



**City Commission Meeting
City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
May 6, 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 8:32:59 a.m.

Invocation given by Victor M. Palacios of Iglesia Bautista Poder de Dios.

Pledge of Allegiance led by Police Chief Daniel Oates.

ADDENDUM MATERIAL 1:
C6B C6C

ADDENDUM MATERIAL 2:

C4K C4L
R9P R9Q

ADDENDUM MATERIAL 3:

R9R R10B

SUPPLEMENTAL MATERIAL 1:

C7H Agreement

Rafael E. Granado, City Clerk, announced items added, separated and withdrawn.

ITEMS WITHDRAWN:

R9D

ITEMS SEPARATED:

Mayor Levine C4G
Vice-Mayor Wolfson C7M
Commissioner Grieco C7G
Commissioner Malakoff C4I, C7G and C7O
Commissioner Steinberg C7M
Commissioner Tobin C4D, C7D and C7M
Commissioner Weithorn C4D, C4I, C7M, C7H and C4J

ITEMS CO-SPONSORED BY COMMISSIONER GRIECO:

R5A1, R5A2, R5B, R5C, R5E, R5G, R5H, R5K1, R5K2 and R9K

9:12:53 a.m.

Announcement and Request for Moment of Silence:

Former Mayor Leonard Haber passed away on May 1, 2015. Mayor Levine asked for a moment of silence in his honor.

Presentations and Awards

Presentations and Awards will take place on March 20, 2015.

Notations

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

ADDENDUM AGENDA

9:14:59 a.m.

ACTION: Motion made by Commissioner Weithorn to add items C4K, C4L, C6B, C6C, R9P, R9Q, R9R and R10B to the Commission Agenda; seconded by Commissioner Tobin; Voice-vote: 6-0; Absent: Vice-Mayor Wolfson.

CONSENT AGENDA**9:13:01 a.m.****ACTION:** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff to approve the Consent Agenda except separated items; Voice-vote: 6-0; Absent; Vice-Mayor Wolfson.**C2 - Competitive Bid Reports**

C2A Request For Approval To Issue A Request For Qualifications (RFQ) No. 2015-144-YG For Public Information Outreach Services On Right Of Way And Facilities Construction Projects.
(Procurement/Capital Improvement Projects)

ACTION: Request awarded. **Alex Denis and David Martinez to handle.**

C2B Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) 2015-012-AK For Printing And Bulk Mailing Services And To Authorize The Mayor And City Clerk To Execute Agreements.
(Procurement/Communications)

ACTION: Item withdrawn.

C2C Request For Approval To Issue Request For Qualifications (RFQ) No. 2015-160-YG For Constructability, Cost And Value Engineering Review Services.
(Procurement/Capital Improvement Projects)

ACTION: Request awarded. **Alex Denis and David Martinez to handle.****C4 - Commission Committee Assignments**

C4A Referral To The Planning Board - Ordinance Amendment Pertaining To Additional Restrictions And Requirements For Single Family Lot Split Applications.
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)

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

C4B Referral To The Land Use And Development Committee And Planning Board To Modify Section 142-108 Of The Land Development Regulations In Order To Eliminate Any Conflict With The Florida Building Code.
(Sponsored by Commissioner Joy Malakoff)

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

- C4C Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Children Who Attend Miami Beach Public Schools Getting Discounts In Miami Beach Parks And Recreation Program.

(Sponsored by Commissioner Edward L. Tobin)

ACTION: Item referred. Vania Pedraja to place on the committee agenda. **Dr. Rosenfeld and John Rebar to handle.**

9:25:58 a.m.

- C4D Referral To The Planning Board - CD3 Height Regulations For Parking Garages In The Miami Beach Architectural District.

(Sponsored by Commissioner Joy Malakoff)

ACTION: Item referred. Item separated by Commissioners Tobin and Weithorn. Commissioner Malakoff moved to refer to the Planning Board; seconded by Commissioner Grieco. Opposed: Commissioner Weithorn; Absent: Vice-Mayor Wolfson. Voice-vote: 5-1. **Thomas Mooney to place on the board agenda and to handle.**

Commissioner Tobin stated that he wanted to give the City Commission an opportunity to look at this item, because it is changing the Land Development Regulations. It specifically deals with a property just North of Lincoln Road, between Washington Avenue and Collins Avenue. The property owner has wanted to put a garage on that lot for some time, and Commissioner Tobin would like to know the Planning Department's opinion of the height increase.

Thomas Mooney, Planning Department Director, explained the item. He stated that the height increment would only be for this area. This is one of the few vacant lots that can allow for a substantive vehicle-parking garage. They are comfortable with the proposal.

Commissioner Malakoff explained that the lots fronting on James Avenue with certain boundaries could go 75 feet in height with a minimum of five stories of parking spaces, providing 250 spaces; this is needed for the City and the hotels of that area.

Discussion held.

Commissioner Weithorn is concerned, and perhaps it is time to halt development until the parking and transportation issues have been dealt with. The City needs to catch up with infrastructure.

Former Commissioner Nancy Liebman stated that the excessive development needs to stop. Miami Beach residents are disenchanted by the amount of building and their heights. She asked the City Commission not to forget about the Historic Districts.

Discussion held regarding the parking garage and traffic.

Mayor Levine reiterated that traffic and parking are problems the City is facing, and it is important for people to support the City Commission's light rail proposals.

Monica Entin, Esq., explained that this parking garage is needed in the area. There are over 2,600 hotel rooms, over 360 restaurant seats, and very few parking spaces. The reason for the added height is to serve the neighborhood's needs.

Discussion continued.

Commissioner Malakoff moved the item to the Planning Board; seconded by Commissioner Grieco. Opposed: Commissioner Weithorn; Absent: Vice-Mayor Wolfson. Voice-vote: 5-1.

C4E Referral To The Finance And Citywide Projects Committee - Parking Meter Collection Fees - SP Plus Request.

(Parking)

ACTION: Item referred. Patricia Walker to place on the committee agenda. **Saul Frances to handle.**

C4F Referral To The Land Use And Development Committee And Sustainability And Resiliency Committee - Discussion Regarding AECOM's Progress On The Development Of The City's Comprehensive Resiliency Program.

(Sponsored by Commissioner Michael Grieco)

ACTION: Item referred. Thomas Mooney and Elizabeth Wheaton to place on the committees agendas. **Elizabeth Wheaton and to handle.**

10:02:43 a.m.

C4G Referral To The Sustainability And Resiliency Committee Regarding The Endorsement Of The Floridians For Solar Choice Ballot Initiative.

(Sponsored by Commissioner Michael Grieco)

ACTION: Item referred. Item separated by Mayor Levine for discussion. Motion made by Commissioner Grieco to refer item to the Sustainability & Resiliency Committee; seconded by Commissioner Malakoff; Voice-vote: 7-0. **Elizabeth Wheaton to place on the committee agenda and to handle.**

REFERRAL:

Sustainability & Resiliency Committee

Mayor Levine explained that the reason he separated this item is that he does not want to get involved with organizations that may have dubious reasons behind them.

Commissioner Grieco stated that the Resolution is supportive of giving the individual the choice of going off the power grid, being sustainable, or tapping into a solar power resource without State legislation restrictions. The cities of South Miami and Pinecrest have passed similar Resolutions supporting that concept. He will reword the Resolution not to mention organizations.

Mayor Levine supports solar energy, but he does not want to get involved with an organization that is not familiar.

Commissioner Grieco motioned to refer the item to the Sustainability & Resiliency Committee, Commissioner Malakoff seconded; Voice-vote: 7-0.

- C4H Referral To The Land Use And Development Committee A Discussion Regarding The Provision Of Renewable Energy Sources In New Construction Projects.
(Sponsored by Commissioner Micky Steinberg)

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

9:20:36 a.m.

9:53:20 a.m.

- C4I Referral To The Land Use And Development Committee Concerning Increasing The Maximum Allowable Building Height On The West Side Of Alton Road Between 5th Street And 17th Street.
(Sponsored by Vice-Mayor Jonah Wolfson)

ACTION: Item separated by Commissioners Malakoff and Weithorn. Item withdrawn by Vice-Mayor Wolfson.

Motion No. 1:

Motion made by Vice-Mayor Wolfson to refer item to the Land Use & Development Committee; seconded by Commissioner Grieco; Voice-vote: 4-3; Opposed: Commissioners Malakoff, Steinberg and Weithorn.

Motion No. 2:

Motion by Commissioner Grieco to reconsider the vote; seconded by Commissioner Weithorn; Voice-vote: 7-0.

Item withdrawn by Vice-Mayor Wolfson

Vice-Mayor Wolfson stated that the purpose of this item is to discuss the potential benefits of allowing for the proper use of FAR. Low-height buildings tend to use all available land area, limiting building design over functional use. By increasing the building heights to seven stories, the view corridors may open and make for better developments.

Mayor Levine asked for Commissioner Grieco's opinion, as he is the Chair of the Sustainability & Resiliency Committee.

Commissioner Grieco stated that they are looking into this matter on a grander Citywide scale with ECOMB (Environmental Coalition of Miami & the Beaches), but he does not see a problem in discussing building height readjustment, because the more they discuss it, the more ideas come from the talks.

Mayor Levine stated that he is not in favor of raising building heights, but he is in favor of discussion.

Commissioner Malakoff stated that she wants more information. There is already congestion on Alton Road and West Avenue. She does not believe increasing building heights will help at all with the current traffic problems.

Mayor Levine asked Vice-Mayor Wolfson if he was in favor of increasing building density.

Vice-Mayor Wolfson stated that he is not in favor of an increase in density, but Alton Road is a commercial road that the City Commission has been looking to revitalize and make it more pedestrian friendly. He believes in opening a discussion on the different ways to spur good

development in the area, which includes the possibility of increasing the building heights from five to seven stories.

Commissioner Tobin asked for a more global discussion. He stated a developer once addressed the City's large amount of unused FAR. He believes this should be further discussed with professionals.

Discussion held.

Vice-Mayor Wolfson motioned to refer the item to the Land Use & Development Committee, Commissioner Grieco seconded; Voice-vote: 4-3; Opposed: Commissioners Malakoff, Steinberg and Weithorn.

Commissioner Malakoff stated that as the Chair of the Land Use and Development Committee, she does not support discussing this item, and believes there is too much congestion in the City to increase building heights.

Commissioner Tobin asked if he could add a friendly amendment to discuss this item globally.

Discussion held.

Commissioner Grieco motioned to reconsider the item; Commissioner Weithorn seconded; Voice-vote: 7-0.

Vice-Mayor Wolfson withdrew the item.

9:17:42 a.m.

C4J Referral To The May 27, 2015 Land Use And Development Committee Meeting To Review The Following Ordinances: 1) Signage Regulations Within 250 Feet Of NSOP; And 2) Parking Regulations Within 250 Feet Of NSOP.

(Sponsored by Commissioner Deede Weithorn)

ACTION: Item deferred to June 10, 2015. Item separated by Commissioner Weithorn. Motion made by Commissioner Weithorn; seconded by Commissioner Steinberg to defer the item. Voice-vote: 6-0; Absent: Vice-Mayor Wolfson. **Lilia Cardillo to place on the Commission Agenda if received.**

Commissioner Weithorn stated that she believes more work needs to be done on this item by staff regarding the terms of the garage. She does not believe this item should be referred to a committee until more progress is made.

ADDENDUM MATERIAL 2:

C4K Referral To The Planning Board To Waive The Development Regulations In The GU District For The Expansion Of The Bass Museum.

(Sponsored by Commissioner Joy Malakoff)

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

ADDENDUM MATERIAL 2:

- C4L Referral To Sustainability & Resiliency Committee (SRC) And The Resident's Sustainability Committee Regarding The Citywide Prohibition Of Polystyrene.
(Sponsored by Commissioner Michael Grieco)

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

C6 - Commission Committee Reports

- C6A Report Of The April 8, 2015 Finance And Citywide Projects Committee Meeting: **1.** Discussion Regarding The Greater Miami Convention And Visitors Bureau Interlocal Agreement. **2.** Discussion Regarding A Resolution Approving The Purchase Of Flood Insurance, All-Risk Property Insurance, Including Windstorm, Boiler & Machinery Insurance For City Buildings And Contents (Including New Construction); And Fine Arts Insurance (Bass Museum), As Proposed By Arthur J. Gallagher Risk Management Services, Inc., The City's Broker Of Record. **3.** Discussion Regarding Approval To Authorize The Issuance Of A Request For Proposals (RFP) For Security Guard Services. **4.** Discussion Regarding The Miami Beach Convention Center Booking Policy. **5.** Discussion Regarding Entering Into An Employment Agreement With The City Clerk. **6.** Discussion Regarding Exploring Issues Brought Up In An Internal Audit Of The Miami Beach Police Athletic League (PAL). **7.** 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 Building. **8.** Discussion Regarding The Audit Committee Recommendations Regarding Fee In Lieu Of Parking. **9.** Discussion Regarding The City's Agreement With Xerox State And Local Solutions For The Red Light Enforcement Program. **10.** Discussion Regarding The Issuance Of A Solicitation For The Placement Of ATM Machines On City Owned Property (i.e. City Owned Parking Garages, Etc.). **11.** Discussion Regarding Valet Parking. **12.** Discussion Regarding A Resolution Urging The State Legislature And Miami-Dade County School Board (School Board) To Reduce Class Sizes In Miami Beach Feeder Pattern Schools To Conform To Article IX, Section (1)(A) Of The Florida Constitution; And Lobby The State Legislature To Expand The List Of "Core Curriculum" Courses Rather Than Continue To Eliminate Core Curriculum Courses, Like Advanced Placement Classes, From The Class Size Amendment Requirements Of The Florida Constitution By Calling Such Courses "Extracurricular"; And Call Upon The School Board To Voluntarily Subject Itself To The Class Size Requirements For All Classes, Whether They Are Considered Core Curriculum Or Extracurricular. **13.** Discussion Regarding A Public Private Partnership For Two-Story Parking Structure To Be Erected Over Both City Parking Lot P62 And A Private Parking Lot, On 42nd Street, Between Jefferson Street And Meridian Avenue.

ACTION:

- 1.** Greater Miami Convention And Visitors Bureau Interlocal Agreement.

ACTION: The Committee recommended The Greater Miami Convention and Visitors Bureau continue to work on the performance standards with the groups they have been working with so that the agreement can be finalized and brought back to the Committee for final review.

- 2.** Resolution Approving Purchase Of Flood Insurance.

ACTION: The Committee recommended an increase in the named windstorm insurance limit of \$5 million to obtain a total of \$20 million in named windstorm coverage at an estimated additional premium of \$368,000, which is included in the FY 2014115 budget.

City Clerk's Note: See Item R7F.

3. Authorize Issuance Of RFP For Security Guard Services.

ACTION: The Committee recommended approving the RFP 2015-013-WG with revisions for Security Officer Services adding that security guards must be a Level 1 and have a minimum experience of one year and move the item to Commission.

City Clerk's Note: See Item R7E.

4. Miami Beach Convention Center Booking Policy.

ACTION: The Committee recommended approval of the revisions to the Convention Center Booking Policy subject to final review by the City Attorney. The Committee also requested an agreement between the City and the Boat Show be included and brought to Commission at the same time.

5. Employment Agreement With The City Clerk.

ACTION: The Committee recommended a three (3) year term agreement with 20 weeks' severance pay for \$190,000 to be brought before the April Commission meeting.

6. Exploring Issues Brought Up In An Internal Audit Of PAL.

ACTION: The Committee recommended Internal Audit continue to monitor the progress of the internal control issues as stated in the audit report with some items being deferred until a new executive director is hired.

7. Concession Agreement For Management & Operation/Food Beverage Concession.

ACTION: The Committee recommended changing the Concession Fee to ten percent (10%) of gross sales with an increase to the Minimum Guarantee of twenty five thousand dollars (\$25,000) annually.

City Clerk's Note: See Item C7H.

8. Audit Committee Recommendations Regarding Fee In Lieu Of Parking.

ACTION: The Committee recommended staff bring to the May Finance Committee meeting a detailed status update on all the fees in lieu of parking accounts that categorizes all payments.

City Clerk's Note: See Item C4E.

9. City's Agreement With Xerox For Red Light Enforcement Program.

ACTION: The Committee recommended negotiating the contract renewal with Xerox State and Local Solutions for a defined period of time and allow an expansion of five additional cameras.

City Clerk's Note: See Item R7C.

10. Issuance Of Solicitation For Placement Of ATM Machines On City Owned Property.

ACTION: The Committee recommended putting out an RFP for qualified companies to bid on placement of ATM machines throughout the City.

City Clerk's Note: See Item C7M.

11. Discussion Regarding Valet Parking.

ACTION: The Committee recommended bringing this item back to the Finance Committee with further research and recommendations.

12. Resolution Urging State Legislature & School Board To Reduce Class Sizes In Miami Beach.

ACTION: The Committee referred this item to Commission with no recommendation.

City Clerk's Note: See Item.

13. Public Private Partnership For Two-Story Parking Structure On 42nd Street.

ACTION:

ADDENDUM MATERIAL 1:

C6B Report Of The April 22, 2016 Sustainability And Resiliency Committee (SRC) Meeting: **1)** Mayor's Blue Ribbon On Flooding And Sea Level Rise Update. **2)** Referral To Consider Alternative Trash Receptacles In High-Traffic Areas. **3)** Referral Regarding The Woosh Smart Water Stations Network Proposal. **4)** Referral Regarding The Blueways Master Plan.

ACTION:

1) Mayor's Blue Ribbon On Flooding And Sea Level Rise Update.
No action taken.

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

MOTION: Move forward with allowing Big Belly to conduct a client assessment report, which would include financing options.

3) Referral Regarding The Woosh Smart Water Stations Network Proposal.

MOTION: Woosh Water Systems will work with the City staff on developing a pilot program. Once the outline of the pilot program is established, it will be presented to Commission.

4) Referral Regarding The Blueways Master Plan.

MOTION: Continued to Commission by acclamation.

ADDENDUM MATERIAL 1:

C6C Report Of The April 21, 2015 Neighborhood/Community Affairs Committee (NCAC) Meeting: **1)** Discussion Regarding Short Term Vacation Rentals And Commercial Use Of Residential Properties. **2)** Discussion Regarding The Status Of City Funds Given To The Wolfsonian-FIU Museum. **3)** Proposed Route And Service Plan For The Middle Beach Trolley. **4)** Waive Bid To Repurchase Shelter Beds At Miami Rescue Mission. **5)** Discussion Regarding Naming The Accessible Beach And Playground At Allison Park, 65th Street And Collins Avenue, Sabrina's Beach And Playground At Allison. **6)** Discussion Regarding The Continuation Of The Alton-West Trolley Route. **7)** Monthly Crime Statistics Report.

1) Short Term Vacation Rentals And Commercial Use Of Residential Properties.

MOTION: By Commissioner Grieco to move in positive recommendation. Seconded by Commissioner Steinberg.

2) Status Of City Funds Given To The Wolfsonian-FIU Museum.

ACTION: Item deferred to July 31, 2015.

3) Proposed Route And Service Plan For The Middle Beach Trolley.

MOTION: Continued to the May 29, 2015 Neighborhoods Community Affairs Committee Meeting.

4) Waive Bid To Repurchase Shelter Beds At Miami Rescue Mission.

MOTION: By Commissioner Steinberg to repurchase shelter beds at Miami Rescue Mission, at the suggestion of Commissioner Malakoff. Seconded by Commissioner Grieco.

5) Naming The Accessible Beach And Playground At Allison Park.

MOTION: By Commissioner Grieco to table this item. Seconded by Commissioner Tobin.

6) Discussion Regarding The Continuation Of The Alton-West Trolley Route.

MOTION: Recommendation by Commissioner Grieco to move alternative 1b, with alternative 1a as a backup for financial reasons and to bring the item back to the next Commission. Seconded by Commissioner Steinberg.

7) Monthly Crime Statistics Report.

MOTION: No action taken.

C7 - Resolutions

C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Submit The Following Applications: 1) U.S. Department Of Transportation, Transportation Investment Generating Economic Recovery (TIGER) Grant Program, In The Approximate Amount Of \$10 Million, For The City's Intelligent Transportation System (ITS), 2) Florida Department Of Transportation, Public Transit Program, In The Approximate Amount Of \$1,450,000, For The Middle Beach Trolley Loop Transit Route, 3) Florida Department Of Agriculture, Urban Forestry Program For Funding In The Approximate Amount Of \$15,000 For The City's Tree Inventory Program; And, 4) Execute An Interlocal Agreement And Annual Affidavit With Miami-Dade County For The FY 2014/15 Municipal Parking Fines Reimbursement Program, In The Approximate Amount Of \$85,838, To Improve Accessibility And Equal Opportunity To Qualified Persons Who Have Disabilities; Approving And Authorizing The Appropriation Of The Above Grants And Funding Requests, Including Any Requisite Matching Funds And City Expenses; And Further Authorizing The City Manager, Or His Designee, To Take All Necessary Steps And To Execute 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 2015-29002 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, As Well As The Neighborhood/Community Affairs Committee, And Waiving, By 5/7th Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager, To Negotiate And Execute An Agreement With Miami Rescue Mission, Inc., In An Amount Not To Exceed \$100,000 Per Year, For A Period Of Three (3) Years, To Provide Emergency Shelter Beds To Serve The Homeless.

(Housing & Community Services)

ACTION: Resolution 2015-29003 adopted. Maria Ruiz to handle.

