



City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
June 8, 2005

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Mayor David Dermer
 Vice-Mayor Luis R. Garcia, Jr.
 Commissioner Matti Herrera Bower
 Commissioner Simon Cruz
 Commissioner Saul Gross
 Commissioner Jose Smith
 Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
 City Attorney Murray H. Dubbin
 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 Commission item to the alternate meeting date.

CONSENT AGENDA

- PA1 Certificates of Appreciation/"At Your Service Award" Winners for March, April & May 2005.
- PA2 Certificate of Appreciation/Wendy Raphaely, National Youth Service Weekend. (Garcia)
- PA3 Certificates of Appreciation/Presentation, City of Miami Beach Hospitality & Tourism Scholarships.
- PA4 Certificate of Appreciation/Judge Robert Newman, Service as Chief Special Master.
- PA5 Acknowledgement of the New Generation Youth Leadership & Workforce Institute Program. (Bower)
- PA6 Certificates of Appreciation/City Departments for Participating During Memorial Day Weekend.
- PA7 Proclamation Declaring June 2005 As "Gay & Lesbian Pride Month" in CMB. (Mayor/Commission)
- PA8 **New Item:** Proclamation/Tamra Sheffman & Sonia Bortolin, Air Race National Classic 2005. (Garcia)
- PA9 **New Item:** Cert. of Appreciation/Arthur Forgette, Community Involvement over the Last Decade.
- PA10 **New Item:** Certificates of Appreciation/Miami Beach X-Treme Cheerleading Team. (Steinberg)

- C2A Approve Purchase, (1) 2005 Sterling LT7500 Truck Chassis, \$78,684.00.
- C2B Approve Purchase, (1) 2005 John Deere 35D Mini Excavator, \$36,595.40.
- C2C Approve Purchase, (1) 2005 Ford F-450 4x4 Crew Cab Pick Up Truck, 41,621.00.

- C4A Ref: Neighborhood/Community Affairs Committee - Early Voting for November 1, 2005 Election.
- C4B Ref: Land Use & Development Committee - Removal of Historic Signs Ordinance.
- C4C Ref: Land Use & Development Committee - Reconstruction of Demolished Properties Ordinance.
- C4D Ref: Neighborhood/Community Affairs Committee - Increase Floor Area Ratio for the Wolfsonian.

- C6A Report: Finance & Citywide Projects Committee Meeting of May 24, 2005.

- C7A Set Public Hearing, Change Zoning District Classification for 2608 & 2614 Biarritz Drive.
- C7B Approve Amendment 5, Planning of West Avenue Neighborhood ROW Improvement Project.
- C7C Elect Commissioner Matti Herrera Bower as Vice-Mayor, July 1 - October 31, 2005.
- C7D Set Public Hearing, Proposed Uses of Edward Byrne Memorial Justice Assistant Grant Funds. **SM**

C7E Execute Memorandum of Agreement, Install Landscaping along Alton Road - 23rd to 60th Street.
 C7F Execute Mutual Aid Agreements w/ Several Cities, Coordinate Law Enforcement.
 C7G Execute Interlocal Agreement w/ Miami-Dade County, Vehicles for Hire Regulations.
 C7H Issue RFQ, "Coastal Communities Transportation Master Plan" Study.
 C7I Award Contract to CDM, Computerized Maintenance Management System.
 C7J Approve Renewal of NPDES, Monitoring Costs & Shared Storm Sewer Systems.
 C7K Set Public Hearing, Review Appeal by Miami Beach Hotel Investors, LLC.
 C7L Issue RFP, Installation/Maintenance of a Citywide Holiday Decorations Program.
 C7M Issue RFQ, Restore Little Stage Theater/Carl Fisher Clubhouse/Demolish 21st Street Bandshell.
 C7N Approve Settlement of City Lien on Property at 1735 Bay Drive (Elio & Ofelia Mora).

REGULAR AGENDA

R2A **Joint**, BA 08-04/05, Landscape Maintenance - Beachwalk/Boardwalk & Spoil Areas, \$275,804.

R5A **10:15 a.m. 3rd Rdg**, Sex Offenders Residence Prohibition Ordinance. (Dermer)
 R5B **10:30 a.m. 2nd Rdg**, Campaign Finance Reform Ordinance. (Dermer/Smith)
 R5C **10:35 a.m. 2nd Rdg**, Defined Contribution Retirement Plan 401(a).
 R5D **10:40 a.m. 2nd Rdg**, Prohibiting Wheeled Conveyances on Beachfront Promenade Boardwalk.
 R5E **10:45 a.m. 2nd Rdg**, Nonconforming Buildings. **5/7**
 R5F **1st Rdg**, Pre-1942 Single Family Home Development Regulations. **5/7**
 R5G **1st Rdg**, Uses in Public Rights of Ways.

R7A **5:01 p.m.** Evaluate Merits of Proposed La Gorce Island Neighborhood Conservation District. **5/7**
 R7B **11:00 a.m.** Proposed Amendment to Fiscal Year 2004-05 Electrowave Budget.
 R7C **Joint**, Approve LAP Agmt w/ FDOT, Restoration of Collins Canal North Bank Seawall. **SM**
 R7D Execute Agreement, 16th Street Operational Improvements/Enhancement Project. **SM**
 R7E **11:00 a.m.** Execute Interlocal Agreement, Bi-Directional Transit Circulator Route Service.
 R7F Oppose Proposed Amendment, County Zoning Code - Regulation/Enforcement Of Signs. **A**

R9A Board and Committee Appointments.
 R9A1 Nominate Matthew E. Krieger to the Zoning Board of Adjustment. (Garcia) **5/7**
 R9A2 Appoint Seth Frolich to the Board of Adjustment. (Cruz) **5/7**
 R9A3 Appointment to the Board of Adjustment.
 R9A4 Nominate David Lancz to the Zoning Board of Adjustment. (Steinberg) **5/7A**
 R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9C Disc. Ordinance re: "Rehearings and Appeals." (Cruz)
 R9D **Noon**, Committee of the Whole: FY 2005/06 Proposed Operating Budget for Mayor/Commission.
 R9E Disc. Memorial Day Weekend 2005. (Garcia/Cruz)
 R9F Disc. Opposing Modification To Boundaries Of The Road Impact Fee Districts. (Steinberg) **A**

R10A **Noon**, Notice of Attorney-Client Session: City of Miami Beach v. Robbins, Joel, Et. Al.
 R10B **Noon**, Notice of Attorney-Client Session: Club Madonna, Inc. v. City of Miami Beach.
 R10C **Noon**, Notice of Attorney-Client Session: Micky Biss & USA Express, Inc. V. City Of Miami Beach. **A**

REPORTS AND INFORMATIONAL ITEMS

A City Attorney's Status Report.
 B Status Report on Fire Station No. 2.
 C Status Report on Fire Station No. 4.
 D Informational Report on Federal, State, County and All Existing City Contracts.

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

2A Report of Itemized Revenues/Expenditures of RDA for April 2005.
 3A Approve Amendment, FY 2004/05 Operating Budget for Anchor Garage Facility.
 3B Amend FY 2004/05 Budget of RDA, City Center Area, by Increasing Anchor Garage Usage Fee.
 3C **Joint**, Appropriate/Advance Funds, Restoration of the Collins Canal North Bank Seawall.
 3D **Joint**, Appropriate Funds, Landscape Maintenance for Beachwalk/Boardwalk & Spoil Areas.

Meeting called to order at 9:20:30 a.m.

Invocation given by Father Alberto Cutié of St. Patrick's Church.

Pledge of Allegiance led Chief Ray Martinez.

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

11:01:09 a.m.

Addendum Items: (R7F, R9A4, R9F, and R10C).

ACTION: Motion made by Commissioner Bower to add items R7F, R9A4, R9F, and R10C as emergency items to the Commission Agenda; seconded by Commissioner Steinberg; Voice vote: 5-0; Absent: Vice-Mayor Garcia and Commissioner Cruz.

Supplemental Materials:

C7D (Resolution), R7C (Resolution), R7D (Resolution).

New Item:

9:21:50 a.m.

Mayor Dermer presented a Certificate of Appreciation to Father Alberto Cutié of St. Patrick's Catholic Church, for his ten years of priesthood in the City of Miami Beach.

9:23:40 a.m.

New Item:

Keys presented to Janet and Dennis Richard, for donations made to the City's historical archives, and to Ford Roosevelt.

Mayor Dermer stated that the City of Miami Beach has been working with the Miami Beach Historical Association in an ongoing effort to document the history of our city. He recognized Dr. Abraham Lavender and Liliam Hatfield from the City Clerk's Office for working so hard in gathering historic photos, documentation, minutes of meetings, correspondence, etc. for the City's Historical Archives. He recognized Janet and Dennis Richard, wife and son of former Mayor Melvin Richard. Mayor Dermer explained that Mel was a unique individual whom he had the pleasure of meeting. He also gave him great political advice. He stated that Mayor Richard had over 20 years of history with the City Council; also serving as Mayor. He added that in the near future the City will be erecting a monument in his honor in Collins Park. He introduced Dennis Richard.

Dennis Richard, son of Melvin J. Richard, stated that his mother, Janet, had made a donation to the City's historical archives and was invited to the City Commission in recognition. He explained that his father started working for the City at the age of fourteen, digging ditches and installing water pipes at \$0.35 per hour. He mentioned that it is unique that four sons of past civic leaders are congregated in this room today; two of them at the dais; Mayor Dermer and Commissioner Steinberg; and Ford Roosevelt and himself. He thanked everyone on behalf of his mother.

A PowerPoint presentation of some of the items donated was shown.

Mayor Dermer introduced Ford Roosevelt, son of former Mayor Elliot Roosevelt, and his wife Marion and explained that in 1967, there was an election, Roosevelt vs. Dermer; and to have three sons of former Mayors together is a great coincidence. He stated that Mr. Roosevelt will also donate some items to help build the City's Archives and the website.

Ford Roosevelt stated that Miami Beach is a place that his father loved, and he left his family with the sense that this City was the most special place he ever lived. He added that he is honored to be visiting Miami Beach and will be happy to donate several things, including his father's gavel from when he was Mayor.

Mayor Dermer presented Janet and Dennis Richard and Mr. Ford Roosevelt with keys to the City of Miami Beach.

