



# MIAMI BEACH

## City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
October 19, 2005

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

City Manager Jorge M. Gonzalez  
City Attorney Murray H. Dubbin  
City Clerk Robert E. Parcher

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*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.*

### 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.**

### CONSENT

- PA1 Proclamation/International Association of Fire Fighters Week. (Dermer)
- PA2 Proclamation/Commissioner Bower, "2005 Excellence Award Public Policy." (Dermer)
- PA3 Certificates of Appreciation/Staff & Volunteers, Vote Miami Beach Program. (Steinberg)
- PA4 Certificate of Appreciation/Judy Evans, Years of Dedicated Service to the MBTMA. (Steinberg)
- PA5 Proclamation/Sabrina Cohen, Raising Awareness for Serious Illnesses Research. (Steinberg)
- PA6 Certificate of Appreciation/Luiz Rodrigues, Executive Director of ECOMB. (Gross)
- PA7 Certificates of Appreciation/Contributors to the Success of the MBTMA. (Gross/Steinberg)
- PA8 Certificate of Appreciation/Jose Temprana, Valuable Help to the MBHCC. (Bower)
- PA9 Certificate of Appreciation/Isabel Vergara, Valuable Help to the MBHCC & SCSEP. (Bower)
  
- C2A Approve Purchase, (1) John Deere 410G Backhoe, \$94,642.28.
- C2B Approve Purchase, (1) Ford Ranger Truck & (2) Ford Police Pursuit Vehicles, \$52,704.15.
- C2C Issue RFQ, Independent Structural Engineers.
- C2D Issue RFP, Consultant for an Impact Analysis & Mitigation Development Review System.
- C2E BA 38-04/05, Purchase & Delivery of Polymer Meter Boxes & Covers, \$121,908.
- C2F Issue RFP, Professional Graffiti Removal & Painting Services on Private & Public Property.
- C2G Issue RFP, Code Compliance Software.
  
- C4A Ref: Finance & CWP Committee - Land Exchange: 1833 Bay Road & 1825 West Avenue.
- C4B Ref: Finance & CWP Committee - Beachfront Concession Agreement Renegotiation.
- C4C Ref: Neighborhoods/Community Affairs Committee - Lincoln Road Pressure Cleaning. (Bower)A
  
- C6A Report: Joint Fin. & CWP & Neighborhood/Comm. Affairs Committee Mtg. of Sept. 1, 2005.

- C6B Report: Joint G.O. Bond Oversight & Finance & CWP Committee Meeting of Sept. 12, 2005.
- C6C Report: G.O. Bond Oversight Committee Meeting of September 12, 2005.
- C6D Report: Land Use & Development Committee Meeting of September 12, 2005.
- C6E Report: Special Finance & Citywide Projects Committee Meeting of September 14, 2005.
- C6F Report: Special Finance & Citywide Projects Committee Meeting of October 6, 2005.
- C6G Report: Land Use & Development Committee Meeting of October 10, 2005.
  
- C7A Execute Amendment, Additional Services for Convention Center & Jackie Gleason Theater.
- C7B Execute Interlocal Agreement, Venetian Causeway Streetscape Improvements.
- C7C Amend Agreement, Additional Services for Upgrading Water & Sewer Pumping Stations.
- C7D Approve Settlement Agreement, American Golf Corporation of California, Inc.
- C7E Issue Purchase Order, Provide Parking Meter Smart Cards.
- C7F Execute MOA, Reimburse City for Installation of Standard Mast-Arm Signalization Systems.
- C7G Accept Recommendation, Services for Coastal Communities Transportation Master Plan.
- C7H Waive Competitive Bidding, Purchase American Darling Fire Hydrants. **5/7**
- C7I Submit Application to the State of Florida Cultural Support Grant Program.
- C7J Set Public Hearing, Vacation of Alleys Request by 420 Lincoln Road Development Group.
- C7K Waive Competitive Bidding, Purchase Water Meters & Meter Reading Systems. **5/7**
- C7L Execute Agreement w/ Dr. Keroff, MB Fire Department Emergency Medical Services.
- C7M Approve Sole Source Purchase, Telestaff Staffing Software.
- C7N Accept Donation of (2) Segway Human Transporters from Miami-Dade County. **A**

#### REGULAR AGENDA

- R5A **10:15 a.m. 2<sup>nd</sup> Rdg**, Provide Equal Benefits for Domestic Partners. (Garcia)
- R5B **10:30 a.m. 2<sup>nd</sup> Rdg**, Reconstruction and Engineering Requirements. **5/7**
- R5C **10:35 a.m. 2<sup>nd</sup> Rdg**, Removal of Historic Signs. **5/7**
- R5D **5:01 a.m. 1<sup>st</sup> & Only Rdg**, Gilbert M. Fein Neighborhood Conservation Overlay District. **5/7**
- R5E **1<sup>st</sup> Rdg**, Increase Off-Street Parking Requirements for Residential Uses. **5/7**
- R5F **1<sup>st</sup> Rdg**, Committee of Quality Education in Miami Beach Schools. (Bower)
- R5G **5:15 p.m. 1<sup>st</sup> Rdg**, Amend Noise Ordinance.
  
- R7A **10:20 a.m.** Approve MBCC to Allow Conventions & Events Involving Adult Materials. **5/7**
- R7B Approve & Adopt the BODR for the Collins Park Cultural Campus Project.
- R7C Approve & Adopt the BODR for the City Center ROW Neighborhood Improvement Project.
- R7D **11:00 a.m.** Execute Amendment, Services for the South Pointe Park Improvements Project.
- R7E Execute Amendment, Complete Phase II of the South Pointe ROW Improvement Project.
- R7F Appropriate Funds, Construction of Air Conditioned Garbage Enclosure for MB Golf Club.
- R7G Appoint Commissioner Steinberg to the Metropolitan Planning Organization. (Dermer)
- R7H **Joint**, Authorize City Manager to Select/Negotiate/Award/Reject Contracts, etc. (10/19-12/7)
- R7I Appropriate Funds, Scott Rakow Youth Center HVAC System & Gas Water Heater.
- R7J Accept Recomm., Historic Preservation of Little Stage Theater & Carl Fisher Clubhouse.
- R7K **11:30 a.m.** Execute Agreement, Operation of Vending Machine Concessions in the City.
  
- R9A Board and Committee Appointments.
- R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9C Report by Peter Dolara, AA's Effort to Enhance Volume of Visitors in CMB. (Steinberg)
- R9D Disc. Removal of Historic Signs Ordinance Amendment. (Steinberg)
- R9E Designation of CMB Canvassing Board for November 1, 2005 General Election.
- R9F Disc. Resolution Electing the Next Vice-Mayor for November 1, 2005 - February 28, 2006.
- R9G Recommendation of the City Manager to Resolve the Impasse with CWA.
- R9H Disc. Status of the 1614 Meridian Avenue Building & its Residents. (Garcia)**A**
  
- A City Attorney's Status Report.
- B Status Report on Fire Station No. 2.
- C Status Report on Fire Station No. 4.
- D Informational Report on Federal, State, County and All Existing City Contracts.
- E Minutes from Miami-Dade League of Cities Meeting of September 1, 2005. (Bower)
- F Parking Status Report.

**REDEVELOPMENT AGENCY ITEMS**

- 2A Report of Itemized Revenues & Expenditures of RDA for August 2005.  
3A **Joint**, Authorize City Manager to Select/Negotiate/Award/Reject Contracts, etc. (10/19-12/7).  
3B Appropriate Funds, Conduct Evaluation-of Potential Traffic Impacts for City Center Area.

Meeting called to order at 9:42:58 a.m.

Invocation given by Reverend Fermin Castañeda.

Pledge of Allegiance led by Chief De Lucca.

**Times based on the digital recording in the City Clerk's Office****Supplemental Materials: Additional Information/Resolution - R9G (Memorandum)****Addendum Item: (C4C), (C7N), and (R9H).**

**ACTION:** Motion made by Commissioner Steinberg to add C4C to the Commission Agenda as an emergency item and refer without objections to the Neighborhoods/Community Affairs Committee; seconded by Vice-Mayor Bower; Voice vote: 7-0.

**ACTION:** Motion made by Commissioner Steinberg to add item C7N as an emergency item to the Commission Agenda; seconded by Vice-Mayor Bower; Voice vote: 7-0.

**ACTION:** Motion made by Commissioner Garcia to add item R9H as an emergency item to the Commission Agenda; seconded by Vice-Mayor Bower; Voice vote: 7-0.

**10:30:16 a.m.**

Mayor Dermer announced that the CWA issue will be taken after 5:00 p.m.

Commissioner Garcia stated that he wants to participate and that he has a previous engagement at 7:00 p.m.

**Presentations and Awards****10:19:17 a.m.**

PA1 Proclamation To Be Presented In Honor Of International Association Of Fire Fighters Week.  
(Requested by Mayor Dermer)

**ACTION:** Proclamation presented.

Mayor Dermer stated that Adonis Garcia, President of the International Association of Fire Fighters, wanted to be present but could not make it. He introduced Katya Bravo, representative from Muscular Dystrophy. He stated that the International Association of Fire Fighters and Muscular Dystrophy together do great work raising funds and the City is very proud that our Fire Department is involved in this.

Katya Bravo, Muscular Dystrophy Representative, stated that she is extremely proud of the Miami Beach Fire Fighters that for fifty years with the International Association of Fire Fighters have been collecting for Muscular Dystrophy. She stated that on Thanksgiving weekend the Miami Beach Fire Fighters are committed to going out and raise money. She thanked the City of Miami Beach, the Mayor and Commissioners and the Fire Department on behalf of the Muscular Dystrophy Association for the amazing job they do every year.

Commissioner Garcia stated that the Muscular Dystrophy Association is one organization that deserves all the help it can get. He is very happy to be part of it and he commends the Fire Chief for his involvement.

Floyd Jordan, Fire Chief, stated that the Miami Beach Fire Fighters and the International Association of Fire Fighters have been involved for many years and will continue to do so.

**10:22:41 a.m.**

PA2 Proclamation To Be Presented To Commissioner Matti Herrera Bower For The "2005 Excellence Award Public Policy" For Effectively Championing Children's Causes Through Dedicated Public Service From The Children's Trust .  
(Requested by Mayor Dermer)

**ACTION:** Proclamation presented.

Mayor Dermer stated that Vice-Mayor Bower received a great honor and there was a wonderful event honoring her work with the Children's Trust. He stated that Vice-Mayor Bower has been very involved with schools and social services and she has been the conscience of the City Commission when dealing with children's issues. He stated that it is a great honor for him to proclaim today "Vice-Mayor Matti H. Bower's Day" in the City of Miami Beach.

A video about Vice-Mayor Bower's accomplishments, since the beginning of her activism with schools and including her involvement in politics, was played.

**New Item:**

Mayor Dermer stated that the tradition is that when one of the members of the Commission leaves the dais everyone says nice things. He explained that this will be done in the evening. He explained that in 1997 when Commissioner Smith was elected, the North Beach area did not get much attention. While running for Commissioner, his platform was to give that area of the City attention and he was extraordinarily successful. No one imagined then how great North Beach is today, and it is due to Commissioner Smith's hard work with programs and projects such as the Carlyle Theatre, the Altos Del Mar Park, the beaches, the recreation walk, the new fountain, the police and fire safety allocation; and the list goes on.

Mayor Dermer presented a proclamation to Commissioner Jose Smith on behalf of the entire Commission and the people of Miami Beach for his accomplishments and efforts in North Beach and North Beach Development Corporation.

**10:05:39 a.m.**

PA3 Certificates Of Appreciation To Be Presented To Staff And Volunteers For Their Service To The Vote Miami Beach Program.

