



# MIAMI BEACH

## City Commission Meeting

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

March 14, 2007

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

City Manager Jorge 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.*

- PA1 Presentation by the Housing Authority of the City of Miami Beach.
- PA2 **W**-Certificate of Appreciation/Alan Mishael, Florida's Children First. (Góngora)
- PA3 Certificate of Appreciation/Steven N. Adkins, Miami-Dade Gay & Lesbian Chamber. (Góngora)
- PA4 Certificate of Appreciation/(4) Volunteers for the Winter Party Festival in Miami Beach. (Góngora)
- PA5 **New Item:** Certificates of Apprec./ (5) Individuals for Helping w/ City's 92nd Anniversary. (Dermer)
- PA6 **New Item:** Proclamation/MB Historical Assoc., Sponsorship for City's 92nd Anniversary. (Dermer)
- PA7 **New Item:** Proclamation/Rhythm Foundation for Outstanding World Music. (Libbin)
  
- C2A Approve ITB No. 27-06/07, Construction Services for North Beach Recreational Corridor.
  
- C4A Ref: Neighborhoods/Community Affairs Comm. - Lights in Pine Tree Park. (Gross/Góngora)
- C4B Ref: Neighborhoods/Community Affairs Comm. - Landscape at 51<sup>st</sup> & Pinetree. (Góngora)
- C4C Ref: Finance & CW Projects Comm. - Administrative Financial Operating Procedures. (Dermer)
  
- C6A Report: G.O. Bond Oversight Committee Meeting on February 5, 2007.
- C6B Report: Land Use & Development Committee Meeting on February 12, 2007.
  
- C7A Appropriate Funds, Electrical Upgrades & Miscellaneous Work at 17<sup>th</sup> Street Parking Garage.
- C7B Execute Amendment, Bike Lanes on Alton Road, South Pointe Drive, & Ocean Drive.
- C7C Accept Recommendation, Citywide Geotechnical & Laboratory Testing Services.

- C7D **5:00 p.m.** Approve Agmt, Enhancements on Prairie Ave. between Dade Blvd. & 28th Ave.  
 C7E Set First Public Hearing, Development of "5th & Alton" Project.  
 C7F Issue Certification of Consistency, HACMB Annual Plan for FY 2007.  
 C7G Approve Funds, (34) Rental Housing Units for Elderly Program-Eligible Persons.  
 C7H Execute SHIP Program Agreement, Affordable Housing Rehabilitation.  
 C7I Accept Recommendation, Counselors to Deliver a Structured Social Skills Curriculum.  
 C7J Accept Recommendation, Financial Advisory Services.  
 C7K Grant Easement, Install Traffic Signalization Equipment (Dade Boulevard & Purdy Avenue).  
 C7L Approve Purchase, GIS Site License from ESRI.  
 C7M Assign Commercial Waste Collection Franchise of BFI to Waste Services of Florida.  
 C7N Ratify Emergency Agmt, Construct Protective Slab Above Sanitary Sewer Force Main.  
 C7O Waive Space Rental Charges, BOTS IQ Competition Held April 12-15, 2007 at MBCC.  
 C7P Ratify Amendment, Provide Interconnection of Water Mains on Indian Creek Drive.  
 R2A Approve ITB No. 21-06/07, Normandy Shores Golf Course Improvements. 230  
 R2B Approve ITB No. 26-06/07, South Pointe Park Improvements Project. 283
- R5A **10:15 a.m. 2<sup>nd</sup> Rdg**, Open Space Ratio in RPS Districts. **5/7**  
 R5B **10:20 a.m. 2<sup>nd</sup> Rdg**, Interim Procedures. **5/7**  
 R5C **5:00 p.m. 2<sup>nd</sup> Rdg, Open/Cont.** Amend Single-Family Residential Districts. **5/7**  
 R5D **1<sup>st</sup> Rdg**, Occupational License Tax.  
 R5E **1<sup>st</sup> Rdg**, Amend No.789, Classified Employees Salary Ordinance, (IAFF).  
 R5F **1<sup>st</sup> Rdg**, Amend No. 1335, Classified Employees' Leave Ordinance, (IAFF).  
 R5G **1<sup>st</sup> Rdg**, Procedure for Variances & Administrative Appeals. **5/7**  
 R5H **1<sup>st</sup> Rdg**, Administration & Review Procedures for Board Memberships. **5/7**  
 R5I **1<sup>st</sup> Rdg**, Street Performers & Art Vendors.
- R7A **10:00 a.m.** Accept Recommendation of the RDA for Workforce Housing.  
 R7B **10:25 a.m. 2<sup>nd</sup> Rdg**, Conform Dates of 5<sup>th</sup> & Alton Development & Alley Vacation Agmts.  
 R7C **10:45 a.m.** Approve Closing of Lincoln Road to Vehicular Traffic.  
 R7D **10:45 a.m. 2<sup>nd</sup> Rdg**, Consider Approval, Improvements to Lincoln Road Mall.  
 R7E Ratify a (3) Year Labor Agreement with IAFF Local 1510, Oct. 1, 2006 - Sept. 30, 2009.  
 R7F Adopt BODR, West Avenue-Bay Road Neighborhood 11B ROW Improvement Project.  
 R7G Approve RFP No. 34-05/06, Provide Unarmed Security Guards Services. **573/SM**
- R9A Board & Committee Appointments.  
 R9A1 Board & Committee Appointments - City Commission Appointments.  
 R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
 R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
 R9C Discuss: Implications of the Property Tax Reform Proposals.  
 R9D Discuss: Pedicab Regulation.
- A City Attorney's Status Report.  
 B Parking Status Report.  
 C Status Report: Rehabilitation & Construction of the New Fire Station No. 2.  
 D Status Report: Construction of Fire Station No. 4.  
 E Status Report On The Normandy Isle Park And Pool Project.  
 F Informational Report: Federal, State, M-DC, U.S. Communities & All Existing City Contracts.

#### REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

- 1A Report: Itemized Revenues/Expenditures of RDA's City Ctr. & S. Pointe for January 2007.  
 2A Appropriate Funds, Improvements to Lincoln Road Mall by UIA Management, LLC.  
 2B Appropriate Funds, Provide Funds to MBCDC for Purchase of (3) Properties.

Meeting called to order at approximately 9:21:00 a.m.

Pledge of Allegiance lead by Chief De Lucca.

Invocation given by Robert Parcher, City Clerk.

Times based on the digital recording in the City Clerk's Office

**Supplemental Materials:**

**C7D – Resolution and Interlocal Agreement;**

**C7N – Resolution;**

**R5A – Ordinance;**

**R7D – Agreement;**

**R7G – Resolution;**

**R9C – Additional information.**

**New Item:**

Mayor Dermer acknowledged Mayor Susan Fennel from the City of Brampton, Canada.

Mayor Susan Fennell stated that she is very impressed with the City and its City Hall and complimented Mayor Dermer on his Blue Ribbon campaign, CANDO. Brampton is on the corner of Toronto and she knows how it is for a small city to be located next to a big city. Brampton is part of the Greater Toronto Area (GTA). She stated that with this initiative Miami Beach will be the focus and will see real improvements. She explained that she is wearing the chain of office which is a British tradition and is a symbol for officials in Canada. She stated that they just opened as a performing art center funded by municipal government and it is perfect. The City of Brampton is a debt free city; in Canada they are not allowed to go beyond their financial capacities. She is very impressed with CANDO and she believes that when you boost the arts you improve the economy. She introduced the Maestro of the Brampton Symphony Orchestra. She would like to establish a mutually beneficial relationship and a cultural exchange with Miami Beach. She brings good wishes from all the citizens of Brampton and is very proud to be here and extended an invitation to the New World Symphony to perform in Brampton.

Mayor Dermer thanked the CANDO committee for arranging this visit and presented Mayor Fennell with a key to the City of Miami Beach.

**Presentations and Awards****9:55:36 a.m.**

- PA1 Presentation By The Housing Authority Of The City Of Miami Beach (HACMB) Giving An Update On The Initiatives Currently Underway.  
(City Manager's Office)

**ACTION:** Presentation made by Miguell Del Campillo, Executive Director, The Housing Authority of the City of Miami Beach.

Steven Chaykin, Chairman of the Commission with the Miami Beach Housing Authority, spoke. He explained that six years ago the Housing Authority was under probation and it was in "bad shape." Two years ago, they got off probation, and today they are in the top one-third of all housing authorities in the State of Florida. For the first time since 1979, they are building low-income affordable units on Miami Beach and look forward to assist with affordable housing for employees. He credited the City Commission for their vision, and staff, Miguell Del Campillo, Executive Director, Michael O'Hara, Orlando Fuentes and Dash De Leon. In addition he recognized Milli Membiela, Leonard Turkel, Yamilee Soto and Ada Llerandi.

Miguell Del Campillo, Executive Director, explained how the Housing Authority became a high performer as designated by US HUD. Presentation made.

Steven Chaykin, Chairman of Housing Authority, requested 1) expediting permitting inspection from the building department, and 2) City's assistance to fund elevator repairs.

Mayor Dermer stated that the Administration will handle the requests and thanked the Housing Authority staff for their outstanding work.

- PA2 Certificate Of Appreciation To Be Presented To Alan Mishael, Attorney At Law, For His Work On The Florida's Children First, A Statewide Nonprofit Organization That Fights For The Rights Of At-Risk Children.  
(Requested by Vice-Mayor Michael Góngora)

**ACTION:** Item withdrawn.

**9:46:29 a.m.**

PA3 Certificate Of Appreciation To Be Presented To Steven N. Adkins, President Of The Miami-Dade Gay And Lesbian Chamber Of Commerce, For The Chamber's Community Involvement And National Organizations Such As Equality Florida, The National Gay And Lesbian Task Force And Care Resource.

(Requested by Vice-Mayor Michael Góngora)

**ACTION:** Certificates presented.

Commissioner Góngora read the Certificates of Appreciation.

Steven Adkins spoke and stated that Michael Aller was unable to be present. He extended an invitation for the gala award dinners at The Ritz in Miami and thanked Commissioner Góngora for the award.

George Neary spoke.

