



**City Commission Meeting
SUPPLEMENTAL MATERIAL 3**

**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

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 City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

SUPPLEMENTAL AGENDA

C7 - Resolutions

- C7K A Resolution Approving The Issuance Of New Towing Permits To Beach Towing Services, Inc. And Tremont Towing, Inc., With Said Permits Having A Three (3) Year Term, Commencing On March 1, 2015, And Expiring On February 28, 2018.
(Requested by Commissioner Jonah Wolfson)
(Form-Approved Resolution)

R5 - Ordinances

- R5J An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," By Amending Article XVI Titled "Nude Dance Establishments," By Creating Section 18-914 Thereof To Be Entitled "Compensation Standards For Workers And Performers," Which Provides Requirements Regarding The Method Of Compensation For Those Workers And Performers In Nude Dance Establishments; And Amending Section 18-915 Entitled "Enforcement; Penalties," By Setting Forth Penalties For A Violation Of Section 18-914; Providing For Repealer; Severability; Codification; And An Effective Date.

First Reading

(Sponsored by Commissioner Edward L. Tobin)
(Legislative Tracking: Office of the City Attorney)
(Ordinance)

R7 - Resolutions

- R7C A Resolution Accepting The Recommendation Of The Mayor's Blue Ribbon Panel On Flooding And Sea Rise, And Approving A Desired 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)
(Typical Design Sections - Attachment)

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE ISSUANCE OF NEW TOWING PERMITS TO BEACH TOWING SERVICES, INC. AND TREMONT TOWING, INC., WITH SAID PERMITS HAVING A THREE (3) YEAR TERM, COMMENCING ON MARCH 1, 2015, AND EXPIRING ON FEBRUARY 28, 2018.

WHEREAS, Chapter 106, Article V, Division 2 of the Miami Beach City Code, provides for the issuance by the City Commission of towing permits for the towing of vehicles identified by the City as requiring removal from the public way (the Police and Parking Towing Permits, the "Towing Permits"); and

WHEREAS, on January 11, 2006, the Mayor and City Commission approved Resolution No. 2006-26100, issuing Towing Permits to Beach Towing Services, Inc., and Tremont Towing, Inc. (collectively, the "Permittees") commencing on March 1, 2006, and expiring on February 28, 2009; and

WHEREAS, on January 28, 2009, the Mayor and City Commission approved Resolution No. 2009-26999, extending the Towing Permits issued to Permittees commencing on March 1, 2009, and expiring no later than August 31, 2009; and

WHEREAS, on July 22, 2009, the Mayor and City Commission approved Resolution No. 2009-27151, extending the Towing Permits issued to Permittees commencing on September 1, 2009, and expiring on the earlier of August 31, 2011, or the date that Tremont Towing, Inc., was required to vacate its then current premises for commencement of construction of the Sunset Harbor Garage Project; and

WHEREAS, on July 13, 2011, the Mayor and City Commission approved Resolution No. 2011-27689, extending the Towing Permits issued to Permittees, commencing on September 1, 2011, and expiring on December 31, 2011; and

WHEREAS, the term of the Towing Permits issued to Permittees expired on December 31, 2011, and were extended on a month to month term through November 30, 2012; and

WHEREAS, on November 14, 2012, the Mayor and City Commission approved Resolution No. 2012-28069, issuing new Towing Permits to Permittees commencing on December 1, 2012, and expiring on November 30, 2015; and

WHEREAS, the Permittees are the only two service providers which satisfy all the requirements in the Miami Beach City Code and Administrative Rules and Regulations for Police and Parking Towing Permits, including the requirement to provide vehicle storage facilities within the City limits; and

WHEREAS, the removal of improperly parked and disabled vehicles from the public way are a necessary tool for the Police Department and Parking Department to properly manage traffic and parking throughout the City; and

WHEREAS, the level of service provided by Permittees is satisfactory; and

WHEREAS, effective March 1, 2015, the Towing Permits issued to Permittees pursuant to Resolution No. 2012-28069 shall be superseded by the Towing Permits issued pursuant to this Resolution.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve the issuance of new Police and Parking Towing Permits to each of Beach Towing Services, Inc., and Tremont Towing, Inc., with said permits having a three (3) year term, commencing on March 1, 2015 and expiring on February 28, 2018; and further providing that effective March 1, 2015, the Police and Parking Towing Permits issued to each of Beach Towing Services, Inc., and Tremont Towing, Inc., pursuant to Resolution No. 2012-28069 are hereby superseded by the Police and Parking Towing Permits issued pursuant to this Resolution.

