



MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
 May 11, 2011

Mayor Matti Herrera Bower
 Vice-Mayor Jonah Wolfson
 Commissioner Jorge Exposito
 Commissioner Michael Góngora
 Commissioner Jerry Libbin
 Commissioner Edward L. Tobin
 Commissioner Deede Weithorn

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

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ATTENTION ALL LOBBYISTS

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

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

- PA1 Certificate Of Appreciation, Police Department's Officer Of The Month - March. (Exposito)
- PA2 Presentation On The State Of The Tourism And Travel Industry By William Talbert. (Bower)
- PA3 Certificates Of Recognition, Beyond The Call Of Duty Service Related To Haiti Relief. (Bower)
- PA4 Certificates Of Recognition, Students And Teachers Of M-D County Public Schools. (Bower)
- PA5 Certificates Of Appreciation, Contributing Significantly To The Beautification Of The City.
- PA6 Certificate Of Recognition, Stephanie Rosen For Organizing The Wendy Walk. (Weithorn)
- PA7 Key To The City, Officer Grant Reid For His Military Service. (Libbin)
- PA8 Proclamation, Coach Al Golden, University Of Miami Football Head Coach. (Wolfson)
- PA9 Certificate Of Recognition, Victor Fernandez, Participant In UNIDAD's Program. (Wolfson)
- PA10 Certificate Of Recognition, Miami Beach Community Health Center. (Wolfson)
- PA11 Proclamation, National Bike Month On May 2011.
- PA12 **New Item:** Proclamation, Nancy Novogrod of Travel & Leisure Magazine. (Libbin)
- C2A Issue RFQ, Constructability, Cost, And Value Engineering Review Services.
- C2B Issue RFQ, Construction And Administration Services For Collins Park Garage Project.
- C2C Issue RFP, Advertising Programs - Revenue Enhancement Initiatives.
- C2D Issue RFP, Provide Testing Services Programs For Police And Fire.
- C2E Issue RFP, Mobile Applications Developers For City Services.
- C2F Award Contracts, Bulk Mailing Services.
- C2G Reject All Qualifications Received, Governmental Consulting Services.
- C4A Ref. FCWC - Modify Promissory Note From MBCDC Meridian Place LLC.
- C4B Ref. LUDC - Ocean Beach Historic District R-PS4 Zoning Amendment. (Wolfson)
- C4C Ref. NCAC - Interim Traffic Calming Plan For La Gorce And Pinetree Drives. (Exposito)
- C4D Ref. LUDC - Short Term Rentals Ordinance. (Exposito)
- C4E Ref. NCAC - Noticing For Sidewalk Café Permit Renewal. (Góngora)
- C4F Ref. NCAC - Quality Of Life Issues For West Avenue. (Góngora)

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C4G	Ref. LUDC - Baywalk Conservation District Proposal. (Bower/Wolfson)	A
C4H	Ref. NCAC - Parking In Flamingo Park Parking Lot P-10. (Libbin)	A
C6A	Report - Land Use & Development Committee On April 21, 2011.	
C6B	Report - Capital Improvement Projects Oversight Committee Meeting On March 7, 2011.	
C7A	Submit Grant Applications To Several Funding Agencies.	
C7B	Accept Donation Of \$8,000 From MB Chamber Of Commerce For IB Program. (Libbin)	
C7C	Accept Recommendation, Resident Project Representative Services For Bayshore.	SM
C7D	Waive Bidding, Purchase Diesel Fuel At HESS And/Or Shell Station In North End Of MB. 5/7	
C7E	Authorize Sole Source Purchase, Annual Maintenance Of Cityworks Software.	
C7F	Execute Amendment No. 1, 44 th Street Drainage Improvements Agmt - Muss Park Project.	
C7G	Accept Recommendation, Middle Beach Recreational Corridor Phase II Project.	
C7H	Amend Agreement With DCA For Allocation Of NSP1 Funds, Agreement With MBCDC.	SM
R5A	10:16 a.m. 2nd Rdg , Amend Disability Access Committee Membership. (Tobin)	
R5B	10:17 a.m. 2nd Rdg , Amend Parking Rates, Fees, And Penalties.	
R5C	10:20 a.m. 2nd Rdg , Amend Meeting Agendas, Sponsor Identified. (Wolfson)	
R5D	10:25 a.m. 2nd Rdg , Amend Panhandling Ordinance. (Góngora)	
R5E	North Beach Town Center Zoning & Comprehensive Plan Amendments.	
R5E1	5:00 p.m. 2nd Rdg , Comprehensive Plan Text Amendments. 5/7	
R5E2	5:00 p.m. 2nd Rdg , Future Land Use Map Amendments. 5/7	
R5E3	5:00 p.m. 2nd Rdg , Town Center Zoning Text Amendments. 5/7	
R5E4	5:00 p.m. 2nd Rdg , Zoning Map Amendments. 5/7	
R5F	1st Rdg , Amend Naming Of Public Facilities & Establishments - Botanical Garden. (Libbin)	
R7A	Accept Recommendation, Parking Attendants For The City's Parking Garages.	SM
R7B	W-Approve Agmt w/ Coca Cola, Non-Alcoholic Beverage Municipal Marketing Partnership.	
R7C	3:50 p.m. Urge Local Retailers To Refrain From Selling Flavored Tobacco Products.	A
R9A	Board And Committee Appointments.	
R9A1	4:00 p.m. Board And Committee Appointments - City Commission Appointments.	
R9A2	Nominate Ricky Arriola, Representative To The Adrienne Arsht Center For PACT. (Bower)	
R9B1	12:30 p.m. Dr. Stanley Sutnick Citizen's Forum.	
R9B2	5:30 p.m. Dr. Stanley Sutnick Citizen's Forum.	
R9C	Discuss Changing Flamingo Park Master Plan And Design Of Tennis Club House. (Tobin)	
R9D	Discuss The Dunlop Orange Bowl Tennis Tournament. (Tobin)	
R9E	1:00 p.m. Committee Of The Whole - Discuss Interim Status Report Of Internal Audits.	
R9F	1:00 p.m. Committee Of The Whole - Discuss FY 11/12 Operating Req. - Mayor & Comm.	
R9G	9:25 a.m. Presentation By Marlon Hill On Best Of The Best Weekend Coordination. (Bower)	
R9H	5:05 p.m. Discuss The Bayshore Neighborhood Par 3 Golf Course. (Exposito)	
R9I	11:30 a.m. Discuss Request From Tremont To Amend Their Towing Permit. (Libbin)	SM
R9J	Discuss Status Of The Sunset Harbor Parking Garage. (Wolfson)	A
R9K	Verbal Report On The Par 3 Golf Course Redesign & Flamingo Tennis Facility Master Plan. Reports and Informational Items (see LTC #450-105-2011)	A

Meeting called to order at 9:37:14 a.m.

Inspirational Message given by Rabbi Donald Bixon of Congregation Beth Israel.

Pledge of Allegiance led by Harold Rosen assisted by Guido Dominguez, from North Beach Elementary.

ADDENDUMS:

Motion made by Commissioner Góngora to add items C4D, C4E, C4F, C4G, C4H, R7C, R9J and R9K to the Agenda as emergency items; seconded by Commissioner Tobin; Voice vote: 7-0.

SUPPLEMENTAL MATERIAL:

C7C: (Resolution)

C7H: (Resolution)

R7A: (Resolution)

R9I: (Memorandum& Resolution)

The City Commission will recess for lunch at approximately 1:00 p.m.

Presentations and Awards**10:30:04 a.m.**

PA1 Certificate Of Appreciation To Be Presented To The Miami Beach Police Department's Officer Of The Month For March 2011.

(Requested by Commissioner Jorge Exposito)

ACTION: Certificate presented to Officer Antonio Ferbeyre.

Vice-Mayor Wolfson introduced the item.

Commissioner Exposito recognized Officer Ferbeyre for his services during the investigation and apprehension of an individual who was impersonating a police officer; he commended him for outstanding service and accomplishments and for making the street of Miami Beach safer.

Police Chief Carlos Noriega added that the individual arrested was a sexual offender and various criminal records. Due to his work for the second month in the row the Miami Beach Police Department has won the prestigious Miami-Dade County Association Chief of Police Officer of the Month award against other 40 agencies. Officer Ferbeyre will also be recognized at Dade Chief's Dinner at the Loews Hotel and encouraged the City Commission to attend.

Officer Antonio Ferbeyre accepted the award.

10:11:47 a.m.**10:18:03 a.m.**

PA2 Presentation On The State Of The Tourism And Travel Industry By William Talbert, President & CEO Of The Greater Miami Convention & Visitors Bureau And Recognition Of National Travel And Tourism Week.

(Requested by Mayor Matti Herrera Bower)

ACTION: Item heard in conjunction with item PA12. Presentations given.

Commissioner Libbin presented a proclamation to Travel and Leisure Magazine. He introduced Nancy Novogrod, Editor and Chief, and read the proclamation for the record. The Mayor and City Commission proclaim today Travel Leisure Magazine in the City of Miami Beach.

Nancy Novogrod thanked elected officials and partners CEO William D. Talbert III and Rolando L. Aedo, Chief Marketing Officer and Executive Vice President of Greater Miami Convention & Visitors Bureau (**GMCVB**). She explained that Miami Beach was the cover story in the March issue written by Tom Austin, in the audience, and Jill Stone, Regional Sales Director, who handed out a framed copy of the issue cover. She announced that Travel and Leisure is created for a U.S. audience but there

are five international editions in China, South Asia, India and Turkey.

Vice-Mayor Wolfson introduced William D. Talbert.

William D. Talbert, President & CEO, (GMCVB), stated that they are celebrating National Travel and Tourism Week this week. He made reference to an article in USA TODAY regarding tourism as an economic engine; and added that in 2010 it was a record year, with \$18.8 billion spent in this community by overnight visitors, 60% being international visitors, an increase of 13% from South America and the remainder domestic. He recognized the Bureau team: Rolando Aedo, Ira Moriarty, George Neary, Jennifer Diaz, Jenny Gutierrez, and hotel partners present in the audience. He also thanked Mayor Bower and Jorge Gonzalez, City Manager, for their leadership and the City Commission for their support, especially Commissioner Weithorn and Commissioner Exposito for helping GMCVB book a convention. The challenges ahead are moving forward to enhance the Miami Beach Convention Center in partnership with Miami-Dade County.

In recognition of the City's leadership and support, he presented an award of recognition on behalf of the GMCVB, and added that on Thursday, at the National Press Club the US Travel Association is rolling out their new entry process plan, which includes a recommendation that there be visa waivers for Brazil.

