Public Works)

ACTION: Item heard in conjunction with R7M. **Public Hearing held. Resolution No. 2013-28342 adopted.** Motion made by Vice-Mayor Tobin; seconded by Commissioner Libbin; Voice vote; 6-0; Absent: Commissioner Weithorn. **Eric Carpenter to handle.**

See action with item R7M.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 798

12:21:02 p.m.

SUPPLEMENTAL AGENDA 2- Resolution & Grant of Easement/Agreement

R7M Vacation Of Alleyway - 500 Alton Road

A Resolution Vacating An Alley Located In The 500 Block Of Alton Road, Containing Approximately 6,005 Square Feet, In Favor Of The Adjacent Property Owners, South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, And 1220 Sixth, LLC; Ratifying The Closure Of The Linear Alley Previously Approved By Resolution 2005-25869; Waiving By 5/7th Vote The Competitive Bidding Requirements As Required By Section 82-39 Of The City Code; Imposing Conditions For Such Vacation As Are Appropriate Under The Circumstances; And Authorizing The Mayor And City Clerk To Execute The Closure Documents, And To Accept The Grant Of Easement And Agreement For Storm Water And Transportation Improvements, Subject To Final Approval Of Such Documents By The City Manager And City Attorney. **12:00 p.m. Second Reading Public Hearing**

(Public Works)

(First Reading on July 17, 2013/Referred to FCWPC)

ACTION: Item heard in conjunction with item R7L. Public Hearing held. Resolution No. 2013-28343 adopted as amended. Motion made by Commissioner Libbin; seconded by Commissioner Góngora; Voice vote; 6-0; Absent: Commissioner Weithorn. **Eric Carpenter to handle.**

Amendment:

Additional paragraph added to Easement:

“The City reserves the right, and Grantor grants rights of access, for the City to replace and maintain the water storage equipment installed in the easement area should City elect to do so at any time in the future. Grantor covenants not to seek lost profits, business interruption or similar claims as a result of City's actions to replace equipment. Grantor's sole right with respect to City's actions to replace equipment shall be limited to enforce City's guarantee of good operating condition of any and all equipment replaced, and restoration of surface features to their state prior to City's replacement actions. All City work and staging pursuant to this paragraph shall not extend into Grantor's property beyond the Easement Area.”

City Clerk's Note: This language and the final form of the easement agreement are subject to further review by the City Attorney and City Manager, and negotiation between the parties.

Russell Galbut Esq. requested hearing the three items together R7L, R7M and R9J. Mayor Bower stated that this is not possible because the parking overlay item will be heard later.

Eric Carpenter, Public Works Director, introduced the item.

Commissioner Góngora stated that this is one of the worst flooding areas in the City, and he receives many complaints regarding it. What was discussed at the Finance and Citywide Projects Committee was to take the water off the street and have a place to move/store the water.

Discussion was held as to the operations of the system. Mr. Carpenter explained that it would be overflow for our system when we have greater than normal rain events, and there will be a way to extract from that system so the water does sit there.

Mayor Bower asked how the water would be extracted. She wants to make sure the City has planned and budgeted this out properly. Mr. Carpenter stated that it has not been determined as to the type of system the City will utilize to extract the water.

Russell Galbut Esq. spoke.

Public Works Director Carpenter stated that the City has not made a determination as to whether a gravity or pump system will be utilized.

Motion made by Commissioner Libbin; seconded by Commissioner Góngora.

Commissioner Exposito had a question as to whether all the storage tanks will be on the easement area. The answer was “yes’.

Jose Smith, City Attorney, stated that there is an amendment to Grant of Easement under indemnification and Gary Hell will read it for the record.

Gary Held, First Assistant City Attorney, read the amendment for the record and added that this language and the final form of the easement agreement are subject to further review by the City Attorney and City Manager, and negotiation between the parties.

Additional paragraph added to Easement:

“The City reserves the right, and Grantor grants rights of access, for the City to replace and maintain the water storage equipment installed in the easement area should City elect to do so at any time in the future. Grantor covenants not to seek lost profits, business interruption or similar claims as a result of City's actions to replace equipment. Grantor's sole right with respect to City's actions to replace equipment shall be limited to enforce City's guarantee of good operating condition of any and all equipment replaced, and restoration of surface features to their state prior to City's replacement actions. All City work and staging pursuant to this paragraph shall not extend into Grantor's property beyond the Easement Area.”

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 798

1:30:55 p.m.

SUPPLEMENTAL AGENDA 3 – Resolution

R7N A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee Pertaining To The Early Termination Of An Existing Retail Lease Agreement Between The City And Damian J. Gallo & Associates, Inc. D/B/A Permit Doctor; Approving And Authorizing The Mayor And City Clerk To Execute: 1) A New Lease Agreement Between The City And Damian J. Gallo & Associates, Inc. D/B/A Permit Doctor, For An Initial Term Of Three (3) Years, With Two (2) Renewal Options For Two (2) Years Each, Involving The Use Of Approximately 1,269 Square Feet Of City-Owned Property Located At 1701 Meridian Avenue, Unit 4 (A/K/A 775 17th Street), Miami Beach, Florida (The “Leased Premises”); And 2) A Revocable Concession Agreement Between The City And Damian J. Gallo & Associates, Inc. D/B/A Permit Doctor, Allowing For An Outdoor Seating Area, Adjacent To The Leased Premises; And Further Waiving By 5/7ths Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The Public. **12:15 p.m. Public Hearing**

(Real Estate, Housing & Community Development)

ACTION: Public Hearing held. Resolution No. 2013-28344 adopted. Motion made by Commissioner Wolfson to approve the lease with the percentage; seconded by Commissioner

Góngora; Voice vote; 6-0; Absent: Commissioner Weithorn. **Maria Ruiz to handle.**

TO DO:

Lease approved with the percentage included.

Max Sklar, Director of Tourism, Culture and Economic Development Department, explained the item.

Discussion held.

Vice-Mayor Tobin stated that leases needs to have CPI adjustment.

Max Sklar, Real Estate, Housing & Community Development, explained that the CPI adjustment is 3%.

Vice-Mayor Tobin stated that if we are waiving certain economic provisions there should be a checklist where somebody in the Department decided to give this person that economic benefit. He asked if anybody in the Department decides to give a significant economic benefit is anyone checking. He added that there should be a review/comparison of the market rates. He added that 3% of CPI is good if you can get that every year. We are trapped because we do not want to hurt the business.

Discussion continued.

Commissioner Libbin asked the City Attorney if there is a way that we will be able to charge a fee of the owner of the building for applying for a permit. The City should be able to tell the owner of the building that his tenant is applying for a sidewalk café permit and they need to pay a fee for this.

Discussion continued.

Raul Aguila, Chief Deputy City Attorney, stated that at the end of the day the owner is going to find a way to pass that fee to the tenant.

Discussion continued.

Motion made by Commissioner Wolfson to approve the lease; seconded by Commissioner Góngora.

Max Sklar, Real Estate, Housing & Community Development, stated that the lease is for three years, with two, two years options, for a total of seven years. He added that this is what the Finance and Citywide Projects Committee recommended.

Discussion continued.

Mayor Bower stated that the lease should be approved with the percentage in it. **Max Sklar to handle.**

1:49:25 p.m.