(Requested by Commissioner Richard L. Steinberg)

**ACTION:** Certificates presented.

Commissioner Steinberg explained that the Miami Beach Vote Program has been around for two years and was recently honored in Atlanta by 3CMA for outstanding citizen participation in marketing and community outreach for their accomplishment of the Vote Miami Beach Program. This is a program in which businesses in Miami Beach give a 10% discount to any registered voter in Miami Beach. He explained that there is also a group of individuals who have been actively involved in registering new voters, and there has been record number of registered new voters not only in Miami Beach but all over. He stated that there has been a 20% increase in voter registration during the first year of this program. The City had incentives to get the people to vote and it was reflected by the number of people that voted early at the presidential election. He thanked the individuals and the organizations involved; the Great Panther, Yvonne Lima, Mike Rubler, Carlos Pla, and Joan Kanet; from the American Legion, Joe Ruscito, Dave Patlak, Mary Ann Caplet, Sam Feldman, Martha Feldman, Erika Brigham, Stacey Richards, Carolyn Klepsler, Margaret Parsley, Toy Monday and Sabrina Cohen, from Mi Familia Vota, Luis Cerros, Carlos Pereira, Irma Palacios, Claudia Venegas and Carlos Heria. He stated that there have been a lot of City staff involved; he recognized Barbara Hawayek, Caroline DeFreeze, Maria Ruiz, Nannette Rodriguez, Ramiro Inguanzo, Ellen Vargas, Laura Orozco, John Garvey who did the website [www.votemiamibeach.com](http://www.votemiamibeach.com); Luis Wong, Sandra Meyer, Dolores Mejia, Margarita Alcon, and Rachel Lief. He stated that without these individuals the program could not have been successful and recognized on a national level. He thanked all of them on behalf of the residents and of the City of Miami Beach.

Mayor Dermer commended Commissioner Steinberg for taking this program and making it a success and added that he deserves a lot of credit in getting the business involved with giving discounts and also recognizing the businesses that participated.

Commissioner Steinberg urged everyone to vote on the November 1, 2005 election, (*Due to Hurricane Wilma, the November 1, 2005 General Election was postponed by Governor Bush to November 15, with a Runoff on November 29; early voting was cancelled*) and if there is a run-off election it will be on November 15<sup>th</sup>. Early voting starts on Monday, October 24, 2005. He read the dates and time for early voting and also encouraged the people that cannot go out to vote to obtain an Absentee Ballot. The City's help line number (305) 604-CITY can help you obtain an Absentee Ballot.

Joe Ruscito recognized all the participating restaurants including The Big Pink Restaurant. He emphasized that this is a unique program with a very eclectic group of people coming together. He thanked the City Commission for their help and all the commendations.

**9:54:18 a.m.**

PA4 Certificate Of Appreciation To Be Presented To Judy Evans For Her Years Of Dedicated Service To The Miami Beach Transportation Management Association.  
(Requested by Commissioner Richard L. Steinberg)

**ACTION:** Certificate presented.

Commissioner Steinberg stated that the Transportation Management Association (TMA), under Judy, did an outstanding job and she showed outstanding leadership. He stated that he had the pleasure of serving with her at the Transportation and Management Association and she stood up for what the TMA wanted and needed, for the electrowave and for employees making sure they felt like family. He stated that she set the tone at the TMA that resulted in the customer service that the patrons of the electrowave received. He explained that even though there were maintenance problems and the buses were beyond their life expectancy, she was able to get a team together that was able to prolong the life and kept them running effectively. He emphasized that she should really be commended; this was the largest electric bus fleet in the country and experimental equipment that lasted longer than any other and also worked better.

Commissioner Gross stated that "The Local" is a 10-year gestation period and because of her nurturing it became a reality. What she created has now gone to a higher level, the route has been expanded with a full route around South Beach, also a bi-directional route service and for all of the awards the electrowave has won nationally and locally she is being recognized for her perseverance and hard work. He thanked her for all her work and effort on behalf of public transportation in the City of Miami Beach.

Commissioner Garcia stated that he is bitter about the situation because of her hard work and her being terminated. He thanked her for always being efficient. He stated that this system was designed to fail and she kept it alive for ten years. He is also sorry that she did not go with Miami-Dade County as it was discussed that the employees will be taken by the County.

Judy Evans stated that she really appreciated the challenges the City Commission gave her. She stated that they showed not only Miami Beach, but the State and cities all over the country that a small circulating system can relieve traffic congestion. She will take the lessons learned here to her new job with a national private consulting firm developing programs all over the country. She thanked them for this opportunity.

Mayor Dermer thanked her for her years of service and wished her luck.

Commissioner Gross recognized all the other employees that worked hard with Judy day in and day out on the shuttle. He stated that they were perseverant, working under difficult conditions, and worked hard to deliver the best service they could deliver in a very professional way. He read their names into the record; Roz Zuccone, Jeff Bechdel, Rebecca Schwartz, Derrick Hall and Enrique Agras.

Judy Evans stated that one of her employees told her this morning that at least now they do not have to worry about what the storm will do to the buses. She stated that the people made the service possible.

Commissioner Garcia asked her how many of these employees are going to Miami-Dade County.

Judy Evans stated that Jeff Bechdel is going with Miami-Dade County to work in marketing, and Rebecca Schwartz is going to work in the Transit Department; Enrique Agras is going to be the maintenance manager for City of Coral Gables trolley, and Derrick Hall is going with First Transit and will be providing the management for the shuttle service for the employees at the Miami International Airport. Only two employees went to Miami-Dade County.

Commissioner Gross stated that Gerald Schwartz should also be recognized.

Gerald Schwartz stated that he really appreciates the kind words said about Judy Evans. He stated that it has not been easy for Judy because she has had some difficult personal times, and difficulty with the buses, but it has really been Judy who made it happen. The staff has been great but Judy is the most respected person in this field in the country. The City of Miami Beach does not know what she has done for this industry in the country and she really deserves this commendation.

**9:43:42 a.m.**

PA5 Proclamation To Be Presented To Sabrina Cohen For Her Dedication To Raising Awareness And Funds For Research On Serious Illnesses.

(Requested by Commissioner Richard L. Steinberg)

**ACTION:** Proclamation presented.

Commissioner Steinberg stated that Sabrina has taken a leadership role when it comes to stem cell research and has received publicity in this area. She has come up with a line of clothing with catchy phrases for people with breast cancer and for people in wheelchairs. He stated that she has also helped with the Vote Miami Beach Program. In addition, she has been raising awareness for the handicapped and she has worked with Michael J. Fox and is very involved on this issue. He is proud to declare today "Sabrina Cohen Day" on behalf of the Mayor and the City Commissioners

Sabrina Cohen thanked everyone and said it is an honor. She is very determined and motivated to make a difference not only in stem cell research but also in the community with the Miami Beach Democratic Club. She loves being a member of this community and looks forward to doing as much as she can in the future and every single day of her life.

**10:14:16 a.m.**

PA6 Certificate Of Appreciation To Be Presented To Luiz Rodrigues, Executive Director Of The Environmental Coalition Of Miami Beach (ECOMB).

(Requested by Commissioner Saul Gross)

**ACTION:** Certificate presented.

Commissioner Gross stated that Luis Rodrigues is the head of the Environmental Coalition of Miami Beach (ECOMB), which is an environmental, clean up organization; he also has been serving on the Beach Preservation Committee for about four years and was the Chairperson of this Committee. He is being recognized for doing something extraordinary. On weekends he gathers volunteers to clean up our beaches, Monument Island and the different parks in the city with amazing results. He listed what 75 volunteers accomplished after cleaning up Flagler Monument Island; 35 trash bags filled with 500 pounds of garbage and 190 bags with bottle caps and lids. This is done on a routine basis throughout our community making it more environmentally sound, and for that he thanked Luis Rodrigues on behalf of the City of Miami Beach.

Luis Rodrigues thanked the Commission for the Certificate of Appreciation and stated that it has

been a pleasure to provide this service. He loves Miami Beach and this is his home. The goal of ECOMB is to bring back the natural beauty of Miami Beach and to educate the residents and visitors not to litter. He stated that the efforts are coming from the volunteers from school, churches, businesses and also City Departments. He stated that the program would not have been successful if it was not for the support of the Neighborhood Services Department, Sanitation, Public Works, Parks and the Environmental Resources Departments.

- PA7 Certificates Of Appreciation To Be Presented To Jeff Bechdel, Roz Zuccone, Rebecca Schwartz, Gerald K. Schwartz, Derrick Hall, And Enrique Hall For Their Contribution To The Success Of The Miami Beach Transportation Management Association.  
(Requested by Commissioners Saul Gross and Richard Steinberg)

**ACTION:** Certificates presented. See item PA4 for comments.

**9:49:29 a.m.**

- PA8 Certificate Of Appreciation To Be Presented To José Temprana For Valuable Help To The Miami Beach Hispanic Community Center, And Recognition During The National Employee Older Worker Week.

(Requested by Vice-Mayor Matti Herrera Bower)

**ACTION:** Certificate presented.

Vice-Mayor Bower stated that Jose Temprana had a birthday recently and there was an article in The Herald, Miami Beach Neighbors section, on him. She stated that Jose Temprana has his priorities correct. He still likes women first, cigars and the lottery. She stated that Mr. Temprana just had a birthday and he turned 104 years old. She stated that Mr. Temprana was honored for being the oldest worker in the program and went to Washington D.C. to receive this honor.

There was a short video that could not be presented due to audio problems but a copy will be given to the City Commissioners.

Raymond Adrian, from the Miami Beach Hispanic Community Center, spoke.

Jose Temprana said "Muchas Gracias."

Commissioner Garcia spoke to Mr. Temprana in Spanish. He apologized for not being at his 104<sup>th</sup> birthday party, he was there for his 100<sup>th</sup> and will be there for the 105<sup>th</sup> birthday. He said that Mr. Temprana, besides being a celebrity, was a political prisoner and a real hero of the Cuban History... "Y Que Viva Pinar Del Río."

Handout or Reference Materials:

1. Copy from The Miami Herald, "Miami Beach – 'El Niño is still passionate at 104" re: Jose Temprana.

**9:47:13 a.m.**

- PA9 Certificates Of Appreciation To Be Presented To Isabel Vergara For Valuable Help To The Miami Beach Hispanic Community Center, And Participation In The Elder Affairs Senior Community Service Employment Program (SCSEP) During National Employee Older Worker Week.  
(Requested by Vice-Mayor Matti Herrera Bower)

**ACTION:** Certificates presented.

Vice-Mayor Bower stated that she is happy to honor Isabel Vergara for being the number one volunteer in the Miami Beach Hispanic Community Center. Isabel Vergara participates in the elder affairs and in the service employment program of the seniors in the community. She stated that this is a very important program keeping the seniors working and productive and sharing their vast experience with the rest of the community.

Raymond Adrian, from the Miami Beach Hispanic Community Center, spoke.

Marie Towers, Supervisor for Miami Beach Hispanic Community Center, spoke.

Isabel Vergara thanked everyone.

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

### **CONSENT AGENDA**

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

### **C2 - Competitive Bid Reports**

- C2A Request For Approval To Purchase One (1) John Deere 410G Backhoe, From Nortrax Equipment Company, Pursuant To Florida State Contract No. 04-12-0823, In The Amount Of \$94,642.28.  
(Fleet Management)

**ACTION: Award authorized.** Drew Terpak to handle.

- C2B Request For Approval To Purchase One (1) 2006 Ford Ranger 4x2 Pick Up Truck With Topper, From Garber Ford, In The Amount Of \$13,814.15, And Two (2) 2006 Ford Crown Victoria Police Pursuit Vehicles, From Duval Ford, In The Amount Of \$38,890.00, Pursuant To Florida State Contract No. 05-13-0822.