Michael Vita spoke.

**9:52:36 a.m.**

PA4 Certificate Of Appreciation To Be Presented To Michael Bath, Special Events Manager, Dave Cook, JC Curry, Lisa Mercado, And Alex Breitman, Volunteer Co-Chairs For The Winter Party Festival In Miami Beach.

(Requested by Vice-Mayor Michael Góngora)

**ACTION:** Certificates presented.

Commissioner Góngora recognized the participants and volunteers at the yearly Winter Party Festival and for bringing added tourism to the City.

Dave Cook spoke.

JC Curry spoke.

**9:32:30 a.m.**

**New Item:**

PA5 Certificate Of Appreciation To Be Presented To Five Individuals For Helping With The City's 92<sup>nd</sup> Anniversary.

(Requested by Mayor David Dermer)

**ACTION:** Certificates presented to Abraham Lavender, Ph.D., Aristotle Ares, Carolyn Klepser and Liliam Hatfield. (Not present, Mr. Ares and Ms. Klepser).

**9:32:30 a.m.**

**New Item:**

PA6 Proclamation To Be Presented To The Miami Beach Historical Association –Sponsorship for the City's 92<sup>nd</sup> Anniversary.

(Requested by Mayor David Dermer)

**ACTION:** Proclamation presented.

Mayor Dermer introduced the members of the MBHA and read the proclamation.

Dr. Abraham Lavender stated that the 92<sup>nd</sup> birthday of the City will be celebrated with an exhibit on display on the fourth floor covering almost 100 years. He also spoke of the importance of preserving the history.

Mayor Dermer recognized Judi Berson-Levinson, Ed.D.

Dona Zemo, MBHA member, invited the City Commission to the Miami Beach author series, beginning April 18, at 6:30 p.m., at the Miami Beach Chamber of Commerce Visitors Center, 1920 Meridian Avenue. She distributed the invitations.

Dr. Lavender informed everyone that on March 26, at 5:30 p.m., in the Commission Chambers, Carrie Sue Ayvar will perform a portrayal of Rose Weiss, "the mother of Miami Beach."

Laura Jamieson spoke.

Handout and Reference Materials:

1. Invitation to Miami Beach Author Series book signing event, April 18, 2007.

**9:38:44 a.m.**

**New Item:**

PA7 Proclamation To Be Presented To The Rhythm Foundation For Outstanding World Music.

(Requested by Mayor David Dermer)

**ACTION:** Proclamation presented.

Commissioner Libbin stated that the Rhythm Foundation has been in this community for over 20 years. He recognized Daniel Vieitia, President of the Board, Laura Quinlan, Director, and Jim DeSoussa, Director of Development, for their activism throughout the community, their dedicated work and for bringing over 20 live performances to the Bandshell in North Beach, bringing in top talent from all over the world.

Laura Quinlan spoke.

Daniel Vieitia spoke.

Gene DeSoussa announced the kick-off of the fifth year of the Heineken Transatlantic Festival, a partnership established between Rhythm Foundation and Heineken; he announced the program of events and invited everyone to enjoy the performances at the Bandshell and to visit [rhythmfoundation.com](http://rhythmfoundation.com) for more information. He added that opening acts are performed by local artists.

**CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Cruz; Voice vote: 7-0.

**C2 - Competitive Bid Reports**

- C2A Request For Approval, Pursuant To Invitation To Bid (ITB) No. 27-06/07, For Construction Services For The North Beach Recreational Corridor Phases 1, 2 & 3 Authorize The Administration To Enter Into Negotiations With The Top Ranked Contractor Horizon Contractors, Inc.; And Should The Administration Not Be Able To Successfully Negotiate An Agreement With Horizon Contractors, Inc, Authorize The Administration To Enter Into Negotiations With The Second Ranked Contractor F&L Construction, Inc.

(Public Works)

**ACTION:** Request authorized. Fred Beckmann to handle.

**C4 - Commission Committee Assignments**

- C4A Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Lights In Pine Tree Park.  
(Requested by Commissioner Saul Gross & Vice-Mayor Michael Góngora)

**ACTION: Referred.** Vivian Guzman to place on the committee agenda. Kevin Smith to handle.

- C4B Referral To The Neighborhoods/Community Affairs Committee - Discussion Of Appropriate Landscape Around A Utility Plant At 51<sup>st</sup> And Pinetree Drive.  
(Requested by Vice-Mayor Michael Góngora)

**ACTION: Referred.** Vivian Guzman to place on the committee agenda. Jorge Chartrand to handle.

- C4C Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Proposed City Ordinances Codifying Certain Administrative Financial Operating Procedures, And Proposed RDA Ordinance Establishing Certain Fiscal Operation Guidelines With Regard To Funding Commitments For Future Projects.  
(Requested by Mayor David Dermer)

**ACTION: Referred.** Patricia Walker to place on the committee agenda and to handle.

**C6 - Commission Committee Reports**

C6A Report Of The G.O. Bond Oversight Committee Meeting On February 5, 2007: **1)** Project Status Report: A. Update On Fire Station No. 2; B. Update On Fire Station No. 4; C. Update On Normandy Isle Park And Pool; ~~**2)** Project Status Report – South Beach Projects;~~ ~~**3)** Presentation Of West Avenue R-O-W Infrastructure Improvement Project BODR;~~ And **4)** Informational Items: A. Updated Calendar Of Scheduled Community Meetings.

**ACTION:****Items No. 1(A), (B), and (C):**

There is significant progress on this project, including the addition of water in the pool, which is an important milestone, as now all the equipment can be tested.

**New Item:**

ISSUES ADDRESSED BY THE PUBLIC:

Discussion: Flamingo Neighborhood

**Item No. 4:**

Calendar of scheduled meetings

C6B Report Of The Land Use And Development Committee Meeting On February 12, 2007: **1)** Discussion Regarding Interim Procedures - An Ordinance Amending The Land Development Regulations Of The City, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 4, "Designation," Section 118-591, By Clarifying The Requirements And Procedures For Designation Of Historic Structures And Districts And The Issuance Of Demolition Permits; Providing For Repealer, Severability, Codification And An Effective Date; **2)** Reconstruction Of Demolished Contributing Properties And Safeguards For DRB And HPB Projects - 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 IX, "Nonconformances," By Amending Section 118-395 To Clarify And Update Certain Procedures And Requirements For The Retention Of A Nonconforming Structure, By Amending Article X, "Historic Preservation", Division 3, "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition", By Amending Section 118-561 To Create A Conditions And Safeguards Section For Certificates Of Appropriateness, By Amending Article VI, "Design Review Procedures", By Creating Section 118-264 To Address Conditions And Safeguards For Design Review Approval; Providing For Repealer, Codification, Severability And An Effective Date; **3)** Discussion Regarding Temporary Business Signs - An Ordinance Amending Chapter 138, Article IV Of The Code Of The City Of Miami Beach, By Amending Section 138-132, "Business Signs" To Allow For Certain Temporary Signs In The Hospital District; Providing For Codification, Repealer, Severability And An Effective Date; **4)** Discussion Regarding Planning Board Ordinances On Nightclub Regulations; **5)** Discussion On Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations, " Article II, "District Regulations," By Amending Division 3, "Residential Multifamily Districts," By Amending Subdivision V, "RM-3 Residential Multifamily High Intensity," To Modify The Maximum Building Height Requirements For Properties Located In Historic Districts; Providing For Repealer, Codification, Severability And An Effective Date; And **6)** Discussion On Ordinance Amending Chapter 142, "Zoning Districts And Regulations," Of The City Code, By Amending Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Adding New Section 142-109 Entitled "Commercial Use Of Single Family Homes Prohibited"; Providing For Repealer, Severability, Codification And An Effective Date.

**ACTION:****Item No. 1:**

Item not reached; however, the item was discussed at the February 14, 2007, City Commission Meeting. The Commission discussed the related item ordinance, which was adopted on the first reading, dealing with the designation time frames. This item was referred as a separate ordinance to the Land Use and Development Committee. The subject ordinance item does not need to be discussed any further.

**Item No. 2:**

Item not reached at the February 14<sup>2</sup>, 2007 ~~City Commission~~ Land Use and Development Committee Meeting.

**Item No. 3:**

Item not reached at the February 14<sup>2</sup>, 2007 ~~City Commission~~ Land Use and Development Committee Meeting.

**Item No. 4:**

Item not reached at the February 14<sup>2</sup>, 2007 ~~City Commission~~ Land Use and Development Committee Meeting.

**Item No. 5:**

Item not reached at the February 14<sup>2</sup>, 2007 ~~City Commission~~ Land Use and Development Committee Meeting.

**Item No. 6:**

The item was discussed. The Committee requested that the Administration further refine the ordinance and address some of the issues revised at the meeting. The Administration was further instructed to bring back the revised ordinance to the Land Use and Development Committee. **Hilda Fernandez to handle.**

**City Clerk's note: The action on items 2, 3, 4 and 5 should be from the February 12, 2007 Land Use and Development Committee meeting, not the February 14, 2007 City Commission Meeting.**

**C7- Resolutions**

C7A A Resolution Appropriating Funds, In The Amount Of \$350,000, From Parking Operations Fund 480 Retained Earnings, For Electrical Upgrades And Miscellaneous Work Needed In The 17<sup>th</sup> Street Parking Garage.

(Capital Improvement Projects)

**ACTION: Resolution No. 2007-26476 adopted.** Patricia Walker to appropriate the funds.

**10:10:32 a.m.**

C7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Agreement Between The City And Chen And Associates, Inc., Dated May 18, 2005, In An Amount Not To Exceed \$73,256, Further, Appropriating Funding In The Same Amount, From The South Pointe Capital Fund 389, For The Provision Of Additional Design Services For The Implementation Of Bike Lanes On Alton Road, South Pointe Drive, And Ocean Drive; Within The South Pointe Phase III, IV And V Right Of Way Neighborhood Improvement Project.

(Capital Improvement Projects)

**ACTION:** Item separated for discussion by Commissioner Gross. **Resolution No. 2007-26477 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Cruz; Voice vote: 7-0. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

Commissioner Gross stated that his issue is that the proposal is to remove the parking on the north side on South Pointe Drive and he is requesting the designer to consider moving the parking in front of the stores and have less parking on the south side. He commended Mayor Dermer for the Blue Ribbon Task Force and the Administration for adding bike lanes throughout the city.

