



**City Commission Meeting
City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
June 10, 2015**

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

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

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ATTENTION ALL LOBBYISTS

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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 8:32:41 a.m.

Pledge of Allegiance led by Frank Del Vecchio.

Inspirational Message given by Rev. Father Juan J. Sosa, Pastor, St. Joseph Patron of Universal Church. He announced that Pope Francis will speak on environmental issues next Thursday, June 19, 2015.

ADDENDUM MATERIAL 1:
C4J R9R

ADDENDUM MATERIAL 2:

C4K C4L C4M R9S

ADDENDUM MATERIAL 3:

R7Q R9T

SUPPLEMENTAL MATERIAL 1:

C7L Memorandum & Resolution

R5J-1 Memorandum from Commissioner Weithorn Withdrawing the Item

R7P Memorandum & Resolution

R9Q Ordinance

SUPPLEMENTAL MATERIAL 2:

R7M Memorandum & Resolution

SUPPLEMENTAL MATERIAL 3:

R5R Memorandum & Resolution

SUPPLEMENTAL MATERIAL 4:

R7G Revised Memorandum & Resolution

R7O Memorandum

Rafael E. Granado, City Clerk, announced items added, separated and withdrawn.

ITEMS SEPARATED:

C4B by Commissioner Grieco

C4M by Commissioner Malakoff

C7H and C7J by Commissioner Tobin

C7G, C7H, C7I and C7J by Commissioner Weithorn

ITEMS WITHDRAWN:

R5J-1 by Commissioner Weithorn

R9H by Commissioner Grieco

ADDENDUM AGENDA

9:04:32 a.m.

ACTION: Motion made by Commissioner Malakoff to add items C4J, C4K, C4L, C4M, R7Q, R9R, R9S and R9T to the Commission Agenda; seconded by Commissioner Tobin; Voice-vote: 6-0; Absent: Vice-Mayor Wolfson.

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

Presentation

9:00:00 a.m.

PA1 Presentation On The State Of The Travel And Tourism Industry By William Talbert, President & CEO Of The Greater Miami Convention & Visitors Bureau And Recognition Of National Travel And Tourism Week.

(Requested by Mayor Philip Levine)

ACTION: Deferred to the July 29, 2015 Presentation & Awards Commission Meeting. Lilia Cardillo to place on the July 29, 2015 Presentation and Awards Committee Agenda.

CONSENT AGENDA

9:14:54 a.m.

ACTION: Motion made by Commissioner Tobin; seconded by Commissioner Grieco to approve the Consent Agenda except separated items; Voice-vote: 7-0.

C2 - Competitive Bid Reports

C2A Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 2015-046-MC To Replace The Driving Range Netting At The Miami Beach Golf Club.
(Procurement/Parks & Recreation)

ACTION: Request awarded. **Alex Denis and John Rebar to handle.**

C4 - Commission Committee Assignments

C4A Referral To The 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)
(Deferred from May 6, 2015 - C4J)

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

9:15:11 a.m.

C4B Referral To The Finance And Citywide Projects Committee Regarding A Potential Public-Private Partnership With 1234 Partners, LTD. For A Parking Garage On The 1200 Block Of Washington Avenue.

(Parking)

ACTION: Item referred to Finance Committee. Item separated by Commissioner Grieco. Motion made by Commissioner Grieco to refer the item; seconded by Vice-Mayor Wolfson; Voice vote: 7-0. Patricia Walker to place on the committee agenda. **Saul Frances to handle.**

Commissioner Grieco stated that he wants to bring up the concept of making efforts Citywide to remove some of the parallel parking spots off the street that slow down traffic when developing parking garages on Washington Avenue.

Commissioner Weithorn stated that someone from the Flamingo Neighborhood expressed their desire to be informed prior to Finance and Citywide Projects Committee meetings in order for them to weigh in. She believes that staff should take every single step to make sure neighbors are included in that decision and she urged Committee staff to ensure proper outreach is done. **Patricia Walker and Saul Frances to handle.**

Vice-Mayor Wolfson has serious questions for the need of parking on that side of the street, but looks forward to discussing the item. The real parking problem is on the east side of Washington Avenue, and it may not be necessary to have a garage in the proposed location.

Commissioner Malakoff explained that they need cars off the street, and there has to be more than one parking garage, one on the east and one on the west; this is one of the major problems on Washington Avenue. They need to make more room for pedestrians on Washington Avenue, so that a higher class of tenants would be attracted to the area.

Discussion held.

Jimmy L. Morales, City Manager, explained that the Administration is assessing the development of sites for possible garages; the Blue Ribbon Panel identified this particular site and the Administration wants to discuss the item at Committee.

C4C Referral To The Finance And Citywide Projects Committee, Land Use & Development Committee And The Planning Board For The Review Of All Planning Fees, Including Fees Associated With Plans Review, Board Applications And Other Ministerial Functions.

(Sponsored by Commissioner Joy Malakoff)

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

C4D Joint Referral To The Sustainability And Resiliency Committee And Land Use And Development Committee Regarding The Incorporation Of Green Roofs In Future Building Projects.

(Sponsored by Commissioner Michael Grieco)

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

- C4E Referral To The Land Use And Development Committee - Discussion Regarding Grade Elevations For New Construction.

(Planning)

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

- C4F Joint Referral To The Land Use And Development Committee And Planning Board Of A Modification To The Notice Procedures For Quasi-Judicial Applications Before Historic Preservation Board, Board Of Adjustment, Planning Board, And Design Review Board.

(Sponsored by Commissioner Deede Weithorn)

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

- C4G Referral To The Sustainability And Resiliency Committee - Designating A Department Or Specific Employees To Develop And Oversee Sound And Comprehensive Policy Regarding Climate Change.

(Sponsored by Commissioner Edward L. Tobin)

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

- C4H Joint Referral To Land Use And Development Committee And Neighborhood/Community Affairs Committee Of A Discussion Item Relating To Traffic Studies.

(Sponsored By Commissioner Micky Steinberg)

ACTION: Item referred. Thomas Mooney and Daphne Saba to place on the committee agendas. **Jose Gonzalez to handle.**

- C4I Referral To The Land Use And Development Committee - Proposed Revisions To Chapter 126 Of The Land Development Regulations Of The City Code, Pertaining To Landscaping And Minimum Standards For The Landscaping Of Private Properties And Adding A Requirement For A Tree Survey Prior To The Issuance Of A Demolition Permit.

(Sponsored by Commissioner Joy Malakoff)

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

ADDENDUM MATERIAL 1:

- C4J Referral To Land Use And Development Committee For Amendment To Chapter 130 Of Land Development Regulations To Modify Minimum Requirements For Off Street Loading Spaces.

(Sponsored by Commissioner Deede Weithorn)

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

ADDENDUM MATERIAL 2:

C4K Referral To The Neighborhood/Community Affairs Committee And The Finance And Citywide Projects Committee A Request From The Parks And Recreation Facilities Committee For A Competition Swimming Pool.

(Sponsored by Commissioner Joy Malakoff)

ACTION: Item referred. Daphne Saba and Patricia Walker to place on the committees agendas. **John Rebar to handle.**

ADDENDUM MATERIAL 2:

C4L Referral To The Land Use And Development Committee And Planning Board Related To Development Near North Shore Open Space Park, The Rezoning Of 226 87 Terrace, And Revisions To The Parking Land Use Designation.

(Sponsored by Vice-Mayor Jonah Wolfson)

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

9:22:00 a.m.

ADDENDUM MATERIAL 2:

C4M Referral To The Land Use And Development Committee - Legal Opinion Concerning Whether A Vacancy On The Historic Preservation Board Renders The Board Improperly Constituted And Without Power To Act, And To Discuss An Amendment To Sec. 2-22(21) To Require The Mayor And City Commission To Fill Board Vacancies Within 90 Days.

(Sponsored by Vice-Mayor Jonah Wolfson)

ACTION: Item referred. Item separated by Commissioner Malakoff. Motion made by Vice-Mayor Wolfson to refer the item to the Land Use and Development Committee, the referral to include: 1) Commissioner Malakoff's proposed Charter Amendment that would allow Landscape Architects and Architects that sit on Land Use Boards the ability to lobby City boards, other than the one they are a member of, and 2) to discuss an Ordinance that would require the filling of board vacancies within 90 days; seconded by Commissioner Malakoff; Voice vote: 7-0. **Thomas Mooney to place on the committee agenda and to handle.**

REFERRAL TO:

Land Use And Development Committee

Commissioner Malakoff stated that the Planning and Historic Preservation Boards have historically had seven members in their composition, and have had a transition time when they do not have a full Committee. She does not see a reason for discussing this item.

Raul J. Aguila, City Attorney, added that there is currently an appeal from the Historic Preservation Board (HPBG), where it is alleged that due to a vacancy on the HPB, the board was improperly constituted. What is before this City Commission is a proposed Ordinance that would apply prospectively, if the Commission decides to adopt.

Commissioner Malakoff urged the Commission to allow landscape architects and architects more leeway to lobby before other boards and get information from the Planning Department.

Vice-Mayor Wolfson explained that the City law states that a board has to consist of a number of people required to have specific skills. On the HPB, there are seats necessary to be filled, and the law says that it shall consist of certain number of members. For the sake of good government, it is a good policy to follow this specific law. The intent of the constitution of the board is to have a specific number of members for a reason, and that should be enforced to prevent situations such as voting without a quorum. The specific language in the Charter states "shall."

Discussion held.

Raul J. Aguila, City Attorney, recommended that the proper way to handle this is to amend the Code. If the Commission wants to talk about this more, they should refer to Committee.

Vice-Mayor Wolfson stated that they need to try to come up with ways to ensure the boards always include the required members who are skilled in the particular field required in order to properly constitute the board.

Raul J. Aguila, City Attorney, added that if they are trying to get qualified individuals to the board, they need to come up with policies requiring the filing of vacancies within 90 days.

Commissioner Tobin suggested planning, and having a pool of qualified and interested individuals who the City can reach out to when there is a vacancy.

Commissioner Malakoff suggested referring the item to LUDC along with Commissioner Malakoff's proposed Charter Amendment.

Discussion continued.

Vice-Mayor Wolfson motioned to refer item to the Land Use Committee, along with Commissioner Malakoff's proposed Charter Amendment and the 90-day deadline.

C6 - Commission Committee Reports

- C6A Report Of The May 29, 2015 Neighborhood/Community Affairs Committee (NCAC) Meeting: **1)** Discussion Regarding A Resolution To Collaborate To Develop An Enhanced Partnership With The Miami-Dade County School Board (School Board) And To Amend The City's Educational Compact To Provide Enhanced Educational Services To The City's Public School Students, By Working Collaboratively On Funding To Prioritize Early Learning Opportunities, Including The Head Start Program; Title 1 VPK; VPK Fee Supported; And SPED Pre-K; By Providing Instructional Support For Extracurricular Or Choice Offerings At City High School And Middle School Grades; By Enhancing The Districts Afterschool Programming, IB Program And EFL Program; And To Provide A Schedule For Accomplishing These Goals. **2)** Discussion Regarding Valet Parking. **3)** Report From Miami-Dade County Public Schools On The Status Of The Action Plan Related To Nautilus Middle School And Progress To Date. **4)** Discussion Regarding A Commercial Use Permit Fee For City-Owned Property And City Parks Facilities. **5)** Discussion Regarding Artist and Non-Profit Vendor Ordinances. **6)** Discussion Regarding Naming The Accessible Beach And Playground At Allison Park, 65th Street And Collins Avenue, "Sabrina's Beach And Playground At Allison Park." **7)** Proposed Route And Service Plan For The Middle Beach Trolley. **8)** 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. **9)** Discussion On The

Beautification Of The Alton Road Flyover Bridge At The Eastern End Of I-395. **10) Monthly Crime Statistics Report.**

ACTION:

- 1) Resolution To Develop Enhanced Partnership With Miami-Dade County School Board.
NO ACTION TAKEN.
- 2) Regarding Valet Parking.
MOTION: By Commissioner Michael Grieco to move to Commission with a positive recommendation. Second by Commissioner Steinberg. Unanimous approval.
- 3) Report From Miami-Dade County Public Schools On The Status Of The Action Plan Related To Nautilus Middle School And Progress To Date.
ACTION: To be brought back at the July 31st NCAC meeting.
- 4) Discussion Regarding A Commercial Use Permit Fee For City-Owned Property And City Parks Facilities.
ACTION: Deferred until Park Rangers have been hired and the program has been implemented for at least three months, unless the problem increases significantly, in which case it should be brought sooner.
- 5) Discussion Regarding Artist and Non-Profit Vendor Ordinances.
MOTION: By Commissioner Steinberg to move the draft Ordinance to Commission. Second by Commissioner Grieco. Unanimous approval.
- 6) Discussion Regarding Naming The Accessible Beach And Playground At Allison Park, 65th Street And Collins Avenue, "Sabrina's Beach And Playground At Allison Park."
ACTION: Bring back to the September NCAC meeting date.
- 7) Proposed Route And Service Plan For The Middle Beach Trolley.
MOTION: By Commissioner Grieco to approve the pursuit of an inter-local agreement with Miami-Dade County. Second by Commissioner Steinberg. Unanimous approval.
- 8) 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.
MOTION: By Commissioner Grieco to refer the redesign of Surface Lot 01A to Commission. Second by Commissioner Steinberg. Unanimous Approval.
- 9) Discussion On The Beautification Of The Alton Road Flyover Bridge At The Eastern End Of I-395.
MOTION: By Commissioner Steinberg to refer presentation on the Beautification of the Alton Road Flyover Bridge to Commission. Second by Commissioner Grieco. Unanimous approval.
- 10) Monthly Crime Statistics Report.
NO ACTION TAKEN.

C6B Report Of The May 27, 2015 Sustainability And Resiliency Committee (SRC) Meeting: **1)** Mayor's Blue Ribbon On Flooding And Sea Level Rise Update. **2)** Sustainability Committee Update. **3)** Referral To Consider Alternative Trash Receptacles In High-Traffic Areas. **4)** Discussion Regarding The Provision Of Renewable Energy Sources In New Construction Projects. **5)** Referral Regarding The Citywide Prohibition Of Polystyrene. **6)** Referral Regarding The Endorsement Of The Floridians For Solar Choice Ballot Initiative **7)** Discussion Regarding AECOM's Progress On The Development Of The City's Comprehensive Resiliency Program.

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

NO MOTION TAKEN.

2) Sustainability Committee Update.

UPDATE GIVEN.

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

MOTION: The Sustainability and Resiliency Committee refers the item to the City Commission with direction to staff to explore the range of finance options offered by Big Belly Solar without the recommendation of advertising options.

Motion made by Commissioner Steinberg, seconded by Commissioner Grieco.

4) Discussion Regarding The Provision Of Renewable Energy Sources In New Construction Projects.

MOTION: Staff to continue to develop the Ordinance and consult with the design and construction community before presenting an updated draft to the Sustainability and Resiliency Committee.

Motion made by Commissioner Steinberg, seconded by Commissioner Weithorn.

5) Referral Regarding The Citywide Prohibition Of Polystyrene.

MOTION: Direct Staff in the City Attorney's office to draft an amendment that would include extending the current prohibition to the sale and purchase of polystyrene cups, coolers, food service articles within city limits.

Motion made by Commissioner Steinberg, seconded by Commissioner Weithorn.

6) Referral Regarding The Endorsement Of The Floridians For Solar Choice Ballot Initiative
Item deferred to June 24, 2015 Sustainability and Resiliency Committee Meeting.

7) AECOM's Progress On Development Of City's Comprehensive Resiliency Program.

ACTION: Item continued to the September 9, 2015 Sustainability and Resiliency Committee Meeting.

C6C Report Of The May 27, 2015 Land Use And Development Committee Meeting: **1)** Discussion On Possible Amendments To Chapter 6 And Chapter 142 Of The City Code. **2)** Discussion On The Collins Canal Project. **3) A)** Annual Evaluation Of Parking Impact Fee Structure. **3) B)** Discussion Regarding The Philosophy Behind Parking Impact Fees. **4) A)** Discussion Regarding Seawall Conditions, Encroachments Into Public Property For Private Use. **4) B)** Discussion Regarding The Degradation Of The Sea Wall In The Lakeview Drive Neighborhood. **5)** An Amendment To The Applicable Section Of The City Code Clarifying That The Incentives Ordinance For The Retention Of Architecturally Significant Single Family Homes, Does Not Apply To Single Family Homes Located Within A Local Historic District. **6)** Discussion Pertaining To Membership Requirements For Design Professionals Serving On The City's Land Use Boards. **7)** Discussion On The Proposed Ocean Terrace Overlay District, Bounded By 73rd Street On The South, 75th Street On The North, Ocean Terrace On The East And Collins Avenue On The West. **8)** Discussion Relating To An Amendment Of The Faena Overlay District. **9)** Washington Avenue Blue Ribbon Panel (WABRP) Presentation With Final Recommendations: Incentives For Development That Do Not Include Increasing FAR. **10)** Establish A Washington Avenue Task Force. Discussion Regarding The Creation Of A Process And Criteria For Parklet Applications. **11)** Discussion Regarding A Modification To Section 142-108 Of The Land Development Regulations In Order To Eliminate Any Conflict With The Florida Building Code. **12)** Discussion Regarding AECOM's Progress On The Development Of The City's Comprehensive Resiliency Program. **13)** Discussion Regarding The Provision Of Renewable Energy Sources In New Construction Projects. **14)** Sidewalk Café Ocean Drive Umbrellas: An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 82, Entitled "Public Property," Article IV, Entitled "Uses In Public Rights-Of-Way," Division 5, Entitled "Sidewalk Cafes," Subdivision 2, Entitled "Permit," By Creating Section 82-389, Entitled "Additional Minimum Standards, Criteria, And Conditions For Operation Of Sidewalk Cafes On Ocean Drive Between 5th Street And 15th Street" To Provide Minimum Standards For Umbrellas And Awnings, Require Regular Maintenance Of Umbrellas, And Provide Prohibitions; And Providing For Repealer, Severability, Codification, And An Effective Date.

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

MOTION: Continued to June 17, 2015 by Acclamation.

2) Discussion On The Collins Canal Project.

MOTION: Continued to July 29, 2015 by Acclamation.

3) A) Annual Evaluation Of Parking Impact Fee Structure.

3) B) Discussion Regarding The Philosophy Behind Parking Impact Fees.

MOTION: Continued to July 29, 2015 by Acclamation.

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

4) B) Degradation Of The Sea Wall In The Lakeview Drive Neighborhood.

MOTION: 3-0 (ET/JW)

1. Refer an item regarding the repair of the Lakeview Drive Seawall to the full City Commission with a favorable recommendation.
2. Direct the Administration to identify the worst seawalls to be budgeted for repair in FY 2016 and to update the Land Use and Development Committee on the worst Sea Walls at the July 29, 2015 meeting.

City Clerk's Note: See item R9S.

- 5) Amendment To Code Clarifying Regarding Single Family Homes Located Within A Local Historic District.
MOTION: 2-0 (JM/ET)
Recommend that the Ordinance be sent to the Planning Board with a favorable recommendation.
- 6) Membership Requirements For Design Professionals Serving On City's Land Use Boards.
MOTION: Refer the item to the full commission by Acclamation.
- 7) Proposed Ocean Terrace Overlay District.
MOTION: 3-0 (JW/ET)
Move the Ordinance to the Planning Board as revised by the proposers, with the modifications that were recommended by the Planning Department, and to incorporate as an amendment that there be retail on Collins Avenue.
- 8) Amendment Of The Faena Overlay District.
MOTION: 2-0 (ET/JM)
Recommend that the Ordinance be sent to the Planning Board with a favorable recommendation.
- 9) Washington Avenue Blue Ribbon Panel (WABRP) Presentation.
MOTION: 2-0 (ET/JM)
Recommend that the Ordinance be sent to the Planning Board with a favorable recommendation.
- 10) Establish A Washington Avenue Task Force.
MOTION: Continued to June 17, 2015 by Acclamation.
- 11) Modification To LDR Section 142-108 To Eliminate Conflict With The Florida Building Code.
MOTION: Continued to June 17, 2015 by Acclamation.
- 12) AECOM's Progress On The Development Of The City's Comprehensive Resiliency Program.
MOTION: Continued to June 17, 2015 by Acclamation.
- 13) Provision Of Renewable Energy Sources In New Construction Projects.
MOTION: Continued to June 17, 2015 by Acclamation.
- 14) Sidewalk Café Ocean Drive Umbrellas Ordinance.
MOTION: Motion to send all option for umbrellas to the Ocean Drive Task Force and to continue the item to the June 17, 2015 meeting by Acclamation.

C6D Report Of The May 20, 2015 Finance And Citywide Projects Committee Meeting: **1)** Discussion Regarding Potential Purchase Of Air Rights For 6940 Abbott Avenue From AT&T For Future Development Of A Parking Garage In The North Beach Town Center. **2)** Discussion To Consider A Request for Rent Relief From Penn 17, LLC., Regarding The Retail Space At The Pennsylvania Avenue Parking Garage. **3)** Discussion Regarding Valet Parking. **4)** Discussion Regarding The Audit Committee Recommendations Regarding Fee in Lieu Of Parking. **5)** Discussion Regarding Flooding and Sea Rise Regarding The 2015-2016 Storm Water Utilities Methodology. **6)** Discussion Regarding A New Lease Agreement Between The Miami Beach Redevelopment Agency (RDA) (Landlord) And Cvi.Che 105 / Yuca Fusion (Tenant), In Connection With The Use Of Suite Nos. 1-3 At The Anchor Shops, Located At 1555 Washington Avenue, Miami Beach, Florida (Premises), For A Term Of Nine (9) Years And Three Hundred And Sixty Four (364) Days From Rent Commencement; And Allowing By 5/7th Vote, Pursuant To Section 1.03 Of The Miami Beach City Code, An Additional Two (2) Renewal Options For Five (5) Years Each. **7)** Discussion Regarding Implementing A Contractor Prequalification Program In An Effort To Expedite Infrastructure Improvements. **8)** Discussion Regarding A Resolution Collaborate To Develop An Enhanced Partnership With The Miami-Dade County School Board (School Board) And To Amend The City's Educational Compact To Provide Enhanced Educational Services To The City's Public School Students, By Working Collaboratively On Funding To Prioritize Early Learning Opportunities, Including The Head Start Program; Title 1 VPK; VPK Fee Supported; And Sped Pre-K; By Providing Instructional Support For Extracurricular Or Choice Offerings At City High School And Middle School Grades; By Enhancing The Districts Afterschool Programming, IB Program And EFL Program; And To Provide A Schedule For Accomplishing These Goals. **9)** Discussion Regarding the Parking Meter Collection Fees - SP Plus Request. **10)** 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.