- C7C A Resolution Authorizing The Mayor And City Clerk To Enter Into A Memorandum Of Understanding (MOU), Acceptable To The City Attorney And The City Manager, Between The City Of Miami Beach, The Miami Beach Chamber Education Foundation, Inc., North Bay Village, The Town Of Bay Harbor Islands, The Town Of Surfside, And Bal Harbour Village To Support And Enhance The Nurse Initiative For The 2015-2016 School Year And Authorizing The Appropriation Of \$15,400 From The Miami Beach Education Compact Fund For The City Of Miami Beach's Proportionate Share Of Funding For The Nurse Enhancement Initiative Subject To Approval In The City's FY 2015/16 Annual Budget.

(Sponsored by Commissioner Micky Steinberg)

(Legislative Tracking: Organization Development Performance Initiatives)

ACTION: Resolution 2015-29004 adopted. Dr. Leslie Rosenfeld to handle.

9:36:13 a.m.

- C7D A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Qualifications (RFQ) No. 2015-043-WG For Audit Services For Resort Taxes And Internal Audits; Authorize The Administration To Enter Into Negotiations With SKJT&G, BCA Watson Rice, Kilgour & Associates, RGL Forensics, For The Resort Tax Audits Portion Of The RFQ; Crowe Horwath, Protiviti, BCA Watson Rice, For The Internal Audits Portion Of The RFQ; And Further Authorize The Mayor And City Clerk To Execute Agreements With These Firms Upon Conclusion Of Successful Negotiations By The Administration.

(Procurement/Budget & Performance Improvement/Internal Audit)

ACTION: Resolution 2015-29005 adopted as directed. Item separated by Commissioner Tobin. Motion made by Commissioner Tobin; seconded by Commissioner Grieco; Voice-vote: 6-0; Absent: Vice-Mayor Wolfson. **Alex Denis, John Woodruff and James Sutter to handle.**

Direction:

Do routine quick cash transaction audits to different businesses.

Commissioner Tobin suggested that the City include cash transactions when doing auditing. He gave the example of landlords who send their employees to spend cash, and then they audit the cash transactions every few months to make sure it balances out. He would prefer this being done instead of one long audit.

Discussion held about including this "secret shopper" aspect to audits.

Commissioner Tobin motioned to adopt Resolution as directed; Commissioner Grieco seconded; Voice-vote: 6-0; Absent: Vice-Mayor Wolfson.

- C7E A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received, Pursuant To Request For Proposals No. 2015-126-LR (The RFP), For Telecommunications Audit Services; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, Eric Ryan Corporation; And Should The Administration Be Unsuccessful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing The Administration To Negotiate With The Second Highest Ranked Proposers, S2K Consulting, Inc. And Telanalysis, LLC; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.
(Procurement/Information Technology)

ACTION: Resolution 2015-29006 adopted. Alex Denis and Ariel Sosa to handle.

- C7F A Resolution Accepting The Recommendation Of The City Manager To Amend The Contracts With All Power Generators, Corp., And TAW Power Systems, Inc., Pursuant To Invitation To Bid (ITB) No. 64-11/12, For Preventive Maintenance Services For Emergency Generators, By Amending The Annually Estimated Contract Amount From \$31,000.00 To The Amount That Is Annually Available In The Various End-User Department's Budget For The Subject Services, And Authorizing The Mayor And City Clerk To Execute The Amendment.
(Procurement/Public Works)

ACTION: Resolution 2015-29007 adopted. Alex Denis and Eric Carpenter to handle.

9:18:10 a.m.

- C7G A Resolution Approving And Authorizing The Administration To Accept \$40,050 From Penrod Brothers, Inc. For The Re-Design And Development Of Construction Documents For The Reconstruction Of Surface Lot 01A - Penrods At One Ocean Drive.
(Tourism, Culture & Economic Development)

ACTION: Item separated by Commissioners Grieco and Malakoff. Motion made by Commissioner Grieco to refer the item to the NCAC; seconded by Commissioner Steinberg; Voice-vote: 6-0; Absent: Vice-Mayor Wolfson. **Vania Pedraja to place on the committee agenda. Max Sklar to handle.**

REFERRAL:

Neighborhood/Community Affairs Committee (NCAC)

Commissioner Grieco stated that there are concerns on the reconstruction of surface lot 01A in the South of Fifth neighborhood, because the redesign is not clear whether green spaces are being eliminated or added elsewhere. The last thing he wants to see is eliminated green spaces.

Commissioner Malakoff agreed with Commissioner Grieco and would like to know what is being added to justify the loss of green space. She would also like charging stations for electric cars incorporated into the new parking lot, and would like to have better parking lot upkeep, because currently, there is plenty of trash scattered on a regular basis.

Max Sklar, Tourism, Culture & Economic Development Department Director, asked if this item could be brought back to next month's meeting or referred to a committee.

Commissioner Grieco motioned to refer the item to the NCAC; seconded by Commissioner Steinberg; Voice-vote: 6-0; Absent: Vice-Mayor Wolfson.

Handouts or Reference Materials:

1. Nikki Beach Proposed Plan

9:38:47 a.m.

SUPPLEMENTAL MATERIAL 1: Agreement

C7H A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Commission Committee And Of The City Manager, And Waiving, By 5/7th Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City; And Approving And Authorizing The Mayor And City Clerk To Execute A Concession Agreement Between The City And Blissberry, LLC For The Management And Operation Of The Food And Beverage Concession, Located In A Portion Of The South Pointe Park Pavilion Building, Consisting Of Approximately 240 Square Feet; Said Concession Agreement Having A Term Of Five (5) Years, Without Any Renewal Options, Commencing On December 1, 2015 And Ending November 30, 2020.

(Tourism, Culture & Economic Development)

ACTION: Resolution 2015-29008 adopted. Item separated by Commissioner Weithorn. Motion made by Vice-Mayor Wolfson to adopt Resolution; seconded by Commissioner Grieco; Voice-vote: 7-0. **Max Sklar to handle.**

Commissioner Weithorn explained that she separated this item because she believes that the City needs to be consistent and treat all concessionaires the same way.

Max Sklar, Tourism and Cultural Development Department Director, stated that the Finance and Citywide Projects Commission Committee had recommended a waiver of bid and to keep the contract at the current level. The tenant informed the Committee that she could not sustain a percentage gross of 15%, and they agreed to reduce it to 10%.

Commissioner Grieco stated that he agrees with the Finance Committee's decision, this particular concession is run by residents, children love it, it is a great park amenity, and contributes a great deal to the park.

Vice-Mayor Wolfson stated that it is hard to make a profit. This business made approximately \$224,000 in gross, and there are three employees. The City should support this business to make a healthy profit and stay in business.

Commissioner Tobin agreed with Commissioner Weithorn about being consistent, but he thinks this is a good cause.

Commissioner Steinberg agrees with the Finance Committee's recommendation.

Discussion held.

Vice-Mayor Wolfson motioned to adopt Resolution; seconded by Commissioner Grieco; Voice-vote: 7-0.

- C7I A Resolution Creating 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: Resolution 2015-29009 adopted. Elizabeth Wheaton to handle.

9:18:10 a.m.

- C7J A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute A Non-Exclusive Utility Easement To Florida Power And Light (Grantee) At The Property Management Facility, 1833 Bay Road, For The Construction, Operation And Maintenance Of A Transformer And Associated Underground Electric Utility Facilities (Including Cables, Conduits, Appurtenant Equipment, And Appurtenant Above-Ground Equipment) That Will Serve The Property Management Facility.

(Capital Improvement Projects)

ACTION: Resolution 2015-29010 adopted. David Martinez to handle.

- C7K A Resolution Accepting The Recommendation Of The City Manager To Terminate RFP No. 2015-095-MT For Elevator Inspections And Plans Review Services (Given That No Proposals Were Received In Response Hereto), And Approving The Issuance Of A New Request For Proposal (RFP) No. 2015-176-JR For Elevator Inspections And Plans Review Services; Authorizing A Continuing Month-To-Month Extension Of Contract Number ITB 33-11/12 For Elevator Inspections.

(Procurement/Building)

ACTION: Resolution 2015-29011 adopted. Alex Denis and Mariano Fernandez to handle.

- C7L A Resolution Waiving Space Rental Charges At The Miami Beach Convention Center And Special Event Fees (Square Footage Fee, Vehicle Beach Access Pass Fees, Lummus Park User Fee, And Police And Fire Administrative Fees) For The South Florida College Football Championship Task Force, In Connection With The College Football Championship Games To Be Held In South Florida January 2018 Or January 2020.

(Tourism, Culture & Economic Development Department)

ACTION: Resolution 2015-29012 adopted. Max Sklar to handle.

9:22:27 a.m.

9:46:13 a.m.

C7M A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Issue Request For Proposals (RFP) 2015-178-WG, To Provide The Installation And Operation Of Citywide Automated Teller Machines (ATM) At Various City-Owned Facilities.
(Procurement/Tourism Culture & Economic Development)

ACTION: Resolution 2015-29013 adopted as amended. Item separated by Vice-Mayor Wolfson and Commissioners Steinberg, Tobin, Weithorn. Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Voice-vote: 5-2; Opposed: Commissioners Tobin and Weithorn. **Alex Denis and Max Sklar to handle.**

Amendments:

Extend the bid to 45 days.

Remove ATM locations at the Scott Rakow Youth Center and North Shore Park & Youth Center.

Change language from "an ATM shall provide account transfers" to "an ATM may provide account transfers."

Commissioner Weithorn stated that the City might be missing a big opportunity. She gave the example of the City's partnership with Coca-Cola. In that instance, the City made Coca-Cola the official soft drink of Miami Beach, and in return, Coca-Cola had to provide public benefits. She believes the same could be done with the ATMs. The City needs to reach out to financial institutions that want to partner with the City, and determine what public benefits they can provide to the residents.

Commissioner Tobin stated that the bidding time was set for just 30 days. He believes this timeframe is too short for interested parties to be informed of the project. He proposed to have the bid out for a longer time.

Commissioner Steinberg stated that she has an issue regarding the locations of the ATMs in the Scott Rakow Youth Center and the North Shore Park & Youth Center. These are areas where children predominantly go, and she does not believe the ATMs are needed at these locations.

Discussion held.

Commissioner Weithorn proposed the City write a letter of interest to financial institutions and compare the offers they receive. **Alex Denis and Max Sklar to handle.**

Discussion will continue when Vice-Mayor Wolfson joins the City Commission Meeting.

9:46:13 a.m.

Mayor Levine restated what was discussed earlier.

Vice-Mayor Wolfson stated that this item was brought to the Finance and Citywide Projects Committee to provide a service to the community, and changes were made to make it a better RFP. It was determined that it would be more responsible to make sure that the company had over \$1 million in sales.

Discussion held.

Mayor Levine asked whether 30 days was enough time for a bid such as this one.

Alex Denis, Procurement Director, stated that 30 to 45 days is normal for such a bid.

Vice-Mayor Wolfson stated that the only change he has is it to the language from "an ATM shall provide account transfers" to "an ATM may provide account transfers."

Commissioner Malakoff stated that the ATMs must be from an Independent Sales Organization so that they will be recognized by the FDIC. She asked for clarification on the ATM locations, because she was informed that the ATMs would be located exclusively in parking garages.

Max Sklar, Tourism, Culture & Economic Development Department Director, stated that the ATMs were originally only supposed to go in parking garages, but other beneficial locations were found and added.

Discussion held.

Commissioner Grieco motioned to adopt the Resolution as amended (see amendments above); Commissioner Malakoff seconded; Voice-vote: 5-2; Opposed: Commissioners Tobin and Weithorn.

Handouts or Reference Materials:

1. Email from Brett Cummins dated May 5, 2015 RE: separating Item C7M.

C7N A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Invitation To Negotiate (ITN) No. 2015-090-JR, For Facilities Maintenance Services For The Property Management Division.
(Procurement/Public Works)

ACTION: Resolution 2015-29014 adopted. Alex Denis and Eric Carpenter to handle.

9:21:08 a.m.

C7O A Resolution Approving, Pursuant To Section 2-367 (d) Of The Miami Beach City Code, Purchase Of Forms + Surfaces, Light Fixtures, Bollards, Poles, And All Replacement Parts From Forms + Surfaces, The Sole Source Manufacturer And Distributor For The State Of Florida.
(Procurement/Public Works)

ACTION: Resolution 2015-29015 adopted. Item separated by Commissioner Malakoff. Motion to approve item by Commissioner Malakoff; seconded by Commissioner Grieco. Voice-vote: 6-0; Absent: Vice-Mayor Wolfson. **Alex Denis and Eric Carpenter to handle.**

Commissioner Malakoff stated that the landscaping project on Dade Boulevard would remove the present light fixtures. She does not want these lights fixtures thrown out, but instead repurposed for the beachfront or for any other location where they may be needed.

Eric Carpenter, Public Works Department Director, stated that he is in agreement with Commissioner Malakoff; they will reuse the light fixtures from Dade Boulevard throughout the City. He added that these are currently the City's preferred light fixtures, and they will be stored in the City's warehouse until needed.

Commissioner Malakoff moved to approve the item, Commissioner Grieco seconded. Voice-vote: 6-0. Absent: Vice-Mayor: Vice-Mayor Wolfson.

- C7P A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Qualifications (RFQ) No. 2014-346-YG, For Professional Architectural And Engineering Services In Specialized Categories On An As-Needed-Basis.
(Procurement)

ACTION: Item deferred to June 10, 2015. Lilia Cardillo to place on the Commission Agenda if received. **Alex Denis to handle.**

End of Consent Agenda

REGULAR AGENDA

10:04:39 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 City 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. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Co-Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Planning)

(First Reading Public Hearing on April 15, 2015 - R5A)

ACTION: Ordinance 2015-3933 adopted. Title of the Ordinance read into the record. Public hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Ballot vote: 7-0. **Thomas Mooney to handle.**

Graham Penn, representing ARRP Miami, LLC, informed that this item meets with the support of the Flamingo Park Neighborhood Association, and it will allow the continued use of historic commercial structure as such.

Gayle Durham lives two blocks from that building and asked, since this is going to be a CD1 Zone, if there are any restrictions.

Mr. Penn answered that they have proffered a series of restrictions being incorporated into a restrictive covenant that would prevent any nightclub uses or dancehalls.

Handouts or Reference Materials:

1. Ad in The Miami Daily Business Review No. 1005, dated April 2, 2015.
2. Ad in The Miami Herald No. 1013, dated April 2, 2015.
3. Ad in The Miami Herald No. 1013, dated April 23, 2015.
4. Ad in The Miami Herald No. 1014, dated April 23, 2015.
5. Time Certain Notations.

10:07:22 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. Second Reading Public Hearing**
(Sponsored by Commissioner Joy Malakoff)
(Co-Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Planning)
(First Reading Public Hearing on April 15, 2015 - R5A)

ACTION: Ordinance 2015-3934 adopted. Title of the Ordinance read into the record. Public hearing held. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Ballot vote: 7-0. **Thomas Mooney to handle.**

Handouts or Reference Materials:

1. Ad in The Miami Daily Business Review No. 1005, dated April 2, 2015.
2. Ad in The Miami Herald No. 1013, dated April 2, 2015.
3. Ad in The Miami Herald No. 1013, dated April 23, 2015.
4. Ad in The Miami Herald No. 1014, dated April 23, 2015.
5. Time Certain Notations.

10:08:20 a.m.

- R5B 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. **10:05 a.m. Second Reading Public Hearing**
(Sponsored by Vice-Mayor Jonah Wolfson)
(Co-Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Building/Office of the City Attorney)
(First Reading on April 15, 2015 - R5K)

ACTION: Ordinance 2015-3935 adopted as amended. Title of the Ordinance read into the record. Public hearing held. Motion made by Vice-Mayor Wolfson; seconded by Commissioner Malakoff; Ballot vote: 7-0. **Mariano Fernandez and Office of the City Attorney to handle.**

Amendments:**Section 15-500. Unsafe structures panel.****(a) General Provisions.**

(1) The City's unsafe structures panel(s) shall hear unsafe structures cases... If such structure has been designated historic under the City's historic preservation jurisdiction, demolition procedures shall, ~~whenever possible~~, abide by the process as set out in the City's historic preservation Ordinance as found in Chapter 118, Article IX, Sections 118-501 through 117-700, of this Code, unless there is an immediate threat of danger...

(b) Physical criteria.

(2) A building, or part thereof. shall be presumed to be unsafe if:

- a. There is a falling away, hanging loose or loosening of any siding, block, brick or other building material (including but not limited to roof collapsing).
- c. The building is partially destroyed (including but not limited to roof collapsing/wall collapsing).

Vice-Mayor Wolfson stated that this is an opportunity for the City to take in-house a process that takes longer at the County level. The Building Director is in full support of taking unsafe and unsightly buildings, take care of the problem immediately, and resolve the issue quickly. He is asking for support on second reading and moved the item.

Eve Boutsis, Deputy City Attorney, explained that she met with Nancy Liebman and she wanted to provide her concerns about the Unsafe Structure Board. Ms. Liebman asked for minor modifications/clarifications, and Ms. Boutsis would like to read Ms. Liebman's request for the record.

Vice-Mayor Wolfson asked if Ms. Liebman's suggestions happened before the Committee met, and added that he respects Ms. Liebman's community involvement and her knowledge of historic preservation issues, but he disagrees as far as the process of Ms. Boutsis giving the City Commission Ms. Liebman's input. He prefers that Ms. Liebman address her concerns directly to the Commission.

Discussion held.

Nancy Liebman stated that she met with the experts to discuss her concerns. She is trying to protect the City's historic buildings. She wanted to make sure that historic buildings are not demolished.

Raul J. Aguila, City Attorney, stated that Vice-Mayor Wolfson is correct that Ms. Liebman should have presented her concerns directly to the Commission as public input is sought. For clarity, City Attorney Aguila asked Vice-Mayor Wolfson if he would allow Eve Boutsis to read into the record how the Office of the City Attorney recommends incorporating Ms. Liebman's concerns/changes into the proposed Ordinance to see if the City Commission accepts them or not.

Eve Boutsis, Deputy City Attorney, stated that on Page 401 of the Commission Agenda, delete under Section 15-500 (a)(1) demolition procedures shall, whenever possible, abide by the process. Ms. Liebman believes that "whenever possible" is superfluous and should be deleted. Section to read:

Section 15-500. Unsafe structures panel.

(a) General Provisions.

(1) The City's unsafe structures panel(s) shall hear unsafe structures cases... If such structure has been designated historic under the City's historic preservation jurisdiction, demolition procedures shall, ~~whenever possible~~, abide by the process as set out in the City's historic preservation Ordinance as found in Chapter 118, Article IX, Sections 118-501 through 117-700, of this Code, unless there is an immediate threat of danger...

Vice-Mayor Wolfson agreed that deleting "whenever possible" has no impact from a construction standpoint.

Ms. Boutsis added that on Page 403, (b) Physical criteria, under (2) a. and c., Ms. Liebman would like examples to give some clarification as to what the language means; for example roof collapsing, or wall collapsing; these examples are not all inclusive. Language to read:

(b) Physical criteria.

(2) A building, or part thereof, shall be presumed to be unsafe if:

a. There is a falling away, hanging loose or loosening of any siding, block, brick or other building material (including but not limited to roof collapsing).

c. The building is partially destroyed (including but not limited to roof collapsing/wall collapsing).

Vice-Mayor Wolfson suggested that the additional language be included, but not limited to, so that they are not bound by just the examples. He has no problem with that and asked input from his colleagues.

Mitch Novick, Chair of the County's Historic Preservation Board, asked if there is a provision that requires membership to allow for someone who has historic preservation experience to serve on this panel.

Ms. Boutsis stated that the way this Ordinance is structured, it is under the Miami-Dade County process, and the City is using the officers that have been hired by the County, basically a Special Master system of individuals trained, whether architects, engineers or lawyers; some may have experience in historic preservation, but it is not exclusively required.

Mr. Novick urged that the City Commission include this as part of the discussion.

Ms. Boutsis added that the City Code provides under the Unsafe Structure Board that unless it is truly an unsafe structure based on an imminent threat of harm to persons and property, that the City follow its unsafe structure process first, which requires that for historic buildings that they go to the Historic Preservation Board first, so that there is no unnecessary losses of buildings.

Discussion continued regarding process and regulations.

Commissioner Tobin asked how an emergency is defined. He referred to language referring to buildings being presumed to be unsafe if there are a deterioration of the structure or parts; and it also states that a building would be determined unsafe if there is a falling away, hanging loose, or loosening of any siding, block, brick or other building material.

Ms. Boutsis stated that Chapter 8-5 of the Miami-Dade County Code provides the definition of an emergency.

Motion made by Vice-Mayor Wolfson to approved the item as amended; seconded by Commissioner Malakoff. Voice-vote: 7-0.

Vice-Mayor Wolfson thanked the Building Official Mariano Fernandez and the City Manager for bringing him onboard and for his accomplishments in streamlining processes and making things safer. He commended Mariano Fernandez for his attitude and for being helpful and kind.

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1014
2. Time Certain Notations

10:17:14 a.m.

