



MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
March 18, 2009

Mayor Matti Herrera Bower
Vice-Mayor Edward L. Tobin
Commissioner Victor M. Diaz, Jr.
Commissioner Saul Gross
Commissioner Jerry Libbin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

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

Visit us at www.miamibeachfl.gov for agendas and video "streaming" of City Commission Meetings.

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 9:40:26 a.m. a.m.

Invocation given by Robert Parcher, City Clerk.

Pledge of Allegiance led by George Navarro, Miami Beach Police Department.

ADDENDUM:

Motion made by Commissioner Weithorn to add item R9F as an emergency item to the Commission Agenda; seconded by Vice-Mayor Tobin; Voice vote: 6-0; absent: Commissioner Diaz.

SUPPLEMENTAL Materials:

C7I – Resolution and Exhibit C,
R5E – Two revised ordinances
R7C - Lease Agreement
R7D - Resolution
R7F - Revised Resolution

Presentations and Awards**TO BE REVIEWED****9:42:36 a.m.**

PA1 Proclamation To Be Presented To The Saint Patrick Music Ministry.
(Requested by Mayor Matti Herrera Bower)

ACTION: Proclamation presented.

Mayor Bower stated that St. Patrick has the most beautiful choir and an excellent music program.

Mark Spencer Director of Liturgical Music at St. Patrick spoke and introduced Raul ??? and Juan Taboada who were the ones that requested the proclamation.

9:52:26 a.m.

PA2 Certificate Of Appreciation To Be Presented To The Property Management Division For Their Outstanding Work And Contributions To The City.
(Requested by Commissioner Jonah Wolfson)
(Deferred from February 25, 2009)

ACTION: Certificate presented.

Commissioner Wolfson stated that he likes to recognize the Property Management Division because too often people over look the unsung heroes in the City of Miami Beach. He appreciates the work they do to keep the city clean and functioning. He stated that he was thinking about the tragic incident that happened recently with the employee who got hurt and he realizes that the Property Management Division employees also put themselves out there on the City's behalf for the best interest of the residents. He stated that they need to be appreciated publicly and he thanked them.

Robert Middaugh, Assistant City Manager, announced that Robert Halfhill will be leaving the City at the end of the month to become Charlotte County's Public Works Director and he wishes him well.

Robert Halfhill, Property Management Division Director, spoke.

Jonathan Sinkes, Public Works, spoke.

9:46:52 a.m.

PA3 Proclamation To Be Presented In Honor Of World Water Week On March 22-28, 2009.
(Requested by Vice-Mayor Edward L. Tobin)

ACTION: Proclamation presented.

Vice-Mayor Tobin stated that this proclamation recognizes World Water Day which is on March 22nd. He explained that almost 900 million people do not have access to clean water and this affects children in a devastating way. Approximately 1.5 million children die each year from not having clean water. Water related diseases kill 4,200 children a day. He mentioned that the City Commission inserted a message in the water bill alerting the citizens of this. A lot of restaurants and business in our community participated on the World Water

Day. He presented the proclamation to Anthony Broad who helped organize the Tap Project last year. Mr. Broad presented the Tap Project to the Sustainability Committee, Chaired by Commissioner Gross, this year and they did a tremendous job motivating the community. He congratulated Commissioner Gross and the Sustainability Committee.

Anthony Broad stated that March 22-28 is World Water Week. He explained that this project was born in New York in 2007 and restaurant would ask the patrons to donate \$1.00 for water that they usually received for free. All funds raised will support UNICEF to bring clean and accessible water to millions of children around the world. He added that over 2,300 restaurant participated across the country last year. He accepted the proclamation on behalf of the hotels, Restaurants, and businesses that participated on the Tap Project this year and he also thanked Commissioner Gross and the Sustainability Committee for their help.

- PA4 Certificate Of Appreciation To Be Presented To Larry Marrero, Police Officer Of The Month.
(Requested by Vice-Mayor Edward L. Tobin)

ACTION: Item deferred.

CONSENT AGENDA

ACTION: Motion made by Commissioner Diaz to approve the Consent Agenda including item C6B that was separated for comments and amended and the amended referral, Agenda Item C4C; seconded by Vice-Mayor Tobin; Voice vote: 7-0.

C2 - Competitive Bid Reports

- C2A Request For Approval To Purchase One (1) 2009 International 7400 Truck Chassis Model 7400 6X4 With A Vac-Con Model VPD4212LHA/1300 Combination Jet/Vacuum Sewer Cleaner, From Navistar, Inc., Pursuant To Florida State Contract No. 08-16-0908, In The Amount Of \$266,780.
(Fleet Management)

ACTION: Request authorized: Drew Terpak to handle.

- C2B Request For Approval To Purchase Six (6) Chevrolet Impalas, From Garber Chevrolet, Buick, Pontiac & GMC Trucks, Pursuant To Florida State Contract No. 08-16-0908, In The Estimated Amount Of \$111,794.00.
(Fleet Management)

ACTION: Request authorized: Drew Terpak to handle.

- C2C Request For Approval To Issue A Request For Proposals (RFP) To Award A Concession Agreement For The Management And Operation Of A Concession Facility Within The Structure Commonly Referred To As The "Pavilion Building," Located In South Pointe Park.
(Real Estate, Housing & Community Development)

ACTION: Request authorized: Gus Lopez to issue the RFP. Anna Parekh to handle.

C4 - Commission Committee Assignments

- C4A Referral To The Land Use And Development Committee – Temporary Parking Lots – Amendment To The 10-Year Limit (Two Ordinances) - 1) An Ordinance Amending Section 130-70(7), To Allow For Additional Extensions Of Time For Temporary Parking Lots On Alton Road Between 5th Street And Lincoln Road; Or 2) Amending Chapter 130, "Off Street Parking," Article III, "Design Standards," By Amending Section 130-70(7), To Allow For Additional Extensions Of Time For Temporary Parking Lots.
(Planning Department)

ACTION: Referred. Jorge Gomez to place on the committee agenda and to handle.

- C4B Referral To The Land Use And Development Committee To Discuss How The City Can Effectively Minimize The Negative Impact Of Vacant Foreclosed Homes.
(Requested by Commissioner Jonah Wolfson)

ACTION: Referred. Jorge Gomez to place on the committee agenda and to handle.

10:02:30 a.m.

Commissioner Libbin, regarding congratulated Commissioner Wolfson for referring the negative aspects of vacant homes and foreclosures to the Committee.

- C4C Referral To The Planning Board For Consideration Of An Ordinance To Rezone The East Side Of Alton Road From 6th To 16th Streets.
(Planning Department)

ACTION: Referred as amended; See C6C, #4. Jorge Gomez to place on the committee agenda and to handle.

As a result of Agenda Item C6C, #4, minutes being amended, this item also needs to be amended.

- C4D Referral To The Neighborhood/Community Affairs Committee A Discussion Regarding Conducting The General Election And Run-Off Election A Minimum Of Three (3) Weeks Apart.
(City Clerk's Office)

ACTION: Referred. Randi MacBride to place on the committee agenda. Robert Parcher to handle.

- C4E Referral To The Finance And Citywide Committee - Presentation By TCBA Watson Rice LLP Regarding Building Department Organizational And Operational Review And Analysis. (Page 36)
(Building Department)

ACTION: Referred. Patricia Walker to place on the committee agenda. Alex Rey to handle.

- C4F Discussion Regarding A Resolution Authorizing The City Administration And City Attorneys Office To Prepare An Ordinance Making The Mayor's Gay Business Development Committee, Which Is Currently An Ad Hoc Committee, Into A Standing City Committee, To Be Known As The City Of Miami Beach Gay, Lesbian, Bisexual And Transgender (GLBT) Community Relations Committee; Further Including The Initial Terms For Establishment, As Set Forth In This Resolution; And Extending The Duration Of The Mayor's Gay Business Development Committee (Commencing Retroactively On March 15, 2009) Until Such Time As The Mayor And City Commission Approve The Ordinance Establishing The GLBT Community Relation Committee On Second And Final Reading.

(Requested by Mayor Matti Herrera Bower)

ACTION: Item moved from Regular Agenda (R9C) to the Consent Agenda. Item referred to the Neighborhoods/Community Affairs Committee. Randi MacBride to place on the committee agenda. Mayor's office to Handle.

C6 - Commission Committee Reports

C6A Report Of The Capital Improvement Projects Oversight Committee Meeting On February 2, 2009: **1)** Attendance; **2)** Review And Acceptance Of Minutes; **3)** Public Comments; **4)** Consent Agenda: Items For Commission: 4A. A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 8 To The Agreement Between The City And Wolfberg Alvarez & Partners, Inc., Dated September 25, 2002, In The Amount Of \$422,658 For Resident Project Representative (RPR) And Construction Administration Services; \$29,800 For Additional Design Services; And \$40,000 For Reimbursable Expenses; For A Total Not-To-Exceed Sum Of \$492,458, For The South Pointe RDA Phase II Neighborhood 12C Right-Of-Way Infrastructure Improvements Project; With Funding Available From Previously Appropriated South Pointe Capital Fund 389 In The Amount Of \$342,174 From Design, And With \$150,284 To Be Reallocated From Contingency Funds; **5)** Old Business: 5A. Report On Flooding Conditions Survey Of 44th Street And Royal Palm Avenue; 5B. CIP Project Status Report; **6)** Sub-Committee Meeting Reports: 6A. Stillwater Drive; **7)** Construction Update: Normandy Shores Neighborhood Improvement Project; **8)** Overview Of Proposed Communications Plan For South Pointe Streetscape, Phase II; **9)** Discussion: Venetian Islands Row Project; **10)** Staff Action Report; **11)** Calendar; And **12)** Adjournment.

