



**City Commission Meeting  
SUPPLEMENTAL MATERIAL 1**

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
February 11, 2015

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

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

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**ATTENTION ALL LOBBYISTS**

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

**SUPPLEMENTAL AGENDA**

**R5 - Ordinances**

**R5B 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. **10:15 a.m. Second Reading Public Hearing**

(Sponsored by Vice-Mayor Joy Malakoff & Commissioner Michael Grieco)

(Legislative Tracking: Planning)

(First Reading on January 14, 2015 – R5F)

**(Ordinance)**

**R7 - Resolutions**

- R7A A Resolution Adopting The Second Amendment To The General Fund, Enterprise Fund, Internal Service Fund And Special Revenue Fund Budgets For Fiscal Year (FY) 2014/15 And Accepting The Recommendation Of The Finance And Citywide Projects Committee Regarding Resort Tax Quality Of Life Funding Allocation. **10:05 a.m. Public Hearing**  
(Budget & Performance Improvement)  
**(Memorandum & Resolution)**

**NON CONFORMING BUILDINGS – BALCONIES**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA BY AMENDING CHAPTER 118, “ADMINISTRATIVE AND REVIEW PROCEDURES”, ARTICLE IX, ENTITLED “NONCONFORMANCES,” BY AMENDING SECTION 118-395, ENTITLED “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.**

**WHEREAS**, Chapter 118, of Article IX; at Section 118-395, provides for regulations relating to nonconforming uses and structures; and

**WHEREAS**, certain properties may have been constructed without balconies, or may desire to enlarge existing balconies, and may want to add that amenity to their property, but would be precluded from doing so under the nonconformance section of the Code; and

**WHEREAS**, while not increasing nonconforming structures or uses, a revision to Section 118-395 would make clear that a property may add a balcony or other similar structure(s), provided there are no issues relating to exceeding required maximum Floor Area Ratios, or any possible violation of setback requirements; and

**WHEREAS**, the amendments set forth below are necessary to accomplish all of the above objectives.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.**

**SECTION 1.** Chapter 118, “Administrative and Review Procedures,” Article IX, entitled “Nonconformances,” and Section 118-395, entitled “Building nonconforming in height, density, parking, floor area ratio or bulk,” are hereby amended as follows:

\* \* \*

**Sec. 118-395. - Repair and/or rehabilitation of nonconforming buildings and uses.**

- (a) *Nonconforming uses.* If a building which contains a nonconforming use is, repaired or rehabilitated at a cost exceeding fifty (50) percent of the value of the building as determined by the building official, it shall not be thereafter used except in conformity with the use regulations in the applicable zoning district contained in these land development regulations and all rights as a nonconforming use are terminated.

(b) *Nonconforming buildings.*

(1) Nonconforming buildings which are repaired or rehabilitated by less than fifty (50) percent of the value of the building as determined by the building official shall be subject to the following conditions:

- a. Repaired or rehabilitated residential and/or hotel units shall meet the minimum unit size requirements as set forth for the zoning district in which the property is located. The number of units in the building shall not be increased.
- b. The building shall have previously been issued a certificate of use, certificate of completion, certificate of occupancy or occupational license by the City to reflect its current use.
- c. Such repairs or rehabilitation shall meet the requirements of the City property maintenance standards, the applicable Florida Building Code, and the Fire Safety Code.
- d. If located within a designated historic district, or an historic site, the repairs or rehabilitations shall comply substantially with the Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures, as amended, as well as the certificate of appropriateness criteria in Article X of these Land Development Regulations. If the repair or rehabilitation of a contributing structure conflicts with any of these regulations, the property owner shall seek relief from the applicable building or Fire lffe-Ssafety Ceode.
- e. Any new construction shall comply with the existing current development regulations in the zoning district in which the property is located, provided however, that open private balconies, except that as it pertains to height, open private balconies, including projecting balconies and balconies supported by columns, not to exceed a depth of 30 feet from an existing building wall, and may be permitted as a height exception. The addition of balconies may be permitted, including up to the height of the highest habitable floor for a building non-conforming in height, provided such balconies meet applicable FAR and setback regulations. Any addition of a balcony in a nonconforming building shall be subject to the review and approval of the design review board or historic preservation board, as may be applicable.

(2) Nonconforming buildings which are repaired or rehabilitated by more than fifty (50) percent of the value of the building as determined by the building official, shall be subject to the following conditions:

- a. All residential and hotel units shall meet the minimum and average unit size requirements for rehabilitated buildings as set forth in the zoning district in which the property is located.
- b. The entire building, and any new ~~addition~~ construction shall meet all requirements of the City property maintenance standards, the applicable Florida Building Code and the Fire Safety Code.