Handout or Reference Materials

1. Article in USA TODAY dated Monday, May 9, 2011 titled "They're not just travelers. They're economic engines."
2. MIAMI Greater Miami Convention & Visitors Bureau card with 2010 Fast Facts of MIAMI's #1 Industry – Travel & Tourism

10:33:41 a.m.

PA3 Certificates Of Recognition To Be Presented For Beyond The Call Of Duty Service Related To Haiti Relief.

(Requested By Mayor Matti Herrera Bower)

ACTION: Certificates presented to Digna Abello, Jaime Calderon, Jean Joubert Dorleus, Adonis Garcia, Nelson Gonzalez, Lonnie Gordon, Robert Morrison, Michael Olivares, Hayden Rock, Jorge Sanabria, Roland Sanchez, Douglas Thompson, and Michelle Viera.

Vice-Mayor Wolfson introduced the item and presented the certificates.

Commissioner Tobin commended the firefighters for stepping up and assisting Haiti in their hour of need.

Commissioners Góngora, Exposito, Libbin and Weithorn recognized the Miami Beach Fire Department for joining relief efforts.

Adonis Garcia spoke on behalf of the Fire Department and acknowledged Firefighter I Jean Doreleus, "JD," who is the first Haitian-American who volunteered in the project.

9:43:50 a.m.

PA4 Certificates Of Recognition To Be Presented To Select Students And Teachers Of The Miami-Dade County Public Schools For The 2010-11 School Year.
(Requested By Mayor Matti Herrera Bower)

ACTION: Certificates presented to the following individuals:

Fienberg/Fisher K-8 Thinker: Leonel Montero Caring: Josefina Luiz Balanced: Danielle Drucker, Principled: Christian Suarez, Teacher of the Year: Kim Bayon; Rookie Teacher of the Year: Dania Llorca; **South Pointe** Thinker: Sophia Elliot, Principled: Derick Rubio Caring: Astrid Carrillo, Balanced: Moises Coriat Teacher of the Year: Maria Teresa Garrido, E. Weisburd TOY nominee from our school; **Treasure Island**; Thinker: Lily Strom, Principled: Javier Lopez-Quinn Caring: Leah Ann Tiner, Balanced: Maria Hernandez, Teacher of the Year: Ms. Carol Smith Rookie Teacher of the Year: Ms. Shari Davis, **Ruth K Broad** K-8 Thinker: Nikolas Rojas-Elcadi, Principled: Jessica Castillo, Caring: Tiffany Burgos, Balanced: Arielle Marcelin, Teacher of the Year: Christie Cendoya Rookie Teacher of the Year: Michelle Cannon, Retirees: Jan Tearle and Patricia Faver, **North Beach Elementary** Thinker: Guido Dominguez, Principled: Katherine Pupo Caring: Ellie Cohen, Balanced: Delila Penson Teacher of the Year: Jacqueline Lozano Retirees: Emma Judson; Biscayne Elementary, Thinker: Nicole Carral, Balanced: Alejandro Cartagenas, Principled: Diego Baldizon, Caring: Emily Vazquez Teacher of the Year: Celestino Lopez Rookie Teacher of the Year: Gabriela Guiu-Garcia, **Nautilus Middle School**, Thinker: Brennan Jasso, Principled: Robert Barrios Caring: Bianca Williams, Balanced: Robert Berryman, Teacher of the Year: Gwendolyn Foote Rookie Teacher of the Year: Andie Rosen Retirees: William Lollis, **Miami Beach Senior High School**; Thinker: Joshua Matz, Principled: Joshua Saka, Caring: Sebastian Benzoni, Balanced: Wendy Goya Teacher of Year: Paul Rehage, and Science Rookie Teacher of Year: Joshua Figueroa Retiree: Dennis Tom.

Vice-Mayor Wolfson introduced the item.

Mayor Bower recognized Jerold Blumstein from the Office of Dr. Martin Karp, School Board Member and recognized all the students in the audience for their achievements.

Jorge Gonzalez, City Manager, explained that the City Administration has been working with the IB project and last year Miami Beach Senior High was authorized as an IB school, and today North Beach Elementary and South Pointe Elementary, as well as Fienberg Fisher and Fienberg Fisher's Middle School program are now officially designated IB schools He presented Certificates of Recognition to principals Melanie Fishman, South Pointe Elementary School, Dr. Alice Quarles, North Beach Elementary, Rosann Sidener Ed.D., Miami Beach Senior High School, and from Fienberg Fisher, Maria Zabala. He also recognized all the teachers for implementing the program so quickly.

Commissioner Weithorn also recognized the Chairwoman of the Quality Education Committee, Karen Rivo, for making a difference in this community.

Jorge Gonzalez, City Manager, recognized Leslie Rosenfeld, Committee Liaison, for her contributions.

10:41:05 a.m.

PA5 Certificates Of Appreciation To Be Presented To The Normandy Shores Golf Club, The Alexander, Temple Emanu-El, And Special Recognition To The Holocaust Memorial Of Miami Beach By The City Of Miami Beach Beautification Committee, For Their Efforts In Contributing Significantly To The Beautification Of The City.

(Parks & Recreation)

ACTION: Certificates presented.

Vice-Mayor Wolfson introduced the item.

John Oldenburg, Assistant Director, Parks and Recreation Department, thanked the members of the City Commission who were able to join in welcoming the 2010 award recipients. He introduced the members of the Beautification Committee, Chair Terry Blackman, Silvia Rotbart, Maria Koller, Lydia Resnick, Dr. Daniel Nixon, Lucero Levy, Moni Cohen and staff members, Rhonda Gracie, Special Projects Coordinator, and Brenda Carbonell, Parks and Recreation Analyst. He explained the selection process and congratulated the recipients for hard work and dedication in maintaining the properties to the highest standards.

Maria Koller presented the award to **Normandy Shores Golf Club** and gave a brief background of its history. She recognized the following individuals: Mr. Alberto Pozzi, PCM General Manager, Mr. Steve Farrell, Director PCM, Mr. Andrew Forbes, Assistant Director PCM, Mr. David Duffy, Superintendent PCM, Humberto Cabanas- CIP, Mr. Kevin Smith- Director of Parks & Recreation, and Carlos DaCruz -Parks & Recreation.

Mr. Oldenburg recognized the Chair of the Beautification Committee, Claire Warren and introduced Dr. Nixon.

Dr. Daniel Nixon presented the award to **The Alexander Hotel**, and gave a brief background summary of its history. He presented the award.

Lucero Levy presented the award to **Temple Emanu-El**, and also gave a background of its history. She recognized Jeffrey Rynor, President, Jonathan Cohen, Executive Director, and Dan Sherbill, Rabbi. She commended the Parks Department staff, John Oldenburg and Brenda Carbonell.

Lydia Resnick presented the 2010 Special Recognition award to **The Holocaust Memorial of Miami Beach**. Ms. Resnick described the symbolic monument and thanked the Holocaust Memorial for their contributions. The award was accepted by Sharon S. Horowitz, Executive Director and Carol Brick-Turin, Director of JCRC.

Commissioner Libbin observed that the Normandy Shores Golf Course and Club House are in magnificent shape, and he gave credit to Commissioner Tobin for his efforts in replacing instead of renovating the Club House.

10:26:26a.m.

- PA6 Certificate Of Recognition To Be Presented To Stephanie Rosen For Organizing The "Wendy Walk" To Raise Funds For Cancer Research.
(Requested by Commissioner Deede Weithorn)

ACTION: Certificate presented.

Vice-Mayor Wolfson introduced the item.

Commissioner Weithorn introduced Stephanie Rosen and her family and recognized the work done for the community.

Stephanie Rosen stated that this is a "family affair," and explained that the walk is organized for her husband's sister who has a rare form of cancer called liposarcoma, and unfortunately, there is not much that can be done other than raise awareness and raise funds. The walk takes place in Miami, New York and Los Angeles, and this year they raised over \$20,000 in Miami. T-shirts were distributed.

10:08:14 a.m.

- PA7 Key To The City To Be Presented To Officer Grant Reid For His Military Service.
(Requested by Commissioner Jerry Libbin)

ACTION: Key presented.

Commissioner Libbin introduced the item and recognized Officer Reid for his services in the US Army from 2004 to 2007; in Operation Iraq Freedom in 2006. He received the following merits: Combat Infantry Badge, Expert Infantry Badge, Parachute Wings, British and Polish Parachute Wings, two Army Commendation Medals, one Army Achievement Medal and conducted 23 airborne operations. He congratulated Office Reid and presented him with the key to the city.

Officer Grant Reid thanked Commissioner Libbin and the rest of the City Commission and accepted the award on behalf of the soldiers who gave the ultimate sacrifice for their country.

9:39:29 a.m.

- PA8 Proclamation To Be Presented To Coach Al Golden, University Of Miami Football Head Coach.
(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Proclamation presented.

Vice-Mayor Wolfson introduced the item and presented the proclamation to Coach Golden.

Coach Al Golden stated that he is grateful for the award. He recognized former Mayor Rosen for his support. He added that one of their pillars is gratitude, appreciation, and stewardship, and the students in Miami Beach will continue to participate in their group programs.

10:57:50 a.m.

PA9 Certificate Of Recognition To Be Presented To Victor Fernandez, Participant In UNIDAD's Senior Placement Program.

(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Certificate presented.

Vice-Mayor Wolfson introduced the item. He explained that one of the most important functions of UNIDAD is to get seniors job placement on the beach or surrounding areas and recognized UNIDAD and the sponsor organization. He translated to Spanish.

Victor Fernandez thanked the Mayor and Commissioners, and Mayra and Raymond Adrian for the assistance received. He explained that he recently arrived from Cuba as a political prisoner, and now is working hard to be recognized by the community. He thanked the Miami Beach community and the USA for giving him this opportunity. Vice-Mayor Wolfson translated his statement to Spanish.

Mara Mignardi, UNIDAD's Senior Employment Program Job Developer, recognized the City Commission, Jorge Gonzalez, City Manager, City Attorney and Robert Parcher, City Clerk, on behalf of Raymond Adrian for praising these individuals for their achievements.

Vice-Mayor Wolfson also presented a Certificate to the Miami Beach Community Health Center for partnering in this project.

PA10 Certificate Of Recognition To Be Presented To Miami Beach Community Health Center, Employer/Participants In UNIDAD's Senior Placement Program.

(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Item heard in conjunction with PA10. Certificate presented.

