



# MIAMI BEACH

## Special City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
September 21, 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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- C7A Adopt/Appropriate Funds for FY 2006/07 Police Special Revenue Account Budget.
- C7B Adopt/Appropriate Funds for Police Confiscation Trust Fund Budget for FY 2006/07.
- C7C Adopt/Appropriate Funds for FY 2006/07 Police Training Trust Fund Budget.

### REGULAR AGENDA

- R5A **5:03 p.m. 2<sup>nd</sup> Rdg**, Amend Miami Beach Employees' Retirement Plan.
- R5B **5:03 p.m. 2<sup>nd</sup> Rdg**, Amend No. 789, Classified Employees Salary Ordinance (FOP).
- R5C **5:03 p.m. 2<sup>nd</sup> Rdg**, Amend No. 789, Classified Employees Salary Ordinance (AFSCME).
- R5D **5:03 p.m. 2<sup>nd</sup> Rdg**, Amend No. 789, Classified Employees Salary Ordinance (GSAF).
- R5E **5:03 p.m. 2<sup>nd</sup> Rdg**, Amend No. 789, Classified Employees Salary Ordinance ("Others").
- R5F **5:03 p.m. 2<sup>nd</sup> Rdg**, Amend No. 1605, Unclassified Employees Salary Ordinance.
- R5G **5:03 p.m. 2<sup>nd</sup> Rdg**, Amendment to "Permit Fees."
- R5H **1<sup>st</sup> Rdg**, Schedule of Water Rates & Tapping Charges.
  
- R7A1 **5:01 p.m. 2<sup>nd</sup> Rdg**, Adopt Ad Valorem Millage Rate for FY 2006/07.
- R7A2 **5:01 p.m. 2<sup>nd</sup> Rdg**, Adopt FY 2006/07 Budgets, Gen./Enterprise & Internal Service Funds.
- R7B1 **5:02 p.m. 2<sup>nd</sup> Rdg**, Adopt Millage Rate, Normandy Shores Local Govt. for FY 2006/07.
- R7B2 **5:02 p.m. 2<sup>nd</sup> Rdg**, Adopt Operating Budget, Normandy Shores Local Govt. for FY 2006/07.
- R7C Adopt Annual FY 2006/07 Appropriations for Capital Renewal/Replacement Fund Budget.
- R7D Adopt FY 2006/07 Budgets, Resort Tax; 7<sup>th</sup> St. Garage; South Pointe & Bass Museum.
- R7E **Joint**, Appropriate City of Miami Beach & RDA Capital Budget for FY 2006/07.
- R7F Adopt MB Cultural Arts Council's FY 2006/07 Budget.
- R7G Approve Cultural Arts Council's Funding Recommendations for FY 2006/07.
- R7H Adopt Miami Beach Visitor & Convention Authority (VCA) FY 2006/07 Budget.
- R7I Appropriate FY 2005-06 (PTP) Funds, Bi-Directional Transit Circulator Route Service.
- R7J Adopt City's Financial Policies.
- R7K Execute Amendment, Citywide Holiday Decorations Program.
  
- R10A **6:30 p.m.** Notice of Attorney-Client Session: CMB Vs. 900 Collins Ave., LLC.

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

- 1A Adopt/Appropriate Operating Budgets for City Center RDA for FY 2006/07.
- 1B Adopt FY 2006/07 Budget for City Center Capital Renewal/Replacement Fund.
- 1C **Joint**, Appropriate RDA Capital Budget for FY 2006/07.

**ATTENTION ALL LOBBYISTS**

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

Meeting called to order at approximately 5:45:46 a.m.

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

*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.*

**New Item:**

PA1 Certificate Of Appreciation To Be Presented To Thelma Deutsch, The Proprietor of Zeke's Road House on Lincoln Road for An extraordinary Job As The Proprietor of This Establishment And In Celebration Of Its 15<sup>th</sup> Anniversary.

