



MIAMI BEACH

City Commission Meeting SUPPLEMENTAL MATERIAL

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
May 16, 2007

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

City Manager Jorge 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.

SUPPLEMENTAL AGENDA

C7 - Resolutions

- C7B A Resolution Authorizing The City Manager To Execute An Interlocal Agreement To Promote Undergrounding Of Utility Facilities And Related Implementation Activities By Between And Among The Florida Cities Of Boca Raton, Bonita Springs, Cocoa Beach, Coconut Creek, Cooper City, Lighthouse Point, Melbourne, Naples, Palmetto, Plantation, Punta Gorda, Satellite Beach, Tamarac, Wilton Manors And The Florida Towns Of Golden Beach, Gulf Stream, Highland Beach, Juno Beach, Jupiter, Jupiter Inlet Colony, Jupiter Island, Manalapan, Ocean Ridge, Palm Beach, Palm Beach Shores, Sewall's Point, South Palm Beach, Surfside And The Florida Village Of North Palm Beach (Collectively, The Municipal Underground Utilities Consortium Or MUUC).

(City Manager's Office)
(Resolution)

R5 - Ordinances

- R5C An Ordinance Amending Section 46-92, "Throwing Litter In Public Places; Possession Of Glass Or Metal Containers On Beaches Unlawful; Sweeping Or Throwing Litter In Gutters; Garbage Containers Required For Take-Out Restaurants; Civil Fines For Violation," Of Division 1, "Generally," Of Article III, "Litter," Of Chapter 46 Of The City Code, "Environment," By Creating Criteria For Rebuttable Presumptions Concerning Littering With Commercial Handbills; By Providing For Seizure Of Handbills For Use As Evidence At Prosecution; By Providing For Removal Of Handbills At Violator's Expense; By Amending Definitions Sections; By Amending Provisions Providing For Fines And Penalties For Violations; And Providing For Codification, Repealer, Severability, And An Effective Date.

(Neighborhood Services)

(Separate Attachment - Pictures of Handbill Litter)

R7 - Resolutions

- R7D A Resolution Relating To The Annual Evaluation Of The City Attorney; Receiving The City Attorney's Report; And Adjusting His Employment Contract Accordingly.

(City Attorney's Office)

(Memorandum)

R9 - New Business and Commission Requests

- R9E Discussion Regarding Flamingo Park Parking Lot Initiatives.
(Requested by Vice-Mayor Michael Góngora)
(Additional Information)

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT TO PROMOTE UNDERGROUNDING OF UTILITY FACILITIES AND RELATED IMPLEMENTATION ACTIVITIES BY AND AMONG THE FLORIDA CITIES OF BOCA RATON, BONITA SPRINGS, COCOA BEACH, COCONUT CREEK, COOPER CITY, LIGHTHOUSE POINT, MELBOURNE, NAPLES, PALMETTO, PLANTATION, PUNTA GORDA, SATELLITE BEACH, TAMARAC, WILTON MANORS AND THE FLORIDA TOWNS OF GOLDEN BEACH, GULF STREAM, HIGHLAND BEACH, JUNO BEACH, JUPITER, JUPITER INLET COLONY, JUPITER ISLAND, MANALAPAN, OCEAN RIDGE, PALM BEACH, PALM BEACH SHORES, SEWALL'S POINT, SOUTH PALM BEACH, SURFSIDE AND THE FLORIDA VILLAGE OF NORTH PALM BEACH (COLLECTIVELY, THE MUNICIPAL UNDERGROUND UTILITIES CONSORTIUM OR MUUC).

WHEREAS, the City of Miami Beach has the authority as a municipal government to enter into interlocal agreements with other political jurisdictions in furtherance of municipal interests; and

WHEREAS, the City Commission has identified reliable, safe, and cost-effective electric distribution infrastructure, and other utility infrastructure, as critical to the public health, safety, and welfare; and

WHEREAS, it is widely recognized that, overall, underground electric distribution facilities experienced fewer and less severe outages during the hurricanes that struck Florida in 2004 and 2005 than did overhead facilities; and

WHEREAS, the City Administration recommends that the City become a party to the attached Interlocal Agreement, creating and establishing the "Municipal Underground Utilities Consortium" (MUUC), for participating local governments in Florida to mutually support the comprehensive evaluation of the life-cycle costs, cost effectiveness, and efficacy of undergrounding electric utility facilities, and further to support any activities reasonably necessary to promote those local governments' interests in issues relating to undergrounding electric and other utility and utility type facilities; and

WHEREAS, the proposed Interlocal Agreement shall be effective upon execution by the City and shall terminate on December 31, 2008 (unless the City elects to opt out of the Agreement earlier, as provided under the Agreement); and

WHEREAS, the Interlocal Agreement limits any participating governmental entity's cost to \$12,000 for any one undertaking; and

Agenda Item C7B
Date 5-16-07

WHEREAS, an entity's participating cost under the Interlocal Agreement is allocated based on a hybrid formula of population and taxable property value as of 2005; based on this formula, the City's maximum cost share for any one undertaking under the Agreement would be \$12,000; and

WHEREAS, the City is not obligated to participate in any undertaking under the Agreement; if it elects to opt out of an activity, it will have no financial obligation as to that activity (and the cost for same will be apportioned among the other governmental entities in the MUUC who elect to participate).

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, authorizing the City Manager to execute an Interlocal Agreement to promote undergrounding of utility facilities and related implementation activities by and among the Florida cities of Boca Raton, Bonita Springs, Cocoa Beach, Coconut Creek, Cooper City, Lighthouse Point, Melbourne, Naples, Palmetto, Plantation, Punta Gorda, Satellite Beach, Tamarac, Wilton Manors and the Florida towns of Golden Beach, Gulf Stream, Highland Beach, Juno Beach, Jupiter, Jupiter Inlet Colony, Jupiter Island, Manalapan, Ocean Ridge, Palm Beach, Palm Beach Shores, Sewall's Point, South Palm Beach, Surfside and the Florida Village of North Palm Beach (collectively, the Municipal Underground Utilities Consortium or MUUC).

PASSED and ADOPTED this ____ day of _____, 2007.

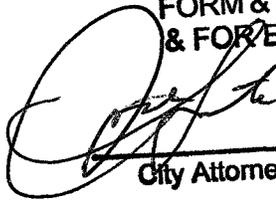
Mayor David Dermer

ATTEST:

City Clerk

F:\cmgr\\$\ALL\BOB\UndergroundMUUCInterlocalagreereso.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

5/14/07

Date



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: *Hernandez*
Jorge M. Gonzalez, City Manager

DATE: May 15, 2007

SUBJECT: **SUPPLEMENTAL TO AGENDA ITEM R5C-- HANDBILLS ORDINANCE**

Attached, please find photographs depicting commercial handbills that have resulted as litter on City streets. As noted on the photographs, these images were taken subsequent to the December 6, 2006 City Commission meeting.

Attachment

JMG/hmf

Agenda Item R5C
Date 5-16-07

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Members of the City Commission
FROM: Mayor David Dermer
DATE: April 11, 2007
SUBJECT: City Attorney's Performance Evaluation.

The City Attorney completed his first year of service on April 11, 2007. I am responsible for coordinating the City Attorney's performance evaluation process on an annual basis.

Attached you will find the City Attorney's report summarizing his activities and accomplishments during the period of review. This report may serve you as a guide as you consider his performance and your feedback to me. As a reminder, this information is subject to the Sunshine Law.

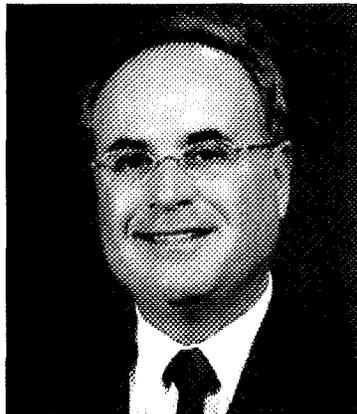
Please review the attached materials and provide me with your input or comments by April 30, 2007 so that I may discuss the matter with the City Attorney and place it on the next City Commission agenda for discussion.

Thank you.

Attachments.



City of Miami Beach Office of the City Attorney



Jose Smith, City Attorney

Performance Evaluation
Year Ending April 11, 2007

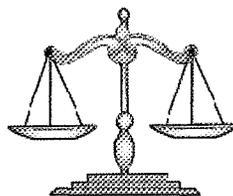


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CITY ATTORNEY
JOSE SMITH
MARIA MOYA POSAS

CHIEF DEPUTY CITY ATTORNEY
DONALD PAPY
YAMILEX MORALES
ADMINISTRATIVE
LITIGATION
CIVIL RIGHTS / CONSTITUTIONAL LAW
EMPLOYMENT / HUMAN RESOURCES
APPELLATE
DISABILITY LAW
CODE COMPLIANCE
POLICE DEPARTMENT

DEPUTY CITY ATTORNEY
JEAN OLIN
SANDRA CABA
ADMINISTRATIVE
ELECTIONS
ETHICS
PUBLIC RECORDS / MEETINGS
LEGISLATION
LITIGATION
APPELLATE

FIRST ASSISTANT CITY ATTORNEYS		
RAUL AGUILA <i>ELIZABETH DAMIEN</i> LEGISLATION TRANSACTIONS PROCUREMENT	RHONDA MONTOYA HASAN <i>MIRIAM MERINO</i> LITIGATION APPELLATE CODE COMPLIANCE FIRE DEPARTMENT BUILDING DEPARTMENT CONSTRUCTION	GARY HELD <i>SHEILA TAFT</i> LAND USE LAND USE / CONSTITUTIONAL LITIGATION REDEVELOPMENT AGENCY TRANSACTIONS
SHERI SACK <i>YAMILEX MORALES</i> APPELLATE CIVIL RIGHTS/CONSTITUTIONAL LAW	DEBORA TURNER <i>SANDRA CABA</i> LITIGATION LEGISLATION ADMINISTRATIVE LAND USE LITIGATION APPELLATE	VACANT VACANT
SENIOR ASSISTANT CITY ATTORNEYS		
RODNEY SMITH <i>YAMILEX MORALES</i> LITIGATION CODE COMPLIANCE SPECIAL MASTER	STEVEN ROTHSTEIN <i>AMADA GONZALEZ</i> FORFEITURES LITIGATION FORECLOSURES GARNISHMENTS POLICE LIAISON	VACANT VACANT

OFFICE MANAGER
GUADALUPE RAMOS

PARALEGAL
BRETT BECKER

RECEPTIONIST
GLORIA DIEGUEZ

ATTORNEYS
SECRETARIES

INTRODUCTION

Upon becoming City Attorney, I began a review of all legal matters being handled by the City Attorney's Office. I met with each lawyer to discuss the files, areas of responsibilities and my vision for the office. I also met with the entire support staff.

