



MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
September 6, 2006

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

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

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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.

- PA1 Proclaim Hispanic Heritage Month in City of Miami Beach.
- PA2 Certificate of Appreciation/Parks & Recreation Supervisors, Leaders & Coaches. (Cruz)
- PA3 Certificates of Recognition/MBSH Jazz Band, Guitar Quarter & Rock Ensemble. (Libbin)
- PA4 Certificate of Appreciation/Josua Mitrani, Completing Summer Internship. (Libbin)

- C2A **W**-Issue RFQ for A/E Services for BODR, North Shore Ocean Front Corridor.
- C2B Execute Amendment, Real-Time Closed Captioning Service, \$44,000.
- C2C Bid No. 38-05/06, Alton Road Medians Beautification Project.
- C2D Approve Purchase, (1) Cherrington Beachcleaner w/ Trailer, \$89,035.00.
- C2E Approve Purchase, (2) Tennant ATLV4300, \$59,795.44.
- C2F Approve Purchase, (1) 2006 Ford Cargo Van & (1) 2006 Pick Up Truck, \$42,788.30.
- C2G Approve Purchase, Several Pick Up Trucks & Sterling Truck, \$97,762.00.

- C4A Ref: Neighborhoods/Community Affairs Comm. - E-Comb & Environmental Issues. (Libbin)
- C4B Ref: Finance & Citywide Projects Committee - Management of the Botanical Garden.
- C4C Ref: Finance & Citywide Projects Committee - Workforce Housing. (Libbin)
- C4D Ref: Neighborhoods/Community Affairs Comm. - Amend Local Housing Assistance Plan.
- C4E Ref: Finance & Citywide Projects Committee - New World Symphony Request. (Libbin)

- C6A Report: Land Use & Development Committee Meeting on July 10, 2006.
- C6B Report: G.O. Bond Oversight Committee Meeting on July 10, 2006.
- C6C Report: Neighborhoods/Community Affairs Committee Meeting on July 27, 2006.
- C6D Report: Special Land Use & Development Committee Meeting on August 16, 2006.
- C6E Report: Finance & Citywide Projects Committee Meeting on August 17, 2006.

- C7A Accept Recomm., Mgmt. of Markets on Lincoln Road, Espanola Way, & Normandy Village.
- C7B Amend Lease Agreement, Vidal Tan Soon, Inc. at 767 17th Street.
- C7C Execute Amendment, ROW Improvements - Neighborhood #8 - Bayshore & Sunset Islands.
- C7D Execute Amendment, ROW Improvements - Neighborhood #2 - North Shore.
- C7E Authorize Administration, Videotape/Air on Channel 77 Group V - Candidates Presentations.
- C7F Amend Agreement w/ Centerplate, Service Catering Functions Not Utilizing MBCC.
- C7G Approve Settlement of Lien on Property at 6600 Collins Avenue (Pizza Hut).

- C7H Extend Agreement for Legislative Services, Provide Lobbying & Consulting Services.
- C7I Issue Purchase Order, (2) Lifepak 12 Defibrillator Monitors.
- C7J Authorize Purchase, RAD-57 Pulse Co-Oxymeter for Fire Department.
- C7K Waive Bid Requirements, Purchase of Rescuenet Tabletpcr Software. **5/7**
- C7L Retroactively Submit Grant Applications to Various Funding Agencies.
- C7M Enter into Contract Negotiations, Renewal of City's Statutory Accidental Death Policy.
- C7N Waive Bid Process, Maintenance Free Sports Lighting System at Flamingo Park Pool. **5/7**
- C7O Accept Recommendation, Landscape Services for (61) Citywide Parking Lots & (5) Garages
- C7P Accept Recommendation, Complete Turf Mowing Services.
- C7Q Execute Amendment, Citywide Holiday Decorations Program.
- C7R Set Public Hearing, Grant an After-the-Fact COA for Coral Rock Wall Demolition.
- C7S Execute Agreement, Collection of Emergency 911 System Service Fees.
- C7T Accept Recommendation, Disaster Recovery Services.
- C7U Accept Recomm., A/E Services for Renovation of Scott Rakow Youth Center.
- C7V Accept Recomm., Pre-Construction Services for Renovation of Scott Rakow Youth Center.
- C7W Urge State of Florida, Include Hurricane Mitigation Measures for Multifamily Buildings.
- C7X Ratify Contract, Replace (6) Air Handling Units at Historic City Hall Building.
- C7Y Ratify Contract, Replace Domestic Water Line/Backflow Prevention System-MB Golf Course.
- C7Z Ratify Contract, Replace Outside Air Duct, Filtration System & Fan at City Hall Building.
- C7AA Waive Bid Requirements, 20th Street End Connector to Beachwalk Project. **5/7**
- C7BB Appropriate Funds, Demolition of Interior Spaces on 3rd Floor of 777 Building.
- C7CC Approve Nomination of City's Application, Florida Cities of Excellence Award.

REGULAR AGENDA

- R5A **10:15 a.m. 2nd Rdg**, Amendments to the "Transportation and Parking Committee."
- R5B **10:20 a.m. 2nd Rdg**, Turtle Nesting Protection Ordinance.
- R5C **10:25 a.m. 2nd Rdg**, Living Wage Requirements for City Service Contracts/City Employees.
- R5D **10:40 a.m. 2nd Rdg**, Requirements for Approvals for Certificates of Appropriateness. **5/7**
- R5E **10:50 a.m. 2nd Rdg**, Cigar Vendors in the MXE District. **5/7**
- R5F **2:00 p.m. 2nd Rdg**, Floor Area Distributed on Block 1/Covenants in Lieu of Unity of Title. **5/7**
- R5G **5:05 p.m. 2nd Rdg**, Amendments to the Single-Family Land Development Regulations. **5/7**
- R5H **1st Rdg**, Schedule of Water Rates and Tapping Charges.
- R5I **10:30 a.m. 1st Rdg**, Amend Miami Beach Employees' Retirement Plan.
- R5J **10:30 a.m. 1st Rdg**, Amend No. 789, Classified Employees Salary Ordinance (FOP).
- R5K **10:30 a.m. 1st Rdg**, Amend No. 789, Classified Employees Salary Ordinance (AFSCME).
- R5L **10:30 a.m. 1st Rdg**, Amend No. 789, Classified Employees Salary Ordinance (GSAF).
- R5M **10:30 a.m. 1st Rdg**, Amend No. 789, Classified Employees Salary Ordinance ("Others").
- R5N **10:30 a.m. 1st Rdg**, Amend No. 1605, Unclassified Employees Salary Ordinance.
- R5O **1st Rdg**, Amendment to "Permit Fees."
- R5P **5:35 p.m. 1st Rdg**, Flamingo Park Development Regulations. **5/7**
- R5Q **1st Rdg**, Zoning in Progress. **5/7**

- R7A1 **5:01 p.m. 1st Rdg**, Adopt Ad Valorem Millage Rate for FY 2006/07.
- R7A2 **5:01 p.m. 1st Rdg**, Adopt FY 2006/07 Budgets, Gen./Enterprise & Internal Service Funds.
- R7B1 **5:02 p.m. 1st Rdg**, Adopt Millage Rate, Normandy Shores Local Govt. for FY 2006/07.
- R7B2 **5:02 p.m. 1st Rdg**, Adopt Operating Budget, Normandy Shores Local Govt. for FY 2006/07
- R7C **11:00 a.m.** Grant After-the-Fact Revocable Permit for 6120 La Gorce Drive.
- R7D **Joint**, Approve Emeril's Miami Beach, LLC's Application for Enterprise Zone Tax Exemption.
- R7E Approve Related Group to Perform Early Works, South Pointe Park Improvement Project.
- R7F **11:45 p.m.** Accept Recomm., Provide Food & Beverage Facilities Mgmt. Services for MBCC.
- R7G Approve Selection of Public Art Commission for "Maze" at Collins Park.
- R7H **2:00 p.m.** Amendment to Settlement Agreement & Concept Plan - Block 1.
- R7I Execute Amendment, ROW Improvements Program in Neighborhood #6-Oceanfront Project.
- R7J Approve Process for Submission of "Best & Final" Proposals - Operation of Jackie Gleason.
- R7K **10:30 a.m.** Ratify a 3-Year Labor Agreement w/ FOP.
- R7L **10:30 a.m.** Ratify a 3-Year Labor Agreement w/ GSAF.
- R7M **10:30 a.m.** Ratify a 3-Year Labor Agreement w/ AFSCME.
- R7N **3:00 p.m.** Call for Special Election, Establish At-Will Member Status-BOA Members.
- R7O **3:00 p.m.** Call for Special Election, Property's Allowable Number of Stories (Floors). (Bower)
- R7P Approve Expenditure, Inform Voters of City Ballot Question(s) for Special Election.
- R7Q **4:00 p.m.** Waive Bid Requirement, Execute Management Agreement w/ UNIDAD. **5/7**
- R7R Enter into Contract Negotiations, Group Medical Plan w/ Humana.

- R7S Approve Recommendation, Add 7th Parking Level to Multipurpose Municipal Parking Facility.
- 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 **11:30 a.m.** Request By The Southpointe Heights L.L.C., To Review DRB Decision.
R9D1 Discuss: Resolution re: Florida's Windstorm Insurance Market. (Steinberg)
R9D2 Discuss: Resolution re: Florida's Windstorm Insurance Market. (Garcia)
R9E **5:25 p.m.** Discuss: Ad Hoc Hurricane Taskforce Committee's Recommendations. (Steinberg)
R9F **11:15 a.m.** Discuss: Resolution re: Project Proposed for Watson Island. (Bower)
R9G **5:35 p.m.** Discuss: Flamingo Park Historic District. (Libbin)
R9H Discuss: Allocation of Funds to the Little Havana Activities & Nutrition Center. (Garcia)
- A City Attorney's Status Report.
B Parking Status Report.
C Status Report: Rehabilitation & Construction of the New Fire Station No. 2.
D Status Report: Construction of Fire Station No. 4.
E Status Report: The Normandy Isle Park & Pool Project.
F Informational Report: Federal, State, M-DC, U.S. Communities & All Existing City Contracts.
G1 Minutes: Performing Arts Center Trust Board Meeting on May 30, 2006. (Bower)
H Status Report: Indian Creek Recon./63rd St. Bridge Rehab/Flyover Demolition Project.

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

- 1A Report of Itemized Revenues/Expenditures of RDA City Center & S. Pointe - June 2006.
1B Report of Itemized Revenues/Expenditures of RDA City Center & S. Pointe - July 2006.
2A **Joint**, Approve Emeril's Miami Beach, LLC's Application - Enterprise Zone Tax Exemption.

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.

Meeting called to order at approximately 9:21:47 a.m.

Pledge of Allegiance lead by Chief De Lucca.

Invocation given by Father Tito from St. Patrick's Catholic Church. Father Tito is also the Chaplain for the Miami Beach Police Department.

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

Presentations and Awards**9:37:51 a.m.**

PA1 Proclamation To Be Presented To Proclaim Hispanic Heritage Month In The City Of Miami Beach.
(City Manager's Office)

ACTION: Proclamation presented.

Ramiro Inguanzo, Chief of Staff, City Manager's Office, stated that Congress designated September 15 through October 15 as Hispanic Heritage Month in the United States, to celebrate the achievement of Hispanics throughout the decades; the City of Miami Beach is celebrating this month. The Hispanic Affairs Committee, as a tradition, sponsors the Hispanic Heritage Awards in recognition of members of this community in different categories. The awards will be presented at the October Commission Meeting. He added that for the first time the Parks and Recreation Department is holding a free event, open to the public, titled Hispanic Heritage Festival on Friday, October 13th at the North Shore Youth Center, with food, music, presentations and cultural activities. Finally, the Fourth Floor of City Hall will have an exhibit showcasing art and exhibits by second generation Hispanic-Americans.

9:34:41 a.m.

PA2 Certificates Of Appreciation To Be Presented To The Parks & Recreation Supervisors, Leaders And Coaches For Their Participation In The City Of Miami Beach Youths Sports Programs.
(Requested by Commissioner Simon Cruz)

ACTION: Certificates presented.

Commissioner Cruz stated that he wants to recognize the Recreation Department, in particularly the baseball program and the program in general at the Flamingo Park during the spring session. The City runs a very good program at all levels and ages. He read the Proclamation recognizing the supervisors, leaders and coaches who are entrusted with our most valuable resource, our children, and thanked them for the time they dedicate, and added that their actions and counseling have a profound effect of the development of integrity and character in our children. He called Cesar Vezzoso, Recreation Programs Supervisor, Igor Lopez, Recreation Leader, Enus Valerus, MSW II, Jorge Garcia, Recreation Leader, Joel Madreaga, Recreation Leader, Michael Arias, Recreation Leader I, and the parent coaches Jay Silver, Mark Sanders, Jeff Keeler, (not in the audience), Richard and Chuck.

9:24:02 a.m.

PA3 Certificates Of Recognition To Be Presented To The Miami Beach Senior High School Jazz Band, Guitar Quartet, And Rock Ensemble For Awards And Achievements At A Recent Competition In Los Angeles.

(Requested by Commissioner Jerry Libbin)

ACTION: Certificates presented.

Vice-Mayor Libbin stated that today he is recognizing three outstanding groups of musicians from Miami Beach Senior High School, and their leader Doug Burris, who took them out to California to participate in competition. He read the Proclamation and recognized the Rock Ensemble for being outstanding in their class at the City of Angels Showcase 2006 in Los Angeles, California; also the Jazz Band was recognized overall as the best band at the same competition. The Guitar Quarter, which was also recognized as outstanding in their class.

Doug Burris, Miami Beach High School Band Director, thanked the City Commission for their support and the community for their support. He thanked Commissioners Bower and Steinberg and Vice-Mayor Libbin in particular for raising funds to help them travel to California for this competition.

Commissioner Bower stated that Doug excels as a teacher and is an example and a role model for all the teachers in Miami-Dade County Schools. She stated that this Commission is honored to have him at Beach High and thanked him for his efforts.

Commissioner Steinberg stated that Doug has a great lasting impact at Beach High and students come back years later to the school reunions because of that and he thanked him for everything he does.

Commissioner Garcia stated that Beach High traditionally has had excellence in many areas and it is credited to the teachers, one or them Jan Jensen. Beach High has teachers such as Doug that are pillars to the community.

9:31:58 a.m.

PA4 Certificate Of Appreciation To Be Presented To Josua Mitrani For The Summer Internship That He Completed With Vice-Mayor Libbin.

(Requested by Commissioner Jerry Libbin)

ACTION: Certificate presented.

Vice-Mayor Libbin stated that Josua Mitrani participated as an intern in his office during the summer. He recognized the faculty from the Hebrew Academy in attendance: Rabbi Shiftman, Judaic Studies Principal, Dr. Rob, Head of School and Lawrence Kuczynski, General Studies Principal. He thanked Josua for his dedication and efforts. He then read the Proclamation which explained that as a summer intern Josua had made innovative researches on the workforce housing program and enhanced the first Miami Beach Cultural Arts Exchange through his involvement and planning.

10:36:03 a.m.

New Item:

Proclamation presented to Commander of the Coast Guard Sector Miami and Head of the Coast Guard on Miami Beach Captain James D. Maes, distinguished officer and leader.

Mayor David Dermer read the proclamation recognizing Captain Maes for a distinguished career of 26 years and proclaimed today "Captain James Maes Day."

Captain Maes thanked the City Commission and stated that he did not accomplish this by himself and thanked his fellow members of the Coast Guard and the City of Miami Beach Police, Fire Rescue and Ocean Rescue teams. He said his family came to Miami Beach because of his job and decided to stay because of the community.

CONSENT AGENDA

9:40:15 a.m.

Jorge Gonzalez, City Manager, announced that item C2A is being withdrawn; and items C7B and C7T are listed on the time-certain sheet with corrections.

