



**City Commission Meeting
City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
April 15, 2015**

Mayor Philip Levine
Vice-Mayor Jonah Wolfson
Commissioner Michael Grieco
Commissioner Joy Malakoff
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.

Meeting called to order at 8:30:48 a.m.

Invocation given by Rabbi Gary Glickstein from Temple Beth Sholom.

Pledge of Allegiance led by Police Chief Daniel Oates.

ADDENDUM MATERIAL 1:

C4H C4I C6F
R7J R9M R9N
R9O R9P R9Q
R9R R9S

ADDENDUM MATERIAL 2:

R9T R9U

ADDENDUM MATERIAL 3:

R9V R9W R9X
R10B

ADDENDUM MATERIAL 4:

R9Y

SUPPLEMENTAL MATERIAL 1:

C4E Draft Ordinance
R7G Memorandum & Resolution
R7I Memorandum, Resolution & Employment Agreement
R9D Memorandum
R9L Item Returning from March 11, 2015

SUPPLEMENTAL MATERIAL 2:

C7K Memorandum
R7H Memorandum

SUPPLEMENTAL MATERIAL 3:

R9L Two Memorandums
R9Q Resolution

Rafael E. Granado, City Clerk, announced items added, separated and withdrawn.

ITEMS WITHDRAWN:

R9S withdrawn by Commissioner Tobin

ITEMS SEPARATED:

C2A Separated by Vice-Mayor Wolfson
C2C Separated by Commissioner Stenberg
C4E Separated by Commissioners Malakoff and Steinberg
C6A Separated by Commissioner Weithorn

ADDENDUM AGENDA

9:09:23 a.m.

ACTION: Motion made by Commissioner Weithorn to add items C4H, C4I, C6F, R7J, R9M, R9N, R9O, R9P, R9Q, R9R, R9T, R9U, R9V, R9W, R9X, R9Y and R10B to the Commission Agenda; seconded by Commissioner Malakoff; Voice-vote: 5-1; Opposed: Commissioner Tobin; Absent: Vice-Mayor Wolfson.

Presentations and Awards

Presentations and Awards will take place on April 29, 2015.

This meeting will recess for lunch at approximately 12:00 p.m.

11:49:25 a.m.

New Item

Presentation of Centennial Collage by Artist Erika King.

Jimmy L. Morales, City Manager, stated that for the Centennial event he approached Erika King, a great local artist who he has had the pleasure of knowing for some time, regarding the creation of a collage for the Centennial. She is here today to present the poster.

Erika King is honored and privileged to have been given the opportunity to create this collage for the Centennial. She has seen the changes the City has undergone through the years and feels she is part of Miami Beach. She introduced her partner Cash McMahon.

Cash McMahon stated that he is honored to have produced this wonderful collage with Erika. He credited the City of Miami Beach staff, Liliam Hatfield and FIU interns, from the Office of the City Clerk, MDPL, Petra Mason, Joe Stone Crab, The Fontainebleau and others, and added that this was a collaborative effort. They decided to frame some limited edition copies signed by Erika, which will be distributed to those who assisted with the project.

Ms. King stated that 10,000 posters are available to be distributed to residents free of charge.

Mayor Levine presented a 100-year Centennial coin to Erika King for the wonderful collage representing 100 years of Miami Beach.

9:12:07 a.m.

Rafael E. Granado, City Clerk, read the names of the Commissioners that are cosponsoring items:

Commissioner Michael Grieco	Items C4E, R5K, R5N and R7G
Commissioner Malakoff	Items C4E and R7G
Commissioner Tobin	Item R7G
Commissioner Weithorn	Items C4E and R7G

CONSENT AGENDA

9:13:01 a.m.

ACTION: Motion made by Commissioner Weithorn; seconded by Commissioner Grieco to approve the Consent Agenda except separated items; Voice-vote: 6-0. Absent: Vice-Mayor Wolfson.

CONSENT AGENDA**C2 - Competitive Bid Reports****9:24:12 a.m.**

C2A Request For Approval To Authorize The Issuance Of A Request For Proposals (RFP) To Provide Parking Meter Collection Services For The City Of Miami Beach.
(Procurement/Parking)

ACTION: Request awarded. Item separated by Vice-Mayor Wolfson. Item heard in conjunction with R2A. Motion made by Vice-Mayor Wolfson to award the request as amended; seconded by Commissioner Malakoff. Voice-vote: 4-3; Opposed; Commissioners Tobin, Steinberg and Weithorn. **Alex Denis and Saul Frances to handle.**

Amendment to C2A:

Require to have only new vehicles.

Amendment to R2A:

Add public benefits; amend section 2 to include public benefits for 20 maximum points.
Amend section 3 to reduce the cost proposal to 10 maximum points.

Vice-Mayor Wolfson stated the reasons he separated both items. The first issue is that he would like to require the vendor to provide/utilize all new vehicles. Vehicles should be 2015 or newer. The second issue is because of qualitative criteria, he would like to increase public benefits and decrease costs. Sections 2 and 3 are very heavily weighed on price, which enables a vendor to "low-ball" a price to secure a City contract. He would like to reduce cost proposal from its current 30 points to ten points.

Discussion held.

Commissioner Weithorn disagreed with Vice-Mayor Wolfson. She stated that this is a cost plus proposal, and they are asking for a bid cost of the management contract. It does not include all the costs and ability. The approach and methodology should not be broad for this particular service.

Vice-Mayor Wolfson moved the item as amended.

Commissioner Tobin stated that the vendor is someone who has been involved in politics for a long time, and has openly advocated certain candidates during elections, including supporting candidates running against Commissioner Tobin. However, this vendor has consistently been the least expensive alternative, and provides a very good service, so he does not agree in this case that the vendor is simply "low-balling" prices to beat the competition.

Commissioner Grieco asked Vice-Mayor Wolfson for an example of public benefit.

Vice-Mayor Wolfson stated that perhaps funding schools, elderly and/or homelessness programs could all be considered public benefits. He would like something similar to the City's garbage contracts.

- C2B Request For Approval To Authorize The Issuance Of A Request For Proposals (RFP) For City Website Design, Development And Implementation.
(Procurement/Information Technology)

ACTION: Request awarded. **Alex Denis and Ariel Sosa to handle.**

9:32:33 a.m.

- C2C Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 2015-107-JR For The 7th Street Parking Garage Renovation.
(Procurement/Capital Improvement Projects)

ACTION: Request awarded. Item separated by Commissioner Steinberg. Motion made by Commissioner Steinberg as amended with LPR and signs; seconded by Commissioner Malakoff; Voice-vote: 7-0. **Saul Frances, Alex Denis, David Martinez and Daniel Oates to handle.**

Amendment:

Install License Plate Readers (LPR) and additional cameras with signs to the 7th Street Parking Garage.

Commissioner Steinberg stated the reason for separating the item. Several Miami Beach residents have complained to her about the 7th Street Garage and their concerns with its lack of security. She would like to add License Plate Readers (LPR) to this garage.

Saul Frances, Parking Director, stated that there is an initiative to enhance and replace all garage cameras Citywide; LPR could be added as a component.

Commissioner Weithorn asked whether the LPR were intended to catch people doing illegal activities in the garage, and if the Police Department had been consulted.

Commissioner Grieco asked whether they would be using the LPR as a means to track if someone has come in or out of the garage, or as an investigative tool for something that has occurred. He gave the example of the camera system used at the airport, which records/photographs all cars coming in and out of the garages.

Commissioner Steinberg stated that it could be used for both measures that Commissioner Grieco stated, but she asked for Police Chief Oates' opinion on the matter.

Police Chief Oates explained that LPR are a tremendous investigative tool. LPR can be critical to solving crime and preventing victimization. Depending on how they are set up, they can have a trigger for vehicles wanted for crime, and the Police Communications Division can be notified immediately, informing Police Officers of the vehicle's whereabouts. This 7th Street Garage in particular presents challenges, especially during Spring Break. He agrees that installing LPR in the 7th Street Garage is a good idea.

Vice-Mayor Wolfson stated that there are a thousand reasons why LPR are helpful. He asked what the approximate price would be.

David Hernandez, Police Lieutenant, stated that the LPR would cost \$35,000 with a five-year maintenance plan, not including construction costs.

Vice-Mayor Wolfson stated that it is not a huge cost for what they will get in return.

Commissioner Malakoff stated that she would like more video cameras and signs indicating that the area is being recorded.

Police Chief Oates stated that due to the issues of this garage, their Spring Break plan includes having two Police Officers assigned to the 7th Street Garage.

Discussion continued.

Commissioner Steinberg moved the item as amended to install LPR, and additional cameras with signs.

David Martinez, CIP Director, recommended using a separate contractor to install the LPR, since what is currently being done is a structural rehabilitation.

- C2D Request Approval To Continue The City's Current Lease Agreement For Golf Carts Utilized In The Miami Beach Golf Club And Normandy Shores Golf Club, On A Month To Month Basis Until Such Time As The New Agreement, Pursuant To ITB 2015-010-WG, Is Completed And Can Be Executed.

(Office of the City Attorney)

ACTION: Request awarded. **Office of the City Attorney to handle.**

C4 - Commission Committee Assignments

- C4A Referral To The April 24, 2015 Neighborhood/Community Affairs Committee Meeting To Discuss The Waiver Of Competitive Bid To Repurchase Shelter Beds At Miami Rescue Mission, An Emergency Shelter Provider.

(Housing & Community Services)

ACTION: Item referred. Vania Pedraja to place on the committee agenda. **Maria Ruiz to handle.**

- C4B Referral To The Neighborhood/Community Affairs Committee For A Discussion On The Proposed Route And Service Plan For The Middle Beach Trolley.

(Transportation)

ACTION: Item referred. Vania Pedraja to place on the committee agenda. **Jose Gonzalez to handle.**

- C4C Referral To The Land Use And Development Committee And The Planning Board - An Amendment To The Applicable Section Of The City Code Clarifying That The Incentives Ordinance For The Retention Of Architecturally Significant Single Family Homes, Does Not Apply To Single Family Homes Located Within A Local Historic District.

(Sponsored by Commissioner Joy Malakoff)

ACTION: Item referred. **Thomas Mooney to place on the committee and board agendas and to handle.**

- C4D Referral To The Land Use And Development Committee - Discussion Pertaining To Membership Requirements For Design Professionals Serving On The City's Land Use Boards.
(Sponsored by Commissioner Joy Malakoff)

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

9:13:10 a.m.

SUPPLEMENTAL MATERIAL 1: Draft Ordinances

- C4E Referral To The May 27, 2015 Land Use And Development Committee Meeting, And The May 26, 2015 Planning Board Meeting Of The Proposed Ocean Terrace Overlay District, Bounded By 73rd Street On The South, 75th Street On The North, Ocean Terrace On The East And Collins Avenue On The West.

(Sponsored by Vice-Mayor Jonah Wolfson and
Commissioners Michael Grieco, Joy Malakoff and Deede Weithorn)

ACTION: Item referred as amended. Item separated by Commissioner Malakoff. Motion made by Commissioner Grieco; seconded by Vice-Mayor Wolfson; Voice-vote: 7-0. **Thomas Mooney to place on the committee and board agendas and to handle.**

Amendment:

Referred to the Land Use and Development Committee meeting of May 27, 2015.
Then referred to the Planning Board Meeting of June 23, 2015.
Come back to the City Commission after referrals.

Amended Title:

Referral To The May 27, 2015 Land Use And Development Committee Meeting, And The ~~May 26, 2015~~ Jun 23, 2015 Planning Board Meeting Of The Proposed Ocean Terrace Overlay District, Bounded By 73rd Street On The South, 75th Street On The North, Ocean Terrace On The East And Collins Avenue On The West.

Commissioner Malakoff stated that she separated this item, because she is suggesting a friendly amendment that would refer this item to the Planning Board meeting of May 27, 2015, and then to the Land Use and Development Committee meeting of June 23, 2015. She believes this is the proper order of things.

Vice-Mayor Wolfson agreed with Commissioner Malakoff.

Mayor Levine asked City Attorney Raul J. Aguila if they have been following proper procedure with this project, to which City Attorney Aguila replied that they have.

Commissioner Tobin thanked the Miami Beach residents who came to the Commission Meeting and spoke overwhelmingly at the Sutnick hour. It is essential for them to express themselves, and make their opinions known to the Mayor and Commissioners.

Commissioner Steinberg thanked Commissioner Malakoff for changing the item's referral. She stated that she has concerns that need to be addressed with the item, but understands that the item is still only on the first draft.

Vice-Mayor Wolfson stated that it is important to remember that this is still a proposal, but he does not believe this item should be filibustered at such an early stage. He wants this proposal to develop, discussed through the adequate channels and hear what the City's planning experts

have to say. Thereafter, the Commission should make decisions based on the information gathered.

Commissioner Weithorn stated that she has been a big supporter of the master plan, and if residents do not want a change in the FAR, then the master planners need to consider that. She added that this project would not be rushed, and there will be adequate time for it to be discussed in committees and for residents to express their opinions. She believes an item, such as this one, belongs at the referendum level.

Commissioner Malakoff stated that master plans are done in order to incentivize investments, but she believes investments have already been done, and invited the Commissioners and Mayor to attend the Land Use and Development Committee Meeting of May 27, 2015.

Former Commissioner Nancy Liebman stated that she believes that this item is being rushed to be placed on the November 2015 ballot, and asked why she has not heard from the Historic Preservation Board regarding this matter.

Mayor Levine stated that this item might not even make it to the November Ballot

Vice-Mayor Wolfson detailed the process items such as this one have to go through, and reiterated that the Commission is following this process.

Discussion held.

Handouts or Reference Materials:

1. Email from David R. Custin dcustindr@aol.com dated Friday, April 10, 2015, RE: Item C4E on the April 15 agenda (Ocean Terrace Project).
2. Email from neisen.kasdin@akerman.com dated Friday, April 10, 2015 RE: Item C4E on the April 15 agenda (Ocean Terrace Project).
3. Email from Frank Del Vecchio, fdelvecchio@atlanticbb.net. dated RE: Zoning Amendment, Consent Agenda Item C4E, April 15 City Commission Meeting.
4. Email from David R. Custin dcustindr@aol.com dated Friday, April 10, 2015, RE: Item C4E, April 15th Meeting -Ocean Terrace Project Referral (Draft Amendments); with attachment Ocean Terrace Overlay Draft Ordinance.
5. Email from David R. Custin dcustindr@aol.com dated Monday, April 13, 2015, RE: Item C4E, April 15 Meeting -Ocean Terrace Project Referral; with attachment memorandum C4E.
6. Email from Layda Hernandez dated Monday, April 13, 2015, RE: Item C4E, April 15th Meeting – Ocean Terrace Project Referral; with attachment Memo co-sponsor.
7. Email from David R. Custin custindr@aol.com dated April 13, 2015 RE: Item C4E, April 15th Meeting – Ocean Terrace Project Referral.

C4F Referral To The Planning Board - Ordinance Amendment Pertaining To Required Enclosures For Rental Car Facilities.

(Sponsored by Vice-Mayor Jonah Wolfson)

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

- C4G Referral To The Sustainability And Resiliency Committee - Discussion Regarding The Provision Of Renewable Energy Sources In New Construction Projects.
(Sponsored by Commissioner Micky Steinberg)

ACTION: Item referred. Elizabeth Wheaton to place on the committee agenda. **Mariano Fernandez and Elizabeth Wheaton to handle.**

ADDENDUM MATERIAL 1:

- C4H Referral To The Land Use And Development Committee And Planning Board Relating To An Amendment Of The Faena Overlay District.
(Sponsored by Commissioner Michael Grieco)

ACTION: Item referred. **Thomas Mooney to place on the committee and board agendas and to handle.**

ADDENDUM MATERIAL 1:

- C4I Referral To The Neighborhood/Community Affairs Committee To Discuss Naming The Accessible Beach And Playground At Allison Park, 65th Street And Collins Avenue, "Sabrina's Beach And Playground At Allison Park."
(Sponsored by Commissioner Edward L. Tobin)

ACTION: Item referred. Vania Pedraja to place on the committee agenda. **Office of the City Attorney and John Rebar to handle.**

C6 - Commission Committee Reports

- C6A Report Of The March 2, 2015 Finance And Citywide Projects Committee Meeting: **1.** Discussion Regarding The Greater Miami Convention And Visitors Bureau Interlocal Agreement. **2.** Discussion Regarding The Live Nation Management Agreement For The Jackie Gleason Theater. **3.** Discussion Asking The Commission For \$10,000 For 2015 Senior Group Programs (per Stanley Shapiro's Request). **4.** Discussion Regarding The Miami Beach Convention Center Booking Policy. **5.** Discussion Regarding The Renewal Of The City Manager Jimmy Morales' Employment Contract. **6.** Discussion Regarding The Concession Agreement For The Management And Operation Of A Food And Beverage Concession, Currently Operated By Blissberry, LLC., Located In A Portion Of The South Pointe Park Pavilion. **7.** Discussion Regarding The Concession Agreement For The Management And Operation Of Concession Stand Buildings And Beachfront Concession Areas, Currently Operated By Tim Wilcox, Inc., Located At 21st And 46th Streets. **8.** Discussion Regarding The Construction Of A Parking Garage At The 27th Street And Collins Avenue Parking Lot. **9.** Discussion Regarding The Issuance Of A Solicitation For The Placement Of ATM Machines On City Owned Property (I.E. City Owned Parking Garages, Etc. **10.** Discussion Regarding Approval To Authorize The Issuance Of A Request For Proposals (RFP) For Security Guard Services. **11.** Discussion Regarding Lifeguard Stands In Miami Beach. **12.** Discussion Regarding The Issuance Of Additional Stormwater Revenue Bonds.

9:40:36 a.m.

ACTION: Item separated by Commissioner Weithorn reference C6A-3. Motion made by Vice-Mayor Weithorn to approve the Report as written; seconded by Commissioner Malakoff; Voice-vote: 7-0.

Stanley Shapiro stated that the vote on item 3 was one to one; as the Mayor was absent during the March 2, 2015 Finance And Citywide Projects Committee Meeting. Additionally, Commissioner Steinberg, the alternate, did not attend as there was a quorum. Mr. Shapiro believes it is wrong not to have a program for seniors in Miami Beach similar to the one he is proposing. Mr. Shapiro added that the Jewish Community Center (JCC) does not have a seniors program in the summer. Since there is no program during this summer, and Mr. Shapiro may not have the Commission's vote, Mr. Shapiro wants to go on the record to say that he pushed for this program with the support of Vice-Mayor Wolfson and Tobin, and if the Mayor had been present at the March 2, 2015 Finance Committee Meeting, the Mayor may have supported this plan. Mr. Shapiro asked that the Commission take a vote to reconsider.

Commissioner Weithorn moved to approve the Report "as is" on the agenda; seconded by Commissioner Malakoff.

Commissioner Tobin stated that the Commission is not opposed to Mr. Shapiro working in tandem with the City. The City has some funds that are earmarked for the elderly, and if Mr. Shapiro proposes a good idea, it may be coordinated with the City. Maria Ruiz will work with Mr. Shapiro to coordinate an event that is deemed by the City to be valuable. However, no one on the Commission wanted to write Mr. Shapiro a check and have Mr. Shapiro coordinate the events. Certainly, the City will assist Mr. Shapiro when he has things he wants to do, as long as it includes the 20 to 40 elderly that normally attend these events. Commissioner Tobin, in the future, is willing to vote to set aside funds for the seniors, but feels uncomfortable for the City to give Mr. Shapiro a check.

Vice-Mayor Wolfson stated that all the members of the City Commission support the seniors; there is however, no support to give Mr. Shapiro the money to administer his proposed program.

ACTION:

1. Greater Miami Convention & Visitors Bureau Interlocal Agreement.

The Committee recommended bringing this item back to the Finance Committee with a budget presentation explaining how funds are being spent.

2. Live Nation Management Agreement For The Jackie Gleason Theater.

The Committee recommended bringing this item back to the Finance Committee after Administration has re-negotiated the contract terms.

3. Asking The Commission For \$10,000 For 2015 Senior Group Programs.

The Committee recommended not moving forward with the item. **City Clerk's Note: See above discussion.**

4. The Miami Beach Convention Center Booking Policy.

The Committee recommended staff bring this item back to the Finance Committee with the recommended changes.

5. Renewal Of City Manager Jimmy Morales' Employment Contract.

The Committee recommended moving forward with the City Manager Contract Term Sheet that states the following:

Duration:	4 year term at \$262,650.00 annual salary
Bonus:	10% (\$25,500.00) one-time non-pensionable to be awarded on March 31, 2015
COLA increase:	3% one-time increase on salary to \$262,650.00
457 Funding:	Increase city contributions from \$3,900.00 to \$24,000.00 for term of contract

6. Concession Agreement Located In A Portion Of The South Pointe Park Pavilion.

The Committee recommended extending the Concession Agreement for a period of five (5) years, maintaining the Concession Fee at fifteen percent (15%) of gross sales with an increase to the Minimum Guarantee of twenty five thousand dollars (\$25,000) annually, payable in quarterly installments of six thousand two hundred and fifty dollars (\$6,250) each.

7. Concession Agreement Located At 21st And 46th Streets.

The Committee recommended bringing this item to Commission to decide if it should go out for bid.

City Clerk's Note: See Item R9E.

8. Construction Of Parking Garage At The 27th Street And Collins Avenue Parking Lot.

The Committee recommended staff involve the Walker Parking Consultants that conducted the study to provide the numbers again, check for accuracy of the study and to bring those results back to the Finance Committee. Mr. Sklar was asked to investigate further the valet parking in Municipal Parking Lot No. P55.

9. Issuance Of Solicitation For Placement Of ATM Machines.

The Committee recommended not moving forward with the item.

10. Approval To Authorize RFP For Security Guard Services.

The Committee recommended staff reconvene the working group to review the changes recommended by David Custin, lobbyist for G4S Security, and bring back a draft of the RFP 2015-013-WG for Security Officer Services with any proposed changes.

11. Lifeguard Stands In Miami Beach.

The Committee recommended moving forward with building lifeguard stands at the following six locations: 43rd Street, 58th Street, 25th Street, 50th Street, 66th Street and 4th Street. This will be added as an enhancement during the budget process maybe using resort tax collections to fund additional expenses. In addition, staff was instructed to see if hotels were willing to partake in contributing to the funding of the stands, in return they would receive small advertisement on the actual stands.

12. Issuance Of Additional Stormwater Revenue Bonds.

The Committee recommended moving forward with the issuance of the bonds. Per the provisions of Section 2-278 Procedures (a) 3, two public hearings will be held for this proposed Stormwater Revenue Bond issue. The dates of the public hearings are proposed for March 18 and April 15, 2015, and each date will be advertised at least fifteen (15) days prior to the public hearing date. Additionally we expect to price and close in May 2015. The City has applied for \$7.5 million of additional Stormwater funding from the State Revolving Fund and anticipates applying for additional amounts as funding becomes available.

C6B Report Of The March 3, 2015 Land Use And Development Committee Meeting: **1.** Discussion On Possible Amendments To Chapter 6 And Chapter 142 Of The City Code. **2.** Discussion Regarding Zoning In Progress. **3.** Discussion Regarding Charging Stations For Plug-In Vehicles. **4.** Discussion Regarding Seawall Conditions, Encroachments Into Public Property For Private Use. **5.** Discussion Regarding An Ordinance Amendment Pertaining To The Expansion Of The Landscape Architect Membership Category On The Design Review Board (DRB).