11:06:58 a.m.

PA11 Proclamation To Be Presented In Honor Of National Bike Month On May 2011.
(City Manager's Office)

ACTION: Proclamation presented.

Jorge Gonzalez, City Manager, introduced the item and declared May as official National Bike Month in the City of Miami Beach.

Fred Beckmann, Public Works Director, explained Deco Bike project recently implemented and encouraged everyone to participate in Bike Week and on Friday in Bike-to-Work Day. He recognized members of the Mayor's Blue Ribbon Bike Path Panel, Gabrielle Redfern and Jack Ruiz, who have been instrumental in developing the program. He especially recognized Christine Bettin, Transportation Coordinator, for her tremendous work, and announced that unfortunately today is her last day as City employee.

Discussion held regarding competition submitted by the City and Deco Bike.

Commissioner Libbin recognized Gabrielle Redfern for her efforts on this issue.

Jack Ruiz, member of the Bikeways Committee, spoke.

Gabrielle Redfern, member of Bikeways Committee, and Miami-Dade County Mayoral candidate, spoke.

New Item**11:16:25 a.m.**

Commissioner Weithorn announced that they are showcasing young artists from the City's Sister Cities and authors at the 10th Street auditorium during May 16th and May 28th and encouraged everyone to attend.

10:11:47 a.m.**10:18:03 a.m.**

PA12 Proclamation To Be Presented to Nancy Novogrod of Travel and Leisure Magazine.
(Requested by Commissioner Libbin)

ACTION: Item heard in conjunction with item PA2. See action with PA2.

CONSENT AGENDA

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

C2 - Competitive Bid Reports

C2A Request For Approval To Issue A Request For Qualifications (RFQ) For Constructability, Cost, And Value Engineering Review Services.
(Capital Improvement Projects/Procurement)

ACTION: Request authorized. Gus Lopez to issue the RFQ. Fernando Vazquez to handle.

See Correction Sheet – Page 11, No. 5, change criteria points to the following:

10 Principal Point
10 Project Team
40 Project Manager

C2B Request For Approval To Issue A Request For Qualifications (RFQ) For Architectural, Engineering, Design, Bid And Award, And Construction Administration Services For The Collins Park Garage Project.

(Capital Improvement Projects/Procurement)

ACTION: Request authorized. Gus Lopez to issue the RFQ. Fernando Vazquez to handle.

C2C Request For Approval To Issue A Request For Proposals (RFP) For Certain Advertising Programs, And Advertising Sales Support, As Part Of The City's Revenue Enhancement Initiatives.
(City Manager's Office)

ACTION: Request authorized. Gus Lopez to issue the RFP. Hilda Fernandez to handle.

C2D Request For Approval To Issue A Request For Proposals (RFP) To Provide Testing Services Programs To Determine Qualified Applicants For Police And Fire Entry Level Positions And Classified Promotional Classifications; And/Or To Provide Consultation Services For Sworn And Non-Sworn Positions In Order To Develop Job Analysis, Entry Level And Promotional Tests, Scoring, Minimum Requirements For Jobs And Background Test Requirements.

(Human Resources/Procurement)

ACTION: Request authorized. Gus Lopez to issue the RFP. Ramiro Inguanzo to handle.

C2E Request For Approval To Issue A Request For Proposals (RFP) For Mobile Applications Developers For Municipal Parking, Transportation, Parks And Recreation, Special Events And Other City Services.

(Parking/Procurement)

ACTION: Request authorized. Gus Lopez to issue the RFP. Saul Frances and Gladys Gonzalez to handle.

C2F Request For Approval To Award Contracts To The Following Vendors: A&B Bulk Mailers, Inc., Prison Rehabilitative Industries And Diversified Enterprise, Inc (Pride Enterprises, Inc.), Arrowmail Presort Co. Inc., Jaguar Data Systems, Inc. And Globalpex, Inc. As Primary And/Or Secondary As Per Group Award Pursuant To Invitation To Bid No. 09-10/11, For Bulk Mailing Services In The Estimated Annual Amount Of \$ 191,751.

(Procurement)

ACTION: Request authorized. Gus Lopez to handle.

Handout or Reference Materials:

1. Letter from Gus Lopez, CPPO, Procurement Director, to PRIDE INTERPRISES, INC ("PRIDE") dated May 4, 2011, VIA E-MAIL aacosta@pride-enterprises.org RE: RESPONSE PERTAINING TO HOLD HARMLESS CLAUSE FOR ITB No. 09-10/11 BULK MAILING SERVICES ("the Bid").

4:49:53 p.m.

C2G Request For Approval To Reject All Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 54-09/10, For The Provision Of Governmental Consulting Services At Miami-Dade County, Florida; And Further Directing The Administration To Revise And Reissue The Request For Qualifications.

(Economic Development/Procurement)

ACTION: Item separated for discussion by Commissioner Góngora and Commissioner Weithorn. Item deferred to the June 1, 2011 Commission Meeting, and advertise as a public hearing. The public hearing is to waive the prohibition so the Commission can consider awarding the contract to Rosario Kennedy and Associates. Motion made by Commissioner Góngora; seconded by Vice-Mayor Wolfson; Voice vote: 7-0. Gus Lopez to notify the bidders. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Kevin Crowder to handle.

Jorge Gonzalez, City Manager, introduced the item.

Discussion held.

Commissioner Góngora stated that Rosario Kennedy should be given an opportunity and maybe be placed on a retainer on an "as needed basis" since she went through the process before and was ranked #1.

Discussion held.

Stanley Shapiro spoke.

Raul Aguila, Deputy City Attorney, stated that there is an ethics law issue, because Randy Hilliard is part of Rosario Kennedy's company, and he is a member of the Convention Center Advisory Board. There are two ways to handle this problem; 1) an opinion from the Miami-Dade County Ethics Commission should have been requested by Mr. Hilliard before the bid was submitted; and 2) if the City Commission wants to award the contract, there needs to be a public hearing and a 5/7th vote to waive Mr. Hilliard's conflict of interest.

Jose Smith, City Attorney, stated all that is required under code section 2-450 and 2-458 is that if a Commissioner has a contractual relationship, or has had a contractual relationship within the past year, the disclosure needs to be announced.

Motion made by Commissioner Góngora to defer the item and advertise a Public Hearing to waive the prohibition to the contract so the contract can be awarded to Rosario Kennedy; seconded by Vice-Mayor Wolfson.

See correction sheet: Page 58, Motion No.5, add Committee's voice vote of 5-0

Handout or Reference Materials

1. Letter from Rosario Kennedy to Jorge Gonzalez, dated May 10, 2011, RE: Request for Qualifications RFQ 54-09/10 for the provision of Governmental Consulting Services to CMB.
2. Mayor Bower and Commissioner Weithorn disclosed, pursuant to City Code Section 2-450 and 2-458 an existing or prior contractual relationship with member of a team responding to the RFQ.

C4 - Commission Committee Assignments**5:18:21 p.m.**

- C4A Referral To Finance And Citywide Projects Committee To Discuss A Proposed Modification Of The Promissory Note Dated February 5, 2007, From MBCDC Meridian Place LLC, A Florida Limited Liability Corporation, To The Miami Beach Redevelopment Agency, And To Discuss A Subordination Of The City's Mortgages In Favor Of A Mortgage Being Made To MBCDC By Bank United.
(Real Estate, Housing & Community Development)

ACTION: Item separated for discussion by Commissioner Tobin. Referred. Motion made by Commissioner Tobin; seconded by Commissioner Góngora; Voice vote: 7-0. Patricia Walker to place on the committee agenda. Anna Parekh to handle.

Commissioner Tobin spoke about the loan and stated that in the future, if the payment terms are going to be renegotiated, repayment terms need to include how the debt will be forgiven or defer the debt. He added that he believes MBCDC is spending probably triple on all of the renovations and he is concerned about the workmanship. He stated that in the future he would like to see an explanation on how the dollars were spent and how the loan will be negotiated.

Jorge Gonzalez, City Manager, pointed out that the item is a referral to the Finance and Citywide Projects Committee.

Commissioner Tobin stated that at the FCWPC he would like to have details on how the money was spent. **Anna Parekh to handle.**

Commissioner Libbin also requested from Roberto DaTorre, President Of Miami Beach Community Development Corporation, a spreadsheet for all of MBCDC's buildings showing when they will become cash flow positive for the FCWPC meeting. **Anna Parekh to handle.**

Commissioner Tobin added he was told that the City would have an expert looking over the projects.

Mayor Bower stated that HUD visited the City and an entire morning was spent with them reviewing not only the affordable housing projects, but also the community development projects. HUD thinks Miami Beach is a model city. HUD was very impressed on how the projects are managed and how the money is spent.

- C4B Referral To Land Use And Development Committee - Discussion Regarding Ocean Beach Historic District R-PS4 Zoning Amendment.
(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Referred. Richard Lorber to place on the committee agenda and to handle.

Handout or Reference Materials

1. Email from Frank Del Vecchio to Jonah Wolfson, dated May 5, 2011, RE: May 11, 2011 Agenda Item CMB (C4B) with attached document May 5'11 Memo to Com'r Wolfson.doc ZONING AMENDMENT B.doc

City Clerk's Note: Attached to this referral is a letter from Frank Del Vecchio to Commissioner Wolfson dated April 28, 2011

- C4C Referral To Neighborhood/Community Affairs Committee - Discussion Regarding The Interim Traffic Calming Plan For La Gorce And Pinetree Drives.
(Requested by Commissioner Jorge R. Exposito)

ACTION: Referred. Randi MacBride to place on the committee agenda. Fred Beckmann to handle.

ADDENDUM:

- C4D Referral To The Land Use And Development Committee - Discussion Regarding The Short Term Rentals Ordinance.
(Requested by Commissioner Jorge Exposito)

ACTION: Referred. Richard Lorber to place on the committee agenda and to handle.

ADDENDUM:

- C4E Referral To The Neighborhood/Community Affairs Committee - Discussion Concerning Noticing For Sidewalk Café Permit Renewal.
(Requested by Commissioner Michael Góngora)

ACTION: Referred. Randi MacBride to place on the committee agenda. Fred Beckmann and Patricia Walker to handle.

ADDENDUM:

- C4F Referral To The Neighborhood/Community Affairs Committee - Discussion Concerning Quality Of Life Issues For West Avenue.
(Requested by Commissioner Michael Góngora)

ACTION: Referred. Randi MacBride to place on the committee agenda. Chief Noriega and Fred Beckmann to handle.