Max Sklar, Director of Tourism, Culture and Economic Development Department, provided a status on Cooper Avenue.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 708

R70 A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To That Certain Management And Operation Agreement (Agreement), Dated November 5, 2008, Between The City And Boys And Girls Clubs Of Miami-Dade, Inc. (BGCM-D), Relating To Construction Of A Boys And Girls Club Facility At Flamingo Park; Said Amendment Removing BGCM-D's Pre-Construction Requirement Of Positing A Payment And Performance Bond, As Well As The Additional Requirement Of Purchasing Builders' Risk Insurance (Collectively Referred To As "Agreement Requirements"), By Opening A Securities Account With The Brokerage Firm, Raymond James & Associates (Raymond James), Having A Value Of \$1,200,000.00 Dollars, Pursuant To The Terms Of A Securities Account Control Agreement (Security Agreement), Which Security Agreement Would Provide The City With Exclusive Control Over Said Assets, Which Could Be Sold In Order To Pay For Any Events Typically Covered Under Said Agreement Requirements, And Further Including Indemnification Language To Protect The City And Raymond James From Liability In Connection With The Exclusive Right Of The City To Sell And Disburse Said Assets.

(Tourism, Culture & Economic Development)

ACTION: Item withdrawn.

Handouts or Reference Materials:

1. Email from Sklar, Max dated September 9, 2013, RE: Revised Document – Boys and Girls Club Securities Agreement – Amendment 1, September 11, 2013 Commission.

10:34:18 p.m.

SUPPLEMENTAL AGENDA 2- Resolution

R7P A Resolution Retroactively Approving An Additional Service Agreement With CDM-Smith For Work On The Stormwater Management Master Plan Relative To Neighborhood Concurrency Reviews, A Public Meeting, And Additional Model Runs Requested As A Result Of That Meeting.
(Public Works)

ACTION: Item withdrawn by the Administration.

Eric Carpenter, Public Works Director, introduced the item.

Vice-Mayor Tobin stated that this particular vendor insisted that the sea level rise issue the City was bringing up with him was a myth and that their numbers were correct. There was a lot of resistance from them to go back and redo the numbers. Dwight Kraai showed us that the current vendor was using incorrect number. He will vote "no" on this. He explained that if it was not for Dwight Kraai that got Kathie G. Brooks, Assistant City Manager, to study all the details this could not have been done. Dwight Kraai was instrumental in bringing to our attention that the vendor was using outdated and inapplicable numbers, and they had to go back and redo the numbers. He will be voting "no" on this item.

Commissioner Góngora stated that he would be voting "no" also.

Commissioner Wolfson stated that the vendor already did the work at the direction of people in

this building, and it is not right not to pay them.

Jimmy L. Morales, City Manager, stated that they would review this item again and bring it back at another time. **Eric Carpenter to handle.**

5:19:10 p.m.

SUPPLEMENTAL AGENDA 2- Resolution

R7Q A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Proposals (RFP) No. 95-2013ME, For The Comprehensive Professional Tennis Management And Operations Services At The City's Flamingo And North Shore Park Tennis Centers.

(Parks & Recreation/Procurement)

FINAL ACTION: Resolution 2013-28373 adopted. Motion to: 1) Reject all bids; 2) Continue with the current provider on a month-to-month basis, 3) Cease maintenance responsibility and 4) Refer the courts maintenance portion to Neighborhood/Community Affairs Committee. Barbara Hawayek to place on the committee agenda. **John Rebar to handle.**

Motion No. 1 to Reject All Bids

Motion made by Commissioner Wolfson to reject all bids; seconded by Commissioner Libbin; Voice vote: 4-2; Opposed: Vice-Mayor Tobin and Commissioner Góngora. Absent: Commissioner Weithorn.

Motion 2 to Continue with Current Provider on a Month-To-Month Basis:

Motion made by Commissioner Libbin to continue with the current provider on a month-to-month basis, and for the City to cease all maintenance responsibility; seconded by Commissioner Wolfson with the condition that the City monitors the maintenance; Voice vote: 6-0; Absent: Commissioner Weithorn.

Motion 3 Referral to NCAC

Motion made by Commissioner Wolfson to refer to Neighborhood/Community Affairs Committee the courts maintenance portion for discussion; seconded by Vice-Mayor Tobin; Voice vote 6-0; Absent: Commissioner Weithorn. **John Rebar to handle.**

REFERRAL TO NCAC

Courts Maintenance of the Tennis Centers

Kevin Smith, Parks and Recreation Director, stated that this is a resolution accepting the ranking of the proposals for the operation and management of Tennis Centers agreements that expired in 2012. He explained that late in 2011, the Finance and Citywide Projects Committee discussed the Tennis Centers regarding their future operations, and recommended that an RFP for new tennis operations not be issued until a new Tennis Center at Flamingo Park was close to opening. In 2012, the City Commission recommended a month-to-month extension of the Greensquare contract until the Flamingo Park Tennis Center was close to completion; and in February 2013, the Commission approved the issuance of the RFP, which was issued and came back in March. Seven proposals were evaluated and the recommendations were as follows: 1) Miami Beach Tennis Management; 2) Cliff Drysdale Management; 3) Jaimes Tennis Management and 4) Greensquare. They are seeking direction in moving forward with the selection of the management team.

Commissioner Exposito questioned the large variance in terms of the amounts that the City will be receiving from the first ranked proposer. He requested the following: 1) do they have some type of guarantee in terms of what is going to be paid to the City; and 2) a background that assures the City that this is feasible. He wants assurance from staff that they are voting for something that can be achieved.

Discussion held. Kevin Smith, Parks & Recreations Director, explained that they noticed an increase in revenue over the summer and this was attributed to the fact that the tennis center camps were now operating at Flamingo Park as well as in North Shore. In answering Commissioner Exposito, he added that the Miami Beach Tennis Management Company is offering the City \$120,000 per year in revenue to the City, basically a \$10,000 per month guarantee; the second ranked firm Drysdale, is offering \$12,000 a year or \$1,000 per month, and the third ranked firm is offering \$72,000. Greensquare was proposing \$48,000. There is a large swing from the companies as ranked. There will be a guarantee in the contract that if Miami Beach Tennis Management is awarded the contract, they will pay the City \$10,000 per month, plus a percentage over \$650,000 in gross revenues. Discussion continued.

The following individuals spoke in support of Jimmy Bollettieri (Greensquare):

Individuals	Video Time	WMP Time
Nicholas J. "Nick" Bollettieri	5:26:05 p.m.	30:58
Mark Fisher	5:29:47 p.m.	34:49
Rony Seikaly	5:33:09 p.m.	38:12
Melissa Dunn	5:34:51 p.m.	39:55
Individuals	Video Time	WMP Time
Donna Turken	5:39:10 p.m.	44:13
Pat Ford	5:45:48 p.m.	48:47
Robert Turken	5:47:02 p.m.	52:04
Danny Turken	5:49:05 p.m.	54:13
Ana Clara	5:51:00 p.m.	55:58
Sam Turken	5:51:55 p.m.	56:58
Daniel Burdock	5:51:55 p.m.	56:58
Paula Sparti	5:52:52 p.m.	57:56
Jimmy Resnick	5:55:12 p.m.	01:00:22
Fabio Plana	5:56:51 p.m.	01:01:53
Derrick Anderson	5:58:16 p.m.	01:03:17
Dr. Eva Rito	6:00:07 p.m.	01:05:07
Paul Luck	6:12:20 p.m.	01:12:22
Jimmy Bollettieri	6:29:58 p.m.	01:35:02
Claudia Paradera	6:39:28 p.m.	01:44:33
Jennifer Hooverman	6:41:09 p.m.	01:46:09
Peter Green	06:42:30 p.m.	01:47:32
Elena Demitriatre	06:43:46 p.m.	01:48:47
Daniel Herzberg	06:45:40 p.m.	01:50:41
Tania Sanchez	06:46:44 p.m.	01:51:49
Dennis Theron	07:01:57 p.m.	02:06:59

