



MIAMI BEACH

City Commission Meeting

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

October 17, 2007

Mayor David Dermer
Vice-Mayor Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Michael Góngora
Commissioner Saul Gross
Commissioner Jerry Libbin
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Jose Smith
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

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

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

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

Presentations and Awards

PA Presentations and Awards

Consent Agenda

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

Regular Agenda

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

Reports and Informational Items

Presentations and Awards

- PA1 Certificate Of Appreciation To Be Presented To Jimmy L. Morales For Serving As Chief Special Master For The Past Two Years. (Page 1)
(Requested By Commissioner Michael Góngora & Richard L. Steinberg)
(Deferred from September 5, 2007)
- PA2 Certificates Of Appreciation To Be Presented To Teen Job Corps For Outstanding Volunteer Work In North Shore Open Space Park And Biscayne Point Homeowners Association For Partnering With Law Enforcement In Crime Watch Efforts.
(Requested by Mayor & Commission)
- PA3 Proclamation To Be Presented To Police Chief Don De Lucca For His Commitment And Many Years Of Dedicated Service To The Miami Beach Police Department And The City Of Miami Beach.
(City Manager's Office)
- PA4 Proclamation To Be Presented To Fire Chief Floyd Jordan For His Commitment And Many Years Of Dedicated Service To The Miami Beach Fire Department And The City Of Miami Beach.
(City Manager's Office)
- PA5 Proclamation To The City Of Miami Beach Fire Department For Achieving A Class #1 Rating.
(City Manager's Office)
- PA6 Certificates Of Completion To Be Awarded To The Graduates Of The Neighborhood Leadership Academy.
(Neighborhood Services)
- PA7 Certificate Of Appreciation And Key To The City To Be Presented To Dr. Morris Sunshine For His Many Years Of Service As A Member Of The Miami Beach Marine Authority, For Serving On Numerous City Boards, Committees And Task Forces, And Advocating Residents' Rights To Peace And Tranquility Through His Tireless Work On The City's Noise Ordinance.
(Requested by Mayor & Commission)
- PA8 Key To The City To Be Presented To Emanuele Viscuso For Promoting International Arts And Culture In Miami Beach.
(Requested by Commissioner Góngora)
- PA9 Proclamation To Be Presented To Feinberg-Fisher K-8 Center For Their Green Initiatives.
(Requested by Commissioner Michael Góngora)
- PA10 Key To The City To Be Presented To Miami Beach Resident, U.S. Coast Guard Damage Control Petty Officer Stewart, In Appreciation For His Military Service In Operation Iraqi Freedom.
(Requested by Commissioner Jerry Libbin)

Presentations and Awards (Continued)

PA11 Proclamation To Be Presented To Miami Beach Resident And Community Institution Robert "Raven" Kraft.

(Requested by Mayor David Dermer)

PA12 Proclamation To Be Presented To "Genius Jones" Toy Store, An Outstanding Local Business.

(Requested by Mayor David Dermer)

CONSENT AGENDA

Action:

Moved:

Seconded:

Vote:

C2 - Competitive Bid Reports

C2A Request For Approval To Issue A Request For Proposals (RFP) For The Use Of The Carl Fisher Clubhouse For Cultural Programming For Residents Of The City Of Miami Beach. (Page 3)
(Asset Management/Tourism & Cultural Development)

C2B Request For Approval To Issue A Request For Proposals (RFP) For The Establishment Of A Guaranteed Energy Savings Performance-Based Contract. (Page 10)
(City Manager's Office)

C2C Request For Approval To Issue A Request For Proposals (RFP) For A Job Classification And Compensation Study. (Page 19)
(Human Resources)

C2D Request For Approval To Reject All Bids Pursuant To Invitation To Bid (ITB) No. 43-06/07, For Aluminum Picket Fence. (Page 24)
(Parks & Recreations)

C2E Request For Approval To Issue A Request For Qualifications (RFQ), For The Establishment Of A Pre-Approved List Of Professional Construction Engineering And Inspection Services (CEI) Firms To Provide Various CEI Services On An "As Needed" Basis. (Page 29)
(Public Works)

C2F Request For Approval To Award Contracts, Pursuant To Invitation To Bid (ITB) No. 10-06/07, For Electric Motor Rewind And Repair Services, To Condo Electric Motor Repair, Corp., Electrix USA, Inc., And Taw Miami Service Center, Upon Successful Negotiations by The Administration, For An Annual Estimated Amount Of \$150,000. (Page 32)
(Public Works)

C2 - Competitive Bid Reports (Continued)