(Fleet Management)

**ACTION: Award authorized.** Drew Terpak to handle.

- C2C Request For Approval To Issue A Request For Qualifications (RFQ) For Independent Structural Engineers.

(Planning Department)

**ACTION: Request authorized.** Gus Lopez to issue RFQ. Jorge Gomez to handle.

- C2D Request For Approval To Issue A Request For ~~Proposals (RFP)~~ Qualifications (RFQ) For A Planning/Impact Fee Consultant To Help Further Explore The Potential For An Impact Analysis And Mitigation Development Review System.  
(Planning Department)

**ACTION: Request authorized.** Gus Lopez to issue RFQ. Jorge Gomez to handle.

- C2E Request For Approval To Award Contracts To National Waterworks Inc. As Primary Vendor, And Ferguson Enterprises As Secondary Vendor, Pursuant To Invitation To Bid No. 38-04/05, For The Purchase And Delivery Of Polymer Meter Boxes And Covers In The Estimated Annual Amount Of \$121,908.  
(Public Works)

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

- C2F Request For Approval To Issue A Request For Proposals (RFP) For Professional Graffiti Removal And Painting Services On Private And Public Property.  
(Neighborhood Services)

**ACTION: Request authorized.** Gus Lopez to issue RFP. Jimmy McMillion to handle.

- C2G Request For Approval To Issue A Request For Proposals (RFP) For Code Compliance Software.  
(Neighborhood Services)

**ACTION: Request authorized.** Gus Lopez to issue RFP. Vivian Guzman to handle.

#### **C4 - Commission Committee Assignments**

- C4A Referral To Finance and Citywide Projects Committee Of Proposed Land Exchange Of City-Owned Property Located At 1833 Bay Road For The Privately-Owned Property Located At 1825 West Avenue.  
(Economic Development)

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

- C4B Referral To The Finance And Citywide Projects Committee For Discussion Of The Proposed Renegotiation Of The Five (5) Year Extension To The Beachfront Concession Agreement By And Between The City And Boucher Brothers Miami Beach, LLC For The Operation And Management Of Beachfront Concessions On The Beaches Seaward Of Lummus Park, Ocean Terrace, And North Shore Open Space Park.  
(Economic Development)

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

**Addendum:**

C4C Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Lincoln Road Pressure Cleaning.

(Requested by Vice-Mayor Matti Herrera Bower)

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

**C6 - Commission Committee Reports**

C6A Report Of The Joint Meeting Of The Finance & Citywide Projects And Neighborhoods/Community Affairs Committee On September 1, 2005: **1)** Discussion Regarding An Ordinance Amending Miami Beach City Code Chapter 2, Article VI, Division 3, By Creating Section 2-373 Thereof, Entitled "Requirement For City Contractors To Provide Equal Benefits For Domestic Partners"; And **2)** Discussion Regarding A Proposal From Cirque Du Soleil For A Long-Term Lease Of, And Resident Show At, The Jackie Gleason Theater.

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

The Committees unanimously moved the item to the full Commission, recommending approval of the proposed Ordinance.

The Committees also recommended establishing a ramp-up period for the ordinance and the creation of a dedicated position for contract compliance issues.

**Item No. 2:**

The Committee endorsed the concept of a long-term lease of, and resident show at, the Jackie Gleason Theater and authorized the Administration to negotiate with representatives from the Cirque Du Soleil team.

City Clerk's note: Pages 42 through 92 of the Commission Agenda is the black and white presentation by Cirque Du Soleil, ClearChannel, and The Related Companies. The Commission meeting folder contains the presentation in color.

C6B Report Of The Joint Meeting Of The General Obligation Bond Oversight Committee And The Finance & Citywide Projects Committee On September 12, 2005: **1)** Discussion Regarding The Capital Budget For FY 2005/06 And Capital Improvement Plan For FY 2006-2010; And **2)** Discussion Regarding Assistance To The Miami City Ballet.

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

The Committees moved the item to the full Commission, recommending adoption of the City of Miami Beach and Miami Beach Redevelopment Agency Fiscal Year 2005/06 Capital Budget and the 2006-2010 Capital Improvement Plan.

**Item No. 2:**

The Committee directed the Administration to return to the full City Commission at its September 21, 2005 meeting with the following items:

1. A Term Sheet outlining the proposed terms of the purchase and sale agreement for the acquisition of the Ballet's interest in the building including a description of proposed financial covenants to be included in the proposed lease agreement;

2. A letter from each major lender stating that the payments due on loans as of August 31, had been deferred or were held in forbearance while the terms of the City's acquisition of the Ballet Studios building were negotiated;
3. A funding plan for future capital maintenance and replacements; and,
4. A resolution of the Ballet's Governing Board agreeing to the preliminary terms of the agreement as outlined in the Term Sheet.

C6C Report Of The General Obligation Bond Oversight Committee Meeting Of September 12, 2005: **1)** Contingency Report; **2)** Discussion Items: A) Updated Report Format; **3)** Recommendation To City Commission: A) Collins Park BODR; **4)** Project Status Report: A) Update On Fire Station No. 2; B) Update On Fire Station No. 4; C) Normandy Isle Park And Pool; D) Lummus Park; And **5)** Informational Items: A) Updated Calendar Of Scheduled Community Meetings; B) City Center Neighborhood Row BODR.

**ACTION:**

**Item No. 1:**

The Administration informed the Committee that no new change orders had been approved.

**Item No. 2A:**

Per the recommendation of the Committee, a revised project report format was presented which included both the original and current budget and current estimate for all active projects. After discussion, the Committee decided to adopt the new format. The new format will be updated with information from the Fiscal Year 2006 Capital Budget and presented at either the October or November meeting.

**Item No.3:**

The Administration recommended that the General Obligation Bond Oversight Committee recommend that the Mayor and City Commission adopt the Collins Park / Cultural Campus Project Basis of Design Report (BODR).

**Item No. 4A:**

Vertical construction for Building B of **Fire Station No. 2** is underway. All rough work for utilities under the building footprint has been completed. All structural and grade work within the building footprint has been completed and the concrete slab for the first floor has been poured. Vertical steel reinforcement has been placed for the first floor walls and block is currently being set. The first floor door and window openings are being framed. Once all block and beams have been completed for the first floor, framing will be placed for pouring of the second floor slab. The slab for the second floor was poured in September.

**Item No. 4B:**

**Fire Station No. 4** remains 40 days behind schedule. Although the contractor is working extended hours and Saturdays, weather and site conditions have not allowed the project to recover any of the lost time.

**Item No. 4C:**

The Administration informed the Committee that construction on the completion of the pool portion of **Normandy Isle Park and Pool project** has resumed. Since some of the work completed by Regosa will have to be re-done, the Committee was informed that it is difficult to estimate exactly what the construction duration will be, but it is estimated to be complete for the Summer of 2006 season.

**Item No. 4D:**

The Committee was informed that the construction of the new restroom facility in **Lummus Park** is underway. The roof slab and parapet walls were formed and poured during the week of September 12, 2005. The project is anticipated to be completed in December 2005.

**Item No. 5 A:**

The updated calendar of Community Meetings was presented to the Committee, but not discussed.

**Item No. 5 B:**

The Committee requested an update to the sequencing report for projects. An updated report will be provided to the Committee in either October or November.

An update on the Renewal and Replacement study was requested and will be provided at the October meeting.

- C6D Report Of The Land Use & Development Committee Meeting Of September 12, 2005: **1)** Discussion Regarding The Zoning Of Religious Institutions In The Single Family Districts; And **2)** Discussion Regarding An Ordinance Amendment Clarifying The Scope Of Review Of The Design Review Board As It Pertains To Single Family Homes And Townhomes.

**ACTION:****Item no. 1:**

The Committee instructed the requestor, Congregation Ohr Chaim, to coordinate with the Planning Department in setting up one or more public workshops in the general area of both their proposed location on 47<sup>th</sup> Street and also the 40<sup>th</sup> Street area. The workshops would be public outreach efforts, to discuss a proposed ordinance amendment, which would allow under specific criteria, a limited number of religious institutions to locate in single-family residential zoning districts, across the street from or adjacent to commercial or hospital districts. The meetings should be publicly noticed.

**Item No.2:**

Item not reached, deferred to next meeting.

C6E Report Of The Special Finance And Citywide Projects Committee Meeting On September 14, 2005:  
1) Discussion Regarding The Impasse With The Communication Workers Of America (CWA) Bargaining Unit.

**ACTION:**

**Item No. 1:**

Wages Issue:

The Committee recommended that the City provide CWA employees the following Cost-of-Living Allowances (COLA) for the proposed labor agreement term:

1. Year One = 0% Increase
2. Year Two = 3% Increase + 3% Increase
3. Year Three = 3.5% Increase

The Committee recommended that the Year One COLA increase be provided together with the Year Two COLA increase for a total retroactive salary increase in Year Two of six percent.

Health Insurance Issue:

The CWA stated that they have abandoned their current request for the creation of a Health Insurance Trust.

The CWA further stated that they would agree to the City's proposed language for insurance, which included the flexible health insurance options currently offered to other classified and unclassified employees for the duration of the proposed labor agreement.

Pension Issue:

The Committee directed the Administration to bring back to a Special Finance and Citywide Projects Committee Meeting, on October 6, 2005 at 12:00 p.m., a discussion regarding the outstanding pension issues in an effort to create a fair system for the five civilian Classified and Unclassified Retirement Systems, including a cost analysis of different possible scenarios which may include:

1. The pension systems for the Classified and Unclassified employees being combined (resulting in one Pension Board);
2. Retirement for Tier B employees is offered at age 55, instead of 60;
3. Employees vesting time reduced from the current 10 years;
4. Consider allowing 401A employees a one time non-revocable window to merge into the defined benefit pension system;
5. No drop-plan would be offered, however the City was considering other options;
6. A cap on overtime eligible for pension be created (for Tier A);
7. Consider making the retiree COLA more uniform for both pension plans, as requested by the Unclassified group;
8. A study of a reduction of contributions for Tier B employees; i.e. if Tier A contributes 10% of their annual salary for a maximum 90% pension; Tier B could contribute 8% for an 80% pension;
9. Option for a two-year buy back;
10. Future retiree health contributions be set at a fixed dollar amount; and,
11. Final pension be calculated on highest two years average salary.

The Committee instructed the Administration to forward a copy of the cost analysis to the CWA and meet with representatives from the Union before the October 6, 2005 Special Committee meeting.

C6F Report Of The Special Finance And Citywide Projects Committee Meeting On October 6, 2005: **1)** Discussion Regarding The City Of Miami Beach And The Communication Workers Of America (CWA) Bargaining Unit Outstanding Pension Issues.

**ACTION:**

**Item No. 1:**

The Committee recommended the following pension benefit improvements/changes for Tier A (only) CWA/classified employees:

1. A 10% cap be placed on pensionable overtime for CWA/Classified employees;
2. A two-year pension buy-back be made available for employees with government, military or similar private sector experience;
3. Employees who have reached their maximum pension benefit accrual (90% based on years of service) but who have not yet reached retirement age, will continue to contribute to the pension plan, but only for that portion of their salary which is incrementally higher than their salary at the time they reached their maximum pension benefit accrual;
4. A two-year early out window for those Tier A Classified employees ages 48 and 49 which allows employees to retire early, but with no service credit;
5. Allow employees the option of a partial lump sum distribution;
6. Allow employees promoted from classified to unclassified positions, the option to remain in the classified pension system.