ACTION:

1. Possible Amendments To Chapter 6 And Chapter 142 Of The City Code.

MOTION: Continued to the April 1, 2015 meeting by Acclamation.

2. Zoning In Progress.

MOTION: Continued to the April 1, 2015 meeting by Acclamation.

3. Charging Stations For Plug-In Vehicles.

MOTION: ET/JM (2-0)

Recommend that the City Commission refer an Ordinance to the Planning Board to amend the City Code to establish electric vehicle parking requirements for new development.

4. Seawall Conditions, Encroachments Into Public Property For Private Use.

MOTION: The item was continued to the April 1, 2015 meeting by Acclamation.

5. Ordinance Amendment - Expansion Of The Landscape Architect Category On DRB.

MOTION: ET/JM (2-0)

Motion to recommend that the City Landscape Architect staff participate in the Land Use Board Hearings.

MOTION: ET/JM (2-0)

Motion to recommend that the Ordinance be sent to the Planning Board with a favorable recommendation.

City Clerk's Note: See Item C4D.

C6C Report Of The April 1, 2015 Land Use And Development Committee Meeting: **1.** Discussion On Washington Avenue Overlay Districts. **2.** Discussion On Possible Amendments To Chapter 6 And Chapter 142 Of The City Code. **3.** Discussion On The Collins Canal Project. **4.** Discussion Regarding Zoning In Progress. **5.** Discussion Of Proposed Amendments To The City Code Pertaining To Additional Restrictions And An Increase In Fees For Single Family Lot Split Applications. **6.** Discussion Regarding Seawall Conditions, Encroachments Into Public Property For Private Use. **7.** Discussion Regarding The Prohibition Of Bed And Breakfast Establishments In The Palm View Historic District. **8.** Discussion On Amending The Land Development Regulations To Permit The Outdoor / Indoor Storage / Parking Of Rental Agency Vehicles In The TC-1 Zoning District.

ACTION:

1. Washington Avenue Overlay Districts.

MOTION: The item was continued to April 8, 2015 by Acclamation.

2. Possible Amendments To Chapter 6 And Chapter 142 Of The City Code.

MOTION: The item was continued to May 27, 2015 by Acclamation.

3. Collins Canal Project.

MOTION: The item was continued to May 27, 2015 by Acclamation.

4. Zoning In Progress.

MOTION: No further action taken.

5. Amendments To Code Re: Restrictions & Increase In Fees For Single Family Lot Split.

MOTION: The item was continued to April 8, 2015 by Acclamation.

6. Seawall Conditions, Encroachments Into Public Property For Private Use.

MOTION: The item was continued to April 8, 2015 by Acclamation.

7. Prohibition Of Bed And Breakfast Establishments In The Palm View Historic District.

MOTION: The item was continued to April 8, 2015 by Acclamation.

8. Amending Land Development Regulations To Permit The Outdoor/Indoor Storage/Parking Of Rental Agency Vehicles In The TC-1 Zoning District.

MOTION: (JW/JM)

Recommend that the City Commission refer an Ordinance Amendment to the Planning Board in accordance with the draft text provided by Mr. Andrade.

City Clerk's Note: See Item C4F.

C6D Report Of The March 20, 2015 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 On The Beautification Of The Alton Road Flyover Bridge At The Eastern End Of I-395. **3)** Discussion Regarding The Possible Appointment Of A Dedicated Liaison To The 41st Street Corridor. **4)** Discussion Regarding The Lack Of Available Public Parking At 46th And Collins Avenue. **5)** Discussion Regarding Status Of Beach Chair Lock Boxes For Valuables. **6)** Discussion Regarding The Use Of The Barclay Plaza Apartments As A Possible Location For Workforce Housing. **7)** Monthly Crime Statistics Report. **8)** Discussion On The Blueways Master Plan. **9)** Discussion Regarding The Future Use Of LED Illuminated Lights At Key Crosswalks.

ACTION:

1) Creating A Community Vegetable Garden For Miami Beach Elderly.

DIRECTION: by Commissioner Steinberg to bring this item back in June with a status report.

NO ACTION TAKEN.

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

DIRECTION: by Commissioner Tobin to have this item brought back in May with the preliminary drawings from FIU and Mr. DeBerry, the unsolicited offer to beautify the flyover.

3) Possible Appointment Of A Dedicated Liaison To The 41st Street Corridor.

DIRECTION: by Commissioner Tobin to come back to NCAC in two months with a status update on the survey.

NO ACTION TAKEN.

4) Lack Of Available Public Parking At 46th And Collins Avenue.

Item deferred.

5) Status Of Beach Chair Lock Boxes For Valuables.

DIRECTION: by Commissioner Tobin to have this item brought back to NCAC once a deal has been negotiated with Boucher Brothers and bring back recommendations on what would mitigate beach thefts.

6) Use Of The Barclay Plaza Apartments As Possible Location For Workforce Housing.

MOTION: by Commissioner Grieco to move this item with positive recommendation to go forward with an RFP.

Seconded by Commissioner Steinberg.

7) Monthly Crime Statistics Report.

NO ACTION TAKEN.

8) Discussion On The Blueways Master Plan.

MOTION: by acclamation to move this item to Commission with positive recommendation for formal adoption of the master plan.

9) Discussion Regarding The Future Use Of LED Illuminated Lights At Key Crosswalks.

MOTION: by acclamation to move this item forward to Commission with positive recommendation.

City Clerk's Note: See item C7J.

C6E Report Of The March 25, 2015 Sustainability And Resiliency Committee Meeting: **1) Mayor's Blue Ribbon On Flooding And Sea Rise Update. 2) Sustainability Committee Update. 3) Referral To Consider Alternative Trash Receptacles In High-Traffic Areas. 4) Referral Regarding Sanitation Street Teams, Schedules And Overall Approach To Street Litter Collection. 5) Referral Regarding Policies For Maintaining Alleys By Adjacent Businesses. 6) Referral Regarding The Whoosh Smart Water Stations Network Proposal. 7) Referral Regarding The Blueways Master Plan.**

ACTION:

1) Mayor's Blue Ribbon On Flooding And Sea Rise Update.

MOTION: NO ACTION TAKEN.

2) Sustainability Committee Update.

MOTION: NO ACTION TAKEN.

3) Referral To Consider Alternative Trash Receptacles In High-Traffic Areas.

MOTION: Item was deferred.

4) Sanitation Street Teams, Schedules And Overall Approach To Street Litter Collection.

MOTION: NO ACTION TAKEN.

5) Referral Regarding Policies For Maintaining Alleys By Adjacent Businesses.

MOTION: Staff to review the current fine schedule for sanitation related violations including bio hazardous violations and make recommendations to increase the fine schedule as a method to improve alleyway cleanliness.

Motion made by Commissioner Weithorn, seconded by Commissioner Steinberg.

6) Referral Regarding The Whoosh Smart Water Stations Network Proposal.

MOTION: Item was deferred.

7) Referral Regarding The Blueways Master Plan.**MOTION: Continued to April 22, 2015 by Acclamation.****ADDENDUM MATERIAL 1:**

C6F Report Of The April 8, 2015 Land Use And Development Committee Meeting: **1.** Discussion On Washington Avenue Overlay Districts. **2.** Discussion Of Proposed Amendments To The City Code Pertaining To Additional Restrictions And An Increase In Fees For Single Family Lot Split Applications. **3.** Discussion Regarding Seawall Conditions, Encroachments Into Public Property For Private Use. **4.** Discussion Regarding The Prohibition Of Bed And Breakfast Establishments In The Palm View Historic District.

ACTION:**1.** Discussion On Washington Avenue Overlay Districts.**MOTION:** 2-0 (JW/JM)

To endorse the recommendations of the Mayor's Blue Ribbon Panel on Washington Avenue, without the proposal to increase FAR.

2. Amendments To The Code Pertaining Restrictions And Increase In Fees For Single Family Lot Split Applications.**MOTION:** 2-0 (JW/JM)

To refer the Ordinance to the Planning Board and increase the review fee for Single Family Lot Splits to between \$5,000 and \$10,000, with appropriate exceptions.

3. Seawall Conditions, Encroachments Into Public Property For Private Use.**MOTION:** The item was continued to May 27, 2015, by Acclamation.**4.** Prohibition Of Bed And Breakfast Establishments In The Palm View Historic District.**MOTION:** 2-0 (JW/JM)

Recommend that the Planning Board transmit the proposed Ordinance to the City Commission with a favorable recommendation.

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The City Manager, Or His Designee, To Take The Following Actions: 1) Submit An Application To The National Endowment For The Humanities For Funding In The Approximate Amount Of \$6,000 For The City's Archival Photographs And Records Preservation Program; And To Retroactively Approve The Following: 2) The Submittal Of A Grant Application To Florida Inland Navigation District, In The Approximate Amount Of \$75,000, For A Non-Motorized Vessel Dock/Launch At Maurice Gibb Park; 3) The Submittal Of A Grant Application To Florida Inland Navigation District For Funding In The Approximate Amount Of \$420,000 For The Publicly Owned Portions Of The Indian Creek Seawall From 26th To 41st Street; 4) The Submittal Of An Application For Funding In The Approximate Amount Of \$15,000 To The Miami Foundation, Public Space Challenge For Funding To Enhance Alleys In The North Beach Area; Approving And Authorizing The Appropriation Of The Above Grants And Funding Requests, Including Any Requisite Matching Funds And City Expenses; Approving And Authorizing The Resolutions For Assistance Under The Florida Inland Navigation District Waterways Assistance Program Attached Hereto As Exhibits 1 And 2; And Further Authorizing The City Manager, Or His Designee, To Take All Necessary Steps And To Execute All Necessary Documents In Connection With The Aforestated Grants And Funding Requests, Including, Without Limitation, Applications, Grant, And Funding Agreements And Audits.
(Budget & Performance Improvement)

ACTION: Resolution 2015-28975 adopted. Patricia Walker to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.**

- C7B 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 \$499,309.76, Previously Approved As A Sole Source Purchase Pursuant To Resolution No. 2014-28726, And Further Authorizing The City To Defer Payment Of The Equipment Over A Five (5) Year Period Through Suntrust Equipment Finance And Leasing Corp., And Repealing City Of Miami Beach Resolution No. 2015-28900 That Authorized The Purchase Of The Equipment On January 14, 2015.
(Police)

ACTION: Resolution 2015-28976 adopted. Police Chief Daniel Oates to handle.

- C7C A Resolution Authorizing The Miami Beach Chief Of Police To Execute A Multi-Agency Minor Vice Task Force Memorandum Of Understanding (MOU) Between The Miami Beach Police Department And The Federal Bureau Of Investigations (FBI) For The Child Exploitation Task Force That Will Investigate Those Violations Of Federal Law Committed Against Children, And That Which Seeks To Address Crimes Of Child Prostitution, Aggravated Sexual Abuse, Or The Exploitation Of Children, And For These Violent Offenders To Be Prosecuted In Both Federal Court And State Court.
(Police)

ACTION: Resolution 2015-28977 adopted. Police Chief Daniel Oates to handle.

C7D A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Qualifications No. 2015-016-YG (The RFQ), For Architectural And Engineering Design Services For The Altos Del Mar Park Project; Authorizing The Administration To Enter Into Negotiations With Stantec Consulting Services, Inc.; Should The Administration Not Be Successful In Negotiating An Agreement With Stantec Consulting Services, Inc., Authorizing The Administration To Enter Into Negotiations With Calvin, Giordano & Associates, Inc.; Should The Administration Not Be Successful In Negotiating An Agreement With Calvin, Giordano & Associates, Inc., Authorizing The Administration To Enter Into Negotiations With AECOM Technical Services, Inc.; Should The Administration Not Be Successful In Negotiating An Agreement With AECOM Technical Services, Inc., Authorizing The Administration To Enter Into Negotiations With Chen Moore And Associates, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With Chen Moore And Associates, Inc., Authorizing The Administration To Issue A New RFQ; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Procurement/Capital Improvement Projects)

ACTION: Resolution 2015-28978 adopted. Alex Denis and David Martinez to handle.

C7E A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Invitation To Negotiate No. 2015-055-WG For Management And Maintenance Services For City Owned Residential Properties (The ITN); Authorizing The Administration To Enter Into Negotiations With The Top Ranked Proposer, Royal American Management, Inc.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Procurement/Community Services)

ACTION: Resolution 2015-28979 adopted. Alex Denis and Maria Ruiz to handle.

C7F A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Sole Proposal Received, Pursuant To Request For Proposals No. 2015-061-LR (The RFP), For Background Investigation Services; Authorizing The Administration To Enter Into Negotiations With The Sole Proposer, Andrews International, LLC; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Procurement/Human Resources/Emergency Management/Police/Fire)

ACTION: Resolution 2015-28980 adopted. Alex Denis, Sylvia Crespo-Tabak, Chuck Tear, Chief Daniel J. Oates and Fire Chief Virgilio Fernandez to handle.

C7G A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement Between The City Of Miami Beach, Florida, And The Cat Network, Inc., To Provide Low-Cost Spay/Neuter Services For Stray, Homeless And Abandoned Cats; In The Estimated Amount Of \$96,050 Over Two Years, Funded By The Petsmart Charities® Grant To The City Of Miami Beach; Said Agreement Approval Is Subject To The Successful Execution Of The Grant Agreement With Petsmart Charities®.

(Public Works)

ACTION: Resolution 2015-28981 adopted. Lynn Bernstein to handle.

SUPPLEMENTAL MATERIAL 3: Resolution

- C7H A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Change Order No. 2 To The Contract With David Mancini & Sons, Inc. (DMSI), Dated April 1, 2015, For The Biscayne Point Neighborhood Right Of Way Improvements Project (The Project); Said Change Order, In The Amount Of \$325,000, For Additional Engineering Services, Seawall Replacement, Enhancement Landscaping, Milling And Repaving, And Bridge Repair.
(Public Works)

ACTION: Resolution 2015-28982 adopted. Eric Carpenter to handle.

- C7I A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Termination And Abandonment Of Easement Between 6480 Allison Road, LLC, As The Owner ("Owner") Of The Property Located At 6480 Allison Road, Miami Beach, And The City, And Further Accepting A New Grant Of Easement From Owner On The Aforestated Property, For The Installation, Maintenance, Construction And Repair Of City Drainage Outfall Pipes And Appurtenances; Said Termination And Grant Of Easement, Respectively, Subject To The Following Conditions All Costs For Engineering And Construction Work For The Relocation Of The Existing Outfall Pipe To The New Proposed Easement To Be Paid For By Owner; And, All New Construction Of The New Pipe Be In Accordance With City And Applicable Codes And Specifications.
(Public Works)

ACTION: Resolution 2015-28983 adopted. Eric Carpenter to handle.

- C7J A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Implement A Pilot Program To Evaluate The Use Of LED (Light Emitting Diode) Illuminated Lights At Key Crosswalks.
(Transportation)

ACTION: Resolution 2015-28984 adopted. Jose Gonzalez to handle.

SUPPLEMENTAL MATERIAL 2: Memorandum

- C7K A Resolution Amending The Contract Awarded Pursuant To Invitation To Bid (ITB) No. 268-2013-TC To Amend The Contract Amount For Dune Restoration Services For The Environment & Sustainability Division Department From \$237,389 To \$262,809 For Additional Trimming Of Dune Vegetation.
(Procurement/Environment & Sustainability)

ACTION: Resolution 2015-28985 adopted. Alex Denis and Elizabeth Wheaton to handle.

End of Consent Agenda

REGULAR AGENDA**9:24:12 a.m.**

- R2A Request For Approval To Authorize The Issuance Of A Request For Proposals (RFP) To Provide Parking Attendants For City Parking Garages.
(Procurement/Parking)

ACTION: Request approved. See action with C2A. Motion made by Vice-Mayor Wolfson; seconded by Commissioner Malakoff; Voice-vote: 4-3; Opposed; Commissioners Tobin, Steinberg and Weithorn. **Alex Denis and Saul Frances to handle.**

Item heard in conjunction with C2A.

R5 - Ordinances**10:49:05 a.m.**

- R5A 1100 15th Street - FLUM Change And Zoning Map Change
1. 1100 15th Street - FLUM Change

An Ordinance Amending The Future Land Use Map Of The Comprehensive Plan Pursuant To Section 118-166 Of The Code And Sections 163.3181, And 163.3187, Florida Statutes, By Changing The Future Land Use Designation For A Parcel Of Land Located At 1100 15th Street, Which Parcel Is Comprised Of Less Than 10 Acres, From The Current "Low Density Multifamily Residential Category (RM-1)," To The Future Land Use Category Of "Low Intensity Commercial Category (CD-1);" Providing For Inclusion In The Comprehensive Plan, Transmittal, Repealer, Severability And An Effective Date.

10:00 a.m. First Reading Public Hearing

(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. Public Hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Ballot-vote: 6-0; Absent: Vice-Mayor Wolfson. Second reading, Public Hearing, scheduled for May 6, 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 was made by Commissioner Weithorn; seconded by Commissioner Malakoff to accept the Land Use and Development Committee's recommendation of this Ordinance. Voice-vote: 6-0; Absent: Vice-Mayor Wolfson.

Graham Penn, representing property owner, stated that this application has the full support of the Flamingo Park Neighborhood Association, Planning Board and Land Use and Development Committee, and if approved, this will allow the continued use of the commercial building that has been in the property since 1946 as a designated commercial building, and will allow that building to remain in commercial operation for the foreseeable future.

Thomas Mooney, Planning Director, explained, in answering Commissioner Tobin's questions, that the uses that are there now are consistent with the proposed Zoning District CD-1.

Commissioner Tobin stated that all the businesses there are operating even though they are nonconforming but legal, and he asked what is the reason to change it if they all can do business now.

Mr. Mooney explained that as a legal nonconforming use, they are not permitted to expand illegal nonconforming use.

Discussion held.

Mr. Graham Penn stated that within nonconforming use, they could not switch tenants out.

Commissioner Tobin asked that if they change the Zoning to CD-1, could they expand into a second floor to make it a more intense use.

Mr. Mooney stated that they would not be able to exceed their current maximum allowable FAR. Currently they would not be able to add onto the building unless it was through a residential use. If rezoned to CD-1 they could add residential if they wanted to because that is the only way they can get up to 1.25 FAR.

Discussion continued regarding changing zoning.

Commissioner Weithorn stated that her question was answered by Commissioner Tobin. Her question was do they have to put a conditional use on anything other than the ground floor, and the answer is it cannot be other than residential.

Thomas Mooney, Planning Director, stated that anything above FAR 1.0 could only be residential.

Discussion held.

Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Ballot-vote: 6-0; Absent: Vice-Mayor Wolfson.

Handouts or Reference Materials:

1. Ad in Miami Daily Business Review Ad 997
2. Ad in The Miami Herald No. 998
3. Ad in The Miami Herald No. 999

10:54:50 a.m.

2. 1100 15th Street - Zoning Map Change
An Ordinance Pursuant To Section 118-162, "Petitions For Changes And Amendments," Amending The Official Zoning District Map, Referenced In Section 142-72 Of The City Code By Changing The Zoning District Classification For A Parcel Of Land Located At 1100 15th Street, And Which Is Comprised Of Less Than 10 Acres, From The Current RM-1, "Residential Multifamily Low Intensity District," To CD-1, "Commercial, Low Intensity District;" Providing For Codification, Repealer, Severability And An Effective Date. **10:00 a.m. First Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. Public Hearing held. Motion made by Commissioner Weithorn to approve the Ordinance on first reading; seconded by

Commissioner Grieco; Ballot vote: 6-0; Absent: Vice-Mayor Wolfson. Second reading, Public Hearing, scheduled for May 6, 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 was made by Commissioner Malakoff; seconded by Commissioner Tobin to accept the Land Use and Development Committee's recommendation of this Ordinance. Voice-vote; 6-0; Absent; Vice-Mayor Wolfson.

Eve Boutsis, Deputy City Attorney, stated that this would allow the actual zoning to take place.

Handouts or Reference Materials:

1. Ad in Miami Daily Business Review Ad 997
2. Ad in The Miami Herald No. 998
3. Ad in The Miami Herald No. 999

10:59:09 a.m.

R5B An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article II, Entitled "City Commission," By Amending Section 2-12, Entitled "Meeting Agendas" By Providing Requirements For Meeting Agenda Items And The Effect Of Noncompliance, Adding Subsection Headings, And Re-Lettering Subsections; And Providing For Repealer, Severability, Codification, And An Effective Date. **10:05 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Micky Steinberg)
(Legislative Tracking: Office of the City Attorney)
(First Reading on March 11, 2015 - R5B)

ACTION: Ordinance 2015-3927 adopted. Title of the Ordinance read into the record. Public hearing held. Motion made by Commissioner Steinberg; seconded by Commissioner Malakoff; Ballot vote: 7-0. **Office of the City Attorney to handle.**

Dr. Morris Sunshine thanked Commissioner Steinberg for placing this item on the Commission Agenda. He explained that it is extremely troubling to people who are active in community affairs to look at an agenda that is incomplete and vague. If this Ordinance allows the chairperson of a committee to defer or continue an item, then he would support the proposal as drafted by Ms. Turner.

Commissioner Steinberg stated that she drafted the language of this Ordinance with the assistance of Debora Turner, First Assistant City Attorney, and they included language as suggested by her colleagues at the last meeting. They tried to find ways so that it still keeps best practices and transparency. Subsection (d) was added regarding effect. Some of the concerns brought up included that people could not pull items they felt did not have sufficient information. The truth is that before this Ordinance was brought forward, they could separate items and she encourages them to do so; this Ordinance is just codifying the policy.

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 999

11:02:43 a.m.

R5C An Ordinance Amending Divisions 1-4, Of Article III, "Safe Neighborhood Improvement Districts," Contained In Chapter 34, Entitled "Community Development" To Repeal The Following Three Districts: The Miami Beach Safe Neighborhood Improvement District No. 1, Within An Area Containing Approximately 820 Acres And Comprised Of The South Pointe Redevelopment Area And By The Nationally Recognized Architectural District Including Lincoln Road; District No. 2 For The North Shore Commercial District, Consisting Of 280 Acres; And District No. 3, Consisting Of 620 Acres In An Area Comprised Of The North Shore Residential District; And Codifying Ordinance 93-2881, Creating District No 4, Consisting Of 234 Acres Of Residential Property Known As The Normandy Shores Neighborhood Improvement District (District 4); Providing For A Repealer; Providing For Severability; Providing For Codification; And Providing For An Effective Date. **10:10 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Office of the City Attorney)
(First Reading on March 11, 2015 - R5C)

ACTION: Ordinance 2015-3928 adopted. Title of the Ordinance read into the record. Public Hearing held. Motion made by Commissioner Weithorn; seconded by Commissioner Grieco; Ballot vote: 7-0. **Office of the City Attorney to handle.**

Eve Boutsis, Deputy City Attorney, introduced the item and explained that this is a clean-up Ordinance. There are three Districts no longer in implementation but the City is paying the administrative fee from the State. By deleting these Districts, the administrative fee is also removed. The fourth District was created, but never codified, and they are asking to codify that District.

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 999

11:04:29 a.m.

