



**Presentations & Awards/City Commission Meeting**  
City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
February 25, 2015

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

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

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*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.*

**ADDENDUM MATERIAL 1:**

C7A

Meeting called to order at 5:04:36 p.m.

Pledge of Allegiance led by Neisen O. Kasdin.

**5:06:05 p.m.**

Mayor Levine stated that Alex Miranda, Chief of Staff, is going to leave the City and relocate to Tallahassee to further his studies. Alex has been a wonderful Chief of Staff and a great campaign manager that helped him get elected to be Mayor of the City of Miami Beach. He thanked Alex for everything he has done and for all his contributions to this amazing City. He introduced Fatima Perez, the new Chief of Staff, who comes to us with an incredible background of government and leadership, and welcomed her to the City.

**ITEMS SEPARATED:**

C4A Separated by Commissioner Tobin

C7A Separated by Commissioner Weithorn

**ADDENDUM AGENDA****5:23:38 p.m.**

**ACTION:** Motion made by Vice-Mayor Malakoff to add item C7A to the Commission Agenda; seconded by Commissioner Grieco; Voice-vote: 7-0.

**Presentations and Awards****5:07:30 p.m.**

PA1 Certificate Of Recognition To Be Presented To Richard A. Cahlin, CEO & Founder Of The Bicycle Action Committee, Which Works With Cities To Promote Bicycle Safety And Awareness, As Well As To Create More Bicycle And Pedestrian Paths In The Community.

(Requested by Commissioner Deede Weithorn)

**ACTION:** Certificate presented.

Commissioner Weithorn explained that over a year ago, Richard A. Cahlin came to the City requesting support to for a jersey project, as a way of making cities more bicycle friendly; he also formed the Bicycle Action Committee in 2008. The State of Florida ranks number one in the country for bicycle accidents and deaths amongst bicycle riders. She introduced Richard Cahlin, who is being presented this award in recognition of his efforts in helping making Miami Beach a more bicycle friendly city.

Richard Cahlin, Chairman and Founder of Bicycle Action Committee, stated that they partner with cities and the business community to promote safety and awareness. Cities authorize the use of their City seals and then they partner with the business community to get donations to make the outfits. The Miami Beach Chamber of Commerce supports their initiative. The bicycle jerseys are designed in colors with the City seal and bicycle safety monikers. The items sell on their website at <http://bicycleactioncommittee.com/>, in the City of Miami Beach's stores, and will be auctioned during bike days in order to promote bike and safety days. Mr. Cahlin reported that they have raised funds and made over 100 outfits. He encouraged people to purchase the outfits. He showed the City Commission the Miami Beach bicycle jersey. Any excess fund from the sale is then given to the City of Miami Beach to fund its bicycle initiatives, and so far, they have contributed in return approximately \$1,900. He thanked the City Manager and Commissioner Deede Weithorn for assisting him with this project.

**5:11:45 p.m.**

PA2 Presentation From The Orange Bowl.  
(Tourism, Culture & Economic Development)

**ACTION:** Proclamation presented.

Neisen O. Kasdin, representing the Orange Bowl Committee, presented the City Commission with commemorative football helmets from the last Orange Bowl, in recognition of the City's long-time support of the sporting event. He highlighted the Orange Bowl's great work when it comes to giving back to the community, particularly to disadvantaged children. They have raised approximately \$10 million during the last few years for youth programs and athletic facilities. He added that the Orange Bowl stimulates and supports the tourism industry in Miami Beach. He announced that the Orange Bowl is now part of a new college football playoff; next year they will host one of the semifinal games, and will be competing for the national college championship game. He thanked the City Commission for their continued support.

**5:14:39 p.m.**

PA3 Proclamation To Be Presented To Walgreens For Their Support To Ban Styrofoam Product Sales.  
(Requested by Commissioner Michael Grieco)

**ACTION:** Proclamation presented.

Commissioner Grieco gave a summary of the efforts undertaken in order to prohibit Styrofoam products. Many businesses, such as Walgreens, are voluntarily stopping the sale of these products. Commissioner Grieco wanted to recognize Guillermo Sanchez and Murray Selen, Walgreens representatives, and presented them with a proclamation for their contribution to the environmental issues in the community. Commissioner Grieco read the proclamation into the record: "Every day over 25,000 customers visit Walgreens stores where they get helped to stay fit and live well. Walgreens has voluntarily agreed to stop selling Styrofoam coolers beginning January 1, 2015. This move helps make Walgreens a leading retailer with regards to the environment and sustainability in Miami Beach. Each day more than eight million customers interact with Walgreens using the most convenient multichannel access to consumer goods and services and trusted cost-effective pharmacy, health, and wellness services and advice. Walgreens is integrating new store designs with digital and mobile technology to offer customers ultimate convenience. Therefore we duly proclaim February 25, 2015 as Walgreens Day."