1) Potential Purchase Of Air Rights For 6940 Abbott Avenue From AT&T.

ACTION: The Committee recommended bringing this item back to the Finance Committee once the parties involved have come to an agreement on the terms.

2) Consider A Request for Rent Relief From Penn 17, LLC.

ACTION: The Committee took no action as staff continues to work on moving forward with the eviction proceedings against PENN 17 LLC.

3) Discussion Regarding Valet Parking.

ACTION: The Committee recommended moving this item to the Commission with the recommendations to reduce traffic congestion of major thoroughfares, strengthen regulations, improve compliance and maintain a competitive environment.

- 4) The Audit Committee Recommendations Regarding Fee in Lieu Of Parking.
ACTION: The Committee recommended staff continue to work on collection of the fees in lieu of parking program and refer the non-responsive accounts to the City Attorney.
- 5) Flooding and Sea Rise Re: 2015-2016 Storm Water Utilities Methodology.
ACTION: The Committee recommended staff meet with the Commissioners individually to go over the information presented and staff is to bring this item back to the June Finance Committee meeting.
- 6) Lease Agreement With Miami Beach (RDA) (Landlord) And Cvi.Che 105/Yuca Fusion (Tenant), In Connection With The Use Of Suite Nos. 1-3 At The Anchor Shops.
ACTION: The Committee recommended executing a new lease agreement with the Tenant, in accordance with the stipulated terms and conditions, for a period of ten (10) years. This includes granting two (2) renewal options, for an additional five (5) years each, at market rate.
- 7) Implementing Contractor Prequalification Program To Expedite Infrastructure Improvements.
ACTION: The Committee referred this item to Commission with the recommendation of authorizing Administration to establish pools of prequalified contractors, pursuant to Section 255.20, FS, and construction management firms, pursuant to Section 255.103 up to one (1) year under 2 million dollars.
- 8) A Resolution To Develop An Enhanced Partnership With The Miami-Dade County School Board (School Board).
ACTION: The Committee recommended deferring this item to the Commission retreat when the budget impact can be further examined and discussed.
- 9) Discussion Regarding the Parking Meter Collection Fees - SP Plus Request.
ACTION: The Committee recommended moving forward with the Request for Proposal (RFP) that is already out for bid for Parking Meter Collection Services for the City's Parking System.
- 10) Negotiate (PSA) Between City And 8701 Collins Development, LLC ("8701") For The Sale Of The City Property Located At 226 87 Street To 8701 (City Parcel).
ACTION: Item deferred to the June Finance Committee Meeting.

C7 - Resolutions

C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Submit The Following Applications: 1) U.S. Department Of Justice, In An Amount Not To Exceed \$600,000, For The Body-Worn Camera Pilot Implementation Program; 2) U.S. Department Of Justice Community Oriented Policing Services (COPS) Hiring Program For Entry Level Police Officers In The Approximate Amount Of \$1,875,000 Over Three Years; 3) Florida Department Of Transportation (FDOT), High Visibility Enforcement, Pedestrian And Bicycle Safety Grant Program, In The Approximate Amount Of \$200,000; And Retroactively To: 4) Miami-Dade County Homeless Trust For Funding For Fiscal Year 2015/16 Primary Care Housing And Services Funds, In The Approximate Amount Of \$62,373, For Staffing And Hotel/Motel Funding; And, 5) Miami-Dade County Homeless Trust For Fiscal Year 2015/16 Funding, In The Approximate Amount Of \$25,000, For Identification Assistance Funds; 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 2015-29032 adopted. Patricia Walker to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.**

C7B A Resolution Authorizing The Administration To File An Application With The Planning Department To Request The Historic Preservation Board To Grant A New Certificate Of Appropriateness For The Modified Flamingo Park Master Plan Concept, Which Unmodified Plan Was Previously Approved By The Board, And Which Approval Expired On May 9, 2012.

(Capital Improvement Projects)

ACTION: Resolution 2015-29033 adopted. David Martinez to handle.

C7C A Resolution Electing Commissioner Edward L. Tobin, Group V, As Vice-Mayor, For A Term Commencing On July 1, 2015 And Terminating On October 31, 2015, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.

(Office of the City Clerk)

ACTION: Resolution 2015-29034 adopted. Rafael E. Granado to handle.

C7D A Resolution Accepting A Donation Of One Hundred (100) Automatic External Defibrillators (AEDs), With An Approximate Total Cost Of \$200,000.00, From Baptist Health South Florida On Behalf Of City Of Miami Beach.

(Police)

ACTION: Resolution 2015-29035 adopted. Chief Daniel Oates to handle.

- C7E A Resolution Authorizing The City Manager And The City Clerk To Execute A Voluntary Cooperation And Operational Assistance Mutual Aid Agreement With Miami-Dade County, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach And Miami-Dade County, Florida.
(Police)

ACTION: Resolution 2015-29036 adopted. Chief Daniel Oates to handle.

- C7F A Resolution Approving And Authorizing The Administration To Negotiate A Lease Agreement, Based Upon The Material Terms Set Forth In This Resolution, Between The City Of Miami Beach, As Tenant, And Jaller Grossman Partnership LLC, As Landlord, For Use Of Approximately 18,200 Rentable Square Feet Of Property, Located At 6700 N.W. 36th Avenue, Miami, Florida, To Be Used As Storage Space Primarily For The City's Police Department; Said Lease Having An Initial Term Of Five (5) Years And Two (2) Months, Commencing On August 1, 2015, And Ending On September 30, 2020, With One (1) Additional Renewal Option, At The City's Discretion, For A Term Of Five (5) Years; And Further Authorizing The Mayor And City Clerk To Execute Said Lease Agreement Upon Successful Negotiations By The Administration.
(Police)

ACTION: Resolution 2015-29037 adopted. Chief Daniel Oates to handle.

9:44:12 p.m.

- C7G A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Qualifications (RFQ) No. 2015-073-JR, For Plans Review, Inspections And Permit Clerk Services.
(Procurement/Building)

ACTION: Resolution 2015-29038 adopted. Item separated by Commissioner Weithorn. Motion made by Commissioner Malakoff; seconded by Vice-Mayor Wolfson; Voice-vote: 5-2; Opposed: Commissioners Weithorn and Tobin. **Alex Denis and Mariano Fernandez to handle.**

9:34:17 a.m.

- C7H A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Qualifications (RFQ) No. 2015-127-JR, For Architectural And Engineering Services For The Middle Beach Recreational Corridor.
(Procurement/Building/Environmental)

ACTION: Resolution 2015-29039 adopted. Item separated by Commissioners Tobin and Weithorn. Motion made by Vice-Mayor Wolfson; seconded by Commissioner Malakoff; Voice-vote: 5-2; Opposed: Commissioners Weithorn and Tobin. **Alex Denis, Mariano Fernandez and Elizabeth Wheaton to handle.**

Commissioner Tobin asked the Administration to negotiate with key personnel with the companies the City deals with.

Jimmy L. Morales, City Manager, explained that they select a team of professionals whenever they negotiate with a company.

Commissioner Weithorn stated that she pulled the procurement items because it has come to her attention that certain vendors have been asked to contribute to ECOs, PACs and other political organizations. For transparency, she would like everyone that is being given a bid to state whether they have been solicited, if they contributed, and to whom they have contributed. Commissioner Weithorn is going to ask for the rest of her term, for everyone that comes before the Commission for a contract to state if they have made such a donation. If subsequently she finds out that they have done so, she will publicize the information. This is why she pulled all four procurement items today from the consent agenda. If the vendors are present she would like to ask this question to them herself, otherwise, if they were not present, she would like the Procurement Director to ask them. The public has the right to see the money trail.

Discussion continued.

Raul J. Aguila, City Attorney, stated that there is no prohibition from vendors to contribute to PACs.

Discussion held.

Commissioner Tobin stated that vendors or people bidding with the City, and it does not preclude them from contributing to PACs. He thinks the City Attorney is in a tough position to opine and he is agreeable to requesting the Inspector General to give the opinion.

Vice-Mayor Wolfson stated that the contributions are currently publicly disclosed and the process is transparent. He does not understand what the problem is; it is a free speech contribution.

Mr. Aguila reiterated that the City Code has a prohibition that bars campaign contributions from vendors or lobbyists; the law does not prohibit contributions, including vendors, being made to PACs. That is the law.

Commissioner Tobin asked to refer this to the Office of the Inspector General.

Mr. Aguila explained that this is not within their jurisdiction; they could ask the Commission on Ethics, but they too will most likely not have the jurisdiction.

Mayor Levine asked if all PACs are public and require registration and City Attorney Aguila stated yes.

Vice-Mayor Wolfson motioned to approve item; Commissioner Malakoff seconded the motion.

9:44:36 a.m.

C7I A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of The Proposals Received, Pursuant To Invitation To Negotiate No. 2015-081-LR, For Investment Advisory Services; Authorizing The City Administration To Enter Into Negotiations With The Top-Ranked Proposer, Public Trust Advisors, LLC; And, In The Event That The Administration Is Unable To Negotiate A Mutually Agreeable Agreement With Public Trust Advisors, LLC, Accepting The City Manager's Recommendation To Authorize The Administration To Negotiate With Other Firms, In Order Top Rank; And Further Authorizing The Mayor And City Clerk To Execute An Agreement, Acceptable To The City Manager And The City Attorney, Upon Conclusion Of Successful Negotiations By The Administration.

(Procurement/Finance)

ACTION: Resolution 2015-29040 adopted. Item separated by Commissioner Weithorn. Motion made by Commissioner Malakoff; seconded by Vice-Mayor Wolfson; Voice-vote: 5-2; Opposed: Commissioners Weithorn and Tobin. **Alex Denis and Patricia Walker to handle.**

9:43:40 a.m.

C7J A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals For Group 1 - Landscape Architecture, Planning And Urban Design Architecture, And Environmental Engineering, And Group 2 – Town Planning Architecture, Interior Design & Space Planning Architecture, And Historical Preservation Architecture, And Group 3 – Civil Engineering And Land Surveying, And Group 4 – Structural Engineering And Mechanical, Electrical, And Plumbing Engineering, Pursuant To Request For Qualifications No. 2014-346-YG, For Professional Architectural And Engineering Services In Specialized Categories On An As-Needed Basis (The "RFQ"); Authorizing The Administration To Enter Into Negotiations With Keith And Schnars, P.A., Aecom Technical Services, Inc., Kimley-Horn And Associates, Inc., Craven, Thompson & Associates, Inc., And Miller Legg & Associates, Inc., For The Discipline Of Landscape Architecture; Authorizing The Administration To Enter Into Negotiations With Kobi Karp Architecture & Interior Design, Inc., Glavovic Studio, Inc., M.C. Harry & Associates, Inc., Stantec Consulting Services, Inc., And Bea Architects, Inc., For The Discipline Of General Architecture; Authorizing The Administration To Enter Into Negotiations With Zyscovich, Inc., And The Corradino Group, Inc., For The Discipline Of Town Planning Architecture; Authorizing The Administration To Enter Into Negotiations With R. J. Heisenbottle Architects, P.A., William B. Medellin Architect P.A., Douglas Wood Associates, Inc., Bender & Associates Architects, P.A., For The Discipline Of Historical Preservation Architecture; Authorizing The Administration To Enter Into Negotiations With Wade Trim, Inc., Stantec Consulting Services, Inc., Kimley-Horn And Associates, Inc., Pure Engineering Services, Inc., And Schwebke - Shiskin & Associates, Inc., For The Discipline Of Civil Engineering; Authorizing The Administration To Enter Into Negotiations With Schwebke - Shiskin & Associates, Inc., Triangle Surveying And Mapping, Inc., Keith And Schnars, P.A., Biscayne Engineering Company, Inc., And Craven Thompson And Associates, Inc., For The Discipline Of Land Surveying; Authorizing The Administration To Enter Into Negotiations With TLC Engineering For Architecture, Inc., Wolfberg Alvarez & Partners, Inc., And RGD Associates, Inc. D/B/A RGD Consulting Engineers For The Discipline Of Mechanical, Electrical, And Plumbing Engineering; Further, Should The Administration Be Unable To Negotiate An Agreement With Any Of The Recommended Firms, The Administration Is Authorized To Negotiate With Other Ranked Firms In Order Of Rank In Each Category; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Procurement/Public Works/Capital Improvement Projects)

(Deferred from May 6, 2015 - C7P)

ACTION: Resolution 2015-29041 adopted. Item separated by Commissioners Tobin and Weithorn. Motion made by Commissioner Malakoff; seconded by Vice-Mayor Wolfson; Voice-vote: 5-2; Opposed: Commissioners Tobin and Weithorn. **Alex Denis, Eric Carpenter and David Martinez to handle.**

- C7K A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement Between The City Of Miami Beach And The Town Of Surfside For The City To Continue To Provide Sewage Conveyance Services To Surfside.
(Public Works)

ACTION: Resolution 2015-29042 adopted. Eric Carpenter to handle.

9:00:00 a.m.

SUPPLEMENTAL MATERIAL 1: Memorandum & Resolution

- C7L A Resolution Authorizing The Mayor And The City Commission To Approve The Second Amended And Restated Interlocal Agreement With Miami-Dade County For The City's Use Of The County's Solid Waste Management System.
(Public Works)

ACTION: Resolution 2015-29043 adopted. Eric Carpenter to handle.

- C7M A Resolution Authorizing The City Manager To Approve The 63rd Street Water Main Replacement Project Utilizing The Competitively Bid National Joint Powers Alliance (NJPA) Cooperative Contract For Construction Services With The Gordian Group.
(Procurement/Public Works)

ACTION: Resolution 2015-29044 adopted. Alex Denis and Eric Carpenter to handle.

- C7N A Resolution Amending Resolution No. 2014-28732 By Changing The Amount Of The Cultural Arts Council Annual Fund Balance Cap From \$2,640,184 To \$2,467,000 To Correct A Scrivener's Error.
(Tourism, Culture & Economic Development)

ACTION: Resolution 2015-29045 adopted. Max Sklar to handle.

- C7O A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee And Approving And Authorizing The City 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: Resolution 2015-29046 adopted. Max Sklar to handle.

End of Consent Agenda

REGULAR AGENDA**R2 - Competitive Bid Reports****9:45:22 a.m.**

R2A Request For Approval To Authorize The Issuance Of A Request For Proposals (RFP) For Advertisement Program For Trolley Vehicles.

(Procurement/Tourism, Culture & Economic Development)

ACTION: Item to return to the July 8, 2015 Commission Meeting. City Manager Morales reiterated the direction given to go with the project for a one year pilot program, and will be brought to the July 8, 2015 Commission Meeting with an RFP, or if piggybacking proceed without returning to the City Commission. **Alex Denis and Max Sklar to handle.**

Recommendation:

- ✓ One year pilot program
- ✓ RFP to come back to the July 8, 2015 Commission Meeting
- ✓ If piggybacking, proceed without coming back to the City Commission

Max Sklar, Tourism, Culture & Economic Development Director, explained that they have had success selling advertising space on the Alton/West loop, but they have had difficulty selling advertising space on the North Beach trolleys. He suggests doing an RFP to hire a company to assist them.

Alex Heckler, on behalf of Alvern Media, stated that they have a contract with the City of Miami; at that time, Miami did a pilot program, and they were the only bidder on that. They asked that if the City wants to move forward, they can piggyback with the contract they did with the City of Miami, he added that this would generate good revenue.

Mr. Sklar stated that they are making several hundred thousands of dollars a year on all of the trolley advertisements.

Commissioner Malakoff would like to see it as a pilot project, with a prohibition of tobacco advertisements including e-cigarettes.

Max Sklar, Tourism, Culture & Economic Development Director, stated that there are categories such as alcohol, nudity and tobacco that are prohibited.

Discussion continued.

Commissioner Tobin asked about prohibition of commercial advertising in the City. He is against it.

Raul J. Aguila, City Attorney, explained that amendments have been made for advertisements on certain services, such as Deco Bikes.

Max Sklar, Tourism, Culture & Economic Development Director, stated that the advertising is for the windows facing out, and for monitors inside the vehicle. He added that taxicabs and buses are doing the same thing and they are not prohibited.

Commissioner Steinberg suggested referring the item to the Finance Committee to get the legal answer Commissioner Tobin requires, and make an informed decision.

Commissioner Tobin suggested that if they issue the RFP and they make a recommendation, do they have to go forward?

Raul J. Aguila, City Attorney, stated that the City reserves the right to terminate the RFP at any time.

Vice-Mayor Wolfson did not see the RFP in the agenda as the City Commission has been requested.

City Manager Morales stated that there is an exception in the Code for advertisements in mass transit.

Mr. Heckler stated that a one-year pilot is a significant amount of revenue and rather than referring the item, Alvern Media is willing to do a short-term pilot program.

Mayor Levine stated that since all municipalities are doing it, the City should try it.

Raul J. Aguila, City Attorney, explained that when piggybacking on contracts they are "stuck" with the terms and conditions that were competitively bid by the other municipality.

Mr. Heckler stated that the City of Miami gets 52% of the revenue, and believes that South Beach would receive a higher rate, although there is no guarantee.

Mayor Levine asked how they could make sure that they will receive more money.

Discussion held.

Commissioner Malakoff believes they can get \$8,000 or \$9,000 per trolley, and they need to negotiate as high as possible per trolley.

Raul J. Aguila, City Attorney, explained that one could not negotiate if piggybacking with the Miami contract. He suggested issuing the City's own RFP.

City Manager Morales suggested bringing the item back in July (July 8, 2015) with the RFP.

Mr. Heckler suggested allowing him and his team to sit with City staff to discuss piggybacking contracts versus a full RFP. He suggested doing a pilot program.

Discussion held.

City Manager Morales stated that if the City Commission wants to do this for a year, they should go with the pilot program as a piggyback; if successful, then they can go out to competitive bidding.

Commissioner Steinberg asked Alex Denis, Procurement Director, if he had seen the terms of piggybacking, to which he said "no."

City Manager Morales reiterated the direction given to go with the project for one year, and will be brought to the July 8, 2015 Commission Meeting with an RFP.

Commissioner Weithorn's concern is the advertising, and she does not support this.

11:00:00 a.m.

- R2B Request Approval To Issue A Request For Qualifications (RFQ) For Preparation Of Environmental Analyses For The Miami Beach Portion Of The Beach Corridor Transit Connection Project And For Review And Evaluation Of Related Proposals As Necessary.
(Transportation)

ACTION: Item deferred.

R5 - Ordinances**10:46:33 a.m.**

- R5A 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.

10:20 a.m. Second Reading Public Hearing

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(Continued from May 6, 2015 - R5D)

ACTION: Title of the Ordinance read into the record. **Ordinance 2015-3940 adopted.** Public Hearing held. Motion made by Commissioner Malakoff, applicable specifically to RS1 and RS2; seconded by Commissioner Grieco; Ballot-vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, introduced the item, which was approved at first reading on April 15, 2015. The City Commission asked that additional details be provided for this item regarding zoning districts, and provide additional graphics on how fence heights will look visually if heights were increased by adjusted grade. The requested information has been provided to the City Commission.

Lucia Dougherty, Esq., representing the owner of 26 Star Island, stated that her client's property has an NGVD of six feet, while his neighbor has an NGVD of ten feet. If the fence height is measured by the current Ordinance, the neighbor's fence will be two feet seven inches tall, which does not provide the privacy or security either neighbor wants. She added that this Ordinance proposes to measure fence height at an adjusted grade, which will permit an adequate fence height.

Commissioner Weithorn asked clarification from Mr. Mooney, because she does not agree with someone having to face a ten-foot high fence.

Tom Mooney, Planning Department Director, explained that in this particular instance, the neighboring property of Ms. Dougherty's client is four feet higher, but the maximum fence height is measured from sidewalk grade; by Code, they could only have a three-foot fence. By measuring the maximum height above adjusted grade, they would be able to have a seven-foot fence above the height of the yard, and the top four feet would not be a solid wall, but open.

Commissioner Weithorn stated that on this particular property, it may not be an issue, but in smaller properties, it may severely affect property values.

Discussion held.

Commissioner Malakoff stated that this makes sense for larger lots, because otherwise, homeowners will be stuck with disproportionate fences. Commissioner Weithorn believes that this should only be applicable in the RS1 and RS2 Districts.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1018

10:52:38 a.m.

R5B 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. **10:25 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Edward L. Tobin)
(Co-Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Planning)
(First Reading on May 6, 2015 - R5G)

ACTION: Title of the Ordinance read into the record. **Ordinance 2015-3941 adopted.** Public Hearing held. Motion made by Commissioner Tobin; seconded by Commissioner Grieco; Ballot-vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, introduced the item.

Commissioner Tobin, for clarification, stated that he had proposed item R5B, and then one of the Commissioners and staff ultimately proposed R5C. He asked Mr. Mooney if that was his recollection, and Mr. Mooney stated that that was correct. Commissioner Tobin explained that item R5C states that if one wants a covenant in lieu to join a property, there is no need for Planning Board approval; however, the way he read on Page 259, Section 118-321, Article VII entitled Division of Land/Lot Splits, it reads: "*No lot(s), plot(s) or parcel(s) of land, whether improved or unimproved or building site, unified development site, as defined herein, designated by number, letter or other description in a plat of a subdivision, shall be further divided or split, for the purpose, whether immediate or future, of transfer of ownership or development, without prior review and approval by the Planning Board.*" He suggested clarifying language to say that once a property owner utilizes the benefit of unity of title, and the property has been aggregated to a bigger property, if they wish to split the property, then they must go back to the Planning Board.