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

C2 - Competitive Bid Reports

- C2A Request For Approval To Issue A Request For Qualifications (RFQ) For Architectural, Planning, Engineering, And Landscape Architecture Services For The Master Plan, Basis Of Design Report, Design, Bid And Award, And Construction Administration Services For The North Shore Oceanfront Parks Comprising The North Shore Ocean Front Corridor.)
(Capital Improvement Projects)

ACTION: Item withdrawn by the Administration.

Handout or Reference Materials:

1. REVITALIZING NORTH BEACH OCEANFRONT PARKS THROUGH PLACEMAKING DRAFT REPORT, Prepared by Project for Public Spaces, Inc., for City of Miami Beach Planning Department.
- C2B Request For Approval To Execute An Amendment To The Professional Services Agreement Between The City Of Miami Beach, Florida And National Captioning Institute, Inc., For Real -Time Closed Captioning Service Of All City Of Miami Beach Commission Meetings, And Other Televised Meetings, As Required, To Include Real-Time Spanish Closed Captioning And Translation Services For City Commission Meetings In The Estimated Annual Amount Of \$44,000.
(City Clerk's Office)

ACTION: Request authorized.

C2C Request For Approval To Authorize The Administration To Enter Into Negotiations, Pursuant To Invitation To Bid (ITB) No. 38-05/06, For The Alton Road Medians Beautification Project, With The Best Value Bid Received From Superior Landscaping & Lawn Service, Inc.; And Further Authorize The Mayor And City Clerk To Execute A Contract Upon Completion Of Successful Negotiations.
(Parks & Recreation)

ACTION: Request authorized. Kevin Smith to handle.

C2D Request For Approval To Purchase One (1) Cherrington Beachcleaner With Trailer From Gaithersburg Equipment Company, Pursuant To Federal General Services Administration Contract No. GS-30F-0010K, In The Amount Of \$89,035.00.
(Fleet Management)

ACTION: Request authorized. Drew Terpak to handle.

C2E Request For Approval To Purchase Two (2) Tennant ATLV4300 From Tennant Sales And Service Company, Pursuant To Federal General Services Administration Contract No. GS-30F-1020D, In The Amount Of \$56,795.44.
(Fleet Management)

ACTION: Request authorized. Drew Terpak to handle.

C2F Request For Approval To Purchase One (1) 2006 Ford E-250 Cargo Van And One (1) 2006 F-250 4x4 Crew Cab Pick Up Truck, Pursuant To Florida State Contract 070-001-05-1, From Orville Beckford Ford, In The Amount Of \$42,788.30.
(Fleet Management)

ACTION: Request authorized. Drew Terpak to handle.

C2G Request For Approval To Purchase, Pursuant To Florida State Contract No. 04-12-0823, One (1) 2007 Ford F-350 4x4 Pick Up Truck, From Duval Ford, In The Amount Of \$22,276.00; Two (2) 2007 F-250 4x2 Pick Up Trucks, From Garber Ford, In The Amount Of \$35,064.30; And One (1) 2007 Sterling Truck With T13 Lightning Loader, From Heintzelman's Truck Center, In The Amount Of \$97,762.00.
(Fleet Management)

ACTION: Request authorized. Drew Terpak to handle.

C4 - Commission Committee Assignments

C4A Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding E-Comb And Other Environmental Issues.

(Requested by Vice-Mayor Jerry Libbin)

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

C4B Referral To The Finance And Citywide Projects Committee - Discussion Regarding Renewal Of The Management Agreement Between The City Of Miami Beach And Miami Beach Garden Conservancy, Inc., For The Management And Operation Of The Botanical Garden.

(Economic Development)

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

C4C Referral To The Finance And Citywide Projects Committee - Discussion Regarding Workforce Housing.

(Requested by Vice-Mayor Jerry Libbin)

ACTION: Item referred. Patricia Walker to place on the committee agenda. Kathie Brooks, Kevin Crowder, and Kent Bonde to handle.

10:15:41 a.m.

C4D Referral To The Neighborhoods/Community Affairs Committee - A Discussion On Proposed Amendments To The Local Housing Assistance Plan (LHAP) For The State Housing Initiatives Partnership (SHIP) Program, For Fiscal Years 2004/05, 2005/06 And 2006/07, As Required By The State Housing Initiatives Partnership Program Act, Sections 120.907-402.9079, Florida Administrative Code.

(Neighborhood Services)

ACTION: Item separated for discussion by Commissioner Garcia. Item referred as amended with a referral to both the Neighborhoods/Community Affairs Committee and the Loan Review Committee. Motion made by Commissioner Garcia; seconded by Commissioner Gross. The referrals were approved without objection. Vivian Guzman to place on the Neighborhoods/Community Affairs Committee Agenda and the Loan Review Committee Agenda and to handle.

C4E Referral To The Finance And Citywide Projects Committee - Discussion Regarding New World Symphony Request For \$30 Million In Funding For Their Project.

(Requested by Vice-Mayor Jerry Libbin)

ACTION: Item referred. Patricia Walker to place on the committee agenda. Patricia Walker and Kathie Brooks to handle.

C6 - Commission Committee Reports

C6A Report Of The Land Use and Development Committee Meeting On July 10, 2006: **1)** Discussion On Historic Preservation Board Resolution Pertaining To The Transfer Of Development Rights (TDR's); **2)** Discussion Regarding The .5 Far Bonus In Existing Zoning Code For Mixed Use Developments And Reserving Such Bonus For Affordable Housing/Workforce House; **3)** Discussion Of Possible Dog Beach At The 86th Street Beach; And Assigning Of City Liaison From The Parks And Recreation Department For Responsible Dog Owners Of Miami Beach; **4)** Discussion Regarding The Elimination Of The Ability To Avoid Building Required Parking In The Flamingo Park Local Historic District By Paying Impact Fees; **5)** Discussion Regarding A Resolution Urging Miami-Dade County To Adopt An Amendment To Chapter 1 Of The Florida Building Code Giving All Municipalities The Authority To Deny New Permits To Contractors With Open And Expired Permits, Subject To The Building Official's Discretion; **6)** Discussion On Flamingo Park Development Regulations: Prohibition On Roof-Top Additions: An Ordinance Amending Chapter 142, "Land Development Regulations," Of The City Code; By Amending Division 3, "Residential Multifamily Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," By Adding New Development Regulations For Any New Construction Or Additions To Properties In The Flamingo Park Local Historic District, Including The Prohibition Of Roof-Top Additions; Alternate Version Allowing Roof-Top Additions: An Ordinance Amending Chapter 142, "Land Development Regulations," Of The City Code; By Amending Division 3, "Residential Multifamily Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," By Adding New Development Regulations For Any New Construction Or Additions To Properties In The Flamingo Park Local Historic District.

ACTION:**Item No. 1:**

Item not reached.

Item No. 2

Item not reached.

Item No. 3:

Direct the Administration to designate the subject area, allow off-leash sub-area and dogs must be leashed while outside area. (Gross/Garcia: 3-0). **Kevin Smith to handle.**

Item no. 4:

Direct Administration to develop an ordinance that would require applicants to establish to the Historic Preservation Board a justification for not providing parking and pay the in-lieu fee. Bring ordinance back to committee for further review. **Jorge Gomez to handle.**

Item No. 5:

Item not reached.

Item No. 6:

Ordinance discussed and amendments suggested. Forward to Planning Board and schedule public hearings for City Commission consideration. **See Agenda item R5P.**

C6B Report Of The G.O. Bond Oversight Committee Meeting On July 10, 2006: **1)** Project Status Report: A. Update On Fire Station No. 2; B. Update On Fire Station No. 4; C. Update On Normandy Isle Park And Pool; **2)** Proposed Reorganization Of Project Status Reports; And **3)** Informational Items: A. Updated Calendar Of Scheduled Community Meetings; B. Construction Update On North Shore Recreational Corridor.

ACTION:

Item No. 1A:

Written report was included in the agenda packet, but no verbal report was given.

Item No, 1B:

Written report was included in the agenda packet, but no verbal report was given.

Item No. 1C

Written report was included in the agenda packet, but no verbal report was given.

Item No. 2:

The new schedule will begin with the September meeting. Each meeting will focus on one geographical area of the City, beginning in September with South Beach and the projects in that area. October will cover Middle Beach projects, November will cover North Beach projects and December will cover those projects that are managed by departments other than CIP. The January meeting will be a full report of all active projects and the cycle will begin again in February with a meeting to cover South Beach projects. The July meeting, the last meeting before the Committee takes the August hiatus, will cover reports that the Committee specifically requests.

CIP presented a sample status report for a specific meeting.

CIP presented a sample status report for a specific project.

Item No. 3A:

The updated Calendar of Scheduled Community Meetings was presented but not reviewed.

Item No. 3B:

Public Works was not represented at the meeting to present this report. There was no quorum to present.

C6C Report Of The Neighborhoods/Community Affairs Committee Meeting On July 27, 2006: **1)** Discussion Regarding Amending The City Code For The Purpose Of Expanding The Types Of Transactions In Which The City Must Provide Notice Of Its Campaign Finance Laws; **2)** Report Of The Extended Pilot Program Of The Pet Friendly Beachwalk; **3)** Discussion Regarding The Ordinance Revising The Regulation And Administration Of Sidewalk Cafes; **4)** Discussion Regarding The "Maze" By The Artist Brian Tolle To Be Commissioned For Placement In Collins Park, As Recommended By The Art In Public Places Committee; **5)** Discussion On Proposed Legislation Governing The Distribution Of Handbills And Flyers In Certain Areas Of The City; And **6)** Discussion Regarding A Proposed Charter Amendment Changing The Term Of Appointment For Board Of Adjustment From One Year To Two Year Staggered Terms.

ACTION:

Item No. 1:

The Committee moved to recommend to the Commission to expand notice requirements of City Campaign Finance Laws, and exempt from the definition of "vendor" persons and/or entities who

provide or lobby regarding goods, equipment or services not exceeding \$10,000 per City fiscal year in which City Commission action is not required. **Legal Department to handle.**

Item No.2:

Item was withdrawn from the agenda just prior to the meeting.

Item No. 3:

Item was withdrawn from the agenda just prior to the meeting.

Item No. 4:

The Committee moved to approve the project subject to the answers on the height and the issue of the heat emanating from the art. **See Agenda item R7G.**

Item No. 5:

The Committee decided to defer making a motion until the issue of non Miami Beach businesses is addressed. **Hilda Fernandez to handle.**

Item No. 6:

The Committee moved to recommend extending the terms for members of the Board of Adjustment to two years and bring it to discussion at the September 6, 2006, Commission agenda and research the possible addition of the members serving at the will of the Commission. **See Agenda item R7N.**

- C6D Report Of The Special Land Use And Development Committee Meeting On August 16, 2006: **1)** Discussion On A Resolution Calling For A Special Election To Be Held On Tuesday, November 7, 2006, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Of Miami Beach's Related Special Acts Section 2 Regarding Board Of Adjustment Should Be Amended To Provide That Height Variances Granted By Board Be Subject To 5/7ths Vote Of City Commission.

ACTION:

Item No. 1:

Committee voted to recommend that the Related Acts Special Provisions of the Charter be amended to prohibit variances from the number of stories permitted, and prohibiting variances exceeding three (3) feet above the maximum permitted building height. Item to be prepared by Planning Department and City Attorney's office, to be on next City Commission meeting agenda for review and possible placement on November 2006 ballot. **See Agenda item R7O.**

- C6E Report Of The Finance And Citywide Projects Committee Meeting On August 17, 2006: **1)** A Discussion Regarding Domestic Partner Benefits Coverage Termination - Miami Beach Fraternal Order Of Police Health Trust/Fire Fighters Insurance Trust; **2)** Recommendations From The Report Entitled Revitalizing North Beach Oceanfront Parks Through Place Making & Discussion Regarding Altos Del Mar Sculpture Park; **3)** Discussion Regarding Proposed Process For Receiving Proposals For The Future Use And Operation Of The Jackie Gleason Theater Of The Performing Arts; And **4)** Discussion Regarding Update/Proposed Early Voting Initiative.

ACTION:

Item No. 1:

Commissioner Mattie Bower made a motion to have the City Attorney along with the Trust try to

obtain a Private Letter Ruling from the IRS. She also stated that she would like the City to offer domestic partners insurance as part of contract negotiations as mentioned by Chief of Staff Ramiro Inguanzo. Motion was second by Chairman Saul Gross, motion passed unanimously. **Legal Department to handle.**

Item No. 2:

The committee agreed that it was premature to address the funding issue. The Committee directed the staff to proceed with the master planning process and follow a "letters of interest" process for the selection of a public art exhibit, or similar permanent exhibit in Altos Del Mar Park. **Max Sklar to handle.**

Item No. 3:

After much discussion the Committee felt that it was appropriate to incorporate a voluntary "modified cone of silence" for the Commission. The Committee felt this will foster fairness in the process. They agreed that their voluntary "modified cone of silence" will begin on September 6, 2006 and last until October 18, 2006, when the Commission will hear the recommendations for the selected firm from the City Manager.

Proposals submitted by AEG Live and Live Nation (also referred to individually as the "proposer", or collectively as the "proposers") shall be sent to the City Manager.

Initial Term Sheet proposals are due to the City Manager by 5:00 PM on Thursday, August 31, 2006.

It is anticipated that subsequent meetings will occur between designated City staff and the representatives of AEG Live and Live Nation to discuss the contents of the initial term sheet proposals. These meetings are intended to be negotiating sessions that will lead up to a final term sheet proposal to the City.

Final term sheet proposals are due to the City Manager by 5:00 PM on Friday, September 29, 2006.

Consideration & Decision will take place during the Commission Meeting to be held October 18, 2006.

Item No. 4:

Committee members discussed the item at length. Most of the Commissioners in attendance agreed with the efforts to increase voter turn out for the City. Chairman Saul Gross did not feel comfortable with the City's involvement in the election process. The directive from the Committee present was to inform the remainder of the Commissioners individually and move ahead with the absentee ballot mailers if the remaining Commissioners were in agreement. **Hilda Fernandez to handle.**

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. 30-05/06 For The Management And Operation Of: 1) A Green (Farmers) Market On Lincoln Road; 2) A Street Market On Española Way; 3) A Street Market In Normandy Village; And 4) An Antique And Collectibles Market On Lincoln Road; Authorizing The Administration To Enter Into Negotiations With The Market Company, Inc. For A Green (Farmers) Market On Lincoln Road; With The Market Company, Inc. For A Street Market On Española Way; With The Market Company, Inc. For A Street Market In Normandy Village; And With Production Sud, Inc. For An Antique And Collectibles Market On Lincoln Road; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon The Completion Of Successful Negotiations By The Administration.

(Asset Management)

ACTION: Resolution No. 2006-26281 adopted. Ana Cecilia Velasco to handle.

C7B A Resolution Approving An Assignment And Second Amendment To That Certain Lease Agreement By And Between The City And Vidal Tan Soon, Inc., Dated February 23, 2004, For The Lease Of Approximately 1700 Square Feet Of City-Owned Property, Located At 767 17th Street, Miami Beach, Florida, Which Provides For Vidal Tan Soon, Inc. (As Tenant/Assignor) To Assign Its Leasehold Interest To Damian J. Gallo & Associates, Inc. (As The New Tenant/Assignee); Further Authorizing The Mayor And City Clerk To Execute Same.

(Asset Management)

ACTION: Resolution No. 2006-26282 adopted. Ana Cecilia Velasco to handle.

Jorge Gonzalez, City Manager, read correction into the record.

10:13:01 a.m.

C7C A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Amendment No. 6 To The Agreement Between The City And Ch2m Hill, In An Amount Not To Exceed \$372,230, For The Provision Of Additional Professional Services Associated With The Design Of Additional Water Mains, And Approving And Authorizing The Mayor And The City Clerk To Execute Amendment No. 7 To The Agreement Between The City And CH2M Hill, In An Amount Not To Exceed \$58,128, For The Provision Of Additional Professional Services Associated With The Design Of Bike Lanes And Bike Routes For The Right-Of-Way Infrastructure Improvements Program In Neighborhood No. 8 - Bayshore And Sunset Islands (The Project), And Approving The Use Of Funds, In The Amount Of \$430,358, For The Amendment, Including \$401,696 From Previously Appropriated Funds, From Construction Contingency To Design, And \$28,662 To Be Appropriated With The FY 2006-07 Capital Budget, From The 2000 Water And Sewer Bond Interest, For The Bayshore And Sunset Islands Neighborhood.

