



# 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

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### ATTENTION ALL LOBBYISTS

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

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

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

#### Presentations and Awards

PA Presentations and Awards

#### Consent Agenda

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

#### Regular Agenda

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

#### Reports and Informational Items

**Presentations and Awards**

- PA1 Proclamation To Be Presented To The Saint Patrick Music Ministry. (Page 1)  
(Requested by Mayor Matti Herrera Bower)
- 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)
- PA3 Proclamation To Be Presented In Honor Of World Water Week On March 22-28, 2009.  
(Requested by Vice-Mayor Edward L. Tobin)
- PA4 Certificate Of Appreciation To Be Presented To Larry Marrero, Police Officer Of The Month.  
(Requested by Vice-Mayor Edward L. Tobin)

**CONSENT AGENDA**

**Action:**  
**Moved:**  
**Seconded:**  
**Vote:**

**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. (Page 3)  
(Fleet Management)
- 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. (Page 8)  
(Fleet Management)
- 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. (Page 13)  
(Real Estate, Housing & Community Development)

**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 5<sup>th</sup> 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. (Page18)  
(Planning Department)
- C4B Referral To The Land Use And Development Committee To Discuss How The City Can Effectively Minimize The Negative Impact Of Vacant Foreclosed Homes. (Page 28)  
(Requested by Commissioner Jonah Wolfson)
- C4C Referral To The Planning Board For Consideration Of An Ordinance To Rezone The East Side Of Alton Road From 6<sup>th</sup> To 16<sup>th</sup> Streets. (Page 30)  
(Planning Department)
- 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. (Page 32)  
(City Clerk's Office)
- 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)

**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 44<sup>th</sup> 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. (Page 38)

**C6 - Commission Committee Reports** (Continued)

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 11<sup>th</sup> 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.  
(Page 42)

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.  
(Page 52)

**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. (Page 58)  
(Budget and Performance Improvement)
- 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. (Page 67)  
(Budget & Performance Improvement)
- 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. (Page 72)  
(Community Services)
- 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. (Page 83)  
(Community Services)
- 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. (Page 90)  
(Parks & Recreation/City Attorney's Office)
- 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. (Page 97)  
(Police Department)  
**C7- Resolutions** (Continued)

- 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. (Page 102)  
(Police Department)
- 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). (Page 105)  
(Real Estate, Housing & Community Development)
- 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. (Page 132)  
(Capital Improvement Projects)
- 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 26<sup>th</sup> And 41<sup>st</sup> 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. (Page 165)  
(Public Works)

**End of Consent Agenda**