R5C 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, At 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. **10:10 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)
(Co-Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Planning)
(First Reading on April 15, 2015 - R5L)

ACTION: Ordinance 2015-3936 adopted. Title of the Ordinance read into the record. Public hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Ballot vote: 5-1; Opposed: Commissioner Tobin; Absent: Vice-Mayor Wolfson. **Thomas Mooney to handle.**

Thomas Mooney, Planning Director, stated that this Ordinance was approved on first reading at the Commission Meeting of April 15, 2015, and it does three main things: creates a new set of standards for projecting portions single-story covered terraces and portions, and porches, which are part of a detached accessory building. Right now, those projections are counted fully in unit size, and this would create an exception, so they could have more of a covered area. It also further defines what would constitute lot coverage and what would be exempt from lot coverage; it creates a definition of foliage pergola; and finally it provides a maximum area for skylights, which are currently an allowable height exemption.

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1014
2. Time Certain Notations.

10:19:15 a.m.

R5D Fence Heights

An Ordinance Amending The Land Development Regulations (LDR) Of The City Code, Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 4, "Supplementary Yard Regulations," At 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.

10:15 a.m. Second Reading Public Hearing

(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)
(First Reading on April 15, 2015 - R5M)

ACTION: Item opened and continued. Title of the Ordinance read into the record. Public hearing held. Motion made by Commissioner Weithorn; seconded by Commissioner Grieco to open and continue the item to June 10, 2015; Voice vote: 7-0. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, stated that the item was approved at first reading on April 15, 2015 Commission Meeting, and at that time, the City Commission requested a map of all the RS-1 and RS-2 Districts, because the Ordinance, as recommended by the Planning Board, was only applicable to the RS-1 and RS-2 Districts, and a map of properties that were in excess of 1,500 square feet. Both of these have been included. The City Commission then was undecided as to whether or not this Ordinance should apply to all Single-Family Districts, or be limited to the RS-1 and RS-2 Districts as proposed by the Planning Board. As part of the Agenda Review, some Commissioners have raised concern with the term *aluminum pickets*, for that portion above four feet, and in order to provide more flexibility, staff recommends that the term *aluminum* be removed, so in case someone is using wrought iron or wood it would still allow for open pickets with more flexibility in material.

Commissioner Weithorn asked how high a fence could be.

Thomas Mooney, Planning Department Director, explained that new homes typically have a higher grade, because they are allowed to utilize the adjusted grade, so depending upon the district that one is in, the fences now, under this proposed Ordinance, would be probably three to four foot higher.

Discussion held regarding fence height.

Commissioner Weithorn stated that to do this Citywide is unacceptable for her.

Commissioner Malakoff explained that the way this is written, is specific to RS-1 and RS-2 Districts, which are the larger lots.

Commissioner Weithorn thinks it is unfair for people who live in these districts and are losing the integrity and the look and feel of the neighborhood. They are starting to live and feel like they live in jails, surrounded by big boxes with high fences. If she had to live there, she would feel like she is in jail, and it would not be worth living on Miami Beach.

Discussion held.

Commissioner Malakoff added that the fences could also be landscaped; it does not have to be a concrete wall.

Discussion continued.

Commissioner Steinberg is uncomfortable about this Ordinance, and added that fences are not required to be landscaped.

Mr. Mooney explained that typically under new construction, at the DRB or staff level, landscaping is required.

Mayor Levine asked how the nine-foot fences came about.

Mr. Mooney explained that this came about when some property owners on Star Island, because they had a much higher grade, were not able to put a security fence up since their adjusted grade was higher than four feet above sidewalk grade, and that did not give them the security they were looking for.

Discussion continued regarding setting a precedent.

Commissioner Weithorn explained that if everyone's fences are the same, she has no problem, but she does not think anyone should have to look at a nine-foot fence. This ruins the neighborhood. She offered a compromise; that at no point fences should ever go above 7 feet from the neighbor next-door.

Commissioner Grieco is not ready on this, and he agrees with Commissioner Weithorn about how the height fences are relative to the neighbor. This issue is more important than the height and the adjusted grade. He suggested not voting on this item today and instead bringing it back to the next Commission Agenda.

Commissioner Malakoff gave a history of how this proposed Ordinance originated. She explained that they increased the seawall to five feet and seven inches (5'7") NADV, and then that left people with swimming pools in their backyards looking at a wall; so they went to an adjusted grade of the yard, so that the angle is such that it still takes care of water retention and drainage, but at the same time someone living on waterfront property can see the water. That led to a higher adjusted grade and if a retention wall on each side was needed, then the fence needs to be higher.

Mayor Levine stated that the item would be brought back.

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1014

10:27:27 a.m.

R5E 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. **10:20**

a.m. Second Reading Public Hearing

(Sponsored by Commissioner Joy Malakoff)

(Co-Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Planning)

(First Reading on April 15, 2015 - R5N)

ACTION: Ordinance 2015-3937 adopted. Title of the Ordinance read into the record. Public hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Ballot vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, stated that this Ordinance was approved on first reading on April 15, 2015; it sets forth a new set of criteria that would be required in Historic Districts before a demolition permit can be issued for contributing structures. Currently, the threshold is that a full building permit has to be issued. The new protocol would replace that with the issuance of the building permit, process number and all plans being reviewed by the Planning

Department, applicable fees being in place, and debris associated with the demolition being recycled. At first reading, the City Commission asked that a tree survey be required. On second reading there is language stating that a tree survey, if required, shall be submitted and a replacement plan, if required, shall be reviewed and approved by the Greenspace Management Division.

Eve Boutsis, Deputy City Attorney, explained that this Ordinance was introduced at the request of the Building Official, because of the issues with his signature being signed off on the two permits at the same times, and the conditions not being accurate as far as new construction and having the property to be demolished still there.

Discussion held.

Nancy Liebman stated that the building permit has to be obtained before demolition. She was told that it was a State law, and now from what she understands, it is to protect the Building Official. She thinks there is enough protection there and she trusts Mariano Fernandez to have good judgment in this.

Discussion held regarding demolition in Historic Districts for pre 1942 homes.

Mr. Mooney stated that there is a referral to copy same standards to the pre 1942 homes criteria, and this will be coming back to the City Commission.

Discussion continued.

Ms. Boutsis stated that this started at the request of the Building Official. The Building Department has to certify with their signature, that the plans before the final building permit, meet the condition of the site as depicted, whereas it shows a vacant lot to build a structure, which is not the case, as the structure has not been demolished.

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1014
2. Time Certain Notations.

10:34:18 a.m.

R5F 36 Ocean Drive - Historic Site Designation

An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code; By Amending Section 118-593(e), Entitled "Delineation On Zoning Map" By Designating One Or More Buildings At 36 Ocean Drive As A Historic Site To Be Known As "36 Ocean Drive Historic Site," As More Particularly Described In The Ordinance; Providing That The City's Zoning Map Shall Be Amended To Include 36 Ocean Drive As A Historic Site; Adopting The Designation Report Attached To The Staff Report As Appendix "A"; Providing For Inclusion In The Land Development Regulations Of The City Code; Repealer; Severability; And An Effective Date. **First Reading**

(Sponsored by a Private Application - 36 Ocean Drive Holdings, LLC.)

(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; seconded by Commissioner Grieco; Ballot vote: 7-0. Second reading, Public Hearing, scheduled for June 10, 2015. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, explained that this is a private application for the designation of their property as historic site. This requires the review and approval of the Historic Preservation Board, which occurred on February 10, 2015, as well as the transmission of the Ordinance by the Planning Board, which occurred on March 24, 2015. The application meets the applicable historical designation and both boards endorsed it. Staff is in favor of the proposed designation and recommends approval.

Commissioner Malakoff met with the applicant and his attorney, and this is a one-story building on Ocean Drive that has been there since 1928, and if the owner wants to preserve it rather than tear it down and build something higher, she is in favor of it.

Commissioner Steinberg thinks it is rare to see a building owner requesting to designate its building historic and keep the integrity of the structure. She wants to ensure that there will be no outdoor noise, and other than that, she thinks it is a great idea.

Commissioner Grieco explained that the building is still sitting there adjacent to the old pier and where the old Bandshell used to be; it is right across the street from Penrods, and the owner has asked to voluntarily designate the building historical. This does not happen that often, and it is something the Commission should embrace.

Mitch Novick stated that this building, with the exception to the south wall, is not the original 1928 structure.

Discussion held.

Graham Penn, Esq., stated that they have a full designation report prepared and this is the first time he has heard of Mr. Novick's comments.

Discussion continued.

Mr. Penn added that they have the support of the South of Fifth residents and the Related Group, and the unanimous support from HPB and Planning.

Handout or Reference Materials:

1. Time Certain Notations.
2. Email from Danila Bonini dated May 1, 2015 RE: Commissioner Grieco cosponsoring R5F.

10:40:29 a.m.

R5G 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)

(Co-Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Planning)

(Continued from on April 15, 2015 - R5J)

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 Tobin; Ballot vote: 7-0. Second reading, Public Hearing, scheduled for June 10, 2015. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

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

Thomas Mooney, Planning Department Director, stated that the Ordinance creates a definition for a unified development site. Currently there is no definition in Section 118-5, and the proposed definition would be "a site where a development is proposed and consists of multiple lots, all lots touching and not separated by a lot under different ownership, or a public right of way. A "Unified Development Site" does not include any lots separated by a public right-of-way or any non-adjacent, non-contiguous parcels." In addition to creating this definition, there is clean up language amendments proposed by the City Attorney that have been included in the Ordinance.

Commissioner Malakoff asked if the Ordinance addresses increases in FAR overall. She understands there could be a transfer of FAR within the unified development site, but wants to know where in the Ordinance it addresses that issue.

Discussion held.

Eve Boutsis, Deputy City Attorney, explained that the concept is to have the right to build on a larger parcel. With the unified development site, they have to be attached to each other, but they are not increasing FAR. To increase FAR, they would need a Charter amendment.

Discussion held.

Frank Del Vecchio spoke.

Handout or Reference Materials:

1. Time Certain Notations.

11:14:43 a.m.

R5H Revision To Lot Split/Form Of Ownership

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 118, "Administration And Review Procedures," Article IV, "Division Of Land/Lot Split", At Section 118-321, Entitled "Purpose, Standards And Procedure" In Order To Clarify The Requirements And Standards For A Lot Split To Allow A Change In The Form Of Ownership Of Building Sites Or Unified Development Sites To Allow Ownership By An Individual, Or Via A Covenant In Lieu Of Unity Of Title Without Requiring A Lot Split; Providing For Codification, Repealer, Severability And An Effective Date. **First Reading**

(Sponsored by Commissioner Edward L. Tobin)
(Co-Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. Motion made by Commissioner Tobin to approve the Ordinance on first reading; seconded by Commissioner Weithorn; Ballot vote: 6-0; Absent: Vice-Mayor Wolfson. Second reading, Public Hearing, scheduled for June 10, 2015. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the City Code, motion was made by Commissioner Weithorn accepting the Land Use and Development Committee's recommendation of this Ordinance; seconded by Commissioner Malakoff ; Voice-vote: 6-0; Absent: Vice-Mayor Wolfson.

Thomas Mooney, Planning Department Director, explained that the Ordinance is a companion item to the item regarding unified development site. This Ordinance proposes to amend Section 118-321, which deals with division of land and lot split, and specifically would clarify the use of a covenant in lieu of unity title for a building site or unified development site that would not be considered a transfer of ownership requiring Planning Board review. Under this Section of the Code, any transfer of ownership in most instances require Planning Board review as a lot split; however, at times existing properties will enter into a covenant in lieu for transfer of ownership and not make any other modifications or improvements to the site. Therefore, they propose to modify this Section of the City Code to make it clear that solely a transfer or ownership would not require Planning Board review for lot split. They are also proposing minor text modifications and they recommend approval at first reading.

Eve Boutsis, Deputy City Attorney, clarified that a covenant in lieu of transfers is for the entire property, not just a portion.

Handout or Reference Materials:

1. Time Certain Notations.

2:52:03 p.m.

R5I Parking Plan For Construction Workers

An Ordinance Amending Section 114-4 Entitled "Compliance With Regulations Required;" Creating Subsection (12) Providing That No Building Permit Or Board Order Shall Be Issued For Any Lot Or Site With A Building Permit Valued At \$250,000 Or More Without A Construction Parking And Traffic Management Plan (CPTMP) Approved By The Parking Director Pursuant To Chapter 106, Article II, Division 3, Entitled "Construction Management Plan"; And Modifying Chapter 130, Article IV Entitled "Fee In Lieu Of Parking" By Amending Section 130-134, Entitled "Deposit Of Funds/Account"; By Authorizing The Placement Of The Fines Or Penalties Collected From Enforcement Of Chapter 106 CPTMP, Into This Account To Be Utilized For The Purposes Provided Therein; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Planning)

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

Pursuant to Section 2-13 of the City Code, motion was made by Commissioner Grieco accepting the Land Use and Development Committee's recommendation of this Ordinance; seconded by Commissioner Malakoff ; Voice-vote: 5-0; Absent: Vice-Mayor Wolfson and Commissioner Tobin.

Commissioner Weithorn thinks this Ordinance addresses the large contractors, but it does not address commercial vehicles. She explained that on any given day, there are between one and four dozen repair/remodel vehicles that take up parking spaces in South Beach via caravans or other commercial vehicles. If they want to make a difference, they need to find a solution to this issue. She proposed to include the permit valued at \$250,000 or more, or for any project that has commercial vehicles, such as caravans or other vehicles with licensure information with a count of three or more vehicles.

Commissioner Grieco reminded his colleague that on February 21, 2015, this City Commission passed most of this Ordinance, and the \$250,000 threshold came from Commissioner Weithorn. This item is only addressing the amendment to include it as part of the LDR.

Eve Boutsis, Deputy City Attorney, added that this is clean up to show where the funding would go.

Discussion held.

Commissioner Grieco stated that they are trying to change the signage and the limitation of hours, and actually enforcing them, with a \$250,000 limit, since the City cannot have a parking plan for a one van plumbing job. Most of this is going forward, and they are trying to fix the problem that they inherited. This is about enforcement and changes of the signs in that area to deter what Commissioner Weithorn is addressing. South Pointe Park is filled with caravans, trucks, and they have to come up with a parking plan for the Park as well.

Commissioner Weithorn suggested exploring the idea of designating no commercial vehicle parking zone areas, as other cities do. South Point Park parking lot should not have commercial vehicles there. **Saul Frances to handle.**

Discussion held regarding parking.

Saul Frances, Parking Department Director, stated that if vehicles are not allowed on property in high rises, then by default they park in the parking lot.

Commissioner Malakoff stated that the problem is taking away the public parking.

Commissioner Weithorn added that she has another piece of legislation coming up that would require new construction to house those commercial vehicles to allow them to deliver inside the finished structure. They should not approve any new construction in the future that does not accommodate some limited number of parking for commercial vehicles within the structure.

Saul Frances, Parking Director, asked, for policy perspective, if the direction is to have no commercial vehicles or vans at South Pointe Park?

Commissioner Weithorn stated that they could designate a couple of spaces for commercial parking. **Saul Frances to handle.**

Discussion continued.

Motion made by Commissioner Grieco; seconded by Commissioner Weithorn to approve the Ordinance on first reading.

1:32:49 p.m.

2:39:00 p.m.

R5J Single Family Development Regulations - Adjusted Grade

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 114, "General Provisions," Section 114-1, "Definitions," By Including Definitions For Adjusted Grade And Average Grade; By Amending Chapter 142, "Zoning Districts And Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending And Clarifying The Maximum Elevation Within A Required Yard, And By Amending And Clarifying When The Water Portion Of A Pool Is Counted Towards The Open Space Pervious Requirements; 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; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Commissioner Tobin. Second reading, Public Hearing, scheduled for June 10, 2015. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

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

Thomas Mooney, Planning Department Director, stated that this particular Ordinance did stem from an issue that had arisen with regard to seawall heights. Currently under the Code, when homeowners are developing new single-family development sites, they have the ability to raise the grade of the property up to the midway point, between required minimum flood elevation and the sidewalk grade. That distance will vary depending upon the section of the City they are in and what the minimum flood elevation is. There have been a number of variance requests over the past year that have sought to raise the grade in the rear yard in order to accommodate raised pool decks and in order for the backyard to be at the same level as the first level of the home. This particular Ordinance addresses that, and allows the rear yards to come into compliance with the current height of seawalls as well as the future height of seawalls. The Ordinance establishes definition for grade adjusted as well as grade average. The second thing that it does is it creates new yard requirements and maximum elevation in required yards for homes that are on waterfronts. Waterfront homes will have a slightly higher allowable rear yard elevation than for non-waterfront homes. The proposed Ordinance also sets forth the limit on the water portion of swimming pools that may count toward the minimum 70% rear yard landscape requirement if a home is proposed to be located above adjusted grade. In those instances where swimming pools and decks are proposed to be located above adjusted grade, only 50% of the water would be allowed to count toward the minimum landscape requirement.

Commissioner Grieco recalls this item being discussed at LUDC, but he cannot conceptually understand the comparison of the pools being made, and asked for clarification.

Thomas Mooney, Planning Department Director, clarified that right now under the Development Regulations within the rear yard, 70% of that rear yard is required to be landscaped pervious area. However if there is a pool, the water portion of the pool can count for that 70%. The rationale behind that is that pool fills with water. If up to 70% is pool water, there can be an abnormal amount of pavement, and the entire yard, except for the side yard setback minimums could be pavement. That was a big discussion at LUDC. The proposal would not change if the yard remains at or below adjusted grade, but it would be modified if someone proposed to raise their rear yard up to minimum flood elevation or any location between adjusted grade and minimum flood elevation. It would not make any modifications to the current requirement that allows pools to be used in the 70% landscape requirement.

Discussion held.

Commissioner Malakoff provided an example to illustrate the Ordinance. Sea level is rising; when rainfall comes down, if the backyard is all cement or pavers, but there is a swimming pool, the water will enter the swimming pool and act as a catch basin. However, if excess rainwater occurs it will spill over from the pool onto the concrete or pavers. There being no permeable space or place for the water to drain down, as there is no grassy area or landscaped, since it is all cement, pavers or marble, the rainwater will run onto the neighbor's property and flood their house.

Discussion held.

Commissioner Malakoff added that the challenge begins because they have, with the efforts of the Blue Ribbon & Flooding Panel and the Sustainability and Flooding Committees, raised the level of seawalls now to 5 feet 7 inches NAVD. So the backyard is raised a certain amount so the pool can be higher and it matches the first floor of the house. The way this is done is by raising the grade.

Discussion continued.

Thomas Mooney, Planning Department Director, stated that he has discussed this with the contractors and City Engineers that there would need to be adequate infrastructure incorporated into the design of the pool to fully accommodate onsite Stormwater retention.

Discussion continued regarding pool overflow.

Mayor Levine suggested passing this on first reading.

Discussion continued.

Commissioner Malakoff stated that the concern is that someone can have a swimming pool that takes up a large part of the backyard, and the rest is all concrete, it floods the neighborhood.

Discussion continued.

Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Ballot vote: 6-0; Absent: Commissioner Tobin.

Commissioner Malakoff requested Vice-Mayor Wolfson to sit with Mr. Mooney to fully understand the issue. **Thomas Mooney to handle.**

11:17:29 a.m.

R5K Amend Chapter 6 - Alcoholic Beverages And Chapter 82 - Public Property Sidewalk Café Ordinance - Alcohol Regulations

1. Chapter 6 - Alcoholic Beverages

An Ordinance Amending Chapter 6, Entitled "Alcoholic Beverages," Of The Code Of The City Of Miami Beach, Florida, Article I, Entitled "In General," Section 6-3 Thereof, Entitled "Hours Of Sale," To Terminate The Sale And Consumption Of Alcoholic Beverages At Sidewalk Cafes At 2:00 a.m., Prohibit The Granting Of Variances From The Provisions Of Section 6-3(3)(d), And Provide For Penalties; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Mayor Philip Levine)
(Co-Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. Item heard in conjunction with R5K-2 and R9M. Mayor Levine passed the gavel to the Vice-Mayor and made a motion to approve the Ordinance on first reading; seconded by Commissioner Malakoff; Ballot vote: 7-0. Second reading, Public Hearing, scheduled for the Presentation and Award Commission Meeting on May 20, 2015 at 5:15 p.m. Lilia Cardillo to place on the Commission Agenda if received. **Office of the City Attorney to handle.**

Recommendations:

- Increase penalty for violations of open container Ordinance – both for the individual and the business.
- Draft Ordinance prohibiting establishments from dispensing to go cups and allow people to take drinks off premises. (Make it a strict liability offense.)
- Office of the City Attorney to research what other cities, such as New York, have done with sign postage and hours regulation regarding sale of alcohol.

Raul J. Aguila, City Attorney, explained that R5K-1 amends Chapter 6 of the City Code, by restricting the hours of consumption and service of alcohol for sidewalk cafés permitted by the City on public property between the hours of 2:00 a.m. and 8:00 a.m. The Ordinance also updates the penalties provisions of Chapter 6 to provide for first, second and third violations in the amount of monetary fines, and the fourth violation within a 12-month period would allow the City to revoke the Business Tax Receipt or Certificate of Use or Occupancy for the violator, in addition to suspending their privilege to have a sidewalk café in the City for two years. R5K-2 is the companion item codifying the same thing in the sidewalk café Ordinance. This restriction applies to the sale and consumption of alcoholic beverages in City permitted sidewalk cafes, instead of being restricted from 5:00 a.m. to 9:00 a.m., to being restricted between the hours of 2:00 a.m. and 8:00 a.m. This is a Citywide Ordinance.