Eve Boutsis, Deputy City Attorney, stated that the clarification is already in the language.

Commissioner Weithorn informed the City Commission that she is working with Eve Boutsis in simplifying a section of the Land Use Code and they would expand if there were additional input.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1018

10:57:35 a.m.**R5C 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. **10:30 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Edward L. Tobin)

(Co-Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Planning)

(First Reading on May 6, 2015 - R5H)

ACTION: Title of the Ordinance read into the record. See comments with R5B. **Ordinance 2015-3942 adopted as amended.** Public Hearing held. Motion made by Commissioner Tobin; seconded by Commissioner Grieco; Ballot-vote: 6-0; Absent: Vice-Mayor Wolfson. **Thomas Mooney to handle.**

Amendment:

Add language after the new sentence "a subsequent request to split the site shall result in a hearing before the Planning Board."

Eve Boutsis, Deputy City Attorney, explained that the lot split language requested by Commissioner Tobin is already in the Ordinance, but stated that language can be added, "a subsequent request to split the site shall result in a hearing before the Planning Board."

Discussion held.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1018

10:59:07 a.m.**R5D 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.

10:35 a.m. Second Reading Public Hearing

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Planning)

(First Reading on May 6, 2015 - R5I)

ACTION: Title of the Ordinance read into the record. **Ordinance 2015-3943 adopted.** Public Hearing held. Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Ballot-vote: 6-0; Absent: Vice-Mayor Wolfson. **Thomas Mooney to handle.**

Eve Boutsis, Deputy City Attorney, introduced the item.

Commissioner Malakoff stated that what is happening now is that employers of construction workers are arranging for them to park in municipal garages; for instance, the 42nd Street garage parking fills up completely early in the morning, and when residents, visitors or customers arrive, they do not find parking. She suggested that when plans are devised they have to be carefully done, dividing them in other parts of the City or in the City of Miami to avoid this.

Eve Boutsis, Deputy City Attorney, explained that when adopting amendment to Chapter 106, City parking garages were excluded from the plan.

Discussion held.

Commissioner Grieco stated that this has been online only for a few months, and any new projects predating the implementation of this Ordinance were excluded.

Commissioner Tobin offered an amendment that puts in a turnaround time for the City to get back to individuals when submitting parking plans.

Discussion continued.

Ms. Boutsis stated that this would be an amendment to 106 and this is the cost reference and the Land Development Code.

Saul Frances, Parking Department Director, explained that they try to expedite the plans as best as possible, and they have dedicated a line item in the budget to fund a position to review plans, do site visits and field inspections. He explained the process and the time frame for reviewing plans. Mr. Frances stated that he would do his best to have a turnaround time of approximately three (3) days/72 hours from submission. Saul Frances to handle.

Discussion held.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1018

11:15:05 a.m.**R5E 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. **10:40 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(First Reading on May 6, 2015 - R5J)

ACTION: Title of the Ordinance read into the record. **Ordinance 2015-3944 adopted.** Public Hearing held. Motion made by Commissioner Malakoff; seconded by Vice-Mayor Wolfson; Ballot-vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, introduced the item and explained that this Ordinance sets forth new allowances for higher yard elevations in single-family homes. Currently yard elevations are limited to adjusted grade, which is half the distance between sidewalk elevations and finish flood elevation. This Ordinance sets forth a number of standards particularly in rear yards where grade elevation can be brought up to finish floor elevation, and those particular properties would no longer require variance in order to raise their yards. It also sets new standards for being able to raise yards in interior and front yards, depending on what the height is above grade. This is being done mainly for resiliency purposes. There is a section regarding pools and rear elevations; currently when at least 70% of the required rear yard is sodded or landscaped, it must be pervious open space. When located at or below adjusted grade, the water portion of the swimming pool may count for this requirement. New language would require that if the backyard is located above adjusted grade, then the water portion of the swimming pool would count for 50% of the pervious area requirement.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1018

11:18:20 a.m.

R5F An Ordinance Amending The Firefighters' Relief And Pension Fund To Comply With Applicable Provisions Of The Internal Revenue Code And Regulations There under; Amending The "Related Special Acts," Of The City By Amending Article VII, Entitled "Firefighters' Relief And Pension Fund," By Amending Sections 36 Through 48; Providing For Severability; Repealing All Ordinances In Conflict Therewith; Providing For Codification; And Providing An Effective Date.

10:45 a.m. Second Reading Public Hearing

(Sponsored by Deede Weithorn)

(Legislative Tracking: Human Resources)

(First Reading on May 20, 2015 - R5C)

ACTION: Title of the Ordinance read into the record. **Ordinance 2015-3945 adopted.** Public Hearing held. Motion made by Commissioner Weithorn; seconded by Commissioner Grieco; Ballot-vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Commissioner Weithorn commented that this is to abide by IRS regulations and the City does not have a choice.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1018

11:19:28 a.m.

R5G An Ordinance Amending And Restating The Miami Beach Employees' Retirement Plan Created By Ordinance No. 2006-3504, As Subsequently Amended, By Amending Sections 2, 4, 5, 11, And 12 Of The Plan To Comply With Applicable Provisions Of The Internal Revenue Code And Regulations Thereunder, And Deleting Outdated Language; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing An Effective Date. **10:50 a.m. Second Reading Public Hearing**

(Sponsored by Deede Weithorn)
(Legislative Tracking: Human Resources)
(First Reading on May 20, 2015 - R5D)

ACTION: Title of the Ordinance read into the record. **Ordinance 2015-3946 adopted.** Public Hearing held. Motion made by Commissioner Weithorn; seconded by Commissioner Tobin; Ballot-vote: 7-0. **Sylvia Crespo-Tabak to handle.**

See Commissioner Weithorn's comment with R5F.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1018

5:11:01 p.m.

R5H 36 Ocean Drive - Historic Site Designation
An Ordinance Amending The City's Land Development Regulations By Amending Section 118-593(e), Entitled "Delineation On Zoning Map" By Designating One Or More Buildings At 36 Ocean Drive As An Historic Site To Be Known As "36 Ocean Drive Historic Site"; And Amending The City's Zoning Map To Include 36 Ocean Drive As An 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. **5:01 p.m. Second Reading Public Hearing**

(Requested by a Private Application - 36 Ocean Drive Holdings, LLC.)
(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Planning)
(First Reading on May 6, 2015 - R5F)

ACTION: Title of the Ordinance read into the record. **Ordinance 2015-3947 adopted.** Public Hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Ballot-vote: 7-0. **Thomas Mooney to handle.**

Graham Penn, Esq., representing Myles Chefetz/36 Holding, LLC, stated that they have one thing to correct in the package.

Thomas Mooney, Planning Department Director, stated that he submitted the corrected document to the City Clerk. The Exhibit that referenced the map was correct in the memorandum; however, it was incorrect in the Ordinance.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1019
2. Exhibit A 36 Ocean Drive legal description and location.

R5I 226 87th Terrace - Parking Category Comprehensive Plan And Rezoning

1. Comprehensive Plan - Parking Category

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

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Planning)

(Continued from April 15, 2015 - R5H1)

ACTION: Item withdrawn.

2:13:12 p.m.

Clerk's Note: Items R5I1, R5I2, R5J2 and R5J3 were withdrawn by Commissioner Weithorn. Commissioner Weithorn explained that those items would be completely rewritten. Commissioner Weithorn stated that she did not want the items opened and continued, they were withdrawn. Note that Commissioner Weithorn had previously withdrawn, via memorandum in Supplemental Material 1, Item R5J1.

In response to Vice-Mayor Wolfson's question, Commissioner Weithorn explained that it is her understanding that these items need to be rewritten after they go to the Planning Board, so rather than opening and continuing something that will be changed, she prefer to withdraw it.

Vice-Mayor Wolfson stated that he had noticed those items. As far as he is concerned unless and until the applicant or staff tell him that he is not able to go forward he wants the items to go forward.

Commissioner Weithorn stated that the applicant had just informed her that they wanted the items withdrawn.

Rafael Andrade explained that there was duplication of the Ordinances. This morning, the Ordinances were referred to Planning Board and Land Use, and Commissioner Weithorn is just withdrawing the items on the agenda today, so there is not duplication.

Vice-Mayor Wolfson stated that therefore there was not issue, as these items are on the right track to be done.

Commissioner Weithorn stated that it was her understanding that the items had to be rewritten, and when that occurs the items will come back to the City Commission.

Mr. Andrade added that the project had been modified, so the Ordinances have to go together as a group.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1019
2. Ad in The Miami Herald No. 1020

- 2. Rezoning - 226 87th Terrace
 An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For The Parcel Located At 226 87th Terrace, From The Current Zoning Classification Of GU, "Government Use District", To The Proposed Zoning Classification Of RM-2, "Multifamily Residential, Medium Intensity;" Providing For Codification; Repealer; Severability; And An Effective Date. **5:02 p.m. First Reading Public Hearing**
 (Sponsored by Commissioner Deede Weithorn)
 (Legislative Tracking: Planning)
 (Continued from April 15, 2015 - R5H2)

ACTION: Item withdrawn.

City Clerk's Note: See Clerk's Note with R5I.

- Handouts and Reference Materials:
- 1. Ad in The Miami Herald No. 1019
 - 2. Ad in The Miami Herald No. 1020

SUPPLEMENTAL MATERIAL 1:

Memorandum from Commissioner Deede Weithorn Withdrawing the Item.

R5J RM-2 Regulations, Parking Regulations And Signage Regulations Within 250 Of North Shore Open Space Park (NSOSP)

- 1. RM-2 Chapter 142 Regulations Within 250 Feet Of NSOSP
 An Ordinance Amending The City Code Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 3 "Residential Multifamily Districts," Subdivision IV, "RM-2 Residential Multifamily, Medium Intensity," At Sections 142-215, "Prohibited Uses," And 142-218, "Setback Requirements," In Order To Permit Outdoor Bar Counters As Accessory Uses In Oceanfront Hotels In The RM-2 District; Allowing For The Modification Of Interior Side Setback Requirements For Drives Or Sidewalks; Providing Access Between Parcels In The RM-2 District; Modifying The Interior Side Tower Setback Requirements For Oceanfront RM-2 Parcels Within 250 Feet Of North Shore Open Space Park; By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 3 "Accessory Uses," At Section 142-902, "Permitted Accessory Uses," To Permit Neighborhood Impact Establishments, As Conditional Uses For Oceanfront Hotels In The RM-2 District, Within 250 Feet Of North Shore Open Space Park; Providing For Codification; Repealer; Severability; And An Effective Date. **5:03 p.m. First Reading Public Hearing**
 (Sponsored by Commissioner Deede Weithorn)
 (Legislative Tracking: Planning)
 (Continued from April 15, 2015 - R5I1)

ACTION: Item withdrawn.

City Clerk's Note: Commissioner Weithorn has withdrawn her sponsorship of this item. See Clerk's Note with R5I.

- Handouts and Reference Materials:
- 1. Ad in The Miami Herald No. 1019
 - 2. Ad in The Miami Herald No. 1021

2. **Parking Regulations Within 250 Feet Of NSOSP**
An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 130, "Off-Street Parking," Article III, "Design Standards," By Amending Section 130-68, "Commercial And Noncommercial Parking Garages," To Establish Regulations For Main Use Parking Garages Located On Non-Oceanfront Lots In The RM-2 District With A Property Line Within 250 Feet Of North Shore Open Space Park; Providing For Codification; Repealer; Severability; And An Effective Date. **5:03 p.m. First Reading Public Hearing**
(Sponsored by Commissioner Deede Weithorn)
(Legislative Tracking: Planning)
(Continued from April 15, 2015 - R512)

ACTION: Item withdrawn.

City Clerk's Note: See Clerk's Note with R51.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1019
2. Ad in The Miami Herald No. 1021
3. **Signage Regulations Within 250 Feet Of NSOSP**
An Ordinance Amending The City Code Chapter 138, "Signs," At Article V, "Sign Regulations By District"; And Article VI, "Specific Use Signs," At Section 138-172, Entitled "Schedule Of Sign Regulations For Principal And Accessory Use Signs," In Order To Establish Sign Criteria For Ground Floor Commercial Uses In Parking Garages Located On Non-Oceanfront Lots In The RM-2 District, With A Property Line Within 250 Feet Of North Shore Open Space Park; And Creating Section 138-206, Entitled "City Identification Signs At City Entrance And Exit Points," In Order To Establish The Process By Which The City May Erect City Identification Signs Near The City's Entry And Exit Points; Providing For Codification; Repealer; Severability; And An Effective Date. **5:03 p.m. First Reading Public Hearing**
(Sponsored by Commissioner Deede Weithorn)
(Legislative Tracking: Planning)
(Continued from April 15, 2015 - R513)

ACTION: Item withdrawn.

City Clerk's Note: See Clerk's Note with R51.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1019
2. Ad in The Miami Herald No. 1021

5:15:45 p.m.

- R5K CPS-2 Entertainment
An Ordinance Amending Chapter 142 "Zoning Districts And Regulations;" Article II, "District Regulations", Division 18, "PS Performance Standard District" To Modify Permitted Uses Within The CPS-2 District To Include Non-Amplified Piano And String Instruments Within Restaurant Interiors; Providing For Repealer; Severability; Codification; And An Effective Date. **5:04 p.m. First Reading Public Hearing**
(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.**

Public Hearing held. Motion made by Commissioner Grieco, seconded by Commissioner Weithorn. Ballot vote: 7-0. Second reading, public hearing scheduled to **July 8, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion was made by Commissioner Grieco; seconded by Vice-Mayor Wolfson, to accept the Land Use and Development Committee's recommendation of this Ordinance.

Frank Del Vecchio stated that the City Commission should approve this Ordinance.

Thomas Mooney, Planning Department Director, explained that under the current Land Development Regulations, entertainment south of 5th Street is prohibited. This particular Ordinance would create a very limited window to allow the playing of non-amplified piano or string instruments within restaurants located in the CPS-2 District on the south side of 5th Street, between Michigan Avenue and Alton Road. This would require an approval from the Planning Board, limiting it to restaurants serving full meals and no later than 2:00 a.m. Additionally, the volume of the instrument cannot exceed or interfere with normal conversation. The Planning Board endorsed the Ordinance by a 6-0 vote and the Administration recommends approval at First Reading.

Discussion held.

Frank del Vecchio stated that this would be in a 100% commercial area, on the extreme west end of 5th Street, in two buildings that for three or four years have designed restaurant space on the ground floor, but have been unable to lease them. Both buildings have parking garages. There will be no penetration into the residential area, because these will be destination restaurants.

Discussion continued.

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1019
2. Ad in The Miami Herald No. 1023

5:19:27 p.m.

R5L Bed And Breakfast Prohibition In Palm View Historic District

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 3, "Residential Multi-Family Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," To Prohibit Bed And Breakfast Inns Within The Palm View Local Historic District; By Amending Article V, "Specialized Use Regulations," Division 7, "Bed And Breakfast Inns," To Prohibit Bed And Breakfast Inns Within The Palm View Local Historic District; Providing For Codification, Repealer, Severability And An Effective Date. **5:05 p.m. First Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Public Hearing held. Motion made by Commissioner Malakoff, seconded by Vice-Mayor Wolfson. Ballot vote: 7-0. Second reading, public hearing scheduled to **July 8, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Thomas Mooney to handle.**

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

Thomas Mooney, Planning Department Director, introduced the item. This Ordinance is in regards to the regulation of bed and breakfast inns permitted within local Historic Districts and structures that are located in RM-1 Zoning Districts and structures that were originally designed and built and operate as a single family home. These regulations were adopted in 1992 for the Flamingo Park Historic District. That particular Historic District contained a very few number of single-family homes within the RM-1 area. These homes were very difficult to make economically viable, and could not be demolished because they were classified as contributing. This Ordinance would allow the owners of single-family homes to have a more viable use. When the Palm View Historic District was designated in 1999, the same regulations transferred over to there so any single family home located in the RM1 section of the Palm View District were allowed to have bed and breakfasts subject to the regulations in the Code. However, Palm View, unlike Flamingo Park contains mostly single-family homes so the transient nature of the bed and breakfast inns was not as compatible with the Historic District as it was with Flamingo Park.

Commissioner Malakoff stated that this is important that single-family districts remain residential.

Commissioner Grieco gave a brief background on the District, and that this Ordinance should have been done when Palm View was designated a Historic District in 1999, because the original bed and breakfast Ordinance did not specify the Flamingo Park Historic District.

Jane Lawson, Miami Beach resident, stated that she is delighted that the staff and Planning Board are supporting this initiative.

Paul Freeman, Miami Beach resident, thanked the City Commission for supporting this Ordinance, and he stated that Sheryl Gold also expresses her thanks.

Discussion held.

Vice-Mayor Wolfson stated that he originally had his doubts about this Ordinance, but he now fully supports it.

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1019
2. Ad in The Miami Herald No. 1022
3. Email from terryz@nyc.rr.com dated June 8, 2015 to Commissioners Grieco and Malakoff RE: Palm View Historic District.

5:25:53 p.m.**R5M Required Enclosures for Rental Car Facilities**

An Ordinance Amending Chapter 114 "General Provisions", Section 114-1, "Definitions", By Modifying The Definition Of Commercial Vehicle; By Amending Chapter 142 "Zoning Districts And Regulations;" Article IV, "Supplementary District Regulations", Division 1, "Generally" To Modify The Requirements For Required Enclosures To Create An Allowance For The Outdoor Exposure Of Rental Car Vehicles; Providing For Repealer; Severability; Codification; And An Effective Date.

5:06 p.m. First Reading Public Hearing

(Sponsored by Vice-Mayor Jonah Wolfson)

(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading as amended.** Public Hearing held. Motion made by Vice-Mayor Wolfson, seconded by Commissioner Malakoff. Ballot vote: 7-0. Second reading, public hearing scheduled to **July 8, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Thomas Mooney to handle.**

Amendment:

If there is one rental facility, they should have a conditional use and lower hedges

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

Vice-Mayor Wolfson stated that this Ordinance would permit car rentals in North Beach.

Commissioner Malakoff offered a friendly amendment; the Blue Ribbon Panel on North Beach recommended that: 1) the hedges should be three feet, which is already in the Ordinance, and 2) if there is one rental facility they should have a conditional use. Vice-Mayor Wolfson accepted the friendly amendment.

Rafael Andrade, Esq., suggested having a distance separation, which the City Commission disagreed with.

Beth Emerson, Miami Beach resident stated that she attended the Blue Ribbon Panel meeting, and there is already an upscale car rental by that location, but her main concern is regarding the restaurants by the location, which would increase traffic.

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1019
2. Ad in The Miami Herald No. 1026

9:07:51 a.m.**R5N MXE Setbacks**

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

(Sponsored by Vice-Mayor Jonah Wolfson)

(Legislative Tracking: Planning)

ACTION: Item deferred.

Rafael E. Granado, City Clerk, stated, for the record, that Vice-Mayor Wolfson, the sponsor of the item, has requested that the first reading of the Ordinance be deferred to the **July 8, 2015** City Commission Meeting.

Discussion held regarding the difference between a deferral and an open and continue.

Handouts or Reference Materials:

1. Email from Fatima Perez to Al Berg, dated June 1, 2015, RE: An Important Message from the Presidents of 1455 Ocean Drive (Il Villagio) and 1500 Ocean Drive.
2. Email from Fatima Perez to Al Berg, dated June 1, 2015, RE: An Important Message from the Presidents of 1455 Ocean Drive (Il Villagio) and 1500 Ocean Drive.
3. Email from Brett Cummins dated June 9, 2015, RE: Item R5N requesting that this item be opened and continued until the July 2015 commission meeting.

10:00:38 p.m.

R5O An Ordinance Amending Chapter 66, "Marine Structures, Facilities And Vehicles," Article IV, "Vessels," Section 66-151, "Launching And Hauling," To Authorize The Installation Of "Tow-Away Zone" Signs Along Public Seawalls And To Authorize Towing; Providing For Repealer; Codification; Severability And An Effective Date. **First Reading**

(Sponsored by Mayor Philip Levine)

(Legislative Tracking: Police)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Grieco, seconded by Commissioner Weithorn. Ballot vote: 7-0. Second reading, public hearing scheduled to **July 8, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Police Chief Dan Oates to handle.**

Mr. Aguila stated that on first reading the City would be allowed to tow vessels away.

Commissioner Weithorn agrees with enforcing the law.

Commissioner Grieco added that this is a cleanup item to give residents relief from derelict vessels.

11:20:34 a.m.

R5P An Ordinance Amending The Land Development Regulations (LDR) Of The City Code, At Chapter 118, Entitled "Administrative And Review Procedures," Article VI "Design Review Procedures, By Modifying Section 118-252, Entitled "Applicability And Exemptions" To Exclude From Design Review Board Review City Applications Relating To Stormwater Pump Stations; Providing For Codification, Repealer, Severability And An Effective Date. **First Reading**
(Sponsored by Mayor Philip Levine)
(Legislative Tracking: Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. Item referred to the Planning Board between first and second reading. **Ordinance approved on first reading as amended.** Motion made by Commissioner Grieco, seconded by Commissioner Malakoff. Ballot vote: 7-0. Second reading, public hearing scheduled to **July 8, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Thomas Mooney to place on the committee agenda and to handle.**

Amendments:

Install pump stations without DRB approval.

Master landscaping/screening design of the pump stations shall be reviewed by DRB.

TO DO:

Commissioner Weithorn to sponsor a new Ordinance regarding noticing requirements.

REFERRAL:

Planning Board

Thomas Mooney, Planning Department Director, introduced the item. He explained that currently the DRB for properties located outside a Local Historic District is required to review infrastructure improvements. This Ordinance would exempt stormwater pump stations installed by the City from that review, since there are so many pump stations being installed in so many different locations and having DRB review would be very difficult to do.

Commissioner Malakoff attended most of the Blue Ribbon Panel meetings on the subject of sea level rise and flooding, and there is a commitment on behalf of the City, and she wants to confirm that this is true, to screen or landscape all the pump stations installed in the City. She wants everyone to know that eventually these pump stations will be either landscape or have screening or an enclosure around them to make them more aesthetically appealing.