I described my management style as "hands-on" and explained that I would monitor all aspects of the office and consult regularly on all significant legal matters.

During my first year, I focused on five (5) critical areas where I thought improvement was necessary.

1. Professionalism. I challenged my staff to become better at what they do. Lawyers are encouraged to attend seminars, improve their skills, become well rounded and adapt to the changing needs of the office. Excellent work product and accountability is expected from everyone.

2. Recruitment. Finding legal professionals with the right skills and experience to carry out my vision for the office has been a challenge. While several positions have already been filled by highly qualified and trained individuals, I am still interviewing candidates to fill two vacant attorney positions.

3. Communication. In order to improve performance and better serve the City, the City Attorney's Office must have excellent lines of communication with elected officials, the City Manager and his staff. My office must know the problems, issues and proposed solutions. To that end, I have made it a point to attend all Finance, Land Use and Neighborhoods Committee meetings and maintain regular contact with all decision makers.

4. Litigation Philosophy. There has long been a perception that the City Attorney's Office did not aggressively defend the City in litigation. I am proud to say that is no longer the case. As a litigator with extensive trial experience, I closely monitor cases from the filing of suit to final resolution. As noted later in this report, the City has prevailed or achieved very favorable settlements in all controversies resolved during the past year.

5. Outside Counsel. We have reduced and in some cases eliminated the need for outside counsel. Where possible, we perform legal work in-house and closely monitor the work and efficiency of outside counsel. Fees paid to outside counsel are closely scrutinized and have been significantly reduced. (Please see chart "D".)

DUTIES

The Office of the City Attorney is established by Article III of the City Charter which provides:

“There shall be appointed by the City Commission of the City of Miami Beach, a City Attorney. His/her compensation shall be fixed by the City Commission by ordinance. The City Attorney shall be the head of the Office of City Attorney and in this capacity shall have the following powers:

- (a) To act as the legal advisor for the municipality and all of its officers in all matters relating to their official powers and duties.
- (b) To prepare or review all ordinances, resolutions, contracts, bonds and other written instruments in which the municipality is concerned, and shall endorse on each his/her approval of the form, language, and execution thereof.
- (c) When required by the Commission, he/she shall prosecute or defend, for and in behalf of the City, all complaints, suits and controversies in which the City is a party, before any court or other legally constituted tribunal.
- (d) To attend all meetings of the City Commission.
- (e) He/she shall recommend to the City Commission for adoption, such measures as he/she deem necessary or expedient.
- (f) He/she shall render opinions and/or reports on legal matters affecting the City as the Commission may direct.
- (g) He/she shall perform such other professional duties as may be required of him/her by ordinance or resolution of the Commission or by this Charter.
- (h) To appoint and remove all unclassified personnel in the Legal Department, including outside counsel representing the City.”

THE LAWYERS AND THEIR RESPONSIBILITIES:

Jose Smith is the City Attorney. He is responsible to the Mayor and Commission for the performance of all responsibilities imposed by the Charter and Code of the City. He is the Manager of the legal and support staff currently totaling 21 people, as well as outside counsel and support personnel (such as accountants and other experts used in litigation). He has practiced law for 33 years, of which 10 have involved concentration in local government law. He has handled civil litigation as well as corporate, real estate, and complex transactional matters.

Donald Papy is the Chief Deputy City Attorney. He supervises the Deputy, four other attorneys, and fills in for the City Attorney in his absence. He reports directly to the City Attorney. Additionally, he is in direct charge of issues involving:

- Labor and personnel
- Civil rights
- Constitutional law
- Police litigation
- Federal Court litigation and appeals
- Administrative proceedings and appeals

He has practiced law for 31 years and has been with the City Attorney's Office for 15 years.

Jean Olin is the Deputy City Attorney. She supervises four Assistant City Attorneys. She is in direct charge of issues involving:

- Ethics (including ethics opinions and orientation, ethics reform legislation, campaign finance reform),
- Procedural municipal issues, administrative matters, drafting legislation and municipal election issues (City general elections, special elections, and drafting of municipal ballot measures).
- She also represents the City in general civil, appellate and land use litigation

She reports to the Chief Deputy as well as the City Attorney. Ms. Olin has been with the Miami Beach City Attorney's Office for 25 years.

Raul Aguila is a First Assistant City Attorney. He is in charge of:

- Drafting and/or review of contracts; handling real estate and complex transactional matters and serving as counsel on transactional matters for all major City departments and to the Miami Beach Redevelopment Agency, the Miami Beach Convention Center and Jackie Gleason Theater of the Performing Arts. He also serves as counsel to the General Obligation Fund Oversight Committee, Finance Citywide Projects Committee, Neighborhoods Community Affairs Committee, the Miami Beach Cultural Arts Council, and Art in Public Places.
- He provides support in general civil litigation, with emphasis on procurement law, real estate, and landlord and tenant law, and handles review of bid protests and debarment proceedings. He also drafts procurement legislation and provides support for issues involving ethics (including ethics opinions and orientation).

Mr. Aguila has been a practicing attorney for 21 years and has been with this office for 14 years.

Gary M. Held is a First Assistant City Attorney. His areas of expertise include:

- Historic preservation
- Land use litigation and appeals
- Environmental law and related areas, such as the interface of land use and constitutional issues, involving religious institutions, adult entertainment and freedom of expression.
- Planning. He is counsel to the Planning Department, Planning Board, Design Review Board, Zoning Board of Adjustment, Historic Preservation Board, Single Family Residential Review Board, Citizens Ad Hoc Committee on Concurrency, and the Commission Land Use Committee and other Committees, the Public Works and Building Departments and Administration on matters within his area of expertise.

He has practiced law for 24 years and has been with the City Attorney's Office for 8 years.

Debora Turner is a First Assistant City Attorney. Ms. Turner handles:

- Land use litigation and appeals
- General civil and commercial litigation
- Administrative matters
- She also serves as co-counsel to the City's Zoning Board of Adjustment, Historic Preservation Board, Design Review Board, and Planning Board.
- Additionally, she drafts of ordinances, resolutions and legal opinions on a variety of topics.
- She also provides support for Sunshine Law issues, including board member compliance.

Ms. Turner has practiced law for 24 years and has been with the City Attorney's Office for 18 years.

Rhonda Montoya Hasan is a First Assistant City Attorney. She is primarily a litigator, handling:

- General civil, complex commercial construction and appellate litigation, and
- Administrative proceedings.
- Additionally, she serves as counsel to the Fire Department and Building Department on State law and code matters affecting their functions, including all enforcement and administrative proceedings through and including appellate proceedings.
- She handles litigation for the Redevelopment Agency and the Capital Improvement Projects (CIP) Division.

Ms. Montoya has been a lawyer for 17 years and been with this Office for 10 years. She lectures locally and nationally on fire and building code issues

Sheri Sack is a First Assistant City Attorney (part time). She is a recognized expert on:

- Constitutional law and handles litigation involving complex constitutional issues
- General appellate litigation.

She has been a lawyer for 19 years and has been with the City for 14 years.

Steven Rothstein is a Senior Assistant City Attorney. Mr. Rothstein handles:

- Foreclosures
- Litigation
- Forfeitures
- Garnishment
- Police liaison

Mr. Rothstein has been a lawyer for 19 years and will soon complete his first year with the City.

Rodney Smith is a Senior Assistant City Attorney. He currently handles:

- Code Compliance
- Special Master
- Personal Injury Cases.

He has been an attorney for 7 years and started with the City in March, 2007

PERFORMANCE HIGHLIGHTS

The following is a list of performance highlights during the past year:

I. LITIGATION

- Concluded years of expensive, burdensome litigation of multiple claims filed by Micky Biss against the City and individual Commissioners.
- Concluded years of expensive complex construction litigation between Atlantic Civil, Inc. (A.C.I.) the City's Redevelopment Agency, and Kimley Horn, regarding the South Pointe Streetscape Project.
- Successfully argued a precedent setting case against the Florida Public Employees Relations Commission before the 3rd District Court of Appeal regarding public records resulting in an opinion in favor of the city.
- Successfully defended a challenge by MCM Corp. to the City's decision to re-bid the South Pointe Park project resulting in denial of an injunction, court approval of the city's procurement procedures and dismissal of the lawsuit.
- Successful defense of numerous claims in State and Federal Courts filed by City Employees against the City alleging discrimination, violation of civil rights and other grievances.
- Recovered over \$100,000.00 in foreclosures, bankruptcy, garnishments and police confiscation claims.
- Successfully obtained injunctive relief to stop illegal commercial events in single family residential neighborhoods.
- Aggressively defended the City in personal injury claims resulting in several summary judgments, dismissals, and favorable settlements.
- Obtained several Final Judgments against debtors of the City.
- Developed creative legal strategies to help resolve the La Gorce Country Club/Neighbors controversy.
- Aggressively defended the City's legal position regarding the County's claims for unpaid Water Impact Fees. While unappreciated by the County, the City's legal strategies have resulted in higher fee collections by the County from developers.

- Settled Bratter/Krieger lease dispute regarding 777-17 St. Office Building resulting in a \$60,000.00 recovery to the City of Miami Beach.
- Coordinated efforts to resolve multiple, complex Building/Fire Code Issues affecting the Continuum Condominium.
- Settled the Alton Sobe v. CMB appeal involving City Commission reversal of a DRB Order on 929 Alton Road.
- Settled Zurqui v. City of Miami Beach, a complex construction litigation matter dating back to 1999 for a minimal sum.
- Conducted extensive legal research into possible legal claims against internet hotel booking entities for resort tax liability to the City.