Vice-Mayor Malakoff added that Walgreens has consistently been cooperative with the City's efforts on numerous fronts. She mentioned the time the stores placed the art from the Art Center South Florida in their store windows, and when they cooperated in stopping the sale of single beer cans. Vice-Mayor Malakoff thanked Walgreens for their support of City causes.

Commissioner Grieco stated that not selling single beer cans has greatly helped in keeping the City's streets clean.

Murray Selen, Walgreens Store Manager, thanked the residents of Miami Beach and the City Commission.

PA4 Certificates Of Recognition To Be Presented To Miami Beach Resident Chris Wyman For His Brave Actions That Led To The Arrest Of Two Felons.

(Requested by Commissioner Edward L. Tobin)

**ACTION:** Item not reached.

**5:20:00 p.m.**

PA5 Proclamation In Memory Of Rose McDaniel Of Joe's Stone Crab.

(Requested by Mayor Philip Levine)

**ACTION:** Proclamation presented.

Mayor Levine stated that Rose McDaniel was a fixture in this City; she worked at Joe's Stone Crab restaurant and people fondly called her "Aunt Rose." She was a special lady, wonderful person, and will be greatly missed. He read out the proclamation in memory of Aunt Rose: "Whereas Rose McDaniel was born in Cranston, Kentucky on June 18, 1929, she dedicated over six decades of her life greeting customers at Joe's Stone Crabs in Miami Beach, where she started out as a cashier and earned the title of Joe's Daytime Manager. Whereas Rose was known as the Grand Dame of Joe's, she loved celebrities, was wonderful at small talk and loved making new friends. She was also known for her stories of old Miami Beach. Whereas Rose was a strong and independent woman, she was impeccable. She never had a hair out of place and had an exquisite taste in clothing. Whereas Rose passed away on January 28, 2015 at her daughter's home in Orlando at the age of 85; her wish was to have her ashes spread at Joe's, so that she would be at rest in Joe's garden alongside other of Joe's dignitaries. Her spirit remains with Joe's staff and clientele, as well as the heart of the people of Miami Beach. Now, therefore, do I Philip Levine as the Mayor of the City of Miami Beach hereby proclaim January 28, 2015, Rose McDaniel Day in the City of Miami Beach."

**6:15:38 p.m.**

**New Item**

PA6 Proclamation to be presented in memory of Bessie Galbut.

(Presented by Mayor Philip Levine)

**ACTION:** Proclamation presented.

Mayor Levine stated that Ms. Galbut passed away peacefully this February, and Miami Beach has lost an illustrious woman. He read the proclamation into the record: "Whereas Bessie Galbut was born September 18, 1922 in New Orleans, Louisiana; she met the love of her life, the late Captain Hyman Galbut, when he was a student at Tulane University in 1938. In 1946, they married and moved back to Miami Beach where the Galbut family had settled in 1929. Whereas Bessie and Hyman were married for sixty years, but were in love and shared an extraordinary life for 68 years. They were devoted to each other, hardworking, and believed in integrity and service. Their greatest accomplishment was their family, which included four sons, their grandchildren and great grandchildren. They enjoyed being with their family and had great pride in their professional and philanthropic achievements. Whereas Mrs. Galbut was a brilliant woman with extraordinary common sense and humor, she demonstrated enormous faith in god, love of humanity, and courage, to continue as a widow and the matriarch of the family committed to unity and love of community. Whereas Mrs. Galbut passed away peacefully on February 5, 2015 in her home in Miami Beach surrounded by her four sons and many other family members. Whereas Miami Beach has lost one of its most illustrious citizens of the Jewish community who was a beacon of inspiration. Therefore, do I, Philip Levine as Mayor of the City of Miami Beach hereby proclaim February 5, 2015, Bessie Galbut Day in the City of Miami Beach."

Dr. Galbut stated that his parents would be proud of Mayor Levine, this City Commission and everyone present.