City Clerk's note: Attached to this item is a color document titled "Quality of Life Issues for South Beach – Pedestrians and Crosswalks on West Avenue"

ADDENDUM:

- C4G Referral To The Land Use And Development Committee - Discussion Regarding The Baywalk Conservation District Proposal Put Forth By Members Of The Lincoln West Neighborhood Association.
(Requested by Mayor Matti Herrera Bower & Vice-Mayor Jonah Wolfson)

ACTION: Referred. Richard Lorber to place on the committee agenda and to handle.

ADDENDUM:

- C4H Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding The Lack Of Parking For Permit Paying Residents In The Flamingo Park Parking Lot P-10.
(Requested By Commissioner Jerry Libbin)

ACTION: Referred. Randi MacBride to place on the committee agenda. Saul Frances to handle.

C6 - Commission Committee Reports

C6A Report Of The Land Use And Development Committee On April 21, 2011: **1)** Proposed Alton Road Historic District Buffer Overlay. **2)** Proposed Parking District #5 For The Alton Road Corridor. **3)** Temporary Removal Of Parking Spaces. **4) a)** Discussion Regarding The Notice Requirements For All Land Use Boards; **b)** Discussion On Amending The Public Notice Requirements For Board Of Adjustment, Planning Board, Historic Preservation Board, And Design Review Board Items From Thirty Days To Fifteen Days. **5)** Discussion On Proposed Amendments To Land Development Regulations Amending Minimum Unit Size And Parking Requirements For Affordable Housing Projects. **6)** Discussion Regarding Temporary Storefront Signs. **7)** Discussion On The Development Of A Citywide Transportation Plan. **8)** Discussion Regarding An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 2, "Administration," Article II, "City Commission", By Enacting A New Section 2-12, "Meeting Agendas," Requiring Proposed Legislation Or Ordinances That Appear On A City Commission Or Commission Committee Agenda To Have A Commissioner Sponsor Identified; Providing For Repealer; Codification; Severability; And An Effective Date. **9)** Discussion Regarding The Present Plans To Build A Convention Center And Casino In Miami-Dade County And The Potential Impact On Miami Beach. **10)** Discussion Regarding Hop-On-Hop-Off City Bus Tour Service From Various Locations In The City.

ACTION:**Item No. 1:**

Deferred

Item No. 2:

Deferred

Item No. 3:

Deferred

Item No. 4

MOTION: Góngora/Exposito (vote 3-0) After original notice requirement, one continuance is permitted; any further requests for continuance shall be fully noticed as per code. Prepare ordinance and forward to Planning Board for review and recommendation. Any alternatives recommended by the Board should be presented to the Land Use Committee prior to Commission.

MOTION: Góngora/Exposito (vote 3-0) Bring the Committee a list of minor variances associated with single family homes that might be considered for shorter notice period.

City Clerk's note: Richard Lorber to handle.

Item No. 5:

MOTION: Góngora/Exposito (vote 3-0) Approve with amendment that for parking, only units of 800 sf. or less the parking requirement is reduced from 1.5 to 1 per unit; for larger size units, the parking requirement should stay the same. Send to Planning Board for review and recommendation

City Clerk's Note: Richard Lorber to handle.

Item No. 6:

Deferred

Item No. 7:

Deferred

Item No. 8:

MOTION: Góngora/Exposito (vote 3 - 0) Approve and send to the full Commission with amendments to the text to say “one or more members of the City Commission”; and to remove the words “discussion items”.

City Clerk’s note: See Agenda item R5C.

Item No. 9:

AFTER-ACTION: The Committee discussed casinos in general, and the recent proposals for legislation in Tallahassee. Kevin Crowder explained that casino legislation appeared dead for this year’s legislative session.

Item No. 10:

AFTER-ACTION: Max Sklar explained the current service operating in the City. One problem is their practice of selling tickets on the streets rather than inside buildings. The Committee expressed their direction to permit only inside sales, rather than outdoor vending.

City Clerk’s note: Max Sklar to handle.

- C6B Report Of The Capital Improvement Projects Oversight Committee Meeting On March 7, 2011: **1)** Attendance. **2)** Old Business: 2A) Status Report: Venetian Island Neighborhood Improvement Project; 2B) Status Report: Status Report: Palm & Hibiscus Island Undergrounding; 2C) Status Report: Sunset Islands I & II; 2d) Status Report: Sunset Islands III & IV. **3)** Requested Reports: Assessment Of Structural Conditions And Hydraulic Conditions Of Outfalls For Sunset III & IV. **4)** Commission Items: A Resolution Approving A Contract Award, Pursuant To Invitation To Bid No. 07-10/11, For The Right-Of-Way Infrastructure Improvement Program – Neighborhood No. 1 – Biscayne Point; Authorizing The Mayor And City Clerk To Execute An Agreement With David Mancini & Sons, Inc., In The Not-To-Exceed Amount Of \$10,907,759, For The Construction Of The Project, Plus A 10% Project Contingency In The Amount Of \$1,090,776, For A Grand Total Of \$11,998,535; Appropriating \$6,675,401 From Funds Previously Appropriated In The Capital Budget; And Further Appropriating \$5,323,134 From Fund 429 Stormwater Projects Line Of Credit, With Such Funds To Be Repaid From Proposed Future Storm Water Bonds; Further Authorizing The Administration To Engage In Value Engineering To Further Reduce The Cost And Time For Completion Of Said Project. **5)** Review And Acceptance Of Minutes. **6)** Public Comments. **7)** Adjournment.

ACTION:**Item No. 1:**

See attendance sheet copy attached

Item No. 2(A):

Stipulate in Venetian Islands Neighborhood Improvement Project contract documents that San Marino Drive will be the last section of the island to be completed by the contractor

Greg Carney, HOA President, had a safety concern with the bike lanes going away and not having signage warning bicyclist that their lane goes away.

Forward a letter to the County stating the liability issues due to lack of signage, warning bicyclist that their lanes ends due to construction.

Item No. 2(B):

Aurelio Carmenates reported he had a meeting with HOA to go over the north half of the drawings provided by FP&L. Once the south half of the island gets reviewed and approved by the HOA, they have requested for the City to again obtain new/updated construction estimates reflecting only Hibiscus Island from FP&L. Chairman Gross commented on sharing trenches as a way of saving money. Mr. Carmenates explained there is a ROW component to the project, water and drainage work. Having FPL requirements, require an FPL certified contractor, but for the water and drainage a regular general contractor can be obtained. Fernando Vazquez stated that they are exploring the use of Design Build to obtain contractors estimate as quickly as possible.

Item No. 2(C):

Maria Hernandez reported that on February 15, 2011 ballots were opened and resulted as follows:
Sunset Island I

- 36 ballots were cast
- 23 voted for traffic modification to 1-way and 13 voted for no modification
- 24 (two-thirds of 36) were required to effect a modification

Sunset Island II

- 49 ballots were cast
- 25 voted for modification to 1 way and 24 voted for no modification
- 33 (two-thirds of 49) were required to effect a modification

Therefore, there will be no change. Decision was made not to appeal the vote. Engineer of record was instructed to proceed with the plans. 100% plans will be passed to Public Works and Schwebke Shishkin. Looking to have a bid advertise by mid April, bid award by July, contract execution by September, NTP 1 October, NTP 2 November, and be on the ground by the end of this year. Most of Islands I & II will have 22 foot roads; currently have a variation between 16 & 17 feet. Working on Encroachment issues, Engineer of record was instructed to do a detailed encroachment plan. Stacy Kilroy made a recommendation that the Engineer of record or Fernando contact the old city surveyor due to the shifting of the center road.

Item No. 3:

Assessment of structural conditions and hydraulic conditions of outfalls for Sunset III & IV

Hector Castro, Public Works Assistant Director, reported 12 positive drainage outfalls on Sunset Island 3 & 4 combined, 6 on each island. Inspection and cleaning services were completed on all 12. Four (4) were deemed in good condition and require no additional work. Eight (8) require work, one (1) requires to be completely replaced and will be done as part of the neighborhood CIP project, five (5) require point repair, and one (1) can be repaired by relining. A contract is in place with Envirowaste Services scheduled to begin March 14th and completed by April 15th for the repairs

Item No. 4:

Check funding source on Biscayne Point properly match with the work being done. Conduct peer review.

MOTION: Recommend to the Mayor and City Commission approval of award but peer review done before the execution of the contract.

MOVED: Christina Cuero 1st, Stacy Kilroy 2nd

PASSED: Unanimous

Item No. 5:

MOTION: Approve minutes as amended
 MOVED: Stacy Kilroy 1st, Dwight Kraai 2nd
 PASSED: Unanimous

Item No. 6:

Daniel Veitia, Normandy Isle HOA, stated that he had received an LTC that addresses several of his issues. Fernando Vazquez commented that the LTC is a draft and it has not been formally distributed to the Manager's office or Commission. Mr. Veitia is concerned especially with lighting in Normandy Isle and the number of lights that were approved by commission and wants to maintain that level of lights and recognizes that there is a funding challenge. Jorge Gomez stated that there is a lighting project underway.

Action item: Check funding sources for Normandy Isles neighborhood lighting. Status Report on Normandy Isle pending items to be placed in Agenda.

Item No. 7:

Meeting adjourned: 7:08 pm

C7 - Resolutions

5:40:23 p.m.

C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Submit Grant Applications To: 1) Office Of The Attorney General For Funding From The Victims Of Crime Act Program In The Approximate Amount Of \$60,000; 2) U.S. Department Of Justice, Office Of Juvenile Justice And Delinquency Program For Funding In The Approximate Amount Of \$300,000 Over Three Years, For The Mentoring Youth With Disabilities Program; And, 3) US Department Of Justice, Office Of Community Oriented Policing Services (COPS), COPS Hiring Program For Funding In The Approximate Amount Of \$1,500,000 Over Three Years For The Hiring Of Additional Career Law Enforcement Officers; Appropriating The Above Grants, And Matching Funds, As Necessary, If Approved And Accepted By The City, And Authorizing The Execution Of All Documents Related To These Applications.

(Budget & Performance Improvement)

ACTION: Item separated for discussion by Commissioner Weithorn. Resolution No. 2011-27650 adopted as amended. Item 3) amended, if awarded, will come back to the Commission for approval. Motion made by Commissioner Tobin; seconded by Commissioner Góngora; Voice vote; 7-0. Patricia Walker to appropriate the funds if approved and accepted. Judy Hoanshelt to handle.