Handout or Reference Materials

1. Language for memorial for Mayor Melvin J. Richard to be erected at the Rotunda.
2. Diagram of Memorial, received via fax, from Dennis Richard, along with Resolution No. 12130 signed by Jay Dermer commending Melvin Richard's service and achievements, and other historical material.

PA - Presentations and Awards

9:32:42 a.m.

- PA1 Certificates Of Appreciation To Be Presented To Employee Of The Month "At Your Service Award" Winners For The Months Of March, April And May 2005.
(City Manager's Office)

ACTION: Certificates presented to:

- March - Delia Casoni, Homeless Program Coordinator, Neighborhood Services Department
- April - Pedro Monteagudo, Recreation Leader II, Parks and Recreation Department
- May - Kristopher Fritsche, Human Resources Technician I, Human Resources & Risk Management Department

Jorge Gonzalez, City Manager, stated that this award is given to employees who go above and beyond the call of duty and they are selected by their peers. The winner receives a \$100 donation by Beach Bank, the preferred parking at City Hall, and the recognition on the website.

Vivian Guzman, Neighborhood Services Department, stated that Delia has been instrumental in streamlining a lot of the processes currently used in the Homeless Program. She created and maintains a database to keep track of the homeless clients. She stated that the Homeless Programs have been successful because the numbers of homeless are decreasing, which makes the program much better.

Delia Casoni thanked Vivian Guzman and Maria Ruiz for making this possible and for creating an environment that allows her to grow on a daily basis.

Kevin Smith, Parks and Recreation Department Director, stated that Pedro Monteagudo is a product of the parks program and has worked his way from a participant to an employee. Mr. Monteagudo has done an outstanding job in the parks programs.

Pedro Monteagudo stated that he is grateful and humbled in receiving this award, and thanked the Parks Department for allowing him the opportunity to grow up as an employee and as an individual. He also thanked the Administration and his coworkers at the North Shore Park Youth Center.

Mayra Diaz-Buttacavoli, Human Resources Department Director, stated that Kris started with the City one year ago, and before that he was an intern. He has a Master Degree in Industrial Organizational Psychology and is currently working in his Ph.D. She stated that he did a job analysis of the Lifeguards II and the Fire Lieutenants, and from that he prepared a promotional

exam for these classifications. This is the first time this has been done in the history of the City and resulted in a lot of promotions within the Ocean Rescue Division of the Fire Department. This saved the City over \$70,000 by not having to contract out for this test to be done. She explained that in addition to that, the City of Miami Beach was recognized by the City of Miami, who came to observe the entire process.

Kristopher Fritsche stated that he is honored and happy to work in the City he grew up in, and to be able to do this promotion in a fair and professional manner.

9:43:38 a.m.

- PA2 Certificate Of Appreciation To Be Presented To Wendy Raphaely, Director Of Hands On Miami, For Exemplary Contribution To The Community During National Youth Service Weekend.
(Requested by Vice-Mayor Luis R. Garcia)
(Deferred from May 18, 2005)

ACTION: Certificate presented.

Vice-Mayor Garcia stated that Wendy is really deserving of this award and added that Flamingo Park is a beautiful site now with kids and adults of all backgrounds playing together.

Patrick Morris, President and CEO of Hands on Miami, stated that there is a great partnership with the City of Miami Beach. They have worked with different schools and different projects on the beach. He also stated that they are working in partnership with Lynn Bernstein, Caroline De Freeze, Bernie Weiner, Dale Bird at Flamingo Park, John Oldenburg, Millie McFadden, the City Commission and Mayor Dermer.

Vice-Mayor Garcia requested that the Office of Communications inform the residents on how to volunteer for the "Hands on Miami Project." **Vivian Guzman to handle.**

9:53:42 a.m.

- PA3 Presentation Of The City Of Miami Beach Hospitality And Tourism Scholarships.
(Tourism & Cultural Development)

ACTION: Scholarships and Certificate of Appreciations presented to Natalie Koller, Karlo Pacheco, Gianina M. Ghiradi, Monica Kakanis, Alan M. Alvarez, Karina Bermudez and Michelle Milford.

Jorge Gonzalez, City Manager, stated that this year the scholarships totaled \$36,000 awarded to children that could not possible accomplish their goals without the scholarship.

Commissioner Bower thanked Jorge Gonzalez, City Manager, for following up on her request and making it happen; she could not have done it alone. This is a wonderful thing for the kids in the community.

Max Sklar, Tourism and Cultural Development Director, introduced the recipients.

Natalie Koller thanked the City and stated she will make the City proud.

- PA4 Certificate Of Appreciation To Be Presented To Judge Robert Newman For His Service As Chief Special Master.

(City Clerk's Office)

ACTION: Deferred.

10:03:13 a.m.

- PA5 Acknowledgement Of The New Generation Youth Leadership And Workforce Institute Program And The Office Of Tourism And Cultural Development.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Acknowledge given.

Commissioner Bower thanked Unidad and stated that due to great effort and work, funds that were going to be returned to the federal government will stay in Miami-Dade County to be used to hire students to work during the summer. She recognized Unidad and the children in the audience and asked Margarita Cepeda to explain the program.

Margarita Cepeda, Executive Director of the Hispanic Community Center and Unidad, thanked the City of Miami Beach, Commissioner Bower and Jorge Gonzalez, City Manager, for making this program possible. The New Generation Youth Leadership and Workforce Institute Program is a pilot program that will have 47 youth participating during the summer acquiring job skills. The goal of the program is to shape today's youth for tomorrow's workforce. These kids will be provided the skills to help them succeed and become the leaders of tomorrow. They will learn the legislative process and then they will showcase it at their graduation. This program is all about leadership and setting goals. She thanked the Miami Beach Convention Center for their support.

Commissioner Bower thanked Max Sklar, Tourism and Cultural Development Director, and Doug Touber, SMG's General Manager, Jorge Gonzalez, City Manager, the Convention Center Advisory Board and Joe Fontana for helping with this project and providing the space for the students to take this class.

Margarita Cepeda, Executive Director of the Hispanic Community Center and Unidad, extended an invitation for the upcoming graduation of these students, to the Commission and the Convention Center staff.

Handout or Reference Materials:

1. Colored flyer titled "New Generation Leadership & Workforce Institute, June 1st – 30th, 2005, Miami Beach Convention Center, Hall B.

9:58:14 a.m.

- PA6 Certificates Of Appreciation To Be Presented To The City Of Miami Beach Departments, For Their Participation And Support During The Memorial Day Weekend.
(City Manager's Office)

ACTION: Certificates presented to the Police Department, Fire Department, Code Compliance Division, Sanitation Division, Parking Department, Max Sklar, Director, Tourism and Cultural Development Department and Tim Hemstreet, Assistant City Manager.

Mayor Dermer thanked the following departments: Police, Fire, Neighborhood Services/Code Compliance, Sanitation, Parking; and recognized Max Sklar, Tourism and Cultural Development Director, and Tim Hemstreet for a job well done. He also complimented Jorge Gonzalez, City Manager, and stated that the City of Miami Beach had a safe Memorial Day and he appreciates it.

Jorge Gonzalez, City Manager stated that this event is one that challenges the City's resources and that the key departments did a great job.

10:30:22 a.m.

PA7 Proclamation To Be Presented Declaring June 2005 As "Gay Pride Month" In The City Of Miami Beach.

(Office Of The Mayor And Commission)

ACTION: Proclamation presented. Mayor Dermer read the proclamation into the record.

10:09:24 a.m.**New Item:**

PA8 Proclamation To Be Presented for The Air Race National Classic 2005.

(City Manager's Office/Dennis Leyva)

ACTION: Proclamations presented to Tamra Sheffman and Sonia Bortolin.

Vice-Mayor Garcia stated that Tamra and Sonia are receiving a proclamation because the City cannot give an "Amelia Earhart Award," because that is what they deserve for what they have accomplished. He explained that Tamra and Sonia will be representing South Florida in an All-Female three-day air race around the country. He thanked Mayor Dermer for approving this proclamation and proclaim today as Tamra Sheffman and Sonia Bortolin's Day.

Tamra Sheffman stated that only six percent of the pilots in the United States are women and explained that when she started flying 17 years ago, she never dreamed of owning her own plane or flying in a race. The race is sponsored by Purdue University and they are delighted to be representing South Florida, as well as the City of Miami Beach and Miami-Dade County. She announced their website address, which can be found at www.flyawaywithus.org.

10:15:08 a.m.**New Item:**

PA9 Certificate of Appreciation To Be Presented to Arthur Forgette For His Commitment and Dedication To The City of Miami Beach.

(City Manager's Office/Ramiro Inguanzo)

ACTION: Certificate presented.

Michael Aller, Director of Tourism and Protocol, thanked Arthur Forgette, on behalf of the City of Miami Beach, for over fifteen years of being at Craw Daddy's, then South Beach Seafood House and now Smith and Wollensky. He stated that Arthur has always been a gentleman for what he has done for the City of Miami Beach. He also thanked him, on behalf of the Tourism Department, for the great job he has done for the tourism industry and for being a Miami Beach citizen.

Commissioner Gross stated that the beach has rejuvenated since Mr. Forgette started in Craw Daddy's and he had the vision to go into that location, and it is a shame that Arthur is leaving the City now that South Pointe Park will be refurbished.

Commissioner Steinberg also thanked him and stated that he has been great for the tourist community, with his hospitality and portraying a good image of the City. People leave Miami Beach with a good feeling and a good image of the City.

Commissioner Bower stated that many organizations keep going to his business to have luncheons and this is possible because he focus on the residents and the organizations of the City not just the tourists. He will be greatly missed.

Vice-Mayor Garcia thanked him also for being a friend.

Arthur Forgette stated that what makes Miami Beach great are the people and added that he is a better person and a better professional for living in Miami Beach.

10:22:11 a.m.

New Item:

Mayor Dermer announced that MAPET held a sled hockey event this past weekend in the City.

A video of the first Sled Hockey game was shown.

Mario Perez, President of MAPET Foundation, thanked the City of Miami Beach for all the support given to this program. The program has been very successful this year with the help of the Parks and Police Departments. He presented the City Commission with the Golden Angel Award on the first Sled Hockey tournament in Miami Beach.

Vice-Mayor Garcia stated that it was an incredible event and he enjoyed it.

Commissioner Steinberg stated that it is a phenomenal event.