Mayor Levine stated that he proposed this Ordinance and explained for the public benefit that based on what is happening in the City from 2:00 a.m. to 9:00 a.m., specifically in the Ocean Drive area, they need to reform, clean up and make the City safe. There have been many incidents on Ocean Drive and other areas, and it is time to take responsibility. He does not think that serving alcohol on sidewalk cafes after 2:00 a.m. is necessary. Based on the brand of Miami Beach and what they are trying to protect in the City, he thinks this is a good first move to protect various areas to make them safe, cleaner, and at the same time maintain the quality of life for residents that live in those areas. Commissioner Tobin sponsored a Resolution to form a 90-day Blue Ribbon Panel on Ocean Drive, and they will nominate business members to participate, bring ideas and bring this iconic street back to what it used to be. It is important to understand that if this continues to happen on Ocean Drive, whether a mugging or a murder, this will not only hurt Ocean Drive, but also the investments on Miami Beach that organizations and individuals are making in the City. Miami Beach is an international brand and we cannot afford to let it be tarnished.

Commissioner Grieco is glad that they are limiting this to the sidewalk cafés. He thinks this is the right move. They also need to discuss the concept about the “to go cups” and people walking around the streets with drinks in their hands. This is a huge concern. Those establishments that are allowing people to walk around with “to go cups,” should be fined. The establishments should not enable folks to leave their premises with drinks in their hands. He suggested an additional amendment to this Ordinance to include the concept to bring back and make property owners responsible for those leaving premises with these cups.

Raul J. Aguila, City Attorney, stated that the City has an open container law that prohibits the consumption, service or sale or possession of alcohol in open containers in public. As Commissioner Grieco stated, the penalty for those fines is the penalty to the violator. A second City Code provision prohibits alcoholic beverages establishments from knowingly allowing persons to take open containers off the premises. In that case, the fine is to the establishment. He added that these fines as currently exist, are very low, and the fine against alcoholic beverage establishments is \$250 per diem, which he does not know how it is enforced, and \$500 for repeat offense. With regard to people walking around with open containers on public property, again, the penalties are low and it may be an enforcement issue.

Mayor Levine suggested making a friendly amendment, between first and second reading, to include language prohibiting establishments from dispensing to go cups and allow people to bring drinks off premises. Secondly, he suggested increasing penalties.

Commissioner Grieco suggested fining establishments when “to go cups” are found with the establishments name on it.

City Manager Morales stated that by having the knowing language included, you would have to prove that the restaurant knew that someone walked out. The strict liability goes to any "to go cups" found.

Discussion continued regarding Code and Police enforcement.

Commissioner Weithorn asked to address a companion issue, which is adding signage regarding hours of sale, and increase Code Enforcement to aggressively police the hours. It is unfair to enforce the hours on the establishments but not discourage the sale of single cans of beer in other places.

Mayor Levine stated that they are pre-empted by State regarding legislating the sale of alcohol.

Raul J. Aguila, City Attorney, explained that retail establishments and convenience stores that sell alcohol, including single containers, have to currently stop selling at midnight. The first issue is enforcement. The second component is signage, and requiring establishments to post signs in a visible place stating the penalties and regulations of consumption of alcohol. Similar legislation was discussed in New York and he can look into it. The City is pre-empted from prohibiting the sale, but they can regulate the hours. **Hernan Cardeno to handle.**

Commissioner Weithorn stated that she would be bringing this at the next meeting.

Mayor Levine suggested bringing this item at the next Presentation and Award meeting.

Stanley Shapiro stated that Ocean Drive is a spot where tourists come to, and he does not see the problem of allowing beverages on Ocean Drive until 4:00 a.m. Miami Beach is known as the fun and sun capital of the world. Stores that sell beer do have signs. He asked if Ocean Drive business owners are in favor of what the Mayor is proposing.

Commissioner Grieco stated that the business owners want to discuss and participate in the process.

Discussion held.

Mayor Levine stated that Miami Beach has historically been known as the sun and fun capital of the world, and they want to continue to be known as that; but at the same time Miami Beach is to be known for its safety and having good quality of life and continue to welcome people from all over the world. They are doing what is right for the branding of Miami Beach.

Mr. Shapiro stated he respects their decision.

Erik Zikella, Esq., representing 1620 Drexel and 420 Lincoln Road, stated that they are supportive of the Ordinance, but are concerned with the variance provisions within the Ordinance. The Ordinance could be interpreted to say that no variance is permitted that would make it less restrictive, but some variance from the Ordinance could be permitted that could make this more restrictive. The problem he has is that the Land Use Boards could veer outside of what their responsibilities should be, and he can envision an architectural approval for a building being tied to an acceptance or restriction of operating sidewalk café during certain hours or to close it by a certain time. He proffered an amendment for consideration between first and second reading that makes it clear that only the City Commission can set the hours of sidewalk cafes and set the hours for alcoholic consumption within those sidewalk cafes, which is the appropriate action of the City

Commission to make, and not for the Planning Board to make.

Discussion held.

Vice-Mayor Wolfson stated that Mr. Zichella's suggestion would potentially strip the power of these land use boards in a conditional use process, to restrict certain activities.

Commissioner Malakoff agreed with Vice-Mayor Wolfson.

Discussion continued.

Erik Zikella clarified that when applying for a conditional use permit for a sidewalk café, one applies to the City Manager and he has the discretion to authorize that sidewalk café permit within any parameter he sees fit. He is suggesting that when going to the Land Use Board for an architectural approval for a project, they should review the project based on the allowable land use regulation associated with what is proposed; it should not be tied to a policy decision they intend to make because they are not elected members of the Commission; those are policy decisions that the City Commission should make.

Vice-Mayor Wolfson suggested referring the item to Land Use and Development Committee. There was no consensus to refer the item.

Discussion continued.

Mayor Levine stated that they could not allow a section of the City go AWOL and destroy the entire brand of the City. They need to see major progress.

Mr. Zikella is supportive of the concept, but he does not want to see anyone make it more restrictive than what they intend it to be.

Discussion continued.

Commissioner Malakoff believes it is a big mistake to take away the powers from the individual land use boards, because sometimes there are buildings near residential buildings, where rooftops may not be allowed to be open until 2 am, and there may be restrictions. She believes it is up to the land use board hearing the particular matter to decide.

Discussion continued.

Jo Manning applauds this initiative and thanked the City Attorney for clarifying the Ordinances and fines thereof. She stated that they have a new player on Collins Avenue "Señor Frogs." They have tall, distinctive cups, which people walk out with, and she found many of them in front of her buildings. She wants to know who to call.

Raul J. Aguila, City Attorney, stated that they are working on a separate Ordinance, which is a separate part of the Code to address Ms. Manning's concern.

Discussion continued.

Mayor Levine passed the gavel to Vice-Mayor Wolfson to move the item.

David Wallack, Mango's Tropical Café, and Vice-Chair of the Ocean Drive Association, applauded this City Commission for finally stepping up and helping them. If this closure of the sidewalk cafes is what the City needs and the City feels is the right thing, he is not going to oppose to it. The tourists in this case are not the criminals, they are the victims, and responsible operators are also victims. They need the City to get active on Ocean Drive. Since Jose Garcia Pedroza, former City Manager, ended the Special Taxing District on Ocean Drive, they lost the clean and safe Ocean Drive. Crime is the real predator; dirt and filth is the real calamity that they have to attack. The problem is people in Lummus Park, or on 9th Street, or Collins, the roamers, that are attacking people. They need more Police presence in the area through a Business Improving District and work with the City again. They have problems on a 9th Street with package liquor store selling bottles and cans right out the door; they were given an entertainment license. His business has utilized security guards to monitor 9th Street, and call 911 as soon as any nonsense starts. They have identified renegade operators on Ocean Drive with 39 violations, and they are still open. They need the City to step up on this; they are impotent when it comes to helping on this regard. They need Police on peddlers, homeless, beggars and panhandlers; they need assistance for that, not just from Code, but also from Police. They want to serve this community and they feel that they are an asset to the community and they want to help.

Frank Del Vecchio agreed with David Wallack's comments to restore Ocean Drive and the Art Deco District to what it used and was intended to be. They need to take action on all the avenues suggested. The legislation in front of the Commission is only one segment, it should be Citywide. He suggested approving the Ordinance on first reading, moving forward with the amendments on second reading, and discusses the creation of the Task Force that includes all representatives and business owners.

Raul J. Aguila, City Attorney, acknowledged Nick Kallergis, who worked with him, Eve Boutsis and Aleksandr Boksner, and took the lead on this Ordinance, to the extent that he was on Ocean Drive several times, Washington and Collins Avenues several times, and he did an amazing job as an first year attorney, so he wanted to recognized him for that.

Motion made by Mayor Levine to approve the Ordinance; seconded by Commissioner Malakoff.

Handout or Reference Materials:

1. Time Certain Notations.

11:52:23 a.m.

2. Chapter 82 - Public Property Sidewalk Café Ordinance - Alcohol Regulations
An Ordinance Amending Chapter 82, Entitled "Public Property," Of The Code Of The City Of Miami Beach, Florida, By Amending Article IV, Entitled "Uses In Public Rights-Of-Way," Division 5, Entitled "Sidewalk Cafes," Subdivision II, Entitled "Permit," By Creating Section 82-388 Thereof, Entitled "Hours Of Sale Of Alcoholic Beverages; Enforcement," To Terminate The Sale And Consumption Of Alcoholic Beverages At Sidewalk Cafes At 2:00 A.M., And Provide That Section 82-388 Shall Be Enforced Pursuant To Section 6-3(8) Of The City Code; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(Sponsored by Mayor Philip Levine)
(Co-Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. See action with R5K-1. Motion made by Mayor Levine to approve the Ordinance on first reading; seconded by Commissioner Weithorn; Ballot vote: 7-0. Second reading, Public Hearing, scheduled for the Presentation and Awards Commission Meeting of May 20, 2015 at 5:15 p.m. Lilia Cardillo to place on the Commission Agenda if received. **Office of the City Attorney to handle.**

Handout or Reference Materials:

1. Time Certain Notations.

R7 - Resolutions**1:35:08 p.m.**

- R7A A Resolution Approving And Authorizing The City Manager To Re-capture The Following Funds: 1) \$21,329 In Community Development Block Grant (CDBG) Funds From FY 2012/13 Awarded To UNIDAD Of Miami Beach (UNIDAD) For The Renovation Of The Coral Rock House; 2) \$3,000 In CDBG Funds From FY 2014/2015 Awarded To UNIDAD For "Project LINK;" And 3) \$23,920.13 In CDBG Funds From FY 2011/2012 Awarded To UNIDAD For The North Shore Senior Center; Further Amending The FY 2011/2012, FY 2012/13 And FY 2014/2015 Action Plans, And The FY 2013 Through 2017 Consolidated Plan, To Reallocate The Aforesaid CDBG Funds, Totaling \$48,249.13, For The London House Apartments Rehabilitation Project.
(Housing & Community Services)

ACTION: Resolution 2015-29016 adopted as amended. Motion made by Commissioner Weithorn, seconded by Vice-Mayor Wolfson; Voice-vote: 7-0. **Maria Ruiz to handle.**

Motion No. 1:

\$23,920.13 from FY 2011/2012 awarded to UNIDAD for the North Shore Senior Center; and \$3,000 In CDBG Funds from FY 2014/2015 Awarded to UNIDAD for "Project LINK"

Motion made by Commissioner Weithorn to separate Item one from two and three; to restore the funding to make UNIDAD whole on the current year \$3,000 plus the \$23,000 and change, in the manner and the form in which the City Manager identifies, for the City to recapture the HUD monies, as needed, under the contractual obligations the City has with HUD; and have a conversation with UNIDAD to find dollars to feed seniors as long as the City is comfortable with the control of the North Beach Senior Center, to ensure that the program occurs; seconded by Vice-Mayor Wolfson. Voice-vote: 7-0.

Motion 2:**\$21,329 In CDBG Funds from FY 12/13 for the Renovation of the Coral Rock House**

Motion made by Commissioner Weithorn on Item No. 1, accepting the City Manager's recommendation to recapture the Coral Rock House funding; seconded by Commissioner Tobin. Voice-vote: 7-0.

Maria Ruiz, Housing & Community Services Director, explained that this item is actually part of the housecleaning, one of the many list of things that they have been trying to do for the last couple of years to make sure that they start cleaning up the Department and ensure that they are not only operating in compliance with HUD rules, but also maximizing the resources that the City has. The item seeks to recapture three different pots of money awarded to the same sub-recipient, UNIDAD of Miami Beach. One item is \$3,000 for a Project LINK, which is an activity that was funded for this year; however, the City did not receive a budget for its use despite repeated attempts. After 90 days, the City decided to recapture it. The second item is associated with the Coral Rock House, moneys that the City had allocated back in 2012 for doing rehabilitation. Again, this project has remained dormant; there has been no activity to draw the funds. It was flagged by HUD and in keeping with our requirement to expend the CDBG money in a timely manner, typically less than a year, the City also request that the money be recaptured. The final item actually is one that is long in coming. This is related to \$23,000 and change associated with the North Beach Senior Center, which is an activity that the City has funded with multiple years of the CDBG and CDBGF funding going back to 2002. Because of the fact that the contracts on this particular projects expired on September 30, 2012 the City no longer has any legal authority to draw those funds from HUD. Therefore, the City is seeking to recapture to help breakdown the deficit for construction at the London House Apartments, which is a City owned property.

Commissioner Grieco asked why the City is recapturing the \$23,000.

Ms. Ruiz explained that the City does not have legal authority to expend those funds, as the project was formerly closed in September 2012. Ms. Ruiz explained that the money, if recaptured, would be used to rehabilitate the London House Apartments on Washington Avenue.

Commissioner Grieco stated that it was his understanding that the \$23,000 is to be utilized by UNIDAD to pay the contractor. Commissioner Grieco asked the City Manager, if the funds were recaptured for purposes of putting the City in a good legal position, if there is anything stopping the City from taking that money and giving it to the contractor so UNIDAD is still made whole on that \$23,000 and change.

Raul J. Aguila, City Attorney, explained that the construction contract is between UNIDAD and their construction contractor that they used for improving our Senior Center. There are amendments to the construction contract agreement, which the City is party to, and the City has been working with UNIDAD and the contractor, to make sure that the contractor gets paid, and more importantly that the project is finished.

Commissioner Grieco explained that they are recapturing the funds because back in 2012, someone that worked for the City of Miami Beach told HUD that the project was done, so this puts the City in a legal position now where we have to recapture those funds.

Ms. Ruiz explained that back in 2012, the monies that were in the project were required to meet the national objective. The national objective means that the building would have been opened by September 30, 2012 with services being offered, and did not happen.

City Attorney Aguila added that the City is recapturing the funds because the CDBG agreement that they entered into with UNIDAD expired on September 30, 2012. If the City does not recapture the funds, then UNIDAD would still have access to pay the contractor. If the City recaptures the funds, the City would have to reprogram them for an eligible activity, such as in the London as Maria Ruiz stated. If this Commission wants the funds to be used for UNIDAD to repay the balance it owes the contractor, the action taken would be not to recapture that portion of the funds.

Kathie G. Brooks, Assistant City Manager, stated that the City's concerns is that HUD has already audited the funds, and has indicated that they have concerns for the entire project for failing to meet the national objective, and they are potentially looking into recapturing up to \$1.9 million.

Discussion held regarding liability.

Commissioner Tobin explained that this emanates from a problem with Roberto Da Torre, who was running the Affordable Housing Program, and Ana Pareck, former City of Miami Beach employee, who was involved in submitting paperwork that said this project was up and running and providing services to the community. Commissioner Tobin was told that there were emails from UNIDAD and perhaps from Mr. Diaz telling Ms. Pareck not to write such emails, but instead ask for an extension. Commissioner Tobin would like to hear from Victor Diaz.

Commissioner Weithorn asked who else signed off on the 2012 Certification to HUD.

Ms. Ruiz explained that Ms. Pareck signed off for the releases of funds and UNIDAD was aware, as UNIDAD was copied on emails that were sent to HUD.

Discussion continued.

Commissioner Grieco stated that City staff did something wrong and made a mistake, and as a result, now the City is potentially in default with HUD, and recapturing money that is supposed to be going towards the contractor to complete the project.

Ms. Ruiz stated that HUD actually notified the City through Ms. Pareck that had the project not been completed by September 30, 2012, the City would have to repay the funds. In answering Commissioner Weithorn's question, Ms. Ruiz stated that there is correspondence to and from UNIDAD showing that UNIDAD was aware of the September 2012 deadline. There are emails from UNIDAD to the building department asking to expedite the permits in order to meet the September 30, 2012 deadline.

Discussion continued.

Commissioner Weithorn stated that what makes this particularly difficult is that this is based on the actions of what a former City employee did, an employee who was terminated for not doing her job, and the result is that a non-for-profit in our community is being harmed. Commissioner Weithorn wants to hear from UNIDAD.

Discussion continued regarding recapturing of funds.

Vice-Mayor Wolfson stated that UNIDAD was in charge of building this project, and since the recapture of the money is due to the untimely completion of the project, then he must surmise that the one to be blamed is UNIDAD. In relation to food service, a large portion of the reason to construct this building was to serve food to the elderly there.

Ms. Ruiz stated that according to the contracts it was to create a Senior Center and a Community Center. Ms. Ruiz explained that food for the elderly is not being served at the Senior Center.

Vice-Mayor Wolfson added that the reason the Senior Center is not serving food to the elderly, is that the County rejected the application to serve food that they put in due to lack of experience on the matter. (Even though UNIDAD claimed such experience in serving food on the application.)

Ms. Ruiz explained that money for the food program is assigned through Alliance for Aging, but Ms. Ruiz does not know the reason why the funds were retracted.

Vice-Mayor Wolfson stated that Victor Diaz has been helpful and he is trying to do the right thing for the community, but UNIDAD has been unsuccessful in delivering what the City contracted for, which was a site that serves the elderly by feeding them. For some reason the grant was rejected, and what Vice-Mayor Wolfson was told is that UNIDAD misrepresented their ability and experience in providing the food service to the elderly. It is disappointing that the Senior Center is not open at this point. How does this not reflect on UNIDAD? The seniors in that area have been asking for this service for decades, and it is disappointing that they do not have these services.

City Manager Morales explained that the way these projects work, since the City is the recipient of Federal dollars, the City through a solicitation process puts it out to agencies in the community, but the City is in privity with the Federal Government, and the City is obliged to monitor how the money is being spent.

Discussion continued regarding who is responsible for not getting the job done on time. Vice-Mayor Wolfson believes UNIDAD bears the responsibility for not getting the project done on time.

City Manager Morales stated that the money was spent on the building, \$1.9 million, minus \$23,000 and change.

Discussion continued regarding serving food for the elderly. Vice-Mayor Wolfson stated that the City must find a way to ultimately serve these seniors and serve them meals. Vice-Mayor Wolfson wants to get it done.

Vice-Mayor Wolfson asked if there is any other source of funding to serve elderly meals. Ms. Ruiz responded that she does not have any other source of funding, and the cycle to apply with the Alliance for Aging will reopen towards the fall of this year.

Vice-Mayor Wolfson asked Mr. Diaz why UNIDAD has not been able to accomplish its mission of feeding the seniors.

Victor Diaz appeared as a member of the board of directors of UNIDAD of Miami Beach, Inc. Victor Diaz, addressed the three recaptured items.

Recapture Of Funds For The North Beach Senior Center

First, regarding the recapture of retainage funds intended for the North Beach Senior Center. Recapture is recommended due to the potential threats of recapture by HUD due to a factual misstatement by the member of the City staff. Mr. Diaz brought up the points: 1) UNIDAD was in no way responsible for the factual misstatement; 2) UNIDAD, through Mr. Diaz personally, objected to Ms. Pareck in writing on an email exchange date November 2, 2012, advising her not to lie to HUD as anyone could see that the building was not open and providing services and

therefore the national objective had not been met, and to request a contract extension. Instead, City staff decided to close out the contract and take the actions that they did. 3) Subsequent to that date, as UNIDAD struggled to complete the building due to contractor delays and errors, no one in the City staff communicated that the retainage funds would not be paid out. UNIDAD has entered into a settlement with the contractor to help finalize the completion of the center, and get it open. Relying on the availability of these funds to make the final payment to the contractor. UNIDAD has fulfilled every payment due under the contract. This \$23,000 is part of the final payment due to the contractor, and UNIDAD is relying on it to make that payment. Recapturing these funds would penalize UNIDAD for: 1) Something they did not do; 2) Something they objected to; 3) Something that has not yet occurred; the actual recapture by HUD; 4) Trigger a default by UNIDAD of their obligations to their contractor, which the City is a third party to; and 5) Double penalizing UNIDAD because upon final payment the contractor has to pay UNIDAD a liquidated sum for the delay damages cost to the organization, for having to carry that site for an additional two years due to the contractor's delays. He implored the City Commission not to punish UNIDAD by recapturing these funds.

Recapture Of Current Year Operating Support For UNIDAD's Project LINK

Second, the Administration proposes a recapture of current year operating support for UNIDAD's project link. These funds were awarded last year by the City Commission in the sum of \$9,000. The following facts are relevant to the determination on that current year funding: 1) At the request of the City, UNIDAD submitted a proposed budget adjusted to the awarded amount by transmittal email on January 8; 2) On March 19 UNIDAD was advised that due to an unspecified City emergency the budget was reduced to \$6,000 and that UNIDAD should submit a revised budget; 3) On March 20 an email was received from Ms. Ruiz advising UNIDAD to disregard the prior communication and advising that the Administration had decided to recapture the funds; 5) On that the same day, March 20, Ms. Margarita Cepeda, Executive Director, requested an explanation and an opportunity to appeal that decision. On March 20, Mr. Diaz personally wrote to Ms. Ruiz and the City Manager requesting an explanation and an opportunity to appeal that decision, and to date he has not received a response to this email.