Commissioner Weithorn stated that this item authorizes the City to apply for three grants. Grant number three (3) is the COPS grant that allows the City to hire more police officers. The federal government pays for them for the first three years and then the City begins to pickup the expense. She added that with this vote the City is a growing government.

Jorge Gonzalez, City Manager, stated that the City is applying for five (5) police officers, and the requirement is to keep the police officers for one year after the grant expires. The Commission still has the ability to reject the grant.

Discussion held.

Commissioner Tobin stated to apply for the grant but before the grant is accepted the City Commission needs to approve. **Judy Hoanshelt to handle.**

Commissioner Weithorn stated that she separated the item to draw attention to the fact they this is growing government.

5:08:46 p.m.

C7B A Resolution Accepting A Donation In The Amount Of \$8,000 From The Miami Beach Chamber Of Commerce From Proceeds Of Its Annual Golf Classic Tournament To Be Utilized By The City's International Baccalaureate (IB) Educational Program.

(Requested by Commissioner Jerry Libbin)
(Legislative Tracking: City Attorney's Office)

ACTION: Item separated by Commissioner Libbin. Resolution No. 2011-27651 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Tobin; Voice vote: 6-0; Recused: Commissioner Libbin. Leslie Rosenfeld to handle.

Commissioner Libbin recused himself.

Handout or Reference Materials

1. Form 8B filed by Commissioner Libbin

SUPPLEMENTAL MATERIALS - Resolution

~~C7C A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Architectural And Engineering Proposers, Pursuant To Request For Qualifications (RFQ) No. 22-10/11, For Resident Project Representative Services For Right-Of-Way Improvements To Neighborhood No. 8 Central Bayshore (Package A), Lower North Bay Road (Package B), And Lake Pancoast (Package C); Authorizing The Administration To Enter Into Negotiations With The Two (2) Top-Ranked Proposers; Atkins (PBS&J) And Chen & Associates D/B/A Chen Moore And Associates; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposers, Authorizing Negotiations With The Second-Ranked Or Third-Ranked Proposers Per Package.~~

C7C 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 Architectural And Engineering Proposals, Pursuant To Request For Qualifications (RFQ) No. 22-10/11, For Resident Project Representative Services For Right-Of-Way Improvements To Neighborhood No. 8 Central Bayshore (Package A), Lower North Bay Road (Package B), And Lake Pancoast (Package C); Authorizing The Administration To Enter Into Negotiations For Packages A, B, & C With The Top-Ranked Proposer, Atkins (PBS&J); And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, Calvin Giordano & Associates Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With The Second-Ranked Proposer, Authorizing Negotiations With The Third-Ranked Proposer, A & P Consulting Transportation Engineers, Corp.

(Capital Improvement Projects/Procurement)

ACTION: Resolution No. 2011-27652 adopted. Fernando Vazquez to handle.

Handout or Reference Materials:

1. Email from Peter Moore [pmoore@chenmoore.com] dated May 05, 2011 RE: RFQ#22-10/11 RPR Services for Right of Way Improvement to Neighborhood No. 8 Central Bayshore (Package A), Lower North Bay Road (Package B), and Lake Pancoast (Package C).

C7D 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 Only Diesel Fuel At The HESS And/Or Shell Station In The North End Of Miami Beach.

(Fleet Management)

ACTION: Resolution No. 201127653 adopted. Drew Terpak to handle.

C7E A Resolution Authorizing The Sole Source Purchase, Pursuant To Section 2-367 (D) Of The City Code For Annual Maintenance Of Cityworks Software From Azteca Systems, Inc., In The Estimated Annual Amount Of \$43,295, Which Designs, Creates, And Owns Cityworks Software, Including Copyright And Trademark Ownership.

(Public Works)

ACTION: Resolution No. 2011-27654 adopted. Fred Beckmann to handle.

5:09:57 p.m.

C7F A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The 44th Street Drainage Improvements Agreement With Central Florida Equipment Rentals, Inc., Dated February 5, 2010; Said Amendment In The Amount Of \$484,000, For The Construction Of The Muss Park Greenspace Expansion / Chase Avenue Realignment Project; With Previously Appropriated Funding From Fund 161 Quality Of Life.
(Public Works)

ACTION: Resolution No. 2011-27655 adopted with the action items listed below. Item referred to NCAC and FCWPC. Motion made by Commissioner Tobin to approve the item and to look into the viability of a very safe, neighborhood approved kayak launch at Muss Park accessed from Pine Tree Park; seconded by Commissioner Góngora; Voice vote: 6-0; Absent: Commissioner Libbin. Fred Beckmann to handle.

Action items:

1. Establish criteria for future installation of the air conditioning solution in pavilions; and item referred to the Neighborhood/Community Affairs Committee (NCAC). **Kevin Smith to handle.**
2. Look into the viability of a very safe, neighborhood approved kayak launch at Muss Park accessed from Pine Tree Park
3. If number two (2) above is feasible, refer the cost to implement to the Finance and Citywide Projects Committee.

End

Commissioner Tobin stated that he separated this item for two reasons: 1) the neighbors want to air condition the pavilion at Muss Park. Before he left the City, Emanuel Mayer, came up with a solution and that is to install plastic wrap similar to how yachts are enclosed, drop the wrap, and install a portable air conditioner which cost less than \$2,000.

Motion made by Commissioner Tobin, since the residents are requesting to AC Muss Park, to implement the idea of a temporary enclosure for the air conditioning; seconded by Commissioner Expósito; Voice vote: 7-0. Fred Beckmann to handle.

Commissioner Weithorn stated that proposed solution of a plastic enclosure and the portable AC installation does not close the park during off hours, occupancy loading issues do not need to be addressed, and the cost is not significant.

Commissioner Libbin pointed out that all the locations with pavilions will want this solution.

Jorge Gonzalez, City Manager, stated that a key difference with this location is this park has after school programming. He added that assuming this works some criteria will need to be established.
Kevin Smith to handle.

Mayor Bower stated that this should be discussed and referred the issue to the Neighborhood/Community Affairs Committee.

Commissioner Tobin stated that the second matter he would like to address is the kayak launch in Pine Tree Park. He stated that the Administration was looking at the possibility of installing a fence on the side of the park that goes from the street all the way to the back of Muss Park so a kayak can be carried and launched on the Biscayne Waterway. If the Administration cannot work out a secured method, then don't do it.

Jorge Gonzalez, City Manager, stated that there are issues with this.

Mayor Bower stated that the neighbors need to be informed.

Commissioner Weithorn stated that they are setting a precedent by changing project scope and funding in the middle of the project.

Motion made by Commissioner Tobin to approve the item and to look into the viability of a very safe, neighborhood approved kayak launch at Muss Park accessed from Pine Tree Park; seconded by Commissioner Góngora; Voice vote: 6-0; Absent: Commissioner Libbin.

Commissioner Tobin referred the item of researching the viability of a very safe, neighborhood approved kayak launch to the Neighborhood/Community Affairs Committee. Randi MacBride to place on the committee agenda. Kevin Smith and Fred Beckmann to handle and the cost referred to the Finance and Citywide Projects Committee. Patricia Walker to place on the committee agenda. Kevin Smith and Fred Beckmann to handle.

City Clerk's Note: See October 14, 2009 – R2B

C7G A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Qualifications (RFQ) No. 20-10/11, For Design, Bid, Award, And Construction Administration Services For The Middle Beach Recreational Corridor Phase II Project; And Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm, Coastal Systems International, Inc.; And Should The Administration Not Be Able To Successfully Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm, Calvin, Giordano & Associates, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Authorizing The Administration To Negotiate An Agreement With The Third-Ranked Firm, Kimley-Horn & Associates, Inc.

(Public Works/Procurement)

ACTION: Resolution No. 2011-27656 adopted. Fred Beckmann to handle.

5:23:31 p.m.

SUPPLEMENTAL MATERIALS - Resolution

C7H A Resolution Approving An Amendment To The Agreement Between The State Of Florida Department Of Community Affairs (DCA) And The City, Dated November 24, 2009, For The Allocation Of NSP1 Funds; And An Amendment To The Related Agreement Between The City And Miami Beach Community Development Corporation (MBCDC), Dated January 21, 2010, For The Allocation Of NSP1 Funds; Said Amendments Extending The Respective Expiration Terms Of Each Agreement To March 1, 2013, And Amending Both Agreements To Facilitate The Draw Down Of Funds; Further Authorizing The Mayor And City Clerk To Execute Any Necessary Amendments.
(Real Estate, Housing & Community Development)

ACTION: Item separated for discussion by Commissioner Tobin. Resolution No. 2011-27657 adopted as amended. Motion made by Commissioner Góngora extending the date; and the issue of the financial draw down for grants was referred to the Finance and Citywide Projects Committee (FCWPC); seconded by Commissioner Weithorn; Voice vote: 7-0. Anna Parekh to handle.

Amendment

Approve the issue of extending date

Refer the issue of the draw down grant to the Finance and Citywide Projects Committee

End

Commissioner Weithorn stated that the she is concerned with changing the terms and “draw down”; which is creating a precedent that makes her uneasy. She wants to go on the record stating that the City has no business in doing draw down grants.

Roberto DaTorre, President Of Miami Beach Community Development Corporation, explained the need for the draw.

Discussion held.

Hilda Fernandez, Assistant City Manager, explained the concept of “draw down” and clarified that the AIA Certified form, certified by the architect, is submitted with a retained fee.

Discussion continued.

Hilda Fernandez, Assistant City Manager, in answering Commissioner Weithorn’s question, explained that Page 8 of the Supplemental Agenda includes a resolution drafted by the Legal Department amending the contract and incorporating language to ensure what the expectations are, and this can be clarified further.

Commissioner Tobin added that this is \$9 million in total and the issue is way too complicated for the Administration to give the City Commission a page and a half of explanation in order to make a decision. He requested before funds are awarded, a list of where the moneys is being spent.

There was discussion between Commissioner Tobin and Roberto Datorre regarding the funding.

Discussion held.

Commissioner Tobin requested the Administration to identify the projects and include how much money was spent and what the money was spent for. **Hilda Fernandez to handle.**

Discussion continued.

Motion made by Commissioner Weithorn to refer the financial issue to the Finance and Citywide Projects Committee.

Jorge Gonzalez, City Manager, suggested bifurcating the issue of extending the date and separating the issue of the draw down and refer to committee.

Motion made by Commissioner Góngora to approve extending the date and refer the draw down grant issue to the FCWPC; seconded by Commissioner Weithorn; Voice-vote: 7-0. Patricia Walker to place on the Agenda. **Anna Parekh to handle.**

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances

11:45:07 A.M.

