



MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
July 11, 2007

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

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

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ATTENTION ALL LOBBYISTS

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

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

- PA1 Presentation of Miami Beach Hospitality & Tourism Scholarships to (14) Students.
- PA2 Presentation & Award/MB City Commission & City Manager, Bots IQ Competition. (Bower)
- PA3 Presentation by the Center for Family & Child Enrichment, Inc. (Bower)
- PA4 Key to the City/Betsy & Rudy Perez, Support of Tourism in Miami Beach.
- PA5 Certificates of Appreciation/"Team Clean," 2007 Sterling Team Showcase Competition.
- PA6 Certificates of Appreciation/Employee of the Month "At Your Service" Award Winners.
- PA7 Proclamation/Jose "El Niño" Temprana, Becoming an American Citizen at Age 105. (Cruz)
- PA8 Certificate of Appreciation/Michael Larkin, Establishing an Adopt-the-Block Program. (Góngora)
- PA9 Certificate of Appreciation/HOPE, Assisting the Homeless of Miami Beach. (Góngora)
- PA10 Certificate of Appreciation/Beverly B. Heller, 30 Years of Teaching. (Bower)
- PA11 Proclamation/Irene Marie, Contributions to & Promotion of CMB. (Dermer)
- PA12 Certificates of Appreciation/(4) Associations, Improve Safety & Quality of Life in CMB. (Libbin)
- PA13 Key to the City/Staff Sgt. Adriel Duran, Operation Iraqi Freedom 2005-2007. (Libbin)
- PA14 **New Item:** Certificates of Appreciation/Debra Fahad, Nadege Briceus & Ceasar Mainardi.

- C2A Request for Approval, Purchase (1) 2008 International Truck Chassis, \$246,331.
- C2B Request for Approval, Purchase (1) 2008 Ford F-550 Crew Cab, \$46,988.

- C4A Ref: Ad Hoc Green & Neighborhoods/Comm. Affairs Comm. - House Bill 7123. (Steinberg)
- C4B Ref: Neighborhoods/Community Affairs Committee - Conditions of the Boardwalk. (Góngora)
- C4C Ref: Finance & Citywide Projects Committee - Building Development Process Taskforce.
- C4D Ref: Planning Board - Size of Allowable Accessory Use Bars/Restaurants. (Gross)
- C4E Ref: Finance & Citywide Projects Committee - Resort Tax be Filed & Paid On-Line.

- C6A Report: Land Use & Development Committee Meeting on May 14, 2007.
 C6B Report: G.O. Bond Oversight Committee Meeting on June 4, 2007.
 C6C Report: Land Use & Development Committee Meeting on June 11, 2007.
 C6D Report: Finance & Citywide Projects Committee Meeting on June 29, 2007
- C7A Accept Recommendation, Management of Concession Stands & Beachfront Concessions.
 C7B Retroactively Submit Grant Funding Requests to Several Funding Agencies.
 C7C Appropriate Funds, Install External Utility Connections - 21st Street Beachfront Restrooms.
 C7D Appropriate Funds, Jackie Gleason Theater ADA & Interior Improvements Project.
 C7E Approve Final Closeout of Agreement, Miami Beach Golf Course Clubhouse & Facilities.
 C7F Execute Amendment, South Pointe Park Improvements Project.
 C7G Approve Nomination of City's Application, Florida Cities of Excellence & City Spirit Award.
 C7H Set Public Hearing, Development Agreement w/ Miami Beach Garden Conservancy, Inc.
 C7I Execute Amendment, Management of Beach Property for Recreational Activities.
 C7J Execute Intergovernmental Agreement, Fleet Maintenance/Repair Services w/ Surfside.
 C7K Authorize Donation, (3) Ford Crown Victoria Police Pursuit Vehicles to MDCC.
 C7L Adopt City's One-Year Action Plan for Federal Funds for Fiscal Year 2007/2008.
 C7M Declare Parking Emergency for Various Events w/ Increased Traffic & Parking Demand.
 C7N Accept Donation, (2) A/C Stalker Basic Stationary Radar Speed Measuring Devices.
 C7O Execute Mutual Aid Agreement w/ the Florida Fish & Wildlife Conservation Commission.
 C7P Adopt 2nd Amendment to the Police Confiscation Trust Fund Budget for FY 2006/07
 C7Q Set Public Hearing, Consider After-The-Fact Revoc. Permit Request - 5600 La Gorce Dr.
 C7R Approve Amendment, Installation of Citywide Wayfinding Signage & Identity System.
 C7S Waive Bidding, Authorize Asst. PW Director to Select, Negotiate, & Award Contracts. **5/7**
 C7T Waive Rental Fees, Use of Meeting Room & Exhibit Hall Space at MBCC.
 C7U Amend Resolution, Rental Rates for Byron Carlyle, Colony & Little Stage Theaters.
 C7V Approve Nomination Richard L. Steinberg, Florida Cities of Excellence Award. (Steinberg)
- R5A **10:15 a.m. 2nd Rdg**, Permit Robotic Parking Systems in Main Use Garages. **5/7**
 R5B **10:16 a.m. 2nd Rdg**, Land/Lot Split Ordinance. **5/7**
 R5C **10:20 a.m. 1st Rdg**, Prohibit Dance Hall/Entertainment Establishment Uses in CD-1. **5/7 285/SM**
 R5D **5:00 p.m. 2nd Rdg, Open/Cont.**, Commercial Use of Single Family Homes Prohibited. **5/7**
 R5E **1st Rdg**, Demolition Evaluation Criteria. **5/7**
 R5F **1st Rdg**, Reconstruction of Contributing Buildings Design Review/HP Safeguards. **5/7**
 R5G **1st Rdg**, Low & Moderate Income Elderly Housing Parking Requirements. **5/7**
 R5H **1st Rdg**, Allowable Encroachments - Walkways. **5/7**
 R5I **1st Rdg**, Amend Local Business Tax Ordinance.
 R5J **1st Rdg**, Single Family Partial Demolition Procedures. **5/7**
- R7A **Joint**, Authorize City Manager. Negotiate, Award & Reject All Bids, July 11- Sept. 5, 2007.
 R7B Authorize Application to Defease, Resort Tax Revenue Refunding Bonds.
 R7C **10:30 a.m.** Call Special Election, Enact Less Stringent Code of Conduct.(Dermer/Bower)
 R7D Authorize Early Voting for November 6, 2007 & November 20, 2007 (Runoff Elections).
 R7E Approve/Officially Adopt, BODR for the Washington Park Project.
 R7F Adopt the North Beach Town Center Plan.
 R7G **11:00 a.m.** Approve Settlement of City Liens, Property Located at 3101 Indian Creek Drive.
 R7H Amend City's Investment Policy & Procedures, "Protecting Florida's Investment Act."
 R7I Approve Change Orders No. 8, Water & Wastewater Pump Station Upgrades Project.
 R7J Set Proposed Millage Rates for Fiscal Year 2007/08.
 R7K Set Proposed General Operating Millage Rate for Normandy Shores.
- R9A Board & Committee Appointments.
 R9A1 Board & Committee Appointments - City Commission Appointments.
 R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9C **10:45 a.m.** Discuss: Declare Parking Emergency - 17th Street Parking Lot. (Bower)
 R9D Discuss: City's 23rd Street Bridge Project. (Libbin/Góngora)
 R9E **11:15 a.m.** Discuss: Resolution re: Beach Erosion Problems in CMB. (Bower)

- R9F Discuss: Jetty on Miami Beach Between 29th & 32nd Street. (Cruz)
R9G **5:10 p.m.** Discuss: Closing of S. Pointe Park & Creating a Temporary Dog Park. (Bower)
R9H **Noon**, Committee of the Whole re: FY 2007/08 Mayor & Commission Office Budget.
R9I **5:01 p.m.** Discuss: Status of the Drainage on Prairie Avenue. (Gross/Cruz/Bower)
R9J Discuss: Mission & Charge for the Ad Hoc Green Committee.
R9K **5:05 p.m.** Discuss: Miami Heart Institute Site.
R9L Discuss: Status of the 63rd Street Bridge/Flyover Project. (Steinberg)
- A City Attorney's Status Report.
B Parking Status Report.
C Status Report of the New Fire Station No. 2.
D Informational Report: Federal, State, M-DC, U.S. Communities, & All Existing City Contracts.
E1 Minutes: Miami-Dade MPO Governing Board on May 24, 2007. (Steinberg)
- 1A Report: Itemized Revenues/Expenditures, RDA's City Center District & S. Pointe - May 2007
2A **Joint**, Authorize City Manager. Negotiate, Award & Reject All Bids, July 11- Sept. 5, 2007.
2B Approve Reallocation, Remaining Balance of Funding Previously Appropriated for MBCDC.

Meeting called to order at approximately 9:27:40 a.m.

Pledge of Allegiance led by Acting Police Chief Noriega.

Invocation given by Father Pedro Martinez from Amor Cristiana Church.

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

Supplemental Materials:

- C6D – Revised Memorandum,
- C7B – Resolution,
- C7J – Revised Agreement,
- C7M – Resolution,
- C7Q – Resolution,
- C7S – Resolution,
- C7U – Resolution & Attachment "A",
- R5A – Ordinance,
- R5C – Ordinance,
- R5G – Ordinance,
- R5H – Ordinance,
- R7C – Substitute Resolution,
- R7J – Resolution,
- R7K – Resolution and
- R9C - Resolution

Addendums:

ACTION: Motion made by Commissioner Steinberg to add item R9L as an emergency item to the Commission Agenda; seconded by Vice-Mayor Bower; Voice vote; 7-0.

ACTION: Motion made by Vice-Mayor Bower to add item R9M (La Gorce Country Club) as an emergency item to the Commission Agenda; seconded by Commissioner Cruz, Voice vote: 7-0.

City Clerk's note: R9M was not included in the Addendum Materials.

Presentations and Awards

10:54:20 a.m.

PA1 Presentation Of The City Of Miami Beach Hospitality And Tourism Scholarships In Partnership With SMG, Centerplate And The Greater Miami Convention & Visitor Bureau To (14) Students.
(Tourism & Cultural Development)

ACTION: Presentation made. Scholarships awarded to: Murat Akkelle, Alan Alvarez, Jacqueline Caicedo, Colby Goncalves, Katie Goncalves, Guilherme Cunha, Ghianina Girardi, Noelia Gonzalez, Jessica Garcia, Natalie Koller, Monica Kakanis, Karlo Pacheco, Aysha Mowshumi, Michelle Milfort and Alexandra Serra.

Jorge Gonzalez, City Manager, introduced the item.

Max Sklar, Director of Cultural Arts and Tourist Development Department, explained that this is the fifth year that that they are doing this program, and since the beginning, an excess of \$30,000 in scholarships has been given to 50 applicants.

Vice-Mayor Bower thanked Jorge Gonzalez, City Manager, for having his vision and also commended Doug Tober.

10:14:50 a.m.

PA2 Presentation By Bots IQ, Inc. And Awards Granted To The Miami Beach City Commission And City Manager For Their Support In Achieving Major Success During The "2007 Bots IQ National Competition."

(Requested by Vice-Mayor Matti Herrera Bower)

ACTION: Presentation made.

Nola Garcia, Bots IQ representative, explained that Bots IQ was modeled after a TV program for students who wanted to be the technological force of the nation and stated that the challenge is to attract and educate students. Last year, the City Commission donated the Miami Beach Convention Center to host this national competition, which was a tremendous success, and she thanked them for their foresight and support for the program. She also presented the City Commission with certificates and a small robot.

Commissioner Góngora stated that he attended the opening ceremony event and he was impressed with the number of students from all over the country.

Jorge Gonzalez, City Manager, stated that he also attended the event with his son and added that it was very impressive; the team work and creativity that was exhibited was special and he was proud to have that event in Miami Beach.

Nola Garcia announced future programs and plans for coming back to the City and offered her help to Miami Beach students if ever needed. She also presented Certificates as token of their gratitude to Doug Tober and Jessica Ash and thanked them for their help.

Mayor Dermer thanked all the students present and stated that he hopes it was a good learning experience for them.

Handout and Reference Materials:

1. Red cover BOTOSIQ Robotics Education Press Kit

10:27:48 a.m.

PA3 Presentation By The Center For Family & Child Enrichment, Inc., Dianne A. Valdez, B.A. And Staff, On The Importance Of Becoming A Foster/Adoptive Parent And Give Children In Need The Best Summer Of Their Lives.

(Requested by Vice-Mayor Matti Herrera Bower)

ACTION: Presentation made.

Mayor Dermer introduced the item and Dianne Valdez.

Dianne Valdez, Licensing/MAPP Counselor, stated that The Center For Family & Child Enrichment, Inc., has been around for 30 years and is the oldest agency in Miami-Dade that encourages individuals to become foster/adoptive parents. The agency services over 800 children. She stated that they are looking for positive people who want to open up their homes for these children. She thanked Vice-Mayor Bower and asked for continued support. She gave the contact information, her phone number (305-624-7450 Ext 190) and their website (www.cfceinc.org).

10:38:09 a.m.

PA4 Key To The City To Be Presented To Betsy And Rudy Perez For Their Continued Support Of Tourism In Miami Beach.

(Tourism & Cultural Development)

ACTION: Key to the City presented.

Michael Aller, Tourism and Convention Director, gave a brief report on the 17th annual July 4th Celebration. He recognized Mr. and Mrs. Rudy Perez and explained that when asked to help produce events for the City in the North Beach section, and again when asked if he would do the honor of writing a song about Miami Beach, he came forth. Rudy is an international acclaimed songwriter and producer, who eagerly wrote a great song for the City as well as helping produce a video with singer JenCarlos.

Hilda Fernandez, Assistant City Manager, stated that the City is blessed to have such talented residents in the community and explained that Rudy Perez, at Michael's request, produced a video fairly quickly to promote this destination. He really captured the essence of what Miami Beach is now.

A music video was shown.

Michael Aller, Tourism and Convention Director, congratulated Hilda Fernandez, Assistant City Manager, for being so proactive in the Communications Department. He introduced Betsy and Rudy Perez.

Rudy Perez thanked the City Commission, his wife and family for their support and everyone who participated in the video.

Betsy Perez spoke.