C7C A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms; Authorizing The Administration To Negotiate Professional Services Agreements Pursuant To Request For Qualifications (RFQ) No. 04-06/07, For Citywide Geotechnical And Laboratory Testing Services, On An As Needed Basis For The City Of Miami Beach; And Further Authorizing The Mayor And City Clerk To Execute Professional Services Agreements Upon Completion Of Successful Negotiations With Any Or All Of The Following Five (5) Firms: 1) Professional Services Industries (PSI); 2) Mactec; 3) Nutting Engineers Of Florida, Inc.; 4) Universal Engineering Sciences; And 5) Geosol, Inc.

(Capital Improvement Projects/Public Works)

**ACTION: Item withdrawn.**

#### Handout or Reference Materials

1. Letters from Gus Lopez, Procurement Director, dated March 9, 2007, to Alexander A. Hockman, Bureau Veritas North America, Inc d/b/a Intercounty Laboratories – USL, Inc, Gary Elzweig, Capri Engineering, Oracio Riccobono, Geosol, Inc., A.S. Kumbhojkar, HP Consultants, Inc., David D. Scott, HAS Engineers & Scientists, Thomas J. Kaderabek, Kaderabek Company, G. Thomas Mc Daniel, Mactec, Leila Nordase, Nodarse & Associates, Inc., Richard C. Wohlfarth, Nutting Engineers of Florida, Inc, Sam Fernandez, PSI (Professional Service Industries), Peter G. Read, Universal Engineering Sciences, and Dan Hart, Williams Earth Sciences,
2. Email from Maria Estevez, Procurement Coordinator, to [Michaelb@nodarse.com](mailto:Michaelb@nodarse.com), dated March 13, 2007, RE: RFQ 04-06/07 Geotechnical And Laboratory Testing – Cone of Silence

#### **Supplemental Materials – Resolution and Interlocal Agreement**

**5:16:21 p.m.**

C7D A Resolution Approving An Interlocal Agreement Between The City Of Miami Beach And The School Board Of Miami-Dade County, Florida, Providing For Certain Easements And The School Board Construction Of Improvements On City Right-Of-Way, And Providing Direction To The Administration On Certain Other Right-Of-Way Enhancements On Prairie Avenue Between Dade Boulevard And 28th Avenue.

(City Manager's Office)

**ACTION: This item separated by Commissioner Gross and set for a time-certain of 5:00 p.m.**

**Resolution No. 2007-26478 adopted.**

**Motion made by Commissioner Gross to approve the resolution and the amended Interlocal Agreement to reflect that the City will pay for approximately six (6) light shields in the High School teacher parking lot and that the City will pay for the construction of a special event access gate to the teacher parking lot from Dade Boulevard from Parking Funds that are to be reimbursed in full by applying revenues shared with the High School for use of the lot. Commissioner Gross further moved that:**

1. Upon construction of the Prairie Avenue drop lane, sign the area as no parking.
2. Either as a stand alone project or as part of the CIP neighborhood project, as determined most appropriate by the administration, extend the Prairie Avenue road width reduction of 20' northward on Prairie Avenue from the terminus of the Board improvements to the intersection at 28<sup>th</sup> Avenue.
3. Plant appropriate tree or landscape materials on the border between the Par 3 and the School.
4. Determine if traffic engineering and County support can be obtained for changes to the intersection of Dade Boulevard and Prairie Avenue to reduce the overall amount of pavement in the intersection and to introduce landscape material in an existing traffic island. If supported,

- identify a funding source and pursue the intersection improvements.
5. Upon completion of the Prairie Avenue improvements, add low shrubbery in the swale area in a manner that will not interfere with drainage or necessary maintenance of the area.
  6. In coordination with and consistent with the planned CIP neighborhood project for the Bayshore neighborhood, determine if traffic calming measures are warranted and which, if any, are appropriate at the intersections of 23<sup>rd</sup> and Prairie Avenue and 23<sup>rd</sup> and Meridian Avenue. Funding will be from either from the CIP neighborhood project budget or a different source to be identified by the Administration to design and build the indicated traffic calming measures; seconded by Commissioner Bower; Voice vote 6-0; Absent: Mayor Dermer. **Robert Middaugh to handle.**

Robert Middaugh, Assistant City Manager, gave a brief history of this project. He explained that at a series of community meetings and as a result of the meetings the school agreed to incorporate changes into the plan such as the estate fence, landscaping on the school side of the fence, and landscape on the swale side of Prairie Avenue. Also at that time, two easements were approved; one to provide access to the Fire Department and Public Works yard, and one to provide a bus drop-off lane on Dade Boulevard. The construction was allowed to continue and for the last eight months the City has been meeting routinely with school and neighborhood representatives to go over the design, concerns, issues and questions. There are two areas that need to be decided today; one the Interlocal Agreement, and the second are issues that are concerns of the neighborhood but should not be on the Interlocal Agreement. The Administration is looking for direction on these issues. He stated that the two easements are not controversial and are in the Agreement. Most of the concerns are due to the improvements that are being made to Prairie Avenue: 1) the width of Prairie Avenue will be reduced by eight feet, 2) a drop-off lane constructed on part of Prairie Avenue, 3) landscape enhancement and tree barrier on Prairie Avenue, and 4) the City has agreed to sign the drop-off area as "no parking." All of the issues are addressed in the Interlocal Agreement. The other outstanding issues are on page 80 of the agenda materials; 1) sign as no parking the Prairie Avenue drop lane, 2) extend the Prairie Avenue road width reduction of 20' northward from the terminus of the Board improvements to the intersection of 28<sup>th</sup> Avenue, 3) in conjunction with the renovation of the Par 3 golf course, plant appropriate tree or landscape material consistent with the renovation plan of the Par 3 golf course, 4) determine if County traffic engineering or County support can be obtained for changes to the intersection of Dade Boulevard and Prairie Avenue to reduce the amount of pavement at the intersection and introduce landscape material, 5) upon completion of Prairie Avenue add shrubbery in the swale area that will not interfere with drainage, and 6) determine if traffic calming measures are warranted and which, if any, are appropriate at the intersection of 23<sup>rd</sup> and Prairie Avenue. These are the issues and they can be done with the authorization of the City Commission.

Commissioner Gross asked Mr. Middaugh to explain about the glare from the lights.

Robert Middaugh, Assistant City Manager, explained that there are two items that the City and Board tentatively agreed to; 1) the potential to construct a temporary point of access for special events and 2) to minimize glare from the light fixtures in the parking lot. It was suggested to turn the lights off when there is no activity at the school. If turning off the lights is a problem, then provide a shield on the lights.

John Corey, President of the Homeowners Association, gave a presentation and went over the points that concern the neighbors; 1) items that are ambiguous in the Interlocal Agreement, 2) items that are ambiguous or missing in the Resolution, and 3) items that are missing from the School Board and the County commitment regarding the lighting and access to the parking lot.

**John Corey, President of the Homeowners Association: Items that are ambiguous in the Interlocal Agreement.**

**Item No.1:** In the Interlocal Agreement the parent drop off will be stamped with decorative asphalt pavement and this goes against to what the Interlocal written document says. Some of the exhibits specify decorative asphalt pavement.

Commissioner Gross requested answering to the items one by one, and to address the issue of the asphalt.

Robert Middaugh, Assistant City Manager, stated that the written words in the Interlocal Agreement specify pavers and that is the controlling document, the exhibit will conform to that but the exhibits will be changed. **Robert Middaugh to handle.**

**John Corey, President of the Homeowners Association:**

**Item No. 2:** The resolution and the Interlocal Agreement differ on the estate fence. The resolution states that the fence surrounds the entire school property and the Interlocal Agreement states that it will be along Prairie Avenue.

Robert Middaugh, Assistant City Manager stated that the Interlocal Agreement deals with improvements with Prairie Avenue, but it is his understanding that the estate fence will continue not just on Prairie but along the side on Dade Boulevard.

Debbie L. Fields spoke.

Jose Murguido, from Zyscovich Architects, explained in reference to item No.2, that in general the estate fence runs along Prairie Avenue and terminates at the end of the building and this was discussed at the community meetings in June 2004. In addition the estate fence wraps around Prairie Avenue and Dade Boulevard and ties into the school at the drop off area. Along the remainder of Dade Boulevard there is no fence because the building is the barrier between the public right-of-way and the school grounds. Along the back on the east side there is a masonry wall and that completes the enclosure of the school. Along the water plant area there is the chain link fence. At the entrance to the school, there are estate type fence gates.

**John Corey, President of the Homeowners Association:**

**Item No. 3:**

If the estate fence is not going to entirely wrap around, it is important that there be some type of screening. On the issue regarding reducing the width of Prairie Avenue to eight (8) feet, in the Interlocal Agreement there is no beginning or ending point. The community would like to see the reduction all the way to the entrance from 28<sup>th</sup> Avenue and all the way to the Par 3 golf course, so there is no confusion.

Robert Middaugh, Assistant City Manager, stated that the City is in agreement. The funding needs to be identified and the traffic analysis needs to be done, but he needs the authorization of the City Commission. **Robert Middaugh to handle.**

Commissioner Libbin stated that the City Commission wants this done as part of the improvements in that area.

Commissioner Gross asked exactly when this will be done.

Victor Alonso, Construction Manager for Miami-Dade County School Board, stated that it will be done at the City's expense by their contractors.

**John Corey, President of the Homeowners Association: Items that are ambiguous or missing**

**in the Resolution:**

**Item No. 1:** The signage on the drop-off zone does not mention a tow away zone.

Robert Middaugh, Assistant City Manager, stated that this item does not belong in the Interlocal Agreement and since the resolution adopts the Interlocal Agreement it is not in the resolution. He suggested that the language "tow away zone" be added as City Commission direction in addition to the motion to approve the resolution. **Robert Middaugh to handle.**

Jorge Gonzalez, City Manager, stated that the Parking Department should decide on the language for the signage.