Eric Carpenter, Public Works Director, stated that they are under contract with the Architectural Firm of Bill Lane to come up with architectural and landscaping screening features to help the pump stations blend in to the communities where they are being installed. They met recently with the company who designs Ferrari automobiles, and they are interested to see if they can help find a solution to help them look consistent with Miami Beach rather than the industrial or utilitarian appeal that they have now.

Discussion held.

Eve Boutsis, Deputy City Attorney, suggested that the item be referred to Planning Board between first and second reading.

Commissioner Steinberg has concerns with public notice. Part of the process is to inform the public of what is happening and get them involved.

Eric Carpenter, Public Works Director, informed that they are in the process of doing the design criteria package for pump stations Citywide, and as part of the process they will come up with the most appropriate location to place those pump stations, and as they go through neighborhood improvement project, there is a public involvement component before they start the design.

Commissioner Tobin asked if they could codify some type of notice or review procedure that the City commits to, so that when a pump is installed there is a plan and a process to follow.

Commissioner Steinberg understands that the project needs to be done, but they also have to be sensitive to the residents and keep them informed.

City Manager Morales stated that going forward, now that they have a more ambitious flooding criteria, all projects will know upfront how many pump stations and the proposed location and they will have those discussions as part of the BODR process neighborhood by neighborhood.

Discussion continued regarding public noticing.

Mayor Levine suggested doing a mail-in or public notice.

Commissioner Tobin suggested when installing a pump station have in place the decorative screening/enclosure procedure.

Commissioner Weithorn asked if the screening/enclosures or landscape designs can be presented to DRB, as this would help noticing issues and for the public to know; her concern is that this is not user friendly enough.

Eric Carpenter, Public Works Department Director, stated their intention was to bring back the concept that has been put together by Mr. Bill Lane, the Architect, and anyone else interested to propose a solution. The City Commission can look at that and refer to DRB.

Mayor Levine suggested 1) installing the pump stations without having to go for DRB approval, and 2) have the new design of how the pump stations are going to be masqueraded, the final design will have to go to DRB.

Discussion continued.

Commissioner Steinberg suggested having the design standard go to DRB.

Commissioner Steinberg agreed to have the design standard be reviewed by DRB. She expressed her concerns.

Discussion continued.

Deputy City Attorney Boutsis suggested adding language at the end of the sentence (Page 509 of the Commission Agenda), under subsection (a)(2): "the master design standard of these Stormwater pump stations shall be reviewed by DRB."

Commissioner Tobin asked to add language stating that when pumps are installed there will be a screening/enclosure put in within a certain time frame. **Eric Carpenter to handle.**

Mr. Carpenter stated that as soon as they have direction on what the time frame should be, that will be included in with the construction project.

Frank Del Vecchio is in agreement with the Mayor and Commissioner Steinberg's proposals of having the design standards reviewed by DRB; he suggested that subsequently there be a notice to the community and an opportunity for an Administrative hearing to be held so the community can understand what is being proposed. At the point of actual landscaping, there should be DRB approval with public notice. They should agree to the standards beforehand, and each specific one should include language "as provided for in DRB standards, approved by the DRB, thereafter for which public notice and administrative opportunity to be heard has been provided."

Discussion continued.

Jeff Bercow, Esq., suggested the DRB review the design of the pump stations, but the City should codify standards for screening/enclosure or landscape, and codify notices to the neighborhoods. He does not think there is a need to hold hearings, but there needs to be notice to the neighbors and homeowners associations within the area where the pump stations are to be installed.

Discussion held.

Raul J. Aguila, City Attorney, asked if they have a Code provision that the design goes to DRB, would that expedite the process. Mr. Aguila believes it will delay the process.

Mayor Levine explained that once the pump is built, the design around it has to go for review to DRB.

Commissioner Weithorn suggested adopting the item as is, and next month she will bring a sponsored Ordinance that sets forth the procedures for the screening to be reviewed by DRB and the noticing requirements, so that they can run them independently. She believes this will require a separate Ordinance.

Discussion continued.

Ms. Boutsis stated that as far as the master landscaping and screening, a sentence could be added at the end of paragraph two stating that the Master landscaping/screening design of the pump station shall be reviewed by DRB.

Jeff Bercow, Esq., suggested codifying in this Ordinance the standards for screening and landscaping without having to go to DRB; this will slow the process.

Discussion continued.

Commissioner Weithorn stated that the noticing requirement will be done separately.

Commissioner Grieco moved the item as is, with language stated by Ms. Boutsis and with a referral to the Planning Board.

Discussion continued.

10:04:12 a.m.

R5Q An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," Article II, Entitled "Public Places," Division 3, Entitled "Alcoholic Beverages," By Amending Section 70-87 Thereof To (1) Clarify That The Consumption, Service, Sale, Or Possession Of Open Containers Of Alcoholic Beverages At Sidewalk Cafes Is Only Permitted During The Hours Set Forth In Chapter 6 Of The City Code, (2) Clarify That Alcoholic Beverage Establishments Shall Not Allow Any Person To Take From The Premises Any Opened Alcoholic Beverage Container Or Any Open Or Unsealed Container Of Alcoholic Beverages, And (3) Amend The Enforcement And Penalty Provisions; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading as amended.** Motion made by Commissioner Grieco, seconded by Commissioner Weithorn. Ballot vote: 7-0. Second reading, public hearing scheduled to **July 8, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Office of the City Attorney to handle.**

Raul J. Aguila, City Attorney, explained that at the City Commission Meeting that approved the Ordinance that would prohibit the sale of alcoholic beverages on sidewalk cafes after 2:00 a.m., Commissioners Grieco and Weithorn expressed concerns that the City look at and revisit the Ordinance, which provides for penalties for having an open container of alcohol on a public right of way. What this Ordinance does is: number one, it enacts stricter penalties for anyone who has an open container on the public right of way. It takes away the former standard that the City had, in order to be cited an alcoholic beverage establishment had to knowingly serve somebody that they knew was going to take it outside, which is almost an impossible standard to issue a citation on, so the knowingly standard was taken out to make it a strict liability standard. The penalties were also increased. The proposed amendment to the Ordinance would incorporate sidewalk cafe areas controlled by the alcoholic beverage establishment as well as special event permit areas so that if one takes the alcoholic beverage outside of those areas that person is subject to citation.

Commissioner Weithorn expressed her concern for the alcohol being sold in convenience stores, sandwich shops and pizza restaurants that have beer licenses.

Raul J. Aguila, City Attorney stated that this amendment would include those establishments.

Commissioner Grieco stated that this is 100% consistent with what they have done. This Ordinance, would keep alcohol where it needs to stay after 2:00 a.m. so that there are no open containers on public property.

Discussion held.

City Manager Morales stated that there is better enforcement and compliance in the Entertainment District, allowing for better crowd control and safety, since the approval of the previous alcohol sale Ordinance.

Handouts or Reference Materials:

1. Proposed amendments to the Ordinance amending the Open Container Ordinance, on page 516 of the June 10, 2015 Commission Meeting Agenda – Distributed on the dais.

10:31:49 a.m.

SUPPLEMENTAL MATERIAL 3: Memorandum & Ordinance

R5R An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article II, Entitled "City Commission," By Amending Section 2-11, Entitled "Time Of Regular Meetings" And Section 2-12, Entitled "Meeting Agendas," By Amending The Requirements And Procedures Relating To City Commission Meetings And Agendas; Providing For Repealer, Codification, And An Effective Date. **First Reading**

(Sponsored by Vice-Mayor Jonah Wolfson)
(Legislative Tracking: Office of the City Attorney)

ACTION: Ordinance approved on first reading as amended. Title of the Ordinance read into the record. Motion made by Vice-Mayor Wolfson, seconded by Commissioner Grieco. Ballot vote: 7-0. Second reading, public hearing scheduled to **July 8, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Office of the City Attorney to handle.**

Amendment:

- Amended Ordinance distributed on the dais.
- Additional amendment on the Floor: If an item is not addressed in the Regular Commission Meeting, if no direction is given as to when the item will be heard, by default it will go to the next Regular Commission meeting. If a Commissioner believes it must go to the Presentation & Awards meeting, then it goes through the procedure listed in the Ordinance.
- Commissioner Weithorn suggested adding "clerical errors" to the type of items that can be added after print day.

Vice-Mayor Wolfson introduced the item.

Raul J. Aguila, City Attorney, explained that amendments being handed to the City Commission are friendly amendments suggested by Commissioner Malakoff during Agenda Briefing; this is first reading. This Ordinance has four points: 1) deals with the issue of sponsoring or co-sponsoring. An Ordinance cannot be presented without a sponsor. The sponsor is the primary sponsor of the Ordinance and controls the procedure and process related to that Ordinance. The procedure proposed is if another Commissioner wants to co-sponsor an Ordinance, he or she has to get the consent of the primary sponsor to be able to co-sponsor, and that consent would be made by making a request to the City Clerk. A co-sponsor once approved can withdraw support at any time without consent; 2) the way the City Commission deals with addendum items and materials not advertised on the Agenda in time for the print day, which is normally the Wednesday before the City Commission meeting. If there is no title at that time, and it is subsequently submitted, it would be considered an Addendum Item; the Mayor would have the discretion whether or not to put the item on the Agenda or not; if Mayor declines to add this item to the Agenda, then a Commissioner can have the item placed by 5/7 votes; 3) time Certain has been done customarily at the determination of the Mayor; a Commissioner can request a time certain, but the final say is with the Mayor. 4) the Presentation and Awards Meeting, so that it is not overloaded with items will require that an item can be added to the Presentation & Awards meeting the Mayor would have to approve it, if Mayor declines to add this item to the Presentation & Awards Agenda, then a Commissioner can have the item placed by 5/7 votes.

Vice-Mayor Wolfson stated this gives a process by which the Agenda items occur, and from a transparency point, the public will get to see the agenda without surprises.

Commissioner Malakoff stated that the amended Ordinance that was handed out on the floor contains an error; sections (c)(3)(b), on page 3, and (e)(2)(b), on page 4, were erroneously

crossed out. Items that which the Mayor does not agree to place on the agenda as an addendum, but that the Commission deems do not constitute a public emergency, but which need to be considered immediately should be allowed to be placed on the agenda with a 5/7 vote of the City Commission. Commissioner Malakoff added that for items that are not opened and continued or deferred, those items that are not reached they should be deferred to the next Presentation and Award or City Commission Meeting. She suggested codifying the procedures for items that were not heard/reached.

Raul J. Aguila, City Attorney, stated that language would be corrected. When an item is not covered at a Regular meeting, if it is urgent, it will be continued to the Presentation and Awards, and if not, it will go to the next Regular Meeting.

Discussion held.

Mayor Levine added that Presentations and Awards Meetings should not be loaded with items.

Commissioner Grieco agrees with the Ordinance as amended, but if an item is not addressed in the Regular Commission Meeting, by default, if no action is taken, that the default is that it goes to the next Regular Commission meeting; if a Commissioner believes it must go to the Presentation & Awards meeting, and then it goes through the procedure.

Commissioner Weithorn suggested adding "clerical errors" to the type of items that can be added after print day.

Frank Del Vecchio stated that this is another step in a positive direction, so the public knows when an item comes up, and there is some predictability.

Raul J. Aguila, City Attorney, stated that all of these procedures had been done through resolutions in the past, and believes they should be codified in one Ordinance.

Discussion continued.

Handouts or Reference Materials:

1. Email from Mayor Philip Levine dated June 9, 2015 RE: Commission Agenda R5R, suggested modifications from Morris Sunshine qualityoflife@the-beach.net.

New Item R5S:**10:00:41 p.m.**

R5S An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 70 Of The Code Of The City Of Miami Beach, Florida, Entitled "Miscellaneous Offenses," By Amending Article I, Entitled "In General," By Amending Section 70.1, Entitled "State Misdemeanors," By Creating Subsection (C) Which Provides Civil Penalties For The Possession Of Cannabis (Marijuana) For Amounts Under 20 Grams And Possession Of Drug Paraphernalia; And Setting Forth Penalties And Enforcement Responsibilities For A Violation Of Subsection 70-1(C)(1) And (2); Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading.**

(Sponsored by Mayor Philip Levine)
(Legislative Tracking: Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** See discussion details with item R9Q. Motion made by Commissioner Grieco, seconded by Vice-Mayor Wolfson. Ballot vote: 7-0. Second reading, public hearing scheduled to **July 8, 2015.** Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Office of the City Attorney to handle.**

Announcement:

City Manager Morales stated that John Ripple would fill the vacancy in the Beach Management position. Mr. Ripple is well known in the hotel industry and they will bring him on board.

R7 - Resolutions**11:05:07 a.m.**

R7A A Resolution Adopting The Third Amendment To The General Fund, Enterprise Fund, Internal Service Fund, And Special Revenue Fund Budgets For Fiscal Year (FY) 2014/15. **10:05 a.m. Public Hearing**

(Budget & Performance Improvement)

ACTION: Resolution No. 2015-29047 adopted. Public Hearing held. Motion made by Commissioner Malakoff, seconded by Commissioner Grieco. Ballot vote: 6-0; Absent; Vice-Mayor Wolfson. **John Woodruff to handle.**

John Woodruff, Budget Director, introduced the item. He went through the amendments to the operating budget, and it reflects several items added mid-year by the City Commission. The first item is additional lifeguard coverage, the City Commission approved adding six new lifeguard stand locations and that includes the prorated costs associated with two lifeguard stands between 43rd and 57th Streets before the end of the fiscal year. The license plate reader on MacArthur Causeway, which the City Commission approved moving forward with that project, this funds \$150,000 of the total amount that is estimated between \$291,000 and \$391,000 at this time. The third amendment includes a new Beach Maintenance Director position in the Parks and Recreation Department to provide much-needed enhanced oversight to all activities impacting the City's beaches. As Saul Frances, Parking Director, stated previously, the City Commission approved Ordinance 2015-3922, which requires all contractors to provide construction management plans for projects in excess of \$250,000; this includes prorated funding for one position. Lastly, he mentioned a housekeeping item that some costs were moved from one fiscal year to another.

Commissioner Tobin asked for the financial impact in regards to the lifeguard stands and asked if they were adding positions.

John Woodruff, Budget Director, stated that they are adding four positions.

Virgilio Fernandez, Fire Department Chief, stated that there would be 14 new lifeguard positions, at a cost of approximately \$802,000 a year in salary for lifeguards and equipment.

Discussion held.

John Woodruff, Budget Director, stated that the increase is coming from the resort tax fund.

Commissioner Tobin asked how many Engineering Assistants they will be hiring, and at what costs.

Saul Frances, Parking Department Director, answered that they looked at job classifications to try to determine what the most appropriate classification was, and they could look into hiring Engineering Assistants at different degrees, at a cost of \$90,000. **TO DO:** Explore if a lower classified position could perform the job duties required. **Saul Frances and Sylvia Crespo-Tabak to handle.**

City Manager Morales announced that John Ripple would be the new Beach Manager. This position was proposed by Commissioner Tobin, two years ago, with the purpose of someone consistently taking care of the City's greatest asset – the beach.

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1018.

11:12:53 a.m.

R7B A Resolution Adopting The Fifth Amendment To The Capital Budget For Fiscal Year 2014/15.

10:10 a.m. Public Hearing

(Budget & Performance Improvement)

ACTION: Resolution No. 2015-29048 adopted. Public Hearing held. Motion made by Commissioner Malakoff, seconded by Commissioner Grieco. Ballot vote: 6-0. Absent: Vice-Mayor Wolfson. **John Woodruff to handle.**

John Woodruff, Budget Director, introduced the item. This is the fifth budget amendment for the Capital Budget and includes two parking projects that need additional funding, one renewal and replacement, a project for an air handler replacement at Fire Station 4. There are three projects that are affected due to timing issues with the proposed water and sewer bonds, and because the money is not available yet, they will use other funds until that time. There is a 16-inch water main project on 63rd Street that needs additional funds and miscellaneous wastewater upgrades, but that is also related to the bonding schedule.

City Manager Morales stated that they have been trying to use the funds from the water and sewer bond money first. This money has been collecting for 12 or 14 years, and this has been part of the reprogramming effort.

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1018.

10:15:00 a.m.

R7C A Resolution Pursuant To Section 142-425(d) Of The City Code, Waiving By 5/7th Vote Of The City Commission After Public Hearing, The Development Regulations Under Chapters 130 And 142 Of The Land Development Regulations Of The City Code Pertaining To Required Off-Street Parking Spaces And Minimum Required Setbacks, At The Bass Museum Of Art, 2100 Collins Avenue. **10:15 a.m. Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

ACTION: Open and continued to **July 8, 2015** by acclamation. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Thomas Mooney to handle.**

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1018

02:45:21 p.m.

R7D A Resolution Pursuant To Section 82-37(a)(2) Of The City Code, Setting A Public Hearing To Consider Approving, On Second Reading, The Transfer, Via Quit Claim Deed, To The Florida Department Of Transportation (FDOT) The Property Identified In Exhibit "A," As The Property Has Been Constructed Upon By FDOT And Utilized As A Turning Lane From Michigan Avenue Onto Alton Road; Containing Approximately 4,014 Square Feet In Total Area; Further Waiving, By 5/7th Vote, The Competitive Bidding Requirements And Independent Appraisal Requirements Of Section 82-39(b) Of The City Code, Finding That The Public Interest Would Be Served By Waiving Such Conditions; Directing The Item Be Sent To The Next Finance And Citywide Projects Committee Meeting; And Directing The City's Planning Department To Prepare A Planning Analysis Pursuant To Section 82-38 Of The City Code. **First Reading**

(Office of the City Attorney)

ACTION: Resolution No. 2015-29049 adopted on first reading. Second reading, public hearing scheduled for **July 8, 2015**. Motion made by Commissioner Weithorn, Seconded by Commissioner Grieco; Voice vote: 6-0. Absent; Vice-Mayor Wolfson. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Office of the City Attorney to handle.**

Eric Carpenter, Public Works Director, stated that this is situation where FDOT has been using City owned property along the western edge of the golf course for the turning lane from westbound Michigan Avenue to northbound Alton Road. It is approximately seven feet at its widest point and three feet at its narrowest point. They are looking to clean up the property rights associated with it before FDOT proceeds with safety improvements on southbound Alton Road to eastbound Michigan Avenue.

02:46:46 p.m.

- R7E A Resolution Approving And Authorizing The City Manager, Or His Designee To Submit A Grant Application To The U.S. Department Of Justice For The Fiscal Year 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, For Funding In The Approximate Amount Of \$62,874 For Police Department Priorities; Approving And Authorizing The Appropriation Of The Above Grant; And Further Authorizing The City Manager, Or His Designee, To Take All Necessary Steps And To Execute Documents In Connection With The Aforestated Grant Including, Without Limitation, Applications, Grant And Funding Agreements, And Audits.
(Budget & Performance Improvement)

ACTION: Resolution No. 2015-29050 adopted. Motion made by Commissioner Weithorn, seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Vice-Mayor Wolfson. **John Woodruff to handle.**

Judy Hoanshelt, Grants Officer, explained that the item is a request to submit a grant to the Department of Justice. The Federal Government requires the City to make this information available to the public and that is why it is included on the Agenda separately. There are no matching funds or long-term commitment.

- R7F A Resolution Adopting The City Of Miami Beach's Revised Public Records/Request Policy As The City's Official Public Records Policy And Repealing The City's 2005 Public Records/Request Policy.
(Office of the City Clerk/Office of the City Attorney)

ACTION: Item deferred. Commission Meeting. Lilia Cardillo to place on the Commission Agenda if received. **Rafael E. Granado and Office of the City Attorney to handle.**

2:47:43 p.m.**SUPPLEMENTAL MATERIAL 4: Revised Memorandum & Resolution**

- R7G A Resolution Approving And Authorizing The Allocation Of State Housing Initiatives Partnership Program (SHIP) Funds, In The Amount Of \$43,508.85, From FY 2013-2014, And \$91,955.15 From FY 2014-15, To MBCDC/The Jefferson, Inc. (MBCDC/Jefferson) For The Rehabilitation Of The Affordable Housing Property Located At 542 Jefferson Avenue; To Include The Replacement Of The Roof And Upgrades To The Nine Units Located On The Third Floor Of The Property; And Further Authorizing The Mayor And City Clerk To Execute The SHIP Program Agreement Between MBCDC/Jefferson And The City.
(Housing & Community Services)

ACTION: Resolution No. 2015-29051 adopted. Motion made by Commissioner Malakoff to vote on the second version titled MBCDC/The Jefferson, Inc., seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Vice-Mayor Wolfson. **Maria Ruiz to handle.**

Maria Ruiz, Housing and Community Services Director, introduced the item. She stated that the purpose of these SHIP funds is to be able to acquire and retain affordable housing for low and very low-income people. It can also be used for homeownership acquisition, and this item will come back for discussion at the next Commission Meeting. With this particular project, NBCDC allows the City to spend about 30% of the funds that must be expended by September 30, 2015. More importantly, The Jefferson is home to 27 elderly residents. The building has an AC unit on the top of the roof that needs to be repaired and is not operational. The roof will also be repaired and the kitchen and bathroom cabinets in all units will be repaired, as they are deteriorated. They

are required to submit weekly reports on the construction, and there will be weekly site monitoring by City staff to ensure compliance.

Commissioner Malakoff asked for clarification on the different versions received.

Maria Ruiz, Housing and Community Services Director, clarified that there is one slight edit to the actual title, it is NBCDC/The Jefferson, Inc., which is the actual owner and subsidiary of NBCDC.

Commissioner Malakoff moved the second version, which includes the title NBCDC/The Jefferson, Inc. Seconded by Commissioner Tobin.

2:23:52 p.m.

R7H A Resolution Accepting The Recommendations Of The Neighborhood/Community Affairs Committee And The Sustainability And Resiliency Committee And Adopting The May 2015 City Of Miami Beach Blueways Master Plan.