The following individual spoke in support of Howie Orlin (Miami Beach Tennis Management):

Individuals	Video Time	WMP Time
Christopher Growald	6:01:22 p.m.	01:06:26
Arthur Borren	6:16:20 p.m.	01:21:05
Gail Durham,	6:17:45 p.m.	01:23:58
Marlene Cross	6:24:35 p.m.	01:29:29
Joseph Mooradian	6:32:49 p.m.	01:37:48
Howie Orlin	6:35:37 p.m.	01:40:36
Gregg Lloyd	06:47:23 p.m.	01:52:24
George Todd	06:48:54 p.m.	01:53:56
Bruce Turkel	06:52:39 p.m.	01:57:44
Joe Folley	06:55:22 p.m.	02:00:26
Bob Switkes	06:57:07 p.m.	02:02:07 (representing Howie Orlin)
Sidney Goldin	07:03:19 p.m.	02:08:24

Mr. Growald presented a slide show.

Ms. Durham, member of the Tennis Advisory Committee (TAC), read a motion made by the TAC Committee into the record regarding management of the Center, which the RFP was a proper document and they recommend the findings of the Committee. Discussion held. They have no problem with Mr. Bollettieri's tennis lessons, but the problem is with the management operations. She supports Howie Orlin.

Ms. Cross explained the tennis league membership and expressed her support for Howie Orlin.

Julio Magrisso, Assistant Parks & Recreations Department Director, clarified that residents pay a membership fee; the teams from other cities pay court fees.

Commissioner Libbin asked if there is a conflict over the amount of space or time between a member of a team and residents. Discussion continued.

Commissioner Wolfson stated that it did not look like massive revenue for the City.

7:08:13 p.m.

Jimmy L. Morales, City Manager, clarified that this was not an ITB but an RFP. The price was one of the factors, 25 points out of 100, and the other 75 points were qualification, scope of service, methodology and approach. In 2012, one of the discussions was separating maintenance from operations. Last December at the Land Use Committee, it was decided to not only separate it, but also place greater emphasis on maintenance standards. Five of the six members ranked Miami Beach Management first in the evaluation process, and that was his recommendation.

Commissioner Góngora stated that tennis issues are always a difficult matter, and asked what is the law in reference to the evaluation/selection report that they received.

Raul Aguila, Chief Deputy City Attorney, stated that the standard in awarding the bid is that one cannot be arbitrary and capricious; the bid has to be awarded based upon reasonable criteria. Because this is an RFP, and the evaluation committee and the City Manager's recommendation concur, he clarified that the evaluation committee is advisory to the City Manager, and the City Manager is advisory to the City Commission. The City Commission is not bound by this but they are bound by the criteria and the purpose of this RFP. This Commission needs to look at the scope of the RFP, and if they decide to award to other than the recommended proposer, he

would ask for the record, in the event that there is a challenge, that the criteria is stated as to why it is awarded. The City cannot award on the basis that is outside of the RFP.

Discussion continued.

Julio Magrisso, Assistant Parks and Recreations Department Director, explained the fees in answering Mayor Bower's question. The Mayor stated that the discrepancies are large and she is trying to understand. The Mayor is in support of keeping the clinics for children but needs to clarify the discrepancy in dollar amount. Mr. Magrisso explained that all revenue collected and fees are approved by the City Commission. Discussion held regarding private lessons prices and policy.

Commissioner Libbin explained that there is a guarantee of how much the City is going to get, and they keep whatever is above the guarantee.

Mr. Magrisso stated that the minimum guarantee is up to \$650,000 in gross revenue, and then the City will receive a percentage of approximately \$3,250 per month. Commissioner Libbin stated that this amount is weak.

Discussion continued regarding tennis fees increase and the process of collection of the money.

Mayor Bower understands the love and loyalty to the vendor in place at this time, but she does not know how the money is going to be made, and she does not want to lose the quality. Why is one paying so little, and the other one is willing to pay so much?

Commissioner Libbin asked if there was a criterion to do a certain type of maintenance in this RFP that everyone is bidding on the same thing, as far as the amount of clay to be purchased and placed on the courts.

Raul Aguila, Chief Deputy City Attorney, stated that the RFP had a minimum maintenance criteria and minimum management services to be provided by the companies, and they both they meet the minimum criteria.

Discussion continued. Mr. Magrisso stated that they 1) need to maintain the courts; and 2) the City will be hiring a third party (independent company) to evaluate those courts on a monthly basis. Discussion continued regarding the evaluation of the tennis courts.

In answering Commissioner Libbin's questions, Mr. Aguila explained that the RFP has about eight (8) pages of criteria pertaining to management and customer service standards, and that has been specifically set out in the RFP; they all have to meet minimum maintenance standards, but there are eight pages of management and operating standards that will be rolled into the contract as a minimum requirement, and it is not discretionary in regards to that respect. Discussion continued.

Commissioner Libbin asked why the City is maintaining the courts, rather than the vendor and Mr. Magrisso explained that the City decided for a short period to maintain the courts, and they expected this discussion to be had up in July and was postponed until September. Discussion held regarding findings of maintenance by the City during that time.

Raul Aguila, Chief Deputy City Attorney, explained that the criteria that this Commission is permitted to consider is the ability, capacity and skill of the bidder to perform the contract;

whether the bidder can perform the contract within the time specified without delay or deference; the character, integrity, reputation, judgment, experience and efficiency of the bidder; the quality and performance of previous contracts and previous and existing compliance by the bidder with laws and ordinances related to the contract.

Vice-Mayor Tobin asked Howard Orlin if they are concerned about losing the kids program.

Mr. Howard Orlin explained that junior programs are well received, they have had scholarships for children and kids are a major factor as to what they will do with the program. The USTA is the governing body of the tennis world, and all their programs are USTA based; their outreach program has been done in the past and will continue to do again. They looked at what they generated and it is about a half a million dollars on courts. Fees are compatible, they have a successful marketing group and they are good at what they do.

Robert Switkes, representing Howard Orlin, advocated for the group.

Jimmy Bollettieri spoke. Discussion continued regarding budget for clay courts.

Vice-Mayor Tobin asked if Jimmy Bollettieri's budget is less on maintenance than Orlin's. In the breakdown submitted to the City, they had a line item of \$87,000 for maintenance.

Mr. Magrisso explained that in their bid, it does not mention a dollar amount as far as clay courts, but that Orlin's bid mentions \$87,000 for maintenance. Discussion continued.

Commissioner Libbin added that the RFP seems to have required that the maintenance be kept up with the USTA standards, but it is left to the judgment of the operator to do what they think is needed to meet the standards; at the end of the day an independent source will make that decision.

Vice-Mayor Tobin asked about the line of credit and Mr. Magrisso explained that there is a current line of credit with the current vendor.

Discussion continued.

Commissioner Wolfson explained that the satisfaction level for the most part among players seems to be high, and suggested giving the preferred provider by the residents a shorter time and a final benchmark for the maintenance. He suggested a one-year contract.

Discussion continued.

Dianne Patini spoke.
Victor Weithorn spoke.