ACTION:

Item No. 1:

Attendance attached.

Item No. 2:

MOTION: Acceptance of Minutes of the January 12, 2009 CIPOC Meeting

MOVED: Fred Karlton 2nd: Stacy Kilroy PASSED

Item No. 3:

See discussion of Venetian Islands item.

Item No. 4:

STAFF ACTION: Submit budget to CIPOC at next meeting of what was paid to Wolfberg Alvarez for the South Pointe Streetscape design.

MOTION: To recommend to City Commission that amendment No. 8 of the Wolfberg Alvarez Agreement for South Pointe Streetscape, Phase II pass with the inclusion of the special condition that the City measure and monitor the services of the RPR and to have the option to terminate these services at any time during the construction that is deemed necessary.

Further discussion took place before the vote:

The Committee stated that the contract should include measuring and monitoring of the RPR services to insure that the City gets value for the dollars spent and to also include an out clause. (Motion as stated above includes this)

MOVED: Stacy Kilroy 2nd: Fred Karlton

PASSED

Item No. 5:

STAFF ACTION: Bring costs-to-date information for this project (cost for Milian Swain modeling and consulting) to March 2 CIPOC meeting.

RECOMMENDATION TO STAFF: to proceed with Design/Build including fixed cost to do DCP for the flood mitigation solution at 44th Street and Royal Palm Avenue.

Item No. 5b. CIP Project Status Report

Commissioner Weithorn asked the members of the CIPOC Committee to bring in a list of projects they are interested in seeing in-depth to future CIPOC meetings.

STAFF ACTION: Include all capital-funded projects in the status report.

Item No. 6A:

One additional meeting is required. The residents in attendance at the last sub-committee meeting pared down the options to two final options (presented at the meeting). The next Sub-committee meeting will be held on March 10, 2009 and a final vote will be held on the option the residents prefer.

Item No. 7:

Blank

Item No. 8:

Staff has not yet met with the neighborhood associations.

STAFF ACTION: Bring information back to CIPOC after meeting with residents

Item No. 9:

STAFF ACTION: Provide contact information for HOA for all entities involved.

STAFF ACTION: Provide monthly update on Venetian Islands in agenda packet.

FORMATION OF SUB-COMMITTEE: Venetian Islands Neighborhood. Chair: Fred Karlton.

STAFF ACTION: Notify the Venetian Island HOA when this sub-committee will be meeting.

STAFF ACTION: Bring list of projects that are at 100% design

Item No. 10:

Included in agenda packet but not discussed.

Item No. 11:

The meeting was adjourned at 8:01pm

Item No. 12:

The next meeting of the Capital Improvement Projects Oversight Committee will be held at 5:30pm, Monday, March 2, 2009.

C6B Report Of The Neighborhoods/Community Affairs Committee On February 17, 2009: **1)** Selection Of A Chair And Vice-Chair For The Neighborhoods/Community Affairs Committee For A Term Of One Year; **2)** Discussion And Report Of The Art In Public Places Program; **3)** Discussion Regarding City Code Provisions Regarding Lobbyist Participation On City Boards; **4)** Discussion Regarding Installing A Stop Sign At The Intersection Of 11th Street And Jefferson Avenue; **5)** Discussion Regarding The Issue Of Dogs Off Leash In City Parks And Other Public Properties In General; **6)** Discussion Regarding The Potential Operational Issues Related To The Newly Reconstructed South Pointe Park; And **7)** Discussion Regarding A Resolution Adopted By The Orchard Park Neighborhood Association Requesting The Creation Of An Organic Community Garden In Pine Tree Park.

ACTION:

City Clerk's Note: CITY COMMISSION ACTION: Item separated for discussion by Vice-Mayor Tobin and Commissioner Diaz.

Vice-Mayor Tobin stated that the tape ran out at the meeting but they talk about adjusting the fees for usage of the band shell (pavilion area). The current fee is \$125 for the use of the facility and Hilda

Fernandez, Assistant City Manager, was requested to look at adjusting the fee higher to make the fee more competitive. **Hilda Fernandez to handle.**

Commissioner Diaz, regarding item 2. Art in Public Places Program, stated that he is extremely skeptical and opposed to using public tax dollars to apply tiles to the pump station on Washington Avenue and 3rd Street. He understands the City is buying the tiles and the artist will be attaching the tiles but he wants to make sure that a few are applied to the doors and test the doors to see if they can function. **Robert Middaugh to handle.**

End of City Commission action.

Item No. 1:

The committee selected Commissioner Libbin as the chairperson and Commissioner Tobin as the vice-chairperson of the Neighborhoods/Community Affairs Committee

Item No. 2:

The committee moved the following:

- Reinstatement of the project for the electrical boxes in the plaza at 3rd Street and Washington Avenue and to first do one panel to test the reflection for drivers during both day-time and night-time.
- Deaccession the "Speed Love Seat" and have the AiPP Committee report back to the Neighborhoods/Community Affairs Committee their suggestion as to whether to spend the \$26,500 to replace it.
- Defer the discussion of the deaccession of the "Red Sea Road" sculpture until Mr. Peter Saile has made an effort to reach out to the artist.
- Administration to report back to the Neighborhoods/Community Affairs Committee on the status of the default letter that was sent to the artist Paul Fullerton.
- Defer discussion regarding pump stations to a future meeting of the Neighborhoods/Community Affairs Committee.

Item No. 3:

The committee moved to defer this item to discuss further at the next meeting of the Neighborhoods/Community Affairs Committee.

Item No. 4:

The committee made no motion on this item.

Item No. 5:

The committee deferred the beach component of this discussion to the next meeting of the Neighborhoods/Community Affairs Committee.

Item No. 6:

The committee made the following recommendations/requests:

- The park will close daily at 10:00pm and the hours of the cutwalk will mirror the hours of the restaurant, Smith and Wollensky.
- Parks programming should be developed for the park
- Special events (via special events permits) to be allowed in the park however the administration is to report to the commission monthly on the number of events that are occurring for possible limits to be considered if necessary
- Smith and Wollensky is to request use of the park for special events via the special event permit process as any other person or group
- Dogs are not to be permitted off-leash in the park
- No fishing allowed in the park
- Do not allow bicycles, skateboards, rollerblades on elevated pathways (make pedestrians only) and no skateboards on the cutwalk.
- No swimming from the park allowed
- The concession shall go through the RFP process.
- Administration is to work with the legal department to eliminate artist vendors and street performers from the park.

Item No. 7:

The committee moved to allow this project to go through the regular Capital Improvements process.

C6C Report Of The Land Use And Development Committee On March 2, 2009: Administration: Election Of Chair And Vice-Chair Regular Agenda; **1)** Discussion Regarding Implementing A Requirement That When Property Owners Ask For Any Approval From The City They Must Provide A Linked Public Access Baywalk And That The City Identifies The Location; **2)** Discussion Regarding The Unwanted Distribution Of Literature, Newspapers In Particular, At Local Residences; **3)** Discussion Regarding A Lease Agreement With Moon Thai South Beach, Inc. For The Premises Located At 22 Washington Avenue; **4)** Discussion On Recommendations Of Flamingo Park Neighborhood Association For Alton Road Redevelopment; **5)** Discussion Regarding A Proposed Ordinance Dealing With Revisions To Single Family Ad Valorem Tax Exemptions 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 5, "Single Family Ad Valorem Tax Exemption", Modifying The Requirements And Procedures For City Ad Valorem Tax Exemptions For Single Family Homes; Providing For Repealer, Codification, Severability And An Effective Date; And **6)** Discussion Regarding Absences And Recusals For Land Use Board Members An Ordinance Amending The Land Development Regulations Of The City Code To Harmonize The Permitted Number Of Absences And Recusals For Land Use Board Members, By Amending Chapter 118, Administrative And Review Procedures, Article II, Boards, Division 2, Planning Board, Section 118-52, Meetings And Procedures; Division 3, Design Review Board, Section 118-74, Removal; Division 4, Historic Preservation Board, Section 118-105, Removal; Division 5, Board Of Adjustment, Section 118-133, Removal, Providing For Repealer; Codification; Severability And An Effective Date.

ACTION:

City Clerk's Note: CITY COMMISSION ACTION: Item separated for discussion by Commissioner Gross and Item 4 Amended.

Commissioner Gross stated regarding Item 4, he wanted to clarify that the report regarding the change of zoning on the east side of Alton Road, the Committee recommended lowering the FAR to 1.5 and that there will be no additional FAR bonus.

Commissioner Diaz stated that he was present and there was not to be a bonus in the referral to the Planning Board and the report needs to be amended.

Motion made by Commissioner Gross, seconded by Commissioner Diaz; Voice vote 7-0. **Jorge Gomez to handle.**

10:03:12 a.m.

Jorge Gomez, Planning and Zoning Director, stated that what he understood the Committee requested was to look at rezoning the east side of Alton Road, from CD-2 to CD-1, which lowers the FAR, and to the extent there is still any FAR bonus for mixed use development to look at that and make recommendations but it can only be for affordable housing.

