

**City Commission Meeting**

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
January 14, 2015**

Mayor Philip Levine
Vice-Mayor Joy Malakoff
Commissioner Michael Grieco
Commissioner Micky Steinberg
Commissioner Edward L. Tobin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson - Arrived at 9:22:42 a.m.

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

Visit us at www.miamibeachfl.gov for agendas and video streaming of City Commission Meetings.

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.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to an alternate meeting date. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

Meeting called to order at 8:31:24 a.m.

8:59:53 a.m.

Pledge of Allegiance led by Police Chief Oates.

9:00:08 a.m.

Invocation given by Rabbi Yitzchak Zweig.

ADDENDUM MATERIAL 1:

C4K R9Q R9R

ADDENDUM MATERIAL 2:

C4L

ADDENDUM MATERIAL 3:

R7F R7G R9S R10B

SUPPLEMENTAL MATERIAL 1:

R2A Memorandum

R7E Memorandum & Resolution

SUPPLEMENTAL MATERIAL 2:

C7E Revised Attachment

C7M Memorandum & Resolution

ADDENDUM AGENDA**9:10:38 a.m.**

ACTION: Motion made by Commissioner Weithorn to add items C4K, C4L, R7F, R7G, R9Q, R9R, R9S and R10B to the Commission Agenda; seconded by Commissioner Grieco; Voice-vote: 5-0. Absent: Mayor Levine and Commissioner Wolfson.

Presentations and Awards

Presentations and Awards will take place on January 27, 2015.

New Item**9:01:15 a.m.**

PA1 Presentation Of Key To The City To Phillippe Letrilliart, Consul General Of France In Miami, On Behalf Of The Miami Beach Community In Solidarity For The Recent Terrorist Attacks.
(Requested by Mayor Philip Levine)

ACTION: Key presented.

Mayor Levine invited all the Commissioners and special guest to the Chamber lobby stage.

Mayor Levine stated that what happened in Paris, France, was not just an assault against the French people, but an assault on all of us, against our freedom of speech and freedom of expression, and he believes it is very important to honor our French friends in unity, and we are together in the fight against Islamic fundamentalism and the terrorism fight. The world is united with the French people. We have a large French community in South Florida, and it is fitting that we express our sympathy, condolence and unity. On behalf of the people of Miami Beach and the government, Mayor Levine offered his deepest sympathy and compassion, and stated that their bond is unbreakable. Mayor Levine added that everyone had received a pen with a card attached that reads "The Pen is Mightier than the Sword;" in America we believe in the freedom of the press and under no circumstances should that be circumvented.

Mayor Levine presented Consul General of France Letrilliart, as representative of the French people, a key to the City, on behalf of the Miami Beach community in solidarity with his country.

Phillippe Letrilliart, Consul General of France in Miami, received the Key to the City as a symbol of solidarity with the French people, and stated that they appreciate what the Mayor has done by authorizing them to gather in Miami Beach to rally after the shootings. Mr. Letrilliart added that last week had been a horrendous shock for the French population when they faced the terrorist acts; at

the end of the day 17 people were killed, including all the team of Charlie Hebdo magazine, two policemen, one policewoman and four Jewish Frenchmen. The entire French society has been attached, and at this moment they decided to react together and unite in Paris, where there are almost four million people in the streets from all over, to show that they will always protect their freedom and democracy, which they share with the United States of America.

8:54:43 a.m.**Announcement:**

Commissioner Weithorn is raising money for the Dolphins Cycling Challenge event taking place February 7-8, 2015, and there will be over 2,000 bicycle riders coming through Ocean Drive on the 7th before 9:00 a.m. About 400 riders will continue up to the end of the City line, and on day two they ride back. Tomorrow she is hosting a fundraiser at the Flywheel at 11:30 a.m., and if anyone is interested flyers with information are available for distribution. Commissioner Weithorn added that they are lucky to have a Comprehensive Cancer Center across the bay and she encouraged her colleagues to support her efforts.

Clerk's Note: The Dolphins Cycling Challenge (DCC) is a two-day, tri-county cycling event which donates 100% of rider-raised funds to innovative cancer research at the Sylvester Comprehensive Cancer Center. Since 2010, DCC riders have raised almost \$7 million dollars.

8:56:41 a.m.

Rafael E. Granado, City Clerk, announced corrections, notations, added and withdrawn items from the Commission Agenda and read the following into the record:

SEPARATED ITEMS:

C2D and C7K Separated by Commissioner Wolfson

C4H Separated by Vice-Mayor Malakoff

C4F, C4B, C7J and C7L* Separated by Commissioner Grieco (C7L has been withdrawn)

ITEMS WITHDRAWN:

C7L* and R7D

ITEMS MOVED:

Item R7C moved to Consent Item C7N.

CO-SPONSORSHIP INFORMATION ADDED:

R5F and R9Q by are being co-sponsored by Commissioner Grieco

R9M is being co-sponsored by Mayor Levine

Handouts or Reference Materials:

1. List of separated items

The City Commission will recess for lunch at approximately 12:00 p.m.

CONSENT AGENDA**9:13:48 a.m.**

ACTION: Motion made by Commissioner Weithorn; seconded by Commissioner Grieco to approve the Consent Agenda except separated items; Voice-vote: 5-0. Absent: Mayor Levine and Commissioner Wolfson.

C2 - Competitive Bid Reports

C2A Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 2014-235-JR For Police Station Building Firing Range Ventilation System Replacement.
(Capital Improvement Projects/Procurement)

ACTION: Request awarded. **David Martinez and Alex Denis to handle.**

C2B Request For Approval To Authorize The Issuance Of A Request For Proposals (RFP) For Background Investigation Services.
(Human Resources/Fire/Police/Procurement)

ACTION: Request awarded. **Sylvia Crespo-Tabak, Fire Chief Virgil Fernandez, Police Chief Oates and Alex Denis to handle.**

C2C Request For Approval To Issue An Invitation To Negotiate (ITN) For Management And Maintenance Services For The Affordable Residential Properties Owned Or Anticipated To Be Acquired By The City.
(Housing & Community Services/Procurement)

ACTION: Request awarded. **Maria Ruiz and Alex Denis to handle.**

9:23:27 a.m.**4:09:37 p.m.**

C2D Request For Approval To Exercise Term Renewal Options On Contracts For Routine Operational Requirements.
(Procurement)

ACTION: Request approved. Item separated by Commissioner Wolfson. See motions below:

MOTION 1: Motion made by Commissioner Wolfson to approve the exercise term renewal options with RBC Capital Markets, LLC (Financial Advisory Services) and with Safe Air Corporation (Installation of Vehicle Exhaust Removal Systems); seconded by Commissioner Weithorn. Voice vote: 6-0. Absent: Mayor Levine. **Alex Denis to handle.**

MOTION 2: Parking meter collection services for the City's Parking system should be put out to bid. Direction from City Manager Morales for current contract to be extended on a month-to-month basis. Motion made by Commissioner Wolfson; seconded by Commissioner Weithorn. Voice-vote: 7-0. **Alex Denis to handle.**

9:23:27 a.m.

Commissioner Wolfson stated he wanted to pull this item because of the parking meter collection provision. He thinks this item should not be treated as an automatic renewal, but should be put up to bid from time to time. He further stated that he would like to include a discussion of the parking attendants with this item.

City Manager Morales asked the City Commission to vote on the two other contracts in the item. The first being the financial advisory services (RBC Capital Markets, LLC) and the second the installation of vehicle exhaust removal (Safe Air Corporation). See above Motion 1.

4:09:37 p.m.

Commissioner Wolfson believes that the agreement to provide parking meter collection services for the City's Parking system should not be renewed, and should go out to bid.

City Clerk's Note: The current contractor is SP Plus Municipal Services, a division of Standard Parking Corporation.

Commissioner Weithorn agrees with Commissioner Wolfson. Technology has changed; they have moved on to the Master Meter System, and people should not have to go around carrying quarters everywhere for parking.

City Manager Morales stated that the current contract should be extended on a month-to-month basis, and rebid. See above Motion 2.

- C2E Request For Approval To Issue An Invitation To Negotiate (ITN) For Facilities Maintenance Services For Property Management.

(Public Works/Procurement)

ACTION: Request awarded. **Eric Carpenter and Alex Denis to handle.**

C4 - Commission Committee Assignments

- C4A Referral To The Finance And Citywide Projects Committee Regarding First Class Parking Valet Parking Concession Agreement.

(Parking)

ACTION: Item referred. Patricia Walker to place on the Committee agenda. **Saul Frances to handle.**

9:18:47 a.m.

- C4B Referral To The February 2, 2015 Finance And Citywide Projects Committee To Discuss Implementing A Contractor Prequalification Program In An Effort To Expedite Infrastructure Improvements.

(Requested by Commissioner Deede Weithorn)

ACTION: Item referred. Item separated by Commissioner Weithorn. Motion made by Commissioner Weithorn; seconded by Commissioner Grieco; Voice Vote: 5-0. Absent: Mayor Levine and Commissioner Wolfson. Patricia Walker to place on the Committee agenda. **Alex Denis to handle.**

REFERRAL:

Finance and Citywide Projects Committee

Commissioner Weithorn explained the item. During the past several months and years, several cases came before the City that required the waiver of competitive bidding because the City was in a hurry. She applauds the work of Alex Denis in reforming the Procurement Department, and for having created a list of prequalified vendors for certain services, primarily construction services, in the event of an emergency. This prequalified list will have a credential check, in an effort to be more transparent and more efficient.

Commissioner Tobin asked why they eliminated JOC (Job Order Contracting.)

City Manager Morales stated that due to the scandals from the previous Procurement Director, which included manipulation and misuse of JOC, JOC was eliminated in response.

Commissioner Weithorn reassured Commissioner Tobin that this new system will be much better than JOC, and will offer better safeguards.

C4C Referral To The Finance And Citywide Projects Committee - Changes To The Resort Tax Quality Of Life Funding Allocations.

(Budget & Performance Improvement)

ACTION: Item referred. Patricia Walker to place on the Committee agenda. **John Woodruff to handle.**

C4D Referral To Finance And Citywide Projects Committee - Vacation Of Liberty Avenue (Palm Avenue) Between 22nd Street (Ocean Avenue) And 23rd Street (Atlantic Avenue).

(Capital Improvement Projects)

ACTION: Item referred. Patricia Walker to place on the Committee agenda. **David Martinez to handle.**

C4E Referral To The February 27, 2015 Neighborhood/Community Affairs Committee Meeting To Discuss Conceptual Ideas Relating To Monument Island.

(Parks & Recreation)

ACTION: Item referred. Vania Pedraja to place on the Committee agenda. **John Rebar to handle.**

9:14:11 a.m.

C4F Referral To The Neighborhood/Community Affairs Committee – Discussion Regarding The “Mind Your Block” Program, An Initiative To Encourage Residents And Businesses To Take Ownership Of Their Specific Block, Which Would Include Among Other Things Trash, Dog Waste, Noise, Suspicious Vehicles And Activity.

(Requested by Commissioner Michael Grieco)

ACTION: Item referred. Item separated by Commissioner Grieco. Motion made by Commissioner Grieco; seconded by Commissioner Weithorn; Voice vote: 5-0. Absent: Mayor Levine and Commissioner Wolfson. Vania Pedraja to place on the Committee agenda. **Lynn Bernstein and Barbara Hawayek to handle.**

Commissioner Grieco stated that he wanted his colleagues to get familiar with the program he was referring to the Neighborhood/Community Affairs Committee (NCAC). He wanted to start an initiative to give people more say on what is going on in their block, so they could, for instance, report trash on their block, or suspicious vehicles. He is not talking about neighborhood watches, or block captains, but rather by means of an app people can have an outlet to be part of the collective. With this app, people can, almost in real time, report problems on their street or block, and gain more access to City Hall. He would like to workshop this at the NCAC. He has spoken to Lynn Bernstein regarding this app.

Commissioner Tobin asked how someone can get this app.

Commissioner Grieco stated the app is called the "Miami Beach E-gov app," and it is available on all platforms. All the app stores carry it, and it is free. People will be able to get e-mail updates on their requests.

Commissioner Weithorn asked the City Manager if perhaps Channel 77 (MBTV) could let people know about the app, and what one can do with it, as an incentive to get residents to download it.
Nannette Rodriguez to handle.

- C4G Referral To The Next Neighborhood/Community Affairs Meeting A Discussion To Include Restrooms And Storage Building In The First Phase Of The Altos Del Mar Park Plan.
(Requested by Vice-Mayor Joy Malakoff)

ACTION: Item referred. Vania Pedraja to place on the Committee agenda. **Eric Carpenter to handle.**

9:17:05 a.m.

- C4H Referral To The Planning Board - Proposed Amendments To Chapter 6, Chapter 114, And Chapter 142 Of The City Code Modifying And Clarifying Definitions, Regulations And Requirements For Alcoholic Beverage Establishments And Accessory Uses, And Modifying Threshold Standards For Neighborhood Impact Establishments.
(Sponsored by Vice-Mayor Joy Malakoff)
(Legislative Tracking: Planning)

ACTION: Item referred. Item separated by Vice-Mayor Malakoff. Motion made by Commissioner Grieco; seconded by Commissioner Weithorn; Voice Vote: 5-0. Absent: Mayor Levine and Commissioner Wolfson. **Thomas Mooney to place on the Committee agenda and to handle.**

Vice-Mayor Malakoff introduced the item. Regarding alcohol regulations, she suggested adding two things. The first thing she requests is further modification at the Planning Board level to look at the maximum percentage so that approximately 25% to 30% be set as the variance provision, as the minimum amount of seats to have and use for alcoholic beverage licenses. She has seen some variances that require 30 seats and a restaurant. A restaurant that has only eight (8) seats is more of a bar than a restaurant. The second thing she wants addressed is changes in security. There is a regulation or request for Police Officers at the City's discretion to be in the vicinity of each other. It could also be security guards, and not exclusively Police Officers. She asked Thomas Mooney, Planning Department Director, to work with the Police Chief on that. **Thomas Mooney and Police Chief Oates to handle.**

C4I Referral To Land Use And Development Committee Regarding Charging Stations For Plug-In Vehicles.

(Requested by Commissioner Micky Steinberg)

ACTION: Item referred. Thomas Mooney to place on the Committee agenda. **Saul Frances to handle.**

C4J Referral To The Finance And Citywide Projects Committee – Discuss The Requirement For City Contractors To Provide Equal Benefits For Domestic Partners.

(Requested by Commissioner Deede Weithorn)

ACTION: Item referred. Patricia Walker to place on the Committee agenda. **Alex Denis to handle.**

ADDENDUM MATERIAL 1:

C4K Referral To Finance And Citywide Projects Committee - A Discussion On Repurposing The Citywide Public Access Wi-Fi System For Police Equipment Connectivity - Fiscal Year 2014-2015 In Accordance With The Options Pursuant To LTC 272-2014.

(Police)

ACTION: Item referred. Patricia Walker to place on the Committee agenda. **Police Chief Oates to handle.**

ADDENDUM MATERIAL 2:

C4L Referral To The Land Use And Development Committee To Discuss General Height Restrictions In CD-3 Districts.

(Requested by Commissioner Jonah Wolfson)

ACTION: Item referred. **Thomas Mooney to place on the Committee agenda and to handle.**

C6 - Commission Committee Reports

C6A Report Of The December 19, 2014 Neighborhood/Community Affairs Committee Meeting: **1)** Discussion Regarding Creating A Community Vegetable Garden Through Our Parks & Recreation Program For Miami Beach Elderly In Our Senior Centers; To Include Regular Transportation To The Garden. **2)** Discussion Regarding Revisions To The Beachfront Concession Rules And Regulations. **3)** Discussion Regarding The Purdy Boat Ramp. **4)** Discussion Regarding Long Term Problems That Need To Be Addressed At 17th Street And Alton Road Intersection. **5)** Discussion Regarding Stray Cats In Miami Beach. **6)** Discussion Regarding The Annual Review Of The City's List Of Deserving Organizations And/Or Groups Eligible To Receive Complimentary Tickets As Per The City's Complimentary Ticket Policy Pursuant To Resolution No. 2014-28638. **7)** Discussion On The Beautification Of The Alton Road Flyover Bridge At The Eastern End Of I-395. **8)** Discussion Regarding Adding Pride/Rainbow Colors To The Street Signs From 10th To 12th Streets On Washington/Collins/Ocean, As Per The Recommendation Of The LGBT Business Enhancement Committee. **9)** Discussion Regarding An Update On The Plans For The Par 3 Park.

ACTION:

1) Creating A Community Vegetable Garden For Miami Beach Elderly In Our Senior Centers.

DIRECTION: By Commissioner Tobin to have Administration come back in March with information on whether or not the senior centers are willing to participate in a community vegetable garden.

2) Revisions To The Beachfront Concession Rules & Regulations.

No action taken.

3) Discussion Regarding The Purdy Boat Ramp.

DIRECTION: By Commissioner Tobin to have this item brought back to the Committee in January with a full proposal detailing the Dock Master position and a fee schedule for the Purdy boat ramp.

4) Long Term Problems To Be Addressed At 17th Street And Alton Road Intersection.

DIRECTION: By Commissioner Tobin to have this item come back in January detailing what plan is being implemented to improve the intersections that are at a D, E, or F.

5) Discussion Regarding Stray Cats In Miami Beach.

No action taken.

6) Annual Review Of The City's List Of Groups Eligible To Receive Complimentary Tickets.

RECOMMENDATION: By Commissioner Weithorn in addition to the names of the people receiving tickets, Administration have the individuals that retrieve the tickets sign an agreement that acknowledges that these tickets are to be rotated among residents within the building that are low income and to teachers that teach in Miami Beach as per the Education Compact.

7) Beautification Of The Alton Road Flyover Bridge At The Eastern End Of I-395.

DIRECTION: By Commissioner Steinberg to bring this item back to NCAC in March with the FIU conceptual designs.

8) Adding Pride/Rainbow Colors To Street Signs (10th-12th St On Washington/Collins/Ocean).

DIRECTION: By Commissioner Steinberg to bring this item back to the LGBT Committee for their input on Commissioner Malakoff's recommendation and the current issue with only one non signalized intersection.

9) Discussion Regarding An Update On The Plans For The Par 3 Park.

DIRECTION: By Commissioner Weithorn to have this item come to NCAC in January with input from anyone in the community who should be involved.

C6B Report Of The December 12, 2014 Finance And Citywide Projects Committee Meeting: **1)** Discussion Regarding The Miami Beach Police Athletic League (PAL). **2)** Discussion Regarding The Loans-At-Work Program. **3)** Discussion Regarding Creating A Property Assessed Clean Energy (PACE) Program By Resolution And Joining The Existing Interlocal Agreement Between By Harbor Islands, Biscayne Park, And Surfside. **4)** Discussion Regarding Parking Demand Analysis/Walker Parking Consultants. **5)** Discussion Regarding The Management Agreement With SP Plus Municipal Services, A Division Of Standard Parking Corporation, For Parking Attendants, Specifically: (1) Not Exercising The City's Option To Renew The Agreement; (2) Extending The Agreement On A Month-To-Month Basis; And (3) Issuing A New RFP For Parking Attendants For The City's Parking Garages. **6)** Discussion To Amend The Living Wage Ordinance Insurance Provision In Light Of Obamacare. **7)** Discussion To Waive Fees For The Dolphins Cycling Challenge Event Taking Place In Miami Beach On February 7th And 8th, 2015. **8)** Discussion Regarding The Live Nation Management Agreement For The Jackie Gleason Theater. **9)** Discussion To Review Options To Reintegrate The Baptist Hospital Network Among Providers Available To City Employees. **10)** Discussion Regarding A Public Private Partnership For A Two-Story Parking Structure To Be Erected Over Both City Parking Lot P62 And A Private Parking Lot, On 42nd Street, Between Jefferson Street And Meridian Avenue. **11)** Discussion Asking The Commission For \$10,000 For 2015 Senior Group Programs To Reach Out To Senior Citizens Throughout Miami Beach. **12)** Discussion Regarding The Miami Beach Convention Center Booking Policy. **13)** Discussion Regarding Reevaluation Of City Of Miami Beach Tuition Assistance Policy For City Of Miami Beach Employees. **14)** Discussion Regarding The Possible Addition Of Personal Watercrafts To Our Police Department's Fleet.

ACTION:

1) Discussion Regarding The Miami Beach Police Athletic League (PAL).