Jimmy L. Morales, City Manager, explained that the Orlin proposal listed expenditures of \$87,000 for materials, for maintenance of the courts and \$200,700 for labor. In the Greensquare proposal there is no specific budget for maintenance; however, they proposed that the City provide maintenance crew once City employee drainage has been achieved; he wants to make sure that they make the decision based on what was proposed, and that the proposal was proposing adding an employee at the City's expense to their maintenance shift.

Commissioner Góngora asked how this City Commission could go from the No. 4 provider that is offering less money, after having the recommendation and evaluation, and not be sued by everyone.

Jimmy Bollettieri spoke.

8:10:11 p.m.

Raul Aguila, Deputy City Attorney, stated that this is a very difficult decision and offered three different suggestions. 1) Accept the Manager's recommendation; 2) Make a new recommendation; and 3) as alternative if this RFP does not address the issues of concern, it can be rejected and a new one be issued. Under these proposers under the criteria based in the RFP, what is in front of you is an RFP that had maintenance and management operations standards set out, where price was just a factor, and whether there are other variables.

Discussion continued.

Motion No. 1:

Motion made by Commissioner Exposito to reject the RFP and bring it back with specific criteria that they can measure and go back for another RFP. No second offered. Motion dies for a lack of second.

Discussion continued.

Motion No. 2:

Commissioner Libbin stated that it is priceless to have the community support Bollettieri as shown in the Chambers, and he motioned to offer the contract to Bollettieri on a much shorter basis, a one-year contract, and place strict guidelines with actual minimum dollars (specific amount) to be spent on maintenance, and he is against paying City staff for maintenance; seconded by Commissioner Wolfson.

Discussion continued.

Amendment to Motion No. 2:

Commissioner Libbin amended the motion to go with Greensquare to negotiate the maintenance contract and bring back a contract that conforms to the RFP. The contract should not have any salaries paid by the City. No vote taken.

Discussion continued.

Raul Aguila, Deputy City Attorney, restated his statement that the standard is that the City Commission should not be arbitrary or capricious, and restated the three alternatives.

Discussion continued.

Motion No. 3:

Motion made by Commissioner Wolfson to reject all bids; seconded by Commissioner Libbin; Voice vote: 4-2; Opposed: Vice-Mayor Tobin and Commissioner Góngora. Absent: Commissioner Weithorn.

Motion 4:

Motion made by Commissioner Libbin to continue with the current provider on a month-to-month

basis, and for the City to cease all maintenance responsibility; seconded by Commissioner Wolfson with the condition that the City monitors the maintenance; Voice vote: 6-0; Absent: Commissioner Weithorn.

Motion 5

Motion made by Commissioner Wolfson to refer to Neighborhood/Community Affairs Committee the courts maintenance portion for discussion; seconded by Vice-Mayor Tobin; Voice vote 6-0; Absent: Commissioner Weithorn.

Handouts or Reference Materials:

1. Email from goldengoy@fastmail.fm dated September 10, 2013 RE: City Commission Sponsors Tennis Spectacle This Wednesday.
2. Letter from Sidney Goldin dated June 21, 2013 RE: RFP Evaluation Committee.
3. Signed Petitions to keep Greensquare, Inc. (GSI Bollettieri) as tennis services provider.

10:39:38 p.m.

R7R A Resolution Calling For A General Election To Be Held On November 5, 2013 In The City Of Miami Beach For The Purpose Of Electing A Mayor And Three City Commissioners (Groups I, II, And III); Providing For Conduct Of Same By The Miami-Dade County Elections Department; Providing That Voting Precincts Shall Be Those As Established By Miami-Dade County; Providing For Notice Of Election; Providing For The Form Of Ballot And Registration Of Voters In Accordance With State Law; Providing For Payment For Conducting Election To Miami-Dade County.

(City Attorney's Office)

ACTION: Resolution No. 2013-28345 adopted. Motion made by Vice-mayor Tobin; seconded by Commissioner Exposito; Voice vote; 7-0. **City Attorney's Office and Rafael E. Granado to handle.**

There was no discussion.

City Clerk's Note: Commissioner Weithorn voted via Interactive video conferencing.

10:40:36 p.m.

R7S A Resolution Authorizing The Administration To Videotape And Air On MBTV The Mayor And Groups I, II And III Commission Candidate Presentations For The November 5, 2013 General Election.

(City Clerk's Office/City Attorney's Office)

ACTION: Resolution No. 2013-28346 adopted. Motion made by Vice-Mayor Tobin; seconded by Commissioner Exposito; Voice vote; 7-0. **City Attorney's Office and Rafael E. Granado to handle.**

There was no discussion.

City Clerk's Note: Commissioner Weithorn voted via Interactive video conferencing.

10:40:51 p.m.

SUPPLEMENTAL AGENDA 2- Substitute Memorandum

R7T A Resolution Authorizing The Miami-Dade County Canvassing Board For The Countywide November 5, 2013 Special Election To Serve As Canvassing Board For The City Of Miami Beach's General And Special Elections To Be Held On November 5, 2013.
(City Attorney's Office)

ACTION: Resolution No. 2013-28347 adopted. Motion made by Vice-Mayor Tobin; seconded by Commissioner Libbin; Voice vote; 7-0. **City Attorney's Office to handle.**

There was no discussion

City Clerk's Note: Commissioner Weithorn voted via Interactive video conferencing.

10:41:05 p.m.

R7U A Resolution Pursuant To City Code Section 38-6 Entitled "Early Voting," Authorizing Early Voting For The November 19, 2013 Run-Off Election (If Run-Off Election Is Required).
(City Attorney's Office)

ACTION: Resolution No. 2013-28348 adopted. Motion made by Commissioner Libbin; seconded by Vice-Mayor Tobin; Voice vote; 7-0. **City Attorney's Office to handle.**

There was no discussion

City Clerk's Note: Commissioner Weithorn voted via Interactive video conferencing.

10:41:19 p.m.

SUPPLEMENTAL AGENDA 2- Memorandum & Resolution

R7V A Resolution Approving An Expenditure Of Budgeted Funds In Reasonable And Necessary Amounts For The Public Purpose Of Informing And Educating The Voters Of The City Of Miami Beach Regarding The Ballot Questions On The City's November 5, 2013 Special Election Ballots In Order To Achieve A More Informed Electorate Vote.
(City Attorney's Office)

(Memorandum & Resolution to be Submitted in Supplemental)

ACTION: Resolution No. 2013-28349 adopted. Motion made by Commissioner Libbin; seconded by Vice-Mayor Tobin; Voice vote; 6-1; Opposed: Commissioner Wolfson. **City Attorney's Office and Office of Communications to handle.**

Rafael E. Granado, City Clerk, introduced the item.

In response to a question from Commissioner Wolfson, Mr. Granado explained that no additional funding is required to educate the public, as the Administration will use funds budgeted and appropriated in FY 12/13 for MB magazine and MBTV for video production, printing, graphics, translation services, layout, mailing and other miscellaneous costs as needed to disseminate the information. However, the Administration is requesting authorization to spend these previously appropriated funds for this public purpose.

Commissioner Wolfson asked if this is for information and not persuasion. Rafael E. Granado, City Clerk, stated "yes."

Discussion held.

City Clerk's Note: Commissioner Weithorn voted via Interactive video conferencing.