9:48:01 a.m.

New Item:

PA10 Certificates of Appreciation To Be Presented to the Miami Beach X-treme Cheerleading Team.
(Commissioner Richard Steinberg)

ACTION: Certificates presented to Jacqueline Austen, Kauren Azicri, Blanca Behar, Jessenia Cardoso, Jacquelyn Celona, Michelle Comptis, Jessica Dopica, Danilla Fernandez, Calypso Gibaldi for 2005, Calypso Gibaldi for 2004, Jessica Hevia, Agustina Marcos, Joselyn Martinez, Jessica Medina, Adam Oxios, Candice Restani, Ivan Rodriguez, Stephanie Santana, Yves Solorzano, Tati Soto, Rachel Stein, Jose Valera, Tashi Waisfeld, Coach Tracey Austen, and Coach Tashi Waisfeld.

A cheer was performed by the Cheerleaders.

Commissioner Steinberg stated that they competed nationally and won in Texas and scored the best among 49 teams from across the country. They really honor our City by competing and winning around the country. He also recognized the coaches.

CONSENT AGENDA

ACTION: Motion made by Commissioner Gross to approve the Consent Agenda; seconded by Commissioner Bower; Voice vote: 4-0; Absent: Vice-Mayor Garcia and Commissioners Cruz and Smith.

C2 - Competitive Bid Reports

C2A Request For Approval To Purchase One (1) 2005 Sterling LT7500 Truck Chassis With A 12 Cubic Yard Dump Body, From Atlantic Truck Center, Pursuant To Florida State Contract No. 04-12-0823, In The Amount Of \$78,684.00.

(Fleet Management)

ACTION: Award authorized. Drew Terpak to handle.

C2B Request For Approval To Purchase One (1) 2005 John Deere 35D Mini Excavator, From Nortrax, Pursuant To Federal General Services Administration Contract No. GS-30F-1021D, In The Amount Of \$36,595.40.

(Fleet Management)

ACTION: Award authorized. Drew Terpak to handle.

C2C Request For Approval To Purchase One (1) 2005 Ford F-450 4x4 Crew Cab Pick Up Truck, From Duval Ford, In The Amount \$41,621.00, Pursuant To Florida State Contract No. 070-650-025.

(Fleet Management)

ACTION: Award authorized. Drew Terpak to handle.

C4 - Commission Committee Assignments

C4A Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Early Voting For The November 1, 2005 General Election.

(City Clerk's Office)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Robert Parcher to handle.

Handout or Reference Material

1. Letter to Robert Parcher, City Clerk, from Lester Sola, Supervisor of Miami-Dade County Elections, dated May 17, 2005, RE: early voting cost estimates

C4B Referral To The Land Use And Development Committee - Removal Of Historic Signs: An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 138, "Signs," By Amending Article I, "In General," By Amending Section 138-11 To Clarify The Requirements And Procedures For The Removal Of Signs; Providing For Inclusion In The City Code; Providing For Repealer, Severability And An Effective Date.

(Planning Department)

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

- C4C Referral To The Land Use And Development Committee - Reconstruction Of Demolished Properties And Engineering Requirements: An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 1, "Generally," By Amending Section 118-503 To Modify The Requirements For An After-The-Fact Certificate Of Appropriateness; By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 3, "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition," By Amending Section 118-562 To Add A Requirement For An Independent Structural Evaluation For Demolition Requests; Providing For Repealer, Codification, Severability And An Effective Date.
(Planning Department)

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

- C4D Referral To The Neighborhood/Community Affairs Committee - A Request By The Wolfsonian, A Museum Of Florida International University, To Increase Floor Area Ratio Pursuant To City Charter Section 1.03(C).
(Planning Department)

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

C6 - Commission Committee Reports

- C6A Report Of The Finance And Citywide Projects Committee Meeting Of May 24, 2005: **1)** Discussion Regarding The Status Of The 1996 Swap-Option Agreement On The Series 1994 Taxable Pension Special Obligation Bonds Between The City Of Miami Beach And Morgan Stanley Capital Services, Inc.; **2)** Discussion Regarding Refunding Of The Miami Beach Redevelopment Agency Tax Increment Revenue Bonds, Series 1993 And 1996; **3)** Discussion Regarding Criteria For Allocation Of Quality Of Life Funds; **4)** Discussion Regarding The Urban Impact Compensation Fund; **5)** Discussion Regarding A Proposed Amendment To The City's Agreement With Glatting Jackson Kercher Anglin Lopez Rinehart For The Planning And Design Of The West Avenue Neighborhood Right Of Way Improvement Project To Provide For Additional Professional Services In The Amount Of \$134,009 Required To Implement The Project; **6)** Discussion Regarding A Proposed Amendment To The Agreement Between The City Of Miami Beach And Edwards And Kelsey, Inc. For The Planning And Design Of The Venetian Islands Neighborhood Improvement Project To Provide For Additional Professional Services; **7)** Discussion Regarding The Capital Improvement Of The Rotunda And 21st Street Complex; And **8)** Discussion Regarding The Parking System Capital Budget/Walker Parking Plan.

ACTION:

Item No. 1:

The Committee moved the item to the full Commission, approving the City Manager's recommendation to adopt an Authorizing and Delegating Resolution which authorizes the Administration, in concert with the City's Financial Advisor, RBC Dain Rauscher, and Bond Counsel, Squire, Sanders & Dempsey L.L.P. to determine whether to:

- Issue refunding bonds, at a fixed or variable rate depending on market conditions, if Morgan Stanley does not exercise its option under the Swap Agreement; or,
- If Morgan Stanley exercises its option under the Swap Agreement:
 - Uphold the Swap and issue variable rate bonds; or,
 - Terminate the Swap and issue fixed rate bonds.

Item No. 2:

The Committee moved the item to the full Commission, approving the City Manager's recommendation to: approve the proposed RDA refunding of the bonds; and, authorize the RDA Chairman, Executive Director, Chief Financial Officer and other City employees to take the necessary steps to implement the proposed transaction.

Item No. 3:

The Committee recommended future allocations of Quality of Life Funds be used to fund capital expenditures and/or on-going maintenance of citywide assets and facilities. The Administration was instructed to bring forward proposed allocations of Quality of Life Funds through the budget process. **Kathie Brooks to handle.**

Item No. 4:

The Administration was instructed to bring forward the proposed plan for distribution of the Fund through the Fiscal Year (FY) 2005/06 budget process. **Kathie Brooks to handle.**

Item No. 5

The Committee moved the item to the full Commission, recommending approval of the proposed additional services.

City Clerk's note: See item C7B on this Agenda.

Item No. 6:

Commissioner Bower will meet with Miami-Dade County representatives in effort to remove the requirement for a perimeter sidewalk along Belle Isle Park and report back to the City Commission at the next scheduled Commission meeting. **Jorge Chartrand to handle.**

Item No. 7:

The Committee moved the item to the full Commission, recommending approval of the proposed reprogramming of funds.

City Clerk's note: See item C7M on this Agenda.

Item No, 8:Cultural Campus Development Site:

The Committee recommended the Administration issue a Request for Qualifications to hire an architect in order to prepare two plans for the proposed 23rd Street/Liberty Avenue Garage, one plan with a bridge across Liberty Avenue and another plan without a bridge. **Saul Frances and Jorge Chartrand to handle.**

North Beach Tower Center:

The Committee instructed the Administration to continue land swap discussions with City National Bank. **Tim Hemstreet to handle.**

Collins Avenue West Lots:

The Committee instructed the Administration to coordinate the completion of the resurfacing of the lots to coincide with the opening of the North Shore Open Space Park and report back with estimated costs and funding sources to the next Committee meeting. **Fred Beckmann to handle.**

The Committee instructed the Administration to meet with representatives from the Dezer Properties Co. in order to discuss a possible land acquisition/vacation. **Tim Hemstreet to handle.**

Normandy Isle – Wasserstein Site:

The Committee instructed the Administration to meet with representatives from the Wasserstein site and discuss a possible land acquisition or joint venture. **Tim Hemstreet to handle.**

The Committee instructed the Administration to explore parking options for 1960 Normandy Drive. **Saul Frances to handle.**

C7 - Resolutions**5:10:42 p.m.**

C7A A Resolution Setting A Public Hearing Pursuant To Section 142-425, Miami Beach City Code, To Consider An Amendment To The Zoning Map By Changing The Zoning District Classification Of The Properties Located At 2608 And 2614 Biarritz Drive (F/K/A 1185 And 1205 North Shore Drive), From GU (Government Use) To RS-3 (Single Family Residential), Following The Conveyance By The City To A Private Party, All In Accordance With The City's Comprehensive Plan And Land Development Regulations.

(Asset Management)

ACTION: Resolution No. 2005-25916 adopted. Public Hearing scheduled for July 27, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Joe Damien to handle.

Robert Parcher, City Clerk, announced that due to the 30 days mailing notices requirement, this Public Hearing will be scheduled for July 27, 2005 rather than for July 6th. This was approved without objections.

C7B A Resolution Approving Amendment Five To Glatting Jackson Kercher Anglin Lopez Rinehart ("Glatting Jackson") Agreement With The City For The Planning Of The West Avenue Neighborhood Right Of Way Improvement Project ; To Provide For Additional Professional Services In The Amount Of \$134,009 Required To Finalize The Planning Phase Of The Project; And Further Appropriating Funding For This Purpose As Follows: \$62,984 In Series 2000 Stormwater Bond Funds; \$20,102 In Series 2000 Water And Sewer Bond Funds; And \$50,923 In 1999 G.O. Bond Funds.

(Capital Improvement Projects)

ACTION: Resolution No. 2005-25917 adopted. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

C7C A Resolution Electing Commissioner Matti Herrera Bower As Vice-Mayor For A Term Commencing On July 1, 2005, And Terminating On October 31, 2005, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.

(City Clerk's Office)

ACTION: Resolution No. 2005-25918 adopted. Robert Parcher to handle.

Supplemental Materials: Resolution

- C7D A Resolution Setting A Public Hearing For July 6, 2005, On The Proposed Uses Of The Edward Byrne Memorial Justice Assistance Grant Funds; Further Granting Retroactive Approval For The City Manager Or His Designee To Submit A Grant Application For Said Grant; Further Appropriating The Grant Funds If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To This Application.
(Grants Management)

ACTION: Resolution No. 2005-25919 adopted. Public Hearing scheduled for July 6, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Judy Hoanshelt to handle.

