



**Special City Commission Meeting
SUPPLEMENTAL MATERIAL 1**

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
January 27, 2015**

Mayor Philip Levine
Vice-Mayor Joy Malakoff
Commissioner Michael Grieco
Commissioner Micky Steinberg
Commissioner Edward L. Tobin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales
City Attorney Raul J. Aguila
City Clerk Rafael E. Granado

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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 Office of the City Clerk. Questions regarding the provisions of the Code should be directed to the Office of the City Attorney.

SUPPLEMENTAL AGENDA

R2 - Competitive Bid Reports

- R2A Request For Approval To Issue Request For Proposals (RFP) No. 2015-103-ME, For The Development Of A Convention Headquarter Hotel Adjacent To The Miami Beach Convention Center.

(Office of the City Manager)
(Memorandum from the Mayor)



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

MEMORANDUM

TO: Jimmy Morales, City Manager
FROM: Philip Levine, Mayor
DATE: January 26, 2015
SUBJECT: Agenda Item No. R2A – Request for Authority to Issue RFP 2015-103-ME for Development of a Convention Hotel Adjacent to the Miami Beach Convention Center

Please include this memorandum as supplemental material to Agenda Item No. R2A, scheduled to be heard at the City Commission's January 27, 2015 Special Commission Meeting.

The City Commission has adopted various Resolutions over the years in opposition to gambling in Florida. Attached as Exhibit "A" are several prior Resolutions expressing the City's long-standing anti-gambling policy.

It is my position that the Development and Ground Lease Agreement for a convention hotel adjacent to the Miami Beach Convention Center **must** contain provisions ensuring that there is no association in any way with gambling in Miami-Dade County.

Accordingly, I would like for the following language to be included in the RFP as part of the minimum requirements of the Hotel Project:

As of the date of execution of the Lease and thereafter throughout the term of the Lease, Developer and any individuals or entities with any ownership interest in the Hotel shall not directly or indirectly own, operate or manage any establishment offering or otherwise engaged in gambling or wagering of any kind in Miami-Dade County. This restriction shall also apply to any of Developer's successors, assigns or transferees. Any purported transfer that violates this provision shall be null and void and of no force and effect.

The failure to comply with the foregoing restriction on ownership of gambling interests in Miami-Dade County and/or the use restriction prohibiting gambling of any kind on the Leased Property shall constitute a material breach of the Lease, entitling the City to triple the Base Rent being paid at that time and, if such breach is not cured within a reasonable time, immediate termination of the Lease.

The restriction on ownership of gambling interests in Miami-Dade County and the use restriction prohibiting gambling on the Leased Property are fundamental provisions of the Lease. The foregoing restrictions may not be modified except by a 6/7 vote of the City Commission and approval of such modifications by at least sixty percent (60%) of the voters voting thereon in a City-wide referendum, in the same manner as required for approval of the initial Lease pursuant to Section 1.03(b)(3) of the City Charter.

Additionally, the City Attorney's Office should be directed to develop any and all appropriate language to include the foregoing restriction in the Lease, and any other instrument that may be required to implement the restriction, such as a covenant running with the land, etc.

I believe the above language should be included in the RFP in the interest of full disclosure, so that all prospective proposers are aware of the City's position and requirements with respect to this important policy concern for our City and County.

Attachment: Exhibit "A," Prior Resolutions

RESOLUTION NO. 2014-28529

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, STRONGLY REAFFIRMING RESOLUTION NO. 2011-27812 WHICH URGED THE FLORIDA LEGISLATURE TO REJECT ANY AND ALL EXPANSIONS OF GAMBLING IN FLORIDA, INCLUDING LEGISLATION THAT WOULD LEGALIZE "DESTINATION CASINOS."