This funding is the only operational funding the City has ever provided to UNIDAD. The original grant started as \$20,000 per year, and it was decreased last year to \$9,000. This support for project LINK spans four City Managers, 3 prior Mayors and countless Commissions and CDBG committees. Mr. Diaz stated that it would be very sad to see the City end a partnership with UNIDAD that spans over two decades. This Commission has demonstrated the will to assist through hard times the business community and part of the City that is struggling. As the non-profit funding sector shrinks nationwide, all non-profits are under siege. Now is the time for the City to increase its support for local Miami Beach based non-profits, not to decrease or eliminate it. Mr. Diaz begged the City, not for himself, but for an organization, that has done good for the community for over two decades. UNIDAD has been tending to the needs of the low income, the elderly and the Hispanic community for decades. UNIDAD has just delivered a world class Senior Center proving numerous activities to seniors on a daily basis. UNIDAD has also been providing service at the Coral Rock House since October 2014. Since UNIDAD opened the Senior Center in March 2015, in March they served 967 seniors and in April they served 1,121 seniors. UNIDAD has received no operational dollars from the City of Miami Beach for the services UNIDAD provides at the North Beach Senior Center. They instead have received funding from the State Department of Elder Affairs, and they were just renewed the funding on March 17, 2015 on a competitive RFP process. This year for the first year, the American Association for Retired Persons (AARP) decided to compete against all the non-profits in the State of Florida to deliver services to the elder community. The American Association for Retired Persons won the award

and the competitive RFP process in every region except for one - UNIDAD of Miami Beach is the only non-profit organization in the City that received renewed funding from the State to continue to provide elderly services at the North Beach Senior Center.

Funding For The Meals For Seniors

Under the Management Agreement, paragraph 4.4, page 5, Mr. Diaz listed the services to be provided by the North Beach Senior Center are: senior employment job placement; senior employment job training, senior recreational activities, cultural activities, and special events, all of which they do. Lastly, the Senior Center is supposed to operate as a senior meal center for the North Beach area, but as the agreement states this is subject to funding availability. Mr. Diaz explained that the contract to provide funding for meal services from the Alliance on Aging was not taken away from UNIDAD for lying. The contract was not denied to UNIDAD, in fact the contract was awarded to UNIDAD through a competitive RFP through the Alliance for Aging back in 2012. However, the Senior Center was not opened by the date the Alliance on Aging requested, due to construction delays. During that same period, the State cut the funding to the Alliance for Aging and they appealed that decision. The Alliance on Aging went to the Department of Elder Affairs but they were facing funding cutbacks, and rather than cut other agencies, the Alliance for the Aging decided to take away the funding from UNIDAD of Miami Beach, since the facility was not open, and restore 100% funding, utilizing the funds awarded to UNIDAD, to the existing agencies that were already providing meals to the elderly, such as Little Havana Activities and Nutrition Center and Jewish Family Services. Currently, there is no food service at the Senior Center because UNIDAD does not have the money for it. UNIDAD has the ability and the plan approved by the County and the Alliance for Aging to serve food to the elderly. The reason the facility was not open timely was the fault of the contractor, as well as everyone who participated in the project, he too bears responsibility and he is sorry that he did not deliver the project on time and on the date requested.

Discussion held.

Mayor Levine asked what kind of money does UNIDAD have right now and how much funding they have available.

Mr. Diaz responded that UNIDAD has about \$5,000 to \$10,000. For the segregated funds for the Senior Center, to pay the contractor they are holding approximately \$100,000.

Mayor Levine asked if UNIDAD has the funds to pay for the senior meal program. Mr. Diaz responded that UNIDAD does not.

Mayor Levine stated that the most important thing for this City Commission is to have their seniors fed. The City put the money in, they gave UNIDAD a contract to do certain things, specially feed the seniors. If the City would come forth with another entity, or if the City would run it themselves through private donations and be able to feed the seniors for their betterment, would UNIDAD let the City take control for the sake of feeding the seniors.

Victor Diaz stated that the proper course of action to follow should be to take those private donations and encourage those private donors to go to a non-profit that has been doing good in this community for two decades. UNIDAD would gladly feed the seniors given that it has the programs and space to do it.

Mayor Levine asked Mr. Diaz if what he was saying is that unless UNIDAD runs the senior meal program, they will not feed the seniors. Mayor Levine stated that his objective is to feed the seniors. What has been demonstrated, irrespective of fault, is that the only ones negatively affected have been the seniors. Mayor Levine suggested that UNIDAD look at the opportunity for another non-profit or the City, who can bring additional private source funding, to take over. However, UNIDAD would sacrifice the seniors because they want to have control of the Senior Center no matter what.

Discussion continued.

Victor Diaz asked for the City to honor the management agreement whereby it is UNIDAD's responsibility to provide the program, facility and organization to feed the seniors.

Mayor Levine asked Leonor Hernandez what the general feeling is in the community. Mayor Levine stated that, in his opinion, there is no one more in touch with the needs of the seniors in our community than Leonor Hernandez.

Leonor Hernandez stated that the seniors are requesting meals at the Senior Center; they have been requesting them for years and staff keeps telling them that the meals are coming. The Mayor's Office receives calls every day, and then even when the Senior Center finally opened they are still not providing the expected senior meals.

Discussion continued.

Mr. Diaz explained that he does not see the logic in divesting an organization that has built this facility for the City and has operational funding to provide all the other services, except the meals.

Discussion continued regarding the senior employment programs and the funding related to it.

Vice-Mayor Wolfson stated that Mr. Diaz is projecting the responsibility for UNIDAD's failure onto other people, when the contract states that UNIDAD is the entity that is to feed the seniors. It has been too long that UNIDAD has had this responsibility and not fulfilled it.

Mr. Diaz added that it is the contractors fault. The funding cycle for food via the Alliance for the Aging opens up in the fall of this year. UNIDAD intends to reapply, and they believe they will be successful. In the interim, Mr. Diaz added that he is willing to start providing the services right away as soon as someone can help them identify funding.

Mayor Levine asked if Mr. Diaz would be interested in changing the nature of that partnership and sharing control of the Senior Center with the City if the City was able to come up with significant money from private sources.

Mr. Diaz stated that UNIDAD already shares control of the Senior Center with the City and he is happy to engage the City any discussions, but he does not want to vitiate the existing contract nor breach that contract. Mr. Diaz is willing to engage in any conversation about feeding the seniors and is willing to do so in a productive way and to consider whatever the City has in mind.

Vice-Mayor Wolfson asked the City Attorney to identify what rights the City has under that contract with UNIDAD, and what the City could do if it wanted to take over the Center. For example, utilize the Parks Department, as that Department does a great job with the elderly.

Raul J. Aguila, City Attorney, explained that under the Management Agreement, UNIDAD has control of the building and is required to provide certain services. The City is allowed to use the building for certain programs, but it requires the prior consent of UNIDAD. In answering Vice-Mayor Wolfson, he explained that if there is a breach of the agreement, then there is a process of putting UNIDAD on notice. There is a cure period and if UNIDAD does not cure within the adequate time, then the City may proceed to terminate that agreement.

Discussion continued.

Mayor Levine understands that Mr. Diaz/UNIDAD has had some misfortune with the construction of the Center. He informed that Miami Beach started a charity, a non for profit organization, One Miami Beach, and they continue to raise money, but he is not comfortable at this point, giving that money to UNIDAD, based on what has happened in the past, but he would be comfortable engaging in a conversation with Victor Diaz and City Attorney Raul J. Aguila, where the contract is changed in such a way that the City has assurances and it is comfortable whereby One Miami Beach can possibly make donations. Mr. Diaz responded that he welcomed such conversation.

Commissioner Tobin asked if the UNIDAD agreement with the City says that UNIDAD will provide programs, and if funding is available UNIDAD will provide food as well. Mr. Diaz responded in the affirmative. City Attorney Aguila confirmed that the provision for senior meals is subject to funding availability.

Commissioner Tobin stated that Mr. Diaz has an organization that has been helping the community for 20 years, and it has built a building, and the City is taking it away, in part because the fault of UNIDAD, but in part because of a City employee. Commissioner Tobin believes that the City should treat Mr. Diaz as well as anyone else. For instance, Commissioner Tobin recalls that the City gave rent forgiveness of hundreds of thousands of dollars to the restaurant across the street. Commissioner Tobin stated that Mr. Diaz makes an interesting comment when he mentions who is going to receive the credit for feeding the seniors. Commissioner Tobin would like to see arms distance for feeding the elderly. The issue of feeding the seniors is becoming more of a political issue, and what happens is that the City can take in donations and the City, through PACs, can cultivate the voters by providing them services, and it ends up not looking so great, even if done with good intentions. It sends the wrong message, and he would rather have a third party doing it or have the City doing it. What the Mayor is saying is that the prospect for the future does not look great for UNIDAD, and although the City wants to help UNIDAD, Commissioner Tobin does not want to help UNIDAD at the expense of the seniors.

Mayor Levine suggested that the City can take over and feed the seniors, but the contract must be changed.

Victor Diaz explained the procedures for the City to hold qualified senior activities and programming at the North Beach Senior Center.

Discussion continued.

Vice-Mayor Wolfson asked Mr. Diaz if he is willing to sit with Mayor Levine, reach an agreement where the City partakes in the feeding of the seniors at the facility, and consider modifying the agreement.

Mr. Diaz responded that he is willing to engage in any conversation that is productive and mutually constructive, that respects the rights of the agreement but also finds a way to accommodate the Mayor's concerns.

Raul J. Aguila, City Attorney, clarified that what they are requesting is for Mr. Diaz to meet with the Mayor and himself to amend the agreement to apportion the responsibilities under the agreement to allow the City more control so the building is managed properly while UNIDAD continues to run programs.

Mr. Diaz responded that he would sit with an open mind to anything and everything.

Mayor Levine agreed with Commissioner Tobin when he said let it not come from any third party, let us see if the City can provide the services of feeding the elderly.

Vice-Mayor Wolfson added that this is nothing against UNIDAD. Vice-Mayor Wolfson knows that UNIDAD provides an important service to the community and he has recognized many senior employees during Commission Meetings for their accomplishments. However, this is about identifying a problem that UNIDAD has and trying to solve it. He is in support for the continued relationship, but UNIDAD has current limitations that need to be solved.

Mayor Levine paraphrased that Victor Diaz has said that he is open to any and all conversations to ensure potential funding from the City to feed the elderly.

Mr. Diaz, speaking from the heart, stated that he wants to salvage the partnership with the City and UNIDAD; but that should be done in private or in a counseling session. He wants to salvage both his partnership and UNIDAD's partnership with the City, and he wished that they would have picked up the telephone and called him.

Vice-Mayor Wolfson stated that by law these conversation must be held in the sunshine, in accordance to the Sunshine Law; this has to be discussed publicly.

Discussion continued.

City Manager Morales suggested a compromise in trying to solve the problem with HUD; staff has been working with HUD to minimize how much money they forced the City to pay back because the City is complying by monitoring and changing its rules. The way to do this is not to end the LINK relationship; they are in agreement with not pulling back the LINK money. With respect to the \$23,000, what he would ask is for the Commission to direct the City Manager to identify \$23,000 and change from City surplus funds so they can recapture the HUD money, so they comply with HUD, and make sure UNIDAD has money to pay the contractor. This will make the City good with HUD and UNIDAD.

Vice-Mayor Wolfson stated that he does not have a problem with the City Manager's suggestion.

Mayor Levine asked if the \$23,000 could be part of the question about changing the agreement.

Raul J. Aguila, City Attorney, explained that the \$23,920.13, when they talk about HUD, he has different views on threats from HUD than staff on the penalty of recapture, but if the City is going to appropriate other money, he would like to see it done sooner than later because City Attorney Aguila is trying to close out the project. Victor Diaz is trying to get his contractor paid and City Attorney Aguila wants to close out the building, get releases and warranties. Neither HUD nor

anything else should be an impediment to that.

Mayor Levine stated that they would enter into larger negotiations to possibly give UNIDAD more money if the City could change the agreement.

City Attorney Aguila clarified that they are not talking about resting control of these programs from UNIDAD. UNIDAD has run these programs well for years. The City has a capital facility that it owns and that UNIDAD has a duty to maintain. The City needs to think about the facility first, as the facility is going to house the feeding of the elderly. This is a joint management agreement that we are talking about.

Mayor Levine stated that the \$23,000 is Step 1. Step 2 would be the conversation overall to potentially modify the management agreement. Mayor Levine asked if the \$23,000 is a grant or should that be a loan, so the City can bring it as part of the next conversation.

Mr. Diaz requested that this be a grant, which was also the Manager's recommendation. UNIDAD needs to pay the money out and be free of the obligation of this facility. The City should not encumber UNIDAD to meet the obligation of the facility.

City Attorney Aguila clarified that if it were CDBG funds it would be a grant; however, if City funds are utilized it is at the City Commission's discretion to either be a grant or a loan.

Discussion held.

Commissioner Steinberg is not comfortable at this time, and she thinks the parties need to have conversations.

Commissioner Tobin feels that the City is taking a very adversarial position with UNIDAD although he agrees with Mayor Levine.

Mayor Levine asked if the consensus is for the \$23,000 and change will be a grant provided to UNIDAD to pay the contractor.

City Manager Morales added that his recommendation is to grant the \$23,000 to UNIDAD and he has no problem continuing the project LINK funding. The reason the Manager structured it this way is that the City recaptures the HUD money, so the City is in compliance with HUD, and the City provides the money to the contractor.

Discussion continued.

Commissioner Malakoff asked if the City would pay the contractor directly.

City Attorney Aguila suggested doing it as it was done in the second amendment, which was that payment was made to UNIDAD, and then UNIDAD gave the City proof immediately that they had paid the contractor. That worked successfully. It can be paid directly to the contractor. The City is third party beneficiary in the contract and the City is not a party to any liability under that.

Mr. Diaz stated that it is easier for the City to pay UNIDAD and have them pay it to the contractor; otherwise, UNIDAD has to go to the contractor and get an amendment to the contract and revisit the settlement agreement.

Discussion continued regarding payment to the contractor.

Commissioner Weithorn stated that she is going to make two motions. The first is that the City split item one (1) from items two (2) and three (3), because they are going to be treated differently. Then her second motion is for the City to restore the funding to UNIDAD to make them whole on the current year's \$3,000 plus the \$23,000 in a manner and form in which the City Manager identifies. However, for the City to recapture the HUD moneys under the contractual obligation the City has with HUD.

Mayor Levine stated it is important what Commissioner Tobin said, that they need to begin negotiations and discussions with Victor Diaz and UNIDAD regarding the contract, to potentially modify it and for the City to consider City funding.

Commissioner Weithorn does not have a problem saying that the City should have a conversation with UNIDAD about finding dollars to feed seniors, such that the City is comfortable with control as to how the program would occur at the North Beach Senior Center.

Motion No. 1:

Motion made by Commissioner Weithorn to separate Item one from two and three; to restore the funding to make UNIDAD whole on the current year \$3,000 plus the \$23,000 and change, in the manner and the form in which the City Manager identifies, for the City recaptures the HUD monies, as needed under the contractual obligations the City has with HUD; and have a conversation with UNIDAD to find dollars to feed seniors as long as the City is comfortable with the control of the North Beach Senior Center, to ensure that the program occurs; seconded by Vice-Mayor Wolfson. Voice-vote: 7-0.

Motion 2:

Motion made by Commissioner Weithorn on Item No. 1, accepting the City Manager's recommendation to recapture the Coral Rock House funding; seconded by Commissioner Tobin. Voice-vote: 7-0.

Commissioner Tobin stated that everyone agrees that there is a need to get the meals program for the elderly up and running as soon as possible.

Discussion continued.

Mr. Diaz thanked everyone for their vote and invited members of the City Commission to visit the North Beach Senior Center. Mr. Diaz added that personal agendas should never come before the needs of the community.

Discussion continued.

Commissioner Weithorn urged everyone to visit the North Beach Senior Center, because it serves the needs to the community that City sometimes forget, these are active seniors; the room is often full and she urged her colleagues to visit.

Commissioner Tobin asked if there is any deferred maintenance on the Coral Rock House. He does not want the building to deteriorate.

Mr. Diaz explained that there is a need for maintenance, but the reason they did not do it is because UNIDAD had to devote all its funds to build the Senior Center, and they had to advance

the money in order to get it reimbursed. UNIDAD has not been able to fund the repairs for Coral Rock House. Perhaps the City could help UNIDAD fix the building as a historic landmark in the Hispanic community.

Commissioner Malakoff suggested that UNIDAD as a 501(c)(3) organization can raise funds via fundraiser for UNIDAD's activities. Mr. Diaz keeps referring to obtaining money from the City, the State and the Federal to restore the Coral Rock House, but she has not heard him mention raising funds from the private sector.

Mr. Diaz responded that they have raised hundreds of thousands of dollars in contributions, and spent it in servicing the community. Many on the Commission have come to UNIDAD's toy drives all funding through private contributions. In addition, when there has been support from the City, UNIDAD has been able to raise additional private contribution.

Commissioner Malakoff asked specifically about the Coral Rock House, which was moved specifically for the use of UNIDAD. Why does UNIDAD not raise money to help with the restoration?

Mr. Diaz stated that they wanted to raise funds to create an endowment for the Senior Center, and their first priority is to find funding for meals. He would love to work with Commissioner Malakoff, especially due to her prior affiliation with the Chamber, to enlist the business community to help all the nonprofits in this community. He has spoken to former Commissioner Libbin about doing joint fundraisers to show unity amongst all the nonprofits in the community, and to use the business sectors, which is so often rewarded by development rights in this community, to give back to the nonprofit centers, to those that do not have the resources available and do depend on the services the nonprofit provide.

Discussion continued.

In response to Commissioner Tobin's question, Ms. Ruiz explained that the \$21,000 grant was for the rehabilitation of the Coral Rock House, and HUD has advised them that the City is allowing projects to go beyond the year, which is what gets the City in trouble.

Discussion continued regarding the City continuing to assist with the in raising of private donations to assist nonprofits in the City.

Handouts or Reference Materials:

1. Email from Raymond Adrian [radrian@unidadmb.org] dated March 17, 2015, RE: Intent to Award SCSEP.
2. Statistic by month, race and gender.

3:00:48 p.m.

R7B A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Issue A Request For Proposals To Identify A Public Private Partnership With The City, In Order To Develop The City-Owned Property Located At 1940 Park Avenue (The Barclay Plaza Apartments), As Workforce Housing Serving Persons Earning Between 120 And 140 Percent Of Area Median Income (AMI) And Employed In The Public Safety, Education And Municipal Sectors.

(Housing & Community Services)

ACTION: Resolution 2015-29017 adopted. Motion made by Commissioner Grieco, seconded by Commissioner Malakoff; Voice-vote: 6-0; Absent: Commissioner Tobin. **Maria Ruiz And Alex Denis to handle.**

Suggestions for the RFP:

- Developer must have experience working with historic properties, specifically in Miami-Dade County.
- Include for the developer to suggest the number of units; whether it should be increased, decreased or remains the same.

City Manager Jimmy L. Morales introduced the item. The Commission in recent months added as one of the City's priorities trying to create workforce housing on Miami Beach. As the Administration has looked at recapturing some of the buildings from the CDC (Community Development Corporation) the Administration has looked and how it can perhaps reposition them as workforce housing. The Barclay is such a property, particularly given its location.

Maria Ruiz, Director of the Office of Housing & Community Services, explained the item. The Barclay is a 66 unit SRO, but the building needs to be gutted. There are so many fundamental things wrong with the building, including the electrical system. Additionally, it has had a 40-year certification violation since 2011, which includes a variety of issues. Therefore, this item is to move forward with the idea of establishing a joint project at the Barclay to be able to create workforce housing. This site is amazing in many respects. It fronts on the west side the new Convention Center. This building is deemed historic; it has a pool area and a rear parking area that also has possibilities. In essence, what the Administration is seeking is the endorsement of the Commission to go ahead and move forward. We have a great deal of work to do in terms of making sure that the City researches all the possibilities for this property. Ms. Ruiz has been meeting with different people to discuss multiple funding opportunities to dedicate to this particular site. When the Administration comes back to the Commission with an RFP, they want to ensure that it affords an opportunity not only to look at the best practices in development, management, marketing and vetting of a potential development partners, but at the same time that it seeks to maximize the City's goal to bring units, while valuing the improvements that are being made on City property and yielding the greatest financial interest for the City in the end.

Commission Grieco inquired if this item was going to come back to the City Commission before it goes out to RFP, because he has a couple of recommendations regarding the RFP. One of them is that whoever the developer may be, that they have experience working with historic properties, specifically in Miami-Dade. Ms. Ruiz responded that the RFP would come back to the Commission prior to its issuance.

Commissioner Grieco inquired if the RFP was for management as well. Ms. Ruiz responded that it would be all-inclusive, so it would be for the development and the subsequent management.

Commissioner Grieco inquired on the number of units. Ms. Ruiz explained that the number of units has yet to be determined, as that is part of what would be put to bid, to see what proposers suggest. Ms. Ruiz added that they know that the 66 SRO will not work. Unless the Commission directs otherwise, Ms. Ruiz explained that they intend to leave it up to the proposers to suggest the number of units.