### **C4 - Commission Committee Assignments**

**5:24:26 p.m.**

**5:51:26 p.m.**

C4A Referral To The Finance And Citywide Projects Committee - The Audit Committee Recommendations Regarding Fee In Lieu Of Parking.

(Requested by Vice-Mayor Joy Malakoff)

**ACTION:** Item referred to the Finance and Citywide Projects Committee. C4A Separated by Commissioner Tobin. Motion made by Vice-Mayor Malakoff, seconded by Commissioner Tobin; Voice-vote: 7-0. **Patricia Walker to place on the committee agenda. James Sutter and Carmen Sanchez to handle.**

#### **REFERRAL:**

Finance and Citywide Projects Committee.

Commissioner Tobin stated that it was suggested that the Audit Committee take a first pass at what could be up to \$19 million in parking impact fees that the City failed to collect. He spoke to Marc Gidney, member of the Budget Advisory Committee, and told him he wanted to find out how this happened, and whether any money had been appropriated improperly. Mr. Gidney informed him that his terminology was not accurate, because he had originally asked for a forensic audit, which is different from what he was interested in doing. He agrees with the recommendation from the Audit Committee that the focus should be on collecting the money, but he still wants the City Commission to make an effort to determine who was responsible and how exactly this happened. He agrees with referring this item to the Finance Committee.

**5:51:26 p.m.**

Commissioner Wolfson supports the referral to the Finance and Citywide Projects Committee to have a more in depth investigation.

Mayor Levine asked what the investigation would entail, because Commissioner Tobin has concerns whether there was proper oversight, and if not, what happened?

Commissioner Wolfson stated that he would be in favor of any investigation necessary, including a forensic audit as long as it leads to an understanding of what occurred, and if there was in fact a lack of oversight from any level.

Commissioner Tobin stated that he is not suggesting that any Commissioners were involved, but Commissioner Tobin's terminology was incorrect, as was pointed out by Marc Gidney. The question "how did this happen?" is not answered by a forensic investigation.

Mayor Levine stated that they need to ask how it happened; why it happened; can it happen again; what oversight did this City Commission have; and if it slipped through, they want to find out how and why.

Vice-Mayor Malakoff explained that there were no billing for fees in lieu of parking collected between 2005 and 2009. She referred the item to the Finance Committee for further discussion.

Commissioner Wolfson explained that there are memorandums from the auditor that he saw when City Manager Jimmy Morales notified the Commission of the issues uncovered with the Fee in Lieu of Parking Program (PIF), and added that the auditor's findings were not difficult to comprehend, and thus he would like to know who had knowledge of it. This needs to be looked into.

City Manager Morales stated there were some concerns made a few months ago about whether a criminal investigation needed to be made. He assured the City Commission that in terms of personnel, he is still looking into it; he wants to fix the problem and ensure that the past is not repeated, but he does not believe anything criminal happened on the staff side.

Mayor Levine asked what role the City Commission should have for future oversight.

Jimmy L. Morales, City Manager, stated that these internal audit reports are delivered to the City Manager. Previously, there was no process where it was formally delivered to the City Commission, but he has changed that. From now on, audit reports will be brought to the Audit Committee, there will be an independent review of the audits and both the audit reports and the reviews will be brought to the City Commission. This should catch any irregularities.

Discussion held.

Commissioner Wolfson would like to confirm whether the Finance and Citywide Projects Committee ever saw these reports. **Patricia Walker to handle.**

Mayor Levine requested authorizing the Finance and Citywide Projects Committee to examine and understand the issue. It is important to find out where the staff or City Commission fell short.

Commissioner Tobin stated that the City Commission owes an explanation to the public to determine why \$19 million were not collected.

Commissioner Wolfson stated it would be interesting to subpoena former City Manager Jorge Gonzalez to ask him questions at the Finance Committee; they will discuss the subpoena option further at committee.

**5:26:45 p.m.**

C4B Referral To The Next Land Use And Development Committee And Planning Board - A Proposed Ordinance Amendment Pertaining To The Expansion Of The Landscape Architect Membership Category On The Design Review Board (DRB).

(Requested by Vice-Mayor Joy Malakoff)

**ACTION:** Item referred to the Land Use and Development Committee and Planning Board. Motion made by Vice-Mayor Malakoff, seconded by Commissioner Weithorn; Voice-vote: 7-0. **Thomas Mooney to place on the committee agenda and to handle.**

## C7 - Resolutions

5:27:01 p.m.