PASSED AND ADOPTED this _____ day of _____, 2015

MAYOR

ATTEST:

CITY CLERK

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

[Handwritten Signature] 2-9-15
City Attorney Date

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 18 OF THE CITY CODE, ENTITLED "BUSINESSES," BY AMENDING ARTICLE XVI TITLED "NUDE DANCE ESTABLISHMENTS," BY CREATING SECTION 18-914 THEREOF TO BE ENTITLED "COMPENSATION STANDARDS FOR WORKERS AND PERFORMERS," WHICH PROVIDES REQUIREMENTS REGARDING THE METHOD OF COMPENSATION FOR THOSE WORKERS AND PERFORMERS IN NUDE DANCE ESTABLISHMENTS; AND AMENDING SECTION 18-915 ENTITLED "ENFORCEMENT; PENALTIES," BY SETTING FORTH PENALTIES FOR A VIOLATION OF SECTION 18-914; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, human trafficking is a growing problem in the State of Florida, and has risen to the second most common criminal activity behind the illegal drug trade; and

WHEREAS, the Mayor and City Commission passed Ordinance No. 2015-3917, which sought to address the exploitation of victims that are trafficked for sex or sexual performers in adult entertainment businesses and establishments; and

WHEREAS, the City has recognized the existence of financial compensation of those criminals whom are engaged in human trafficking, and has a legitimate governmental interest in ensuring that workers and performers are directly compensated by the nude dance establishment; and

WHEREAS, the City acknowledges that workers and performers in nude dance establishments must be compensated directly, and the enactment of this amendment will prohibit third parties from receiving the compensation of the workers or performers.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Chapter 18 of the Code of the City Miami Beach is hereby amended to create Article XVI thereof, to be entitled "Nude Dance Establishments," as follows:

CHAPTER 18

BUSINESSES

* * *

Article XVI. Nude Dance Establishments.

Sec. 18-914. Enforcement; penalties. Compensation Standards for Workers and Performers.

A nude dance establishments, as defined in Section 142-127 of the City Code, and as such Section may be amended from time to time, must:

1. Provide direct monetary or non-monetary compensation to any worker or performer at a nude dance establishment, and shall maintain documentary proof acknowledging that the monetary or non-monetary compensation was directly received by the worker or performer. The documentation must identify the performer or worker receiving the compensation, and will acknowledge that no other individual, person or entity was entitled to, or received the compensation on behalf of the worker or performer. The nude dance establishment shall not compensate any worker or performer through a third-party intermediary or business entity.
 - (a) A nude dance establishment shall maintain these compensation records for performers and workers, and the City shall have a right to request and inspect the records for any and all workers or performers at a nude dance establishment.
2. A worker or performer who works or performs at a nude dance establishment for a period of less than four (4) days within a calendar year shall be exempt from this Section.

Sec. 18-915. Enforcement; penalties.

- (a) Civil fine for violators. The following civil fines must be imposed for a violation of Sections 18-913 and 18-914:
 - (1) First offense within a 12 month period must be a fine of \$5,000.00;
 - (2) Second offense within a 3 year period must be a fine of \$10,000.00;
 - (3) Third offense and subsequent offenses within a 5 year period must be a fine of \$20,000.00.
- (b) Enforcement. The Code Compliance Division or the Miami Beach Police Department shall enforce the provisions of this section. This shall not preclude other law enforcement agencies or regulatory bodies from any action to assure compliance with this section, and all applicable laws. If an enforcing officer finds a violation of this section, the officer may issue a Notice of Violation to the violator. The Notice of Violation must inform the violator of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, notice that the Violation may be appealed by requesting an administrative hearing within ten days after service of the Notice of Violation, and that failure to appeal the violation within the ten days, shall constitute an admission of the violation and a waiver of the right to a hearing.
- (c) Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal.
 - (1) A violator who has been served with a Notice of Violation must elect to either:
 - a. Pay the civil fine in the manner indicated on the Notice of Violation; or
 - b. Request an administrative hearing before a special master to appeal the Notice of Violation, which must be requested within 10 days of the issuance of the notice of violation.
 - (2) The procedures for appeal by administrative hearing of the Notice of Violation

shall be as set forth in sections 30-72 and 30-73.

- (3) If the named violator, after issuance of the Notice of Violation, fails to pay the civil fine, or fails to timely request an administrative hearing before a special master, the special master may be informed of such failure by report from the officer. Failure of the named violator to appeal the decision of the officer within the prescribed time period must constitute a waiver of the violator's right to an administrative hearing before the special master, and must be treated as an admission of the violation, which fines and penalties to be assessed accordingly.
 - (4) A certified copy of an order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the recording of any such lien that remains unpaid, the City may foreclose or otherwise execute upon the lien.
 - (5) Any party aggrieved by a decision of a special master may appeal that decision to a court of competent jurisdiction.
 - (6) The Special Master shall be prohibited from hearing the merits of the Notice of Violation or the consideration of the timeliness of a request for an administrative hearing, if the violator has failed to request the administrative hearing within ten (10) days of the issuance of the Notice of Violation.
 - (7) The Special Master shall not have discretion to alter the penalties prescribed in Section 18-915.
- (c) Enhanced penalties. The following enhanced penalties must be imposed, in addition to any mandatory fines set forth in Sections 18-915 above, for violations of Sections 18-913 or 18-914:
- (1) Enhanced Penalties for this Section:
 - (a) If the offense is a second offense within the preceding 3 year period of time, in addition to the fine set forth in Subsection 18-915(a), the property owner, company or business entity must be prohibited from operating the nude dance establishment for a three (3) month period of time.
 - (b) If the offense is a third offense, in addition to any fine set forth in Subsection 18-915(a), the property owner, company or business entity must be deemed a habitual offender, and the City Manager may revoke the business tax receipt or the certificate of use issued to such person, company or business entity that have been deemed habitual offenders pursuant to this section for a period not to exceed one year.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are and the same are hereby

repealed.