The Committee recommended bringing this item back to the March Finance and Citywide Committee meeting with a Resolution to the aforementioned issues between the Police Athletic League (PAL) and the City. There are scheduled meetings with members from the Office of the City Attorney and the City Manager's office with PAL representatives.

2) Discussion Regarding The Loans-At-Work Program.

The Committee recommended continuation of the BMG Money Loans-At-Work program on a permanent basis through calendar year 2015, as an alternative for individuals who would not otherwise have the ability to borrow from an institution.

City Clerk's Note: See item C7C.

3) Creating A Property Assessed Clean Energy (PACE) Program By Resolution.

The Committee recommended moving forward with the PACE program and sending this item to the Commission.

4) Discussion Regarding Parking Demand Analysis/Walker Parking Consultants.

The Committee took no action, but encouraged the Administration to return when potential solutions are identified.

5) Management Agreement With SP Plus Municipal Services, For Parking Attendants.

The Committee had no recommendation of changing the management agreement. Advised staff will execute the one year renewal option with SP Plus Municipal Services while examining new technology and cost saving measures that could be used long term when the management agreement is up for renewal.

City Clerk's Note: See item C2D.

6) Amend The Living Wage Ordinance Insurance Provision In Light Of Obamacare.

Item deferred to February.

7) Waive Fees For The Dolphins Cycling Challenge Event.

The Committee recommended waiving the fees as listed below for the Dolphins Cycling Challenge (DCC) that raises money for the Sylvester Comprehensive Cancer Center:

• App fee	\$250
• Permit fee	\$250
• Square footage	\$9,900 without tax (\$10,593 if taxed)
• Vehicle Access Passes	\$2,250 (15 x \$150)
• Lummus User Fee	\$1,275
• Police/Fire admin	\$1,570

Total: \$15,495

City Clerk's Note: See item C7G

8) Live Nation Management Agreement For The Jackie Gleason Theater.

Item deferred to January.

9) Options To Reintegrate The Baptist Hospital Network Among Providers To City Employees.

The Committee recommended moving forward with AvMed as a sole carrier if staff can negotiate terminating the Humana contract. If not, move forward with giving employees the option of going with either Humana or AvMed in the meantime with enrollment beginning in March 2015. The motion was amended to include an Invitation to Negotiate (ITN) to see if other carriers are interested.

10) Public Private Partnership For A Two-Story Parking Structure On 42nd Street.

Item deferred to January.

11) Discussion Asking The Commission For \$10,000 For 2015 Senior Group Programs.

The Committee recommended bringing this item back to Finance and Citywide Committee no sooner than February 2015 after Stanley Shapiro meets with staff at the Office of Housing and Community Services regarding the variety of cultural, recreational and support programming available to elderly residents. The Committee would like the item to return with performance measures, outcomes and ensuring there is no duplication of efforts.

12) Discussion Regarding The Miami Beach Convention Center Booking Policy.

Item deferred to January.

13) Reevaluation Of Miami Beach Tuition Assistance Policy For Employees.

The Committee recommended for the Fiscal Year 2015-2016 a two-year pilot program where employees will receive tuition assistance based on the following level of achievement:

1. Grade A = 80% reimbursement
2. Grade B = 60% reimbursement
3. Grade C = 40% reimbursement

The employee will also be required to work at the City for 2 years after receiving this benefit or be required to pay back the funds received.

14) Possible Addition Of Personal Watercrafts To Our Police Department's Fleet.
Item deferred to February.

C7 - Resolutions

C7A A Resolution Retroactively Approving And Authorizing The City Manager Or His Designee To Take The Following Actions: 1) Submit A Grant Application For \$825,000 To The Florida Division Of Emergency Management For The Hazard Mitigation Grant Program For Emergency Generators; 2) Submit A Grant Application To The Children's Trust Youth Enrichment Program In The City's 'Champs' Program; And Further Authorizing The City Manager Or His Designee To Take All Necessary Steps And Execute All Necessary Documents In Connection With The Aforestated Grants And Funding Requests, Including, Without Limitation, Applications, Grant And/Or Funding Agreements And Audits.

(Budget & Performance Improvement)

ACTION: Resolution 2015-28888 adopted. Patricia Walker to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.**

C7B A Resolution Encouraging Businesses In The City To Acquire And Install Automated External Defibrillators (AEDs) And To Register Their AEDs With The Fire Department Of The City Of Miami Beach.

(Sponsored by Commissioner Deede Weithorn)
(Legislative Tracking: Fire & Office of the City Attorney)

ACTION: Resolution 2015-28889 adopted. Fire Chief Virgil Fernandez and Office of the City Attorney to handle.

C7C A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Approve The Continuation Of The BMG Money Loans-At-Work Program As A Benefit Of Employment With The City Of Miami Beach.

(Human Resources)

ACTION: Resolution 2015-28890 adopted. Sylvia Crespo-Tabak to handle.

- C7D A Resolution Accepting The Recommendations Of The Finance And Citywide Projects Committee To Amend The City's Tuition Assistance Program As Follows: Tuition Assistance Shall Be Based On, But Not Exceed, The Established Credit Hour Tuition Rate In The State's University System At The Time Of Enrollment; Assistance Shall Be Based On A Sliding Scale Directly Related To The Employee's Performance In Approved Coursework From Accredited Institutions Of Higher Learning With A Six Credit Hour Limit Per Semester; Assistance Shall Be Limited To 80 Percent Of The Tuition Costs For Courses In Which Employees Earn An "A," 60 Percent When They Earn A "B," And 40 Percent When They Earn A "C," Except Graduate Courses For Which Assistance Requires Earning No Less Than A "B"; A Repayment Requirement If The Employee Separates From Employment By The City Within Two Years Of Having Received Assistance, With An Exception For Employees Who Are Laid Off Or Die; And Approving The Revised City Of Miami Beach Employee Tuition Assistance Program Set Forth In The Attached Exhibit A.

(Human Resources)

ACTION: Resolution 2015-28891 adopted. Sylvia Crespo-Tabak to handle.

SUPPLEMENTAL MATERIAL 2: Revised Attachment

- C7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Change Order No. 2 To Southern Underground Industries, Inc., Dated January 14, 2015 (The Agreement); Relating To The Citywide High Tide Mitigation Project (Project), Increasing The Scope Of The Project To Include Additional Engineering Services, Watermain Installation, Drainage Pipe Installation, Check Valves For Existing Outfall, For Various Locations Requiring Protection From Tidal Flooding; And Further Increasing The Project Cost To Include The Additional Cost Of \$180,000, Plus A Project Contingency In The Amount Of \$30,000, For A Total Cost Of \$210,000.

(Public Works)

ACTION: Resolution 2015-28892 adopted. Eric Carpenter to handle.

- C7F A Resolution Accepting The Recommendations Of The Finance And Citywide Projects Committee; Approving And Authorizing The City Manager To Execute Amendment No. 1 To The Lease Between The City And Mystery Park Arts Company, Inc. (SoBe Arts, Tenant), Dated January 13, 2010, For The Demised Premises Located At 2100 Washington Avenue, Miami Beach, Florida; Said Amendment Correcting A Scrivener's Error In Tenants Name; And Providing For The Renewal Of The Lease For An Initial Seven (7) Month Renewal Period, Commencing January 13, 2015 And Ending August 12, 2015, And Continuing Thereafter On A Month-To- Month Basis Until Such Time As The Convention Center Renovation And Expansion Project Begins Construction.

(Tourism, Culture & Economic Development)

ACTION: Resolution 2015-28893 adopted. Max Sklar to handle.

- C7G A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee Waiving \$15,495 In Special Event Fees For The Dolphins Cycling Challenge Event Taking Place In Miami Beach On February 7th And 8th, 2015.

(Sponsored by Commissioner Deede Weithorn)

(Tourism, Culture & Economic Development)

ACTION: Resolution 2015-28894 adopted. Max Sklar to handle.

- C7H A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee Regarding The Recommended List Of Deserving Organizations And/Or Groups Eligible To Receive Complementary Tickets And Approving The Attached 2015 List Of Organizations And/Or Groups Eligible To Receive Complimentary Tickets As Per The City's Complimentary Ticket Policy Set Forth In Resolution No. 2014-28638.

(Tourism, Culture & Economic Development)

ACTION: Resolution 2015-28895 adopted. Max Sklar to handle.

- C7I A Resolution Retroactively Approving The Acceptance And Appropriation Of A Contribution From The Ocean Drive Association In An Amount Not To Exceed \$30,000.00 In Support Of The Fireworks Show On The Beach And The Closure Of Ocean Drive From 5th To 15th Streets For The 2014-2015 New Year's Celebration.

(Tourism, Culture & Economic Development)

ACTION: Resolution 2015-28896 adopted. Max Sklar to handle.

9:21:25 a.m.

- C7J A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Interlocal Agreement Between The City And Florida Atlantic University (FAU) For The Provision Of Traffic Simulation Services Along State Road 112/41st Street To Determine The Feasibility Of Implementing Adaptive Traffic Signal Control Along This Corridor, For A Sum Not To Exceed \$97,642; Which Agreement Is Subject To Negotiation Between The City And FAU; And Further Subject To Legal Review And Form Approval Of The Final Negotiated Agreement By The Office of the City Attorney.

(Transportation)

ACTION: Resolution 2015-28897 adopted. Item separated by Commissioner Grieco. Motion made by Commissioner Grieco; seconded by Commissioner Weithorn; Voice vote: 6-0. Absent: Mayor Levine. **Jose Gonzalez to handle.**

Jose Gonzalez, Transportation Director, explained that this item specifically engages Florida Atlantic University (FAU) to perform micro-simulation analyses for a pilot corridor, which they selected to be 41st Street, from Alton Road to Collins Avenue, and then a portion of Collins Avenue, from 41st to 44th Streets. This is a critical element of the City's overall Intelligent Transportation System (ITS). This will include as a subsequent phase, adaptive traffic signal control and signal control analyses responsive to real time traffic demand. The goal is to have traffic signals that are no longer pre-timed with more or less green time than necessary.

Vice-Mayor Malakoff asked whether the City or the County will have control over the ITS.

Jose Gonzalez, Transportation Director, stated they are still in discussions with the County, because under the Home Rule Charter, the County has jurisdiction over traffic control devices. The traffic study is expected to be completed with results in approximately six months.

9:24:38 a.m.

C7K A Resolution Authorizing The City Manager To Exercise The Sole Renewal Option For A Term Of Six (6) Months, Commencing January 31, 2015 And Ending July 31, 2015, Pursuant To The Agreement Between The City And Limousines Of South Florida, Inc., Dated January 31, 2014, For The Maintenance And Operation Of A City Of Miami Beach Trolley System For Municipal Circulator Services.

(Transportation)

ACTION: Resolution 2015-28898 adopted. Item separated by Commissioner Wolfson. Motion made by Vice Mayor Malakoff to extend the service for six months, and refer the item to the Finance and Citywide Projects Committee as well as the Neighborhood/Community Affairs Committee; seconded by Commissioner Grieco; Voice vote: 7-0. **Jose Gonzalez, Patricia Walker and Vania Pedraja to place in the Committee agenda.**

REFERRALS:

Finance and Citywide Projects Committee
Neighborhood/Community Affairs Committee

Commissioner Wolfson suggested waiting a couple of months before renewing the trolley system. The trolley was started to deal with the traffic problems in the South Beach area due to the construction on Alton Road. He is wondering now that construction is done, will the trolley service in South Beach be discontinued? He does not believe they will be needed much longer, and a great deal of money is being spent on the program.

Commissioner Steinberg expressed similar concerns, and would like to have a full discussion on the matter, from the money allocated from the County, taxpayer's money and South Beach Local.

Discussion held.

Commissioner Weithorn stated that it makes sense that the program ends at some point. Part of the reason this trolley service was created was because people could not drive or walk down Alton Road, because of construction. Extending the program will help residents who do not drive on a regular basis until Alton Road and surrounding areas are construction free. She asked Commissioner Wolfson what Committee he would like to send this item for discussion.

Commissioner Wolfson suggested referring the item to the Finance and Citywide Projects Committee.

Discussion continued.

Commissioner Tobin is in favor of rapid transit system and the data suggests that the trolley system is heavily used and it is a great service. He would probably vote in favor of keeping it.

Commissioner Wolfson asked for Mayor Levine's input now that they are done with the construction.

Mayor Levine stated that it is important to follow up. He believes that the trolley is crucial, it serves an amazing purpose and the City needs more public transportation. He is in favor of it, and would like to expand it. He would like to look back into it ten months from now when Alton Road is completed. They should extend it and look at it in the near future.

Commissioner Wolfson suggested for the Transportation Department to look at the routes, and see if the routes need to be altered so the trolley is used to the full capacity and eliminate redundancies. **Jose Gonzalez to handle.**

Commissioner Grieco stated that the ridership has been ever increasing, almost 1,000 riders per day just on the Alton/West Loop. He receives complaints about the South Beach Local and agrees with Commissioner Tobin that trolleys do a great job offering their service, but at the same time, he does agree with Commissioner Wolfson that there may be an alternate route. He suggested referring this item to Neighborhood/Community Affairs Committee.

Discussion continued.

Commissioner Weithorn stated that this item should go to Finance to review the financing model, as the City finances the South Beach Local.

Jose Gonzalez, Transportation Director, announced that even with the opening of Alton Road to the traffic, ridership has increased on the Alton/West trolley since October. Only a six-month extension is allowed, until July 2015, because that is when the FDOT Alton Road project is expected to be completed. Once the construction is concluded, the certificate authorizing the operation from the County will expire. Mr. Gonzalez is having talks with the County regarding the future of the Alton Road/West Avenue Trolley and South Beach Local.

Motion made by Vice Mayor Malakoff to extend the service for six months, and refer the item to the Finance and Citywide Projects Committee as well as the Neighborhood/Community Affairs Committee; seconded by Commissioner Grieco; Voice vote: 7-0. **Jose Gonzalez to handle.**

City Manager Morales announced that just in the second month of the North Beach Trolley's launch, the ridership was 42,000 passengers, so there is a demand for it.

Stanley Shapiro expressed his opinion on the poor state of the buses on the South Beach Local; and requested that the City replace the South Beach Local with trolleys.

- C7L A Resolution Authorizing The City Manager To Approve The Work Orders For The Monument Island Lighting Project Utilizing The Competitively Bid National Joint Powers Alliance (NJPA) Cooperative Contract For Construction Services With The Gordian Group.
(Public Works/Procurement)

ACTION: Item withdrawn.

SUPPLEMENTAL MATERIAL 2: Memorandum & Resolution

- C7M A Resolution Accepting The Recommendation Of The Mayor's Blue Ribbon Committee On Flooding And Directing The City Manager To Issue Temporary Permits, As Required, In Accordance With City Code Section 46-156, For Flooding Mitigation Projects Throughout The City Being Carried Out Pursuant To A Valid Building Permit; Such Permits To: 1) Permit Construction Activities To Occur Earlier And Or Later Than As Otherwise Provided In Section 46-156; And 2) As A Result Of Such Construction Activities, To Allow Noise Which Would Otherwise Be Prohibited Under The City's Noise Ordinance; And Provided Further That The City Manager Shall, In Issuing Such Temporary Permits, Prescribe Such Conditions, As He Reasonably Deems Necessary, To Minimize Any Adverse Effects Upon The Community.
(Public Works)

ACTION: Resolution 2015-28899 adopted. Eric Carpenter to handle.

- C7N A Resolution Accepting The Recommendation Of The City Manager To Purchase Additional Conducted Electronic Weapons And Other Accessories (The "Equipment") From Taser International, Inc. In The Total Amount Of \$519,230, Previously Approved As A Sole Source Purchase Pursuant To Resolution 2014-28726, And Authorizing The City Administration To Negotiate An Agreement With Taser International, Inc., For The Purchase Of The Equipment; And Further Authorizing The City Manager To Execute That Agreement With Taser International Which Shall Defer Payment Of The Equipment Over A Five (5) Year Period, Upon Conclusion Of Successful Negotiations.
(Police)

ACTION: Resolution No. 2015-28900 adopted. Police Chief Oates to handle.

End of Consent Agenda

REGULAR AGENDA

R2 - Competitive Bid Reports

11:19:52 a.m.

SUPPLEMENTAL MATERIAL 1: Memorandum

- R2A Request Approval To Issue An Invitation To Negotiate (ITN) For The Leasing Of City-Owned Buildings And Rooftops For The Placement Of Telecommunications Equipment.
(Information Technology/Procurement)

ACTION: Request approved as written, without light poles, and adding park buildings for a nine-year lease. ITN for light poles to be placed on the City Commission at the January 27, 2015 Presentations and Awards Commission Agenda. Lilia Cardillo to place on the Commission Agenda if received. **Ariel Sosa and Alex Denis to handle.**

MOTION NO. 1:

Motion by Commissioner Wolfson to have ITN include light poles; seconded by Commissioner Tobin; Voice-vote: 3-4. Opposed: Vice-Mayor Malakoff and Commissioners Grieco, Steinberg and Weithorn. Motion failed.

MOTION NO. 2

Motion by Commissioner Weithorn to leave it as written without light poles, and adding park buildings, for a nine-year lease; seconded by Vice-Mayor Malakoff. Voice-vote: 6-1. Opposed: Commissioner Wolfson. Motion passed.

Commissioner Wolfson stated he had understood from the previous meeting that they had agreed to put the RFP for all light poles, but when it went out, it was not in there, and he is trying to figure out what happened.

Ariel Sosa, IT Director, explained that the item was to put a competitive offer for City facilities to be used whereby the cellphone signal could be extended Citywide. The carriers could provide some funding for the City for the use of the facilities. They have gone back and forth and the item has gone to Invitation to Negotiate (ITN).

Commissioner Wolfson stated that the Commission had directed that it go out to all light poles.

Vice-Mayor Malakoff mentioned the Commission had directed for rooftops. City owned light poles, and other street furniture would be a separate Invitation to Negotiate (ITN).

Raul J. Aguila, City Attorney, explained that one of the corrections they are asking for today is whether it is the opinion of the Commission to add, in addition to rooftops, only City owned poles in public property.

Commissioner Wolfson does not understand why they cannot be included. The light poles are City property. He suggested including the light poles in the ITN.

Mayor Levine asked what is the City doing differently now, because the last Commission Meeting they wanted this item to go out in a competitive bidding process.

Eve Boutsis, Deputy City Attorney, explained that there was an error in the ITN that went out. Every fifth pole will be included in the ITN, because there is a Federal law that says other entities that may not participate have a right to be on the right-of-way.

Commissioner Weithorn does not want the City to get stuck with double street furniture; she cannot support this as is. She does not want this ITN to be different. She has a problem with the light poles being included. Any time there is new technology, the City should embrace future changes that get rid of street furniture.

City Manager Morales stated that the only buildings that were not included were the parks, but that could be easily added.

Raul J. Aguila, City Attorney, stated that the idea was to put City owned sites out to bid.

Discussion held.

Commissioner Tobin stated that a good thing that came out of Commissioner Wolfson bringing this up is that companies that wanted to use the public right of way looked at their designs so they could manufacture a light pole that looked just like the standard light poles currently used throughout the City, and that way we avoided adding unsightly street furniture.

Eve Boutsis, Deputy City Attorney, suggested making an edit to the lease term. Currently a lease is one-year, she believes they are looking for a longer term of nine years and 364 days without a referendum.

Commissioner Weithorn does agree for rooftops, but not for light poles. Nine (9) years is a long time for a light pole lease. Otherwise she cannot support this ITN.

Discussion continued.

Vice-Mayor Malakoff is in support of approving the request as written. Light poles should not be included. Commissioners Steinberg and Weithorn agreed.

Raul J. Aguila, City Attorney, stated that it may not make sense to do it separately. He is asking for direction. Light poles are included now, if you do not want to include it, it can be a separate item. It is not an all or nothing ITN either.

Mitchell Bierman, representing Crown Castle, explained that there is a provision in the proposed contract that allows for a 90-day termination without cause. He called this clause a potential deal breaker, because it is not fair to the industry after having invested in the property and equipment to face a possible at-will termination. He asked the Commission to eliminate this provision.

Commissioner Wolfson stated that this clause is always there, and he will not take it out.

Commissioner Weithorn agreed with Commissioner Wolfson.

Commissioner Grieco would prefer reviewing the light pole issue at a later date. These seem like different types of contracts, and the City may be able to benefit by bifurcating these two issues. He suggested going over this item at the next City Commission meeting on January 27.

Discussion continued.