(Capital Improvement Projects)

ACTION: Item separated for discussion by Commissioner Gross. Resolution No. 2006-26283 adopted. Motion made by Commissioner Gross; seconded by Commissioner Steinberg; item approved without objection. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

Commissioner Gross stated that he wanted the residents to know that this is the first time that bike paths will be incorporated into a neighborhood improvement plan. He stated that the Mayor's Blue Ribbon Task Force has been active in this issue. There is a bike master plan underway. He requested that the bike path map be publicized. Community input should go before the Blue Ribbon Task Force. He also asked why the bike path is not continuous on Royal Palm and Prairie from Dade Boulevard to 41 Street. **Fred Beckmann and Hilda Fernandez to handle.**

C7D A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Professional Architectural And Engineering Services Agreement Between The City And Calvin, Giordano & Associates, Inc. For The Provision Of Additional Design And Construction Administration Services In The Amount Of \$151,032, For The Right-Of-Way Infrastructure Improvements Program For Neighborhood No. 2 - North Shore; With Funding Available From Previously Appropriated 2000 Water And Sewer Bonds.

(Capital Improvement Projects)

ACTION: Resolution No. 2006-26284 adopted. Jorge Chartrand to handle.

C7E A Resolution Authorizing The Administration To Videotape And Air On Cable Channel 77 The Group V Commission Candidate Presentations For The November 7, 2006 General Election.

(City Clerk's Office)

ACTION: Resolution No. 2006-26285 adopted. R. Parcher to handle.

C7F A Resolution Approving Of An Amendment To The Agreement With Centerplate To Allow For The Ability To Service Catering Functions Not Utilizing Exhibit Halls At The Miami Beach Convention Center.

(Tourism & Cultural Development)

ACTION: Resolution No. 2006-26286 adopted. Max Sklar to handle.

C7G A Resolution Approving The Settlement Of A City Lien On Real Property Located At 6600 Collins Avenue, Miami Beach, Florida, Owned By 6600 Collins LLC And Leased By Koning Restaurants International, L.C. (Pizza Hut), Resulting From Special Master Case No. JB04000224 And Providing That The Lien In The Amount Of \$173,989.24 Plus Interest Be Settled For The Amount Of \$10,000.00.

(City Manager's Office)

ACTION: Resolution No. 2006-26287 adopted. Robert Middaugh and R. Parcher to handle.

C7H A Resolution Extending The Agreement For Legislative Services Between The City And Rutledge, Ecenia, Purnell & Hoffman, P.A., And Gomez Barker Associates, Inc., And Robert M. Levy & Associates, Inc. To Provide Lobbying And Consulting Services; Said Extension, As Provided In The Agreement, Commencing On October 1, 2006 And Ending On September 30, 2008.

(Economic Development)

ACTION: Resolution No. 2006-26288 adopted. Kevin Crowder to handle.

C7I A Resolution Approving And Authorizing The Administration To Issue A Purchase Order To Medtronic Emergency Response Systems, As The Sole Source Provider Of The Lifepak 12 Defibrillator/Monitor Currently In Use By The Fire Rescue Division, For Two (2) Lifepak 12 Defibrillator Monitors To Be Placed On Two (2) Advanced Life Support Response Units, In The Amount Of \$43,781.95.

(Fire Department)

ACTION: Resolution No. 2006-26289 adopted. Chief Jordan to handle.

C7J A Resolution Authorizing A Sole Source Purchase For The Miami Beach Fire Department, Pursuant To Section 2-367 (D) Of The Miami Beach City Code, In The Total Amount Of \$34,981.64, To Masimo Corporation, The Sole Source Manufacturer Of The RAD-57 Pulse Co-Oxymeter.

(Fire Department)

ACTION: Resolution No. 2006-26290 adopted. Chief Jordan to handle.

C7K A Resolution Waiving By 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The City's Best Interest, And Authorizing A Purchase For The Miami Beach Fire Department, In The Amount Of \$100,900.00, To Zoll Data Systems, Inc., For The Purchase Of Rescuenet Tabletpcr Software; And Further Authorizing The Mayor And City Clerk To Execute An Agreement With Zoll Data Systems, Inc.

(Fire Department)

ACTION: Resolution No. 2006-26291 adopted. Chief Jordan to handle.

C7L A Resolution Retroactively Authorizing The City Manager Or His Designee To Submit The Following Grant Funding Applications: 1) Federal Emergency Management Agency (FEMA), For Fiscal Year 2005/06 Hazard Mitigation Program Funding, In An Amount Not To Exceed \$1,000,000, For Protective Shutters For Critical City Facilities; 2) Federal Mediation And Conciliation Service, For Funding, In An Amount Not To Exceed \$125,000, For The FY 2005/06 Cycle Of The Labor Management Cooperation Program; 3) Visitor And Convention Authority (VCA) For Funding, In An Amount Not To Exceed \$50,000 For The Bass Museum's "Constructing New Berlin" Exhibit; And, 4) Miami-Dade County, For Funding, In An Amount Not To Exceed \$78,000, For The ADA Parking Fines Grant; Further Appropriating The Grants And Matching Funds, If Approved And Accepted By The City And Authorizing The Execution Of All Necessary Documents Related To These Applications.

(Grants Management)

ACTION: Resolution No. 2006-26292 adopted. Patricia Walker to appropriate the funds if approved and accepted. Judy Hoanshelt to handle.

C7M A Resolution Authorizing The Administration To Enter Into Contract Negotiations For The Renewal Of The City's Statutory Accidental Death And Dismemberment Policy With Hartford Life; And Further Authorizing The Mayor And City Clerk To Execute A Contract With Hartford Life, Upon Completion Of Successful Negotiations, For An Annual Premium Not To Exceed \$15,985.00; As Recommended By Arthur J. Gallagher And Co., The City's Broker Of Record.

(Human Resources & Risk Management)

ACTION: Resolution No. 2006-26293 adopted. Mayra Buttacavoli to handle.

10:11:34 a.m.

C7N A Resolution Approving A Waiver, By 5/7ths Vote, Of The Competitive Bidding Process, Finding Such Waiver To Be In The City's Best Interest, And Authorizing The Mayor And City Clerk To Execute An Agreement Between The City And Musco Lighting For The Provision Of A Maintenance Free Sports Lighting System At The Flamingo Park Pool, In An Estimated Amount Of \$168,700.00.

(Parks & Recreation)

ACTION: Item separated for discussion by Commissioner Gross. **Resolution No. 2006-26294 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Bower. Item passed without objection. Kevin Smith to handle.

Commissioner Gross wanted the residents who use Flamingo pool to know that there will be lights. He also stated that he loves the lighting system because it can be managed remotely. He added that the lighting system is also being installed in all the parks.

9:42:10 a.m.

C7O A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received Pursuant To Request For Proposals (RFP) No. 20-05/06, For Landscape Maintenance Services For All Green Areas Associated With (61) Citywide Parking Lots And (5) Garages; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Contractor Of Country Bill's Lawn Maintenance, Inc. And Should Negotiations Be Unsuccessful, Authorize Negotiations With The Second-Ranked Contractor Of Everglades Environmental Care, Inc.; And Further Authorize The Mayor And City Clerk To Execute A Contract Upon Completion Of Successful Negotiations.

(Parks & Recreation/Parking Department)

ACTION: Item separated for discussion by Vice-Mayor Libbin. Resolution No. 2006-26295 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Abstained: Vice-Mayor Libbin. Kevin Smith to handle.

Handout or Reference Material

1. Form 8B filed by Vice-Mayor Libbin

9:42:34 a.m.

C7P A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received Pursuant To Request For Proposals (RFP) No. 21-05/06, For Complete Turf Mowing Services; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Firm Of Country Bill's Lawn Maintenance, Inc., And If Unsuccessful In Negotiating A Contract With Country Bill's, Authorizing the Administration To Enter Into Negotiations With Superior Landscaping And Lawn Service; And Further Authorize The Mayor And City Clerk To Execute A Contract Upon Completion Of Successful Negotiations.

(Parks & Recreation)

ACTION: Item separated for discussion by Vice-Mayor Libbin. Resolution No. 2006-26296 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; approved without objection. Abstained: Vice-Mayor Libbin. Kevin Smith to handle.

Handout or Reference Material

1. Form 8B filed by Vice-Mayor Libbin

9:42:53 a.m.

8:00:07 p.m.

C7Q A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Agreement With Christmas Designers Inc., For The Design, Installation, On-Going Servicing And Maintenance Of A Citywide Holiday Decorations Program, By Increasing The Scope Of Services To Include Additional Decorations For The Exterior Of City Hall And A Section Of Collins Avenue; Increasing The Annual Contractual Amount From \$300,000 To \$415,000 For The Remaining Two Years Of The Agreement.

(Parks & Recreation)

ACTION: Item separated for discussion by Commissioner Steinberg. Item deferred.

Commissioner Steinberg stated that some of the items that the money is being spent on are religious items. He added that other municipalities have experienced controversies with holiday decorations on public property. He asked if the City should be spending public dollars on religious symbols.

Commissioner Gross explained that he separated the item because he has the same issue. He also thought the amount of money for City Hall lighting seemed excessive and stated that public thoroughfares are good places to spend public dollars, but added that not many people see City Hall. He would rather see more money spent on permanent lighting of buildings such as Old City Hall and other historic buildings.

Commissioner Bower stated that a Christmas tree is not a religious symbol and the only religious symbol is the Menorah and that could be replaced with something else to honor the Hebrew/Jewish religion. She agrees that there should be more lights and decorations in public areas. Other cities have more lighting and decorations than Miami Beach and residents and tourists like it.

Discussion continued.

Commissioner Cruz stated that as a tourist city the complaints have always been that Miami Beach does not have enough holiday lights. He stated that the holiday season needs to be celebrated particularly as a tourist location and he has no problem with the dollar amount or its redistribution.

Commissioner Garcia stated that if the City can afford to spend an extra \$100,000 on Christmas decoration, he has an agenda item asking for \$14,000 to provide meals for the Little Havana Activities Center. Miami Beach is a tourist destination and should be the "City of Lights;" however, it's hard for him to vote for this item when some of the programs which provide for the elderly and children are being cut back.

Vice-Mayor Libbin stated that he was going to separate this item for a different reason. He has had several conversations with Michael Vita and leaders of Española Way Association who had repeatedly asked Kevin Smith for lights on Española Way and they have been told there are not enough funds. He stated that as a tourist city we need to celebrate the holidays, and the Menorah and the Christmas trees do not bother him. He is in favor of distributing the funds and requested that funds be allocated for decorations on Española Way to give them some recognition for their hard work.

Jorge Gonzalez, City Manager, explained that the decorations are selected and distributed through the Beautification Committee. He is not sure if the Beautification Committee has considered Española Way recently, but they did at one time.

Commissioner Gross added that he is in favor of lighting up the City; his points are a) the amount and b) choosing City Hall, since tourists do not pass by City Hall.

Mayor Dermer stated that there probably is consensus to install holiday lights in areas of maximum thoroughfare in the tourist areas; another area to consider is the extension of Lincoln Road west of Alton Road. He suggested using the resources for City Hall for other areas in the City.

Commissioner Cruz asked what is being done in residential neighborhoods.

Jorge Gonzalez, City Manager, explained that main thoroughfares in residential neighborhoods such as upper Collins Avenue are being decorated with non-lit decorations because the street lights on Collins Avenue do not meet the needs to retrofit to get the power source.

Commissioner Bower stated that 17th Street is a main thoroughfare and she is in favor of holiday lighting at City Hall.

Jorge Gonzalez, City Manager, suggested lighting to be used the same as last year and only add the City Hall features, if the City Commission agrees.

Commissioner Garcia asked what plans are in place for holiday decorations in the North Beach area.

Kevin Smith, Parks and Recreations Director, stated that North Beach will get the same as last year; the lighting on the trees and the fountain area.

Discussion continued.

Vice-Mayor Libbin asked if Española Way could be included as a public thoroughfare.

Jorge Gonzalez, City Manager, stated that the Beautification Committee will advise on that.

Discussion continued.

Motion made by Commissioner Gross to redistribute the money, avoid religious symbols, concentrate on public thoroughfares, and do only an additional \$50,000 rather than \$100,000. Seconded by Commissioner Steinberg; Voice vote; 2-5; Opposed: Mayor Dermer, Vice-Mayor Libbin, and Commissioners Cruz, Bower and Garcia. Motion failed.

Discussion continued.

Motion made by Vice-Mayor Libbin to use the allocation that the City Manager had recommended but use the surplus to redistribute throughout the City including Española Way.

Discussion continued.

Jorge Gonzalez, City Manager, suggested talking to the Christmas Designers Inc. and ask them how much it will cost to light up a block and bring this issue back to the meeting later on.

Mayor Dermer suggested the Administration to make sure that this issue is not on the Consent Agenda next time and to make sure that it goes to the Beautification Committee first.

8:00:07 p.m.

Jorge Gonzalez, City Manager, suggested taking the City Manager's recommendations, substitute the Menorah for the Dredel, and not enhance or expand the locations at this time.

Commissioner Gross suggested splitting the \$50,000 with \$40,000 for City Hall and \$10,000 for

Epañola Way.

Motion made by Vice-Mayor Libbin to spend \$10,000 for Española Way; seconded by Commissioner Bower. No vote taken.

Discussion continued.

Commissioner Bower stated that it is not fair to make a decision when the full City Commission is not present.

Motion made by Commissioner Bower to defer the item. Item deferred to the next Commission Meeting.

Handout or Reference Material

1. Miami Beach City Hall Holiday Lighting and Décor 2006 Two Year Lease/Purchase color photographs of the proposed lightings from Christmas Designers, Inc.
2. MIAMI BEACH Additional Décor 2006 Two Year Lease/Purchase Dreidle by Christmas Designers, Inc.

C7R A Resolution Setting A Public Hearing Pursuant To Miami Beach City Code Section 118-563 To Grant An "After-The-Fact" Certificate Of Appropriateness For Demolition Of The Coral Rock Wall Previously Located At The Eastern Terminus Of 77th Street, And Located Within The Altos Del Mar Local Historic District.

(Planning Department)

ACTION: Resolution No. 2006-26297 adopted. R. Parcher to notice. Lilia Cardillo to place on the October 11 Commission Agenda. Jorge Gomez to handle.

C7S A Resolution Authorizing The City Manager And The City Clerk To Execute An Interlocal Cooperation Agreement Between The City Of Miami Beach And Miami-Dade County For The Collection Of Emergency 911 System Service Fees.

(Police Department)

ACTION: Resolution No. 2006-26298 adopted. Chief De Lucca to handle.

- C7T A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Contractors Pursuant To Request For Proposals (RFP) No. 29-05/06, For Disaster Recovery Services; Authorizing The Administration To Enter Into Negotiations With The Six (6) Top Ranked Contractors, Crowder-Gulf Joint Venture, Inc, Ceres Environmental Services, Inc, Phillips & Jordan, Inc, Ashbritt Environmental; Grubbs Emergency Services, LLC; And Bamaco Incorporated ; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Conclusion Of Successful Negotiations By The Administration.
(Procurement)

ACTION: Item separated by the Administration to read the correction into the record. Resolution No. 2006-26299 adopted as amended. Fred Beckmann to handle.

Amendment:

Change the following throughout the summary sheet and memorandum: Authorizing the Administration to enter into negotiations with the ~~six (6)~~ seven (7) top ranked contractors, and R.A.S. Construction.....

End

Jorge Gonzalez, City Manager, read the correction into the record.

Handout or Reference Materials:

1. Letter received via fax from R.A.S. Construction dated September 5, 2006 to Mr. Jorge M. Gonzalez, City Manager, Re: RFP No. 29-05/06 – Disaster Recovery Services-Protest

10:14:25 a.m.