Further, the Committee conceptually supported the City's proposal for Tier B employees, which included:

1. Reducing the retirement age from 60 to 55;
2. Improving the vesting requirement from 10 years to 5 years;
3. A two-year pension buy-back be made available for employees with government, military or similar private sector experience;
4. Improving the Final Monthly Average Earnings (FAME) from a calculation of the average of the three years to the average of the two highest years;
5. Reducing the employee pension contribution from 10% to 8%;
6. Allow employees the option of a partial lump sum distribution;
7. Allow employees promoted from classified to unclassified positions, the option to remain in the classified pension system;
8. Employees who have reached their maximum pension benefit accrual (80% based on years of service) but who have not yet reached retirement age, will continue to contribute to the pension plan, but only for that portion of their salary which is incrementally higher than their salary at the time they reached their maximum pension benefit accrual.

In addition, the Committee directed the Administration to meet with representatives of the CWA and also from the other civilian bargaining units (AFSCME and GSA) to study and discuss possible 401A migration methods and related cost estimates (this meeting was scheduled for Friday, October 14, 2005).

C6G Report Of The Land Use And Development Committee Meeting Of October 10, 2005: **1)** Discussion Regarding An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures, "Article VI, "Design Review Procedures" By Clarifying The Scope Of Review Of The Design Review Board As It Pertains To Single Family Homes And Townhomes; **2)** Discussion Regarding Historic Preservation Board Recommendations; And **3)** Discussion To Consider Extending The Approval Of The Miami Beach Convention Center As A Venue For Conventions, Expositions Or Events Involving Adult Materials, Pursuant To The Provisions Of Section 847.0134, Florida Statutes.

**ACTION:**

**Item No. 1:**

The Committee endorsed the proposed Ordinance, and transmitted it back to the full City Commission with a recommendation to refer the item to the Planning Board.

**Item No. 2:**

Vice-Mayor Bower recommended that all three (3) Historic Preservation Board resolutions be referred to the full Commission for discussion, with a recommendation for referring the proposed Parking pedestal amendment to the Planning Board. Commissioners Garcia and Gross concurred.

**Item No. 3:**

Doug Tober made a presentation that provided an overview of the issue.

Bob Goodman offered testimony in support of the extension of the Ordinance.

Richard Lorber provided feedback relative to the recommendation of the Planning Board.

Vice Mayor Bower has a standing concern with the minimum age; would recommend minimum age of 21, but okay with language as proposed (18, unless alcohol is served, where it is 21).

Vice Mayor Bower recommends approval with above conditions, as well as staff conditions. Commissioner Garcia seconds: Passes 3-0.

**C7 - Resolutions**

C7A A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 3 To The Agreement With A.R.I. Architects, Inc. (D.B.A. Sklarchitecture), In The Amount Of \$103,695.50, For Additional Professional Services For The Miami Beach Convention Center (Convention Center) And The Jackie Gleason Theater Of The Performing Arts (TOPA) ADA Renovations.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2005-26019 adopted.** Jorge Chartrand to handle.

C7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Interlocal Agreement Between The City Of Miami Beach And Miami-Dade County, Florida, For Venetian Causeway Streetscape Improvements.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2005-26020 adopted.** Jorge Chartrand to handle.

**10:47:53 a.m.**

C7C A Resolution Approving Amendment Nos. 12A And 13B, Respectively, To The Agreement With Camp, Dresser And McKee (CDM), Dated October 5, 2005, To Provide Additional Engineering Services For Upgrading Water And Sewer Pumping Stations; Said Amendments Providing For Construction Administration, Shop Drawing Review And Field Oversight Services For The Water And Waste Water Pump Stations Upgrades (13B), And The 20" Water Main & Booster Terminal Island Station (12A) Projects, In The Total Amount Of \$278,882.  
(Capital Improvement Projects)

**ACTION: Item separated for discussion by Commissioner Gross. Resolution No. 2005-26021 adopted. Refer the issue of construction administration contracts being awarded strictly on a time basis rather than on a contract basis to the Finance and Citywide Projects Committee.** Motion made by Vice-Mayor Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Patricia Walker to place on the committee agenda. Jorge Chartrand to handle.

Commissioner Gross requested an update from the Administration on the booster pump stations. He receives questions from the neighbors on Middle Beach as to what is going on with the pump stations. He stated that the project started in 1992 and this is the thirteenth year. He also reminded the City Manager that he has had a long standing issue with the construction administration contracts being awarded strictly on a time basis rather than on a contract basis. There are other items on the Agenda where the City is awarding extra money to the construction administration firms because projects are being delayed, but in his judgment that does not mean that there is more work. He requested this item be referred to the Finance and Citywide Projects Committee.

Jorge Chartrand, CIP Director, stated that all pump stations are at some stage of construction, they are either finishing the buildings or already installing piping and pumping, etc. The station mentioned by Commissioner Gross has had a very difficult history and it is close to going operational. The generator will be tested the week of October 29, and other tests will be conducted after that. It is expected to be in operation the second week in November, after that there will be more final testing, inspections, etc., and final completion is expected by the end of December.

Commissioner Gross asked about landscaping plans for this pump station.

Jorge Gonzalez, City Manager, stated that funds will be added for landscaping. The landscaping could probably be done in house and completed by the first quarter of next year.

Commissioner Gross asked about the pump station in North Beach.

Jorge Chartrand, CIP Director, stated that this pump station had some problems with the existing piping and valving and they are working with the Public Works Department. He explained that they are not sure how to control the station when they go to by-pass. This is a technical issue but in order to be able to do the work they need to place the station in by-pass so that the flow can still happen. They are working on this problem and expect to have the construction work begin the week of October 24<sup>th</sup>, 2005. He expects the completion of this station to be in February 2006.

Commissioner Garcia asked when the area surrounding the pump station on 28<sup>th</sup> Street will be returned to park-like condition.

Jorge Gonzalez, City Manager, stated that there is funding for landscaping for this station and it will probably be done during the first quarter or 2006.

Commissioner Garcia asked if this could be considered a priority.

Jorge Gonzalez, City Manager, stated that this will be the first one to be completed.

Commissioner Garcia stated that since the landscaping is being planned could it be taken to the community.

Jorge Gonzalez, City Manager, stated that it is a very simple plan.

Commissioner Garcia stated that even if it is a simple plan it should go to the community since they have been affected by this for about ten years. He stated that if the community is included they will buy ownership into the plan and may even volunteer resources.

Jorge Gonzalez, City Manager, stated when you go into the community the plan becomes more elaborate and expensive than what it is budgeted, but they always go into the community with the plans.

- C7D A Resolution Approving A Settlement Agreement By And Between American Golf Corporation Of California, Inc., And The City Of Miami Beach, Concerning Litigation Filed By The City To Recover Environmental Remediation Costs For The City's Golf Courses, And Authorizing The City Manager And City Clerk To Execute Such Agreement, And The Taking Of Necessary And Appropriate Steps For The Implementation Thereof.

(City Attorney's Office)

**ACTION: Resolution No. 2005-26022 adopted.** Legal Department to handle.

- C7E A Resolution Approving And Authorizing The Administration To Issue A Purchase Order To Greenwald Industries, As The Sole Source Provider Of Parking Meter Smart Cards, For The City's Parking Meter Systems, In The Estimated Amount Of \$108,800.

(Parking Department)

**ACTION: Resolution No. 2005-26023 adopted.** Saul Frances to handle.

- C7F A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Memorandum Of Agreement Between Miami-Dade County And The City, Wherein The County Agrees To Reimburse The City For The Design, Permitting, Procurement And Installation Of Standard Mast-Arm Signalization Systems At The Intersections Of Washington Avenue At 11th, 12th, 13th And 14th Streets, In An Amount Not To Exceed \$686,880; And Further Authorizing The Advancement Of \$686,880 From Undesignated General Fund Balance For Subsequent Reimbursement By County Road Impact Fee-District 8 Funds.

(Public Works)

**ACTION: Resolution No. 2005-26024 adopted.** Fred Beckmann to handle.

C7G A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 27-04/05, For Professional Services For A Coastal Communities Transportation Master Plan (CCTMP); Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of The Corradino Group; 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 HDR Engineering, Inc; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Authorizing The Administration To Negotiate With The Third-Ranked Firm Of Post Buckley Schuh And Jernigan (PBS&J).

(Public Works)

**ACTION: Resolution No. 2005-26025 adopted.** Fred Beckmann to handle.

C7H A Resolution Waiving By 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The City's Best Interest, And Approving The Purchase Of The American Darling Fire Hydrants, From American Flow Control, The Manufacturer Of The American Darling Fire Hydrants, In The Estimated Annual Amount Of \$75,000.

(Public Works)

**ACTION: Resolution No. 2005-26026 adopted.** Fred Beckmann to handle.

C7I A Resolution Authorizing The City Manager Or His Designee To Submit An Application To The State Of Florida Cultural Support Grant Program, For General Program Support Funding For The Bass Museum Of Art, In An Amount Not To Exceed \$300,000; Further Appropriating The Grant And Match If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To This Application.

(Grants Management)

**ACTION: Resolution No. 2005-26027 adopted.** Patricia Walker to appropriate the funds if approved and accepted. Judy Hoanshelt to handle.

C7J A Resolution Setting A Public Hearing For December 7, 2005, To Hear Public Comment, As Required By The City's Guidelines For Vacation Or Abandonment Of Streets Or Other Rights-Of-Way And Pursuant To Section 82-37 Of The City Code (Ordinance No. 92-2783), Regarding A Request By 420 Lincoln Road Development Group, Inc., As The Owner And Developer Of The 420 Lincoln Road Project, For The Vacation Of The Two (2) Remaining Public Alleys, Generally Located Within Block 53, Between 16th Street And Lincoln Road, And Washington And Drexel Avenues, And Containing Approximately 7,423 Square Feet.

(Public Works)

**ACTION: Resolution No. 2005-26028 adopted.** Public Hearing scheduled for December 7, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Fred Beckmann 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 Approving The Purchase Of Purchase Of Manifold Assemblies, Water Meters, Automatic Meter Reading Systems And Parts, From Sensus Meter, Inc., In The Estimated Annual Amount Of \$221,000.  
(Public Works)

**ACTION: Resolution No. 2005-26029 adopted.** Fred Beckmann to handle.

**10:35:14 a.m.**

- C7L A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement Between The City Of Miami Beach And Dr. Fred M. Keroff, M.D., For The Provision Of Medical Direction Of The Miami Beach Fire Department Emergency Medical Services At An Annual Salary Of \$44,746.  
(Fire Department)

**ACTION: Item separated for discussion by Commissioner Garcia. Resolution No. 2005-26030 adopted.** Fire Chief Jordan to handle.

Commissioner Garcia asked Chief Jordan about former Medical Director of the Emergency Medical Services, Dr. Harry Heinitsh's health.

Chief Jordan stated that as of the last time he checked on the health of Dr. Harry Heinitsh, he is doing very well. He is living in South Carolina and doing his treatments. He has visited a couple of times and his faculties are much better since he had the stroke.

City Clerk's note: Agreement commencing on October 1, 2005 and expiring on September 30, 2006. This contract stipulates that the City may renew this agreement for one year renewal terms upon sixty day written notice.