R5D An Ordinance Amending Chapter 62 Of The City Code, Entitled "Human Relations," By Amending Article II, Entitled "Discrimination," By Amending Division 4, Entitled "Exceptions," By Amending Section 62-113 Thereof, Entitled "Public Accommodations," By Repealing Section 62-113(a)(1) To Remove The Exception To The Nondiscrimination Provisions Of The City's Human Rights Ordinance For Certain Public Accommodations; And Providing For Repealer, Severability, Codification, And An Effective Date. **10:15 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Micky Steinberg)
(Legislative Tracking: Office of the City Attorney)
(First Reading on March 11, 2015 - R5D)

ACTION: Ordinance 2015-3929 adopted. Title of the Ordinance read into the record. Public Hearing held. Motion made by Commissioner Steinberg; seconded by Commissioner Grieco; Ballot vote: 7-0. **Office of the City Attorney to handle.**

Commissioner Steinberg explained that this item was discussed last month and is to strengthen the Human Rights Ordinance.

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 999

11:05:58 a.m.

R5E An Ordinance Amending Chapter 66, "Marine Structures, Facilities And Vehicles," Article IV, "Vessels," Section 66-151, "Launching And Hauling," To Prohibit Docking, Securing, Embarking Or Disembarking Vessels At Municipal Or Public Seawalls, Wharfs, Docks Or Bulkheads In Residential Neighborhoods, Creating Exceptions, Providing For Repealer; Codification; Severability And An Effective Date. **10:20 a.m. Second Reading Public Hearing**
(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Office of the City Attorney)
(First Reading on March 11, 2015 - R5E)

ACTION: Ordinance 2015-3930 adopted. Title of the Ordinance read into the record. Public Hearing held. Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Ballot vote: 7-0. **Office of the City Attorney, Hernan Cardeno and Chief Oates to handle.**

Eve Boutsis, Deputy City Attorney, explained that this Ordinance is sponsored by Commissioner Grieco. Currently there is enforceability against docking only in certain districts; this proposed Ordinance would enforce it in all of the residential districts.

Commissioner Weithorn thanked Commissioner Grieco for adding docking fees.

Hernan Cardeno, Code Compliance Director, explained that as to the water enforcement, it would be under Marine Patrol. Once stopped illegally on public seawalls, enforcement would be under Code Enforcement.

Commissioner Tobin stated that he appreciates Commissioner Grieco being vigilant and commended Hernan Cardeno and Eve Boutsis for a good job.

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 999

11:07:43 a.m.

R5F An Ordinance Amending Chapter 2, Article 111, Of The Miami Beach City Code, Entitled "Agencies, Boards And Committees," Division 32, Entitled "Gay, Lesbian, Bisexual And Transgender (GLBT) Business Enhancement Committee," And Sections 2-190.144 Through 2-190.147 Thereto To Change The Name Of The Committee To The "LGBT Advisory Committee;" And Providing For Codification, Repealer, Severability, And An Effective Date. **10:25 a.m. Second Reading Public Hearing**
(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Office of the City Attorney)
(First Reading on March 11, 2015 - R5G)

ACTION: Ordinance 2015-3931 adopted. Title of the Ordinance read into the record. Public Hearing held. Motion made by Commissioner Grieco; seconded by Commissioner Weithorn; Ballot vote: 6-0; Absent: Vice-Mayor Wolfson. **Office of the City Attorney and Office of the City Clerk to handle.**

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 999

11:08:47 a.m.

R5G 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 2, Entitled "Temporary Obstructions," By Amending Section 82-151 Thereof, Entitled "Permit Required," To Amend The Permit Requirements And To Amend The Enforcement And Penalty Provisions For Temporary Obstructions Of The Public Right-Of-Way In Violation Of Permit Requirements; And Providing For Repealer, Severability, Codification, And An Effective Date. **10:30 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Parking)

(First Reading on March 11, 2015 - R5F)

ACTION: Ordinance 2015-3932 adopted. Title of the Ordinance read into the record. Public Hearing held. Motion made by Commissioner Grieco; seconded by Commissioner Weithorn; Ballot vote: 7-0. **Hernan Cardeno to handle.**

Hernan Cardeno, Code Enforcement Director, stated that this Ordinance codifies that Code Compliance will be able to enforce the right-of-way violations; it sets in the penalty phase and places it in Chapter 30 for the appeals process with the Special Master.

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 999

5:27:13 p.m.

R5H 226 87th Terrace - Parking Category Comprehensive Plan And Rezoning

1. Comprehensive Plan - Parking Category

An Ordinance Pursuant To The Procedures In Section 163.3184(3), Florida Statutes, To Amend Policy 1.2 Of The Future Land Use Element Of The Comprehensive Plan By Modifying The Parking (P) Future Land Use Category To Allow For Residential Uses When Abutting A Land Use Category That Permits Such Uses; Providing For Inclusion In The Comprehensive Plan; Transmittal; Codification; Repealer; Severability; And An Effective Date. **5:02 p.m. First Reading Public Hearing**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Planning)

(Continued from February 11, 2015 - R5G1)

ACTION: Title of the Ordinance read into the record. Motion made by Commissioner Weithorn to open and continue the item to June 10, 2015; seconded by Commissioner Malakoff; Voice vote: 5-0; Absent; Mayor Levine and Vice-Mayor Wolfson. First reading, Public Hearing, scheduled for June 10, 2015. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1000
3. Ad in The Miami Herald No. 1002

5:28:57 p.m.2. Rezoning - 226 87th Terrace

An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For The Parcel Located At 226 87th Terrace, From The Current Zoning Classification Of GU, "Government Use District", To The Proposed Zoning Classification Of RM-2, "Multifamily Residential, Medium Intensity;" Providing For Codification; Repealer; Severability; And An Effective Date. **5:02 p.m. First Reading Public Hearing**
(Sponsored by Commissioner Deede Weithorn)
(Legislative Tracking: Planning)
(Continued from February 11, 2015 - R5G2)

ACTION: Title of the Ordinance read into the record. Motion made by Commissioner Weithorn to open and continue the item to June 10, 2015; seconded by Commissioner Grieco; Voice vote: 5-0; Absent; Mayor Levine and Vice-Mayor Wolfson. First reading, Public Hearing, scheduled for June 10, 2015. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 999
2. Ad in The Miami Herald No. 1000
3. Ad in The Miami Herald No. 1002

5:29:05 p.m.

R5I RM-2 Regulations, Parking Regulations And Signage Regulations Within 250 Of North Shore Open Space Park (NSOSP)

1. RM-2 Chapter 142 Regulations Within 250 Feet Of NSOSP

An Ordinance Amending The City Code Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 3 "Residential Multifamily Districts," Subdivision IV, "RM-2 Residential Multifamily, Medium Intensity," At Sections 142-215, "Prohibited Uses," And 142-218, "Setback Requirements," In Order To Permit Outdoor Bar Counters As Accessory Uses In Oceanfront Hotels In The RM-2 District; Allowing For The Modification Of Interior Side Setback Requirements For Drives Or Sidewalks; Providing Access Between Parcels In The RM-2 District; Modifying The Interior Side Tower Setback Requirements For Oceanfront RM-2 Parcels Within 250 Feet Of North Shore Open Space Park; By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 3 "Accessory Uses," At Section 142-902, "Permitted Accessory Uses," To Permit Neighborhood Impact Establishments, As Conditional Uses For Oceanfront Hotels In The RM-2 District, Within 250 Feet Of North Shore Open Space Park; Providing For Codification; Repealer; Severability; And An Effective Date. **5:03 p.m. First Reading Public Hearing**
(Sponsored by Commissioner Deede Weithorn)
(Legislative Tracking: Planning)
(Continued from February 11, 2015 - R5H1)

ACTION: Title of the Ordinance read into the record. Motion made by Commissioner Weithorn to open and continue the item to June 10, 2015; seconded by Commissioner Grieco; Voice vote: 5-0; Absent; Mayor Levine and Vice-Mayor Wolfson. First reading, Public Hearing, scheduled for June 10, 2015. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1000
2. Ad in The Miami Herald No. 1001

5:29:56 p.m.

2. Parking Regulations Within 250 Feet Of NSOSP
An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 130, "Off-Street Parking," Article III, "Design Standards," By Amending Section 130-68, "Commercial And Noncommercial Parking Garages," To Establish Regulations For Main Use Parking Garages Located On Non-Oceanfront Lots In The RM-2 District With A Property Line Within 250 Feet Of North Shore Open Space Park; Providing For Codification; Repealer; Severability; And An Effective Date. **5:03 p.m. First Reading Public Hearing**
(Sponsored by Commissioner Deede Weithorn)
(Legislative Tracking: Planning)
(Continued from February 11, 2015 - R5H2)

ACTION: Title of the Ordinance read into the record. Motion made by Commissioner Weithorn to open and continue the item to June 10, 2015; seconded by Commissioner Grieco; Voice vote: 5-0; Absent; Mayor Levine and Vice-Mayor Wolfson. First reading, Public Hearing, scheduled for June 10, 2015. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 999
2. Ad in The Miami Herald No. 1000
3. Ad in The Miami Herald No. 1002

5:30:27 p.m.

3. Signage Regulations Within 250 Feet Of NSOSP
An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 138, "Signs," Article V, "Sign Regulations By District" And Article VI, "Specific Use Signs," By Amending Section 138-172, "Schedule Of Sign Regulations For Principal And Accessory Use Signs," In Order To Establish Sign Criteria For Ground Floor Commercial Uses In Parking Garages Located On Non-Oceanfront Lots In The RM-2 District, With A Property Line Within 250 Feet Of North Shore Open Space Park; And Creating Section 138-206, Entitled "City Identification Signs At City Entrance And Exit Points," In Order To Establish The Process By Which The City May Erect City Identification Signs Near The City's Entry And Exit Points; Providing For Codification; Repealer; Severability; And An Effective Date. **5:03 p.m. First Reading Public Hearing**
(Sponsored by Commissioner Deede Weithorn)
(Legislative Tracking: Planning)
(Continued from February 11, 2015 - R5H3)

ACTION: Title of the Ordinance read into the record. Motion made by Commissioner Weithorn to open and continue the item to June 10, 2015; seconded by Commissioner Grieco; Voice vote: 5-0; Absent; Mayor Levine and Vice-Mayor Wolfson. First reading, Public Hearing, scheduled for June 10, 2015. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 999
2. Ad in The Miami Herald No. 1000
3. Ad in The Miami Herald No. 1002

1:43:20 p.m.

R5J Definition Of Unified Development Site
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 118, "Administration And Review Procedures," Article I, "In General," Section 118-5, "Unity Of Title; Covenant In Lieu Thereof," By Amending The Requirements And Standards For A Covenant In Lieu And By Providing A Definition For Unified Development Site; Providing For Codification, Repealer, Severability And An Effective Date. **First Reading**
(Sponsored by Commissioner Edward L. Tobin)
(Legislative Tracking: Planning)
(Continued from February 11, 2015 - R5I)

ACTION: Title of the Ordinance read into the record. Motion made to open and continue the item to May 6, 2015; by acclamation. Item open and continued to May 6, 2015. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

1:44:05 p.m.

R5K Unsafe Structures Board
An Ordinance Amending Chapter 14 Entitled "Building Regulations" Of The City Code By Creating Division 4 Entitled "Unsafe Structures"; Creating Sections 14-500 Through 14-502 Relating To Notice And Process For Unsafe Structures And Creating A Municipal Unsafe Structure Panel; And Appeal Process; Providing For Codification; Repealer; Severability; Applicability; And An Effective Date. **First Reading**
(Sponsored by Vice-Mayor Jonah Wolfson & Commissioner Michael Grieco)
(Legislative Tracking: Building/Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. Motion made by Vice-Mayor Wolfson to approve the Ordinance on first reading; seconded by Commissioner Malakoff; Ballot vote: 7-0. Second reading, Public Hearing, scheduled for May 6, 2015. Lilia Cardillo to place on the Commission Agenda if received. **Mariano Fernandez and Office of the City Attorney to handle.**

Eve Boutsis, Deputy City Attorney, explained that Miami-Dade County provides an Unsafe Structure Board, an internal board for funding for Miami-Dade and a board for all the cities. Miami-Dade County also provides a provision that each City can create its own Unsafe Structure Board. Rather than have all of City staff, departments and residents go to Miami-Dade County to be heard amongst other cities, the idea is to create an Unsafe Structure Panel in the City, with the same basic process as Miami-Dade County, but with a more uniformed process and keeping staff local.

Vice-Mayor Wolfson explained that this gives us an opportunity to deal with these things in house and it is something the Building Director has mentioned would be a great benefit to the City and allow us to streamline things.

Commissioner Weithorn added that it was put into the budget to help fund this Fiscal Year.

Commissioner Malakoff asked the Building Director about the minimum requirements where there is an excavated construction site or an excavated site that has been left derelict and in disarray for more than three months, to the point where the property is deteriorating and poses a danger to the community, why does it take three months before action is taken. She is concerned about the safety, especially of children near an excavated construction site. She understands it takes that long to go through all the permitting and notifications, but it is dangerous. She is referring to section 14-502 (c).

Mariano Fernandez, Building Department Director, stated that they could take immediate action when they see life safety issues, but the process takes 90 days, and most of the property owners will not respond within 30 days. He emphasized that when there is a life safety issue, they can act immediately within 24 hours.

Commissioner Weithorn stated, for the record, that she commended Vice-Mayor Wolfson for doing this, because having sat on boards and having dealings with the County, the Building Department there is inundated with unsafe structures and this is good work.

Discussion was held regarding membership selection.

Mariano Fernandez, Building Director, explained that staff will go to the County Clerk of the Courts and they in turn will appoint three independent magistrates.

01:49:44 p.m.

R5L Single Family Home Development Regulations Unit Size And Lot Coverage For Accessory Structures

An Ordinance Amending The Land Development Regulations (LDR) Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending And Modifying The Unit Size And Lot Coverage Exceptions For Accessory Structures, And By Clarifying And Amending The Requirements For Skylights; Providing For Repealer; Codification; Severability; And An Effective Date. **First Reading**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. Motion made by Commissioner Malakoff to approve the Ordinance on first reading; seconded by Commissioner Weithorn; Ballot vote: 6-1; Opposed: Commissioner Tobin. Second reading, Public Hearing, scheduled for May 6, 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 was made by Commissioner Weithorn; seconded by Commissioner Malakoff to accept the Land Use and Development Committee's recommendation of this Ordinance. Voice vote: 6-1; Opposed: Commissioner Tobin.

Thomas Mooney, Planning Director, explained that this Ordinance does four minor things that affect the single-family development regulations of the Code. First, it would place a cap on the maximum size of a covered terrace associated with an allowable accessory structure. Currently allowable accessory structures fall under the same limitations for unit size and lot coverage as a regular building does, and oftentimes, these accessory structures do not have enough room to have a small projection from them, and it would cap that maximum projection to no more than 2% of the lot area. Secondly, it would place the same 2% cap for outdoor covered areas in overall lot

coverages to no more than 2% of the total lot area. Beyond this, any covered areas that exceeded that would count towards the overall lot coverage. Thirdly, a definition for pergolas has been incorporated into the Code. Fourthly, a limit on the size of skylights, which are an allowable height exception in the Code, has been proposed. This was endorsed by the Planning Board on February 24, and transmitted to the City Commission with a favorable recommendation. The Administration recommends approval.

Commissioner Malakoff stated that this was discussed at LUDC originally, and she thinks this is great. She thanked Mr. Mooney for the Ordinance amendments.

Commissioner Tobin asked Mr. Mooney to explain the problem is that this Ordinance is going to fix.

Mr. Mooney responded that currently there are certain types of covered areas that are open on all sides that do not count for the lot coverage or for the unit size, and what they have noticed is that these are growing in size, and even though they are not counted toward the lot coverage, they are taking on the appearance of additional structures, particularly in rear yards. This would set a cap on the size of those that do not count in the lot coverage.

Discussion held.

In answering Vice-Mayor Wolfson's question, Mr. Mooney explained that once you get past 10 feet, anything in excess of 10 feet would count towards the unit size and the lot coverage. Many people were maxing out their unit size and lot coverage. If you maximize your lot coverage, it would be 30% for a two-story home, which would be a 3,000 square footprint. For a 10,000 lot it would be 5,000.

Discussion continued.

01:56:03 p.m.

R5M Fence Heights

An Ordinance Amending The Land Development Regulations (LDR) Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 4, "Supplementary Yard Regulations," By Amending Section 142-1132, "Allowable Encroachments Within Required Yards," By Amending And Clarifying The Measurement Of Fences, Walls, And Gates Within A Required Yard; Providing Codification; Repealer; Severability; And An Effective Date. **First Reading**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. Motion made by Commissioner Malakoff to approve the Ordinance on first reading as is; seconded by Commissioner Grieco; Ballot vote: 7-0. Second reading, Public Hearing, scheduled for May 6, 2015. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

TO DO:

Bring map for review prior to second reading. **Thomas Mooney to handle.**

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

Thomas Mooney, Planning Director, explained that this is an Ordinance amendment to the allowable encroachment section of the Code regarding fence heights. Currently all fence heights are measured from grade, which is a sidewalk elevation on all properties. However, in Single Family Districts, they have what is known as adjusted grade, where you can build up your yard to one-half the distance between minimum flood elevation and grade, so if your grade is at zero and your minimum flood elevation is 8 feet above grade, then your adjusted grade would be 4 feet above sidewalk. However, the fence height, under the current Code, is also measured from grade, so if your adjusted grade is at 4 feet above the sidewalk, you could not do any more than a 1 foot fence within the front yard and you could not do any more than a 3-foot fence within the side yard, because the maximum height is 7 feet. The Administration proposed an Ordinance amendment that would allow, within Single Family Districts, that height to be measured from adjusted grade within interior side yards, and the Land Use & Development Committee recommended that all Single Family Districts be allowed to do this. The Planning Board recommended that it be limited to RS-1 and RS-2 districts. The Planning Board voted it to transmit with a favorable recommendation with that one change.

In answering Commissioner Weithorn's question, Mr. Mooney explained that in the RS-1 and RS-2 Districts, with the larger homes, typically they are in the lower areas of the City, so the adjusted grade is much higher, and that is why the Planning Board suggested that it would be applicable to those properties. This would also apply to the 10,000 ft. lots, if located in one of the two districts mentioned.

Commissioner Weithorn requested, between first and second reading, to provide a map so the City Commission can view. **Thomas Mooney to handle.**

Commissioner Malakoff explained that when the item was heard at LUDC, they requested a clarification of the measurements of fences, walls and gates within required yards in all single-family residential districts. There are homes in RS-3 and perhaps a few in RS-4 that also would have 15,000 square feet. When the City was originally platted, RS-1 was the largest, and then came RS-2, then RS-3 and RS-4 was the smallest, but over the actual platting and joining of two lots, there are lots at 15,000 square feet and more in RS-3; possible in the smallest lot in RS-4 as well. She thinks that the measurements of fences, walls and gates should be in RS-1, RS-2, plus any other lots that are 15,000 square feet or more.

Mayor Levine asked if there was consensus to pass it on first reading and bring it back on second reading with a map for further discussion, and there was consensus.

2:00:33 p.m.

R5N Demolition Procedures For Historic Structures

An Ordinance Amending The Land Development Regulations (LDR) Of The City Code, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 3, "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition," Section 118-563, "Review Procedure;" And By Amending Section 118-564, "Decisions On Certificates Of Appropriateness;" By Amending The Procedures For The Issuance Of A Demolition Permit, By Establishing Criteria To Obtain A Demolition Permit Prior To The Issuance Of A Full Building Permit For Structures That Are Located Within Local Historic Districts, Individually Designated As A Historic Site Or Individually Designated As A Historic Structure; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading.**

(Sponsored by Commissioner Joy Malakoff
Co-Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. Motion made by Commissioner Malakoff to approve the Ordinance on first reading as amended; seconded by Commissioner Grieco; Ballot vote: 7-0. Second reading, Public Hearing, scheduled for May 6, 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 was made by Commissioner Grieco; seconded by Commissioner Malakoff to accept the Land Use and Development Committee's recommendation of this Ordinance. Voice vote: 7-0.

Amendment:

Include criteria that tree survey is required before demolition permit issued.

Thomas Mooney, Planning Director, stated that this Ordinance affects Article X of the Code regarding for Historic Preservation. Currently under the Code, if there is a proposal and the HPB approves the demolition of a structure, either contributing or not contributing, a full building permit for the replacement structure has to be issued before a demolition permit can be issued; however, that conflicts with the requirements of the Florida Building Code. Therefore, a proposal was put forward to amend that section of the Code. Rather than obtaining a demolition permit for the proposed structure, the new criteria would be that a building permit process number be issued for the new construction, that a building permit application and all required plans for the new construction be reviewed and approved by the Planning Department, that all applicable fees for the new construction, (including buildings permit impact fees as well as applicable concurrency and parking impact fees be paid), and that all debris associated with the demolition of the structure be recycled in accordance with the applicable requirements of the Florida Building Code. This would address the conflicts with the Florida Building Code, because it would allow a building permit to be issued after the building has been demolished.

Discussion held regarding demolition permits.

Vice-Mayor Wolfson stated that the City adopted an Ordinance some time ago that made this a requirement, and now that ordinance is in conflict with the Florida Building Code.

Eve Boutsis, Deputy City Attorney, explained that one needs to have “as built plan” or “as is vacant plans” before they can build a new construction. Before you can submit your final plans for a new building, the other building has to be demolished. It would be a fiction for the Building Department to sign off to allow both permits to be issued at the same time, so they are correcting that legal fiction.

Discussion continued.

In answering Vice-Mayor Wolfson’s question, Eve Boutsis, Deputy City Attorney, explained that they looked into the Charter issues and they do not have to go to a public vote on this, as it is a conflict with the Florida Building Code, and the City is not making things more stringent.

Commissioner Malakoff requested addressing further studying and evaluating procedures for the removal of the specimen trees. She is still concerned about trees being removed in the houses that are being demolished and/or in commercial buildings where new buildings are being built. The trees on those lots, some of which have been grown for 50 to 70 years, are being chopped down.

Mr. Mooney spoke to Rodney Knowles about that, and under the new section of the Code regarding specimen tree standards, there is a procedure that property owners have to go through before they can remove a specimen tree. Originally, they did not want to include language in the demolition procedures, so as not to create an overlap with the tree ordinance recently adopted.

Commissioner Malakoff suggested including language that a demolition permit should not be issued until a tree survey is done.

Mr. Mooney stated that they would add that as one of the criteria that a tree survey is required.
Thomas Mooney to handle.

Discussion continued.

Commissioner Steinberg is in support of the Ordinance, but requested to meet with Mr. Mooney to discuss the item between first and second reading.

2:26:00 p.m.

R50 Demolition Procedures Outside Of Historic Districts

An Ordinance Amending The Land Development Regulations (LDR) Of The City Code, By Amending Chapter 114, "General Provisions," Section 114-1, "Definitions," By Including A Definition For A Phased Building Permit; By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," Section 142-108, "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts;" By Amending The Requirements And Procedures For The Issuance Of A Demolition Permit And By Modifying The Criteria To Obtain A Demolition Permit Prior To The Issuance Of A Full Building Permit For Architecturally Significant Pre-1942 Single Family Homes; By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," By Creating Division 8, "Demolition Rules And Procedures," To Establish Formal Demolition Rules And Procedures For Structures That Are Not Located Within A Local Historic District, That Are Not Individually Designated As A Historic Site, That Are Not Individually Designated As A Historic Structure Or That Are Not Architecturally Significant Pre-1942 Single-Family Homes; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. Motions fail and there is no zoning in progress.