Commissioner Wolfson prefers getting this issue resolved quickly, because the other company is out there trying to get their equipment on the right-of-way without the City getting any money. That is why he wanted to send them out to bid. And if the issuance of the light pole is delayed, then they run the risk of maybe not getting anything back for it.

Commissioner Tobin stated that companies are allowed by law to put in their own poles to the right-of-way, and the City does not have a say in the matter. So, if you want to let companies put in a light pole that looks just like our light pole, the companies out there have free rein to put them in the right of way if they want to add a pole, and if we do not do this all at once, there will be more street furniture.

R5 - Ordinances

10:06:46 a.m.

R5A An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," By Creating Article XVI Thereof, To Be Entitled "Nude Dance Establishments," To Provide Regulations Regarding Identification Requirements For All Workers And Performers In Such Establishments; Providing For Repealer; Severability; Codification; And An Effective Date. **10:05 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Edward L. Tobin)
(Legislative Tracking: Office of the City Attorney)
(First Reading on December 17, 2014 - R5M)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2015-3917 adopted as amended.** Motion made by Commissioner Tobin to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 7-0. **Office of the City Attorney to handle.**

Amendment

Remove "or have otherwise reached the age of majority" under 18-913 (1) (a) and substitute with "18 years of age or older."

Commissioner Tobin explained that after the latest incident involving a 13-year old girl that was allowed to strip at Club Madonna, the City Manager and he Office of the City Attorney added regulations to put the burden on the club to check for identification and keep logs on employees, and he recognized the City Manager and the Office of the City Attorney for a great job done. He explained that the Ordinance proposed would codify safeguards with stiff penalties if a strip club violates the regulations. He also thanked Commissioner Steinberg for her assistance in drafting the legislation.

Commissioner Wolfson suggested removing language “or have otherwise reached the age of majority” on Section 18-913 (1) (a), and added that it should be limited to 18 years or older.

Alek Boksner, First Assistant City Attorney, explained the exceptions of emancipation age and added that an emancipated 17 year old is given certain legal rights under State law; this is a policy decision and the Office of the City Attorney is prepared to defend and litigate.

Discussion held regarding issues of emancipation age.

Commissioner Wolfson in referring to Section 18-913 (2), which reads: “confirm that the person is working or performing of his or her own accord”, he suggested including a process to confirm that this language be included in the Ordinance.

Mr. Boksner stated that this is included in the Ordinance.

Discussion continued regarding payment to independent contractors.

Mr. Boksner stated that independent contractor is something used and recognized in this type of business; however, this is controlled by Federal law, not by State or City law. He added that this Ordinance is not focused on any particular business operation, but applied uniformly Citywide to combat the human trafficking problem prevalent in the State of Florida; they are taking a proactive approach to help those that are unable to protect themselves. There is a further strengthening of the Ordinance between first and second reading with enhanced penalties authorizing the City Manager to make a revocation of that business tax receipt (BTR) if they violate it three times within a five-year period. The affidavit component has been also modified to place the responsibility of the affidavit on the business entity rather than the worker.

Commissioner Weithorn explained that the Committee felt strongly that because this affects human trafficking and sensitive issues, they felt the Ordinance had to be strengthened, and she thanked Mr. Boksner for doing this.

Handouts or Reference Materials:

1. The Miami Herald Ad 979

10:17:57 a.m.

R5B An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled “Public Property,” By Amending Article IV, Entitled “Uses In Public Rights-Of-Way,” By Amending Division 5 Thereof, Entitled “Sidewalk Cafes,” By Amending Subdivision II Thereof, Entitled “Permit,” By Amending Section 82-387 Thereof, Entitled “Prohibited “No Table” Zones,” By Correcting Scrivener’s Errors In Subsection (a) And Adding A New Subsection (b) Prohibiting Sidewalk Café Operations/Permittees Within The City’s Right-Of-Way On Euclid Avenue Between Lincoln Road And Lincoln Lane South; Providing For Repealer, Severability, Codification, And An Effective Date. **10:10 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Tourism, Culture & Economic Development)

(First Reading on December 17, 2014 - R5L)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2015-3918 adopted.** Motion made by Commissioner Grieco to approve the Ordinance; seconded by Vice-Mayor Malakoff; Ballot vote: 7-0. **Max Sklar to handle.**

Cem Onur, part owner of Nexxt Café, asked for clarification as to where the project on Euclid Road begins and where it ends, and if it will affect their businesses.

Commissioner Grieco explained that there is an agreement with the owner of the Lincoln Center where certain construction soft costs were incurred, and they were going to beautify and extend out southbound on Euclid the promenade of Lincoln Road. There is a City electrical box that they were going to contain in their project and they were going to beautify it. Part of the condition, as suggested by Vice-Mayor Malakoff, was to prohibit any further addition of sidewalk cafes. The intention was not to have any negative impact on Nexxt Café or any existing cafes in the area.

Max Sklar, Tourism and Development Director, stated that the new area that would extend south on Lincoln Road on Euclid would be the area that is the restricted or prohibited sidewalk café area. The area they currently occupy, they would still continue to occupy. Mr. Sklar added that during construction there may be some inconveniences as they build out that space and they will work with Nexxt Café to accommodate them and perhaps readjust their café space during that time period.

Handouts or Reference Materials:

1. The Miami Herald Ad 979

10:21:46 a.m.

R5C An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Amending Article II, Entitled "Public Places," By Amending Division 2, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation," By Amending Section 70-70, Entitled "Responsibilities Of Persons And Business Entities Providing Rentals, Leases, And/Or Tours Of Electric Personal Assistive Mobility Devices," By Amending The Responsibilities Set Forth Therein And To Include Persons And Business Entities Providing Rentals, Leases, And/Or Tours Of Other Motorized Means Of Transportation, And Correcting Scrivener's Errors Therein; And Providing For Repealer, Severability, Codification, And An Effective Date. **10:15 a.m. Second Reading Public Hearing**

(Sponsored by Commissioners Jonah Wolfson & Michael Grieco)

(Legislative Tracking: Transportation)

(First Reading on December 17, 2014 - R5N)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Item opened and continued to February 11, 2015.** Motion made by Commissioner Grieco to open and continue the item to February 11, 2015; seconded by Commissioner Wolfson; Voice Vote: 7-0. Item to come back to the February 11, 2015 Commission Meeting. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Jose Gonzalez to handle.**

Amendments:

- Section 70-67 prohibiting bicycling, roller skating, in-line skating, and skateboarding on the sidewalk on the east side of Ocean Drive from 5th to 15th Streets
- Section 70-71, to provide that violations of Section 70-69(b) be enforced by either a Code or Police Officer as a City Code violation.

Commissioner Grieco stated that they have been working on this item with Commissioner Wolfson, Brett Cummings, the Office of the City Attorney, and Henry Stolar, and there have been up to five amendments made up to this point.

Commissioner Wolfson stated that they have made some additional tweaks in trying to move this forward and asked Ms. Turner to explain the changes.

Debora Turner, First Assistant City Attorney, explained that there are two changes being proposed today by the residents. The first is to add the east side of Ocean Drive as a prohibited area for skateboards, inline skating and non-motorized vehicles. Currently those types of activities are prohibited on the west side of Ocean Drive. Motorized means of transportation are prohibited on all sidewalks both east and west. Therefore, the first amendment would be an additional amendment to Section 70-67 of the Ordinance. Secondly, there is an amendment to Section 70-71 that would change the enforcement and penalties provisions. Currently the violation of attaching a bicycle to something other than a bicycle rack is enforceable by the Police only. The Office of the City Attorney is amenable to make it enforceable by a Code Enforcement Inspector or a Police Officer. She recommends that if these two amendments are adopted, since they are now adding two different sections to the Ordinance that were not previously in the Ordinance and were not advertised in the title, that the item be open and the public hearing be continued and to re-notice the public hearing with the new title with the two additional sections added, so the public is aware of those added/modified sections. The second reading and adoption of the Ordinance would be in February, after it has been properly advertised.

Commissioner Grieco asked Commissioner Wolfson if he is agreeable with the amendments, especially the more significant of the two, which incorporates the east sidewalk along Ocean Drive as part of the prohibited area, similar to the west sidewalk.

In response to the question posed by Commissioner Grieco, Commissioner Wolfson stated he is not comfortable with the sidewalk amendments.

In response to a question posed by Commissioner Wolfson, Commissioner Grieco stated that he is comfortable with the proposed amendments, as they are pretty small. Commissioner Grieco added that if the City were going to be doing any type of CIP project on Ocean Drive, the street would remain the same size. Commissioner Grieco understands that the street is pretty tight with the parking stations and the other street furniture; and the serpentine walkway is probably where bicycles should be allowed. Commissioner Grieco has had conversations with Marlo Courtney, President of Ocean Drive Association, and Mr. Henry Stolar, and he has received emails all in support of the idea of prohibiting bicycle riding in that area. The east sidewalk prohibition should be adopted especially until the City does that CIP project because the east sidewalk is the only place that one can see the beauty of Ocean Drive; and it is very walkable. The east sidewalk is where they do many of the art deco walking tours.

Commissioner Wolfson asked if this prohibition only included the east sidewalk, and not the serpentine.

Commissioner Grieco and Mayor Levine both responded that the prohibition would not extend to the serpentine. Commissioner Grieco added that it only applies to the sidewalk next to the street.

Vice-Mayor Malakoff agreed with Commissioner Grieco. Vice-Mayor Malakoff stated that the east sidewalk is the way one sees the art deco buildings the best; the east sidewalk is where tourist go to look up and see above the umbrellas the art deco beauty of Ocean Drive. Vice-Mayor Malakoff commented that the east sidewalk of Ocean Drive should not have bicycles on it; there is a 20-foot path and the serpentine pathway where bicycles can go.

Mayor Levine agreed with Vice-Mayor Malakoff.

Commissioner Wolfson stated that he was picturing the cutwalk, and some of these activities should be allowed on the cutwalk/serpentine walk. The sidewalk is for pedestrians. Commissioner Wolfson opined, at some point we need to stop tinkering with this Ordinance.

Discussion continued regarding trikes.

Commissioner Grieco added that without a license plate and being registered with the Department of Highway Safety and Motor Vehicles, trikes are illegal everywhere – they are illegal on the streets, sidewalks and in the parks. The City Commission does not need to pass an Ordinance in the City to make trikes illegal, as they are already illegal by the State of Florida. There are statutory provisions that dictate how someone is supposed to register, operate and lease trikes (motorized vehicles). What Commissioner Grieco is asking today, as a policy direction, is that they empower the Office of the City Attorney to direct staff and the Police Department to take appropriate action to prevent the further use of trikes on the streets.

Commissioner Weithorn stated that she rides a bicycle every year during Memorial Day Weekend with Code Enforcement, and the trikes are the biggest problem they have. She added that trikes need to be banned and outlawed. This needs to be done now, so by the time it gets to May 2015, everyone understands the rules. Most people have no idea how to ride trikes. Commissioner Weithorn applauded Commissioner Grieco for his suggestion.

Commissioner Grieco stated that trike riders are also victims, because these are people who go into a business in the City, participate in a transaction, and they go on these trikes and they are immediately breaking the law. It is not the riders fault, they do not know they are illegal, so it would not be fair to pull them over and blame them. This is similar reasoning as to why the City limited Segways to tours; it is not the riders fault.

Discussion continued.

Commissioner Grieco stated his motion would be to empower the Office of the City Attorney to direct staff and law enforcement to take care of the trike issue as the Office of the City Attorney deems appropriate in this matter.

Commissioner Weithorn suggested asking staff, either via an LTC or at the next Commission Meeting, to let the City Commission know what the plan is to aggressively enforce the trike prohibition.

Commissioner Grieco suggested that the Office of the City Attorney could provide said information during individual meetings with the Commissioners.

Commissioner Weithorn stated that the City must do whatever is necessary to enforce the law.

Aleksandr Boksner, First Assistant City Attorney, stated that Ms. Turner and he have a plan of action that they believe will be effective.

Commissioner Weithorn responded that the plan could be communicated to the Commission in a format deemed best appropriate by the Office of the City Attorney, whether it be individual briefings or at the next Commission meeting.

Mayor Levine reiterated that Commissioner Grieco wants the City to go after the stores that are renting trikes.

Discussion continued regarding the Segway million-dollar liability insurance coverage requirement, and Commissioner Wolfson requested that the Administration follow up on this issue and report on it. **Hernan Cardeno to handle.**

Commissioner Grieco's motion to empower the Office of the City Attorney to direct staff and law enforcement to address the trike issue as the Office of the City Attorney deems appropriate was accepted by acclamation.

Commissioner Grieco stated that the recommendation is to open and continue the acceptance of the proposed Ordinance after public comment is accepted because the proposed changes are too significant, and the Ordinance would come back in February.

Dr. Morris Sunshine hopes that the area of prohibition includes the entire east side of Ocean Drive. The sidewalk South of Fifth is very narrow with many street signs, and he hopes that the Commission is referring to South of Fifth in the prohibition.

Ms. Turner noted for the record that the proposed amendment includes the east side of Ocean Drive from South Pointe Drive to 15th Street.

Commissioner Weithorn stated they need to add an alternative bicycle path from 5th Street to South Pointe, because she does not want to risk children having to ride on the streets for lack of a bicycle path.

Jose Gonzalez, Transportation Director, stated that the beachwalk would be the alternate facility; however, the beachwalk is not continuous from South Pointe to 15th Street.

Commissioner Weithorn stated that if she had a child, and she lived in the South of Fifth area, and the City forced her child onto the street to ride his/her bike on the street, she would be complaining to City officials.

Mayor Levine stated that at some point they will be bringing to the Commission a proposal for a bike path that extends from the Beach, potentially all the way to Fort Lauderdale.

Commissioner Weithorn asked that the prohibition be from Fifth, where the Serpentine is. If she had a child, and she lived South of Fifth, she would not want to have to require her child to bicycle on Ocean Drive on the street.

Commissioner Grieco stated that he is supportive of Commissioner Weithorn's proposal, until the City can come up with another option. **10:35:13 a.m.**

Mayor Levine suggested working on another option, which would be brought to the Commission as an idea and a vision so they can make bike paths extensive.

David Wallack, Mango's Tropical Café and Vice-Chair of the Ocean Drive Association, has spoken to others for Ocean Drive consensus; this is a very good matter in terms of safety. There are children that walk with their parents on the east sidewalk of Ocean Drive, and the bicycles there travel at speeds that can be dangerous to pedestrians. Skateboarders do tricks on the east sidewalk of Ocean Drive, and this is also dangerous. It is a good thing to keep the mechanized and motorized equipment on the serpentine to the east of that eastern sidewalk, and the Ocean Drive Association and he support Mr. Stolar and this City Commission on this matter. He thanked the City Commission for keeping the pedestrians safe, who more and more utilize the east sidewalk of Ocean Drive to get a perspective of the park, the buildings and the cafes.

Henry Stolar distributed materials that include letters from Marlo Courtney, President of Ocean Drive Association, the President of Il Villagio, Louis Cohen, the owner of the Betsy Hotel and the President of 1500 Ocean Drive building; properties directly impacted by this. Mr. Stolar encouraged Commissioner Weithorn to allow the prohibition of motorized vehicles to be extended all the way to South Pointe Drive, in order to match the west side, and explained that the serpentine, for all practical purposes, connects to the almost completed path between the dunes and the buildings South of Fifth, and there is only a two block gap left between 5th and 3rd. The second item is regarding the trikes, which direction has already been given to the Police Department to commence enforcement of the prohibition of trikes on streets and sidewalks; or more precisely their licensing and insurance requirements. Thirdly, the City Attorney and Debora Turner have been very helpful, but the problem he faces under enforcement is that there are multiple areas of minor quality of life and personal safety violations that are relegated only to the Police; Code Compliance cannot deal with them. These problems deal with bicycling, roller skating, inline skating and skateboarding. The Commission needs to decide if they as taxpayers want to charge the Police with the sole obligation of enforcing prohibitions on roller skates and bicycles. As a taxpayer, that is not the way he wants to see his money spent. He suggested that the Commission direct the Office of the City Attorney to continue this discussion on the subject of what Code can do relative to all these violations. Code Compliance Officers cannot apprehend and detain violators – the violator has every right to walk away from the Code Compliance Officer.

Commissioner Grieco moved to open and continue the item to address the amendments that were discussed.

Commissioner Wolfson asked which specific amendments Commissioner Grieco was referring to.

10:42:09 a.m.

Commissioner Grieco responded that there was the amendment regarding the east sidewalk adjacent to Ocean Drive, between 5th and 15th. (Prohibiting bicycling, roller skating, in-line skating, and skateboarding on the east side of Ocean Drive from 5th to 15th Streets.)

City Attorney Aguila asked that the Commission also include the additional amendment to Section 70-71, as drafted by Ms. Turner, giving additional enforcement authority with regards to violations under Section 70-67 and 70-69 (b), as Ms. Turner had read into the record previously.

Commissioner Wolfson stated that those were good ideas and he is agreeable to it.

Mr. Stolar asked the Commission if they could continue the dialogue on the subject of Code Compliance Officers' powers of enforcement.

Discussion regarding continuing dialogue proceeded.

The consensus of the Commission is that the dialogue may continue.

Commissioner Wolfson seconded the motion.

Voice Vote: 7-0

Handouts or Reference Materials:

1. The Miami Herald Ad 979.
2. Letter from Michael Berman, President, 1500 Ocean Drive Condominium Association, Inc., dated January 9, 2015, RE: Agenda Item R5C – January 15, 2015 Commission Meeting.

3. Email from Henry Stolar dated January 11, 2015 at 6:25 p.m. RE: Motorized Vehicles and Bicycles – January 14, 2015 Commission Meeting – Item R5C – 10:15 AM Time Certain; with attached letter to Mayor & Commissioners with comments and proposed amendments on three aspects of the item.
4. Letter from Jonathan Plutzik, Chairman and Principal Owner, The Betsy – South Beach and Carlton Hotels, dated January 13, 2015, RE: Agenda Item R5C – January 14, 2015 Commission Meeting.
5. Letter from Marlo Courtney, President of Ocean Drive Association, dated January 12, 2015 regarding item R5C.
6. Letter from Lewis Cohen, President of the Board of Il Villaggio, dated January 13, 2015.
5. Printed changes to Section 70-71 (a) and (b) that were read into the record by Ms. Debora Turner, First Assistant City Attorney.

10:43:31 a.m.

R5D An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," Section 130-32, "Off-Street Parking Requirements For Parking District No. 1," To Establish Parking Requirements For The "CCC Convention Center District;" And By Amending Chapter 142, "Zoning Districts And Regulations," Article 2, "District Regulations," Division 7, "CCC Civic And Convention Center District," Section 142-365, "Development Regulations And Area Requirements," To Modify And Increase Regulations For Height And Number Of Stories For Hotels Within The CCC District; Providing For Repealer; Codification; Severability And An Effective Date. **10:20 a.m. Second Reading. Public Hearing**
(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Planning)
(First Reading on December 18, 2014 SCM - R5A)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2015-3919 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Tobin; Ballot vote: 6-1; Opposed: Commissioner Wolfson. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, explained that this item is an amendment that anticipates dealing with a potential hotel development in the Convention Center District, and it increases the overall allowable height for buildings in the District from ten (10) stories, 100 feet, to 30 stories, 300 feet. It also modifies the parking requirement in anticipation of a future hotel. It modifies the parking requirement by adding a separate section for Civic and Convention Center Hotel Districts and creates a specific parking requirement for Auditoriums; it lowers a Hotel Convention parking requirement to 0.4 spaces per unit. Currently the requirement is 0.5 spaces per unit.

Discussion held regarding parking requirement.

Commissioner Wolfson stated that he thinks it is a bad move to reduce the parking requirement in this area.

Commissioner Grieco explained that in conversations with probably about a dozen hotel operators, they estimate that they have one car for every four (4) rooms; and actually 0.4 is actually higher than what is needed for a hotel. In addition, you are going to have the adjacent Convention Center, and by increasing it for auditorium purposes, auditoriums are what attract cars and local traffic as opposed to hotel rooms.

Vice-Mayor Malakoff stated that the reason they want a Convention Center Hotel right next to the Convention Center is to bring in more conventions. If there are more conventions, there are fewer cars. Convention goers stay at the Convention Center hotel and they walk directly to the Convention

Center. It really does reduce traffic tremendously. She thinks that there will be less need for that many cars to have parking in the building.