II. LAND USE

- Continued efforts to preserve and restore the Avery Smith Coral Rock House.
- Drafting and adoption of 50,000 square foot conditional use review ordinance.
- Assist in drafting and advice on: adoption of numerous ordinances and charter amendments, including limitation on Board of Adjustment granting of height variances, term limits of land use board members; turtle nesting, environmental impacts, beach access, single family development regulations, and party houses and commercial uses in residential districts, expansion of Flamingo Park historic district.
- Representing and advising the City in various other judicial and city proceedings and appeals including Hustler Hollywood v. Miami Beach, appeal of HP Board's approval of Savoy Hotel restoration, Ritz Plaza restoration, DRB approval of project at 929 Alton Road, Club Madonna v. Miami Beach, Brown's Hotel challenge to Apple Hotel variance, issues related to La Gorce Country Club, and other matters involving land use board approvals and the applicability and interpretation of city ordinances.
- Sunsouth and Harding Village: Advice to the Planning Board in the handling of hearings for conditional use approval of both projects and successful defense of the approval of Harding Village against court challenges.

III. LEGISLATION

- Proposed handbill/litter ordinance
- Proposed commercial/party house ordinance

- Proposed pedicab ordinance
- Revisions to Sexual Predator Ordinance
- Drafted ballot question for November 2006 election (Board of Adjustment/Street –Ends)
- Drafted numerous resolutions for action by Commission
- Drafted Amendments to City Center R.D.A providing for Workforce Housing
- Drafted Street Performers/Art Vendors Ordinance
- Amendments to City's Living Wage Ordinance.

IV. TRANSACTIONS

- Jackie Gleason Theater
- New World Symphony
- 5th and Alton
- Management Agreements for Botanical Garden, North Beach Senior Center and other City properties
- Lincoln Place lease assignment
- The Lincoln Lease assignment
- Miami City Ballet/Building Acquisition
- 1111 Lincoln Road/street closure
- Condominizing 777 – 17th Street- Office Building

V. LEGAL OPINIONS

During the past year, the City Attorney's office issued numerous legal opinions (formal and informal) in response to questions from the elected officials, the City Manager and his staff.

VI. CODE COMPLIANCE AND SPECIAL MASTER

The City Attorney's Office represents the City Administration in all matters brought before the Special Master. We have developed a close, collegial professional relationship with Code Compliance, Building and Zoning officials and Fire inspectors to ensure that matters before the Special Master are presented in a more professional and efficient manner.

VII. RESORT TAX

Resort Tax, a department in the Finance Department, refers cases to Legal for collection when their collection efforts have failed. The City Attorney's Office has created a data base in order to automate and simplify the collection process. Prior to filing the complaint, a demand letter is sent advising the business owner that court action will follow if payment is not received by a specified date. If the defendant does not pay the outstanding tax, a code compliance citation is issued and set for hearing before the Special Master and a complaint is filed, seeking injunction and damages.

VIII. INTERN PROGRAM

My office is a proud participant in the Florida Supreme Court's Intern Program. Senior law students from the University of Miami Law School, Nova Southeastern and Florida International University with exceptional academic records are placed for a 12-week term and earn educational credits for their service. The program exposes students to advanced issues of municipal law, providing experience in research, litigation support, taking depositions, preparing memos of law and motions. Some are allowed to handle oral arguments before the Circuit Court.

IX. TRAINING

The City Attorney's Office Staff has completed several training sessions.

- E-filing with the U.S. District Court
- E-Discovery training seminar offered by Kroll regarding electronic discovery.
- Participation in the Results Oriented Government Training.

X. STAFF CHANGES AND PROCEDURES THAT HAVE INCREASED PERFORMANCE AND EFFICIENCIES

The office has increased efficiencies and is providing better service in the following ways:

- More coverage in reception (longer hours) 8:30 a.m. to 5:30 p.m. to better serve the City.
- Better coverage during evening City Commission meetings. (More staff members available.)
- Excellent Customer Service. We received high marks in the 1st quarter results from the City's Secret Shopper program conducted by the City Manager's office.
- Improved coordination of work assignments.
- Close supervision of support staff.

XI. LIST OF CASES FILED

CASES FILED DURING 2006-2007

PERSONAL INJURY

- 2006-1 Flance Registe vs. City of Miami Beach. Eleventh Judicial Circuit, Case No. 05-25440 CA20 JW 05CMB0020-1270
- 2006-2 James Malinowski vs. City of Miami Beach, a political subdivision of the State of Florida. Eleventh Judicial Circuit, Case No. 06-01554 CA30 JLW 05CMB0020-1273
- 2006-3 Checker Cab/Sunshine Taxi vs. City of Miami Beach, a political subdivision of the State of Florida and Curtis Hodges, individually. Eleventh Judicial Circuit, Case No. 05-13011 CA23 (4) JLW 06CMB0020-1277
- 2006-4 Norberto Jimenez vs. State of Florida Department of Transportation, City of Miami Beach, H & J Asphalt and H & R Paving, Inc. Eleventh Judicial Circuit, Case No. 06-02260 CA04 JLW 06CMB0020-1279
- 2006-5 Sohnen, vs. City of Miami Beach Eleventh Judicial Circuit, Case No. 06-3719 CA06 JLW 06CMB0020-12+81
- 2006-6 Dorothy Cohn vs. The City of Miami Beach. Eleventh Judicial Circuit, Case No. 06-03909 CA15 JLW 06CMB0020-1283
- 2006-7 Raul Gomez and Yolanda Gomez vs. City of Miami Beach. Eleventh Judicial Circuit, Case No. 06-3213 CA24 JLW 06CMB0020-1288
- 2006-8 Pansie B. Thompson vs. The City of Miami Beach, a municipality and The State of Florida, Department of Environmental Protection f/k/a Department of Natural Resources, the Board of Trustees of the Internal Improvement Trust Fund and Miami-Dade County. Eleventh Judicial Circuit, Case No. 06-06585 CA20 JLW 06CMB0020-1290
- 2006-9 Liberty Mutual Fire Insurance Company, vs. City of Miami Beach. Eleventh Judicial Circuit, Case No. 06-09093 CA06 JW 06CMB0020-1305
- 2006-10 Monticello Insurance Company, a Delaware corporation, vs. City of Miami Beach; Israel Poleyeff, as Personal Representative of Eugenie Poleyeff; and Frederica Breaux, as Administratrix of the Estate of Zachary Charles Breaux. U.S. District Court, Southern District, Case No. 06-20459 GOLD/TURNOFF JW 06CMB0020-1307

- 2006-11 Kitty Terry and George Terry vs. City of Miami Beach, Florida. Eleventh Judicial Circuit, Civil Division, Case No. 06-13366 CA 31 JW 06CMB0020-1325
- 2006-12 Jose Frias vs. City of Miami Beach, a municipal corporation. Eleventh Judicial Circuit, Civil Division, Case No. 06-14672 CA 11 JW 06CMB0020-1326
- 2006-13 Steven Nemetz and Marilyn Reiter-Nemetz vs. Club Atlantis Condominium Association, Inc., and The City of Miami Beach. Eleventh Judicial Circuit, Civil Division, Case No. 06-16546 CA 30 JW 06CMB0020-1328
- 2006-14 Jason Rutkin vs. Sagamore Partners, LTD., and The City of Miami Beach. Eleventh Judicial Circuit, Civil Division, Case No. 05-21133 CA 09 JLW 06CMB0020-1329
- 2006-15 Estela Vetrano vs. The City of Miami Beach. Eleventh Judicial Circuit, General Division, Case No. 06-17612 CA 24 JLW 06CMB0020-1330
- 2006-16 Barbara Hubell and Marvin Hubell vs. The City of Miami Beach. Eleventh Judicial Circuit, General Division, Case No. 06-18726 CA 10 JLW 06CMB0020-1334
- 200-17 Robin Steinfeld and Steve Steinfeld, her husband, vs. The Gap, Inc., a foreign corporation; City of Miami Beach, and NG&G Facility Services, International, Inc.; and The Gap, Inc. vs. NG&G Facility Services International, Inc. and Whelan International Company, Inc.; Third-Party Defendants. Eleventh Judicial Circuit, Case No. 05-12462 JW 06CMB0020-1340
- 2006-18 Cecilia Gonzalez vs. Miami Beach Transportation Management Association Association, a corporation and The City of Miami Beach. Eleventh Judicial Circuit, Case No. 06-21076 JLW 06CMB0020-1341
- 2006-19 Jeffrey Kadis vs. Armor Security Inc., a Florida Corporation, and the City of Miami Beach. Eleventh Judicial Circuit, Case No. 06-10350 CA32 JW 06CMB0020-1317
- 2006-20 Danilo Medic vs. City of Miami Beach, a political subdivision of the State of Florida. Eleventh Judicial Circuit, Case No. 06-04269 CA11 JL 06CMB0020-1286
- 2006-21 Mereida Leon vs. City of Miami Beach. Eleventh Judicial Circuit, Case No. 06-9805 CA01 JW 06CMB0020-1316

2006-22 Angelica Santiago vs. City of Miami Beach, a political subdivision of the State of Florida. Eleventh Judicial Circuit, Case No. 06-10532 CA04 JW 06CMB0020-1318

FORECLOSURE

2006-23 Regions Bank vs. Ramon Ramirez and Carmen Julia Ramirez a/k/a Carmen J. Ramirez, husband and wife, City of Miami Beach, Dayan Construction Inc., a Florida Corporation, et al. Eleventh Judicial Circuit, Case No. 05-26553 CA22 DT 05CMB0020-1271

2006-24 James Hawkesworth vs. City of Miami Beach. Eleventh Judicial Circuit, Case No. 06-00326 CA23 DT 05CMB0020-1272

2006-25 Flagstar Bank, FSB. vs. Jose F. Lopez, et al. Eleventh Judicial Circuit, Case No. 06-02035 CA31 DT 06CMB0020-1276

2006-26 Deutsche Bank National Trust Company vs. Raul Gonzalez et al. Eleventh Judicial Circuit, Case No. 06-09079 CA08 DT 06CMB0020-1304 Foreclosure