MOTION 1:

Motion by Vice-Mayor Wolfson to accept the Ordinance on first reading as amended, as it relays only to pre-1942 homes, Section 142-108 (f)1-2 with regards to other features, and removing Section 142-1221 through 142-1223; seconded by Commissioner Grieco. Ballot vote: 4-3; Opposed; Commissioners Steinberg, Tobin and Weithorn. Motion fails as amended.

Amendment:

Approve Sec. 142-108 (f) 1-2

Remove Sec. 142-1221 through Sec. 142-1223

MOTION NO. 2:

Motion by Commissioner Grieco to move the Ordinance as is; seconded by Vice-Mayor Wolfson. Motion 4-3; Opposed: Mayor Levine, Vice-Mayor Wolfson and Commissioner Grieco. Motion fails.

Thomas Mooney, Planning Director, explained that in this particular Ordinance, they are modifying existing demolition procedures for pre 1942 homes, and adding demolition procedures for multifamily and commercial structures not located in historic districts.

Vice-Mayor Wolfson is in agreement with the Ordinance pertaining to the pre-1942 homes, but for the post 1942 homes, is a policy question and he does not think they should move forward.

Mayor Levine agrees with Vice-Mayor Wolfson.

Discussion held regarding the origins of this Ordinance, as a recommendation from the HPB.

Vice-Mayor Wolfson stated that there is zoning in progress at the present time. He added that he agrees with the item regarding the pre 1942 homes, but as far as commercial and multifamily he suggested that the language be stricken from the Ordinance. He made this in the form of a motion.

Commissioner Steinberg assumed that there are some architectural significant buildings built post 1942 that have not been designated. She agrees with having a procedure, as there is no process at the present time.

Discussion continued.

Commissioner Malakoff explained that at LUDC the item was discussed to bring about ideas to discourage the demolition of viable multifamily structures, including in North Beach, Middle Beach and some in South Beach, which are outside the Historic District. What can happen is demolition of the property for speculation. They are waiting for somebody to come along and buy the property, which could be soon, or years from now. In the meantime, they can be faced with an excess of vacant lots throughout the City. The City is made of boom and bust, and they do not know when the pendulum swings a different way. They are trying to discourage the speculation.

Commissioner Grieco asked if there is any distinction made between a pre-1942 home and a post 1942 home if they are architecturally significant or not, and if there is a way to include it were it would be post 1942 architecturally significant multifamily.

Ms. Boutsis explained that they have not been identified as architectural significant.

Discussion held.

Commissioner Weithorn clarified that this item is not preventing demolition, but it means that they will have to go through the process of making sure that plans are approved by the Building Department and that it is a viable structure in the community. The area that is mostly affected is most likely North Beach.

Mayor Levine asked if someone purchases and demolishes a 1972 building, in order for them to build something and replace, would they not have to go through the normal boards to get it approved. He believes that this infringing on someone's property rights.

Discussion continued regarding demolition of post 1942 commercial buildings.

Mr. Mooney explained that in the RM-1 District, there is a requirement to submit to DRB for replacement structure before demolition, have them approved, and then submit for Building permit before they obtain a demolition permit. With post 1942 homes, you can apply for demolition permit.

Mayor Levine asked if the City is having this unbelievable problem across the City right now, and are there empty lots of commercial buildings that have been torn down everywhere.

Commissioner Tobin believes that the reason why some people would advocate for this is because there is probably a dozen buildings that are significant and interesting in North Beach that are post 1942 and nobody has bothered to take a look at them and try to designate them.

Mayor Levine suggested having a master planner come up with a designation.

Discussion continued.

Vice-Mayor Wolfson explained that this is the law currently. This is a problem with zoning in progress.

Mayor Levine stated that this is the wrong thing to do.

Vice-Mayor Wolfson asked Ms. Boutsis what is the proper methodology if they want to continue considering this, but do not want zoning and progress to continue.

Ms. Boutsis stated that they could do an effective date.

Discussion continued.

MOTION 1:

Vice-Mayor Wolfson made a motion to accept the Ordinance as it relates only to the pre- 1942 homes, and with regards to all other features in the Ordinance, he moved to strike those; seconded by Commissioner Grieco. No voice vote taken.

Approve Sec. 142-108 (f) 1-2

Remove Sec. 142-1221 through Sec. 142-1223

Discussion continued regarding 5/7 vote.

Eve Boutsis, Deputy City Attorney, explained that if the City Commission does not have the five votes, the motion fails and the Ordinance dies.

Commissioner Grieco suggested voting on it as amended, and if it does not pass as amended, vote on the Ordinance as is, and it fails, then there is no zoning in progress.

Nancy Liebman stated that they are doing what the preservation movement in the City has tried to stop over the years. It is not 1942. There are MiMo Districts that are considered national registered districts. The entire area has to be considered.

Discussion continued.

Mayor Levine stated that the City is hiring a master planner, but they want to do it the right way.

Nancy Liebman continued saying that what the Commission is trying to pass now is going to hurt whatever the master planner is going to do. She urged the City Commission not to change what years of study has gone into the preserving this community.

Mayor Levine added that they have the most incredible historic preservation, the largest Art Deco District and unbelievable laws in place. There was never any protection for North Beach.

Discussion continued.

Raul J. Aguila, City Attorney, clarified that the Charter provision is as to the historic preservation laws, and what Eve Boutsis has said with regard to the analysis that they do with the Charter, this is being done to comply with the Florida Building Code.

Eve Boutsis, Deputy City Attorney, added that was the last Ordinance and the first part of this Ordinance, but the second part is new. It is not something that has already been enacted that would affect the charge.

Discussion continued.

Commissioner Malakoff explained that if the amended motion by Vice-Mayor Wolfson is made and fails, then they go to a motion on the item as written, which include section three, and if that fails, then there is no more zoning in progress and this is dead issue.

MOTION NO. 1:

Motion by Vice-Mayor Wolfson; seconded by Commissioner Grieco as amended approving Sec. 142-108 (f) 1-2 and removing Sec. 142-1221 through Sec. 142-1223. Ballot vote: 2-5; Opposed: Mayor Levine, Vice-Mayor Wolfson, and Commissioners Steinberg, Tobin and Weithorn.

Eve Boutsis, Deputy City Attorney, clarified that the motion as amended strikes **SECTION 3** of the Ordinance on Page 459 bottom of the page, all of the new **Division 8. DEMOLITION RULES AND PROCEDURES**, and remove Sec. 142-1222 through Sec. 142-1223 on Page 460.

Discussion continued.

Thomas Mooney, Planning Director, in answering Commissioner Greco's question, stated that in Section (f) 3, if there is a post 1942 home, the property owner is permitted to demolish it and does not have to go through any special review, but must post it ten days prior to the demolition.

Commissioner Weithorn suggested continuing the item with the Master Planner recommendation.

Ballot vote: 4-3; Opposed; Commissioners Steinberg, Tobin and Weithorn. Motion fails as amended.

MOTION NO. 2:

Motion by Commissioner Grieco to move the Ordinance as is; seconded by Vice-Mayor Wolfson. Motion 4-3; Opposed: Mayor Levine, Vice-Mayor Wolfson and Commissioner Grieco. Motion fails.

R7 - Resolutions

10:57:33 a.m.

R7A A Resolution Adopting The Fourth Amendment To The Capital Budget For Fiscal Year 2014/15.
9:55 a.m. Public Hearing
 (Budget & Performance Improvement)

ACTION: Title of the Resolution read into the record. Public hearing held. **Resolution 2015-28986 adopted.** Motion made by Commissioner Weithorn, seconded by Commissioner Malakoff. Voice-vote: 4-0. Absent: Mayor Levine, Vice-Mayor Wolfson and Commissioner Tobin. **John Woodruff to handle.**

John Woodruff, Budget Director, introduced the item. There are two projects on the fourth Capitol Budget Amendment. The first is the Storm Water System, which appropriates a \$7.5 million loan the City received from the Clean Water State Revolving Fund Program to help provide funding for the preparation of a Comprehensive Facilities Plan, which will allow the City to apply for a construction loan. He mentioned that the annual interest rate is estimated at 1.6%, which is more advantageous than issuing bonds. The second project is a \$35,000 project for the City's data center to adjust compliance issues associated with the Florida Department of Law Enforcement.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 999

2:49:55 p.m.

R5P MXE Setbacks

An Ordinance Amending The Land Development Regulations (LDR) Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 13, "MXE Mixed Use Entertainment District," Section 142-547, "Setback Requirements," By Amending The Setback Requirements To Include Separate, Reduced Setback Requirements For Commercial Buildings That Do Not Contain Any Hotel Or Residential Units; Providing For Codification; Repealer; Severability, And An Effective Date. **First Reading**
(Sponsored by Commissioners Michael Grieco & Joy Malakoff)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. Motion made by Commissioner Weithorn to approve the Ordinance on first reading; seconded by Commissioner Tobin; Ballot vote: 2-4. Opposed: Mayor Levine, Vice-Mayor Wolfson and Commissioners Steinberg, Tobin, Weithorn. Motion fails.

Mayor Levine introduced the item and stated that he is not in support of this.

Commissioner Steinberg is not in favor of this item either.

Commissioner Weithorn made a motion, seconded by Commissioner Tobin.

Vice-Mayor Wolfson is inclined to vote no, but invited Mr. Marrero to speak.

Micky Marrero stated that this item is not just for CVS, but also for 18 other properties that have to obtain variances for any retail, and the City Commission asked last month to take it to the Historic Preservation Board (HPB) and they ruled unanimously in favor of it.

Discussion continued.

Commissioner Malakoff explained that where there is a historic district, there are hotels, and for a hotel to be set in with a courtyard makes sense, but for retail store not to have a storefront and to be setback around a courtyard does not make sense to her.

Mayor Levine suggested the retail store considering not being in the historic district.

Discussion continued.

Mr. Marrero spoke.

Commissioner Weithorn stated that her concern is that they change the integrity of the store, the look and the feel of something they have to work hard to preserve, and she cannot let that happen.

Discussion continued.

Commissioner Tobin has issues with the loading zone; therefore, he is not in support.

Rafael Andrade asked if the concerns expressed could be addressed between first and second reading.

Commissioner Steinberg explained that the item does not have their support.

11:10:20 a.m.

R7B A Resolution Approving A Revocable Permit For Centurian Collins Property Owner, LLC, As The Owner Of The Aloft Hotel, Located At 2360 Collins Avenue (The Hotel), To Construct And Maintain A Decorative, Triangular-Shaped Concrete "Canopy," With Two Support Columns And Concrete "Eyebrows," Extending 19.71 Feet At The North And 2.79 Feet At The South, Into The Public Right-Of-Way Of Liberty Avenue, Along 101.7 Feet Of The Hotel, With A Minimum Of Eleven Feet One Inch (11' 1") Above Ground Level; And An Irrigation Meter, Located At Ground Level North Of The Canopy; All Encroachments Along 107.22 Feet Of The Hotel, With A Total Area Of 855 Square Feet. **10:35 a.m. Public Hearing**
(Public Works)

ACTION: Title of the Resolution read into the record. Public hearing held. **Resolution 2015-28987 adopted.** Motion made by Commissioner Weithorn, seconded by Commissioner Grieco; Voice-vote: 5-1; Opposed: Commissioner Tobin. Absent: Vice-Mayor Wolfson. **Eric Carpenter to handle.**

Mathew Amster, representing Centurian Collins Property Owner, stated that they have been working with the City for some time regarding this item, and they look forward to the Commission's approval.

Commissioner Tobin stated that he will be voting no on this matter, and explained that it is due to the fact that this organization owed the City in excess of \$5 million, but eventually it was agreed that they would pay \$2.2 million, leaving a great deal of money on the table. He added that his agenda gave the height of the concrete awning, but it did not specify how many feet it will encroach onto the street.

Eve Boutsis, Deputy City Attorney, stated that the awning would encroach 19.71 feet over a 50-foot wide right of way.

Discussion continued regarding the length of the awning.

Eric Carpenter, Public Works Director, stated that because this had been previously approved, they have been trying to work through the details, and they believe to have reached a compromise in terms of the activation of the seawall with sidewalks and landscaping. He added that it is not a perfect scenario regarding encroachment, but it is a reasonable compromise.

Commissioner Malakoff asked when this project had received approval.

Matthew Amster, representing Centurian Collins Property Owner, stated that there have been a number of approvals dating back to 2004, with additional improvements in 2012, and an amendment in September 2013.

Commissioner Tobin spoke about the settlement agreement.

Commissioner Weithorn stated that the City has been working on getting a good outcome with this project, and although she understands that a great deal of the money that was owed was not paid, it is her understanding that the applicant will be paying to fix the seawall. She asked whose responsibility it is to maintain the seawall.

Eric Carpenter, Public Works Department Director, answered that the agreement did not specify it would be the applicant's responsibility, so the City will have to maintain the seawall.

Discussion held regarding the street's landscaping.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1000

11:22:31 a.m.

R7C A Resolution Authorizing The Issuance Of Not To Exceed \$100,000,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida Stormwater Revenue Bonds, Series 2015, For The Principal Purpose Of Paying A Part Of The Cost Of Certain Improvements To The Stormwater Utility, Pursuant To Section 209 Of Resolution No. 2000-24127 Adopted By The City On October 18, 2000; Providing That Said Series 2015 Bonds And Interest Thereon Shall Be Payable Solely As Provided In Said Resolution No. 2000-24127 And This Resolution; Providing Certain Details Of The Series 2015 Bonds; Delegating Other Details And Matters In Connection With The Issuance Of The Series 2015 Bonds, Including Whether The Series 2015 Bonds Shall Not Be Secured By The Reserve Account And Whether To Secure A Credit Facility And/Or A Reserve Account Insurance Policy, To The City Manager, Within The Limitations And Restrictions Stated Herein; Permitting Conditional Optional Redemption Of The Series 2015 Bonds; Appointing Underwriters, A Bond Registrar And A Disclosure Dissemination Agent; Authorizing The Negotiated Sale Of The Series 2015 Bonds And Approving The Form Of And Authorizing The Execution Of A Bond Purchase Agreement; Authorizing And Directing The Bond Registrar To Authenticate And Deliver The Series 2015 Bonds; Approving The Form Of And Distribution Of A Preliminary Official Statement And An Official Statement And Authorizing The Execution Of The Official Statement; Providing For The Application Of The Proceeds Of The Series 2015 Bonds And Creating Certain Funds, Accounts And Subaccounts; Authorizing A Book-Entry Registration System With Respect To The Series 2015 Bonds; Covenanting To Provide Continuing Disclosure In Connection With The Series 2015 Bonds And Approving The Form Of And Authorizing The Execution And Delivery Of A Continuing Disclosure Agreement; Authorizing Officers And Employees Of The City To Take All Necessary Related Actions; And Providing For An Effective Date. **10:40 a.m. Second Reading Public Hearing**

(Finance)

(First Reading Public Hearing on March 18, 2015 - R7B)

ACTION: Title of the Resolution read into the record. Public hearing held. **Resolution No. 2015-28988 adopted.** Motion made by Commissioner Malakoff, seconded by Commissioner Grieco; Voice-vote: 6-1; Opposed: Commissioner Weithorn. See related item R7H. **Patricia Walker to handle.**

Patricia Walker, Chief Financial Officer, introduced the item for the issuance of \$100 million of stormwater revenue bonds. She advised that they received the draft of the consulting engineer's report for the bonds, and they have been hired to review the calculation of the bonds. The original estimate was approximately \$300 million; the current estimate is in excess of \$400 million, of which \$18 million have been allocated. It is up to the City Commission's discretion to add, delete or prioritize the projects. The \$100 million will fund the first projects presented to the Commission, so that it would be a more expedient, and appropriate way of expanding the City's bond funds.

City Manager Morales stated that the \$100 million is funded by last year's utility fee increase.

Commissioner Weithorn stated that she had not received the consulting engineer's report, and she will not vote for the item without reading it first. She asked, for clarification, how the \$100 million would be used and whether it was enough to cover the projects.

Patricia Walker, Chief Financial Officer, stated that there is in excess of \$30 million of stormwater projects that have been committed from the City's line of credit and that would need to be financed. The remaining \$70 million would be used for upcoming projects.

Eric Carpenter, Public Works Department Director, stated there are a number of projects underway that can benefit from these funds and move forward as necessary.

Carter McDowell, representing a property owner in San Marco Island on the Venetian Causeway, stated that he has concerns regarding the above grade pump stations. He asked the City to look at minimization of pump stations, and to direct the Administration to properly evaluate alternative locations for pump stations.

Vice-Mayor Wolfson stated that the pumps being installed on the Venetian Islands are necessary. Several residents have delayed the installation of the pumps over technical issues, but at this point action needs to be taken. This is a shared issue between the City and residents, the stormwater bonds must be approved.

Mayor Levine agreed with Vice-Mayor Wolfson, and gave a comparison of the City being a ship taking on water. It is time for action.

Discussion continued regarding public input and pump station designs.

Eric Carpenter, Public Works Department Director, stated that the design change was made because the original gravity storm water system with below ground pipes would not function with the projected sea level rise. He stated that at a 2.2 elevation there would be flooding, so it was clear that they needed to change to a pump system. The pumps are underground, but the electrical components are above ground to stay away from the flood plain, that is the reason for the pump's height.

Commissioner Malakoff stated that the City has committed to look for design modifications for the pump stations, so that they can eventually be on a lower platform, and landscaped, but she agreed with her colleagues, the pumps are needed; otherwise, the City will be under water.

Raul J. Aguila, City Attorney, stated that the City Commission has followed the correct process for the pump station installations, given that it has been deemed an emergency situation.

Discussion continued.

Commissioner Tobin clarified that the City has been doing the best it can in this situation without delaying action by going to a board. The pumps are simply needed.

Commissioner Steinberg stated that the City is not restricted to one type of pump station design, and in fact, the appearance of the pumps can change. She encouraged further dialogue with residents, but the stormwater bonds need to be issued.

Raul J. Aguila, City Attorney, stated that Item R7H is intended to address exploring the issue of alternative designs for these pump stations. This was done following a meeting with residents and addressing their concerns.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1000
2. Ad in The Miami Herald No. 1004

2:07:19 p.m.

- R7D A Resolution Amending Resolution No. 2014-28842, Setting The Dates For The Year 2015 Commission Meetings, By Authorizing A Change In The Commission Meeting Date Of Wednesday, September 9, 2015 To Wednesday, September 2, 2015.
(Office of the City Clerk)

ACTION: Resolution 2015-28989 adopted. Item heard in conjunction with RDA 1A. Motion made by Commissioner Weithorn, seconded by Commissioner Malakoff; Voice-vote: 7-0. **Rafael E. Granado to handle.**

See action with RDA 1A.

2:55:46 p.m.

- R7E A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Qualifications (RFQ) No. 2015-086-YG, For Master Planner Of The North Beach District.
(Planning/Procurement)

ACTION: Resolution 2015-28990 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice vote: 7-0. **Thomas Mooney and Alex Denis to handle.**

Commissioner Malakoff stated that she hopes for a real vision for the future of North Beach.

Former Commissioner Nancy Liebman reminded the City Commission of what was discussed regarding the West Lots, and to focus on other issues first, as agreed.

2:57:05 p.m.

- R7F A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Change Order No. 4 To The Agreement With Bergeron Land Development, Inc., Dated April 30, 2014 (The Agreement), Related To The Completion Of Approximately 120 Feet Of Sea Walls And Improvements To Alton Court, From 17th Street To The Collins Canal, As Part Of The Pump Station And Street Improvements Presently Under Construction, Further Increasing The Cost Of The Agreement By \$1,265,152.
(Public Works)

ACTION: Resolution 2015-28991 adopted. Motion made by Commissioner Tobin; seconded by Vice-Mayor Wolfson; Voice vote: 7-0. **Eric Carpenter to handle.**

Eric Carpenter, Public Works Department Director, stated that this is the fourth change order to the contract with Bergeron. This change order is to specifically handle three items: 1. The seawall adjacent to the 17th Street bridge where the City is installing the pump station; 2. The seawall at the North end of Alton Court along the Collins Canal; and 3. Work on Alton Court itself North of 17th Street, between 17th and the Canal. This change order is approximately \$1.65 million and it includes a \$150,000 contingency. The primary driver behind the seawall improvements is that water is actually over topping the seawall, which will eventually erode it. This work will not block any additional traffic.

Commissioner Tobin stated that the estimate does not have sufficient details and suggested that Mr. Carpenter should charge someone in the Public Works Department for seawalls in the future.
Eric Carpenter to handle.

Discussion held.

Raul J. Aguila, City Attorney, clarified that the change order would be for \$1.62 million.

Commissioner Tobin stated that he will vote for the item, but requested for future projects that Mr. Carpenter speak directly to the experts. **Eric Carpenter to handle.**

City Manager Morales stated for the record that they have been looking for natural infrastructure alternatives to concrete seawalls, but in this instance, it would not be adequate.

11:56:02 a.m.

SUPPLEMENTAL MATERIAL 1: Memorandum & Resolution

R7G A Resolution Creating, Subject To The Approval Of A Majority Of The Affected Property Owners, A Special Assessment District To Be Known As The Lincoln Road Business Improvement District, For A Period Of Ten (10) Years, To Stabilize And Improve The Lincoln Road Retail Business District, Which Is Located Within A Nationally Recognized Historic District, Through Promotion, Management, Marketing, And Other Similar Services; Providing For The Levy And Collection Of Special Assessments; Indicating The Location, Nature, And Estimated Cost Of Those Services Whose Costs Are To Be Defrayed By The Special Assessments; Providing The Estimated Cost Of The Services To Be Defrayed By The Special Assessments; Providing The Manner In Which Such Special Assessments Shall Be Made; Providing When Such Special Assessments Shall Be Made; Designating The Lands Upon Which The Special Assessments Shall Be Levied; Providing For Publication Of This Resolution; And Authorizing Related Actions.

(Sponsored by Commissioner Michael Grieco and Cosponsored Commissioners Joy Malakoff and Deede Weithorn)

(Legislative Tracking: Office of the City Attorney)

ACTION: Resolution 2015-28992 adopted. Motion made by Commissioner Grieco; seconded by Commissioners Weithorn & Malakoff; Voice vote: 6-0; Absent; Vice-Mayor Wolfson. **Office of the City Attorney to handle.**

Raul J. Aguila, City Attorney, introduced the item that creates a special assessment District making the Lincoln Road Business Improvement District. City Attorney Aguila stated that pursuant to Chapter 170, the Florida Statutes authorizes any municipality, subject to the approval of a majority of the affected property owners to levy and collect special assessments against properties benefitted for the purpose of stabilizing and improving retail business districts. Lincoln Road is a nationally recognized historic retail District, and the City Commission is taking the first step in creating the District. If approved they will have a mail ballot election, provided that a majority of the voters approve, and will come back to the City Commission for a public hearing. He explained the District boundaries, notice requirement and preliminary assessment roll.

Commissioner Grieco asked whether the City properties that fall into this District would not be taxed, to which City Attorney Aguila replied in the affirmative. He has met with significant stakeholders in the area, and they are in support.

Commissioner Malakoff, as co-sponsor, agreed with Commissioner Grieco. The business improvement districts in the past have worked best when the tenants and property owners have been in agreement. Ocean Drive had such a District many years ago and it made a great impact. The Lincoln Road Business Improvement District will improve its look and feel.