WHEREAS, the Florida Legislature is currently considering various measures that would substantially expand gambling in the State of Florida; and

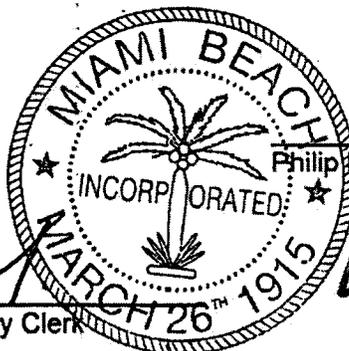
WHEREAS, on December 14, 2011, the Mayor and City Commission passed and adopted Resolution No. 2011-27812 which urged the Florida Legislature to reject any and all expansions of gambling, including legislation to legalize "destination casinos," in the State of Florida; and

WHEREAS, the Mayor and City Commission of the City of Miami Beach strongly reaffirm the position expressed in Resolution No. 2011-27812, which is attached hereto and incorporated herein by reference, and wish to maintain Resolution No. 2011-27812 in full force and effect.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that, by a unanimous 7-0 vote, the Mayor and City Commission hereby strongly reaffirm Resolution No. 2011-27812 which urged the Florida Legislature to reject any and all expansions of gambling in Florida, including legislation that would legalize "destination casinos."

PASSED AND ADOPTED this 5th day of March, 2014.

ATTEST:



Philip Levine, Mayor

Ralph E. Granado, City Clerk

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

F:\ATTO\TURN\RESOS\Casino Gambling March 2014.docx

[Signature] City Attorney

3/17/14 Date

RESOLUTION NO. 2011-27812

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE FLORIDA LEGISLATURE TO REJECT ANY AND ALL EXPANSIONS OF GAMBLING, INCLUDING LEGISLATION TO LEGALIZE "DESTINATION CASINOS" IN FLORIDA.

WHEREAS, the Florida Legislature is currently considering various measures that would substantially expand gambling in the State, and

WHEREAS, the legislation being considered would allow for casino operations that rival in size and scope the gambling operations existing in Las Vegas and Atlantic City; and

WHEREAS, notwithstanding the assurances of gambling promoters, historically, large scale casino operations cannibalize non-gambling businesses and have caused, for instance, the shuttering of forty percent of all restaurants and one-third of all retail businesses in Atlantic City; and

WHEREAS, our community will bear the severe and painful economic and social costs that always accompany expansive gambling, including the misery of individuals and families touched by problem gambling as they are at higher risk of divorce, bankruptcy, child abuse, domestic violence, crime, and suicide, and

WHEREAS, expanded gambling promotes corruption of the governmental process as immensely wealthy gambling companies from all over the world seek to receive benefits from state governmental entities that regulate their existence and profits, and

WHEREAS, if gambling interests are allowed to obtain major casino expansion, full scale casino and gambling operations will become commonplace throughout our community and our State, and

WHEREAS, inward facing mega-developments will privatize public streets, destroy the pedestrian experience of downtown neighborhoods, exacerbate traffic, and denigrate the quality of life in our community; and

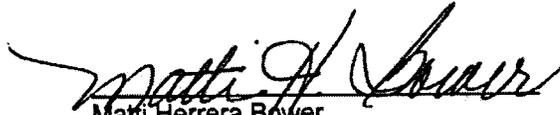
WHEREAS, the false promises of increased revenue and jobs, like the broken promises that accompanied the lottery and other gambling expansions, are intended to convince Floridians to make a fool's gamble with their future, and

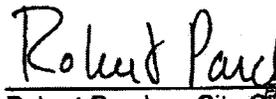
WHEREAS, based upon the foregoing concerns, the Mayor and City Commission of the City of Miami Beach, Florida, hereby urge the Florida Legislature to reject any and all expansions of gambling in the State of Florida, including any legislation which would legalize so called "destination casinos "

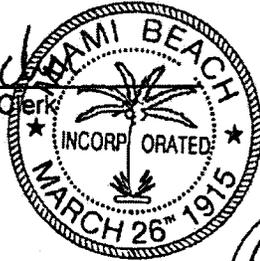
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Florida Legislature is hereby urged to reject any and all expansions of gambling, including legislation to legalize so called "destination casinos" in Florida.