Commissioner Weithorn moved the item.

Commissioner Wolfson explained the reason for his opposition is the decrease in parking.

Discussion continued.

Handouts or Reference Materials:

1. The Miami Herald Ad 979

10:49:41 a.m.

R5E Short Term Rentals In Collins Waterfront District

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, Entitled "Zoning Districts And Regulations," Article IV, Entitled "Supplementary District Regulations," Division 3, Entitled "Supplementary Use Regulations," To Modify The Regulations And Requirements For Short Term Rentals To Include Properties Located Within The Collins Waterfront Local Historic District; Providing For Repealer; Severability; Codification; And An Effective Date.

10:25 a.m. First Reading Public Hearing

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Planning)

(Continued from December 17, 2014 - R5C)

ACTION:

MOTION 1: Title of the Ordinance read into the record. Public Hearing held. **Ordinance approved on first reading based upon the revised Ordinance version dated January 12, 2015.** Motion made by Commissioner Grieco to approve the Ordinance (January 12 Version); seconded by Commissioner Wolfson; Ballot vote: 6-1; Opposed; Commissioner Steinberg. Second reading and Public Hearing scheduled for February 11, 2015. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

MOTION 2: Pursuant to Section 2-13 of the Code, motion accepting the Land Use and Development Committee's recommendation of this Ordinance made by Commissioner Weithorn; seconded by Vice-Mayor Malakoff; Voice vote 7-0.

Thomas Mooney, Planning Director, stated that a supplemental Ordinance was distributed dated January 12, 2015, which includes some revisions from what was included in the agenda package. The boundaries of the proposed short-term rental district have been modified to be smaller. Additionally, limitations have been placed on the mix of rental units within a building proposing short-term rentals. They have also added a requirement that short-term rental use requires at least seven-night stay within this district, and that any properties seeking to have a short-term rental will need to demonstrate that there is on-site management 24 hours a day, seven days a week. The Administration is recommending that the Ordinance be approved at first reading, based upon the revised version of the Ordinance dated January 12, 2015.

Eve Boutsis, Deputy City Attorney, added that in the revised Ordinance there is also a handwritten edit, on Page 401 of the Commission Agenda, relating to effects of violations on licensure, which stated if there is any violation in any building, versus in "the" building, and that edit was handwritten to the draft Ordinance.

Discussion held.

The following individuals spoke:

Larry Colin

Frank Del Vecchio

Kathleen Smarsh

Monika Entin, Esq., representing Trade Winds.

Discussion continued.

Commissioner Weithorn stated that she worked very hard to make these changes, and she hopes other neighborhood associations that would like short-term rentals would follow this model. She hopes they are mindful and consider this in the future if needed.

Vice-Mayor Malakoff clarified that this has nothing to do with the party houses, which is still a problem in the City and needs to be addressed.

Discussion continued.

Handouts or Reference Materials:

1. The Miami Herald Ad 979
2. The Miami Herald Ad 980
3. Ordinance dated January 12, 2015 distributed on the floor

9:37:16 a.m.

R5F Nonconforming Buildings - Balconies

An Ordinance Amending The Code Of The City Of Miami Beach, Florida By Amending Chapter 118, "Administrative And Review Procedures", Article IX, "Nonconformances," By Amending Section 118-395, "Repair And/Or Rehabilitation Of Nonconforming Buildings And Uses," By Modifying And Clarifying Allowable Additions To Non-Conforming Buildings; Providing For Codification; Repealer; Severability; Applicability; And An Effective Date. **First Reading**

(Sponsored by Vice-Mayor Joy Malakoff)

(Co-Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Vice-Mayor Malakoff to approve the Ordinance; seconded by Commissioner Grieco; Ballot vote: 7-0. Second reading and Public Hearing scheduled for February 11, 2015. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion accepting the Land Use and Development Committee's recommendation of this Ordinance made by Commissioner Weithorn; seconded by Commissioner Grieco; Voice vote 7-0.

Thomas Mooney, Planning Director, explained that the Ordinance has been to the Land Use and Development Committee and to the Planning Board, and has been endorsed by both. It modifies Section 118-395 of the Code regarding nonconformances. This revision would allow for balconies that are open, but even portions of balconies that would otherwise count in FAR, to be constructed on buildings that exceed height, but only in the event that those buildings have available FAR, and only in the event that the balconies would not exceed the allowable setback. If the buildings are not nonconforming in terms of height, in terms of FAR and setback, they would be eligible to construct

balconies of up to 30 feet in depth in the nonconforming type portion.

Eve Boutsis, Deputy City Attorney, added that on Page 411 (b) nonconforming buildings, subsection (e) in the last sentence should read: "Any addition of a balcony in a nonconforming building shall be subject to the review and approval of the Design Review or Historic Preservation Board as may be applicable.

Discussion held regarding FAR.

Commissioner Wolfson stated that the Ordinance really deals with additional height, over and above the current height.

Commissioner Tobin will vote for this today, but thinks than when talking about massing, which is height or width; they need to be very careful.

2:12:35.p.m.

R5G An Ordinance Amending Subpart A – General Ordinances, Chapter 106 "Traffic And Vehicles", At Article I, Division 1 Entitled "Generally", To Clarify That A Parking Enforcement Specialist May Issue Code Compliance Violations Under Section 106-116 Through 106-126, With Enforcement Through The Special Master; And At Article II Entitled "Metered Parking; Creating Division 3 Entitled "– Construction Parking And Traffic Management Plan"; And Creating Sections 106-116 Through 106-130; Providing For Legislative Intent; Definitions; Creating A Requirement That All Contractors Provide Traffic Plan To The Building And Parking Department(s) Prior To Obtaining A Building Or Grading And Shoring Permit For All Projects Over A Certain Construction Threshold; To Ensure That All Employees, Contractors, And Subcontractors Are Part Of A Traffic Management And Parking Plan For Parking Of Vehicles; Providing For Penalties, Enforcement Procedures And Appeals; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**
(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Parking)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading at a threshold value of \$250,000.** Motion made by Commissioner Grieco to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second reading and Public Hearing scheduled for February 11, 2015. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Saul Frances to handle.**

Pursuant to Section 2-13 of the Code, motion accepting the Land Use and Development Committee's recommendation of this Ordinance was made by Commissioner Grieco; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Wolfson.

Saul Frances, Parking Director, stated that as we all know with the amount of construction activity in the City, we have construction workers that have been parking in commercial areas, metered areas, surface lots, on street and in residential areas. Certainly, it usurps all the parking areas, so residents and visitors cannot find a place to park, and it contributes to traffic congestion. This is the first reading for an amendment to the City Code that would establish a requirement for a construction management parking plan. Construction contractors would need to submit a plan listing where their employees would be parking. The plan would be reviewed by the Parking Department with an inspector to determine if the parking plan is appropriate. Enforcement would be through violations; first violation of \$5,000, second violation \$10,000, third violation \$15,000 and fourth violation would be a stop work order issued by the Building Director. There are some thresholds issues that need to be discussed, such as what construction value should trigger the threshold requirement of the

construction traffic plan. The Building Department provided statistics last year, and there were 835 permit issued in year 2014 with the value of \$100,000 or more. If the value is \$250,000 that drops down to about 392. The Building Department has suggested that \$250,000 is the threshold value to consider. The threshold will be a predictor of how many employees they may need, and thereby a predictor of parking needs.

Vice-Mayor Malakoff looked at this carefully and explained that the threshold value of \$250,000 makes the most sense.

Discussion held.

There was consensus in approving the Ordinance on first reading with a \$250,000 threshold.

9:43:22 a.m.

R5H An Ordinance Repealing Ordinance No. 1201, Entitled "An Ordinance Of The City Of Miami Beach, Florida, Changing The Name Of Forty-First (41st) Street To Arthur Godfrey Road," To Remove The "Arthur Godfrey Road" Co-Name From Forty-First Street And To Request That The Florida Department Of Transportation (FDOT) Remove The "Arthur Godfrey Road" Designation From FDOT Road And Highway Signs; Providing For Repealer, Severability, And An Effective Date. **First Reading**

(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Transportation & Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. **Ordinance not approved.** Motion made by Vice-Mayor Malakoff; seconded by Commissioner Weithorn; Ballot-vote: 3-4; Opposed: Mayor Levine, Commissioners Grieco, Wolfson and Steinberg. Motion failed.

Vice-Mayor Malakoff stated that when she attended North Beach Elementary School and Nautilus, the street was historically named 41st Street. The Arthur Godfrey name was added in the 1950s, and she believes it is no longer relevant today. Since the County is being cooperative in making the changes, she would like to go forward and repeal Ordinance number 1201, which originally changed the name of 41st Street to Arthur Godfrey Road.

Commissioner Wolfson explained that he understands the concerns, but respectfully disagreed as there is an underlying issue that Arthur Godfrey was anti-Semitic. He has received calls from Jewish leaders in the community and there is insufficient evidence to support the underlying motive.

Vice-Mayor Malakoff explained that the City Commission has recently passed on two readings an Ordinance stating that main roads leading into Miami Beach should not be co-named. Arthur Godfrey was not a founder of the City or owned property in the City. To have the main street coming into the City from I-195 named for him does not seem to be pertinent today. The history of Miami Beach should be recognized in this Centennial year, and it was originally named 41st Street back when she was in school.

Commissioner Grieco agreed with Commissioner Wolfson and stated he has done research on both sides of the issue.

Commissioner Steinberg respects Commissioner Malakoff immensely, but she also did her research and found information that Arthur Godfrey had been honored by the Greater Miami Beach Jewish Federation. She asked the City Manager what has been done to reach out to Mr. Godfrey's family and residents/business owners in that area.

Jimmy L. Morales, City Manager, stated that they have not done any outreach.

Commissioner Weithorn explained that they recently passed an Ordinance prohibiting the co-naming of certain City streets in order to prevent erroneous directions given by GPS technology, and stated that this Ordinance before them is being proposed for similar reasons; at the time they co-named 41st Street Arthur Godfrey Road the Commission did not envision GPS technology. She supports Vice-Mayor Malakoff.

Richard Wurtman stated that they should honor the people who made an impact in Miami Beach. He did research on Arthur Godfrey, and stated that he was a racist, and Miami Beach is not represented by his name.

Stanley Shapiro stated that if this action is taken it would give Miami Beach a black eye. Arthur Godfrey came to the City and brought attention to the City. No one knows who he is today. There is no reason to take action against him at this point. He asked that this be tabled to the end of the year.

Stewart Bloomberg worked with Arthur Godfrey. These people are part of history. No one defines at what point we take Hank Mayer or Arthur Godfrey's name down. This is not a question of relevancy, but history. If the proposal is due to anti-Semitism, then we must consider that Carl Fisher and John Collins were anti-Semitic people. Mr. Godfrey was not anti-Semitic.

Jo Manning does not understand the reason they are doing this. She agrees with Stanley Shapiro. This is an embarrassment to the City. Arthur Godfrey does have a place in the City. He was challenged on many things and he did call people names; this is history, and history is what it is.

Tamara Nixon agreed with Commissioner Weithorn on the issue of considering GPS and avoiding co-naming streets.

Motion made by Vice-Mayor Malakoff; seconded by Commissioner Weithorn; Ballot-vote: 3-4; Opposed: Mayor Levine, Commissioners Grieco, Steinberg and Wolfson. Motion failed.

3:19:52 p.m.

R5I An Ordinance Amending Chapter 46 Of The Code Of The City Of Miami Beach, Entitled "Environment," By Amending Article III, Entitled "Litter," By Amending Division 1, Entitled "Generally," By Amending Section 46-92 Thereof, Entitled "Litter; Definitions; Prohibitions On Litter; Penalties For Litter And Commercial Handbill Violations; Commercial Handbill Regulations, Fines, And Rebuttable Presumptions; Seizure And Removal Of Litter By The City; Enforcement; Appeals; Liens" To Amend Subsection (a) To Define The Terms "Polystyrene" And "Expanded Polystyrene" And To Amend Subsection (c) To Prohibit Any Person From Carrying Any Expanded Polystyrene Product Onto Any City Marina, Pier, Dock, Or Boat Ramp; Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article I, Entitled "In General," By Amending Section 82-7 Thereof, Entitled "Prohibitions Regarding Sale Or Use Of Expanded Polystyrene Food Service Articles By City Contractors And Special Event Permittees," To Define The Term "Polystyrene" And To Amend The Definition Of "City Facility" To Include City Marinas, Piers, Docks, And Boat Ramps And To Amend The Definitions Of "City Facility" And "City Property" To Include Property Leased To The City And Clarifying The Effective Date Of Section 82-7; Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, Entitled "Uses In Public Rights-Of-Way," By Amending Division 5, Entitled "Sidewalk Cafes," By Amending Subdivision I, Entitled "Generally," By Amending Section 82-366 Thereof, Entitled "Definitions," To Define The Terms "Polystyrene," "Expanded Polystyrene," And "Expanded Polystyrene Food Service Articles"; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Office of the City Attorney/Environmental)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Commissioner Grieco made a motion to approve the item; seconded by Vice-Mayor Malakoff; Ballot vote: 7-0. Second reading and Public Hearing scheduled for February 11, 2015. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Office of the City Attorney and Elizabeth Wheaton to handle.**

Commissioner Grieco thanked Debora Turner and Nick Kallergis for their work on the legislation, which is a further expansion of the prohibition on polystyrene products throughout the City. They discussed the amendment regarding a carve out in the interim, for temporary boat launches, which requires that an Environmental Plan be signed off by the Chair of the Sustainability Committee. The expansion is geared toward marinas and piers and preventing people from bringing polystyrene items onto boats, and obviously trying to prevent polystyrene from getting into our waterways.

Debora Turner, First Assistant City Attorney, stated for the record, that the Ordinance as written does not implicate the Boat Show. There is a representative in the audience today from the Yacht & Brokerage Show. In addition, she clarified that there is an additional correction on the handouts in the Time Certain sheet, where they have added the word commercial in the definition of what a City contractor is.

Vice Mayor Malakoff met with Mr. Dane Graziano from the Miami Beach Yacht & Brokerage Show (Yachting Promotion, Inc.), and they discussed other things that he would do, including that as they produced new docks for future years, they are going to be covered with plastic, so if they have to continue using the polystyrene, it will not be able to break off and get into our waters. Mr. Graziano is going to do a thorough cleanup before and after the events, and has committed to doing two cleanings a year.

Mr. Graziano, Vice-President, Yacht & Brokerage Show, explained what they are going to improve traffic and the environment. He has also committed to having his company come to the show every Friday for six weeks to ensure that they are cleaning every day. That is one of the conditions they have.

Commissioner Grieco thanked Mr. Graziano for being a good partner to the City and made a motion to approve the item; seconded by Vice-Mayor Malakoff. Ballot vote: 7-0.

Search Term/Clerk's Note: The trademark Styrofoam by Dow Chemical Company is sometimes used for all foamed polystyrene products.

R7 - Resolutions

10:04:20 a.m.

R7A A Resolution Adopting The Second Amendment To The Capital Budget For Fiscal Year 2014/15.
10:01 a.m. Public Hearing
(Budget & Performance Improvement)

ACTION: Title of the Resolution read into the record. Public Hearing held. **Resolution No. 2015-28901 adopted.** Motion made by Commissioner Weithorn; seconded by Vice-Mayor Malakoff. Voice vote: 7-0. **John Woodruff to handle.**

John Woodruff, Budget Director, explained the item, which is the second amendment to the Capital Budget. He brought attention to the West Avenue and Bay Road improvements, which will appropriate the remaining necessary budget to process that change order that was approved on October 29, 2014. In order to fund this, they are using, for the first time, South Pointe capital funds from outside the District for the flooding sea level rise project. \$4.3 million for it, per the approval of the new CDC agreement with the County last December. Mr. Woodruff also highlighted the first operating budget amendment from December 17, 2014. They showed that using year-end funds in the General Fund, they will try to finish funding the Munis (Tyler Technology) project. The North Shore Bandshell project budget increase was approved on December 17, 2014, and they will go ahead with that.

Commissioner Weithorn acknowledged Mr. Woodruff's work, and thanked him for the renewal and replacement adjustment.

Handouts or Reference Materials:

1. The Miami Herald Ad 979

3:28:04 p.m.

R7B A Resolution Repealing Resolution No. 2003-25266 And Adopting A City Policy To Use Reasonable Conference Or Government Room Rates For Lodging And The Runzheimer Meal And Lodging Cost Index For Per Diem Meals And Other Travel Expenses For City Employees; To Use The U.S. General Services Administration (GSA) Rates For Lodging, Plus Taxes, And The Runzheimer Index For Per Diem Meals And All Other Travel Expenses For City Consultants; And, The IRS Mileage Rate For All Mileage Reimbursements.
(Budget & Performance Improvement)

ACTION: Resolution No. 2015-28902 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Steinberg. Voice vote: 7-0. **John Woodruff to handle.**

James Sutter, City Auditor, stated that this item is a proposal to change the indexes that the City uses for reimbursing travel, to more accurately reflect the costs and to clarify how we reimburse our outside consultants. It also discusses changing the miles rate to better reflect the cost of operating a vehicle.

Commissioner Weithorn mentioned that the Finance and Citywide Projects Committee did not make a recommendation on this item because they did not have the supplemental material. She asked if Mr. Sutter could briefly go into more detail for matters of transparency.

James Sutter, City Auditor, explained the Runzheimer index, which list the average of cost for hotel rooms. It is an average use for all cities across the country. What we have seen over the years now is the average; it does not reflect seasonal costs for employees. If an employee goes to outside conventions in Orlando or Tampa, the convention and government rates exceed those in the Runzheimer index. The Administration proposes that travelling City employees use the convention or government rate. We have also applied for the lodging rate for our outside consultants who travel to Miami Beach; these do not include seasonal rates, but use the Government Services Administration rate. He gave an example: the Runzheimer index for Miami is \$108.45, but the GSA varies from October \$152, January \$203, April \$146 and June \$119. It better reflects the seasons.

Vice Mayor Malakoff asked why they are doing the change for outside City contracts.

John Woodruff, Budget Director, explained that it is because the City does not have a policy that covers what outside consultants are paid for actual expenses. This policy will help reduce costs paid to these outside contractors.

Item Moved to Consent Agenda C7N

- R7C A Resolution Accepting The Recommendation Of The City Manager To Purchase Additional Conducted Electronic Weapons And Other Accessories (The "Equipment") From Taser International, Inc. In The Total Amount Of \$519,230, Previously Approved As A Sole Source Purchase Pursuant To Resolution 2014-28726, And Authorizing The City Administration To Negotiate An Agreement With Taser International, Inc., For The Purchase Of The Equipment; And Further Authorizing The City Manager To Execute That Agreement With Taser International Which Shall Defer Payment Of The Equipment Over A Five (5) Year Period, Upon Conclusion Of Successful Negotiations.
(Police)

ACTION: See action with C7N.

- R7D A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Accepting The Recommendation Of The Flooding Mitigation Committee And Approving A Minimum Elevation For The Crown Of Roads In The City To Be One Foot (1') Higher Than The Tailwater Design Criteria, For Proper Drainage Within The City And Protection From Tidal Flooding.
(Public Works)

ACTION: Item withdrawn.

2:55:30 p.m.

SUPPLEMENTAL MATERIAL 1: Memorandum & Resolution

R7E A Resolution Approving A Settlement In The Amount Of \$2,760,000.00, In Substantial Form As Proposed In Attached Exhibit 1; For Payment Of The Fee In Lieu Of Parking Required Under Section 130-131, Of The City Code, Which Fee Is Paid Due To A Parking Deficiency Associated With The Development Of The New Project On The Property Owned By Centurian Collins Avenue, LLC, A Delaware Limited Liability Company (Hereinafter "Centurian"), Located At 2360 Collins Avenue, Miami Beach, Florida, Which Project Is Commonly Known As The "Aloft" (The "Project") Under Building Permit Number: BREV131038418-422; And Further Authorizing The City Manager To Take Such Action And Execute Any And All Necessary Documents To Complete The Settlement.
(Office of the City Attorney)

ACTION: Resolution No. 2015-28903 adopted. Commissioner Grieco moved to approve the settlement agreement specific to this issue; seconded by Vice Mayor Malakoff; Voice vote: 6-1; Opposed; Commissioner Tobin. **Office of the City Attorney to handle.**

RECOMMENDATIONS:

Place item on the Commission Agenda for next month, February 11, 2015, to discuss the equitable estoppel agreement cases whose arguments prevail, and the list of the 25 individuals with the largest outstanding parking fees. **Eve Boutsis and Carmen Sanchez to handle.**

Joe Jimenez, Assistant City Manager, introduced this item. It is in response to the Commission's direction to collect as much of the owed fee in lieu of parking. One of the problems they encountered was that the fees change periodically. The City recently raised the fees from \$35,000 to \$40,000. When the fees were raised from \$15,000 to \$35,000, the former Planning Director and a former Assistant City Attorney approved this project to be considered under an older, lower fee. This project was submitted in regular application in 2004 when the fee was \$15,000. Mr. Jimenez proceeded to give a detailed history of the project leading him to what the settlement does. The settlement invalidates the escrow agreement, which would allow the City to collect the \$2.76 million immediately, and further ensure the developers that the reliance on our predecessors will continue, and we will honor those decisions made by the former Planning Director and Assistant City Attorney.