Commissioner Weithorn stated this BID was done correctly, and she supports it. She asked if there is a Memorandum of Understanding.

Raul J. Aguila, City Attorney, explained that because the City is collecting the assessments, they would bring an agreement at that time delineating details. The next step is the election, which he and the City Clerk will handle. He corrected that there are 76 properties within the District, 58 of the folios are fronting Lincoln Road paying \$2 per square foot, and non-fronting 18 folios are paying the \$0.20 per square foot rate.

Eric Zichella, representing PLC Investments, agreed with Commissioner Malakoff that these districts work better when everyone is in agreement. Early in the process, his client's attorney had a few concerns, but he wanted to go on the record that they are in support of this effort.

Commissioner Malakoff stated that James Corner has been hired to do the landscaping of the Morris Lapidus pieces and they are excited about it.

Sheryl Gold stated that there is a residential neighborhood adjacent to 17th Street, and the City needs to come up with regulations for the businesses abutting the neighborhoods; however, she is in support.

Handouts or Reference Materials:

1. Email and Memorandum from Commissioner Joy V.W. Malakoff dated April 13, 2015 requesting co-sponsoring Lincoln Road Business Improvement Item R7G.

11:41:20 a.m.

SUPPLEMENTAL MATERIAL 2: Memorandum

SUPPLEMENTAL MATERIAL 3: Resolution

R7H A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 5, To The Existing Professional Services Agreement Between The City Of Miami Beach And Schwebke-Shiskin & Associates, Inc. For Additional Pump Station Design Modifications Plus Extended Resident Project Representative And Construction Administration Services For Twenty Additional Months, For The Venetian Islands Bid Package 13C Right-Of-Way Neighborhood Improvement Project; In The Negotiated Not-To-Exceed Amount Of \$665,962 Plus An Amount Of \$500 For Reimbursables; For A Total Amount Of \$666,462; With Previously Appropriated Funding In The Capital Budget From Fund 304 - Capital Reserve.

(Capital Improvement Projects)

ACTION: Resolution 2015-28993 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Grieco; Voice vote: 7-0. See related item R7C. **Eric Carpenter to handle.**

Commissioner Malakoff introduced the item.

David Martinez, CIP Director, clarified that the amendment is for additional resident project services for 20 months, and for pump station redesign. He presented the City Commission with project cost figures and mentioned that the design and representative fees are 7.6% of project's value.

Commissioner Malakoff asked whether they are continuing to work with the residents of Venetian Islands.

David Martinez, CIP Director, replied that they are working closely with Public Works and the residents. They are looking into pump station design alternatives, but they must make sense on an engineering level. He informed the City Commission of the requirements for pump stations in terms of location and structure size to adequately function.

Commissioner Tobin thanked Mr. Martinez for keeping soft costs down.

Discussion held regarding the project's soft costs.

Commissioner Weithorn stated that the original plans had to be redone because they did not include waterline replacement or significant stormwater improvements. The new consultant provided a comprehensive improvement, and has essentially doubled its work, and kept soft costs down.

3:05:36 p.m.

SUPPLEMENTAL MATERIAL: Memorandum, Resolution & Employment Agreement

R71 A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A New Employment Agreement With City Clerk Rafael E. Granado For A Three (3) Year Term, Commencing On May 1, 2015, And Ending On April 30, 2018.
(Office of the City Attorney)

ACTION: Resolution 2015-28994 adopted. Motion made by Commissioner Grieco; seconded by Commissioner Weithorn; Voice vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Raul J. Aguila, City Attorney, read into the record, that pursuant to the recommendation of the Finance and Citywide Projects Committee, the City Clerk agreement would end April 30, 2018. The annual compensation has been agreed to \$190,000 per year, and in addition, it includes benefits he is already receiving as part of an unclassified package.

Vice-Mayor Wolfson explained that the City Clerk was working for many years at a rate that was significantly lower than other City employees with lesser duties, and yet he did not complain or cause problems; he behaved like a true professional. As being one of the three Charter Officers we directly appoint, it was important to pay him adequately.

Commissioner Weithorn stated that the City Clerk had worked many years without a contract.

City Clerk Rafael E. Granado thanked the City Commission.

2:25:41 p.m.

ADDENDUM MATERIAL 1:

R7J A Resolution Amending The Miami Beach Convention Center Construction Period Booking Policy Set Forth In Resolution No. 2014-28610, To Facilitate The Timely And Efficient Completion Of The Miami Beach Convention Center Renovation And Expansion Project ("Project").
(Tourism & Cultural Development/Office of the City Manager)

ACTION: Resolution 2015-28995 adopted. See discussion with Item R9C. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Voice vote: 7-0. **Max Sklar and Maria Hernandez to handle.**

Maria Hernandez, Capital Projects Director, gave an update on the convention center hotel project, gave an evaluation on responsiveness, and informed the Commission that the Administration will bring a recommendation on hotel project on May 20, 2015. She additionally stated that MB Magazine would include an article regarding the Convention Center Hotel, and the Convention Center website is up and running.

Jeff Sachs, Strategic Advisory Group, requested action to modify convention center booking policy during construction to reduce risk to the City related to scheduling costs.

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.
(City Clerk's Office)

ACTION: The following appointments and changes to the boards or committees were made:

AFFORDABLE HOUSING ADVISORY COMMITTEE

David Smith, Banking/Mortgage Industry Term Ending: 12.31.16 Appointed by City Commission: Term Limit: 12.31.20

BOARD OF ADJUSTMENT:

Rick Preira resigned 3.31.2015

HISTORIC PRESERVATION BOAR:

Scott Needleman, MDPL Term Ending: 12.31.16 Appointed by City Commission Term Limit: 12.31.20

HISPANIC AFFAIRS COMMITTEE:

David Cardenas resigned 3.23.2015

MARINE AND WATERFRONT PROTECTION AUTHORITY:

Manon "Marie" Hernandez Term Ending: 12.31.16 Appointed by Commissioner Weithorn Term Limit: 12.31.22

MIAMI BEACH COMMISSION FOR WOMEN:

Regina Berman Term Ending: 12.31.16 Reappointed by Mayor Levine Term Limit: 12.31.17

MIAMI BEACH HUMAN RIGHTS COMMITTEE:

Bradley Ugent removed due to absences

Bradley Ugent was subsequently reinstated due to attendance log error

POLICE/CITIZENS RELATIONS:

Daniel Aronson Term Ending: 12.31.16 Reappointed by Commissioner Steinberg Term Limit 12.31.21

3:17:56 a.m.

Announcement:

Commissioner Malakoff acknowledged that her son David Alschuler in the audience.

3:17:56 p.m.

R9A1 Board And Committee Appointments - City Commission Appointments.
(Office of the City Clerk)

ACTION: The following appointments were made:

Scott Needleman appointed to the Historic Preservation Board (MDPL category).

David Smith appointed to Affordable Housing (Banking Industry category).

HISTORIC PRESERVATION BOARD:

Rafael E. Granado, City Clerk, announced that there are two nominees, Scott Needleman nominated by Commissioner Steinberg, and Steve Sauls nominated by Commissioner Malakoff; both designees of the MDPL position.

Commissioner Malakoff has known Steven Sauls for at least 20 years; he has been at FIU in a very important role in governmental relations for many years; he also was a founding member and later Chair of the Miami Beach Cultural Arts Council. He was the founding Chair of the Miami Beach Arts Trust. She also knows him from The Wolfsonian Advisory Board and he is very familiar with Miami Beach and she believes he would be a good addition to the Historic Preservation Board.

Raul J. Aguila, City Attorney, clarified that if the proposed member is not a resident of Miami Beach, the City Commission still has the discretion to appoint the member if the qualifications are exceptional, but it has to be by 5/7 vote. If it is a resident, the vote is by majority.

Vice-Mayor Wolfson stated that Mr. Needleman has been trying to get on a board for a long time. His family owns property on Drexel and he cares deeply about Miami Beach. He thinks he would be very pragmatic and do the right thing.

Ballot votes:

4 votes for Scott Needleman

2 votes for Steve Sauls

Scott Needleman appointed to the HPB.

Rafael E. Granado, City Clerk, announced the appointment of Scott Needleman to the HPB.

Commissioner Steinberg thanked and encouraged Mr. Sauls to continue applying to this board.

Handouts or Reference Materials:

Ballot votes

AFFORDABLE HOUSING ADVISORY COMMITTEE:

Commissioner Tobin nominated David Smith in the Banking Industry category.

David Smith was appointed to Affordable Housing by acclamation.

Handouts or Reference Materials:

1. Memorandum from Rafael E. Granado, City Clerk, to Mayor Philip Levine and Members of the City Commission dated April 8, 2015, RE: City Commission At-Large Nominations for April 15, 2015, Releases.

8:30:55 a.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum.

ACTION: The following individuals spoke:

1. Kurt Pascal, North Shore Historic District Neighborhood Association member, has been attending meetings on the revitalization of North Beach and the Blue Ribbon panel meetings. A great component of this is the community engagement and the transparency to the community, and that is the reason this item was put on the Agenda last week, and the attachment published on Friday, many of his neighbors were shocked, because as part of this process, they have been asking for a Master Planner to develop a comprehensive, cohesive and compatible plan for North Beach. He read minutes of the Blue Ribbon Panel on April 2, 2015 and yet they do not understand why the City is pushing this forward without the citizens being informed, having the opportunity to provide feedback. They support development, but they want reasonable development and they want to be informed. All of North Beach is watching the decision this Commission makes today, to see if the Blue Ribbon Revitalization Plan is actually about transparency or creating an illusion. He asked that they pull this item for discussion, give it a time certain and allow community members to speak. See discussion with item C4E.
2. Paul Markowitz is also here to speak about Ocean Terrace and agreed with the Mr. Pascal as far as separating the item for discussion, giving it a time certain and referring to a Master Planner. He stated that he is extremely disheartening to hear on Friday that this is coming before the City Commission for action without input from the citizens that he is aware of. If this building goes from 8 to 22 stories, without discussion with the people, it is ridiculous. The reason people are here at the Sutnick Hour is that they were not given the opportunity to discuss. See discussion with item C4E.
3. Nancy Liebman stated that this is the only chance to speak about the Ocean Terrace item, unless they are ready to separate the item.

Commissioner Tobin stated that this was a referral item for discussion at different committees. He added that he prefers to refer the item; as the area is in need of a private investor to pour funds in this area. He mentioned the crime increase in the area in the last 24 months, and generally speaking, he knows the area needs a gigantic cash infusion. He disagrees that there is something going on behind the scenes and that is the reason he separated the item.

Ms. Liebman stated that the problem is not the height of the building or the lack of transparency. The problem is that when big projects came on Washington Avenue, where there is a great deal of crime, a project that was to energize Washington Avenue was sent to the Master Planner from Zyscovich, and for about nine months the public attended meetings and discussed the plan. It was not done at LUDC meeting or at Planning Board. Today, this Commission is hiring a Master Planner. She asked at what time the item will be heard.

Mayor Levine stated that they will try to hear the item before 10 a.m.

See Discussion with item C4E.

4. Frank Del Vecchio agreed that the general practice should be for the public to have a chance to review the item before a referral is made.

Commissioner Tobin appreciates the fact that Mr. Del Vecchio has brought this up to their attention.

See Discussion with item C4E.

5. Paula King, Vice-President of the Biscayne Beach Neighborhood Association, is requesting to have input. They are not against development and would like to see their neighborhood improved. As far as rape and violence, she thinks this is a homeless problem more than anything else, and they would like to have help with the issue.

Discussion held.

Ms. King added that they would like no spot zoning and complete input into every project that happens in North Beach. They are not opposed to development, but they want controlled development. They would also like to see the beach path be extended from 41st Street all the way to 63rd Street.

Jimmy L. Morales, City Manager, explained that the beach path is only pending permitting process from DEP.

See Discussion with item C4E.

6. Dominique Cherqui stated that she is proud to live on Miami Beach, and read a letter she wrote into the record. She commended the City Commission for their dedication to public service, but with that comes responsibility for the betterment of the community. They do not have to raise the FAR anymore to lure developers. The City Commission has the opportunity to preserve what makes the City special. She is not against development, but as a City, they now have the luxury to preserve and create an environment that serves the residents of Miami Beach first, not the private interests and greed. They want to preserve what makes North Beach different. It must be maintained as a low or minimal density, residential area. She was saddened by the demolition of the Howard Johnson, a historical hotel built in the iconic MiMo architecture style in 1951. Its lack of historical designation was its demise. They are requesting less density and less development, and they want to preserve and cherish Ocean Terrace with minimal growth density.

See Discussion with item C4E.

7. Alex Field works on the streets as an artist vendor with his mother since 1978. He explained that the City segregates artists as "crafters," or "painters." There are many more spots now and more that could be worked by artists, but the rules designates that a person needs to work the spot about 60% of the time or the spot would be taken away and they would not be allowed to work the next quarter. The artists that do work take spaces through lottery. He complain that Code Compliance are not doing their job to check if spots are occupied 60% of the time. This program seems to be set up to discourage artists' vendors.

8. Brad Benezy stated that Ocean Terrace is a good neighborhood and him and his partner fell in love with St. Tropez, with its bohemian vibe and still love the area. He disagrees with Commissioner Tobin that this is a "bad" neighborhood.

Commissioner Tobin explained that this area is a gem.

Mr. Benezy read a note into the record, and requested item C4E be pulled from the Consent Agenda for discussion and that all plans go through the Master Planner. He referred to the Mayor's Blue Ribbon Panel on North Beach agenda of April 2, 2015, line 13 and line 14. He added that they are here to ask that the City sticks to the procedures and refer to these items for a well thought out and well-conceived plan that the entire neighborhood can embrace. The City is taking away from parking situations and not replenishing, and they are sure there is a plan for that. There seem to have been consensus when the City Commission report, showing the intensity study, was presented to the Mayor and Commissioners, with some variations. He thinks there are a great deal of good elements on this, but others elements should be extracted.

See Discussion with item C4E.

9. Mark Sokol thanked the City for a first class Centennial presentation. He complained of a cell tower being installed above his place of residence without his knowledge, which causes ringing in his ears and headaches, and thinks he has the right to know that a cell tower is going to be installed beforehand. He suggested that the City has an official food such as "coconut macaroon," to match the Centennial.

Jimmy L. Morales, City Manager, suggested that he sends an email regarding the cell towers complains to him or staff and they will investigate the facts.

10. Dennis Kelly spoke in opposition to the proposed amendment for Bed and Breakfast in the RM-1 District, and requested that the item be withdrawn and asked what is required to pass this. The majority of the residents are against this amendment. He added that he received confirmation from the State and from the City that they know that this is a vacation rental. He is asking to have the stakeholders have their input and perhaps reach a compromise, and a minimum he requested a 90-day continuance.
11. Stanley Shapiro asked to be heard on a \$10,000 item referred and rejected by Finance when the item comes up.
12. Gayle Durham asked everyone to think of making a big change in the City to support changing the hours to serve hours alcohol until 2 a.m. citywide, indoor and outdoor. Their neighborhoods are being inundated with alcohol establishments that open until 5 a.m. and explained her reasons.

Mayor Levine asked that this item be continued until 1 pm.

Margueritte Ramos, on behalf of the Normandy Shores HOA, Stillwater Drive HOA and NBDC, urged the City Commission to support referring the item to committee for discussion.
See Discussion with item C4E.

13. Alan Dorfman, Miami Beach High School student, explained that he has a service project named "Animal Bedding Charity," that provides supplies to furnish animal shelters. He places bins throughout the City in libraries and the bins are collected with the help of his friends. The

bins contain towels, blankets and sheets, and are donated to the seven shelters he is working with the project. Animals contract diseases from dirty shelters and he wants to help shelters and hopefully the City will support him.

Commissioner Weithorn will support this project and is happy to help animals. She asked that he contact Layda at her office to make it official from the Office of the Mayor.

Mayor Levine suggested that One Miami Beach can also help Alan with his project.

1:07:12 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum.

ACTION: The following individuals spoke:

1. Local artist Lucinda Anne Reilly states that she is unable to get a spot on Lincoln Road, even though some spots are not being used. She suggested splitting the spots on Lincoln Road by day and night; she would rather work at night. On Lincoln Road now there are jewelry vendors and performers that do not have to pay the annual fee. In San Francisco they do a lottery every day, first come, first serve. She complained that she was approved to display large canvases, but the Code does not allow her to display her largest canvasses.

Commissioner Weithorn stated that this is something that will require some work. **Max Sklar to handle.**

2. Dr. Morris Sunshine stated that a recent committee of the State Legislature, the Regulated Industries Committee passed a resolution that would require Miami-Dade and Broward to decide, by referendum or Commission decision, if they wished to allow destination of casino gambling resorts. This is a very serious matter. He suggested using lobbying resources to say "NO" to gaming casinos.

Commissioner Weithorn stated that she is taking specific notes to address the issues with her colleagues. She stated that historically this Commission has opposed gambling. Her understanding of the regulation is that Counties could go out to referendum, but again, they could do that before. She will speak to the City's lobbyists to address this at a later time. She will get a clarification of what happened in Tallahassee and will let Dr. Sunshine know. **Fatima Perez to handle.**

Commissioner Weithorn read report from lobbyists regarding gambling destination resorts. This does not give them a matter of right; it has to go back to legislation, and this Commission will diligently follow that. She thanked Dr. Sunshine for bringing it to their attention and giving them the opportunity to mention it today.

Dr. Sunshine stated that according to a newspaper article, it read that it would be required to hold a referendum.

3. Tracy Paul, Ocean Terrace resident, thanked the City Commission for improvements made to Ocean Terrace and for the anti-gaming support. Regarding C4E, she is concerned about the changes that could turn North Beach into a "Sunny Isles" and is also concerned about increased focus on the mixed-use entertainment that can turn North Beach into a "South Beach." She wants to make sure that they used the lessons learned from other communities and the challenges that are facing there, by moving thoughtfully forward with any changes in

what they will allow to happen there, since Ocean Terrace is a special place. A great deal of revitalization has taken place and she would love to see more of that.

Commissioner Weithorn urged her to attend the LUDC meeting, and that they will allow time for discussion.

Rafael E. Granado stated that the LUDC meeting is scheduled on May 27, 2015 at 3:00 pm., and the Planning Board June 23, 2015 at 1 pm.

See Discussion with item C4E.

4. Brad Benezky thanked Mayor Levine and the City Commissioners for all that has been done for North Beach; the Normandy Fountain, the Bandshell is fabulous; he loves the LED lighting for the Bandshell; it is great, as well as the new Senior Center. He has heard about Ocean Drive and there is Ocean Drive off Collins, and then there is Ocean Terrace. It is near and dear to their hearts to make sure that this is done with the outmost respect, in not giving the developer, but the Master Planner, the authority to ensure that the neighborhood is involved; the traffic is horrible and the trolleys are great, but more needs to be done; he is concerned about what is happening in Surfside with the Four Seasons over development. Mayor Levine asked him how tall St. Tropez was, and he said 270 feet; however, that was done in 1999 prior to the historical local and national district. His point is that they have to be cognizant of those rules prior to 1999, and unfortunately there are FARs in place now that they should adhere to.

See Discussion with item C4E.

5. Barbara Morris is having a difficult time at the Neptune Building since the City took it over, with bed bug problems that were not addressed in the proper manner, and because she came forward with this issue, she is being the victim of harassment. It was requested that the entire building be done to get rid of the problem since 2014 without result. What upsets her is the fact that these people have taken on a job of which they are using her as a guinea pig to learn their position, and she resents that. She has received harassment letters and threats and she asked that this stops. Commissioner Weithorn stated that she will follow up. **Maria Ruiz and Hernan Cardeno to handle.**
6. Mark Sokol stated that he spoke during the 8:30 a.m. Sutnick Hour but he may not have conveyed his message clearly, so to clarify he reiterated that it is a question of loss of human dignity and a great dislocation to go through what he has to gone through in having these cell towers placed above his head when the signs says not to place within three feet. It is unsafe. He is living like a refugee and he does not think that a citizen of this country should live like a refugee. It is a question of business ethics.
7. Stanley Shapiro complimented Commissioner Grieco. The City has a transportation problem. The County disrespects the City and the County has not responded to him in four days and they never answer his or the City's complaints. He asked that the City Manager be authorized to contact County Commissioner Esteban Bobo, head of the Miami Transportation Committee, and get an explanation from the County as to why they do not give the City the courtesy it deserve. The MPO never has meetings due to cancellation. Mr. Shapiro praised the City and staff for the Centennial event.

Mayor Levine stated that he will personally speak to Commissioner Bobo about this issue and take care of it. **Mayor's Office to handle.**

8. Robert Landsburg complained of litter and trash in the City, and suggested that garbage cans be increased, also increase the advertisements on cans that read "Please Use Me," "Don't Be A Litter Bug;" have local companies sponsor blocks within the City to pay for cleaning, sign campaigns at key points of ingress and egress of the beach, code compliance enforcement increase; increase staff in the Sanitation departments for trash pickup, etc. He saw a community cleanup YouTube video in New Orleans who uses an App called "Next Door" and suggested that the City take the lead and set an example.

Commissioner Grieco agreed with Mr. Landsburg about litter control in the City; it is not the residents that are doing it, but visitors and tourists that leave the trash behind. They need to come up with creative ways and his suggestions are great.

Mayor Levine stated that in the cruise ship industry they take the responsibility to inform and educate every guest about litter and the Coast Guard fines those cruise ships that litter the waters.

Discussion continued regarding adding new signage.

Commissioner Grieco suggested adding two signs, 1) Do Not Litter, and 2) Traffic Laws Strictly Enforced – Yield to Pedestrians.

Discussion continued regarding educational program.

Commissioner Steinberg agreed to do educational program and signage.

9. James Cook, President of the Greater Skate, Inc., a non-for-profit corporation, explained that they held the 15th Annual Great Skate event, which brought in hundreds of line skaters from Australia, Germany, UK, Canada and across the USA. Most events are escorted by police officers, and they are here today to thank Miami Beach for their support. This event is also a fundraiser for Miami Beach PAL, and it is a way to give back to the community. This year sponsors Roller Blade K2, Fritz Skates, and other local businesses helped exceed their goal and raise \$10,000 for MB PAL. He presented MB PAL Officer Anthony Martineau with a check.

Executive Director of Miami Beach PAL, Anthony Martineau, stated that this event has donated well over \$150,000 during the past 15 years. They bring people from all over the world to the City and care and support local businesses. They epitomize what a good organization and community partnership can do for the betterment of the City. He thanked Jim Cook for all his hard work.

James Cook recognized that as part of the community, one of the things they want to support is to start a program to help disabled rollers and they are donating a check for that program. He added that for the past 16 years or so they have had a Fritz Friday Skate, with the assistance of business leaders, members of the community and the National Skate Patrol. In December they were informed that they would have to follow a permit process, which included a \$5,000 deposit and an indemnity agreement as well as \$1 million insurance policy. This is a community event and there is no money involved. This small event now has to meet the same requirements as a major event involving hundreds of people.

Mayor Levine asked if he is requesting a waiver and asked the City Manager to look into it.
Max Sklar to handle.

Jimmy L. Morales, City Manager, explained that he will work with them.

Mr. Cook asked that there is a community bike ride and they ask for the same consideration.