SECTION 3. SEVERABILITY.

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

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the ____ day of _____, 2015.

PASSED AND ADOPTED this ____ day of _____, 2015.

ATTEST:

Mayor Philip Levine

Rafael E. Granado, City Clerk

Underscore denotes new language
~~Single Strike-through~~ denotes stricken language

(Sponsored by Commissioner Ed Tobin)

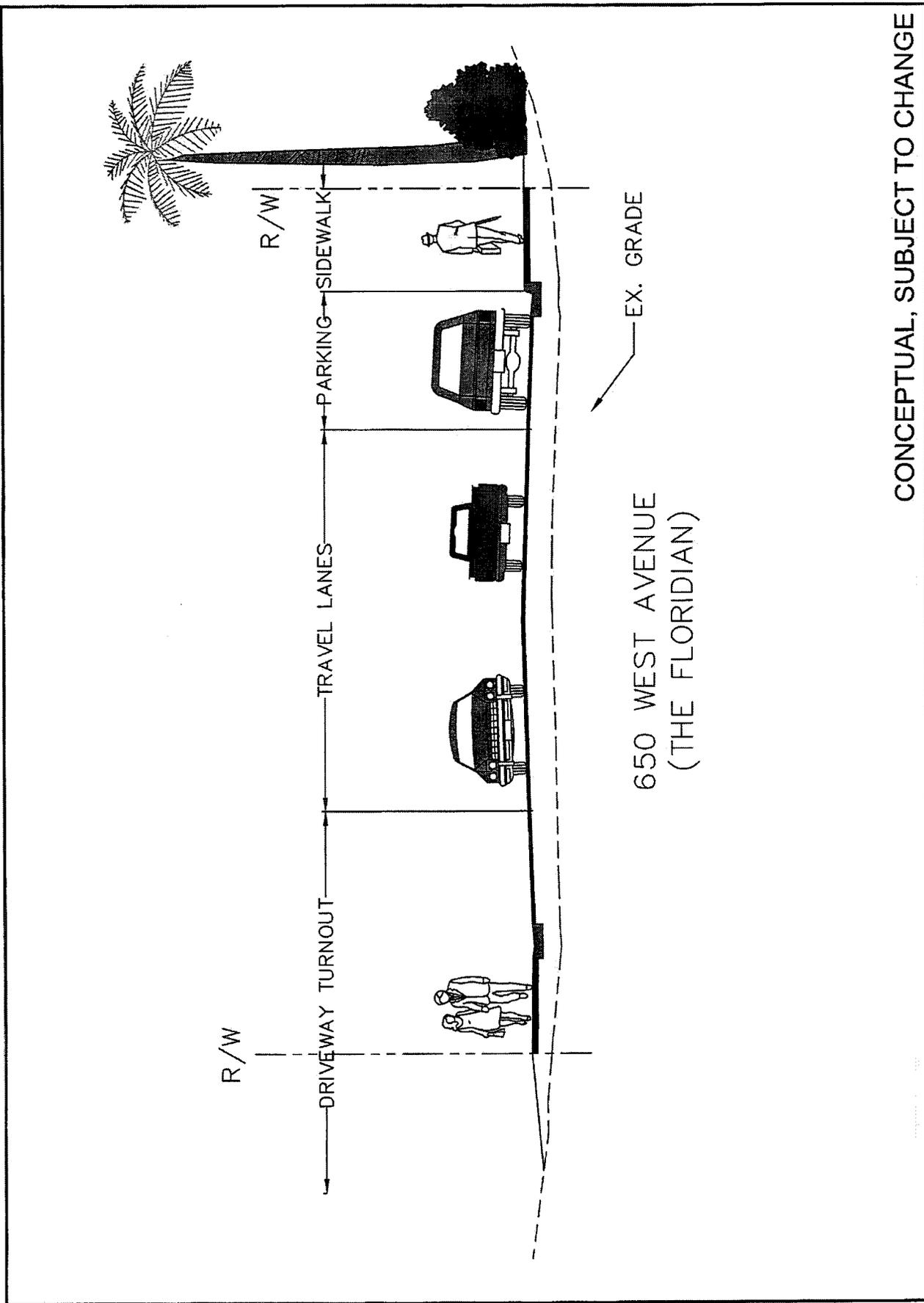
**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