City Clerk's note: The following action should not be done until after the public hearing: "Further Appropriating The Grant Funds If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To This Application."

- C7E A Resolution Approving And Authorizing The Execution Of A Memorandum Of Agreement With Miami-Dade County, In An Amount Not To Exceed Of \$137,946, For The Installation Of Landscaping Along Alton Road From 23rd Street To 60th Street.
(Grants Management)

ACTION: Resolution No. 2005-25920 adopted. Judy Hoanshelt and Kevin Smith to handle.

- C7F A Resolution Authorizing The Mayor, Or His Designee, And The City Clerk To Execute A Mutual Aid Agreement With The City Of Hialeah, The City Of North Bay Village, The City Of North Miami, The City Of North Miami Beach, The Village Of Pinecrest, The City Of Sunny Isles Beach, The City Of Sweetwater, And The City Of Virginia Gardens, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit.
(Police Department)

ACTION: Resolution No. 2005-25921 adopted. Chief De Lucca to handle.

- C7G A Resolution Authorizing The Mayor And The City Clerk To Execute An Interlocal Agreement Between The City And Miami-Dade County, Florida, Permitting Miami Beach Police Officers And Parking Enforcement Specialists I And II To Enforce Provisions Of The Miami-Dade County Code, Specifically Regarding Vehicles For Hire Regulations.
(Police Department)

ACTION: Resolution No. 2005-25922 adopted. Chief De Lucca and Saul Frances to handle.

- C7H A Resolution Authorizing The Issuance Of A Request For Qualifications (RFQ) From Transportation Planning / Traffic Engineering Firms Interested In Conducting A "Coastal Communities Transportation Master Plan" Study For Seven Coastal Municipalities In Northeast Miami-Dade County, Under Miami Beach Leadership, Which Study Is Estimated To Cost \$275,000; Authorizing The Advancement Of \$111,546 In Concurrency Mitigation Funds (CMF) For Subsequent Reimbursement By The Metropolitan Planning Organization Funds Awarded For The Study; Authorizing The Appropriation Of An Additional \$38,454 In Concurrency Mitigation Funds, Over And Above The \$125,000 Previously Appropriated By Resolution No. 2005-25826, Dated February 23, 2005, To Fund The \$163,454 Revised Local Match Requirement; Which Local Match Shall Be Partly Reimbursed By Contributions To Be Received From Municipalities Involved In The Coastal Communities Study.
- (Public Works)

ACTION: Resolution No. 2005-25923 adopted. Patricia Walker to advance and appropriate the funds. Fred Beckmann to handle.

- C7I A Resolution To Award A Contract In The Amount Of \$653,900 To Camp Dresser & McKee Inc. (CDM), For The Installation, Configuration, Start-Up And Training Of A Computerized Maintenance Management System CMMS.
- (Public Works)

ACTION: Resolution No. 2005-25924 adopted. Fred Beckmann to handle.

- C7J A Resolution Approving The Renewal Of The National Pollutant Discharge Elimination System (NPDES) Interlocal Agreements Between Miami-Dade County And All Co-Permittees Named In NPDES Permit No. FLS000003, For Monitoring Costs And Shared Storm Sewer Systems.
- (Public Works)

ACTION: Resolution No. 2005-25925 adopted. Fred Beckmann to handle.

- C7K A Resolution Setting A Public Hearing Pursuant To Miami Beach City Code Section 118-262, To Review An Appeal By Miami Beach Hotel Investors, LLC, (Effected Entity), Petitioner Of An Order Of The Design Review Board Requested By Hotelarama Associates, LTD, Pertaining To DRB File No. 17369, Which Extended The Time To Obtain A Building Permit For A Previously Approved Project.
- (City Clerk's Office)

ACTION: Resolution No. 2005-25926 adopted. Public Hearing scheduled for July 6, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Handout or Reference Materials:

1. Electronic correspondence to and from City staff, dated from May 16, 2005 to June 6, 2005 RE: MBHI and Hotelarama appeal.
2. Copy of Check No. 3300 From Kent Harrison Robbins, Esq., dated May 16, 2005 made payable to City of Miami Beach for the amount of \$250.00, RE: Filing for Appeal of DRB Decision - Hotelarama

C7L A Resolution Authorizing The Issuance Of A Request For Proposals (RFP) For The Design, Installation, On-Going Servicing And Maintenance Of A Citywide Holiday Decorations Program For An Initial Period Of Three (3) Years And Two (2) One Year Renewal Periods At The Sole Discretion Of The City.

(Parks & Recreation/Public Works)

ACTION: Resolution No. 2005-25927 adopted. Gus Lopez to issue RFP. Kevin Smith to handle to handle.

C7M A Resolution Authorizing The Issuance Of Request For Qualifications (RFQ) No. 26-04/05 For Architectural, Engineering, Urban Design, And Landscape Architecture Services For The Planning, Design, Bid And Award, And Construction Administration Services For The Historic Preservation, Restoration And/Or Rehabilitation Of The Little Stage Theater, Carl Fisher Clubhouse, Demolition Of The 21st Street Bandshell Project (Little Stage Theater Complex).

(Capital Improvement Projects)

ACTION: Resolution No. 2005-25928 adopted. Gus Lopez to issue RFQ. Jorge Chartrand to handle.

C7N A Resolution Approving The Settlement Of A City Lien On Real Property Located At 1735 Bay Drive, Miami Beach, Florida, Owned By Elio And Ofelia Mora, Resulting From Special Master Case Nos. JC02000072, JC04000061, JC04000062, JC990753, JC990754, Utility Bill #500790 And City Bill #CB60569 Providing That The Liens In The Amount Of \$182,972.69 Plus Interest Be Settled For The Amount Of \$18,660.75.

(City Manager's Office)

ACTION: Resolution No. 2005-25929 adopted. Robert Middaugh to handle.

End of Consent Agenda

REGULAR AGENDA

R2 - Competitive Bid Reports

12:15:00 p.m.

R2A Request For Approval To Award A Contract To Neighborhood Maintenance, Inc. And Florida Lawn Service, Inc., Pursuant To Invitation To Bid No. 08-04/05 For Landscape Maintenance Services For The Beachwalk, Boardwalk And Spoil Areas, In The Estimated Annual Amount Of \$275,804. **Joint City Commission And Redevelopment Agency.**

(Parks & Recreation)

ACTION: Item heard in conjunction with RDA Item 3D. Award approved. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0: Absent: Commissioner Cruz. Kevin Smith to handle.

See item RDA 3D for discussion.

Handout or Reference Materials:

1. Letter from Jorge Gonzalez, City Manager, to Ms. Mariela Fonseca, Business Developer, Superior Landscaping & Lawn Service, Inc., dated June 7, 2005 RE: Bid Protest Letter Re Bid No. 08-04/05 – Landscape Maintenance Services.

R5 - Ordinances**10:32:00 a.m.**

R5A An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," To Create Article VI, To Be Entitled "Sexual Offenders And Sexual Predators" And Creating Sections 70-400, Entitled "Findings And Intent," 70-401, Entitled "Definitions," 70-402, Entitled "Sexual Offender And Sexual Predator Residence Prohibition; Penalties; Exceptions," Providing For A Prohibition For Sexual Offenders And Sexual Predators Convicted Of Crimes Under Certain Florida Statutes From Living Within 2500 Feet Of Specified Locations Within The City Of Miami Beach And Creating Section 70-403, Entitled "Property Owners Prohibited From Renting Real Property To Certain Sexual Offenders And Sexual Predators; Penalties," Prohibiting Owners Of Real Property From Renting Or Leasing Any Place, Structure, Or Part Thereof, Trailer Or Other Conveyance Located Within 2500 Feet Of Specified Locations Within The City Of Miami Beach To Sexual Offenders And Sexual Predators Convicted Of Crimes Under Certain Florida Statutes; Providing For Codification, Repealer, Severability, And An Effective Date. **10:15 a.m. Third Reading, Second Public Hearing.**

(Requested by Mayor David Dermer)

(Second Reading on May 18, 2005)

ACTION: Public Hearing held. **Ordinance No. 2005-3485 adopted as amended.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Commissioner Cruz. R. Parcher to transmit to Municipal Code Corp. Chief De Lucca to handle.

Alex Annunziato spoke.

Ronald Book spoke.

David Kelsey expressed his concern regarding the impact in tourism and the community, and stated he was representing the hotel and business community.

Mayor Dermer asked that Mr. Kelsey to be accurate in his representation, and added that the hotel and restaurant community has given a very favorable response to this ordinance.

Roberto Datorre, Assistant City Attorney, supplied for the record, additional material and research that supports this ordinance. He stated, for the record, that the United States 11th Circuit Court of Appeal has upheld as constitutional the Florida Sex Offender Act. He stated that a lot of the language of the decision supports the efforts of this Commission, and eliminates the argument as to whether there are any fundamental rights affected by this ordinance.

Vice-Mayor Garcia asked if this ordinance could be expanded to include all convicted felons.

Roberto Datorre, Assistant City Attorney, stated that this could be researched. Discussion held.

Commissioner Steinberg incorporated a memorandum of prior discussions heard during previous hearings into the record. He also thanked Mayor Dermer, Roberto Datorre, Assistant City Attorney and Murray Dubbin, City Attorney, for all the work done in drafting this ordinance.

Roberto Datorre, Assistant City Attorney read a change into the record, as suggested by Commissioner Steinberg; on the Exceptions (d) (i) which states that a person has to establish permanent or temporary residence and register with the State of Florida, pursuant to the applicable Florida Statute.

Vice-Mayor Garcia thanked Mayor Dermer for this ordinance and stated that he would like to see in the future legislation preventing rehabilitation establishments next to City schools. **Legal**

Department to handle.

Mayor Dermer thanked Roberto Datorre, Assistant City Attorney, the Legal Department and the public that came in support of the ordinance, as well as his colleagues in the Commission.

Incorporate into the record language from all previous meetings.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Memorandum to Mayor and City Commission from Murray Dubbin, City Attorney, dated June 8, 2005, RE: Sexual Offender and Sexual Predator Prohibition Ordinance and attachment titled Center For Sex Offender Management – Recidivism of Sex Offenders, May 2001.
3. Letter from David Kelsey, President of South Beach Hotel and Restaurant Association, to the Mayor and City Commission, dated June 8th, 2005, RE: Proposed Sex Offender Residency Prohibition Ordinance, Agenda Item # R5A.
4. Ordinance in Draft form

11:04:21 a.m.