2:09:09 p.m.

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

ACTION: Update given. Item heard in conjunction with item R7J. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff to modify the process outlined in the RFP and skip the evaluation committee. Voice-vote: 6-0; Absent: Vice-Mayor Wolfson. **Maria Hernandez to handle.**

RECOMMENDATIONS:

- Modify process outlined in the RFP
- Skip Selection Committee Process
- City Manager and staff to do due diligence
- City Manager to come back with a recommendation with regard to the proposal received.
- Start negotiations immediately.

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

Maria Hernandez, Capital Projects Director, gave an update of the project and presented a PowerPoint Presentation. She announced that on Thursday, as scheduled, they received one bid in response to the RFP for a Construction Management At Risk Contract for the Convention Center renovation. That bid came from Clark Construction. Because there is only one bidder under consideration, staff will be requesting a slight modification to the process that is outlined currently in the RFP. The RFP contemplated a series of steps including interviewing, ranking and opening the fee, and then entering into negotiations and opening the general conditions estimate, so given that they only have one contractor, they are asking this City Commission to modify the process and the RFP to allow them to open both sealed envelopes, which were submitted with the RFP, to be able to bring a GC recommendation to the City Commission on April 29, 2015, just as it was originally scheduled. The only thing that would be changing is for them not to have an interview committee, and for them to be able to open the general conditions estimate. By not having a committee, they would also be able to open the fee estimate, which is currently in the sealed envelope. They ask that they take a motion to approve that.

Commissioner Weithorn asked what the ramifications are if they do not take action.

Ms. Hernandez explained that if no action is taken, they must have an evaluation committee.

Discussion held regarding what bid schedule.

Raul J. Aguila, City Attorney, explained that the upside of it is that they save time, because obviously they have only received one proposal, which was also the proposal that they were evaluating in conjunction with the design/build submittal. If they stick to the RFP process, they would basically convene a Selection Committee to evaluate and make a recommendation as to one proposal, so they could either recommend that proposal or make another recommendation. What they are asking, because this project is on such a time sensitive track, is that this City Commission authorize skipping the Selection Committee Process, have the City Manager and staff do his due diligence, and the City Manager would come back with a recommendation with

regard to the proposal received. If this City Commission accepts that recommendation, then they would go into negotiations immediately.

Ms. Hernandez stated that it is important to say that this contractor was already evaluated by a previous committee, which was the design/builder committee, and they were ranked number one.

Raul J. Aguila, City Attorney, announced that they need a majority vote for this to pass.

Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff to modify the process and the RFP to allow Administration to open both sealed envelopes, submitted with the RFP, bring a recommendation to the City Commission on April 29, 2015, as originally scheduled; skip the Selection Committee Process, have the City Manager and staff do his due diligence, and the City Manager would come back with a recommendation with regard to the proposal received; Voice-vote: 6-0; Absent: Vice-Mayor Wolfson.

Maria Hernandez, Capital Projects Director, stated that on the Hotel they received two proposals last Friday and now they are going through the evaluation process for responsiveness. An evaluation committee will review these proposals on May 7, 2015 and a recommendation will be brought to the City Commission on May 20, 2015. She added that today they have the current issue of MB magazine, with an article about the Convention Center as the "wave of the future," in English and Spanish. She stated that the official website www.mb2017cc.com is live and contains information for residents and visitors.

Jeff Sachs, Strategic Advisory Group, explained that the requested action today is for this Commission to consider modifying the Convention Center Booking Policy during construction, to reduce risk of the City related scheduling cost. The City Commission directed them to finish the project in 24 to 30 months, 36 at the outside; to accommodate as many events as possible during construction, and keep half of the Exhibit Hall open, but let customers know that they are not going to have access to the P-lot so they can get the construction on track. Under the design build methodology, they would have been before this City Commission in May with a guaranteed maximum price contract. They need a contract with the guaranteed maximum price to enable them to turn on the 1% tax that funds roughly half of the project, to issue bonds, to create money and enter into the contract. Under the design/build process, money was available to purchase materials to get to construction in December. Under the construction management it is a different approach, and they prefer this approach much better, as they work in partnership with their construction manager instead of the design/builder delivering them a project that they either have to accept or not. They have one bidder now, and if all goes according to plan they will bring the contract back in May and will begin working together to advance the design to get the project within budget and on schedule. Their plan is to come back with the guaranteed maximum price towards the end of October. They would also need two readings to turn on the tax at the end of October, and they would have bond funding in December. The challenge is that if they do not have bond funding in September, they have no way to advance purchase materials. He explained the different phases of construction and added that the challenge with that is that they have to order steel to renovate the exhibit floor in year one, roughly in September of this year, but they cannot order steel if they have not sold the bonds until December, so in rethinking the options for construction phasing, they are proposing a new phasing. In the first year, they would like to leave the exhibit halls alone, focus on demolishing and creating the new front door along of the western side of the building on Convention Center Drive. During that time they keep the two halls open on the east side; they cannot use the west side that says use for service only because the exiting distance is too far. They will start the ballroom, and none of those plans change. When Basel comes at the end of 2016, they will have a new front door, since they are committing only to the first floor at this time. The exhibit hall would be the existing hall of today and it really reduces any

risks of hosting your marquee event almost to zero in the first year. The second year, not everything is great, but the plan is on December 10, they would like to close the building 100% until April 30th, and let the contractor come in and do all the exhibit floors in one fell swoop. They can be finishing the west hall and other floors continuing construction. On May 1st they would open up the west side, renovations would be finished on the second half of the year, with the ballroom opening in 2017, finishing the façade, the park and the road in 2018. The events impacted would have to be relocated to another facility or move into some other open period. They have worked with Global Spectrum and this is the best time of the year to make this happen. They know it will be a challenge in the last 30 days to make Art Basel events. Construction affects one Auto Show in mid-October. August is open if the Auto Show wants to move to Miami Beach. Finally, this comment regarding completion in 24 to 36 months, and accommodate as many events as possible, is not possible. They cannot do both. They are somewhat mutually exclusive. They would like to not direct management to keep booking the building. They want the new building to be fully packed when they open. One of the big advantages is they open that new exhibit hall in time for the World Out Games, and for the Fan Fest, and they will offer a much better facility under this approach. There will be more parking, more assets in the building and makes for a great 2017. The requests are:

1. Accommodate **only** those events that have requested bookings as of today.
2. Authorize the closure of building thirty (30) days prior to Art Basel in 2016 and 2017.

Mayor Levine asked that next year the east two halls will be open. What if someone wants to book two halls next year? What about the not booking anymore new events.

Jeff Sachs, Strategic Advisory Group, explained that they have systems running throughout the building, and there are going to be times when they have to shut down the building, and they do not want to have to bring in temporary generators or temporary coolers, and this is the only way of doing it.

Commissioner Malakoff is in favor of the item; she was concerned with the noise and the conventions on the other side of the walls, so this is a better phasing.

Motion made by Commissioner Malakoff; seconded Commissioner Grieco; Absent: Vice-Mayor Wolfson.

Rafael E. Granado, City Clerk, announced that this motion also approves item R7J.

10:56:25 a.m.

4:27:58 p.m.

4:46:14 p.m.

SUPPLEMENTAL MATERIAL: Memorandum

R9D Report To The City Commission, Pursuant To Section 5.04 Of The City Charter, Entitled "Budget, Finance And Pre-Collective Bargaining Analysis," Detailing The Current Status And Related Financial Impact Of Fringe Benefits, Including Pension And Health Insurance Plans, Provided By The City To Its Officers And Employees. **10:45 a.m. Public Hearing**
(Human Resources)

ACTION: Report given. Public Hearing held. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff to approve the change of public hearing time from 10:45 a.m. to 4:00 p.m.; Voice-vote: 6-0; Absent: Vice-Mayor Wolfson. **Sylvia Crespo-Tabak to handle.**

Raul J. Aguila, City Attorney, explained that this is a 4:00 p.m. public hearing on Collective Bargaining continued from 10:45 a.m.

Commissioner Weithorn explained that the public, very wisely, made this change last election time. Any time they do Collective Bargaining, they have to discuss in public what the potential financial changes to a contract might be. This is a little early and has to do within six months of bargaining, but she does not think that too much information bad. She believes that it is likely that they will have to have another hearing unless you get this done in six months.

Kathie G. Brooks, Assistant City Manager, gave a status report

PowerPoint presented. Click [here](#) to view.

Commissioner Weithorn asked for clarification as there are not a lot that they can do about retiree changes, however, they can control cost of living increases.

Ms. Brooks explained that once a person has retired, or in fact reached normal retirement age, they cannot change the benefits at that point.

Commissioner Weithorn stated that as they go through the process, the expectation is that if they make changes, and they made a great deal of changes previously, they did not have as much of an impact in the unfunded because they cannot change the benefits people have when retiring. The only people they can change are the ones that are actives. She thinks this is important going forward that people understand these changes.

Ms. Brooks added that even for those that are active you cannot change the benefits already earned.

Discussion continued.

Commissioner Weithorn reminded everyone that if they do not have a contract within six months, the item will be reheard.

City Clerk's Note: Item to be heard at 4:00 p.m.

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1000

3:08:15 p.m.

R9E Discussion Regarding The Management And Operation Of Concession Stand Buildings, And Beachfront Concession Areas, Currently Operated By Tim Wilcox, Inc. ("Concessionaire"), Located Adjacent To The Public Parking Lots At 21st And 46th Streets.
(Tourism, Culture & Economic Development)

ACTION: Discussion held. **Resolution 2015-28996 adopted (Resolution Option B).** Motion made by Commissioner Malakoff to put it out for competitive bid; seconded by Vice-Mayor Wolfson; Voice vote: 7-0. **Max Sklar and Alex Denis to handle.**

Motion on Resolution Option A:

Motion made by Commissioner Weithorn to waive competitive bidding; seconded by Commissioner Tobin. Voice vote: 3-4; Opposed: Mayor Levine, Vice-Mayor Wolfson and Commissioners Steinberg and Grieco. Motion failed.

Motion on Resolution Option B:

Motion made by Commissioner Malakoff to put it out for competitive bid; seconded by Vice-Mayor Wolfson; Voice vote: 7-0.

Resolution B:

A Resolution Approving And Authorizing The Administration To Issue A Request For Proposals (RFP) For The Management And Operation Of Concession Stand Buildings And Beachfront Concession Areas, Located Adjacent To The Public Parking Lots At 21st And 46th Streets.

Max Sklar, Tourism and Development Department Director, stated that since 2010 they have had an agreement with Tim Wilcox, Inc., to operate and manage concession stands at 21st Street beach, as well as 46th Street beach, in addition to the beach concession operation on the beach side adjacent to those two locations. The agreement had an initial term of two years and then three additional one-year options. We are in the last year of his last renewal option, which expires October 31, 2015. There was a minimum guaranteed in the agreement of \$48,000 plus a percentage of growth above \$250,000, and that percentage had a scale from 26% up to 36%. They are in the fifth year of the agreement now, and at the year-end of the fourth year was the first time that they exceeded the minimum guarantee by about \$8,300. They went to the Finance Committee to get direction on how to proceed but they took no action and the item was recommended to be heard in front of the City Commission. In front of this Commission there are two resolutions: Resolution Option A is waiving competitive bids, and direct the Administration to renegotiate a new agreement with the concession; or Resolution Option B, which is to issue an RFP, giving authorization the Administration to competitively solicited bids for this operation for these two locations. Their recommendation, if they choose to waive competitive bids, they would propose an initial term of three years with two-year renewal options, and propose to increase the minimal guarantee to \$65,000 from \$48,000 with similar percentage growths options.

Tim Wilcox stated that they had many challenges in the beginning with 47th Street beach, beach erosion, the removal of the boardwalk, no parking on the weekends, and when they got parking it was \$20 per day, so it was hard to get local people to come there. When they structured the deal originally, it was structured to give him some relief on the 47th Street side, as it is hard to generate positive revenue stream. The first year of this contract, they were up by about 45%. He feels they should be given one extension, because the three contracts that have been issued, the Boucher Brothers three years ago, they have all been given at least one extension period of time. He has never been able to get all of his original capitalization out. Two years ago, he was asked to replace all the lounges, which he did. He works well with special events, Art Basel and Polo. The possibility of growing this business at a much faster rate right now is possible, especially with all the activity in Collins Park. Anything the City has ever asked him to do, he has done.

Commissioner Grieco, suggested putting this out to bid, as they have done with several other contracts since this City Commission has been in office over the last year and half.

Commissioner Tobin likes the fact that he is a vendor, since the other operator is the Boucher Brothers. He knows he goes above and beyond. He needs a 5/7 vote to waive competitive bidding, but he does not think there is consensus.

Discussion held.

Motion on Resolution Option A:

Motion made by Commissioner Weithorn to waive competitive bidding; seconded by Commissioner Tobin. Voice vote: 3-4; Opposed: Mayor Levine, Vice-Mayor Wolfson and Commissioners Steinberg and Grieco. Motion failed.

Motion on Resolution Option B:

Motion made by Commissioner Malakoff to put it out for competitive bid; seconded by Vice-Mayor Wolfson; Voice vote: 7-0. **Alex Denis to handle.**

5:52:55 p.m.

R9F Presentation By FDOT On The Alton Road Design From The 40's To The 60's Section.
(Requested by Commissioner Deede Weithorn)
(Deferred from March 11, 2015 - R9K)

ACTION: Presentation given.

Eric Carpenter, Public Works Department Director, introduced the item.

Chris Tabella, P.E., District Design Engineer from FDOT District 6, spoke.

Edwin Mojena, Design Consultant, provided information on the project. They are ready to submit 60% plans in June 2015, and they have paid attention to the issues of concern. They were able to improve the conditions of the bridge without having to replace it. They looked at traffic accidents on Collins Avenue and have made strives to mitigate those issues. They are also coordinating with City the pump stations, from 6 to 4, and they will be able to meet the demands of the Public Works Department. He addressed the corrected actions on the bulb outs.

Discussion held regarding traffic and safety issues.

Commissioner Weithorn stated that there are not a great deal of options in some sections of the City and a traffic study is essential; she hopes that in June they can deal with that. She looked at the plan and saw some deficiencies. **Eric Carpenter to handle.**

Commissioner Malakoff explained that one of the major deficiencies is putting in a shared bicycle lane. If anyone tries to use it, is very dangerous, and she suggested that North Bay Road, which parallels Alton Road, is a safer alternate route.

Mr. Mojena explained that this will be coordinated internally with the City and through signage they would designate North Bay Road as a preferred alternate bicycle path.

Discussion continued.

Commissioner Steinberg asked for a timeline.

Mr. Mojena stated that FDOT is scheduled to begin construction in April 2018.

Eric Carpenter, Public Works Director, stated that there are two other projects contemplated and his understanding is that the State has bifurcated the safety improvement at the intersection of Michigan Avenue and Alton Road; the two-lane left turn is supposed to be moving forward in 2016 or early 2017.

Discussion continued.

Mr. Mojena stated that both projects are scheduled at the same time or within 24 months after the first one has begun.

There was consensus that they need to coordinate these projects and have further conversation.

Commissioner Tobin added that they can have the same conversations with Tallahassee on expediting as they did with the southern part of Alton Road.

Discussion continued.

3:22:43 p.m.

R9G Discussion Regarding The Proposal To Expand The License Plate Readers (LPR) Project To Include The MacArthur Causeway, In An Effort To Decrease Crime On Miami Beach.
(Police)

ACTION: Discussion held. Direction given, by acclamation to proceed with the permitting and planning phase of installation on the MacArthur Causeway. **Chief Daniel J. Oates to handle.**

Chief Daniel J. Oates introduced the item. He has been asked to discuss with the City Commission license plate readers (LPR) at portals to the City. As Lieutenant Hernandez is going to explain, they are important and they are expensive. We think they are a tremendous crime-fighting tool and a research tool for investigations if something occurs, for example if someone flees the beach and the Police Department wants to figure out in which car they did so. Lieutenant Hernandez will explain the plan for a phase 1; the Police Departments think the next place where LPR should be implemented is the MacArthur Causeway.

Lieutenant David Hernandez stated that they met with the City Manager a few weeks back; and what the Police Department desires is to install all of our exits and entrances to the City with license plate readers. The cost is approximately \$1 million dollars. The Police Department recommends that the MacArthur Causeway be the next point where license plate readers are installed. The approximate cost for the MacArthur project is from \$291,000 to \$391,000. They are looking at installing the LPR to function on three lanes. Therefore, when a contractor comes in and start looking at it, they will need three cameras for each direction, and the corresponding poles to attach them. Since the State D.O.T. and the County D.O.T. do not allow the City to use their existing infrastructure of traffic signals, the City would have to install its own poles.

Commissioner Grieco has been talking to Chief Oates, Major Clements and Major Causey about this since he got into office, and back in medieval times, castles had motes. Miami Beach has a natural mote; there are only five ways into the City. If we are sitting up license plate readers and starting with MacArthur Causeway, and in the utopian world we would have them everywhere, so we would know when someone with a stolen vehicle is coming in or someone with a suspended license or a warrant is coming in; and not only should we be doing this but we should be publicizing this on every newspaper, every television station, letting the world know that if you come into the City of Miami Beach and you have a warrant or if you are coming in a stolen vehicle, do not even think of coming to Miami Beach. Commissioner Grieco described this as a great first leap.

Mayor Levine asked what the next step was.

City Manager Morales explained that in this current budget, the Police Department would do the permitting and planning, and then have the cameras in the next budget. It will take about six months or so for the permitting and planning stage. City Manager Morales asked for direction to authorize the planning and permitting now, and then pay for the cameras in the fall.

Direction given, as requested by the City Manager, by acclamation.

3:26:16 p.m.

R9H Discussion Regarding The Potential Use Of Low Floor Trolley Vehicles For The City Of Miami Beach Trolley System.

(Transportation)

ACTION: Discussion held. Motion made to approve the fund increase for low floor vehicles by acclamation. **Jose Gonzalez to handle.**

Jose Gonzalez, Transportation Director, stated that they have been continuously monitoring the trolley service. They have worked with operators, as well as customers to identify areas of improvement, and one of the areas of concern that has been brought to their attention is that the trolleys are high floor vehicles. The trolleys have a popular classic American look, but are not convenient to passengers such as the elderly and disabled.

Jimmy Morales, City Manager, clarified that the high floor trolleys are ADA compliant, but switching to low floor vehicles would be more convenient for customers.

Jose Gonzalez, Transportation Director, explained that the low floor vehicles will be approximately 10-15% more expensive than the vehicles currently being used, but the look and experience provided by the trolleys will not be compromised.

Discussion held regarding the benefits of low floor vehicles and possible alternatives.

Commissioner Steinberg asked whether this item should be referred to the Finance Committee for a more in depth discussion.

Jose Gonzalez, Transportation Director, stated that the transition from high floor vehicles to low floor vehicles is not a matter of terminating the current contract, but rather increasing the contract from \$1.6 million to \$1.8 million.

Vice-Mayor Wolfson stated that the monetary change in the contract is reasonable for the benefits Miami Beach residents will get. Other City Commissioners expressed their agreement.

3:35:51 p.m.

R9I Update On The Miami Beach Centennial.

(Office of the City Manager)

ACTION: Update given.

Jimmy L. Morales, City Manager, stated that originally a \$1 million amendment for City services was asked for the Centennial week. The last meeting before the event the budget was reduced to \$533,000. The actual number for the Centennial week was \$492,000. It was a great event, and the planning worked very well for the 100 plus hours.

Mayor Levine and the City Commissioners expressed their appreciation to City Manager Morales for his hard work on the City's Centennial event and for being under budget.

9:47:16 a.m.

R9J Discussion Regarding A North Beach Safety Plan.
(Requested by Mayor Philip Levine)

ACTION: Discussion held. **Chief Daniel J. Oates to handle.**

Mayor Levine stated that there have been discussions with Captain Causey and Deputy Chief Hill of MBPD to improve the safety of North Beach.

Captain Causey explained that the Police Department has begun a new initiative by doing block sweeps. They have also deployed two decoy police vehicles by the 70th corner of Collins Avenue, and installed the Skywatch tower by the North Beach library.

Commissioner Steinberg expressed her approval that this discussion is taking place. She has noticed a decline in violence in North Beach, and asked Captain Causey if the trend is moving in the right direction.

Captain Causey stated that there is a significant increase in police presence in North Beach. There are beat police officers walking the streets during the day and afternoon shifts, and the amounts of arrests at the Open Space Park during the midnight hours have nearly doubled since last year. There is radar enforcement on 71st Street, Normandy Park and Collins Avenue.

Mayor Levine stated that lighting is a major factor that needs to improve throughout the City.

Major Causey stated that Officer Blanco has identified three public parking lots that are in dire need of extra lighting, and they are working on this matter. They are also working on identifying streetlights that are being obstructed by tree branches.

Commissioner Steinberg asked what could be done about dim streetlights.

Captain Causey explained they would be replacing old streetlights with LED lights. Half of the Washington Avenue light posts have been replaced with LED lights and it has made a huge difference.

Commissioner Tobin stated that the City has several different light vendors, some are better than others, and it creates disparity of light quality. He asked Captain Causey to see what was done with the lighting on James Avenue.

Captain Causey has met with the Administration to cut down the current 30 different types of lights to have two styles of lights and have more light uniformity in the City.

Discussion continued regarding lighting.

Commissioner Malakoff recognized the MBPD for a job well done, and mentioned that the North Beach Master Planner will look into the neighborhood's sidewalks, streets, lighting, street furniture, bicycle racks, etc. and make it into a more cohesive neighborhood.

Jimmy L. Morales, City Manager, explained that item C7K approved by consent added money for restoration to improve planning in North Beach.

Commissioner Weithorn asked whether the Police Department is in contact with the Sanitation Department regarding the high amounts of trash that is left in certain areas of North Beach, such as behind the library, and parking lots.

Captain Causey stated that the Police and Sanitation Departments work together on sanitation issues and illegal dumping. North Beach has problems with illegal dumping of furniture. The Police Department notifies Code Compliance when apartment buildings move their dumpsters

Discussion continued regarding illegal dumping and steps taken to correct this.

Saul Frances, Parking Department, will look into the amount of litter in the North Beach parking lots.

Mike Alvarez, Public Works Department, stated that the 77th Collins Avenue parking lot would have its lighting replaced through the entire perimeter up to 400 Watts, making it very well lit. Other parking lot lights will also be improved to similar wattage, except in areas close to the beach, which will have 250 watts to not disturb sea turtle nesting areas.

Mayor Levine recognized Mr. Alvarez for doing a great job.

Elizabeth Wheaton, Environmental & Sustainability Division Manager, stated that they would be trimming the dunes in North Beach. They will also be working with the Teen Job Corps to remove non-native plant species.

Anita Mena, North Beach resident, thanked the City Commission for their efforts to improve North Beach.

Sheryl Gold, Miami Beach resident, believes the City should research the impact of dune restoration. She stated that taking action without hearing the opinions of environmental experts might be premature.

Mayor Levine thanked MBPD and staff for their efforts.

3:36:51 p.m.