Eve Boutsis, Deputy City Attorney, stated that this is a straightforward settlement agreement.

Commissioner Tobin asked for equitable estoppel agreement cases whose arguments prevail against government entities, but he is not in favor of the item. **Eve Boutsis to provide.**

Eve Boutsis, Deputy City Attorney, stated that she can provide them for the Commissioner, but she did not bring them to the Commission Meeting. Ms. Boutsis added that the Planning Director had the authority to make the determinations, and there is a reliance argument that the Office of the City Attorney signed off on the escrow agreement.

Discussion held.

Mayor Levine asked for the list of the 25 individuals with the largest outstanding parking fees owed. **Carmen Sanchez and Eve Boutsis to provide.**

Commissioner Tobin explained his reasons for opposing this item, mainly because equitable estoppel works between individuals, but not when it is against the government. He wants to know what the general law is applying in terms of government.

Raul J. Aguila, City Attorney, stated that he is not usually agreeable to recommending settlements, but in this case he recommends approval and moving forward. The case law will be provided as Commissioner Tobin requested. **Eve Boutsis to handle.**

Handouts or Reference Materials:

1. Email from Frank Del Vecchio dated January 10, 2015 RE: Jan. 14 Agenda Item R7E: Settlement of Required Parking Fee, with attachment proposed settlement.
2. Email from Jimmy Morales dated January 12, 2015 RE: Settlement with Aloft with attachment.
3. Copy of memorandum from Joe Jimenez, Assistant City Manager, to Jimmy L. Morales, City Manager, dated January 12, 2015 RE: Settlement with ALOFT. (In response to Frank Del Vecchio's email regarding this item.)

3:31:40 p.m.

ADDENDUM MATERIAL 3:

R7F A Resolution Accepting The Recommendations Of The Finance And Citywide Projects Committee, Waiving By 5/7th Vote The Formal Bidding Requirements And Authorizing The City Manager To Negotiate And Execute A Contract With AVMED For The Provision Of Administrative Services Only For The City's Self-Insured Health Care Program To Be Effective March 1, 2015 Through September 30, 2016, With Humana Also Providing Continued And Alternative Health Care Insurance Through September 30, 2015~~6~~, Finding Such Waiver To Be In The Best Interest Of The City; And Further, Directing The Administration To Issue An Invitation To Negotiate (ITN) For The Provision Of Administrative Services Only For The City's Self-Insured Health Care Program To Be Implemented Beginning October 1, 2016.

(Human Resources)

Clerk's Note: Changes to above title made as a result of amendments on the floor. See below.

ACTION: Resolution No. 2015-28904 adopted as amended. Commissioner Weithorn moved the item to protect AvMed through a minimum of September 30, 2016; for the City go out to ITN, and when the ITN is completed and the City makes a decision, if the selected administrative services only (ASO) provider is not AvMed the contract with the new ASO would take effect October 1, 2016; if AvMed is the selected ASO, the City could negotiate an earlier start date; Humana to continue to cohabitate until the ITN is finished/ASO selected. Motion seconded by Commissioner Tobin. Voice-vote: 7-0. **Sylvia Crespo-Tabak, Faye Traeger and Alex Denis to handle.**

Sylvia Crespo-Tabak, Human Resources Director, stated that this item was taken to the Finance Committee. The City's administrative services only (ASO) carrier, Humana Insurance Company, is no longer in a relationship with Baptist Health Care System, leaving a large number of City employees and retirees unable to access the services provided by that network. The City is looking to resolve the issue by piggybacking on Miami-Dade County's contract with AvMed. After conversations between our health benefits consultants and AvMed, the City has reached the point where it could come to a very beneficial relationship where AvMed will cohabitate with Humana through September 30, 2015, and then, effective October 1, 2015 AvMed will be the sole ASO provider through September 30, 2016. Staff will issue an Invitation to Negotiated (ITN) for the provision of administrative services only for the City's self-insured health care program to be implemented beginning October 1, 2016. This action would reinstitute Baptist Health Care system as an in-network provider to insured City employees and retirees.

Commissioner Wolfson understands that this was the best possible solution for our employees, and from a financial standpoint, the City could not get AvMed to accept if it was only until the end of the year. However, at least the City can get AvMed until the end of the contract term. He approves of using AvMed, and added that he uses it for his own business.

Commissioner Weithorn stated that she thought these insurance providers would cohabitate until the new ITN was decided.

Sylvia Crespo-Tabak, Human Resources Director, stated cohabitation would start from March 1, 2015 until September 30, 2015. After that, Humana would no longer be part of the City's system, and AvMed would be the sole carrier for the rest of the new benefit plan year.

Discussion continued.

Commissioner Steinberg recalled that at the Finance Meeting it was decided that the cohabitation would occur until the new contract with whoever won the ITN was instituted.

Commissioner Steinberg added that it is important to protect employees, because Baptist Health Care system is no longer in the network. Anyone living south of Miami Beach has to use outside of the network doctors, which is not fair.

Discussion continued.

Commissioner Weithorn moved the item to protect AvMed through a minimum of September 30, 2016; for the City go out to ITN, and when the ITN is completed and the City makes a decision, if the selected administrative services only (ASO) provider is not AvMed the contract with the new ASO would take effect October 1, 2016; if AvMed is the selected ASO, the City could negotiate an earlier start date; Humana to continue to cohabitate until the ITN is finished/ASO selected. Motion seconded by Commissioner Tobin.

2:40:03p.m.

ADDENDUM MATERIAL 3:

R7G A Resolution Amending Resolution No. 94-21382 Concerning Commission Committees, And As Subsequently Amended By Resolution Nos. 97-22607, 98-22693, 2003-25446, And 2013-28437, By Amending Paragraph 1 To Replace The Flood Mitigation Committee With A Sustainability And Resiliency Committee.

(Sponsored by Mayor Philip Levine)
(Legislative Tracking: Office of the City Attorney)

ACTION: Resolution No. 2015-28905 adopted. Motion made by Commissioner Weithorn; seconded by Vice-Mayor Malakoff. Voice vote: 7-0. **Office of the City Attorney and Elizabeth Wheaton to handle.**

Mayor Levine explained that this item was a Commission Committee's name change.

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.
(Office of the City Clerk)

ACTION: The following appointments, reappointments and removals were made:

AFFORDABLE HOUSING ADVISORY COMMITTEE:

Keren Bajaroff	Term Ending 12.31.16	Appointed by Commissioner Tobin	TL 12.31.21
Seth Feuer	Term Ending 12.31.2016	Reappointed by Commissioner Grieco	TL 12.31.21

BOARD OF ADJUSTMENT

Richard Baron (At Large)	Term Ending 12.31.2016	Reappointed by City Commission	TL 12.31.19
Noah Fox (Real Estate Dev.)	Term Ending 12.31.2016	Reappointed by City Commission	TL 12.31.18
Richard J. Preira (Law)	Term Ending 12.31.2016	Reappointed by City Commission	TL 12.31.16

BUDGET ADVISORY COMMITTEE:

Ronald Starkman	Term Ending 12.31.2016	Reappointed by Commissioner Steinberg	TL 12.31.21
David Lancz	Term Ending 12.31.2016	Reappointed by Commissioner Weithorn	TL 12.31.18
Julio Magrisso	Term Ending 12.31.2016	Reappointed by Commissioner Tobin	TL 12.31.21
Christopher Pace	<i>Removed due to absences</i>		

COMMITTEE FOR QUALITY EDUCATION IN MIAMI BEACH:

Judith Berson-Levinson	Term Ending 12.31.2016	Reappointed by Commissioner Malakoff	TL 12.31.21
Betsy Mateu	Term Ending 12.31.2016	Reappointed by Mayor Levine	TL 12.31.21
Richard Hull	Term Ending 12.31.2016	Appointed by Commissioner Tobin	TL 12.31.22

COMMITTEE ON THE HOMELESS:

Freddy Funes	Term Ending 12.31.2016	Reappointed by Commissioner Steinberg	TL 12.31.21
Gail Harris	Term Ending 12.31.2016	Reappointed by Commissioner Tobin	TL 12.31.16
Jordan Nadel	Term Ending 12.31.2016	Appointed by Commissioner Grieco	TL 12.31.21

CONVENTION CENTER ADVISORY BOARD:

David Kahn	Term Ending 12.31.2016	Appointed by Commissioner Tobin	TL 12.31.22
Michael Goldberg	Term Ending 12.31.2016	Reappointed by Commissioner Grieco	TL 12.31.21

DESIGN REVIEW BOARD

Carol Housen (At Large)	Term Ending 12.31.2016	Reappointed by City Commission	TL 12.31.16
Kathleen Phang (Attorney)	Term Ending 12.31.2016	Reappointed by City Commission	TL 12.31.19

***City Clerk's Note:** Mr. Edgar Sarli was unable to accept his appointment; therefore, this position is deemed vacant.

DISABILITY ACCESS COMMITTEE:

Sabrina Cohen	Term Ending 12.31.2016	Reappointed by Commissioner Tobin	TL 12.31.17
Maria Koller	Term Ending 12.31.2016	Appointed by Commissioner Wolfson	TL 12.31.22
David McCauley	Term Ending 12.31.2016	Appointed by Commissioner Malakoff	TL 12.31.20
David New TL 12.31.15	Term Ending 12.31.2015	Reappointed by Commissioner Weithorn	TL 12.31.15
Oliver Stern	Term Ending 12.31.2016	Reappointed by Commissioner Grieco	TL 12.31.21
Wendy Unger	Term Ending 12.31.2016	Reappointed by Mayor Philip Levine	TL 12.31.16

GAY, LESBIAN, BISEXUAL AND TRANSGENDER (GLBT):

Nelida Barrios	Term Ending 12.31.2016	Reappointed by Commissioner Weithorn	TL 12.31.16
Michael Bath	Term Ending 12.31.2016	Reappointed by Commissioner Steinberg	TL 12.31.17
David Leeds	Term Ending 12.31.2016	Reappointed by Mayor Levine	TL 12.31.21
Chad Richter	Term Ending 12.31.2016	Reappointed by Commissioner Tobin	TL 12.31.16
Elizabeth Schwartz	Term Ending 12.31.2016	Reappointed by Commissioner Malakoff	TL 12.31.21
Laura Veitia	Term Ending 12.31.2016	Reappointed by Commissioner Grieco	TL 12.31.16

HISPANIC AFFAIRS COMMITTEE:

David Cardenas	Term Ending 12.31.2016	Reappointed by Commissioner Steinberg	TL 12.31.21
Eneida Mena	Term Ending 12.31.2016	Reappointed by Mayor Levine	TL 12.31.21
Ana Cecilia Velasco	Term Ending 12.31.2016	Reappointed by Commissioner Grieco	TL 12.31.21

MAYOR'S BLUE RIBBON PANEL ON FLOODING MITIGATION (Board extended by Mayor Philip Levine)

Dr. Michael Phang	Term Ending 6/14/2015
Dwight Kraai	Term Ending 6/14/2015
Scott Robbins	Term Ending 6/14/2015

MARINE AND WATERFRONT PROTECTION AUTHORITY:

Maurice Goodbeer	Term Ending 12.31.2016	Reappointed by Commissioner Steinberg	TL 12.31.19
Robert Schwartz	Term Ending 12.31.2016	Reappointed by Commissioner Malakoff	TL 12.31.21
Morris Sunshine	Term Ending 12.31.2016	Reappointed by Commissioner Grieco	TL 12.31.21

MIAMI BEACH COMMISSION FOR WOMEN:

Karen Edelstein TL 12.31.15	Term Ending 12.31.2015	Reappointed by Commissioner Steinberg	TL 12.31.15
Lindsay Genet	Term Ending 12.31.2016	Reappointed by Commissioner Grieco	TL 12.31.21
Adrienne P. Krieger	Term Ending 12.31.2016	Reappointed by Commissioner Malakoff	TL 12.31.21
Dona Zemo	Term Ending 12.31.2016	Reappointed by Mayor Levine	TL 12.31.21
Carrie Wiesenfield	Term Ending 12.31.2016	Reappointed by Commissioner Grieco	TL 12.31.21

MIAMI BEACH SISTER CITIES:

George Neary (other)	Term Ending 12.31.2016	Reappointed by Mayor Levine	TL 12.31.16
Guy Simani (other)	Term Ending 12.31.2016	Reappointed by Mayor Levine	TL 12.31.21
Howard Weiss (Brazil)	Term Ending 12.31.2016	Reappointed by Mayor Levine	TL 12.31.21

PARKS AND RECREATIONAL FACILITIES BOARD:

Jonathan Groff	Term Ending 12.31.2016	Reappointed by Commissioner Weithorn	TL 12.31.17
Leslie Graff TL 12.31.15	Term Ending 12.31.2015	Reappointed by Commissioner Tobin	TL 12.31.15
Paul Stein	Term Ending 12.31.2016	Reappointed by Mayor Levine	TL 12.31.21

PLANNING BOARD

Jack D. Johnson (Hist. Pres.)	Term Ending 12.31.2016	Reappointed by City Commission	TL 12.31.18
Reagan E. Pace (Gen. Bus.)	Term Ending 12.31.2016	Appointed by City Commission	TL 12.31.20

POLICE/CITIZENS RELATIONS BOARD:

Daniel Aronson	Term Ending 12.31.2016	Reappointed by Commissioner Steinberg	TL 12.31.21
Melissa Broad	Term Ending 12.31.2016	Reappointed by Commissioner Tobin	TL 12.31.21
Antonio Hernandez, Jr.	Term Ending 12.31.2016	Reappointed by Commissioner Malakoff	TL 12.31.21
Michael Perlmutter	Term Ending 12.31.2016	Reappointed by Commissioner Grieco	TL 12.31.20
Meryl Wolfson	Term Ending 12.31.2016	Reappointed by Commissioner Malakoff	TL 12.31.21

PRODUCTION INDUSTRY COUNCIL:

Daniel Davidson	Term Ending 12.31.2016	Reappointed by Commissioner Grieco	TL 12.31.21
Bruce Orosz TL 12.31.15	Term Ending 12.31.2015	Reappointed by Commissioner Tobin	TL 12.31.15
Joanna Popper	Term Ending 12.31.2016	Reappointed by Commissioner Malakoff	TL 12.31.21

SUSTAINABILITY COMMITTEE:

Michael DeFilippi	Term Ending 12.31.16	Reappointed by Commissioner Tobin	TL 12.31.21
Cheryl Jacobs	Term Ending 12.31.2016	Reappointed by Commissioner Joy Malakoff	TL 12.31.21
Steve Vincenti	Term Ending 12.31.2016	Reappointed by Commissioner Grieco	TL 12.31.21

TRANSPORTATION, PARKING, BICYCLE-PEDESTRIAN, FACILITIES COMMITTEE:

Debora Ruggiero	Term Ending 12/31/2016	Reappointed by Commissioner Steinberg	TL 12.31.21
Frederick Charles Sake	Term Ending 12.31.2016	Appointed by Commissioner Weithorn	TL 12.31.22

2:42:54 p.m.R9A1 Board And Committee Appointments - City Commission Appointments.
(Office of the City Clerk)**ACTION:** The following appointments were made:

- Reagan E. Pace appointed to the general business position on the Planning Board.
- Jack D. Johnson reappointed to the historic preservation position on the Planning Board.
- Kathleen Phang reappointed to the attorney position on the Design Review Board.
- Edgar Sarli reappointed to the faculty position on the Design Review Board. **(See City Clerk's Note below.)**
- Carol Housen reappointed to the at large position on the Design Review Board.
- Richard Baron reappointed to the at large position on the Board of Adjustment.
- Noah Fox reappointed to the real estate developer position on the Board of Adjustment.
- Richard J. Preira reappointed to the law position on the Board of Adjustment.

Commissioner Weithorn requested to postpone the Historic Preservation Board appointments as they have had some issues with the MDPL appointment and the Commission does not have the three MDPL suggested appointees to choose from. Mayor Levine agreed. There was unanimous consent to postpone the HPB appointments.

It was agreed to make appointments by category.

Planning Board Appointments:**General Business Position:**

- *Frank J. Kruszewski*
Nominated for reappointment (general business position) by Commissioner Grieco.
- *Reagan E. Pace*
Nominated for appointment (general business position) by Mayor Levine and Vice-Mayor Malakoff.

Ballot Votes:

Frank J. Kruszewski – Commissioner Steinberg and Weithorn (2 Votes)

Reagan E. Pace – Commissioners Wolfson, Tobin and Malakoff and Mayor Levine (4 Votes)

ACTION: Reagan E. Pace is appointed to the general business position on the Planning Board.

Commissioner Steinberg stated that she believes Ms. Pace will do a good job.

Mayor Levine stated that Frank J. Kruszewski has done a great job. Mr. Kruszewski he served during four years and is very knowledgeable. Mayor Levine is proud that this Commission has put a qualified woman, not to mention the only woman on the Planning Board.

Vice-Mayor Malakoff agreed with the Mayor, as she was the only woman on the Planning Board for many years. Vice-Mayor Malakoff commented that it is not an easy job.

Mayor Levine commented that Miami Beach is all about diversity, and that includes gender diversity; he is happy the Commission has put a woman on the Planning Board.

Historic Preservation Position:

- *Jack D. Johnson*

Nominated for reappointment (historic preservation position) by Commissioner Weithorn.

Commissioner Weithorn asked that Mr. Johnson be reappointed by acclamation, as there is only one nominee. Mayor Levine agreed. There was unanimous consensus to reappoint Mr. Johnson by acclamation.

ACTION: Jack D. Johnson is reappointed to the historic preservation position on the Planning Board.

Design Review Board Appointments:

Discussion was had as to how to proceed with the Design Review Board Appointments. Commissioner Weithorn emphasized that these appointments are necessary, as it is very important that DRB have a quorum.

Mayor Levine suggested delaying the at large position nomination.

Attorney Position:

- *Kathleen Phang*

Nominated for reappointment (attorney position) by Mayor Levine and Commissioner Steinberg. Moved by Commissioner Wolfson; seconded by Mayor Levine. There was unanimous consensus to reappoint Ms. Phang by acclamation.

ACTION: Kathleen Phang is reappointed to the attorney position on the Design Review Board.

Faculty Position:

- *Edgar Sarli*

Moved by Commissioner Wolfson for reappointment to the faculty position; seconded by Mayor Levine. There was unanimous consensus to reappoint Mr. Sarli by acclamation.

ACTION: Edgar Sarli is reappointed to the faculty position on the Design Review Board.

City Clerk's Note: On January 15, 2015, Mr. Sarli submitted a letter stating that he withdraws his application, and thereby declined the appointment.

General Business Position:

Commissioner Wolfson requested to see more applicants for this position. He would like to give opportunities to other nominees who may not have been selected for other boards, to be considered for the general business position. He cited Mr. Frank J. Kruszewski as an example of a possible nominee.

Mayor Levine agreed that more time should be given to the consideration.

Commissioner Tobin moved for the reappointment of Carol Housen.

Commissioner Wolfson asked that the selection of the general business position be done at the next meeting.

Commissioners Tobin and Weithorn stated that they had spoken to Mr. Kruszewski and he is not interested in the position.

Discussion continued as to the merits of Ms. Housen and how she has served.

Discussion continued regarding delaying the vote to the next meeting.

- **Carol Housen** Nominated for reappointment (at large position) by Commissioners Weithorn and Steinberg. Moved by Commissioner Tobin.

Ballot Votes:

Carol Housen – Voting in favor of Ms. Housen’s reappointment: Commissioners Tobin, Weithorn, Malakoff, Steinberg and Grieco and Mayor Levine.