### **ADDENDUM MATERIAL 1:**

C7A A Resolution Approving And Authorizing The Acceptance Of Cash And In-Kind Sponsorships In The Total Amount Of 1,700,000.00 Dollars; And Approving Event Ticket Prices; Pursuant To The Professional Services Agreement (Agreement) With Act Productions, Inc., Dated As Of July 30, 2014, For Event Planning And Marketing Services For The City's Centennial Celebration; And Further Authorizing The City Manager Or His Designee To Make All Necessary Reimbursements And/Or Expenditures In Connection With Said Sponsorship And Ticket Sales Under The Agreement.  
(Tourism, Culture & Economic Development Department)

**ACTION: Resolution 2015-28927 adopted.** Item separated by Commissioner Weithorn. Motion made by Commissioner Tobin, seconded by Commissioner Wolfson; Voice-vote: 6-1; Opposed: Commissioner Weithorn. **Max Sklar to handle.**

Commissioner Weithorn explained that she did not think this item belonged in the Consent Agenda because it was for a significant amount of money, \$1.7 million, and it includes the City accepting a sizeable amount from a title sponsor, which is Hard Rock, which has gaming interest. This City Commission has consistently been anti-gaming, and she suggested having a discussion on this matter.

Commissioner Tobin expressed that last week they discussed the tow truck issue, which involved more millions than that, and it was placed as an emergency Consent item, and he objected to that.

Commissioner Steinberg stated that she has mixed feelings on this item, because she believes that they are now at a point where they have no choice but to vote a certain way, because staff did not bring this to their attention. If the City Commission is supposed to approve sponsorship, this information needs to be presented before they are globally released.

Mayor Levine addressed two things; first, the Hard Rock does not operate a gaming operation in Miami-Dade County, and he believes that is the most important fact; second, the Seminole Tribe and the Hard Rock are anti gaming-expansion. This is an organization that does not operate and does not plan to have a gaming operation in Miami-Dade County, and additionally they are the most powerful anti-gaming-expansion organization in the entire State, who will partially, not fully, fund the City's Centennial. He does not see a conflict with this.

Vice-Mayor Malakoff stated that she has met with the representative from Hard Rock, and he reassured her that they are absolutely against gaming in Miami-Dade County and they would fight it, because they want to protect their business with the Seminoles.

Commissioner Wolfson asked whether the present question is to accept the incoming monetary contribution from the Hard Rock, and have them be one of the title sponsors. He does not see any cause for concern.

Commissioner Tobin reiterated what Commissioner Steinberg said previously that they are presently so far down the road that they are compelled to vote in support, because it would put the community in a situation that is a big financial burden. When it comes to matters like this, it would be best if it was brought to the City Commission in a timely manner.

City Manager Morales apologized that they were not able to do that, because they did not have this list until the end of last week, and they did not have the ticketing pricing until Monday of this week. ACT

Productions is the City's contractor to host the concert to do the 100 hours of events. It was up to the contractor to post the concert. It is in their contract to identify sponsorships and put together ticket pricing. This contract has to be approved by the City, that term being attributed to mean the City Commission, not the City Manager. They have been trying to get this information for some time. As soon as they received it, they put it on the agenda. He apologized again.

Commissioner Weithorn stated that the reason she pulled this item was the perception that this City Commission might be seen as endorsing gambling by accepting the Hard Rock's sponsorship of the Centennial event. Commissioner Weithorn is still concerned that the Hard Rock is a worldwide gaming institution, even though they have stated they are against gambling expansion. She stated that it was wrong to have this item on the Consent Agenda without an on-the-record discussion.

Commissioner Wolfson understands her concerns about gaming, but in this instance, they are discussing the Hard Rock. They are not just a gaming facility. They have concerts, and have many other things associated with them aside from gambling.