- C7U A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 26-05/06, For Architectural, Engineering, And Landscape Architecture Services For The Planning, Design, Bid And Award, And Construction Administration Services For The Renovation And Construction Of The Scott Rakow Youth Center Phase II Project; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Brown And Brown Architects; 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 MC Harry Associates, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Further Authorizing The Administration To Negotiate With The Third-Ranked Firm Of BEA International.
(Procurement)

ACTION: Item separated for discussion by Commissioner Gross. Resolution No. 2006-26300 adopted. Motion made by Commissioner Gross to approve the item and also to refer the location of the playground on the Par 3 Golf Course to the Neighborhoods/Community Affairs Committee; seconded by Commissioner Bower. Item approved without objection. Vivian Guzman to place on the committee agenda. Jorge Chartrand to handle.

Commissioner Gross stated that part of the master plan included the introduction of a playground on the Par 3 Golf Course property. The residents in the area have asked for a forum to discuss where the playground should be located. He made a motion to approve the item and also to refer the location of the playground to the Neighborhoods/Community Affairs Committee.

C7V A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 27-05/06 For Construction Manager At Risk Firm To Provide Pre-Construction Services For The Renovation And Construction Of The Scott Rakow Youth Center Phase II Project; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of KVC Constructors, 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 Tran Construction, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Authorizing The Re-Issuance Of This Request For Qualifications.
(Procurement)

ACTION: Resolution No. 2006-26301 adopted. Jorge Chartrand to handle.

C7W A Resolution Urging The State Of Florida To Consider Expansion Of The Eligibility Criteria For The Safe Florida Home Program To Include Hurricane Mitigation Measures For Multifamily Buildings; Further Urging The State Of Florida To Distribute The Latest \$100 Million Of Federal Community Development Block Grant Funding In Accordance With Congress' Intent That Particular Emphasis Be Placed On The Repair, Rehabilitation And Reconstruction Of Affordable Rental Housing; Further Requesting The Creation Of A Grant Program That Assists Local Communities' Compliance With The Alternative Power Source Requirement Of Section 553.509, Florida Statutes; And Further Urging The State Of Florida To Place Priority On The Distribution Of Available Mitigation Funds To The Highest Risk Locations, As Identified By The Insurance Rates Established By Citizen's Property Insurance.
(Economic Development)

ACTION: Resolution No. 2006-26302 adopted. Kevin Crowder to handle.

C7X A Resolution Ratifying A Contract, In The Total Amount Of \$117,000, To FXP Corporation, To Provide For The Replacement Of Six (6) Air Handling Units At The Historic City Hall Building.
(Public Works)

ACTION: Resolution No. 2006-26303 adopted.

C7Y A Resolution Ratifying A Contract, In The Total Amount Of \$69,500, To Kailas Contractors, To Provide For The Replacement Of The Domestic Water Line And Backflow Prevention System For The Irrigation System At The Miami Beach Golf Course.
(Public Works)

ACTION: Resolution No. 2006-26304 adopted.

C7Z A Resolution Ratifying A Contract, In The Total Amount Of \$73,114 To Johnson Controls, Inc., To Provide For The Replacement Of The Outside Air Duct System, Filtration System, And Fan Replacement At The City Hall Building.
(Public Works)

ACTION: Resolution No. 2006-26305 adopted.

C7AA A Resolution 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, Through His Designee, Who Shall Be The City's Property Management Director, 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 20th Street End Connector To The Beachwalk Project; 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 Project.
(Public Works)

ACTION: Resolution No. 2006-26306 adopted. Fred Beckmann to handle.

C7BB A Resolution Authorizing The Appropriation Of \$65,000 In Fiscal Year 2005-2006 Settlement Agreement Funds Held In Trust For Demolition Of Interior Spaces On The Third Floor Of 777 Building.

ACTION: Resolution No. 2006-26307 adopted. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

C7CC A Resolution To Approve The Nomination Of The City's Application To The Florida League Of Cities For The Florida Cities Of Excellence Award.
(City Manager's Office)

ACTION: Resolution No. 2006-26308 adopted. Ramiro Inguanzo to handle.

End of Consent Agenda

REGULAR AGENDA**R5 - Ordinances****10:18:50 a.m.**

R5A An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration"; Amending Article 3, Entitled "Agencies, Boards, And Committees"; Amending Division 25, Entitled "Transportation And Parking Committee"; Amending Section 2-190.94, Entitled "Composition", By Reducing The Number Of Voting Members On The Committee From 19 To 14, And Amending The Composition Of The Committee To Delete The Memberships Representation From The Following Organizations: Washington Avenue Task Force; South Pointe Advisory Board To The Miami Beach Redevelopment Agency; Miami Beach Transportation Management Association; Miami Beach Convention Center And Theater Of The Performing Arts (SMG); And Middle Beach Partnership, Inc., D/B/A 41st Street-Middle Beach Partnership; Further Deleting The Non-Voting Ex-Officio Member Representations; Providing For Repealer, Codification, Severability And An Effective Date.

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

(Parking Department)
(First Reading on July 12, 2006)

ACTION: Public Hearing held. Ordinance No. 2006-3524 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 4-1; Opposed: Vice-Mayor Libbin; Absent: Commissioners Cruz and Garcia. R. Parcher to transmit to Municipal Code. **Saul Frances to handle.**

David Kelsey requested that the South Beach Hotel and Restaurant Association be included on this committee.

Handout or Reference Materials:

1. Ad in The Miami Herald

10:22:13 a.m.

R5B An Ordinance Amending Chapter 46 Of The City Of Miami Beach Code By Adding Article 6 Thereof Entitled "Turtle Nesting Protection Ordinance," Establishing Regulations For Lighting And Other Activities On Properties Abutting Or Affecting The Beach, Including East Of The Coastal Construction Control Line, For The Protection Of Sea And Marine Turtles, Endangered Species Nesting On Miami Beach; Providing For Repealer, Severability, Codification And An Effective Date. **10:20 a.m. Second Reading, Public Hearing.**

(Public Works)
(First Reading on July 12, 2006)

ACTION: Public Hearing held. Ordinance No. 2006-3525 adopted. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Fred Beckmann to handle.**

Theodore J. Marshall, South Florida Surfrider Foundation, spoke.

Handout or Reference Materials:

1. Ad in The Miami Herald

10:28:53 a.m.

R5C An Ordinance Amending Chapter 2 Of The Miami Beach City Code, Entitled "Administration"; By Amending Article VI, Entitled "Procurement"; By Amending Division 6, Entitled "Living Wage Requirements For City Service Contracts And City Employees"; By Amending Section 2-408(B), Entitled "Health Benefits; Eligibility Period", To Require Covered Employers, Or The City, To Pay A Living Wage Of \$9.81 An Hour, Commencing On The Date Of Hire Of The Covered Employee, Through The Eligibility Period; Providing For Repealer, Severability, Codification, And An Effective Date. **10:25 a.m. Second Reading, Public Hearing.**

(Procurement)

(First Reading on July 12, 2006)

ACTION: Public Hearing held. Ordinance No. 2006-3526 adopted as amended. Motion made by Commissioner Cruz; seconded by Commissioner Garcia; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Gus Lopez to handle.**

Amendments:

1. Language will be added to Section 5 of the ordinance that this will apply to bids currently in process.
2. Report back in a year as to the effectiveness of this change to the ordinance and also the dollar amount assigned to the option for health insurance. Gus Lopez to handle.

End

Commissioner Steinberg requested a report back in a year as to the effectiveness of this change and also added that the dollar amount assigned to the option for health insurance may not be sufficient.

Commission Garcia asked if this would apply to the security RFP.

Jorge Gonzalez, City Manager, asked Jose Smith, City Attorney, if the ordinance can be approved stipulating that all bids currently out will be covered by this ordinance.

Jose Smith, City Attorney, stated that language can be added to the ordinance.

Handout or Reference Materials:

1. Ad in The Miami Herald

10:53:47 a.m.

R5D Requirements For Approvals For Certificates Of Appropriateness
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 II, "Boards", Division 4, "Historic Preservation Board", Section 118-106 To Modify The Requirements For Approvals Of Certificates Of Appropriateness; Providing For Repealer, Codification, Severability And An Effective Date. **10:40 a.m. Second Reading, Public Hearing.**

(Planning Department)

(First Reading on July 12, 2006)

ACTION: Public Hearing held. Ordinance No. 2006-3527 adopted. Motion made by Commissioner Bower; seconded by Commissioner Gross; 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

10:55:49 a.m.

3:17:34 p.m.

R5E Cigar Vendors In The MXE District

An Ordinance Amending Chapter 142, "Land Development Regulations," Of The City Code; By Amending Article IV, "Supplementary Use Regulations," Section 142-874, "Required Enclosures," By Clarifying Store Enclosures; And Amending Section 142-904,"Additional Mixed Use Entertainment District Regulations," To Allow The Sale Of Cigars And Cigarettes By A Vendor Licensed On The Premises With Transactions To Occur Only Within Private Property; Providing For Repealer, Severability, Codification And An Effective Date. **10:50 a.m. Second Reading, Public Hearing** (Page 421)

(Planning Department)
(First Reading on July 12, 2006)

ACTION: Public Hearing opened and continued until later in the day. Public Hearing held. Ordinance No. 2006-3528 adopted with the ordinance which was amended in the morning, distributed at the dais and further amended. Motion made by Commissioner Gross; seconded by Commissioner Bower; Ballot vote: 6-0; Absent Commissioner Cruz. R. Parcher to transmit to Municipal Code. **Vivian Guzman to handle.**

Amendments:

1. The first offense - a \$100.00 fine
2. The second offense within six (6) months - \$250.00
- 3 The third offense within six months (6) - one seven consecutive-day suspension
4. Jorge Gonzalez, City Manager, suggested creating one Occupational License for cigar vending with individuals addresses.

End

Anthony Arrighi spoke.
Silvia Damasceno spoke
Kirenia Chiu spoke.

Jorge Gomez, Planning Director, explained that this ordinance will loosen the regulation to allow vending on the porches, patios and terraces on the Ocean Drive and Collins Avenue districts.

Commissioner Cruz asked what is the rational for not allowing vending on the sidewalks.

Jorge Gomez, Planning Director, explained that right now there is a prohibition on vending on public property.

Jorge Gonzalez, City Manager, explained that today the prohibition exists and vending is not allowed outside of the building. He added that what this ordinance does is to amend that ordinance and make it more liberal to allow vending to take place in private property outside of the building, but it was not extended to public property.

Jorge Gomez, Planning Director, explained that this does not apply to Lincoln Road, only to Collins Avenue and Ocean Drive.

Jorge Gonzalez, City Manager, stated that on Lincoln Road street cigar vendors are prohibited.

Gary Held, First Assistant City Attorney, read the amended language discussed with Public Works Department. " adding and permitted in sidewalk café areas but not on other city rights-of-way."

Commissioner Steinberg stated that this should be with consent of the licensee and also without obstructing the rights-of-way.

Jorge Gonzalez, City Manager, explained that administratively when sidewalk café owners come to obtain their sidewalk café license, they indicate that on the license. From a code enforcement perspective, the Administration needs to know who is signed up to do it.

Commissioner Gross added that if vendors are found to be selling to people passing by, rather to the people in the café, that they will lose this conditional right granting them to do it on the public right-of-way.

Jose Smith, City Attorney, explained that this will be part of the application for a sidewalk café permit.

Jorge Gonzalez, City Manager, stated that what Commissioner Gross means is that there needs to be due process provided.

Discussion continued.

Jorge Gonzalez, City Manager, asked if this ordinance ties to the code schedule of fines.

Gary Held, First Assistant City Attorney, said no. He stated that he has no problem with doing that but he requested to open and continue the item since there are a lot of changes.

Mayor Dermer stated that he has no problem continuing the item if he could word the changes in a way that incorporates the sentiment of the Commission and also add a reasonable schedule of enforcement.

Jorge Gomez, Planning Director, stated summarized the amendments to the ordinance: the sale of cigars and cigarette is permitted on the patio, porches, terraces as well as on the sidewalk area to seated patrons and will be allowed as long as:

1. The vendor is licensed on the premises,
2. The transaction can only occur on the described premises and not in any other part of the public-right-of-way.
3. Cannot solicit to people passing by
4. The merchandise has to be covered to transport it
5. The vendor cannot use any means to attract attention

In terms of penalties, the following was added to the ordinance:

1. The first offense - a \$100.00 fine
2. The second offense within six 6-months of the first offense - a one seven consecutive day suspension of the license on the premises in which the violation occurred.
3. The third offense within 12-months - a (30) thirty days suspension of the license.
4. The fourth offense with 12 months they will be considered a habitual offender and will go through the process established to revoke the license. The suspension revocation process has the rolling provision.

Motion made by Commissioner Gross to approve the above language; seconded by Commissioner Bower.

Commissioner Bower stated that there should be a second money fine between the first and the second violation before the seven days suspension, because a seven days suspension for the second violation is severe.

Discussion continued.

Motion made by Commissioner Bower to amend the schedule of fines to include a second \$250.00 fine for the second offense within six months of the first offense and before a suspension is issued. No second offered and discussion continued.

Commissioner Steinberg asked how the City can control a vendor walking between two establishments and selling on the street; who gets cited?

Jorge Gonzalez, City Manager, suggested creating one Occupational License for cigar vending with individuals addresses. **Jorge Gomez to handle.**

Motion made by Commissioner Gross to amend the ordinance by adding the City Manager's recommendation and asked to call the question; ballot vote:6-0; Absent: Commissioner Cruz.

Robert Parcher, City Clerk, noted for the record, that the ordinance being discussed is the one distributed on the floor.

Handout or Reference Materials:

1. Ad in The Miami Herald
2. Ordinance distributed on the floor

2:54:04 p.m.

R5F An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Section 114-1, "Definitions," Clarifying The Meaning Of "Site;" Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 18, "PS Performance Standard District," Clarifying That Floor Area May Be Distributed On Block 1 Through Covenants In Lieu Of Unity Of Title; Providing For Repealer, Severability, Codification And An Effective Date. **2:00 p.m. Second Reading, Public Hearing.**

(City Attorney's Office)
(First Reading on July 12, 2006)

ACTION: Heard in conjunction with R7H. Public Hearing opened and continued without objection to October 11, 2006 at 2:00 p.m. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald

5:12:51 p.m.

R5G Amendments To The Single-Family Land Development Regulations
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, Chapter 142, "Zoning Districts And Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending Lot Coverage, Structure Size, Building Height And Setback Requirements For New Single-Family Residential Construction And By Amending The Criteria And Procedural Thresholds For The Review And Approval Of New Single-Family Residential Construction Inclusive Of The Creation Of A New Single-Family Residential Review Panel; Providing Codification; Repealer; Severability; And An Effective Date. **5:05 p.m. Second Reading, Public Hearing.**

(Planning Department)
(First Reading on July 12, 2006)

ACTION: Public Hearing held. Ordinance No. 2006-3529 adopted as amended. Motion made by Commissioner Gross; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Commissioner Cruz. R. Parcher to transmit to Municipal Code. **Jorge Gomez to handle.**

Amendments:

Section 142-101(a) (4) (c) Majority to approve plans.

The quorum for the Single-Family Residential Review Panel shall be three (3) members and a simple majority will be necessary to approve any operation.

In the event the Single-Family Residential Review Panel does not convene due to lack of a quorum, the application may be redirected, at the election of the applicant, to the Design Review Board or the Historic Preservation Board whichever has jurisdiction.

End

Bryan Patchen spoke.

Mayor Dermer asked if there has been an outcry by single family homeowners and how much is the damage to Mr. Patchen's home by not allowing the 15%.

Jorge Gomez, Planning Director, stated that the Planning Board held a series of workshops in various parts of the City with various Neighborhood Associations, it all began with the pre 1942 homes, and if an architectural significant home is demolished, the question is what could be built. There was a clear and loud sentiment in the community which was more in terms of what will be built rather than if the architectural significant home is demolished. He explained that the Planning Board heard that sentiment and has crafted an ordinance that allow the owner to have all the development rights they have today except that there is an architectural review process, or the owner can forego the review process and take a slightly reduced development.