R5B An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 5 Thereof Entitled "Campaign Finance Reform" By Amending Code Sections 2-487 "Prohibited Campaign Contributions By Vendors," 2-488 "Prohibited Campaign Contributions By Lobbyists On Procurement Issues", 2-489 "Prohibited Campaign Contributions By Real Estate Developers," And 2-490 "Prohibited Campaign Contributions By Lobbyists On Real Estate Development Issues," By Adding Language Providing That The 12 Month Period In Which A Prohibited Donor Of A Campaign Contribution Is Disqualified From Certain Specified Associations With The City Shall Commence Upon A Final Finding Of Violation, Or If Applicable, Upon Miami Beach City Commission Action On A Waiver Request, And Establishing Effects Of Waiver; Further Amending Code Section 2-487(B) By Providing For A Limited Waiver Of Existing Contracts; Providing For Repealer, Severability, Codification, And An Effective Date.

10:30 a.m. Second Reading, Public Hearing.

(Requested by Mayor David Dermer & Commissioner Jose Smith)
(First Reading on May 18, 2005)

ACTION: Public Hearing held. **Ordinance No. 2005-3486 adopted.** Motion made by Commissioner Smith; seconded by Vice-Mayor Garcia; Ballot vote: 5-0; Absent: Commissioners Bower and Cruz. R. Parcher to transmit to Municipal Code Corp.

Jean Olin, Deputy City Attorney, explained the ordinance.

Mayor Dermer introduced Representative Gus Barreiro, and thanked him for the best year on the City's legislative agenda in Tallahassee.

Jorge Gonzalez, City Manager, stated that the City received \$7.3 millions in funding, thanks to the good job done by the City's representatives in Tallahassee.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

11:09:53 a.m.

R5C An Ordinance Amending Ordinance No. 92-2813, The Defined Contribution Retirement Plan 401(A), By Amending The Provisions Of Section 1, Article 5, Subsection 5.03 Therein, To Increase The Maximum Monthly Retirement Disability Benefit To Reflect Annual Cost Of Living Increases; Providing For A Repealer, Severability, Codification, And An Effective Date. **10:35 p.m. Second Reading, Public Hearing.**

(Human Resources)
(First Reading on May 18, 2005)

ACTION: Public Hearing held. **Ordinance No. 2005-3487 adopted.** Motion made by Commissioner Steinberg; seconded by Vice-Mayor Garcia; Ballot vote: 4-0; Absent: Commissioners Bower, Cruz, and Smith. R. Parcher to transmit to Municipal Code Corp. Mayra Buttacavoli to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

11:11:11 a.m.

R5D An Ordinance Amending Chapter 82, Article V, Division 1, Section 82-438 Of The City Code, Entitled "Prohibiting Wheeled Conveyances On Beachfront Promenade Boardwalk Except Those Required By The Handicapped," To Provide For Certain Exceptions To The Prohibition Of Wheeled Conveyances On The Boardwalk; Providing For Codification, Repealer, Severability, And An Effective Date. **10:40 a.m. Second Reading, Public Hearing.**

(Police Department)
(First Reading on May 18, 2005)

ACTION: Public Hearing held. **Ordinance No. 2005-3488 adopted as amended.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 5-0; Absent: Mayor Dermer and Commissioner Cruz. R. Parcher to transmit to Municipal Code Corp. Chief De Lucca to handle.

David Kelsey spoke.
Gabrielle Redfern spoke.

Roberto Datorre, Assistant City Attorney, stated that currently bicycle are prohibited on the boardwalk because it is very different from a sidewalk or a bike path and also stated that some of the criminal activities which occur on the boardwalk are committed by people riding bicycles because it makes it a lot easier for them to get away.

Jorge Gonzalez, City Manager, stated that bicycles and other wheeled conveyances are encouraged on the beachwalk as well as on the bay walk and on South Pointe Park. The intent is to have, along the Government Cut area extension, as wide a path as possible to encourage bicycling on that area. He stated that unfortunately the boardwalk is much narrower, elevated, has guardrails and therefore not the best place to allow bicycles.

Commissioner Gross stated, in his opinion, that the City's long term objective should be to replace the boardwalk with the at-grade beachwalk. He stated that this is the long term official City policy. It will probably be five to seven years before the at-grade beachwalk is implemented in North Beach from 85th St. to 46th St. The long term plan is to have a 20ft. wide beachwalk on the beach accessible for bicycles from where the boardwalk now ends on 46th St. to the north end of the City. Once all of this is done in seven to ten years, he expects that the boardwalk will be replaced with the beachwalk.

Commissioner Steinberg requested that typographical errors be corrected on the ordinance to read "Ocean Rescue" instead of "Beach Patrol," and to correct the spelling mistake and add the "e" in "manager."

Commissioner Smith stated that he agrees with Jorge Gonzalez, City Manager, in distinguishing the boardwalk from the beachwalk. He requested that signs reference this ordinance, and that the message is sent out that bicycles are not allowed on the boardwalk. He stated that the security is effective and polite with the offenders. He commended Jorge Gonzalez, City Manager, for all the efforts on this regard. **Kevin Smith to handle.**

Jorge Gonzalez, City Manager, stated that this ordinance also authorizes the City Manager to designate other appropriate users of wheeled conveyances on the boardwalk from time to time. He informed the City Commission that he intends to authorize the security guard company to use bicycles on the boardwalk as an additional tool for security services. He will follow up with an LTC on this matter. **City Manager's Office to handle.**

Commissioner Smith stated that the security guards need to be instructed when riding bicycles to slow down and be extremely careful. **City Manager's Office to handle.**

Murray Dubbin, City Attorney, read the amendment into the record.

Section 82-438 (B):

This section shall not apply to; wheeled conveyances required by the disabled; strollers; or wheeled conveyances required by Fire, Police, Ocean Rescue, or other City employees or agents as may authorized by the City Manager.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald\
2. Memorandum from Murray Dubbin, City Attorney, to Mayor and City Commission, dated June 8, 2005, RE: Item R5D
3. Ordinance in draft form

11:44:34 a.m.

R5E Nonconforming Buildings

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 Terms And Descriptions, And To Provide More Defined Parameters For What Constitutes A Nonconforming Structure; By Amending Section 118-398 To Clarify And Update Certain Terms And Descriptions; By Amending Section 118-399 To Clarify And Update Certain Terms And Descriptions; By Amending Chapter 130, "Off Street Parking", Article VI, "Parking Credit System" By Amending Section 130-161, To Establish Revised Standards For Non-Conforming Structures; Providing For Repealer, Codification, Severability And An Effective Date. **10:45 a.m. Second Reading, Public Hearing.**

(Planning Department)
(Continued from April 20, 2005)

ACTION: Public Hearing held. **Item referred. Opened and continued to September 7, 2005 at 10:45 a.m.** Motion made by Commissioner Bower to open and continue the item and to refer it to the Land Use and Development Committee; seconded by Commissioner Gross; Voice vote 6-0; Absent: Commissioner Cruz. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to place on the committee agenda and to handle.

Jorge Gomez, Planning Director, explained the ordinance.

Commissioner Gross stated for the record that he has a legal concern because of the magnitude of the changes between first and second reading are fairly substantial and in order to be extra cautious perhaps there should be a third reading of this ordinance, and in the interim receive feedback from the people that will be most directly affected by it. He explained that this is a very important, far-reaching rewrite of the rule with significant economic consequences on people renovating buildings. He wants to make sure that the real estate community is familiar with this ordinance.

Jorge Gomez, Planning Director, stated that there was discussion on the changes at the Planning Board and the Historic Preservation Board and this ordinance has been liberalized, it was relaxed; the percentage of the amount of the wall to be retained decreased from 90% to 75%.

Commissioner Gross stated that this is significantly stricter than the way the City has historically been interpreting it administratively, and this is what he wants the business community to understand. He added that he knows there have been extensive public hearings but he wants to know if there has been extensive public participation. The answer is "no" as per Jorge Gomez, Planning Director.

Motion made by Commissioner Bower to move the ordinance.

Murray Dubbin, City Attorney, stated that the rule is that when you have a subject area and you broaden it in effect it is a new ordinance. If you have a measure and you narrow the scope, it does not generally require a new reading or reinitiating the measure.

Commissioner Gross stated that he will reach out to the business community.

Commissioner Bower stated that she will reach out to the preservationists in the community.

Murray Dubbin, City Attorney, stated that the item could be opened and continued and referred to a committee.

Motion made by Commissioner Bower to open and continue the item.

Commissioner Gross to referred the item to the Land Use and Development Committee and requested to invite the public

Mayor Dermer suggested inviting the public for the Land Use and Development Committee Meeting. **Jorge Gomez to handle**

12:14:03p.m.

Jorge Gonzalez, City Manager, requested that the ordinance be opened and continued to the first meeting in September, since Jorge Gomez will be absent in July.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

12:16:14 p.m.

R5F Pre-1942 Single Family Home Development Regulations
An 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," Division 2, "Single-Family Residential Districts," By Amending Section 142-108 To Revise The Requirements For New Development On Sites With Single Family Homes Constructed Prior To 1942; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading.**

(Planning Department)

ACTION: Ordinance denied. Motion made by Commissioner Smith to accept the Administration recommendation to deny the ordinance; seconded by Commissioner Gross; Voice vote: 5-1; Opposed: Commissioner Bower; Absent: Commissioner Cruz.

Motion made by Commissioner Bower to approve the ordinance. No second offered.

11:27:00 a.m.

R5G An Ordinance Amending The Use Of Public Property Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 82, "Public Property," Article IV, "Uses In Public Rights Of Way," Division 2 "Temporary Obstructions" Section 82-151 (C) (4), To Apply An Alternative Permit Fee Based On Market Value Of Adjacent Properties Instead Of The Specified Fee From Appendix "A," If Public Works Department Determines That The Temporary Use, Closure Or Occupation Of The Right-Of-Way Will Disrupt, Hinder Or Impede Public Access Or Use Of The Right-Of-Way; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading.**

(Public Works)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 5-0; Absent: Mayor Dermer and Commissioner Cruz. Second Reading and Public Hearing scheduled for July 6, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Fred Beckmann to handle.