Commissioner Gross stated that he believes that the Administration was requested to look at encouraging usages on the east side that would not attract such intense traffic. The Planning Board can decide on uses but the FAR needs to be reduced to CD-1 or some other zoning overlay.

Commissioner Diaz stated that the minutes need to be amended to remove the floor area incentives.

Jorge Gonzalez, City Manager, stated that Agenda Item C4C, the referral to the Planning Board, also needs to be amended.

End of City Commission action.

Election Of Chair And Vice-Chair Regular Agenda.

Motion to select Commissioner Wolfson as Chair (Diaz/Gross) Vote: 3-0. Motion to select Commissioner Diaz as Vice-Chair (Gross/Wolfson) Vote: 3-0.

Item No. 1:

Commissioner Diaz outlined the issue. Gary Held gave an overview of the concept. The City policy should provide a public Baywalk or at a minimum a mechanism should be created for enforcement of the existing ordinance from the Shoreline Review Committee. Motion to adopt an ordinance to provide for a public Baywalk and Shoreline Review criteria. Vote (3-0).

City Clerk's Note: Jorge Gomez to handle.

Item No. 2:

Item withdrawn. No further action required.

Item No. 3:

Hilda Fernandez introduced the item and gave an overview of the proposed lease. The Committee passed a motion to include changes to the lease Vote (2-0). Several operational and use limitations were identified including the following:

- There shall not be any valet operation on Washington Avenue; the ramp must be on Commerce Street
- There shall not be any taxi stand on Washington Avenue, or drop off and pick up
- Do not restrict their ability to apply for a liquor license in the future. Allow them to count the outdoor tables for any liquor license application
- Sidewalk café: None on Washington Ave., may be located on Commerce Street
- No TV on the outside
- Restrict to prohibit special events
- No loud speakers located on the outdoor area or mounted on the building
- Hours: 11pm Sunday – Thursday, Midnight on Friday and Saturday
- No café operation outside can occur independent of restaurant operating inside
- Alcoholic beverages can be served as long as the kitchen is open
- All tables and chairs to be properly stored inside
- All delivery take out business to be handled through the Commerce Street side of the business
- No bar counter to be placed on leased premises (only inside)

City Clerk's Note: See Agenda item R7C.

Item No. 4:

Jorge Gomez updated the Committee on the recent workshops held with the Planning Board and the community regarding the Alton Road corridor. Commissioner Diaz expressed his desire to move forward on some of the initiatives suggested by the Flamingo Park Neighborhood Association in order to provide for a less intense commercial use development pattern that is more sensitive to the residential uses immediately abutting to the East. The Committee instructed the Administration to prepare an ordinance that would re-zone the East side of Alton Road between 6th and 16th Streets from the CD-2 District to the CD-1 District. Staff is to review the uses and to the extent that there is a floor area incentive for mixed use buildings, require that the additional FAR be set aside for

affordable or Work Force Housing. The Committee also instructed the Administration to place this on the Planning Board's agenda as quickly as possible. Motion to refer item to the Planning Board Vote (3-0).

City Clerk's Note: Jorge Gomez to place on the Planning Board Agenda and to handle.

Item No. 5:

Tom Mooney explained the item and outlined the need to allow more time for the applicants to complete the work associated with restoration or additions to Single Family Homes. The Committee adopted a motion to refer the proposed ordinance for full Commission consideration. Vote (2-0).

City Clerk's Note: Jorge Gomez to handle.

Item No. 6:

The Committee reviewed the proposed ordinance as suggested by the Planning Board and made the following changes: the number of recusals be three per year for all four Land Use Boards, absences are to be defined as missing more than 50% of scheduled items (instead of 30%) unless the member attended 70% of the duration of time of the meeting's agenda. Referred the item for full Commission action. Vote (2-0).

City Clerk's Note: Jorge Gomez to handle.

C7 - Resolutions

- C7A A Resolution Authorizing The City Manager Or His Designee Approval To Submit The Following American Recovery And Reinvestment Act Applications For Funding As Necessary: 1) Florida Department Of Transportation Highway Infrastructure Investment Funds For City's Right-Of-Way And Bridges Projects In The Amount Of \$2,128,921; 2) Florida Department Of Transportation For Federal Transit Administration Funds For City Transit Projects, In An Amount Not To Exceed \$1,900,000; 3) US Department Of Housing And Urban Development For Community Development Block Grant Funding In The Amount Of \$467,896; 4) US Department Of Housing And Urban Development For Homelessness Prevention Funds In The Amount Of \$715,418; 5) Byrne Justice Assistance Grant Program, For Funding In The Amount Of \$473,477 For The City's Public Safety Programs; 6) State And Tribal Assistance Grants Through The Florida Department Of Environmental Protection, Clean Water And Drinking Water State Revolving Loan Funds For The City's Drinking Water And Stormwater Projects, In A Total Amount Not To Exceed \$55,000,000; 7) State And Tribal Assistance Grants Through The Florida Department Of Environmental Protection, Non Point Source Program For The City's Drinking Water And Stormwater Projects In An Amount Not To Exceed \$33,000,000; Further Appropriating The Above Funds, If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To These Applications.
(Budget and Performance Improvement)

ACTION: Resolution No. 2009-27026 adopted. Kathie Brooks to handle.

- C7B A Resolution Authorizing The City Manager Or His Designee To Execute An Agreements With Miami-Dade County, For Funding From The Building Better Communities General Obligation Bond Program For The Renovation Of The Flagler Memorial Monument And Restoration Of Monument Island Project, In The Amount Of \$1,000,000; Further Authorizing The Execution Of All Other Necessary Documents Related To This Agreement.
(Budget & Performance Improvement)

ACTION: Resolution No. 2009-27027 adopted. Kathie Brooks to handle.

- C7C A Resolution Approving And Authorizing The City Manager And City Clerk To Execute An Agreement With The Florida Department Of Children And Families And Its Access Florida Program Community Network Enabling The City To Serve As An Access Point For Residents Seeking Food Stamps, Temporary Cash Assistance, Refugee Assistance And Medicaid Programs.
(Community Service)

ACTION: Resolution No. 2009-27028 adopted. Hilda Fernandez to handle.

- C7D A Resolution Approving And Authorizing The City Manager And City Clerk To Execute An Agreement With The Alliance For Aging, Inc./Aging Resource Center To Serve As A Silver Level Community Partner Providing Referral Services For Eligible Elderly Clients.
(Community Services)

ACTION: Resolution No. 2009-27029 adopted. Hilda Fernandez to handle.

- C7E A Resolution Authorizing The Acceptance Of A Donation Of Approximately Fifty (50) 20'-25' CW (Clear Wood) Royal Palms Valued At Approximately \$1,350 Each, From Mr. Leo Schigiel Of The Coral Palms Nursery, To The City Of Miami Beach; Donated Palms Will Be Transported, Planted And Established On Public Property By The City's Parks And Recreation Department's Greenspace Management Team As A Component Of The City's Urban Reforestation Program.
(Parks & Recreation/City Attorney's Office)

ACTION: Resolution No. 2009-27030 adopted. Kevin Smith to handle.

- C7F A Resolution Adopting And Appropriating The Second Amendment To The Police Confiscation Trust Fund Budget For Fiscal Year 2008/09 In The Amount Of \$37,525 To Be Funded From The Proceeds Of State Confiscated Funds.
(Police Department)

ACTION: Resolution No. 2009-27031 adopted. Patricia Walker to appropriate the funds. Chief Noriega to handle.

C7G A Resolution Accepting The Donation Of Four Intoxilyzer 400PA Portable Breath Alcohol Test Devices With An Estimated Value Of \$629 Each From The Florida Department Of Transportation For A Total Value Of \$2,516.00, To Be Utilized By The Miami Beach Police Department To Enforce State Driving Under The Influence Of Alcohol Traffic Statutes On The Roadways Of The City Of Miami Beach.

(Police Department)

ACTION: Resolution No. 2009-27032 adopted. Chief Noriega to handle.

C7H A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To The Housing Authority Of The City Of Miami Beach (HACMB), For Their Annual Plan For Fiscal Year 2009, To Be Submitted By HACMB To The U.S. Department Of Housing And Urban Development (U.S. HUD).

(Real Estate, Housing & Community Development)

ACTION: Resolution No. 2009-27033 adopted. Anna Parekh to handle.

SUPPLEMENTAL MATERIALS (Resolution and Exhibit C)

C7I A Resolution Authorizing The Mayor And City Clerk To Execute An Agreement With Chen & Associates For Re-Design, Bid And Award, And Construction Management Services, In The Not To Exceed Amount Of \$239,340, For The Sunset Islands I & II Neighborhood Right-Of-Way Improvement Project, To Include Additional Stormwater Infrastructure, Pursuant To The Request For Qualifications No. 05-08/09, With Funding From Previously Appropriated Funds.

(Capital Improvement Projects)

ACTION: Resolution No. 2009-27034 adopted. Fred Beckmann to handle.

Handout or Reference Material

1. Color copy of Exhibit C – Conceptual Plan Drainage Revision Sunset Island I & II

C7J A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Qualifications (RFQ) No. 03-08/09, For Professional Construction Engineering And Inspection (CEI) Services Of The Water Mains, Sanitary Sewer Mains, And Milling And Resurfacing Improvements Along Indian Creek Drive Between 26th And 41st Streets; And Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm, Parsons Brinckerhoff Americas; Should The Administration Not Be Able To Successfully Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm, Bermello Ajamil; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Authorizing The Administration To Negotiate An Agreement With The Third-Ranked Firm, GBF Engineering.