2006- 27 Deutsche Bank National Trust Company et al. vs. Reynier Perez, et al. Eleventh Judicial Circuit, Case No. 06-09023 CA30 DT 06CMB0020-1306

2006-28 Wells Fargo Bank, National Association, as Trustee vs. Marcia Jones et al. Eleventh Judicial Circuit, General Division, Case No. 06-13418 CA 06 SR 06CMB0020-1324

2006-29 Wells Fargo Bank, N.A., et. al. vs. James Hawkesworth; et al., Eleventh Judicial Circuit, General Division, Case No. 06-15346 CA 06 SR 06CMB0020-1327

2006-30 Deutsche Bank Trust Company Americas vs. Francis Keith Brush, et al., Eleventh Judicial Circuit, General Division, Case No. 06-18674 CA 27 SR 06CMB0020-1331

2006-31 Carlos Merodio vs. The City of Miami Beach, a political subdivision of the State of Florida, First Transit, Inc., a foreign corporation and Hermeana Richardson. Eleventh Judicial Circuit, General Division, Case No. 06-18457 CA 25 JLW 06CMB0020-1332

2006-32 Bank of America, National Association successor by merger to Nations bank, N.A. vs. Carmen Gonzalez, et al., Eleventh Judicial Circuit, General Division, Case No. 06-18328 CA 01 SR 06CMB0020-1335

- 2006-33 Novastar Mortgage, Inc. vs. Maider Martinez, et al. Eleventh Judicial Circuit, Case No. 06-23951 CA27 SR 06CMB0020-1345
- 2006-34 ABN Amro Mortgage Group, Inc. vs. Juan C. Perez, et al. Eleventh Judicial Circuit, Case No. 06-24627 CA13 SR 06CMB0020-1347
- 2006-35 Bank of America, N.A. successor by merger to Mortgage LLC. successor by merger to Nationsbanc Mortgage Corporation vs. Ava Rosa Diaz et al., Eleventh Judicial Circuit, General Division, Case No. 06-25230 CA 21 SR 06CMB0020-1348
- 2006-36 Wachovia Bank, National Association vs. Gustavo E. Gutierrez a/k/a Gustavo Gutierrez, Eleventh Judicial Circuit, General Division, Case No. 06-25873 CA 27 SR 06CMB0020-1352
- 2006-37 Washington Mutual Bank, vs. Ned Angene, et al. Eleventh Judicial Circuit, Civil Division, Case No. 06-26758 CA 24 SR 06CMB0020-1354
- 2006-38 Bank of New York as Trustee for the certificate holders of CWMBS 2005-9 vs. Elio Mora a/k/a Elio G. Mora et al. Eleventh Judicial Circuit, Case No. 06-27287 CA 11 SR 06CMB0020-1355
- 2006-39 Jamoda Inc., a Florida corporation, vs Valbo LLC, a Florida limited liability company and Delgriso, LLC, a Florida limited liability company, Florida Department of Professional Regulation, Division of Alcoholic Beverages and Tobacco; Florida Department of Revenue; and Agency for Workforce Innovation, IGT Media Holdings Inc.; Bird Song Services, and Rewards Network Establishment Services Inc.; City of Miami Beach. Eleventh Judicial Circuit, Case No. 06-07594 CA01 DT 06CMB0020 1297
- 2006-40 Timothy M. Hogle and Irina Korneeva, Husband and Wife vs. Goddess Entertainment Group LLC, a Florida limited liability company,d/b/a Club Empire; Florida Department of Professional Regulation, Division of Alcoholic Beverages and Tobacco; Florida Department of Revenue; and Agency for Workforce Innovation, and City of Miami Beach. Eleventh Judicial Circuit, Case No. 06-23447 CA21 SR 06CMB0020-1344
- 2006-41 Allied Mortgage of the Southeast, Inc. vs. Conti-Tech Investments Holdings Limited a/k/a Conti-Tech Investment Holdings Limited, et al. Eleventh Judicial Circuit, Case No. 06-06717 CA11 DT 06CMB0020-1291
- 2006-42 Mortgage Investors II, LLC. vs. Conti Tech a/k/a Conti-Tech Investment Holdings Limited, et al. Eleventh Judicial Circuit, Case No. 06-06719 CA24 DT 06CMB0020-1292

- 2006-43 Mortgage Investors I, LLC. vs. Conti-Tech Investment Holdings LTD a/k/a Conti-Tech Investment Holdings Limited, et al. Eleventh Judicial Circuit, Case No. 06-06721 CA23 DT 06CMB0020-1293
- 2006-44 Bayview Financial Trading Group, LP., vs. Jamil Khan, et al., Eleventh Judicial Circuit, Case No. 06-05861 CA22 DT 06CMB0020-1294
- 2006-45 Everhome Mortgage Company, vs. Olga Patricia Waring, et al., Eleventh Judicial Circuit, Case No. 06-06868 CA08 DT 06CMB0020-1295
Foreclosure
- 2006-46 Emigrant Savings Bank vs. Cecile D. Barker; City of Miami Beach and Portofino Towers Condominium Association, Inc. Eleventh Judicial Circuit, Case No. 06-6503 CA01 DT 06CMB0020-1302
- 2006-47 Wachovia Bank of Delaware, N.A. vs. Terrence E. Rosenberg, et al., Eleventh Judicial Circuit, General Division, Case No. 06-18084 CA SR 06CMB0020-1336
- 2006-48 Lasalle Bank National Association, as trustee for Certificate Holders of Bear Stearns Asset Backed Securities et al. vs. Mark Phillip a/k/a Mark Phillips et al. Eleventh Judicial Circuit, Case No. 06-22942 CA42 SR 06CMB0020-1342
- 2006-49 US Bank National Association, et al. vs. Marc Shenker et al. Eleventh Judicial Circuit, Case No. 06-23778 CA03 SR 06CMB0020-1343
- 2006-50 Timothy M. Hogle and Irina Korneeva, Husband and Wife vs. Goddess Entertainment Group LLC, a Florida limited liability company,d/b/a Club Empire; Florida Department of Professional Regulation, Division of Alcoholic Beverages and Tobacco; Florida Department of Revenue; and Agency for Workforce Innovation, and City of Miami Beach. Eleventh Judicial Circuit, Case No. 06-23447 CA21 SR 06CMB0020-1344

LAND USE

- 2006-51 City of Miami Beach, a Florida Municipal Corporation, vs. 900 Collins Ave., LLC, a Florida limited liability company. Eleventh Judicial Circuit, Case No. 06-01533 CA10 GH 06CMB0020-1274
- 2006-52 900 Collins Avenue, LLC, a Florida limited liability company vs. City of Miami Beach, a Florida municipal corporation, and Thomas Velazquez, Building Official, City of Miami Beach. Eleventh Judicial Circuit, Case No. 06-05341 CA09 GH 06CMB0020-1287

- 2006-53 Mickey Biss, Individually, and USA Express, Inc., a Florida corporation vs. David Dermer, individually, Saul Gross, individually, Richard Steinberg, individually, Jose Smith, individually, Matti Herrera Bower, individually, and Simon Cruz, individually. Eleventh Judicial Circuit, Case No. 06-5439 CA22 DJT 06CMB0020-1289
- 2006-54 Murano at Portofino Condominium Association, Inc., a Florida not for profit corporation vs. Cecile D. Barker; Patricia Barker and City of Miami Beach, Eleventh Judicial Circuit, Case No. 06-10146 CA08 DT 06CMB0020-1319
- 2006-55 Petitioner, Brown's Hotel, LLC., vs. Respondent, City of Miami Beach, and City of Miami Beach Board of Adjustment. Miami-Dade County Court, Appellate Division, Appellate Court Case No. 06-252 AP, Lower Court Case No. 3153 GH 06CMB0020-1322
- 2006-56 Ocean Drive Preservation Association, Inc., Christina LaBuzetta and Austin O'Toole vs. the City of Miami Beach, and Savoy Hotel Partners. LLC. Eleventh Judicial Circuit, Appellate Division, Lower Case No. HPB 3223 GH 06CMB0020-1333
- 2006-57 Alton Sobe, LLC., vs. City of Miami Beach and the City Commission of the City of Miami Beach, The Miami Design Preservation League, Andrew Delapaine, Charles Recher, Carol Jacque, Mark Needle, Kelly Brock and Jean-Luc Blackburn. Eleventh Judicial Circuit, Lower Tribunal Case No. 06-26233 GH 06CMB0020-1339
- 2006-58 North Beach Citizens for a Safe Neighborhood Pac, on behalf of John O. Gonzalez, Vernon Williams, and Carmen C. Maronier vs. City of Miami Beach Planning Board/ City of Miami Beach, a Florida municipal corporation, and Harding Village, LTD. In the District Court of Appeal, Third District, Case No. 06-2943, Lower Court Case No. 06-016 AP GH 06CMB0020-1350
- 2006-59 OBR Limited vs. City of Miami Beach, a Florida municipal corporation, Miami Beach Owner, L.L.C.and Harding Village, LTD. Eleventh Judicial Circuit, Appellate Division, Case No. 06-618 AP, Lower Tribunal Case No. ZBA File 3203 GH 06CMB0020-1353
- 2006-60 Petitioner, Brown's Hotel, LLC., vs. Respondent, City of Miami Beach, and City of Miami Beach Board of Adjustment. Miami-Dade County Court, Appellate Division, Appellate Court Case No. 06-252 AP, Lower Court Case No. 3153 GH 06CMB0020-1322

CIVIL RIGHTS

- 2006-61 Jeffrey H. Daniel vs. Officer Humphrey et al. United States District Court,

Southern District of Florida, Case No. 05-22582 CIV-KING/O'SULLIVAN
DP 06CMB0020-1280

