

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.

REGULAR AGENDA

R2 - Competitive Bid Reports

- 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. (Page 176)
(Public Works)

R5 - Ordinances

- 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** (Page 187)
(Planning Department)
(First Reading on February 25, 2009)
- 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** (Page 194)
(Planning Department)
(First Reading on February 25, 2009)
- 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**
(Page 207)
(City Manager's Office)

R5 - Ordinances (Continued)

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** (Page 226)
(City Manager's Office)

R5E Amend "Standard Of Conduct" For Public Officers & Employees (Page 259)

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**
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)

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** (Page 265)
(Requested by Commissioner Victor M. Diaz, Jr.)

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**
(Page 269)

(Capital Improvement Projects)
(Continued from February 25, 2009)

R7 - Resolutions (Continued)

- 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**
(Page 274)

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

- 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**
(Page 291)

(Real Estate, Housing & Community Development)

- 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. (Page 302)

(Public Works)
(Deferred from February 25, 2009)

- 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. (Page 325)

(Real Estate, Housing & Community Development)

R7 - Resolutions (Continued)

- 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** (Page 346)
(City Manager’s Office)

R9 - New Business and Commission Requests

- R9A Board And Committee Appointments. (Page 369)
(City Clerk's Office)
- R9A1 Board And Committee Appointments - City Commission Appointments. (Page 373)
(City Clerk's Office)
- R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.) (Page 391)
R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 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. (Page 393)
(Requested by Commissioner Victor M. Diaz, Jr.)
- 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.

(Page 397)
(Requested by Mayor Matti Herrera Bower)
- R9E Discussion Regarding A Consideration To Cancel The Parking Contract Issued To Impark.
(Page 401)
(Requested by Commissioner Jerry Libbin)
(Deferred from March 2, 2009)

R10 - City Attorney Reports

- R10A Notice of Closed Executive Session. (Page 403)
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.

Reports and Informational Items

- A City Attorney's Status Report. (Page 405)
(City Attorney's Office)
- B Parking Status Report - January 2009. (Page 415)
(Parking Department)
- C Status Report Of The Normandy Shores Golf Course Club House. (Page 435)
(Capital Improvement Projects)
- 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. (Page 437)
(Procurement)
- E Non-City Entities Represented By City Commission:
1. Minutes From The Miami-Dade County Tourist Development Council Meeting On November 6, 2008. (Page 439)
(Requested by Mayor Matti Herrera Bower)
 2. Minutes From The Bicycle/Pedestrian Advisory Committee Of The Metropolitan Planning Organization For The Miami Urbanized Area Meeting On January 28, 2009. (Page 451)
(Requested by Mayor Matti Herrera Bower)

End of Regular Agenda