(Public Works)

ACTION: Resolution No. 2009-27035 adopted. Robert Middaugh to handle.

End of Consent Agenda

REGULAR AGENDA**R2 - Competitive Bid Reports****5:09:05 p.m.**

R2A Request For Approval To Award A Contract To Horizon Contractors, Inc., Pursuant To Invitation To Bid 28-07/08, For Construction Services For Water Mains, Sanitary Sewer Mains, Milling, And Resurfacing Improvements Along Indian Creek Drive Between 26th And 41st Streets, Based On A Total Lump Sum Bid Of \$4,289,725.40.

(Public Works)

ACTION: Request authorized. Motion made by Commissioner Gross; seconded by Commissioner Weithorn; Voice vote: 7-0. Robert Middaugh to handle.

Jorge Gonzalez, City Manager, introduced the item.

Vice-Mayor Tobin stated that this illustrates the City Manager's commitment to saving money and he thanked him and everyone involved. It is very much appreciated by him, the City Commission and the community. This item saved the City \$1.2 million dollars.

Commissioner Gross asked for the timing on the build-out of the street-ends on Indian Creek, on the west side.

Jorge Gonzalez, City Manager, stated that it is a Capital Improvement Project and asked if he could wait for Fred Beckmann to answer the question. **Fred Beckmann to handle.**

R5 - Ordinances**10:42:12 a.m.**

R5A Application Requirement For Appointment To A Land Use Board
An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code, Chapter 118, "Administration And Review Procedures", Article II, "Boards," Division 1 "Generally," By Creating A New Section 118-32, "Application Requirement For Land Use Boards" To Require The Filing Of An Application For Membership On Any Of The Four Land Use Boards Not Less Than Ten Days Before Appointment, Providing For Waiver By The City Commission; And Providing For Repealer, Severability, Codification, And An Effective Date. **10:15 a.m. Second Reading Public Hearing.**

(Planning Department)

(First Reading on February 25, 2009)

ACTION: Public Hearing held. Ordinance No. 2009-3630 adopted. Motion made by Commissioner Diaz; seconded by Vice-Mayor Tobin; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. R. Parcher to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 526

10:43:44 a.m.

R5B Accessory Bars And Restaurants In RPS Districts

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations", Division 18, "PS Performance Standard District," Section 142-693 "Permitted Uses", By Restricting The Size Of Bars And Restaurants As Accessory Use To A Main Permitted Use In The R-PS1, R-PS2, R-PS3 And R-PS4 Zoning Districts; Providing For Repealer, Severability, Codification And An Effective Date. **10:20 a.m. Second Reading Public Hearing**

(Planning Department)

(First Reading on February 25, 2009)

ACTION: Public Hearing held. Ordinance No. 2009-3631 adopted. Motion made by Commissioner Gross; seconded by Commissioner Diaz; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Jorge Gomez and Greg Tindle to handle.

Dr. Morris Sunshine spoke.

Jo Manning spoke.

Commissioner Diaz commended Frank Del Vecchio for his incredible leadership on this issue and for getting consensus in the neighborhood and with the business community.

Mayor Bower also congratulated Frank Del Vecchio for being a volunteer for 13 years in this community. She also commended Jo Manning for serving as a volunteer for many years. She has learned to recognize volunteers from Vice-Mayor Tobin.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 526

10:58:07 a.m.

R5C An Ordinance Amending Chapter 70 Of The Miami Beach City Code Entitled "Miscellaneous Offenses"; By Amending Article III Entitled "Graffiti"; By Amending Division I, Entitled "Generally"; By Amending Section 70-121 Entitled "Reserved" To Provide Provisions Declaring Graffiti A Nuisance; By Amending Section 70-122 Entitled "Definitions" To Provide Additional And Amended Definitions Relative To Graffiti; By Amending Section 70-123 Entitled "Prohibitions" By Amending The Acts Prohibited And Amending Enforcement And Penalty Provisions; By Amending Section 70-124 Entitled "Possession Of Spray Paint And Markers" By Amending Enforcement And Penalty Provisions; By Amending And Renumbering Section 70-125 Entitled "Graffiti Declared A Nuisance" By Moving Said Section To Section 70-121; By Amending And Renumbering Section 70-126 Entitled "Responsibility Of Property Owner(s); Graffiti Removal And Notice" By Amending The Responsibilities Of Property Owners With Regard To The Removal Of Graffiti And Amending Enforcement Provisions; By Amending And Renumbering Section 70-127 Entitled "Appeal" By Providing For Penalty And Lien Provisions; By Amending And Renumbering Section 70-128 Entitled "Cost Of Graffiti Removal As Lien On Property, Collection; Foreclosure And Sale" By Amending City Lien Procedures; By Renumbering Section 70-129 Entitled "Interested Persons May Petition To Dispute Assessed Costs"; By Renumbering Sections 70-130 Through 70-145, Entitled "Reserved;" By Amending Division II Entitled "Spray Paint, Broad-Tipped Indelible Markers" By Amending Section 70-146, Entitled "Sale Prohibited," And Section 70-147, Entitled "Signs Required," By Adding Etching Acid To The Items Prohibited For Sale To Minors And Signage Requirements; By Amending Section 70-148, Entitled "Penalties; Procedures For Administration," By Amending The Enforcement And Penalty Provisions; Providing For Repealer; Severability; Codification; And An Effective Date.

First Reading

(City Manager's Office)

ACTION: Ordinance approved on first reading as amended. Motion made by Commissioner Libbin to approve the ordinance as amended; seconded by Commissioner Gross; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for April 22, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Hilda Fernandez to handle.

Amendments:

1. As distributed in the handout provide by the Legal Department
2. Section 70-123 (C)(1) – change "... one hour of community service for each ~~\$25.00~~ \$5.00 of an imposed fine"
3. Delete the reference to acid etching and refer the item back to the Neighborhood/Community Affairs Committee. **Randi MacBride to place on the agenda, Hilda Fernandez to handle.**
4. Add language between first and second reading that etched glass needs a different standard and does not need to always be replaced.

End

DETAILS TO BE REVIEWED

Hilda Fernandez, Assistant City Manager, introduced the item.

Amendment:

Commissioner Gross respectfully requested an amendment to not require replacement of acid etching glass because it is very expensive.

Amendment:

Commissioner Libbin thanked Debbie Turner, First Assistant City Attorney, for working with him on this issue. He also commended Officer Julio Blanco for bringing this issue to him. **He mentioned that the ordinance suggest \$25.00 credit for community service. He would like this to be**

changed to 5 hours at \$5.00 per hour of community service to remove graffiti in the city. He asked if the section reducing poster will include campaign posters during election time.

Hilda Fernandez, Assistant City manager, stated that political signs are excluded.

Commissioner Libbin stated that the City Manager inform Department Directors to have the city employees to report graffiti anywhere they see it. **Hilda Fernandez to handle.** Commissioner Libbin suggested to send the issue of acid etching glass to the Neighborhood/Community Affairs Committee.

Commissioner Gross stated that language should be added clarifying that the glass does not need to be replaced.

Vice-Mayor Tobin stated that if the city painters paint the graffiti and the paint do not match it is not nice to issue violation to the owner for this.

Commissioner Gross stated that there should be an acknowledgment that the paint will not match. He suggested just using white paint.

Debbie Turner, First City Attorney, stated that the ordinance is being approved including the amendment on page 3 distributed.

4:46:55 p.m.

R5D Green Building Ordinance

An Ordinance Amending The City Code Of The City Of Miami Beach, By Creating New Chapter 100, Entitled "Sustainability," By Creating New Article I, "Green Building Ordinance," Establishing Definitions, Standards, Procedures And Incentives Providing For Property Owner Voluntary Participation, And City Mandatory Participation, In The LEED Certification Program As Established By The U.S. Green Building Council Or Other Recognized Rating System, For New Construction Or Substantial Renovations As Provided In The Ordinance, Providing For A Bond To Guarantee Participation In The Program If A Property Owner Receives Incentives, And Procedures For Use Of The Bond For Failure To So Participate; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading.**

(City Manager's Office)

ACTION: Ordinance approved on first reading as amended. Motion made by Commissioner Gross; seconded by Commissioner Diaz; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for April 22, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Robert Middaugh to handle.

Amendments:

1. Amend 100.7(c)(i), change the \$1.00 per sq. ft. to 1% of the building cost posted as a bond or letter or credit.
2. Delete the four land use boards' incentive and pay the bond at the time the application for the building permit is submitted.
3. Since this is voluntary, include the silver certification not just the basic.

End

DETAILS TO BE REVIEWED:

Robert Middaugh, Assistant City Manager, introduced the item.

Commissioner Libbin stated that the dollars per sq. ft. fee is too low. He suggested that rather than \$1.00 per square foot should be making sure the City gets the improvement desired. He suggested 3% of the building cost posted as a bond or letter or credit.

Robert Middaugh, Assistant City Manager, stated that if they do not do the job they forfeit the bond.

Commissioner Gross suggested 1% percent rather than the 3% of the cost of the building.

Gary Held, First Assistant City Attorney, spoke.

Mayor Bower asked if this ordinance address the green roofs.

Commissioner Gross stated that as long as they add to the total number of points they do not need to have a green roof.

