



**Special City Commission Meeting  
 City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
 March 25, 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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**ATTENTION ALL LOBBYISTS**

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

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

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

Meeting called to order at 3:29:29 p.m.

Pledge of Allegiance given by Frank Del Vecchio.

**ADDENDUM MATERIAL 1:**  
 R9C

**ADDENDUM MATERIAL 2:**  
 R7D R9D

**ADDENDUM MATERIAL 3:**  
 R7E

Rafael E. Granado, City Clerk, read into the record, the items added and withdrawn.

**ITEM WITHDRAWN:**

R9B

**ADDENDUM AGENDA**

**3:01:00 p.m.**

**ACTION:** Motion made by Commissioner Weithorn to add R7D, R7E, R9C and R9D to the Agenda; seconded by Commissioner Tobin; Voice-vote: 5-0; Absent: Vice-Mayor Wolfson and Commissioner Steinberg.

**REGULAR AGENDA**

**R7 - Resolutions**

**3:31:28 p.m.**

R7A A Resolution Pursuant To Section 142-452(d) Of The City Code, Waiving By 5/7<sup>th</sup> Vote Of The City Commission After Public Hearing, The Development Regulations In A GU (Government Use) District Pertaining To Section 138-73, Entitled "General Advertising Signs," In Order To Authorize The Installation Of A General Advertising Sign For A New Playground At Crespi Park Located At 7801 Crespi Boulevard, Miami Beach, Florida. **3:01 p.m. Public Hearing**

(Parks & Recreation)

(Deferred from March 18, 2015 - R7A)

**ACTION:** Title of the hearing read into the record. Public Hearing held. **Resolution 2015-28968 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Voice-vote; 5-1; Opposed: Commissioner Weithorn. Absent: Commissioner Steinberg. **John Rebar to handle.**

John Rebar, Parks and Recreation Director, stated that this item is to allow a general advertisement sign at Crespi Park. The City was selected by JetBlue for their community build playground project. JetBlue built 21 playgrounds across the country as part of their efforts and KaBOOM!, Inc., has done thousands. As part of the program, over 250 volunteers in one day built a playground, 20 picnic tables and benches. This was a great project for the community. As part of the build, there is a sign inside the playground structures, about 12¼ inches wide, 30 inches height, recognizing JetBlue, the foundation and the City of Miami Beach for that great community build project.

Commissioner Tobin informed that in the past he has voted in opposition to allow signs for these projects, but after discussing with Mr. Rebar, and after learning how much of a community project it was and how involved the community was, he will vote in support for this unique circumstance. However, Commissioner Tobin suggested adding language to the Resolution that this is being done because this was such a unique project.

Commissioner Grieco was there in the morning of the project and they had over 200 JetBlue employees come in to do this project, along with DJ Ari and the Ari Foundation; there were also a handful of residents in the Crespi area along with the Parks and Recreation employees. This was a unique project. There is a difference from sponsoring and this project, and he is supportive of approving the item.

Mayor Levine stated that in New York City or any major city, every bench and every special display has a donation plaque, as being given by a family or organization. Miami Beach is one of the hottest cities in the world, and this is about recognizing socially responsible individuals who want to be recognized just as it happens in any progressive City.

Commissioner Tobin is not comfortable with the idea of having vendors come to the City with donations or with individuals donating large sums of money and the City accepting those donations.

Commissioner Malakoff explained that there is a 501(c)3 non-for-profit organization that the City Commission started. It is strictly for the needs of Miami Beach, such as \$75,000 for new computers at Nautilus Middle School, Beach High needs, and including senior meals and classes for the citizens. She suggested that people that want to donate large sums of money, they should donate to One Miami Beach, and the Board members will put the money for real public use. She understands about the plaques, but suggested keeping green spaces green, free of plaques. She will vote in favor of this, to allow a one-time placement of a general advertising sign in the park, but she does not want continued commercialization of public spaces in the City.

Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Voice-vote; 5-1; Opposed: Commissioner Weithorn. Absent: Commissioner Steinberg.

Handouts or Reference Materials:

1. Notice of Public Hearing Posted In All Bulletin Boards in City Hall and online.
2. Notice of Special Commission Meeting Posted In All Bulletin Boards in City Hall and online.

**3:39:37 p.m.**

R7B A Resolution Waiving By 5/7<sup>th</sup> Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, Authorizing The City Manager To Hire David Mulholland, Senior Vice-President And Project Manager, Of The Orlando Firm GMB Engineers & Planners, Inc., (The Firm) To Provide Professional Traffic Consultant Services Relating To Watson Island, Island Gardens, City Of Miami Development Site; And Further Authorizing The City Attorney To Execute A Retainer Agreement With The Firm, In An Amount Not To Exceed \$200,000.