Commissioner Cruz stated that the City is privileged to have such talent in the community and added that beyond the talent and the awards stands a great woman and partner. Also people don't know how much they give back to the community; such as their contributions to City of Hope for innovative Cancer treatment; they are involved and have become a tremendous resource for that institution. It is great to have people believe in what they do and give back.

Jorge Gonzalez, City Manager, stated that since Hilda Fernandez, Assistant City Manager, has been with the City, a key driver for her has been promoting the destination, and one starts seeing the product come out, which is a professional product done in-house; and staff is to be commended. He appreciates the support and the encouragement given.

Mayor Dermer commended Jorge Gonzalez, City Manager, and the entire staff. Mr. Perez's piece was very professional.

10:57:31 a.m.

PA5 Certificates Of Appreciation To Be Presented To "Team Clean" For Their Outstanding Achievement At The 2007 Sterling Team Showcase Competition.
(City Manager's Office)

ACTION: Certificates presented to: Bob Middaugh, Hilda Fernandez, Dolores Mejia, Kathie Brooks, Jorge Fraga, Isabel Stillone, Fred Beckmann, Al Zamora, Rhonda McPherson, Juan Rosario, Saul Frances, Joseph Simmons, Barbara Hawayek, and Nannette Rodríguez.

Jorge Gonzalez, City Manager, explained that the Sterling Award was created in the late 1990's under Governor Chiles to encourage and foster good government quality service and high performing organizations. The City of Miami Beach participated in the Sterling Challenge through team cleaning and was the region's sixth award recipient for South Florida at State level and last month the City was awarded as recipients for the State of Florida with the Sterling.

Robert Middaugh, Assistant City Manager, introduced the members of the Clean Team.

11:03:11 a.m.

PA6 Certificates Of Appreciation To Be Presented To Employee Of The Month "At Your Service" Award Winners For The Months Of April, May And June 2007.
(City Manager's Office)

ACTION: Certificates presented.

April 2007 - Arturo Martin, Parks and Recreation Department

May 2007 - Frank Rodriguez, Property Management Division, Public Works Department

June 2007 - Keith Valles, Central Services Division, Office of the City Clerk

Jorge Gonzalez, City Manager, gave a brief overview of the program and stated that this program seeks employees who go beyond the call of duty and exhibit the highest customer service. He announced the recipients and explained that the program is run by peers.

Kevin Smith, Parks and Recreation Director, recognized Arturo Martin, Recreation Leader I. Arturo spends most of his day making sure that the program for the Teens Club runs well and that the teens enjoy it. Arturo is a dedicated employee who gives much of his time and efforts, and as testimony, the teens that he works with are in the audience to acknowledge this action and in support.

Arturo Martin, Recreation leader I, spoke.

Robert Parcher, City Clerk, explained that on Monday, May 14th, there was a serious flooding in the AC Room in the City Clerk Department. Because of the quick action of both employees, Frank Rodriguez and Keith Valles, there were no losses of records. Mr. Rodriguez, Municipal Worker II in the Property Management Division, was the first person to arrive; as the water was rising, he was running a machine which sucked up water and then drained it into a bucket weighing about 50 lbs when full, subsequently emptying the bucket full of water into the toilet. He continued to do this from

4:30 p.m. to 6:15 p.m., carrying the bucket for about every minute. When help arrived, he continued his job and suggested moving equipment off the floor to prevent records from getting wet. The next morning, to his surprise, Mr. Parcher stated that Frank was at work making sure the place was dry. At the same time Keith Valles, Central Services Technician, made sure that the computer equipment was elevated and ensured that the mail bins were safely above water level, turned equipment off and moved cartons of paper. It is estimated that his actions saved the City an estimate of \$500 of paper and equipment. Based on their actions they are recognized for going above and beyond the call of duty.

Keith Valles spoke.

9:40:39 a.m.

PA7 Proclamation To Be Presented To Jose "El Niño" Temprana, For Becoming An American Citizen At The Age Of 105.

(Requested by Commissioner Simon Cruz)

ACTION: Proclamation presented.

Commissioner Cruz stated that on June 29, 2007, this great nation had the distinguished pleasure of having a tremendous and unique human being become a US citizen; "El Niño" Temprana turned 105 and will turn 106 years old this September. In 1964 for the sake of expressing his desire for freedom, he was condemned to 30 years of prison in Castro's Cuba. He served his sentence, came to the United States and set out at the tender age of 95 to start a new life, and he did. "El Niño" has never lost his zest for life and it is a pleasure to call him a friend.

"El Niño" Temprana said that he always dreamed about coming to the United States and was emotional and excited to be in the presence of such wonderful people and thanked everyone.

Marguerite Ramos stated that a news advisory was done when "El Niño" became a citizen and it was sent out to national media; she reported that there were over 1.1 million hits on the Internet and added that he is an inspiration to a lot of people around the world.

10:23:37- a.m.

PA8 Certificate Of Appreciation To Be Presented To Michael Larkin For His Community Efforts In Establishing An Adopt-The-Block Program In The City Of Miami Beach.

(Requested by Commissioner Michael Góngora)

ACTION: Certificate presented.

Commissioner Góngora recognized Miami Beach resident Michael Larkin who is an outstanding leader in the business community; he added that Michael was honored as "Business Person of the Year" at the Miami-Dade Gay and Lesbian Chamber of Commerce Sixth Annual Gala Award Dinner. He has also been honored by many groups for his outstanding leadership. Michael has also been instrumental in helping the City of Miami Beach establish the Adopt-the-Block Program, which will be an effective tool in keeping the City clean and incorporate the business community in a government function.

Michael Larkin, Esq., explained the Adopt-the-Block Program and added that the Chamber of Commerce is very supportive. He is working with Bob Middaugh, Assistant City Manager, and Fred Beckmann, Public Works Director. He explained that the program is an enhancement maintenance that may not be covered by the City, in which a firm or an individual adopts a portion of the block and keeps it clean from litter.

Vice-Mayor Bower commended Michael for implementing the program.

10:11:36 a.m.

- PA9 Certificate Of Appreciation To Be Presented To The Homeless Overcoming Poverty Effectively (HOPE) For Their Continuing Efforts In Assisting The Homeless Of Miami Beach.
(Requested by Commissioner Michael Góngora)

ACTION: Certificate presented.

Commissioner Góngora recognized Father Pedro Martinez from HOPE, (Homeless Overcoming Poverty Effectively), a nonprofit organization created in 2002 to address the homeless problem in Miami Beach, with the vision to reduce homelessness by improving the quality of life in the community, providing housing, psychological treatment, job training and spiritual support and hope. He announced that HOPE will be holding an outreach event on August 4th at the Miami Beach Community Center.

Father Pedro Martinez thanked the City Commission and the Administration. He especially recognized the Neighborhood Department and Maria Ruiz and staff who have been a wonderful partner of HOPE.

10:00:10 a.m.

- PA10 Certificate Of Appreciation To Be Presented To Beverly B. Heller For Her Dedication And Hard Work By Participating In Our Committee For Quality Of Education Of Miami Beach, As Well As Her 30 Years Of Teaching Our Students From Elementary School To Adult School And Her Retirement.
(Requested by Vice-Mayor Matti Herrera Bower)

ACTION: Certificate presented.

Vice-Mayor Bower stated that she met Beverly through the PTA many years ago. She added that Beverly was a tireless activist and then she became a teacher. They participated in many activities together but what is admirable about Beverly is her tenacity, persistence and the honor that she brings to her job in an effort to bring to Miami Beach the best education; and although she is retiring after 30 years of dedicated service, she is sure that she will continue as a strong activist.

Commissioner Steinberg also thanked Beverly for serving as a representative in the Quality of Education Committee, and recognized her three daughters and grandchildren present in the audience.

Commissioner Libbin thanked Beverly and stated that her activism is unparalleled.

Beverly Heller spoke.

9:29:14 a.m.

PA11 Proclamation To Be Presented To Irene Marie For Her Significant Contributions To And Promotion Of The City of Miami Beach.

(Mayor David Dermer)

ACTION: Proclamation and Key to the City presented.

Mayor Dermer stated that it was a privilege and an honor to have Irene Marie in City Hall and thanked her for her contributions to the City throughout the years and for raising the City's image especially in the fashion world. He read the proclamation.

Commissioner Góngora congratulated her friend and stated that aside from the awards and accolades, many people do not know that Irene has been married for 32 years and is the mother of five children. She was a pioneer in the modeling industry back in 1987 when she bought the building on 8th and Ocean Blvd, and is responsible for nurturing supermodel talents. He echoed Mayor Dermer's sentiment and congratulated her.

Irene Marie thanked the City Commission for this great honor and recognition. She explained that she had an idea that turned into a vision and became a reality, but along the road she had an awesome partner, this community, the City of Miami Beach.

9:35:33 a.m.**9:49:03 a.m.**

PA12 Certificates Of Appreciation To Be Presented To The Following Associations For Partnering With Law Enforcement To Improve The Safety And Quality Of Life In Miami Beach: 1) Biscayne Beach Homeowners Association; 2) South Of Fifth Neighborhood Association; And 3) La Gorce/Pine Tree Homeowners' Association.

(Requested by Commissioner Jerry Libbin)

ACTION: Certificates presented.

Commissioner Libbin recognized Biscayne Beach Homeowners Association for establishing the Neighborhoods Crime Watch and for their leadership in keeping their neighborhoods safe and clean.

Leonor Hernandez, member of the Association, thanked the City Commission, the City Manager, Public Safety Officers and staff from Public Works for going beyond the call of duty and working with the Association members.

Commissioner Steinberg commended the Association for taking the initiative to improve their neighborhood.

9:49:03 a.m.

Commissioner Libbin recognized the South of Fifth Neighborhood Association (SOFNA), for their recent incorporation. He added that this association has already built a bridge between the businesses and residential communities; they have organized a Crime Watch and hold meetings regularly to discuss suggestions.

Gerald Posner, President of SOFNA, spoke.

Commissioner Libbin introduced Pine Tree and La Gorce Homeowners Association members, who have been active for many years and have taken it upon themselves to honor the Miami Beach Police Department during luncheons and dinners. They have been in partnership with the Police

Department for many years, are involved in crime efforts within the district and monitor and report various violations of the law to the Police Department on a regular basis.

Rosemary Hoffman Hansford, President, La Gorce/Pine Tree Homeowners' Association, gave a background of the creation of the Association and introduced members of the Association and Board of Directors.

Frank Sake spoke.

Glendon Hall, Chairman of La Gorce/Pine Tree Association Traffic Committee, spoke.

10:05:55 a.m.

PA13 Key To The City To Be Presented To Staff Sgt. Adriel Duran In Appreciation For His Military Service In Operation Iraqi Freedom 2005-2007.

(Requested by Commissioner Jerry Libbin)

ACTION: Key to the City presented.

Commissioner Libbin recognized Staff Sergeant Adriel Duran, a resident of Miami Beach, for his outstanding service during Mission Iraqi Freedom. He has received many accolades. He was presented with a Key to the City and the Commission expressed their sincere appreciation and gratitude for his dedicated services.

Staff Sergeant Adriel Duran spoke.

11:13:40 a.m.

New Item

PA14 Certificates Of Appreciation To Be Presented To Debra Fahad, Nadege Briceus & Ceasar Mainardi For A Job Well Done As A Security Provider.

ACTION: Certificates presented.

Jorge Gonzalez, City Manager, explained that the City switched security providers and they are doing a great job of providing the security needed to augment the City's police force.

Acting Police Chief Carlos Noriega spoke.

Tim O'Reagan, Security Administrator, explained the circumstances under which Debra Fahad, Nadege Briceus and Ceasar Mainardi were selected for their outstanding services.

Mayor Dermer thanked them on behalf of the City Commission for their high level of service.

City Clerk's note: Security Alliance, LLC.

CONSENT AGENDA

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

C2 - Competitive Bid Reports

- C2A Request For Approval To Purchase One (1) 2008 International Truck Chassis Model 7400 6x4 With A Vac-Con Model VPD4212SHA/1300 Combination Jet/Vacuum Sewer Cleaner, From Atlantic Machinery, Inc., Pursuant To GSA Contract No. GS30F0013J, In The Amount Of \$246,331.
(Fleet Management)

ACTION: Request authorized. Drew Terpak to handle.

- C2B Request For Approval To Purchase One (1) 2008 Ford F-550 Crew Cab With 12 Ft. Flat Bed And Air Compressor From Duval Ford, Pursuant To Florida State Contract No. 06-14-0821A, In The Amount Of \$46,988.
(Fleet Management)

ACTION: Request authorized. Drew Terpak to handle.

C4 - Commission Committee Assignments

- C4A Referral To The Ad Hoc Green Committee And Neighborhoods/Community Affairs Committee - Discussion Regarding House Bill 7123 Requiring City Facilities Built After July 2008 To Meet National Standards For Conserving Resources.
(Requested by Commissioner Richard L. Steinberg)

ACTION: Referred. Robert Middaugh and Vivian Guzman to place on the committees agendas. Robert Middaugh to handle.

- C4B Referral To Neighborhoods/Community Affairs Committee - Discussion Regarding Conditions Of The Boardwalk.
(Requested by Commissioner Michael Góngora)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Fred Beckmann to handle.

- C4C Referral To The Finance And Citywide Projects Committee To Provide An Update On The Building Development Process Taskforce.
(City Manager's Office)

ACTION: Referred. Patricia Walker to place on the committee agenda. Tim Hemstreet to handle.

- C4D Referral To The Planning Board - Discussion Regarding The Size Of Allowable Accessory Use Bars And Restaurants In South Pointe Residential Districts.
(Requested by Commissioner Saul Gross)

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

- C4E Referral To The Finance And Citywide Projects Committee - Discussion Regarding Article IV, Resort Tax, To Encourage That The Resort Tax Be Both Filed And Paid On-Line.
(Finance Department)

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

C6 - Commission Committee Reports

- C6A Report Of The Land Use And Development Committee Meeting On May 14, 2007: **1)** Discussion Of 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 3, "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition," By Amending Section 118-591 To Modify The Procedures For Preliminary Evaluations; **2)** An Ordinance Amending Chapter 118, "Administration And Review Procedures," Of The City Code, By Amending Article VII, "Division Of Land/Lot Split," By Expanding The Review Criteria For The Review Of Requests For A Division Of Land/Lot Split; Providing For Repealer, Severability, Codification And An Effective Date; **3)** An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 130 "Off-Street Parking," Article III "Design Standards," Section 130-68 "Commercial And Noncommercial Parking Garages" To Permit Robotic Parking Systems In Main Use Garages In The GU And CCC Districts; And **4)** Discussion Regarding Cando Blue Ribbon Committee Resolution Recommending Zoning Incentives.