SUPPLEMENTAL MATERIALS (TWO REVISED ORDINANCES)

R5E Amend "Standard Of Conduct" For Public Officers & Employees

1. An Ordinance Amending Miami Beach City Code Chapter 2, Article VII Thereof, By The Addition Of City Code Section 2-450.1 To Be Entitled "Prohibited Conflicting Employment Or Contractual Relationships Of Mayor And City Commissioners," Prohibiting Said Elected Officials From Directly Or Indirectly Having An Employment Or Contractual Relationship With Any City Vendor, Bidder Or Proposer, Establishing Definitions, Waiver Of Prohibition And Prospective Application; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**

ACTION: Item not reached

2. An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Section 2-458 Thereof Entitled "Supplemental Abstention And Disclosure Requirements" By Requiring Public Officials To Disclose Compensation Received From Individuals Who Are The Subject Of Conflicting Relationships, Said Disclosures To Be Made From Original Date Of Election/ Appointment Of Public Official; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**

(Requested by Commissioner Jonah Wolfson)

ACTION: Item not reached.

5:13:02 p.m.

R5F An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 2 Entitled "Officers, Employees And Agency Members," Section 2-459 Entitled "Certain Appearances Prohibited," By Amending Subsection (B) Thereof Establishing This Code Section's Exclusion For Lobbyists Who Represent Non-Profit Entities Without Special Compensation By Narrowing This Exclusion To Only Certain Representatives Of Non-Profit Entities; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Requested by Commissioner Victor M. Diaz, Jr.)

ACTION: Ordinance approved on first reading. Motion made by Commissioner Diaz; seconded by Commissioner Weithorn; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for April 22, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

DETAILS TO BE REVIEWED

Commissioner Diaz stated that an exception was made for non-profit on the original ordinance. He stated that at the Neighborhood committee there was extensive discussion on this. He stated that instead having the distinction between the managerial non-managerial employees the ordinance can be simplified by not excluding non-profit that represent for profit entities. He intends to continue to work with the City Attorneys Office between first and second reading since this could affect the Chamber.

R7 - Resolutions

- R7A A Resolution Granting A Certificate Of Appropriateness For The Demolition Of The Flamingo Park Tennis Center And Courts, Located At 1200 Meridian Avenue. **10:20 a.m. Public Hearing**
(Capital Improvement Projects)
(Continued from February 25, 2009)

ACTION: Administratively withdrawn.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 521

10:50:26 a.m.

- R7B A Resolution Approving On Second And Final Reading Subsequent To Duly Noticed Public Hearing, La Gorce Country Club's Request (And Related City Application) For Vacation Of A Portion Of West 57th Street Easterly Of Alton Road In The City Of Miami Beach, Waiving The Application Fee And Waiving By 5/7ths Vote The Competitive Bidding And Appraisal Requirements Pursuant To City Code Section 82-39, Finding Such Waiver To Be In The Best Interest Of The City, And Further Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate This Vacation, Including A Quit Claim Deed And Utility Easement. **10:30 a.m. Second Reading Public Hearing**

(City Attorney's Office)
(First Reading on February 25, 2009)

ACTION: Title of the Resolution read into the record. Second reading and public hearing held. Resolution No. 2009-27036 approved. Motion made by Commissioner Gross; seconded by Commissioner Weithorn; Voice vote: 7-0.

Robert Middaugh, Assistant City Manager, introduced the item.

Jose Smith, City Attorney, stated that this is the last action necessary in order to implement the settlement agreement.

Mark Alhadef spoke.

Kent Harrison Robbins spoke.

Commissioner Diaz stated that he has a concern that this street end was closed off for many years and no one knew this was a public street end and he continues to have a concern with the actions of the Commission to vacate alleys and public street ends. In this case there are compelling reasons to do so. He hopes the Administration will more vigilant in the future with respect to public street ends and that this Commission will hesitate before ever again vacating public land.

Commissioner Gross thanked Jose Smith, City Attorney, and Jean Olin, Special Counsel, for working out this settlement.

Jose Smith, City Attorney, recognized and commended Jean Olin, Special Counsel, in handling this very difficult case and through her creative lawyering, developing legal arguments, and being persistent finally got everyone to agree on a settlement. He also Mark Tyson, La Gorce Country Club's General Manager for bringing good common sense to the table and for reaching out to the neighbors.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 525

10:30:18 a.m.

SUPPLEMENTAL MATERIALS (LEASE AGREEMENT)

R7C A Resolution Approving On First Reading, A Lease Agreement Between The City And Moon Thai South Beach, Inc., For The Lease Of Approximately 2216 Square Feet Of City Owned Property, Located At 22 Washington Avenue, Miami Beach, Florida, For The Purpose Of An Outdoor Café Associated With A Restaurant Operation Located At 816 Commerce Street, Which Is Directly Adjacent To And West Of The Subject City Property; Said Lease Having An Initial Term Of Five Years, With An Option To Renew For Four Years And 364 Days, At The City's Sole Discretion; Waiving By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, As Required By Section 82-39 Of The Miami Beach City Code; Further Setting A Public Hearing On April 22, 2009, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading**
(Real Estate, Housing & Community Development)

ACTION: Title of the Resolution read into the record. Resolution No. 2009-27037 adopted approved . The agreement was amended. Motion made by Commissioner Diaz; seconded by Commissioner Gross; Voice vote: 7-0. Second Reading and Public Hearing scheduled for April 22, 2009. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. Anna Parekh to handle.

Agreement Amendment.

1. The agreement should terminate if Moon Thai terminates the agreement; they can not assign the lease. **Anna Parekh to handle.**

End

Hilda Fernandez, Assistant City Manager, introduced the item.

Discussion continued.

Commissioner Diaz stated that the operator is a solid operator and it has been checked as to that the decoration and furniture of the restaurant is appropriate since a lot of tourists will be going there and the entrance to South Pointe Park.

Commissioner Weithorn asked what happens if Moon Thai terminates the lease and someone else takes over. The agreement should terminate if Moon Thai terminates the agreement; they can not assign the lease.

Commissioner Gross commended Commissioner Diaz on his hard work on this item.

Dr. Morris Sunshine spoke.

Vice-Mayor Tobin stated that he was concerned when this was not competitively bid on this property. He thanked Lyle Stern who is in commercial restate and helped him with the business terms. He added that he agrees with the Administration that this is probably the only user for this location. He commended the Administration for negotiating a tough lease.

Jorge Gonzalez, City Manager, commended Hilda Fernandez, Anna Parekh, and Ana Cecilia Velasco for turning a piece of inactive property into \$300,000 lease for the City.

10:08:41 a.m.

SUPPLEMENTAL MATERIALS: (RESOLUTION)

R7D A Resolution Approving A Roadway Configuration For 16th Street From Alton Road To Lenox Court That Consists Of No Parking On The North Side, Parking On The South Side, Two Travel Lanes, A Left Turn Lane, And Bike Lanes, Which Best Supports The Goals Established In The Approved 16th Street Operational Improvement And Enhancement Project Basis Of Design Report And Which Was Presented At The Neighborhoods/Community Affairs Committee On January 21, 2009.

(Public Works)

(Deferred from February 25, 2009)

ACTION: Resolution No. 2009-27038 adopted. Motion made by Commissioner Libbin; seconded by Vice-Mayor Tobin; Voice vote: 7-0. Robert Middaugh to handle.

Robert Middaugh, Assistant City Manager, introduced the item.

10:11:54 a.m.

R7E A Resolution Approving The City's Planned Use Of And Related Application For Neighborhood Stabilization Program (NSP) Funds, In The Amount Of \$2,545,511, To Purchase And Rehabilitate, As Necessary, One Or More Foreclosed Or Abandoned Multi-Family Buildings In The City Of Miami Beach As Determined By The City's Greatest Need, To Be Made Available As Rental Properties For Income Qualified Households In Accordance With NSP Rules, As Promulgated By The Florida Department Of Community And The United States Department Housing And Urban Development.

(Real Estate, Housing & Community Development)

ACTION: Resolution No. 2009-27039 adopted. Motion made by Vice-Mayor Tobin; seconded by Commissioner Libbin; Voice vote: 7-0. Anna Parekh to handle.

Hilda Fernandez, Assistant City Manager, introduced the item.

Discussion continued.

Hilda Fernandez, Assistant City Manager, stated that the amount received was based on a formula.

Commissioner Libbin announced that the City will be participating in Dade Days, which will held in on Tallahassee, Florida, on April 1st and 2nd and he will be presenting 225,000 resolutions representing people in Florida that would like this law changed. In addition, eight different municipalities in Dade County have sign on representing another 150,000 Floridians. He stated that Representative Julio Robaina has a very strong resolution which will be presented. He also stated that he received a notice about foreclosure crisis seminar are that the Miami League of Women voters was sponsoring and asked it the seminar the is interested in have a seminar in Miami Beach and perhaps the City Attorney's office could offer free legal assistance for residents who are in foreclosure.

Mayor Bower asked the Administration to do this via the regular condo workshops that the City holds. **Hilda Fernandez to handle.**

Discussion continued.

Vice-Mayor Tobin stated that the neighborhood stabilization program has two pots of money, \$907,000's for low income household and \$1.6 million for individuals who make 120% of AMI. He asked how the \$1.6 million can be used for teachers, nurses, etc.

Hilda Fernandez, Assistant City Manager, stated that this was part of the discussion at the Neighborhood/Community Affairs Committee meeting and the recommendation was to give preference should be given in the scoring for projects that provide larger units.