(Parks & Recreation)

ACTION: Resolution No. 2015-29052 adopted. Motion to accept the recommendations and adopt the plan made by Commissioner Weithorn, seconded by Vice-Mayor Wolfson; Voice vote: 6-0; Absent: Mayor Levine. **John Rebar to handle.**

John Rebar, Parks Department Director, introduced the item and explained that there are opportunities identified in the plan that can be explored to expand the usages of the Blue Ways. This was discussed at Committee, and amendments were made. He also pointed out that the specifications for the bike racks have the current standards, but that will be updated as they identified more standards.

Iana Stevens, EDSA representative, gave an overview of the presentation.

Click [here](#) to view the presentation

Commissioner Weithorn asked if landscape standards would be an addendum to the plan.

Mr. Rebar stated that the landscape standards are part of the entire plan; there are specifications on the Environmental Division put together along with Green Space. It should be in Appendix C. **John Rebar to provide a copy of Appendix C to Commissioner Weithorn.**

Mr. Rebar clarified that they are utilizing the plan for water taxi stops and it has proven to be a useful document. In clarifying Commissioner Weithorn's concerns, he added that the plan can be amended and it is a living document.

2:49:51 p.m.

R71 A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Change Order No. 3 To Southern Underground Industries, Inc., Dated May 26, 2015 (The Agreement); Said Change Order In The Amount Of \$417,309, Plus A Project Contingency In The Amount Of \$41,731; For A Total Cost Of \$459,040; For Installation Of Additional Check Valves On Outfalls In Various Locations Requiring Protection From Tidal Flooding Including: Indian Creek Drive, From 24th ~~26th~~ Street To 41st Street.

(Public Works)

ACTION: Resolution No. 2015-29053 adopted as amended. Motion made by Commissioner Malakoff to move the item from 24th Street to 41st Street, seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Vice-Mayor Wolfson. **Eric Carpenter to handle.**

Amendment:

From 24th Street to 41st Street

Eric Carpenter, Public Works Director, introduced the item. The recommended Change Order No. 3, with scope of work that includes 19 individuals backflow preventers on the stretch of Indian Creek Drive between 24th and 41st Street, as well as five other prominent locations Citywide, and three vertical high pressure wells, for which they are looking at a trial backflow preventer program on those wells. This is to put the backflow preventers in, and they may be coming back later with some sort of makeshift curbing or sea flow to prevent the overtopping of the walls along that strip.

Commissioner Tobin asked if the design engineers had been contacted to discuss the vertical wells.

Discussion held.

Raul J. Aguila, City Attorney, informed that Commissioner Malakoff had pointed out to the City Manager and himself during Agenda Review that the proposed Change Order contains an error. It references 24th Street to 41st Street, and it should be 26th Street to 41st Street.

Discussion continued that there was uncertainty as to where the program should commence, and Mr. Carpenter requested that the location be broaden.

Commissioner Malakoff moved the item including from 24th Street to 41st Street.

Commissioner Steinberg asked how many change orders are expected and Mr. Carpenter stated that he does not expect any more change orders.

2:53:58 p.m.

R7J A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Agreement Between The City And Limousines Of South Florida, Inc., For Maintenance And Operations Of A City Of Miami Beach Trolley System For Municipal Circulator Services, For The Alton-West Trolley Service; Said Amendment Extending The Agreement, Upon Termination Of The Current Six Month Renewal Term, Commencing On August 1, 2015, On A Month-To-Month Basis, Until Such Time As The Alton Road Construction Project Is Completed.

(Transportation)

ACTION: Resolution No. 2015-29054 adopted. Motion made by Commissioner Malakoff, seconded by Commissioner Grieco; Voice vote: 6-0; Absent: Vice-Mayor Wolfson. **Jose Gonzalez to handle.**

Jose Gonzalez, Transportation Director, explained that this item extends the agreement the City has with trolley operator, Limousines Of South Florida, Inc., on a month-to-month basis until the completion of the FDOT Alton Road construction project. That project has experienced an extension from about mid-July to October 1, 2015, and so this allows the City to continue to provide trolley services on a monthly basis until the project is over.

2:54:55 p.m.

R7K A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee Regarding The Proposed Middle Beach Trolley Route And Service Plan; And Authorizing The Mayor And City Clerk To Execute An Interlocal Agreement With Miami-Dade County For Municipal Circulator Services In Middle Beach.

(Transportation)

ACTION: Resolution No. 2015-29055 adopted. Motion made by Commissioner Steinberg, seconded by Commissioner Malakoff; Voice vote: 6-0; Absent: Vice-Mayor Wolfson. **Jose Gonzalez to handle.**

Jose Gonzalez, Transportation Director, explained that in order to operate circulator services in Miami-Dade County, they need the County's approval, and that approval is granted by way of an Interlocal Agreement with Miami-Dade County. They have received an agreement, which will now start to through the channels, including approval by the City Commission, to a County Subcommittee and ultimately to the Board of County Commissioners. Once all approvals are received, the City can begin to operate. He clarified that this is for the Middle Beach loop, which is for the southern portion of the Middle Beach trolley.

Commissioner Steinberg thanked Mr. Gonzalez for the work on this item.

11:40:56 p.m.

R7L A Resolution Adopting The Amendment To The City Budget For Fiscal Year 2014/15.
(Sponsored by Commissioner Michael Grieco)

ACTION: Resolution not approved. Motion made by Commissioner Grieco for a one year pilot; seconded by Commissioner Tobin; Roll Call: 3-4; Opposed; Mayor Levine, Vice-Mayor Wolfson and Commissioners Malakoff and Weithorn. **John Woodruff to handle.**

Commissioner Grieco explained that back in April, this Commission, short two of members, unanimously voted to support the 55 families that were boxed out by way of the lottery from the VPK (Voluntary Prekindergarten) system from the public schools. Currently somewhere in excess of 250 Miami Beach feeder pattern children receive six hours of voluntary Pre-K through the public school system. Unfortunately, because of the State only funding for three hours at \$2,400 per student, and the shortage of Title I funding, 55 Miami Beach families currently do not have access to the School Districts' more robust six hour VPK. This is something that was brought to his attention a couple of months ago. He applauds the majority of his colleagues who have supported him on it, and now they need to find the money to help these children and these families, some of whom are actually families that work for the City of Miami Beach. They found where they can create the classrooms and the funding that does not come from tax dollars, so any argument that is made, that this is some sort of double taxation is not so because they have an education compact. As part of that education compact, the Waste Haulers have been contributing for several years, and there is an untouched, not appropriated savings of over \$450,000 that just sits in an account earmarked for education and is not being used. The funding package, on page 618 of the Commission Agenda, is right around \$250,000 that would come out of the \$450,000 sitting in the savings account. The funds would go to get these 55 kids what they need in order not to get behind when they begin Kindergarten. He has received some pushback from his colleagues; he received a letter last night, which was distributed this morning, where folks in the community, not in our community, but outside of the community, think that they would be bailing the State out, because the State is not doing its job, and the answer is, they are absolutely going to do that. There is a Constitutional amendment that provides for Pre-K, and the State Legislature decided that instead of providing a more robust six-hour tier to Pre-K programs, that they would only fund a tier one program at \$2,400 per student. The State is not doing enough. In the meantime, there are 55 children that are boxed out of this, and that is the problem now. This is not unheard of thing; they have a partnership with the School District with the IB program; they have allowed streets to be closed off for a private school in the City. It is not unheard of for this Commission to supplement what the State is doing. For example, the City is contributed contributing over \$200,000 to the Alton Road program, which is a State project. Once that program is finished, they are putting in another \$250,000 in pavers and added pedestrian safety because the State was not willing to do it. He is not reinventing the wheel here. He is asking his colleagues that voted for this in April to support him on this item and encourage them to vote for the funding to be pulled from the Waste Haulers savings account and fund the program, even if it is a pilot program.

Mayor Levine commended Commissioner Grieco for this worthy and noble initiative but he will be clear on how he feels. In researching this issue, and understanding that the State provides every single four-year old three hours of State VPK, but they also know they have a list of all the Pre-K providers whether private, public or religious, that offer the services on Miami Beach. Personally, as a taxpayer, he is uncomfortable paying for something that he believes they pay for not once, but six times as a donor community, to the School Board of Miami-Dade County. They resisted having Charter Schools in the City, because people want to give the County the opportunity to make the schools better. He has not personally seen any students, staff, received emails or calls since he was elected Mayor, about this gap. The 55 families are provided vouchers from the State

of Florida, and as a City, it is a big policy decision to provide additional hours for Pre-K. He believes this initiative would be better served in the private sector; start a Pre-K Trust, raise money and it can be done. The idea is good, but his concern is that they may open up a floodgate to say to the School Board that the City is going to go above and beyond and put the City's money on this.

Vice-Mayor Wolfson clarified that from a policy perspective those voting against it, is that services are already being provided. He showed a list of providers of VPK services in Miami Beach; the 55 families can attend any of the providers on the list. The notion that people are being left behind is not the case, since they can attend any of the providers listed. The waste hauler services and franchise fees are paid by residents, and it is a tax that is coming through them, since they increase the rate to the residents. This opens the City to an obligation to have this recurrent funding item, and as the Finance Chair, they need to be cognizant of these facts. They are looking at ways to making the City fiscally responsible in the future. Education is not the City's core mission. The City government is here for public safety, quality of life issues and other issues. He read a letter from David Lawrence, Jr., into the record. He believes that getting the State off the hook would not be a wise thing to do. The way to support this is to find ways for the School Board to provide the funds needed.

Mayor Levine, stated for the record, that David Lawrence, Jr., is a member of the community; he is the former editor and publisher of The Miami Herald and the author of the Constitutional Amendment that provided this Pre-K care.

Commissioner Tobin hoped this would not become a political football, but to the point made that the City is already paying for this, that the taxpayers are upset, and that the City should uphold the authority that is responsible for this and not take on their responsibility, he added that the City has taken the transit responsibility with the trolleys to the tune of \$6 million per year, which is a recurring fee, yet the taxes paid for transit are paid to the County. He thinks children are just as important as trolleys, and they are a lot less expensive, \$250,000 versus \$6 millions of dollars, and in David Lawrence's letter, he chastised the School Board and said that the City should charge them with doing their responsibility since they are already paid. He spoke to Mr. Lawrence personally and he said that his committee stated that six hours was the best, and children would have the choice of six hours, but the Legislature would only fund three hours. He said unequivocally that six hours was the preferred time for education, but this is the Legislature's responsibility. He respects Mr. Lawrence a great deal, but everyone has their own perspective on holding someone else responsible, and if they were to stand on that principle, they know that these 55 children would do better in six hours programs, but the Constitutional Amendment states you get paid for three, so the City should not kick in for the other three to have this robust program. They pay a bigger price when they do not educate children properly. He agrees this is the perennial decision they have to make, but he would rather see this paid out of the general fund. He supports Commissioner Grieco.

Discussion held.

Vice-Mayor Wolfson fails to see the rationale or logic here; it is the State's responsibility.

Commissioner Weithorn would love to work and partner with one of the organization on the list and make this work, but she has to make a decision, and she is not prepared to support this today. She does not have a true budgetary perspective to see what those funds can be used for. She does not believe this is a \$250,000 problem; this can turn into a larger commitment; there are not sufficient funds at this point. She is committed to find solutions, but cannot make a decision without more information. She will not support something and then take it away. When making

decision for children you cannot take them away.

Commissioner Malakoff is disappointed in the dysfunction of the Legislature in not allocating more funds; however, it is not up to the City to do something to solve the issue. She agrees with Mayor Levine that raising funds from the private sector and create a Trust is a great idea, and she would love to assist with that.

Mayor Levine stated that Commissioner Grieco has an amazing idea and he applauds him for pushing this to provide additional services to these Pre-K students, and he will work with him on concepts to raise funds from private sectors.

Commissioner Grieco stated that the franchise fee was created to support education; this amount has been sitting in an account for years, and no one has prioritized it. Regarding the hours, what the State mandates and funds is \$2,400 per student for one non-certified teacher for 20 children. The School Board provides, as a provider of VPK, six hours with a certified Pre-K teacher and a paraprofessional. The list of providers shown does not provide certified professionals. He is disappointed to hear that he does not have the support of the City Commission. His amendment drafted is for a one-year pilot program.

Discussion continued.

Commissioner Malakoff explained that the funds set aside from the waste haulers was specifically earmarked for IB schools, as this can be very expensive. She would be willing to approve using the money for one year only and give time to set up some private funds to be used in the future, but she does not want to take the School Board or Legislature off the hook.

Discussion continued regarding funds earmarked for the IB program.

Commissioner Grieco moved the item for a one-year pilot; seconded by Commissioner Tobin.

Commissioner Steinberg supports Commissioner Grieco for a one-year pilot program, and it should be per child.

Discussion held.

Commissioner Weithorn is concerned that it is not \$250,000 going forward. She does not support using non-recurring savings to fund for recurring expense, even for one year. She does not want to give these parents the expectation that this funds will be there forever and secondly other families would want the same opportunities for their children, and the City just cannot afford this.

Discussion continued.

Handouts or Reference Materials:

1. Letter dated June 5, 2015 RE: Children's Movement of Florida signed by David Lawrence, Jr., Chair to Mayor and Commissioners of Miami Beach.
2. Email and attachment from Fatima Perez RE: Letter from David Lawrence, Jr., Chair of the Children's Movement of Florida.

2:56:18 p.m.

SUPPLEMENTAL MATERIAL 2: Memorandum & Resolution

R7M A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Invitation To Negotiate (ITN) 2014-170-SW For A Gated Revenue Control System For The City's Parking Garages; Approving The Material Terms Of An Agreement Between The City And Skidata, Inc., As Set Forth In The Term Sheet Attached As Exhibit "A" Hereto; Authorizing The City Manager And The City Attorney's Office To Finalize The Agreement Based Upon The Material Terms Approved Herein; Provided That They May Make Any Non-Substantive And Non-Material Revisions And/Or Additions To The Agreement, As They Deem Necessary; Authorizing The Mayor And City Clerk To Execute The Final Agreement; And, In The Event That The City Is Unable To Finalize Successful Negotiations With Skidata, Inc., Authorizing The City Manager And The City Attorney's Office To Negotiate An Agreement With Amano McGann, Inc. Based Upon The Material Terms Approved In Exhibit "A" Herein (Provided That They May Make Any Non-Substantive And Non-Material Revisions And/Or Additions To The Agreement).
(Procurement/Parking)

ACTION: ITN deferred. Item referred to the Finance & Citywide Projects Committee to have a conversation about the different revenue control options for garages. The discussion to include the enforcement component, what is earned per spot, what citations contribute, and what other cities do. After the discussion, the committee will recommend whether the ITN should be thrown out or not.

Motion made by Commissioner Grieco, seconded by Commissioner Weithorn. Voice vote: 7-0.
Alex Denis and Saul Frances to handle.

REFERRAL:

Finance & Citywide Projects Committee - Refer ITN

Saul Frances, Parking Director, explained that the item before the Commission is the recommendation to accept the award to Skidata for parking revenue control equipment for City garages. The City has 10 parking garages, comprised of approximately 6,000 parking spaces, which generate about \$16 million of revenue a year, about 3.3 million vehicles pass through the garages annually. The City is on track for the centralized monitoring, and this award will assist the Parking Department in getting to that, which essentially is controlling the access to the garages from a centralized monitoring location. they estimate that there will be a savings of about \$1.8 million. Skidata was established in 1977, it has been in North America since 2000, they are in 90+ countries, with over 7,000 parking facilities. Some of the advantages of Skidata are system functionality, ticket acceptance of credentials is mag-stripe as well as barcode simultaneously, they have a robust validation and auditing systems for validations, and their references were satisfactory. As to cost, although somewhat negligible on a \$6.7 million contract, Skidata was \$175,000 less than the second ranked firm was.

Commissioner Grieco reminded his colleagues that he voted against the ITN to begin with. Commissioner Grieco thinks that this is antiquated thinking; they should be rethinking this entire process. Commissioner Grieco disagrees with this item and will vote "No" on this item.

Commissioner Tobin requested more information.

Commissioner Weithorn stated that she has been uncomfortable with this since day one. What she has seen in the past two weeks has made her even more uncomfortable. She suggested rethink this. She thinks that two years from now parking will be very different. She already sees it in some locations. This is one of two items she would like to see them restart.

Commissioner Malakoff inquired as what other types of parking garages exist.

Commissioner Grieco suggested getting rid of the arms; not having an automated entry. Right now, the City charges for parking garages a dollar an hour - whether you are resident or a nonresident. It is \$1.75 to park on the street. In addition, there is the money collected from violations. They are leaving so much money on the table, as oppose to South Miami, for example, they do not have gated garages, here is a way to do this, for example, they can use the App. This is antiquated thinking and there is a better way to do this. Before they pay millions of dollars to completely revamp a system to a new system that is outdated now, Commissioner Grieco thinks they should be rethinking this. This is before Commissioner Grieco even saw the issues that were raised by Mr. May.

Vice-Mayor Wolfson stated that he agrees with Commissioner Grieco, and he will be supportive of Commissioner Grieco.

Commissioner Steinberg stated that they have the lower rates on the garages because they want to encourage people to utilize the garages. We want to keep the prices low so people use garages, not park on the streets.

Mayor Levine stated that he agrees with Commissioner Grieco.

Commissioner Malakoff expressed that whatever they do, it is important to charge more for parking in the streets than in garages. The idea is to have people park in garages and not use the on the street parking. As far as to how best to operate a City garage, she is not familiar with this.

Commissioner Grieco stated that for street parking, people should use the App, as it is less expensive for residents.

Discussion continued regarding the 40% discounts received by residents who use Park Mobile.

Brian May, Esq., representing Amano McGann, Inc., made reference to letters sent over the last few weeks, for the record, they were sent without knowing whether his client would finish first or last in the process, but in observing the process, it was clear that the third ranked bidder halfway through the process actually withdrew from the process in December 2014, and later teamed up with the number one ranked proposer to provide maintenance services on an exclusive arrangement that would apply to this contract. He alleged that this is collusion between two bidders. For that reason he asked that the ITN be tossed out and start new.

Commissioner Tobin asked what the new system that is being referred to is.

Saul Frances, Parking Department Director, explained that the system that is before the Commission is a gated system that controls access to the garage, both from a transient level, if you pull a ticket and you want to park for an hour or two, it provides accessibility through access cards or credential so that monthly parkers can use that credential. There is a validation system that provides a validation to disabled parkers. It reduces cashiers by about 40% because of the remote monitoring.

Commissioner Tobin asked if there any other systems out there for parking lots where you go in take the ticket and pay by the number and you leave. Does not the gate control whether you can get out or not and the reader reads whether or not you paid the parking?

Mr. Frances explained the pay by space system, which is a system where each space is numbered, and you pay for that specific space and for the time. That is typically more so in on street and off street application with metered location such as surface parking lots. It is not used in garages in some applications. The issue with metered parking is that there is the enforcement component. They will be enforcing those metered spaces with parking citations. The capture ratio is not as in a gated system; as the gated system will capture 100% of the revenue because there

is a barrier stopping folks from leaving the facility. Mr. Frances stated that there are two options, either gated or metered/pay by space.

Commissioner Grieco requested to see the numbers; they have 6,000 spots in the parking garage; he has not seen the study that shows what it would cost to eliminate all of the gates, and what it will cost on the enforcement side and the financial benefits. Commissioner Grieco added that one does not have to have an assigned spot. You have a garage, you have a pay station, you have the App on each floor, and you can enforce it accordingly. You leave something on your dashboard, or you have the App; whatever the case is.

Commissioner Grieco made a motion to throw out the ITN, refer it to the Finance & Citywide Projects Committee, and have a conversation about the different options. He suggested visualizing on a screen options available, to see what they do in other cities; how much is earned per spot, discuss enforcement, etc. He added that after the discussion the City could decide on different options at different garages based on what is appropriate for each location.

Eric Zichella, Esq., addressed comments made by Mr. May. He stated that his client is a very good installer of equipment and good maintainer of parking equipment with good reputation, and that is why the County contracts them, and that is why the City has been happy with them for a number of years. His client keeps a stock of equipment at their warehouse, and when something needs fixing, they are always available to repair it at any time. They proposed to be part of the process and continue with the City's contract as 3M distributor. Shortly after their proposal was submitted, 3M announced they were no longer going to produce parking equipment for new contracts, and unfortunately, his client had to withdraw from the process. Amano asked his client to be a distributor for them after they withdrew, as well as Skidata and BPS. His client developed a relationship with Skidata and decided to move forward, but his client is not getting this contract for Miami Beach. The notion that there is collusion is not accurate.

Mayor Levine stated that what Commissioner Grieco has brought up, and seems to be the consensus, is that they are not comfortable and they want to see new alternatives.

City Manager Jimmy L. Morales explained that he is comfortable discussing this further at Finance. Mr. Morales added that in the agenda packet, there was a two-page analysis of the different system, and staff had convinced him that under one format there was a loss of revenue.

Eric Zichella, Esq., added that PCI compliance with the City's current equipment and with credit cards is also an issue, and there is antiquated equipment in some of the garages. If the City goes through another long ITN process, there might be a possibility that the City will not be able to accept credit cards while it goes through the process; there is not going to be labor reduction.

Commissioner Grieco reiterated his motion to throw out the ITN and refer the item to Finance

Commissioner Weithorn suggested just deferring the item or referring to Finance, because if Finance comes up and decides that the other option is not financially viable, she does not want to start over.

Commissioner Grieco accepted Commissioner Weithorn's amendment.

Motion seconded by Commissioner Weithorn.

Handouts or Reference Materials:

1. Letter from Raul J. Aguila, City Attorney, dated June 4, 2015, RE: City Response to Your 06/02/15 Letter Regarding Invitation to Negotiate 2014-170-SW for a Parking Revenue Control System (the ITN).