Mayor Dermer has a concern with regulating "buildable" square footage. He stated that he never received a single call in reference to the larger houses being built on Miami Beach.

Jorge Gomez, Planning Director, explained that the idea is to keep single family homes in scale with the neighborhood.

Elizabeth Allocco spoke.

Andrew Allocco spoke.

Bill Farkas spoke.

Victor Diaz spoke.

Motion made by Commissioner Gross to adopt the ordinance; seconded by Commissioner Bower.

Discussion continued.

Vice-Mayor Libbin asked how a homeowner can recapture 100% if there needs to be a 10 ft. setback on the second floor. How can the Planning Board give back 100% with the limitation?

Victor Diaz stated that the board will give back 100% and explained how. The Planning Board will look at massing, siting, and set backs.

Motion made by Commissioner Gross to amend the ordinance that if the Single Family Residential Review Panel cannot get a quorum the owner should be given the option to go to the Design Review Board or the Historic Preservation Board, whichever has jurisdiction.

Mayor Dermer thanked the Planning Board, the Planning Department and the Legal Department for all the time they spent drafting this ordinance.

Handout or Reference Materials:

1. Ad in The Miami Herald

11:13:55 a.m.

R5H A Ordinance Amending Appendix A Of The City Code, Entitled "Fee Schedule," By Amending The Fee Schedules For Section 110-166 Entitled "Schedule Of Water Rates And Tapping Charges" By Amending Subsections (A) And (B) Thereof And By Amending The Fee Schedules For Section 110-168 Entitled "Sanitary Sewer Charge," Of Division 2, Entitled "Rates, Fees, And Charges," Of Article Iv Entitled, "Fees, Charges, Rates And Billing Procedure," Of Chapter 110 Entitled "Utilities," In Order To Increase The Minimum Monthly Service Charge Imposed By The City; Adjusting The Schedule Of Rates For The Minimum Monthly Water Service Charge; And Increasing The Sanitary Sewer Service Charge Imposed By The City; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading.**

(Public Works)

ACTION: Motion made by Vice-Mayor Libbin to approve the ordinance. No second was offered.

Jorge Gonzalez, City Manager, stated that this pass-through that to the average Miami Beach family will represent an increase of about \$3.17 per month. He explained that last year this Commission did not approve this increase and the Administration was asked to work with Miami-Dade County to get the rates reduced. He stated that the City was able to get the rate reduced from about 40% to about 20%. This increase is about ½ of what it would have been last year, and the value on the aggregate increase for the City of Miami Beach is about \$2.5 million. This amount was absorbed by the General Fund in the current fiscal year, but the rate needs to be increased or the General Fund will have to absorb it.

Mayor Dermer stated that Miami-Dade County needs to explain this 20% increase and show how municipal monies are spent by Miami-Dade County. He would like a representative from Miami-Dade County to be present at the next Commission Meeting to explain with charts why they are doing this to the City of Miami Beach as well as to other municipalities in the county. He also wants the Florida League of Cities to look into this increase and the impact on people in Miami-Dade County. **Fred Beckmann and Kathie Brooks to handle.**

Commissioner Steinberg stated that he would like to see the City of Miami Beach rate compared to the City of North Miami. **Fred Beckmann to handle.**

Jorge Gonzalez, City Manager, requested this item be approved on first reading subject to finding the answers and having Miami-Dade County explain it.

Motion made by Vice-Mayor Libbin to approve the ordinance. No second was offered.

Discussion continued.

Jorge Gonzalez, City Manager, stated that administratively he has done all that can be done and the Administration needs the assistance of this Commission. He strongly urges the Commission to speak with their counterparts at Miami-Dade County and to attend the next Miami-Dade County Commission Meeting scheduled for tomorrow, September 7th 2006, when the County will be discussing the proposed rates, to voice our objections.

10:32:39 a.m.

R5I An Ordinance Amending The Miami Beach Employees' Retirement Plan Created By Ordinance 2006-3504; Amending Section 2.11 Concerning The Definition Of Earnings; Amending Section 4.05 Concerning The Purchase Of Credited Service By Certain Members Who Previously Had Creditable Service Under The Classified Plan; Creating A New Section 4.06 Concerning The Purchase Of Creditable Service By Members Who Participated In A Section 457 Plan During Their Initial Probationary Period; Amending Section 5.01 Concerning The Normal Retirement Benefit; Amending Section 5.07 Concerning Death Benefits After Retirement; Amending Section 5.12 Concerning The Early Retirement Incentive Program; Amending Section 6.02 Concerning Contributions By Members; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing An Effective Date. **First Reading.**

(Labor Relations)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for the Special Commission Meeting on September 21, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Linda Gonzalez to handle.

Commissioner Garcia asked how many employees will be affected by this change.

Jorge Gonzalez, City Manager, explained that when changes were made to the pension system went into effect early in the year, those changes did not apply to GSA or AFSCME Union members until a union agreement was reached. He continued stating that agreements have been reached with both bargaining units and members from those bargaining units who are eligible for early retirement can do so. He concluded by saying that this ordinance extends benefits given to CWA to the members of GSA and AFSCME Unions.

10:41:52 a.m.

R5J An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Classifications In Group II, Represented By The Fraternal Order Of Police (FOP) In Accordance With The Negotiated Agreement; Effective In The First Pay Period Ending In October Of 2006, There Shall Be An Across The Board Wage Increase Of Six Percent (6%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Six Percent (6%); Effective With The First Pay Period Ending In October Of 2007, There Shall Be An Across The Board Wage Increase Of Five Percent (5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By Five Percent (5%); Effective In The First Pay Period Ending In October 2008, There Shall Be An Across The Board Wage Increase Of Four Percent (4%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Four Percent (4%); Repealing All Ordinances In Conflict; Providing For Severability, Effective Date And Codification.
First Reading.

(Human Resources & Risk Management)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for the Special Commission Meeting on September 21, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Mayra Buttacavoli to handle.

See Item R7K.

10:50:28 a.m.

Jorge Gonzalez, City Manager, introduced representatives of the Union who wished to acknowledge the City Commission's action.

Bobby Jenkins, FOP President, stated that this is the first time in the City History or at east in the last 27 years that he has been with the City, that there is an actual contract in place before the other one expires. He also stated that there were no attorneys involved, which makes it cheaper for the City and the F.O.P. He thanked the City Manager, the Chiefs, and the Labor Relation's Office, everyone worked well and it was a win-win for everyone.

Prince Pearse, AFSCME President, stated that he agrees with what Bobby his FOP counterpart stated. He added that this is one of the best contracts settled before its expiration and added that the Manager and Labor Relations went above and beyond and thanked the City Commission for its support.

Jorge Gonzalez, City Manager, stated that it has been a long time since there has been labor relation between these two unions and the other, it is something to be pleased about, and recognized Linda Gonzalez and the staff in the Labor Relations Office, as well as the Police Chief, who took the lead to work with the FOP, and shall be recognized for his leadership.

Commissioner Garcia complimented the City Manager, the union and Linda Gonzalez, Labor Relations Office for her excellence in service.

10:43:32 a.m.

R5K An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Classifications In Group I, Being Those Classifications Covered By The American Federation Of State, County And Municipal Employees (AFSCME) Local No. 1554, In Accordance With The Negotiated Agreement; Effective In The First Pay Period Ending In May Of 2007, There Shall Be An Across The Board Wage Increase Of Six Percent (6%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Six Percent (6%); Effective With The First Pay Period Ending In May Of 2008, There Shall Be An Across The Board Wage Increase Of Five Percent (5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By Five Percent (5%); Effective In The First Pay Period Ending In May 2009, There Shall Be An Across The Board Wage Increase Of Four Percent (4%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Four Percent (4%); Repealing All Ordinances In Conflict; Providing For Severability, Effective Date And Codification. **First Reading**
(Human Resources & Risk Management)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Garcia; seconded by Commissioner Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for the Special Commission Meeting on September 21, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Mayra Buttacavoli to handle.

See item R7M.

See item R5J for remarks.

10:44:51 a.m.

R5L An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Classifications In Group V, Being Those Classifications Covered By The Government Supervisors Association Of Florida, OPIEU Local 100, (GSAF), In Accordance With The Negotiated Agreement; Effective In The First Pay Period Ending In October Of 2006, There Shall Be An Across The Board Wage Increase Of Six Percent (6%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Six Percent (6%); Effective With The First Pay Period Ending In October Of 2007, There Shall Be An Across The Board Wage Increase Of Five Percent (5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By Five Percent (5%); Effective In The First Pay Period Ending In October 2008, There Shall Be An Across The Board Wage Increase Of Four Percent (4%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Four Percent (4%); Repealing All Ordinances In Conflict; Providing For Severability, Effective Date And Codification. **First Reading**
(Human Resources & Risk Management)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Cruz; seconded by Commissioner Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for the Special Commission Meeting on September 21, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Mayra Buttacavoli to handle.

See item R7L.

See item R5J for remarks.

Handout or Reference Material:

1. Email from Linda Gonzalez to Ramiro Inguanzo and Kristin Tigner Re: Pension Ordinance and Salary Ordinances Second Readings on 9/21/06

10:48:52 a.m.

R5M An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance, For Classifications In Group VI, Being All Other Classifications In The Classified Service Not Covered By A Bargaining Unit; Providing For All Employees In Group VI, "Others", Effective In The First Pay Period Ending In May Of 2007, There Shall Be An Across The Board Wage Increase Of Six Percent (6%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Six Percent (6%); Effective With The First Pay Period Ending In May Of 2008, There Shall Be An Across The Board Wage Increase Of Five Percent (5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By Five Percent (5%); Effective In The First Pay Period Ending In May 2009, There Shall Be An Across The Board Wage Increase Of Four Percent (4%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Four Percent (4%); And Providing For A Repealer, Severability, Effective Date, And Codification. **First Reading.**
(Human Resources & Risk Management)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for the Special Commission Meeting on September 21, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Mayra Buttacavoli to handle.

10:48:28 a.m.

R5N An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance; Providing For Cost-Of-Living Adjustments (COLA) For All Unclassified Employees, Effective In The First Pay Period Ending In May Of 2007, There Shall Be An Across The Board Wage Increase Of Six Percent (6%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Six Percent (6%); Effective With The First Pay Period Ending In May Of 2008, There Shall Be An Across The Board Wage Increase Of Five Percent (5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By Five Percent (5%); Effective In The First Pay Period Ending In May 2009, There Shall Be An Across The Board Wage Increase Of Four Percent (4%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Four Percent (4%); Further, By Establishing The Classifications Of Administrative Manager, Assistant Ice Rink Manager, Building Permitting Information Analyst I, Building Permitting Information Analyst II, Building Records Manager, Contracts Compliance Specialist, Development Review Services Coordinator, Geographic Information System Manager And Storage Area Network Architect; Amending The Title And Grade Of The Classification Of Streets & Lighting Superintendent And Grades Of The Classifications Of Assistant Building Director, Tourism & Convention Director And Property Management Contracts Coordinator; And Providing For A Repealer, Severability, Effective Date, And Codification. **First Reading.**
(Human Resources & Risk Management)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for the Special Commission Meeting on September 21, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Mayra Buttacavoli to handle.

10:24:05 a.m.

R50 An Ordinance Amending Chapter 14 Of The City Code, Entitled "Building Regulations"; Amending Division II Therein, Entitled "Permit Fees"; Amending Sections 14-426 Therein, Entitled "Annual Facility Permit"; Amending Subsection 14-426(3)(G) Therein, Providing For Certificate Of Use Fees; Said Amendment Changing That Certain Established Period For The City To Determine The Corresponding Increase In Fees For Certificates Of Use, From The "Effective Date" Of October 1, 2006 (Fiscal Year 2006-07) To The New Effective Date Of October 1, 2007 (Fiscal Year 2007-08); And Providing Further That The Period To Determine Said Certificate Of Use Fee Increase (To Commence On The Effective Date Of October 1, 2007) Shall Also Be Amended To Provide That The Fee Shall Be Increased By A Percentage Equal To The Cumulative Change In The Consumer Price Index (CPI) Measured Between March 2003 To April 2007; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**
(Finance Department)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for the Special Commission Meeting on September 21, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Patricia Walker to handle.

Discussion held.

Commissioner Bower stated that this is good public relations for the City of Miami Beach and asked Patricia Walker to explain.

Patricia Walker, Chief Financial Officer, explained that in 2003 there were a number of increases in fees to catch up on fees based on changes of the CPI from the last time they had been increased. Because the increase was significant, it was spread over a number of years. She explained that for the Certificate of Use there was a 10% increase for October 1, 2004, 2005 and 2006 and it was approved at that time. The Administration does not think that it is necessary to implement the increase for October 2006 at this time, this increase has been eliminated and next year it will be increased or reviewed under the revenue ordinance. The City is now in the process of doing its review.

Jorge Gonzalez, City Manager, stated that what this action does is eliminate the increase for this year. The businesses for this year are not going to be incurring any liability that later on they will have to pay.

6:01:06. p.m.

R5P Flamingo Park Development Regulations

1. No Roof Top Additions:
An Ordinance Amending Chapter 142, "Land Development Regulations," Of The City Code; By Amending Division 3, "Residential Multifamily Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," By Adding New Development Regulations For Any New Construction Or Additions To Properties In The Flamingo Park Local Historic District, Including The Prohibition Of Roof-Top Additions. Providing For Repealer, Severability, Codification And An Effective Date. **First Reading**

2. Alternate Version:
An Ordinance Amending Chapter 142, "Land Development Regulations," Of The City Code; By Amending Division 3, "Residential Multifamily Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," By Adding New Development Regulations For Any New Construction Or Additions To Properties In The Flamingo Park Local Historic District. Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.**
(Planning Department)

ACTION: Item listed to be heard in conjunction with R9G. **Ordinance R5P -1 (including the prohibition of roof-top additions) approved on First Reading.** Motion made by Commissioner Gross; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for October 11, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Jorge Gomez, Planning Director, clarified that discussion item R9G deals with the actions of the Historic Preservation Board and the initiation of the expansion of the Flamingo Historic District, the discussion item deals with development regulations and not with the ordinance.

Bill Farkas, Executive Director, Miami Design Preservation League, is recommending banning rooftop additions in the historic neighborhoods.

Andrew Frey spoke on behalf of the Flamingo Neighborhood opposing the issue of banning rooftops and stated that those developments and additions could bring more people, vibrancy and more pedestrian traffic to South Beach and this is a feature he looks forward to as a resident.

Mark Needle, Flamingo Park Neighborhood resident, strongly supports the ordinance and commended the City Commission and the staff for producing this ordinance so quickly.

Commissioner Gross explained that there had been discussion recently on whether to reduce FAR and he voted against that because he thought it was the better way to go and commended the staff for bringing this ordinance back so quickly. He added that for the first time this ordinance codifies what the rules are, and it's clear. He explained that there used to be more subjectivity in the process and this ordinance more so than any other in the past give very specific and objective criteria that people now can live by and will make staff's lives easier, since it is all written down regarding prohibitions on building courtyards, additions, roof top addition on historic properties, and is a good package that will protect the district probably for the next one hundred years.

Discussion held.

Vice-Mayor Libbin asked Jorge Gomez, Planning Director, if architecturally someone could design something acceptable to the district.

Jorge Gomez, Planning Director, explained that the ordinance as it is codified today allows for rooftop

additions. He added that the reaction from the preservation community is that the process as it exists now tends to result in additions that are not compatible, and that is why the residents petitioned and requested a lowering of the FAR and the heights to address the issue of incompatible rooftop addition.

Discussion continued.

Russell Galbut spoke in favor of additions and thinks a standard has to be created; he added that as barriers are put up and rules are changed on developers, the City has to slow down and everyone needs to work together for the common good of Miami Beach.

Benita Argos spoke in favor of the ordinance.

Commissioner Steinberg encouraged his colleagues to vote on first reading and address the issue on second reading on the prohibitions of rooftop additions.