(Mayor's Office)

**ACTION:** Certificate presented.

**CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Vice-Mayor Libbin; Voice vote: 6-0; Absent: Commissioner Garcia.

**C7 - Resolutions**

C7A A Resolution Adopting And Appropriating Funds For The Fiscal Year 2006/07 Police Special Revenue Account Budget In The Amount Of \$25,000, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue - Account.

(Police Department)

**ACTION: Resolution No. 2006-26318 adopted.** Patricia Walker to appropriate the funds. Chief De Lucca to handle.

C7B A Resolution Adopting And Appropriating Funds For The Police Confiscation Trust Fund Budget For The Fiscal Year 2006/07 In The Amount Of \$61,835 To Be Funded From The Proceeds Of State Confiscated Funds.

(Police Department)

**ACTION: Resolution No. 2006-26332 adopted.** Patricia Walker to appropriate the funds. Chief De Lucca to handle.

- C7C A Resolution Adopting And Appropriating Funds For The Fiscal Year 2006/07 Police Training Trust Fund Budget In The Amount Of \$42,000.  
(Police Department)

**ACTION: Resolution No. 2006-26333 adopted.** Patricia Walker to appropriate the funds. Chief De Lucca to handle.

### End of Consent Agenda

### REGULAR AGENDA

#### R5 - Ordinances

**6:57:52 p.m.**

- R5A 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 For 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. **5:03 p.m. Second Reading, Public Hearing**  
(Labor Relations)  
(First Reading on September 6, 2006)

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

**Public Hearing held. Ordinance No. 2006-3530 adopted as amended (see Section 4 – 4.06).** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code. Lind Gonzalez to handle.

Jorge Gonzalez, City Manager, stated that there was a scrivener's error in the Agenda ordinance which is being corrected.

Handout or Reference Materials:

1. Ad in The Miami Herald

**6:59:39 p. m.**

R5B 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.

**5:03 p.m. Second Reading, Public Hearing.**

(Human Resources & Risk Management)

(First Reading on September 6, 2006)

**ACTION: Public Hearing held. Ordinance No. 2006-3531 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz and Vice-Mayor Libbin; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code. Mayra Buttacavoli to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald

**7:01:06 p.m.**

R5C 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. **5:03 p.m. Second Reading, Public Hearing.**

(Human Resources & Risk Management)

(First Reading on September 6, 2006)

**ACTION: Public Hearing held. Ordinance No. 2006-3532 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code. Mayra Buttacavoli to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald

**7:02:31 p.m.**

R5D 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. **5:03 p.m. Second Reading, Public Hearing.**

(Human Resources & Risk Management)  
(First Reading on September 6, 2006)

**ACTION: Public Hearing held. Ordinance No. 2006-3533 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code. Mayra Buttacavoli to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald

**7:04:01 p.m.**

R5E 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. **5:03 p.m. Second Reading, Public Hearing.**

(Human Resources & Risk Management)  
(First Reading on September 6, 2006)

**ACTION: Public Hearing held. Ordinance No. 2006-3534 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code. Mayra Buttacavoli to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald

**7:05:21 p.m.**

R5F 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. **5:03 p.m. Second Reading, Public Hearing.**

(Human Resources & Risk Management)  
(First Reading on September 6, 2006)

**ACTION: Public Hearing held. Ordinance No. 2006-3535 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code. Mayra Buttacavoli to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald

**7:07:12 p.m.**

R5G 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. **5:03 p.m. Second Reading, Public Hearing.**

(Finance Department)  
(First Reading on September 6, 2006)

**ACTION: Public Hearing held. Ordinance No. 2006-3536 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code. Patricia Walker to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald

7:08:53 p.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: Ordinance approved on First Reading.** Motion made by Vice-Mayor Libbin; seconded by Commissioner Steinberg; Ballot vote: 5-2; Absent: Mayor Dermer and Commissioner Bower. Second Reading and Public Hearing scheduled for October 11, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Fred Beckmann to handle.

Discussion held.