Discussion continued.

Commissioner Diaz stated that he has a concern and want assurance that these funds will be distributed equally among all of the sectors in the City.

Hilda Fernandez, Assistant City Manager, stated that what is being recommended is the purchase of multi-family building not individual units. A quick check looks like there are buildings spread throughout the City.

Jorge Gonzalez, City Manager, stated that the Administration will be looking to get the best opportunity available. He added the opportunities will most likely be in the north end.

11:23:50 a.m.

SUPPLEMENTAL MATERIALS: (REVISED RESOLUTION)

R7F A Resolution Approving On First Reading, In Accordance With The Requirements Of Sections 163.3220 – 163.3243, Florida Statutes, Also Referred To As The “Florida Local Government Development Act,” A Second Addendum (“Second Addendum”) To The Development Agreement Between The City Of Miami Beach (“City”) And The New World Symphony (“NWS”), Dated January 5, 2004 (The Development Agreement), As Amended By That Certain First Addendum To Development Agreement, Dated February 20, 2007 (The First Addendum) (Collectively, The January 5, 2004 Development Agreement And The First Addendum May Also Collectively Be Referred To As The “NWS Development Agreement”); Said Second Addendum Providing For The Following: 1) Approval Of The Final Garage Budget, In The Amount Of \$16,798,000; 2) Amending The Preliminary Park Project Budget From \$14,960,000, To \$13,372,000; 3) Deleting The Reference In The First Addendum Specifying Gehry Partners, LLC, As The Architectural Consultant For The Park Project, And Also Waiving The Requirement Under Section 26.20 Of The Development Agreement (“Key Man” Clause) And Section 9 Of The First Addendum But Only As It Pertains To Gehry Partners, LLC’s Participation As The Architectural Consultant For The Park Project; 4) Authorizing NWS To Proceed With The Selection Of A New Architectural Consultant And/Or Architectural Engineering (A/E) Firm For The Design Of The Park Project, With NWS’s Selection Process Therefore Subject To The Prior Written Approval Of The City Manager (Prior To Implementation By NWS); 5) In Conjunction With The City Commission’s Future Consideration And Review Of The Park Project Concept Plan, Directing NWS To Also, At That Time, Bring To The City Commission, For Review And Consideration, The Pending Issue Of Whether To Add Certain Architectural Treatments (As Discussed At The City’s Finance Committee Meeting On March 10, 2009 And Including, Without Limitation, The Stainless Steel Mesh And Led Lighting) For The East Façade Elevation Of The NWS Garage, With The Final Decision On Whether To Add Such Treatments To Be Subject To The Approval Of The City Commission At That Time; 6) Amending Section 23.2.1 Of The Development Agreement (“Garage”) Deleting The Reference That The NWS Garage Accommodate Approximately 320 Cars And, Further, Amending The Definition Of “Garage” In Section 2(J) Of The First Addendum To Include That The Garage, As Contemplated By The Parties, Shall Contain Approximately 535 Spaces (But No Less Than 520 Spaces) And Shall Be Designed, Developed, And Constructed By Developer In Accordance And Consistent With That Certain Order Of The City’s Design Review Board (File No. 22010), Approved On March 3, 2009; And 7) That The Final Garage Budget Will Not Include Funding For The Two (2) Elevators In The Middle Of The Garage (On The East Side), And Having A Construction Value Of \$275,000, Which Have Been Designed To Primarily Access NWS’ Building, However, Said Elevators Will Be Included In The Garage And Funded At The Sole Cost And Expense Of NWS; And Further Authorizing NWS To Proceed With Design And Engineering Of The Garage Upon Approval Of First Reading Of The Second Amendment Of The Development Agreement. **11:00 a.m. First Reading Public Hearing** (City Manager’s Office)

ACTION: Title of the Resolution read into the record. Public Hearing held. Resolution No. 2009-27040 adopted. The Development Agreement as amended. Motion made by Vice-Mayor Tobin; seconded by Commissioner Gross; Voice vote: 5-2; Opposed: Commissioners Diaz and Wolfson. Second reading and public hearing on April 22, 2009. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Tim Hemstreet to handle.

Mr. Goldsmith’s recommendations referred to the Finance and Citywide Projects Committee between 1st and 2nd reading. Patricia Walker to place on the agenda. Tim Hemstreet to handle.

Motion #1

Motion made by Commissioner Wolfson to put the parking garage construction out to bid; seconded by Commissioner Diaz; ballot vote: 2-5, opposed: Mayor Bower, Vice Mayor Tobin and

Commissioners Gross, Libbin, Weithorn.

Motion #2

Motion made by Commissioner Weithorn (standalone motion not part of the Development Agreement) that the \$15 million grant-in-aid to be contingent upon either a) procuring the 175 spaces in time to give the grant-in-aid or b) escrow the amount of money equal to 175 spaces at \$35,000 a space or any pro-ration thereof; seconded by Commissioner Wolfson;

Jorge Gonzalez, City Manager, stated the condition on the \$15 million is that the NWS has either secured the 175 spaces, or the NWS pay the City for 175 spaces at \$35,000 a space.

Discussion continued.

Ballot vote on Motion #2, 7-0.

Motion #3 on the Development Agreement

Motion made by Vice-Mayor Tobin (stand-alone Motion) to have four (4) elevators; City will fund 2; \$275,000 will come from park budget, Key Man clause, and minimum 520 to 535;

2:11:16 p.m. – restated the motion

Motion #3 seconded by Commission Gross, with a friendly amendment: if any cost savings in the buyout that that money goes back to the park; Ballot vote: 5-2; opposed: Commissioners Diaz and Wolfson.

Commissioner Diaz request a time-certain for the Finance and Citywide Projects Committee. Patricia Walker to handle.

Vice-Mayor Tobin

Commissioner Diaz requested videos of the approval of the NWS Development Agreement^{1st} and 2nd reading and the 1st and 2nd reading of the addendum 1 to the NWS Development Agreement

Handout or Reference Materials:

- 1. Ad in The Miami Herald – Ad # 528

To be deleted: Noticing: at least 7 days notice; MH Local

R9 - New Business and Commission Requests

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

ACTION:**Beautification Committee:**

Silvia Rotbart Term ending 12/31/10 Appointed by Mayor Bower TL 12/31/14

Disability Access Committee:

Lee Weiss Term ending 12/31/10 Appointed by Mayor Bower TL 12/31/15

Fine Arts Board:

Jennifer Caplan Bernstein Term ending 12/31/09 Appointed by Commissioner Libbin TL 12/31/16

Hispanic Affairs Committee:

Alfredo Rey Term ending 12/31/10 Appointed by Mayor Bower TL 12/31/15

Marine Authority:

Daniel Kipnis Term ending 12/31/09 Appointed by Commissioner Wolfson TL 12/31/16

Felipe Pazos Term ending 12/31/10 Appointed by Commissioner Diaz TL 12/31/16

Parks and Recreational Facilities Board:

Amy Rabin Term ending 12/31/10 Appointed by Mayor Bower TL 12/31/13

Safety Committee:

Jerry Marsch Term ending 12/31/10 Appointed by Mayor Bower TL 12/31/13

Transportation and Parking Committee:

Seth Wasserman Term ending 12/31/09 Appointed by Commissioner Gross TL 12/31/16

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

ACTION:

2:27:32 p.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION:

ITEM TO BE REVIEWED

1. Stanley Shapiro stated that he is very proud of this Commission. He stated that former Mayor Kasdin has distinguished himself in the community for the public service he does. He is also very proud of Commissioner Diaz because he explained to the residents the way he felt and he did it honestly. He also said that the City Commission today acted as ladies and gentlemen and that makes him proud. He asked Commissioner Diaz to run for Commissioner. He asked if tomorrow the Marlin's lose does the city recieves the \$50 Million for the Convention Center. Commissioner Diaz answered "yes \$55 Million." Mr. Shapiro stated that all departments should have a defibrillator and he asked the City Manager to let him know if that was ever implemented. He complained that the people on roller blades on Lincoln Road are very disturbing. He asked that the Art Center Board provide free tickets, when tickets are not sold, to the Senior Citizens.

2. Luis Rodriguez, Director of ECOMB, requested to lease office space in one of the city owned buildings.

3. Deborah Desilets spoke representing the committee that is organizing a party for the Lincoln Road's 15th anniversary. She is here to ask if the City Commission will support this party. She stated that The Miami Beach Chamber of Commerce, Wendy Kallergis, the Lincoln Road Association and The Fontainebleau Hotel are endorsing this party. She asked for permission to paint the bollards and use them as sponsor naming options. The art will come from art student competitions and the sponsors will pay for the art. The design from the bollards can be transformed to beach balls. She requested the City Commission approval to proceed with their funding part and for the celebration itself.

Jorge Gonzalez, City Manager, suggested that Ms. Desilets meet with the Administration to discuss the details and to leave her contact information. Max Sklar to handle.

4. Ray Sullivan, Artistic Director and CEO of the Miami Contemporary Dance Company, stated that his organization, as many others, is having a hard time during this difficult economic time and need assistance. They have a very strong standing in the community including 21 evening presentations at the Colony Theater next year. He is asking for an allocation of \$200,000 for his company. His company has 23 employees and their families that depend on his company. He thanked the City Commission for everything they do and asked them if they could find a way to support his company.

Mayor Bower stated that she will call him for more details since he does programs at the Colony perhaps the fee at the Colony Theatre could adjusted to make it more accessible since the City does not have the money to give him.