2-9-15
Date

AB



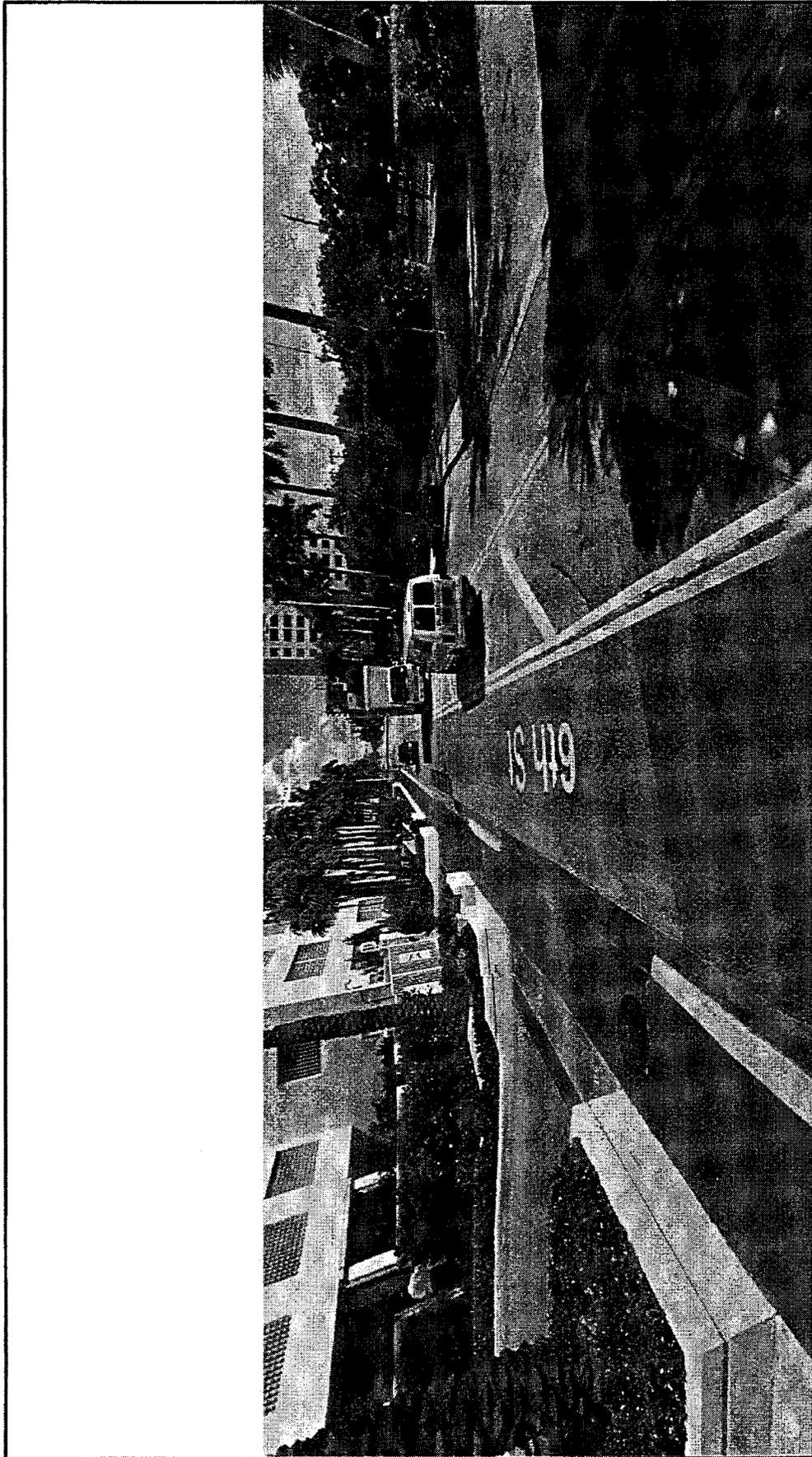
CONCEPTUAL, SUBJECT TO CHANGE

GPI Greenman-Pedersen, Inc.
 ENGINEERING AND CONSTRUCTION SERVICES
 328 N.E. 1ST AVE, SUITE 200
 OCALA, FL 34470-6667
 TEL: (352) 368-5055 FAX: (352) 368-5053
 CERTIFICATE NUMBER: 27200
 LICENSED BUSINESS NO.: 7560

MIAMI BEACH
BERBERON
 LAND DEVELOPMENT

HARMONIZATION EXHIBIT

SHEET NO.
 A



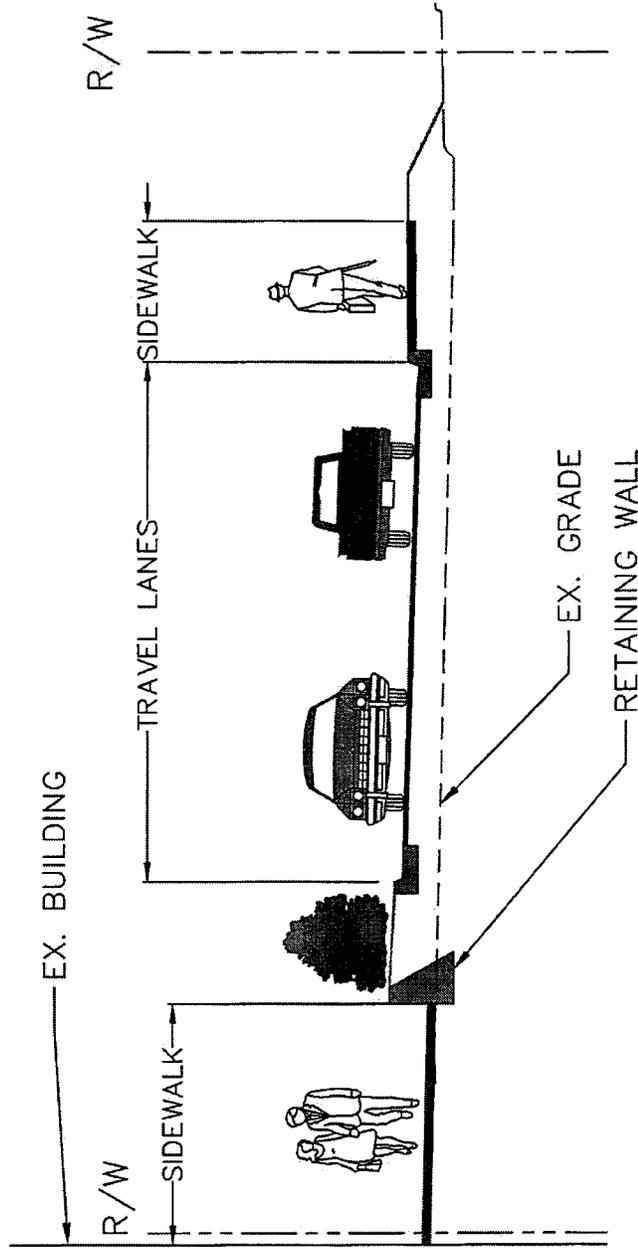
GPI Greenman-Pedersen, Inc.
 ENGINEERING AND CONSTRUCTION SERVICES
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 TEL: (352) 388-5055 FAX: (352) 388-5053
 CERTIFICATE NUMBER: 27260
 LICENSED BUSINESS NO.: 77560