- C7M A Resolution Approving Pursuant To Section 2-367(D) Of The Miami Beach City Code, The Sole Source Purchase Of Telestaff Staffing And Overtime Scheduling Management And Notification Software From PDSI, The Owner Of The Copyrighted Software Designed Specifically To Handle The Staffing Needs Of Public Safety Departments, In The Estimated Annual Amount Of \$65,075.  
(Information Technology)

**ACTION: Resolution No. 2005-26031 adopted.** Gladys Acosta to handle.

**ADDENDUM:**

- C7N A Resolution Accepting The Donation Of 2 Segway Human Transporters At A Value Of \$4,575 Each For A Total Of \$9,150 From Miami-Dade County To Be Utilized For High Visibility Patrol.  
(Police Department)

**ACTION: Resolution No. 2005-26032 adopted.** Chief De Lucca to handle.

**10:33:11 a.m.**

Commissioner Steinberg commended Miami-Dade County Commissioners Sally Heyman and Bruno Barreiro for their initiative on the Segway Human Transporters. He stated that Sally Heyman brought forward the idea and she mentioned to him that she wanted to do this and she got in touch with Commissioner Bruno Barreiro. He wanted to publicly acknowledge them and their hard work and what they do for the City of Miami Beach on a continued basis at the County.

Vice-Mayor Bower stated that she agrees and asked if she could ride it.

Jorge Gonzalez, City Manager, stated that something could be arranged but that she would have to sign a waiver.

**End of Consent Agenda****REGULAR AGENDA****R5 - Ordinances****10:41:18 a.m.**

R5A An Ordinance Amending Miami Beach City Code Chapter 2, Article VI, Division 3, By Creating Section 2-373 Thereof, Entitled "Requirement For City Contractors To Provide Equal Benefits For Domestic Partners," By Mandating That City Contractors Provide Equal Benefits For Domestic Partners; Providing For Repealer, Severability, Codification And An Effective Date. **10:15 a.m.**  
**Second Reading, Public Hearing.**

(Requested by Commissioner Luis R. Garcia, Jr.)

**ACTION:** Public Hearing held. **Ordinance No. 2005-3494 adopted.** Motion made by Commissioner Garcia; seconded by Vice-Mayor Bower; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code.

Carl Zabloutny spoke.

Commissioner Steinberg acknowledged Kevin Burns, Mayor of North Miami who wants to listen to this issue since they are considering doing something similar in North Miami.

Commissioner Smith commended Commissioner Garcia for having the fortitude to bring this issue forward and going out and speaking eloquently in favor of the ordinance. Commissioner Garcia was on a very prominent Latin television show recently where he was personally attacked, along with the entire City Commission by extreme right wingers who misrepresented the ordinance; he defended us and did the right thing and hopefully this will send a message that this City does not stand for bigotry. He commended Commissioner Garcia for standing up to them and withstanding mean-spirited personal attacks against himself and his family.

Commissioner Garcia thanked Commissioner Smith for his kind words and his fellow Commissioners for standing with him on this issue. He recognized Heidi Peña, Executive Director, Save Dade, for her help and for being the spark plug of this project. He also recognized Gus Lopez, Procurement Director, who did a fantastic job providing him the facts so that he could counteract the arguments against this issue. He also thanked Raul Aguila, First Assistant City Attorney, for the long hours of dedicated work and his friendship. He thanked Jorge Gonzalez, City Manager, and his fellow Commissioners.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald.

**12:17:08 p.m.**

R5B Reconstruction And Engineering Requirements  
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 1, "Generally," By Amending Section 118-503 To Modify The Requirements For An After-The-Fact Certificate Of Appropriateness; By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 3, "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition," By Amending Section 118-562 To Add A Requirement For An Independent Structural Evaluation For Demolition Requests; Providing For Repealer, Codification, Severability And An Effective Date. **10:30 a.m. Second Reading, Public Hearing.**

(Planning Department)  
(First Reading on September 8, 2005)

**ACTION:** Public Hearing held. **Ordinance No. 2005-3495 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Steinberg; Ballot vote: 5-0; Absent: Mayor Dermer and Commissioner Garcia. R. Parcher to transmit to Municipal Code.

Thomas Mooney, Preservation & Design Manager, Planning Department, introduced the item.

Carter McDowell, representing 900 Collins Avenue L.L.C., and other properties that have been caught up in this process, spoke. He stated that they object to the ordinance because it establishes a presumption of bad faith, and bad action on the part of the property owners. He read the following statement that is astounding to him: "This policy shall be applicable in the event a building permit for new construction, repair, or rehabilitation is issued, and demolition occurs for any reason, including but not limited to, an order of the Building Official or the Miami-Dade County Unsafe Structures Board." He explained that if you are a property owner and the Building Official or the Unsafe Structures Board tells you that you must demolish your building, this ordinance penalizes you for that. He stated that this violates people's basic constitutional rights to a fair hearing, and there is a presumption included that is not fair to property owners.

Commissioner Gross stated that in response to Commissioner Smith's comments, that presumption is rebuttable by evidence, that the applicant could present at the hearing and the board has the discretion to alter it if they want to, and that there is due process.

Carter McDowell, representing 900 Collins Avenue L.L.C, stated that the burden is on the property owners to prove their innocence in this process.

Commissioner Gross stated that the presumption is to preserve and maintain historic buildings to the extent possible and it is not a presumption of guilt by the property owner.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald.

**12:24:37 p.m.****R5C Removal Of Historic Signs**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 138, "Signs," By Amending Article I, "In General," By Amending Section 138-11 To Clarify The Requirements And Procedures For The Removal Of Signs; Providing For Inclusion In The City Code; Providing For Repealer, Severability And An Effective Date. **10:35 a.m. Second Reading, Public Hearing.**

(Planning Department)

(First Reading on September 8, 2005)

**ACTION: Item heard in conjunction with discussion item R9D.** Public Hearing held. **Ordinance No. 2005-3496 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Gross; Ballot vote: 5-1; Opposed: Commissioner Garcia; Absent: Mayor Dermer. R. Parcher to transmit to Municipal Code.

Jorge Gomez, Planning Director, introduced the item.

Gary Held, First Assistant City Attorney, spoke.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald.

**5:16:56 p.m.**

**R5D** An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code; By Amending Chapter 142, "Zoning Districts And Regulations," And By Amending Article III, "Overlay Districts," Creating Division 6, "Gilbert M. Fein Neighborhood Conservation Overlay District (NCD-1/RM-2)," Designating Specific Land Development And Streetscape Improvement Parameters For A Certain Area Which Is Generally Bounded By The Center Line Of Bay Road To The East, The Bulkhead Line Of Biscayne Bay To The West, The Northern Lot Lines Of The Northern Properties Fronting Lincoln Terrace To The North, And The Southern Lot Lines Of The Southern Properties Fronting 16th Street To The South, As More Particularly Described Herein; Providing That The City's Zoning Map Shall Be Amended To Include The Gilbert M. Fein Neighborhood Conservation District (NCD-1/RM-2); Adopting The NCD Plan Attached Hereto; Providing For Codification; Repealer; Severability; And An Effective Date. **5:01 p.m. First and Only Reading Public Hearing.**

(Planning Department)

**ACTION:** First and only Public Hearing held. **Ordinance No. 2005-3497 adopted as amended.** Motion made by Commissioner Gross; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Mayor Dermer. R. Parcher to transmit to Municipal Code.

**Amendment:**

**Page 387 footnote to be added: "This link may change from time to time at the discretion of the City Clerk without further City Commission action."**

Jorge Gomez, Planning Director, introduced the item.

Ruben Caldwell, Senior Planner, gave a brief synopsis of the project.

Ellen Genet, daughter of Gilbert M. Fein, spoke.

Gary Held, Assistant City Attorney, stated that on page 387 there is a link to the report that comprises the Gilbert Fein District ordinance and background materials, and he would like to add a footnote that reads: "This link may change from time to time at the discretion of the City Clerk without further City

Commission action," to allow for changes in the computer system without having to come back to Commission.

Commissioner Gross thanked staff for their effort and the excellent job.

Jorge Gomez, Planning Director, also thanked his staff and especially Ruben Caldwell for a job well done.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald.
2. Gilbert M. Fein Neighborhood Conservation District, Architect's rendering of the Lincoln Terrace Villas. Miami Daily News April 24, 1950; Designation Report District Ordinance Streetscape Improvements Plan
3. Mail Label Report

**10:58:44 a.m.**

R5E An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 118, Article VIII, "Procedure For Variances And Administrative Appeals," By Clarifying The Language Of Prohibited Variance Applications; Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," By Increasing The Off-Street Parking Requirement For Residential Uses And Suites Hotel Units In All Districts, Clarifying How Parking Requirements May Be Satisfied, Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.**  
(Planning Department)

**ACTION: Ordinance approved on First Reading as amended. Item referred to the Land Use and Development Committee between first and second reading.** Motion made by Commissioner Smith; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for December 7, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to place on the committee agenda and to handle.

**Amendments:**

- 1) Sec. 2 – (26) "Hotel, suites hotel, motel or motor lodge: 1 space per unit; however, suites hotel units as defined in section 142-1104 ~~which that~~ are greater than 550 square feet and ~~which that~~ contain full cooking facilities on lots that are greater than 50 feet in width or less, shall have a parking requirement of ~~4½~~ 2 spaces per unit. Required parking for hotel accessory uses shall be as follows."
- 2) Sec. 3 – (4) "Hotel, suites hotel, motel or motor lodge: One space per unit; however, suites hotel units as defined in section 142-1105 ~~which that~~ are greater than 550 square feet and ~~which that~~ contain full cooking facilities in buildings on lots that are greater than 50 feet in width or less shall have a parking requirement ~~one and one-half~~ 2 spaces per unit. Required parking for hotel accessory uses shall be as follows:"
- 3) Applications submitted to the Historic Preservation Board or the Design Review Board by September 30, 2005, shall not be subject to the provisions of this ordinance.
- 4) Referral to the Land Use and Development Committee, between first and second reading, of number of parking spaces and requirements issue

Jorge Gomez, Planning Director, introduced the item. He read two corrections to the ordinance.

Carter McDowell, Esq., spoke.

Commissioner Garcia stated that he will be more inclined to let the market state the number of

parking spaces. He agrees with Vice-Mayor Bower to eliminate the impact fee in the historic area.

Commissioner Steinberg asked if the staff is asking people to shrink the pedestal and shrink the parking space.

Jorge Gomez, Planning Director, stated that the statement has been taken out of context.

Commissioner Cruz stated that he approves of the ordinance, but with the caveat to establish a cut off date for when this ordinance will apply. This is necessary for projects that have zoning progress.

Vice-Mayor Bower stated that she agrees with Commissioner Cruz.

Commissioner Gross asked if any studies were done at the Planning Board and asked what evidence is there of projects having too little parking in new buildings. He requested Jorge Gomez, Planning Director, bring, between first and second reading, a chart that shows for the new buildings how many parking spaces have been built in relation to the number of units that exist. **Jorge Gomez to handle.**

Commissioner Cruz stated that the City needs to identify what is an affordable unit in Miami Beach. The truth is that in the City of Miami Beach there is nothing affordable and this legislation will not change that.

Michael Larkin, Esq., representing New World Development LLC, spoke.

Jorge Gonzalez, City Manager, stated that there should be a deadline to complete the project not just that they are in the pipeline.

Jorge Gomez, Planning Director, stated that language will be crafted between first and second reading. He explained that under the present Code, if there is an approval and it becomes nonconforming according to the new regulations passed, they have a one-year or 18 months to obtain a building permit; otherwise, the approval becomes void; there are no opportunities to get extensions of times.

Neisen Kasdin, Esq., representing Monte Carlo, spoke regarding FAR, increase in density, parking and views.

Discussion continued.

Neisen Kasdin, Esq., stated that the language is not clear as to how the standards apply and added that the City Commission needs to analyze whether or not the parking requirements for new construction is adequate.

Commissioner Gross suggested sending the parking spaces requirements issue to the Land Use and Development Committee between first and second reading.

Alfredo Gonzalez, Esq., spoke.

Commissioner Gross suggested expanding the ordinance threshold from 50 foot to 100 foot lot.