In opposition to Ms. Housen’s reappointment: Commissioner Wolfson. (Clerk’s Note: No ballot was written by Commissioner Wolfson, constituting a vote against.)

ACTION: Carol Housen is reappointed to the at large position on the Design Review Board.

Board of Adjustment Appointments:

At Large Position:

- *Richard Baron*
Nominated for reappointment (at large position) by Commissioner Grieco. There was unanimous consensus to reappoint Mr. Baron by acclamation.

ACTION: Richard Baron is reappointed to the at large position on the Board of Adjustment.

Real Estate Developer Position:

- *Noah Fox*
Nominated for reappointment (real estate developer position) by Commissioner Tobin. There was unanimous consensus to reappoint Mr. Fox by acclamation.

ACTION: Noah Fox is reappointed to the real estate developer position on the Board of Adjustment.

Law Position:

- *Richard J. Preira*
Nominated for reappointment (law position) by Commissioner Wolfson. There was unanimous consensus to reappoint Mr. Preira by acclamation.

ACTION: Richard J. Preira is reappointed to the law position on the Board of Adjustment.

Visitor and Convention Authority:

Commissioner Weithorn suggested doing the reappointments to the Visitor and Convention Authority.

Commissioner Steinberg stated that she was confident with the nomination made by Commissioner Malakoff of Ms. Debbie A. Castillo. Commissioner Steinberg added that Ms. Castillo will be a great addition to that VCA.

Mayor Levine requested more time to study the nominees for reappointments, and possibly look at new people. Mayor Levine commented that they should not do blanket reappointments.

Commissioner Weithorn commented that for the VCA she feels a little different. The VCA has a funding issue that she is trying to change. It is important that those members, such as Peggy Benua, who is the Chair, whom Commissioner Weithorn has worked with on the funding issue, which is a complicated issue, be reappointed.

Mayor Levine stated that he believed they could wait a couple of weeks on the reappointments to the VCA.

Mayor Levine suggested filling the vacancy with Ms. Debbie A. Castillo.

Commissioner Grieco requested time to meet with Ms. Castillo.

TO DO: Bring back appointments to the VCA in two weeks, January 27, 2015 Presentation & Awards Commission Meeting. **Rafael E. Granado to handle.**

TO DO: Bring back all remaining board appointments in two weeks at the January 27, 2015. **Rafael E. Granado to handle.**

Handouts or Reference:

1. Letter from Steve Adkins, Chair of the VCA, dated December 17, 2014, requesting reappointment of vice Chair, Margaret (Peggy) Benua and member Aaron Perry; and putting forward candidates for recommendation: Debora Castillo, Nawaz Gilani, Laurence A. Herrup and Mark Tamis.

Miami Beach Cultural Arts Council:

The City Clerk announced that there are three vacancies in the Miami Beach Cultural Arts Council, and three nominees are:

- *Dale Gratz*
Nominated for appointment by Vice-Mayor Malakoff.
Nominated for appointment by Commissioner Grieco.
- *Dawn L. McCall*
Nominated for appointment by Commissioner Grieco.
- *Israel Sands*
Nominated for appointment by Vice-Mayor Malakoff.

TO DO: Consensus was to bring this item, along with all other board appointments to the January 27, 2015 Presentation and Awards Meeting, which commences at 5:00 p.m. **Rafael E. Granado to handle.**

Handouts or Reference Materials:

1. At Large City Commission Nominations Release No. 1
2. At Large City Commission Nominations Release No. 2
3. At Large City Commission Nominations Release No. 3
4. At Large City Commission Nominations Release No. 4
5. At Large City Commission Nominations Release No. 5
6. Ballot Votes – Planning Board, General Business Position
7. Ballot Votes – Design Review Board, At Large Position
8. Letter for Mr. Edgar Sarli withdrawing his application.

9. Email from Brian Alonso, President of the Board of Dade Heritage Trust, dated January 12, 2015, seeking a 30-day extension to submit nominations to the Dade Heritage Trust Seat on the Miami Beach Historic Preservation Board.

8:31:40 a.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum. (8:30 a.m.)

ACTION: The following individuals spoke:

1. Daniel Ciraldo, MDPL, reminded everyone that this weekend is Art Deco Weekend, and with the Centennial, he invited everyone to visit their website at: artdecoweekend.com. He is looking forward for Mayor Levine being the Grand Marshall at the Saturday parade.
2. Lucinda Riley, artist, spoke on Code restrictions. She explained the difficulties she experiences while displaying her art, which falls outside of the rules. She has painted clothing that cannot be displayed without a rack, and cards she cannot display at all. She can stay within the six foot by six foot area provided by the City, but in order to display her artwork, she needs more space. Her station is located in front of CVS on Lincoln Road. The other issue is that many artists apply and go through the lottery system, and cannot get a spot. She believes Miami-Dade residents should have priority, because they live and spend their money here. Her other concern is that in the mall area there are only jewelry makers and other artists, sculptors and painters, are not displaying there.
3. Steven Foyer, on behalf of Lucinda, explained that many artists give up because they cannot display their work. What Lucinda is asking for is more room for her to paint. That is part of how she sells her paintings. She is a local artist. He explained the lottery system, and the trouble with outside vendors who are only here for the most profitable months.

Max Sklar, Tourism, Culture and Economic Development Director, explained that several departments oversee the program, including Tourism, Code, Financing and Licensing.

Discussion held.

Vice-Mayor Malakoff agreed that local artists should be given preference.

Joe Jimenez, Assistant City Manager, explained that they are looking into the matter.

Commissioner Tobin asked that this be brought back for further discussion. **Joe Jimenez to handle.**

4. Barbara Abraham stated she is being abused by a realtor doing business as Ed Roberts Beachfront Realty. She complained that Mr. Roberts is withholding her real estate commissions. She stated it is important for Miami Beach residents to understand that this kind of thievery is going on. She claimed Mr. Roberts has abused the Court system. She asked for help with the situation.
5. Gene Cook, President and Director of the Great EsSkate, explained that his organization has two goals: the first is to attract visitors to Miami Beach for a weekend of social inline skating; and the second is to raise money for the Police Athletic League (PAL), after school, and book bag program. The second goal is a bond between the Miami Beach Police and the skating community.

This year will mark the 15th and final event. In three weeks they will have approximately 250 skaters expecting to skate Friday night and Saturday morning. But there are two issues: will the City management allow the Friday night skating event; and will the City waive the off-duty service fees for the fund raiser for PAL? If the event is cancelled, people's vacations will be ruined, and will lead to a great deal of negative press.

City Manager Morales explained that the issue is in waiving off-duty hours. Off-duty hours happen when officers are not working regular hours, and are paid by private entities whether it is a club, or an event such as Art Basel. What had happened in the past is that with this event under the auspices of PAL, and thus the organization was not charged for off-duty, instead the Police Department itself gave comp time to the Officers, so in essence the taxpayers were paying for the off-duty for this event. Mr. Morales opines that the event should pay officers for off-duty.

Mr. Cook stated that they are willing to pay for a portion of the costs, but they were informed just three weeks before the event. They are a small organization, and the money raised for the event was just under \$30,000. This was supposed to be the last event, and they are asking the City to help complete the event. They do not want to avoid their duties.

Commissioner Tobin asked Mr. Cook, how long the event has been going for, and how much money they are referring to.

Mr. Cook stated that the event has been going on for 15 years. The costs for the off-duty charges are \$2,600 for Friday, and \$4,500 to \$4,700 for Saturday. The Great EsSkate does not have sufficient funds to cover Saturday's expenses.

Commissioner Tobin added that since this event has been going on for 15 years, he is not opposed to approving it this time, and suggested the discretion of the City Manager. **Office of the City Manager to handle.**

1:16:40 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)

ACTION: The following individuals spoke:

1. Paula King, Crespi Boulevard resident, asked why a pump is being placed on a waterfront lot without going to a referendum. She does not understand the logic of it, why take $\frac{3}{4}$ of 7,000 square foot lot and place a pump on it. She called the City Manager's Office several times and is disappointed because her calls have not been returned.

City Manager Morales explained that due to the tides, this is a critical flooding area, and it was identified as such by staff and the Blue Ribbon Committee. The Commission gave the direction that on an emergency basis, this issue needs to be addressed. There are not many options to avoid flooding, that is why the pump station was placed there. He understands they are unpopular, but they are necessary. He added that in that neighborhood, the canine unit of Stillwater Park was removed giving residents a greater park area.

2. Robert Lansburg, resident of Alton Road, stated that he had a petition signed by neighbors throughout the community asking for support and help in preserving the heritage of a Jewish site on 300 Collins Avenue. They seek to build a new Hebrew home. Chabad of South Beach is a home for Jews of South Beach and all over the world.

Commissioner Tobin asked if the building is a historically significant building and asked him to speak with the Miami-Dade Preservation League. He will think how the City can help to challenge the plans.

Handout: Copy of blank Petition Form – Without signatures was provided by Mr. Lansburg.

3. Sonia Navarro, resident of Ocean Drive, complained about the Ocean Drive traffic congestion, and trucks blocking roads. The City Commission, during the last election, based their campaigns on quality of life issues, and these promises have not been accomplished.
4. Ms. Anderson, Crespi Boulevard resident, asked that if the pump is installed on the Crespi area, the City should make sure to make it aesthetically pleasing for the residents.

Commissioner Weithorn stated that the pump should not be unsightly.

Mayor Levine agrees and they will try to make it look great. **Eric Carpenter to handle.**

5. Diego Caiola, asked the Commission to waive the square footage fees for the Miami Beach Food Fest. (See R9P -Miami Beach Foodie Fest)
6. Stanley Shapiro listed names of people he wanted in his Hall of Fame: Tony Goldman, Bruce Clinton, Dr. Mark Rosenberg, I. Stanley Levine, Paul Cejas, Norman Braman, The Hecht Family, David Wallach, Mayor Malcolm Fromberg, Ricky Arriola, Miami-Dade County Clerk of the Court Harvey Ruviv, Harold Rosen, Ben Grenald and Lyle Stern.

3:40:27 p.m.

R9C Update On The Miami Beach Convention Center Project.
(Office of the City Manager)

ACTION: Update given.

Maria Hernandez, Project Director of the Convention Center, introduced the item.

Timelines:

On January 2nd, they finished the design criteria package, posted it on the website, and the two design build firms have it. On January 8th, they conducted, under phase 2 of the design build process, a pre-bid conference; both design builders attended. The City's representatives were all there - Strategic Advisory Group and Fentress Architects, with all of their consultants. It was a 2½-hour presentation with them. It was very detailed and productive. The next steps are that the City is going to have its deadline for questions on January 30th. Bids are due on February 27th. Between February 28th and March 27th, the City will have a technical review period, an actual technical review interview on March 19th. April 2nd is the tentative date the City is planning to have the Selection Committee interviews. Of course, the City is still planning to bring to the Commission a Design Builder recommendation on the April 15th Commission meeting, and have the contract signed by May 18th. That is the goal.

Historic Preservation Board Approval

Yesterday the City received unanimous approval from the Historic Preservation Board (HPB) to demolish the two small buildings that are on the northeast corner of the property; that is the little bandshell building and the 21st Street Community Center.

Website

The City continues to work on the website. The City is trying to have it up and running by March.

Solar Power

The City is working with Florida Power & Light (FP&L) on its solar initiative. The City had a meeting with FP&L last Thursday, and the City will be sending those plans and scheduling follow-up meetings.

Hotel Referendum

The City is requesting a special Commission meeting on January 27th for approval of the hotel developer RFP. The City is going to have the draft of the RFP ready by this week. The City is going to send it to the City Commission via LTC, and then it is scheduling briefings for next week. On May 20th the City plans to bring to the City Commission a recommendation for a hotel developer. The hotel lease template will be brought to the Commission on the February 11th Commission meeting for approval. Maria Hernandez will send the Commission an LTC ahead of time so the Commission can review the lease template. The City will have follow up briefings. On July 29th the City plans to bring to the Commission the approval of the hotel referendum language and the final lease, so it can make the deadline set by the Supervisor of Election for submittal of the referendum language and lease.

Questions

Vice-Mayor Malakoff inquired what FP&L's reception was towards the City's proposal on solar power. Ms. Hernandez responded that it was excellent; FP&L is very excited. The City has one program in particular that it thinks it can qualify for. It will involve working with the Office of the City Attorney, and Ms. Hernandez has already been briefing Rafael Paz, from the Office of the City Attorney. Ms. Hernandez also needs to meet with the Finance Department as well. The City must send plans to FP&L and FP&L will send the City information. There are different design options that the City can have. The City is in the infancy stage of the solar initiative. However, it seems to be very positive, and FP&L seems to be excited to be in the building. Vice-Mayor Malakoff stated that she was very happy to hear it.

Commissioner Wolfson inquired if the City was going to present an actual final negotiated lease to the voters. Ms. Hernandez responded "yes."

City Attorney Raul J. Aguila stated that the lease would come to the City Commission to be approved. Said lease will be executed prior to the referendum being presented to the voters.

3:44:42 p.m.

R9D Report From The Personnel Board Regarding Changes To The Personnel Rules For The Classified Service Adopted December 12, 2014.

(Human Resources)

ACTION: Report received. **Sylvia Crespo-Tabak to handle.**

Rafael E. Granado, City Clerk, announced that this was a written report included in the agenda packet.

Commissioner Weithorn asked if it the report had to be accepted, Rafael E. Granado, City Clerk, responded that no action was necessary.

3:44:58 p.m.

R9E Discussion Regarding Base Flood And Freeboard Requirements For The Collins Park Parking Garage.

(Office of the City Manager)

ACTION: Discussion held.

Thomas Mooney, Planning Director, stated that in 2012, an architectural firm was chosen to design the Collins Park Garage, and they put together a design that included retail at the first level as the substantial part of this proposed garage. The design review process and building permit construction drawings reached about 30% point. Earlier in 2014, at the recommendation of the Mayor's Blue Ribbon Panel on Sea Level Rise and Flooding it was recommended that the garage be built at a height of three feet above base flood elevation, and the City Commission granted an additional waiver of developmental regulations to allow for the extra height. The Administration proceeded to modify the plans to develop it at that height. One of the assumptions made when putting this together was that the entire sidewalk would be able to be raised up to three feet above elevation. However, one of the things they did not take into account was potential opposition by the County. When the design proposal for most of the sidewalk to be raised, to meet the new elevation of base flood elevation plus three feet, was presented to the County it was rejected. An alternative design created a complicated scenario in terms of accessibility, as well as the ability to access the retail. They came up with different options that would allow having flood elevation.

In answering Commissioner Tobin's question, Mr. Mooney explained that the County objected to any type of encroachments in their right of way, including a raised sidewalk. The County felt that a raised sidewalk would not provide an appropriate amount of accessibility, and the lower sidewalk that was on their right-of-way was too narrow to accommodate two wheelchairs.

Discussion held.

Mr. Mooney explained that by building the finished floor at that height and building the sidewalk at that height, it does create certain issues with regard to accessibility, and in particular having sidewalk elevation that high above a lower sidewalk.

David Martinez, CIP Director, stated that they discussed the issue at the Mayor's Blue Ribbon Panel on Flooding meeting yesterday, and their suggestion was to go back to the County at a higher level. They have a meeting already scheduled. He stated that it is challenging to be able to negotiate the perimeter of the property.

Mr. Mooney added that when the City Commission granted the additional waiver of development regulations for height, the purpose of that was to raise the entire building to allow for a much higher first floor. If this project went forward at base flood elevation, it would still have that higher retail level that could accommodate a raised floor, at such time in the future that the sidewalk and street are raised to be consistent with it. The first floor is being designed accommodating a higher floor and a low-knee wall is proposed so that flood panels would not be required for the glass. They are building in that future resiliency, but they would not be raising it to that level until such a time. In discussions with the architect, they strongly recommended going with this approach.

PowerPoint presentation shown. Click [here](#) to view.

Eric Carpenter, Public Works Director, stated that they have been struggling with what to do with commercial facilities so they do not put them at a competitive disadvantage with window-shopping.

He thinks there might be a compromise there between what the existing minimum requirement is and where we would like to go, which is the BFE plus three.

Vice-Mayor Malakoff added that at a recent Blue Ribbon Panel meeting it looked like the best solution to her was the base flood plus one, which is what is requested and required by the State. It still requires a step up, and they need the following: 1) a higher level meeting with County officials to discuss narrow sidewalk; 2) in the plans as planned today with the higher height, the floor level of the retail stores can be raised. Therefore, as sea level rises, as the streets rise, the garage will still be at a level to go to the shops as well as entering the parking garage, which is the main reason it is being built. She believes it is important in the planning that the height of the retail levels needs to be ideally at 18 feet.

Discussion continued regarding maximum base flood elevation.

Mayor Levine asked David Martinez and Eric Carpenter to brief him, as he is meeting with Mayor Gimenez tomorrow and they will move this forward.

Discussion continued regarding base flood elevation.

Commissioner Tobin explained that they need to think about this carefully or there may be a step down from the sidewalk.

Discussion continued.

Handouts or Reference Materials: Copy of PowerPoint presentation.

4:05:54 p.m.

R9F Discussion Regarding Issuing An RFP For Parking Attendants For The City's Parking Garages With The Term Agreement Commencing On August 16, 2015, The Day Following The Expiration Of The City's Agreement With SP Plus Municipal Services (Contract No.: RFP -17-10/11).
(Requested by Commissioner Jonah Wolfson)
(Co-Sponsored by Commissioner Michael Grieco)
(Deferred from December 17, 2014 - R9Q)

ACTION: Discussion held. See related item C2D. Commissioner Wolfson made a motion to refer the item to the Finance and Citywide Projects Committee; seconded by Vice-Mayor Malakoff; Voice vote: 7-0. Patricia Walker to place on the Committee agenda. **Saul Frances to handle.**

REFERRAL

Finance and Citywide Projects Committee

Commissioner Wolfson stated that Frank Pintado, Standard Parking, is a gentleman, and does not have anything bad to say about him, but he thinks this item needs to be put out to bid.

Commissioner Grieco asked if the contract is up for renewal and Commissioner Wolfson answered in the affirmative.

Commissioner Weithorn explained that this contract was done as a cost-plus contract, so they had a management fee and it is the City's cost because the technology was changing. Now the City is at crossroads, where we are paying by plate system, and the Finance Committee recommended that they try other cost-savings measures in the next year and then go out to RFP. She thinks this is

premature, and they need to provide specific direction to the Parking Department, so they have a better understanding of what to do.

Mayor Levine is in favor of putting the item out for RFP.

Commissioner Grieco is not in favor of putting this item out to bid.

Vice-Mayor Malakoff agreed with Commissioner Weithorn.

Commissioner Wolfson made a motion to refer the item to the Finance and Citywide Projects Committee; seconded by Vice-Mayor Malakoff; Voice vote: 7-0. **Patricia Walker to place on the Committee agenda.**

4:10:36 p.m.

R9G Discussion Regarding Architecturally Significant Buildings In North Beach.
(Requested by Commissioner Deede Weithorn)
(Legislative Tracking: Planning)

ACTION: Discussion held.

Commissioner Weithorn stated that she is trying to follow up on the North Beach Master Plan. She added that this item gives her a perspective to understand where the significant buildings are, and requested the item back in the next month's Commission agenda in order so as not to lose sight of the Master Plan and its context, which is the true success of a historic district. **Thomas Mooney to handle.**

Joe Jimenez, Assistant City Manager, suggested doing an RFQ for a world-class master planner and that is what they will present at the next January meeting (January 27, 2015). It is important to hire a Master Planner with the expertise to tell us what to do.

Discussion continued.

Vice-Mayor Malakoff stated they should not designate specific buildings, but rather designate local districts.

Nancy Liebman asked to see the RFQ before it goes out. **Joe Jimenez to handle.**

11:05:18 a.m.

R9H Discuss Atlantic Broadband Cable Vulnerabilities And Solutions.
(Requested by Mayor Philip Levine)

ACTION: Discussion held. Providers invited to attend the next meeting on February 11, 2015

Mayor Levine stated that there was a serious situation on New Year's Day, when the Atlantic Broadband service went out and most of the City had no cable or access to the Internet; it was a challenging day for many residents and tourists. Businesses and personal lives were affected. Subsequently he spoke to David Keefe, Senior Vice-President of Atlantic Broadband, and of course he learned that this was due to a car accident, but he wanted to have a conversation to hear what happened and to see in the future what they can do to avoid other incidents and to talk about obtaining credit if eligible from the cable company.