Mayor Levine suggested looking at micro housing.

Commissioner Grieco added that he is looking at an increase in the number of units. Commissioner Grieco asked that the RFP include for the developer to suggest an idea as whether the number of units should be increased, decreased or remains the same.

Mayor Levine asked if the City would ever consider saying that this building is dedicated to workforce housing specifically for those involved in the Convention Center or employees of the City.

Commissioner Malakoff explained that there is already such a component, as the group of eligible workers includes public safety, education and municipal sectors.

Commissioner Grieco added that much of this is how it is advertised, marketed and how the income standard is set.

Commissioner Grieco moved the item; seconded by Commissioner Malakoff.

3:04:37 p.m.

R7C A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee And Authorizing The City Manager, Through The City Of Miami Beach Police Department, And The City Attorney's Office To Negotiate The First Two (2) Year Renewal Term Of The Agreement Between The City And Xerox State And Local Solutions, Inc. For The Photo Red Light Enforcement Program; With The Amendment For Such Renewal Term To Include, At A Minimum, A Provision For Five (5) Additional Red Light Camera Designated Intersections; Relocation And Upgrade Of Certain Existing Designated Intersection(S); And The Full Indemnification, Holding Harmless And Defense Of The City By Xerox, For Any Pending Or Future Litigation; Further Authorizing That The Initial Term Of The Agreement Shall Continue On The Same Terms And Conditions, Subject To Termination For Convenience Without Cause By The City Manager, Until Completion Of Negotiations Or July 8, 2015, Whichever Is Earlier.
(Police/Office of the City Attorney)

ACTION: Resolution 2015-29018 adopted. Motion made by Vice-Mayor Wolfson, seconded by Commissioner Steinberg; Voice-vote: 4-2; Opposed: Commissioners Grieco and Weithorn. Absent: Commissioner Tobin. **Police Chief Daniel Oates and Office of the City Attorney to handle.**

City Manager Jimmy L. Morales introduced the item. The recommendation from the Finance and Citywide Projects Committee was go month to month with the current provider, Xerox, while the City tries to negotiate better agreement with Xerox.

Commissioner Grieco stated that he did not agree, as he will vote no on all the red light camera issues from an ideological standpoint.

Vice-Mayor Wolfson explained that he is in favor because it was shown to him by the statistics that it makes it safer. At the Finance Committee, they did talk about the “rolling right turns,” and he inquired if there is anything that can be done. Vice-Mayor Wolfson advocates a change regarding right turns.

Commissioner Grieco stated that as we were sitting on the dais, he had a resident sending him e-mails and screenshots about a red light camera ticket they received on 17th and Alton, an area that is a construction nightmare. It is ridiculous to Commissioner Grieco that we are issuing red light camera tickets in such an area.

Vice-Mayor Wolfson stated that he is in favor of it, and moved the item. Seconded by Commissioner Steinberg.

Voice-vote: 4-2; Opposed: Commissioners Grieco and Weithorn. Absent: Commissioner Tobin.

Commissioner Weithorn stated that the experiment has been an abomination. Commissioner Weithorn is not convinced that the red light cameras really make things any safer.

Vice-Mayor Wolfson state that Police Chief Oats produced statistics that showed that there was a reduction in accidents in each one of the intersections with red light cameras.

Commissioner Steinberg added that it modifies behavior.

Discussion continued.

Commissioner Grieco prefers having a Police Officer monitor an intersection.

Commissioner Steinberg stated that a Police Officer at an intersection has also been proven to be counterproductive, as some people slow down and cause more traffic when they see a Police Officer.

3:07:14 p.m.

R7D A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Have The Administration And City Attorney's Office Explore A Potential Public-Private Partnership With ~~LSN Partners, LLC~~ Terranova Corporation For The Development Of A Parking Garage On 42nd Street And Jefferson Avenue, And Report Back To The Committee.
(Parking)

City Clerk's Note:

Corrections: Page 582 – Change all references to a public-private partnership with LSN Partners to Terranova Corporation.

ACTION: Resolution 2015-29019 adopted. Motion made by Commissioner Malakoff, seconded by Commissioner Weithorn; Voice-vote: 6-0; Absent: Commissioner Tobin. **Saul Frances to handle.**

Commissioner Weithorn specified that this item is to merely explore a potential public-private partnership with for the development of a parking garage on 42nd Street and Jefferson Avenue.

Saul Frances confirmed that it was only to explore.

Commissioner Weithorn wanted the public to know that it was only to explore.

Commissioner Malakoff inquired that this was with Terranova not LSN Partners, LLC. Mr. Frances responded in the affirmative, and stated that the correction regarding this was issued and read into the record earlier in the day.

Motion made to approve made by Commissioner Malakoff, seconded by Commissioner Weithorn.

City Clerk's Note:

Correction: Change all references to a public-private partnership with LSN Partners to Terranova Corporation.

Handouts or Reference Materials:

1. Email from Rafael Granado to Claudia Wong, dated May 4, 2015, RE: Item R7D.

11:55:55 a.m.

R7E A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Issue Request For Proposal (RFP) No. 2015-013-YG For Security Officer Services.
(Procurement)

ACTION: Resolution 2015-29020 adopted. Motion made by Commissioner Grieco, seconded by Commissioner Tobin; Voice-vote: 7-0. **Alex Denis and Police Chief Daniel Oates to handle.**

Jimmy L. Morales, City Manager, introduced the item. This is to accept the recommendation of the Finance and Citywide Projects Committee to issue a Request For Proposal (RFP) for security guard services. However, as part of this item some Commissioners were interested on receiving an update on the Park Ranger program, because some of the areas that no longer will be covered by security guards will be covered by Park Rangers. City Manager Morales stated that Sergeant Alexander Torres who will be working with the Parks Department to coordinate the Park Rangers is present to answer any questions and provide an update as to the implementation.

John Rebar, Parks and Recreation Director, spoke. As an update to the Park Ranger program, one of the biggest updates is that Police Chief Oates has detailed Sergeant Torrez to the Parks Department, to put this program together from the ground up. Currently the Department is working on the job descriptions for the Ranger Supervisor. They hope to have the advertisement on the street within a week so the City can start recruiting for the Ranger Supervisor position. Much needs to be done with the assistance of Sergeant Torrez. For instance, develop Standard Operating Procedures, determine the type of radios that are required, evaluate transportation methods for the Park Rangers to travel from place to place. There is a great deal going on behind the scenes in order to get this up and running by the summer.

Sergeant Torrez introduced himself and detailed his professional background. The Park Rangers are going to help create a deterrent for all the unwanted behavior and deal with some of the issues in South Pointe Park, North Shore Open Space Park and the Bandshell. Sergeant Torrez is corresponding with different municipalities, such as Denver, who have implemented programs similar to the one the City wishes to establish. One of his main priorities is establishing a communication system in order to make sure that when these Park Rangers are deployed they have communication systems similar to those of Police Officers. That way, the Park Rangers can have the Police Department respond immediately if needed. Sergeant Torrez has also met with Code Enforcement, as many of the duties the Park Rangers will perform mirror what Code Officers

do.

Commissioner Grieco stated he has known Sergeant Torrez for many years, and Sergeant Torrez is great member of the Police Department. Commissioner Grieco pushed for this Park Ranger program last year and he wanted to thank his colleagues for supporting it and funding it. He is very excited to see this program come to fruition. The City is putting a great deal of money into its parks and North Beach, and we need to do a better job monitoring the parks. This Park Ranger program is going to be an opportunity for a greater level of customer service in our parks, and we will have somebody that is going to be communicating with both Code and the Law enforcement.

Commissioner Grieco explained that the item before them is regarding the RFP for security officer services, as the Park Rangers are going to displace some of our needs in the parks regarding security; the Commission just needs to put the RFP out for security guards.

Motion made by Commissioner Grieco, seconded by Commissioner Tobin.

3:10:27 p.m.

R7F A Resolution To Accept The Finance And Citywide Projects Committee's April 8, 2015, Recommendation To Approve The Purchase Of Flood Insurance, All-Risk Property Insurance, (Including Windstorm), And Boiler & Machinery Insurance For City Buildings And Contents (Including New Construction); And Fine Arts Insurance (Bass Museum And Art In Public Places), As Proposed By Arthur J. Gallagher Risk Management Services, Inc., The City's Broker Of Record.

(Human Resources)

ACTION: Resolution 2015-29021 adopted. Motion made by Commissioner Weithorn, seconded by Commissioner Steinberg; Voice-vote: 6-0; Absent: Commissioner Tobin. **Sylvia Crespo-Tabak to handle.**

Item moved by Commissioner Weithorn.

City Manager Jimmy L. Morales explained that last year we talked about how we have to slowly begin to increase our insurance levels to be compliant with State and FEMA requirements, and we talked about how this year we would make another \$5 million worth of insurance purchases; this is the item for about \$368,000 of additional premium for that.

Discussion continued.

City manager Morales explained that this needs to be done because if the City is hit by a storm and it is found to be not compliant, FEMA may refuse to pay.

Seconded by Commissioner Steinberg.

City Clerk's Note: See Item C6A Item 2.

03:07:59 p.m.

R7G A Resolution Approving And Authorizing The City Manager To Execute Change Order No. 2 To The Construction Contract, Dated March 13, 2013, Between The City And Lanzo Construction Co., Florida (The Contract), For The Construction Of The City Of Miami Beach Right-Of-Way Infrastructure Improvement Program, Venetian Islands Bid Package 13c (Project); Such Change Order, In The Amount Of \$4,499,103, Providing For: 1.) Construction Work Associated With A Re-Designed Stormwater Conveyance System For San Marino, Dilido, And Rivo Alto Islands That Will Meet The New Stormwater Criteria; 2.) A 422 Calendar Days Contract Time Extension Required To Complete This Work; And An Increase In The Owner's Contingency, In The Amount Of \$409,009.

(Capital Improvement Projects)

ACTION: Resolution 2015-29022 adopted. Motion made by Vice-Mayor Wolfson, seconded by Commissioner Grieco; Voice-vote: 6-0; Absent: Commissioner Tobin. **David Martinez to handle.**

David Martinez, CIP Director, introduced the item. This is the Venetian project where the City has been redesigning the whole drainage system. The intent was to bring a complete change order. However, since we are reevaluating the pump stations and the sizes of the panels, etc., we would like to issue a partial change order for the contractor to continue the roadwork and storm water system installation within the streets. This change order does not address the pump station systems; it only addresses the work with the streets, so we can at least give the neighborhood back decent streets to drive on while we figure out the pump stations.

Mayor Levine stated that it sounds like a good idea.

Commissioner Weithorn stated that she read this item very carefully because when she saw the price tag she almost fell out of her chair. We need to be mindful that when we discuss making things more difficult for contractors, they have to travel more, they have stage differently or they have to come with partial loads. These things come at a significant cost. She mentions that because we are about to embark on a fairly significant project at the Convention Center, and she wants the Commission to be mindful that every time we asked for mitigation, as we just did with the construction parking plans, that we do in fact increase costs not only for ourselves but for others. Commissioner Weithorn just wants the Commission to be careful that we do not get to the point that we make it impossible to work in Miami Beach.

3:11:23 p.m.

R7H A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Proposals Received, Pursuant To Invitation To Negotiate (ITN) No. 2015-060-LR (The ITN), For The Leasing Of City-Owned Buildings And Rooftops For The Placement Of Telecommunications Equipment; Authorizing The Administration To Bypass The Evaluation Committee Process Since There Is Solely One Proposal; And Authorize The Administration To Negotiate With The Sole Proposer, Crown Castle; And Once Negotiations Are Completed, Place The Negotiated Agreement On A Commission Agenda For City Commission Review And Approval.

(Procurement/Tourism, Culture & Economic Development)

ACTION: Resolution 2015-29023 adopted. Motion made by Commissioner Weithorn, seconded by Commissioner Malakoff; Voice-vote: 6-0; Absent: Commissioner Tobin. **Alex Denis and Max Sklar to handle.**

Max Sklar, Tourism, Culture & Economic Development Director, introduced the item. As approved by the City Commission, an ITN was issued to lease out City owned building and rooftops for telecommunications equipment. The City received one proposal from Crown Castle, so the item before the Commission is asking the Commission to modify the process to bypass the evaluation and ranking process and authorize the Administration to go straight to negotiations.

Motion made by Commissioner Weithorn, seconded by Commissioner Malakoff.

Commissioner Malakoff asked whether the equipment would be visible from the street. Mr. Sklar responded that it would not be visible.

3:11:56 p.m.

R71 A Resolution Approving, Pursuant To Section 2-367 (d) Of The Miami Beach City Code, The Purchase Of Flowserve Pumps, And All Replacement Parts From Carter Verplanck, Inc., The Sole Authorized Dealer Of Flowserve Pumps And Related Items In The State Of Florida.
(Procurement/Public Works)

ACTION: Resolution 2015-29024 adopted. Motion made by Commissioner Grieco, seconded by Commissioner Malakoff; Voice-vote: 6-0; Absent: Commissioner Tobin. **Alex Denis and Eric Carpenter to handle.**

City Manager Jimmy L. Morales explained that this is a small item, but because it is a sole source he wanted to put in on the regular agenda for discussion.

Commissioner Weithorn asked the City Manager to put on the records why this was a sole source.

3:13:20 p.m.

Alex Denis, Procurement Director, explained that when the pumps were designed a specific brand was put in, and that specific brand is only available from Carter Verplanck, Inc.

Eric Carpenter, Public Works Department Director, explained that these pump stations, approximately 23 of them, were redesigned and upgraded in 2003. We are at the point where we are starting to see some parts that need to be replaced. When we go through the design process on these pump stations, every manufacturer of pumps has a different pump curve, which means that the horsepower and the output is different. It is like taking a Lexus and putting a Chevy air filter in it; it does not work the same way. So we are suggesting that in order to extend the life of these pump stations, without having to go back and reengineer everything, we just purchased from the pump manufacturer for which it was originally designed.

Mayor Levine stated that it sounds like a good idea, a lot less money.

Motion made by Commissioner Grieco, seconded by Commissioner Malakoff.

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.
(Office of the City Clerk)

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

AD HOC CENTENNIAL COMMITTEE:

Jay Dermer resigned 4.30.2015

BOARD OF ADJUSTMENT:

Richard I. Segal (Law Category) Term Ending: 12.31.2016 Appointed by City Commission TL: 12.31.22

CONVENTION CENTER ADVISORY BOARD:

Tony Rodriguez removed due to absences

MIAMI BEACH COMMITTEE ON THE HOMELESS:

Valerie Navarrete (Replaced Rachael Zuckerman)

Term Ending: 12.31.15 Appointed by Commissioner Weithorn Term Limit: 12.31.22

MIAMI BEACH HUMAN RIGHTS COMMITTEE:

Jay Dermer Term Ending: 12.31.16 Appointed by Mayor Levine

Term Limit: 12.31.22

Jay Dermer resigned 4.30.2015

TRANSPORTATION AND PARKING COMMITTEE:

Hector Fontela removed due to absences

3:14:50 p.m.

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

ACTION: The following At-Large appointment was made:

- **Richard I. Segal** appointed to the Board of Adjustment, law category, by acclamation.

Direction: Item to come back to the May 20, 2015 Presentation & Awards Commission Meeting to consider Planning Board appointment. Lilia Cardillo to place on the Commission Agenda.

Board of Adjustment

Rafael E. Granado, City Clerk, announced that Richard I. Segal was nominated by Commissioners Grieco, Malakoff and Tobin to the Board of Adjustment, in the law category.

Commissioner Grieco reminded his colleagues that Mr. Segal was present during the 8:30 a.m. Dr. Stanley Sutnick Citizen's Forum. (See item R9B1, speaker 6.) Commissioner Grieco stated that he has known Mr. Segal for a very long time, and that Mr. Segal is an attorney and has been involved with the Chamber.

Richard I. Segal was appointed to the Board of Adjustment, law category, by acclamation.

Planning Board

Rafael E. Granado, City Clerk, announced that Roberto J. Rovira was nominated by Commissioner Malakoff to the Planning Board, faculty of a school of architecture category.

Commissioner Malakoff stated that Roberto Rovira is a professor at the FIU School of Architecture, his specialty is landscape architecture and is very well trained and schooled and she recommends him highly.

Commissioner Grieco requested time to speak to Mr. Rovira, as he does not know him.

Commissioner Malakoff stated that Mr. Rovira submitted his resumes and awards.

Commissioner Weithorn stated that Mr. Rovira is very qualified.

Commissioner Steinberg stated that she is comfortable with the nomination.

Mayor Levine stated that he believes the other members of the Commission are comfortable with the nomination, but if Commissioner Grieco wishes to speak to Mr. Rovira, the Mayor suggested deferring the nomination to the May 20, 2015 Presentation & Awards Commission Meeting.

Commissioner Malakoff stated that the Commission recently received an invitation to go to a charrette sponsored by the FIU School of Urban Design, relating to the overpass of 5th Street, and Mr. Rovira is in charge of it.

Mayor Levine stated that Mr. Rovira is very solid.

Commissioner Grieco stated that he would reach out to Mr. Rovira.

8:32:35 a.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum.

ACTION: The following individuals spoke:

1. Donald M. Eisenman, AP, Miami Beach resident for 25 years with medical offices at The Waverly, wants to discuss a serious matter regarding contractors hired by the City at the 14th Street pump station job site. The contractor has failed to provide them with clearly defined safe access to the building; they have failed to have flagmen present, as they see on other job sites where big construction vehicles are operating around pedestrians and private vehicles. It is even more important for this job site to have flagmen as there is only one lane for both directions of traffic, and many residents and guests have nearly been run over by large construction vehicles entering and exiting the street. Construction vehicles have blocked the entrance to The Waverly on many occasions and for long periods of time. This issue has been going on since April 9, 2015, when contractors decided to dig a ditch across the 14th Street and Bay, preventing any access to the building for several hours. Neither residents nor the Building Manager or the City Engineers in the Public Works Department had any knowledge of this issue, not to mention his patients were denied access to the medical treatments. Since April 9, he has made many attempts to resolve this safety issue by taking pictures and videos, phoning the Public Works Department, the FDOT Project Manager, the City Manager's Office, the Mayor's Office and he also sent a four-page letter to the Mayor's Office explaining this serious matter. The City should be more responsible and competent in overseeing this project. He explained that if this issue is not addressed, there is a great potential for residents to be harmed and the City facing a lawsuit. He is frustrated because no one from the City has responded to his telephone calls or letter written. He asked that this issue be taken seriously and for the City Commission to do the job they were elected to do.

Discussion held.

Mayor Levine requested staff to get his information to follow up and track it down.

Eric Carpenter, Public Works Department Director, stated that the email received was forwarded to Public Works from the Mayor's Office and the City Manager's Office. They met with Bergeron on two days of last week and made them aware of the situation and that the City was not happy about it; they also notified FDOT, who explained they were addressing the issue. He apologized that the contractor has not dealt with the situation.

Discussion continued.

Mayor Levine stated that it is most important to track how this was not followed up, and he wants to make sure his issues are resolved. **Eric Carpenter to handle.**

2. Valerie Navarrete wants to ask help from the City Commission to get West Avenue restriped. On February 2, 2015, residents met with FDOT and Engineer Enrique De Mayo, and they requested restriping the streets to two lanes each way in the turning lane. There was an issue regarding additional lights on 14th, 13th, 12th and 9th Streets at the crossing light, and FDOT stated that once the streets were restriped they would remove the crossing lights. In order for residents to have some normalcy, the vast majority prefer that the streets get restriped. They were told that this could be accomplished around March 15th, but that did not happen and in communications with the County and FDOT, she was told that they are waiting for the City to give them the specifications. She asked that this be expedited if possible. Additionally she suggested that at this time it would be a good opportunity to test drive the idea of bicycle lanes, as Commissioner Grieco suggested, having the two ways of bike lanes on the west side of West Avenue.

City Manager Morales announced that the Administration is ready to give the information and green light on the restriping, but wanted to get some sense from the City Commission as part of this involves removing traffic signals.

Eric Carpenter, Public Works Department Director, clarified that there is currently a temporary traffic signal at 14th Street and two temporary pedestrian crossings at 12th and 9th Streets. The County has notified him that they will not be willing to keep the signals in place when the restriping takes place, because they have not met warrants, and are just there as part of the construction. He wants to make sure that everyone understands that those signals are going to go away.

Valerie Navarrete stated that she has different information in writing from the County, and she was told that they will consider keeping the crossing lights, but they would have to do a study first. In order to do the study, they would have to get restriped West Avenue to one lane each way in the turning lane.

City Manager Morales stated that if the study comes out wrong, they lose the signals and the restriping, and they want to make sure that everyone is comfortable with this.

Discussion continued.

Mayor Levine requested a letter from the West Avenue Corridor Neighborhood Association (WAVNA) stating that they understand the risk, and they agree with restriping West Avenue, which will result in the removal of the crossing lights. **Eric Carpenter to handle.**

3. Kirk Pascal, North Beach resident, spoke regarding item R9O, having to do with the Collins Development at 226 87th Street. He stated that the mention of 226 87th Street is an administrative error, and they should reference to 87th Terrace. He added that at the July 24, 2014 North Beach Blue Ribbon meeting, the developer made a presentation to the community in regards to the terms of transfer of land, and they explained that they would provide 75 municipal parking spaces in addition to the existing 45 parking spaces that they are losing on the right of way in the lot being transferred; however, within this Item R9O there are only 75 spaces mentioned, and he wants to confirm that the full 120 parking spaces are included, as parking is a big issue for North Beach. Residents are very frustrated with the transfer of public land to a developer for a private condominium development, which was presented to them under the pretenses of renovating a MiMo hotel, which has since then been demolished.