PASSED AND ADOPTED this 14th day of December, 2011

ATTEST:


Matti Herrera Bower
Mayor


Robert Parcher, City Clerk



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


CITY ATTORNEY

12/5/11
DATE

RESOLUTION NO. 2011-27812

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE FLORIDA LEGISLATURE TO REJECT ANY AND ALL EXPANSIONS OF GAMBLING, INCLUDING LEGISLATION TO LEGALIZE "DESTINATION CASINOS" IN FLORIDA.

WHEREAS, the Florida Legislature is currently considering various measures that would substantially expand gambling in the State, and

WHEREAS, the legislation being considered would allow for casino operations that rival in size and scope the gambling operations existing in Las Vegas and Atlantic City; and

WHEREAS, notwithstanding the assurances of gambling promoters, historically, large scale casino operations cannibalize non-gambling businesses and have caused, for instance, the shuttering of forty percent of all restaurants and one-third of all retail businesses in Atlantic City; and

WHEREAS, our community will bear the severe and painful economic and social costs that always accompany expansive gambling, including the misery of individuals and families touched by problem gambling as they are at higher risk of divorce, bankruptcy, child abuse, domestic violence, crime, and suicide, and

WHEREAS, expanded gambling promotes corruption of the governmental process as immensely wealthy gambling companies from all over the world seek to receive benefits from state governmental entities that regulate their existence and profits, and

WHEREAS, if gambling interests are allowed to obtain major casino expansion, full scale casino and gambling operations will become commonplace throughout our community and our State, and

WHEREAS, inward facing mega-developments will privatize public streets, destroy the pedestrian experience of downtown neighborhoods, exacerbate traffic, and denigrate the quality of life in our community; and

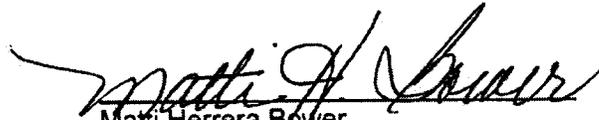
WHEREAS, the false promises of increased revenue and jobs, like the broken promises that accompanied the lottery and other gambling expansions, are intended to convince Floridians to make a fool's gamble with their future, and

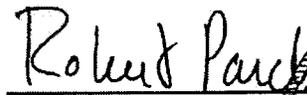
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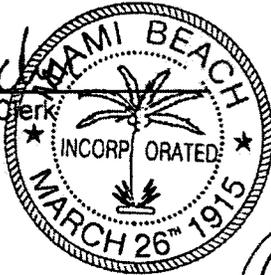
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Florida Legislature is hereby urged to reject any and all expansions of gambling, including legislation to legalize so called "destination casinos" in Florida.

PASSED AND ADOPTED this 14th day of December, 2011

ATTEST:


Matti Herrera Bower
Mayor


Robert Parcher, City Clerk



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


CITY ATTORNEY

12/5/11
DATE



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager

FROM: Matti Herrera Bower, Mayor *rw for MHB*

DATE: December 5, 2011

SUBJECT: R9 Item: Discussion Regarding a Resolution Opposing the Expansion of Gambling in the State of Florida

Please place on the Dec 14, 2011 Commission meeting agenda a discussion regarding a resolution opposing the expansion of gambling, including "destination resorts", in the State of Florida. The resolution is attached.

I thank you in advance for your cooperation in this matter. If you have any questions, please do not hesitate to contact Rebecca Wakefield at extension 6157.

Thank you.

MHB/rw

We are committed to providing excellent public service and safety to all who live, work, and play in our city.

Agenda Item R9M
Date 12-14-11

RESOLUTION NO. 2008-26927

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SUPPORTING THE RIGHT OF THE CITY TO DECIDE AND TO EXERCISE LOCAL CONTROL WITH REGARD TO CASINO GAMBLING WITHIN ITS JURISDICTION.