## **REGULAR AGENDA**

### **R2 - Competitive Bid Reports**

**5:33:01 p.m.**

R2A Request For Approval To Issue A Request For Proposals (RFP) For A Construction Manager At Risk Firm To Provide Pre-Construction And Construction Phase Services For The Miami Beach Convention Center Renovation And Expansion Project (The Project).  
(Office of the City Manager)

**ACTION:** Request approved as amended. Motion made by Commissioner Tobin; seconded by Vice-Mayor Malakoff to approve the RFP; Voice-vote: 7-0. **Alex Denis and Maria Hernandez to handle.**

Jimmy L. Morales, City Manager, introduced the item in the absence of Maria Hernandez, Capital Projects Director, and Jeff Sachs, Strategic Advisory Group and Convention Center Project Director. It is a follow-up to the discussion held last City Commission Meeting when the City Commission accepted the recommendation to transition the process to a Construction Manager At-Risk in light of the City having lost the competitive process and have an RFP or RFQ. The goal is to bring a contractor who will get our drawings to an appropriate 80 or 90%, and put them on an open book basis in the transparent bidding process. This will allow the City to not only get a competitive price, but also a price within budget. The only price component included is the markup for profit and general overhead. The general conditions and the final bid price will be negotiated through a transparent process. He and his team will go with the direction given by the City Commission.

Commissioner Wolfson asked City Manager Morales to clarify why an RFQ is preferable to an RFP.

City Manager Morales answered that he understands there are concerns that by including the element of price, the City may not have the most qualified entity working on the project. He added that if a company were to lowball their price to gain an advantage in the bidding process, he can still offer the City Commission a different recommendation.

Discussion held.

Commissioner Wolfson is concerned that the City may disadvantage itself by not knowing what price other companies are willing to do the job for.

Commissioner Weithorn asked City Manager Morales what the magnitude of two to three percent is for this construction job.

City Manager Morales stated that the budget is \$500 million; \$471 million of which are for construction costs. If they talk about \$400 million, one percent is \$4 million; two percent is \$8 million and so on.

Commissioner Weithorn stated if the differential is two percent, and she does not believe it will be higher, the price between the bidders will not be significant enough to not go with the company with the higher qualifications. If the differential were higher, such as higher than five percent, that would be something to consider.

City Manager Morales stated that a price differential of two to three percent would result in ten points in the bidding process.

Commissioner Weithorn stated that ten points is too high for that price differential. She is not comfortable that a team may win by one point based on price and not qualifications.

Discussion continued regarding the point system.

Commissioner Tobin clarified the issue, for the benefit of the public, that the City Commission is trying to include qualifications and price, and how each component should be weighed in determining what company will work on the Convention Center. He reassured those present that the City will never receive second-rate quality, because all the companies involved in this process are some of the largest construction companies in the country, if not the world.

Vice-Mayor Malakoff stated that price should be a small consideration when it comes to the selection process, because the difference in price will be relatively small.

City Manager Morales explained that the criterion for price includes four major components, which are: guaranteed price, mark up for profit, general overhead, and specialized overhead. These make up 30% of the selection process. If 30% is too high, he is willing to lower it, at the direction of the City Commission.

Commissioner Grieco recommended lowering the weight of price criteria to 15% in the selection process.

Mayor Levine agreed with Commissioner Grieco's recommendation.

Alexander Heckler, representing Clark Construction, stated that Clark is interested in competing, but they would like to see the qualifications being the only criteria for the bidding process. Currently 30% of the selection process is weighed on price, they believe it is too high, and would like to have it lowered. The Convention Center needs to be done viably, and Clark has built most convention centers in the country, this is a complex process that needs to be expedited.

City Manager Morales stated he agrees to allocate 85 points to qualifications, and 15 to price.

**City Clerk's Note:**

Correction read by City Clerk Rafael E. Granado on Exhibit A, page 34, Tab 6, 2<sup>nd</sup> line: "...(excluding builders risk, with which shall be purchased by the City)..."

**R9 - New Business and Commission Requests****5:57:33 p.m.**

R9A Discussion Regarding Planning Board Resolution - A Resolution Of The Planning Board Of The City Of Miami Beach, Florida, Requesting That The Mayor And City Commission Authorize An Impact Study Relating To Traffic, Operations, And Relating To The Various Types Of Medical Type Uses Proposed, Including But Not Limited To Urgent Care, Outpatient Surgery, Diagnostics, Medical Offices, Etc., To Be Utilized In Conjunction With Analyzing The Project At 709, 721, And 745 Alton Road, Under Planning Board File No. 2151; On Behalf Of Applicant South Beach Heights II, LLC And KMB Equities, LLC.