- c. The entire building and any new ~~addition~~ construction shall comply with the current development regulations in the zoning district in which the property is located. No new floor area may be added if the floor area ratio is presently at maximum or exceeded.

\* \* \*

**SECTION 2. REPEALER**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

**SECTION 3. CODIFICATION**

It is the intention of the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, as amended; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

**SECTION 4. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.**

**ATTEST:**

\_\_\_\_\_  
Philip Levine, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

First Reading: January 14, 2015  
Second Reading: February 11, 2015

Verified By: Thomas R. Mooney, ACP  
Planning Director

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

ROG      2/5/15  
City Attorney      Date

*JAS*

(Sponsor Commissioner Joy Malakoff)

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**Condensed Title:**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, ADOPTING THE SECOND AMENDMENT TO THE GENERAL FUND, ENTERPRISE FUND, INTERNAL SERVICE FUND, AND SPECIAL REVENUE FUND BUDGETS FOR FISCAL YEAR (FY) 2014/15 AND ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE REGARDING RESORT TAX QUALITY OF LIFE FUNDING ALLOCATIONS.

**Key Intended Outcome Supported:**

Ensure expenditure trends are sustainable over the long term.

**Supporting Data:** N/A

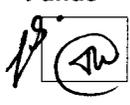
**Item Summary/Recommendation:**

The budgets for the General Fund, Enterprise Funds, Internal Service Funds, and Special Revenue Funds for Fiscal Year 2014/15 were approved on December 4, 2014, with the adoption of Resolution No. 2014-28860.

The First Amendment to the General Fund, Enterprise Funds, Internal Service Funds, and Special Revenue Funds budgets for FY 2014/15 was approved on December 17, 2014, by resolution 2014-28864. Section 166.241(4)(c.), Florida Statutes, requires that a municipality's budget amendment must be adopted in the same manner as the original budget.

The Second Amendment would accept the recommendation of the Finance and Citywide Projects Committee regarding Resort Tax quality of life funding allocations, add funding for the Centennial Celebration, add funding for the Residential Housing program, and enhance parking lot cleanliness.

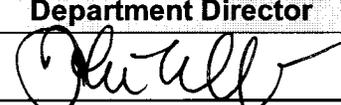
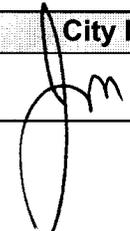
**Financial Information:**

Source of Funds	Amount	Account
	\$3,687,000	Transportation Fund
	\$1,000,000	Resort Tax Fund
	\$476,000	Residential Housing Program Fund
	\$105,000	Sanitation Fund

**City Clerk's Office Legislative Tracking:**

John Woodruff, OBPI Director

**Sign-Offs:**

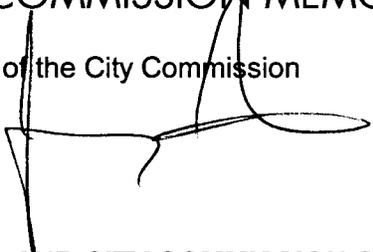
Department Director	Assistant City Manager	City Manager
		





## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: February 11, 2015

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE SECOND AMENDMENT TO THE GENERAL FUND, ENTERPRISE FUND, INTERNAL SERVICE FUND AND SPECIAL REVENUE FUND BUDGETS FOR FISCAL YEAR (FY) 2014/15 AND ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE REGARDING RESORT TAX QUALITY OF LIFE FUNDING ALLOCATIONS.**

### ADMINISTRATION RECOMMENDATION

Adopt the resolution amending the FY 2014/15 General Fund, Enterprise Funds, Internal Service Funds, and Special Revenue Funds budgets and accept the recommendation of the Finance and Citywide Projects Committee regarding Resort Tax quality of life funding allocations.

### KEY INTENDED OUTCOME SUPPORTED

Ensure expenditure trends are sustainable over the long term.

### ANALYSIS

The budgets for the General Fund, Enterprise Funds, Internal Service Funds, and Special Revenue Funds for Fiscal Year 2014/15 were approved on December 4, 2014, with the adoption of Resolution No. 2014-28860.

The First Amendment to the General Fund, Enterprise Funds, Internal Service Funds, and Special Revenue Funds budgets for FY 2014/15 was approved on December 17, 2014, by resolution 2014-28864. Section 166.241(4)(c.), Florida Statutes, requires that a municipality's budget amendment must be adopted in the same manner as the original budget.

The Second Amendment would accept the recommendation of the Finance and Citywide Projects Committee regarding Resort Tax quality of life funding allocations, add funding for the Centennial Celebration, add funding for the Residential Housing program, and enhance parking lot cleanliness.