- C2G Request For Approval To Issue A Request For Proposals (RFP) For Establishing A Cultural Arts Theme Program In Altos Del Mar Park. (Page 37)
(Tourism & Cultural Development)
- C2H Request For Approval To Reject All Bids Pursuant To Invitation To Bid (ITB) No. 30-06/07, For Janitorial Services, And Should The Mayor And City Commission Approve The Rejection Of All Bids, Authorize The Issuance Of A Request For Proposals (RFP) For Janitorial Services. (Page 42)
(Public Works)

C4 - Commission Committee Assignments

- C4A Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Renaming Of The North Shore Youth Center. (Page 69)
(Requested by Commissioner Michael Góngora)
- C4B Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Issuance Of A Request For Proposals (RFP) For The Colony Theater Café. (Page 71)
(Asset Management)
- C4C Referral To The Finance And Citywide Projects Committee - Discussion Regarding Implementation Of The Affordable Housing Ad Valorem Tax Deferral Approved By The 2007 Florida Legislature. (Page 73)
(Economic Development)
- C4D Referral To The Finance And Citywide Projects Committee - Discussion Regarding The City's Group Health Insurance Plan. (Page 87)
(Human Resources)
- C4E Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Issuance Of A Request For Proposals (RFP) For The Management And Operation Of The Miami Beach Convention Center. (Page 89)
(Tourism & Cultural Development)

C6 - Commission Committee Reports

- C6A Report Of The Land Use And Development Committee Meeting On September 10, 2007: **1)** Demolition Evaluation Criteria - An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 3, "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition," By Amending Section 118-562 To Clarify And Update Certain Procedures And Requirements Pertaining To The Issuance Of A Certificate Of Appropriateness For Demolition, And By Amending Section 118-564 To Modify The Evaluation Criteria For A Certificate Of Appropriateness For Demolition; Providing For Repealer, Codification, Severability And An Effective Date; And **2)** Discussion Regarding The City's 23rd Street Bridge Project. (Page 91)
- C6B Report Of The Neighborhoods/Community Affairs Committee Meeting On September 19, 2007: **1)** Discussion Regarding Legislation Proposed By La Gorce Neighbors; **2)** Discussion Regarding The Ordinance Revising The Regulation And Administration Of Sidewalk Cafes; **3)** Discussion Regarding Utilizing The 2216 Park Avenue (Former Delta House) As A Housing Facility For The Miami City Ballet; **4)** Discussion Regarding Conditions Of The Boardwalk; **5)** Request For Approval Of The Atlantic Greenway Network Master Plan; **6)** Discussion On The Process For Administering The Powers And Duties With Respect To The Community Benefit Fund For Performing Arts; **7)** Discussion Regarding The Placement Of A Bust Sculpture Of Dr. Peritz Scheinberg At Flamingo Park; **8)** Discussion Regarding A Proposed Amendment To Section 86-141-175, Entitled Nonprofit Vending And Distribution; To Liberalize Vending In The Ocean Drive Corridor To Include Artist Vendors/Street Performers; **9)** Discussion Regarding An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Sections 10-1 Through 10-16; Providing For Repealer, Severability, Codification, And An Effective Date; **10)** Discussion Regarding North Bay Road And 23rd Street Park; **11)** Discussion Regarding A Resolution Affirming A Design Review Board Decision Pertaining To DRB File No. 9024, Located At 1330 West Avenue; And **12)** Discussion Regarding An Ordinance Amending Chapter 82 Of The Miami Beach City Code, Entitled "Public Property," By Amending Article I, Entitled "In General," By Amending Section 82-4 – 82-5, Entitled "Reserved," To Prohibit Foods Containing Artificial Trans Fat In Vending Machines On City Property; Providing For Repealer, Severability, Codification, And An Effective Date. (Page 93)
- C6C Report Of The G.O. Bond Oversight Committee Meeting On September 20, 2007: **1)** Project Status Report: A. Update On Fire Station No. 2; **2)** Project Status Report - South Beach Projects; **3)** Project Status Reports - Projects In Construction; And **4)** Informational Items: A. Updated Calendar Of Scheduled Community Meetings; B. Remaining 2007 Meeting Schedule. (Page 101)
- C6D Report Of The Joint Finance And Citywide Projects Committee And G.O. Bond Oversight Committee Meeting On September 20, 2007: **1)** Discussion Regarding Review Of The Proposed Capital Budget. (Page 103)