MIAMI BEACH
BERGERON
 LAND DEVELOPMENT

HARMONIZATION EXHIBIT

SHEET NO.

A1



520 WEST AVENUE
(ANTHONY'S PIZZA)

CONCEPTUAL, SUBJECT TO CHANGE

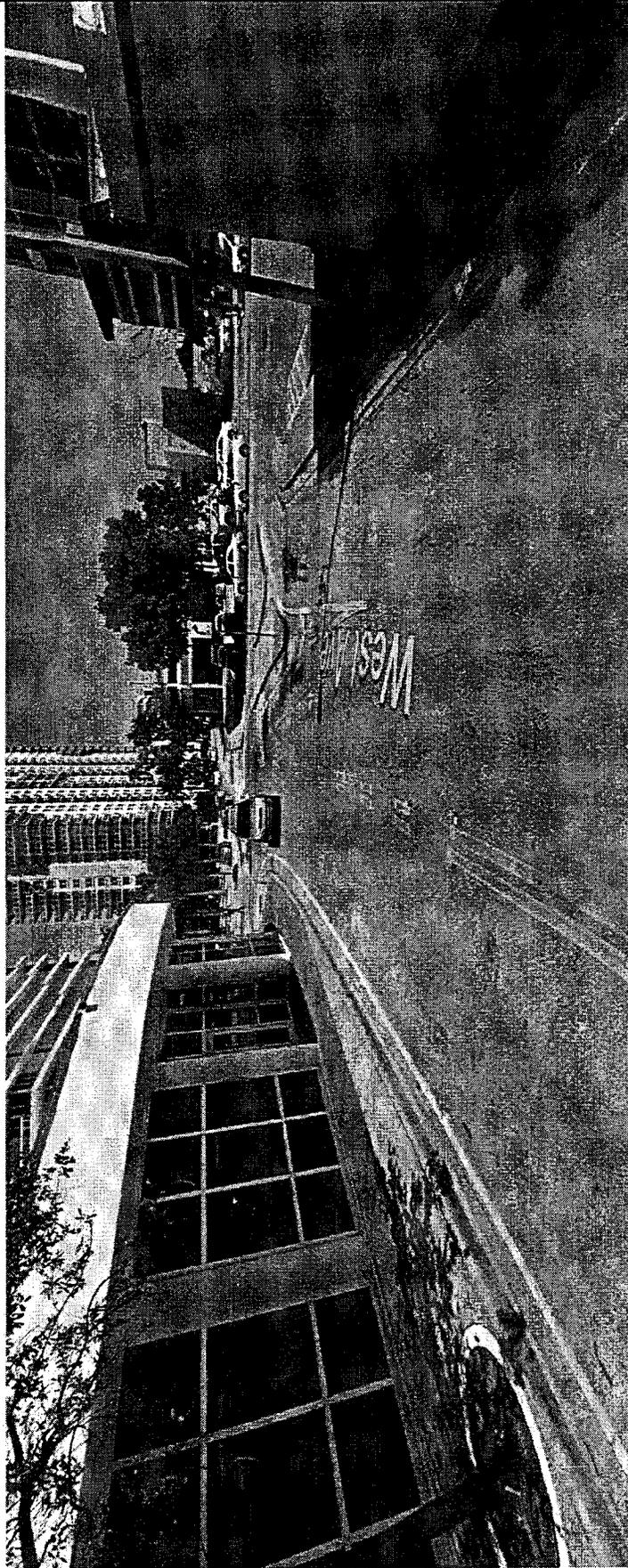
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ENGINEERING AND CONSTRUCTION SERVICES
328 N.E. 1ST AVE., SUITE 200
OCALA, FL 34470-8987
TEL: (352) 368-5055 FAX: (352) 368-5053
CERTIFICATE NUMBER: 27260
LICENSED BUSINESS NO.: 7560

MIAMI BEACH
BERGERON
LAND DEVELOPMENT

HARMONIZATION EXHIBIT

SHEET NO.