- 2006-62 Marisol Ruizdelatorre and Michelle Fragoso-Diaz vs. City of Miami Beach, a Florida Municipal Corporation; Officer Antonio Ferbeyre Officer Noel Castillo, and "Officer Smith", individually, Eleventh Judicial Circuit, Case No. 06-07165 CA06 DP 06CMB0020-1300
- 2006-63 Seth Gerzberg vs. City of Miami Beach, Florida, a Florida Municipal Corp. United States District Court, Southern District of Florida, Case No. 06-21105 CIV-GOLD SS 06CMB0020-1301
- 2006-64 Steven R. Pine vs. City of Miami Beach, a municipality of the State of Florida. Eleventh Judicial Circuit, Case No. 06-08741 CA27 KC/RM 06CMB0020-1303
- 2006-65 Scott Atchisson vs. City of Miami Beach. United States District Court, Southern District of Florida, Case No. 06-22243 CIV-MARTINEZ DP 06CMB0020-1346
- 2006-66 Holley Rauen and Nikki Hartman vs. City of Miami, a municipal entity; City of Miami Beach, a municipal entity; et al. United States District Court, Southern District of Florida, Case No. 06-21182 CIV-JORDAN DP 06CMB0020-1349
- 2006-67 Minette Benson vs. Suntrust Banks, Inc., City of Miami Beach, Officer William Collado, Individually. Eleventh Judicial Circuit, Case No. 05-2274 JW CA05 06CMB0020-1308
- 2006-68 Philipp Kloke vs. City of Miami Beach, a Florida municipality; William Sinkes, individually, John Doe1 et al. U.S. District Court, Southern District of Florida, Ft. Lauderdale Division. Case No. 06-60088 CIV-COOKE DP 06CMB0020-1275
- 2006-69 Leon Witherspoon vs. City of Miami Beach, a municipal entity, Officer Osvaldo Ramos, Wayne Colon, David Allen, Miami-Dade County, and Miami-Dade County Department of Corrections, Eleventh Judicial Circuit, Case No. 06-05946 CA25 DP 06CMB0020-1298
- 2006-70 Seth Gerzberg vs. City of Miami Beach, Florida, a Florida Municipal Corporation United States District Court, Southern District of Florida, Case No. 06-21105 CIV-GOLD SS 06CMB0020-1301
- 2006-71 John S. Davis vs. City of Miami Beach, Florida. Eleventh Judicial Circuit, Civil Division, Case No. 06-13344 CA 31 DP 06CMB0020-1323

2006-72 Jason Rutkin vs. Sagamore Partners, LTD., and The City of Miami Beach. Eleventh Judicial Circuit, Civil Division, Case No. 05-21133 CA 09 JLW 06CMB0020-1329

MISCELLANEOUS

2006-73 The Home Depot Supply , Inc., vs The City of Miami Beach, Florida, a Florida municipal corporation. County Court, Small Claims Division, Case No. 06-01817 SP26 JD 06CMB0020-1296

2006-74 South Florida Art Center, Inc. vs. City of Miami Beach. Eleventh Judicial Circuit, Case No. 06-04952 CA10 See 06CMB0020-1284 (1316)

2006-75 Royce Parking Control Systems, Inc., a Florida corporation, vs. City of Miami Beach, a political subdivision of Florida. Miami-Dade County Court, Civil Division, Case No. 06-08790 SP 05 SR 06CMB0020-1321

2006-76 Martin C. Stanley vs. City of Miami Beach, County Court, Civil Division, Case No. 06-01753 SP 24 SR 06CMB0020-1337

2006-77 Frank E. Jacobs, as Property Appraiser of Miami-Dade County, Florida vs. RDP Royal Palm Hotel Limited Partnership, Royal Palm Hotel Prop. LLC, Miami Beach Redevelopment Agency and James Zingale, as Executive Director of the State of Florida department of Revenue., Eleventh Judicial Circuit, General Division, Case No. 06-24195 CA 15 06CMB0020-1351

2006-78 Portfolio Recovery Associates, LLC vs Donald McGavern and City of Miami Beach, Florida. County Court in and for Broward County, Case No. 06-5319-COWE-81 (Garnishment) SR 06CMB00020-1356

2006-79 HH Miami Beach LLC, d/b/a Hustler Hollywood vs. City of Miami Beach, United States District Court, Southern District of Florida, Case No. 06-20487 CIV-MORENO GH 06CMB0020-1282

2006-80 In Re: South Beach Community Hospital, LLC. United States Bankruptcy Court Southern District of Florida, Case No. 06-10634-LMI, Chapter 11 DT 06CMB 0020-1285

2006-81 Mac-Pac Waste & Recycling Services, Inc., a Florida Corporation vs. The City of Miami Beach, a political Subdivision of the State of Florida, and Robert Parcher, City Clerk of the City of Miami Beach, a Political Subdivision of the State of Florida, Eleventh Judicial Circuit, Case No. 0610348 CA11 JO 06CMB0020-1320

LIST OF CASES OPENED IN 2007

FORECLOSURES

- 2007-1 Wells Fargo Bank, National Association, as Trustee vs. Monica Fajardo et al., Eleventh Judicial Circuit, General Division, Case No. 07-000121 CA 23 SR 07CMB00020-1357
- 2007-2 DLJ Mortgage Capital, Inc vs. Rachel Kornitzer, et al, Eleventh Judicial Circuit, General Division, Case No. 07-04592 CA 02 07CMB00020-1363 (paid by 1410-349-foreclosure expenses)
- 2007-3 Club Deep, Inc., vs. Rendevous Holding, LLC, et al. Eleventh Judicial Circuit, General Division, Case No. 07-03378 CA 24 07CMB00020-1364 (paid by 1410-349 – foreclosure expenses)
- 2007-4 Washington Mutual Bank v. Roberto Caan, et. al. Eleventh Judicial Circuit Court, General Jurisdiction Division, Case No.: 07-05802 CA 27 (SHR) CMB00020-1366
- 2007-5 Ohio Savings Bank v. Anna G. Blank, et. al. Case No.: 07-05736 CA 08 Eleventh Judicial Circuit Court, General Jurisdiction Division, (SHR) CMB00020-1367
- 2007-6 Deutsche Bank National Trust Company, as Trustee v. Glenn Godsey Kathlena Godsey Mortgage Electronic Registration Systems, Inc. as Nominee for Home Loan Center Inc., d/b/a Lending Tree Loans. Case No.: 07-05226 CA 21 SR CMB00020-1368
- 2007-7 Deustche Bank National Trust Company, as Trustee for Long Beach Mortgage Loan Trust 2004-4 v. Hiram Fernandez, et ux., et. al. Case No.: 07-06148 CA 32 07CBM00020-1371 SR

PERSONAL INJURY

- 2007-8 Esther Alvarez vs. Metropolitan Dade County, a political subdivision of the State of Florida and City of Miami Beach. Eleventh Judicial Circuit, General Division, Case No. 06-23521 CA 24 07CMB00020-1358
- 2007-9 Cornelia Hof vs. Ric-Man International, Inc., Bell South Corp., and City of Miami Beach. Eleventh Judicial Circuit, General Division, Case No. 07-1803 CA 06 07CMB00020-1359
- 2007-10 Claire Diamond and Herbert Diamond, vs. City of Miami Beach and Dimitri

Construction Services, Corp. and Cobalt Capital, Inc. Eleventh Judicial Circuit, General Division, Case No. 06-28498CA 02 RM 07CMB00020-1360

2007-11 Heriberto Valdes vs. City of Miami Beach, Eleventh Judicial Circuit, General General Division, Case No. 07-03604 CA 22 07CMB00020-1362

2007-12 Mariela de Gonzalez v. City of Miami Beach Eleventh Judicial Circuit Court, General Jurisdiction Division Case No.: 07-05708 CA 31 CMB00020-1369

CIVIL RIGHTS

2007-13 Oscar Maita v. City of Miami Beach, Eleventh Judicial Circuit Court, General Division, Sgt. P. Masters, Ofcr. L. Vernon, and OFCR. E. DOCE, Case No.: 07-02872 CA 15 (DP) CMB00020-1365

MISCELLANEOUS

2007-14 Magnum Construction Management Corporation vs. City of Miami Beach Political Subdivision of the State of Florida, Eleventh Circuit court, Case No. 07-4069 CA 24 JO 07CMB00020-1361
Miscellaneous Bid protest

2007-15 Washington Ave, Inc. vs. City of Miami Beach, a Florida municipal corp. Eleventh Judicial Circuit Court, General Jurisdiction Division, Case No.: 07-05000 CA 21, 07CMB00020-1370 RM
Miscellaneous Housing Complaint