(Office of the City Manager)  
(Deferred from February 11, 2015 - R9K)

**ACTION:** Discussion held. No action taken. Item dies for a lack of motion.

Thomas Mooney, Planning Director, stated that he and Eve Boutsis, Deputy City Attorney, attended a Planning Board Meeting last month pertaining to a new conditional use application for a medical use facility located at 709 Alton Road. The Planning Board continued action on this item, but requested that the City Commission consider authorizing an independent study of traffic and operational issues associated with this project. Under the current Code, these studies are at the discretion of the applicant. The applicant has the choice of funding a study and then paying for a peer review, and the City chooses who does the peer review, or the applicant can have the City choose who to handle the peer review and then pay for it. In this instance, the applicant paid for a traffic study, which is peer reviewed. The Planning Board has asked for significantly more information, which the applicant is in the process of providing. This resolution is a request on behalf of the Planning Board for the traffic impact study.

Eve Boutsis, Deputy City Attorney, stated that she spoke to Joe Goldstein, Counsel for Baptist Health South Florida, and he agreed to fund the traffic impact study, which would include an impartial peer review of the operational plan that could be selected by the City.

Vice-Mayor Malakoff asked Thomas Mooney if there had been a traffic impact study already done on the medical office above and the retail offices on the first floor.

Thomas Mooney, Planning Director, stated there had been a traffic impact study done in February 2014, when the original approved project was based on retail and residential. The latest traffic study submitted for this revision was based on medical offices on the first level.

Discussion held.

Commissioner Grieco asked Mr. Mooney to give the City Commission and the public an overview of the new project being proposed, and explain where it is, what was there before and what is being proposed.

Thomas Mooney, Planning Director, stated it is currently a vacant surface parking lot. In February 2014, the owner of the property received approval from the Planning Board for a mixed-use office and retail restaurant project with indoor parking. The owner additionally received design approval from the Historic Preservation Board. Later in 2014, the owner proposed to change the use of the first floor from retail restaurant to all medical uses, and had to reapply for the conditional use of the first floor.

Commissioner Grieco asked Mr. Mooney if he deemed this change in application an increase, no effect, or decrease, for all intents and purposes, not just residential traffic, but bringing more cars into Miami Beach.

Thomas Mooney, Planning Director, stated that the traffic study submitted indicated that there would be an increase in the total number of daily trips attributable to this new use. It also indicated there would be a slight decrease in the number of average daily trips, but in regards to whether it would bring more cars into the City or have more cars circulating this would have to be studied in greater specificity.

Commissioner Grieco stated that he is asking this because this property is located on the first right turn after the Alton Road flyover, which would require cars to cross an entire traffic lane to make that turn. This City Commission has determined that that flyover is already a bottleneck and one of the major causes of traffic backups on I-395. Any decision taken by the Planning Board regarding this project needs to take into consideration how many cars it will bring from the causeway, which is the most important thing regarding traffic and intensity.

Commissioner Tobin stated that the discussion is about a proposed urgent care center for Alton Road, which some believe is unique, because it will give the people of South Beach the convenience of not having to go to 41<sup>st</sup> Street.

Mayor Levine stated that this discussion is not about judging the request, but rather if this Commission wants to authorize and pay for a traffic study for this specific project, which in the past has not been done with a private project. Mayor Levine opined that this is a Planning Board issue to decide, and not the City Commission's domain.

Commissioner Tobin stated that the City Commission voted on this approximately four years ago, and the Planning Board should be able to make the applicant pay for the required study.

Commissioner Weithorn agreed that the Planning Board should have the applicant pay for the required traffic impact study.

No action was taken.

### **R10 - City Attorney Reports**

#### **4:04 p.m.**

##### **R10A Notice of Closed Executive 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 after the opening of the City Commission meeting in Chambers on February 25, 2015, at 4:00 p.m., and will be moved to the City Manager'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, Assistant City Manager Joe Jimenez, City Attorney Raul Aguila, and Deputy City Attorney, Eve Boutsis.

**4:04 p.m.**

**ACTION:**

City Attorney Raul J. Aguila announced and held the closed Attorney-Client Session.

**City Clerk's Note:** City Attorney Aguila announced that the closed Attorney-Client Session would be held at the City Attorney's Large Conference Room, when in fact, it was held in the City Manager's Large Conference Room as advertised. A notice was placed in the City Attorney's Large Conference Room, announcing the correction.

**5:05:39 p.m.**

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

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 993

Meeting adjourned at 6:19:27 p.m.