Saul Frances, Parking Department, stated that legally and technically the sign does not need to say tow away zone. If it is an area where they will tow away from, they will post it as a tow away to provide that notice.

Jorge Gonzalez, City Manager, suggested using the typical language used by the Parking Department. **Saul Frances to handle.**

**John Corey, President of the Homeowners Association:**

**Item No.2:** No mention of the existing street lights. He needs to know if the lights are going to be moved.

Robert Middaugh, Assistant City Manager, stated that the existing lights are not going to be moved, they are not affected.

**John Corey, President of the Homeowners Association:**

**Item No.3:** There is no mechanism for keeping the cars off the swale. How is the City addressing this?

Robert Middaugh, Assistant City Manager, stated that because of the drainage characteristics of Prairie Avenue the City is insisting that there will not be a curb. The City thinks that they can keep people off the swale by posting the no parking signs. The City could use small concrete buttons if needed.

Commissioner Steinberg regarding illegal parking suggested that during special events the City needs to be more aggressive in its enforcement, and suggested before the events, placing stakes and a chain/rope so people know that they cannot park on the swale. This is the same procedure followed for the golf course. **Saul Frances to handle.**

John Corey, President of the Homeowners Association, requested that the City put pressure on the school on the following items: 1) the special event access gate to the teacher parking lot, and 2) the parking lot light pole shields to cut down on the glare. He requested deferring this item for one month until these issues are addressed. **Robert Middaugh to handle.**

Commissioner Libbin stated that he does not think a deferral is necessary because the consensus is that a remedy can be provided to most of the items, with the exception of the intersection triangle which requires approval from the County. In reference to the gate, it is our understanding that the principal of the school does not object to it, and on the issue of the lights, the school does not object to a timer.

Commissioner Steinberg stated that the graffiti on the schools driver's education class cars is an

eyesore and he would like this taken care of as soon as possible.

Victor Alonso, Construction Manager for Miami-Dade County School Board, continued with the overview of the project. He stated that for the two remaining items: 1) there are a total of 19 lights and the request is to place shield on all of the lights. These are customized shields at a cost of about \$1,000 each but if the lights are replaced, it will cost a lot more. 2) on the issue of the gate on drop off on Dade Boulevard, technically they are not allowed by code to mix bus and drop off traffic with the parking, unless there are emergency gates only utilized when the school is in operation and there is a cost of minimum of \$10,000.

Dr. Jeanne P. Friedman, Principal of Miami Beach High School, spoke.

The discussion continued on the lights.

Jorge Gonzalez, City Manager, suggested that the City will pay for the six (6) lights facing Prairie Avenue. **Robert Middaugh to handle.**

Johnathan Kroner spoke.

Karen Rivo spoke.

Anita Grossman, President of the PTA, spoke.

Commissioner Bower suggested using parking funds to do the special event access gate at the front. She added that it would be better for the neighbors to have an entrance on Dade Boulevard instead of Prairie Avenue.

Jorge Gonzalez, City Manager, agreed to use parking funds, and the revenues collected when the lots are used for the over-flow parking will go to pay back for the cost of the gate, and once that it is paid, the revenues get distributed as usual.

Silvia Winitzky spoke.

Ben Byrom spoke.

Laurie Caballero spoke.

Miguel Rosales spoke.

Barry Miller spoke.

Handout or Reference Materials:

1. Mitigation Measures for High School drop-off lane in City ROW from Bayshore Homeowners Association.

C7E A Resolution Setting A First Public Hearing To Consider Amendment Two To The Development Agreement Between The City Of Miami Beach And AR&J SOBE, LLC, Approved On May 18, 2005, For The Development Of The Project Presently Referred To As "5th And Alton".  
(Economic Development)

**ACTION: Resolution No. 2007-26479 adopted.** Public hearing scheduled for April 11, 2007. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. Kevin Crowder to handle.

City Clerk's Notes:

Special Noticing Note:

1. Notice Special Commission Meeting in Neighbors and Meeting Notices
2. First Public hearing - Wednesday, April 11
  - A. At least 7 day notice in MH Local + mailer

3. Second public hearing - Wednesday, April 25
  - A. At least 7 day notice in MH Local --- no mailers

- C7F 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 2007, To Be Submitted By HACMB To The U.S. Department Of Housing And Urban Development (U.S. HUD).  
(Neighborhood Services)

**ACTION: Resolution No. 2007-26480 adopted.** Vivian Guzman to handle.

- C7G A Resolution Approving A Re-Program Of \$309,469 In Fiscal Year (FY) 2002/03 Home Investment Partnerships (HOME) Program Funds, Previously Awarded To Carrfour Supportive Housing For The Rehabilitation Of The Building Located At 530 Meridian Avenue, Miami Beach (The Property), To MBCDC Meridian Place, LLC, For The Acquisition And/Or Rehabilitation Of The Property To Provide Thirty-Four (34) Rental Housing Units For Elderly Program-Eligible Persons, In Accordance With The Home Program Requirements; And Authorizing The Mayor And City Clerk To Execute A Home Program Agreement With MBCDC Meridian Place, LLC, Utilizing The Aforementioned \$309,469 Re-Programmed Home Funds, Towards The Cost Of The Acquisition And/Or Rehabilitation Of Said Property.  
(Neighborhood Services)

**ACTION: Resolution No. 2007-26481 adopted.** Vivian Guzman to handle.

- C7H A Resolution Authorizing The Mayor And City Clerk To Execute The Attached State Housing Initiatives Partnership (SHIP) Program Agreement Between The City And Miami Beach Community Development Corporation, Which Provides Ship Program Funds In The Amount Of \$632,180 From Fiscal Year 2005/2006 To Continue An Affordable Housing Rehabilitation Component For The Scattered-Site Home Ownership Program Providing Rehabilitation, Down Payment Assistance, Closing Cost Assistance And Home Ownership Counseling, For Units Purchased By Eligible Home Buyers Under The Rules Of The Ship Program And The City's Local Housing Assistance Plan.  
(Neighborhood Services)

**ACTION: Resolution No. 2007-26482 adopted.** Vivian Guzman to handle.

- C7I A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 18-06/07, For Retention Of Certified Counselors To Develop And Deliver A Structured Social Skills Development Curriculum At The Scott Rakow Youth Center, Flamingo Park, And Muss Park; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Proposer, Ayuda; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top Ranked Proposer, Authorizing Negotiations With The Second Ranked Proposer, Family Counseling Center; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.  
(Parks & Recreation)

**ACTION: Resolution No. 2007-26483 adopted.** Kevin Smith to handle.

#### Handout or Reference Materials

1. Letters from Gus Lopez, Procurement Director, dated March 9, 2007, to Luis Dejesus, AYUDA, Pamela Spears, P & S Counseling Services, Maria Hernandez-Cuevas, Family Counseling Center,

C7J A Resolution Accepting The Recommendation Of The City Manager Pursuant To Request For Proposals (RFP) No. 20-06/07, For Financial Advisory Services, For A Five-Year Period With Five One-Year Renewal Options; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of RBC Capital Markets; And Further Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Procurement)

**ACTION: Resolution No. 2007-26484 adopted.** Patricia Walker to handle.

#### Handout or Reference Materials

1. Letters from Gus Lopez, Procurement Director, dated March 9, 2007, to Richard F. Montalbano, RBC Capital Markets, Hal W. Canary, Public Financial Management, Mathew Lalla, Public Resources Advisory Group, and Patricia Garrison-Corbin, P.G. Corbin & Company, Inc

C7K A Resolution Granting An Easement To Miami-Dade County For A Portion Of City Property At The Intersection Of Dade Boulevard And Purdy Avenue, Required For The Installation And Maintenance Of Signals, Poles, Controllers, Detector Loops And Related Equipment For The Purpose Of Traffic Signalization.

(Public Works)

**ACTION: Resolution No. 2007-26485 adopted.** Fred Beckmann to handle.

C7L A Resolution Approving The Purchase Of A Geographic Information System (GIS) Site License From Environmental Systems Research Institute Inc. (ESRI), In The Amount Of \$101,274.

(Public Works)

**ACTION: Resolution No. 2007-26486 adopted.** Fred Beckmann to handle.

C7M A Resolution Consenting To The Assignment Of The Commercial Waste Collection And Disposal Franchise Of Browning Ferris Industries Waste Systems Of North America, Inc. To Waste Services Of Florida, Inc. And Providing For Service Enhancements To the City Of Miami Beach.

(Public Works)

**ACTION: Resolution No. 2007-26487 adopted.** Fred Beckmann to handle.

#### Supplemental Materials - Resolution

C7N A Resolution Ratifying, Pursuant To Section 2-396 (A) Of The Miami Beach City Code, An Emergency Agreement Between The City And Kiewit Southern Co. In The Amount Of \$36,300.00, For The Construction Of 250 Linear Feet Of Reinforced Concrete Protective Slab Above An Existing 30 Inch Sanitary Sewer Force Main Located On The East Side Of Indian Creek Drive From 63rd Street To 65th Street.

(Public Works)

**ACTION: Resolution No. 2007-26488 adopted.**

C7O A Resolution Waiving Space Rental Charges In The Amount Of \$27,250 For The BOTS IQ Competition To Be Held April 12-15, 2007 At The Miami Beach Convention Center.  
(Tourism & Cultural Development)

**ACTION: Resolution No. 2007-26489 adopted.** Max Sklar to handle.

**12:50:32 p.m.**

Ms. Nola Garcia, Chief Executive Officer, BOTS IQ, Robotics Education, spoke.