Commissioner Garcia stated, for the record, that he is demanding an investigation of Miami Dade County by the Office of the Inspector General.

Discussion continued:

**Amendment:**

**Motion made by Commissioner Garcia to request a complete audit and an investigation of the Miami-Dade County Water and Sewer Department by the Inspector General; seconded by Commissioner Steinberg; Voice vote: 4-3; Opposed: Vice-Mayor Libbin and Commissioners Cruz, and Gross.**

Discussion continued.

Jose Smith, City Attorney, stated that since this is an ordinance and not a resolution, this amendment should not be part of the ordinance.

**Motion made by Commissioner Bower to reconsider the previous motion; seconded by Commissioner Stenberg; Voice vote-7-0.**

**Resolution No. 2006-26380 adopted. Motion made by Commissioner Garcia requesting a complete audit of the Miami-Dade County Water and Sewer Department by the Inspector General; seconded by Commissioner Steinberg; Voice vote: 7-0. Fred Beckmann to handle.**

**Motion by Vice-Mayor Libbin to adopt the ordinance; seconded by Commissioner Steinberg; Ballot vote: 5-2; Opposed: Mayor Dermer and Commissioner Bower.**

Discussion continued.

Commissioner Steinberg requested an LTC comparing the City of Miami Beach retail rates for water and the Miami-Dade County retail rates. **Fred Beckmann to handle.**

Mayor Dermer suggested hiring a lobbyist on this issue.

**R7 – Resolutions****5:49:28 p.m.**

R7A1 A Resolution Adopting: 1) The Final 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 For Fiscal Year 2006/07.

**5:01 p.m. Second Reading, Public Hearing.**

(Office of Budget & Performance Improvement)

(First Reading on September 6, 2006)

**ACTION: Title of the resolution read into the record.** Public hearing held. **Resolution No. 2006-26328 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. 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

**5:50:32 p.m.**

R7A2 A Resolution Adopting Final Operating Budgets For The General Fund, General Obligation (G.O.) Bond Debt Service, RDA Fund-Ad Valorem Taxes, Enterprise, And Internal Service Funds For Fiscal Year 2006/07. **5:01 p.m. Second Reading, Public Hearing.**

(Office of Budget & Performance Improvement)

(First Reading on September 6, 2006)

**ACTION: Title of the resolution read into the record.** Public hearing held. **Resolution No. 2006-26329 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Kathie Brooks to handle.

Jorge Gonzalez, City Manager, stated that this budget is different from the first reading in that it includes two changes; 1) a \$15,000 one time allocation to the Little Havana Activities and Nutrition Center, in the same way as it has been done in the past, they are encouraged to go through the CDBG process next year to secure funding; and 2) a senior transportation funding of \$150,000 will be set aside and an RFP will be prepared and brought to the City Commission. These items are being funded from the operating contingency fund.

Commissioner Cruz commended Vice-Mayor Libbin for his initiative on this important issue.

Jorge Gonzalez, City Manager, stated that this is the culmination of a long effort and this is the appropriate time to give some recognition to the City Commission for this budget because it represents a 0.4 mill reduction, which is the largest reduction in at least the last 15 years, and a total reduction of a 1 full mill over the last 15 years. He explained that this reduction is in addition to the \$300 homeowners’ dividend rebate which was increased from \$200 last year. This budget also provides for fee relief, since it absorbs the fee increase to the water and sewer rates that was passed by Miami-Dade County last year. It also absorbs the increase by the garbage collectors. This budget provides the citizens with an actual tax reduction because a reduction of 0.4 mill represents a real reduction and in addition it provides a reduction in fees of about \$36. For this the City Commission needs to be commended.