Commissioner Tobin explained that he is not sure North Beach residents need parking spaces in that location, since the developer is going to pay for the land, and the money the City would theoretically had received for it, would have been kept by the developer to build parking spots; however, parking may be needed closer to the beach.

4. Stanley Shapiro announced that former Mayor Dr. Leonard Haber died and he hopes they have a moment of silence before the meeting. On Saturday night, Rabbi Lichtenstein is being honored by the Miami Beach Chamber of Commerce. He is the person who helped and inspired Mr. Shapiro with the Senior Citizen program. He asked about the circular South Beach buses, which are a disgrace, and he hopes that Mayor Levine calls Commissioner Bovo on the issue. He addressed Commissioner Weithorn, and stated that a lady came up denouncing the City very unfairly, and Commissioner Weithorn stated she would follow up on it, and he is requesting a report of Commissioner Weithorn's findings. He stated that dirty politics have come to Miami Beach. He plans to go to the State Attorney's Office and the Ethics Committee regarding Mark Weithorn and his alleged hate mail; it was not Mark Weithorn who sent it, but instead a democratic lobbyist in Tallahassee whose contact information Mr. Shapiro has. He complained of the big buses parking at bus stops and then speeding up. He added that the City Commission has never honored Ambassador Paul Cejas, and he thinks the time has come for a special award to be presented to Ambassador Cejas, a man of integrity, love and the largest owner of property on Lincoln Road. He stated that he will get his 501(c)(3) into shape to ask for donations, and he counts on the Mayor as the deciding vote.
5. Jeurgen Brendel, President of the Venetian Islands Homeowners Association, is here to speak on License Plate Readers (LPR), which were authorized in May 2013. To date, there are two poles in the grounds and two cameras working. The ones working apparently provide valuable data to the Police, but they are still waiting for a final approval on the other two poles. On the third anniversary of the project, he asked when the project will be completed. The other subject he wants to address is the ongoing streetscape project, which will probably be completed by the end of the year. This project has been delayed by the addition of pump stations in the right of ways and negative reaction from residents living adjacent to the right of ways. He clarified that their HOA advised their members that they had no right to use the right of ways for their personal use and refer to memos from the City Attorney from 2010 that clearly spell out the legal situation. From their HOA perspective, these residents do not have their support, and they recommend that the City not be intimidated by residents lawyering up.

Lieutenant David Hernandez, Miami Beach Police Department, stated that they are going through the permitting process with Miami-Dade County, and the City Manager's Office is assisting with that. The procurement process is for two concrete poles as requested by the County.

Discussion held.

City Manager Morales stated that the delay was due to the County not authorizing the poles on their right of way. They intervened and contacted one of the Deputy Mayors, and the County is now moving forward.

Mayor Levine apologized and stated that had he known sooner about this issue, he would have called the County.

Discussion continued.

6. Richard Segal introduced himself and stated that Commissioners Grieco, Malakoff and Tobin had nominated him for the Board of Adjustment's Legal position, which is on the agenda today. His family has been Miami Beach residents for three generations. He is involved in the Miami Beach Chamber of Commerce and Mount Sinai, and he is looking forward to being involved and giving back to the City.
7. Alba Gonzalez spoke on item R9F and explained that neighbors are having issues in The Octagon condominium with people doing short-term rentals. Several people in this condominium own units and rent them out for short-term illegally; this is causing problems. She does not have another place to go to if their condominium is shut down. These people are doing these short-term rentals without business tax receipts or a certificate of use, and they are constantly putting advertisements on websites for one day or two day rentals, which is illegal to do. She pleaded for the City to enforce the business tax receipt and the certificate of use and to shut down their websites, as this is destroying their condominium. The board is not being helpful and is also doing short-term rental.

City Manager Morales stated that the challenge is that the ultimate weapon to enforce short-term rental is to turn off the power and water to the property. The problem is that the majority of condominium owners are law-abiding citizens, and if the City turns the power off to the building, they would be displacing the law-abiding citizens for the minority that are doing illegal activity. They are struggling with issuing the fines without turning the power off to the entire building.

Mayor Levine asked how they could address the issue.

Discussion held.

City Manager Morales stated that Chief Fernandez told him that in this case if they turned the power off it would be to the entire building.

Dwayne Drury, Assistant Fire Chief, stated that Fire Chief Fernandez has been working with the Board at the Octagon, and he believes the issue has been resolved. The problem is the short-term rentals, and they are working with the condo board to get the online ads resolved, and as far as shutting down individual units, he will check with Fire Prevention to see if that is doable. That building is licensed as a condominium, and as such, short-term rentals are not

allowed. As far as shutting down individual units, they did put cease and desist, and as far as he knows, they are complying with it. They are meeting with them next week.

Commissioner Steinberg asked if individual liens could be put on individual apartments.

City Manager Morales explained that as fines ran, liens can be attached, but ultimately for those properties that continue to violate, they have to turn the power and water off.

Mayor Levine asked about the idea of having significant fines.

City Manager Morales stated that the Ordinance has been revised.

Discussion continued regarding liens.

City Manager Morales added that they have repeatedly gone to Octagon and other buildings, but historically they leave this up as a matter between the condominium board and residents to resolve.

Joe Jimenez, Assistant City Manager, stated that this is not a zoning problem, the zone here does allow short-term rentals, but is rather a fire safety issue under the Fire Code, because short-term rental buildings require sprinklers.

Commissioner Weithorn requested to be provided with the fines for fire violations. She stated that in her opinion these violations should include significant fines. **Assistant Fire Chief Drury to handle.**

Mayor Levine asked Assistant Fire Chief Drury what the process is for addressing a fire safety risk on these short-term rentals.

Assistant Fire Chief Drury explained that they put a seven-day cease and desist last week, and Chief Fernandez is meeting with them on Monday. The ads have been pulled down and the board is working with staff.

Discussion continued.

Ms. Gonzalez stated that the ads were down for one day and put back up the next day. The residents voted against putting sprinklers in their units approximately a month ago. Most of the owners want to stay as a condominium and they do not like the short-term rentals. They voted against turning the condominium into a hotel.

Commissioner Steinberg stated that from a safety perspective, they should get a list of what the fines are to see if they need to revisit that and penalize the violators. There are people caught in the middle of this, as it is an internal struggle within the condominium, but safety is an important issue.

Aleksander Boksner, First Assistant City Attorney, stated that legally they are mandating that they comply with the land development regulations, and that compliance is determined by the actual members and owners of that unit. They deemed The Octagon to be in violation of law, and their intention is pursuing and shutting down the entire building. He expressed to different unit owners to pursue the matter in a civil courtroom, as there is a dispute between unit owners and members of the board. The residents are legally required to go into court and remedy that

dispute. Once the Courts rule, the City of Miami Beach will intervene and resolve it one way or another. At this point in time, the City of Miami Beach is focused in ensuring compliance with the land development regulations, both the Building and Fire Codes. While he understands that she is here asking for a request, the City needs to be mindful not to insert themselves between a civil dispute of approximately 60 to 70 unit owners versus the other ones that are operating unlawfully; and those will be pursued either by shutting the building power if needed.

Frank Del Vecchio is totally upset by the previous excuse given to the City Commission by the First Assistant City Attorney. There are sections of the City in which short-term rentals are prohibited as a matter of zoning law; in respect to that, he is correct. Most of areas of the City allow short-term rentals and in the case of condominium associations, they determine whether to permit them. Whether authorized by the condominium association or not, a short-term renter is obliged to comply with the requirements of all laws concerning registration, obtaining a BTR and paying the taxes due on short-term rentals. What they have in many condominium residences, is when they become frustrated and are unable to work it out with the association, the City must defend the integrity of its tax Ordinances, and provide a better answer than what was given. The City should honor and respect the laws.

Discussion held.

Joe Jimenez, Assistant City Manager, added that while there are certain other buildings that are not properly licensed, and they are going after them for failure to obtain a BTR, the problem in this building is that they cannot let them in the door; they are not legal under the Fire Code; the license will not be given until they place sprinklers in the building. The problem here is that there is a lot of collateral damage, and it is a tough call.

Mr. Boksner, First Assistant City Attorney, stated that they are focused on ensuring compliance within the Life Safety Code, both Building and Fire, and although there may be collateral damage, they need to step back, address it, deal with it, and the City Attorney's Office is prepared to initiate that type of action, and ensure that it comes to a corrective result, but first it requires the unit owners to take civil action to remedy the dispute they are having with the board.

Commissioner Weithorn requested that Mr. Boksner meet with Ms. Gonzalez and explain the services the City can provide regarding this matter. **Alek Boksner to handle.**

12:59:45 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum.

ACTION: The following individuals spoke:

1. Lucinda Anne Wiley, local vendor and licensed artist, is trying to keep in compliance with the City Code while displaying her paintings, which are very large. She does not use spray paint, or block sidewalks. She clips her artwork to hang below her table. She keeps receiving violations, and does not want to go to jail for this. She is asking on behalf of herself and her sculptor friends to be allowed to display their artwork as long as it does not hurt anyone or block the sidewalks.
2. Zeljko Loncar, Miami Beach resident, asked about how to start his business of walking billboards. He does not know if it is permitted in the City. He stated that this would help keep off illegal postings and signs.

Commissioner Grieco stated that as long as Mr. Loncar's ideas do not violate the City Code, there will not be any problem, but he does not know if the City would embrace the idea. He stated there are existing problems with aggressive commercial hawking of restaurants and advertising that they are trying to get under controls, which are quality of life issues, but he will have Code Compliance staff to research; however, he does not think the walking billboard concept is something that would be embraced by his colleagues. **Hernan Cardeno to handle.**

Mr. Loncar stated that if the City would enforce licensing for this type of advertising business, and the license can be paid for, it may work. He stated that he wants to start a safe drive company

Commissioner Grieco asked Joe Jimenez to address the issue.

Commissioner Grieco added that the County and not the City regulate taxis.

3:12:37 p.m.

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

ACTION: Update given. Lilia Cardillo to place on the Commission agenda if received. **Maria Hernandez to handle.**

City Manager Morales gave a brief update. He stated they are currently in negotiations with Clark Construction, they will have their second meeting today, and he will present a proposal contract to the City Commission by the May 20, 2015 Presentations & Awards Commission meeting. Additionally, he will bring a developer recommendation on the May 20, 2015 meeting.

R9D Update On The Miami Beach Centennial.
(Office of the City Manager)

ACTION: Item withdrawn.

3:17:05 p.m.

R9E Discussion Regarding Update On The Transportation Master Plan.
(Legislative Tracking: Transportation Department)
(Requested by Commissioner Michael Grieco on April 15, 2015 - R9M)

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

Jose Gonzalez, Transportation Director, introduced the item. He explained that in addition to the work being done on the corridors, there were two critical intersections presented at the previous Commission Meeting, which are either failing or have failing movements. They identified the issues at those intersections; some can be resolved quickly, and will be a part of the Transportation Master Plan, but some are more complex issues that pertain to capacity and will require additional design, level of analysis, and evaluation. At this point, they are about 60-70% complete on the Transportation Master Plan and will bring it to the City Commission as a draft in July, and for adoption in September. They are looking to have a community workshop to get feedback.

Commissioner Malakoff stated that the blocked intersections were left out of the Master Plan. The signs are now up on Alton Road, 5th Street, 41st Street and 17th Street. However, here is no sign detailing the fine amounts that will be enforced.

Jose Gonzalez, Transportation Director, added that the County and FDOT did not move fast enough, so he and his team prepared the permit package for the signs.

Discussion continued.

Mr. Gonzalez, Transportation Director, stated that they have been working to get a permit from FDOT for the supplemental signs Commissioner Malakoff is requesting. Painting white lines at the intersections will take discussions with the District Secretary of Transportation, because that is something that has not been done anywhere in Miami-Dade County.

Mayor Levine suggested Mr. Gonzalez get in touch with him and the City Manager, and they will both call Gus Pego, District Secretary of Transportation, to expedite the process. **Jose Gonzalez, Transportation Director, to handle.**

City Manager Morales explained that the permit package to send to FDOT, should have been prepared by the County, but they were taking too long.

Mayor Levine asked Mr. Gonzalez to detail to the City Commission what happened at the Metropolitan Planning Organization (MPO) in regards to the streetcar.

Jose Gonzalez, Transportation Director, explained that the MPO had their latest meeting on the light rail bay link project to connect Downtown Miami with Miami Beach. There was also a technical advisory meeting that he and Kathie G. Brooks attended. There was some progress. There is a draft Resolution that is circulating, and there was an acceptance of the fact that cities are willing to move forward with the County on the overall project. It will require many studies, particularly environmental and interconnectivity studies, especially in our portion in South Beach, from Alton Road to Washington Avenue and 5th Street, so they tried to identify opportunities. The street cars would be off-wire, they are trying to advance their portion on South Beach.

Mayor Levine stated that the MPO is trying to entangle the project in a five to seven year complete environmental study, which would provide the opportunity for Federal funding, but he and others believe this may never materialize. The direction was given at the meeting to move ahead with the environmental studies, and the streetcars, and if in one year they do not fit the needs of Federal funding, each City will continue the project on their own.

Mr. Gonzalez stated that if cities move forward, interconnectivity, and interoperability are necessary. Whatever vehicles the City selects, will have an impact on others.

Mayor Levine stated that FDOT has been selected as the overseer of coordination, and will prepare a memorandum of understanding with the County, City of Miami and City of Miami Beach. He reiterated that if in one year things do not come together, the City of Miami Beach will move ahead of this project on its own.

02:38:25 p.m.

R9F 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)
(Deferred from April 15, 2015 - R9U)

ACTION: Item withdrawn by Vice-Mayor Wolfson.

3:41:41 p.m.

R9G Discussion Regarding The Status Of Money Owed By City Of Miami Beach To CDM For Work Completed.

(Requested by Vice-Mayor Jonah Wolfson)
(Deferred from April 15, 2015 - R9Y)

ACTION: Discussion held. Motion made by Vice-Mayor Wolfson to pay the funds owed to CDM; seconded by Commissioner Grieco. Voice vote: 6-0; Absent: Commissioner Tobin. **Patricia Walker and Eric Carpenter to handle.**

Vice-Mayor Wolfson introduced the item, stating that there is money owed to the CDM contractor for work done. He asked the City Manager what the status of payment was, and for his recommendation.

City Manager Morales explained that there was \$57,804 of work ordered to CDM. This was brought to the City Commission in 2014, but it was not addressed. He stated that the money should be paid to CDM, and asked for Eric Carpenter's opinion.

Eric Carpenter, Public Works Department Director, agreed that CDM should be paid.

Vice-Mayor Wolfson motioned to pay the funds owed to CDM; Commissioner Grieco seconded. Voice-vote: 6-0; Absent: Commissioner Tobin.

3:43:52 p.m.

R9H Discussion Regarding Florida Department Of Law Enforcement (FDLE) Taking Over Investigation Of Police Shootings.

(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Discussion held. Direction given to the City Manager to have police shooting and in custody death investigations conducted by the Miami-Dade County Police Department on an as needed bases, when deemed necessary by the Police Chief and the City Manager. **Police Chief Daniel Oates to handle.**

Vice-Mayor Wolfson introduced the item, and detailed the internal procedures taken to investigate police shootings to determine if they are justified or not. He proceeded to state that recently there have been discussions regarding asking outside entities to conduct these investigations, and asked Police Chief Oates's opinion.

Police Chief Daniel Oates explained that although he would prefer these investigations to remain in-house, the Florida Department of Law Enforcement could conduct police shooting investigations. He spoke to the City Manager, and proposed having the Miami-Dade County Police Department as the independent investigator on a case-by-case basis for police involved shootings. Pending further guidance, that is an available option.

Discussion continued.

Commissioner Grieco suggested including circumstances in which a prisoner dies while in custody to the investigations that are investigated by the Miami-Dade County Police Department.

Vice-Mayor Wolfson agreed with Commissioner Grieco.

Discussion continued.

City Manager Morales agreed with Police Chief Oates that the Miami-Dade Police Department has more police, experience, and dedicated personnel, in South Florida, and he would prefer that organization to conduct the investigations rather than the Florida Department of Law Enforcement.

Vice-Mayor Wolfson clarified that this item is not a reflection on Police Chief Oates, but rather a trend several municipalities are taking up.

Aleksandr Boksner, First Assistant City Attorney, stated that this item may return to the City Commission, because there may be a Mutual Aid Agreement that delineates the scope and responsibilities of each party. **Aleksandr Boksner to handle.**

1:35:08 p.m.

R9I Discussion Regarding UNIDAD And The North Beach Senior Center.
(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Discussion held. See action with R7A. **Maria Ruiz to handle.**

3:53:21 p.m.

R9J Discussion On A Motion To Reconsider The MXE Setback Regulations Ordinance Voted On At The April 15, 2015 (Item R5P).
(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Discussion held. Motion made by Vice-Mayor Wolfson to reconsider the motion on item R5P of April 15, 2015; seconded by Commissioner Grieco; Voice vote: 5-1; Opposed: Commissioner Weithorn. Absent; Commissioner Tobin. Item to come back on first reading June 10, 2015. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Vice-Mayor Wolfson explained that the item is a reconsideration of a vote that he voted in support of last month (R5P of the April 15, 2015 Commission Meeting), but did not have all the facts at that time. This is about a CVS being built in an area in South Beach; the zoning area is 100% hotel and the Code supports 100% hotel, but there is a residential pocket there, and there is a reason why you would want a retail use in that area for visitors and residents.

Thomas Mooney, Planning Department Director, explained that there are two issues; one is about the CVS approved at the corner of 15th and Collins, and one of the rationales for that approval was that this zoning allows for up to a five-story, 50 foot mixed building, hotel with intensive restaurant. This particular incident is a more low scale, retail, as proposed. The Ordinance before the Commission in April, which failed, slightly modifies the setback requirements in the MXE section of the Code, particularly for properties on Collins Avenue. The setback requirements in that zoning district are set up now to accommodate hotel development or residential development and setback requires a certain undulation in the construction in order to be consistent with historic-type hotels. Retail is a permitted use within that district. Whenever a retail structure is built, typically having those same types of setbacks and courtyards creates areas that potentially become congregation areas for vagrants and an area that is hard to retail. Therefore, slight modifications to the setback requirements, solely for retail structures that are permitted as of right, were proposed.

Jo Manning stated that this item came before the Historic Preservation Board (HPB) three times when she was a member of the board. The proposed CVS is behind her residence. CVS was accommodating when the plans came to the HPB, and there were amendments made. The HPB liked many of the things proposed by CVS, including the fact that the parking was on site and deliveries would be on Collins Avenue. However, when FDOT stepped in, FDOT modified the proposals. Ms. Manning was told that CVS had agreed not sell single can beers or tobacco; Ms. Manning felt that CVS would be a good neighbor, which they have been. The misconception that the MXE District does not like development is ridiculous. They like compatible development. They felt both, CVS and Quality of Meats, understood the neighborhood and went out of their way to accommodate the residents. There is overwhelming support in her condominium for the CVS project.

Vice-Mayor Wolfson explained that this is only, for the record, a motion to reconsider, and it will go on the next agenda on first reading.

Mayor Levine asked if this was agreed to by HPB.

Ms. Manning stated that the first issue was the Collins Avenue loading zone, and thereafter there was a discussion on the design.

Eve Boutsis, Deputy City Attorney, in answering Mayor Levine's question, explained that there are six lawsuits pending between CVS and some of the property owners arguing over the zoning and the Comprehensive Plan.

Discussion held regarding setbacks.

Michael Larkin, Esq., explained that CVS would have to go back and modify the design and present to the HPB, and that would be a tremendous setback. They will be able to address the concerns voiced here and he appreciates that they vote in favor of it.

Motion made by Vice-Mayor Wolfson to reconsider; seconded by Commissioner Grieco; Voice vote: 5-1; Opposed: Commissioner Weithorn. Absent; Commissioner Tobin. Item to come back on first reading June 10, 2015.

Handouts or Reference Materials:

1. Document distributed by Vice-Mayor Wolfson

4:03:32 p.m.

R9K Discussion On How To Improve Our Parks Summer Camp Registration Process For Our Residents.

(Requested by Commissioner Micky Steinberg)
(Co-Sponsored by Commissioner Michael Grieco)

ACTION: Discussion held. **John Rebar to handle.**

Commissioner Steinberg stated that a couple of weeks ago, they had good intentions for the kickoff of the summer camp registration, but unfortunately they received a great deal of complaints about it. She asked what they could do in the future to avoid that and make it a positive experience.

Commissioner Grieco stated that on Sunday he went to register for summer camp with his family and there was a huge line. He apologized for the delay to people who were frustrated with the lines and the amount of paperwork, and he wants to know what the plan is to improve this.

John Rebar, Parks Director, explained that they failed short of improving the process from last year; however, they plan to improve next year. In June, they are rolling out their new computer software, which would allow for electronic applications, which will no longer require people to stand at the long lines. Another thing in the plans is for those that choose to come in, they want to reduce the amount paperwork people have to complete by reducing redundancy. They are also looking at a pre-registration and doing qualification of fee waivers beforehand, rather than doing it on the date of the registration; these changes will make a positive difference.

Commissioner Weithorn stated that in the past they used to make the forms available ahead of time so the parents could bring them already filled out.