(Office of the City Attorney)  
(Deferred from March 18, 2015 - R7F)

**ACTION: Resolution 2015-28969 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Grieco; Voice-vote: 6-0. Absent: Commissioner Steinberg. **Office of the City Attorney to handle.**

Raul J. Aguila, City Attorney, explained that pursuant to prior direction from the City Commission regarding ongoing efforts to look into the Watson Island Project, they have identified a traffic consultant who will be asking authority to retain up to the \$200,000 appropriated. He requested a waiver of the competitive bidding requirement, as this is a matter of urgency.

Motion made by Commissioner Malakoff; seconded by Commissioner Grieco.

**3:40:50 p.m.**

R7C A Resolution Accepting The Recommendation Of The Mayor's Blue Ribbon Panel On Flooding And Sea Rise, And Submitting Comments To The Federal Emergency Management Agency Regarding The Proposed Revised Guidelines For Implementing Executive Order 11988, Entitled "Floodplain Management," As Amended By Executive Order 13690 [Docket ID FEMA-2015-0006].

(Sponsored by Commissioner Joy Malakoff)  
(Legislative Tracking: Office of the City Attorney)  
(Deferred from March 18, 2015 - R7G)

**ACTION: Resolution 2015-28970 adopted.** Motion made by Commissioner Malakoff to approve the Resolution and Administration directed to respond to FEMA with comments; seconded by Commissioner Grieco; Voice-vote: 6-0. Absent: Commissioner Steinberg. **Betsy Wheaton to handle.**

Commissioner Malakoff explained that at the Blue Ribbon Panel on Sea Level Rise and Flooding, Ms. Turner had responded to the Panel's inquiry regarding the President's Executive Order. The Panel recommended that the City Commission pass a Resolution submitting comments to FEMA regarding the new Federal Floodplain Management Revised Guidelines as a result of the Executive Order. Commissioner Malakoff expressed that the City should respond with everything that Miami Beach is doing, and hopefully open the gates to Federal help.

Debora Turner, First Assistant City Attorney, stated that this Resolution was recommended by the Blue Ribbon Panel for the City Commission to authorize the submission of comments to FEMA with regard to the new Federal guidelines, which will be more flexible in determining flood elevations. FEMA is seeking comments from local governments, states and cities. This Resolution would be submitting comments that would be prepared by the City Administration that are consistent with the City's policies and positions regarding sea level rise and floodplain management. This item was submitted for approval of the Resolution and directing the Administration to prepare the comments to go with the Resolution, commenting to FEMA about the new proposed guidelines. In answering Commissioner Malakoff's question, Ms. Turner advised that she had been informed verbally that the deadline for comments to FEMA was extended to May 6, 2015, and the extension should be in the Federal Register by March 26, 2015.

Commissioner Malakoff moved the item; seconded by Commissioner Grieco; Voice-vote: 6-0. Absent: Commissioner Steinberg.

**03:42:58 p.m.****ADDENDUM MATERIAL 2:**

R7D A Resolution Urging The Florida Legislature To Amend The Provisions In Chapter 339 Of The Florida Statutes To Reduce The Number Of Voting Members On Metropolitan Planning Organizations And Adding This Issue To The City Of Miami Beach's Legislative Priorities For 2015.

(Requested by Mayor Philip Levine)

**ACTION: Resolution 2015-28971 adopted.** Motion made by Commissioner Grieco to approve the Resolution; seconded by Commissioner Malakoff; Voice-vote: 6-0. Absent: Commissioner Steinberg. **Office of the City Attorney to handle.**

Mayor Levine explained that he has been sitting on the MPO board. The MPO is in charge of all the transportation initiatives, the Bay Link, bus rapid transit program, the light rail and others. He noticed that the board is large in its membership, so it is difficult to get any action taken. He believes the board needs to be reformed. The County is also in support of this action. Due to the challenging structure of the board, he suggested working with the City's State Legislature Lobbyist to reform the board to reduce the size of the board in order to get things done. The City of Miami is bringing a similar item to their City Commission on March 26, 2015, and Mayor Levine suggested that the City of Miami Beach also pass a Resolution, in conjunction with the City of Miami, so they can move forward in Tallahassee to reform the MPO.

Commissioner Tobin agreed with Mayor Levine in that it is next to impossible to pass a Resolution from the MPO, but asked if there were other ways to reform the board, besides limiting the number of members on the board.

Commissioner Grieco asked if there was a way to provide other alternatives. Currently there are about 23 members, and in order to take action they need a majority of 23. He asked if a quorum could be reduced to a majority of attendees, rather than the total number of members on the board.

Discussion held.

Mayor Levine suggested moving forward to reform the MPO board, and additionally, perhaps individually the City Commissioners can meet with the Chief of Staff and the legislative team, and come up with ideas to see what they can come up with in Tallahassee. He also wants to see what the City of Miami passes at their Commission Meeting on March 26, 2015. He added that the board members are great, but the structure is dysfunctional.