Handout or Reference Materials:

1. Color 2007 – 12 Month Calendar from BotsIQ Robotics Education

C7P A Resolution Ratifying Amendment No. 1, In The Amount Of \$101,034, To The Existing Emergency Agreement Between The City And RIC-Man International Inc., To Provide Interconnection Between The New (12) Inch Water Main, Located On The East Side Of Indian Creek Drive And The Existing (6) Inch Water Main On The West Side Of Indian Creek Drive And To Provide Appropriate Protection To (30) Newly Installed Valves, Along Indian Creek Drive From 63rd Street To Abbott Avenue.  
(Public Works)

**ACTION: Resolution No. 2007-26490 adopted.**

**End of Consent Agenda**

**REGULAR AGENDA****R2 - Competitive Bid Reports****10:49:32 a.m.**

R2A Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 21-06/07 For Normandy Shores Golf Course Improvements, And Authorizing The Administration To Enter Into Negotiations With The Top Ranked Contractor Of QGS Development, Inc.; And Upon Conclusion Of Successful Negotiations, Further Authorizing The Mayor And City Clerk To Execute An Agreement With QGS Development, Inc., In The Estimated Amount Of \$6,620,380; And Further Appropriating Additional Funds, In The Amount Of \$955,509 From The Capital Reserve Fund For The Additional Construction Cost Of \$868,646 And \$86,863 For Project Contingency; And Further Authorizing The Administration To Reject All Bids In The Event That Successful Negotiations Are Not Reached With The Top Ranked Contractor.

(Capital Improvement Projects)

**ACTION:** Award approved as amended. In the event negotiations with the top ranked contractor, QGS, are not successful, authorize the Administration to enter into negotiations with the second ranked contractor Duinick Bros., Inc. Motion made by Commissioner Libbin; seconded by Commissioner Bower; Voice vote: 7-0. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

**Amendment:**

In the event negotiations with the top ranked contractor, QGS, are not successful, authorize the Administration to enter into negotiations with the second ranked contractor Duinick Bros., Inc.

**End**

Jorge Gonzalez, City Manager, requested that in the event negotiations with the top ranked contractor, QGS, are not successful, authorize the Administration to enter into negotiations with the second ranked contractor Duinick Bros., Inc.

**10:52:42 a.m.**

R2B Request For Approval To Award Of Contract Pursuant To Invitation To Bid (ITB) No. 26-06/07 For Construction Services For The South Pointe Park Improvements Project; Accepting The City Manager's Recommendation Relative To The Ranking Of Contractors, And Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Contractor A2 Group, Inc.; And Upon Conclusion Of Successful Negotiations, Further Authorizing The Mayor And City Clerk To Execute An Agreement With A2 Group, Inc., In The Estimated Amount Of \$23,073,956; And Should The Administration Not Be Able To Successfully Negotiate An Agreement With A2 Group, Inc., Authorizing The Administration To Enter Into Negotiations With The Second Ranked Contractor MCM Corp.; And, Upon Conclusion Of Successful Negotiations, Further Authorizing The Mayor And City Clerk To Execute An Agreement With MCM Corp., In The Estimated Amount Of \$22,308,000; And Further Appropriating Additional Funds, In The Amount Of \$10,447,256 From The South Pointe Capital Fund 389 For The Additional Costs In Excess Of The Previously Appropriated Funds, Including Construction Costs, Project Contingency, And Associated Soft Costs, Such As Art In Public Places (AIPP) Funding Allocation, Construction Management Fees, And Estimated Additional A/E Construction Administration Fees; And Further Authorizing The Administration To Reject All Bids In The Event That Successful Negotiations Are Not Reached With The First or Second Ranked Contractor.

(Capital Improvement Projects)

**ACTION: Award approved as amended; authorizing the Administration to enter into negotiations with MCM Corp.** Motion made by Commissioner Cruz; seconded by Commissioner Libbin; Ballot vote: 5-2\*\*\*; Opposed: Mayor Dermer and Commissioner Gross. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

**\*\*\* City Clerk's note:** At the April 11, 2007 Commission Meeting Commissioner Bower requested to change her vote. Mayor Dermer asked if there was opposition to Commissioner Bower changing her vote of March 14, 2007, Agenda R2B to a "no" vote. Since there was no opposition, Mayor Dermer requested that Commissioner Bower be reported as opposed on Item R2B on the March 14, 2007 Agenda.

Mayor Dermer asked the Administration to present this item.

Jorge Gonzalez, City Manager, presented background/history relative to the ITB, including the bid protest and litigation by MCM against the City with regard to the prior Invitation to Bid for South Pointe Park. He explained that the ITB was based on a "Best Value" procurement method, which means one is not obligated to award to the lowest bidder. It also allows consideration of other items such as qualifications, past performance, the phasing plan, Risk Assessment Plan, other past experience (such as ability to meet projects on time and on budget) litigation history, and the types of projects they have worked on and how relevant they are to the City's project. He stated that the Technical Review Panel made the recommendation unanimously recommending A2 as the top ranked bidder. He also stated that the Panel's decision considered similarity of previous projects, past history, phasing plan, and price. He explained that while the base bid submitted by A2 exceeded MCM's by approximately \$800,000, there are credits built into the bid proposal of the company that, if the City accepts, will reduce the price by up to \$450,000.

Tim Hemstreet, Assistant City Manager (and member of the Technical Review Panel), further explained the Technical Review Panel's findings, including the criteria and methodology considered for such factors as past performance, timelines of projects, and litigation history.

Raul Aguila, First Assistant City Attorney, reported to the City Commission, as required by the City's Bid Protest Ordinance, that there were four bid protests received from MCM, which were responded

to by the City. The protests and responses were given to the City Clerk for incorporation into the record. There was an additional bid protest submitted this morning which the Legal Department deemed not timely under the Bid Protest Ordinance, and which had not been responded to.

Stuart Sobel, Esq., representing A2, spoke.

Alberto G. Ribas, P.E., representing A2, made a presentation.

Discussion held during Mr. Ribas presentation, including the following questions/discussion by the members of the City Commission (which were responded to by A2, and further clarified by the City Administration, where requested):

- 1) Commissioner Bower – Which of A2's projects demonstrate A2's involvement as a general contractor?
- 2) Commissioner Cruz – Same question. Additionally, what is the highest dollar (\$) value project that A2 has worked on as a general contractor?
- 3) Commissioner Gross – Technical question related to sand on serpentine walkway portion of Project. Question regarding issue of A2's financial/bonding capability.
- 4) Commissioner Libbin – Requested A2 explain the issues/items addressed in A2's Risk Assessment Plan.

Pedro Munilla, representing MCM, made a presentation.

Discussion held during Mr. Munilla's presentation, including the following questions/discussion by the members of the City Commission (which were responded to by MCM, and further clarified by the City Administration, where requested):

- 1) Commissioner Cruz – Size/dollar value of projects by MCM. MCM's bonding capacity; net worth.
- 2) Vice-Mayor Góngora – Requested examples of projects that MCM has completed similar to proposed South Pointe Park Project.
- 3) Commissioner Libbin – Requested that MCM explain issues/items addressed in MCM's Risk Assessment Plan.
- 4) Commissioner Gross - Number of projects MCM currently has in progress. Additionally, asked MCM to clarify difference in price between its bid and A2's.

Juan Munilla, from MCM, spoke.

Commissioner Gross raised the issue of A2 and MCM's respective litigation history. MCM and A2 discussed past and current (active) litigation. City Administration presented its findings relative to each firm's litigation history, which reported MCM as having approximately 89 different actions (going back to 1979). A2 had three (3).

Discussion held regarding MCM's history of change orders on other projects, (references received on MCM on a past project with the Coast Guard).

**Motion made by Commissioner Gross to approve the City Manager's recommendation. No second offered.**

**Motion made by Commissioner Cruz to approve award and authorize negotiations with MCM; seconded by Commissioner Libbin.**

Discussion held regarding Commissioner Cruz's motion.

Commissioner Gross stated he was concerned with MCM's litigation history. He also stated that he felt it was a mistake for the City Commission to substitute its judgment for that of the Technical Review Panel, which recommended A2.

Commissioner Cruz stated that, while he felt either MCM or A2 was comparable in terms of being able to perform the work, his reason for recommending award to MCM was that it was a larger company, and had demonstrated experience handling larger projects with higher dollar values. In looking at MCM and A2's respective overall size and net worth, and scope and size of the projects demonstrated, he was concerned that A2 had not done a project, where it had served as the general contractor, of the size/estimated cost of the proposed South Pointe Park Project (whereas MCM had). Additionally, Commissioner Cruz previously stated (during the earlier discussion pertaining to each firm's respective litigation history) that a company of MCM's size is invariably going to have litigation; the principal issue for him was that the company demonstrates sufficient assets and capabilities that it's not going to go into bankruptcy while the Project's underway.

Commissioner Gross stated that, as A2 has demonstrated that it has sufficient bonding capability to meet the requirements of the Project, he is not concerned that they may not be as "large" a company as MCM.

Commissioner Libbin stated that he felt MCM had more overall experience. He also stated that a company of MCM's size would probably have more of a history of litigation. With regard to the Technical Review Panel's recommendation, Commissioner Libbin, after reviewing the member's individual evaluation forms, noted that there was not a significant "point spread," so that he did not believe there was an overwhelming difference between A2 (as the first ranked by the Panel) and MCM. Additionally, given the issues raised by MCM and A2 in their respective Risk Assessment Plans, he did not feel that there was a significant issue/cost concerned raised there, which would compel going with A2; particularly given MCM's lower bid.

Commissioner Steinberg asked what would happen to the current/pending litigation filed by MCM against the City. Mr. Munilla represented that it would be dismissed this afternoon. The City Attorney, Jose Smith, clarified that the action should be dismissed, with prejudice.

Mayor Dermer stated that he did not find there was truly compelling evidence to overturn the City Manager's recommendation.