David Keefe, Senior Vice-President and General Manager Atlantic Broadband, stated that after a vehicular collision the service went down and they had to wait for FP&L before power was returned, which was at 9:00 a.m. Their crews were there and they were able to return network power. Fifty percent (50%) of the network was up by 3:00 p.m., and in its entirety by 10:00 p.m. This affected consumers and they are reimbursing customers for the service downtime. Their investment in the community of Miami Beach is being significantly improved during the past decade. He has talked to the Mayor and the City Manager about redundancy for the last few months and about getting some easement help with the City's best efforts to get over the MacArthur causeway. They are working to avoid this from ever happening again. Atlantic Broadband was planning on this effective redundancy and the engineering work has been done. They have stepped it up and are going to spend an additional \$50 million on improving the network as they expand and effectively work to avoid occurrences like this one. There is no good excuse. In addition, they are concerned and embarrassed about what happened. His job is to make sure this does not happen again. They made the investment in the network so they can go forward. Atlantic Broadband has been a good community supporter, they provide free internet to schools, City buildings and fire houses, as well as video throughout the City; they are happy to provide those services and will continue to do so. Their hope and expectation is that this year very soon they will begin investing to put more redundancy into the network as they have continued to invest in this network since they owned it.

Mayor Levine asked what the timetable for this redundancy is.

Mr. Keefe stated that depending on permitting, it should be within the next three to five months. The larger step they will take is upwards of a year to effect. Moreover, there is continual investment in the system. On the short term this year a great deal will be done. He does not have a good answer for this right now, but is happy to come back and report.

Mayor Levine asked if there is something that the City can do to facilitate Atlantic Broadband, to make this happen faster, as far as permitting.

Mr. Keefe explained that one of the things they are working with the City in is the support and sponsorship of the Centennial and is in efforts to try to get easements with Miami. MacArthur causeway is a key element to make that investment to pull fiber to the City of Miami and that would be extremely helpful. This is a challenge.

Discussion held.

Commissioner Wolfson asked if pulling cables across the causeway is to increase speed of the system.

Mr. Keefe explained that it is helpful. However, the issue is redundancy. When the signal goes one way and it is chopped off, it automatically loops in the opposite direction and so there is backup. They have lots of redundancy, but that location where the accident occurred was unusual.

Discussion continued.

Mayor Levine asked if Mr. Keefe could come back with technical information regarding redundancies at the next Commission Meeting, for them to understand the issue in-depth.

Discussion continued.

Commissioner Wolfson stated that the elderly complain about the cost of cable and asked if Atlantic Broadband could offer discounts for the elderly and bring back at the next Commission Meeting, perhaps by identifying a couple of buildings, such as Federation Towers and bring back proposals and discounts.

Discussion continued.

Mr. Keefe stated that they are engaged into conversations with some management companies. Commissioner Wolfson suggested that the City could serve as a mediator.

Mayor Levine stated that some buildings for some reason could not do the bulking and he asked if there is a way to bring cable without the bulking.

Discussion continued.

Commissioner Steinberg asked, since Atlantic Broadband is refunding affected customers, what the process is.

Mr. Keefe stated that customers could call in for refunds.

Commissioner Weithorn stated that there is redundant street furniture on the sidewalks, and she was told that the reason FP&L cannot take their transmissions down is because the other utilities have not taken their transmissions off the old poles. She asked for cooperation to relocate concrete poles, as there are over 100 locations in the City with two poles next to each other.

Discussion continued.

Commissioner Weithorn stated that these sidewalk furniture is unsightly and causes disruption, and to do the best for residents, she will bring this up at the next Commission Meeting and invite FP&L and AT&T.

Mr. Keefe will work with Commissioner Weithorn's aide to get the list of pole locations. **Lauren Carra to handle.**

Handouts or Reference Materials:

1. Email from John Roberts dated January 3, 2015 RE: Atlantic Broadband.

3:08:15 p.m.

- R9I An Update Discussion Regarding The Former Administration's Failure To Collect Parking Impact Fees; As Well As New Policies And Procedures For Future Revenue Collection.
(Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held. Commissioner Tobin made a motion to have Michael Band give a proposal as to how to conduct this investigation, and consider letting Alan Solowitz assist him, since he did this type of work and is experienced on the subject, and bring back to the City Commission; seconded by Commissioner Wolfson; Voice vote; 7-0. (Authority up to \$50,000). **Eve Boutsis, Carmen Sanchez and Georgie Echert to handle.**

Commissioner Tobin explained that he is suggesting hiring an auditor or a professional investigator so they can evaluate and explain to them how this failure to collect fees occurred, and if there was any criminal intent involved. For a long time mistakes have been made for one or two million dollars, but he thinks it is important to have a professional look at this and find out what and how it happened, how can it be avoided from happening in the future, and to get to the bottom of it.

Commissioner Wolfson asked if the review revealed any pattern of how these mistakes were made.

Discussion held.

Joe Jimenez, Assistant City Manager, explained that they will do whatever the City Commission directs them to do, but they see that the negligence was rampant, not selective. This was not a particular developer or a select few, it was across the board.

Mayor Levine asked if Commissioner Tobin would like to sponsor the hiring of an investigator.

Commissioner Tobin requested an auditor or a professional investigator to spend some time and look into it.

Eve Boutsis, Deputy City Attorney, stated that she spoke to Michael Band who does these types of investigations, and they can schedule a meeting.

Discussion held regarding an investigation and the possible causes of negligence.

Mayor Levine stated that there are millions of dollars missing, and it may be an accounting error, but Commissioner Tobin is asking for an investigation.

Commissioner Tobin made a motion to have Michael Band give a proposal as to how to conduct this investigation, and consider letting Alan Solowitz assist him, since he did this type of work and is experienced on the subject, and bring back to the City Commission; seconded by Commissioner Wolfson; Voice vote; 7-0. **Eve Boutsis, Carmen Sanchez and Georgie Echert to handle.**

Mayor Levine clarified that this is a two stage process, one to get the opinions of the professionals and their proposals, and two, in the event they need further investigation, they will look into it deeper.

Commissioner Tobin suggested meeting with Mr. Band and Mr. Solowitz and let them know about their desires for a proposal, and bring back to the Commission.

Discussion continued.

Commissioner Weithorn stated that they know this was bad accounting practices and lack of communication between the Planning and Finance Departments.

Discussion held.

City Manager Morales informed that the 2014 and 2015 bills went out a few months ago, as per direction the 2013 bills went out in the last few days. Bills pre-2010 are being sent to the Audit Committee. Carmen Sanchez has been working with Finance to automate the billing process and mail out on a regular basis.

1:45:12 p.m.

R9J Discussion Regarding Annual Report Card For Commercial Vehicles.
(Requested by Commissioner Michael Grieco)

ACTION: Discussion held. Item heard in conjunction with R9Q. Workshop to be held. **Eric Carpenter, Saul Frances, Jose Gonzalez and Chief Oates to handle.**

RECOMMENDATION:

Chief Oates to contact Miami-Dade Transit regarding buses parked on the public right-of-way.
Chief Oates to report the number of tickets issued for vehicles blocking the box.
Chief Oates to reach out to Police Captains to determine where traffic problems are occurring.
Conduct Commission Workshop on traffic.

Commissioner Grieco stated that in the last Quality of Life index polling done in 2013, traffic was the number one concern for residents in the City. Traffic is by far the number one issue in the City. Some traffic issues the City can control, and unfortunately others it cannot. Recently the Commission adopted Ordinances to take control of traffic congestion in the City, and enforcement with "very tough love" started as of last week. Commissioner Grieco thinks it is important for his colleagues as well as the folks at home and the people in the Chambers to hear what the City is doing and the policy going forward.

Chief of Police Dan Oates explained that at the direction of the City Manager, the City began an effort not just by the Police Department but all the relevant City agencies on Friday to address the traffic congestion issues, double parking, freight loading and all of those issues on major arteries. There are challenges with certain construction that is going on, but they have been at it since Friday morning. The goal is to get rid of double parked cars in major arteries, get the trucks that are unloading on the freight zones, and get the freight zones clear of illegally parked cars. A big part of this is an aggressive tow program to tow cars parked in the freight area, and they have had some considerable success. The Police was out yesterday on Lincoln Road, where a couple of weeks ago they did enforcement efforts with regard to bicycling, and it has had an impact. So Police can change behavior through enforcement, and essentially that is what they are collectively doing in the traffic realm.

Discussion continued regarding policy enforcement and dissemination of information.

Commissioner Grieco added that in a great deal of these major arteries, the right lane is taken up by vehicles and deliveries trucks, which are also shared lanes with bicycle riders and the bicycle riders have nowhere to go. Depending on how close these stopped vehicles are to the intersections, said vehicles prevent pedestrian visibility as well; people could die. This is not just a traffic issue, but a public safety issue.

Discussion continued.

Mayor Levine stated that Police Officers do not wear reflective vests or lights to direct traffic and it is hard to see them at night during the rush hour period.

Chief Oates explained that Police Officers will wear reflective vests and the Department has purchased the lights.

Mayor Levine asked Saul Frances if the regional supervisors of large delivery companies, such as FedEx or UPS, have been contacted.

Saul Frances, Parking Director, stated that they have recently been in contact with them again and have communicated via email regarding the program information.

Discussion continued regarding moving violations.

City Manager Jimmy L. Morales explained that during the first business day, they issued 182 moving violations, 343 parking violations and have towed a total of 102 cars and trucks.

Discussion continued.

Mayor Levine stated that residents complain about Miami-Dade Transit not going into their area.

Discussion held regarding buses stopping in the middle of the roadway.

Mayor Levine asked if a County bus driver could be given a moving violation and asked how they can enforce that.

Police Chief Oates stated that a great deal of frustration with buses is that they are big and slow, but they will convey that to the County that buses cannot park on the public right-of-way. He suggested first trying to changing the behavior through communication rather than enforcement. Chief Oates stated that he would communicate this concern to Miami-Dade County.

Commissioner Weithorn suggested reaching out to the Transit Authority and let them know about the City's enhanced enforcement, and let their drivers know that if there are vehicles blocking or parked at designated bus stops, they need to report it to the City as partners, and the City will clear the way for them to use their bus parking spaces.

City Manager Morales will add the issue of clearing out bus zones to the enforcement efforts.

Discussion continued.

Commissioner Grieco suggested that they start thinking about discussing traffic flow on a micro sense.

Mayor Levine stated that they talked about making sure that road contractors utilized by the City are able to work 24/7, utilizing lights at night, and to make the 24/7 operation a part of the job on some of these projects.

City Manager Morales explained that FDOT expressed resistance for safety reasons.

Discussion continued.

Eric Carpenter, Public Works Department, stated that the City Manager convened a meeting last week to brainstorm concepts and they identified a single point of contact; they will be working with the Parking Dispatch, Code Compliance and Police Departments, so that everyone knows the single point of contact when there is construction activity. They are also circulating a list of permitted lane closures that is available for review, currently the list is distributed internally, but they are trying to expand to GIS viewers. The concept is that if someone closes a lane without authority it can be called in to a central location and corrected.

City Manager Morales explained that in taking advantage of the Miami Beach App, they plan to add to the App a GIS connection where a resident can go and be able to plan their travel accordingly and find out where there is construction or lane closures. This will be done in the near future.

Vice-Mayor Malakoff stated that the intersections on Fifth Street and 41st Street are still blocked by east-west traffic, and there are no signs for the fines. She asked if they have moved further with getting information about the fine signs. They need enforcement. **Jose Gonzalez and Chief Oats to handle.**

Discussion held.

Jose Gonzalez, Transportation Director, stated that they are still working with Miami-Dade County regarding the signs. Since it is an additional sign, their first response was for the City to perform structural calculations of all the signs, and they are trying to have that requirement waived, since it would be an undue burden on the City to perform structural calculations, and have those certified by a professional engineer. They will be talking to the County's Public Works Director to reach an agreement. **Jose Gonzalez to handle.**

Discussion continued.

Commissioner Steinberg added that signalization is her main concern, as well as the timing of it. She wants to have the most signalization of the lights with the County, ensuring that they are working properly, to help with the traffic flow at peak hours, and enforcement.

2:05:05 p.m.

R9K Discussion Regarding Valet Parking Enforcement.

(Requested by Commissioner Michael Grieco)

ACTION: Discussion held. Motion made by Commissioner Weithorn to direct staff to bring forth a proposed amendment to the Code, whereby valet permits/licenses may be pulled from valet providers who violate the Code, for example illegal ramping; seconded by Commissioner Grieco. Voice vote: 7-0. **Saul Frances and Joe Jimenez to handle.**

Commissioner Grieco introduced the item and explained that there are approximately 20 plus valet parking providers operating within the City of Miami Beach public right-of-way. Saul Frances, Parking Department Director, added that there are a few providers that have most of the locations.

Commissioner Grieco explained that the reason he is motivated to talk about valet parking is its impact on traffic and the impact on available parking. Valet ramps exist throughout the City, sometimes two or three on the same block taking up two parking spots each. It seems to him that it makes sense to have one valet per block or per area where they would be either A) easier to police, and B) we could have a net increase in available parking for the folks that are coming into the City and utilize street parking. It is his understanding that several years ago, there was some discussion about addressing parking similarly to the way we address waste management and certain services throughout the City, and that the City would only allow two, three, four or five purveyors throughout the City. Such a limited number makes them easier to police, and at the same time they are still competitive. They are still competitive nature. Philosophically, he would exclude Ocean Drive from this, as Ocean Drive does not affect traffic in the City.

Commissioner Grieco added that everyone knows what valet parkers do, they take the Ferrari and the Rolls-Royce and they illegally ramp it, and they cannot accept vehicles in the ramp, so then they accept vehicles in the street, which has the same net effect as if you were having a delivery or someone is blocking the lane or avenue. They are the contributors to the traffic problems that the City has, especially on Collins and in different areas throughout the City. Commissioner Grieco wanted to bring this up in front of his colleagues for discussion. We do this with the waste hauler, currently, the City has three waste haulers in the City, we can have up to five and anyone in the City can contract with them. It seems inefficient to him to have three two spot ramps on the block serving three separate hotels, as opposed to having one, three, or four spot ramp serving all the hotels, and this way you have a net increase in metered parking and you have a decrease in traffic congestion. In addition, they are easier to police when we are actually having a problem with them, as opposed to some of these rogue operators like the ones in certain areas where they are soliciting drivers going in one direction or coming the other way, where we can really police them because there are only three or four companies being dealt with.

Commissioner Weithorn explained that they tried this a couple of years ago and it did not happen for a couple of reasons. One is because they had tremendous pushback from the private property owners who said the City would regulate what we do here but the person with the driveway next door they had to have a different operator. What was going to be done last time is that we were only going to have one or two providers, what Commissioner Grieco is suggesting is to have like we do for trash, we have multiple providers that may be selected from a list. If these people are ramping on the street, and doing illegal activities, then we should change the rules so we may pull their BTRs. Commissioner Weithorn stated that it is all about the right to work, and if these valet companies are doing it wrong by parking the Ferrari in their ramping spot, and are using the street to ramp why don't they pull their BTRs. They have tough love with trucks, why not tough love with valet?

Commissioner Grieco stated that Commissioner Weithorn makes a good point. There is one other big issue, when you have 20 or 30 valet companies, some of them being mom and pop valet operators, all they have to do to get their ramp is come in with a letter from a parking lot that may have issued about 30 of those same letters, who do not have adequate parking, and say this is where they are putting the vehicles. However, they are not really parking them there; they are putting them in residential spots. It is a very difficult thing to police when you have 20 or 30 of these company.

Joe Jimenez, Assistant City Manager, asked if the direction is for the Administration is to come with an amendment to the Code to pull their valet permit, as there could be a master BTR and one of their ramps is probably the offender. For example, one valet may operate on multiple restaurants, one ramp is fantastic and then the other is where the problem is. They can draft such a Code amendment.

Commissioner Weithorn opined that is the first step, and if that cleans the problem, they do not regulate the industry more. If that does not, then they will go to the next step. The last time they tried this, we tried to do too much.

Discussion continued as to what occurred last time a similar suggestion was brought forth.

Commissioner Weithorn would like the Code amendment to have it first, as it can happen quicker and it tells the industry that the Commission is serious. If they can get the valet providers to behave without going through this whole rigmarole, then let us do it.

Commissioner Grieco stated that he just wanted to take his colleagues temperature on this issue. He does not want to waste staff time or his time as this is something that he is going to work on.

Commissioner Weithorn stated that what she is suggesting might eliminate those bad operators if they do not follow the rules and they take away the license, and then they are self-policing in the very best way possible.

Direction was given for a Code Amendment to be brought forth. **Saul Frances to handle and Joe Jimenez to handle.**

Motion made by Commissioner Weithorn to direct staff to bring forth a proposed amendment to the Code whereby valet permits/licenses may be pulled from valet providers who violate the Code, for example illegal ramping, seconded by Commissioner Grieco. Voice vote: 7-0.

1:42:40 p.m.

R9L Discussion Regarding The City Of Miami Beach Holiday Decorations Or Lack Thereof During The 2014 Holiday Season.

(Requested by Commissioner Michael Grieco)

ACTION: Discussion held. **Eric Carpenter to handle.**

RECOMMENDATIONS:

- Commissioner Grieco stated that holiday decorations should be installed the day after Thanksgiving; this year the City got a late start. He is asking to give staff direction to fine tune the plan for next year regarding holiday decorations. **Eric Carpenter and Mark Taxis to handle.**
- Vice-Mayor Malakoff suggested adding more decorations to a list of streets coming into Miami Beach, including 41st Street, 5th Street, Alton Road, and 71st Street. **Eric Carpenter and Mark Taxis to handle.**

Commissioner Grieco stated that January is the ideal time to be talking about holiday decorations for next year. The City changed vendors at the urging of one of his colleagues, and they did so late in the game. It is important that the holiday decorations are up the day after Thanksgiving, which did not happen this past year, and that is not solely on the shoulders of the vendor, but on the shoulders of the City in getting a late start as well as ensuring that the contract is in better shape. The vendor has given Commissioner Grieco a list of things that could be improved. Commissioner Grieco is asking for his colleagues to give staff direction to fine tune a plan for next year regarding holiday decorations.

Vice-Mayor Malakoff complimented Commissioner Grieco and recommended that they have more holiday decorations including the main streets coming into Miami Beach, 41st Street, 5th Street, Alton Road, and 71st Street.

Commissioner Grieco stated that there is a list of action items and shortcomings that the vendor has made, and he just wanted to get some support from his colleagues and direct staff to see what can be done to make a better impact. **Eric Carpenter to contact the vendor and discuss action items.**

Commissioner Wolfson is supportive of improving the decorations if they were not what they were supposed to be.

By acclamation staff was directed to take action to improve the holiday decorations.

11:42:49 a.m.

R9M Discussion Regarding The City Of Miami Watson Island Project And The Ability To Mitigate Its Effect On The Beach.

(Requested by Commissioner Michael Grieco)
(Co-sponsored by Mayor Philip Levine)

ACTION: Motion by Commissioner Weithorn to commission a traffic study to analyze the impact of the Watson Island project (Island Gardens project) on Miami Beach, and instructed the City Manager to find an out-of-state firm to eliminate any potential conflicts of interest. Commissioner Weithorn added that the traffic study should consider traffic patterns during the different times of days, different days of the week and different months, to capture tourist season and non-tourist season traffic. [City Manager Morales informed the Commission that the study could cost upwards of \$200,000.] Motion seconded by Commissioner Grieco; Voice vote: 7-0 **Jose Gonzalez, Alex Denis, and Office of the City Attorney to handle.**

DIRECTION:

- The traffic study should consider traffic patterns during different times of days, different days of the week and different months, to capture tourist season and non-tourist season traffic.
- Office of the City Attorney to take any action necessary.
- Reach out to County officials

Mayor Levine explained the issue.

At issue is the traffic nightmare expected on the MacArthur Causeway from the proposed Watson Island Project (Island Garden project). The Causeway, which links Downtown Miami to South Beach, would be the only access route for Island Gardens, which is proposing 221,000 square feet of retail space, 346,000 square feet of leisure space, 450 hotel rooms in 2 towers, 155 time-shares condominiums, a mega-yacht marina and parking for 1,610 vehicles.

Mayor Philip Levine called those plans "an assault on the MacArthur Causeway" and vowed to do everything in his power to oppose them.