**5:58:13 p.m.**

Mayor Dermer invited Roger Carlton, Assistant County Manager and former City of Miami Beach City Manager, to speak regarding the water and sewer rate increase. He stated that Mr. Carlton understands budgets very well. He stated that the City has to deal with water rates and the "pass through" issue. He explained that the City has voiced its concern on this "pass through" that the County is forcing upon Miami Beach, and that the City Commission as a whole has not been pleased with it. He stated that Commissioner Bower represented the City well at the Miami-Dade County Commission. He explained that the municipalities are basically subsidizing new development in other parts of the county. This Commission is concerned that a bond issue was passed a couple of years ago to deal with water and sewer infrastructure improvements and on top of it they continue to increase the fees; this is basically double taxation. He explained that he heard parts of the County Commission meeting and they were talking about uncollected fees in the amount of \$6 million and comments were made that Miami Beach was confused about these fees and other issues, and that Miami Beach owes the County the \$6 million for the hook up fees. He explained that his understanding of the process is that the County is the collector of those fees. He stated that the increase is a \$2 million expense to the City and there is no assurance that these fees will not continue to rise, and the municipalities will have to continue to subsidize all the new developments in the unincorporated areas. He stated that the City of Miami Beach does not want to be adversarial with Miami-Dade County but they cannot keep on passing this on to our consumers of the water because 40% increase in one year and then 20% on top of that is too much; this is out of control.

Miami-Dade Assistant County Manager Roger Carlton attended the Commission and presented an overview of the County's process that led to the increase in water and sewer wholesale rates in FY05/06. Further, he presented the ongoing issues that would likely lead the County to consider and/or recommend further rate increases in the future to meet the operating and capital construction needs of the County.

Discussion continued.

Peter Violar, Budget and Finance Advisor to John Renfrow, Miami-Dade County Water and Sewer Director, spoke.

Jorge Gonzalez, City Manager, stated that it would be helpful, as the County is pursuing vigorously the collection of those unpaid connection fees, and at the same time there are some settlement discussions with these developers, if the County could commit to meeting with the City prior to settling any future settlements, so everyone is aware of what is going on.

**6:30:16 p.m.**

- R7C A Resolution Adopting The Annual Fiscal Year (FY) 2006/07 Appropriations For The Capital Renewal And Replacement Fund Budget, In The Amount Of \$3,266,096.  
(Office of Budget & Performance Improvement)

**ACTION: Resolution No. 2006-26334 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Libbin; Voice vote: 6-0; Absent: Commissioner Garcia. Kathie Brooks to handle.

## City Clerk's notes:

1. In the Commission Memorandum there is a Millage comparison for FY 2003/04, 2004/05, 2005/06 and 2006/07
2. Attached to the Resolution is a list of the FY 2006/07 Renewal and Replacement Projects which include the Police Station, City Hall, Historic City Hall, 777 17 Street, Scott Rakow Youth Center, Normandy Shores Clubhouse, Flamingo Park, PAL Building, Fire Stations 1 & 3, Boardwalk Bench replacement, doors and windows, South Shore Community Center – Electrical Services & Distribution System, and Replacement of Hurricane Shutters in City Hall and Police Building.

**6:31:45 p.m.**

- R7D A Resolution Adopting Fiscal Year 2006/07 Budgets For Special Revenue Funds For Resort Tax; The 7th Street Garage Operations; South Pointe Capital Renewal And Replacement; And The State Major Cultural Institution Grant For The Bass Museum.  
(Office of Budget & Performance Improvement)

**ACTION: Resolution No. 2006-26335 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Kathie Brooks to handle.

**6:32:00p.m.**

- R7E A Resolution Appropriating The City Of Miami Beach And Miami Beach Redevelopment Agency Capital Budget For Fiscal Year 2006-2007 And Adopting The Capital Improvement Plan For Fiscal Years 2007-2011. **Joint City Commission and Redevelopment Agency.**  
(Finance Department)

**ACTION:** Item heard in conjunction with RDA item 1C. Resolution **No. 2006-26336 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Patricia Walker to appropriate the funds. Kathie Brooks to handle.

## City Clerk cross-reference:

Quality of Life Funding, North Beach, South Beach, Middle Beach,-See LTC 221-2006

## City Clerk's note:

1. Attached to this agenda item is a list of proposed project funding from FY 2006/07 Quality of Life funds.
2. Attached to this agenda item is a list of Projects Planned to be in construction in FY 2006/07, in addition to the FY 2006/07 Capital Budget and a list of the Capital Budget by Program.