Motion made by Commissioner Smith, subject to the amendment that effective dates for projects that are in the pipeline by September deadline, not be subject to the requirements and with the referral to the Land Use and Development Committee; seconded by Commissioner Steinberg.

Handout or Reference Material:

1. Ordinance Amending the Code of the City of Miami Beach handed by a member of the public.

**10:37:54 a.m.**

- R5F An Ordinance Amending Miami Beach City Code Chapter 2, Entitled "Administration," Division 30 Entitled "Committee For Quality Education In Miami Beach Schools," Section 2-190.137 Thereof Entitled "Composition, Knowledge And Experience," By Deleting From The Committee's Membership The Two City Commissioner Ex Officio Members And Instead Providing For One City Commissioner Representative To Act As Liaison Between The Committee And The City Commission; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**  
(Requested by Vice-Mayor Matti Herrera Bower)

**ACTION: Ordinance approved on First Reading as amended.** Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for December 7, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

**Amendments:**

1. Two Commissioners – non-member liaisons
2. City Manager's designee – non-member liaison

**5:22:19 p.m.**

- R5G An Ordinance Amending Chapter 46 Of The City Code, Entitled "Environment," By Amending Article IV, Entitled "Noise," By Amending Section 46-151, Entitled "Definitions," To Provide New Terms And Definitions And Deleting Certain Terms And Definitions; Amending Section 46-152, Entitled "Unreasonably Loud Noise Prohibited," By Amending The Title And Adopting Section 21 - 28 Of The Code Of Miami-Dade County By Reference; Amending Section 46-153, Entitled "Responsibility For Compliance," By Amending The Provisions Thereof; Repealing Section 46-154, Entitled "Noise Level In Specific Area"; Repealing Section 46-155, Entitled "Additional Sound Limitations For Public Property"; Amending Section 46-156, Entitled "Temporary Permits," By Expanding The Prohibited Areas For Construction Noise To Within 300 Feet Of Certain Districts And Amending The Exemptions For Special Events And Film Permits; Amending Section 46-157, Entitled "Exemptions," And By Deleting Subsection (11) And Amending The Provisions Thereof; Amending Section 46-158, Entitled "Enforcement By Code Inspectors; Notice Of Violation," By Amending The Procedures For Enforcement And Warnings; Amending Section 46-159, Entitled "Civil Fines For Violation; Appeals," By Amending The Fines And Penalties For Violations, The Appeal Procedures, And The Alternate Means Of Enforcement; Amending And Renumbering Section 46-160, Entitled "Nuisance," As Section 46-161, And Renaming Section 46-160 As "Relief From Violations For Sound Systems And Compliance" And Creating Provisions Therefore; Amending And Renumbering Section 46-161, Entitled "Motor Vehicle Alarms" As Section 46-162 Which Is Hereby Created; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading.**  
(City Manager's Office)  
(Deferred from September 8, 2005)

**ACTION:** Discussion held. **Motion made by Vice-Mayor Bower to continue the ordinance but allow the Code Enforcement officer to continue issuing noise violations and that a complaint is not necessary to drive the violation; seconded by Commissioner Smith; Voice vote: 5-2; Opposed: Commissioners Cruz and Garcia.**

Jorge Gonzalez, City Manager, stated that there has been a request for deferral and continuance of this ordinance, and there is a significant question on the issue of how the City enforces the Noise Ordinance from a Code Compliance perspective. Discussions have narrowed the enforcement of this ordinance to complaint driven or not.

Robert Middaugh, Assistant City Manager, introduced the item.

Kent Harrison Robbins, Esq., spoke.

Stu Blumberg, President of the Greater Miami Hotel & Restaurants Association, spoke.

Bill Fehr, Zoning Plan Reviewer from the Village of Key Biscayne, spoke.

Steve Polisar, Chairman of the Nightlife Task Force, spoke.

David Wallack, owner of Mango's Tropical Café, spoke.

Alex Mitchell spoke.

Neisen Kasdin, Esq., representing Mango's Tropical Café, spoke.

Jaime Rubinson, owner of the Opium Gardens and the Mansion nightclubs, spoke.

**Motion made by Vice-Mayor Bower to continue the ordinance but allow that the Code Compliance Officer continues to issue noise violations and that a complaint is not necessary to drive the violation; Voice vote: 5-2: Opposed: Commissioners Cruz and Garcia.**

Commissioner Garcia stated that he is more concerned with being able to substantiate the violation, it does not matter if it is complaint drive or not. He is concerned with being able to measure the noise. He stated that the noise needs to be proven.

Gary Held, First Assistant City Attorney, stated that this ordinance is constitutional and the City is on the right track.

Commissioner Gross stated that this is a balance from what was there before. The burden is on the businesses to follow the law and not on the residents to complaint. The City should stay with the status quo.

Handout and Reference Materials:

1. Mango's Tropical Café documents (12 pages) addressed to Commissioner Jose Smith; Attached: Federal Court Case *DaMortgage, Inc and 136 Collins Avenue, L.C., vs. City of Miami Beach and Miami-Dade County*.

**R7 - Resolutions****12:13:41 p.m.**

R7A A Resolution Approving, On First Reading Public Hearing, An Extension Of The City's Approval Of The Miami Beach Convention Center As A Venue Which Would Allow Conventions, Expositions Or Events Involving Adult Materials, Pursuant To The Provisions Of F.S. 847.0134, And Setting A Second Reading Public Hearing To Be Held On The Above Request Before The City Commission, On December 7, 2005. **10:20 a.m. First Public Hearing.**  
(Tourism & Cultural Development)

**ACTION: Resolution No. 2005-26033 adopted.** First of two Public Hearings held. Motion made by Commissioner Steinberg; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Mayor Dermer. R. Parcher to notice second reading public hearing on December 7, 2005. Lilia Cardillo to place on the Commission Agenda. Max Sklar to handle.

Doug Tober, General Manager, SMG Convention Center, spoke.

Commissioner Smith stated that changes to the resolution were made at the Land Use and Development Committee on page 449 of the Commission Memo:

- 1) the time was changed from 9:00 a.m. to 12:00 a.m. ( midnight)
- 2) the distribution of handbills is prohibited.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald.

R7B A Resolution Approving And Officially Adopting The Basis Of Design Report (BODR) For The Collins Park Cultural Campus Project (Project), And Authorizing The Administration To Proceed With The Design And Construction Of The Project.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2005-26034 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Gross; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Cruz. Jorge Chartrand to handle.

Handout or Reference Material

1. Basis of Design Report: Collins Park Cultural Campus ; Park; Rotunda; Streetscape; September 2005; MCHarry Associates

R7C A Resolution Approving And Officially Adopting The Basis Of Design Report (BODR) For The City Center Right-Of-Way Neighborhood Improvement Project.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2005-26035 adopted.** Motion made by Commissioner Garcia; seconded by Commissioner Steinberg; Voice vote: 4-0; Absent: Mayor Dermer and Commissioners Cruz and Smith. Jorge Chartrand to handle.

Handout or Reference Material

1. Right of Way Infrastructure Improvements Program; City Center Neighborhood # 9; Basis of Design Report – Final; October 2005; Submitted by Chen and Associates

**12:52:39 p.m.**

R7D A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Agreement With Hargreaves Associates, Inc., Dated January 12, 2005; Said Amendment, In The Amount Of \$1,322,373, For The Remaining Professional Services, Including Design Development, Construction Documents, Bid And Award, And Construction Administration For The South Pointe Park Improvements Project, As Contemplated And Provided By RFQ No. 39-03/04.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2005-26036 adopted as amended.** Motion made by Commissioner Gross to move the item with the suggestion that the updated time schedule mentioned in the contract be obtained; seconded by Commissioner Steinberg; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Cruz. Jorge Chartrand to handle.

Jorge Chartrand, CIP Director, apologized for being late in the morning and introduced the item.

Commissioner Smith asked if the Commission is going to get caught up in a Design Review Board controversy since they do not like the plans.

Jorge Chartrand, CIP Director, stated that the entrance signs are the main issue of concern and they are analyzing that.

**1:16:15 p.m.**

R7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 2 To The Professional Services Agreement With The Firm Of Wolfberg Alvarez, Dated September 25, 2002; Said Agreement To Provide Additional Architectural And Engineering Services Required To Complete Phase II Of The South Pointe Right Of Way Improvement Project. In The Amount Of \$272,673, Comprised Of \$197,493 For Additional Design Services, And \$75,180 For Adjustments To Other Services, And Providing Funding For The Amendment From Previously Appropriated Funds For The Project.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2005-26037 adopted as amended with the condition that the staff accelerate solving the problem of the flooding in the Cosmopolitan.** Motion made by Commissioner Gross; seconded by Commissioner Garcia; Voice vote: 4-0; Absent: Mayor Dermer and Commissioners Cruz and Smith. Jorge Chartrand to handle.

Tim Hemstreet, Assistant City Manager, introduced the item.

Commissioner Gross asked why the contractor is not solving the drainage problems that the Cosmopolitan unit owners are facing, since it is covered in the contract.

Fred Beckmann, Public Works Director, spoke.

Jorge Chartrand, CIP Director, explained that the building is within a basin that is not the current priority that the City identified.

Commissioner Gross moved the item with the condition that the City accelerates solving the problem that is flooding the Cosmopolitan by including it in a Wolfberg contract or the Chen Contract; seconded by Commissioner Garcia.

**1:13:47 p.m.**

- R7F A Resolution Appropriating Funds, In The Amount Of \$53,270 From The Gulf Breeze Loan Pool Interest, For The Construction Of An Air Conditioned Garbage Enclosure For The Miami Beach Golf Course Clubhouse Project.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2005-26038 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Gross; Voice vote: 4-0; Absent: Mayor Dermer and Commissioners Cruz and Garcia. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

**1:13:00 p.m.**

- R7G A Resolution Appointing Commissioner Richard Steinberg To Serve As The City Representative On The Governing Board Of The Metropolitan Planning Organization ("MPO").  
(Requested By Mayor David Dermer)

**ACTION: Resolution No. 2005-26018 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Smith; Voice vote: 4-0; Absent: Mayor Dermer and Commissioners Cruz and Garcia. R. Parcher to handle and to transmit a copy of the resolution to the MPO.

City Clerk's Note: Commissioner Steinberg was given a certified copy of the resolution.

- R7H A Resolution Authorizing The City Manager, Or His Designee To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; Terminate Existing Contracts As Needed; From The Last Commission Meeting On October 19, 2005, Until The First Regularly Scheduled Commission Meeting On December 7, 2005, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting On December 7, 2005. **Joint City Commission And Redevelopment Agency**  
(Procurement)

**ACTION: Item heard in conjunction with RDA Item 3A. Resolution No. 2005-26039 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Gross; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Cruz. Gus Lopez to handle.

**1:13:16 p.m.**

- R7I A Resolution Appropriating Funding, In The Amount Of \$80,696, From The FY 2005/06 General Fund Operating Contingency, For The Scott Rakow Youth Center Project, For An HVAC System And Gas Water Heater For The Exterior Restroom Building.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2005-26040 adopted.** Motion made by Commissioner Smith; seconded by Commissioner Garcia; Voice vote: 4-0; Absent: Mayor Dermer and Commissioners Cruz and Garcia. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

**1:30:15 p.m.**

R7J A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 26-04/05, For Architectural, Engineering, Urban Design, And Landscape Architecture Services For The Planning, Design, Bid And Award, And Construction Administration Services For The Historic Preservation, Restoration And/Or Rehabilitation Of The Little Stage Theater, Carl Fisher Clubhouse, And Demolition Of The 21st Street Bandshell Project (Little Stage Theater Complex), And Potential Recreation Improvements Adjacent To And/Or Part Of The Site; And Authorize The Administration To Enter Into Negotiations With The Firm Of Glavovic Studio, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With Glavovic Studio, Inc., Authorize The Administration To Negotiate With The Firm Of R.J. Heisenbottle Architects; And Should The Administration Not Be Able To Negotiate An Agreement With R.J. Heisenbottle Architects, Authorize The Administration To Negotiate With The Firm Of Gurri Matute, P.A.