The following individuals spoke in opposition to the project:

Frank Del Vecchio
Gernald Posner
Pierre De Agostini
Valerie Navarrete
Robert Gavin
Tom Bryan
Ed Pascoe
Don Heisman
Larry Colin
Peter Ehrlich
Stephen Herbits
Sam Dubbin, Esq.

Residents expressed outrage over the development project that is under construction on Watson Island. They are upset over the impact it will have on traffic along the MacArthur Causeway.

Cesar Garcia-Pons, Deputy Director of the City of Miami's Planning and Zoning Department, explained an application to modify the project had been submitted that did not increase the development capacity from what was previously allowed. While square footage appears to have increased, compared to what was approved in 2002, which is because the City's revised zoning code known as Miami 21 calculated capacities differently than the old code in the application that they have before them, the development capacity being sought is less than the current development capacity.

Commissioner Grieco stated that this project came about from a long-standing development agreement on City owned land, and as they all know, development agreements can be modified if the circumstances change. There is a State Statute that allows cities to reassess long-standing development agreements if there have been significant changes in circumstances since the date the development agreement was entered into.

Brian May, who represents Island Gardens developer Flagstone Group, attended the meeting. Mr. May noted that the developer performed a traffic study 18 months ago showing the road capacity would not be overwhelmed by the project.

Commissioner Weithorn stated that Mr. May could never convince the City Commission that this is a good thing. They need a traffic study that includes the Perez Museum, the new Science Museum and the tunnel, none of which were there in 2013.

Commissioner Grieco said opposing the Watson Island plans was a question of survival. "Miami Beach is the heart of the County, and if you cut off our blood flow, we're going to die." He spoke of lobbying Miami-Dade County and Miami on the project and exploring other "legal options."

Commissioner Grieco said he had plans to personally lobby Miami City Commissioners. Residents should call their elected official in the County, their friends in the City of Miami, who can call their City Commissioners and the State representatives. The Miami Beach City Commission is going to do everything within its power - traffic studies, whatever the case may be. The City Commissioners will use their political influence with other elected officials to impact the outcome of the project. Commissioner Grieco encouraged his fellow Commissioners to reach out to everybody that they have access to on the elected official side.

In response to a question raised by Commissioner Tobin, City Attorney Aguila stated that he has met with Attorney Dubbin, and will continue to meet with him.

Mayor Levine believes the majority of the City Commission is in favor that this project does not go forward and he asked that they authorized a traffic study, and discuss with the City Attorney any legal actions the City can do to move forward.

MOTION:

Motion by Commissioner Weithorn to commission a traffic study to analyze the impact of the Watson Island project (Island Gardens project) on Miami Beach, and instructed the City Manager to find an out-of-state firm to eliminate any potential conflicts of interest. Commissioner Weithorn added that the traffic study should consider traffic patterns during the different times of days, different days of the week and different months, to capture tourist season and non-tourist season traffic. [City Manager Morales informed the Commission that the study could cost upwards of \$200,000.] Motion seconded by Commissioner Grieco; Voice vote: 7-0 **Jose Gonzalez, Alex Denis, and Office of the City Attorney to handle.**

Discussion continued.

Mayor Levine stated that the City Attorney should explore all options necessary, not only with the City of Miami, but also with the Florida Department of Transportation. Mr. Aguila responded that his Office had started its research. City Attorney Aguila clarified that his Office will keep all options open, and do what is in the best interest of Miami Beach. There was consensus from the Commission for the Office of the City Attorney to proceed as instructed.

Handouts or Reference Materials:

1. Email from Alex Miranda dated January 9, 2015 RE: Watson Island.
2. Email from Frank Del Vecchio dated January 5, 2015 RE: Watson Island Traffic Nightmare! In addition, attached memo to city commission.
3. Email from SOFNA dated January 11, 2015 RE: addendum RE: Watson Island.
4. Email from SOFNA dated January 11, 2015 RE: MacArthur Causeway Gridlock Alert.
5. Frank Del Vecchio dated January 11, 2015 RE: MacArthur Causeway Gridlock Crisis.
6. Email from Robert Goodman dated January 14, 2015: Watson Island
7. Speaker's List (Prepared by the Office of the City Clerk)
8. Speaker's List provided by Mr. Frank Del Vecchio

4:14:22 p.m.

R9N Discussion Regarding The Implementation Of An Exclusive Pedestrian Phase For All Intersections Along 41st Street That Would Extend Sundown Friday To Sundown Saturday.
(Requested by Commissioner Michael Grieco)

ACTION: Discussion held. See directions given.

DIRECTION:

- Jose Gonzalez, Transportation Director, stated that they are going to be reaching out to Jacksonville and West Palm Beach to see the technologies that they have implemented in their cities to enhance pedestrian safety. **Jose Gonzalez to provide information to the City Commission.**
- Work with FDOT and the County to come up with options for enhanced pedestrian safety on 41st Street. **Jose Gonzalez to handle.**
- Provide information to the Community on existing pedestrian friendly traffic controlled intersection on 41st Street already in existence. **Jose Gonzalez to handle.**

Commissioner Grieco thanked Jose Gonzalez, Transportation Director; Debora J. Turner, First Assistant City Attorney; and Nick Kallergis, Assistant City Attorney for working on this. He has received a few calls that some residents in our community are having difficulties on 41st Street on the Sabbath in that they cannot cross the street, because they cannot press the button to cross the street. This is not the first community to have this issue. It is his understanding that this issue has been addressed in Jacksonville. He believes that they have some pedestrian censored crosswalks in Israel and in San Francisco; throughout the world there are certain technologies that started overseas and have made their way into the United States to address this issue. He asked Jose Gonzalez to give the Commission a brief overview as to what they might be able to do to assist our Orthodox Jewish community in being able to cross the street from Friday sundown to Saturday sundown, and maybe even extending the times in which they have an opportunity to cross the street.

Jose Gonzalez, Transportation Director, stated that they are going to be reaching out to Jacksonville and West Palm Beach to see the technologies that they have implemented in their cities to enhance pedestrian safety. **Jose Gonzalez to provide information to the City Commission.**

Jose Gonzalez, Transportation Director, stated that Miami-Dade County handles the pedestrian phase in one of three ways: 1) it is either through a pedestrian push button, which is what is seen at Prairie and at Chase Avenues on 41st Street, and midblock. He stated that there was a midblock crosswalk where Royal Palm is, right across from the Forge. He added that there are three such midblock crosswalks along the corridor, and there are twelve signals along the corridor. 2) The second type is no conflicting movements, which allows pedestrians to cross when there are no conflicting vehicular movements. Therefore, the pedestrian will receive a phase without having to push the button. The pedestrian phase is part of the cycle; sometimes it is at the end of the cycle so the pedestrian has to wait until all the movements have occurred, then the pedestrians can cross when there are no conflicting vehicular movements. For example, on 41st Street and Pine Tree, if one wanted to cross 41st Street, north/south, one would have the pedestrian walk signal when the north/south through traffic would have the green. Therefore, the pedestrian is walking parallel to the vehicular traffic and there are no conflicts introduced. He added that they have many of those types of pedestrian phases throughout the City. He explained that he is working with FDOT and the County as part of the road safety audit to come up with some options that could be implemented.

TO DO: Provide options working with the FDOT and the County for enhanced pedestrian safety.
Jose Gonzalez to handle.

Vice-Mayor Malakoff commented that if the corner of Pine Tree and 41st Street is that dangerous for pedestrians, for example, Commissioner Grieco said he saw somebody almost get run over by a car turning, should there be no right turn when pedestrians are in the crosswalk. Jose Gonzalez said that he could look at that. **Jose Gonzalez to handle.**

Commissioner Tobin suggested having on Fridays and Saturdays designated crossing blocks with quicker timers to allow pedestrians the opportunity to cross.

Jose Gonzalez, Transportation Director, replied that on Chase and Prairie Avenues that is already being done.

Commissioner Tobin asked for that information to go out to the community, so that everyone is informed, because it seems that many individuals are unaware that the streets that surround 41st Street are timed differently to ease pedestrian flow. **Jose Gonzalez to handle.**

Commissioner Steinberg stated that they already have two main intersections, north to south, which are already pedestrian friendly. Commissioner Steinberg requested Jose Gonzalez to come back to them and report what other municipalities have done. **Jose Gonzalez to handle.**

Commissioner Tobin asked Mr. Gonzalez to contact his Aide to obtain information for Dr. Zebo, who was been calling on this issue. **Jose Gonzalez to handle.**

R90 Discussion Regarding Motorcycle/Scooter Parking In Conventional Parking Spots.
(Requested by Commissioner Micky Steinberg)

ACTION: Item withdrawn by Commissioner Steinberg.

1:35:58 p.m.

R9P Discussion To Waive The Square Footage Fees For The Miami Beach Foodie Fest Event On February 22, 2015 In North Beach, For A Total \$9,429.27 (Including Tax).
(Requested by Commissioner Micky Steinberg)

ACTION: Discussion held. **Resolution No. 2015-28906** Motion made by Commissioner Steinberg to waive the square footage fees seconded by Commissioner Grieco; Voice-vote: 7-0. **Max Sklar to handle.**

Item heard in conjunction with R9B2.

Diego Caiola, seller of Argentinian empanadas requested waiving the square footage fees for the Miami Beach Food Festival in North Beach. This event is a collaboration of over 20 restaurants, and compared the event to Midtown, but with a beach.

Commissioner Tobin stated that if the City Commission is going to start with a \$10,000 City fee waiver to stimulate North Beach, there should be a policy to measure the success of the project. **Max Sklar to handle criteria for for-profit entities.**

City Manager Morales stated that there are criteria in place, but if they are for non-profit businesses. The food festival restaurants are all for-profit businesses.

Commissioner Weithorn does not agree with waiving fees for for-profit entities, unless the purpose is stimulating economic development. She stressed the difference in waiving fees depending on the type of organization. Commissioner Weithorn stated that if they are going to waive the fee, restaurants in the area should be surveyed to see if they are in agreement with this festival.

Max Sklar, Tourism, Culture & Economic Development Department Director, stated that they are going through the permitting process. The City sends out notice to the area, and they have not received any objections.

Commissioner Wolfson understands the concerns Commissioner Weithorn has, but he sees this instance as a colleague trying to do something positive for the community, and the City should offer assistance.

Commissioner Steinberg mentioned this is not an on-going event. Therefore, this is an event in which the City will waive fees, but that does not mean it will happen again.

Commissioner Tobin requested that the event be analyzed to determine if next year the City will give out the fee waiver of \$10,000; the same way they do for grants.

Mayor Levine thanked Commissioner Steinberg from bringing this item forward, as it is for the economic development of North Beach, and that is one of the main initiatives of his Administration.

2:12:17 p.m.

ADDENDUM MATERIAL 1:

R9Q Discussion Related To The City's Traffic Flow Mitigation Plan.
(Requested by Mayor Philip Levine)

ACTION: Discussion held. See action with R9J.

Item was referred to a Traffic Workshop along with item R9J.

Handouts or Reference Materials:

1. Email from Danila Bonini regarding Commissioner Grieco co-sponsoring item R9Q.

2:19:25 p.m.

ADDENDUM MATERIAL 1:

R9R Discussion Related To The City's Centennial Celebration.
(Requested by Mayor Philip Levine)

ACTION: Discussion held. **Max Sklar to handle.**

Bruce Orosz, President, ACT, Inc. presented a video. He stated that most of the beach areas would bring the Centennial to life with a main stage on 14th Street, meeting the City's mission to provide a large concert with the best locations on the sand. Activities will include a tennis match, car and fashion show, beach yoga, a celestial show, followed by one of the biggest parties on the planet.

Click [here](#) to see video shown.

Mayor Levine promoted Commissioner Steinberg's idea to have 100 couples marry in Miami Beach on that day. He would also like to reach out to World War II veterans, and 100 year-olds to participate in the event. **Nannette Rodriguez and Max Sklar to handle.**

Max Sklar, Tourism and Development Director, stated that they have about 113 sanctioned events and that will continue throughout the existing year. They have also expanded the Arts in Parks program, adding additional events and Centennial activities. They have been working with marketing program partners to promote the Centennial to all of our major markets, specifically the northeast. The City had a great presence on the Ellen show, which was recorded live in Miami Beach. Mr. Sklar added they are working with between \$250,000 and \$500,000 in City services costs to support the event.

City Manager Morales gave a special acknowledgement to FIU. They have been working closely with the City preparing for the Centennial event.

Mayor Levine asked Police Chief Oates if he had any concerns for security.

Police Chief Oates stated his Department is prepared to offer safety and security for the event.

City Manager Morales added that Departments such as Police, Fire, Transportation, Sanitation and Parking, would be teaming up for the Centennial.

Commissioner Steinberg wants to make sure that complimentary tickets be given to residents for the concerts, as well as having priority seating, and transportation services.

Discussion continued regarding preferential tickets and offering transportation for residents. **Max Sklar to handle.**

Mayor Levine proposed having a Citywide holiday for the Centennial. This holiday would not be enforceable, but would rather encourage employers to let employees out early, so that they may enjoy the event.

Mr. Orosz stated that the media campaign has already started to promote the City's Centennial worldwide. He mentioned they have received responses from Milan, Italy for the best cake design.

Commissioner Steinberg brought back the discussion regarding the 100 couples who will marry during the Centennial, and she suggested getting together with the Mayor's office, and find the 100 couples by March 23. **Nannette Rodriguez and Max Sklar to handle.**

Handouts or Reference Materials: Copy of Centennial Show Layout and Draft of Miami Beach Centennial 100 Hours Run Of Show.

2:41:03p.m.

ADDENDUM MATERIAL 3:

R9S Discussion And Referral To Land Use And Development Committee - Completion Of The Central Bayshore Area Storm Water And Roadways Construction.
(Requested by Vice-Mayor Joy Malakoff)

ACTION: Item Referred to LUDC and the FCWPC. Vice-Mayor Malakoff moved to refer the item to LUDC and FCWPC; seconded by Commissioner Weithorn; Voice vote: 7-0. **David Martinez to handle.**

REFERRAL:

- Land Use And Development Committee
- Finance and Citywide Projects Committee

Vice-Mayor Malakoff stated that the Bayshore area storm and roadway construction project has been ongoing for a couple of years, and it does not seem like it will be completed any time soon. She suggested referring it to the Land Use and Development Committee to determine what the problems are, and how soon the project can be completed.

City Manager Morales stated that the main problem holding up the project has been the increase in flooding requirements. The criteria package is being worked on by the consultant. Mr. Morales added there have also been funding issues.

Commissioner Weithorn suggested referring the item also to the Finance Committee, so that the funding issues can be resolved.

R10 - City Attorney Reports

R10A City Attorney's Status Report.

(City Attorney Office)

ACTION: Report given.**ADDENDUM MATERIAL 3:**

R10B Closed Attorney-Client Session

Pursuant to §286.011, Florida Statutes, the City Attorney hereby advises the Mayor and City Commission that he desires advice concerning the following pending litigation matter:

Miami Beach Community Church, Inc., and South Beach Tristar, LLC v.
City of Miami Beach and Miami Design Preservation League, Inc.
Case No.: 14-473 AP Lower Tribunal Case No: HPSM 14-003
HPB File No.: 7424

Therefore, a private closed Attorney-Client Session will be held during the lunch recess of the City Commission meeting on Wednesday, January 14, 2015 at 12:00 p.m., or as soon as possible thereafter, in the City Attorney's Large Conference Room, Fourth Floor, City Hall to discuss settlement negotiations and/or strategy related to litigation expenditures with regard to the above-referenced litigation matters.

The following individuals will be in attendance: Mayor Philip Levine; Members of the City Commission: Micky Steinberg, Joy Malakoff, Michael Grieco, Edward Tobin, Deede Weithorn and Jonah Wolfson; City Manager Jimmy Morales, City Attorney Raul J. Aguila and Deputy City Attorney Eve A. Boutsis.

ACTION: Announced and held.**9:11:50 a.m.****Attorney-Client Session Announcement:**

Raul J. Aguila, City Attorney, announced that pursuant to §286.011 (a) Florida Statutes, the City Attorney hereby advises the Mayor and City Commission that he desires advice concerning the following pending litigation matters: Miami Beach Community Church, Inc., and South Beach Tristar, LLC v. City of Miami Beach and Miami Design Preservation League, Inc., Case No.: 14-473 AP Lower Tribunal Case No: HPSM 14-003, HPB File No.: 7424. Therefore, a private Attorney-Client Session will be held during the recess of the City Commission meeting in the City Attorney's Large Conference Room, Fourth Floor, City Hall to discuss settlement negotiations and/or strategy related to litigation expenditures with regard to the above-referenced litigation matter. Mr. Aguila will announce the commencement prior to the recessing the City Commission Meeting.

12:23:58 p.m.

Raul J. Aguila, City Attorney, announced the commencement of the Closed Attorney-Client Session.

1:42:17 p.m.

Raul J. Aguila, City Attorney, announced the conclusion of the Closed Attorney-Client Session.

Reports and Informational Items

1. Reports and Informational Items (see LTC 010-2015)

2. List of Projects Covered by the Cone of Silence Ordinance - LTC.
(Procurement)

3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months From
Their Referral Date.
(Office of the City Clerk)

End of Regular Agenda

Miami Beach Redevelopment Agency

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

January 14, 2015

Chairperson of the Board Philip Levine

Member of the Board Michael Grieco

Member of the Board Joy Malakoff

Member of the Board Micky Steinberg

Member of the Board Edward L. Tobin

Member of the Board Deede Weithorn

Member of the Board Jonah Wolfson

Member of the Board Miami-Dade County Commissioner Bruno A. Barreiro

Executive Director Jimmy L. Morales

Assistant Director Kathie G. Brooks

General Counsel Raul J. Aguila

Secretary Rafael E. Granado

AGENDA

Rafael E. Granado, City Clerk, announced that all members of the Redevelopment Agency are present, except for Miami-Dade County Commissioner Bruno A. Barreiro.

City Manager Jimmy Morales stated that they did extensive outreach to Commissioner Barreiro's Office. Commissioner Barreiro was aware of the meeting, but he was unable to attend.

10:00:27 a.m.

1. NEW BUSINESS

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency, Adopting And Appropriating The First Amendment To The Operating Budget For The City Center Redevelopment Area, For Fiscal Year 2014/15. **10:00 a.m. Public Hearing**
(Budget & Performance Improvement)

ACTION: RDA Resolution No. 605-2015 adopted. Title of the RDA Resolution read into the record. Public Hearing held. Motion made by Board Member Weithorn; seconded by Board Member Grieco; Voice vote: 7-0. Patricia Walker to appropriate the funds. **Max Sklar and John Woodruff to handle.**

John Woodruff, Budget Director, explained that this item is similar to the first operating budget amendment done for the City's normal budget. This is the City Center RDA, so it is a little bit different. However, it is the same concept. It is a housekeeping item where they take the additional money over and above what was necessary for last Fiscal Year, and they go ahead and appropriate it in FY 15. Therefore, they had \$135,000 worth of encumbrances for things that were not procured but not received and expended by the end of the Fiscal Year. The additional funds for \$4.4 million will be appropriated to cover the new debt service that is included in the City Center capital plan, including the Convention Center project.

Commissioner Weithorn asked if it was a little over \$4 million that we are re-appropriating. Mr. Woodruff responded in the affirmative, and explained that any money that is saved in the RDA, per the City's CDC Agreement with the County passed in December, has to go to future debt service.

Commissioner Weithorn commented that as she is term limited, this is the last year that she will be able to give her guidance as to the budget process. She suggests that they budget a little more aggressively in the RDA in the future, whether it is for flooding issues or whatever they need, because to miss an opportunity of \$4 million to better a district in the City pains her. Commissioner Weithorn understands that Mr. Woodruff is doing what he should do here; however if they were saving \$4 million on the general budget, she would say they did a good job, but when the total RDA budget is \$43 million, to miss it by almost 10% is a great deal. Commissioner Weithorn would like to see in the future this not to happen again. Since based on the agreement this money goes to debt service, and we do not get to use it for residents, we do not get to use the money to better us as a City. Commissioner Weithorn moved the item, but she wants in the future to look at opportunities more carefully. Since she will not be here much longer [as she is term limited] she stated she is trying to put these comments on the record so maybe when she is not here, someone will remember them.

Seconded by Commissioner Grieco.

RDA meeting concluded at 10:04 a.m.

Handouts or Reference Materials:

1. The Miami Herald Ad 979

Meeting adjourned at 4:33:37 p.m.