**6:32:16 p.m.**

R7F A Resolution Adopting The Miami Beach Cultural Arts Council's Fiscal Year 2006/07 Budget In The Amount Of \$1,281,917.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2006-26337 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Absent: Commissioner Garcia. Approved without objection. Max Sklar to handle.

## City Clerk's Note:

1. Attached to this agenda item is a document titled "Miami Beach Cultural Arts Council/Cultural Affairs Program FY 2006/07 and covers the fiscal years of 04/05, 05/06, and proposed 06/07."

**6:32:23 p.m.**

R7G A Resolution Accepting The City Manager's Recommendation, And Approving The Cultural Arts Council's Funding Recommendations, And Awarding \$642,888 In Said Grants, For Fiscal Year 2006/07, As Identified In The Attached Exhibit "A"; And Further Authorizing The Mayor And City Clerk To Execute Said Grant Agreements, And Make The Award Of Said Grant Monies Subject To And Contingent Upon The Approval Of The Cultural Arts Council's Budget For The Fiscal Year 2006/07.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2006-26338 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Absent Commissioner Garcia. Approved without objection. Max Sklar to handle.

## City Clerk's Note:

1. Attached to this agenda item is a document titled "Fiscal Year 2006/07 Recommended Cultural Grants."

**6:32:32 p.m.**

R7H A Resolution Adopting And Approving The Miami Beach Visitor And Convention Authority (VCA) Fiscal Year 2006/07 Budget In The Amount Of \$1,607,696.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2006-26339 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Absent: Commissioner Garcia. Approved without objection. Max Sklar to handle.

## City Clerk's Note:

1. Attached to this agenda item is a document titled "Miami Beach Visitor and Convention Authority FY 2006/2007."

**6:32:39 p.m.**

R7I A Resolution Authorizing The Appropriation Of \$574,589 From The Fiscal Year (FY) 2005-06 People's Transportation Plan (PTP) Funds; \$457,114 From Concurrency Mitigation/South Beach Funds; And \$246,722 From The FY 2006-07 Parking Enterprise Budget, To Cover The \$1,278,425 Miami Beach Share Of The FY 2006-07 Operating Budget Of The South Beach Local (As Previously Authorized By Resolution No. 2005-25934, Dated June 8, 2005, Which Executed An Interlocal Agreement With Miami-Dade County For The Provision Of A Bi-Directional Transit Circulator Route Service In South Beach).

(Public Works)

**ACTION: Resolution No. 2006-26340 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

Vice-Mayor Libbin asked how much is in the Concurrency Mitigation Fund for Mid-Beach and North Beach, and what are the prospects of using these funds for any particular project, if any. He asked if any money could be used for additional police officers to help with the traffic congestion in North Beach.

Jorge Gonzalez, City Manager, stated that he does not know the amount but there are funds. He can obtain the information but he stated that he does not think this can legally be done but he would advise against using these funds for an on-going expense such as police officers.

Vice-Mayor Libbin clarified that it is only during the life of the project.

Fred Beckmann, Public Works Director, stated that these funds cannot be used for operational expenses.

Vice-Mayor Libbin requested the following: 1) how much money is in the Concurrency Mitigation Fund and how much has been collected for Middle Beach and North Beach, and 2) requested a legal opinion as to whether or not the North Beach Concurrency Mitigation Fund could be used in any way to help mitigate traffic problems during the construction. **Fred Beckmann and the Legal Department to handle.**

Jorge Gonzalez, City Manager, stated if there is a need, the appropriate source is obtaining is from the Federal Department of Transportation (F.D.O.T.) rather than from the Concurrency Mitigation Fund.