Mr. Rebar stated that most of the forms are online right now; however, they did not do a good job communicating it.

Commissioner Weithorn asked if the City could have some computers available for people to fill out the forms online, to avoid people from standing for long periods of time and filling out forms on the floor. Commissioner Weithorn registered her children at these camps 20 years ago, and she cannot believe that 20 years later, the City has not figured out a better system.

City Manager Morales explained that what makes the process so difficult is that they have a certain number of very popular camps programs that fill up fast, and people will show up early to make sure their children get in those camps. Five years ago, the Parks Department reached out to consultants to develop software to allow registration online, but the software, unfortunately, will not be available until June 2015.

Commissioner Steinberg requested that for next summer they have a new plan in motion and communicate to residents properly. She encouraged people to come and register their children because the City offers great programs in the summer.

Mayor Levine recognized Mr. Rebar for a history of jobs well done and he knows this will be resolved. He also commended Mr. Rebar for his response to a letter sent by a resident to The Miami Herald.

Handout or Reference Materials:

1. Time Certain Notations.

4:09:49 p.m.**Announcement**

Commissioner Malakoff announced that there would be a dedication of the Barbara Medina Ice Skating Rink at the Scott Rakow Youth Center, on May 24, 2015 at 12 noon. The ceremony will be at 12:15 pm. Barbara Medina started the Ice Skating program in Miami Beach many years ago. She taught it, breathed it and lived it, and it will be dedicated in her memory.

4:09:54 p.m.

R9L Discussion Regarding A Citywide Challenge For Great Ideas.
(Requested by Commissioner Michael Grieco)

ACTION: Discussion held and approved by acclamation. **Nannette Rodriguez to handle.**

Commissioner Grieco explained that a Citywide challenge for great ideas is not just for employees; there is so much talent in this City, whether it is from employees or residents, and he wants to give the people an outlet and an opportunity to present their ideas. He wants to take a section of the MB Magazine, create a section on the City App, and create a dedicated email address, so anyone in the City can submit their ideas as to how to improve the City. Commissioner Grieco stated that the ideas would then be evaluate at either the City Commission or at the staff level. The search for great ideas could be formulated in the form of a contest.

11:54:19 p.m.

R9M Discussion Regarding A Mayor's Blue Ribbon Panel On Ocean Drive And Deferring Establishing A Special Assessment District For Ocean Drive.
(Requested by Mayor Philip Levine)

ACTION: Discussion held. Item heard in conjunction with R5K-1 and R5K-2. See action with R5K-1 and R5K-2. Motion made by Mayor Levine to defer the establishment of a Special Assessment District for Ocean Drive until after the Mayor's Blue Ribbon On Ocean Drive makes its recommendations; seconded by Commissioner Tobin; Voice-vote: 7-0. **Office of the City Attorney to handle.**

Raul J. Aguila, City Attorney, stated that the first part was the Mayor's intent to establish a Task Force for 90 days, but also Mayor Levine had requested, pending the Task Force findings, which should be within that a 90 day period, to defer working on the Business Improvement District until after the findings are gathered. **Nick Kallergis to handle.**

10:47:58 p.m.

R9N Discussion Concerning Beach Erosion And Beach Re-Nourishment Along The City's Beaches, Particularly Between 21st And 29th Streets.
(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Discussion held. Item to come back to the June 10, 2015 Commission Meeting. Lilia Cardillo to place on the Commission Agenda if received. **Eric Carpenter and Elizabeth Wheaton to handle.**

Vice-Mayor Wolfson stated that Steven Boucher has spent a great deal of time on these beaches as well as hotel operator Jackie Mansfield. This item is important to all, and in particular, he knows Mayor Levine has spent much time on this issue. He wanted Mr. Boucher and Ms. Mansfield to

relay serious concerns about the beaches and how it affects tourism in particular.

Jackie Mansfield, on behalf of South Beach Tristar Capital, stated that she is concerned about the tremendous beach erosion that has been going on in the last five years. They estimate that they have lost probably 100 feet of beach frontage in that amount of time, and what is scary is at the pace that is happening. Steve Boucher and she have had conversations about the fact that is happening. Mr. Boucher has more history with the beach than she does, so he can speak on the issue, but the erosion is so noticeable that they can no longer turn their backs on it. They need to try to reach out to the City and see what they can do collectively to preserve one of the City's best assets.

Steven Boucher explained that about ten years ago, there was a project on the north side of 29th Street that put rocks in the ocean to create widening on the beach on the south side, but it did the opposite, so the north side got wider but it affected 24th, 23rd and 22nd Street. They are now losing easily about 100 feet from the shoreline and it is getting worse every year, slowly creeping down.

Mayor Levine added that this is the most pressing issue they have, and they have been working aggressively on the issue with the County, State and Federal government. They are in discussions now regarding beach re-nourishment, whether they get Bahamian sand, or whether they work with the Federal government for domestic sand.

City Manager Morales explained that throughout the course of the year, they get different hot pockets, and during the last year they had a crisis behind Blue and Green Diamonds, which was addressed with an emergency project; they had an emergency project in the 50s that was addressed by the County, and they have been talking about ways to be able to access Bahamian sand, which has to be approved and does not include Federal funding, and has to be tested and approved. He introduced Elizabeth Wheaton.

Elizabeth Wheaton, Environmental and Sustainability Director, added that Miami-Dade County manages the City's beaches and establishes locations for future projects. They conduct surveys on an annual basis to determine which areas of the beach are in most need of sand. The City can definitely put this area on the County's radar, as they have seen erosion in the area of the 20 Streets, but the two hottest spot areas are 46 and 55 Streets, where they had no beach left. The County has come in and done an emergency project at both locations. The US Corps of Engineers will be releasing their draft sand study this month, and the study will provide insight on potential domestic locations for future beach re-nourishment projects, but until that report is released, they will not know how much sand they have; how much it will cost, and that will be the determination of where the next project would be in Miami Beach, if funded through the Federal government.

Commissioner Malakoff added that besides the importance of the sand for tourism and what is known for, the dunes and the beach itself provide resiliency for the entire City; it is one of the areas that prevent flooding within the City. It is important not just for the beauty and economics, but it is important for reducing the flooding possibility for the City and is an important protection.

Commissioner Weithorn asked if they had appealed to anyone to remove the breakwater project, which caused the problem, and ensure that this is prevented from happening again in the future. She requested they reach out to the Corps of Engineers to remove the breakwater project as a short-term solution. She feels it should be put back the way it was.

Ms. Wheaton will ask the County to make additional studies to determine what would be the accurate fit for that location where the breakwater project is.

Mayor Levine suggested two things: 1) On Tel Aviv, the beach has horizontal breakwaters out in the ocean, rather than perpendicular as in Miami Beach; this makes the beach wide. He suggested that this be looked into and studied; 2) they need to expedite this process and they have to deem this an emergency for resiliency and for economic reasons. **Elizabeth Wheaton and Eric Carpenter to handle.**

City Manager Morales stated that part of the challenge is that the County owns and manages the beaches east of the dunes; he believes that the County has no funds for beach re-nourishment in their current budget, so the County would have to provide about 50% of the funding for the sand, and the other 50% would be provided from the State. The City has been in conversations with the County and they will continue these conversations.

Discussion held regarding the Bahamian sand.

Ms. Wheaton added that further testing are needed for use of the Bahamian sand, and if they went with that source, it would preclude the City from Federal funded, so it would be funded through the County and the State.

Discussion continued.

Vice-Mayor Wolfson asked what the logic behind the breakwaters is.

Ms. Wheaton explained that when they select the location of these breakwaters, it is important to understand the coastal dynamics, and this is something that can be relooked at, as they are seeing erosion south of the breakwater.

Vice-Mayor Wolfson asked if they have plans to put more breakwaters in place, whatever they do should be truly sustainable, and secondly, he knows the County and the City are responsible for beach re-nourishment, but can a hotel owner buy their own sand if they wanted to, if the government is moving too slow.

City Manager Morales explained that private property owners could buy sand by themselves; it would have to go through a County project with a DEP permit.

Ms. Wheaton explained that for private interest project, it would have to be given permits, and depending on the type re-nourishment and amount of sand, they would need specific permitting processes.

Discussion continued regarding private property funding process.

Vice-Mayor Wolfson stated the City should be paying for the re-nourishment of the beaches, and he asked that this could be expedited.

Commissioner Tobin asked what is the time frame to start pumping Bahamian sand on the beach, as this has been coming up for discussion at the City Commission for the last 50 years. This is a continued problem and every Commission has the same conversation.

City Manager Morales stated that there have been improvement in the last 50 years, but the challenges are that the City needs to take the lead on funding it in the budget, and putting in the applications and getting the DEP permits. He does not think they can circumvent the County and go straight to DEP. **Elizabeth Wheaton to look into this to expedite beach re-nourishment to**

get permits to obtain Bahamian sand.

Commissioner Steinberg stated that this is a vital issue, not just for the City, but also for the entire State. Miami Beach is the economic engine that drives the rest of the State, and she thinks the State would help the City in obtaining the 50% of the funds to obtain the Bahamian sand. She stated the State and the County can go fifty/fifty, and asked what they can do to put pressure and expedite this issue. This is probably happening everywhere, not just in the Miami Beach's shores. She suggested reaching out to other coastal communities and work together to streamlining the process.

Discussion held regarding County's limited funding.

Ms. Wheaton explained that Key Biscayne re-nourishes their beaches, and she can look into it and reach out to them to see how they go about it.

Mayor Levine asked how to convince the County to fund and re-nourish the beaches that are used by all County residents.

Discussion continued.

Mayor Levine suggested doing a trust or dedicated funding that comes out of resort taxes, mandated and directed to re-nourish the beaches; and for a percentage to go towards the sand and be used for beach re-nourishment. He suggested also using matching funds from specific hotels in designated areas, so it is a combination of resort taxes and specific funds matching from hotels, and they move forward doing what they have to do without delay.

Commissioner Steinberg asked what would be the timeline from funding to beach re-nourishment.

City Manager Morales clarified that they still have to work through the regulatory issues. Ms. Wheaton clarified to the City Manager that the County still maintains the public beaches on Key Biscayne; it is the private beaches that Key Biscayne takes care of. He added that perhaps if the City were willing to have a dedicated source for our beaches, perhaps the County would at least delegate on their behalf, for a proxy to do this.

Mayor Levine added that they need to come up with a plan, maybe with a dedicated source that is guaranteed in the Charter, from the resort taxes, in combination with some type of matching funds from individual hotels, and then work to get the County to agree because we want to take control of our beaches. This is a combination of a holistic approach.

Discussion continued.

Commissioner Tobin asked if there is another vehicle to force the County, when it is a matter of life safety and public concern, but he does not want the City Manager to think that the City is prepared to pay for beach re-nourishment from now on.

Commissioner Grieco suggested referring this item to the Sustainability & Resiliency Commission Committee for discussion.

Vice-Mayor Wolfson agrees with Mayor Levine's idea of a creating a trust, and he is in support of having the City Manager determine which and how much funds are to be set aside. **Office of the City Manager to handle.**

Discussion continued regarding County's responsibility.

Commissioner Weithorn stated that as residents, they should not pay for the County's responsibility. She is in support of doing a compact, but she does not want to start a precedent that will make the City become economically unsustainable. It is important to put pressure on the County, so that they can also partner with the City in the re-nourishment project. If the City starts a fund, the County should also commence a similar fund.

Mayor Levine explained that the City Manager needs to negotiate with the County to comply with the requests, and he suggested that all the Commissioners reach out to their contacts and elected officials in the County to find mutual interests. All our voices need to be heard and the Mayor encouraged each one of his colleagues to show up at County meetings and be heard.

Commissioner Tobin stated that the City is transmitting taxes to the County and perhaps there is a legal vehicle that can be looked at. **Office of the City Attorney to research.**

City Manager Morales stated that last year there was an agreement reached with the County, which generated mutual benefits, and perhaps there are ways that the City and the County can bundle different issues, which could even include transportation and beach re-nourishment.

Discussion continued.

4:13:04 p.m.

R90 Discussion Regarding A Resolution Approving The Term Sheet Attached And Incorporated As Exhibit "A" To This Resolution, And Authorizing The City Attorney's Office To Negotiate A Purchase And Sale Agreement (PSA) Between The City And 8701 Collins Development, LLC ("8701") For The Sale Of The City Property Located At 226 87 Street To 8701 (City Parcel), And To Develop Both The City Parcel And 7925 Collins Avenue (The "8701 Parcel") Under A Unified Development Project (The "Project"); Which PSA Will Include The Design, Development And Construction Of The Project, At 8701's Sole Cost And Expense, A Main Use Parking Garage, Which Shall Include (I) Commercial Uses Such As Spa, Restaurants, And Similar Uses; (II) One Or More Levels Of Parking Garage Directly Above The First Floor, Including Mechanical Parking Elements With Valet Service; (Except For The City Unit); (III) Approximately 12,000 Square Feet Of Retail On The First Floor; And (IV) A City Municipal Parking Condominium Unit (The "City Unit") Of 75 Parking Spaces Which May Be Located In The Basement; And Pursuant To Section 82-37 Of The City Code, Directing The City Manager To Transmit The Term Sheet And Draft PSA To The Finance And Citywide Projects Committee For Review Prior To City Commission Final Approval Of The PSA; And The Term Sheet And Draft PSA Shall Also Be Reviewed By The Planning Board As Required By Section 1.03(B)(4) Of The City Charter.

(Sponsored by Vice-Mayor Jonah Wolfson)
(Office Of The City Attorney)

ACTION: Discussion held. Item referred to Finance and Citywide Projects Committee. Motion made by Vice-Mayor Wolfson to authorize the City Manager to refer to the Finance and Citywide Projects Committee, with the City Attorney overseeing negotiations; seconded by Commissioner Malakoff. Voice-vote: 6-0; Absent; Commissioner Tobin. **Office of the City Attorney to handle.**

REFERRAL:

Finance and Citywide Projects Committee

Vice-Mayor Wolfson gave some background information. This is the 87th Street project and the City Commission agreed to do the project in two separate parts. The City entered into a deal with the condominium on 87th Street, allowing them to get some of the FAR from the street-end in exchange for a large contribution that would help the City build a park. The second part of the project is that they were going to build across the street a parking garage, in a public/private partnership model. The ground level of said garage would include retail. There is an issue as far as a contribution to a local organization for public benefit. He is ready to move the item forward and refer to Finance and Citywide Projects Committee.

Commissioner Malakoff is ready to move this forward and clarified that the parking is 120 spaces.

Commissioner Weithorn stated that Commissioner Tobin is not here to voice his opinion, and he felt incredibly strong about this item, and she is not ready to move the item forward without Commissioner being present, but she has no problem sending it to Finance.

Discussion held.

Motion made by Vice-Mayor Wolfson, seconded by Commissioner Malakoff to refer the item to Finance.

Mayor Levine clarified that the motion is to continue discussing at Finance and directing City Attorney Raul Aguila to participate in the negotiations.

Jeff Bercow, Esq., clarified that the City Commission should authorize the City Manager to refer the item to Finance, since that is what the Code requires.

Vice-Mayor Wolfson amended his motion.

Motion made by Vice-Mayor Wolfson; to authorize the City Manager to refer to the Finance and Citywide Projects Committee, with the City Attorney overseeing the negotiations; seconded by Commissioner Malakoff. Voice-vote: 6-0; Absent; Commissioner Tobin.

Rafael Andrade, Esq., spoke.

3:30:33 p.m.

ADDENDUM MATERIAL 2:

R9P Discussion Regarding Eliminating 2-Way Stop Intersections In Residential Neighborhoods.
(Sponsored by Commissioner Michael Grieco)

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

Commissioner Grieco explained that around Flamingo Park, there are too many accidents and near collisions that occur due to the problem two-way stop intersections create. This is a neighborhood that is struggling with speeding cars, and the two-way stop intersections worsen the problem not just for drivers, but also for pedestrians, bicyclists and children.

Jose Gonzalez, Transportation Director, stated that he agrees with Commissioner Grieco that it would be better to have four-way stop signs, but that would require a traffic study, which needs to prove that two-way stop sign intersections are dangerous.

Commissioner Grieco stated that a traffic study at one particular neighborhood is not enough. This neighborhood and Citywide problem needs to be addressed. He stated that the pedestrian accident and death rate are among the highest in the country.

Discussion held.

Jose Gonzalez, Transportation Director, explained that the Master Plan would look at various areas, including South of Fifth. He added that using roundabouts might help reduce speed and replace the two-way stop intersections.

Commissioner Grieco encouraged everyone to go to Meridian or Prairie Avenues. Cars speed heavily down both these roads. The problem needs to be recognized before they become bigger.

Commissioner Steinberg stated that they need to come up with practical solutions that work. She asked if it is necessary to do a study for a stop sign.

City Manager Morales stated that all stop signs have to be approved by the County. It is the County's requirement.

Discussion held regarding two-way signalization versus four-way.

There are neighborhoods where there are intersections with two-way stops in between intersections with four-way stops, which Commissioner Joy Malakoff said can confuse drivers.

City Manager Morales stated that they will inquire of the County regarding placing 4 way stops sign in particular residential neighborhoods. **Jose Gonzalez to handle.**

Commissioner Weithorn asked if there was something the City could do itself, because the County can take too long.

Mayor Levine suggested inviting County Commissioners Heyman and Barreiro to City Commission meetings that involve County issues, so that they may answer directly. Mayor Levine directed the City Manager to send a letter to County Commissioners inviting them when County related item comes up, in order to facilitate the participation of County Commissioners time certain will be issued for said items. **Office of the City Manager to handle.**

3:29:43 p.m.

ADDENDUM MATERIAL 2:

R9Q Miami Beach Employee To Monitor County's Signalization.
(Requested by Mayor Philip Levine)

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

Jose Gonzalez, Transportation Director, stated that they are working jointly with the County regarding having a Miami Beach employee to monitor the City's signalization. This employee will be housed at the Miami-Dade County Signs and Signals Headquarters in the Doral area. The City is working with the County in order to recruit jointly, as the County currently has a recruitment underway. However, if the County's timeline cannot meet the City's, then the City will pursue recruitment independently in order to have someone onboard by the end of the month.

4:17:46 p.m.

ADDENDUM MATERIAL 3:

R9R Discussion Regarding The Collins Parking Garage Project Estimate Of Probable Construction Cost.

(Capital Improvement Projects)

ACTION: Discussion held. Motion made by Commissioner Malakoff to accept Option 5; seconded by Commissioner Weithorn; Voice-vote: 6-0; Absent: Commissioner Tobin. **David Martinez and Office of the City Attorney to handle.**

City Clerk's Note – Description of Option 5

Work with the Design Professional to reduce the Project Scope, construction schedule, Work or such other action, as deemed necessary, to reduce the construction costs budget. In the event the City elects to reduce the project scope, the Design Professional shall provide any required revisions to the Contract Documents (including, without limitations, the Construction Documents), and provide rebidding services, as many time as reasonably requested by the City, at no additional costs to the City, in order to bring any resulting, responsive and responsible bids within five percent (5%) of the Constructing Cost Budget.

City Manager Jimmy L. Morales introduced the item. Back in 2012, the City Commission adopted a Resolution approving a contract with Zaha Hadid Architects and the team to design a garage for Collins Parks. At that time, Zaha Hadid and her firm agreed to design within a budget of \$18,500,000. The Zaha Hadid firm developed the design from inception to 60%. The Zaha Hadid firm throughout the process has revised the estimate, which has slowly increased. As of November 2014, the estimate to complete the project was approximately \$23,000,000. The City recently retained Facchina Construction of Florida, LLC, a Construction Manager at Risk (CMR), to continue to work with the Zaha Hadid firm and ultimate build the project. With respect to the 60% drawing, which was submitted by the Zaha Hadid firm, the Zaha Hadid firm estimated the cost to build the project at \$23,168,000. The CMR went out and actually put out to the 60% plans to 4,000 subcontractors requesting estimates, and they came back with a cost of approximately \$49,000,000 to build what has been designed to date. This is over \$100,000 a parking space. The Administration has consulted with the Office of the City Attorney, and under the agreement with Zaha Hadid Architects, it specifically references that the City Commission may elect one of five options if the lowest and best base bid exceeds the Construction Cost Budget by more than 5%. The option the Administration is recommending today is Option 5, which is for the City Commission to direct the Zaha Hadid firm to go back and redesign the project to be no more than 5% above the budget. The Manager most definitely does not recommend paying \$49,000,000 to build this garage. If the Zaha Hadid firm refuse or is unable to do so, then amongst the other options is to terminate the contract, and seek another architect.

Commissioner Malakoff clarified that if the Zaha Hadid firm is asked to redesign the project to reduce the construction costs budget, it will be at no additional cost to the City. City Manager Morales concurred.

Discussion continued.

Commissioner Malakoff moved to accept Option 5. Seconded by Commissioner Weithorn.

R10 - City Attorney Reports

R10A City Attorney's Status Report.

(Office of the City Attorney)

ACTION: Report given.

ADDENDUM MATERIAL 3:

12:00:10 p.m.

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, May 6, 2015, In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

(Requested by Vice-Mayor Jonah Wolfson)

ACTION: City Attorney Raul J. Aguila announced the Closed Executive Session during the City Commission meeting recess. Executive Session held.

Reports and Informational Items

1. Reports and Informational Items (see LTC 178-2015)
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

Meeting adjourned at 4:22:08 p.m.