ACTION:

Item No.1:

The Land Use Committee endorsed the proposed Ordinance and referred it to the Planning Board for formal consideration as a Code Amendment, subject to the following changes:

1. The default timeframe to complete an evaluation and recommendation or a designation report shall be one year. However, within the 60 days of the vote of the Historic Preservation Board to direct the Planning Department to prepare an evaluation and recommendation or designation report, the City Commission may, by a five-sevenths vote, establish specific timeframes for the completion of the evaluation and recommendation and/or designation report, in addition to denying or modifying the proposed request for designation.
2. Any request for additional periods of six months or less, within which to complete the evaluation and recommendation or designation report, shall be subject to the approval of the City Commission. (Vote: 3-0).

City Clerk's note - See Agenda item R5E.

Item No. 2:

The Land Use Committee endorsed the proposed Ordinance and instructed the Administration to set the first reading of the Ordinance for full Commission consideration. (Vote: 3-0).

City Clerk's note - See Agenda Item R5B.**Item No. 3:**

The Land Use Committee endorsed the proposed Ordinance and instructed the Administration to schedule the Ordinance for full Commission consideration. (Vote: 3-0).

City Clerk's note - See Agenda Item R5A.**Item No.4:**

The Land Use Committee endorsed the resolution and referred the Zoning Incentives to the Planning Board for further review and recommendation. The Committee clarified the following issues:

1. 50% of allowable increase of FAR under existing zoning has to be set aside to cultural arts workers.
2. Follow HUD guidelines for income eligibility for median income.
3. If sold, limitation on resale: amount of profit tied to CPI.
4. After a two year period, sale to another cultural worker or other qualified individuals meeting affordable or workforce income eligibility.
5. Restrictive covenant for 30 years.

City Clerk's note: Jorge Gomez to handle.

C6B Report Of The G.O. Bond Oversight Committee Meeting On June 4, 2007: **1)** Contingency Report; **2)** Project Status Reports: A. Update On Fire Station No. 2; **3)** Project Status Reports For All Projects; And **3)** Informational Items: A. Updated Calendar Of Scheduled Community Meetings.

ACTION:**Item No. 1:**

Jorge Chartrand presented the contingency report. All items added to the Fire Station #2 project are components for the EOC facility.

Item No. 2(A):

Substantial completion is expected for Building B by the end of June, 2007. Occupancy is anticipated in 3rd-Qtr 2007. Building A will be renovated once it is vacated.

Item No. 3:

Project status reports for all G.O. Bond-funded projects were presented in the agenda packet. Not all projects were discussed.

CIP Director addressed questions about Biscayne Point ROW project, which is at 90% design. A CDRM is tentatively scheduled for mid-July.

Normandy Isles ROW project is ready to go out to bid.

Item No. 3(A):

Calendar of Scheduled Community Meetings.

C6C Report Of The Land Use And Development Committee Meeting On June 11, 2007: **1)** Ocean Front Lot Height Requirements: A) Architectural District - 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," By Amending Division 3, "Residential Multifamily Districts," By Amending Subdivision V, "RM-3 Residential Multifamily High Intensity," To Modify The Maximum Building Height Requirements For Properties Located In The Architectural District; Providing For Repealer, Codification, Severability And An Effective Date; B) Historic Districts - 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," By Amending Division 3, "Residential Multifamily Districts," By Amending Subdivision V, "RM-3 Residential Multifamily High Intensity," To Modify The Maximum Building Height Requirements For Properties Located In Historic Districts; Providing For Repealer, Codification, Severability And An Effective Date; And **2)** Discussion Regarding A Resolution Adopting The North Beach Town Center Plan As The Official Neighborhood Plan For The Area Bounded By 73rd Street, The Atlantic Ocean, 69th Street And Indian Creek; And Authorizing The Administration To Prepare Draft Legislation And Capital Improvement Projects, As Appropriate, To Promote Implementation Of The Plan.

ACTION:

Item No. 1(A):

Motion: (vote 2-0) LUDC refers Ordinance to Planning Board for formal consideration as a Zoning Ordinance Amendment, subject to the following change:

The proposed addition shall be for hotel units only; a restrictive covenant, running with the land, shall be required to ensure that the units remain as hotel units for a minimum of 30 years.

City Clerk's note: Jorge Gomez to handle.

Item No. 1(B):

LUDC continued the item to the July 9, 2007 meeting in order for staff to address the following:

1. Images of the affected buildings shall be provided.
2. The proposed threshold of a 45,000 sq ft lot shall be eliminated.

For existing structures less than 5 stories in height, a proposed addition may be up to 5 stories in height

Item No. 2:

(Vote 2-0) LUDC recommends that the City Commission endorse the plan and adopt a resolution adopting the concept plan. Any proposed amendments to the Land Development Regulations associated with the implementation of the strategies of the Plan should be brought forth to the LUDC prior to Planning Board review.

City Clerk's note - See Agenda Item R7F.

Supplemental C6D – Revised Memorandum

C6D Report Of The Finance And Citywide Projects Committee Meeting On June 29, 2007: **1)** Discussion Regarding Tax Reform Legislation Impact On City Revenue Collections; **2)** Discussion Of A Concept Plan For A Boy's And Girl's Club Recreation Facility In Flamingo Park; **3)** Discussion Regarding The Extension Of The Management Agreement Between The City Of Miami Beach And Professional Course Management II. LTD., (PCM), For The Management And Operations Of The Miami Beach Golf Club And The Normandy Shores Golf Course For A One Year Period To Begin At The Conclusion Of The Existing Agreement, September 30, 2008; **4)** Discussion Of Union Issue IUPAT Local 1175 Regarding The Miami Beach Convention Center And The Trade Show Workers.; **5)** Discussion Regarding Protecting Florida's Investment Act, Which Refers To The Divestiture Of Funds From Scrutinized Companies Associated With Sudan And Iran; And **6)** Discussion Regarding The City Of Miami Beach's Support Of The 49th Annual Meeting Of The Board Of Governors Of The Inter-American Development Bank (IDB) In April 2008.

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

Chairman Gross requested that at the Special Finance and Citywide Committee meeting the City review approaches to balance the budget, including the review of which items should be increased or decreased based on the recent property tax legislation.

Item No. 2:

The Committee recommended moving the project forward to the public with input from the Flamingo project consultant.

City Clerk's Note: Robert Middaugh to handle.**Item No. 3:**

Motion was made by Chairman Saul Gross and seconded by Vice-Mayor Bower to waive the competitive bidding process and approve a management agreement between Professional Course Management II, LTD., (PCM) and the City for a three year plus two one year renewal options in addition to a ninety day termination clause agreement for the management of the Miami Beach Golf Club and the Normandy Shores Golf Club. Said agreement to commence at the conclusion of the existing agreement on September 30, 2008.

City Clerk's note – Kevin Smith to handle.**Item No. 4:**

Motion: The Committee recommended that SMG (Management Company for the Miami Beach Convention Center) list Local Union 1175 as the preferred labor force at the Miami Beach Convention Center.

City Clerk's note –Doug Tober to handle.**Item No. 5:**

The Commission moved to adopt the resolution brought forth in the Finance and Citywide Projects Committee Meeting that modifies the City's Investment Policy and Procedures to follow the State of Florida's "Protecting Florida's Investment Act" by prohibiting investments in "scrutinized companies" with active business operations in Sudan or Iran.

City Clerk's note – See Agenda Item R7H**Item No. 6:**

The Committee approved waiving rent fees in the amount of approximately \$173,000 for use of the Miami Beach Convention Center, which will be the host site for the Inter-American Development Bank (IDB) Miami April 2008 Meeting. The waiver will include only the value of the rent for meeting space and office space for support staff required to host the meeting.

City Clerk's note – See Agenda Item C7T

C7 - Resolutions

- C7A A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms Pursuant To Request For Proposals (RFP) No. 39-05/06 For The Management And Operation Of Concession Stands And Beachfront Concessions, Located East Of Collins Avenue At Both 21st Street And 46th Street; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Toby's Concession Services, Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of M & M Concessions, Inc.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Completion Of Successful Negotiations By The Administration.

(Asset Management)

ACTION: Resolution No. 2007-26574 adopted. Ana Cecilia Velasco to handle.

Supplemental Materials –C7B – Resolution

- C7B A Resolution Retroactively Approving And Authorizing The City Manager Or His Designee To Submit The Following Grant Funding Requests: 1) The Children's Trust Service Partnership Program, For Funding, In An Amount Not To Exceed \$650,000, For The Miami Beach Service Partnership Program To Address Truancy; 2) Justice Assistance Grant Program, In An Amount Not To Exceed \$118,000, To Support Activities To Prevent And Control Crime; 3) The State Of Florida, Department Of Agriculture And Consumer Services, For Fiscal Year 2007/08 Urban Forestry Program Funds, In An Amount Not To Exceed \$25,000, For Additional Funding To Replace Trees That Were Lost During The 2005 Hurricanes And To Support The Remediation Of The City's Urban Forestry Resources; 4) Florida Department Of Emergency Management, FY 2007/08 Community Emergency Response Team (CERT) Program, For Funding, In An Amount Not To Exceed \$12,000, For The City's Cert Program; 5) The U.S. Department Of Homeland Security, Buffer Zone Protection Program, For Funding, An Amount Not To Exceed \$50,000, To Protect Critical Infrastructure; And, 6) Further Authorizing The City Manager To Execute An Agreement With The Children's Trust For The Truancy Prevention And Promotion Program, For Funding, In An Amount Not To Exceed \$205,520; Further Appropriating All The Above Grants And Matching Funds, If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To These Applications.

(Budget & Performance Improvement)

ACTION: Resolution No. 2007-26575 adopted. Patricia Walker to appropriate the funds if approved and accepted. Judy Hoanshelt to handle.

C7C A Resolution Appropriating Funds, In The Amount Of \$95,500, From The 2% Resort Tax Fund 160; Said Appropriation To Fund The Installation Of Permanent External Utility Connections Adjacent To The 21st Street Beachfront Restrooms, To Be Used On An As Needed Basis For Special Events; And Said Appropriation To Further Fund The Associated Change Order To Tran Construction Inc. Pursuant To Resolution No. 2004-25741 For Water And Sewer Installations, In The Amount Of \$10,500; And Said Appropriation To Also Fund The Work To Be Completed By One Of The City's Job Order Contracting Program (JOC) Contractors, For Electrical Installations, In The Amount Of \$85,000.

(Capital Improvement Projects/Tourism & Cultural Development)

ACTION: Resolution No. 2007-26576 adopted. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

C7D A Resolution Approving Funds, In The Amount Of \$90,000, From Convention Development Tax Fund No. 442; Said Appropriation To Fund Additional Scope Of Work (Phase III), Not Originally Included Within The Jackie Gleason Theater ADA And Interior Improvements Project (Project); And Said Appropriation To Further Fund Additional Project Contingency And Additional Estimated Soft Costs Associated With This Work.

(Capital Improvement Projects)

ACTION: Resolution No. 2007-26577 adopted. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

C7E A Resolution Approving Final Closeout Of The Agreement With REG Architects, Inc., For The Design Of The Miami Beach Golf Course Clubhouse And Facilities, And Appropriating Funds, In The Amount Of \$121,684, For Final Payment After Completion Of The Work, Funds To Be Appropriated From The 2% Resort Tax Fund 160.

(Capital Improvement Projects)

ACTION: Resolution No. 2007-26578 adopted. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

C7F A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 4, To The Agreement With Hargreaves Associates, Inc., In The Amount Of \$508,210, For Additional Professional Services For The South Pointe Park Improvements Project From The Previously Appropriated South Pointe Capital Projects Fund No. 379 Contingency.

(Capital Improvement Projects)

ACTION: Resolution No. 2007-26579 adopted. Jorge Chartrand to handle.

C7G A Resolution To Approve The Nomination Of The City's Application To The Florida League Of Cities For The Florida Cities Of Excellence Award And The City Spirit Award.

(City Manager's Office)

ACTION: Resolution No. 2007-26580 adopted. Ramiro Inguanzo to handle.

C7H A Resolution Setting A Public Hearing On September 11, 2007, To Consider Approving On First Reading, In Accordance With The Requirements Of Sections 163.3220 - 163.3243, Florida Statutes, A Proposed Development Agreement Between The City Of Miami Beach And Miami Beach Garden Conservancy, Inc., Establishing The Terms And Conditions By Which The Conservancy Shall Administer The Design And Construction Of Certain Improvements To The Botanical Garden (The Project), Located At 2000 Convention Center Drive, Miami Beach, Florida, To Be Funded From Previously Appropriated Series 2000 General Obligation Bond Funds, In The Amount Of \$1.1 Million, Specifically Programmed For This Project.

(Economic Development)

ACTION: Resolution No. 2007-26581 adopted as amended. Public hearing scheduled for September 5, 2007. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. Kevin Crowder to handle.

Amendment:

Public Hearing scheduled for September 5

End

C7I A Resolution Authorizing The Mayor And City Clerk To Execute Amendment Number 1 To Management Agreement Number 3595, For The Management Of Beach Property For Recreational And Other Related Activities, Between The Board Of Trustees Of The Internal Improvement Trust Fund Of The State Of Florida And The City Of Miami Beach, Extending Said Management Agreement For An Additional Twenty-Five Years, Effective February 7, 2007.

(Economic Development)

ACTION: Resolution No. 2007-26582 adopted. Kevin Crowder to handle.

11:51:33 a.m.

Supplemental Materials – C7J – Revised Agreement,

C7J A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Intergovernmental Agreement For Fleet Maintenance And Repair Services Between The City Of Miami Beach, Florida And The Town Of Surfside, Florida.

(Fleet Management)

ACTION: Item separated for discussion by Commissioner Libbin. Resolution No. 2007-26583 adopted; the Intergovernmental Agreement was amended – See Supplemental Materials.

Motion made by Commissioner Góngora; seconded by Commissioner Libbin; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Gross. Drew Terpak to handle.

Commissioner Libbin stated in order to take on this additional work and provide Surfside and Key Biscayne that perhaps the City was overstaffed.