CONCLUSION

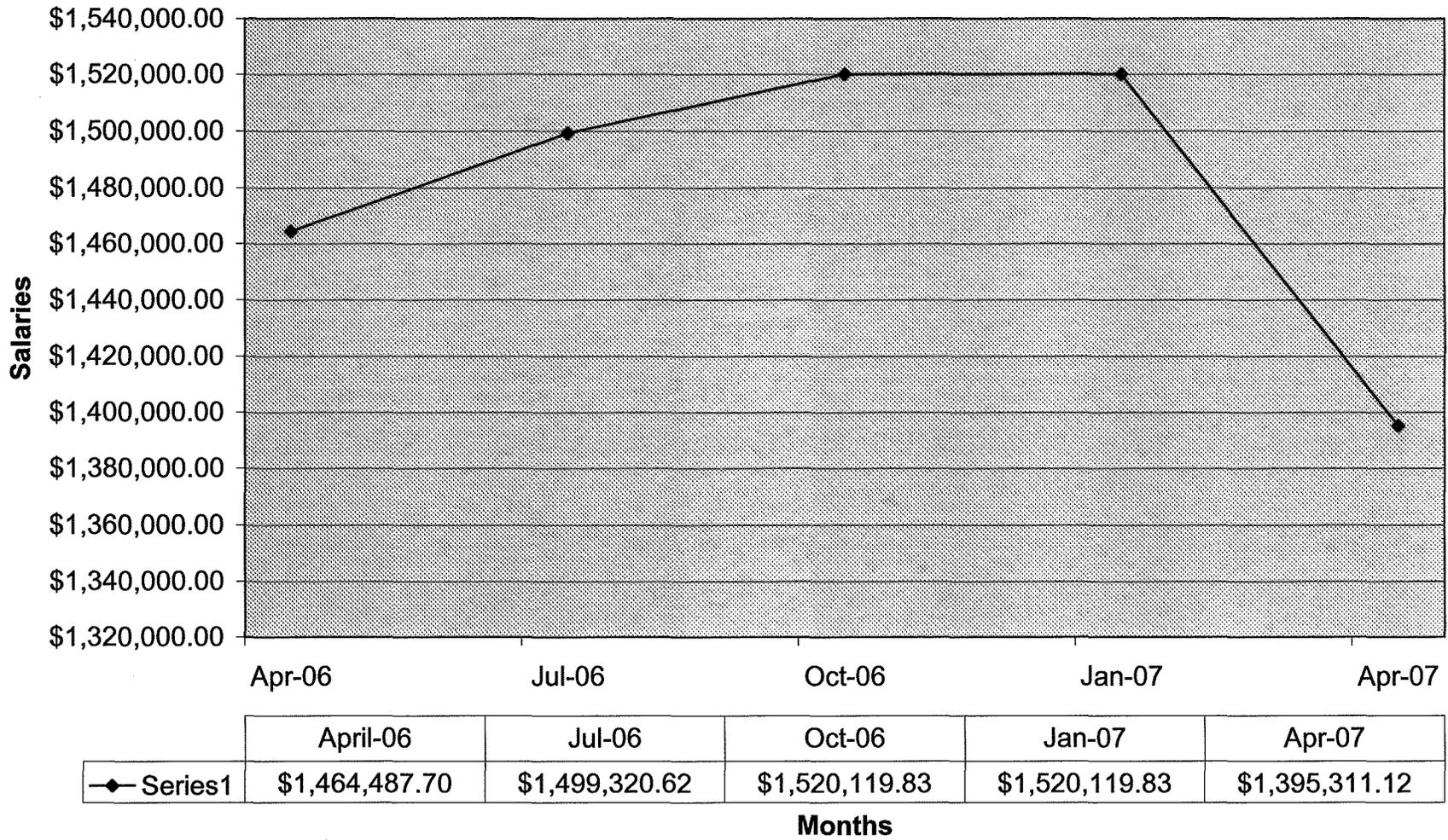
It has been a great privilege to serve as City Attorney during the past year. I have enjoyed working with the elected officials, the City Manager, his staff, as well as the advisory boards and committees. I have also enjoyed going out to the community to explain the role of the City Attorney's Office.

I am proud to say that significant progress has been made in the five (5) critical areas needing improvement and that negative perceptions and morale issues have been largely if not entirely eliminated.

I look forward to working with you to address all legal matters affecting the City and help keep the City of Miami Beach a world class community. If you have any questions or need additional information, please let me know.

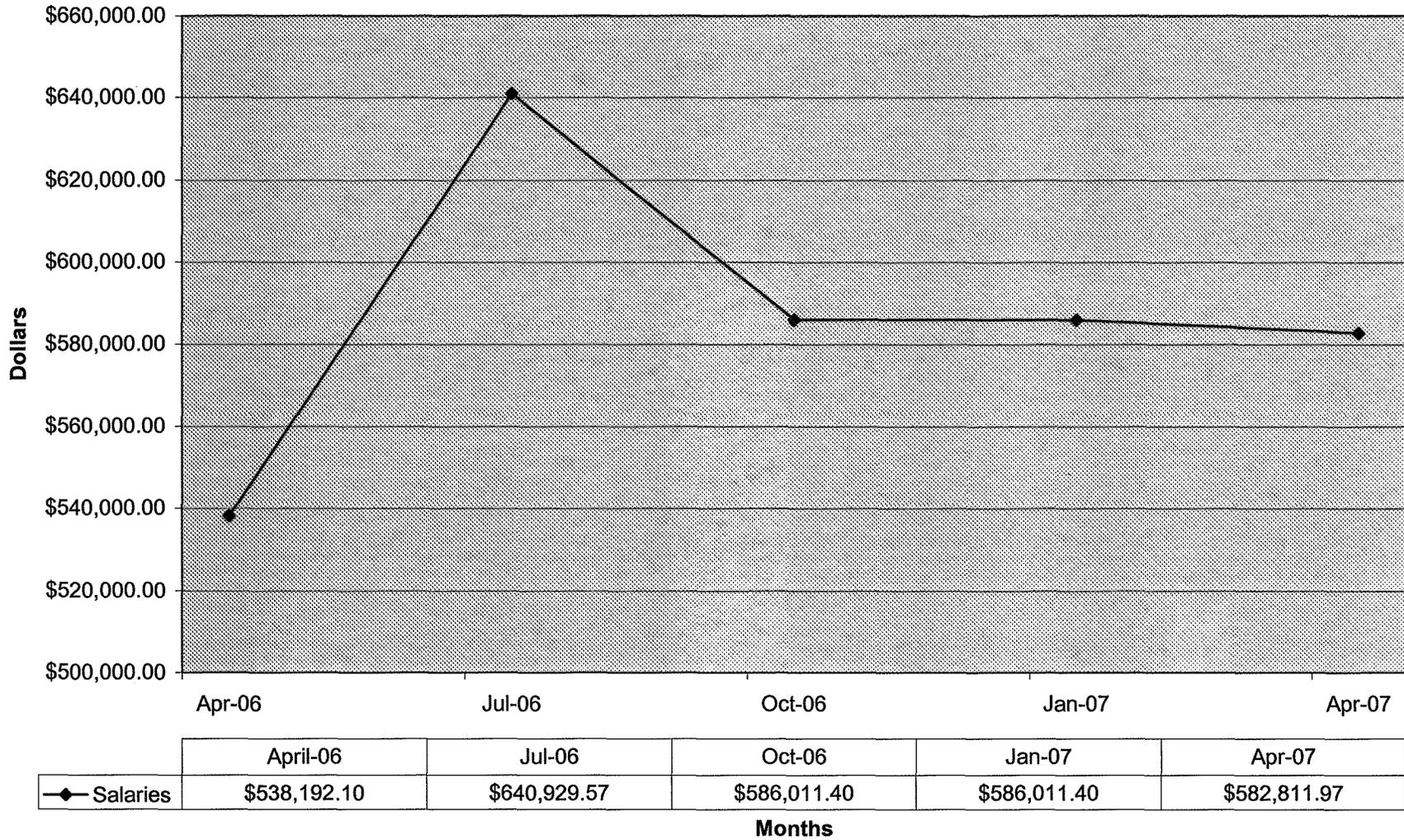
CHARTS

Office of the City Attorney-Salary Comparison for Attorneys April 2006 vs. April 2007



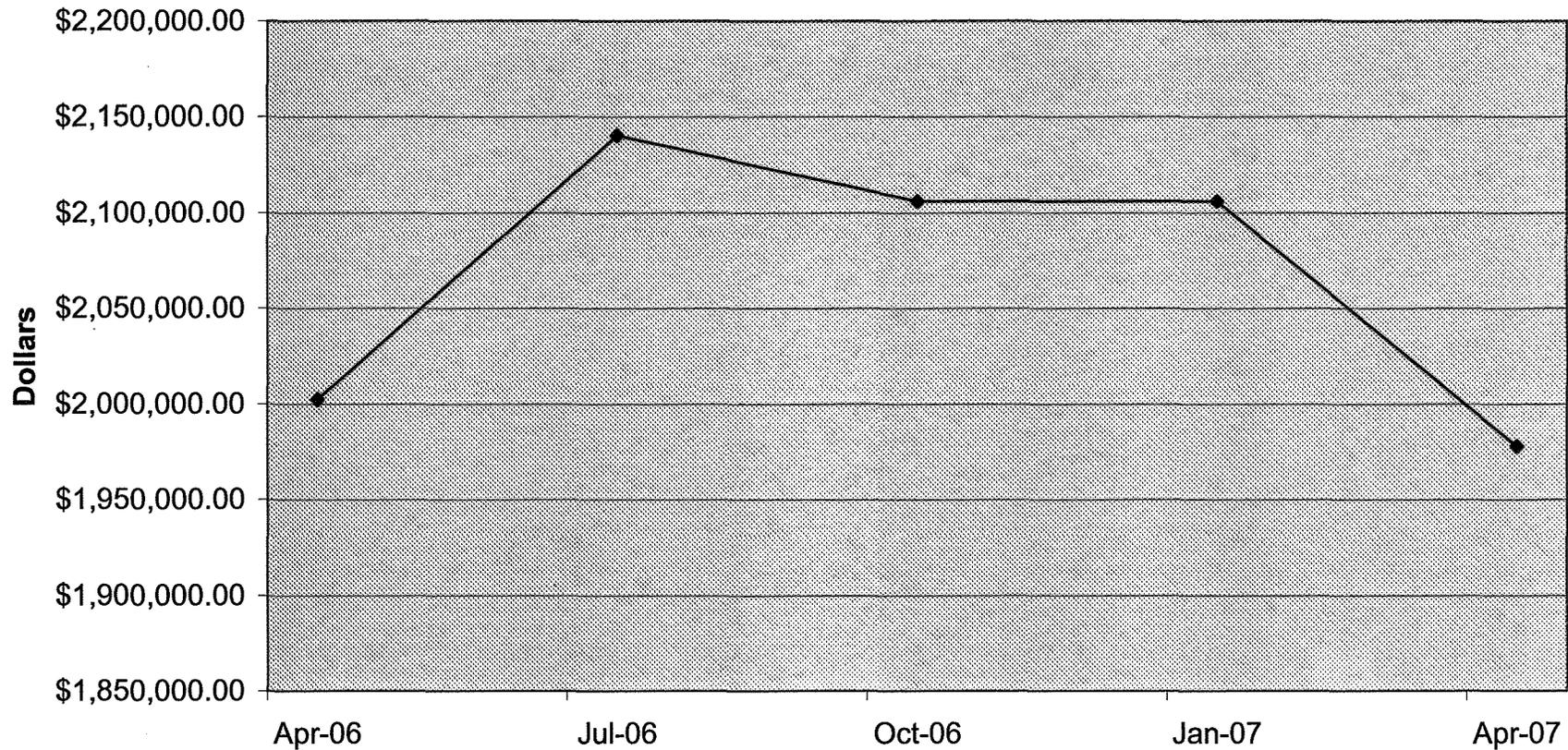
"A"