R5A An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 2, Entitled "Disability Access Committee," By Amending Sec. 2-31(d) To Increase The Number Of Members From Seven (7) To Fourteen (14) And Amending The Quorum Requirement; Providing For Codification, Repealer, Severability, And An Effective Date. **10:16 a.m. Second Reading Public Hearing.**

(Requested by Commissioner Edward L. Tobin)

(Legislative Tracking: City Clerk's Office)

(Continued from April 13, 2011/Referred to Neighborhood/Community Affairs Committee)

ACTION: Public Hearing opened and continued to July 13, 2011 at 10:16 a.m. Motion made by Commissioner Góngora; seconded by Commissioner Libbin; Voice vote: 6-0; Absent: Vice-Mayor Libbin. Lilia Cardillo to place on the Commission Agenda. Robert Parcher to handle.

City Clerk's Note: At the Thursday, May 5th NCAC meeting the committee continued the matter to their next meeting and requested the Disability Access Committee chair, David New, be present.

1:07:25 p.m.

R5B An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 106, Entitled "Traffic And Vehicles," By Amending Article II, Entitled "Metered Parking," By Amending Division 1, Entitled "Generally," By Amending Section 106-55, Entitled "Parking Rates, Fees, And Penalties" To Provide Rates And Criteria For The Preferred Parking Lot Located At 18th Street And Meridian Avenue, Including Providing Penalties And Amending The Fees For The Lot For Food And Beverage Social Events At The Miami Beach Convention Center From \$15.00 To \$10.00, Providing For Codification, Repealer, Severability, And An Effective Date. **10:17 a.m. Second Reading Public Hearing.**

(Requested by Finance & Citywide Projects Committee)
(Legislative Tracking: Parking Department)
(First Reading on April 13, 2011)

ACTION: Public Hearing held. Ordinance 2011-3723 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Góngora; Ballot vote: 7-0. Saul Frances and Max Sklar to handle.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 656

1:08:58 p.m.

R5C An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 2, "Administration," Article II, "City Commission," By Enacting A New Section 2-12, "Meeting Agendas," Requiring Proposed Ordinances And Charter Amendments That Appear On A City Commission Or Commission Committee Agenda To Have A Commissioner Sponsor Identified; Providing For Repealer; Codification; Severability; And An Effective Date. **10:20 a.m. Second Reading Public Hearing.**

(Requested by Vice-Mayor Jonah Wolfson)
(Legislative Tracking: City Attorney's Office)
(Continued from April 13, 2011/Referred to Land Use & Development Committee)

ACTION: Public Hearing held. Ordinance 2011-3724 adopted as amended. Motion made by Vice-Mayor Wolfson; seconded by Commissioner Exposito; Ballot vote: 6-0; Absent: Commissioner Weithorn. Agenda Coordinator and Commission Committee Liaisons (Lilia Cardillo, Patricia Walker, Randi MacBride, and Richard Lorber) to handle.

Amendment:

Section 2-12(c)(2) Resolutions, discussion items not scheduled for first reading as an ordinance, and...

End

Gary Held, First Assistant City Attorney, read an amendment into the record.

City Clerk's Note: See Agenda Item C6A

Land Use and Development Committee **8)** Discussion Regarding An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 2, "Administration," Article II, "City Commission", By Enacting A New Section 2-12, "Meeting Agendas," Requiring Proposed Legislation Or Ordinances That Appear On A City Commission Or Commission Committee Agenda To Have A Commissioner Sponsor Identified;

Item No. 8:

MOTION: Góngora/Exposito (vote 3 - 0) Approve and send to the full Commission with amendments to the text to say "one or more members of the City Commission"; and to remove the words "discussion items."

1:19:04 p.m.

R5D An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 74, Entitled "Peddlers And Solicitors," By Amending Article III, Entitled "Panhandling On Public Property," By Amending Section 74-76, Entitled "Definitions," By Providing Definitions For Financial Institution And For High Volume Intersections; And By Amending Section 74-78, Entitled "Panhandling On Public Property," By Adding Additional Locations Where Soliciting Or Panhandling On Public Property Will Be Considered Unlawful; Providing For Repealer; Severability; Codification; And An Effective Date.

10:25 a.m. Second Reading Public Hearing (Page 167)

(Requested by Commissioner Michael Góngora)

(Legislative Tracking: Code Compliance)

(First Reading on April 13, 2011)

ACTION: Public Hearing held. Ordinance 2011-3725 adopted. Motion made by Commissioner Góngora; seconded by Commissioner Libbin; Ballot vote: 6-0; Absent: Vice-Mayor Wolfson. Chief Noriega and Robert Santos-Aborna to handle.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 656

5:45:54 p.m.

R5E North Beach Town Center Zoning & Comprehensive Plan Amendment

1. An Ordinance Amending Part II: Goals, Objectives And Policies Of The City Of Miami Beach Comprehensive Plan, Policy 1.2 Of Objective 1: Land Development Regulations Of The Future Land Use Element, By Adding New Categories "Town Center Core" (TC-1); "Town Center Mixed Use" (TC-2); And "Town Center Residential Office" (TC-3); And Authorizing And Directing The City Administration To Submit The Adopted Amendments To The Florida Department Of Community Affairs And Any Other Required State And Local Agencies; Providing For Repealer, Severability, Codification And An Effective Date. **5:00 p.m. Second Reading Public Hearing.**

ACTION: Public Hearing held. Ordinance 2011-3726 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Góngora; Ballot vote: 7-0. Richard Lorber to handle.

Daniel Veitia spoke.

Marie and John Hemphill spoke.

Commissioner Libbin congratulated Joyce Meyers and the Planning Department Staff as well as Daniel Veitia, since this has been a long project.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 654
2. Copies of mailing list labels

2. An Ordinance Amending The Future Land Use Map Of The City's Comprehensive Plan For The North Beach Town Center From CD-3, "Commercial, High Intensity" To TC-1, "Town Center Core"; From CD-2, "Commercial, Medium Intensity" To TC-2, "Town Center Mixed Use"; And From RM-1, "Residential Multifamily, Low Intensity" To TC-3, "Town Center Residential Office";); And Authorizing And Directing The City Administration To Submit The Adopted Amendments To The Florida Department Of Community Affairs And Any Other Required State And Local Agencies; Providing For Repealer, Severability, Codification And An Effective Date. **5:00 p.m. Second Reading Public Hearing.**

ACTION: Public Hearing held. Ordinance 2011-3727 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Góngora; Ballot vote: 7-0. Richard Lorber to handle.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 654

3. An Ordinance Amending The City's Land Development Regulations, By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", By Creating A New Division 20, "TC North Beach Town Center Districts", Creating New Zoning Districts TC-1, Town Center Core; TC-2, Town Center Mixed Use; And TC-3, Town Center Residential Office; Providing For Purpose And Intent, Definitions, Main Permitted, Conditional, Accessory And Prohibited Uses, Development Regulations, Design Review Standards, And Parking Regulations; Amending Chapter 130, "Off-Street Parking", Article II, "Districts; Requirements", Section 130-31, "Parking Districts Established", Amending The Boundaries Of Parking District 4; Amending Article III, Section 130-68, "Commercial And Noncommercial Parking Garages," Adopting New Regulations In TC-3 And GU For Commercial And Noncommercial Parking Garages; Amending Chapter 138, "Signs", Article V, "Sign Regulations By Districts", Section 138-172, "Schedule Of Sign Regulations For Principal Use Signs"; Creating A New Section 138-174, "North Beach Town Center Signage"; Amending Chapter 142, Division 4, "Alcoholic Beverages", Sections 142-1301 And 142-1302 To Include TC Districts. **5:00 p.m. Second Reading Public Hearing.**

ACTION: Public Hearing held. Ordinance 2011-3728 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Góngora; Ballot vote: 7-0. Richard Lorber to handle.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 655

4. An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The City Code, By Changing The Zoning District Classifications For The North Beach Town Center From CD-3, "Commercial, High Intensity" To TC-1, "Town Center Core"; From CD-2, "Commercial, Medium Intensity" To TC-2, "Town Center Mixed Use"; And From RM-1, "Residential Multifamily, Low Intensity" To TC-3, "Town Center Residential Office" And TC-3(C) "Town Center Conditional Neighborhood Commercial"; And Amending The Affected Portion Of The City's Official Zoning District Map To Correspond With These Changes.

5:00 p.m. Second Reading Public Hearing.

(Requested by the Land Use & Development Committee
and the Planning Board)

(Legislative Tracking: Planning Department)

(First Reading Public Hearing on September 15, 2010)

ACTION: Public Hearing held. Ordinance 2011-3729 adopted. Motion made by Commissioner Weithorn seconded by Commissioner Góngora; Ballot vote: 7-0. Richard Lorber to handle.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 655

1:20:40 p.m.

- R5F An Ordinance Amending Chapter 82 Of The City Code, Entitled "Public Property," By Amending Article VI, Entitled "Naming Of Public Facilities And Establishments Of Monuments And Memorials", By Amending Section 82-501(C), To Exempt The Miami Beach Botanical Garden From The Provisions Of Said Article VI, Subject To The Terms And Conditions Contained In This Ordinance; Providing For Repealer, Severability, Codification And Effective Date. **First Reading.**

(Requested by Commissioner Jerry Libbin)

(Legislative Tracking: Real Estate, Housing & Community Development)

ACTION: Ordinance approved on first reading. Motion made by Commissioner Libbin; seconded by Commissioner Weithorn; Ballot vote: 6-0; Absent: Vice-Mayor Wolfson. Second Reading and Public Hearing scheduled for June 1, 2011. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Anna Parekh to handle.

R7 – Resolutions**1:22:08 p.m.****SUPPLEMENTAL MATERIALS - Resolution**

~~R7A A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No 17-10/11, For Parking Attendants For The City's Parking Garages; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, Standard Parking Corporation, And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer That Results In A Lower Annual Cost Than The Current Contract With Impark, Authorizing Negotiations With The Second-Ranked Proposer, Seven One Seven Parking Enterprises, And Should The Administration Not Be Successful In Negotiating An Agreement With The Second-Ranked Proposer That Results In A Lower Annual Cost Than The Current Contract With Impark, Authorizing The First Year Renewal Of Imperial Parking's Contract Effective August 12, 2011.~~

R7A 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 Proposals Pursuant To Request For Proposals (RFP) No 17-10/11, For Parking Attendants For The City's Parking Garages; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, Standard Parking Corporation, And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing The Administration To Negotiate With The Second-Ranked Proposer, Seven One Seven Parking Enterprises; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Completion Of Successful Negotiations By The Administration.