2. Letter to Jimmy Morales, City Manager, from Brian E. May, Floridian Partners, LLC, dated June 2, 2015, RE: ITN 2014-170 SW Parking Garage Revenue Control System.
3. Materials and Terms of Agreement:
 - a) Green Cover Booklet titled Proposal for Parking Garage Gated Revenue Control System for the City of Miami Beach – ITN 2014-170-SW dated July 10, 2014, submitted by Amano McGann.
 - b) ITN 2014-170-SWS – Response to Invitation to Negotiate (ITN) from SKIDATA Kudelski Group – Parking Garage Gated Revenue Control System for the City of Miami Beach – dated 6.27.2014.
 - c) Cover Letter dated 2.4.15 from Pioneers in Parking Solutions signed by Garrett Coleman, WPS Manufacturer’s Representative with Exhibit A, Pricing, Annual Maintenance Breakdown, Project Transition Plan and Project Scheduling Chart.
 - d) Pioneers in Parking Solutions Cover Letter signed by Garrett Coleman, WPS Manufacturer’s Representative, dated 07.09.2014, including Proposal Certification, Questionnaire & Requirements Affidavit, Appendix A.
 - e) Portfolio of Parking Solutions – Introduction of the WPS Park ID/Park Advance Revenue and Access Control Platform for North America Booklet by *Driving* Parking Technology WPS Imtech.
 - f) ITN 2014-170-SW – Cost Proposal Submittal – Parking Garage Gated Revenue Control System for the City of Miami Beach Booklet dated 02.06.2015.
 - g) Amano McGann Proposal – City Parking Garage Revenue Control System ITN 2014-170-SW prepared by Robert Beltran, Sales Executive.

3:14:54 p.m.

R7N A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals With Respect To Phase II Of The RFP Selection Process, Pursuant To Request For Proposals (RFP) No. 2014-253-YG, For Design Build Services For 54” Redundant Sewer Force Main (“The Project”); Authorizing The Administration To Enter Into Negotiations With David Mancini & Sons, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement Within The Available Budget With David Mancini & Sons, Inc., Authorizing The Administration To Terminate Negotiations And Enter Into Negotiations With Ric-Man Construction, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With Ric-Man Construction, Inc., The City Manager Recommends That The City Administration Be Authorized To Terminate Negotiations, And That The City Manager Provide A Recommendation For Further Review By The City Commission; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.
(Public Works)

ACTION: Resolution No. 2015-29056 adopted as amended. Commissioner Malakoff moved the item and instructed to reduce the costs to \$10.5 million maximum during negotiations, with the same scope; if they do not reach an agreement, come back to Commission before going to the second firm; seconded by Commissioner Tobin; Voice vote: 7-0. **Eric Carpenter to handle.**

Amendments:

- ✓ Reduce cost to \$10.5 million maximum during negotiations
- ✓ Same scope
- ✓ If they do not reach an agreement, come back to Commission before going to the second firm

Eric Carpenter, Public Works Director, stated that this is a recommendation to accept the City Manager’s evaluation of the proposals that were received under RFP 2014-253-YG for Design Build Services related to the 54-inch redundant sewer force main. This project went through a two-phase procurement process. The two bidders were very close in price approximately \$110,000 separated them on a \$14 million contract. The qualifications portions of it pushed the recommended proposer ahead of the secondary proposer. Ultimately, the City has \$10.5 million

budgeted to construct this project and both bids were around \$14 million. He asked the City Commission to grant his Department the ability to value engineer the redundant force main to get it within the \$10.5 million budget.

Commissioner Weithorn stated that both bidders are asking for 40% over budget for the project, and she expressed concern that the City only received two bids for such a specific project, she would personally like to start the process over again to see if more organizations could be contacted.

Alex Heckler, representing DMSI, stated that there was a two-step process: 1) qualifications and 2) design and qualifications. His client spent more than \$300,000 creating a design, because members of the committee said this was an urgent project. The pipes were analyzed and need to be replaced. He is requesting that the City Commission allow his client to work with City staff to value engineer, and get as close to the price as they can, so that the City Commission can then make a decision. He stated that the reason Miami Beach got so few bids for this project is because the geography and geology is different from the surrounding areas, and for that reason, many companies do not wish to work in Miami Beach.

Discussion held regarding the purpose of the resolution.

Eric Carpenter, Public Works Director, stated that he is asking the City Commission to cap the budget number at \$10.5 million. If they can negotiate down to that price then they can move forward with the construction contract. The reason he is asking for that all-in-one step is that they have a window of opportunity to work in some very high priority areas of the City that need to get done before the season and if work is not started, it will be pushed to the following year.

Discussion held regarding negotiating with DMSI for \$10.5 million or the competing company.

Albert Dominguez, representing DMSI, feels optimistic of the opportunity to deliver project solution within or very close to budget, they will provide the City with a redundant system that connects pump station 1 down to South Point connection, while they are able to rehabilitate and avert an environmental catastrophe if the pipe bursts. That pipe has burst twice in the past five years. In 2011, it burst on 71st Street spilling thousands of gallons of raw sewage. In 2013, it burst again on 17th street, right by City hall. The pipe in question is between 11th Street and Commerce Street. There are eight segments of the pipe being in severe corrosion. Two of them have lost more than 50% of reinforcement. These pipes are about 50 and 70 years old, and they do not have redundancy except for the one that was put in when the pipe first burst in 2011.

Commissioner Tobin stated that they are in a difficult position, because for years, the City was not bidding on unit pricing, and they were paying 50, 60, 80% more than they should have.

Commissioner Malakoff moved the item and instructed to reduce the costs to \$10.5 million maximum during negotiations, with the same scope; if they do not reach an agreement, come back to Commission before going with the second firm; seconded by Commissioner Tobin; Voice vote: 7-0. **Eric Carpenter to handle.**

3:30:39 p.m.

SUPPLEMENTAL MATERIAL 4: Memorandum

R7O A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Change Order No. 3 To David Mancini & Sons, Inc., Dated June 10, 2015; Said Change Order, In The Amount Of \$250,000, For An Additional Scope Of Service To Include Additional Bridge Repairs On 77th Street, And A Watermain Replacement, As Part Of A Flood Mitigation Project On Crespi Boulevard.

(Public Works)

ACTION: Resolution No. 2015-29057 adopted. Motion made by Commissioner Weithorn, seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Grieco. **Eric Carpenter to handle.**

Eric Carpenter, Public Works Director, introduced the item. They are looking to replace both water mains on 77th Street bridge eastbound and westbound. The damage to the 70-year old iron pipes is due to the constant exposure to saltwater. The final repair cost will be \$250,000.

3:32:56 p.m.

SUPPLEMENTAL MATERIAL 1: Memorandum & Resolution

R7P A Resolution Accepting A Utility Easement From Aqua Master Association, Inc., Owner Of The Property Located At 201 Aqua Avenue, For The Construction, Installation, Maintenance, Repair, And Replacement Of Water Mains; And Further Authorizing The Administration And City Attorney's Office To Finalize A Grant Of Easement Agreement, In Substantially The Form As Exhibit "A" Attached Hereto.

(Public Works)

ACTION: Resolution No. 2015-29058 adopted. Motion made by Commissioner Weithorn, seconded by Commissioner Steinberg; Voice vote: 5-0; Absent: Commissioners Grieco and Tobin. **Eric Carpenter to handle.**

3:33:35 p.m.

ADDENDUM MATERIAL 3:

R7Q A Resolution Approving A Monthly Fee With SOBE 17 LLC, At The Marriott Residence Inn, Located At The Intersection Of West Avenue And 17th Street, Not To Exceed Seven Hundred Dollars For A Period Not To Exceed Three Years And/Or Until The City Approves Code Modifications To A Citywide Storm Water Connection Fee Program For A Storm Water Connection To The City's Storm Water System On 17th Street.

(Public Works)

ACTION: Resolution No. 2015-29059 adopted. Motion made by Commissioner Malakoff, seconded by Commissioner Grieco; Voice vote: 5-0; Absent: Vice-Mayor Wolfson and Commissioner Tobin. **Eric Carpenter to handle.**

Eric Carpenter, Public Works Director, introduced the item. They have made presentations to the Sustainability & Resiliency Committee, the Land Use Committee, and the Finance and Citywide Projects Committee, regarding the storm water utility fee program, impact fees, and payment in lieu of program. He stated for the monthly fee for the new Marriott hotel property will be \$700 per month. They will bring back to the City Commission next month with the presentations and figures.

Commissioner Malakoff stated that the storm water for the new Marriott hotel being built has to be connected to the City's system. They are currently looking into different areas of the City where this is done, or where it needs to be done. This way someone can permanently connect to the City's system, in order to remove water from the property adequately. She then asked what happens after the fee of \$700 monthly expires in three years.

City Manager Morales stated that this is a short-term plan, in terms of dollar amounts, until they find the right number and mechanism.

R9 - New Business and Commission Requests

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

ACTION: The following appointments and changes were made:

AUDIT COMMITTEE

Dana Kaufman Removed due to absences

BEACHFRONT MANAGEMENT AD-HOC ADVISORY GROUP

The following members were appointed by the City Commission, pursuant to Resolution 2015-29009:

Max Sklar, TCED Director	Term Ending 06.01.2016
Elizabeth Wheaton, Environment & Sustainability Coordinator	Term Ending: 06.01.2016

Representing the Lead Managing Agency:

Ocean Rescue Division Chief Vincent Casona	Term Ending 06.01.2016
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Representing Miami-Dade County, A Co-Managing Agency:

MD County's Beach Operations appointee John Ripple	Term Ending 06.01.2016
MD County's Beach Re-nourishment Program appointee Lisa Spadafine	Term Ending 06.01.2016

Representing the State, A Co-Managing Agency:

The Florida Department of Environmental Protection's Coastal Construction Control Line Program Christian Lambright	Term Ending 06.01.2016
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Representing the Local Private Property Owners:

Steve Vincenti, Sustainability Committee Member	Term Ending: 06.01.2016
Dan Kipnis, Chairman, Marine Authority & Waterfront Protection	Term Ending: 06.01.2016
Boucher Brothers appointee Steve Boucher	Term Ending 06.01.2016
Representing the Appropriate Soil And Water Conservation District:	

Representing a Local Conservation Organization:

Greg Guannel, Urban Conservation Director	Term Ending: 06.01.2016
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Elected Official Appointed by City Commission

Commissioner Michael Grieco

DISABILITY ACCESS COMMITTEE:

Correction: Dr. Elsa Orlandini's term was noted as ending in 2015; however, after reviewing her records, and for staggering purposes, she was notified of her **Term Ending in 2016.**

HEALTH ADVISORY COMMITTEE:

Marisel Losa, CEO Health Council of South Florida Term End 12.31.2016
 Dr. Richard Awdeh, Individual From Corporate Level
 Term End: 12.31.2015 Appointed by City Commission Term Limit: 12.31.20
 Rachel Schuster, Administrator from ACLF or ALF
 Term End: 12.31.2016 TL Reappointed by City Commission Term Limit: 12.31.16

LGBT ADVISORY COMMITTEE:

James Weingarten TE 12/31/2015 Reappointed by Commissioner Ed Tobin on 06/09/2015 TL 12/31/2021
City Clerk's Note: Mr. Weingarten was to be removed due to absences; however, Commissioner Tobin reappointed him on June 9, 2015 to complete his term.

MAYOR'S BLUE RIBBON PANEL ON FLOODING AND SEA RISE

Dwight Kraai Term Ending: 11.17.2015 Term extended by Mayor Levine
 Dr. Michael Phang Term Ending: 11.17.2015 Term extended by Mayor Levine
 Scott Robbins Term Ending: 11.17.2015 Term extended by Mayor Levine

MAYOR'S OCEAN DRIVE TASK FORCE

Joyce Garrett Term Ending: 8.31.2015 Appointed by Mayor Levine
 Reagan Pace Term Ending: 8.31.2015 Appointed by Mayor Levine
 Jonathan Plutzik Term Ending: 8.31.2015 Appointed by Mayor Levine
 Steve Boucher Term Ending: 8.31.2015 Appointed by Mayor Levine
 Mitch Novick Term Ending: 8.31.2015 Appointed by Mayor Levine
 Alex Tonarelli Term Ending: 8.31.2015 Appointed by Mayor Levine
 Jonathan Bennett Term Ending: 8.31.2015 Appointed by Mayor Levine
 Frank Amadeo Term Ending: 8.31.2015 Appointed by Mayor Levine
 Frank Kruszewski Term Ending: 8.31.2015 Appointed by Mayor Levine
 Ricardo Dopico Term Ending 8.31.2015 Appointed by Mayor Levine

Ex-Officio Members

Mark Taxis, Assistant City Manager
 Captain Wayne Jones, Police Department
 Hernan Cardeno, Code Compliance Department
 Nick Kallergis, Assistant City Attorney

City Liaisons:

Fatima Perez
 Jeff Oris
 Nick Kallergis, Assistant City Attorney

MIAMI BEACH HUMAN RIGHTS COMMITTEE

Carl H. Linder, At-Large Term End: 12.31.2016 Appointed by City Commission Term Limit: 12.31.21.

MIAMI BEACH COMMISSION FOR QUALITY EDUCATION IN MIAMI BEACH

Jessica Burns, Representative, South Pointe Elementary PTA

MIAMI BEACH CULTURAL ARTS COUNCIL

E. Richard Alhadeff resigned as of May 11, 2015
 Daniel Novela, At-Large TL Term End: 12.31.2015 Appointed by City Commission Term Limit: 12.31.15.

OTHER POST-EMPLOYMENT BENEFITS ("OPEB") TRUST

Tameka Otto Stewart, Budget Officer Term End 12.31.2017 Appointed by City Manager
 Yvette Thornton, Benefits Manager Term End 12.31.2017 Appointed by City Manager
 Juan Rodriguez, Treasury Manager Term End 12.31.2017 Appointed by City Manager

TRANSPORTATION AND PARKING COMMITTEE:

Delvin Fruit Rep. for Middle Beach Community Association (MBCA) 12/31/12

City Clerk's Note: Mr. Delvin Fruit is requesting his name to be globally changed to Del Fruit as of June 9, 2015.

2:43:14 p.m.

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

ACTION: The following At-Large appointments were made by acclamation:

HEALTH ADVISORY COMMITTEE:

Richard Awdeh in the Corporate Level category.

Rachel Schuster in the ACLF and/or an ALF category.

MIAMI BEACH CULTURAL ARTS COUNCIL

Daniel Novela, At-Large category.

MIAMI BEACH HUMAN RIGHTS COMMITTEE

Carl H. Linder, At-Large category.

Handouts or Reference Materials:

1. At Large Nominations Releases No. 1 – 3.

2:42:27 p.m.

R9A2 Waive The Residency Requirement To Allow Roberto Rovira To Serve On The Planning And Zoning Board.

(Sponsored by Commissioner Joy Malakoff)

ACTION: Residency requirement waived. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Voice-vote: 7-0.

Commissioner Malakoff stated that they need a 5/7 vote waiving the residency requirement of Roberto Rovira so he may serve on the Planning Board. She added that he does have an office in Miami Beach for over six months, but for the Planning Board there is a residency requirement that may be waived by a 5/7 vote of the Commission.

8:32:51 a.m.

8:33:40 a.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum.

ACTION: The following individuals spoke:

1. Lou Cohen, President of Ill Villagio Condominium Association, spoke on the impact of new developments at 15th Street and Ocean Drive on the building and residents in the area; he stated that 15th Street is a narrow street with narrow sidewalks. The new developments, Quality Meats, which is already operating, the new CVS that will be up on the south side of Collins Avenue, and nightclub on Collins Avenue will open up with a 1400 capacity nightclub operating until 5:00 a.m. 15th Street is a major entry for pedestrians to the beach. Currently there is significant vehicular and pedestrian traffic, and with the addition of the three new projects without proper planning, they think it would be a very difficult situation from a vehicular standpoint, due to the improper signalization at that intersection. He believes Il Villagio will be impacted significantly with the three projects being planned. He asked that they consider that since the new nightclub does not have an operating permit that the City take into consideration the projects being developed on the west sided of Collins, for pedestrian and vehicular safety.
2. Paul Warner, Il Villagio board member, added that every year they have more tourists and visitors coming through their neighborhood. CVS has been planning to build a new store on Collins Avenue and 15th Street; the design did not observe the 20-foot setbacks from the footpath, which is very narrow. He feels that this new CVS should have a 22 foot setback; otherwise, they will have an over congested footpath. He added that Walgreens on Collins Avenue and 14th Street has built a beautiful store, and they observed the 20-foot setbacks. They ask why CVS cannot do the same as Walgreens did. The Ordinance should not change the setbacks. This is better for the future of Miami Beach. He urged them to vote no on the item.
3. Al Berg, Il Villagio resident, thanked those who were able to meet last week. He is a businessperson, not an activist, but he has researched and analyzed the projects and learned that delivery discussions were discussed at meetings and at HPB and BOA hearings without a traffic study being done. He recommended pertinent information from the applicant, make a traffic report and redefine the definition of traffic study. Staff must get accurate information and cross-examine. This also requires an impact plan and a mitigation plan before the project is approved. They are not against development, but are against poorly planned development.
4. Jo Manning added that as a full-time resident and community activist, they are not against development. CVS and Quality of Meats are good development. These two condominium associations do not speak for them.
5. Barry Miller is concerned with combating sea level rise and recognizes the City's courageous efforts. To date the City has approached the project with hard engineering solutions. He attended the recent Climate Resiliency Summit sponsored by Mayor Levine, but he did not hear much about green infrastructure and sustainable site designs in City buildings. Green spaces are being lost across City parks, and many more are in the process of being lost unless change is made. He suggested creating a design and management of resources. Green space needs to be placed at the front as a key function, with the goal of preserving and adding green space. Green space management needs to be prioritized. As elected leaders, he asked that a message be sent about the green quality of life.

6. Sheryl Gold commented on the Bed And Breakfast prohibition, which the neighborhood definitely supports. They do not want another transient use in the neighborhood that is not compatible with single-family residential space. She stated that trees are critical functional infrastructure that is just as important as buildings and roads. Urban areas have become concrete jungles with a high percentage of pervious structures that drive storm water run-off and flooding, which is worsened by climate change and extreme weather. She added that it is time to acknowledge the important role trees and other natural solutions play in climate change. The urban forest must be part of a comprehensive climate resiliency plan. The first step, is to direct the Administration to make the urban forest a priority. The second step is to stop the mass destruction of mature tree canopy and design projects to dedicate space for planting new canopy trees while preserving mature tree canopy. The third step, is to back up the priorities with actions. They need to ensure that the management of the urban forest and green space is adequately funded, staffed, and appropriately organized to protect, preserve and enhance the tree canopy and has the tools and policies to do the job. She added that they need a tree services Ordinance, a revised landscape Ordinance, a completed tree inventory, a street master plan, strengthening the tree Ordinance and making sure the enforcement program succeeds, new Land Use policies promoting the enhancement of green space and the tree canopy by increasing set-backs and percentages of pervious space, a robust public education program that is currently nonexistent, a department to help engage property owners and appreciating the role of green space and trees, and taking back the public right of way, the swales. She met with the City Manager a couple of months ago, and she gave him three pages of recommendations from GDAC; she recommended the immediate reorganization of the management of the green space and tree canopy, and removing the responsibility from the Public Works Department. GDAC has worked tirelessly since 2000 and unfortunately, she feels they have regressed. She thanked Commissioner Tobin for his leadership and Commissioner Malakoff for her consistent support of green space. She asked for their collective support to begin today to recognize the value of trees and green space.

Mayor Levine spoke to Adam Freed and the Bloomberg folks while in New York, and they are receiving information on the Million Tree Plant Program, which was very successful in New York, and they hopefully will collaborate and guide them.

Commissioner Tobin asked to be photographed with Sheryl Gold, and thanked her for her hard work.

Handouts and Reference Materials:

1. Letter from Barry Miller
2. Notes from Venetian Island resident
3. Notes from Sheryl Gold.

1:04:13 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)

ACTION: The following individuals spoke:

1. Jennifer Turner, 5th grader at Feinberg Fisher Center, stated that her school does not have playground accessibility for students with special needs. She was told the school could not afford a new playground, and it must be accessible to all, for everyone to enjoy. They are trying to raise funds and she is determined to do this, but needs assistance. She requested donations to be made to www.gofindme.com.

Commissioner Malakoff stated that she will bring this up at the next One Miami Beach meeting, in order to contribute at least \$5,000 towards this playground.

Mayor Levine asked if they could make a motion.

Commissioner Malakoff moved, on behalf of One Miami Beach, Inc., that they donate \$5,000 towards the accessible playground at Feinberg Fischer, and to try to see what else they can do to raise money to make it happen; seconded by Vice-Mayor Wolfson; by acclamation. **Leonor Hernandez to handle. (Clerk's Note: The members of the One Miami Beach, Inc. Board are: Mayor Levine, Vice-Mayor Wolfson and Commissioner Malakoff.)**

Commissioner Tobin asked Commissioner Grieco to direct Administration to look into the feasibility of funding VPK School from the franchise fees.

Discussion held.

Commissioner Grieco informed that he will bring a related item to the Commission Agenda in July to improve school safety and playgrounds.

2. Stanley Shapiro asked Mayor Levine if he is running for Mayor this fall.

Mayor Levine answered that "*he is definitely going to run; most likely; he thinks so.*"

Stanley Shapiro complimented the City Commission for their attendance to meetings, efforts and accomplishments; he also recognized the City Attorney and the Office of the City Clerk, for being the friendliest office in Miami-Dade County. He stated, for the record, that two members of the Administration have lied to him. He also complained that the City paid thousands of dollars to Andrea Bocelli to perform but the City cannot afford to pay his seniors.

3. Daniel Ciraldo spoke on single-family homes issue and stated that the problems are still there, the homes approved are still oversized.
4. Jenna Nab stated that the house next to her will be demolished; the ceiling has cameo paintings at the end of each beam; it is a one-story house. The proposed new construction will be too large for the lot and take away her view to the sky on the north side of her house, and change her quality of life. The new houses are out of scale and have disregard for the scale of the neighborhood.