Vice-Mayor Libbin stated that he has personally observed the area and it is very bad on 73<sup>rd</sup> Street and Harding Avenue. He explained that it is not acceptable and the City needs to find the resources to make sure the intersection is not blocked and the residents can travel east/west as well as north/south. **Fred Beckmann to handle.**

Discussion continued.

Jose Smith, City Attorney, stated that concurrency fees cannot be used for police services; the only eligible use is for capital improvements, is no different than impact fees.

Jorge Gonzalez, City Manager, stated that in merging the two routes and accomplishing the mandates of the People's Transportation Plan a larger route was created that is bi-directional and running more frequent and for longer hours resulting on the number of riders increasing to more than doubled. This has been a very positive change for the residents and for the City of Miami Beach since the City's cost is more than \$1 million less than what it was.

Vice-Mayor Libbin asked if there is the possibility of creating an additional stop, since the Collins Park Neighborhood Association has been requesting a stop in the middle of the cultural campus, by the Bass Museum and the City Ballet. **Fred Beckmann to handle.**

Fred Beckmann, Public Works Director, stated that the request has been made with the County; it is just a matter of modifying the route but it will mean additional money from the City. The City will make a formal proposal to the County. **Fred Beckmann to handle.**

Commissioner Steinberg asked on the status of purchasing new buses.

Jorge Gonzalez, City Manager, stated that is still in the procurement process and he is not sure if the bid protest has been resolved. **Fred Beckmann to handle.**

The discussion continued.

Commissioner Steinberg stated that instead of having the buses stack by Publix since the drivers need to take breaks, another possibility is to switch drivers when they get to Publix; the driver will get out of the bus to take his break and another driver comes in.

Fred Beckmann, Public Works Director, stated that he will talk to them and see if operationally this could be arranged; the union agreement will need to be checked. **Fred Beckmann to handle.**

City Clerk's Note:

1. Attached to this agenda item is a report titled "Miami-Dade Transit Service Planning Division Progress Status/Progress Report/ Project: South Beach Local, Reporting Period September 25, 2005 – December 31, 2005."
2. Attached to this agenda item is a report titled "Comparison between South Beach Local, Electrowave, and Route W ridership."

**6:53:22 p.m.**

R7J A Resolution Adopting City Of Miami Beach Financial Policies Relating To Stabilization Funds; Fund Balance; Contingency Planning And Cash Reserves; Use Of Non-Recurring Revenues; Capital Asset Acquisition, Maintenance, Replacement And Retirement; And Guiding The Design Of Programs And Services.

(Office of Budget & Performance Improvement)

**ACTION: Resolution No. 2006-26341 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Garcia. Kathie Brooks to handle.

Deede Weithorn, Budget Advisory Committee Chairperson, stated that this is the best budget she has ever seen because it lowers the millage, it provides fee relief, it addresses areas across the board, it does everything for everybody. Everyone needs to be very proud of the long term decisions that allowed the City to get to this point. It takes a clear vision of the long term outcome you want to reach and then make the long term decisions to get there. She explained that last year the Budget Advisory Committee had a conversation with Jorge Gonzalez, City Manager, and the Budget Department to where the committee wanted to go next. The committee looked at the best practices of other cities in the United States and tried to adopt what would be best for this City going forward. She stated that they did extensive research on the different policies and only implemented half of the policies they researched. This is an excellent start at ensuring that the City's expenditure trends are sustainable over the long term, improving the overall financial health, and maintaining high bond rating. These were the objectives and they were accomplished. She thanked Kathie Brooks for helping this project happen, it would not have happened without her leadership and the budget office. She also thanked the City Manager for allowing the Budget Advisory Committee to receive all the resources necessary to accomplish this project.

Mayor Dermer thanked Deede and the entire Budget Advisory Committee for working so hard on this project.

**Motion made by Commissioner Bower to adopt the Fiscal Policies; seconded by Commissioner Gross. Motion passed without objection; Absent: Commissioner Garcia.**

City Clerk's notes:

1. Attached to this agenda item is a report titled "Budget Advisory Committee Recommended Financial Policies May 2006 Revised."
2. Exhibit titled "City of Miami Beach Financial Policies," relating to stabilization funds; fund balance; contingency planning and cash reserves; use of non-recurring revenues; capital asset acquisition, maintenance, replacement and retirement; and guiding the design of programs and services.