Fred Beckmann, Public Works Director, stated that on second reading a small amendment will be made to the language to make it mandatory that whenever there is a right of way permit the fee will be calculated and the higher fee will be applied.

R7 - Resolutions**5:12:04 p.m.**

R7A A Resolution Following A Duly Noticed Preliminary Public Hearing Pursuant To City Code Section 118-705, Evaluating The Merits Of A Proposed La Gorce Island Neighborhood Conservation District, And Directing The Planning Department To Continue The NCD Designation Process.
5:01 p.m. Public Hearing.

(Planning Department)

ACTION: Public Hearing held. **Resolution not adopted.**

Esther Egozi spoke.
Dennis X. Kainen spoke.
Robert Frankel spoke.
Barry Rothberg Esq. from Greenberg and Taurig.
Victor Diaz spoke.
Linda Villella spoke.
Edward Villella spoke

Commissioner Smith stated that unless there is consensus among the residents of the entire island, he would not approve a conservation district. He would like for there to be discussion for the neighborhood groups to get together and if there is consensus, then the City Commission should go forward.

Motion made by Commissioner Smith to approve the item, with the understanding that there needs to be consensus among the residents that they want this conservation district; seconded by Commissioner Steinberg. No vote taken.

Jorge Gomez, Planning Director, stated that the next step will be to hold workshops and to have preliminary discussions with the community in order to prepare the guidelines. The association is hiring professionals to help them with this process.

Commissioner Smith explained that this came about because a group of neighbors, who want to have a certain lifestyle, is asking the City to help facilitate it.

Vice-Mayor Garcia stated that the City should let the people decide what they want to do.

Commissioner Cruz stated that he agrees with Vice-Mayor Garcia that the citizens need to figure out what they desire first and then come to the City. He stated that in his opinion, a conservation district is good for the island, but the residents need to come to that conclusion on their own.

Jorge Gonzalez, City Manager, stated that staff cannot continue without the approval of the City Commission, and added that perhaps the association can make a petition from the majority of the residents.

Mayor Dermer stated that the City will let the Island residents determine their own future; they can work together to come up with a design, and if they come together, then that will be the appropriate time to get the Planning Department involved.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Letter to the Miami Beach City Commission, from Lyle B. Thompson, M.B.A., C.P.A, dated May 31, 2005, RE: Proposed La Gorce Island Neighborhood Conservation District.
3. Letter from Thomas C. Cundy, to Miami Beach City Commission, c/o City Clerk, dated June 7, 2005, RE: Preliminary Public Hearing pursuant to Code Section 118-705 being held on Wed., June 8, 2005

at 5:01 pm, in the City Commission Chambers.

11:30:40 a.m.

R7B Proposed Amendment To FY 2004-05 Electrowave Budget:

1. A Resolution Authorizing The Appropriation And Transfer Of \$230,045 From Fiscal Year (FY) 2003-04 Undesignated Parking Enterprise Fund Balance To The FY 2004-05 Electrowave Operating Budget; Subject To The Determination By The City Administration That The Parking Fund Has Met All Debt Covenants For FY 2003-04.

ACTION: Public Hearing held. **Resolution No. 2005-25930 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg Voice vote: 6-0; Absent: Commissioner Cruz. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

2. A Resolution Authorizing The Appropriation Of \$34,564 In People's Transportation Plan (PTP) Funds And Approving And Authorizing An Amendment To The Fiscal Year (FY) 2004-05 Operating Budget For The Electrowave (EW) Shuttle Service, In The Amount Of \$264,609 To Fund The Additional Cost Of Operating An All-Electric Shuttle Service, In Lieu Of The Planned Six (6) Diesel And One (1) Electric Bus Service; Bringing The Total FY 2004-05 EW Operating Budget To \$2,323,544.
(Public Works)

ACTION: Public Hearing held. **Resolution No. 2005-25931 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

Jorge Gonzalez, City Manager, stated that the original budget needs to be revised due to the City transferring the operation of the Electrowave to Miami-Dade County and since the City is not buying the buses. This will account for the continuation of the fleet through the end of the fiscal year, as well as the additional costs associated with repair and maintenance.

Commissioner Gross stated that there will be a gap between the time when the City stops operating the Electrowave and the time Miami-Dade County buys the new buses and have them designed to reflect the new image. Would Miami-Dade County use the City's buses in the interim?

Fred Beckmann, Public Works Directors, stated that he spoke to the Miami-Dade County representative on that issue and it is a valid concern since they are not experts in electric vehicles. They answered that they are willing to put new wraps to the existing mini buses.

Commissioner Gross requested to add language to the Interlocal Agreement that the wraps will be basically the same. This amendment is for Item R7E. **Fred Beckmann to handle.**

Commissioner Bower requested an update on the hiring of current drivers and as the Liaison that she be invited to all the meetings. **Fred Beckmann to handle.**

Vice-Mayor Garcia stated that he has a personal promise from Mr. Bradley Roosevelt, Miami-Dade County Transit Director, that the existing drivers will be absorbed.

12:06:03 p.m.

Supplemental Materials: Resolution

R7C A Resolution Approving A Local Agency Program (LAP) Agreement With The Florida Department Of Transportation (FDOT), Which Provides For The Transfer Of \$1,426,000 In Federal Grant Funding To The City For The Restoration And Enhancement Of The Collins Canal North Bank Seawall; And Authorizing The Appropriation Of \$713,000 From Undesignated Parking Enterprise Funds For Subsequent Reimbursement By FDOT. **Joint City Commission And Redevelopment Agency**

(Public Works)

ACTION: Heard in conjunction with RDA Item 3C. Resolution No. 2005-25932 adopted. Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Cruz. Patricia Walker to appropriate the funds. Fred Beckmann.

12:19:18 p.m.

Supplemental Materials: Resolution:

R7D A Resolution Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement With McMahan Associates, Inc., In The Amount Of \$76,015.00 For The Preparation Of A Conceptual Plan Report For The Sixteenth Street Operational Improvements/ Enhancement Project; Utilizing \$75,000 In Funds Appropriated For This Project By Resolution No. 2004-25589, Dated June 9, 2004; And Pursuant To Resolution No. 2005-25784, Dated January 27, 2005, Which Authorized Contract Negotiations; And Further Authorizing The Appropriation Of An Additional \$1,015 In Concurrency Mitigation/South Beach Funds To Cover The Negotiated Price.

(Public Works)

ACTION: Resolution No. 2005-25933 adopted. Motion made by Commissioner Smith; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Cruz. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

Handout or Reference Materials:

1. Diagrams of 16th Street today and proposed improvements, 16th Street Preliminary Concepts to be Better Defined During BODR Process

11:40:15 a.m.

R7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Interlocal Agreement Between Miami-Dade County And The City Of Miami Beach For The Provision Of A Bi-Directional Transit Circulator Route Service, To Be Known As "The Local"; Pursuant To Negotiations Finalized By The Administration, At City Commission Request.

(Public Works)

ACTION: Resolution No. 2005-25934 adopted and the agreement amended. Motion made by Commissioner Gross as amended; seconded by Commissioner Steinberg; Voice vote: 5-1; Opposed Vice-Mayor Garcia; Absent: Commissioner Cruz. Fred Beckmann to handle.

Amendment from discussion on item R7B:

Commissioner Gross requested to add to the Interlocal Agreement that the wraps will be basically the same. **Fred Beckmann to handle.**

Fred Beckmann, Public Works Director, explained the item.

Vice-Mayor Garcia asked what level of service will be turned on at the September date.

Jorge Gonzalez, City Manager, stated that the only thing that will not be at the level anticipated come February or March is the specific buses to be used. The older buses will be wrapped so that they will look like the local with the new marketing campaign. He explained that in February the new buses will come on line, but the level of service, the extended route being proposed, the hours, the fairs, etc. remains consistent. That piece becomes effective September 24th. The only difference is which buses will be operational in February.

Vice-Mayor Garcia requested reassurances in writing as to what Miami-Dade County is going to do. **Fred Beckmann to handle.**

Amendment:

Commissioner Gross requested to address in the escape clause in the agreement that since the City is buying the mini buses, if the agreement is terminated, the City of Miami Beach gets the buses back.

Addendum:

12:21:23 p.m.

R7F A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida Opposing The Proposed Amendment To The Miami-Dade County Zoning Code Pertaining To Regulation Of Signs And Enforcement Of Sign Regulations.
(City Manager's Office)

ACTION: Resolution No. 2005-35936 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. R. Parcher to transmit to Miami-Dade County Mayor, County Commissioners, and County Manager. Jorge Gomez to handle.

Jorge Gonzalez, City Manager, explained that Miami-Dade County is considering two separate ordinances that will, in his opinion, adversely impact the City of Miami Beach in each case. This item is for a resolution opposing a proposed amendment of the Miami-Dade County Zoning Code that will require the County to review and issue permits on any signs on Miami Beach, notwithstanding the fact that the City of Miami Beach has a sign ordinance and a regulatory process to issue permits. He stated that this is an intrusion on municipal rights to control its zoning and land use, and more importantly it will create extensive administrative burden on the County and the City, because once reviewed by the County, the City still requires approval and then the applicant has to report back to the County what was approved. The Administration feels this adds another layer of review and regulation that is unnecessary and inappropriate. This is a resolution to express a formal opposition from the City of Miami Beach Commission when the ordinance will be heard at the June 14th Miami-Dade County Commission meeting.

Commissioner Steinberg thanked the League of Cities and Howard Leonard in specific, for bringing this to his attention.

Handout or Reference Materials:

1. Copy of Commission Item Summary and Commission Memorandum from Jorge M. Gonzalez, City Manager, to Mayor David Dermer and Members of the City Commission, dated June 8, 2005, RE: A Resolution opposing the proposed amendment to the Miami-Dade County Zoning Code pertaining to regulation of signs and enforcement of sign regulations.

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.

ACTION:

Beautification Committee:

Joshua Bratter

Term expires 12/31/05

Appointed by Commissioner Cruz TL 12/12

R9A1 Nominate Mr. Matthew E. Krieger To The Zoning Board Of Adjustment.
(Requested by Vice-Mayor Luis R. Garcia, Jr.)

ACTION: Not appointed. See item R9A4.