Vice-Mayor Libbin stated that first of all he is not comfortable restricting the addition of rooftops under any circumstances, and secondly he stated that with the single family property review the property owners had an opportunity to go in front of a board and work something out. He added that he would like to see an opportunity for people to have consideration to have something done architecturally fitting in.

Commissioner Gross suggested that Vice-Mayor Libbin vote on first reading today, then go out and take a tour with Planning and Zoning Department staff and look at the rooftops built for the last fifteen years and he will come back and change his mind. He stated that rooftops detract from the historic building. **Jorge Gomez to arrange a tour of the area, if requested.**

3:56:21 p.m.

R5Q Zoning In Progress

An Ordinance Amending Chapter 118, "Administration And Review Procedures," By Amending Section 118-168, "Proposed Land Development Regulation Amendments; Application Of Equitable Estoppel To Permits And Approvals;" And Section 118-169, "Proposed Comprehensive Plan Amendments; Application Of Equitable Estoppel To Permits And Approvals," By Extending The Time Between The Favorable Recommendation By The Planning Board With Respect To Any Land Development Regulation Amendment And The Adoption By The City Commission. Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.**

(Planning Department)

ACTION: Ordinance approved on First Reading as amended. Motion made by Vice-Mayor Libbin with zoning in progress limited to 150 days; seconded by Commissioner Garcia; Ballot vote: 6-0; Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for October 11, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Amendments:

Zoning in progress limited to 150 days.

End

Motion made by Vice-Mayor Libbin to pass the item with zoning in progress of 120 days instead of 180. Discussion continued.

Commissioner Gross asked if additional days are needed in some cases. It was agreed to 150 days.

R7 - Resolutions**7:37:55 p.m.**

R7A1 A Resolution Adopting: 1) The Tentative Ad Valorem Millage Of 7.374 Mills For General Operating Purposes, Which Is Twenty Five And Six Tenths Percent (25.6%) Greater Than The "Rolled-Back" Rate Of 5.872 Mills; And 2) The Debt Service Millage Rate Of 0.299 Mills; Further Setting The Second Public Hearing To Consider The Millage Rate For Fiscal Year 2006/07, On Thursday, September 21, 2006 At 5:01 p.m. **5:01 p.m. First Reading, Public Hearing.**
(Office of Budget & Performance Improvement)

ACTION: Title of the resolution read into the record. Public hearing held. **Resolution No. 2006-26309 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Libbin; Voice vote: 5-0; Absent: Commissioners Cruz and Garcia. Second Reading and second Public Hearing scheduled for September 21, 2006 at 5:01 p.m. Jose Cruz to notice. Lilia Cardillo to place on the Commission Agenda. Kathie Brooks to handle.

1) Proposed Millage Rates For FY 2006/07:

General Operating	7.192 Mills (7.299 last year)
Capital Renewal & Replacement	0.182 Mills (0.182 last year)
Debt Service	0.299 Mills (0.592 last year)
Total	7.673 Mills (8.073 last year)

2) "Rolled-Back" Rate (Truth in Millage) 5.872 Mills

3) The Second Public Hearing On The Proposed Millage Rates And The Tentative Budget For FY 2006/07 Shall Be Held On Thursday, September 21, 2006 At 5:01 P.M., In The City Commission Chambers, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Memorandum from Jorge M. Gonzalez, City Manager, to Mayor and City Commission members dated September 1, 2006 re: Senior Services.

7:39:34 p.m.

R7A2 A Resolution Adopting Tentative Budgets For The General, RDA Ad Valorem Taxes, Enterprise, And Internal Service Funds For Fiscal Year 2006/07 Subject To A Second Public Hearing Scheduled On Thursday, September 21, 2006 At 5:01 p.m. **5:01 p.m. First Reading, Public Hearing**
(Office of Budget & Performance Improvement)

ACTION: Title of the resolution read into the record. Budget amended. Public hearing held. **Resolution No. 2006-26310 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz. Second Reading and second Public Hearing scheduled for September 21, 2006 at 5:01 p.m. Jose Cruz to notice. Lilia Cardillo to place on the Commission Agenda. Kathie Brooks to handle.

Amendment:

Vice-Mayor Libbin requested the Administration to find and set aside \$150,000, figure out the program and do the RFP, and come back and report on this project;
End.

Deede Weithorn, Budget Advisory Committee Chairperson, stated that this is the best budget she has ever seen in the City; not only does it lower the millage and increases services that residents asked for, but it makes fundamental structural changes to the City's budget and its long term fiscal

stability. She thanked the Commission, the staff and her entire committee for the work accomplished. She explained that this budget has been called a "model" for other cities; and it is a model for the way a city should function on a fiscal basis. She publicly thanked her committee and the Administration for the many long hours of dedication.

Mayor Dermer thanked Deede Weithorn and the entire Budget Committee staff and stated that the City is very fortunate to have her.

Vice-Mayor Libbin stated that the enhancement for the seniors that were discussed at the budget briefing is not in this budget; there is only a total of \$40,000 allocated for enhancements for seniors. He suggested directing the Administration to create an RFP to have buses available, and to contact other organizations that deal with seniors throughout the community. He is also asking for a set-aside directed for the use of transportation for day trips for seniors.

Commissioner Bower stated that seniors do want more transportation to events since it is hard for them to get around. She does not know if an amount was found in the budget.

Jorge Gonzalez, City Manager, stated that at the July 12th meeting the Administration was instructed to identify the current services provided related to seniors and the issue was referred to the Neighborhoods/Community Affairs Committee but unfortunately there has not been a meeting. Last week he sent an LTC informing the City Commission of what was identified. The Administration checked the Parks Department for senior programming, also the types of funding and services funded through the CDBG, and there is about almost \$300,000 of funding for senior programming aggregated. Vice-Mayor Libbin is focusing on enhancements in the budget. The Administration has not identified funding for that purpose, if directed to do so he will, but he recommended the City Commission, the additional \$15,000 which has been added for Little Havana Activities and Nutrition and the \$2.5 million for water and sewer which has not been resolved. He requested direction as to what to do and added that he does not recommend allocating a fixed amount to each agency; however, he suggested, if for the elderly transportation is what they wanted he recommended identifying the agencies the City may want to partner with and go out with an RFP to find out what the cost will be for this level of service.

Discussion continued.

Commissioner Bower stated that the procedure needs to be developed. She suggested adopting the budget, then contacting the agencies and developing the program for these weekly outings.

Vice-Mayor Libbin requested to set aside a specific amount and added that the City Commission needs to decide if they want to direct the Administration to set aside the money to create the program.

Discussion continued.

Motion made by Vice-Mayor Libbin requested the Administration to find and set aside \$150,000, figure out the program and do the RFP, and come back and report on this project; seconded by Commissioner Steinberg; Voice vote; 6-0; Absent: Commissioners Cruz and Garcia. Kathie Brooks to handle.

Discussion continued.

Mayor Dermer thanked everyone because this is the single best budget since he has been with the City; Miami Beach is a lucky City with a lot of growth and Kathie Brook deserves a round of applause including the entire staff of the Finance and Budget Departments.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

11:46:42 a.m.

R7C A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, And Having Considered The City Administration's Recommendation And The Criteria For Granting Revocable Permits Pursuant To Section 82-94 Of The Miami Beach City Code, Granting (In Part) An After-The-Fact Revocable Permit In Favor Of The Applicants, Mr. Michael R. Buckner And His Wife, Margo Buckner, As Owners Of The Property Located At 6120 La Gorce Drive, For Retaining The Following Specific Items In Their Requested Revocable Permit Application Consisting Of: A Paved Walkway; Paved Driveway; And Portion Of A Wood Deck; All Within The Adjacent Apache Avenue City Right-Of-Way; Provided Further That The City's Approval For Revocable Permit, As Granted In Part Herein, Is Subject To And Contingent Upon Removal Of An Iron Gate; Two Columns; The Canvas Canopy; And The Hedges Located Within The Right-Of-Way, And Restoration Of Portions Of The Public Street End Affected By Such Encroachments, Within Such Time, Place, And Manner As Shall Be Deemed Acceptable By The City's Public Works Director. **11:00 a.m. Public Hearing** (Page 625)

(Public Works)

(Continued from July 12, 2006)

ACTION: Public hearing held. **Resolution No. 2006-26313 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Gross who added that the applicant will be able to sod and irrigate the area and that Code Compliance will inspect the vacant lot next door to make sure that there are no violations; Voice vote: 6-1; Opposed: Commissioner Garcia. Fred Beckmann and Vivian Guzman to handle.

Fred Beckmann, Public Works Director, explained the item.

Raul Aguila, First Assistant City Attorney, made it clear for the record, that regardless of what the applicant wants, if the City removes the hedge, the City has the right to lien the property. It is not an expense for the City.

Jorge Gonzalez, City Manager, stated that when he met with the applicant's representative he explained that the City has not been supporting revocable permits for residential properties for the last five years. He added that because the pavers were not creating an enclosure, the pavers could remain but any other part that created the impression or the appearance of an enclosure of private property could not stay.

Michael Larkin, Esq., representing Mr. and Mrs. Buckner, stated that the applicants are seeking an after-the-fact revocable permit for minor encroachments into Apache Avenue. He explained that the encroachments were not installed by the Buckner's. The Buckner's reduced the scope of the original application knowing that the City could not support encroachments of this size. When the reduced application was presented to the City, they wanted three items: 1) remove all columns adjacent to La Gorce Drive; (Mr. Larkin's stated that the applicant will remove the columns); 2) remove the carport canopy at the end of the drive ways, Mr. Larkin's stated that there is no issue with this and it will be removed; and 3) remove the hedges. The applicant has an issue with the removal of the hedges. Although, the hedges are on the City's right-of-ways, the applicant's lawyer stated that the removal of the hedge will have very negative consequences for the Buckner's.

Vice-Mayor Libbin asked what the City is planning to do with the public rights-of-way when the hedge is removed.

Jorge Gonzalez, City Manager, stated that it will probably be a swale.

Vice-Mayor Libbin suggested that perhaps the hedge could be lowered to five or six feet and maintained and it could be an improvement that, in his opinion, benefits the neighborhood in general

besides the Buckners.

Commissioner Bower suggested moving the hedge closer to the house.

Fred Beckmann, Public Works Director, stated that, in considering the City's Revocable Permit Polices, it is important for the City to maintain consistency. He explained that if the hedge were allowed to remain, a precedent might be set. The City has been very generous in allowing the Buckners to keep the paved driveway and all the other items, which are not even permitted by the City.

Mayor Dermer stated that Mr. Beckmann is correct; the issue is not the hedge, the issue is consistency.

Michael Larkin, Esq., stated that the Buckner's propose three different compromises; 1) the Buckner's will be willing to reduce the height of the hedges to six feet or 2) within two years from now be under the obligation to remove the hedges or 3) uproot what is there now and replant it at some distance closer to their property line.

Commissioner Steinberg stated that he remembers that the issue has always been that if it gives the appearance of private property it cannot stay. He stated that a hedge, whether six or twelve feet high, gives the appearance that the property line is somewhere other than where it really is. In keeping with the City's policy of consistency, he cannot approve a hedge at any height.

Mr. Larkin asked if the hedge could remain for two years.

Commissioner Cruz stated the two year period is because in two years the house next door may be built.

Commissioner Gross asked if the Buckners, once the hedge is removed, could maintain the area like a swale area with sod.

Jorge Gonzalez, City Manager, stated that the City actually encourages homeowners to maintain the swale.

Commissioner Garcia stated that the house next door looks like a dump. By removing the hedge it will make the area look uglier.

Fred Beckmann, Public Works Director, stated there are two issues: 1) consistency and 2) if the hedge remains, that City property will give the appearance of being private property. If the concern is that after removing the hedge that it will look ugly, there is no issue in them maintaining the area.

Commissioner Garcia asked what the City will do with the land after the hedge is removed.

Fred Beckmann, Public Works Director, stated that it will be seeded just like any other swale.

Motion made by Commissioner Bower to approve the resolution with the Administration's recommendation.

Commissioner Gross seconded the motion with the provisions that the applicant be allowed to irrigate and sod. This condition, however, will not be part of the permit, and the Revocable Permit will be approved in accordance with the Administration's recommendation as set forth in the resolution.

Commissioner Steinberg suggested that Code Compliance check the lot next door and make sure that they are enforcing the code.

Margo Buckner spoke.

10:18:02 a.m.

R7D A Resolution Approving Emeril's Miami Beach, LLC's Application To Miami-Dade County For The Enterprise Zone Ad Valorem Tax Exemption On Tangible Personal Property As Authorized By Section 29-81 Of The Code Of Miami-Dade County. **Joint City Commission and Redevelopment Agency**

(Economic Development)

ACTION: Resolution No. 2006-26314 adopted. This item was heard in conjunction with RDA item R2A. Motion made by Commissioner Bower; seconded by Vice-Mayor Libbin. Item passed without objection. Kevin Crowder to handle.

2:55:55 p.m.

R7E A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Approving And Authorizing The Related Group Of Florida - Alaska I, LTD (TRG) To Perform Early Works And Initial Phases Of Construction Under The Direction Of The City Manager For The South Pointe Park Improvements Project (The Project), Pursuant To Resolution No. 2005-25978 And Section 6 Of The Settlement Agreement Between The City And TRG For The Alaska Parcel, Dated July 28, 2004; Authorizing The City Administration To Negotiate The Construction Costs Submitted Pursuant To These Activities, In The Not To Exceed Amount Of \$1,000,000.

(Capital Improvement Projects)

ACTION: Resolution No. 2006-26315 adopted. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 5-0; Absent: Commissioners Cruz and Garcia. Jorge Chartrand to handle.

Commissioner Gross requested not to close the park any sooner than it needs to and let the residents citywide know what is happening. He requested doing public outreach in the South Pointe area and other areas, particularly those who attend the charette. **Jorge Chartrand to handle.**

Commissioner Bower requested that this be advertised on Channel 77. She asked if anything can be done to have a dog park in a fenced area adjacent to the boat basin. **Lynn Bernstein to handle.**

12:22:03 p.m.

R7F A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms Pursuant To Request For Proposals (RFP) No. 22-05/06, To Provide Professional Food And Beverage Facilities Management Services For The Miami Beach Convention Center; With An Option To Manage Food And Beverage Services At Other City Cultural Facilities, If Deemed To Be In The City's Best Interest; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Service America Corporation D/B/A Centerplate, And If Unsuccessful In Negotiating An Agreement With Service America Corporation D/B/A Centerplate, Authorizing The Administration To Enter Into Negotiations With The Second-Ranked Firm Aramark; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Completion Of Successful Negotiations By The Administration.

(Tourism & Cultural Development)

ACTION: Resolution No. 2006-26316 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Garcia. Max Sklar to handle.

Hilda Fernandez, Assistant City Manager, introduced the item and explained the results of the competitive process for the food and beverage concession. She explained that five proposals were evaluated in four categories and were evaluated by committee members; ultimately the committee recommended by six first place votes out of nine for Centerplate. There was some discussion in terms of the proposal submitted by Centerplate and their partnership proposal with Barton G Catering and if this recommendation was supported by the Commission that it include the Administration to negotiate provisions with Centerplate to ensure a long lasting relationship with Barton G. She further explained the specifics of the agreement and incentives, including upgrades to the facility.

Commissioner Cruz stated that when the Convention Center survey was done the food provision came in rather modestly and there were complaints that the food was not up to speed.

Jorge Gonzalez, City Manager, stated that in past conventions, that was an area where the Convention Center did not perform well, and this prompted the Administration to put Centerplate on notice of default and Centerplate went to great lengths to improve their ratings, and in fact the ratings did improve. He added that with the Barton G. partnership, he expects the partnership will significantly enhance the food.

Discussion continued.

Commissioner Bower is concerned regarding Centerplate sustaining the quality of food.

Jorge Gonzalez, City Manager, recommended that when the contract with SMG is renewed, a higher responsibility be placed on their part including management of and oversight of the food and concession contract as well, as they are the direct communicator as to whoever is booking the Convention Center.