R9K Discussion On Creating And Appointing Members To An Advisory Group In Accordance With Chapter 259.032(10) Of The Florida Statutes To Review And Provide Input On The City's Beachfront Management Plan And Commencing Upon Execution Of A Resolution And Concluding Upon Final State Approval Of The Beachfront Management Plan.
(Environment & Sustainability)

ACTION: Discussion held. **Item to be brought back to the May 6, 2015 Commission Meeting. Elizabeth Wheaton to handle.**

Elizabeth Wheaton, Environmental & Sustainability Coordinator, introduced the item. They are in the process of updating the Beachfront Management Plan. Every ten years they are required to renew the management plan and outline usage, activities, and planned projects for the area. They are in the process of conducting updates, and are asking for direction on appointing members to the advisory board that will review their document, and give recommendations.

Commissioner Grieco asked to participate, as he is the Chair of the Sustainability and Resiliency Committee.

Jimmy L. Morales, City Manager, suggested this item be brought to the next meeting with Commissioner Grieco's recommendations for the other members of the advisory board.

Commissioner Grieco agreed.

5:12:20 p.m.

SUPPLEMENTAL MATERIAL 1:

SUPPLEMENTAL MATERIAL 3: Two Memorandums

R9L Discussion Regarding The 63rd Street Bridge And The 2016 Yacht Show And Traffic Impact.
(Requested by Commissioner Michael Grieco)
(Item returning from March 11, 2015 - R9L)

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

Max Sklar, Tourism and Development Director, introduced the item. Mr. Sklar announced that Larry Bornstein from the Police Department and Dan Graziano, producers of the Yacht Show who are in the audience to answer questions. They are proposing significant changes during the boat show. The bridge at 63rd Street opens at the top of every hour for ten minutes starting at 10 a.m. until 4 p.m. on weekdays. They are proposing changing that to open the bridge every hour starting at 10:30 a.m. and ending at 2:30 p.m. on weekends. Currently on the weekends they start at 10 a.m. until 4 p.m. and start earlier at 9 a.m. and end at 3 p.m. By doing that instead of having 56 openings, which is what they had this year, next year they are proposing having 43 openings. That would be a significant reduction in openings. This is to get the yachts on a more regulated schedule so they can stick to the 10-minute schedule. Restrict the crane movement to the weekend, and restricts lane closing on Collins Avenue. By doing this on weekends traffic impact is minimized.

Dan Graziano, Vice-President of the Yacht Show, introduced Larry Marrero, Miami Beach Marine Patrol.

Larry Marrero, Miami Beach Marine Patrol, explained nighttime navigation would be extremely hazardous due to visibility and navigation of shallow narrow waters. A 10-minute opening time can create safety concerns forcing more ships passing through in less time

Commissioner Grieco stated that the problem will never be fixed but can be mitigated, and they need to keep in mind that the boat/yacht show is a great economic generator for the City, but it cripples the residents at some levels. He thanked Max Sklar and the officers in the audience.

Mr. Sklar spoke with FDOT and the Coast Guard regarding rush hour restrictions, and Mr. Lieberman explained that the City could incorporate that into its request to the Coast Guard for this special weekend annually. That would help to alleviate the challenges in the future once they finalized the hours.

Commissioner Malakoff asked about the polystyrene docks.

Dan Graziano, Vice-President of the Yacht Show, stated for the record, that a great deal of the Styrofoam found after their show was derived from a construction project from the pump stations installations. He is committed to clean up before and after the yacht show and to do an annual clean up in the summer; they also clean up the entire creek.

Commissioner Weithorn heard a great deal of complaints from bicycle riders and vessels. They have never had an incident but they need to make sure that it is not safe.

3:39:44 p.m.

ADDENDUM MATERIAL 1:

R9M Discussion Regarding Citywide Failing Intersections, Long-Term And Short-Term Solutions.
(Sponsored by Commissioner Michael Grieco)

ACTION: Discussion held. Update to come back to the May 6, 2015 Commission Agenda. **Jose Gonzalez to handle.**

Commissioner Grieco explained this was a matter brought a couple of months ago and they need to identify where the failing intersections are, and come up with the top ten list. Solutions are needed, whether it is timing of the lights, working with law enforcement, repainting boxes, etc. The City should be able to control the roads, and it is time. They need to look at where and when these intersections are failing and come up with solutions. He asked to have this come back at the next meeting.

Jose Gonzalez, Transportation Director, explained that they are on top of this and at the recent workshop on Transportation they identified critical intersection, but the tough part is coming up with solution. The easy fixes have been done. In the past 12 months, there have been over 40 different issues at different intersections that they have been involved with; many of which have been remedied, but when it is a capacity issue it is more complicated.

Mayor Levine asked about a City staff in place at the County and Mr. Gonzalez stated that they are working on this. **Jose Gonzalez to handle.**

Mr. Gonzalez suggested coming back with a draft Transportation Master Plan for the June or July Commission Meeting, and they will expedite it as much as possible.

Commissioner Grieco asked for an update in May.

3:44:20 p.m.

ADDENDUM MATERIAL 1:

R9N Discussion Regarding Post Miami Beach Police Department Arrest Monitoring Of Criminal Court Cases By City Attorney And/Or Police Department.
(Sponsored by Commissioner Michael Grieco)

ACTION: Discussion held. **Office of the City Attorney and Daniel J. Oates to handle.**

Commissioner Grieco expressed that often times, after the Miami Beach Police Department makes arrests, they fall apart at the State Attorney Level. Commissioner Grieco emphasized that once the MBPD makes an arrest, they want to make sure that wrongdoers are punished for the crime committed. There should be a position either in the Office of the City Attorney or in the Police Department that acts in a capacity to ensure that cases are handled properly, and do not fall through the cracks.

Officer Rick Clements explained the victim's advocate program.

Raul J. Aguila, City Attorney, stated that it is a good idea to have a full time legal advisor in the Office of the City Attorney dealing with this. City Attorney Aguila informed the Commission that such a full time legal advisor, a former prosecutor, would be starting on April 28, 2015.

Police Officer Rick Clements stated that they are being very proactive and improving the system.

Commissioner Grieco wants to make sure that when they get the "bad guys" to make sure they stay gone.

Chief Daniel Oates stated that they have unique challenges, with so many victims being tourist from out of town.

Discussion continued regarding legal cases delayed.

3:54:37 p.m.

ADDENDUM MATERIAL 1:

R90 Discussion Regarding Venetian Bridge Closure; Timing And Need For Full Closure.
(Sponsored by Commissioner Michael Grieco)

ACTION: Discussion held. Information to be provided for residents. **Eric Carpenter to handle.**

Commissioner Grieco explained that the Venetian Bridge will close soon, and the public needs to know when it is going to be closed, if it is a full closure, for how long and why.

Commissioner Weithorn added that residents are inquiring about truck weight on the east, and she asked if the City should have a permit for these trucks for weight on the east. She asked if the City Commission could look into this.

Discussion held.

Jimmy L. Morales, City Manager, announced that there would be a community meeting tomorrow at 6:00 pm at the MBPD Community Room.

Eric Carpenter, Public Works Director, explained the permitting issues for the bridges. It is a permitting process that is required for all of the bridges, and they have permits for City cement trucks, sanitation vehicles, even on the east bridges.

Commissioner Weithorn asked how the City is enforcing that.

Eric Carpenter introduced members from Miami-Dade County, who can answer those questions.

Michael Bauman, Miami-Dade County Chief of the Causeways and Special Taxing Division, explained that in regard to permitting, if any construction piece of equipment has to exceed the tonnage weighed on the bridge, they must to contact Miami-Dade Count and get a permit to see if they are allowed to cross the bridge or not; however, those are enforced by FDOT.

Commissioner Weithorn requested enforcement information so residents can be notified. **Eric Carpenter to handle.**

Discussion held.

Commissioner Grieco asked when the bridge would close, for how long and why.

Manuel Garcia, Miami-Dade County Public Works Assistant Director, stated that the westerly low portion of the bridge, the west vascular bridge, is in a condition of disrepair where it will be completely closed. There will be a complete teardown of 729 feet of bridge, from the base all the way up to the deck. It is a complete reconstruction of that section of the bridge. There is a tentative timeline from the contractor and they are hoping to close the bridge by June 2015, which is in correlation with what the City is doing with their bridge on West Avenue.

Jimmy L. Morales, City Manager, stated for the record, that the concern from the residents is that the Coast Guard has agreed to keep the eastern bridge permanently down, subject only to emergencies. The Coast Guard is on record, to make it clear, that emergency means emergency vehicles only in an emergency. The residents are asking not even opening for emergencies, but that is a Coast Guard issue that the City has no control of. None of the City's emergency equipment, police or fire, require the raising of the bridge. This would be for unusual circumstances.

Discussion continued.

Commissioner Grieco stated that this is going to affect thousands of people on a daily basis, and the City will help in disseminating the information to the neighborhood and notify the residents that the County is doing everything possible to expedite the process and notify the residents.

Mr. Bauman stated that the City will receive a notice regarding a community meeting on the situation on the bridge, and by that time they will have a solid timeline from the contractor.

Discussion continued regarding the time length of the project of nine months and funding issues.

Eric Carpenter, Public Works Director, in regards to an issue that happened on the bridge last week, explained that a mechanical piece on the bridge had a malfunction and it had to be repaired.

Chief Oates added that MBPD called the meeting for tomorrow night due to the anxiety of some residents about emergency services when the bridge is up. They have contingency plans in place and measures are appropriately taken when the bridge is up. Measurements have been taken with colleagues in Miami to provide emergency services, and they want to get that message out to.

4:19:33 p.m.

ADDENDUM MATERIAL 1:

R9P Discussion Regarding Amending The City Charter And City Code To Provide That, Instead Of The Board Of Adjustment, The Chief Special Master Shall Hear And Decide Appeals From, And Review, Any Order, Requirements, Decision Or Determination Made By An Administrative Official Charged With The Enforcement Of The Zoning Ordinance Of The City Of Miami Beach.

(Requested by Commissioner Jonah Wolfson)

ACTION: Discussion held. Item to come back in two months (June 10, 2015). **Eve Boutsis and Thomas Mooney to handle.**

Vice-Mayor Wolfson explained that Administrative Appeals currently are heard by the Board of Adjustment (BOA). This has been used to get the results they want and these are all legal issues.

What happens is that these members are well qualified to handle these situations for the City, but he thinks members are not in the proper place to make these legal decisions and interpret the Code. He suggested transferring this authority to the Chief Special Master.

Commissioner Malakoff stated that the person who hears the case needs to have complete knowledge of the LDR and zoning codes, and she does not think the Chief Special Master has that information or knowledge. The BOA has attorneys that have better knowledge and information to hear these appeals.

Discussion continued.

Commissioner Grieco added that the City already has a Special Master that hears HPB Appeal cases.

Discussion continued.

Raul J. Aguila, City Attorney, asked Vice-Mayor Wolfson if he anticipates that the appeal be heard by the Chief Special Master, or if he anticipates that the City follow the same system for the HPB appeals.

Vice-Mayor Wolfson stated that it is a good idea to appoint a knowledgeable Special Master to hear these cases, and added that a Special Master can be appointed, one who has special knowledge of LDR and Zoning Codes, and this depoliticizes the decisions.

Commissioner Tobin stated that decisions get very political at times.

Discussion continued regarding quorum and delaying items with the BOA.

Commissioner Malakoff stated that the issue can be just as political when there is only one person that when there are seven.

Vice-Mayor Wolfson asked if the City should then change the Charter so that the HPB Appeals go to the BOA also, since it goes now to the Special Master. These are lawfully inconsistent, since in one board they are relying on the expertise of one member, and on the other they rely on the vote of seven people, one of which is an attorney. He requested delaying this item for a month and asked Commissioner Malakoff to give it serious consideration on the basis of the issues discussed, and bring the item back in a couple of months.

05:32:03 p.m.

ADDENDUM MATERIAL 1:

SUPPLEMENTAL MATERIAL 3: Resolution

R9Q Discussion Regarding A Resolution Collaborate To Develop An Enhanced Partnership With The Miami-Dade County School Board (School Board) And To Amend The City's Educational Compact To Provide Enhanced Educational Services To The City's Public School Students, By Working Collaboratively On Funding To Prioritize Early Learning Opportunities, Including The Head Start Program; Title 1 VPK; VPK Fee Supported; And Sped Pre-K; By Providing Instructional Support For Extracurricular Or Choice Offerings At City High School And Middle School Grades; By Enhancing The District's Afterschool Programming, IB Program And EFL Program; And To Provide A Schedule For Accomplishing These Goals.

(Requested by Commissioner Michael Grieco)

ACTION: Discussion held.

Resolution 2015-28997 adopted along with a joint referral to the Finance & Citywide Projects Committee and the Neighborhood/Community Affairs Committee. Patricia Walker to place on the Finance & Citywide Projects Committee. Vania Pedraja to place on the Neighborhood/Community Affairs Committee. **Dr. Leslie Rosenfeld and Eve Boutsis to handle.**

REFERRAL:

Joint meeting of the Finance & Citywide Projects Committee and the Neighborhood/Community Affairs Committee.

Commissioner Grieco introduced the item. This is something many on the dais have talked about over the years, and this might be the biggest step the City Commission has taken since the implementation of the IB (International Baccalaureate) Program in Miami Beach. Commissioner Grieco thanked School Board Superintendent Alberto M. Carvalho and specifically Melissa Martinez, Regional Representative of the School Board, the parents, the members of the PTSA and the folks that have been very involved in the work the City Commission has been doing for the benefit of the City's schools. Commissioner Grieco has spent the last four months working with the School District and the School Board representatives trying to figure out a way to upgrade what are already good schools in Miami Beach into even better schools in our District and our feeder pattern. The City of Miami Beach receives its appropriate allocation from the School Board; the School Board does everything that they are supposed to do, but the City Commission and Miami Beach want more. The items Commissioner Grieco has requested are:

1) Pre-K:

Not every family that wants to put their child in pre-k can in the City's feeder pattern, and Commissioner Grieco wants to correct that. Every family that wants pre-k should be able to enroll their child.

2) Supplement Education Programs

Commissioner Grieco wants to see if the City of Miami Beach can supplement the educational programs in Miami Beach High and Nautilus Middle Schools. Elected officials spend all of our campaigns, when we run for office, talking about how we cannot do anything regarding schools, as that is the purview of the School Board. However, we can do something. The City has the financial capability, if the School District allows it, to collaborate, even further, well beyond the IB Program to supplement our educational programs to where they need to be. The non-core classes in Miami Beach Senior High, such as the electives in both Miami Beach Senior High and Nautilus Middle in the arts, in the AP (Advanced Placement) classes, are not subject to the minimum class size requirements. The Florida Legislature has gotten very creative when it comes to class size limitations, and the Legislature does not feel that additional funding would be appropriate to limit class size in the non-core classes consistent with the Florida Constitution. So Commissioner Grieco, along with Eve Boutsis, Deputy City Attorney, working with Lisa Martinez from the Superintendent's Office and with the parents put together a Resolution with a solid timetable that, once the master schedule is put in place on May 6, 2015, the City is going to move forward. Commissioner Grieco wants to encourage his colleagues to recognize that this is an opportunity for the children of Miami Beach; it may mean that the City will have to pony up some money to do it. Even those residents that do not have children should be supportive, as property values are dependent on the quality school system in Miami Beach. This proposal is not the City paying for the things that the School District is supposed to be doing. This is the City, potentially supplementing what the School District already does. Commissioner Grieco has chosen to take the lead on this and he encourages his colleagues to do the same. When budget season comes along, Commissioner Grieco will work with the Budget Department and Dr. Leslie Rosenfeld, Chief

Learning and Development Officer; they are going to sit down with the master schedule and see what it is that the City can do.

Commissioner Tobin congratulated Commissioner Grieco and thanked him for his work related to schools.

Lisa Martinez, Chief Strategy Officer of the Office of the Superintendent, spoke. Ms. Martinez thanked the City Commission for giving her the opportunity to speak on behalf of the Superintendent and Dr. Carp, who are currently attending the School Board meeting. As a representative of the School District, Ms. Martinez is here because they have worked very closely with Commissioner Grieco to build on the success and strong partnership the School District has with the City of Miami Beach and have come up with ways to continue to make it stronger. The School District's commitment is to establish joint priorities that are data driven; making data driven decisions that leverage all resources is what the Superintendent wants to see happen and unfold in Miami Beach schools. The Superintendent is excited about the opportunity to strengthen the work that they in partnership with Miami Beach are doing in the schools, and the Superintendent looks forward to bringing back a plan collaboratively developed with the School District Administration and the City Administration within the next month.

Commissioner Weithorn stated that the City has to see what our resources are and explore what it is the City can do. She believes that everyone wants to join in this plan, but the resources will determine what can be done.

Commissioner Grieco stated that the core purpose of government is educating kids, picking up garbage and making sure there are firefighters and Police officers. Commissioner Grieco added that we are a City that had a surplus last year, and he is certain that the City will have a surplus this year. The Commission has a responsibility to our children, to the families, and he is going to beat the drum every day until the City gets this right. Commissioner Grieco thanked the School Board for being a partner in this, and being open to this. Commissioner Grieco thanked John Aleman and Kayla Ryder, who have worked with Commissioner Grieco on this and who are optimistically skeptical as to whether this can be achieved. However, Commissioner Grieco assures them that he is going to see this through, and he knows his colleagues will as well. Commissioner Grieco moved to refer this item to a joint Finance & Citywide Projects Committee and Neighborhood/Community Affairs Committee so both the financial and substantive issues can be discussed. This way they have two different teams of Commissioners voting and working on the issues, so pretty much the entire Commission will be vetting the proposal prior to its return to the full Commission.

Commissioner Malakoff stated that Miami Beach pays more in school taxes to the County School Board than the City of Miami Beach receives in return. Miami Beach is a donor community, and over the years, the Commission has made this clear to the Superintendent that it feels that they are not getting enough in return. Recently, the City paid for computers for Nautilus that should have been provided by the School Board. Commissioner Malakoff is interested in continuing the conversation, but the School Board needs to step up and address the needs of the community of Miami Beach because the students deserve it, the residents deserve it and it is important. As Commissioner Grieco said, residents move here because children can go to public schools, they do not have to pay thousands of dollars for private education because they get "Class A" public education in the schools. The City Commission wants the schools to get even better.

Discussion continued regarding Miami Beach being a donor City, and the corresponding equity.

Commissioner Grieco is committed to have the City of Miami Beach make a financial commitment to the education of its own students. If the problem cannot be fixed or mitigated by the School Board, the City should collaborate and work with them and give them the tools they need.

Commissioner Steinberg seconded the joint referral motion.

Kayla Ryder spoke.
John Aleman spoke.

Commissioner Tobin thanked his fellow Commissioners and the Mayor, the members of the Quality Education Committee, the PTA, Kayla Ryder, John Aleman and Dr. Rosenfeld for their commitment to Miami Beach Schools. The success of the City's schools is a joint effort.

Commissioner Weithorn stated that when Commissioner Grieco accomplishes this, it is important that it becomes part of the compact. Miami Beach was the first City to do an educational compact, and it is important that the School Board understands that this is a package deal. Commissioner Weithorn acknowledged the efforts of former Commissioner Richard Steinberg, who championed schools when he was a Commissioner.

Commissioner Grieco moved the 1) passage of the Resolution, and assured Commissioner Weithorn that the Resolution does mention the amendment of the Compact; and 2) the joint referral to the Finance & Citywide Projects Committee and Neighborhood/Community Affairs Committee. Commissioner Weithorn suggested approving this by acclamation. There was consensus to approve by acclamation.

4:31:09 p.m.

ADDENDUM MATERIAL 1:

R9R Discussion Regarding Traffic Study For Rue Vendome.
(Requested by Commissioner Michael Grieco)

ACTION: Discussion held. Directions given to identify the funding for a traffic study and bring it back to Commission. Direction approved by acclamation. **John Woodruff, Jose Gonzalez and Jeff Oris to handle.**

Commissioner Grieco introduced the item. There has been discussion, and the Blue Ribbon Panel on North Beach approved unanimously, the concept of eliminating Rue Vendome and making it a promenade for outdoor cafes or other activities in order to activate the area adjacent to the Normandy Fountain that was recently repaired.

Jeff Oris, Economic Development Division Director, explained the item. As the Commission may recall, in the plan that the Commission approved in December, the Administration had talked about enhancing activity along 71st Street, with the fountain being one anchor and the Byron Carlyle Theater being the other. Working with the Transportation Department, they have talked to FDOT about the possibility of closing Rue Vendome, and FDOT does not even want to discuss it until the City does a traffic study and tell them what the impact will be on traffic. The hope is to close Rue Vendome it and make it a public plaza, as it was originally designed. That that will

attract additional businesses and people to the area - to be the barbell anchor on that side of 71 Street.

Commissioner Weithorn inquired as to the parking impact. Mr. Oris reported that there would be nine spaces lost on Rue Vendome.

Commissioner Weithorn inquired as to why they have not done the traffic study, and see what it tells us.

Commissioners Weithorn and Steinberg asked that the traffic study also include the impact on parking.

Commissioner Grieco stated that nine parking spaces would be impacted, and it is possible that by closing off the ends, parking spaces will be created on Normandy Drive and 71st Street.

By acclamation, policy direction was given to perform the traffic study.

Marguerite Ramos spoke.

City Manager Jimmy L. Morales stated that it is not just direction that is needed, but an authorization to find the funds, as the City does not currently have the funding for the traffic study allocated in the budget.

Final Direction:

Direction given by acclamation to identify the funding for traffic study and bring it back to the City Commission.

11:15 a.m.

ADDENDUM MATERIAL 1:

R9S Discussion And Update Regarding The "Party/Short Term Rental House" Located At 4224 North Bay Road.

(Requested by Commissioner Edward L. Tobin)

ACTION: Item Withdrawn by Commissioner Tobin.

4:05:02 p.m.

ADDENDUM MATERIAL 2:

R9T Discussion Regarding 63rd Street Bridge Operations.

(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Discussion held. **Jose Gonzalez to handle.**

TO DO: Schedule a meeting with the Coast Guard Commandant. To be present at the meeting: Mayor Philip Levine, City Manager Jimmy L. Morales and Jose Gonzalez. **Jose Gonzalez to handle.**

Jose Gonzalez, Transportation Director, reported that they reached out to the Coast Guard, but there are no representatives present.

Vice-Mayor Wolfson stated that he put this on the agenda because a few days ago, he was on the bridge and it was up twice in a 15/20-minute period. This is unacceptable. People forget when one looks at the charts and it shows that the bridge was up three times in one hour, that between the time when they start putting the bridge up and when they are done 10 to 15 minutes have elapsed. Therefore, that means if they put the bridge up three times in one hour, half of that one hour the bridge is up. Therefore, for 30 minutes every hour people are waiting in traffic. It is just a mess.

Mayor Levine inquired what the Administration was going to do to remedy the situation.

Commissioner Steinberg agrees with Vice-Mayor Wolfson. There are no restrictions currently placed on the 63rd Street Bridge whatsoever. She has been stuck at that bridge more times that she cares to recall; it can take her up to 45 minutes to get from 71st Street to City Hall. Commissioner Steinberg has worked with the City's Transportation Department and the Coast Guard, and they are working with Gus Pego of the FDOT District 6 Office to develop actual restrictions, as well as a complete lockdown during rush/peak hours, and for the bridge to go up only once every 30 minutes like at the Venetian bridge.

Jose Gonzalez, Transportation Director, explained that the Administration has already made such a request via a letter submitted to the Coast Guard. City Manager Jimmy L. Morales confirmed that he signed the letter to the Coast Guard last week.