Jorge Gonzalez, City Manager, stated that the City's contribution to the Cultural Arts Council thru the grant process has remained steady in spite of the difficult times, for the last few years.

Ray Sullivan, Artistic Director and CEO of the Miami Contemporary Dance Company, explained that thru the grant process he is allow to request up to \$25,000 a year and last year he received \$18,987 and this year he will probably receive about \$19,000.

Mayor Bower requested Mr. Sullivan to call her office to see what can be done.

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

ACTION: Not reached.

5:20:40 P.M.

R9C Discussion Regarding A Resolution Approving The Issuance Of Revocable Permits To Applicants Wishing To Display The Rainbow/Pride Flag During The Month Of April 2009, In Support Of The City Of Miami Beach's First Ever, Annual Gay Pride Event, Which Will Be Held In The City On April 18th, 2009; Provided Further That The Display Of Such Flag(s) Shall Comply With The Requirements Of Section 138-72 Of The City Code (Which Requirements Are Also Attached And Incorporated As Exhibit "A" To This Resolution); And Provided Further That The Term Of Said Permit Shall Automatically Expire On April 30th, 2009.

(Requested by Commissioner Victor M. Diaz, Jr.)

ACTION: Discussion held. Resolution No. 2009-27040 adopted and referred to the Neighborhood/Community Affairs Committee the issue that business being able to fly the American Flag without having to get permit via an established standard criteria. Motion made by Commissioner Diaz; seconded by Commissioner Weithorn; Voice vote: 7-0. Randi MacBride to place on the Committee agenda. Jorge Gomez and Robert Middaugh to handle.

ITEM TO BE REVIEWED

Commissioner Diaz stated that this is a request he forwarded to the Administration from the Gay Business Development Ad-Hoc Committee that on April 18, 2009 is the celebration of the Miami Beach Pride 2009 and there was concern expressed with the administrative process to fly the pride flag in the city even after it was legalized by the City Commission. He explained that many of the flags that were displayed were taken down because the business owners were cited by Code for not comply with the permit process. He stated that he is working with the Administration and credited the City Manager for his suggestion to make this process very simple by posting it on the website. Since the event is thirty days away, there is no enough time for people to go to the permit process. He also asked the City Attorney to come up with a legal solution to this problem, He also credited Raul Aguila, Deputy City Attorney, for working very hard on this revocable permit which will give business owner the right to fly the pride flag for this month and then go to the permit process later to fly the flag permanently.

Jorge Gonzalez, City Manager, stated that if they register they can do it for the April 2009 month. After that they need to go thru the permit process.

Robert Middaugh, Assistant City Manager, stated that the form is on line. They will need to complete the form and bring it so there will be a record of it. Also on line are the requirements to obtain a permit to fly it permanently.

Commissioner Gross asked why a permit is necessary.

Robert Middaugh, Assistant City Manager, explained that the process is the same for anything that hangs over the public right of way. The permit is needed because it hangs over the public right-of-way.

Commissioner Gross asked Jorge Gomez if the code has been changed to include the pride flag.

Discussion continued.

Richard Lorber, Planning and Zoning Manager, explained the process to obtain a permit.

Jorge Gomez, Planning Director, stated that a resolution was adopted to add the pride flag into the code.

Discussion continued.

Jorge Gonzalez, City Manager explained that if the flag is fixed on the window, no permit is needed but if infringes into the public-right-of way they need to have a permit.

Discussion continued.

Motion made by Commissioner Diaz adopting the registration process suggested by the City Manager and that the problems that was experienced by the business owners illustrates another problem. Business should be able to fly the American Flag without a permit with established standard criteria. He referred this issue to the Neighborhood/Community Affairs Committee for review. Motion seconded by Commissioner Weithorn; Voice vote 7-0.

- R9D Discussion Regarding A Resolution Authorizing The City Administration And City Attorneys Office To Prepare An Ordinance Making The Mayor's Gay Business Development Committee, Which Is Currently An Ad Hoc Committee, Into A Standing City Committee, To Be Known As The City Of Miami Beach Gay, Lesbian, Bisexual And Transgender (GLBT) Community Relations Committee; Further Including The Initial Terms For Establishment, As Set Forth In This Resolution; And Extending The Duration Of The Mayor's Gay Business Development Committee (Commencing Retroactively On March 15, 2009) Until Such Time As The Mayor And City Commission Approve The Ordinance Establishing The GLBT Community Relation Committee On Second And Final Reading.

(Requested by Mayor Matti Herrera Bower)

ACTION: Item moved to Consent Agenda as Agenda Item C4F.

5:33:44 P.M.

R9E Discussion Regarding A Consideration To Cancel The Parking Contract Issued To Impark.
(Requested by Commissioner Jerry Libbin)
(Deferred from March 2, 2009)

ACTION: Discussion held.

ITEM TO BE REVIEWED

Commissioner Wolfson requested to be recognized for the first motion on this issue

Commissioner Libbin explained that this is a discussion about possible termination and if the discussion leads in that direction we may give direction to the administration on how to proceed to bring back a resolution.

Mayor Bower stated that she will recognize Commissioner Wolfson as soon as Commissioner Libbin makes his presentation,

Commissioner Libbin introduced the item. He explained that bringing this issue is the same as he has done with other contracts because he is dissatisfied with the job the management is doing. It was brought to his attention that Impark had not certified the employees with CPR which was required by the contract. This issue is somewhat resolved and the Administration allowed them to do something that the City Commission never approved. He made a public record request of all the external and internal memos from Impark related to the contract. He was not satisfied and it was inappropriate for the Administration to waive something that only the City Commission can waive and the response received was a letter from Impark after being notified that they did have to provide CPR training to all the employees. The letter stated that they will do so within a 30 day period and that is a violation of the contract. The contract states that when notified of a violation of the contract they have seven days to cure it. He understands that the boat show was on and even days is not enough time to train the employees but the appropriate response should have been a letter requesting thirty days because of the circumstances involved. He gave a presentation of all the cash items that were not handled properly and all the cases where there seems to be a lack of training and supervision of the personnel at Impark. He gave a fifteen minutes oral presentation.

Discussion continued.

Commissioner Gross stated that the City Commission should not be involved in administrative review of contracts. He does not think this should be done. It is the responsibility of the Parking Department to review the parking contract.

Discussion continued.

Jorge Gonzalez, City Manager, explained that he does not mind the evaluation that is about to take place. He wanted to make clear that the staff identified by Commissioner Libbin were doing their job, actually doing the job they were hired to do at our level to make sure they abide by the contract. He emphasized that it is not about the Parking Department. He stated that Commissioner Libbin has what he requested and he does not want it to be implied that the Administration is trying to hide anything of misrepresent the facts. He added that the reason this issue was not brought to the City Commission was because these issues appeared to be, to the Parking Director and him, normal during course of operation that occurs particularly during the transition period.

Discussion continued.

Commissioner Libbin requested, if the City Commission agrees, to ask the Administration to prepare a resolution asking for bids and keep them on a month to month basis in the interim.

Discussion continued.

Commissioner Wolfson asked the City Manager if he thought this contract should be terminated.

Jorge Gonzalez, City Manager, stated that based on performance it is early in the game to find out if the performance is going to be satisfactory or not. The contract has been in effect for about six months and there have been improvements. They are trying to work thru operation deficiencies that have been identified. The Administration does not have enough experience to terminate this contract based on performance. You can do anything you wish because there is a termination provision if you want to terminate it should not be for performance issues.

Motion #1:

Commissioner Wolfson stated that based on the City Manager's statements we should not terminate this contract based on performance and made a motion to refer this issue discussed by Commissioner Libbin and also the issue of the meter collection agreement with the previous company Standard Parking to a special committee appointed by the Mayor. No second offered.

Discussion continued.

Commissioner Diaz thanked Commissioner Libbin for bring this to their attention. He asked the City Manager if he has the authority to waive a condition of an RFP imposed by the City Commission. The manager responded that he does not. He asked the City Attorney if a waiver of a condition given to Impark without the City Commission's approval lawful under the City Code. The City Attorney responded that it was not. When somebody gets caught violating the City code they cannot say we'll fix it now. An Administrative employee without the knowledge of the City Manager to waive a condition imposed by an RFP during negotiations and not bringing it to the City Commission and to request a city employee to waive a condition is a violation of the City Charter.

Discussion continued.

Commissioner Gross stated that this is the most blatant, flagrant, politicization of a contract award that has taken place in the seven years he has been a City Commissioner. He stated that Commissioner Libbin fought passionately for Standard Parking when the contract was awarded six month ago and the contract was awarded to Impark. Ever since that time the Standard Parking people have been trying to over turn the decision of the City Commission. In the seven years he has been there, the City Commission has never stooped to that level of political reasons seek to reverse a decision of this Commission. He is astonished and embarrassed with the politicization in terms that we are violating the City Charter. That is absolute nonsense. This is purely and simply a politicization to bring Standard parking back into the city as vendor with the hope to gain the contract that they lost. He added that the so called violation of the City Charter was a non material, in adverted action on the part of the vendor that was immediately corrected when it was brought to their attention. The violation was that the employees did not have CPR certification and in fact Impark hired 80% of the employees that Standard Parking had and when Standard Parking had the contract they did not have the certification either.

Motion #2:

Motion made by Commissioner Gross that the City Commission delegates to the City

Manager the responsibility to enforce the current contract with Impark and to let him handle it. Motion seconded by Commissioner Wolfson.