C7 - Resolutions

- C7A A Resolution Approving A Fifth Amendment To That Certain Amended And Restated/Consolidated Lease Agreement By And Between The City Of Miami Beach And The Miami Beach Jewish Community Center, Inc. (JCC), For A Parcel Of Land And Facilities Located At 4221 - 4229 Pine Tree Drive, Miami Beach, Florida, Amending The Agreement To Extend The Time Period For The JCC To Obtain A Final Building Permit And Extend The Time Period For Commencement Of Construction For The Proposed Improvements; And Such Other Changes As May Be Approved By The City Commission Subject To Final Review And Approval By The City Manager And City Attorney. (Page 107)
(Asset Management)
- C7B A Resolution Ratifying The Acceptance Of Donations Made To The City For The City Of Miami Beach's Cultural And Business Exchange Program With China. (Page 122)
(Requested by Commissioner Jerry Libbin/City Attorney's Office)
- C7C A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1, To The Pre-Construction Services Agreement With KVC Constructors, Inc, Dated December 6, 2006, For The Scott Rakow Youth Center, In The Negotiated Amount Of \$227,000 Plus A Contingency Of \$11,350, Previously Appropriated, For The Installation Of The Pool Filtration System. (Page 126)
(Capital Improvement Projects)
- C7D A Resolution Electing Commissioner Jerry Libbin As Vice-Mayor For A Term Commencing On November 1, 2007, And Terminating On November 7, 2007, Or If A Runoff Election Is Held, Terminating On November 21, 2007. (Page 131)
(City Clerk's Office)
- C7E A Resolution Providing For The Subordination Of City Liens And For The Settlement Of City Liens On Real Property Located At 533 Collins Avenue (Council Towers), Miami Beach, Florida, Resulting From Special Master Case Nos. JB00000604 And JB00000605, And Providing That Said Liens, In The Amount Of \$120,639.98 Plus Interest, Be Waived Upon Completion Of Elevator Repairs; And Further Authorizing The City Manager To Take Such Action(s) And Execute Any And All Necessary Documents To Complete Such Lien Releases And Settlement. (Page 134)
(City Manager's Office)
- C7F A Resolution Consenting To The Appointment Of Ramiro Inguanzo As The Director Of Human Resources For The City Of Miami Beach. (Page 139)
(City Manager's Office)
- C7G A Resolution Approving The City's Preliminary State Legislative Agenda For The 2008 Session Of The Florida Legislature. (Page 144)
(Economic Development)

C7 - Resolutions (Continued)

- C7H A Resolution Approving Pursuant To Section 2-367 (D) Of The Miami Beach City Code, The Sole Source Purchase And Installation Of Pay On Foot (POF) Stations In The 16th Street And 7th Street Parking Garages From Consolidated Parking Equipment, Inc., In The Estimated Amount Of \$400,000. (Page 153)
(Parking Department)
- C7I A Resolution Authorizing The Administration To Extend The Current Term With Tropical Tents, Inc., For The Continued Rental Of The Custom Tent Currently Being Used As A Temporary Golf Cart Storage And Charging Facility At The Miami Beach Golf Club; Said Extension On A Month To Month Basis, Commencing In January Of 2008, Until The New Cart Barn Construction Is Complete (Anticipated To Be The First Quarter Of 2009), At An Estimated Cost Of \$60,000. (Page 160)
(Parks & Recreation)
- C7J A Resolution Recommending Approval Of A Preconstruction Application For Historic Ad Valorem Tax Exemption For A Single-Family Property At 3190 Royal Palm Avenue, And Authorizing The Miami-Dade County Property Appraiser's Office To Grant Said Tax Exemption For The City's Portion Of Ad Valorem Property Taxes For Qualifying Improvements To The Subject Property Following Substantial Completion Of The Project And Compliance With Certain Conditions. (Page 165)
(Planning Department)
- C7K A Resolution Authorizing The City Manager And City Clerk To Execute A Mutual Aid Agreement With The City Of Homestead, Florida For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach And The City Of Homestead. (Page 172)
(Police Department)
- C7L A Resolution Authorizing The City Manager And City Clerk To Execute A Mutual Aid Agreement With The City Of Miami, Florida For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach And The City Of Miami. (Page 183)
(Police Department)
- C7M A Resolution Accepting The Donation Of \$2,000 From Mr. Philip Levine, To Be Utilized For The Construction And Upgrade Of The Miami Beach Police Department Canine Training Facility Located At Pine Tree Park Located At 4499 Pine Tree Drive. (Page 194)
(Police Department)
- C7N A Resolution Authorizing The Mayor And The City Clerk To Execute A Memorandum Of Understanding With The State Attorney's Office, Public Defender's Office, Clerk Of Courts, Administrative Office Of The Courts, And Miami-Dade County Association Of Chiefs Of Police Establishing The Terms For The Use And Oversight Of The E-Notify System. (Page 211)
(Police Department)