**Commissioner Cruz called the question; Voice vote: 5 – 2; Opposed: Mayor Dermer and Commissioner Gross.**

#### Handout or Reference Materials

1. A2 Group – Color photos of some of their projects
2. Email from Pedro Munilla, MCM Corp, to Jorge Gonzalez, City Manager, dated March 8, 2007, RE: 2-14-07 response to Mr. Martinez – second clarification.doc
3. Letter from Pedro Munilla, MCM Corp, to Jorge Gonzalez, City Manager, dated March 8, 2007, RE: Protest – South Pointe Park Bid
4. Letter from Gus Lopez, Procurement Director, to Pedro Munilla, MCM Corp., dated March 7, 2007, RE: City of Miami Beach's Response to MCM Corp. (MCM) Bid Protest, dated February 21, 2007, on Invitation to Bid No. 26-06/07 (ITB #26-06/07 or the ITB).
5. Letter from Pedro Munilla, MCM Corp, to Board of City Commissioners, City of Miami Beach, dated March 13, 2007, RE: Item R2B --- The South Pointe Improvements Project (ITB) No. 26-06/07 follow up letter to our March 12<sup>th</sup> Request that Project be awarded to MCM Corp
6. Letter from Gus Lopez, Procurement Director, to Pedro Munilla, MCM Corp., dated March 13, 2007, RE:

- City of Miami Beach's Response to MCM Corp. (MCM) Bid Protest, dated February 14, 2007, on Invitation to Bid No. 26-06/07 (ITB #26-06/07 or the ITB).
7. Letter from Gus Lopez, Procurement Director, to Pedro Munilla, MCM Corp, dated February 7, 2007, RE: Invitation to Bid No. 26-06/07 for Construction Improvements for the City of Miami Beach South Pointe Park (ITB #26-06/07 or the ITB).
  8. Email from Jim Yowan dated March 13, 2007 RE: Confirmation of partnership between Mortenson Company and A2.
  9. Email from Pedro Munilla dated March 12, 2007 re: South Pointe Park Project and Presentation on DVD attached.
  10. Ballot vote.

### R5 - Ordinances

**10:34:24 a.m.**

#### **Supplemental Materials - Ordinance**

R5A Open Space Ratio In RPS Districts

An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 142, "Zoning Districts And Regulations," Section 142-704, "Minimum Required Yards In Relation To Minimum Open Space Ratio," By Allowing Variances From Minimum Open Space Requirements For Major Cultural Institutions Within A Local Historic District That Only Achieve No More Than 80% Of The Total Allowable FAR And Can Demonstrate That The Open Space Cannot Be Provided On The Roof Top. Providing For Repealer, Severability, Codification And An Effective Date. **10:15 a.m. Second Reading, Public Hearing.**

(Planning Department)

(First Reading on February 14, 2007)

**ACTION: Public Hearing held. Ordinance No. 2007-3549 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Bower; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Jorge Gomez to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 426

**10:35:06 a.m.**

R5B Interim Procedures

An Ordinance Amending The Land Development Regulations Of The City, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation", Division 4, "Designation," Section 118-591, By Clarifying The Requirements And Procedures For Designation Of Historic Structures And Districts And The Issuance Of Demolition Permits; Providing For Repealer, Severability, Codification And An Effective Date. **10:20 a.m. Second Reading, Public Hearing.**

(Planning Department)

(First Reading on February 14, 2007)

**ACTION: Public Hearing held. Ordinance No. 2007-3550 adopted.** Motion made by Commissioner Cruz; seconded by Commissioner Bower; Ballot vote: 6-0; Abstained: Vice-Mayor Góngora. R. Parcher to transmit to Municipal Code. **Jorge Gomez to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 426
2. Form 8B filed by Vice-Mayor Góngora



**5:16:02 p.m.**

R5C An Ordinance Amending Chapter 142, "Zoning Districts And Regulations," Of The City Code, By Amending Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Adding New Section 142-109 Entitled "Commercial Use Of Single Family Homes Prohibited"; Providing For Repealer, Severability, Codification And An Effective Date. **5:00 p.m. Second Reading, Public Hearing.**

(City Manager's Office)  
(First Reading on January 17, 2007)

**ACTION: Public Hearing opened and continued to April 11, 2007 at 5:00 p.m.** Motion made by Commissioner Steinberg; seconded by Commissioner Libbin; Approved by acclamation; Absent: Mayor Dermer. Lilia Cardillo to place on the Commission Agenda. **Hilda Fernandez to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 426

**10:37:55 a.m.**

R5D An Ordinance Amending Article V, Occupational License Tax, Sections 102-356 Through 102-385 Thereof, By Changing The Term "Occupational License Tax" To "Local Business Tax"; Defining The Term "Receipt" As It Relates To Business Taxes; All Such Amendments Amending Provisions In The Aforementioned City Code Sections To Conform With The Recent Amendment To Chapter 205, Florida Statutes (Pursuant To Chapter 2006-152, Laws Of Florida, And House Bill No. 1269); Providing Severability, Codification, And An Effective Date. **First Reading.**  
(Finance Department)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Libbin; seconded by Commissioner Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for April 11, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Patricia Walker to handle.**

**10:41:28 a.m.**

R5E An Ordinance Amending Ordinance No.789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Classifications In Group III, Represented By The International Association Of Firefighters (IAFF) In Accordance With The Negotiated Agreement; Effective In The First Pay Period Ending In October Of 2006, There Shall Be An Across The Board Wage Increase Of Six Percent (6%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Six Percent (6%); Effective With The First Pay Period Ending In October Of 2007, There Shall Be An Across The Board Wage Increase Of Five Percent (5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By Five Percent (5%); Effective In The First Pay Period Ending In October 2008, There Shall Be An Across The Board Wage Increase Of Four Percent (4%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Four Percent (4%); Repealing All Ordinances In Conflict; Providing For Severability, Effective Date And Codification. **First Reading.**  
(Human Resources)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for April 11, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Mayra Buttacavoli to handle.**

See Agenda item R7E.

**10:42:57 a.m.**

R5F An Ordinance Amending Ordinance No. 1335, The Classified Employees' Leave Ordinance, By Amending The Provisions For Accumulation And Payment Of Annual And Sick Leave For The International Order Of Firefighters (IAFF); Providing For A Repealer, Severability, Codification, And An Effective Date. **First Reading**  
(Human Resources)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for April 11, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Mayra Buttacavoli to handle.**

Mayor Dermer stated that Jorge Gonzalez, City Manager, and the staff did an excellent job as well as the IAFF union negotiators.

Jorge Gonzalez, City Manager, extended his thanks to Linda Gonzalez, Labor Relations Director, Peter Nyamora, Michael Reyes, and Fire Chief Floyd Jordan and his staff for their work.

Adonis Garcia, IAFF Local 1510 union president, thanked the Mayor and Commission for their support. The firefighters are very appreciative. He stated that he can not think of a better city to work for. He thanked Linda Gonzalez and her staff and stated that this was a wonderful opportunity to learn. He added that Jorge Gonzalez, City Manager, has found the balance of working with labor and management; it has always been with respect. There is not always agreement but the issues are worked through. He thanked the Manager and Commission.

Mayor Dermer stated that the Fire Department did an outstanding job with the recent fire near the Bass Museum and thanked staff.

See Agenda item R7E.

**10:39:14 a.m.**

R5G An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 118, "Administration And Review Procedures," Article VIII, "Procedure For Variances And Administrative Appeals", Section 118-353 "Variance Applications," To Prohibit Variances For The Maximum Number Of Stories, Or Any Maximum Building Height Variance Greater Than Three (3) Feet; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading**  
(Planning Department)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for April 11, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Jorge Gomez to handle.**

**10:40:12 a.m.**

R5H An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 118 "Administration And Review Procedures," Article II "Boards," Division 5 "Board Of Adjustment" Section 118-131 "Membership" To Change The Term Of The Board Membership From One To Two Years; Providing For Repealer; Codification; Severability And An Effective Date.

**First Reading.**

(Planning Department)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for April 11, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Jorge Gomez to handle.**

**12:12:17 p.m.**

R5I An Ordinance Amending Miami Beach City Code Chapter 18 Entitled "Businesses" By Repealing Article XV Thereof Entitled "Street Performers And Art Vendors," And Replacing Therewith A New Article XV Entitled "Street Performers And Art Vendors," Authorizing Street Performers And Art Vendors On "Lincoln Road" (As Defined Herein) Following Receipt Of A Permit Subject To Certain Conditions And Permit Fees; Providing Definitions, Setting Forth Terms, Conditions And Regulations For Permits Issued To Street Performers And Art Vendors; Providing For Enforcement, Suspension Or Revocation; Providing For Repealer, Severability, Codification, And An Effective Date.

**First Reading**

(City Manager's Office)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Bower; seconded by Commissioner Libbin; Ballot vote: 6-0; Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for April 11, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Hilda Fernandez to handle.**

Hilda Fernandez, Assistant City Manager, introduced the item.

Bruce Peck spoke.

Jeff Beal spoke.

Carlos Jose Rosario (Charlie Rose) spoke.

Commissioner Steinberg requested that the testimony given at the Neighborhoods/Community Affairs Committee meetings of January 11, 2007 and February 23, 2007 be incorporated by reference into the record.

Vice-Mayor Góngora commended the Administration and Legal Department and stated that he was originally inclined to be completely against this ordinance; however, he now believes it is needed and reasonable.

**Handout or Reference Materials**

1. Color copies of the map of Proposed Locations for Artist Vending/Street Performance Zones

**R7 - Resolutions****10:13:34 a. m.**

R7A A Resolution Following A Duly Noticed Public Hearing, Accepting A Recommendation Of The Chairman And Members Of The Miami Beach Redevelopment Agency (RDA), To Amend To Section 406, Entitled "Housing Element Addendum" (The Affordable Housing Component), Of The City Center RDA Redevelopment And Revitalization Area Plan, Dated February 1, 1991, And Adopted By Miami-Dade County On March 30, 1993 (The Plan); Said Plan Amendment Enabling The RDA To Create And Fund New Affordable Housing Opportunities Within The City Center RDA For "Workforce Housing" For Families Earning Between 120% To 140% Of Area Median Income (AMI) (Who Would Otherwise Not Qualify Under The Existing Affordable Housing Income Thresholds For Low And Moderate Income [Up To 120% AMI] Individuals And Families Who Are Currently Eligible Under, And Served By, Current City Of Miami Beach And RDA Affordable Housing Programs And Initiatives); And Provided Further That The "Workforce" Housing Families Shall Also Include Families With Individuals Who Are Employed As "Essential Services Personnel", As Said Term Shall Be Defined By The City And RDA (And Who Would Also Not Qualify Under The Aforestated Current Low And Moderate Income Thresholds). **10:00 a.m. Public Hearing.**  
(Economic Development)

**ACTION: Public Hearing held. Resolution No. 2007-26491 adopted** Motion made by Commissioner Libbin; seconded by Vice-Mayor Góngora and Commissioner Steinberg; Voice vote: 7-0. **Kevin Crowder to handle.**

Ms. Mirene Charles, representing Mt. Sinai Medical Center, spoke.