Robert Middaugh, Assistant City Manager, provided an explanation.

Drew Terpak, Fleet Management Division Director, added additional information.

Jorge Gonzalez, City Manager, added for the record that this is not a pro-bono service; Surfside is paying for the service.

Commissioner Libbin asked the City Manager for an update on the initiative to expand the City's fire service and to provide fire services to the City of Surfside and the Town of Indian Creek.

Jorge Gonzalez, City Manager, stated that both Surfside and Indian Creek have voted to begin the process of leaving the fire district of Miami-Dade County and having Miami Beach provide the service. Each municipality must hold an election of their resident voters. In addition, if the referendum is approved; each municipality must notify Miami-Dade County District within six months of the beginning of the new fiscal year of their intent to cancel County services. The earliest would be April 2008 effective October 2008. In the interim, the County is considering legislation which may preclude or prevent them from cancelling the County's fire service.

Jose Smith, City Attorney, stated that the Intergovernmental Agreement has been changed to add further indemnification provisions to protect the City. See Supplemental Materials.

C7K A Resolution Authorizing The Donation Of Three (3) Ford Crown Victoria Police Pursuit Vehicles In "As Is" Condition To The Miami-Dade Community College School Of Justice.

(Fleet Management)

ACTION: Resolution No. 2007-26584 adopted. Drew Terpak to handle.

12:01:35 p.m.

C7L A Resolution Adopting The City's One-Year Action Plan For Federal Funds For Fiscal Year 2007/2008, Which Includes The Budgets For The Community Development Block Grant (CDBG) Program And The Home Investment Partnerships (HOME) Program; Authorizing The City Manager To Make Minor Non-Substantive Changes To The One-Year Action Plan Or Resulting Agreements Before Execution Which May Be Identified During The Finalization And/Or Review Process, And Which Do Not Affect The Purpose, Scope, Approved Budget And/Or Intent Of The Plan; Amending Certain Agreements With Carry-Over CDBG Funds, As Set Forth In The Body Of This Resolution, To Extend The Expiration Dates Of Said Agreements; Authorizing The City Manager To Execute All Applicable Documents And Submit The One-Year Action Plan To The U.S. Department Of Housing And Urban Development (HUD); Further Authorizing The Mayor And City Clerk To Execute Agreements With Providers Of Activities As Follows: Twenty-Eight (28) CDBG Sub-Recipient Agreements; And Authorizing The Appropriation Of All Federal Funds When Received.
(Neighborhood Services)

ACTION: Item separated for discussion by Commissioner Libbin. Resolution No. 2007-26585 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Góngora; Voice vote: 6-0; Absent: Mayor Dermer. Vivian Guzman to handle.

Commissioner Libbin stated that Michael Baum was not properly notified of the meetings. The notification should be looked into. **R. Parcher to handle.**

C7M A Resolution Declaring The Existence Of A Parking Emergency For: (1) Specified Event Dates Due To Increased Traffic And Parking Demand On The Following Specified Dates/Events; August 29 - September 4, 2007 For Labor Day Weekend/Home Show; October 10-12, 2007 For IBEX; November 9-18, 2007 For The South Florida Auto Show; December 5-9, 2007 For Art Basel; December 31, 2007 - January 1, 2008 For New Year's Eve Event; January 18-20, 2008 For Art Deco Weekend; January 31 - February 4, 2008 For The Miami Beach Antique Show; February 28 - March 1, 2008 For Graphics Of The Americas; February 14-18, 2008 For The NMMA Miami International Boat Show; May 22-26, 2008 For Memorial Day Weekend; And August 28 - September 3, 2008 For Labor Day Weekend; Allowing For The Use Of Specified Vacant Surface Lots Citywide; And (2) A One-Time Construction Project Of The 1111 Lincoln Road Building And The Closure Of The 1100 Block Of Lincoln Road, Allowing For The Use Of The HACMB (Miami Beach Housing Authority) Lots, Located At 1231 And 1251 - 17th Street For Construction Related Parking.
(Parking Department)

ACTION: Resolution No. 2007-26586 adopted. Saul Frances to handle.

C7N A Resolution Accepting The Donation Of Two (2) A/C Stalker Basic Stationary Radar Speed Measuring Devices From Mothers Against Drunk Drivers (MADD), With An Estimated Value Of \$810 Each, For A Total Of \$1,620, To Be Utilized By Miami Beach Police Officers To Enforce Unlawful Speeding Violations On The Roadways Of The City Of Miami Beach.
(Police Department)

ACTION: Resolution No. 2007-26587 adopted. Acting Police Chief Noriega to handle.

C7O A Resolution Authorizing The City Manager And City Clerk To Execute A Mutual Aid Agreement Between The City, On Behalf Of The Miami Beach Police Department (MBPD) And The Florida Fish & Wildlife Conservation Commission To Participate In The Regional Domestic Security Task Force Waterborne Team To All Hazards.

(Police Department)

ACTION: Resolution No. 2007-26588 adopted. Acting Police Chief Noriega to handle.

C7P A Resolution Adopting And Appropriating The Second Amendment To The Police Confiscation Trust Fund Budget For The Fiscal Year 2006/07 In The Amount Of \$28,475 To Be Funded From The Proceeds Of State Confiscated Funds.

(Police Department)

ACTION: Resolution No. 2007-26589 adopted. Acting Police Chief Noriega to handle.

Supplemental Materials – C7Q – Resolution

C7Q A Resolution Setting A Public Hearing On September 5, 2007, To Consider An After-The-Fact Revocable Permit Request By Mr. Carlo Gambino, As Owner Of The Residential Property Located At 5600 La Gorce Drive, To Retain The Eastern Portion Of An In Ground Swimming Pool And At Grade Concrete Pool Deck, Built Within The Rear Platted Five (5') Foot Public Utility Easement Adjacent To The La Gorce Golf Course.

(Public Works)

ACTION: Resolution No. 2007-26590 adopted. Public hearing scheduled for September 5, 2007. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. Fred Beckmann to handle.

12:04:00 p.m.

C7R A Resolution Approving And Authorizing Amendment No. 1, In The Amount Of \$358,570.61, To The Existing Contract Between The City And Gablesigns And Graphics, Inc., For The Fabrication And Installation Of The City Of Miami Beach Citywide Wayfinding Signage And Identity System. .

(Public Works)

ACTION: Item separated for discussion by Commissioner Libbin. Resolution No. 2007-26591 adopted; see amended title. Motion made by Vice-Mayor Bower; seconded by Commissioner Góngora; Voice vote: 7-0. Fred Beckmann to handle.

Commissioner Libbin expressed his concerned with the cost increase. He stated that he is trying to understand the cost of each sign and asked how many signs are being installed.

Fred Beckmann, Public Works Director, explained that this project started in 2003 and has gone through an extensive planning process and explained the process. He added that he did not have an exact total of the number of signs but estimated that there are probably over 460 signs or more. He stated that all of the signs are made with aluminum and just the price of aluminum has increased by 42% since this project was awarded. The City also didn't anticipate the Federal Highway Administration was going to take so long to approve the new font used on the signs.

Commissioner Gross stated that the delayed was caused by changing the font.

City Clerk's note: Revised title: Resolution was changed from Authorizing Amendment No. 1 to Approving

Changes Orders:

RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING CHANGE ORDERS A, B, C, AND D, RESPECTIVELY, IN THE TOTAL AMOUNT OF \$358,510.61, TO THE EXISTING CONTRACT BETWEEN THE CITY AND GABLESIGNS AND GRAPHICS, INC.; SAID CHANGE RELATED TO THE FABRICATION AND INSTALLATION OF THE CITY OF MIAMI BEACH CITYWIDE WAYFINDING SIGNAGE AND IDENTITY SYSTEM.

Handout or Reference Materials:

1. Two-page Menu of Sign Types Gateways Zone Directional signs Designed by Hillier, EDAW, F.R. Aleman and Associates.

Supplemental Materials - C7S – Resolution

C7S A Resolution Of Waiving, By 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager's Designee, Who Shall Be The Assistant Public Works Director For Operations, A Licensed General Contractor, To Select, Negotiate, And Award All Contracts, Agreements, Purchase Orders, And Change Orders For The Purchase Of All Necessary Goods And Construction Services Relative To The Fiscal Year 2006-2007 Capital Renewal And Replacement Fund Projects, And, Specifically Related To The Ongoing Capital Repairs, Maintenance And Replacement Projects Listed In Attachment No. 1 To This Resolution; Providing That All Documents Be Reviewed By The Appropriate Members Of The Administration And City Attorney's Office, And Which Shall Contain Those Minimum Terms And Conditions As Set Forth In This Resolution; And Further Authorizing The Mayor And City Clerk To Execute Any And All Agreements Relative To The Aforestated Projects.

(Public Works)

ACTION: Resolution No. 2007-26592 adopted. Michael Alvarez to handle.

C7T A Resolution Of The Mayor And The City Commission Of The City Of Miami Beach, Florida, Authorizing The Waiver Of The Rental Fees For The Use Of Meeting Room And Exhibit Hall Space At The Miami Beach Convention Center, In The Estimated Amount Of \$173,100, By The Inter-American Development Bank (IDB), For Its Annual Meeting In April, 2008; And Further Authorizing The Mayor And City Clerk To Execute A Memorandum Of Understanding And Interlocal Agreement Establishing The City's Role And Support In Relation To The IDB Annual Meeting.

(Tourism & Cultural Development)

ACTION: Resolution No. 2007-26593 adopted. Max Sklar to handle.

Supplemental Materials C7U – Resolution & Attachment “A”

C7U A Resolution Amending Resolution NO. 2004-25646, Which Established Rental Rates For The Byron Carlyle, Colony And Little Stage (Acorn) Theaters; Said Amendment Expanding The Rental Rates And Allowing The City Manager Or His Designee The Authority To Implement Additional Rental Rates For Extended-Run And Off-Season Bookings At The Byron Carlyle And Colony Theaters, As Set Forth In The Attachment “A” Hereto; With Said Rates To Be Effective On September 1, 2007.
(Tourism & Cultural Development)

ACTION: Jorge Gonzalez, City Manager, read a correction into the record. Resolution No. 2007-26594 adopted as corrected. Motion made by Commissioner Libbin; seconded by Vice-Mayor Bower; Voice vote 7-0. Max Sklar to handle.

Amendment:

The rates for the Byron Carlyle will be effective immediately rather than in September.

End

C7V A Resolution To Approve The Nomination Of Richard L. Steinberg As Council Member Of The Year To The Florida League Of Cities For The Florida Cities Of Excellence Award.
(Requested by Richard L. Steinberg)

ACTION: Resolution No. 2007-26595 adopted. Ramiro Inguanzo to handle.

REGULAR AGENDA

R5 - Ordinances

1:10:14 p.m.

Supplemental Materials - R5A – Ordinance

R5A An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 130 “Off-Street Parking,” Article III “Design Standards,” Section 130-68 “Commercial And Noncommercial Parking Garages” To Permit Robotic Parking Systems In Main Use Garages In The GU And CCC Districts; Providing For Repealer; Codification; Severability And An Effective Date.

10:15 a.m. Second Reading Public Hearing.

(Planning Department)

(First Reading on June 6, 2007)

ACTION: Public Hearing held. Ordinance No. 2007-3563 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Góngora; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code.

Commissioner Libbin stated that he has asked the Planning Board to consider looking into Robotic parking in other commercial areas in the City. The Planning Board at their last meeting were studying the issue and referred it to the Planning Department to work on an ordinance for their review.

Erika Brigham spoke.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 441

1:14:13 p.m.

R5B Ordinance Amending Chapter 118, "Administration And Review Procedures," Of The City Code, By Amending Article VII, "Division Of Land/Lot Split," By Expanding The Review Criteria For The Review Of Requests For A Division Of Land/Lot Split; Providing For Repealer, Severability, Codification And An Effective Date. **10:16 a.m. Second Reading Public Hearing.**

(Planning Department)
(First Reading on June 6, 2007)

ACTION: Public Hearing held. Ordinance No. 2007-3564 adopted. Motion made by Commissioner Góngora; seconded by Commissioner Libbin; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Jorge Gomez to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 441

1:15:31 p.m.

Supplemental Materials - R5C – Ordinance

R5C An Ordinance Amending The Land Development Regulations, Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 4, "CD-1 Commercial, Low Intensity District," Section 142-275 "Prohibited Uses," To Prohibit Dance Hall And Entertainment Establishment Uses In The CD-1 Commercial Low Intensity Zoning District; Providing For Codification, Repealer, Severability And Effective Date. **10:20 a.m. First Reading Public Hearing.**

(Planning Department)

ACTION: First Reading and Public Hearing held. Motion made by Commissioner Góngora; seconded by Commissioner Libbin; Ballot vote: 6-1; Opposed: Commissioner Steinberg. Second Reading and Second Public hearing scheduled for September 5, 2007. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. **Jorge Gomez to handle.**

Commissioner Steinberg stated that he is concerned because a discussion was held at the last Commission Meeting and that the "entertainment" issue still has not been defined. When entertainment was banned in certain areas of the City, particularly in Sunset Harbor and South Pointe, direction was given to re-define "entertainment." This has not yet been done. The areas being addressed in this ordinance are not problematic and he has not received any complaints. This ordinance outright prohibits conditional uses.

Jorge Gomez, Planning Department Director, stated that the Planning Board took a proactive role by studying the area and before there are problems like in Sunset Harbor and South Pointe, which were reactionary prohibitions, decided to recommend these areas be included in the prohibition.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 440

7:56:32 p.m.

R5D An Ordinance Amending Chapter 142, "Zoning Districts And Regulations," Of The City Code, By Amending Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Adding New Section 142-109 Entitled "Commercial Use Of Single Family Homes Prohibited"; Providing For Repealer, Severability, Codification And An Effective Date. **5:00 p.m. Second Reading Public Hearing**

(City Manager's Office)
(Continued from May 16, 2007)

ACTION: Public Hearing open and continued to October 17, 2007 at 5:00 p.m. Motion made by Commissioner Libbin; seconded by Commissioner Góngora. The public hearing was opened and continued without objection. Lilia Cardillo to place on the City Commission Agenda. Hilda Fernandez to handle.

12:28:34 p.m.