C7 - Resolutions (Continued)

- C7O A Resolution Approving The Elimination Of Bulb-Outs And Parking Lanes On Collins Avenue, Between 63rd And 72nd Streets, And The Reconfiguration To Three (3) Traffic Lanes, Based On The Beneficial Traffic Impacts Thus Derived, And An Agreement By The Florida Department Of Transportation (FDOT) To Fund The Restoration Of The Third Traffic Lane Pursuant To The Completion Of The 63rd Street Bridge Rehabilitation Project. (Page 214)
(Public Works)
- C7P A Resolution Setting A Public Hearing On October 17, 2007, To Consider Granting An After The Fact Revocable Permit In Favor Of Sterling Building, Inc., As The Applicant And Owner Of Property Located At 901 Lincoln Road Mall Miami Beach, Florida, For Two (2) Architectural Entrance Tower Encroachments Equal To A Total Area Of 3.56 Sq. Ft, On The City-Owned Right Of Way On Lincoln Road Mall, Adjacent To Said Property. (Page 251)
(Public Works)
- C7Q A Resolution Authorizing The Renewal Of The Service Agreement With Waste Management Inc. Of Florida, For A Term Of One Year, Commencing On January 1, 2008 And Ending On December 31, 2008, For The Collection And Disposal Of Residential Solid Waste, Yard Trash, Bulk Waste And Operation Of The City's Green Waste Facility. (Page 256)
(Public Works)
- C7R A Resolution Authorizing The Acceptance Of One Hundred And Fifteen Thousand Dollars (\$115,000) In Cash And In-Kind Sponsorships Made To The City For "Sleepless Night", A Free Citywide Arts And Cultural Event; And Further Appropriating Eighty Thousand Dollars (\$80,000) In Cash For "Sleepless Night"; And Authorizing The City Manager, As The City Commission's Designee, To Accept Future Sponsorships Made To The City Subsequent To The Effective Date Of This Resolution, For The Event, Subject To Ratification By The Mayor And City Commission; And Authorizing The City Manager Or His Designee To Make Such Expenditures And/Or Reimbursements From The Aforestated Sponsorships, In Furtherance Of And Consistent With The "Sleepless Night" Event. (Page 261)
(Tourism & Cultural Development)
- C7S A Resolution Accepting A Donation To The City, For The Bass Museum Of Art, Of Those Certain Works Of Arts, As Set Forth In Exhibit "A" To This Resolution, Valued In Total At \$908,000, From Alan And Robert Potamkin. (Page 278)
(Tourism & Cultural Development)
- C7T A Resolution Approving A Revision Of Billing Rates For Stagehands Providing Services At The Colony Theater And Byron Carlyle Theater To Go Into Effect October 17, 2007 Through September 30, 2008, And To Further Providing For Administrative Authority For Future Labor And Equipment Rate Revisions For The Colony Theater And Byron Carlyle Theater. (Page 283)
(Tourism & Cultural Development)

C7 - Resolutions (Continued)

- C7U A Resolution Ratifying An Agreement Between The City Of Miami Beach And Spiegel LP, For “Spiegelworld”, A Live Performance Venue With Theatrical Shows, Musical Performances And Ancillary Food And Beverage Services, To Be Located At The Collins Park Spoil Area, Located Between 21st And 22nd Streets, Commencing On December 14, 2007 - March 13, 2008.
(Page 288)
(Tourism & Cultural Development)
- C7V A Resolution Ratifying An Emergency Contract With Edd Helms Electric, In The Amount Of Six Hundred Ninety-Seven Thousand Eight Hundred And Sixty-Five Dollars (\$697,865.00), Entered Into On September 27, 2007, For Replacement Of The Hall B Buss Duct At The Miami Beach Convention Center; And Further Authorizing The Use Of Convention Center Airwall Funds And, Subsequently, Any Excess Funds From The Siemens A/C Retrofit Fiscal Year 2006/07 Capital Project.
(Page 317)
(Tourism & Cultural Development)
- C7W A Resolution Setting A Public Hearing Pursuant To Miami Beach City Code Section 118-262, To Review A Design Review Board Decision Requested By The Applicant Pertaining To DRB File No. 20427 For The Scott Rakow Youth Center Located At 2700 Sheridan Avenue. (Page 322)
(Planning Department)
- C7X A Resolution Approving The Retroactive Assignment Of Contract By And Between The City And Best Maintenance, For Citywide Janitorial Services, To Omarcio Cleaning; And Further Authorizing The Mayor And City Clerk To Execute A Consent To Assignment Effective As Of April 1, 2006.
(Page 329)
(Public Works)

End of Consent Agenda