Roberto Datorre spoke.

John MC Laughlin, Miami Beach Ocean Rescue, spoke.

Dr. Barry Ragone spoke.

Alan Hall spoke.

Michele Khatmor spoke.

Tai Li Frazer spoke.

Karen Rivo spoke.

Aaron Tandy read a statement from the Miami Beach Chamber of Commerce.

Dr. Judith Berson-Levinson spoke.

Neisen Kasdin thanked Mayor Dermer, members of the Commission and the Administration for their generous support to the New World Symphony and spoke in support of this issue.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 424

**10:37:08 a.m.**

R7B Resolution Conforming The Dates Of The Fifth And Alton Development Agreement And Alley Vacation Agreement

A Resolution Approving Amendment One To The Development Agreement Between The City Of Miami Beach And AR&J SOBE, LLC, Approved On May 18, 2005, For The Development Of The Project Presently Referred To As "5th And Alton"; Said Amendment Extending The Definition Of The Term "Outside Date" As Said Term Is Defined By The Development Agreement, From Eighteen (18) Months Following The Effective Date Of The Development Agreement (Which Was May 18, 2005), To December 4, 2007. **10:25 a.m. Second Reading, Public Hearing.**

(Economic Development)

(First Reading, Public Hearing on February 14, 2007)

**ACTION: Public Hearing held. Resolution No. 2007-26492 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 5-1; Opposed: Commissioner Gross; Absent: Vice-Mayor Góngora. **Kevin Crowder to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 428

**10:48:09 a.m.**

R7C A Resolution Following A Duly Noticed Public Hearing, Authorizing The Mayor And City Manager To Request That The Miami-Dade County Public Works Consider And Approve The Closing Of Lincoln Road To Vehicular Traffic, Between Alton Road And Lenox Avenue, As Required By The Miami-Dade Public Works Traffic Flow Modification/Street Closure Procedures. **10:45 a.m. Public Hearing**

(Public Works)

**ACTION: Public Hearing held. Resolution No. 2007-26493 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 7-0. **Fred Beckmann to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 425

**10:46:49 a.m.****Supplemental Materials - Agreement**

R7D A Resolution To Consider Approval, On Second And Final Reading, Of A Development Agreement Between The City Of Miami Beach And UIA Management, LLC (UIA) For The Design, Development, And Construction Of Certain Improvement To A Portion Of Lincoln Road Mall, Between Lenox Avenue And Alton Road, Including, Without Limitation, Streetscape, Street Furniture, Landscaping, Decorative Fountains/Water Features, And Corresponding Lighting, Irrigation, And Drainage Systems ("The Project"), And Which Includes The Closure Of The Aforestated Portion Of Lincoln Road Mall To Vehicular Traffic, And Design, Development, And Construction Of A New Public Pedestrian Plaza, Extending The Pedestrian Portion Of Lincoln Road Mall Further To The West (To Include The Referenced Area Between Lenox Avenue And Alton Road); Said Project Having A Total Budget Cost To The City, In The Current Estimated Amount Of \$5,876,710, With City Funding To Be Appropriated From Miami Beach Redevelopment Agency (Historic Convention Village/City Center RDA) Funds.

**10:45 a.m. Second Reading, Public Hearing.**

(Public Works)

(First Reading, Public Hearing on February 14, 2007)

**ACTION: Public Hearing held. Resolution No. 2007-26494 adopted subject to approval from Miami-Dade County Public Works Department.** Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 7-0. **Kevin Crowder to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 427

**10:40:50 a.m.**

R7E A Resolution Ratifying A Three Year Labor Agreement Between The City Of Miami Beach And The International Association Of Firefighters (IAFF) Local 1510, For The Period From October 1, 2006 Through September 30, 2009, And Authorize The Mayor And City Clerk To Execute The Agreement.  
(Labor Relations)

**ACTION: Resolution No. 2007-26495 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 7-0. **Linda Gonzalez to handle.**

See Agenda items R5E and R5F.

**12:10:31 p.m.**

R7F A Resolution Approving And Officially Adopting The Basis Of Design Report (BODR) For The West Avenue-Bay Road Neighborhood 11B Right Of Way Improvement Project.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2007-26496 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Cruz. **Jorge Chartrand to handle.**

Jorge Chartrand, Director of the Capital Improvement Projects Office, introduced the item.

Handout or Reference Materials

1. Bound book titled "West Avenue – Bay Road – Basis of Design Report, Final Report, February 23, 2007 produced by Glating Jackson Kercher Anglin Lopez Rinehart, Inc.



12:49:36 p.m.

**Supplemental Materials - Resolution**

R7G A Resolution Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Contractor Of Security Alliance, LLC, The Lowest And Best Bidder Pursuant To Request For Proposals (RFP) No. 34-05/06, To Provide Unarmed Security Guards Services; And Should The Administration Not Be Able To Successfully Negotiate An Agreement With Security Alliance, LLC, Authorizing The Administration To Enter Into Negotiations With The Second-Ranked Contractor Of Navarro Group LTD. Inc.; And Further Authorize The Mayor And City Clerk To Execute An Agreement Form Approved By The City Attorney, Upon Completion Of Successful Negotiations By The Administration.

(Police Department)

**ACTION: Resolution No. 2007-26497 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Libbin; Voice vote; 6-0; Absent: Commissioner Cruz. **Chief De Lucca and Gus Lopez to handle.**

Gus Lopez, Procurement Director, introduced the item.

Discussion was held.

Commissioners Libbin and Steinberg asked if in the contract there is a termination-for-convenience.

Jorge Gonzalez, City Manager, stated that the contract has a termination-for-convenience clause.

Commissioner Bower stated, for the record, that there have been a lot of complaints about the Housing Authority in past years and the other complaint is about security; and this is why she was concerned about going from the number one ranked firm to the number four ranked firm.

Bill Murphy, Vice-President, Security Alliance, spoke.

David Ramirez, President, Security Alliance, spoke.

Handout or Reference Materials

1. Letter to Kent Security Services, Inc, dated March 13, 2007 from Gus Lopez, Director, City of Miami Beach Procurement Department.
2. Letter to Navarro Group LTC, Inc. dated March 13, 2007 from Gus Lopez, Director, City of Miami Beach Procurement Department.

**R9 - New Business and Commission Requests**

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

**ACTION:****Committee on Quality Education in Miami Beach:**

Brian Torres	Term expires 12/08	Appointed by Commissioner Góngora	TL 12/14
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**Community Development Advisory Committee:**

Diana Susi	Term expires 12/08	Appointed by Mayor Dermer	TL 12/13
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**Community Relations Board:**

Rabbi Aron Blatt	Term expires 12/08	Appointed by Commissioner Gross	TL 12/10
Ron Brenesky	Term expires 12/08	Appointed by Commissioner Góngora	TL 12/14
Tiffany Zientz	Term expires 12/07	Appointed by Commissioner Steinberg	TL12/14
Bonnie Geier	Ex-Officio Police Chief Designee to the Community Relations Board		

**Debarment Committee:**

Melvyn Schlessor	Term expires 12/08	Appointed by Commissioner Gross	TL12/11
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**Disability Access Committee:**

Ann Thomas	Term expires 12/08	Appointed by Commissioner Gross	TL12/12
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**Loan Review Committee:**

Hope Fuller	Term expires 12/08	Appointed by Commissioner Gross	TL12/08
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**Miami Beach Commission on the Status of Women:**

Gertrude Arfa	Term expires 12/08	Appointed by Commissioner Góngora	TL 12/14
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**Oversight Committee for General Obligation Bond:**

Leonard Wien Jr.	Representative from the Budget and Advisory Committee	Term expires 12/08
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**Parks and Recreational Facilities Board:**

Amy Rabin	Term expires 12/08	Appointed by Mayor Dermer	TL 12/013
Jerry Sokol	Term expires 12/08	Appointed by Commissioner Góngora	TL 12/14

**Personnel Board:**

David Alschuler	Term expires 12/08	City Commission Appointment	TL12/12
Zalman Bacheikov	Term expires 12/08	City Commission Appointment	TL12/12
Alex DeGasperi	Term expires 12/07	City Commission Appointment	TL12/12
Barbara Patchen	Term expires 12/07	City Commission Appointment	TL12/12
Elsa Urquiza	Term expires 12/08	City Commission Appointment	TL12/12

**\*\*Terms determined by the order of the appointments.**

**Police Citizens Relations Committee:**

Harold Foster	Term expires 12/07	Appointed by Commissioner Libbin	TL12/14
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**Public Safety Advisory Committee:**

Francine Liebman	Term expires 12/07	Appointed by Commissioner Bower	TL12/12
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Afteraction

March 14, 2007

City of Miami Beach

Scott Robins

Term expires 12/07

Appointed by Commissioner Gross

TL 12/12

**Safety Committee:**

Ricky Arriola

Term expires 12/07

Appointed by Commissioner Libbin

TL 12/14

Oren Lieber

Term expires 12/08

Appointed by Commissioner Libbin

TL 12/14

**Youth Center Advisory Board:**

Mojdeh Khaghan

Term expires 12/08

Appointed by Commissioner Góngora

TL 12/14

**1:36:42 p.m.**

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

**ACTION:**

Motion made by Vice-Mayor Góngora to appoint David Alschuler to the Personnel Board; seconded by Mayor Dermer. Motion approved without objections.

Motion made by Vice-Mayor Góngora to appoint Elsa Urquiza to the Personnel Board; seconded by Mayor Dermer. Motion approved without objections.

Motion made by Vice-Mayor Góngora to appoint Zalman Bacheikov to the Personnel Board; seconded by Mayor Dermer. Motion approved without objections.

Motion made by Vice-Mayor Góngora to appoint Barbara Patchen to the Personnel Board; seconded by Mayor Dermer. Motion approved without objections.

Motion made by Vice-Mayor Góngora to appoint Alex De Gasperi to the Personnel Board; seconded by Mayor Dermer. Motion approved without objections.