B



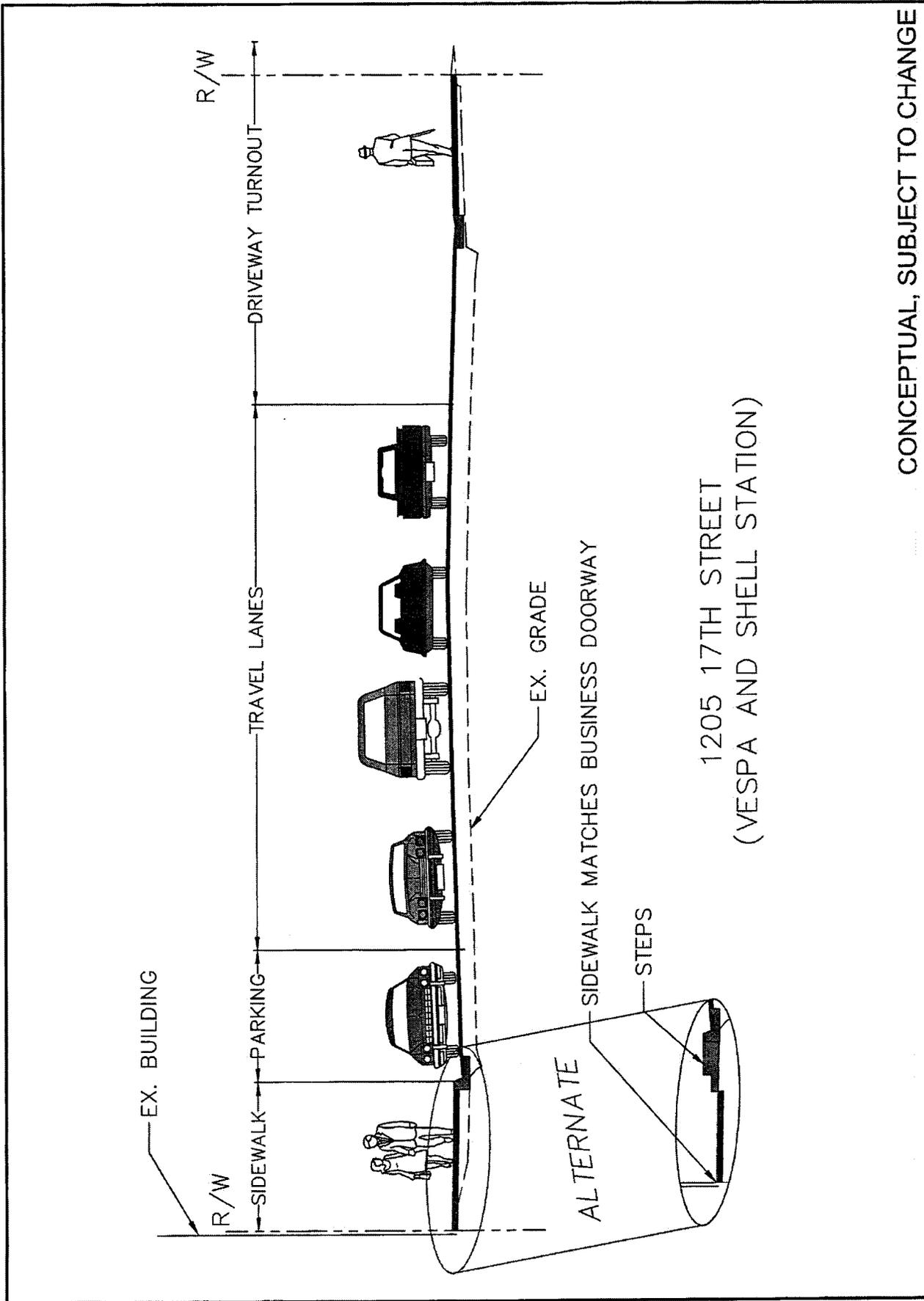
GPI Greenman-Pedersen, Inc.
ENGINEERING AND CONSTRUCTION SERVICES
328 N.E. 1ST AVE, SUITE 200
OCALA, FL 34470-8687
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CERTIFICATE NUMBER: 27260
LICENSED BUSINESS NO.: 7560