Discussion continued.

Commissioner Cruz stated that the City went out to RFP because Centerplate was not doing their job; Centerplate teamed up with Barton G., but only after 20 years of an underperformed contract. He added that he has a problem with a company that has a deficient contract for that long, and when the City goes out for an RFP all of the sudden the services improve.

Hilda Fernandez, Assistant City Manager, stated that as chair of the Evaluation Committee, she informed that Centerplate replaced 99% of the employees when at the verge of default and from the

performance survey data from last year have an 86% satisfaction, either excellent or good ratings.

Discussion continued.

Mayor Dermer asked what could put people in default when it comes to lack of performance.

Raul Aguila, First Assistant City Attorney, explained that if there is a violation of the terms and conditions of the contract, which in this case there was a violation of performance, a notice is issued upon breach of contract by contractor, in this instance it was based on Centerplate performance with regard to food and beverage; however, this was the only formal default issued during this contract.

Discussion continued.

Philippe Villain, Vice-President of Aramark Convention Center, spoke.

Eric Baine, from Centerplate, spoke.

Stu Blumberg spoke.

Steven Hass, Chairman of the Visitors and Convention Authority, spoke.

Randy Heimler spoke.

Joe Fontana spoke.

Barton Weiss spoke on behalf of Barton G., and Centerplate.

Discussion continued.

Jorge Gonzalez, City Manager, clarified that if, for example, ABC planner wants to host an event at the Convention Center; and after securing the dates Centerplate offers them the services of Barton G, but they have their own meeting planner that they wish to use, they can choose their own. If instead, they want to have their own concession provider in addition to the planner, they are required to pay whatever the buyout fee for Centerplate is, and they can bring their own provider and planner; however, there is no buyout fee additional charge to buyout Barton G. and Centerplate, it is whatever the current buyout provisions are that exist, because it's a close building from that perspective.

Commissioner Bower asked if there are any incentives if they do use Barton G.

Barton Weiss explained that the incentive is that they get the use of services with preferential pricing if all services are used.

3:25:11 p.m.

R7G A Resolution Approving The Selection Of A Public Art Commission For Collins Park, Entitled "Maze" (Working Title), As Recommended By The Art In Public Places Committee And Neighborhoods/Community Affairs Committee; Further Approving And Authorizing The Mayor And City Clerk To Execute A Contract With The Artist, Brian Tolle, In The Amount Of \$250,000, For Design, Creation, And Installation Of The Aforestated Work Of Art; And Further Appropriating Funds, In An Amount Not To Exceed \$250,000, As Follows: \$115,000, Fund – 147 Art In Public Places From Collins Park Project; And \$135,000, To Be Appropriated As Part Of The 2006/2007 Capital Budget.

(Tourism & Cultural Development)

ACTION: Resolution No. 2006-26317 adopted (the approval is subject to a satisfactory graffiti test). Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Max Sklar to handle.

Commissioner Bower requested that a graffiti test be performed. Max Sklar to handle.

R7H Amendment To Settlement Agreement And Concept Plan - Block 1

1. A Resolution Approving An Amendment To The Settlement Agreement By And Between The Related Group Of Florida And The City Of Miami Beach Concerning Litigation Over Certain Parcels In The South Pointe Area Of Miami Beach, Including Block 1, And Authorizing The Mayor And City Clerk To Execute Such Amendment, And The Taking Of Such Steps As Are Necessary And Appropriate For The Implementation Thereof.

ACTION: Heard in conjunction with R5F. R5F opened and continued. No action taken on this item. Lilia Cardillo to place on the October 11, 2006 Commission Agenda. Jorge Gomez and Legal Department to handle.

2. A Resolution Approving An Amendment To The Concept Plan For Property Owned By The Related Group On Block 1 In South Pointe; And Providing An Effective Date.
(City Attorney's Office)

ACTION: See action above.

3:28:41 p.m.

- R7I A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Amendment No. 6 To The Agreement Between The City And EDAW, Inc., Dated May 16, 2001, In An Amount Not To Exceed \$387,029, For The Provision Of Additional Professional Services Associated With Water Main Design Between Indian Creek Drive And Collins Avenue, And Additional Construction Administration And Resident Project Representation Services During Construction Of Phase 1 (East Of Collins Avenue) Of The Right-Of-Way Infrastructure Improvements Program In Neighborhood No. 6 - Oceanfront Project, And Approving The Use Of Funds, In The Amount Of \$387,029, For The Amendment, From Previously Appropriated Funds For The Oceanfront Neighborhood.
(Capital Improvement Projects)

ACTION: Resolution No. 2006-26319 adopted. Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Cruz. Jorge Chartrand to handle.

1:14:31 p.m.

- R7J A Resolution Approving The Process And Guidelines For Submission And Receipt Of "Best And Final" Proposals For The Future Use And Operation Of The Jackie Gleason Theater Of The Performing Arts By 1) AEG Live, And 2) Live Nation, In Addition To The Proposal To Be Submitted By, And Which The City Has Been Previously Negotiating With, Cirque Du Soleil; And Providing Further That, Effective September 6, 2006, The Mayor And City Commission, And Their Respective Staffs, And The Aforestated Two (2) Proposers, AEG Live And Live Nation, And (Additionally) Cirque Du Soleil, Voluntarily Agree To Be Bound By A Modified "Cone Of Silence" (As Set Forth In The Attached Guidelines), Said Voluntary "Cone" To Remain In Effect Until Such Time As The City Manager Makes His Recommendation To The City Commission With Regard To Selection Of One (Or More) Of The Aforestated Proposals, And Said Recommendation Is Accepted By The City Commission.
(City Manager's Office)

ACTION: Resolution No. 2006-26320 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Item approved without objection; Absent: Commissioners Cruz and Garcia. Tim Hemstreet to handle.

10:31:42 a.m.

R7K A Resolution Ratifying A Three Year Labor Agreement Between The City Of Miami Beach And The Fraternal Order Of Police, For The Period From October 1, 2006, Through September 30, 2009, And Authorizing The Mayor And City Clerk To Execute The Agreement.
(Labor Relations)

ACTION: Resolution No. 2006-26321 adopted. Motion made by Commissioner Cruz; seconded by Commissioner Steinberg; Voice vote: 7-0. Linda Gonzalez to handle.

See action listed under Item R5J.

Handout or Reference Material:

1. Email from Linda Gonzalez to Ramiro Inguanzo and Kristin Tigner Re: Pension Ordinance and Salary Ordinances Second Readings on 9/21/06

10:32:16 a.m.

R7L A Resolution Ratifying A Three Year Labor Agreement Between The City Of Miami Beach And The Government Supervisors Association Of Florida/OPEIU Local 100, For The Period From October 1, 2006, Through September 30, 2009, And Authorize The Mayor And City Clerk To Execute The Agreement.
(Labor Relations)

ACTION: Resolution No. 2006-26322 adopted. Motion made by Commissioner Cruz; seconded by Vice-Mayor Libbin; Voice vote: 7-0. Linda Gonzalez to handle.

See item R5L and remarks made with item R5J.

Handout or Reference Material:

1. Email from Linda Gonzalez to Ramiro Inguanzo and Kristin Tigner Re: Pension Ordinance and Salary Ordinances Second Readings on 9/21/06

10:32:25 a.m.

R7M A Resolution Ratifying A Three Year Labor Agreement Between The City Of Miami Beach And The American Federation Of State, County And Municipal Employees (AFSCME) Local1554, For The Period From May 1, 2007, Through April 30, 2010, And Authorize The Mayor And City Clerk To Execute The Agreement.
(Labor Relations)

ACTION: Resolution No. 2006-26323 adopted. Motion made by Vice-Mayor Libbin; seconded by Commissioner Cruz; Voice vote: 7-0. Linda Gonzalez to handle.

See item R5K and remarks made with item R5J.

3:03:10 p.m.

R7N A Resolution Calling For A Special Election To Be Held On Tuesday, November 7, 2006, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Of Miami Beach's Charter And Related Special Acts Should Be Amended To Change The Term Of Appointment For Board Of Adjustment Members From One Year To Two Year Staggered Terms And To Establish At-Will Member Status For Board Of Adjustment Members.

(Requested by Mayor & City Commission)

ACTION: Resolution No. 2006-26277 adopted as amended and referred to the Land Use and Development Committee to consider having direct appointments run concurrent with City Commission terms. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 5-0; Absent: Commissioners Cruz and Garcia. R. Parcher to handle.

Amended language:

BOARD OF ADJUSTMENT: CHANGING TERMS OF OFFICE

SHALL THE CITY OF MIAMI BEACH'S RELATED SPECIAL ACTS BE AMENDED TO PROVIDE THAT COMMENCING WITH TERMS BEGINNING ON OR AFTER JANUARY 1, 2007, BOARD OF ADJUSTMENT MEMBERS' TERMS SHALL BE CHANGED FROM ONE YEAR TO TWO YEAR STAGGERED TERMS?

End

Discussion held.

Vice-Mayor Libbin asked about the process of removing a board member.

Jean Olin, Deputy City Attorney, stated that existing board members of the Board of Adjustment can be removed pursuant to Florida State Statute but only for a cause and members are entitled to notice and a hearing before removal. This proposal is at will, (meaning no cause) and the provision can be incorporated into the City Charter's Related Special Acts as long as this provision is added.

Mayor Dermer stated he would support the item but requested deleting the last sentence "members serving at the will of the City Commission."

Jose Smith, City Attorney, stated that the deletion needs to begin with the word "and to expand upon the City Commission authority," the entire paragraph needs to be deleted.

Jean Olin, Deputy City Attorney, read the changes into the record.

Vice-Mayor Libbin requested that a referral be made to the Land Use and Development Committee Meeting on Monday, September 11, 2006 to consider having direct appointments run concurrent with City Commission terms.

3:09:22 p.m.

R7O A Resolution Calling For A Special Election To Be Held On Tuesday, November 7, 2006, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Of Miami Beach's Related Special Acts Section 2 Regarding Board Of Adjustment Should Be Amended To Prohibit The Board From Granting Any Height Variance Greater Than 3 Feet Or Any Variance From A Property's Allowable Number Of Stories (Floors).

(Requested by Commissioner Matti Herrera Bower)

ACTION: Resolution No. 2006-26278 adopted. Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 4-1; Opposed: Vice-Mayor Libbin; Absent: Commissioner Cruz and Garcia. R. Parcher to handle.

Jorge Gomez, Planning Director, explained the item.

Vice-Mayor Libbin stated that when this was discussed before, the Commissioners were talking in terms of not exceeding ten feet or one story. He is now concerned with this item; not being able to exceed three feet is overly restrictive, and could at times prevent the design of a building that could better serve the community if it was not so restrictive.

Handout or Reference Materials:

1. Lists of Addresses, Projects, Total Height, Maximum Permitted and Variances.

3:16:55 p.m.

R7P A Resolution Approving An Expenditure Of Up To \$50,000 From The General Fund Operating Contingency For Fiscal Year 2005/06 For The Public Purpose Of Informing And Educating The Voters Of The City Of Miami Beach About The City Ballot Question(s) On The November 7, 2006 Special Election Ballot In Order To Achieve A More Informed Electorate Vote.

(City Manager's Office)

ACTION: Resolution No. 2006-26324 adopted. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 5-0; Absent: Commissioners Cruz and Garcia. Hilda Fernandez and Legal Department to handle.

4:06:25 p.m.

R7Q A Resolution Waiving, By 5/7ths Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Approving And Authorizing The Mayor And City Clerk To Execute A Management And Operation Agreement Between The City And UNIDAD Of Miami Beach , Inc., A Florida Not-For-Profit Corporation, For The Management, Coordination, Maintenance, And Operation Of The City Facility Currently Known As The North Shore Community Center, Located At ~~7524~~ 7251 Collins Avenue, Miami Beach, Florida, As A Comprehensive Senior Center (To Be Known As The "Miami Beach Senior Center"), Which Will Provide A Full Range Of Services Including Social Services, Employment Services And Training, Counseling, Health Information, Nutrition, And Recreational And Cultural Activities For The Senior Community, As Well As Periodic Cultural And Other Special Event Programming For The Benefit Of The Residents And Visitors Of Miami Beach; In Order To Allow UNIDAD To Maximize Its Eligibility And Opportunities For Funding Assistance To Ensure That The "Miami Beach Senior Center" Achieves And Maintains The Highest Level Of Service And Maximizes Its Goals And Priorities And Programming Opportunities, Said Agreement To Have An Initial Term Of Forty (40) Years, With Four (4) Ten (10) Year Renewal Options; Provided Further That, As Consideration For The City's Approval And Execution Of This Agreement, And As A Condition Thereof, UNIDAD Shall Commit To Manage, Operate, And Maintain The Senior Center And The Senior Center, At Its Sole Cost And Expense, And Shall Further Commit To Assist The City In The Proposed Capital Improvements And Renovation Of The Facility (The Proposed Improvements) As Follows: 1) Commitment Of UNIDAD Funds, In An Amount Not Less Than \$500,000; 2) Proceed With The Procurement Of Design Services For The Proposed Improvements, In Accordance With In Accordance With Plans And Specifications Which Will Be Approved And Permitted By The City; And 3) Based On The Approved And Permitted Plans And Specifications For The Proposed Improvements, Prosecute Construction Of The Improvements.

(City Manager's Office)

ACTION: Resolution No. 2006-26325 adopted. Section 10.1 of the Agreement amended. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. **Hilda Fernandez and Ana Cecilia Velasco to handle.**

Amendment:

Section 10.1 add language that if there are any profits, that the profit will be applied back to any capital expenditures made to the facility.

end

Jorge Gonzalez, City Manager, introduced the item and explained the proposed management agreement in which Unidat will operate a facility in North Beach. The terms are a management agreement of 40 years with four 10 renewal options, subject to performance; Unidat's failure to perform the specified services included in the management agreement provide reason for default, there is a cure provision, but essentially Unidat will take over the day to day operations of programs. He commended Victor Diaz for having taking this project to this point.

Victor Diaz, President of Unidat Miami Beach, Inc., stated that this is a partnership between Unidat and the City of Miami Beach; Unidat is contributing grant funding to fund the renovation of a comprehensive senior center/multi-purpose facility in Bandshell Park in North Beach. He stated that additionally Unidat will provide staffing and the expertise to design the renovation of the facility; in exchange the City is being asked to grant Unidat a long-term management agreement to satisfy the grant requirements and to secure additional grant dollars. He explained that other funding sources came from Community Development Block Grants and Miami-Dade County grants. In 2005 the Administration requested an outreach to the community with the idea of the proposed North Beach Bandshell Park facility to be developed as the senior center. Mr. Diaz added that the total committed funding to date is \$1,024,000 and subsequently showed the proposed rendering by the architect. In conclusion, he thanked the senior citizens for their support, the City Manager, without whose leadership this idea would not even exists. He also thanked the project architect Rene Gonzalez and

City staff, particularly in the City Attorney's Office.

Vice-Mayor Libbin stated that he is supportive of this project and congratulated Victor and the organization for their efforts and the community building process.

Commissioner Garcia explained that he is supportive of the project as well and added that the senior citizens deserve the City's help; it is a great project and it will be an asset for an area of the City that needs development. He also commended Victor Diaz for his tenacity.

Commissioner Steinberg is also in support of this agreement and commended Victor on his accomplishments as well. He asked regarding Section 10.1 of the agreement, in which there is a provision that states that if there is a profit, the organization's funds would first go to capital expenses and this was agreed upon.

Victor Diaz stated that since the City is responsible for structural improvements that need to be done to the building, that if the building does not generate any excess revenues from the rental or use of the upstairs, that it be allocated not just for the operation of the Center but to help subsidize part of the City's capital expenses, this is a reasonable request and he has no problem with it.

Mayor Dermer thanked Dr. Ragona, representing North Beach Development Corporation, and the people present in the audience for their support.

Commissioner Gross also commended Victor on this project. He asked Jose Smith, City Attorney, to explain for the record, why oceanfront property of the City can be granted under agreement for an excess of 10 years without triggering a referendum.