Discussion continued.

Commissioner Weithorn stated that this has political undertone, but the worst part is that this City Commission was not notified. A statement needs to be made that when you sign a contract with the city you need to live by it. She has a problem with violating a contract.

Mayor Bower is very concerned and her issue is how we avoid this from happening again.

Commissioner Wolfson does not understand why the vendor gets punished for doing something that the City Administration had approved.

Discussion continued.

Saul Frances, Parking Department Director, explained that during the negotiations the CPR issue was raised as an issue that will save some money on the agreement. We have never had CPR requirements before. There was a CPR requirement for the Standard Contract before and they never complied.

Commissioner Gross asked for the cost of CPR certification of the employees.\

Saul Frances, Parking Department Director, stated that it would be \$15,000. It was not considered material out of a \$15M contract and that Impark was under the presumption that the employees had the CPR certification since they were employee of Standard Parking.

Commissioner Weithorn stated that clearly the City is at fault. She stated if Impark can pay for lobbyist to lobby this issue then they can pay to comply with the contract.

Discussion continued.

Saul Frances, Parking Department Director, stated that Impark was under the presumption that the employees had the CPR certification since they were employee of Standard Parking.

Commissioner Wolfson stated that when Administration is able to do something with a contract provision and the vendor accepts that, they actually have cause against us if the contract is cancelled today.

Jose Smith, City Attorney, stated that the test is whether or not it is a material deviation of the contract because if it is not material and there have been prior waivers will hear testimony that this is routine that will give you one result. If it is a material issue and this vendor, with knowledge that the Administration could not waive that provision when ahead and proceeded to perform under a contract that should have included that provision then that is a different issue. He explained that the bottom line is if the City Commission is acting in good faith and fairly dealing with this vendor and are you acting in a responsible business like manner an if you are whatever decision you arrive at probably will be sustained.

Discussion continued.

Jose Smith, City Attorney, stated that the test is the City Commission acting in good faith and in a business like manner. You cannot terminate for convenience by not for arbitrary or capricious reasons.

Brian May representing Impark turn in audit reports and other records for the record.

Discussion continued.

Mitchell Bierman representing Impark spoke.

Discussion continued.

Discussion continued.

Motion #2 Restated:

Commissioner Gross restated his pervious motion to refer this issue to the City Manager to monitor and enforce the contract and to take the necessary and appropriate action in his responsibility as a city manager and this will not go out for bids. This will continue with the administrative enforcement of a city contract. Motion seconded by Commissioner Wolfson.

Jorge Gonzalez, City Manager reminded the City Commission that when the contract was approved he was instructed to do an audit at the end of 12 months and that he is planning to do. He could do it sooner if the City Commission wants to.

Discussion continued.

Motion #3:

Motion made by Commissioner Gross to leave it up to the City manager and to no terminate the contract. Motion seconded by Commissioner Wolfson.

Mayor Bower stated that she cannot vote on this motion to leave it up to the manager. This is very hard job because not matter what he does will be wrong and she does not want to place the manager in this position. This is not the correct thing to do.

Discussion continued.

Motion #3 Restated:

Motion made by Commissioner Gross let the City Manager conduct the annual audit at the end of the 12 months and report to the City Commission in accordance with the provisions of the contract. Motion seconded by Commissioner Wolfson.

Discussion continued.

Ballot vote: 2-5: Opposed Mayor Bower, and Commissioners Diaz, Libbin Tobin and Weithorn. The motion #3 failed.

Motion #4:

Motion made by Commissioner Libbin to direct the administration to bring back with a resolution at the next City Commission meeting to cancel this contract, have it a on a month to month basis and create a new RFP. No second offered and the discussion continued.

Jorge Gonzalez, City Manager, explained that they it is not necessary to cancel the contract and go to a month to month basis but continue with the current conditions until it go out for bids. The direction should be to prepare an RFP for the bid process.

Discussion continued.

Amendment to motion #4:

Commissioner Diaz stated that the RFP should be scrutinized very carefully before it comes to the City Commission. The RFP should be referred to the Finance and Citywide Projects Committee.

Commissioner Gross stated that this is not an issue for the Finance and Citywide Projects Committee because it does not involve money. He stated that we are sending staff to do an RFP when there are other more important CIP projects that need to be taken care of and also what message are we sending when a contract is cancelled on a whim.

Motion #5:

Motion made by Commissioner Wolfson to refer the whole thing to committee. No second offered.

Jorge Gonzalez, City Manager, stated that at the end of this analysis instead of an RFP issue an invitation to bid and the elements of the RFP will be mandatory on the Invitation To Bid and judge it just on price. This leave politics and lobbyists out of the process.

Discussion continued.

Brian May spoke.

Mitchell Bierman spoke.

Jose Smith, City Attorney, stated this conversation does not need to take place with the City Commission today.

Commissioner Diaz requested the City Attorney that between now and the second reading provide legal advise regarding issuing an RFP/ITB and terminate the current agreement for convenience.
Legal Department to handle.

Discussion continued.

Commissioner Diaz stated the City is not terminating this contract today. He explained that what Commissioner Libbin asked was to bring back a resolution with an RFP. Commissioner Diaz requested that the RFP is very well scrutinized. He stated that an invitation to bid could be written with the criteria needed and it will take the politics out of the process and the decision will be made on price.

Discussion continued.

Mayor Bower asked if we are doing an RFP or an invitation go bid.

Jorge Gonzalez, City Manager, stated it is the City Commission choice that we could turn an RFP to an invitation to bid process, which means there is no evaluation committee and we base it on price. He asked Raul Aguila if what he is suggesting is doable.

Amendment to Motion #4:

Mayor Bower stated that on the criteria we include everything that is needed and also to have the locksmith which was not part of the previous RFP. Administration to handle.

Discussion continued.

Motion #6:

Motion made by Commissioner Weithorn to take no action and have the Administration bring us a proposal, either an RFP or an invitation to bid, at the next meeting that the Legal Department look at the legal issues and get back to the City Commission. No second offered and the discussion continued.

Christopher Walsh, Regional Vice President from Laz Parking, the second ranked company, spoke.

Before any actions were taken, Mayor Bower adjourned the meeting.

Handout or reference Materials

1. Letter to Mayor and City Commissioners from Chester Escobar, General Manager, Impark – South Florida, dated March 17, 2009, RE: Agenda item R9E – Additional Information: CPR Certification, Internal Audit Findings

5:18:40 p.m.

R9F Discussion Regarding Changing The Area Designation Of The Pump Station Currently Referred To As The “South Pointe Master Booster Pump Station,” To The “Coast Guard Booster Pump Station,” As Recommended By The CIPOC.

(Requested by Commissioner Deede Weithorn)

ACTION: Discussion held. Motion made by Commissioner Weithorn to classify Pump Station #58 as the Coast Guard Booster Pump Station; seconded by Commissioner Tobin; Voice vote 7-0.

ITEM TO BE REVIEWED

Commissioner Weithorn gave credit to Rick Kendle from the Capital Improvements Project Oversight Committee for bringing this to her attention. She explained that this pump station has been called pump station #58 and it needs to be classified as the Coast Guard Pump Station. The reason for this classification is that as the city tries to get its share of stimulus dollars, those items which fall into more than one category, the Coast Guard category falls into homeland security, will give us a better possibility of getting some funding. She stated that she checked with the Legal Department and what is needed is a motion to classify the pump station in to the Coast Guard Booster Pump Station to allow it to be part of homeland security.

Motion made by Commissioner Weithorn; seconded by Commissioner Tobin; Voice vote 7-0.

R10 - City Attorney Reports**2:45:56 p.m.**

R10A Notice of Closed Executive Session.

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, March 18, 2009 In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

ACTION: Announced and held. The following members of the Administration were in attendance: Jorge Gonzalez, Patricia Walker, Kristin Tigner and Ramiro Inguanzo attended the closed executive session.

Robert Parcher, City Clerk, announced the Client/Attorney Session.

Reports and Informational Items

A City Attorney's Status Report.

(City Attorney's Office)

ACTION: Written report submitted.

B Parking Status Report - January 2009.

(Parking Department)

ACTION: Written report submitted.

C Status Report Of The Normandy Shores Golf Course Club House.

(Capital Improvement Projects)

ACTION: Written report submitted.

D Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.

(Procurement)

ACTION: Written report submitted.

E Non-City Entities Represented By City Commission:

1. Minutes From The Miami-Dade County Tourist Development Council Meeting On November 6, 2008.

(Requested by Mayor Matti Herrera Bower)

ACTION: Written report submitted.

2. Minutes From The Bicycle/Pedestrian Advisory Committee Of The Metropolitan Planning Organization For The Miami Urbanized Area Meeting On January 28, 2009.
(Requested by Mayor Matti Herrera Bower)

ACTION: Written report submitted.

End of Regular Agenda

Miami Beach Redevelopment Agency

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

March 18, 2009

Chairperson of the Board Matti Herrera Bower
Member of the Board Victor M. Diaz, Jr.
Member of the Board Saul Gross
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 Jorge M. Gonzalez
Assistant Director Tim Hemstreet
General Counsel Jose Smith
Secretary Robert E. Parcher

AGENDA

1. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of January 2009.
(Finance Department)

ACTION: Written report submitted.

End of RDA Agenda

Meeting adjourned at 7:32:30 p.m.