(Parking Department/Procurement)

ACTION: Resolution No. 2011-27658 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Góngora; Voice vote: 5-1; Opposed: Vice-Mayor Wolfson; Absent: Commissioner Tobin. Saul Frances to handle.

Jorge Gonzalez, City Manager, explained the item.

Vice-Mayor Wolfson stated that he has great reservations as to why the price is not the most important thing and the Commission would not approve Seven-One-Seven Parking Enterprises. It is not necessarily right to pick the vendor that is \$180,000 higher over three years.

R7B A Resolution Approving The Substantive Terms Of An Agreement Between The City And Coca Cola For An Exclusive Non-Alcoholic Beverage Municipal Marketing Partnership For Vending And Dispensing In Certain City-Owned Properties, With Said Proposed Agreement Having An Initial Term Of Ten (10) Years; Authorizing The City Manager And City Attorney's Office To Negotiate And Draft The Final Agreement, Based Upon The Approved Terms (As Further Referenced In The Term Sheet Attached As Exhibit "A" To This Resolution); And Authorizing The Mayor And City Clerk To Execute The Final Agreement; Provided, However, That In The Event That The Final Negotiated Agreement Includes Any Term Or Terms Which Substantially Deviate From The Approved Substantive Terms (As Referenced In The Attached Term Sheet), Or Contain New And/Or Additional Terms Which, In The City Manager And City Attorney's Opinion, Materially Alter The Proposed Transaction (As Referenced In The Approved Term Sheet), Then Requiring That The Final Negotiated Agreement To Be Brought To The City Commission For Its Consideration..

(City Manager's Office)

(Memorandum & Resolution to be submitted in Supplemental)

ACTION: Item withdrawn by the Administration.

4:44:13 p.m.

ADDENDUM

R7C A Resolution Urging Local Retailers Selling Tobacco Products To Refrain From Selling And Marketing Flavored Tobacco Products Because Such Products Tend To Promote And Influence Tobacco Use By Minors And Young Adults.

(Requested by Mayor Matti Herrera Bower)

(Legislative Tracking: City Attorney's Office)

ACTION: Resolution No. 2011-27659 adopted. Motion made by Commissioner Exposito; seconded by Commissioner Libbin; Voice vote: 7-0. Kevin Crowder to handle.

Karen Rivo, member of the Committee for Quality Education in Miami Beach, spoke.

Handout or Reference Materials

1. Colored flyer by Florida Department of Health titled Candy-Flavored Tobacco with map of City and County Candy Flavored Tobacco Resolutions.

R9 - New Business and Commission Requests

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

ACTION: The following appointments were made:

Community Relations Board:

Michael Grieco	Term ending 12/31/11	Appointed by Commissioner Góngora TL 12/31/18
Marcella Novela	Removed due to absences	

Disability Access Committee:

Ken Stenicky	Resigned
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Golf Advisory Committee:

Joseph Conway	Term ending 12/31/11	Appointed by Mayor Bower TL 12/31/18
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Hispanic Affairs Committee:

Julian Linares	Removed due to absences	Appointed by Commissioner Góngora
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Police Citizens Relations Committee:

Sgt. Alex Bello	Non-Administrative personnel of the Police Department
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Youth Center Advisory Board:

Ester Egozi Choukroun	Term ending 12/31/2012	Appointed by Commissioner Góngora TL 12/31/17
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Board of Adjustment:

Joy Malakoff and Scott Needelman were nominated for the at-large position

Ballot #1:

Joy Malakoff 4 votes; Scott Needelman 3 votes

Robert Parcher, City Clerk, announced the individual votes.

Ballot #2:

Joy Malakoff 4 votes, Scott Needelman 3 votes

Robert Parcher, City Clerk, announced the individual votes

Handout or Reference Materials:

1. Ballots #1 and #2

1:32:06 p.m.

R9A2 Nominate Ricky Arriola As One Of The City's Representatives To The Adrienne Arsht Center For The Performing Arts Center Trust.

(Requested by Mayor Matti Herrera Bower)

ACTION: Motion made by Commissioner Góngora, seconded by Commissioner Libbin; Voice vote: 7-0. R. Parcher to handle.

City Clerk's Note: Appointed May 11, 2011 for a three (3) year terms.

1:11:15 p.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum. (12:30 p.m.)

ACTION: The following individuals spoke:

1) Willasue Susskind stated that fairness ratio suggests that there is something in it for everyone; and added that 17 of MB Magazines represents a tennis court, meaning that the people who want to play on certain courts get to play and others than want to play on other courts do not, so the ratio is 17 to zero. She has read the Mission of the City of Miami Beach and explained that in the ratio of 17-0, not all people count, and 5-12 means all and everyone.

2) Albert Machado stated that bus route "C" and "M" does not turn on 41st Street anymore, and it is terrible for disabled citizens not to have a bench between Indian Creek and Collins Avenue; the stop was changed to 44th Street to service hotel employees, and not for residents and citizens who need to have accommodation of a bench in that intersection. He has been working with Public Works to see if Miami-Dade Transit Department will replace the bench on 41st Street, and as a disabled citizen, he would like to see this happen.

Mayor Bower asked what had happened to the bus bench on 41st Street.

Fred Beckmann, Public Works Director, explained that the bench requested is in front of a hotel, and private property owners claimed that they did not want to have a bench at that location. They will continue to work with Miami-Dade Transit (MDT) to see if there is a possibility of installing a bus bench south of 41st Street on the east side. **Fred Beckmann to handle.**

Handout or Reference Materials

1. Email from Diaz, Amarylys (DIST5) from Pearsall, Robert (MDT) dated January 27, 2011 RE: 41st Street and Collins Avenue, with attached file Collins-41 St NN.jpg.

6:03:30 p.m.

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

ACTION: The following individuals spoke:

1) Stanley Shapiro congratulated Mayor Bower on the discussion regarding towing, and recognized Tremont for the generous donation made to Prime Time Seniors. He asked Mayor Bower to appoint a Blue Ribbon Panel of five to seven of senior citizens who ride the bus to come up with a plan to discuss with MDT. He also would like to see a non-binding vote in June to raise the bus fare for senior citizens to 25 cents and let the people vote on it.

Mayor Bower explained that Mr. Shapiro has a good point and the City should be ahead of the curve in regards to this transit cut, and review what is needed for the residents of Miami Beach. She added that at the County Commission Meeting the point was brought out that there are senior citizens all over and they might want to get monies from MDT to pay for the seniors. She suggested that the City's lobbyist can help with this issue.

Discussion held.

Jorge Gonzalez, City Manager, stated that the Administration will research and bring the findings to the Commission Retreat next week. **Fred Beckmann to handle.**

Discussion continued.

Commissioner Libbin explained that he read in the article today that the federal government did not want to alarm people, and it was unlikely that they will reduce routes, but agrees that the City should keep vigilant, find out what is going on and that the Administration reports to this Commission.

2) Sherry Roberts, Chair of the Board of Adjustment, urged the City Commission to make appointments to the Board, due to lack of quorum during meetings. She explained that some members arrive late to meetings, but they need an additional member on the board to continue meeting, as the quorum is five. She stated that this is not fair to the citizens of Miami Beach.

Discussion held.

Jorge Gomez, Assistant City Manager, stated that all development review boards consist of seven members, and actions of the Planning Board require 5/7 boards. This requires a Charter amendment.

Jorge Gonzalez, City Manager, explained that a referendum is needed to change the City Charter.

6:15:04 p.m.

R9C Discussion Regarding Changing The Flamingo Park Master Plan To Include A Bathroom In The Tot Lot; And Discuss The Design Of The Tennis Club House And Tennis Courts.
(Requested by Commissioner Edward L. Tobin)
(Deferred from April 13, 2011)

ACTION: Item heard in conjunction with item R9D. Discussion held no action taken.

Commissioner Tobin stated that he agrees with whatever the Commission decides. He suggested that the lodge is in need of renovations and it is right next to the Tot Lot. He suggested rehabilitating the bathrooms in the lodge, people using the Tot Lot could use this bathroom. **No action taken.**

Commissioner Tobin stated that the Tennis Tournament suggested about a year ago, wanted to leave Key Biscayne and come back to Flamingo Park. They stated that they will hold some of the tournaments at North Shore and the semi-finals and finals at the Flamingo Park. Now they are in Broward with a short-term contract. He would like to bring a family friendly event, but if the Commission feels that this is a burden on the neighborhood, he will not pursue it. He placed this item on the Agenda to request that the Administration contact the USTA and report back with some options. **Kevin Smith to handle.**

6:13:16 p.m.

R9D Discussion Regarding The Dunlop Orange Bowl Tennis Tournament.
(Requested by Commissioner Edward L. Tobin)
(Deferred from April 13, 2011)

ACTION: Item heard in conjunction with items R9C. Discussion held.

See discussion with item R9C.

1:40: 44 p.m.

R. Parcher, City Clerk, announced the Committee of the Whole meetings for items R9E and R9F.

The Committee of the Whole meeting was called to order at approximately 1:55 p.m.. and item R9F was heard first and R9E was heard second.

R9E The Committee Of The Whole Will Meet During Lunch Recess Of The May 11, 2011 City Commission Meeting At The City Manager's Office Large Conference Room To Discuss Interim Status Report Of Internal Audits.
(Budget & Performance Improvement)

ACTION:

James Sutter, Internal Auditor, gave an overview of the functions of the Internal Audit.

Discussion was held on Business Tax Receipts (BTR) old occupational license and Resort Tax.

There was a discussion regarding Sunset Islands 3 and 4 and how money is tracked.

Mr. Sutter was advised that if there are areas he considers a risk assessment, the City Manager need to be advised.

The Committee of the Whole meeting adjourned at approximately 2:16 p.m.

City Clerk's Note: Attached to this item is Exhibit 1 – Summary of Internal Audit Activities for Fiscal Year 2010/11.

R9F The Committee Of The Whole Will Meet During Lunch Recess Of The May 11, 2011 City Commission Meeting At The City Manager's Office Large Conference Room To Discuss The Fiscal Year (FY) 2011/12 Proposed Operating Request For The Office Of The Mayor And City Commission.
(Budget & Performance Improvement)

ACTION: After a brief discussion a motion was made by Commissioner Libbin; seconded by Commissioner Weithorn; Voice vote: 6-1; Absent: Vice-Mayor Wolfson. **Kathie Brooks to handle.**

Handout or Reference Materials:

1. Budget Booklet titled *Office of the Mayor & City Commission, FY 2011/12 Budget Request*

11:17:49 a.m.