Jose Smith, City Attorney, explained that this particular agreement is structured in the form of a management agreement; under which the City retains significant supervision, oversight and control not only of the facility, but also of the operations and activities that go within the premises. He further explained that because it is a management agreement as opposed to a lease or a conveyance, the Charter provision 1.03 (sale, exchange or conveyance or leases of 10 years or longer), does not kick in. These are government activities delegated to Unidad and the City keeps supervision and control as in any management agreement.

Raul Aguila, First Assistant City Attorney, explained that in addition to what the City Attorney mentioned, first and foremost, this is expressly an agreement for Unidad to operate and program those premises for a certain purpose; the City has approval of the uses and retains control of any future use of the premise. He added that additionally, the City Manager has oversight over the budget, revenues generated and how they are generated. The premises are open to the public and maintained for public purpose. He added that from a legal perspective, he would argue that in the event that Unidad or any third party ever claimed that this was a *de facto* lease, Unidad does not gain any landlord or tenant rights under the Florida Statutes; and there is a default provision so that if there is a breach of those provision the City can take possession of the premises and any improvements made by Unidad.

Commissioner Gross requested a publicly noticed hearing in front of the Planning Board on the Management Agreement and notice this specific site that the City is contemplating entering in a long term 80 year arrangement for ocean front property. Jorge Gomez to place on the committee agenda and notice.

Commissioner Bower stated that she is very proud of what Victor has done for the community as a whole and stated that this is a wonderful project. She added that there are not many activists any more and Victor does this for the community without asking anything for himself and thanked Victor for seeing this project come to fruition.

Victor Diaz stated that this is not about Victor; everyone has been very supportive of this project; he

only helped build consensus and this is a project that belongs to the community.

Commissioner Garcia stated that Victor has focused on a segment of the community that needs help the most.

Handout or Reference Materials:

1. North Beach Senior Center Press Kit and reference letters in support of the project.

3:30:07 p.m.

R7R A Resolution Authorizing The Administration To Enter Into Contract Negotiations For A Group Medical Plan With The Top-Ranked Firm Of Humana, (Primary) And The Second-Ranked Firm Of Cigna (Secondary); And Further Authorizing The Mayor And City Clerk To Execute Contract(s) With The Primary Or Secondary Firm Upon Completion Of Successful Negotiations For A Premium Of \$16,000,000; And Renewal Of The Group Dental Plan With Compbenefits, For A Premium Of \$2,000,000; As Proposed By Arthur J. Gallagher And Co., The City's Broker Of Record.
(Human Resources & Risk Management)

ACTION: Resolution No. 2006-26326 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Libbin; Voice vote: 6-0; Absent: Commissioner Cruz. Mayra Buttacavoli to handle.

3:31:29 p.m.

R7S A Resolution Approving A Recommendation For The Addition Of A 7th Parking Level To The Multipurpose Municipal Parking Facility And Authorizing The Modification Of The Existing Agreement With Perkins + Will, Inc. (Architect) For The Additional Professional Design And Construction Administration Services To Be Funded Upon Ratification Of The 2006-2007 Capital Budget, Which Includes The Additional Funds, In The Amount Of \$11,973,567, To Cover The Changes In The Design Scope And Other Costs.
(Capital Improvement Projects)

ACTION: Resolution No. 2006-26327 adopted. Motion made by Commissioner Bower; seconded by Commissioner Gross; Approved without objection. Absent: Commissioner Cruz. Jorge Chartrand to handle.

Jorge Gonzalez, City Manager, introduced the item.

Commissioner Gross asked what the height of the building is before and after this.

Jorge Chartrand, CIP Director, stated that the height is the same as City Hall.

Commissioner Gross asked if there is a better way to estimate costs. Architects are not the best estimators. He asked to look into having a professional estimator in the future do the construction cost estimates. Jorge Chartrand to handle.

Commissioner Gross also requested that the opening of the Normandy Park should be advertised.
Kevin Smith to handle.

R9 - New Business and Commission Requests

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

ACTION: Item not reached.

Committee for Quality Education in MB:

Leslie Coller	PTA representative for Nautilus Middle School.	
Jason Yedwab	Representative of the PTA of South Pointe Elementary	6/30/2007

Disability Access Committee:

Sabrina Cohen	Term expires 12/31/07	Appointed by Commissioner Steinberg	TL 12/13
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Fine Arts Board:

Allison Sokel	Term expires 12/31/06	Appointed by Vice-Mayor Libbin	TL12/13
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Marine Authority:

Bob Everhard	Term expires 12/31/06	Appointed by Commissioner Steinberg	TL 12/13
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Miami Beach Sister Cities Program:

Claudia Dunin (Other)	Term expires 12/31/06	Appointed by Mayor Dermer	TL12/10
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Parks and Recreational Facilities Board:

Cesar Garcia-Pons	Term expires 12/31/06	Appointed by Commissioner Steinberg	TL 12/13
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R9A1 Board And Committee Appointments - City Commission Appointments.
(City Clerk's Office)

ACTION: Item not reached.

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

ACTION:

1. Dr. Ernie Ragone spoke on the water accumulation on Indian Creek and Carlyle, on 6961 Indian Creek Drive.

Mayor Dermer asked the City Manager to look into this flooding.

2. David Kelsey spoke on the proposed tunnel from the Port of Miami to Watson Island. He stated that they have half a million dollars committed.

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

ACTION:

Dr. Ernie Ragone stated that he received a phone call from Public Works in reference to the flooding on the street and thanked the City for this.

12:20:37 p.m.

- R9C Request By The Southpointe Heights L.L.C., To Review A Design Review Board Decision Pertaining To DRB File No. 18988. **11:30 a.m. Public Hearing.**
(Planning Department)
(Continued from July 12, 2006)

ACTION: Public Hearing held. Discussion held. Motion made by Commissioner Steinberg to approve the Administration's recommendation to dismiss the matter; seconded by Commissioner Bower; Voice vote: 7-0.

Jorge Gomez, Planning Director, stated that the Administration is recommending that the City Commission dismiss the matter since the applicant did not provide the transcript and other material required.

Amy Huber Esq. from Shubin and Bass, stated that she is in agreement with the Administration's recommendation.

3:54:08 p.m.

- R9D1 Discussion Regarding A Resolution Urging The Florida Legislature To Immediately Convene A Special Session To Address The Crisis In Florida's Windstorm Insurance Market And Directing The City Manager To Include Windstorm Insurance Reform In The City's Legislative Agenda.
(Requested by Commissioner Richard L. Steinberg)

ACTION: Discussion held. **Resolution No. 2006-26279 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. R. Parcher to transmit to the Governor of the State of Florida, President of the Florida Senate, the Speaker of the Florida House, and to each member of the Miami-Dade County delegation in the Florida Legislature.

- R9D2 Discussion Regarding A Resolution Requesting The Legislature To Immediately Convene A Special Session To Address The Crisis In Florida's Windstorm Insurance Market.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: See action on R9D1.

7:28:41 p.m.

R9E Discussion Regarding The Ad Hoc Hurricane Taskforce Committee's Recommendations To The Mayor And Commission.

(Requested by Commissioner Richard L. Steinberg)

ACTION: Discussion held.

Commissioner Steinberg thanked the members of the Ad-Hoc Hurricane Taskforce Committee on behalf of the City Commission. He stated that they have provided a list of recommendations to the City Commission and have done a tremendous job to make the City more prepared and able to deal with hurricanes. He personally thanked Joe Fontana, Linda Grosz, Amy Perry, Daniel Veitia, Enrique Escobar, and Emily Mack on behalf of the City Commission.

Joe Fontana, Chairman of the Ad Hoc Hurricane Taskforce, thanked Robert Middaugh and Sheila Maes for all their work and cooperation. He stated that the committee came up with recommendations which some of which are being implemented already. He also thanked Donald Druitt, the City's emergency manager.

Robert Middaugh, Assistant City Manager, stated the committee came up with recommendations from a citizen's perspective and they are already incorporated into the City's website and also communicated them to the citizens and the media. He explained that the City is expanding the re-entry program to also include condominiums. He congratulated Joe Fontana and the members of the committee on a successful effort.

Vice-Mayor Libbin stated that the issue of under-grounding utilities was combined with the hurricane committee because there is more than can be done

Commissioner Steinberg stated that the City has engineers working on the issue of under-grounding and that is why this committee did not address it.

Robert Middaugh, Assistant City Manager, stated that he will be happy to follow up with an LTC on the status of the under-grounding.

Commissioner Steinberg stated that this is not the final report from the committee since they have asked to stay until the end of this hurricane season.

Joe Fontana stated that they will speak to the neighbors and FPL to bringing back the information to the City Commission.

Handout or Reference Material:

1. Cover letter from the City of Coral Gables from Maria Alberro Jimenez, Assistant City Manager, to Jerry Libbin, City Commissioner, dated September 6, 2006, with copy of the Coral Gables Utility Service Reliability Task Force Report dated July 12, 2006.

11:37:30 a.m.

R9F Discussion Regarding A Resolution Urging The Miami-Dade County Commission To Reject The Request For A D.E.R.M. Permit For The Island Gardens/Mega Yacht Marina Project Proposed For Watson Island; And Urging That A Second Public Referendum On The Current Project Be Held Due To The Substantial Change In The Project Since The 2001 Referendum.

(Requested by Commissioner Matti Herrera Bower)

ACTION: Discussion held. **Resolution No. 2006-26280 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Garcia. Item approved without objection; Absent: Commissioner Cruz. R. Parcher to transmit to the Miami-Dade County Mayor and members of the Miami-Dade County Commission.

Commissioner Bower stated that she requested this issue to be put as a referendum since the project now has double from what was originally approved.

Ernie Martin, Vice Chairman of the Urban Environment League, spoke.

6:01:06 p.m.**6:35:49 p.m.**

R9G Discussion Regarding Flamingo Park Historic District.

(Requested by Vice-Mayor Jerry Libbin)

ACTION: Heard in conjunction with agenda item R5P. Discussion held.

1. **835 Alton Road – The City Commission by acclamation determined that this address would not be carved out of the proposed district. Absent: Commissioner Cruz.**
2. **929-939 Alton Road – Mayor Dermer stated no action would be taken at this time pending a settlement.**
3. **725-735 Alton Road - Mayor Dermer stated no action would be taken at this time pending Historic Preservation Board determination.**

Perry Adair, Esq., representing Commerce Bank, spoke.

Commissioner Steinberg asked Jose Smith, City Attorney, to respond to the question if DRB had jurisdiction or not.

Jose Smith, City Attorney, explained that the ordinance that Mr. Adair is referring to specifically deals with the issue of when one vest, and one does not vest until a Design Review Board order is in place. This is the reason why zoning in progress applies to this project even though this project is in process and even if it does not seem fair; this is what the City Code says. This project is not vested because it does not have a development order.

Gary Held, First Assistant City Attorney, clarified that the request Mr. Adair should be making is for his property to be excluded from the historic district and this is the only issue in front of the City Commission.

Discussion continued.

Russell Galbut spoke.
Maria Gralia, Esq., spoke.

Discussion continued.

Commissioner Gross stated that if the sentiment on the Commission is to let the process go forward with the designation of the east side of Alton Road between those blocks, let this process continue. Separately from that if the Commission wants to take these three specific cases that these property owners have raised, this Commission can do that, but at least let everyone know that the rest of the district is going forward.

Mayor Dermer stated that there is no will to carve 835 Alton Road out of the historic designation district.

Mark Needle spoke.

Mayor Dermer stated that in reference to 929-939 Alton Road that after they reach a settlement on the pending litigation, then they can come back to the City Commission for approval.

Russell Galbut spoke.
Arthur Marcus spoke.
Bill Farkas spoke.

Mayor Dermer requested leaving 725-735 Alton Road as is and let it go through the process and see what the HPB bring back.

Handout or Reference Material:

1. CMB HPB Possible Flamingo Park Historic District Expansion Westward to Alton Road Preliminary Photographs.
2. Color aerial view of map showing Alton Road, Jefferson Avenue between 5th and 9th Streets.

3:42:12 p.m.

R9H Discussion Regarding The Allocation Of Funds To The Little Havana Activities & Nutrition Center (LHANC) To Accommodate The Existing Needs Of Our Community.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held. Motion made by Commissioner Garcia to accept the City Manager's recommendation of giving Little Havana Activities & Nutrition Center (LHANC) a one-time grant of \$15,000 the same as was done for Prime Time Seniors and have them work through the CDBG funding cycle next year; seconded by Vice-Mayor Libbin; Voice vote; 6-0; Absent: Commissioner Cruz. **Kathie Brooks to handle.**

Commissioner Garcia stated that as he goes by the lunch rooms in the City, he has noticed the number of people being served has increased and the CDBG funds have been reduced. There has been a reduction of 15% over the last six years. This organization is presently serving 400 people between the children and the seniors. They are receiving from other sources four or five times what the City is contributing. He stated that in the year of plenty the City can give back to the people that need it.

Motion made by Commissioner Garcia; seconded by Vice-Mayor Libbin. Discussion continued.

Commissioner Gross stated that his issue is with the process. There is the CDBG process and a board and committee that make recommendations. If this is approved, then every CDBG group is going to come and ask for additional funding. He suggested that at budget time add revenue money

to the CDBG budget and let the committee do the distribution; let it go through the process.

Commissioner Garcia stated that he would like to see the level of funding back to what it was five years ago.

Jorge Gonzalez, City Manager, explained that the process identifies what public service allocation is available, and this past year the federal government reduced the City's entitlement amount just like it has been doing for the last few years. In years past, the City was able to offset the reduction by program income, or carry over monies some of the agencies did not spend. In this most recent year General Fund was used to do what has been suggested. This past year what the CDAC Board did was a basic across-the-board reduction of about 8%. The Little Havana Activities & Nutrition Center (LHANC) received two grants; one for seniors for about \$43,000 and one for children.

He suggested handling the same as was done for the Prime Time Seniors. He explained that this Commission gave Prime Time Seniors a \$15,000 grant and directed them to work through the CDBG cycle in subsequent years Prime Time Seniors did that and CDBG gave them money this year. He cautioned the Commission about creating line items in the General Fund on a recurring basis.

Vice-Mayor Libbin suggested doing what the City Manager recommended and give Little Havana Activities & Nutrition Center (LHANC) the \$15,000.

Mayor Dermer asked that if the movers of the motion accept the City Manager's recommendation.

Commissioner Garcia agreed as long as the Little Havana Activities & Nutrition Center (LHANC) receives the money.

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

(Capital Improvement Projects)

ACTION: Written report submitted.

- E Status Report On The Normandy Isle Park And Pool Project.

(Capital Improvement Projects)

ACTION: Written report submitted.

- F 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.

- G Non-City Entities Represented By City Commission:
1. Minutes From The Performing Arts Center Trust Board Meeting Of May 30, 2006 And Agenda For The July 25, 2006 Meeting.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Written report submitted.

- H Status Report On The Indian Creek Reconstruction/63rd Street Bridge Rehabilitation/Flyover Demolition Project.
(Public Works)

ACTION: Written report submitted.

End of Regular Agenda

Miami Beach Redevelopment Agency

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

September 6, 2006

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board 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 June 2006.
(Finance Department)

ACTION: Written report submitted.

- B 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 July 2006
(Finance Department)

ACTION: Written report submitted.

2. NEW BUSINESS

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Approving Emeril's Miami Beach, LLC's Application To Miami-Dade County For The Enterprise Zone Ad Valorem Tax Exemption On Tangible Personal Property As Authorized By Section 29-81 Of The Code Of Miami-Dade County. **Joint City Commission and Redevelopment Agency.**
(Economic Development)

ACTION: Resolution No. 531-2006 adopted. This item was heard in conjunction with R7D. Motion made by Commissioner Bower; seconded by Vice-Mayor Libbin; Voice vote: 6-0; Absent Commissioner Cruz. Kevin Crowder to handle.

Meeting adjourned at 8:02:56 p.m.

End of RDA Agenda

Prepared by the City Clerk's Office

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