**7:31:37 p.m.**

R7K 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 Sections Of Espanola Way, Lincoln Road And Collins Avenue; Increasing The Contractual Amount From \$300,000 To An Amount Not To Exceed \$429,810 Per Year For The Remaining Two Years Of The Agreement.  
(Parks & Recreation)

**ACTION: Resolution No. 2006-26342 adopted as amended.** Motion made by Vice-Mayor Libbin; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Kevin Smith to handle.

**Amendment:**

**Motion made by Commissioner Gross that instead of having a Menorah with Christmas lights follow the prior precedent of having a real Christmas tree and a real Menorah for City Hall the same as the one on Lincoln Road; seconded by Commissioner Steinberg.**

**Commissioner Bower suggested a large real Christmas tree (the same as the one on Lincoln Road) with lights and the Menorah of the same size as the tree. Voice vote 6-0; Absent: Commissioner Garcia.  
End**

Kevin Smith, Parks and Recreation Director, stated that; 1) the menorah was redesigned to be more traditional, 2) Española Way has been included and also Lincoln Road from West Avenue to Alton Road, in addition a picture of a Dredel is included as an alternate to the menorah. He informed that this package was voted unanimously by the Beautification Committee.

Commissioner Gross stated the City Attorney was doing research as to the constitutionality of this.

Jose Smith, City Attorney, stated that this issue was researched by Mr. Donald Papy.

Donald Papy, Chief Deputy City Attorney, stated that this is a complicated issue and there have been a number of cases throughout the country but the courts still apply the "lemon test" which means the holiday decorations have to be for a secular purpose, it cannot inhibit or promote any particular religion, it cannot require undue entanglement by the government in religious matters. He stated that as long as there are multiple symbols and non-religious symbols and is part of a holiday celebration in general, the decorations are accepted. He stated that there is litigation all over the country in reference to this issue.

**Amendment:**

**Motion made by Commissioner Gross that instead of having a Menorah with Christmas lights follow the prior precedent of having a real Christmas tree and a real Menorah for City Hall the same as the one on Lincoln Road; seconded by Commissioner Steinberg.**

**Commissioner Bower suggested a large real Christmas tree (the same as the one on Lincoln Road) with lights and the Menorah of the same size as the tree. Voice vote 6-0; Absent: Commissioner Garcia.**

**A voice-vote was taken and the amendment passed.**

Commissioner Gross suggested for the future to look at lights that are more unique in concept to the Miami Beach idea and feeling, rather than the traditional cold climate lights. **Kevin Smith to handle.**

**R10 - City Attorney Reports****6:30:45 p.m.****Jose Smith, City Attorney**, read the following into the record for item R10A:

Pursuant To Section 286.011 (8), Florida Statutes, the City Attorney hereby advises the Mayor and City Commission that he desires advice concerning the following pending litigation:

City Of Miami Beach Vs. 900 Collins Ave., LLC, Eleventh Judicial Circuit, Case No. 06-01533 CA10;

and

900 Collins Avenue, LLC, v. City Of Miami Beach, A Florida Municipal Corporation, And Thomas Velazquez, Building Official, City Of Miami Beach. Eleventh Judicial Circuit, Case No. 06-05341CA09

Therefore, a private closed attorney-client session will be held at 6:30 p.m. after recess of the City Commission Meeting in the City Manager's large conference room, Fourth Floor, City Hall, to discuss settlement negotiations and/or strategy related to litigation expenditures with regard to the above referenced litigation. Mayor Dermer will announce the commencement of the Attorney-Client session at that time.

**7:41:13 p.m.****Mayor Dermer** read the following into the record:

The Attorney/Client session shall commence and will be held between 6:30 p.m. and approximately 7:00 p.m. in the City Manager's Large Conference Room.