**Office of the City Attorney - Salary Comparison for Administrative Staff
April 2006 vs. April 2007**



"B"

Office of the City Attorney Salary Comparison for April 2006 vs. April 2007

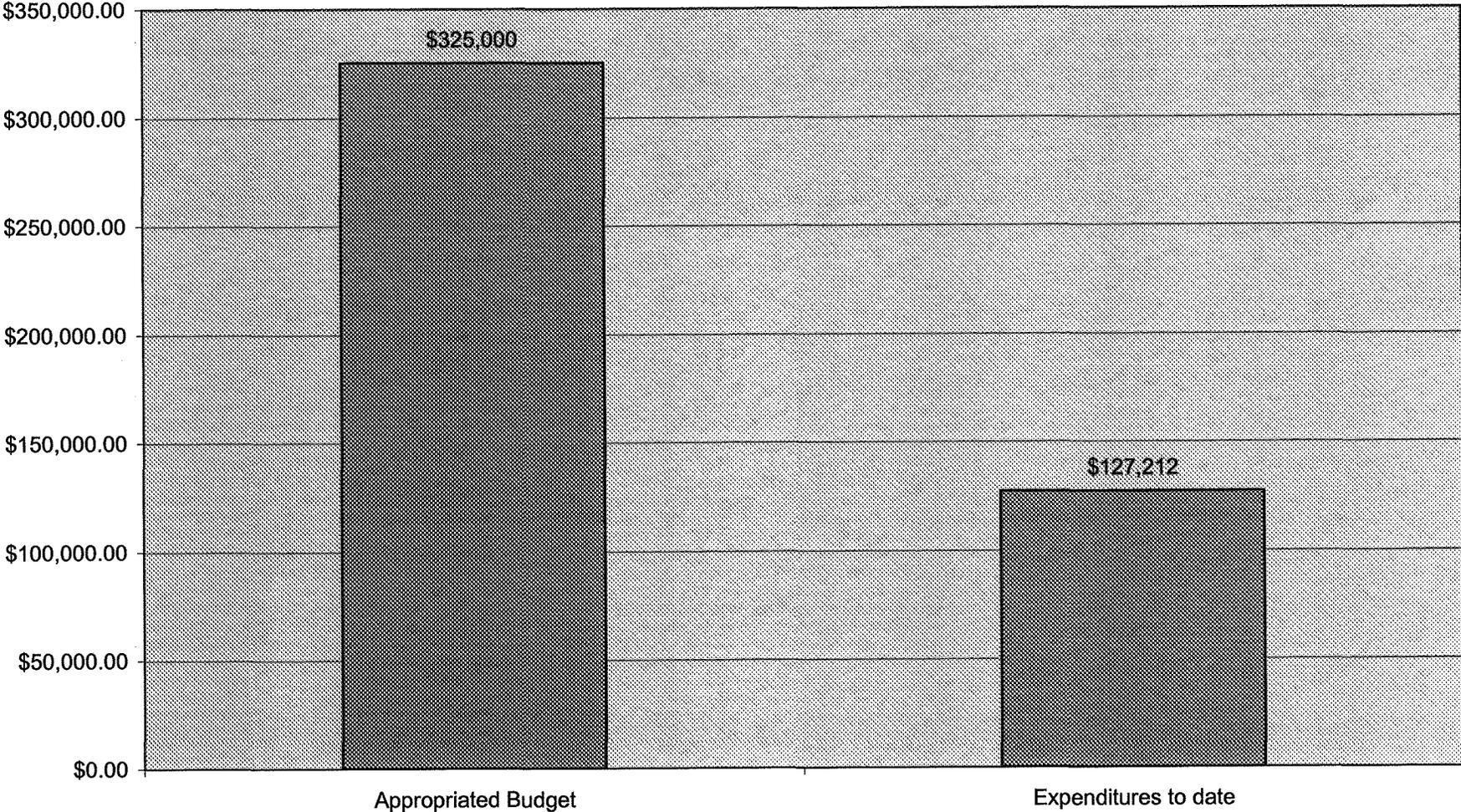


	Apr-06	Jul-06	Oct-06	Jan-07	Apr-07
Series1	\$2,002,679.80	\$2,140,250.19	\$2,106,131.23	\$2,106,131.23	\$1,978,123.09

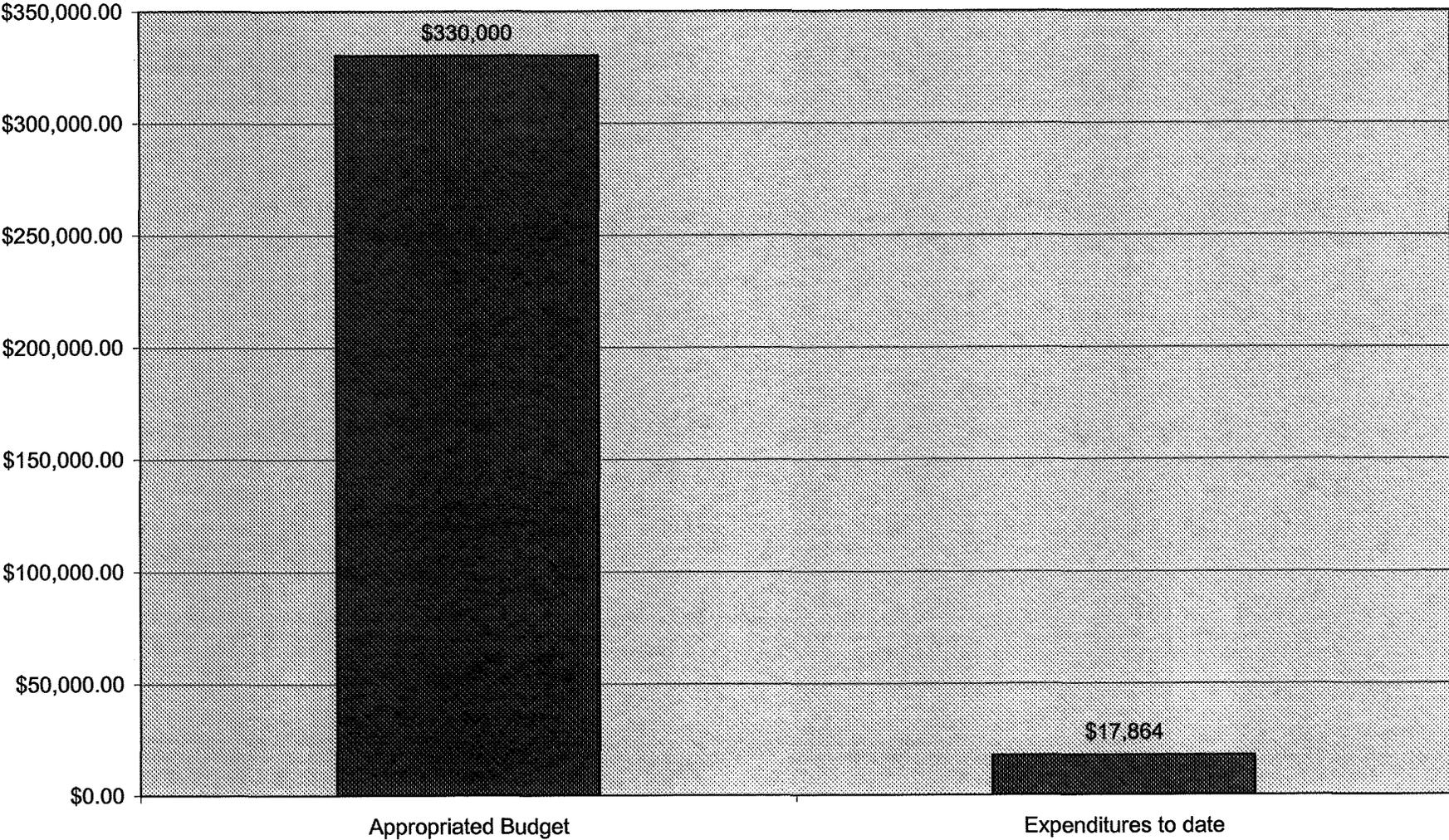
Months

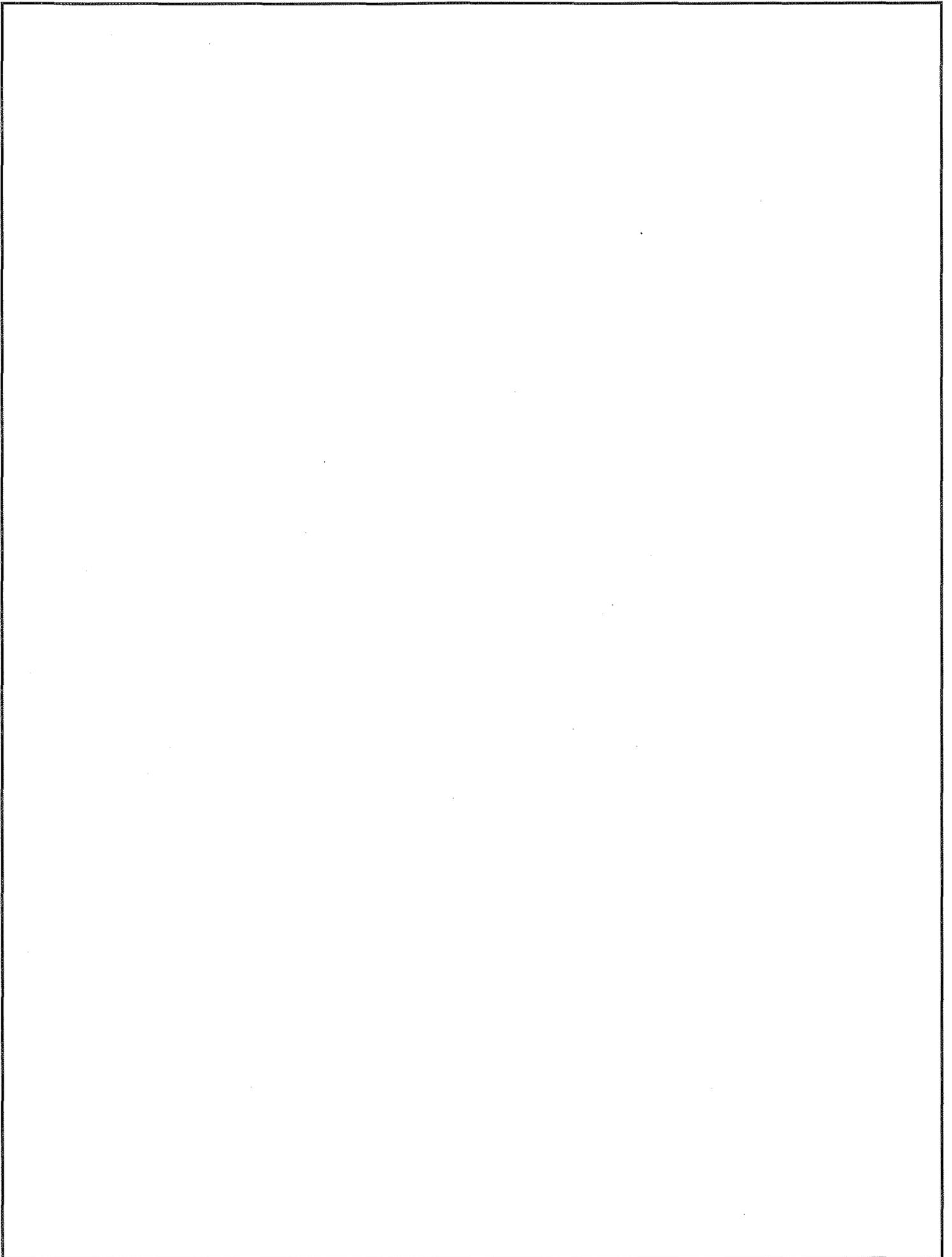
"C"