Jose Gonzalez explained the timeline and procedure of the request to the Coast Guard. The formal request is for the Coast Guard to consider imposing the restrictions on the bridge, which operates on demand. Currently, when the bridge tender receives a call from a vessel, he/she must open the bridge. The City's letter requests that the Coast Guard consider imposing restrictions during the morning peak - between 7:10 a.m. to 9:55 a.m. and during the afternoon peak - between 4:05 p.m. to 6:59 p.m. Those restrictions are similar to the restrictions that are currently in place on drawbridges on the mainland, on the Miami side. Based on meetings with the Coast Guard, they appear amenable.

Mayor Levine stated that the Venetian bridge on the weekends is on demand, but during the week, it is every half hour; and inquired why the 63rd Street Bridge does not have similar restriction.

Commissioner Steinberg stated that similar restrictions as on the Venetian bridges should be requested for the 63rd Street Bridge.

Jose Gonzalez stated that the every half hour restriction is part of the request to the Coast Guard. Therefore, when it is not peak time the bridge will only open on a set schedule that would be posted on the bridge.

Commissioner Steinberg suggested in the interim reaching out to the chartered boats, which leave and come back at specific time, and are docked on Collins Avenue and have a relationship with some of the hotels in the area. The City should reach out to these charter boats, ask that they be good neighbors, and not charter the boats to leave or return during the peak hours, but instead leave and return before or after the peak hours.

Police Major Mark Causey reported that they have assigned the task to talk to the charter operators to the NRO (Neighborhood Resources Officer) for the Middle District. The NRO will try to work with the different charter boats docked by the Eden Roc and the Fontainebleau Hotels.

Commissioner Steinberg stated that the charter boats are the only boats large enough in the area that can cause the drawbridge to open.

Discussion was held as to why the City is prohibited from passing an Ordinance to regulate navigable waters.

Jose Gonzalez explained that the request to the Coast Guard is a yearlong process. At last month's Commission meeting, a representative from the Coast Guard was here and stated on the record that it was a 9-month project. However, the Administration will work with the Coast Guard and even possibly our legislative team in Tallahassee to try to expedite the request.

Mayor Levine stated that the City Manager, Jose Gonzalez and he must schedule a meeting with the Coast Guard Commandant, and explain that this request is an emergency. **Jose Gonzalez to handle.**

City Manager Morales opined that under Federal Regulation the Coast Guard must have a comment period before such restrictions are approved.

Major Cause explained that they brought Michael Lieberman, who is in charge of the bridge department for the U.S. Coast Guard District 7, to the Commission meeting last month, he explained the process, and that it would take 9 to 12 months, and that there is a 60 or 90-day window where they must put it out to the public for comment. The goal was not only for rush hour, but this coincides with the other agenda item on today's meeting for the 2016 Boat Show. The goal was to have it closed down for rush hour 7 days a week, not just Monday through Friday, which will help us for all special events on the weekends. Mr. Lieberman said it was very doable, and based on the meeting here last month he is pushing forward.

Mayor Levine inquired if we are sure that the charter boat companies are the big problem.

Commissioner Steinberg stated that she thought it was a big problem, whether peak or non-peak hours, as there are no regulation the charter boats use the drawbridge on demand.

The Mayor asked City Attorney, Raul J. Aguila, if the City had any jurisdiction to regulate charter boats. City Attorney Aguila responded that he did not believe the City had such authority.

Commissioner Steinberg emphasized that the charter boat companies can be asked to be good neighbors.

Rick Kendle spoke and requested the drawbridge to be put on a schedule where they open at certain known intervals.

In response to the Mayor's question, Major Causey added that only one tour boat caused most of the backup issues during the last boat show.

Commissioner Steinberg stated that she was not referring to special events, but on a regular basis when the bridge goes up and down she deems it to be generated, in large part, by the charter boats that customarily dock across the hotels on Collins avenue.

Mayor Levine thanked Jose Gonzalez, and asked him to resolve this matter.

04:41:56 p.m.

ADDENDUM MATERIAL 2:

R9U Discussion Regarding Unlicensed Use Of Residential Units For Transient (Hotel) Use And Related Accessibility Issues At 220 21st Street, And City's Position Concerning Special Master Case No.: JC15000225.

(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Item deferred to May 6, 2015

4:14:31 p.m.

ADDENDUM MATERIAL 3:

R9V Discussion Regarding The Beach Walk Appearance And Maintenance, From 14th Street Through 23rd Street.

(Requested by Vice-Mayor Jonah Wolfson)

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

Vice-Mayor Wolfson showed photographs of the beach shower area. As in any other town, you have beach showers; but with our beach showers there are no drains, and the water pools and the results are foul. There is always standing water. This has been going on for years, because when they built these beach showers, they did not put drains. In last Administration, the former Public Works Director, Fred Beckman told Vice-Mayor Wolfson that the State told the City that it could not install drains because of DERM and environmental issues. Vice-Mayor Wolfson does not understand why pecculating water into a drain is an issue; the water is going to go to the ground anyway. In the current method, it will just go slower, causing puddles that may become safety and health hazards. Vice-Mayor Wolfson does not think any Commissioner will oppose spending money to put drains at these locations. Vice-Mayor Wolfson inquired if he had received accurate information; can the City place drains in these locations?

Eric Carpenter stated that it is his understanding that the prior Administration at FDEP had some concerns with putting drains, particularly on the east of the erosion control line. The City has tried to function under those rules, and we believe that now with the change in Administration at FDEP and the fact that the City has tried to follow their guidelines, and it just did not work, that the City may be allowed to place the drains.

Vice-Mayor Wolfson asked Mr. Carpenter to work with the Boucher Brothers, as they know all the issues associated with the beach. The Boucher Brother brought this concern to the Vice-Mayor a long time ago, as it is ugly for the beachgoers, as asked him if there was anything, he could do. As Mr. Carpenter stated that the new Administration at FDEP might be amenable to consider shower drains, Vice-Mayor Wolfson asked Mr. Carpenter take the photographs that the Vice-Mayor had and see if the photographs are helpful in convincing FDEP that something must be done to remedy the situation.

Mr. Carpenter stated that this was already in the process. The City has \$465,000 programmed in the CR&R budget for Fiscal Year 2016 to install the 30 additional shower drains that are missing, because the City currently has 14 showers with drains. Those 14 showers happen to be from 3rd Street through 14th Street and 27th Street through 35th Street, not the area that shown in the photographs because the drains do make a difference. Mr. Carpenter explained the City has to clean the drains on a weekly basis with a vacuum that pulls sand from the sand interceptors, but they function better. He believes that with drains on the 30 additional showers it will be better.

Vice-Mayor Wolfson stated that the second set of photos show missing rope lines, knocked-down posts, beat up walkways; all of which is unacceptable. All the things in the second set of photographs can be fixed in one day by the Public Works Department. Vice-Mayor Wolfson provided the photographs to Mr. Carpenter and asked that the problems be corrected. **Eric Carpenter to handle.**

Mr. Carpenter responded that the rope and post issue is on the City's radar. The City has approximately 7 miles worth of rope and posts. It has replaced over two miles of it in the last three months; and it continues to work through these areas because it had been neglected overtime.

Vice-Mayor Wolfson that on another day, he would like to discuss whether the City should be moving the rope and post every time the grass grows a bit or should the City be cutting the grass.

4:34:59 p.m.

ADDENDUM MATERIAL 3:

R9W Discussion Regarding A Comprehensive Plan To Address Human Trafficking Within The City Of Miami Beach.

(Requested by Commissioner Joy Malakoff)

ACTION: Discussion held. Motion by Commissioner Malakoff and approved by acclamation for the Miami Beach Human Rights Committee to continue working to address the human trafficking project. **Police Chief Daniel J. Oates and Marcia Monserrat to handle.**

Commissioner Malakoff introduced the item. The matter was brought to the attention of the City Commission via a resolution passed by the City's Human Right Committee. The resolution requested that the Commission pass a comprehensive plan to address human trafficking within the City of Miami Beach. Commissioner Malakoff knows the Police Department has a Human Trafficking Division with special investigators and safe homes provided. South Florida ranked third in the nation for human trafficking according to the United States Department of Justice. Some victims have been as young as 12-years-old. The victims are male and female, and the City needs to do whatever it can to stop human trafficking in Miami Beach. Commissioner Malakoff would like to hear more about what is being done.

Police Major Rick Clements stated that they have identified the fact that we are a high-profile location; and as such, the Police Department has collaborated with the F.B.I., and have been partners with them for a number of years. The City operated before under the Minor Vice Task Force, which was recently renamed the Human Trafficking Task Force. The Police Department had a productive meeting with the Human Trafficking Task Force about a month ago, and there are going to partner with the City, and in the very near future they will start doing street sweeps with all kinds of resources, including collaborating with other municipalities. The Police Department is very eager and looking forward to going forward with this.

Commissioner Malakoff inquired about the safe homes. Major Clements reported that the F.B.I. provides these victims with safe homes.

Commissioner Malakoff inquired as to the financial needs of the Police Department to obtain more safe homes, as she had been notified that money was needed to be budgeted similar to the shelter beds that the City pays to help the homeless in the community. Major Clements reported that the F.B.I. has made no requests on the City concerning the funding. The F.B.I. instead is coming to the City for other resources. The F.B.I. views our knowledge of what goes on in Miami Beach and the locations to look for people that are being exploited in this manner as a resource

for them. Commissioner Malakoff requested Major Clements to let the Commission know if there is a future financial need.

Major Clements added that the F.B.I. has volunteered to do things for the City concerning resources. It gives the City more eyes and hands on the street to get what we need to be done. Major Clements reported that the City has recovered 12 victims of human trafficking over the last year, one of which was a juvenile. It is a success when you give these victims a second chance at life. Major Clements stated that we are only scratching the surface but are looking forward to more progress.

Marcia Monserrat, liaison to the Miami Beach Human Rights Committee, in response to Commissioner Malakoff's question stated that one of the requests from the Committee is for the City Commission to give direction to continue this effort. The Miami Beach Human Rights Committee would like to do a public awareness campaign. The Committee has spent a great deal of time with not only the Police but with victims/survivors, and one of the things that they talked at the Committee at length is how human trafficking is happening in our neighborhoods and the residents may not be aware of it. "Trap Houses" look just like any home in a neighborhood, but there are signs that the public needs to be aware of; and the Committee would like to engage in a public awareness campaign. In addition to what Commissioner Malakoff said, the Human Rights Committee would like to do an event at a City facility; they are thinking at this point at the Colony Theater, as there are a number of documentary on this issues that are very good and have been very well received by audiences. The Human Rights Committee would like direction and approval from the City Commission to have such public outreach.

Commissioner Weithorn hopes that the Human Rights Committee has reached out to Nancy Radson and her group, because they have a great deal of public awareness already done, and they do not have to recreate it. **Marcia Monserrat to handle.**

Commissioner Weithorn stated that the Women's Division of the Greater Miami Jewish Federation did a conference at the Betsy Hotel on human trafficking, and the Hotel Association is partnering to educate hotel workers on what to look for. Often, human trafficking takes place in hotels.

Ms. Monserrat explained that education is one of the things the Miami Beach Human Rights Committee would like to do.

Commissioner Weithorn stated that rather than us trying to do what is already happening, she thinks it would be great if the City could work in conjunction with an organization that has this vehicle in place.

Motion by Commissioner Malakoff and approved by acclamation for the Miami Beach Human Rights Committee to continue working to address the human trafficking project.

City Manager Jimmy L. Morales stated that the Office of the State Attorney has formed a special unit to deal with human trafficking, and they have asked the City of Miami Beach to assign a Detective special to that unit. The Police Department has made a commitment that we will do that this in the fall, once the staffing numbers are up. **Police Chief Daniel J. Oates to handle.**

10:02:37 a.m.

ADDENDUM MATERIAL 3:

R9X Discussion Regarding Amending Chapter 6 Of The City Code, Relating To The Hours Of Operation For Outdoor, Open Air, Or Sidewalk Cafes To Prohibit The Sale Of Alcoholic Beverages Service Between The Hours Of 2:00 a.m. And 8:00 a.m.

(Requested by Mayor Philip Levine)

ACTION: Discussion held. Commissioner Tobin made a motion to form a 90-day Blue Ribbon Panel to make recommendations relating to Ocean Drive; and delay the sidewalk widening project for 90 days; seconded by Vice-Mayor Wolfson. Voice-vote: 7-0.

TO DO:

- Bring Ordinance relating to the hours of operation for outdoor, open air, or sidewalk cafes to prohibit the sale of alcoholic beverages service between the hours of 2:00 a.m. and 8:00 a.m. to the May 6, 2015 Commission meeting. **Office of the City Attorney to handle.**
- Bring Ordinance relating to the placement of umbrellas by sidewalk café operators to the May 6, 2015 Commission meeting. **Office of the City Attorney to handle.**
- Bring Ordinance relating to panhandling to the May 6, 2015 Commission meeting. **Office of the City Attorney to handle.**
- Data to be provided by the Police Department. **Chief Daniel J. Oats to handle.**

Raul J. Aguila, City Attorney, introduced the item. This is a proposed amendment to Chapter 6 of the City Code, which would amend the sale and consumption of alcoholic beverages between the hours from 2:00 a.m. to 8:00 a.m. concerning outdoor areas, sidewalk cafes, possibly open-air areas in restaurants, patios or terraces, and as far as the City Commission wants to go. There is a correlation between, not only the nuisance in the early morning but crime as well, which are connected to the establishments that are selling, consuming and offering alcohol for consumption during these hours. There are areas such as Ocean Drive, Washington Avenue, Lincoln Road, Collins Avenue and others that are architectural historic gems. This Commission has made a commitment to restore these historic, commercial, and business districts to what they should be.

Mayor Levine stated that a few weeks ago Police Officer Alba was dragged and injured by a car. Ocean Drive has turned into a very challenging area. It requires a tremendous amount of Police resources to enforce and maintain safety. It is turning into Bourbon Street, and even as far as becoming a blight to the City. Residents and locals do not go to Ocean Drive because of the negative image they have of the area. The resources used to make this area safe are disproportional. Fort Lauderdale changed its image years ago, and now the Fort Lauderdale strip is very different than it was 20-25 years ago. He met with Major Causey and discussed an immediate action to make Ocean Drive safer, and the immediate response was to stop serving alcohol at 2 a.m. If we are serious in making Ocean Drive a safer place, we need to make that decision as far as sidewalk cafes and open areas.

Chief of Police Daniel J. Oates stated that from the waterline to 15th Collins Avenue, a quick analysis was taken between 2:00 a.m. and 6:00 a.m., 31% were robberies, 29% aggravated batteries, and these accounted for 24% of all occurrences, and 18% of those were serious crimes. The driver activity is what happens between 2:00 a.m. and 6:00 a.m. Ocean Drive would be a lot easier to police if the sale of alcohol stopped at 2:00 a.m.

Commissioner Weithorn asked if alcohol could continue to be sold and consumed in indoor establishments, but not continue in outdoor areas. She does not want a loophole coming out of this situation. **Raul Aguila to handle.**

Mayor Levine stated that this is strictly for discussion, and if there is consensus, the City Attorney can draft an amendment for the next City Commission meeting.

Discussion held.

Raul J. Aguila, City Attorney, sees this as part of a comprehensive effort by this Commission to make these historic commercial business districts shine again.

Commissioner Tobin suggested the MBPD have plans ready and do the data crunching and tell the City Commission what they need done or amended. This will affect establishments like The Clevelander, because of their open-air establishment. Action must be taken to improve the City. We should not make the easiest change, but the change that will cause the most significant impact. He suggested the Police Department provide three different options with their best advice. **Police Chief Oates to handle.**

Erik Zichella, representing DLC Investment properties, stated that DLC supports this item, but they would like the City to strengthen the regulation and have the City Commission be the only entity capable of regulating the sale of alcohol by Ordinances, and not have individual permit regulations for architectural concepts.

The following individuals spoke:

Frank Del Vecchio stated that this proposal would affect many people. Many people want to invest and live in Miami Beach, but have mixed feelings on issues such as this one.

Mitch Novick, Miami Beach resident, requested that the City make the streets safer, and focus on the clean up the entertainment district.

Dr. Morris Sunshine, Miami Beach resident, spoke about the ambience problem. He commended the City Commission for considering reducing the sale of alcohol.

Paul Gonzalez, Miami Beach resident, spoke of the lack of parking for residents. Parking is prioritized for people visiting the City.

Sheryl Gold, Miami Beach resident, thanked the Mayor for putting this on the agenda. This is not only impacting Ocean Drive, but the entire region.

Raul J. Aguila, City Attorney, will draft the amendment to ban the sale and consumption of alcoholic beverages in sidewalk cafes and open-air areas between 2:00 a.m. and 8:00 a.m. using the broadest definitions possible so that the City Commission can tailor it to its approval. The second Ordinance would address Commissioner Weithorn's concern. **City Attorney Raul J. Aguila to handle.**

Vice-Mayor Wolfson wanted to close Ocean Drive traffic as much as possible to calm down the environment, but it came out as only widening the sidewalks. Many of the purveyors on Ocean Drive have not done much to maintain the quality of the streets and have taken a great deal of the charm that existed. He does not want to reward the bad behavior of certain Ocean Drive purveyors.

Mayor Levine asked if there was an appetite on the City Commission to delay what they are doing with widening of the sidewalks on Ocean Drive.

Commissioner Grieco explained that increasing the width of the sidewalks does not necessarily affect the liquor sales; he likes the idea of increasing Police presence on Ocean Drive, and suggested stopping liquor sales at 2:00 a.m. for sidewalk café sales, but there are good operators such as Mangos and the Clevelander. He asked if they could attach this to the sidewalk cafes agreements, to consider as a compromise.

Mayor Levine does not agree with Commissioner Grieco, but appreciates his thoughts; they need to limit this to outside areas. He suggested considering delaying the widening of the sidewalks and squeezing operators to the side, and later have an overall comprehensive policy.

Commissioner Malakoff agreed with Mayor Levine in regards to restricting the sale of alcoholic beverages outdoors. She asked the City Attorney if they could also look into the sale of alcoholic beverages in rooftop areas. She wants to address Ocean Drive. The preponderance of umbrellas and tables set next to the curb demands stronger Code enforcement. The beautification of Ocean Drive should happen. The sidewalk should be wider and pedestrians should walk unobstructed. Owners should continue to beautify the area.

Vice-Mayor Wolfson agreed with Commissioner Malakoff, and addressed the issue of the massive umbrellas. He would like the umbrellas to be smaller, and not block the building fronts.

Discussion held.

Joe Jimenez, Assistant City Manager, spoke. They are waiting for a comprehensive amendment.

Commissioner Steinberg suggested rectifying the umbrella situation immediately and supports the idea of getting language to do that.

Vice-Mayor Wolfson asked the City attorney to present a draft umbrella Ordinance for the next Commission Meeting. **Raul Aguila to handle.**

Commissioner Tobin suggested discussing this and decide the direction for Ocean Drive, Collins Avenue, Lincoln Road, and Washington Avenue. He states that those areas have been in decline. He requested to have a comprehensive discussion expeditiously to have a clear vision for these areas.

Mayor Levine stated they have had successes with Blue Ribbon Panels and asked if they can form a Blue Ribbon Panel on Ocean Drive for suggestions and delay the widening of the sidewalks. The City Attorney needs to come back with this amendment so it can be discussed. He asked if there was consensus for a 60-day Blue Ribbon Panel for Ocean Drive.

There was consensus to form a Blue Ribbon Panel for Ocean Drive. **Office of the City Attorney to draft Blue Ribbon Panel Purpose and Creation.**

Vice-Mayor Wolfson suggested including people that recognize that there is something that needs fixing in the area.

Commissioner Weithorn stated that there is an Ocean Drive Association and they know how to work with the residents and she suggested they should reach out to them first before creating a Panel. She disagrees in delaying the Ocean Drive sidewalk enlargement project, but does agree that the umbrella issue need to be corrected, and umbrellas should not be permanently affixed to the ground.

Mayor Levine stated that the Ocean Drive Association has been disastrous; they have only been a facilitator to the behavior they see today.

Mitch Novick agrees 100%. He is against encroachment into Lummus Park. Regarding the awnings and umbrellas, limit the coverage of the façade to 35% and tie it in with the café permit agreements with the business owners.

MOTION:

Commissioner Tobin made a motion to form a Committee and give it a 90-day window to make recommendations.

Vice-Mayor Wolfson requested that the motion be amended to make it a Mayor Blue Ribbon Committee and have Mayor Levine appoint members.

Commissioner Tobin agreed, but cautioned that we need to work with Ocean Drive so we do not decimate it.

Commissioner Tobin also included on his motion a delay of 90 days on the expansion of the sidewalk.

Seconded by Vice-Mayor Wolfson. Voice-vote: 7-0.

City Manager Morales requested that an additional Ordinance be included. There is an issue that is really affecting South Beach in recent months, that is the panhandling issue. We are seeing many individuals who appear to be homeless or vagrants, but are actually panhandlers who live across the bay. Since Miami adopted some strict panhandling rules, they are now coming to Miami Beach, panhandling for money that they use for drugs/alcohol, etc. That is why you see many homeless during the day, but at night, the count does not reflect that because they are panhandling. City Manager requested amongst the Ordinance to prepare an Ordinance with strict rule against panhandling. City Manager Morales added that the residents and business on Washington Avenue and Lincoln Road have complained. City Manager Morales explained that the panhandlers are attracted to tourist from whom they ask for money. By acclamation, it was agreed to introduce such an Ordinance.

City Attorney Aguila stated that his Office is currently working on such an Ordinance with Maria Ruiz.

04:41:56 p.m.

ADDENDUM MATERIAL 4:

R9Y Discussion Regarding The Status Of Money Owed By City Of Miami Beach To CDM For Work Completed.

(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Item deferred to May 6, 2015.

R10 - City Attorney Reports

R10A City Attorney's Status Report.

(Office of the City Attorney)

ACTION: Report given.

12:09:39 p.m.

ADDENDUM MATERIAL 3:

R10B Notice Of Closed Executive Session

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, April 15, 2015, In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

ACTION: Announced and held.

Raul J. Aguila, City Attorney, announced the Closed Executive Session.

Reports and Informational Items

1. Reports and Informational Items (see LTC No. 136-2015)
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
April 15, 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, including Miami-Dade County Commissioner Bruno A. Barreiro.

2:07:24 p.m.

1. NEW BUSINESS

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Amending Resolution No. 606-2014, Setting The Dates For The Year 2015 RDA Meetings, By Authorizing A Change In The RDA Meeting Date Of Wednesday, September 9, 2015 To Wednesday, September 2, 2015. **Joint City Commission and Redevelopment Agency**
(Office of the City Clerk)

ACTION: RDA Resolution No. 613-2015 adopted. Item heard in conjunction with R7D. See action with R7D. Title of the RDA Resolution read into the record. Motion made by Board Member Weithorn; seconded by Board Member Malakoff; Voice vote: 7-0. **Max Sklar to handle.**

Rafael E. Granado, City Clerk, explained that they are requesting amending Resolution 606-2014 to change the RDA Meeting date from September 9 to September 2. This is being requested by the Budget Department, since the School Board date for their budget hearings conflicts with ours.

Commissioner Weithorn suggested moving both items, RDA 1A and R7D.

Meeting adjourned at 6:00:18 p.m.