R9G Presentation By Marlon Hill On Best Of The Best Weekend Coordination.
(Requested By Mayor Matti Herrera Bower)

ACTION: Discussion held.

Attorney Marlon Hill, Law Firm of Delancy Hill, explained the item and goals established.

Hilda Fernandez, Assistant City Manager, gave a verbal report on the planning and updates for Memorial Day Weekend.

Discussion held.

Commissioner Weithorn requested information as to what Deco Bike is doing during Memorial Day Weekend. **Hilda Fernandez to handle.**

Discussion continued.

Commissioner Tobin commented on several negative incidents that he witnessed during the last major events.

Discussion continued.

Commissioner Weithorn urged everyone to remember what Memorial Day is all about, and announced that a *National Moment of Remembrance* will take place on Sunday at 3:00 p.m., in front of the Miami Beach Police Department.

Hilda Fernandez, Assistant City Manager, also announced that there will be a Monday Memorial Day Ceremony at 10:00 a.m. in front of the Miami Beach Police Department and invited everyone to attend.

11:39:45 a.m.**New Item**

Jorge Gonzalez, City Manager, acknowledged and congratulated the Under 15 age soccer team and explained that at the last Commission Meeting, they explained that they did not have funding for travel arrangements, but Commissioner Tobin pursued fundraising efforts and he presented them with a check for \$7,000 or \$8,000 to the team to help fund the travel to Alabama and compete in the program. He recognized Commissioner Tobin for his efforts.

6:24:39 p.m.

R9H Discussion And Report Regarding The Bayshore Neighborhood Par 3 Golf Course.
(Requested by Commissioner Jorge R. Exposito)

ACTION: Item heard in conjunction with item R9K. Discussion held.

Request the architect to reorient the tennis courts further to the west and rotate the first hole as needed. Fernando Vazquez to handle.

Commissioner Tobin offered a point of information, pushing out the envelope of the Pine Tree land map and having the golf T-boxes facing west.

Jorge Gonzalez, City Manager, restated that what Commissioner Tobin is suggesting is that the rectangle, where there is no golf activity, where the tennis courts exist today, be moved west.

Commissioner Tobin suggested asking the architect to reorient this drawing, moving it to the west, assuming that the school will use the courts.

Discussion continued.

Commissioner Tobin asked that the first hole be moved further to the west. **Fernando Vazquez to handle.**

Handout or Reference Materials:

1. Global Settlement Agreement Draft between the Bayshore Homeowner's Association and CMB.
2. Color rendering of an aerial design of Prairie Avenue and W. 28th Street with tennis courts.

11:46:02 a.m.

SUPPLEMENTAL MATERIALS – Memorandum & Resolution

R9I Discussion Regarding A Request From Tremont Towing To Amend Their Towing Permit Minimum Requirements For Vehicle Storage.

(Requested by Commissioner Jerry Libbin)

(Legislative Tracking: Parking Department)

(Memorandum to be Submitted in Supplemental)

ACTION: Discussion held.

Resolution #1:

Resolution No. 2011-27660 adopted. Motion made by Commissioner Tobin to approve Resolution No.1 amending the Administrative Regulations to a minimum of 31 spaces and a maximum of 100 spaces as approved by the Planning Board and the Administration recommendation of no tows from other cities; seconded by Commissioner Góngora; Voice vote: 6-1; Opposed: Vice-Mayor Wolfson. Saul Frances to handle.

Motion #2:

Motion made by Vice-Mayor Wolfson to use the formula of two (2) City tows for Beach Towing to one (1) city tow for Tremont; seconded by Commissioner Exposito; Voice vote: 2-5; Opposed: Mayor Bower, Commissioners Góngora, Libbin, Tobin, and Weithorn. The motion failed.

Resolution #2:

Resolution No. 2011-27661 adopted as amended by Raul Aguila. Motion made by Commissioner Libbin with the amendments read by Raul Aguila; seconded by Commissioner Tobin: Voice vote: 7-0. Saul Frances to handle.

Amendment

Approving the relocation of Tremont Towing's (permittee) operations; including the permittee's vehicle storage area, from its current location at 1916 Bay Road, to its new location at 1861 Bay Road; subject to and contingent upon Tremont's representation to the city, as stated on the record at the May 11, 2011 City Commission meeting, that it will voluntarily vacate and cease to operate at the 1916 Bay Road site on or before May 18, 2011.

End

Discussion held.

Motion #1:

Resolution #1:

Motion made by Commissioner Tobin to amend the Administrative Regulations to a minimum of 31 spaces and a maximum of 100 spaces, as approved by the Planning Board, and the Administration's recommendation of no tows from other cities; seconded by Commissioner Góngora.

Discussion continued.

Commissioner Exposito asked if, by making the change on Commissioner Tobin's motion, it changes the existing contract. Do the parties have a legal standing as to whether the City can go back retroactively to change it?

Discussion continued.

Commissioner Tobin added to his motion that he is adopting the suggestion made by the City Manager in reference to no towing from other cities.

Jorge Gonzalez, City Manager, restated the motion made by Commissioner Tobin:

A minimum of 31 spaces
A maximum of 100 spaces
No tows from other cities.

Jose Smith, City Attorney, stated for the record that this motion is for Resolution #1 in the handouts.

Discussion continued.

Commissioner Exposito requested the cost due to Tremont delay moving out.

Jorge Gonzalez, City Manager, stated that there will be damages but there is no cost calculation as of now.

Jose Smith, City Attorney, explained that it is not a claim that the City has against Tremont, but a claim the City has under a contract with Scott Robbins, which provides for \$3,000 per day for damages plus any delay claims for failing to provide the property to the City timely.

Discussion continued.

Vice-Mayor Wolfson asked the City Attorney if a "consent judgment" evicting Tremont is legally possible.

Jose Smith, City Attorney, stated that if Tremont consents to an order of eviction, then this issue will go away.

Discussion continued.

David Neville, representing Tremont Towing, spoke.

Vice-Mayor Wolfson stated that by dropping the spaces to 31, there could be other bidders available and that this issue should go out for bid.

Jose Smith, City Attorney, stated that Vice-Mayor Wolfson is making a policy point whether or not the City Commission wants to waive competitive bidding. This is not a legal impediment to award this contract.

Discussion continued.

Amendment to motion #1:

Vice-Mayor Wolfson requested to ask Tremont to consent to an eviction and consider the damages caused to the City because of the garage delay.

Commissioner Tobin did not accept the amendment and asked that Vice-Mayor Wolfson make a separate motion.

David Neville, representing Tremont Towing, spoke.

Eston (Dusty) Melton, representing Beach Towing, spoke and discussion continued.

Vice-Mayor Wolfson asked Tremont to make a condition of this resolution that they will leave the property.

David Neville, representing Tremont Towing, stated that they will leave the property on Sunday.
Discussion continued.

Motion #2:

Motion made by Vice-Mayor Wolfson to go with the formula of two (2) tows for Beach Towing to one (1) tow for Tremont; seconded by Commissioner Exposito.

Discussion continued.

Nancy Liebman spoke.

Keith Mennin, Esq., spoke.

Rochelle Mallock spoke.

Neisen Kasdin, Esq., representing Tremont Towing, spoke.

Amendment to Resolution #2:

Raul Aguila, Deputy City Attorney, read the following language into the record to be added at the end of the resolution approving the relocation of the new site:

Approving the relocation of Tremont Towing's (permittee) operations; including the permittee's vehicle storage area, from its current location at 1916 Bay Road, to its new location at 1861 Bay Road; subject to and contingent upon Tremont's representation to the City, as stated on the record at the May 11, 2011 City Commission meeting, that it will voluntarily vacate and cease to operate at the 1916 Bay Road site on or before May 18, 2011.

Neisen Kasdin, representing Tremont Towing, made a representation for the record that as soon as operation can begin at 1861, they will cease operations at 1916.

Discussion held.

Jorge Gonzalez, City Manager, clarified that the representation made by Mr. Kasdin is an issue between them and Mr. Scott Robbins and the City is not involved.

Discussion continued.

A voice vote was taken on Resolution #1: Voice vote: 6-1; Opposed: Vice-Mayor Wolfson.

Motion #2:

Motion made by Vice-Mayor Wolfson to use the formula of two (2) City tows for Beach Towing to one (1) city tow for Tremont; seconded by Commissioner Exposito; Voice vote: 2-5; Opposed: Mayor Bower, Commissioners Góngora, Libbin, Tobin, and Weithorn. The motion failed.

Motion made by Commissioner Libbin to approve Resolution #2 with the amendment read by Raul Aguila; seconded by Commissioner Tobin: Voice vote: 7-0.

Handout or Reference Materials

1. Copy of letter from Saul Frances, Parking Director, dated March 22, 2011 to Jose Rodriguez, President, Beach Towing Services, Inc., RE: BEACH TOWING SERVICES, INC, (PERMITTEE) REQUEST FOR CITY'S APPROVAL OF ADDITIONAL VEHICLE STORAGE AREA
2. Oath taken by Lieutenant Henry Doce certifying inspection of Beach Towing Services, Inc., on January 8, 2011.
3. Article in The Miami Herald dated May 5, 2011 by David Smiley titled "Car-towing war drags on in Miami Beach."
4. Article in The Miami Herald Local Section, Page 5B, dated ay 12, 2011 by David Smiley, titled "Miami Beach towing wars reach cease fire."

ADDENDUM

R9J Discussion Regarding The Status Of The Sunset Harbor Parking Garage.
(Requested By Vice-Mayor Jonah Wolfson)

ACTION: Discussion held. Item heard in conjunction with item R9I.

See discussion with item R9I.

ADDENDUM

R9K Verbal Report On The Par 3 Golf Course Redesign And The Flamingo Tennis Facility Master Plan.

(Capital Improvement Projects)

ACTION: Item heard in conjunction with item R9H. Verbal report given with item R9H.

See discussion with item R9H

Handout or Reference Materials:

1. Global Settlement Agreement Draft between the Bayshore Homeowner's Association and CMB.
2. Color rendering of an aerial design of Prairie Avenue and W. 28th Street with tennis courts.

Reports and Informational Items

Reports and Informational Items (see LTC #~~150~~-105-2011)

Meeting adjourned at 7:12:06 p.m.

End of Regular Agenda