5. Linda Van Layer came to the beach in 1984; she stated that the Art Deco District, that Miami Beach is so famous for, is in unified scale as far as how the buildings are located on the lot. She is concerned that the neighborhood charm, by the size of the houses that are not respecting the fact that they are basically a modest neighborhood on small lots, will be affect the quality of life.
6. Fred Frost, representing the CWA, stated that there has been something going on for the last four years that is not transparent in government, and the City Commission may not think it is in their purview, but it is. He referred to the Transpacific Partnership, which is an agreement; no one sees it or talks about it. It encompasses 740 million people, 12 nations, representing 40% of the world economy and no one knows what is going on and that is wrong. They are very concerned about it, because it is not transparent, there is some big-time arm-twisting going on in Washington. The vote is close, and he asked how it is going to impact the people this City represents. It called wiki leeks. Prescription drugs, they want to get rid of the generic and only have brand names; it is corporate written agreement. We understand about trade and we understand we are a poor city. Food labels are gone. NAFTA promised 200,000 jobs and lost over a million. They found out today that they have an amendment that talks about that if you lose your job to outsourcing, they will provide money for a year's worth of medical insurance and job retraining for the people in this county. The money is coming from Medicare. This is wrong. He asked that municipalities send a message to the members of the Congress that their voting on the TTP is wrong.
7. Ahmed Khamsi, representing the Venetian Island Homeowners Association, and representing the majority of residents who voted for undergrounding those services. He showed photographs and stated that the fundamental reason for their approach to this body is that that the end of undergrounding project requires the full weight and support of the City of Miami Beach. Only the City can interact with FPL. What is happening is that, after so many decades of fantastic upgrades in their infrastructure, thanks to the CIP program, the City and our islands, including the Venetian Islands, have renewed water supplies or are in the process of renewing our street. It is absolutely spectacular. They are also very grateful that this government understood that the pumps were required and it was the right thing to do. He showed a number of photographs showing the streets with cables and others with the undergrounding completed, as in San Marino. Beautiful work, fantastic streets. The difference between the two pictures is notorious and it also has to do with quality of service. The brownouts and the interruptions of service are not going to go away, they will get worse. The only chance for an underground solution is to add poles. The way to solve poles shared by properties has already been done, in Hibiscus and the Sunset Island. The Venetian Island Homeowners do not have the backing of the City with FPL for the undergrounding. He distributed a letter from FPL to the City Commission and read language into the record. He added that prior commitments were made to these islands that FPL continues to honor. No such commitment was made to Venetian Islands. Why should they be condemned to a second-class island compared to Palm Hibiscus Star? They have speculated that perhaps it is a matter of, underground thing is expensive and the first one gets done on the time of residents. They need to upgrade everything; CIP will do it, they have the majority vote, they just need FPL to grandfather the Venetian Islands, and there is no reason in the world that they cannot do it, but they need the City to support them on this.

City Manager Morales explained that staff has corresponded with FPL to let them know that they have no objection to the transformers essentially being in the right-of-way, as opposed to being placed on private property. However, despite the fact that he has some contacts, they are looking at a broader issue, and to date, they have not budged on the issue.

Commissioner Grieco stated that it seems inconsistent with everything they are talking about, with the resiliency and all the plans for the future, to not underground utilities. There is an item on the agenda that Commissioner Tobin added and will address this. He is in support of this as long as it does not slow down their project. There is absolutely no reason why they should not be on the front line for all residents.

Commissioner Malakoff added that as neighborhoods have the undergrounding, and as the streets are torn up, and as pumping stations are put in, and new water mains, there is no reason why FPL could not underground the wiring at the same time. It is the most logical time to do it, and there is not a neighborhood here that would not like to see their lines undergrounded.

Vice-Mayor Wolfson stated that the issue is that their attitude toward this is not good. That is why he maintains his position that they go forward with the City's pump stations and plans, and if they can get FPL, through hard-core advocacy, to catch up, then they can move forward; otherwise, they have to finish these neighborhoods before too much time passes. He is supportive of going after FPL, and if they are not up to part, then the City must break ground to do the work.

City Manager Morales explained that it is not that FPL is opposed to underground; since obviously, they get paid to do it and residents are ready to pay for it. The issue is that in the last 10 years, at some point they had a change of engineering policy, and FPL has a very strong preference that transformers and switch cabinets not be placed in the public right-of-way, but be placed on private property or a street end. That is the ultimate issue.

Discussion continued.

Mayor Levine asked how the City could help him.

City Manager Morales recommended adopting a resolution and forwarding it to FPL management.

Direction was given to bring a resolution to the July 8, 2015 Commission meeting in support of undergrounding, and urging FPL to undertake the undergrounding of FPL lines on public rights-of-way on the Venetian Islands. **Eric Carpenter and Eve Boutsis to handle.**

Vice-Mayor Wolfson suggested inviting Aletha Player from FPL and residents to discuss.

Discussion continued.

8. Michael Leonard stated that 1920s historic homes are demolished are being replaced by large mansions; thereby impacting the surrounding neighborhood. The Planning Department conspired with the developer to bypass meetings so residents would not see the plans or have a saying in the development. The Planning Department sent notifications, including wrong addresses and corrected notices were sent but after the deadline to appeal expired without changing the date. Their appeal of department's decision was rejected because the deadline was passed. Sending the notice after the deadline is not proper; he is very upset about this and about uncontrolled developments.
9. Tetje Miedema spoke in support of Daniel Ciraldo's initiative regarding size and scale of buildings, and in support of Commissioner Tobin and Sheryl Gold's item on urban forest; she encouraged the City to add larger swales and green spaces.

10. Alba Gonzalez was here before regarding a violation for short-term rentals that had been done illegally at Octagon Towers; she thanked the City Commission because some have been issued violations for doing short-term rentals without certificates of use. They are here to continue to ask for help and for Code to continue enforcing the law to get rid of short-term rentals. Octagon was also issued a Non Safe Structures Violation, which has created additional issues.

Discussion held.

Brian Percal stated that he understands that he complied with all the pending violations, and his attorney appealed the violations; however, their attorneys are not responding to their telephone calls and hired a second attorney. He is asking the City for assistance to see what other avenues they have. The Board is not being transparent. They have no more short-term rentals. He has only one unit that he cannot sell since no one will come near the building. He urged them for assistance.

Vice-Mayor Wolfson asked if the City Manager could assign staff to follow through with this.

City Manager Morales stated that it is a Fire Code issue and Building, and Alek Boksner was handling it.

Joe Jimenez, Assistant City Manager, explained that the reason the building is still posted is that an attorney representing some of the board members is appealing the Fire Marshall and Building Official's determination, which is that if there is going to be short-term rental less than 30 days, sprinklers have to be installed throughout the building.

Vice-Mayor Wolfson stated that it seems that the Board is pro short-term rental.

Ms. Gonzalez and Mr. Percal spoke.

Vice-Mayor Wolfson stated that he believes that the appeal is to continue with the short-term rentals.

Discussion continued.

Joe Jimenez, Assistant City Manager, explained the issue and stated that Robert Fine, Esq., appealed, and there are three different appeals pending, life safety boards and Unsafe Structures. These cases are heard by County Boards.

Discussion continued regarding violations.

Virgilio Fernandez, Fire Chief, stated that the building is allowed to do short-term rentals, but what is prohibiting them from doing short-term rentals is that they do not have the life safety features, as they are in a zone that allows that; right across from the Convention Center. He is satisfied that the building is doing everything they can to prevent short-term rentals. However, his decision is being appealed as to whether the Fire Chief had the authority to give them a cease and desist on short-term rentals. One of the things the Board has asked him to do is to leave the sign of cease and desist for short-term rentals up in order to enforce.

Discussion continued.

City Manager Morales recommended reaching out to the State Condominium Ombudsman to assist them with legal advice.

Handouts or Reference Materials:

1. Chart titled Pre-1942 Home Demolition Applications in Miami Beach (per Year).

2:37:27 p.m.

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

ACTION: Update given. **Maria Hernandez to handle.**

Maria Hernandez, Capital Projects Director, informed that the City continues to be on schedule to bring a GMP amendment for approval on October 21, 2015, which will be the contract with Clark. A great deal of work has been done in the last two weeks; on June 2, 2015, they had a design kickoff workshop and it was attended by about 50 people. The team from Clark, including their architectural team and engineers, the building operator, as well as City staff, and it was the first face-to-face meeting they had with the entire team that will be proceeding with construction documents and making sure that the budget is in place. They continue to do coordination; they meet with Clark every week and with the building operator Global Spectrum. They are distributing design development drawings to get feedback from the various departments. As far as bonds, they will have parking, RDA and resort tax bonds taken to the Finance Committee on August 12, 2015 and then to Commission Meeting in September. After the approval of the GMP, they will be holding two readings that will follow in October so the bonds can close prior to construction commencement, which is still scheduled on target after Art Basel this year.

City Manager Morales stated that FIU Miami Beach Art Studio has agreed to prepare a large-scale model of the Convention Center, which can be used for marketing purposes.

Ms. Hernandez added that hotel lease negotiations continue with Portman Holdings; on July 8, 2015, they will have the first reading of the fully negotiated lease draft and a planning analysis will be brought to Commission; this will be a public hearing. The first draft to the Referendum language will be brought to Commission for input. On July 29, staff will bring to Commission the final approval for the Hotel Referendum language and the final lease. This will be a second reading of the lease and a public hearing. On September 4, 2015, the final Referendum language and lease is due to the Supervisor of Election and they are on target to do that.

Discussion held.

Mr. Morales stated that there was concern expressed whether there was going to be a particular investment owned by the Chinese government. Discussions were held with the Portman Group about it, and Jack Portman sent a letter today, a portion of which reads: *"If the City has concerns about this investor, we can bring alternate investors to this project; moreover, the lease we are negotiating has very clear requirements that a potential investor in the Miami Beach Hotel cannot be by any person or entity that is controlled by a foreign government, and we agreed by this requirement."* He added that language was drafted by the City Attorney's Office and Portman Groups has agreed to that.

Handouts and Reference Materials:

1. [Letter](#) from John C. Portman III, Vice-Chairman Portman Holdings dated June 10 2015 RE: foreign investment in hotel development transactions.

3:44:18 p.m.

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

ACTION: Update given.

Click [here](#) to view the Centennial Concert Final Budget report.

City Manager Morales circulated the documents with the final budget numbers and explained that revenues reflect that the bulk of the money was privately raised through sales and sponsorship; the City contributed \$700,000; the revenues were slightly higher than the expenses. One correction is that the talent was paid. Some of the talent had expenses that they incurred. The funds raised by the event, including the City's portion, covered the cost of the event and they had a little extra.

Discussion held regarding talent fees.

Commissioner Malakoff stated that ACT did a fabulous job.

Handouts or Reference Materials:

1. Email from Jimmy Morales dated June 9, 2015 to Mayor's Office RE: Miami Beach Centennial Update.

3:37:50 p.m.

R9E Discussion Regarding Annual Report Card For Single Family Homes New Built Applications And Lot Coverage.

(Sponsored by Commissioner Michael Grieco)
(Commissioner Malakoff on December 17, 2014
requested this item come back in June 2015 - R9P)

ACTION: Discussion held. **Thomas Mooney to handle.**

Recommendations:

Look at regulations currently in place to see if they need to reduce them further.

Commissioner Grieco explained that a year ago, this Commission agreed to do this, and the point was to make a note as to the number of demolition applications and also what the applications were for the replacement of the demolished homes, and whether or not the homes being built were maxed out.

Thomas Mooney, Planning Department Director, stated that an LTC was released in November of last year, and the item was discussed at the December 17, 2014 City Commission Meeting; this particular update focused on the new lot coverage and unit size standards and what was being submitted and approved after the comprehensive revisions to the City's single family development regulations.

Discussion held regarding transmittal of the single-family development regulations by the Planning Board.

Commissioner Steinberg requested to compare data from new homes being built now and the existing homes. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, stated that in terms of data, the data presented in December was a snapshot of new construction permits submitted after the new regulations went into effect. The data showed back then that the average lot coverage was about 28%, and the average unit size was about 42%. The Commission then asked us to bring back another report card with similar data to verify what was happening between November 1 of 2014 and today, and the data is about the same. The average lot coverage between November 1, 2014 and May 27, 2015, was 28% for new construction and the average unit size was 44%. What they are seeing is people are not building out to the 50% maximum that is permitted. Clearly, what they are seeing is not every home being maxed out at 50%, but they are bigger than they were allowed to be and what they were living in the past. Something else that is important to point out is that because homes are now required to be built at a much higher elevation, that regardless of what the footprint is, they will look bigger than their neighbors' property. Because sea level rise and for that reason alone, new homes are going to look bigger than the neighbors' property. He stated that there are inspections done to see that homes are no longer 30% lot coverage, in answering Commissioner Malakoff.

Mr. Mooney explained that all homes go through the permitting process, and inspections are done before a Certificate of Occupancy is granted.

Commissioner Malakoff suggested looking at the regulations currently in place to see if they need to reduce them further.

3:46:49 p.m.

R9F Discussion Concerning Beach Erosion And Beach Re-Nourishment Along The City's Beaches, Particularly Between 21st And 29th Streets.

(Sponsored by Vice-Mayor Jonah Wolfson)

(On May 6, 2015 item was requested to come back in June 2015 - R9N)

ACTION: Discussion held. **Eric Carpenter and Elizabeth Wheaton to handle.**

Vice-Mayor Wolfson introduced the item and stated that this item was to be brought from time to time to find out about beach assets status.

Elizabeth Wheaton, Environmental & Sustainability Division Manager, explained the U.S. Army Corp of Engineers is in the process of doing their study. They anticipated getting the report last month; however, it has yet to be released. The study will look at potential locations that can be used to sand Federally funded projects. As soon as the report is available, an update will be provided to the Commission. They will also be going to be holding a public meeting for all of Miami-Dade County regarding this report here in the Commission Chambers, and she knows that the Mayor is also planning a larger meeting with the other coastal Mayors.

Mayor Levine stated that the goal is to form an organization called SAND, and it will be made up of the Coastal Mayors of Miami-Dade County all the way from Golden Beach, to Sunny Isles to Bal Harbor, Surfside and Miami Beach, and they are also trying to reach the Mayor of Key Biscayne, because they believe if they all get together, they may have more influence and larger voice when dealing with the State, County and the Federal government. They are coming up with what the acronym SAND should stand for, and he welcomes all ideas.

Discussion held.

Ms. Wheaton stated the report from the Army Corps will be released by the end of this month.

They are expecting the report to identify sand sources, which are located in St. Lucie and Martin Counties, as well as the Ortona Mines in Central Florida. They will propose that the City use the mines from Ortona region for the next large scale re-nourishment project which is slated for the end of 2016.

Vice-Mayor Wolfson asked what they are doing about keeping the sand in place.

Ms. Wheaton stated that the only infrastructure project proposed is at 63rd Street, which is for reef ball structures; it is another Army Corp project, they have the permits and the plans. They just do not have the authorization language in order to actually implement the project. They stand in about 30 feet of water to put in place.

Discussion continued.

In answering Vice-Mayor Wolfson's questions, Ms. Wheaton stated that the current projects that happened in the last six months put about 20,000 cubic yards of sand at 53rd to 58th Streets and at 46th Street. The larger scale projects they are talking are in the range of half a million cubic yards of material.

City Manager Morales added that one interesting thing they learned in recent discussion, is that the white powdery sand everybody loves does not stay in place as much. The sand we grew up on the beach is a little darker, but it is stronger and is retained more. As these discussions go forward, clearly when the time comes to do that half a million, not all might be white powdery. These are some of the issues they will have to look at.

Discussion continued.

Commissioner Weithorn wants to know where the City is at legislatively, and she warned that they will have sand wars in the near future.

Ms. Wheaton stated that in the next few months after this report is released they will have a better understanding with how much push back they will get from St. Lucie and Martin County. This is one of the reasons the Corps is proposing the first project, as a result of this report, will be using the Ortona Mines, to ensure Miami Beach will get the sand first.

Discussion continued.

3:54:31 p.m.

R9G Discussion Regarding A Request From The Ocean Drive Association For Funding To Support July 4th Fireworks In South Beach.
(Tourism, Culture & Economic Development)

ACTION: Discussion held. Motion made by Commissioner Tobin; seconded by Commissioner Grieco to allocate \$10,000 to The Ocean Drive Association to fund the 4th of July in South Beach. Voice vote: 6-1. Opposed: Mayor Levine. **Max Sklar to handle.**

City Manager Morales stated that last year this event was moved to North Beach, and it will be held there again this year as well. The Ocean Drive Association is requesting to do their own 4th of July this year.

Max Sklar, Tourism, Culture & Economic Development Director, stated that the Association is asking for assistance from the City to do this year's event.

Discussion held.

Commissioner Malakoff stated that the Ocean Drive Association are putting up over \$21,807 and are asking the City for \$10,000.

Discussion held regarding event rotation.

- R9H Discussion Regarding Reducing Number Of Entrances To The Beach Sand.
(Sponsored by Commissioner Michael Grieco)

ACTION: Item withdrawn.

Rafael E. Granado, City Clerk, announced for the record that the item had been withdrawn per Commissioner Grieco's request.

Handouts or Reference Materials:

1. Email from Commissioner Grieco to Rafael Granado RE: Item withdrawal of item R9H.

3:57:09 p.m.

- R9I Discussion Regarding Removing The County Jurisdiction On Transportation Issues.
(Sponsored by Commissioner Michael Grieco)

ACTION: Discussion held. Commissioner Weithorn suggested taking this item for discussion to the League of Cities. **Fatima Perez & Jose Gonzalez to handle.**

Commissioner Grieco explained that in order for the City to slow traffic in Miami Beach, they need a traffic study and authorization from the County, and it was brought to his attention and he researched this, and found out that it comes from a 50 plus year old basis of the County Charter that predates much of what is going on in the County today. The reason for the County having this jurisdiction is based upon the need for continuous transportation rules. He believes the City does not need authorization from the County to change the speed limit of a road; things have changed, and he wanted to ask if there is an appetite to discuss this and potentially lobby the County to get some things done.

Vice-Mayor Wolfson asked what the City's responsibility would be as far as County roads are concerned.

Discussion held regarding City roads.

Mayor Levine agrees with Commissioner Grieco; this has been the issue for a long time because the County has jurisdiction over the City's roads and the City cannot get anything done, but what happens with the County is that it is hard to get people to give up control of things they already have control over. If the City can convince County Commissioners to give that up that control that would be great.

Discussion continued regarding delays to get things done awaiting County's approval on City roads.

Mayor Levine suggested that this City Commission should invite the two County Commissioners to Commission Meetings and discuss the item publicly.

Discussion continued.

Commissioner Malakoff stated that the major streets with traffic tie-ups and lack signalization are the main roads of the City, Alton Road, Collins Avenue, Pine Tree Drive, 41st Street, 71st Street and Indian Creek Drive, and she thinks it is a good idea to have control of City's streets. She also thinks they need to continue to get control of signalization in the City, in order to have more control over the major roads.

Jeff Bercow, Esq., explained that the County jurisdiction extends to cities in the County and it originates from a Section 2-95 of the County Code enacted in 1960 when this was a much different County. He added that if a commercial project is to be built along one of those streets, the County asserts jurisdiction over the parking lots and parking garages in the project. The County has exclusive rights to regulate traffic in the County, and he thinks that should be a City call.

Mayor Levine asked if legally they can challenge that law.

Raul J. Aguila, City Attorney, stated that this is difficult to challenge legally, because the County's defense would assert its Home Rule jurisdiction. Litigation is an option, but the County would likely prevail.

Mr. Bercow suggested that major cities collectively ask the County to carve them out of this responsibility.

Commissioner Weithorn suggested taking this issue for discussion to the League of Cities, as it alleviates the County of the financial requirement. This is a win-win. There was consensus to discuss at the League.

4:08:51 p.m.

R9J Discussion Regarding A No Tolerance Traffic Flow Map.
(Sponsored by Commissioner Michael Grieco)

ACTION: Discussion held. Item to come back to the Commission with proposal. **Jose Gonzalez to handle.**

Commissioner Grieco explained that he created a no tolerance traffic flow map, with the goal of keeping the lanes clear from City vehicles during different times of the day, to keep the traffic flowing. The maps can be distributed to MBPD, Parking Department and other City departments and they can dictate the policy; most of the areas in the map are State or County roads, but it is how traffic flows in the City.

Mayor Levine agreed to discuss this with the Police Department and propose a traffic flow policy; there also needs to be enforcement.

Commissioner Grieco added that they can start with Public Work employees and have dedicated Police Officers keeping the traffic moving. He explained that waste haulers are on board during rush hours.

Discussion continued.

Commissioner Malakoff asked when the City would get the square diagonals painted in the middle of the intersections, so as not to block the boxes in the major intersections; this is keeping traffic from going north and south, because the east/west traffic goes right through the lights on 41st Street and 5th streets. Approval is pending also from County and FDOT to put up the amount of fines for blocking the boxes.

Commissioner Grieco stated that this would be done when the County gives approval.

Discussion continued.

Commissioner Grieco stated that he would bring this item back to City Commission.

City Manager Morales stated that during the Transportation Workshop, there was commitment to prioritize modes of transportation, and the automobile was last. On most of the arterial roads in the City, there is no parking, and this is an issue that creates congestion.

Vice-Mayor Wolfson suggested having motorized police squads dedicated to monitor just traffic.

Discussion continued.

Commissioner Grieco has discussed with the Police Department and once vacancies are filled during the budget season, they may have a robust dedicated to traffic motor squad.

Commissioner Tobin asked how much of the traffic congestion is due to too many cars and not enough roads or just people stopping.

Commissioner Grieco explained that the main problem is cars stopping. The goal is to get things moving.

Handouts or Reference Materials:

1. Map of Miami Beach indicating traffic flow.

4:18:09 p.m.

R9K Discussion Regarding Securing An Air Show And Possible Private Programming Sponsorships For Memorial Day Weekend 2016.

(Sponsored by Commissioner Michael Grieco)

ACTION: Discussion held. Commissioner Grieco will bring item back with details. **Max Sklar to handle.**

Commissioner Grieco introduced the item, and explained that last year and the prior year, arrests during Memorial Day Weekend were reduced in half due to the efforts of all the departments, from law enforcement to Goodwill Ambassadors. He added that at the present time the City is ready to really program Memorial Day event, and he feels that they should look at securing private contributions for programming such as an Air Show, concert or parades, and in order to have a successful 2016 Memorial Day, they need to start discussing it now.

Discussion held regarding organizing the Air Show.