R5E Demolition Evaluation Criteria

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 3, "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition," By Amending Section 118-562 To Clarify And Update Certain Procedures And Requirements Pertaining To The Issuance Of A Certificate Of Appropriateness For Demolition, And By Amending Section 118-564 To Modify The Evaluation Criteria For A Certificate Of Appropriateness For Demolition; Providing For Repealer; Codification; Severability And An Effective Date. **First Reading.**

(Planning Department)

ACTION: Item referred. Motion made by Commissioner Gross to refer to the Land Use and Development Committee; seconded by Vice-Mayor Bower. Referred without objection: 7-0. **Jorge Gomez to place on the committee agenda and to handle.**

Motion made by Commissioner Gross; seconded by Commissioner Góngora. Discussion held; no vote taken.

Mitch Novick urged the City Commission to leave the financial feasibility study requirement in the City Code. It is this section of the City Code which provides an affected party the ability to correct the poor judgment decision of a land use board that may have relied on bad information.

Commissioner Gross stated that he understands it to be the opposite in that applications are using the fact that it is not financial viable as a reason to demolish the building, and it shouldn't be a reason.

Gary Held, First Assistant City Attorney, explained the ordinance.

Kent Harrison Robbins, Esq., representing Mitch Novick, spoke.

Discussion continued.

Motion made by Commissioner Gross to refer to the Land Use and Development Committee; seconded by Vice-Mayor Bower.

1:20:05 p.m.

R5F Reconstruction Of Contributing Buildings Design Review & Historic Preservation Safeguards An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IX Nonconformances," By Amending Section 118-395 To Clarify And Update Certain Procedures And Requirements For The Retention Of A Nonconforming Structure, By Amending Article X, "Historic Preservation," Division 3, "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition," By Amending Section 118-561 To Create A Conditions And Safeguards Section For Certificates Of Appropriateness, By Amending Section 118-564 To Modify The Requirements For Obtaining A Demolition Permit, By Amending Article VI, "Design Review Procedures", By Creating Section 118-264 To Address Conditions And Safeguards For Design Review Approval; Providing For Repealer; Codification; Severability And An Effective Date. **First Reading.**

(Planning Department)

ACTION: Ordinance approved on First Reading. Motion made by Vice-Mayor Bower to approve the Administration's recommendation; seconded by Commissioner Steinberg; Ballot vote: 6-1; Opposed: Commissioner Libbin. Second Reading and Public Hearing scheduled for September 5, 2007. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. **Jorge Gomez to handle.**

Motion made by Vice-Mayor Bower to approve the Administration's recommendation; seconded by Commissioner Steinberg.

Commissioner Libbin had a question on the language on Page 306 of the Agenda that states that the Historic Preservation Board recommended not to include the Administration's recommendation, in order to incentivize hotel renovations and redevelopment. He also pointed out that on page 307 the Commission Memorandum states, on October 10, 2006, the Historic Preservation Board reviewed the subject ordinance and recommended approval. He asked what changed their mind.

Thomas Mooney, Planning Department, stated that the opinion did not change.

Jorge Gomez, Planning Director, explained that this topic was discussed at length at the Land Use and Development Committee meeting. He stated that the way the ordinance is written now, in his opinion, contains an error; a word was dropped. He gave an example.

Commissioner Libbin gave an example and stated that this ordinance will be a disincentive upgrading and modernizing the stock.

Discussion continued.

Motion made by Commissioner Libbin to amend the ordinance to adopt the Historic Preservation Board's version to exempt hotel units. He explained that old hotels will not be renovating if this financial burden is approved; no second offered and discussion continued.

David Kelsey spoke.

Erika Brigham spoke.

1:35:00 p.m.

Supplemental Materials - R5G – Ordinance

R5G Low And Moderate Income Elderly Housing Parking Requirements
An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 130 “Off-Street Parking,” Article II “Districts; Requirements” Amending Section 130-32 “Off-Street Parking Requirements For Parking District No. 1” And Section 130-33 “Off-Street Parking Requirements For Parking Districts Nos. 2, 3 And 4” By Reducing The Parking Requirements For Housing For Low And/Or Moderate Income Elderly; Providing For Repealer; Codification; Severability And An Effective Date. **First Reading.**
(Planning Department)

ACTION: Ordinance approved on First Reading as amended. Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for September 5, 2007. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. **Jorge Gomez to handle.**

Amendment:

Assuming that all criteria being equal, to remove the for-profit exemptions if the Planning Department’s research indicates this is not a problem including an irrevocable covenant.

End

Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz. Discussion continued.

Commissioner Libbin asked for the rationale for why for-profit entities of similar character are treated differently than the not-for-profit. He reference Agenda page 314, - Analysis Section – paragraph 3, and stated that the initiative is to reduce the parking requirement from .75 to .50 for housing designated specifically for low and moderate income elderly, not for institutions for the aged. Only projects which are publicly owned, or owned and sponsored by a nonprofit organization, or developed by for-profit organizations utilizing public funds, may take advantage of this provision. Why exclude for-profit assuming all things are equal.

Jorge Gomez, Planning Department Director, responded to Commissioner Libbin’s question.

Commissioner Libbin asked Vice-Mayor Bower if she would accept an amendment: assuming that all criteria being equal, to remove the for-profit exemptions.

Commissioner Góngora stated that he is okay with the amendment provided that language is added that a for-profit developer doesn’t change the use later on.

Vice-Mayor Bower asked about ACLF’s.

Jorge Gomez, Planning Department Director, stated that ACLF’s have a different parking requirement. ACLF’s and nursing homes have a parking requirement which is one parking space for two beds. The ordinance is strictly housing for low and/or moderate income elderly for 30 years. He stated that between first and second reading, the Planning Department will research.

Vice-Mayor Bower accepted the amendment, subject to the Planning Department review.

Jorge Gonzalez, City Manager, stated the covenant must be irrevocable.

1:47:59 p.m.

Supplemental Materials - R5H – Ordinance

R5H Allowable Encroachments - Walkways

An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 142 "Zoning Districts And Regulations," Article IV "Supplementary District Regulations," Division 4 "Supplementary Yard Regulations" By Amending Section 142-1132 "Allowable Encroachments Within Required Yards," Section 142-1132(O) "Projections" By Amending The Permitted Width Of Walkway Encroachments In Required Yards For Purposes Of Complying With Accessibility Requirements, And By Clarifying Technical Language Regarding Allowable Encroachments; Providing For Repealer; Codification; Severability And An Effective Date.

First Reading.

(Planning Department)

ACTION: Ordinance approved on First Reading. Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for September 5, 2007. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. **Jorge Gomez to handle.**

1:49:20 p.m.

R5I An Ordinance Amending Miami Beach City Code Chapter 102, Entitled "Taxation;" By Amending Article V, Therein, Entitled "Local Business Tax;" Amending Section 102-379, Therein, Entitled "Schedule Of Taxes," By Adding Additional Business Tax Receipt Codes And Clarifying Language; Providing For Severability, Codification, And An Effective Date. **First Reading.**

(Finance Department)

ACTION: Ordinance approved on First Reading. Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for September 5, 2007. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. **Patricia Walker to handle.**

1:50:34 p.m.

R5J Single Family Partial Demolition Procedures

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 Revising Procedures For The Review And Approval Of Demolition Requests For Single Family Homes Constructed Prior To 1942 And Not Located Within A Designated Historic District; Providing For A Repealer, Severability, Effective Date, And Codification. **First Reading.**

(Planning Department)

ACTION: Ordinance approved on First Reading. Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for September 5, 2007. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. **Jorge Gomez to handle.**

R7 - Resolutions**12:15:13 p.m.**

R7A A Resolution Authorizing The City Manager, Or His Designee, To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; And Terminate Existing Contracts, As Needed, From The Last Commission Meeting On July 11, 2007, Until The First Regularly Scheduled Commission Meeting On September 5, 2007, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting On September 5, 2007. **Joint City Commission & Redevelopment Agency**

(Procurement)

ACTION: Item heard in conjunction with item RDA-2A. Resolution No. 2007-26596 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Góngora; Approved without objection: 7-0. **Gus Lopez to handle.**

4:19:20 p.m.

R7B A Resolution Authorizing The Application Of Not Exceeding \$3,500,000 In Available Moneys To Defeasance And, To The Extent Applicable, Redeem The Outstanding City Of Miami Beach, Florida Resort Tax Revenue Refunding Bonds, Series 1996; Authorizing The Defeasance And, To The Extent Applicable, Redemption Of Such Bonds; Delegating To The City Manager The Determination Of Certain Details And Matters Concerning Said Defeasance And Redemption; Authorizing The Execution And Delivery Of An Escrow Deposit Agreement And Appointing An Escrow Agent; Authorizing Officers And Employees Of The City To Take All Necessary Actions; And Providing For An Effective Date.

(Finance Department/City Attorney's Office)

ACTION: Resolution No. 2007-26597 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Gross; Voice vote: 5-0; Absent: Vice-Mayor Bower and Commissioner Góngora. **Patricia Walker to handle.**

11:18:37 a.m.

Supplemental Materials - R7C – Substitute Resolution

R7C A Resolution Calling For A November 6, 2007 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether A Majority Vote Of City Electors Should Be Required Prior To Enacting Any Change To The City Of Miami Beach's Code Of Conduct Contained In City Code Chapter 2, Article VII, Which Change (Through Exemption, Repeal Or Otherwise) Creates Less Stringent Standards Of Conduct Than Exist On This Charter Amendment's Adoption Date.

(Requested by Mayor David Dermer, City Attorney's Office & Vice-Mayor Matti Herrera Bower)

ACTION: Resolution No. 2007-26598 adopted as amended. Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Voice vote: 7-0. **R. Parcher to handle.**

Amendment to the ballot language:

..... Creates Less Stringent Standards Of Conduct Than Exist On This Charter Amendment's Adoption Date.

End

Mayor Dermer stated that regarding this item, he appreciates the comments made by his colleagues on the dais. He also stated that he also invited all the candidates who are running for office to speak on this issue. He explained that in all forms of government, ethics is a crucial issue. Over the last

ten years the City of Miami Beach has made tremendous progress in ethics legislation. The City of Miami Beach has raised the bar. The purpose of this legislation is to continue to keep the bar high. This resolution proposes a City Charter Amendment to the City's constitution. If approved, and he is confident it will, this amendment will enshrine that high bar of ethics. He appreciates the support from his colleagues and Commissioner Steinberg who provided some additional language which strengthens the language.

Gerald Posner spoke in support of the resolution.
Jonah Wolfson spoke in support of the resolution.
Deede Weithorn spoke in support of the resolution.
Ed Tobin spoke in support of the resolution.

Commissioner Góngora, in response to Mr. Tobin's comments, stated that it is unfortunate that Mr. Tobin has chosen putting this initiative out for public referendum instead of speaking on the issue; and has used this opportunity to do some type of campaign bashing, which is highly inappropriate at a Commission Meeting. He urged Mr. Tobin to join a City board or Committee and to get involved.

Linda Grosz spoke in support of the resolution.
Mitch Novick spoke in support of the resolution.

David Kelsey stated that if the City Commission agrees to call a Special Election to consider placing a City Charter amendment eliminating the Commission group designation on the ballot.

Daniel Veitia spoke in support of the resolution.
Luis Salom spoke in support of the resolution.
Stanley K. Shapiro spoke in support of the resolution.
Elsa Urquiza spoke in support of the resolution.
Frank Krusewski spoke in support of the resolution.
Ray Breslin spoke in support of the resolution.
Ivor Rose spoke in support of the resolution.
Ron Brenesky, Representative from Unity Coalition, spoke in support of the resolution.
Kent Harrison Robbins, Esq., spoke in support of the resolution.

Robert Parcher, City Clerk, clarify for the record that the Commission is voting on the resolution distributed in the Supplemental Agenda.

Handout or Reference Materials:

1. Four-page document re: November 6, 2007 Special Election/Request for a Referendum to Correct an Anomaly in the City Charter that could lead to an undemocratic outcome of a City Commission election from David Kelsey to Mayor and City Commission dated July 9th, 2007 regarding group designation.

11:46:08 a.m.

R7D A Resolution Pursuant To City Code Section 38-6, Authorizing Early Voting For The November 6, 2007, And For The November 20, 2007, Runoff Elections, If A Runoff Election Is Required.
(City Clerk's Office)

**ACTION: Resolution No. 2007-26599 adopted as outlined in the resolution:
General Election and Special Election: Early voting to be offered at two locations: 1) Miami Beach City Hall and 2) the North Shore Library, and will be held for seven days beginning on Monday, October 29 and ending on Sunday, November 4.**

Run-off Election, if required: Early voting will be offered at two locations: 1) Miami Beach City Hall and 2) the North Shore Library, and to be held for two days beginning on Saturday, November 17 and ending on Sunday, November 18. Motion made by Vice-Mayor Bower; seconded by Commissioner Góngora; Voice vote: 7-0. **R. Parcher to handle.**

4:25:52 p.m.

R7E A Resolution Approving And Officially Adopting The Basis Of Design Report (BODR) For The Washington Park Project (The Project); And Further Authorizing The City Administration To Negotiate Amendment No. 2 To The Existing A/E Rotational Contract With Swanke Hayden Connell Architects (SHCA), In A Not To Exceed Amount Of \$140,000, For Architectural And Engineering Services For The Subsequent Phases Of The Project Including Design Development, Construction Documents, Permitting, Bidding And Award, And Construction Administration Phases; And Upon Conclusion Of Successful Negotiations, Further Authorizing The City Manager And City Clerk To Execute The Amendment.

(Capital Improvement Projects)

ACTION: Item not approved.

Jorge Cano, Assistant CIP Director, explained the item.

Commissioner Gross stated that when driving by, it is a perfectly presentable green space with trees, and questioned the need for this project. He suggested installing some benches and maybe a paved path. This can be done with the rotating architect. He stated that he believes the soft costs are unnecessarily high for what is being accomplished.

Jorge Gonzalez, City Manager, stated that the South Pointe Park has become a signature amenity for the area, and what ultimately will end up there is a passive green space with a multipurpose building.

Vice-Mayor Bower stated there was public input on this park and her concern is that the residents are expecting to get something and if they are going to get something different we need to let them know.
Jorge Chartrand to handle.

Jorge Gonzalez, City Manager, stated that if the area is made into a multi-space it has to be funded and operated, which adds costs.