**1:31:35 p.m.**

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

**ACTION:**

Jimmy W. Newton, Parks Department employee and member of the Personnel Board, stated that it is not fair to make the employees wait on evaluation appeals because appointments are not made to this board. His other issue is the water at South Pointe Park has been shut down since the middle of December and citizens cannot use the bathroom or showers.

Gil Zriny stated that he has homestead exemption and a cap of 3% only applies to one of his properties and the other seven properties are subject to increases. He stated that the increase of 72% to one of his properties represented \$104 per month per apartment because of the RDA.

**6:51:36 p.m.**

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

**ACTION:**

**1) Luis Amato** spoke on the issue of noise enforcement in his neighborhood. His neighbor keeps calling the police on him very frequently. They have also called Code Compliance and the Building Department and they have not found any problem. He stated that on the noise ordinance the definition of loud is subjective. He stated that the definition of noise or loud should be very precise and should not be left to the discretion of the inspectors. He stated that the Code Compliance staff are incredibly supportive, the same for the Building Department. He stated that Code does not use the definition of noise used by Miami-Dade County. He stated that the law needs to be precise and objective because he "squeaks" and his neighbor complains and he receives a fine; even commercial properties get three warnings.

Commissioner Gross stated that he should see Hilda Fernandez for clarification of his situation and for her to explain the noise ordinance.

Hilda Fernandez, Assistant City Manager, clarified that just a year ago the City incorporated into THE City's noise ordinance Section 21.28 of the Miami-Dade County Code. The City of Miami Beach uses exactly what Miami-Dade County uses to measure noise. The measurement used, which is excessive, unnecessary and unreasonably loud noise, has been constitutionally upheld as a mechanism to gage whether noise is at a level which violates ordinances. The City uses a measure that is an appropriate measure of noise and there is extensive training to the code officers to make sure that the measure is applied as objectively as possible. She explained that there was extensive discussion as to the warning structure for residential vs. commercial properties and there was a recommendation made by the City Commission to amend the ordinance and only provide one warning for residents because the bulk of all the noise complaints are residential noise complaints. She stated that the officers make sure that the noise complaint is a valid one and that the City is not in the middle of a neighbor dispute. **Hilda Fernandez to handle.**

Luis Amato also added that the streets of Miami Beach lack trees. He stated that during the summer a person cannot walk anywhere because of the lack of shade and that the City needs shade trees.

Vice-Mayor Góngora explained that the reforestation plan for the City was approved at the last City Commission meeting and that the City is in the process of planting trees.

**2) Michael Brennan** stated that he was speaking as a disabled person and on behalf of all disabled persons. He has a great deal of dissatisfaction and disappointment in the direction the City has chose to take regarding their vigilance and vigor on adhering to the requirements of federal and state laws regarding accessibility and it has to do with new construction, renovations and special events. He explained that these are easily remedied issues that are repeatedly brought to the City's attention in the form of formal grievances and are routinely responded with comments that this will be corrected for the next event and it is not corrected. This issue has been documented with pictures and grievances that have been submitted since 2004. He issued today an e-mail on the last grievance regarding Art Deco Festival on Ocean Drive. This problem is ongoing and severe on every single special event that the City has. He was told that a field inspector was being hired in the Asset Management Division as of 12/04 to deal with this issue yet he has not seen any changes in the positive direction. The contractors are bringing non-compliance port-a-let. The problem is that there is no enforcement of the written requirements that the contractors must adhere to. He stated that for the last three years he had not been able to use restroom facilities at Art Basel on the beach at 21<sup>st</sup> Street. This last time the ramp had a change in level one foot from the bottom of the ramp of no less than two inches and it did not have an accessible wheelchair symbol. This is a staggering degree of noncompliance. He listed all the violations at the different parks and facilities in the City.

Jorge Gonzalez, City Manager, stated that he will review and send an LTC. **Fred Beckmann to handle.**

Handout or Reference Materials:

1. Document titled Miami Beach Art Basel 2004 from Brennan Consulting, Inc.

**1:16:02 p.m.**

**Supplemental Materials – Additional Information**

R9C Discussion Of The Implications Of The Property Tax Reform Proposals Being Discussed By The Florida Legislature.

(Economic Development)

**ACTION:** Discussion held.

Jorge Gonzalez, City Manager, explained that the Administration is seeking guidance as this is the second most adversely impacted City in the State with respect to this House majority plan, and seeks concurrence on the following: 1) that the City is for property tax relief and reform in a responsible and fair way; 2) it retains home rule and the ability to exercise discretion when it comes to setting millage rates; 3) maintain a sustainable economic development and 4) maintain a prudent fiscal management, without having an adverse effect on the City's bond rate, the ability to pay for operational components, and taking in consideration the retiree health cost, which is a new expense to the budget.

Discussion was held.

Commissioner Libbin spoke in support of the portability issue.

Commissioner Steinberg stated that the City Manager should build alliances with other municipalities who will experience similar impacts. He believes that Jorge understands what is going on and understands the interests of the City and that the City Commission is willing to see some property tax relief, particularly as it relates to the portability issue. Miami Beach has lowered the millage rate where taxpayers actually saw a reducing probably for the first time in the City's history. He stated that he is going to Tallahassee to speak on this issue.

Jorge Gonzalez, City Manager, stated that this Commission has responsibly reduced the millage rate and in addition the Miami Beach Homeowners Dividends, which was \$200 last year and \$300 this year; if calculated as a function of the millage rate, it is the equivalent of an additional \$37,000 homestead exemption.

City Clerk's note: Attached to this item is LTC 060-2007 New Property Tax Reform Proposal

**6:53:34 p.m.**

R9D Discussion Regarding Pedicab Regulation.  
(City Attorney's Office)

**ACTION:** Discussion held; no action taken.

Commissioner Cruz stated that he had promised to review the issue and come back with an ordinance.

Debbie Turner, First Assistant City Attorney, explained the ordinance.

Commissioner Cruz stated that this ordinance could go the Neighborhoods/Community Affairs Committee for review or it could be rejected now.

Discussion was held.

Commissioner Cruz agreed that there is no support for pedicabs at this time.

Felipe Azhena spoke.

Handout or Reference Materials:

1. Draft ordinance distributed at the dais.

## **Miami Beach Redevelopment Agency**

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

**March 14, 2007**

Chairman of the Board David Dermer  
Member of the Board Matti Herrera Bower  
Member of the Board Simon Cruz  
Member of the Board Michael Góngora  
Member of the Board Saul Gross  
Member of the Board Jerry Libbin  
Member of the Board Richard L. Steinberg

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 2007.

(Finance Department)

**ACTION:** Written report submitted.

## 2 NEW BUSINESS

**10:13:13 a.m.**

- B. A Resolution Of Chairman And Members Of The Miami Beach Redevelopment Agency (RDA) Authorizing An Appropriation In The Amount \$5,326,710 From City Center/Historic Convention Village (City Center) Redevelopment And Revitalization Area Funds, In Order To Proceed With Certain Improvements To A Portion Of Lincoln Road Mall, Between Lenox Avenue And Alton Road, To Be Designed, Developed And Constructed By UIA Management, LLC, In Accordance With A Development Agreement Between The City Of Miami Beach And UIA Management, LLC, (The Development Agreement), Scheduled For Second And Final Reading On March 14, 2007; Said Improvements To Include, Without Limitation, Streetscape, Street Furniture, Landscaping, Decorative Fountains/Water Features, And Corresponding Lighting, Irrigation, And Drainage Systems ("The Project"), And Which Includes The Closure Of The Aforestated Portion Of Lincoln Road Mall To Vehicular Traffic, And Design, Development, And Construction Of A New Public Pedestrian Plaza, Extending The Pedestrian Portion Of Lincoln Road Mall Further To The West (To Include The Referenced Area Between Lenox Avenue And Alton Road); Said Appropriation To Be Subject To And Contingent Upon Approval By The Mayor And City Commission Of Aforestated Development Agreement, Scheduled For Second And Final Public Reading By The City Commission On March 14, 2007.

(Economic Development)

**ACTION: Resolution No. 544-2007 adopted subject to approval from Miami-Dade County Public Works Department.** Motion made by Commissioner Bower; seconded by Commissioner Gross; approved without objection. The Chairman and all members were present. **Patricia Walker to appropriate the funds. Kevin Crowder to handle.**

**10:12: 55 a.m.**

- C. A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency (RDA) Approving And Authorizing An Appropriation Of \$13,650,000 From City Center/Historic Convention Village (City Center) Redevelopment Agency Non-TIF Funds, To Miami Beach Community Development Corporation (MBCDC), A Not For Profit Community Development Corporation, For The Purpose Of Providing Funds To MBCDC For 1) The Balance Due In Connection With MBCDC's Proposed Purchase Of The Following Three Properties Located Within The City Center RDA: 1940 Park Avenue; 1965-1975 Washington Avenue; And 2001 Washington Avenue (Hereinafter Referred To As "The Properties"), In The Amount Of \$13,200,000; 2) Estimated Closing Costs In Connection With The Aforestated Proposed Purchase, In The Amount Of \$200,000; And 3) Estimated Funding Required To Offset The Carrying Costs Of The Properties For A Period Of One Year Or Until Such Time That MBCDC Is Able To Secure Additional Funding To Carry And Begin Renovating The Properties, In The Amount Of \$250,000; And Further, Approving The Proposed Terms And Conditions For A Proposed Mortgage Agreement Between The RDA And MBCDC, Governing The Use Of All Funding Appropriated In Connection With The Proposed Purchase Of The Properties, Which Are To Be Restored, Renovated, Operated And Maintained By MBCDC For The Express Purpose Of 1) Preserving These Historic Structures Within The City Center RDA, And 2) Maintaining The Properties As Affordable Housing For Low To Moderate Income Individuals; As Provided For In, And In Conformance With The Provisions Of The City Center/Historic Convention Village Redevelopment And Revitalization Area Plan.  
(Economic Development)

**ACTION: Resolution No. 545-2007 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Libbin; Voice vote: 6-0; Absent: Commissioner Cruz. Kevin Crowder to handle.

#### **End of RDA Agenda**

Meeting adjourned at 7:23:27 p.m.