MIAMI BEACH
BERGERON
LAND DEVELOPMENT

HARMONIZATION EXHIBIT

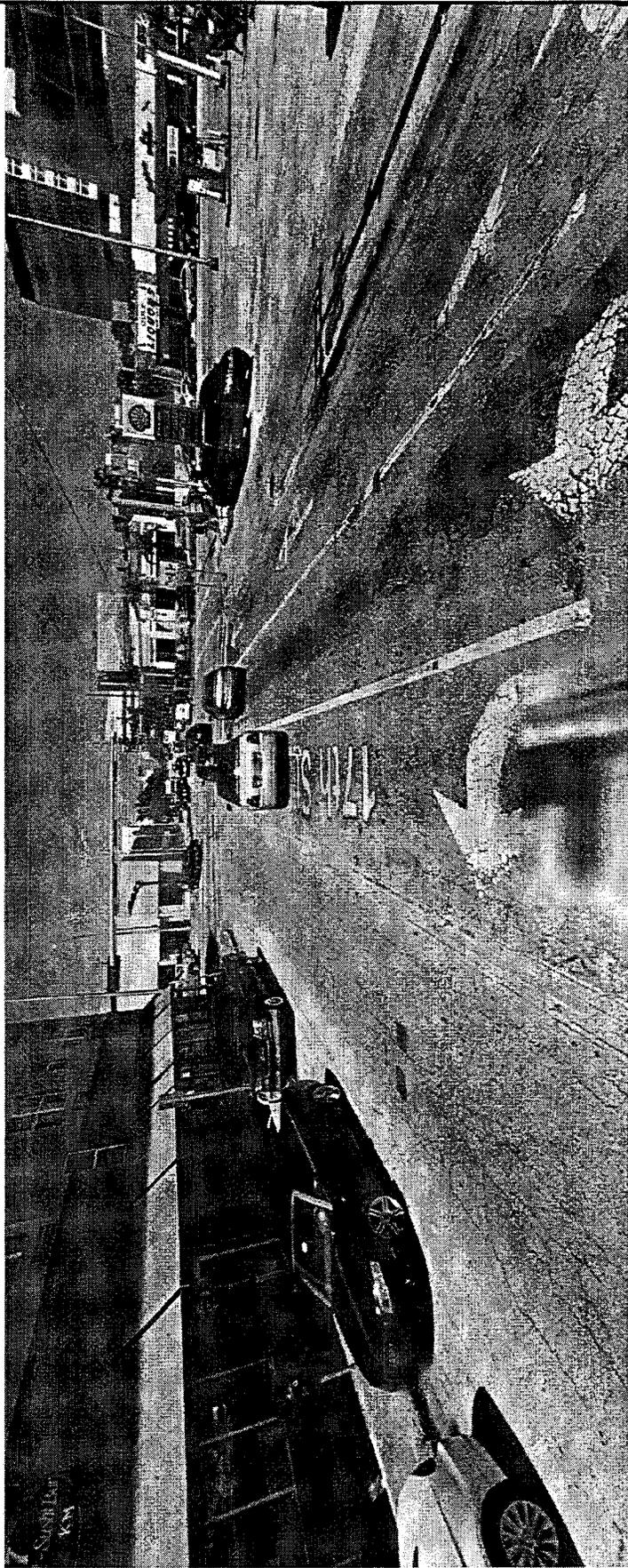
SHEET NO.

B1



CONCEPTUAL, SUBJECT TO CHANGE

<p>GPI Greenman-Pedersen, Inc. ENGINEERING AND CONSTRUCTION SERVICES 328 NE 1ST AVE, SUITE 200 OCALA, FL 34470-6867 TEL: (352) 368-5055 FAX: (352) 368-5053 CERTIFICATE NUMBER: 27280 LICENSED BUSINESS NO.: 7560</p>	<p>MIAMI BEACH B. BERGERON LAND DEVELOPMENT</p>	<p>HARMONIZATION EXHIBIT</p>	<p>SHEET NO. C</p>
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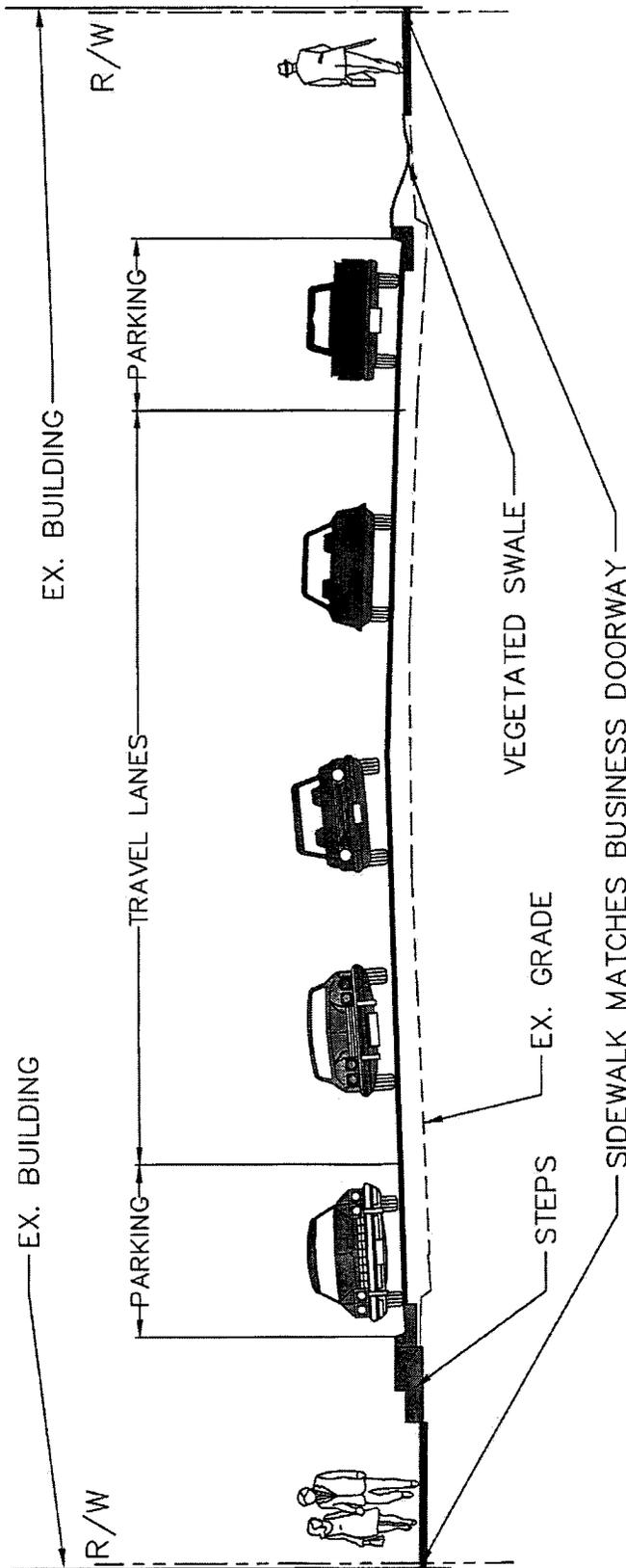
GPI Greenman-Pedersen, Inc.
ENGINEERING AND CONSTRUCTION SERVICES
328 NE 1ST AVE, SUITE 200
OCALA, FL 34470-6667
TEL: (352) 388-5055 FAX: (352) 388-5063
CERTIFICATE NUMBER: 27260
LICENSED BUSINESS NO.: 7560