Commissioner Gross asked what the improvements are supposed to be made to the multi-purpose center for \$330,000.

Jorge Cano, Assistant Planning Department Director, stated that there will be mechanical, electrical and plumbing work, along with ADA compliance work.

Jorge Gonzalez, City Manager, suggested implementing some of the green work and some minor

work to make it a more attractive passive park. **Kevin Smith to handle.**

Commissioner Cruz suggested that because of actions in Tallahassee, the Administration needs to go back and reevaluate all of the projects to see if they are still viable project. Perhaps a Commission Workshop can be scheduled if needed. **Jorge Chartrand and Fred Beckmann to handle.**

Handout or Reference Materials

1. Bounded book titled "Washington Park Concept Plan" BODR – Basis of Design Report, dated 29 June 2007. Prepared by Swanke Hayden Connell Architects

4:37:31 p.m.

R7F A Resolution Adopting The North Beach Town Center Plan As The Official Neighborhood Plan For The Area Bounded By 73rd Street, The Atlantic Ocean, 69th Street And Indian Creek; And Authorizing The Administration To Prepare Draft Legislation, As Appropriated, To Promote Implementation Of The Plan.

(Planning Department)

ACTION: Resolution No. 2007-26600 adopted. The Plan was amended. Motion made by Commissioner Libbin; seconded by Vice-Mayor Bower; Voice vote: 7-0. **Jorge Gomez to handle.**

Amendment:

Delete from Appendix: up to 629,400 square feet of new retail development by 2008

End

Jorge Gomez, Planning Department Director, explained the item.

Commissioner Gross stated that this is a good plan. He stated that the last page, the Appendix, is a little bit off base since it was done in July 2003. He suggested deleting the reference to up to 629,400 square feet of new retail development by 2008 report appendix. **Jorge Gomez to handle.**

Commissioner Gross asked when the beachwalk will be completed.

Jorge Gonzalez, City Manager, stated that for that section of the beachwalk the Commission approved the selection of the contractor and the Administration was directed to negotiate. At this time there is a significant disparity between the low bidder and the budget. He added that he is not sure if the price can be reduced to within the allocated budget. There is about \$1.5 million difference.

Commissioner Gross stated that he can think of no more important project to the City than the beachwalk and have a contiguous walk from 1st Street to 87th Street along the entire beach.

Neisen Kasdin, Esq., spoke.

Daniel Veitia spoke.

Commissioner Gross commended Daniel for achieving consensus on this project and he appreciates the hard effort on his part. He stated that it is sad that there is nobody from the North Beach Development Corporation (NBDC) present today to support this project.

Commission Libbin stated that it was the NBDC who originally contacted the City as to what to do in the North Beach area and they did a great job in rallying the community. Daniel and others continued that role. Joyce Myers and the Planning Department have also done a magnificent job. He stated that part of the problem with NBDC is that the organization has no funding.

Commissioner Cruz stated that this is a spectacular project and congratulated the City staff.

Commissioner Steinberg commended the community as a whole for their input and effort, especially Daniel Veitia.

Vice-Mayor Bower echoed the sentiment and stated that Joyce Meyers also did a great job and commended the community. She stated that it is terrific that no one is present in the audience, because that shows how much work was done ahead of time to have everybody agree on this project.

Handout or Reference Materials

1. Color copy of a document titled "North Beach Town Center Plan" – update 2007. Prepared by the City of Miami Beach Planning Department

12:12:16 p.m.

R7G A Resolution Approving The Settlement Of City Liens On Real Property Located At 3101 Indian Creek Drive (South Beach Bayside 1 Condominium), Miami Beach, Florida, Resulting From Special Master Case Nos. J98F0019; J99F0214; JB00000423; And JB990011, And Providing That Said Liens, In The Amount Of \$1,354,366.20 Plus Interest, Be Settled In Consideration Of \$71,797.16 Previously Paid To The City As Partial Lien Releases, And Further Authorizing The City Manager To Take Such Action(s) And Execute Any And All Necessary Documents To Complete Such Lien Releases And Settlement.

(City Manager's Office)

ACTION: Resolution No. 2007-26601 adopted. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote: 6-0; Abstained: Commissioner Gross. **Robert Middaugh and R. Parcher to handle.**

Commissioner Gross explained that he is abstaining due to a voting conflict.

Handout or Reference Material

1. Form 8B filed by Commissioner Gross

10:31:06 p.m.

R7H A Resolution Amending The City's Investment Policy And Procedures, As Adopted By Resolution No. 95-21726 And Amended By Resolution No. 97-22315, By Incorporating The State's "Protecting Florida's Investment Act," (Chapter 2007-88, Laws Of Florida), Prohibiting The Investment Of Public Funds In Any "Scrutinized Companies" With Active Business Operations In Sudan Or Iran, As Listed By The State Board Of Administration (SBA) On A Quarterly Basis, In Accordance With The Provisions Of The Act.

(Finance Department)

ACTION: Resolution No. 2007-26602 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Voice vote: 7-0. **Patricia Walker to handle.**

Mayor Dermer introduced Senator Ted Deutch and commended him for having his legislation regarding "Protecting Florida's Investment Act" supported unanimously at both the Florida State House and Senate. The subject of his legislation is also on the agenda. He explained the purpose of the legislation and why he is advocating it for the City of Miami Beach.

State Senator Ted Deutch spoke about this initiative.

Commissioner Steinberg commended Mayor Dermer for this action and Senator Deutch for getting it through the Senate.

Vice-Mayor Bower stated this is the right thing to do.

Handout or Reference Materials

1. The Miami Herald two-page article printed from MiamiHerald.com 7/08/07 by Tania Valdemoro posted on Sun. Jul. 08, 2007, re: City ready to drop funds tied to terror.
2. Two-page article printed from CBS4.com dated July 8, 2007 titled Miami Beach to Ban Funds Tied to Iran and Sudan.

4:20:06 p.m.

R7I A Resolution Approving And Authorizing Change Orders No. 8, For Miscellaneous Items, In The Amount Of \$184,266, And No. 9, For Additional General Conditions, Time Extension Costs, Changed Site Conditions, Increased Cost Of Materials And Additional By-Pass Pumping In The Amount Of \$2,900,000, To Widell, Inc., For The Water And Wastewater Pump Station Upgrades Project; With Funding, In The Amount Of \$3,084,266, To Be Reallocated From Fund 424 Water And Sewer Bonds, Previously Appropriated For Central Bayshore Neighborhood Bid Pack A, Which Will Be Replaced By Future Bonds.

(Capital Improvement Projects)

ACTION: Resolution No. 2007-26603 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Vice-Mayor Bower. **Jorge Chartrand to handle.**

Commissioner Libbin stated that Tim Hemstreet, Assistant City Manager, and staff met with him and explained this item and he is satisfied with the excellent job done by staff.

5:06:57 p.m.

Supplemental Materials - R7J – Resolution

R7J A Resolution Setting 1) The Proposed Operating Millage Rate; 2) The Required Debt Service Millage Rate; 3) The Calculated “Rolled-Back” Rate; And, 4) The Date, Time, And Place Of The First Public Hearing To Consider The Millage Rates And Budgets For Fiscal Year (FY) 2007/08; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes.

(Budget & Performance Improvement)

ACTION: Title of the Resolution read into the record. Resolution No. 2007-26604 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Voice vote: 7-0. The First Public Hearing is scheduled for September 12, 2007 at 5:01 p.m. Robert Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. **Kathie Brooks to handle.**

1) Proposed Millage Rates For FY 2007/08:

General Operating	5.5173 mills	(7.192 last year, 23% decrease)
Capital Renewal & Replacement	0.1382 mills	(0.182 last year, 24% decrease)
Sub-Total Operating Millage	5.6555 mills	(7.374 last year)
Debt Service	0.2415 mills	(0.299 last year, 19% decrease)
Total	5.8970 mills	(7.673 last year, 23% decrease)

2) “Rolled-Back” Rate (Truth in Millage) 6.2212 mills

3) The First Public Hearing On The Proposed Millage Rates And The Tentative Budget For FY 2007/08 Shall Be Wednesday, September 12, 2007 At 5:01 p.m., In The City Commission Chambers, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

Jorge Gonzalez, City Manager, stated that this millage is the exact millage required to meet the level established by the State Legislature. He explained that in addition to having to set the millage at the rolled-back rate, the City is also forced to reduce that figure by an additional 9%. He explained the impact of this action in detail.

City Clerk’s note: It was determined that September 12, 2007 is Rosh Hashanah and the date was changed to Monday, September 17 at 5:01 p.m. and the second reading to be scheduled for Wednesday, September 26, 2007.

5:27:45 p.m.

Supplemental Materials - R7K – Resolution

R7K A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Setting 1) The Proposed General Operating Millage Rate For The Normandy Shores Neighborhood Improvement District; 2) The Calculated Rolled-Back Rate; And, 3) The Date, Time And Place Of The First Public Hearing To Consider The Operating Millage Rate And Budget For Fiscal Year (FY) 2007/08; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes.

(Budget & Performance Improvement)

ACTION: Title of the Resolution read into the record. Resolution No. 2007-26605 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Libbin; Voice vote: 7-0. The first Public Hearing is scheduled for September 12, 2007 at 5:02 p.m.. Robert Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. **Kathie Brooks to handle.**

- 1. Proposed Normandy Shores Local Government Neighborhood Improvement District Operating Millage Rate For FY 2007/08:

General Operating	1.0363 mills
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- 2) "Rolled-Back" Rate (Truth in Millage) 0.2827 mills

3) The First Public Hearing On The Proposed Normandy Shores Local Government Neighborhood Improvement District Operating Millage Rate And Tentative Budget For FY 2007/08 Shall Be Held On Wednesday, September 12, 2007 At 5:02 P.M., In The City Commission Chambers, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

Commissioner Libbin explained that there was a significant error made last year by Miami-Dade County and as a result the rolled-back rate is more than it should have been. Because of the County's error, the residents have to pay back the money.

Vice-Mayor Bower asked if the citizens are being informed about this mistake. She stated that the City should send the letter.

Jorge Gonzalez, City Manager, stated that the City will send the letter. **Kathie Brooks to handle.**

City Clerk's note: It was determined that September 12, 2007 is Rosh Hashanah and the date was changed to Monday, September 17 at 5:01 p.m. and the second reading to be scheduled for Wednesday, September 26, 2007.

R9 - New Business and Commission Requests

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

ACTION:

Budget Advisory Committee:

Mark Gidney Term expires 12/08 Appointed by Vice-Mayor Bower TL 12/07

Community Relations Board:

Elizabeth Schwartz Term expires 12/07 Appointed by Commissioner Cruz TL 12/07

Miami Beach Sister Cities:

Diana Susi Term expires 12/07 Appointed by Mayor Dermer TL 12/07

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

ACTION: No action taken.

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

ACTION: No speakers.

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

ACTION: No speakers.

Supplemental Materials - R9C - Resolution

R9C Discussion Regarding Declaring A Parking Emergency On The 17th Street Parking Lot.
(Requested by Vice-Mayor Matti Herrera Bower)

ACTION: Item withdrawn by Vice-Mayor Bower. See Agenda Item C7M.

12:41:45 p.m.

7:35:05 p.m.

R9D Discussion Regarding The City's 23rd Street Bridge Project.)
(Requested by Commissioners Jerry Libbin & Michael Góngora)

ACTION: Discussion held.

Final action: Motion made by Vice-Mayor Bower to refer this issue to the Land Use and Development Committee for discussion so that residents can be consulted and La Gorce and Pine Tree Drive Associations should be notified of this meeting. Motion approved without objections. **Jorge Gomez to place on the agenda. Fred Beckmann to handle.**

Commissioner Libbin stated that he received an e-mail from Mr. Breslin regarding this subject and wanted to give Mr. Breslin an opportunity to speak about it. He is not sure how significant the proposed change is and what the benefits will be. He stated that this neighborhood is adamantly opposed to this project that does not seem to be of a substantial improvement; why spend millions of dollars and create disruption.

Commissioner Góngora stated that he has similar concerns and after walking the neighborhood with the president and hearing his concerns he feels he should have an opportunity to speak to the City Commission.

Ray Breslin spoke.

Commissioner Gross stated that he also thinks is a pointless project and a complete waste of money. He wanted to know who is pushing this.

Jorge Gonzalez, City Manager, stated this is a project in the Municipal Mobility Plan. It has been studied, approved and will be funded through the Miami-Dade County Road Impact Fee Fund. Miami-Dade County is the authority on traffic management and traffic engineering although the City can give input, the ultimate decision is theirs. He explained that he is not sure if the City has a say on this. One of the intended changes is to take traffic off of Pine Tree and La Gorce and move it to Collins Avenue which is a major road.

Fred Beckmann, Public Works Director, stated that this is not a safety project. He does not see this intersection as a safety hazard but this is not a local project. This project came about when it was decided how to calm traffic and move the traffic via the major arteries Alton Road and Collins Avenue. This project is intended to connect those two roads, via Dade Boulevard and 23rd Street, to reduce the traffic on Pine Tree and La Gorce neighborhoods. He explained that what this new bridge will do is encourage traffic between those two roads.

Discussion continued.

Mayor Dermer asked if all the new activity in that neighborhood, especially as a result of the CANDO initiative, has been analyzed and taken into consideration.

Fred Beckmann, Public Works Director, stated that that is exactly why the Administration wants the County to do an analysis because of the changes in the area.

Jorge Gonzalez, City Manager, stated that because of the changes in the area, this will make it easier to access the area.

Commissioner Cruz stated that the street is kind of barren and should be beautified.

Motion made by Vice-Mayor Bower to keep the status-quo. No second offered.

Discussion continued.

Motion made by Commissioner Libbin to approve a resolution to request from Miami-Dade County to kill this project; seconded by Vice-Mayor Bower. Discussion continued, no vote taken.

There was discussion about reprogramming the funds to the West Avenue project.

Commissioner Libbin restated the motion as follow: The motion is to send a resolution to have Miami-Dade County delete this project, and redirect the funds that would have been used for this project to the construction of West Avenue; no trading of oceanfront lots; seconded by Commissioner Gross. No vote taken. Discussion continued.

Jorge Gonzalez, City Manager, recommended, since the Municipal Mobility Plan (MMP) needs to be amended, to add to the resolution to delete project #26 from the Municipal Mobility Plan (MMP). This change was accepted. Discussion continued; no vote was taken.