R9A2 Appointment Of Seth Frolich To The Board Of Adjustment.
(Requested by Commissioner Simon Cruz)

ACTION: Appointed via ballots Seth Frolich to the Zoning Board of Adjustment in the At-Large category. **Robert Parcher to handle.**

Handout or Reference Material

- 1. Set of ballots

R9A3 Appointment To The Board Of Adjustment.
(City Clerk's Office)

ACTION: Informational item. No action required.

Addendum Item:

R9A4 Nomination Of Mr. David Lancz To The Zoning Board Of Adjustment.
(Requested by Commissioner Richard L. Steinberg)

ACTION: Appointed via ballots David Lancz to the Zoning Board of Adjustment in the Law category. **Robert Parcher to handle.**

Handout or Reference Materials

- 1. Set of ballots
- 2. Letter from Jason Loeb, Chair of the Board of Adjustment, dated June 6, 2005, forwarded by Tim Hemstreet, Acting Assistant City Manager.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION: No speakers

6:14:02 p.m.

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.).

ACTION:

Sylvia M. Latimer, resident of Miami Beach, spoke on civil rights, human rights, constitutional rights, citizens and public official's behaviors and how it affects individuals, the community and the children. She has experienced horrible circumstances which brought about criminal investigation about Miami Dade Police, Miami Beach Police and public corruption within Miami-Dade County Court House. She explained that she was evicted on February 23rd, from a property owned by Diane Eisenberg; not for money, but for issues of discrimination and because she went to the Building Department to complaint. She feels that some building officials are protecting the landlords.

Angel F. Leal, Jr., unit owner at Castle Beach Club Condominium, spoke. He expressed his disappointment, frustration and anger about his situation. He speaks as a property owner and taxpayer, since he cannot understand why the building was closed by the City. It is a coincidence to him that the closure of the building took place when Bill 2306 calling for condo termination was pending, and time was impeccable. He asked why none of his emails had been answered, and last, he asked why the Court appointee receiver, Robert Stone, wanted to meet with unit owners, the City did not see it that they could use City space to have a meeting. He asked for the City Commission's help.

Commissioner Smith expressed his sympathy, but the decision was made by the Building Official acting under State building code, that has deemed the property to be a life safety problem for the residents of that building. What can the City do differently than what Mr. Stone is doing now?

Angel F. Leal, Jr., stated that the City should tax \$10 million and get special assessment on the property, let the City finance Phase 1 of the project or at least, facilitate the alleviation of the life-safety issues so that it does not cost \$10 millions.

Mayor Dermer asked Jorge Gonzalez, City Manager, how has the communication level been between the Building Department and whoever is the receiver.

Jorge Gonzalez, City Manager, stated that he could not give specific details, but he is sure that the Building Department has been communicating effectively in providing the information. There is nothing in question as to what is life-safety, what is pending for correction, and these are long standing issues that the Building Department has been trying to get the Association to get them corrected.

Vice-Mayor Garcia stated that this building has been a problematic building since 1986. Throughout the years, it has deteriorated and there have been additional construction done illegally inside the individual units that increase the danger in question.

Commissioner Steinberg asked Jorge Gonzalez, City Manager, to find out if the City had not accommodated the unit owners for their meeting, and he stated that there was consensus among the City Commission to help unit owners find a place to meet. **Ramiro Inguanzo to handle.**

Tim Hemstreet, Acting Assistant City Manager, stated that Castle Beach contractors and developers as well as Mr. Stone are in frequent contact with Hamid Dolikhani, Acting Building Director, as well as Building Department staff in trying to resolve these issues, and orders have been given by Mr. Dolikhani to the Building Department staff that anytime a contractor, developer, or Mr. Stone come in, to work with them immediately to get the building back in service.

Yolande Mendez stated that she bought an apartment a few days before the building closed, and she was out of the country. She came to the City and was provided with copies of violations that she did not understand. She stated that there is very little communication between Mr. Stone and the owners of the unit and complained of having no voice in the matter.

Mayor Dermer explained that the enforcement of these laws is a matter of the courts.

Vice-Mayor Garcia stated that a couple of people have called him regarding channel changes with Cable TV.

Mayor Dermer stated that Channel 20 will be changed to Channel 77.

Vice-Mayor Garcia stated that several Hispanic constituents have complained that the Spanish channels have changed to the 80's.

Jorge Gonzalez, City Manager, stated that the Cable Company is trying to align similar types of programming together, where all of the government channels are similarly situated on the dial. He stated that the Administration can look at the schedule again, but they do not have authority in the matter.

Handout or Reference Materials:

1. Speaker's list

R9C Discussion Regarding 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 IV, "Conditional Use Procedure," Section 118-197, "Review Of Conditional Uses," And Article X, "Historic Preservation," Section 118-537, "Rehearings And Appeals," To Amend The Procedures By Which Appeals Are Taken From Certain Decisions Of The City's Planning Board And Historic Preservation Board, By Providing That Appeals From Such Boards Be Taken First To The City Commission; Providing For Codification, Repealer, Severability And An Effective Date.

(Requested by Commissioner Simon Cruz)

ACTION: Item deferred.

2:00:00 p.m.

R9D The Committee Of The Whole Will Meet During Lunch Break In The City Manager's Large Conference Room Regarding The Fiscal Year 2005/06 Proposed Operating Budget Request For The Office Of The Mayor And City Commission.
(Budget & Performance Improvement)

ACTION: The Mayor and All Commissioners were in attendance. Discussion held.

Luis Wong, Office Manager, made a presentation of a database to track complaints.

Mayor Dermer stated that the Mayor and Commissioner's Office will participate in the complaint tracking system on an optional basis.

Vice-Mayor Garcia proposed that when promotional tables for events are bought sometimes there are empty seats. He stated that the cost should be shared and that the Commissioners should choose who and when they will attend to prevent empty seats, because these tables can be expensive.

Luis Wong, Office Manager, stated that he takes a poll before buying a table as to who will attend.

Commissioner Bower stated that sometimes these promotional tables are bought as a donation and not necessarily to attend the event.

Commissioner Steinberg stated that he agrees with Vice-Mayor Garcia, and that the cost should be shared, and if a Commissioner cannot attend an event, he/she should let staff know and let the organization know so that they can rebook the table.

Jorge Gonzalez, City Manager, stated that the Convention Center lost three major conventions next year due to shortage of rooms because of the Fontainebleau being under construction, and shortage of union property. He also stated that he has been discussing with the Greater Miami Convention and Visitors Center (GMCVB) that the City could build the Ball Room but that the stock of rooms is in jeopardy again, due to properties changing owner, and conditional use changes.

Handout or Reference Material

1. Notice of Ad in The Miami Herald
2. LTC 131-2005
3. General Fund Revenues, April 2005 to June 8, 2005

6:39:34 p.m.

R9E Discussion Regarding Memorial Day Weekend 2005.
(Requested by Vice-Mayor Luis R. Garcia, Jr. and Commissioner Simon Cruz)

ACTION: Discussion held.

Vice-Mayor Garcia explained his concerns regarding the difficulties experienced during the Memorial Day Weekend. He commended the Miami Beach Police Department for the arrests and confiscation of firearms that took place, and congratulated Chief Martinez and his staff for a job well done. He added that he understands the crimes were committed by locals on visitors. He is a proponent of this event, but he suggested that the Administration have Miami Dade County deliver the services they should be delivering for next year's event.

Commissioner Cruz commended the Miami Beach Police Department for keeping the presence felt and the City under control. He was informed that the number of arrests increased since there were more undercover officers and added that the City must be prepared to provide safety to visitors. He further stated that he believes the City solicits funds from Miami-Dade County in a cooperative effort, and does not know what else can be done in terms of added services from Miami-Dade County.

Jorge Gonzalez, City Manager, stated that the City is getting services from Miami-Dade County but that we could always use more help during this very busy holiday weekend.

Vice-Mayor Garcia added that enforcement of the City Code ordinances were violated, but enforcement is expensive and it should be funded by Miami-Dade County.

Commissioner Smith observed that Miami-Dade County made its presence with plenty of bicycle patrols as well as an observation tower installed by the City of Miami, which he thought was very effective. The North Beach area also had an extraordinary amount of people, particularly in North Shore Open Space Park, where he feels the City could have used more police presence. He commended the Police Department, Sanitation and the Administration for handling the weekend well.

Jorge Gonzalez, City Manager, explained that Miami-Dade County has since the first Memorial Day Weekend that we requested assistance, reverted to adding resources in their budget. He informed that this year's expense estimate from Miami-Dade County was \$300,000; \$160,000 of which was spent on police services. In comparison, the City of Miami Beach spent approximately \$800,000.

Vice-Mayor Garcia explained that he added this item on the agenda because he understood there was lack of satisfaction with Miami-Dade County services.

Jorge Gonzalez, City Manager, clarified that it would be helpful in the future if Miami-Dade County could provide additional police and other services. He also stated that the City received Mutual Aid from Florida Highway Patrol and from the City of Miami, as well as undercover Police Task Force.

12:24:29 p.m.

Addendum Item:

R9F Discussion Regarding A Resolution Opposing Modification To Boundaries Of The Road Impact Fee Districts As Proposed By Miami-Dade County Amendment To Chapter 33E Of The Miami-Dade County Code.

(Requested by Commissioner Richard L. Steinberg)

ACTION: Discussion held. **Resolution No. 2005-25915 adopted.** Motion made by Commissioner Steinberg; seconded by Vice-Mayor Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. R. Parcher to transmit to Miami-Dade County Commission and County Manager.

Jorge Gonzalez, City Manager, explained that this County Administrative proposal, which will be going to the County's Infrastructure Committee in August, is a change in the way the Road Impact Fees are managed. At the present time there are nine Road impact Fee districts and Miami Beach is essentially a district on its own. The proposal considered is to reduce the number of districts from nine to three, and in doing so, the City of Miami Beach becomes part of a larger district and the dollars become diluted and this creates an adverse circumstance for the City.

Murray Dubbin, City Attorney, stated that the Legal Department will check into it, and explained that the concern with this resolution is the issue of tampering with road funds in such a way that is adverse to the City. **Legal Department to handle.**

Mayor David Dermer greeted Miami-Dade County Commissioner Bruno Barreiro.

Bruno Barreiro, Miami- Dade County Commissioner, stated that this resolution was passed on first reading, and he is not in favor of this proposal, and will do everything possible to defeat its purpose; he asked for the City Commission's support.