(Capital Improvement Projects)

**ACTION: Resolution No. 2005-26041 adopted.** Motion made by Commissioner Garcia; seconded by Commissioner Steinberg; Voice vote: 4-0; Absent: Mayor Dermer and Commissioners Cruz and Smith. Jorge Chartrand to handle.

Jorge Gonzalez, City Manager, stated that he is recommending the No. 2 firm, and according to Gus Lopez, Procurement Director, there have been no challenges.

**12:16:17 p.m.**

R7K A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Concession Agreement By And Between The City And Brother's Vending, Inc. For The Operation Of Vending Machine Concessions At Various Locations On City-Owned Properties, For A Term Of Two (2) Years, With Three (3) One-Year Renewal Options, Each At The City's Sole Discretion, And Subject To A Thirty (30) Day Termination For Convenience Provision, At The City's Sole Discretion.

(Economic Development)

**ACTION: Resolution No. 2005-26042 adopted.** Motion made by Commissioner Cruz; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Mayor Dermer. Joe Damien to handle.

Harold Rosen, Esq., spoke.

**12:58:16 p.m.****New Item:**

Commissioner Smith introduced Mr. Ignacio Diaz, President of the Police Athletic League of North Bay Village.

Ignacio Diaz, President of the Police Athletic League from North Bay Village, read a letter he sent to Commissioner Smith asking for a waiver to the residents of North Bay Village to use the City of Miami Beach Park & Recreation facilities. He offered to pay the same fee as the Miami Beach residents pay.

Commissioner Smith stated that since this is his last meeting he forwarded the letter to Mayor Dermer.

Vice-Mayor Bower asked if this is only for the kids enrolled in the PAL programs or all of the kids.

Commissioner Steinberg asked if the Mayor is in agreement with this. He suggested that maybe

there should be an interlocal agreement where the difference in rates is paid by the City of North Bay Village instead of the residents.

Jorge Gonzalez, City Manager, suggested having this done via an interlocal agreement and asked for direction to reach out to North Bay Village and negotiate the options and the costs associated with it.

**Motion made by Commissioner Steinberg; seconded by Commissioner Smith to give the Administration authority to contact the City of North Bay Village and negotiate an interlocal agreement; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Cruz.**

Police Officer Lisa Gittner, from North Bay Village, spoke.

Handout or Reference Materials:

1) Letter from North Bay Village Police Athletic/Activities League, Inc, dated October 15, 2005, addressed to The Honorable Jose Smith, Commissioner, from The Honorable Ignacio R. Diaz, President.

### **R9 - New Business and Commission Requests**

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

**ACTION:**

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

Waldo Rocabado	Term expires 12/31/05	Appointed by Commissioner Smith TL 12/12
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**Debarment Committee:**

David Wieder	Term expires 12/31/07	Appointed by Commissioner Smith TL 12/09
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**Golf Advisory Committee:**

Sandy Saka	Term expires 12/31/06	Appointed by Commissioner Cruz TL 12/12.
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**Public Safety Advisory Committee:**

Scott Robbins	Term expires 12/31/05	Appointed by Commissioner Gross TL 12/12
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R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.).

**ACTION:** No speakers.

R9B(2) Dr. Stanley Sutnick Citizen's Forum.

**ACTION:**

Ron Barnes, Deputy Director of Operations for Miami-Dade Transit, spoke.

Commissioner Garcia thanked Mr. Barnes for attending the meeting and explained the experiences with the buses and the general public on 20<sup>th</sup> Street and Bay Road, which seems to be the start of the routes near Publix. The parking meters in that area are bagged for about half a block and that inconveniences the shoppers and people trying to find parking. The buses are parked there day or night idling and polluting. He was told by the bus drivers that Fred Beckmann, Public Works Director, told them to park there.

Vice-Mayor Bower stated that the day they were going to start parking there, there was tree trimming to be done, but the buses and the County had nothing to do with this. It was the City of Miami Beach that gave that spot to them to park there. She was assured that the parking spot was going to be moved to the P-lot.

Ron Barnes, Deputy Director of Operations for Miami-Dade Transit, spoke.

Commissioner Gross announced that 604-CITY is the number to call for placing complaints.

Vice-Mayor Bower stated that the bus designs look beautiful and they depict Miami Beach. She said she had received compliments from the citizens that they can get in and out easier because the buses are lower.

Commissioner Garcia asked Mr. Barnes that if the buses need to be idling.

Ron Barnes, Deputy Director of Operations for Miami-Dade Transit, stated that they will be readjusting the meters as soon as possible. They are going to modify the communication in reference to the loading and unloading location of passengers. They are also looking at a more permanent location. The reason the buses are idling and not moving is to give the drivers a break. The requirements is that if they are going to be idling for more than five minutes, they need to turn off the engine, and if they are not doing that, they are in violation.

Commissioner Garcia requested a report as to how many employees from the Electrowave were offered a job by Miami-Dade County and how many accepted.

Ron Barnes, Deputy Director of Operations for Miami-Dade Transit, announced an outreach, Friday, October 21<sup>st</sup> at 7:00 p.m. to have a test drive on the South Beach Local and invited everyone to attend. He also informed the public that flyers will be distributed.

City Clerk's Note: See item PA4.

Handout or Reference Materials:

1. Color flyer titled "Test Drive The New South Beach Local" sponsored by the City of Miami Beach and Miami-Dade County.

R9C Discussion And Report By Peter Dolara, Senior Vice President Of American Airlines, Regarding The On-Going Efforts By American Airlines To Enhance The Volume Of Visitors To Miami Beach.  
(Requested by Commissioner Richard L. Steinberg)  
(Deferred from July 27, 2005)

**ACTION:** Item deferred.

**12:35:01 p.m.**

**12:24:37 p.m.**

R9D Discussion Regarding The Removal Of Historic Signs Ordinance Amendment.  
(Requested by Commissioner Richard L. Steinberg)

**ACTION: Item heard in conjunction with item R5C.** Discussion held. Item referred to the Land Use and Development Projects Committee by acclamation. Jorge Gomez to place on the committee agenda and to handle.

See item R5C for discussion.

**5:11:17 p.m.**

R9E Designation Of City Of Miami Beach Canvassing Board For November 1, 2005 General Election.  
(City Attorney's Office)

**ACTION:** There was consensus among members of the City Commission to designate Robert Parcher, City Clerk, Dr. Morris Sunshine, and a Circuit Judge to be appointed by Chief Judge to the Canvassing Board for the November 1, 2005 General Election.

**8:34:36 p.m.**

R9F Discussion Regarding A Resolution Electing The Next Vice-Mayor For A Term Commencing On November 1, 2005, And Terminating On February 28, 2006.  
(City Clerk's Office)

**ACTION:** Discussion held. **Resolution No. 2005-26043 adopted.** Motion made by Vice-Mayor Bower to implement the method of rotation as suggested by Commissioner Steinberg; passed without objections. Voice-vote: 7-0. R. Parcher to handle.

Commissioner Steinberg stated that Group I Commissioner Jose Smith is term limited and a new Commissioner will be elected in Group I. He suggested reversing the Vice-Mayor rotation order from Group I, II, and III to Group III, II, I, followed by Group IV, V, and VI, then back to the Group I, II, and III order.

7:16:21 p.m.

**Supplemental Materials: Memorandum:**

R9G A Recommendation Of The City Manager To The Mayor And Commission Of The City Of Miami Beach To Resolve The Impasse Between The City And The Communications Workers Of America (CWA) And Recommend To The CWA Membership For A Ratification Vote A Three Year Labor Agreement For The Period From October 1, 2003 Through September 30, 2006 And In The Event That The Agreement Is Not Ratified, Then The Items In The First Year Of The Proposed Package Shall Be Imposed.

(City Manager's Office)

**(Memorandum to be Submitted in the Supplemental)**

**ACTION:** Discussion held.

Mayor Dermer stated that there have been several meetings held at the Commission on this issue and at the Finance and Citywide Projects Committee.

Jorge Gonzalez, City Manager, stated that two Finance Committee meetings had taken place since the August Commission meeting; the discussion was narrowed to the issue of wages, insurance and pension. At the September meeting, the Finance Committee took a vote and passed the recommendation to the City Commission as it relates to wages. FY 03/04 recommended at 0%, FY 04/05 at 6% retroactive and FY 05/06, 3.5% retroactive.

Commissioner Cruz asked what the difference is between doing a 3-3-3.5% and a 0-6-3.5%.

Jorge Gonzalez, City Manager, explained that in dealing with the effective compounding the total difference is 0.09% [in FY 04/05](#).

Discussion continued.

Jorge Gonzalez, City Manager, explained that as he understood, the argument at that time was not to continue penalizing in perpetuity on [the](#) base. When the base is not readjusted, then the pension at the end of the game will be 3% short, and at committee it was made at 6% so that the base was made up but the retroactivity for a period of 12 months was not in play. Discussion continued.

Commissioner Steinberg stated that his understanding was that it meant to encourage an acceptance for a 3-year deal and hold them harmless; and by not giving that 3% the first year, this is being shifted to year two but had the same accomplishment from the dollar sense.

Commissioner Cruz agreed that he understood there would not be a penalty.

Commissioner Steinberg suggested giving a 3% one-time bonus in year two as well to make up for the 0% year.

Commissioner Gross stated that there would be a problem with the people retiring who will be losing out on the extra one time 3%.

Jorge Gonzalez, City Manager, suggested handling those specific situations outside the contract and refer to Finance Committee.

**Wages:**

**Motion made by Vice-Mayor Bower to approve the wage issue with the 3% one-time bonus as suggested by Commissioner Steinberg; seconded by Commissioner Steinberg; Voice vote: 7-0.** For Fiscal Year 2003/2004, there would be a 0% COLA. For Fiscal Year 2004/2005, if the three (3) year agreement is ratified by the CWA membership, the CWA employees will receive a 3% lump

sum payment (which will not be pensionable, will not apply to or affect pay ranges, and will be paid pro-rata based on the employees date of hire, if hired after October 1, 2004) and those employees will then receive a 6% cost of living increase, retroactive to October 1, 2004.

For Fiscal Year 2005/2006, if the three (3) year agreement is ratified by the CWA membership, the CWA employees will receive a 3.5% cost of living increase, retroactive to October 1, 2005.

### **Health Insurance**

Jorge Gonzalez, City Manager, stated that the Union ultimately accepted the City's language on health insurance, which extends the flexible plans and all of the options to the membership.

Discussion held.

Mayor Dermer stated that once an agreement is reached and there is consensus from five Commissioners at a Finance Committee meeting, at the last minute during a Commission meeting he does not want to put something else on the table since this would create a situation of frustration and lack of accomplishment.

Robert A. Sugarman, Attorney for CWA Local 3178, stated that the mandate under the Public Employee Relations Act is to resolve impasse items, over which the Union and the City Manager disagree. There is no disagreement over this and the language upon which we have agreed will be placed into the collective bargaining agreement and voted upon for ratification by both sides. The City Commission cannot impose on us something over which there is an agreement. The role of the City Commission is to resolve an impasse when there is a disagreement.

Mayor Dermer explained that the City Commission is verifying what was agreed upon on a vote.