Commissioner Steinberg stated that since this was only a discussion item not an action item, he would hate to do this without the La Gorce and Pine Tree neighborhood knowing what is being done.

Commissioner Steinberg suggested having this discussion after 6:00 p.m., when the neighbors from La Gorce will be here.

Motion made by Commissioner Steinberg to defer this item till 6:00 p.m., no second offered and discussion continued.

Jo Manning, Representative from MDPL to the Transportation and Parking Committee, read a statement from Alan Fishman, chairman, into the record. As a private citizen she stated that she seconded the motion to scratch the project because she does not see any value to it based on a study made twelve year ago. This needs to be looked at because the area has changed.

Mayor Dermer requested to make Ms. Manning's statement be part of the record.

Commissioner Gross stated that at this time of budget cuts and tax payers are expecting government to look at projects and not spend money foolishly, to spend \$5 million dollar on this project is not right.

Erica Brigham spoke.

Mayor Dermer stated that the issue will be consulted with the neighbors coming in at 6:00 p.m.

7:35:05 p.m.

Mayor Dermer asked if the La Gorce neighbors have been consulted and if they have any objections. He asked if the neighbors of La Gorce and Pine Tree Drive Associations would like this matter deferred to further discuss this issue and the answer was "yes."

Motion made by Vice-Mayor Bower to refer this issue to the Land Use and Development Committee for discussion so that the residents can be consulted and La Gorce and Pine Tree Drive Associations should be notified of this meeting. Motion approved without objections. Jorge Gomez to place on the committee agenda. Fred Beckmann to handle.

Handout or Reference Material

1. Color rendering of the Master Plan by MDPWD Dec 2004

Prepared by the City Clerk's Office

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2. City of Miami Beach Transportation & Parking committee motion passed at the meeting of Monday, July 9, 2007.
3. Copies of Photo Analysis of 23rd Street Bridge Proposal by CPNA and letter from Collins Park Neighborhood Association dated June 6, 2007 addressed to the Historic Preservation Board and Planning Department Staff.

12:15:50 p.m.

R9E Discussion Regarding A Resolution Urging Miami-Dade County To Engage An Independent Consultant To Study And Evaluate The Effectiveness Of The Erosion Control Project Installed By The U.S. Army Corps Of Engineers On The Beaches Between 29th And 32nd Streets And To Develop A Plan To Provide A Definitive Solution To The Beach Erosion Problems In The City Of Miami Beach.
(Requested by Vice-Mayor Matti Herrera Bower)

ACTION: Discussion held in conjunction with item R9F. Resolution 2007-26606 adopted as amended to include residents in the selection process and for Miami-Dade County to create a Steering Committee of stakeholders who will be totally involved throughout the entire process, not just the selection process, but also to review reports and ask questions. Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Approved without objection: 7-0. **R. Parcher to transmit to Miami-Dade County Mayor, County Commissioners and County Manager.**

Carlos Espinosa, Director of Miami-Dade County Environmental Resources Management (DERM), introduced himself.

Commissioner Cruz stated that a town hall meeting was held by Commissioner Barreiro and attended by over three hundred (300) residents regarding beach erosion. The residents felt the jetty was causing the erosion. He recommended that the County hire an independent consultant to study the issue and come back with the findings and any recommendations to the County Commission, the City of Miami Beach Commission and residents. At the town hall meeting there was unanimous support from the residents to move forward with the study.

Vice-Mayor Bower stated that an independent study of the jetty is needed.

Mayor Dermer asked who will be funding the study.

Carlos Espinosa, DERM Director, stated that Miami-Dade County will fund the study. He added that Miami-Dade County Commissioner Barreiro has requested the study and reiterated that the County will fund it. He stated that the County is looking to find someone to do an independent evaluation of the jetty project and is looking for expertise from the different universities.

Vice-Mayor Bower stated that she is upset with the County regarding the issue of sand. The County about a year ago was asked to sift the sand because of the smell and the County still has not sifted the sand as promised.

Carlos Espinosa, DERM Director, in response to a question, stated that at this time he does not know what the cost of the study will be, but whatever the cost, the County will deal with it. He also stated that the County will continue to coordinate with the City and those individuals involved and assured the City Commission that this is going to be an open process.

Commissioner Cruz explained that credibility is needed to make this process viable. He commended Mr. Espinosa for attending every meeting, and for being diligent and professional, but added that unless some of the residents are included to help select the consulting team who will be conducting the study, the process will fail. He added that the following needs to be included in the Resolution;

residents from the affected area must be included in the selection of the consulting team.

Commissioner Gross asked if the Army Corp of Engineers (ACOE) has the ultimate decision to remove the jetty.

Carlos Espinosa, DERM Director, stated that if the study indicates the jetty needs to be removed, authorization will need to come from the ACOE and the State of Florida.

Commissioner Gross recommended that the County contact the ACOE directly and requests a list of qualified people who can do the study.

Carlos Espinosa, DERM Director, stated that he agrees with Commissioner Gross and we need to have an inclusive process which looks at highly qualified individuals. The reason to look at individuals from the universities is to bring the study to an independent level. DERM will also contact the ACOE to get a recommended list. The ACOE and the State of Florida have to participate because they are partners in this effort. This will be an open process. In addition, the individual has to be qualified and highly respected.

Vice-Mayor Bower asked how long the process is going to take.

Carlos Espinosa, DERM Director, stated that the goal is to move this as quickly as possible and to have the qualified individuals selected and working on it by this fall.

Jorge Gonzalez, City Manager, suggested that the County also create a Steering Committee of stakeholders who can be totally involved throughout the entire process, not just the selection process, to review reports and ask questions.

Carlos Espinosa, DERM Director, stated that he is amiable to a Steering Committee.

12:15:50 p.m.

R9F Discussion Regarding The Jetty On Miami Beach Between 29th And 32nd Street.
(Requested by Commissioner Simon Cruz)

ACTION: See comments under item R9E.

7:36:56 p.m.

R9G Discussion Regarding The Closing Of South Pointe Park And The Possibility Of Creating A Temporary Park For Dog Owners.
(Requested by Vice-Mayor Matti Herrera Bower)

ACTION: Discussion held. Motion made by Commissioner Libbin to adopt the City Manager's suggestion of using the RDA Park for off-leash (to be fenced in) and use the 2nd Street and Washington Avenue Park as a leash park; seconded by Vice-Mayor Bower; Approved by acclamation: 7-0. **Kevin Smith to handle.**

Robert Middaugh, Assistant City Manager, explained the issue of creating a temporary park for dogs.

Jorge Gonzalez, City Manager, encouraged the City Commission to consider the RDA Park, but to not do too much, since in 18 months or so the South Pointe Park will be ready.

Roby Greer spoke.

Lucia Greer spoke.

Motion made by Commissioner Libbin to adopt the City Manager's suggestion of using the RDA Park for off-leash (to be fenced in) and use the 2nd Street and Washington Avenue Park as a leash park; seconded by Vice-Mayor Bower; Approved by acclamation: 7-0.

1:51:49 p.m.

R9H The Committee Of The Whole Will Meet During Lunch Break In The City Manager's Large Conference Room Regarding The Fiscal Year (FY) 2007/08 Proposed Operating Budget Request For The Office Of The Mayor And City Commission, And An Update On The FY 2007/098 General Fund Budget. (Budget & Performance Improvement)

ACTION: The Committee of the Whole meeting was announced by R. Parcher.

Meeting called to order at approximately 1:55 p.m. Mayor Dermer and all Commissioners were present.

Mayor Dermer stated that although the salary for the mayoral aide positions have been significantly reduced, he offered to eliminate one of the mayoral aide positions.

Discussion was held. It was stated that it is important that the Mayor's Office budget be reduced just like the City Manager is requesting from his staff.

Commissioner Gross offered to cut the one-half secretary position he has which is vacant.

Commissioner Steinberg suggested eliminating the unfilled secretary position.

Mayor Dermer stated that in the past, when revenues were increasing, the Mayor's Office budget was decreasing.

There was a discussion regarding the maximum salary range.

Jorge Gonzalez, City Manager, explained the classification system, job audits, collective bargaining, minimum and maximum pay ranges, and COLA's.

Commissioner Libbin stated that CPI increases versus COLA's should be considered.

Commissioner Gross asked how many employees are presently capped at their maximum salary.
Mayra Diaz Buttacavoli to handle.

Commissioner Cruz stated that if a future commissioner's secretary vacancy occurs it should also be eliminated.

Motion made by Commissioner Cruz to eliminate the vacant secretary position; approved without objection. Luis Wong to manage the secretary as needed.

Commissioner Gross made a motion to have one (1) secretary for the Mayor's Office; no second offered.

Meeting adjourned at approximately 2:40 p.m.

Handout or Reference Material:

1. Copy of LTC 156-2007 to Mayor David Dermer and Members of the City Commission from Jorge M. Gonzalez, City Manager, re: COMMITTEE OF THE WHOLE MEETING along with Office of the Mayor

and City Commission FY 2007-08 Budget Request packet.

5:31:54 p.m.

R9I Discussion/Status Regarding The Drainage On Prairie Avenue.

(Requested by Commissioners Saul Gross, Simon Cruz & Vice-Mayor Matti Herrera Bower)

ACTION: Discussion held.

Commissioner Cruz will call Dr. Martin Karp to have this item on their next School Board Agenda and at that time the neighbors should be informed and everyone should go together to the meeting.

Commissioner Gross stated that all three fronts should be worked; the political front, the meeting the City Manager has with the Assistant Superintendent and also for Fred Beckmann and Robert Middaugh to continue working with the people that they have been working with.

Commissioner Gross stated that it is an outrage when the foundations of some of the homes are two and three feet under water and added that this requires immediate action. Unfortunately, the school district which created this problem by elevating their parking lot, does not want to deal with the problem the way the City's Engineering Department is telling the school district that they have to deal with it.

Vice-Mayor Bower stated that the City was supposed to respond quickly and that did not happen. She wants to know why the City did not respond quickly.

Commissioner Cruz stated that he spoke to the school board engineer responsible for this project and was told that plans were submitted on how to handle the swale drainage and the City rejected the plans and since they do not have the approval from the City they cannot do the work to solve the problem.

Robert Middaugh, Assistant City Manager, stated that the Public Works Department has put into place emergency response measures to be able to respond quickly and that did not happen this weekend. The procedures have been tightened up. Now the Public Works Department will be proactive in going out to check to see if there is flooding when it rains. This is a pumping effort to remove the water. By now the school district should have been under construction on a drainage solution in the area. He explained that the school district engineer provided a plan to drain the parking lot but not the surrounding area in the swale. The Administration has asked the school district for a design that will rectify the swale area flooding.

Commissioner Cruz stated that the City needs to take action to resolve the problem by taking legal action, but the problem needs to be fixed.

Discussion continued.

Jorge Gonzalez, City Manager, stated that the reality is that this is a political solution or a solution with the Superintendent. The school district has been nonresponsive. There is an elected official that needs to be reached. The City could reach Rudy Crew directly and ask him if he knows what is going on.

Commissioner Cruz stated that he has spoken with Dr. Martin Karp who got the engineers together. He added that he can talk again with the Administration. He added that there is a flooding problem throughout the City. He also asked if the culverts have been cleaned out.

Jorge Gonzalez, City Manager, stated that there is a system-wide yearly maintenance cycle on all storm drains.

Commissioner Gross asked if the City engineers can design the solution or does the school district need to design it. He explained that the City needs a design, and asked who was going to do it. This should be designed now.

Jorge Gonzalez, City Manager, stated that the school district needs to recognize that this is a problem and solve it. Cost is a secondary discussion; the design needs to be done first.

Vice-Mayor Bower asked if anybody addressed this publicly at the School Board. She stated that the City and the residents, the elected officials, and the Administration need to go to the School Board meeting and demand a fix.

Discussion continued.

Motion made by Vice-Mayor Bower to call Dr. Martin Karp and Dr. Rudy Crew to have this item placed on the agenda and she will go to the School Board meeting together with any other members of the City Commission that want to attend, including the PTA and the residents. No second offered. Discussion continued.

Jorge Gonzalez, City Manager, stated that he has an appointment with an Assistant Superintendent next week to discuss the education compact. At this meeting he can put them on notice of the problem before this gets to the superintendent and elected body. **Jorge Gonzalez to handle.**

Rabbi Solomon Schiff spoke.
Jorge Exposito spoke.

John Corey, President of the Bayshore Homeowners Association, stated that the residents want to see a solution and asked about the mitigation points approved back in March. There are a few items that could be done now and they do not know why there have not been done; the residents would like an update:

1. The intersection at Dade Boulevard and Prairie Avenue – traffic count
2. The chain link fence – the City can install the palms at anytime
3. Light shield – doesn't understand why this can get going
4. Gate to the south end of the property for the overflow of parking on weekends. **Fred Beckmann to handle.**

Bruce Rosenstein spoke.
Benita Argos spoke.

Commissioner Cruz will call Dr. Martin Karp to have this item on their next agenda and at that time the neighbors should be informed and everyone should go together.

Commissioner Gross stated that all three fronts should be worked; the political front, the meeting the City Manager has with the Assistant Superintendent and also for Fred Beckmann and Robert Middaugh to continue working with the people that they have been working with.

City Clerk's note: LTC 144-2007 is included with this Agenda item.

4:21:38 p.m.

R9J Discussion Regarding Mission And Charge For The Ad Hoc Green Committee.
(City Manager's Office)

ACTION: Discussion held.

Commissioner Libbin stated that the creation of this committee was discussed at the City Commission Retreat. He added that he would like, if the committee feels it is appropriate, for the City to host a summit at no expense to the City to investigate what could be done and report back. He does not know if this is covered in under the charge of the committee.

Jorge Gonzalez, City Manager, stated that he believes the committee's mission is broad enough to allow for a recommendation to host a summit, but he recommends that the City Commission ultimately approve.

Commissioner Góngora stated that he envisions this committee functioning similar to the way the Condominium task Force functioned.

Commissioner Cruz stated that the State of California recognized the Kyoto Agreement and since Miami Beach signed it, this is symbolically and should be highlighted.

Commissioner Góngora announced that the first meeting will be on July 17th at 6:00 p.m.

City Clerk's note: LTC 152-2007 is included with this Agenda item.

6:08:30 p.m.