Commissioner Smith stated that the legal concept of an Impact Fee is that monies generated by collecting the fees have to be spent within the areas that generated the money; there has to be a nexus, which is a standard by which impact fees ordinances are considered. In theory, moneys generated within the City of Miami Beach can be spent in other areas outside the City, and this is not a valid exercise of the County's authority. He added that he feels this is subject to legal challenge, it is not fair and the City of Miami Beach stands prepared to challenge it.

Bruno Barreiro, Miami- Dade County Commissioner, stated that he does not understand why this resolution was put forth by staff, but assured the City Commission that it is not sponsored by County Commissioners.

Vice-Mayor Garcia thanked Miami-Dade County Commissioner Bruno Barreiro for the work he has done for the City.

Commissioner Gross suggested Jorge Gonzalez, City Manager, to obtain a chart to figure out what communities are contributing and who are the allies on the Commission. **Fred Beckmann to handle.**

Jorge Gonzalez, City Manager, stated that the Administration can obtain a chart, but this issue is really a County vs. City issue, not an issue between cities. If there are other municipalities that would stand to benefit, if given the choice, nine times out of ten, the funds would go to unincorporated areas rather than municipalities that have their own Public Works Department.

Commissioner Steinberg, for the record, stated that the League of Cities unanimously supported the resolution at the last meeting.

Mayor Dermer requested Commissioner Steinberg, as the Liaison to represent the City at the League of City, and Commissioner Smith to serve as liaisons to work with Commissioner Barreiro and Miami-Dade County on this issue and pursue the legal aspects of it.

Commissioner Smith suggested that this issue be presented to the MPO to weigh in on it as well.
Fred Beckmann to handle.

City of Miami Beach representatives will need to attend the August 16, 2005 Miami-Dade County Infrastructure Committee Meeting. **Fred Beckmann to handle.**

11:01:48 a.m.

Murray Dubbin, City Attorney, stated that there are three proposed matters for which the City Attorney's Office seeks the advice and counsel or in some cases to advise the Commission on matters that are pending litigation. 1) The City of Miami Beach vs. Robbins. These are two cases involving the appraisal of the Anchor Parking Garage that has been pending and the City has orders from the Court that need to be discussed. There are seven cases that are pending and the City Attorney's Office wishes the advice of the City Commission during lunch time break as to how to proceed. 2) The second matter has to do with the cases of Club Madonna and Leroy Griffith vs. The City of Miami Beach. These are cases where the City Attorney's Office wishes to discuss potential settlement and get advice and instructions from the City Commission during the lunch break. 3) The matter of Micky Biss and USA Express Inc. vs. the City of Miami Beach. There are two pending cases which the City Attorney needs to discuss and seek advice from the City Commission or to advise the City Commission as to certain matters concerning the litigation. He requested permission to call the Executive Session which he will do prior to the lunch break.

Mayor Dermer stated that it will be done without objections.

12:46:41 p.m.

Motion made by Commissioner Bower to include Item R10C in the Executive Session of the Commission Agenda; seconded by Commissioner Cruz. Approved by acclamation.

12:50: 25 p.m.

Notice of the Committee of the Whole Meeting read by Robert Parcher, City Clerk.

R10 - City Attorney Reports

R10A Notice Of Attorney-Client Session.

Pursuant To Section 286.011(8), Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation:

City Of Miami Beach, Et. Al. V. Robbins, Joel, Et. Al., 11th Judicial Circuit Case Numbers 00-33110-CA-06; 01-29238-CA-06; 02-31177-CA-06; 02-31178-CA-06; And 04-26529-CA-25

Robbins, Joel, Et. Al. V. City Of Miami Beach, 11th Judicial Circuit Case Numbers 03-25503-CA-04 And 04-23474-CA-10

Therefore, A Private Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On June 8, 2005 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above-Referenced Litigation. The Specific Time Period For And The Commencement Of The Attorney-Client Session Shall Be Announced By The Chair Of The Commission Meeting At The Opening Of The Attorney-Client Session. The Termination Of The Attorney-Client Session Shall Be Announced By The Chair Of The Commission Meeting At The Re-Opening Of The Commission Meeting After The Lunch Recess.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The City Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard L. Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Deputy City Attorney Don Papy, And Senior Assistant City Attorney Roberto Datorre.

ACTION: Announced and held.

Handout or Reference Materials:

1. Notice of Attorney-Client Session, to Mayor David Dermer, Members of the City Commission and City Manager Jorge Gonzalez, from Murray H. Dubbin, City Attorney, dated May 25, 2005.

R10B Notice Of Attorney-Client Session

Pursuant To Section 286.011(8), Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation:

Club Madonna, Inc. V. City Of Miami Beach U.S. District Court, Southern District Of Florida, Case No. 05-21213 CIV-MOORE

Ell-Gee, Inc., Club Madonna, And Leroy Griffith V. City Of Miami Beach, 11th Judicial Circuit Case No. 04-3023-CA23

Therefore, A Private Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On June 8, 2005 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above-Referenced Litigation. The Specific Time Period For And The Commencement Of The Attorney-Client Session Shall Be Announced By The Chair Of The Commission Meeting At The Opening Of The Attorney-Client Session. The Termination Of The Attorney-Client Session Shall Be Announced By The Chair Of The Commission Meeting At The Re-Opening Of The Commission Meeting After The Lunch Recess.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The City Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard L. Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Deputy City Attorney Don Papy, First Assistant City Attorney Gary Held And Senior Assistant City Attorney Roberto Datorre.

ACTION: Announced and held.

Handout or Reference Materials:

1. Notice of Attorney-Client Session, to Mayor David Dermer, Members of the City Commission and City Manager Jorge Gonzalez, from Murray H. Dubbin, City Attorney, dated May 25, 2005.

Addendum Item:

R10C Notice Of Attorney-Client Session

Pursuant To Section 286.011, Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation:

Micky Biss And USA Express, Inc. Vs. City Of Miami Beach, Florida. Circuit Court Of The Eleventh Judicial Circuit Of Florida, Case No. 01-11865 CA 10

Micky Biss Vs. City Of Miami Beach, A Municipal Corporation And Robert Parcher, The City Clerk Of The City Of Miami Beach. Eleventh Judicial Circuit, General Jurisdiction, Case No. 05-05755 CA 30

Therefore, A Private Closed Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On June 8, 2005 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above Referenced Litigation Matters.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, Deputy City Attorney Jean Olin, First Assistant City Attorneys Debora J. Turner And Gary Held.

ACTION: Announced and held.

5:11:00 p.m.

Murray Dubbin, City Attorney, announced that pursuant to the provisions of 286.011 the Executive Sessions, which were announced and held during the lunch break, have all been terminated.

Reports and Informational Items

A City Attorney's Status Report.

(City Attorney's Office)

ACTION: Written report submitted.

B Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.

(Capital Improvement Projects)

ACTION: Written report submitted.

C Status Report On The Construction Of Fire Station No. 4.

(Capital Improvement Projects)

ACTION: Written report submitted.

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

(Procurement)

ACTION: Written report submitted.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
June 8, 2005**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Acting Assistant Director Timothy D. Hemstreet
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL

2. OLD BUSINESS

A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of April 2005.

ACTION: Written report submitted.

3. NEW BUSINESS

12:05:01p.m.

A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Approving An Amendment To The Fiscal Year 2004/05 Operating Budget For The Anchor Garage Facility In Order To Fund Certain Internal Service Charges From Property Management And Fleet Management In Order To Provide General Maintenance In The Anchor Garage Facility; And Appropriating \$42,000 In Available Revenues From The Operation Of The Anchor Garage Facility For Said Purpose.

ACTION: Resolution No. 504-2005 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Garcia Voice vote: 5-0; Absent: Commissioners Cruz and Smith. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

12:05:37 p.m.

- B A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Amending The Fiscal Year 2004/05 Budget, Of The Miami Beach Redevelopment Agency, City Center Redevelopment area, By Increasing The Anchor Garage Facility Use/Usage Fee Line Item From \$86,800 To \$156,800, In Order To Reflect The Gross Payments Required Pursuant To The Terms Of The Anchor Garage Easement Agreement Dated September 20, 1996, By And Between The Miami Beach Redevelopment Agency And The Miami Beach Redevelopment, Inc., (Loews); And Appropriating \$70,000 In Available Revenues From The Operation Of The Anchor Garage Facility For Said Purpose.

ACTION: Resolution No. 505-2005 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

12:06:36 p.m.

- C A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Approving The Appropriation Of And Advancing \$713,000 From Non-Tax Increment Redevelopment Agency Funds From City Center Redevelopment Area, For Subsequent Reimbursement By The Florida Department Of Transportation, Transportation Enhancement Program (TEP) Funds, For The Restoration And Enhancement Of The Collins Canal North Bank Seawall. **Joint City Commission And Redevelopment Agency.**

ACTION: Heard in conjunction with R7C. Resolution No. 506 2005 adopted. Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

Commissioner Gross requested an LTC integrating the design and the sea wall concept. **Tim Hemstreet to handle.**

12:15:00 a.m.

D A Resolution Of Chairman And Members Of The Miami Beach Redevelopment Agency Appropriating And Transferring To The City Of Miami Beach \$105,651 In City Center RDA Funds To Fund Proposed Contracts Between The City Of Miami Beach And Neighborhood Maintenance, Inc. And With Florida Lawn Service, Inc., Respectively, Subject To Award Of The Contracts By The Mayor And City Commission, In Connection With Request For Approval To Award Pursuant To Invitation To Bid No. 08-04/05 For Landscape Maintenance Services For The Beachwalk, Boardwalk And Spoil Areas, In The Estimated Annual Amount Of \$275,804. **Joint City Commission And Redevelopment Agency**

ACTION: Heard in conjunction with R2A. Resolution No. 507-2005 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Cruz. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

Jorge Gonzalez, City Manager, stated that a bid protest has been filed and it has been rejected.

Handout or Reference Materials:

1. Letter from Jorge Gonzalez, City Manager, to Ms. Mariela Fonseca, Business Developer, Superior Landscaping & Lawn Service, Inc., dated June 7, 2005 RE: Bid Protest Letter Re Bid No. 08-04/05 – Landscape Maintenance Services.

Meeting adjourned at 6:52:50 p.m.

End of RDA Agenda