MIAMI BEACH
BERGERON
LAND DEVELOPMENT

HARMONIZATION EXHIBIT

SHEET
NO.

C1



1657 WEST AVE
 (LINCOLN INSURANCE
 AND LINCOLN WEST TOWERS)

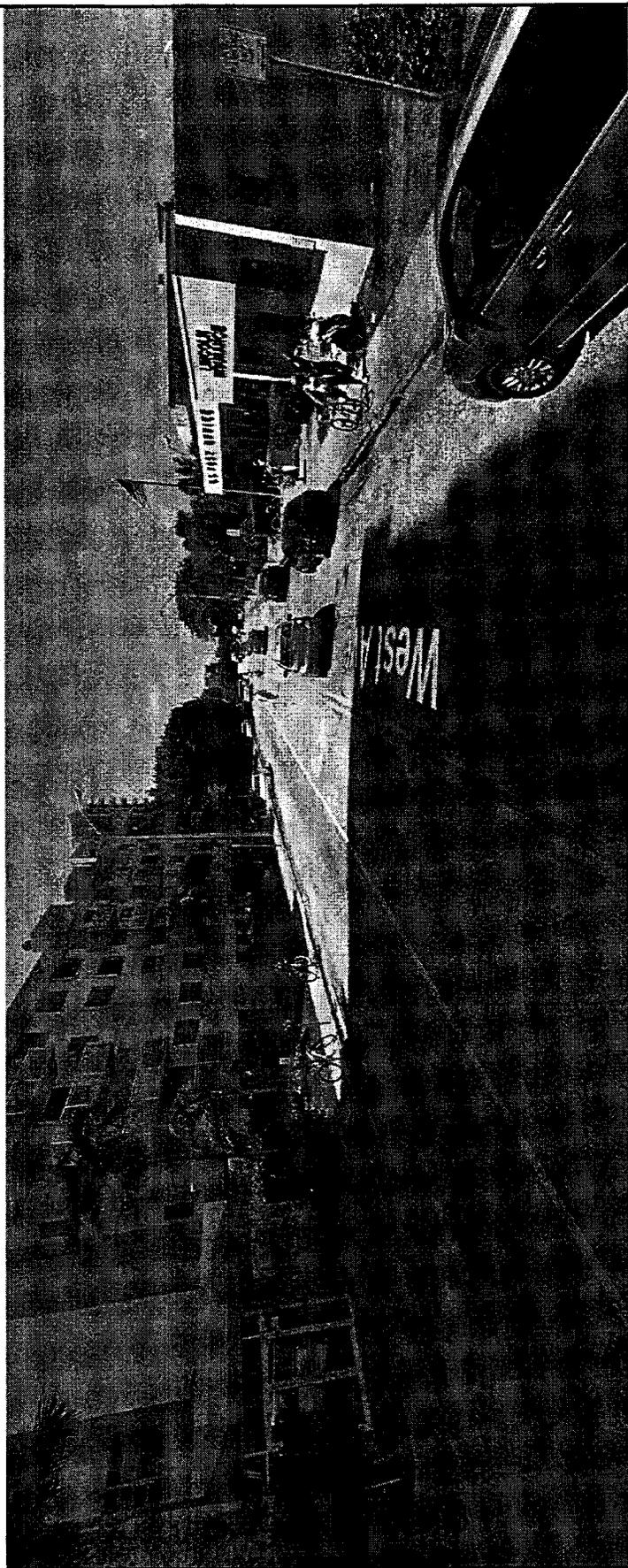
CONCEPTUAL, SUBJECT TO CHANGE

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HARMONIZATION EXHIBIT

MIAMI BEACH
 BERBERON
 LAND DEVELOPMENT

GPI Greenman-Pedersen, Inc.
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 328 N.E. 1ST AVE, SUITE 200
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 LICENSED BUSINESS NO.: 7560



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CERTIFICATE NUMBER: 27260
LICENSED BUSINESS NO.: 7560

MIAMI BEACH
BERBERON
LAND DEVELOPMENT

HARMONIZATION EXHIBIT

SHEET
NO.

D1