R9 - New Business and Commission Requests

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

ACTION: The following appointments were made:

AD-HOC COMMITTEE CENTENNIAL CELEBRATION:

Ray Breslin	Term ending 7/17/2014	Appointed by Commissioner Exposito
Paul Cejas	Term ending 7/17/2014	Appointed by Commissioner Libbin

AD-HOC COMMITTEE FLOODING TASK FORCE:

Richard D'Amura	Term ending 08/25/2014	Appointed by Commissioner Exposito
Wayne Pathman	Term ending 08/25/2014	Appointed by Commissioner Libbin

AFFORDABLE HOUSING ADVISORY COMMITTEE:

Jeremy Glazer	Resigned
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BOARD OF ADJUSTMENT:

Joy Malakoff	At-Large	Resigned 9/9/2013
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BUDGET ADVISORY COMMITTEE:

Antonio Hernandez Sr.	Removed due to absences	
Laurence Herrup	Removed due to absences	
Laurence Herrup	Term ending 12/31/13	Appointed by Commissioner Góngora TL 12/31/17
Philip Levine	Resigned effective 4/3/2009	

COMMITTEE FOR QUALITY EDUCATION IN MIAMI BEACH:

Ivette Birba	Rep. of the PTA for Feinberg Fisher K-8 6/30/14
Elisa Leone	Rep. of the PTA for Biscayne Elementary School 6/30/14
Tamar Oppenheimer	Rep. of the PTA for Ruth K. Broad K-8 6/30/14

COMMUNITY DEVELOPMENT ADVISORY COMMITTEE:

Dorian Nicholson	Removed due to absences
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DEBARMENT COMMITTEE:

Antonio Hernandez Jr.	Removed effect September 2013
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City Clerk's Note: Commissioner Góngora appointed Nayib Estefan to the Debarment Committee on 9/23/2013; having failed to fill out the application; he later appointed Carla Probus to fill the vacancy on 10/10/13.

DISABILITY ACCESS COMMITTEE:

Barbara Gotlinsky	Removed due to absences	
Matthew Meyer	Term ending 12/31/13	Appointed by Commissioner Tobin TL 12/31/20

FINE ARTS BOARD:

Bruce Carter	Term ending 12/31/14	Appointed by Commissioner Góngora TL 12/31/20
Ivan Pol	Removed due to absences	
Tamra Sheffman 12/31/15	Term ending 12/31/14	Appointed by Commissioner Weithorn TL

GAY, LESBIAN, BISEXUAL, TRANSGENDER (GLBTC):

Willie "Chip" Arndt Jr.	Resigned
Daniel Spring	Resigned

GOLF ADVISORY COMMITTEE:

Jeff Blumenthal	Removed due to absences	
Michael Piazza	Removed due to absences	
Michael Piazza	Term ending 12/31/14	Appointed by Commissioner Wolfson TL 12/31/17

HEALTH ADVISORY COMMITTEE:

Todd Narson	Health Provider Term ending 12/31/13	Appointed by City Commission TL 12/31/16
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HISPANIC AFFAIRS COMMITTEE:

Antonio Purrinos	Term ending 12/31/14	Appointed by Commissioner Wolfson TL 12/31/16
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MIAMI BEACH COMMISSION FOR WOMEN:

Vanessa Menkes	Term ending 12/31/13	Appointed by Commissioner Weithorn TL 12/31/20
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MIAMI BEACH HUMAN RIGHTS COMMITTEE:

Carlos J. Ortuno	Resigned 7/31/2013
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MIAMI BEACH SISTER CITIES PROGRAM:

Stephanie Trinidad	Resigned
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Sustainability Committee:

Lanette Sobel	Removed due to absences
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TENNIS ADVISORY COMMITTEE:

Gayle Durham	Term ending 12/31/2014	Appointed by Commissioner Tobin	TL 12/31/20
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Handout or Reference Materials:

1. Emails from Silvia Prieto to Diana Fontani RE: Debarment Committee

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

ACTION: No appointments were made:

Handouts or Reference Materials:

1. City Commission At-Large Nominations for September 11, 2013 – Release #1
2. City Commission At-Large Nominations for September 11, 2013 – Release #2
3. Email from Austin, Tammy dated July 15, 2013 RE: Dr. Mark Rabinowitz bio and resume

12:37:53 p.m.

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

ACTION: The following individuals spoke:

- 1) Dave Crystal, candidate for Commissioner in Group II, stated that what concerns him the most about 9/11 (September 11, 2001) is that it would have easily been prevented. This is a lesson to public servants, we need to be ahead of the curve, being proactive and not being reactionary. People do not take him seriously because he wants to have the conversation about the public safety and the financial health of the City now rather than twenty years from now. He urged the Commission to deal with this important issue now.
- 2) Joe Manning thanked the City Manager's Office, and in particular Assistant City Manager Joe Jimenez for fighting to keep the public libraries open and support the jobs of librarians.

8:35:34 p.m.

8:53:24 p.m.

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

ACTION: The following individuals spoke:

- 1) Raphael Herman, candidate for Mayor of Miami Beach, stated that he came to Miami Beach 51 years ago, and has spent more than \$27 million in the City as his investment. He gave his heart and soul to the City and there are five candidates running for Mayor of Miami Beach. He asked Commissioner Góngora what he has done with the taxpayer's money for the City.
- 2) Albert Machado stated that he is a US citizen and has a high school degree; he is a professional reporter and has several trophies and medals. He talked about the boardwalk; Collins Avenue between 34 and 28, which are neglected and very dangerous. He stated that there are \$150 million missing and wants to know who has it. He loves the USA and the veterans. He is disabled, and today a driver tried to run him over. He hit his wheel and his back is broken. The transit personnel do not do its work. He asked why the City does not do something about this. Mr. Libbin is doing a fantastic job and he will prepare something for Veterans Day. The City is upside down in construction. Mayor Bower notified him that he can now go to the gym.
- 3) Sidney Goldin thanked Commissioner Wolfson for his input on the Flamingo Park item, and requested that the historic Flamingo Park Clay Tennis Center be designated as a historic site if appropriate and for the City Commission to consider the Center to be memorialized so the legacy can be forever recognized.

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

ACTION: Item not reached. City Manager Jimmy L. Morales announced that he would update via LTC.

Vice-Mayor Tobin requested that a verbal update on the Miami Beach Convention Center Project be given at the October 16, 2013 Commission Meeting. **City Manager's Office to handle.**

11:24:17 p.m.

R9D Discuss Policy Issues That Are Being Determined By Staff Members.
(Requested by Commissioner Jerry Libbin)
(Deferred on July 19, 2013)

ACTION: Discussion held.

Commissioner Libbin stated that there were several occasions lately where department heads seem to be making policies, and this is the prerogative of the City Commission. The City has gone through many changes, and he wanted to ensure that when department directors have an issue that policies need to change, it is placed on the Commission Agenda and the Commission sets the policies. He identified a recent creation of a set of policies in the Building Department that were rescinded, which stated that all special events needed a building engineer to certify the contractor, which has never been done and is time consuming.

Commissioner Wolfson stated that this is the opinion of one Commissioner, and he feels that things have improved.

Mayor Bower expressed her concern about policies and procedures of the Building Department, and since the City Commission makes policies, she requested a red line when a policy change is made so she can easily see it. **City Administration to handle.**

11:21:48 p.m.

R9E Discussion Regarding The City's Selection As A Finalist To Participate In The 2013 International Awards For Liveable Communities Competition To Be Held In Xiamen, P.R. China From November 28 - December 3, 2013.
(City Manager's Office)

ACTION: Item withdrawn by acclamation. The City Commission agreed with the recommendation of the City Manager not to go to China.

Jimmy L. Morales, City Manager, explained the item and recommended that they decline participation.

12:05:33 a.m.