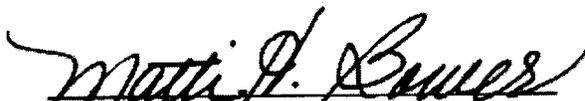
WHEREAS, in response to news articles reporting that a committee, financed by local developers, was investigating the possibility of a proposed amendment to the Florida Constitution to allow for Class III gambling at various sites within Miami-Dade County, including in the City of Miami Beach, the Mayor and City Commission adopted Resolution No. 2008-26925 on October 8, 2008, opposing casino gambling in the City; and

WHEREAS, the Mayor and City Commission of the City of Miami Beach support the right of the City to decide and to exercise local control with regard to casino gambling within its jurisdiction.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that, in addition to opposing casino gambling in the City of Miami Beach, the Mayor and City Commission support the right of the City to decide and to exercise local control with regard to casino gambling in the City of Miami Beach.

PASSED and ADOPTED this 7th day of October, 2008.

ATTEST:


Matti Herrera Bower
Mayor


Robert Parcher
City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney *BT* 10/14/08
Date



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager
FROM: Jonah Wolfson, Commissioner
DATE: October 2, 2008
SUBJECT: Agenda Item

Please place on the October 7, 2008 Commission meeting agenda a discussion item regarding the possibility of casino gambling in the City of Miami Beach, as highlighted in a series of recent Miami Herald articles.

If you have any questions, please contact John Heffernan at extension 6457.

JW/jh

Agenda Item R96
Date 10-7-08

We are committed to providing excellent public service and strive to enhance our environment and physical facilities to support a vibrant, historic community.

RESOLUTION NO. 2008-26925

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, OPPOSING ANY INITIATIVE TO AMEND FLORIDA'S CONSTITUTION TO ALLOW CASINO GAMBLING IN MIAMI BEACH.

WHEREAS, local news articles have reported that a committee, financed by local developers, is investigating the possibility of writing an initiative for a proposed casino amendment to the Florida Constitution to allow for Class III gambling at various sites within Miami-Dade, including in the City of Miami Beach; and

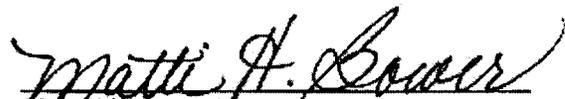
WHEREAS, the Mayor and City Commission are opposed to casino gambling in the City of Miami Beach and oppose any efforts to bring casino gambling to the City of Miami Beach; and

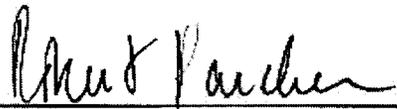
WHEREAS, in view of the concern of the Mayor and City Commission with regard to the prospect of casino gambling in Miami-Dade County, the City Manager and City Attorney's Office are hereby directed to investigate and research any and all methods to oppose and prevent casino gambling in the City of Miami Beach.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission oppose casino gambling in the City of Miami Beach and the City Manager and City Attorney are hereby directed to research and investigate any and all methods to oppose casino gambling in the City of Miami Beach.

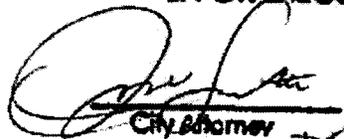
PASSED and ADOPTED this 7th day of October, 2008.

ATTEST:


Matt Herrera Bower
Mayor


Robert Parcher
City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney
10/8/08
Date



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager

FROM: Jonah Wolfson, Commissioner

DATE: October 2, 2008

SUBJECT: Agenda Item

Please place on the October 7, 2008 Commission meeting agenda a discussion item regarding the possibility of casino gambling in the City of Miami Beach, as highlighted in a series of recent Miami Herald articles.

If you have any questions, please contact John Heffernan at extension 6457.

JW/jh

Agenda Item R96
Date 10-7-08

We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.