Jorge Gonzalez, City Manager, added that there is a proposal for new employees to have a stipend provided for group retiree health insurance as opposed to 50% of the premium guaranteed post employment. Current employees will not be affected by this change. Employees hired after a specific date will receive a stipend based on their tenure, as proposed, it is \$20 per month of service per year, up to a maximum of \$3,000 per year.

**Motion made by Vice Mayor Bower to approve the City's proposal language for Health Insurance; seconded by Commissioner Smith; Voice vote 7-0.**

### **Pension:**

Jorge Gonzalez, City Manager, stated that at the City Commission direction, the pension plan was looked at from a holistic perspective, taking a look at all the parties affected in an equitable manner, making the pension as fair as possible and benefiting as many individuals as possible. At the Finance Committee meeting of October 6<sup>th</sup>, 2005, the following was approved: "Tier A" column of Exhibit C of the report:

- ❖ A two-year pension buy-back service for employees with government, military or equivalent private sector experience to the job they are doing in the City of Miami Beach at a discounted rate of 10% of their current salary per year of service.
- ❖ Employees who have reached their maximum pension benefit accrual rate, prior to retirement age, will continue to contribute to the pension plan, but only for that portion of their salary which is incrementally higher than their salary at the time they reached their maximum pension benefit accrual;
- ❖ A two-year early out window for those Tier A Classified employees at least 48 years of age, which allows employees to retire early, but with no additional service credit;
- ❖ Allow employees the option of a partial lump sum distribution at time of retirement up to 25% of the total pension benefit;
- ❖ Allow employees promoted from classified to unclassified positions, the option to remain in

the classified pension system.

- ❖ A 10% cap be placed on pensionable overtime for CWA/Classified employees. It was clarified that it was a perspective change on the 10% cap if employees who had worked overtime in excess of 10% had earned that amount and that could be one of their highest years for calculating their final monthly average earnings. However, going forward, 10% of the overtime would be capped for pensionable purposes.

Commissioner Cruz stated that there was a migration issue that has not been addressed.

Jorge Gonzalez, City Manager, explained that the vote on Tier B column was not voted on and the Committee directed the Union and Administration to work on a different approach to the 401 migration, and there is agreement on that, but it's not included in this vote.

**Motion made by Vice-Mayor Bower to move the entire column on the pension of Tier A, Exhibit C; seconded by Commissioner Cruz; Opposed: Commissioner Garcia; Voice vote: 7-0.**

Robert A. Sugarman, Attorney for CWA Local 3178, spoke.

Mayor Dermer stated that he accepts the City Manager's recommendation and added that this has been the longest Union negotiations he has seen in eight years. He added that the City Manager has done the best job he can.

Richard D. McKinnon, President, CWA Local 3178, stated that they agreed with the City Manager on the new employees coming in. In reference to the 401A, there was some disagreement on the migration and that was worked out. The only issue on disagreement is what to do with the Tier B employees, and also there is a disagreement on the overtime cap for Tier A employees. He submitted a new proposal to the City Commission.

Robert A. Sugarman, Attorney for CWA Local 3178, stated that they are closer to an agreement. To get to an agreement, the Union gave up its proposal on the health trust; to get to an agreement, the Union agreed with the City Manager's changes with retiree's health subsidy. Agreement has been reached on the issue that new employees go into the City Manager's proposal on Plan B. Agreement has been reached on the issue of 401A migration. The current people on Plan B should be brought closer to the Plan A. People were paying the same amount for different benefits and that did not seem fair. Those people in Plan B who have been paying 10% should be kept at 10%, and bring them closer to Plan A, that would resolve the issue and bring long-term sustainability. The lawsuit can be dropped if the current Plan B employees can be brought up almost to Plan A in return for their continuing to pay the 10%.

Commissioner Gross asked for the difference between what the City Manager is recommending for Plan B and what the Union is recommending for Plan B.

Robert A. Sugarman, Attorney for CWA Local 3178, explained that the Union is proposing for the current employees on Plan B to receive the same benefits Plan A receives, except for the overtime and that new people coming in will get the benefits listed under the Manager's enhanced proposal for Plan B.

Discussion held.

Jim Crosland Esq., spoke.

Richard D. McKinnon, President, CWA Local 3178, spoke.

Elizabeth Judd, AFSCME representative, spoke.

Willie Sanders, GSA Representative, spoke.

Jorge Gonzalez, City Manager, stated that what is being proposed by the Administration is fair and addresses the direction given by the City Commission, which was to try to make it as equitable and even across the table as possible. The City Manager explained that the Union's proposal for new employees coming into Plan B would ultimately result in a problem in the future to resolve the discrepancy between current Tier B and new Tier B employees. In addition, he explained that the reason the unclassified is more expensive per person is because they have a lot more to make up; unclassified. He asked Richard McKinnon, for clarification, where the employees in the 401A migration would be migrating.

Richard McKinnon stated that they would be migrating into the Plan B. Both the City and the Administration agreed on the method of migration.

**Motion made by Vice-Mayor Bower to move the City Manager's proposal for Tier B and 401A employees; seconded by Commissioner Smith; Voice vote: 6-1; Opposed: Commissioner Garcia.**

Commissioner Smith asked Jorge Gonzalez, City Manager, to tell the taxpaying members of this community what both proposals are costing the City of Miami Beach.

Jorge Gonzalez, City Manager stated the City's pension proposal represents a cost of \$2.1 million to all of the unclassifieds and an additional \$2.4 million to the classifieds; for a total of \$4.5 million annually. The CWA's proposal is estimated to be \$6.6 million. The classified cost difference between the City's and CWA is \$1.2 million.

**Commissioner Smith moved to approve the recommendation of the Finance and Citywide Projects Committee; and all other pending issues to be referred to the Finance and Citywide Projects Committee; seconded by Vice-Mayor Bower; Voice-vote: 6-1; Opposed: Commissioner Garcia.**

Commissioner Steinberg suggested that negotiations continue between the Union and Administration in trying to reach an agreement on the pending issues

Jorge Gonzalez, City Manager, asked for direction from the City Commission in reference to the pending items. His concern is that Union members are leaving unhappy, which is disappointing, because there is a \$4.5 million increase in pension for everyone in the room.

Mayor Dermer stated that the pending issues will be referred to the Finance and Citywide Projects Committee.

Jorge Gonzalez, City Manager, stated that this has taken a tremendous effort from both sides and a lot of work from staff to bring forth the facts; he commended Commissioner Smith who led several hours of discussion at the Finance & Citywide Projects Committee, Linda Gonzalez, Labor Relations Director, Michael Reyes, Labor Relations Technician, the City's Labor Attorneys, Kathie Brooks, Budget and Performance Improvement Director and Jose Cruz, Budget Officer. He stated that Linda and Michael have gone above and beyond the call of duty and they both put in a lot of hours.

Mayor Dermer thanked Jorge Gonzalez, City Manager, and the entire staff for a job well done.

Handout or Reference Material.

1. R9G Supplemental Materials, Memorandum dated October 19, 2005: Recommendation Of The City Manager To the Mayor And Commission Of The City Of Miami Beach To Resolve The Impasse Between The City And The CWA, Commission Item Summary and Exhibits A – D.
2. Supplemental Package dated 10/15/05 titled Item R9G (Proposed City Contract Language for CWA)

3. Letter to Mayor Dermer and Commissioners dated October 18, 2005 from Richard D. McKinnon, President of CWA Local 3178 re: Contract Ratification (8-pages)

**New Item:****8:38:00 p.m.**

A video of Commissioner Smith was played.

Commissioner Smith stated that it is very hard to maintain composure after watching his life on video. His life has been enriched by the rest of the members of the City Commission. He will never forget this experience. He thanked the citizens of Miami Beach for electing him in 1997 and in 2001 and allowing him to sit in this chair in a City that he grew up in and loves. He thanked his colleagues and his family for allowing him the privilege to sit there and at the same time being a father, a husband and a son to his mother. He asked the person replacing him to be prepared, be diligent and to do the right thing and be a commissioner that is attuned with the community. He has the highest respect for the City Manager's Office and staff, the City Attorney's Office and the City Clerk's Office. This City is a success story in government and he will never forget the eight years he spent here.

**12:36:33 p.m.****Addendum:**

R9H Discussion Regarding The Status Of The 1614 Meridian Avenue Building And Its Residents.  
(Requested by Commissioner Luis R. Garcia, Jr.)

**ACTION:** Commissioner Garcia stated that the item is in reference to the Neptune building, which is putting in danger the building next to it – 1614 Meridian - and the City had to condemn the building and evacuate the elderly residents, which are in danger of losing their Section 8 benefits. He thanked Jorge Gonzalez, City Manager, and Hilda Fernandez, Assistant City Manager, for their efforts in relocating the residents, but added that there are still some outstanding issues.

Elsa Urquiza, owner of 1614 Meridian Avenue, spoke.

Alex Tachmes, Esq., representing owner of 1614 Meridian Avenue, spoke.

Vice-Mayor Bower asked if residents could lose their Section 8 benefits.

Jorge Gonzalez, City Manager, stated that there are two issues: what can the City do on behalf of the residents to provide for adequate housing and how to ensure that they don't lose their Section 8 certificates. The Administration has communicated with the Housing Authority requesting an extension for the continuation of monthly rents at 1614 Meridian Avenue.

Elsa Urquiza, owner of 1614 Meridian Avenue, spoke.

Alex Tachmes, Esq., spoke.

Elsa Urquiza stated that she had met with Hamid Dolikhani, Acting Director of the Building Department, and was told that there is no guarantee that the tenants will be permitted to return back due to safety reasons.

**Reports and Informational Items**

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

**ACTION:** Written report submitted.

- B Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.  
(Capital Improvement Projects)

**ACTION:** Written report submitted.

- C Status Report On The Construction Of Fire Station No. 4.  
(Capital Improvement Projects)

**ACTION:** Written report submitted.

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

**ACTION:** Written report submitted.

- E Non-City Entities Represented By City Commission:
  - 1. Minutes From The Miami-Dade League Of Cities Meeting Of September 1, 2005 And Agenda For The August 4, 2005 Meeting.  
(Requested by Richard Steinberg)

**ACTION:** Written report submitted.

- F Parking Status Report.  
(Parking Department)

**ACTION:** Written report submitted.

**End of Regular Agenda**

**Miami Beach Redevelopment Agency****City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive****October 19, 2005**

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

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

**AGENDA**

## 1. ROLL CALL

## 2. OLD BUSINESS

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

**ACTION:** Written report submitted.

**1:11:00 p.m.**

## 3 NEW BUSINESS

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Authorizing The City Manager, Or His Designee To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; Terminate Existing Contracts As Needed; From The Last Commission Meeting On October 19, 2005, Until The First Regularly Scheduled Commission Meeting On December 7, 2005, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting On December 7, 2005. **Joint City Commission And Redevelopment Agency.**

**ACTION:** Item heard in conjunction with item R7H. Resolution No. 519-2005 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Gross; Voice vote: 4-0; Absent: Mayor Dermer and Commissioners Cruz and Garcia. Gus Lopez to handle.

- B A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Appropriating \$50,000 In Available FY 2005/06 City Center Redevelopment Agency Trust Fund Revenues To Conduct An Evaluation Of Potential Traffic Impacts From Private And Public Development Projects Being Planned For The City Center Area; Such Evaluation To Be Conducted By DMJM + Harris, Inc., A City Rotational Consultant.

**ACTION: Resolution No. 520-2005 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Gross; Voice vote: 4-0; Absent: Mayor Dermer and Commissioners Cruz and Garcia. Fred Beckmann to handle.

**End of RDA Agenda**

Meeting adjourned at 8:48:17 p.m.