R9F Discussion Regarding A Request For Debarment Of UIA Management, LLC And Its Affiliates.
(City Manager's Office)

ACTION: Discussion held. **Resolution No. 2013-28372 adopted.** Motion made by Commissioner Góngora to accept the City Attorney's recommendation of nominating Robert Myers to conduct and review the investigations; seconded by Commissioner Libbin; Voice-vote: 6-0; Absent: Commissioner Weithorn. **Alex Denis and City Attorney's Office to handle.**

Jimmy Morales, City Manager, explained that on July 17, 2013, Commissioner Wolfson delivered his complaint about a request for debarment proceeding in connection with UIA on some lobbyist registration issues, and as per City Code, his role is strictly ministerial, and he brings it to Commission for review and ministerial function.

Jose Smith, City Attorney, explained that the applicable section of the City Code is 2-405, and there are several allegations: 1) violations of lobbying ordinances; those three alleged violations occurred during the time where the old Code provisions were in effect; this Commission needs to assign those three violations to an investigator. The City Attorney's Office and City Manager's Office recommend presenting the investigation to the Debarment Committee and to Robert Myers to be a competent individual to look at the allegations and make the presentation to the Debarment Committee. The fourth allegation that has been made by Commissioner Wolfson has to do with Robert Wennett's affidavit, and Commissioner Wolfson alleges that he lied in his affidavit, and if he did, that would have occurred after the was Code amended recently, and he opined that the Manager assigns an investigator to review that allegation to present it to the Debarment Committee, pursuant to the new amended Code section. They also discussed since they are recommending Robert Myers, that he also conduct the investigation into the affidavit as to whether it was false or not. Ultimately, the Debarment Committee will consider the charges and investigation by the investigator and ultimately will consider what action to take pursuant to their powers under the City Code.

Motion made by Commissioner Góngora to accept the City Attorney's recommendation of nominating Robert Myers to conduct and review the investigations; seconded by Commissioner Libbin; Voice-vote: 6-0; Absent: Commissioner Weithorn.

Handouts or Reference Materials:

1. Letter from Jonah M. Wolfson dated July 10, 2013 to Jimmy Morales, City Manager, RE: Request for Debarment of UIA Management, LLC, and its Affiliates.
2. Book with cover letter from Albert E. Dotson, Jr., dated July 22, 2013 to Jose Smith, Esq., RE: Letter dated July 10, 2013 from Jonah M. Wolfson.

11:19:26 p.m.

R9G Recommendation To Nominate Henry Stolar For The Noise Working Group.
(Requested by Commissioners Michael Góngora & Jorge Exposito)

ACTION: Item deferred to October by acclamation.

R9H Discussion Regarding Creating A Residential Parking Sticker For North Beach.
(Requested by Commissioner Michael Góngora)

ACTION: Item referred. Motion made by Commissioner Góngora to refer the item to the Land Use and Development Committee; seconded by Commissioner Libbin; Voice-vote: 6-0; Absent: Commissioner Weithorn. Richard Lorber to place on the committee agenda. **Saul Frances to handle.**

11:17:49 p.m.

R9I Discussion Item To Direct City Administration To Look Into Creating A Mural Wall Area In North Beach Similar To The Wynwood Walls In The City Of Miami Where Artists Would Be Able To Express Themselves.

(Requested by Commissioner Michael Góngora)

ACTION: Item referred to NCAC. Motion made by Commissioner Góngora to refer the item to the Neighborhood/Community Affairs Committee; seconded by Commissioner Exposito. Barbara Hawayek to place on the committee agenda. **Max Sklar to handle.**

9:28:18 p.m.

R9J Discussion Regarding The Parking Overlay District And My Recommendation To Dispense With The Overlay Study And Move Forward To Approve The Project.

(Requested by Commissioner Jerry Libbin)

ACTION: Discussion held. **Item heard in conjunction with item R5G and C7D.** See discussion with item R5G.

11:28:29 p.m.

R9K Discussion Regarding The Media Coverage Of The Miami Beach Police Department.

(Requested by Mayor Matti Herrera Bower)

ACTION: Item referred to NCAC. Discussion held. Item heard in conjunction with item R9P.

Motion # 1 - IACP

Motion made by Commissioner Góngora to refer to the Neighborhood/Community Affairs Committee in order to obtain a proposal and develop the scope of work for an audit of the Police Department by the IACP (International Association of Chiefs of Police); seconded by Commissioner Exposito. Voice Vote: 6-0; Absent: Commissioner Weithorn. Barbara Hawayek to place on the Committee agenda. **Police Chief Ray Martinez to handle.**

Motion # 2 – Independent Review Panel (IRP)

Commissioner Góngora moved to refer to the Independent Review Panel (IRP) to the Neighborhoods/Community Affairs Committee to obtain additional information. Seconded by Commissioner Exposito. Voice Vote: 6-0; Absent: Commissioner Weithorn. Barbara Hawayek to place on the Committee agenda. **Police Chief Ray Martinez to handle.**

Mayor Bower explained that they have gone through many issues with the Police Department. She spoke today to a reporter, and explained that the City Commission is concerned and tired as to how the media has been writing about all the past events that have happened along with the present occurrences. The public, because of this coverage, believes the Police Department is not working correctly. Many of the residents believe in our Police Department, but we have to make more of an effort to ensure that our Police Department is working well. She happened to walk into a meeting last week where the Police Chief and the Assistant Police Chief were meeting with the City Manager, and she told them that we need to do something to make sure that our residents and tourist feel that we have a wonderful Police Department and we need to do something to stop the bad publicity. Whatever it is that we need to fix internally, we have to do it. We must show unity in doing it. We must work together to move forward. Most people do not understand that is the City Manager that runs the departments; they think that the Commission has a day-to-day

contact with the Police Department, but they do not. She wants to show leadership in moving this forward. She has come up with a few things that can be done. She had mentioned the U.S. Department of Justice, because in 1993 when she first was elected the City was under a consent decree. She suggested to the Chief of Police, the Assistant Chief of Police and the City Manager that maybe they U.S. Department of Justice could be called in to assist in some way, or possibly an Independent Review Panel. They also suggested possibly bringing forth the International Association of Chiefs of Police (IACP) to conduct an outside review of the policies and procedures that have been questioned. The City Manager agreed with her suggestion. She hopes that the Commission supports her on this.

Commissioner Góngora put a similar item on the agenda (Item R9P), and he too reached out to the City Manager, as there is so much press now regarding the Police Department. He believes the Mayor has made reasonable suggestions, which may restore the public's confidence in the Police Department. He would like to hear from the Police Chief, as to why he believes these two measures could be helpful.

Police Chief Martinez stated that he became Police Chief a year and half ago, he was charged with making many changes within the Police Department, both the Deputy Chief and he have come on and made substantial changes as to who they look at allegations of wrong doing within the Police Department. There are changes to the structure of Internal Affairs, they have increased the number of Internal Affairs investigators, with the Commission's approval they have an assigned individual to the Public Corruptions Unit of the FBI. Other fundamental changes include that in the past the Sergeants who worked in Internal Affairs used to make the determination as to whether someone had violated policy or had committed a wrongdoing. Now they are just investigator, they present their facts to the Deputy Chief and the Major, and they decide whether there is wrongdoing within the Department. He feels very strongly that Independent Review Panel to look at completed investigations is almost what they have now, with the media and the public, as these are public documents. The media and the public are in scrutinizing our investigations, but not scrutinizing them fairly, with someone to present to them what the facts are. He does not have a problem being open and transparent, and allowing a Committee or Panel hear what the investigation entailed, what was involved, and the facts they reached, and how they reached their conclusion. He supports the idea 100%. It is just another measure to ensure that the public understands that we are going to do everything we can to make sure our investigations are thorough and that they are transparent, and at the end of the day, they are doing the right thing.