R9K Discussion Regarding The Miami Heart Institute Site.
(Planning Department)

ACTION: Discussion held. Motion made by Commissioner Gross to refer the item to the Planning Board Meeting of August 28, 2007 for rezoning, so that if it's no longer operating as a hospital, it would revert to the zoning no more intense than the immediate zoning of adjacent properties, except if there is a large buffer around the property; and additionally include that the height be not more than three stories and create some type of waterfront park in the area; seconded by Vice-Mayor Bower; Voice vote 7-0. **Jorge Gomez to handle.**

Jorge Gonzalez, City Manager, gave an oral report.

Jorge Gomez, Planning Director, reported on the meeting that took place between the Miami Heart Institute representatives and the neighbors.

Motion made by Commissioner Gross to refer this issue to the Planning Board to decide in a Hospital District if the hospital is no longer there what should be the zoning for that site. His suggestion is that the zoning should be the same as it is on the adjacent area. He is proposing a text amendment for Hospital Districts generally that if there is no more use for a hospital the zoning will become whatever the zoning adjacent to it is. No second offered.

Discussion continued.

Commissioner Gross stated that zoning of a neighborhood is supposed to be compatible with that neighborhood. When a hospital is built, the zoning is intensified because the hospital serves a public purpose. If that public purpose is removed, then what makes the most sense is for the zoning to

revert back to what was in the neighborhood and what is adjacent. What he would like to see is the issue referred to the Planning Board. The main issue is if the property is no longer being used as a hospital, what is the City's policy. Mt. Sinai is different because they have a big buffer surrounding the site.

Bob Kunst spoke.

Paul Kress, President of the Nautilus area Home Owners Association, spoke.

Jeff Cohen spoke.

Gabrielle Redfern, representing the Orchard Park Neighborhood Association, read a letter from the current president of the association, Henry Lowenstein.

Michelle Burger spoke.

Roger Merritt spoke.

Bruce Rosenstein spoke.

Jonah Wolfson spoke.

Steve Chaneles spoke.

Steve Sonenreich, CEO Mount Sinai Hospital, spoke.

Jeffrey Bercow Esq., representing Mount Sinai, spoke.

David Morel spoke.

Commissioner Gross stated that what he is proposing not only deals with Miami Heart Institute, but all HD zones in the City. He stated that the same situation happened at Mercy Hospital in Miami. He has spoken with Jorge Gomez, Planning Director, regarding the right of the Hospital to renovate the building(s). If there were extensive renovations for residential purposes, it might cause a non-conforming use. He added that as it was explained to him, Miami Heart Institute would be able to do the renovation and keep the FAR which is currently on the existing site.

Jorge Gomez, Planning Department Director, further explained and clarified his understanding that he believes this is more of a policy statement in the Land Development Regulations of the City.

Discussion continued.

For discussion purposes, a motion was made by Commissioner Gross to refer the item to the Planning Board for a rezoning in all HD zoned areas that no longer function as a hospital that the zoning would revert to the zoning which is no more intense than the zoning of the immediately adjacent properties, except if there is a large buffer area surrounding the property as in the case of Mt. Sinai, that the height can be no more than three stories and that some type of park be included by the water; seconded by Vice-Mayor Bower.

Discussion continued.

Commissioner Cruz explained and clarified the election campaign contributions he has received from Mount Sinai.

Steve Sonenreich, CEO Mount Sinai Hospital, stated why he needs as much time as possible because the Miami Heart Institute is a significant asset of Mt. Sinai. There needs to be more planning time so Mt. Sinai can find the best use for the Miami Heart site.

Commissioner Libbin asked Mr. Sonenreich if he will commit to not accepting any offers during that period of time that he is requesting.

Steve Sonenreich, CEO Mount Sinai Hospital, stated that the City has his commitment to continue to communicate with everyone. He also added that he is willing to agree not to accept any offers relative

to non-healthcare during the additional time given by the Commission.

Mayor Dermer stated that after listening to all of the discussion, he agrees with Commissioner Gross that this is the best time to start the process. He also added that Steve, for the healthcare perspective, has done an outstanding job at Mt. Sinai.

Commissioner Gross stated that his motion includes referring the item to the August 28th Planning Board meeting.

Handout or Reference Materials:

1. Letter to Honorable Mayor and Members of the City Commission dated July 11, 2007 signed by Michele Burger, Lakeview Homeowners Association representative.
2. Letter to Honorable Mayor and Members of the City Commission dated July 8, 2007 from Henry Lowenstein, V.P., on behalf of OPNA.

1:06:37 p.m.

Addendum

R9L Discussion And Update Regarding The Status Of The 63rd Street Bridge/Flyover Project.
(Requested by Commissioner Richard L. Steinberg)

ACTION: Discussion held.

Fred Beckmann, Public Works Director, gave an update on the project. He stated that there is a notice being passed around by the contractor to the citizens of Miami Beach notifying them that on July 22-27 the contractor will be doing the final close-out work on the bridge. Milling and resurfacing will be done between 9 p.m. and 6 a.m. It is envisioned that on July 27 the bridge will be restored to full capacity in both directions.

He explained that the bridge gears did not pass the Federal Highway Administration's materials test for a 30 years life span. The gears will need to be replaced. The replacement gears will probably be ready in late November or December for installation for December or January.

Commissioner Steinberg explained that even after they finish this bridge work, in order to install the replacement gears the bridge will need to be shut down again for another couple of months. He is requesting that the work be delayed until next summer when school is out and the traffic is the easiest.

Motion made by Commissioner Steinberg to delay the installation of the replacement gears until summer (June 2008); seconded by Commissioner Gross; Approved without objection. **Fred Beckmann to handle.**

Fred Beckmann, Public Works Director, stated that there is a risk of the gears failing. He recommends replacing the gears as quickly as possible, but the Administration will ask the State to delay replacing the gears until the summer of 2008. **Fred Beckmann to notify the State.**

7:57:26 p.m.

Emergency Item:

R9M Discussion Regarding The La Gorce Country Club Settlement Agreement
(Requested by Commissioners Jerry Libbin & Michael Góngora)

ACTION: Discussion held.

Motion made by Commissioner Gross to work out maintenance agreement specifications between the homeowners and the golf course. Jose Smith, City Attorney, stated that whatever they agree to should be incorporated into the Settlement Agreement. Everyone agreed to this.

Mayor Dermer disclosed that Mr. Kent Harrison Robbins, Esq., represents him on a suit against Miami-Dade County, suing on free speech grounds and he is not being paid. He explained that the City Attorney informed him that this is not a conflict.

Kent Harrison Robbins, Esq., representing the Miami Beach Citizens Alliance PAC, explained that this is the homeowners association that has gotten together with substantially all the owners of single family homes abutting and adjoining the La Gorce Country Club. He stated that when the concept was created of La Gorce County Club and the single family homes developed it was provided that there will be open and accessible access of the residents to the golf course and this is the way it has been kept for over 70 years. Now the country club placed a fence and started selling the area behind the homes that was before the backyards. All the homeowners want is to keep the view they had for all these years. He asked to refer this matter to the Neighborhood/Community Affairs Committee and then to the Planning Board with direction that there will be a new definition as to what the view corridor entitlements are for the homeowners.

Commissioner Góngora agrees with Mr. Robbins and stated that it is wrong to block the view and take over the common areas. He read the settlement agreement and it does not prohibit the City to have a view protection ordinance. He will support this issue and give the owners what they deserve. Vice-Mayor Bower explained that this is already referred to the Neighborhood/Community Affairs Committee.

Commissioner Steinberg stated that the City Commission authorizes the Neighborhood/Community Affairs Committee to send the issue directly to the Planning Board rather than coming back to the City Commission.

Motion made by Commissioner Góngora to authorize the Neighborhood/Community Affairs Committee to refer the issue to the Planning Board; seconded by Commissioner Steinberg. Discussion continued; no vote was taken.

Jose Smith, City Attorney, stated the ordinance being circulated by one of the residents violates the settlement agreement, violates the court order and it may subject the City to sanctions, so he strongly suggests to not consider this ordinance since there have been other alternatives discussed with the residents and counsel and we are moving in the right direction. The legal department is in the process of asking the court to issue a declaratory judgment as to what the settlement means with respect to a view.

Commissioner Gross stated that the settlement agreement exempted trees from the "view" definition and what the neighbors are asking for is that the settlement agreement include trees.

Jean Olin, Deputy City Attorney, stated that the City is prepared to go to court on this. She explained that the word "view" does not encompass berms or trees. She stated that the settlement agreement excludes trees and the neighbors have view protection in regards to landscaping. She stated that

Joe Serota has said to her that the country club has not received a single complaint from the neighbors and they are willing to sit with them and hear their complaints on view obstructions.

Joseph Serota, Esq., representing La Gorce Country Club, stated that they have not received a single complaint about a violation of this agreement.

Commissioner Libbin asked if the country club has a written prohibition or a code of conduct that if a member speaks publicly against the country club they could be expelled and lose the membership.

Scott Copeland, President of the La Gorce Country Club, stated that there are no such laws to his knowledge.

Commissioner Libbin stated, for the record, that any member of La Gorce Country Club should have the complete freedom to call and complain and there will be no retribution or loss of membership.

Commissioner Gross requested the phone number to call for the benefit of the residents.

Scott Copeland, President of the La Gorce Country Club, stated that the telephone number is (305) 866-4421 and the club manager is Jay Porter, and both Mr. Porter and he are happy to listen to anybody.

Vice-Mayor Bower asked if the bougainvilleas are trimmed regularly and what type of maintenance schedule they have so the neighbors do not have to complain.

Joseph Serota, Esq., representing La Gorce Country Club, stated that this is private property, and that nobody has the right to look into their backyard any more than anybody has the right to look at any other backyard. He stated that they have no particular schedule to trim the bougainvilleas, if anybody says that they are violating the view under the settlement agreement, they will go and trim them.

Commissioner Libbin stated that all the bougainvilleas are violating the settlement agreement at almost all street-ends. He requested that they will trim all of them.

Commissioner Gross stated that any property owner of the size of La Gorce Country Club has a set of maintenance guidelines for their contractors to follow, they need to keep the hedges trimmed to preserve the view.

Scott Copeland, President of the La Gorce Country Club, stated that they are committed to keeping the settlement and committed to keeping the view.

Jean Olin, Deputy City Attorney, stated that since the fence was limited to four feet in height, under the settlement agreement, it is reasonable to say that the landscaping should also be limited to four feet in height, including on the street ends.

Commissioner Libbin stated that there should be a voluntary agreement to amend the settlement agreement with a maintenance schedule; it will alleviate the fear of the neighbors that those plants will grow high.

Joseph Serota, Esq., stated that the Country Club has offered to sit with anybody and discuss the issues and try to resolve them before this is referred anywhere, but nobody has taken up their offer.

Commissioner Libbin stated that any member of the Club is free to complain and requested that La Gorce Country Club agrees that if that rule exists it is now null and voided.

Joseph Serrota, Esq., stated that he does not have the authority to do this.

Commissioner Libbin stated that this should be done at the Club's next meeting.

Roberto Sanchez spoke.

Scott Copeland, President of the La Gorce County Club, stated that they are committed to keeping a view to all the neighbors and standing by the agreement. He will not allow the bougainvilleas to block anybody's view, and including the street ends. He asked what street ends need trimming.

Commissioner Libbin stated that 70% of them need to be trimmed and asked Mr. Copeland to drive around the property.

Commissioner Gross stated that he has an e-mail from the neighbor at West 51st Terrace where the street end is blocked.

Scott Copland, President of the La Gorce County Club, asked Commissioner Libbin to meet him at the golf course tomorrow at 10:00 a.m., and they will drive around together.

Mayor Dermer stated that in his opinion, it should not be referred, since there is a legal settlement and cooperation and in the future the City Commission could refer it.

Motion made by Commissioner Gross to work out maintenance agreement specifications between the homeowners and the golf course.

Jose Smith, City Attorney, stated that whatever they agree to should be incorporated into the Settlement Agreement.

Everyone agreed to this.

Reports and Informational Items

- A City Attorney's Status Report.
(City Attorney's Office)

ACTION: Written report submitted.

- B Parking Status Report.
(Parking Department)

ACTION: Written report submitted.

- C 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.

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

ACTION: Written report submitted.

- E Non-City Entities Represented By City Commission:
1. Minutes From The Miami-Dade Metropolitan Planning Organization Governing Board On May 24, 2007 And Agenda For The June 28, 2007 Meeting.
(Requested by Commissioner Richard L. Steinberg)

ACTION: Written report submitted.

End of Regular Agenda

Miami Beach Redevelopment Agency**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive****July 11, 2007**

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

Executive Director Jorge M. Gonzalez
Assistant Director Tim Hemstreet
General Counsel Jose Smith
Secretary Robert E. Parcher

AGENDA

1. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of May 2007.
(Finance Department)

ACTION: Written report submitted.

12:14:09 p.m.

2. NEW BUSINESS

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Authorizing The Executive Director, Or His Designee To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire, And Terminate Existing Contracts As Needed From The Last Agency Meeting On July 11, 2007, Until The First Regularly Scheduled Agency Meeting On September 5, 2007, Subject To Ratification By The Agency At Its First Regularly Scheduled Meeting On September 5, 2007. **Joint City Commission & Redevelopment Agency.**
(Procurement)

ACTION: Item heard in conjunction with item R7A. Resolution No. 549-2007 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Libbin. Approved without objection; 7-0. **Gus Lopez to handle.**

- B A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency (RDA) Hereby Approving And Authorizing A Reallocation Of The Remaining Balance Of \$91,593 From Funding Previously Appropriated For Miami Beach Community Development Corporation's (MBCDC) Purchase Of The Following Three Properties Located Within The City Center RDA: 1940 Park Avenue (The Barclay); 1965-1975 Washington Avenue (The London House); And 2001 Washington Avenue (The Allen House), (Hereinafter Referred To As The Properties), For The Purpose Of Providing MBCDC With Additional Required Funding To Carry And Begin Renovating The Properties, In Accordance With The Provisions Set Forth In The Loan Agreements Executed On April 30, 2007, Between The RDA And MBCDC.

ACTION: Resolution No. 550-2007 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Voice vote: 7-0. **Kent Bonde to handle.**

Meeting adjourned at 8:30:40 p.m.

End of RDA Agenda