The Following Individuals Will Be In Attendance regarding the following cases: Mayor David Dermer; Members Of The City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jerry Libbin And Richard Steinberg; City Attorney Jose Smith, City Manager Jorge Gonzalez, First Assistant City Attorneys Gary Held, Debora Turner, And Rhonda Montoya-Hasan.

City Of Miami Beach Vs. 900 Collins Ave., LLC, Eleventh Judicial Circuit, Case No. 06-01533 CA10;

and

900 Collins Avenue, LLC, v. City Of Miami Beach, A Florida Municipal Corporation, And Thomas Velazquez, Building Official, City Of Miami Beach. Eleventh Judicial Circuit, Case No. 06-05341CA09

## R10A Notice Of Attorney-Client Session.

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

City Of Miami Beach, A Florida Municipal Corporation, Vs. 900 Collins Ave., LLC, A Florida Limited Liability Company. Eleventh Judicial Circuit, Case No. 06-01533 CA10; And

900 Collins Avenue, LLC, A Florida Limited Liability Company, Vs. City Of Miami Beach, A Florida Municipal Corporation, And Thomas Velazquez, Building Official, City Of Miami Beach. Eleventh Judicial Circuit, Case No. 06-05341CA09

Therefore, A Private Closed Attorney-Client Session Will Be Held At 6:30 P.M. During A Break Of The City Commission Meeting On September 21, 2006 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above Referenced Litigation Matters.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jerry Libbin And Richard Steinberg; City Attorney Jose Smith, City Manager Jorge Gonzalez, First Assistant City Attorneys Gary Held, Debora Turner, And Rhonda Montoya-Hasan.

**7:42:34 p.m.**

Jorge Gonzalez, City Manager, stated that the budget is not done overnight, it takes a lot of hours and the dedication of a lot of people beginning with the Mayor and Commissioners, the City Attorney and staff, the City Manager and Assistant City Managers, Department Directors, Kathie Brooks, Director of Office of Budget and Performance Improvement, Jose Cruz, Budget Officer; the budget process keeps getting better and better, also Carmen Carlson, William Gonzalez, Joe Reilly, Central Services staff who spent a lot of hours printing the budget book, our management consultants, Jorge Fraga, Isabel Stillone, Ramon Suarez, Jorge Chartrand, and Fred Beckmann for putting together a capital plan that is achievable, also Paula Calderon, Sailyn Christiansen, Carla Dixon-Vincent and Adrian. It does not go without notice that these individuals spend a lot of time and energy making this budget possible.

**8:17:31 p.m.**

**Mayor Dermer stated that the City Commission meeting is hereby re-opened. The Attorney-Client session announced at the beginning of the lunch recess has terminated.**

**Meeting adjourned at 8:17:38 p.m.**

**End of Regular Agenda**

## Miami Beach Redevelopment Agency

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
September 21, 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. Absent  
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 NEW BUSINESS

#### 7:40:59 p.m.

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Adopting And Appropriating The Operating Budgets For The City Center Redevelopment Area For Fiscal Year 2006/07.

**ACTION: Resolution No. 532-2006 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Absent: Commissioner Garcia. Approved without objection. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

#### 7:41:04 p.m.

- B A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Adopting The Fiscal Year 2006/07 Budget For City Center Capital Renewal And Replacement Fund, In The Amount Of \$468,731.

**ACTION: Resolution No. 533-2006 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Absent: Commissioner Garcia. Approved without objection. Tim Hemstreet to handle.

#### 6:32:00p.m.

- C A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Adopting and Appropriating The Miami Beach Redevelopment Agency Capital Budget For Fiscal Year 2006/07 And Adopting The Capital Improvement Plan For Fiscal Years 2006/07-2010/11. Joint City Commission and Redevelopment Agency.

**ACTION: Resolution No. 534-2006 adopted.** Item heard in conjunction with R7E. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia Patricia Walker to appropriate funds. Tim Hemstreet to handle.

### End of RDA Agenda