Commissioner Góngora stated that having an Independent review panel from an outside agency is good, because assign that everything is working correctly they will say that; and if there is anything that must be improved they will say that as well.

Vice-Mayor Tobin does not want an independent Citizens Review Panel, for the same reason that the Independent Review Panel does not work with construction related matters, he thinks that you need a professional that understands how the Police Department works, that know where to look for things that are hidden and things that are not followed through. He says that you need someone in Administration, such as an ACM, that can look over Police Department and Fire Department Matter; this should be a person who knows Police inside and out. When the Police Chief or the Assistant Chief refers the matter to the ACM, and the ACM rejects it, based on his/her expertise, the Police Chief or Assistant Chief can say I tried, but the ACM in administration who is not in mix of everybody can be expert an independent eye.

Commissioner Góngora stated that the Mayor's proposal is to refer the Independent Review Panel to Neighborhoods Committee.

Mayor Bower stated that she thinks that Vice-Mayor Tobin's suggestion is good. However, even if you hired that ACM, we should still have the Independent Review Panel that is made up of residents of Miami Beach, as they will work together with the proposed ACM. When citizens work together with Administration, it gives credibility. For example when the Budget Advisory Committee makes a recommendation, it gives it credibility because the public is involved in the decision-making. The Mayor believes that in the end, the ACM suggested by Vice-Mayor Tobin is going to do what the City Manager wants him/her to do, hence why she wants an outside agency – first she suggested the U.S. Department of Justice, but she was told that was going too far. She just wants confidence back into the Police Department, as the majority – 98% of the employees are good Police Officers and they are getting a bad reputation. She wants to prove to everyone that the City of Miami Beach has a Police Department that is good and is working for them 100%. We could continue to present every single meeting four Police officers that are doing a good job, and one undesirable article comes out and it will generate/perpetuate a negative reputation.

Commissioner Wolfson stated that much of the publicity is warranted.

Vice-Mayor Tobin disagrees.

Commissioner Wolfson stated that the media writes what it writes for a reason. He thinks that this is an election year Band-Aid. Mayor Bower disagreed. Commissioner Wolfson stated that much has occurred in the Police Department in the last two month.

Vice-Mayor Tobin stated that many times when you suggest a Citizen's Review Panel it sets off an alarm with Police Officers, similar to when you get a bad rap in the news media. He explained that the Taser incident was textbook. In the second incident in the media, we do not know all of the facts as of yet. He concurs that Department had problems with the ATV, and Officers out of zones. You need Sergeants that have more street experience than the Sergeants who are great test takers. These fundamental issues need to be addressed. He instinctively said "no" to what the Mayor suggested as it sets an alarm that you do not have confidence in your Police officers, and you want non-Police officers to oversee the job of an Officer. Many Police Officers are under so much pressure, that when you suggest an Independent Review Panel it sets alarms.

Commissioner Góngora inquired if Vice-Mayor Tobin had an issue with the IACP review of the Agency, as he just recommended today to conduct an independent study of the Fire Department. Vice-Mayor Tobin stated that we are about to have our ex-Chief as the Vice President of the IACP. Commissioner Wolfson stated that it is too much of fraternal organization – it is local and everyone knows everyone.

Vice-Mayor Tobin suggested sending the item to Neighborhoods and flushing it out.

Alex Bello, President of the FOP, mentioned to Commissioner Wolfson that they were referring to the International Association of Police Chiefs, not the Miami-Dade County Association of Police Chiefs. Commissioner Wolfson stated that he misunderstood, as we were thinking of the local association of Police Chiefs.

Mayor Bower is very upset that the City has to take back (rehire) Police Officers who are terminated.

Discussion was had regarding recent arbitrations, and their outcomes.

Mayor Bower asked if anyone had a better suggestion, she suggested if there was no consensus, she was agreeable with the U.S. Department of Justice. She believes that we need to do something.

Alex Bello, FOP President, stated that he sent earlier in the day an email with a letter to the editor that he sent explaining the Hazzi/Forte Case (a/k/a Strickand Case). He stated that in that case two independent arbiters came in and decided that the officers had been wrongly terminated. Mr. Bello stated that the cases were politically motivated. Instead of accessing all the facts, they rushed to judgment and fired the officers because of the July 4 incident, and that was wrong. The Commission must stand up and let the process take its place, before making up their minds. The new process established by the Chief is working, it's fair, and high ranking independent persons within our Department are reviewing the allegations of wrongdoing. Mr. Bello stated that if you bring in an Independent Review Panel, Officers are not going to testify and it will circumvent the Officer's Bill Rights, which includes the right not to incriminate oneself. If you bring the U.S. Department of Justice, they will not know what is going on here in the City.

Commissioner Góngora stated that this is not about any particular case. If the Officers are not doing anything improper, there should not be an issue with having an Independent Review Panel assess actions.

Alex Bello, FOP President, stated that the Commission must support the actions of their Police Officers until it is proved that something was done wrong. Commissioners should wait until they are presented with the facts, before they comment on an open Internal Affairs investigation. For instance, we have the North Beach residents calling saying that we need to address what is going on in the North Beach area.

Discussion continued.

Alex Bello stated that we need to be out in the media. We need to tell the Officers that they are supported. The feeling in the Police Force is that they are treated as being guilty until proven innocent. Additionally, they feel that they are an open checkbook for every lawyer that makes an allegation, and we give them a nuisance amount. Mr. Smith stated that is not happening and the policy of the City is to vigorously defend every suit. Mr. Smith added that if a case is settled, they always obtain the agreement of the Officer prior to doing so.

Mayor Bower stated that many times she has been out there speaking up in favor of the Police Officer. Most of the time, she does not say anything and says, "I cannot comment." She is sick and tired, like everyone else, of reporters saying and writing about the improper actions that have been taken by members of the Police Department. However, the media also gets out of hand; as they do not put the entire story. Regardless of the reason, the City of Miami Beach is experiencing a rash of negative publicity about its Police Department by the media and public. She is tired of it. Mayor Bower hence thought that an Independent Review Panel that examines the concluded internal investigations conducted by the Police Department, that did not have subpoena power, is a good way to restore confidence. Further having an independent agency review the Department's Policies will be helpful. She asked her fellow Commission members to then come up with other suggestions to turn this around; she is open to ideas. She does not know enough to say you must do these specific things. She looks to others for specific answers.

Commissioner Wolfson stated that after listening to this dialogue, he retracts what he said initially. There are some instances where it is warranted and there are many incidents where it is blown out of proportion. However, he too does not know. Commissioner Wolfson stated that it is not the

purview of the Commission to be making a recommendation in the form of a memo; it is the Manager's job. We should look to the City Manager, and consider these items and maybe he is under the opinion that our current structure and processes are working, and there have been many changes in Internal Affairs. He wants to hear what the City Manager has to say.