### **Quality of Life Funding Allocations – Resort Tax Fund and Transportation Fund**

Prior to FY2014/15, 50% of the third penny of Resort Tax funded five quality of life categories (arts and tourism-related capital projects in North, Mid and South Beach) in equal amounts of 20%. The remaining 50% funded debt service on RDA bonds as a supplemental pledge until RDA funds became available as taxable values increased over time. For FY2014/15, the resort tax pledge from the RDA bonds was released resulting in an additional \$6.1 million becoming available for funding to the five quality of life categories.

At the Finance and Citywide Projects Committee held on February 2, 2015, the Committee approved a modified split of these additional funds as follows: 15% for Arts, Mid, North and South Beach and 40% for Transportation. The Administration hereby accepts this Committee recommendation and proposes to amend the Resort Tax Quality of Life category allocations accordingly as well as recognize the additional revenue and appropriation of \$3,687,000 to the Transportation Fund.

The additional Transportation funds are anticipated to be used to expand the City's trolley system. In addition to the recently implemented North Beach Loop, additions to the City's trolley system under consideration include a proposed Mid-Beach Loop, Collins Link, and South Beach Loop.

### **Centennial Celebration – Resort Tax Fund**

The Second Amendment would increase the Resort Tax Contingency by \$1 million to reimburse operational expenses anticipated from the Centennial Celebration. Anticipated expenses include overtime, equipment, enhanced services, and miscellaneous expenses for affected departments such as Police, Fire, Emergency Management, Public Works-Sanitation, Parking, and Parks & Recreation. The necessary funds would come from Resort Tax fund balance which currently exceeds the two month reserve established during FY 2013/14. The funds would be budgeted in Resort Tax Contingency, which would require the City Manager's authorization before being allocated and spent.

### **Residential Housing Program – Residential Housing Program Fund**

The City acquired the Lottie Apartments, Madeleine Village Apartments and Neptune Apartments using Neighborhood Stabilization Program (NSP1) funds awarded to the City via the Florida Department of Economic Opportunity. After the City subtracted its closing costs for the acquisition of these properties, an operating reserve of \$135,655.28 remains. These funds are required to be used to meet the operational needs of the properties including repairs and maintenance expenses.

Going forward, these properties will generate rental income. The rental income generated will be used to: maintain the properties; hire a staff person to certify tenants and ensure property compliance with HOME rules; create a security deposits account; and a replacement reserve. The City has begun the process of recertifying the tenants within the aforementioned properties to ensure that rent collections are appropriate.

A budget amendment is required to establish a special revenue fund which will discreetly track the revenues and expenses of each apartment. The amendment recognizes the prorated anticipated revenue and expenses totaling \$476,000 through the remainder of the fiscal year.

### **Parking Lot Cleanliness – Sanitation Fund**

The cleanliness report for the first quarter revealed ratings over the 1.5 goal for parking lot cleanliness. Poor ratings in certain parking lots were determined to be a result of illegal dumping, organic matter and full trash receptacles. Lots are cleaned on predetermined schedules, and some lots are not cleaned daily. The day, time and frequency of observations will affect ratings. Nevertheless, the goal is to keep all lots at a 1.5 rating condition on a consistent basis.

In an effort to improve lot conditions (and ratings) the following action plan was developed:

- Adding a roving crew consisting of three employees Thursdays through Mondays starting at 1:00 P.M. through 9:30 P.M. These are considered peak days and times. This crew will pick up litter and leaves and empty trash cans resulting from lot usage. Special attention will be given to lots that scored poorly in previous evaluations as well as those lots that are not cleaned on a daily basis. It is understood that deep cleaning cannot occur while lots are full. However crews will be able to improve lot conditions and address concerns between cleaning schedules. Additionally, this crew and regularly scheduled crews will correct deficiencies reported by parking operations staff.
- Increasing the number of inspections per quarter to at least one per month at varied times, weekdays and weekend days. This will serve to provide averages and will also serve to identify times and locations needing additional attention.
- Instructing parking operations staff to notify the parking dispatcher of observed or reported deficiencies. Dispatchers will e-mail the information to sanitation operations supervisors, who will in turn dispatch a crew to correct observed deficiencies. Deficiencies reported outside of scheduled work hours will be given top priority and will be addressed as soon as a crew is available.

To evaluate the success of this plan, the Sanitation and Parking Departments will periodically deploy staff to assess lot conditions. Modifications to staffing hours and levels of staffing will be implemented as necessary.