**03:46:44 p.m.**

**ADDENDUM MATERIAL 3:**

R7E A Resolution Formally Accepting A Donation To The City Of Miami Beach Of 475 178 Suite Holder Tickets For The Miami Beach Centennial Concert Event, "Hard Rock Rising Miami Beach Global Music Festival 2015," To Be Held On March 26, 2015 (The Closing Night Of The City's 100 Hour Centennial Celebration) From Donors Saxony Beach, LLC And Lanzo Holding Company, And Beach Towing, Amending Resolution No. 2014-28638, To Provide For A One-Time-Only Amendment To The City's Administrative Guidelines For The Distribution Of Complimentary Tickets Received By The City Of Miami Beach; Said Amendment Providing That The Distribution Of The 175 Subject Donated Tickets Shall Be Distributed By The Mayor, On Behalf Of The City Of Miami Beach, As The Official Ceremonial Head Of The City And Of The Centennial, In Accordance With The Following Distribution Criteria, Reflecting The City Commission's Determination Of Acceptable Public Purposes As Set Forth In This Resolution, Which Include, Without Limitation: 1) Hosting Dignitaries From Municipal, State And Federal Governmental Entities; 2) Hosting Dignitaries And Business Leaders From Other Countries; 3) Hosting Business Leaders To Promote Economic Development; 4) Hosting Leaders Of Community Service Organizations; Hosting Groups Of Governmental Employees In Recognition Of Their Efforts Working On The Centennial; And 5) Hosting Constituents; Provided Further, That The Aforestated Amendment Shall Only Apply For The Centennial, Which Is A Once-In-A-Lifetime Event In The City's History, And Shall Automatically Sunset Following The Conclusion Of The Official Centennial Events On March 27, 2015.

(Legislative Tracking: Office of the City Attorney)

**ACTION: Resolution 2015-28972 adopted.** Motion made by Vice-Mayor Wolfson to approve the Resolution; seconded by Commissioner Grieco; Voice-vote: 6-0. Absent: Commissioner Steinberg. **Office of the City Attorney to handle.**

**RECOMMENDATIONS:**

1. Accept the donation on behalf of the City.
2. Approve a one-time only waiver to the ticket policy to allow the Mayor to distribute the donated tickets in accordance with the public purpose set forth in the Resolution.

Rafael E. Granado, City Clerk, announced that an updated Resolution is being distributed at the dais.

Raul J. Aguila, City Attorney, stated that he placed this item on the Commission Agenda for purposes of compliance with the State and County Ethics law. The Resolution does two things:

- ✓ Accepts donations made from Saxony Beach, LLC, Lanzo Holding Company and Beach Towing to the City in the estimated amount of 178 tickets for the VIP seats at the Centennial Event. These invitations are being apportioned for what he opines to be, and what he has discussed with the Ethics Commission, to be of public purposes, such as hosting other municipal, County, State, and Federal dignitaries, such as Commissioners from other cities, from the County, hosting dignitaries throughout the country, and the world; hosting business leaders to promote economic development for the City; hosting certain governmental City employees recognized for efforts in connection with the Centennial; included as well are the invitations extended to the Mayor's Office who have been involved with the coordination efforts of the event, and also hosting certain community leaders and constituents of the City of Miami Beach.
- ✓ The second part is approving a one-time only amendment to the City's ticket distribution policy, which was approved pursuant to City Resolution 2014-28638, and since these are donations to the City, and they would ordinarily be distributed in accordance to the policies established in the Resolution, due to the Centennial being a once in 100 years, they are asking for a waiver of the distribution policies, to allow Mayor Levine, as the ceremonial head of the City, and the ceremonial head during the Centennial, to distribute tickets for the public purposes described in this Resolution. He understands that the Mayor has complied with this in the invitations being sent out to the dignitaries, constituents and employees. He requested the City Commission to accept the donation on behalf of the City and approve a one-time only waiver to the ticket policy to allow the Mayor to distribute the donated tickets in accordance with the public purpose set forth in the Resolution.

Commissioner Weithorn, for the record, asked City Attorney Aguila if he had discussed this with the Ethics Commission.

City Attorney Aguila stated that he met with Mr. Joseph Centorino and they approved of the waiver.

**R9 - New Business and Commission Requests****03:53:52 p.m.**

- R9A Discussion Regarding The City Co-Sponsoring The American Cancer Society's Relay For Life Event Which Will Be Held At Flamingo Park On May 2, From 10:00 a.m. To 10:00 p.m.  
(Requested by Commissioner Joy Malakoff)  
(Deferred from March 18, 2015 - R9A)

**ACTION:** Discussion held. **Resolution 2015-28973 adopted as amended.** Motion made by Commissioner Malakoff; seconded by Commissioner Tobin; Voice-vote: 6-0. Absent: Commissioner Steinberg. **Max Sklar to handle.**

**Amendment:**

Waive fees for food truck expenses.