FY 07 - OUTSIDE COUNSEL FEES PAID
Labor & Employment Account - 011.1410.000392
10/1/06-4/1/07



FY 07 - OUTSIDE COUNSEL FEES PAID
General Matters Account - 011.1410.000312
10/1/06-04/1/07







MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC# 112-2007

LETTER TO COMMISSION

RECEIVED
2007 MAY 14 PM 2:28
CITY CLERK'S OFFICE

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: May 14, 2007

SUBJECT: **FLAMINGO PARK/RESIDENTIAL PARKING PERMIT ZONE TWO PROGRAM ENHANCEMENTS AND MEETING NOTICE**

On April 24, 2007, the Parking and Parks/Recreation Departments sent a notice to Residential Zone Two/Flamingo Park permit holders advising them that a higher level of enforcement activity for the two parking lots that service Flamingo Park would begin. The enforcement actions were for existing regulations in the parking lots that, to date, have not been actively enforced.

The notice advised resident permit holders that due to an increasing number of parking conflicts between permit holders and park users, an established time limit of 7 a.m. use of the Flamingo lots by permit holders was going to be enforced. Until now, permit holders have had the ability to use the Flamingo lots over night without the need to move their car by 7 a.m. The 7 a.m. time limit was set in 1999 when resident permit holders were allowed the night time use of the parking lots.

Recently an increasing numbers of parking conflicts has been experienced between individuals coming early to use Flamingo Park and by Zone 2/3 residential permit holders that have remained in the parking lots past the 7 a.m. time limit. This parking conflict is what prompted the first notice to Zone 2/3 residential permit holders about a change in enforcement policy.

As a result of this notice, many, if not all of you have received inquiries, comments, and/or complaints from Residential Zone Two/Flamingo Park permit holders regarding this issue.

The Parks and Parking Departments have revisited the enforcement policy to see if there was a way to develop a more tailored approach that would address the concerns of both resident permit holders and park users.

In light of the need to have parking available for park users and still to provide whatever parking relief we can for the residential Zone 2/3 permit holders, the Parks and the Parking Departments have developed a plan that will allow for specifically signed and designated areas of the two parking lots to be used past 7:00 a.m. by the residential permit holders. It is our hope that this compromise enforcement position will address most of the concerns of both the park users and of the residential permit holders. It is obviously not a perfect

Agenda Item R9E
Date 5-16-07

solution because the City is clearly short of parking places in this particular zone. The new plan makes a better effort to respect the parking needs of both of our important user groups, the residential permit holders and park users.

The attached notice will be mailed to all permit holders providing them more information, including a historical perspective; current challenges; program enhancements; enforcement efforts for residential parking programs; and notice of a community meeting. The community meeting notice invites permit holders to participate in a discussion regarding residential parking, park use, and the Flamingo Park parking facilities. The community meeting will take place at 6:00 P.M. on Monday, June 4, 2007 at the Botanic Gardens. The meeting will be publicly noticed so that any interested Commissioners may attend.

While we believe that the revised program will address most concerns, the Community meeting will be available to add any necessary clarification or address other unforeseen issues.

Please feel free to call me or Assistant City Manager Robert Middaugh if you have any further questions.

JMG/RCM/SF

F:\cmgr\ALL\BOB\Flamingo Park Zone Two Notice ltc.doc



MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

PARKING DEPARTMENT

Tel: 305.673.7505, Fax: 305.673.7066

PROGRAM ENHANCEMENTS AND MEETING NOTICE!

Dear Zone Two 2 - Flamingo Park & Zone Three – Michigan/Lenox Permit Holder(s):

On April 24, 2007, a notice was sent to all Zone 2 Flamingo Park and Zone 3 Michigan/Lenox Permit Holders (Zone 2/3), notifying each of the permit holders that the Parking Department would begin to enforce existing parking restrictions for the two parking lots that are in and service the Flamingo Park. The notice was prompted by an increasing number of parking conflicts between park users and Zone 2/3 permit holders. This letter caused a great deal of confusion and concern within the Zone that has prompted the City to do a more detailed review of the enforcement effort to assess if a less stringent approach might be possible.

In order to minimize parking conflicts while providing parking available for park users and still provide whatever parking relief we can for the residential Zone 2/3 permit holders, the Parks and the Parking Departments have developed a revised parking plan. The plan will allow for specifically signed and designated areas of the two parking lots to be used past 7:00 a.m. by the residential permit holders rather than requiring residents to leave by 7:00 a.m.. It is our hope that this compromise enforcement position will address most of the concerns of both the park users and of the residential permit holders. It is obviously not a perfect solution because the City is clearly short of parking places in this particular zone. The new plan makes a better effort to respect the parking needs of both of our important user groups, the residential permit holders and park users.

In the new plan, Zone 2/3 Permits will continue to be honored daily from 10:00 p.m. to 7:00 a.m. with the following enhancements:

- The two westernmost parking bays in the 11th Street and Jefferson Ave Parking Lot (PAL Lot) will honor residential Zone 2/3 permits until 9 a.m..
- The northernmost parking bay in the 15th Street and Michigan Ave Parking Lot (Softball Field Lot) will honor residential Zone 2/3 permits until 9 a.m..
- Uniquely identifying signs with the 9 a.m. extended hours will be posted in these areas and at the entrance of both lots for way finding purposes.

If you visit the park during non-residential hours, you must obtain a validated parking ticket from the Parks Attendant located at the Tennis Center or Flamingo Pool. There is a three (3) hour maximum. **Please note: If you have a residential permit and do not have a validated parking ticket, your vehicle may be subject to being cited and impounded.** Unfortunately, this procedure was a necessary feature of the plan as many permit holders remain in the lots after the 7 a.m. restriction claiming use of the park as the reason for remaining in the lot.

Clearly, permit holders should enjoy the use of the Flamingo Park facilities as well as have access to the parking lot; however, said use is contingent upon legitimate use of the park during park hours. The ticket validation and three (3) hour time limit is intended for legitimate use of the park and not as a loophole to extend the 7 a.m. or 9 a.m. restriction for permit holder use. In addition, a ten (10) minute grace period is being instituted in the 15th Street and Michigan Avenue (Softball Field) Parking Lot in order to allow ample travel time for ticket validations. If a citation is issued within this period a RAD (Request for Administrative Dismissal) Form may be submitted for consideration for dismissal.

In order to help ensure that Zone 2/3 spaces are appropriately used and available to permit holders, parking enforcement officers are routinely deployed to all zones with special emphasis on known problem areas, such as Zone 2/3. Moreover, residential zone permit holders may avail themselves to the 24/7 parking enforcement hotline (305) 673.9453 and may place requests for enforcement services of parking (residential zone) violations.

Furthermore, The Parking Department will be notifying park users that there is no restriction for on-street parking on weekdays from 7a.m. to 6 p.m. in the vicinity of Flamingo Park. This will hopefully mitigate some of the demand for parking lot use.

The Flamingo Park parking lots are intended to serve park users during park hours (7 a.m. /9 a.m. - 10 p.m.). The City fully recognizes that parking is challenging in the Zone 2/3 area and our new plan tries to provide the most parking relief possible for our permit holders while still serving the original purpose of the lots, parks parking.

The City will host a Community Meeting to discuss the Flamingo Park Parking Lot and Residential Zone Two permit holder policy at 6:00 p.m. on Monday, June 4, 2007, at the Miami Beach Botanical Gardens, Banyon Tree Room, located at 2000 Convention Center Drive, Miami Beach, Florida. The meeting will be to address any questions or concerns about our enforcement policy that may still be confusing or unclear.

If you have any additional questions or concerns regarding parking in the Flamingo Park, please do not hesitate to contact Flamingo Park at (305) 673-7766 or Parking at (305) 673-7000, extension 6200. Thank you for your cooperation and understanding!



**CITY OF MIAMI BEACH
PARKING
DEPARTMENT**
Miami Beach, Florida

175001

TIME IN: _____

EXPIRATION TIME: _____

AMOUNT PAID: _____

W
2
5
5
5

**PARK AND LOCK
RATES AND HOURS POSTED**

TIME IN: _____

EXPIRATION TIME: _____

AMOUNT PAID: _____

175001



**CITY OF MIAMI BEACH
PARKING
DEPARTMENT**
Miami Beach, Florida

JAN	FEB	MAR	APR	MAY	JUN
JUL	AUG	SEP	OCT	NOV	DEC
1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31					

Sample Parking Ticket