These services will be undertaken by the Public Works-Sanitation division, and will require an additional crew of three workers at a cost of \$105,000. This budget amendment proposes increasing the Sanitation Fund budget by \$105,000, to be funded by an increase in revenues from sanitation fees charged to the Parking department. No amendment would be necessary to the Parking Fund as existing Contingency funds would cover the additional expense.

### **CONCLUSION**

The Administration recommends that the Mayor and City Commission adopt the Second Amendment to the General Fund, Enterprise Fund, Internal Service Fund, and Special Revenue Fund Budgets for Fiscal Year (FY) 2014/15.

JLM: JW



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE SECOND AMENDMENT TO THE GENERAL FUND, ENTERPRISE FUND, INTERNAL SERVICE FUND, AND SPECIAL REVENUE FUND BUDGETS FOR FISCAL YEAR (FY) 2014/15 AND ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE REGARDING RESORT TAX QUALITY OF LIFE FUNDING ALLOCATIONS.

**WHEREAS**, the budgets for the General Fund, Enterprise Funds, Internal Service Funds, and Special Revenue Funds for Fiscal Year 2014/15 were approved on December 4, 2014, with the adoption of Resolution No. 2014-28860; and

**WHEREAS**, the First Amendment to the General Fund, Enterprise Fund, Internal Service Fund, and Special Revenue Fund budgets for Fiscal Year 2014/15 was approved on December 17, 2014, with the adoption of Resolution No. 2014-28864; and

**WHEREAS**, the proposed budget amendment accepts the recommendation of the Finance and Citywide Projects Committee regarding Resort Tax quality of life funding allocations, adds funding for the Centennial Celebration, adds funding for the Residential Housing program, and enhances parking lot cleanliness as reflected in the attached Exhibit "A".

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH** that the Mayor and City Commission hereby adopt the Second Amendment to the General Fund, Enterprise Fund, Internal Service Fund, and Special Revenue Fund Budgets for Fiscal Year (FY) 2014/15 as shown in Exhibit "A".

**PASSED and ADOPTED** this 11<sup>th</sup> day of February, 2015.

**ATTEST:**

\_\_\_\_\_  
PHILIP LEVINE, MAYOR

\_\_\_\_\_  
RAPHAEL E. GRANADO, CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*Rafael Granado*  
City Attorney

2-5-15  
Date

## Exhibit "A"

	FY 2014/15 Amended Budget	Proposed Amendment	FY 2014/15 Proposed Amended Budget
<b>ENTERPRISE FUNDS</b>			
<b>REVENUE/APPROPRIATIONS</b>			
Convention Center	\$ 12,162,000		\$ 12,162,000
Parking	50,140,000		50,140,000
Sanitation	20,325,000	105,000	20,430,000
Sewer Operations	43,276,000		43,276,000
Stormwater Operations	20,813,000		20,813,000
Water Operations	33,428,000		33,428,000
<b>Total Enterprise Funds</b>	<b>\$ 180,144,000</b>	<b>\$ 105,000</b>	<b>\$ 180,249,000</b>

	FY 2014/15 Amended Budget	Proposed Amendment	FY 2014/15 Proposed Amended Budget
<b>SPECIAL REVENUE FUNDS</b>			
<b>REVENUE/APPROPRIATIONS</b>			
Resort Tax	64,361,000	1,000,000	65,361,000
Transportation	3,096,000	3,687,000	6,783,000
People's Transportation Plan Fund	1,677,000		1,677,000
7th Street Garage	2,385,000		2,385,000
5th & Alton Garage-City's Share of Shortfall	587,000		587,000
Art In Public Places	789,000		789,000
Residential Housing Program	0	476,000	476,000
Tourism and Hospitality Scholarship Pgmms	142,000		142,000
Information and Communitation Tech Func	395,000		395,000
Education Compact	107,000		107,000
Green/Sustainability Funds	356,000		356,000
Red Light Camera Fund	896,000		896,000
E-911 Fund	433,000		433,000
Cultural Arts Council	1,467,000		1,467,000
Normandy Shores	255,000		255,000
Police Confiscation Trust - Federal	683,000		683,000
Police Confiscation Trust - State	277,000		277,000
Police Special Revenue	75,000		75,000
Police Training	45,000		45,000
Waste Haulers Add Serv & Public Benefit	77,000		77,000
<b>Total Special Revenue Funds</b>	<b>\$ 78,103,000</b>	<b>\$ 5,163,000</b>	<b>\$ 83,266,000</b>



**CITY OF MIAMI BEACH  
NOTICE OF PUBLIC HEARINGS**

**NOTICE IS HEREBY** given that the following public hearings will be heard by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, February 11, 2015**, at the times listed, or as soon thereafter as the matter can be heard:

**10:05 a.m.**  
A Resolution Adopting The Second Amendment To The General Fund, Enterprise Fund, Internal Service Fund And Special Revenue Fund Budgets For Fiscal Year (FY) 2014/15. *Inquiries may be directed to the Office of Budget & Performance Improvement at 305.673.7510.*

**10:10 a.m.**  
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 70-67, Entitled "Prohibited Activities," By Prohibiting Bicycling, Roller Skating, In-Line Skating, And Skateboarding On The East Side Of Ocean Drive From 5th To 15th Streets; 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; By Amending Section 70-71, Entitled "Enforcement, Penalties," By Amending The Enforcement And Penalty Provisions Therein; And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Transportation Department at 305.673.7514.*

**10:15 a.m.**  
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. *Inquiries may be directed to the Planning Department at 305.673.7550.*

**10:20 a.m.**  
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. *Inquiries may be directed to the Parking Department at 305.673.7505.*

**10:25 a.m.**  
An Ordinance Amending Chapter 46 Of The Code Of The City Of Miami Beach, Entitled "Environment," By Amending Article III, Entitled "Litter," By Amending Section 46-92 Thereof, Entitled "Litter; Definitions; Prohibitions On Litter; Penalties For Litter And Commercial Handbill Violations; 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 Expanding 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 "City Property" To Include Public 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 Cales," By Amending Subdivision 1, Entitled "Generally," By Amending Section 82-366 Thereof, Entitled "Definitions," "Expanded Polystyrene," "Expanded Polystyrene," And "Expanded Polystyrene Food Service Articles"; And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470 and the Environment and Sustainability Division at 305.673.7010.*

**10:30 a.m.**  
An Ordinance Amending The City Code, Chapter 104, "Telecommunications," Article I, "Communications Rights Of Way," By Amending And Providing Definitions; Amending The Registration Process; Amending The Permit Application Process To Require The Issuance Of Permits; To Require Design And Appropriateness Review And Approval By The Design Review Board And Historic Preservation Board; Creating Standards For Communications Facilities Design, Location And Collocation; Adding Standards For Site Improvements, Use Of And Restoration Of Sites And Rights-Of-Way, Including Distance Separation Between Communications Facilities And Between Such Facilities And Residential Uses And Contributing Buildings In Historic Districts; To Provide For Compensation To The City For The Use Of Public Rights-Of-Way For These Purposes; And Amending Such Other Sections As Are Appropriate To Protect The Public Health, Safety And Welfare; And Amending The Land Development Regulations Of The City Code, Chapter 118, Article II, "Boards," Divisions 3 And 4, "Design Review Board" And "Historic Preservation Board," Sections 118-71 And 118-102, "Powers And Duties," To Add Review And Approval Of Improvements In The Rights-Of-Way As Being Within The Jurisdiction Of The Design Review Board And Historic Preservation Board Respectively; And Chapter 118, Article VI, "Design Review Procedures," Section 118-251, "Design Review Criteria," And Article X, "Historic Preservation," Division 3, "Issuance Of Certificate Of Appropriateness/ Certificate To Dig/Certificate Of Appropriateness For Demolition," Section 118-564, "Decisions On Certificates Of Appropriateness," Adding Criteria For Such Review For Telecommunications Equipment And Facilities; Providing For Codification; Repealer; Severability And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

**10:35 a.m.**  
A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee At Its February 2, 2015 Meeting, To Approve The Vacation Of The Right Of Way Known As Liberty Avenue (Palm Avenue) Between 22nd Street (Ocean Avenue) And 23rd Street (Atlantic Avenue), Which Is A 50 Foot In Width Right-Of-Way, Containing Approximately 12,500 Square Feet In Total Area, As Shown On The Plat Of Amended Map Of The Ocean Front Property Of The Miami Beach Improvement Company, Recorded In Plat Book 5 At Page 7, Of The Public Records Of Miami-Dade County, In Favor Of The City Of Miami Beach, (The Applicant); Waiving By 5/7th Vote, The Competitive Bidding And Appraisal Requirements Pursuant To Section 82-38(a) And (b) Of The City Code, Finding That The Public Interest Would Be Served By Waiving Such Conditions. *Inquiries may be directed to the Capital Improvement Projects Department at 305.673.7071.*

**Dr. Stanley Sutnick Citizen's Forum** - Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutnick Citizen's Forum are 8:30 a.m. and 1:00 p.m., or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.  
**INTERESTED PARTIES** are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.  
Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.  
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).

Rafael E. Granado, City Clerk  
City of Miami Beach

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