Commissioner Malakoff explained that Relay for Life is an organization that raises funds to combat cancer. The upcoming event will be held in Miami Beach at Flamingo Park on May 2, 2015 from 10:00 a.m. to 10:00 p.m. She recognized Waverly Walker in the audience. The reason she is asking for the City to co-sponsor the event is so that it is not necessary for Relay for Life to use \$5,000 from their charitable money to pay for food truck fees.

Mayor Levine stated that he agrees.

Commissioner Weithorn addressed City Manager Morales, and stated that the City has traditionally waived the fees for charitable organizations. She wishes to help, but is concerned that if this event is co-sponsored other organizations will expect the same treatment. She prefers to do a waiver.

Jimmy L. Morales, City Manager, stated that the City Commission could use this as a waiver.

Discussion held.

Commissioner Malakoff stated that she has confirmed that the organization has the liability insurance they need to have and agreed to move the item as amended by waiving the fees.

- R9B Update On The Miami Beach Convention Center Project.  
(City Manager's Office)

**ACTION:** Item withdrawn.

Handouts or Reference Materials:

1. Email from Jimmy Morales dated March 25, 2015 RE: Today's agenda.

**3:55:26 p.m.**

**ADDENDUM MATERIAL 1:**

R9C Request For A Waiver Of Up To \$8,000.00 To Allow SoBe Arts To Complete Their Season Of Arts, Music And Children's Music Classes Through August 2015.  
(Requested by Commissioner Joy Malakoff)

**ACTION:** Discussion held. **Resolution 2015-28974 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Steinberg; Voice-vote: 7-0. **Max Sklar to handle.**

**RECOMMENDATIONS:**

Add clear language stipulating that the reason for waiving the fees is because SoBe Arts is being forced by the City to move out of the building.

Commissioner Malakoff explained that SoBe Arts has programs already planned through the month of August 2015. She is requesting that up to \$8,000 be waived of the rent and maintenance of SoBe Arts so they can complete their season. SoBe Arts has been notified verbally by Commissioner Malakoff that they must move out of the building by August, because the building needs to be protected while construction is taking place on the new Convention Center.

Commissioner Grieco has met and discussed with folks from SoBe Arts and with Max Sklar. Their rent is \$1 per month; however, the problem is that thousands of dollars are for utilities, and this is money that the City has already spent, and is to be paid back by the tenants, including SoBe Arts. He supports the work SoBe Arts does and wants to see them finish their season in August, but clarified that by doing this, they would be subsidizing their past operation and the operations going forward for the remainder of the time until August.

Commissioner Malakoff agreed and suggested that SoBe Arts complete their lessons and programs.

Discussion held.

Commissioner Weithorn requested clear language stipulating that the reason for waiving the fees is because SoBe Arts is being forced by the City to move out of the building, and should they find other suitable facilities in the City, they would not be entitled to such a waiver.

**3:51:15 p.m.**

**ADDENDUM MATERIAL 2:**

R9D Discussion Regarding A Toll On The Macarthur Causeway To Fund Baylink; Such Toll Would Worsen Traffic And It Would Be Unprecedented To Toll A Single Road For A Single Project.  
(Requested by Commissioner Deede Weithorn)

**ACTION:** Discussion held. Direction given to the City Manager to express opposition to the CITT regarding the tolls on the MacArthur Causeway. Approved by acclamation. **Eric Carpenter and Jose Gonzalez to handle.**

**DIRECTION:**

City Manager to express opposition to the CITT regarding tolls on MacArthur Causeway.

Commissioner Weithorn stated that the Metropolitan Planning Organization (MPO) is dysfunctional, and as a result, groups such as the Citizens Independent Transportation Trust (CITT) have been making inadequate recommendations, such as tolling the MacArthur Causeway

to fund the Baylink bus and rail expansion. She thinks that, in her opinion, is unprecedented to put a toll on a street without anything being there to toll. She suggested weighing in as a City and telling the CITT how they feel, as these are issues that should be discussed at MPO level, if they were functioning properly. The tolls would increase traffic on the MacArthur Causeway, and cause an unfair burden on residents driving home on that route. The City should direct the City Manager to express the City Commission's opposition to the tolls.

Discussion held.

Direction given to the City Manager to express opposition regarding tolls on MacArthur Causeway. Approved by acclamation.

Handouts or Reference Materials:

1. Notice of Special Commission Meeting Posted In All Bulletin Boards in City Hall and online.

### **End of Agenda**

Meeting adjourned at 3:59:01 p.m.