City Manager Morales explained that Mayor Bower walked into his office while he was meeting with Chief Martinez and Deputy Chief Overton. She asked, what could be done. These were suggestion that they themselves were talking about the very same issue – how can we change the image, reassure the elected officials and the community, as there have been many positive changes adopted over the past year and have been making a difference. The two things they had thought about were: 1) Since there have been challenges raised in the media about our policies and procedures, despite our CALEA rating, the IACP could come in and do a one-time audit of the Police Department's policies on use of force, Taser, etc., and obtain suggestion as to what needs changes, if at all. 2) How do we give assurance to our community? What they thought about was not an independent review panel that has subpoena or investigatory power, but a group of citizens that could review the IA reports once completed, not force the Police officer to testify, but look and learn about the IA process, and incentivize the IA Division to ensure that their work was done accurately and professionally. The community would also gain an insight as to how this process works. Similar to the insight that is obtain when a resident goes through the Citizens Police Academy or the Citizens Academy, and build a greater sense of understanding, and occasional identify issues that are missed by the IA process. The Manager concurs with Vice-Mayor Tobin that at no point do these things substitute for the administrative oversight of the Police Department by either the Police Chief's and his staff or the Manager and his staff.

MOTION 1:

Commissioner Góngora thinks that the first suggestion is reasonable; obtaining a proposal for the scope of work for an audit by the IACP should be reviewed by the Neighborhood/Community Affairs Committee, and therefore he moves the item.

City Manager Morales stated that in connection with the incident in the North End, the Commission knows that he very quickly called in the FDLE to look over the shoulder of the Police's investigation. In the public statement he made, he stated that he did this not because he did not have trust and faith in the Police Department, but to reassure the community that the Police was indeed doing it right. He has met with FDLE, the State Attorney's Office and our Investigatory Unit, and he has full faith in confidence that the City is conducting this investigation in the right way. The other thing he has been very consistent with, is not to rush to justice, he has not issued a single negative statement out of his office about any officer. To the contrary, his position has been not to comment at all until all the facts are in – as you do not know what all the fact are until they are in. If you are going to tell the public that we are going to have a full and fair investigation, for the Manager, or anyone else, to comment before the investigation is done about the findings one way or the other, makes it seem like they are not really doing the investigation. The consistent thing is to say we will wait until all the facts are in, and then we will make whatever facts are appropriate.

MOTION 1:

Seconded by Commissioner Exposito. Voice vote: 6-0; Absent: Commissioner Weithorn

Discussion as to who will actually be doing the study. Chief Martinez explained that the IACP contracts with experts in the field to look at the organization.

Commissioner Góngora requested information as to what it will entail to have an Independent

Review Panel; how it works in the City of Miami; and if they want to, they will put it back in October. **Chief Martinez to handle.**

MOTION 2:

Commissioner Góngora moved to refer to the Independent Review Panel to Neighborhood/Community Affairs Committee to obtain additional information; seconded by Commissioner Exposito. Voice vote: 6-0; Absent: Commissioner Weithorn.

Handout or Reference Materials:

1. Memorandum to Jimmy Morales, City Manager from Mayor Matti Herrera Bower, dated September 11, 2013, RE: Discussion Item R9K.

12:15:16 a.m.

R9L Discussion Regarding Art Basel And Its Economic Benefit To The City.
(Requested by Commissioner Deede Weithorn)

ACTION: Discussion held. **Item deferred to the October meeting by acclamation.**

Handout or Reference Materials:

1. Email from Bob Goodman dated September 6, 2013 RE: Discussion Item: Art Basel.

ADDENDUM AGENDA 1:

R9M Discussion To Add The Additional Pending Block Party Fees To The Already Approved Commission Waiver Fee For Miami Beach Gay Pride 2013 That Was Approved In March 2013.
(Requested by Commissioner Michael Góngora)

ACTION: Item referred to FCWPC. Discussion held. Motion made by Commissioner Góngora to refer the item to the Finance and Citywide Projects Committee; seconded by Vice-Mayor Tobin; Voice vote: 6-0; Absent: Commissioner Weithorn. **Patricia Walker to place on the Committee Agenda; Max Sklar to handle.**

11:17:49 p.m.

ADDENDUM AGENDA 1:

R9N Discussion To Support A Barrier With Foliage Be Installed By FDOT In The Median On 41st Street From Alton Road To Meridian Avenue Within Two Years From The Completed FDOT Traffic Study.

(Requested by Commissioner Michael Góngora)

ACTION: Item referred to NCAC. Motion made by Commissioner Góngora to refer the item to the Neighborhood/Community Affairs Committee; seconded by Commissioner Exposito. Voice vote: 6-0; Absent: Commissioner Weithorn. **Barbara Hawayek to place on the committee agenda. Eric Carpenter to handle.**

11:18:41 p.m.

ADDENDUM AGENDA 1:

R9O Discussion To Support Miami-Dade County Public Schools Spanish Foreign Language Initiative In Which All Miami Beach Feeder Schools Offer Spanish Foreign Language Tracks To Enable All Interested Miami Beach Students To Take Spanish For High School Credit In All Miami Beach Middle Schools And High Schools (Nautilus Middle, Feinberg Fisher K8, And Ruth K. Broad Bay Harbor K8).

(Requested by Commissioner Michael Góngora)

ACTION: Item referred to FCWPC. Motion made by Commissioner Góngora to refer to the Finance and Citywide Projects Committee; seconded by Vice-Mayor Tobin; Voice vote: 6-0; Absent: Commissioner Weithorn. Patricia Walker to place on the committee agenda. **Leslie Rosenfeld to handle.**

11:28:29 p.m.

ADDENDUM AGENDA 1:

R9P Discussion Regarding The Image Of The Miami Beach Police Department.

(Requested by Commissioner Michael Góngora)

ACTION: Item heard in conjunction with item R9K.

See discussion with item R9K

11:17:20 p.m.

ADDENDUM AGENDA 2:

R9Q Discussion Regarding Taxi Service In Miami Beach And Miami-Dade County.

(Requested by Commissioner Michael Góngora)

ACTION: Item referred to LUDC. Motion made by Commissioner Góngora to refer the item to the Land Use and Development Committee; seconded by Vice-Mayor Tobin; Voice vote: 6-0; Absent: Commissioner Weithorn. Richard Lorber to place on the committee agenda. **Eric Carpenter to handle.**

R10 - City Attorney Reports

R10A City Attorney's Status Report.

(City Attorney Office)

ACTION: Written Report given.

Reports and Informational Items

1. Reports and Informational Items (see LTC 309-2013)
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
September 11, 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

12:11:44 p.m.

SUPPLEMENTAL AGENDA 2- Resolution

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA) Accepting The Recommendation Of The City's Finance And Citywide Projects Committee Pertaining To The Early Termination Of An Existing Retail Lease Agreement Between The Miami Beach Redevelopment Agency ("Landlord") And Cadiac, Inc. D/B/A US Vintage ("Tenant"), Involving Suites D And E In The Anchor Shops, Located At 1560 Collins Avenue, Suite 3, Miami Beach, Florida ("Space"); And Approving And Authorizing The RDA To Enter Into A New Lease Agreement With US Vintage, Inc. For An Initial Term Of Three (3) Years, Commencing On October 1, 2013 And Ending On September 30, 2016, With Two (2) Renewal Options Of Three (3) Years And Three (3) Years And 364 Days Respectively, At The RDA's Sole And Absolute Discretion, Subject To And Pursuant To The Terms And Conditions Set Forth In The Agreement.
(Tourism, Culture & Economic Development)

ACTION: Resolution No. 597-2013 adopted. Rafael E. Granado, City Clerk, announced that all Board members are present except Commissioner Weithorn who is absent. Motion made by Board Member Libbin; seconded by Board Member Tobin; Voice-vote: 6-0; .Absent: Commissioner Weithorn. **Max Sklar to handle.**

Max Sklar, Director of Tourism, Culture and Economic Development, introduced the item.

Discussion held.

Meeting adjourned at 12:16 a.m.