Max Sklar, Tourism and Culture Development Director, stated that there are several private event promoters throughout the country that produce Air and Sea Shows; they worked with the Armed

Services events and submit the applications to secure them to perform. Fort Lauderdale stopped the Air And Sea Show before the current one started and they were in discussion with them; they also went up to Daytona Beach. The Air Show promoters will only do it if they are subsidized by the local jurisdiction or municipality, or if the municipality helps secure the sponsors. The cost on the City's side is approximately half a million to a million dollars.

Discussion held.

Commissioner Steinberg stated that it is a great idea, but the Out Games are coming in 2017, and she thinks it will be a wonderful event for the City. She suggested doing something in 2016 leading up to the upcoming event in 2017.

Discussion continued.

Commissioner Weithorn suggested reaching out to Fort Lauderdale to get some feedback about this event.

Discussion held.

4:27:45 p.m.

R9L Discussion Regarding Amending The City Charter And City Code To Provide That, Instead Of The Board Of Adjustment, The Chief Special Master Shall Hear And Decide Appeals From, And Review, Any Order, Requirements, Decision Or Determination Made By An Administrative Official Charged With The Enforcement Of The Zoning Ordinance Of The City Of Miami Beach.

(Sponsored by Vice Mayor Jonah Wolfson)

(On April 15, 2015 item was requested to come back in June 2015 - R9P)

ACTION: Discussion held. Vice-Mayor Wolfson moved the item for referral to the LUDC; seconded by Commissioner Malakoff; Voice-vote: 7-0. **Thomas Mooney to place on the committee agenda and to handle.**

REFERRAL:

Land Use and Development Committee

Vice-Mayor Wolfson explained that this item was to have Special Master John C. **Dellagloria** handle appeals for the Board of Adjustment, and he explained that the City is doing appeals from HPB, so he thought this good be a good place to deal with the BOA appeals.

Commissioner Malakoff believes that the Board of Adjustment is well versed in these various areas of enforcement of the Zoning Ordinance of the City. The Chief is not necessarily trained or able in Land Use issues. She does not want to see the Special Master docket clogged with hearings and she would not be in favor of taking this away from the BOA.

Vice-Mayor Wolfson explained that it is the same analysis to give the job to the Special Master for HPB; that individual is an attorney that can apply the law presented to him/her. He suggested, since they will talk about Charter changes at Land Use, referring this item to LUDC.

Raul J. Aguila, City Attorney, explained that Vice-Mayor Wolfson's intent is going towards the idea that this Commission seems to be going in the direction of applying uniform procedures for Land Use Boards; oftentimes, what they found in the Land Development Regulations, is that with regard to notice issues, appeal issues, board membership qualifications and residential issues, it differs from board to board. Vice-Mayor Wolfson is proposing to have the same proposal and the

same procedure as appeals from the HPB, which go to a Special Master who is versed in Land Use issues. The one difference is that it go to a Special Master who is versed in Land Use issues, and by having it centralized, you do not possibly have to deal with the issue of waiting for the Board to have a quorum. The proposal initially presented has been somewhat changed; some would argue that the Board of Adjustment has a light load and does not have a lot to do as it is, but there is also the point that Vice-Mayor Wolfson is making in establishing some uniformity to the board appeal procedures, and that uniformity would be mirroring the HPB procedures by concentrating it in one individual rather than in the hands of an entire board.

Discussion held.

Vice-Mayor Wolfson explained that the position does not have to be that of a Chief Special Master; it can be just an attorney that can sit in a judicial fashion to preside over the legality and interpretations of the City Code. He thinks it is better to have somebody in a judicial capacity that has legal training than to be presenting the Board of Adjustment with these appeals to interpretation that is mainly legal.

Discussion held.

Commission Malakoff explained that the BOA has attorneys serving on the board and she feels it should continue. The BOA has quite a light load since the variances are not going in front of them.

Vice-Mayor Wolfson explained that many times the boards are very heavily influenced by the board attorney. A board is less likely to give a 100% independent position on an interpretation and may just rubber stamp something. It is basically going to be, at the end of the day, giving an opinion from somebody who is not necessarily as impartial; if you go to somebody who is an attorney who is being appointed to preside as an impartial judicial fashion, you are going outside and you are more likely to get a fair reading on the appeal and less likely to end up in a court of law.

Raul J. Aguila, City Attorney, mentioned that if the City Commission were to approve this, it would be subject to Referendum approval, since they are effectively amending the powers of duties of the BOA by taking this power from them.

Discussion continued.

Mr. Aguila explained that at the present time, an appeal of a decision of the HPB goes to a Special Master and that is under the City Code; the Special Master hears the appeals and rules on them. An appeal from his decision goes to Circuit Court. Under Vice-Mayor Wolfson's proposal, if the Planning Director makes an interpretation now, the appeal of the Planning Director's decision goes to the BOA, and the BOA sits as an appellate body in a quasijudicial capacity and votes on it and hears the appeal.

Discussion continued.

Commissioner Grieco stated that essentially the Board of Adjustment would have no job if they did not hear appeals, since variance powers were given to DRB and HPB. That is a practical and effective method.

Vice-Mayor Wolfson suggested that if that is the case, they can save staff time and at some point they could merge the powers of the Planning Board with the powers of the Board of Adjustment, since they do not hear variances any more.

Commissioner Steinberg is not in support of the item at this time.

Commissioner Malakoff suggested referring the item to LUDC, discuss it with the Planning Director and the City Attorney.

Vice-Mayor Wolfson is happy to refer the item.

Eve Boutsis, Deputy City Attorney, informed that the BOA has actually asked to prepare a resolution basically stating that they want more responsibility, or perhaps be done away with since they have very little work to do.

Discussion continued.

Commissioner Malakoff has discussed with BOA members and they have requested to have more items to discuss at hearings and that is why she wants to discuss this item at LUDC.

Frank Del Vecchio explained that this proposal is to transfer residual jurisdiction that remains in the BOA to the Special Master. Most BOA functions associated with applications have been sent now to the HPB or DRB; this speeds up the process although it makes the meetings longer. The question is that if administrative appeals are taken, should they go outside the system to the Special Master or should it go to a board under its jurisdiction. The Planning Director, under the City Code, has authority to make a determination and a decision. The appeal of an administrative decision, rather than going to the Special Master, it goes back to the board that made the decision on the first place. He suggested including this perspective that appeals of the administrative decisions by the Planning Director, instead of going to BOA go to HPB and DRB.

Discussion continued.

Mr. Aguila stated that if that is the case, the meetings that are long currently would be interminable.

Vice-Mayor Wolfson stated that what Mr. Del Vecchio is saying is consistent across the board, so you either send all appeals to the board of primary jurisdiction, or you would send them to a single independent outside attorney.

Mr. Del Vecchio stated that the BOA would not have any other duties.

Discussion continued.

Commissioner Malakoff added that the BOA still hears variances on single-family homes that do not go before the DRB, and it happens quite often.

Discussion continued.

Mr. Del Vecchio asked to introduce an amendment to staffing on the membership of the boards to permit a BOA member within two years after having served, to qualify for a nonprofessional position on any of the Land Use Boards. He thinks they can use the expertise that has been developed in the BOA.

Discussion continued regarding proposal.

Mr. Del Vecchio added that City boards have a relationship with the Planning Board and it is not a judicial function, this is a relationship between the Planning Department and Land Use Board, which approve stellar performance.

Vice-Mayor Wolfson invited Mr. Del Vecchio to attend the LUDC meeting to discuss the item.

Vice-Mayor Wolfson moved the item for referral to the LUDC; seconded by Commissioner Malakoff; Voice-vote: 7-0. **Thomas Mooney to place on the committee agenda and to handle.**

1:47:35 p.m.

R9M Discussion Regarding Design Of Accessible Beach Project At Allison Park, 65th Street And Collins Avenue And An Accessible Wellness Center On The Site.

(Sponsored by Commissioner Edward L. Tobin)

ACTION: Discussion held. Motion made by Commissioner Tobin to approve an expression of sentiment that this City Commission is in support of a vehicle to secure the funding to provide a facility for people with special needs, the wounded warriors and others, and bring back to the City Commission with agreement; seconded by Commissioner Steinberg; Voice vote; 7-0. **Office of the City Attorney to handle.**

Recommendations:

- ✓ Office of the City Attorney to meet with Ms. Cohen and her team to discuss long-term commitment details and draft in the form of a management agreement to lease Beach Accessible Project at 6475 Collins Avenue at Allison Park
- ✓ Add a caveat in order to allow naming rights and advertising for fundraising purposes including the opportunity to advertise outside of the building and authorizing advertising inside the infrastructure.

Commissioner Tobin clarified that, for the record, he requested this item, but it is truly a group effort and his colleagues have given their support. They are honored today to have the CEO and President of the Christopher and Diana Reeve Foundation, Peter T. Wilderotter, who is supporting Sabrina in her quest to have an accessible beach for everyone and to have some type of facility for those people with special needs.

Sabrina Cohen, founder of Sabrina Cohen Foundation thanked the City Commission and gave some background information on the project, explaining how far the Accessible Beach Project and playground has come. The noise around it, the publicity and the outcry of support to get this done has been incredible. They are at a very critical point at this time. The City has already hired a design firm, Bruce Howard and Associates, to get on board to develop the site of the beach and the playground, but now they need permanent storage for the adaptive equipment. A year ago, she met with the City Commission and the vision started out with a State of the Arts Adaptive Wellness Center that caters to the community, specifically individuals living with chronic injuries and short-term injuries; this would be a center that they could take care of them. She is proposing to the City to take into consideration, if they would allow the Sabrina Cohen Foundation a ground lease on the site and house within the Wellness Center, they could have the storage facility for the equipment, so that at one location, 6475 Collins Avenue, they can manage the Wellness Center, and the beach to the playground. She introduced Jesper Nelissen, VP and General Manager of Conill Miami at Saatchi & Saatchi Worldwide, **and** Peter T. Wilderotter, CEO and President of the Christopher Reeve Foundation, who flew a few hours to be here today to give you the confidence that we have what it takes to make this vision a reality.

Jesper Nelissen, VP and General Manager, Conill Miami at Saatchi & Saatchi, stated that he has known Sabrina for quite some time now. He has been involved with the foundation for about four years, first as an advisor and now as member of the Board of Trustees. His work with Sabrina is comprised of two parts, one is general strategic advisor as a board member on the purpose of the foundation and its strategy, and secondly, regarding the foundation public marketing and advertising profile. He also works with his agency and they have been developing manifesto and marketing materials, digital assets and also a number of videos. In regards to the proposed Wellness Center, two years ago, they developed a purpose statement and part of the statement is a focus, the one thing they work with Sabrina for - and that is to put lives back into motion. The proposal for the Accessible Beach, and most importantly the Wellness Center, is the articulation of the focus, it has the power to positively impact thousands of people living with disability, many of which are residents of Miami Beach, including senior citizens and injured servicemen and women. It is also a manifestation of the commitment of Sabrina to research to providing access to improving lives and the foundation has shown to those affected for many years. They believe that initiatives and the Wellness Center in particular, will have a profound effect on the local, regional and national level. The State of Florida has about 2.7 million people with a form of disability. Miami Beach has 14,000 residents living with disability, about 15% of the population. In a City renowned for fitness and famous as a beautiful and vibrant destination, there currently is no gym as proposed in the area to service these people. An Accessible Beach with a facility as proposed, with a Wellness Center, has the power to attract those people living with disability, their friends, family, children and supporters. This will provide a boost to local businesses and the hospitality sector, the local economy, and will benefit the City as a whole. Furthermore, the beach will be known as a tourism destination with a unique beach; a destination for those with disabilities. This fits perfectly with the vision of the City and it also fits well with a focus of putting lives back into motion. The proposed Center will be a prime example of your dedication to innovation. It will attract sports, research and university partners to be used as a training and rehabilitation center and a testing facility for adaptive technology and equipment. Sabrina has not had a shortage of attention for the plans that she is putting forth. They have seen an overwhelming outpouring of support throughout the past months, most notably the recent national campaign to seek funding, an effort covered in the local media and local TV. Engagement levels have been significant and through the roof. Ocean Drive published an article featuring Sabrina and her foundation. As her foundation's marketing and advertising partner, they are committed to further engagement and outreach through dedicated campaigns and materials benefiting the Foundation and the beach project. In conclusion, he cannot see a better purpose for a facility, a better place for this beach and a better fit between the City of Miami Beach and the Sabrina Cohen Foundation with the initiative before this Commission. He expressed his support and ongoing dedication to this project.

Peter T. Wilderotter, CEO and President of the Christopher Reeve Foundation, stated that the mantra of their foundation, epitomized by founders Christopher Reeve and Dana Reeve, is today's care and tomorrow's cure. They tell the history of individuals with spinal cord injuries and those living with paralysis; and what it was like before Chris, and what it is like after Dana; before Chris the simple proposition was, here is your wheelchair, here is pretty much what you can expect from disability and here are your medications. In his lifetime, Chris and Dana changed that. Chris was on the research side and his foundation spent over \$140 million trying to find cure for spinal cord injury and paralysis; they spent \$20 million on quality of life programs. What they love about this project, and the foundation stands behind this project is that it is at that intersection where care meets cure. The opportunities that you have are really extraordinary; if you built this facility, people will come. They stand fully behind that. He added that if he could bring Chris and Dana back and put their energy into a blender, he would have Sabrina Cohen -- she represents the best of who they are. From their foundation's point of view, one of their signature networks on the research site is in the neuro recovery network, a treadmill based therapy, which restores function for those living with paralysis. They have had 900 plus people in their networks around

the country that have gone through this therapy, and every single one has seen improvement and continues to see improvement. It will be their desire to put a neuro recovery network in this Center and it is their desire to get behind Sabrina and help her raise the money and the awareness area. He applauds the City Commission their commitment and what you have done is extraordinary and unparalleled in this country. He thanked the City on behalf of the foundation.

Mayor Levine stated that this is a great, amazing idea, and a testament to Sabrina and the community.

Commissioner Tobin clarified that Sabrina grew up in Miami Beach, and she was the unfortunate victim in a car accident and subsequently suffered paralysis. She is really a beach girl in every sense of the way. He asked Sabrina if what she is proposing is for the City to give her a ground lease on this already approved property, where they have already some federal and state funding to do the accessible park, but if they were to agree on a ground lease, that will give Sabrina enough to go out and do a capital commitment to raise the money from these various foundations to build and support this building. He asked Sabrina if that is what they are talking about.

Ms. Cohen stated that that is exactly what they are talking about.

Commissioner Tobin clarified that in the packet distributed there is a different location. He wanted to know, for clarification, if they had decided for the location to be on the 64th.

Sabrina Cohen explained that there was an error in submission, and that the address is 6475 Collins Avenue at Allison Park as agreed previously. She added that there are three parcels of land on this site, which are not utilized, and they will be using one parcel for the adaptive playground, the beach standalone and the other parcel of land where they could place the permanent structure for the equipment, raise funds and put the gym and Wellness Center on the site.

Vice-Mayor Wolfson explained that this is the right thing to do, and to be able to say that they are welcoming to all people is a beautiful thing. This is a wonderful idea.

Sabrina Cohen stated that for testimonials she can bring her voicemail and inbox, which has been flooded with messages from people around the world that want to participate.

Mayor Levine asked what they can do about wounded warriors, and he asked if they could offer these services to them.

Peter T. Wilderotter, CEO and President of the Christopher Reeve Foundation, stated that they have the resources and the veterans program, and they will be working closely with the foundation. They will help Sabrina raise funds and provide with entities, such as the one in Phoenix, AZ, the Able Center, and will bring expertise from around the world.

Discussion held regarding naming rights.

Sabrina Cohen added that Athleta sponsored them during a recent event.

Commissioner Tobin explained that he is not in support of billboards out on the streets around the City or signage.

Discussion was held regarding naming rights and advertising.

Commissioner Malakoff stated that this was discussed and they were in agreement.

Discussion continued.

Commissioner Malakoff added that 15% of the City's population will benefit. She wants to find out if this is going to a Referendum and how to they move forward.

Vice-Mayor Wolfson asked if this requires a referendum.

Raul J. Aguila, City Attorney, stated that beach or park property lease for more than ten years requires a referendum. They need a long-term commitment from the City for fundraising. If the grant applicant can show they have control of the property, he will be happy to meet with them.

Mayor Levine asked if the Referendum can be added in November.

Mr. Aguila stated that it can be done, but he would like to discuss this with Ms. Cohen and the group. They need a long-term commitment from the City for funding opportunities and he does not know whether that long-term commitment has to be in the form of a lease agreement or a management agreement. **Office of the City Attorney to handle.**

Vice-Mayor Wolfson suggested structuring this as a management agreement in order to not have to go to referendum and the City maintains ownership of the property, with a license and management for the operator.

Commissioner Tobin moved the item as an expression of sentiment that this City Commission is in support of some type of vehicle so they can secure the funding to provide a facility for people with special needs, the wounded warriors and others, and for the Office of the City Attorney to bring back after discussions.

Mayor Levine stated that they all agreed to do that, but the one thing he does not want to do to Sabrina or her foundation, is do a deal on the land and then the City does not allow naming rights or advertising and then you cannot raise money, which is their business, and he suggested adding a caveat.

Discussion continued.

Mr. Aguila suggested meeting with the group and discuss this.

Discussion held.

Mr. Wilderotter explained that their needs for advertising and naming rights would include the opportunity for the outside of the building and permission to advertise in the infrastructure.

City Attorney Aguila stated that if the Commission is in favor of doing that and there has been a precedent for advertising in buildings for not-for-profit entities, then they can make that part of the motion and he can work with them on that as well, and come up with a few options.

Discussion continued.

Ms. Cohen stated that her Executive Director Chris Makos and she have been working on this plan for over two years. She thanked the City Commission for helping paved the way with their support for the beach and the playground, and that helped them basically get to this point to

creating the vision for the fitness center and making it more of a reality, because from concept to realization they know that the need is there, and they know people want to come. They are prepared.

She read the following paragraph into the record:

“Twenty-five years ago on July 26, 1990, President George H. Bush signed the Americans with Disabilities Act, a historic moment when the policy gave voice to the nation’s highest ideals. The ADA enshrined in law a social promise of equality and inclusion into all facets of life, while offering an inspiring model that much of the world would come to embrace. As a civil rights law coming into the wake of racial and gender equality legislation, the ADA has profound symbolic meaning and real world effects. Its promise of full participation in life, stood in marked contrast to the open impenetrable social and physical barriers that individuals with disabilities face regarding inclusion in the workplace and public spaces. In supporting the ADA, Senator Edward Kennedy described life with persons with disabilities as an American apartheid. The ADA embodies the highest value of the United States, a compassionate nation with the vision to unleash the vast potential of persons with disabilities and to inspire global, social change. Let me remind you that her and her team is here to make change, and with the City’s support, together they are game changers. She thanked the City Commission.

Motion made by Commissioner Tobin; seconded by Commissioner Steinberg; Voice vote: 7-0.

4:53:07 p.m.

R9N Discussion And Update Regarding The Genting Development Project, City Of Miami.
(Sponsored by Commissioner Edward L. Tobin)

ACTION: Discussion held. **Office of the City Attorney to handle.**

Commissioner Tobin introduced the item. He suggested that it is important to keep an eye on developments, such as the Genting development project, in the City of Miami because they may negatively impact Miami Beach quality of life.

City Manager Morales stated that they monitoring issues such as gambling, but they can request planning and zoning documents from the City of Miami, if they need more information.

Mayor Levine proposed the idea of drafting a resolution asking City of Miami to keep the City Commission informed of the current developments. **Office of the City Attorney to handle.**

4:54:06 p.m.

R9O Discussion And Referral To The Neighborhood/Community Affairs Committee Regarding Undergrounding For FPL Lines On The Venetian Islands.
(Sponsored by Commissioner Edward L. Tobin)

ACTION: Discussion held in conjunction with items R9B2, Speaker 7. Mayor Levine asked the Administration to bring to the July 8, 2015 Commission meeting a resolution in support of the undergrounding, and urging FPL to undertake the undergrounding of FPL lines on the Venetian Islands. **Eric Carpenter to handle.**

No motion made to refer the item.

4:54:13 p.m.

R9P Discussion Regarding Making The Urban Forest A City Of Miami Beach Priority.
(Sponsored by Commissioner Edward L. Tobin)

ACTION: Discussion held. Mayor Levine suggested coming back with a tree planting initiative. Referred to the Sustainability & Resiliency Committee. Elizabeth Wheaton to place on the committee agenda. **Eric Carpenter, Rodney Knowles and John Rebar to handle.**

REFERRAL:

Sustainability & Resiliency Committee

Commissioner Tobin introduced the item. He stated that the City needs a holistic approach to climate resiliency, and a better balance of natural and built-in infrastructure. Pouring concrete and eliminating green spaces will not help with climate resiliency.

Commissioner Malakoff stated that she requested to move this as a priority.

City Manager Morales clarified that the tree survey is being worked on, as well as the tree trimming Ordinance. Some of the changes going on in his office, he is looking at how to restructure the City Manager's Office to include a Green Space Function Department to locate the Urban Forester working alongside Planning and Environment. Next month there will be two enhancements: 1) Approximately \$300,000 to complete the critical tree survey; 2) Redeployment of the old green team budgeted 2 years ago to deal with grease trap control.

Commissioner Malakoff asked that before developers get demolition service, a green staff member tells them what they have to preserve including the large canopy trees. Currently, people are buying waterfront property and clear-cutting to get their equipment on to their property more easily.

City Manager Morales stated that there was a great deal of internal confusion as to what the tree Ordinance did and did not allow. Property owners believed they could cut down any tree on their property if they wanted. He is preparing a pamphlet, website and a YouTube video to educate the public.

Commissioner Tobin thinks that this is part of the climate's resiliency plan and they should preserve the trees. He would like to see the City plant new trees. There are so many stretches of City construction taking out big tree specimens.

Discussion held.

Mayor Levine suggested talking to the MillionTreesNYC organization, and have this item return to the City Commission with a tree planting initiative. **Eric Carpenter and Rodney Knowles to handle.**

Lily Olenberg Furst, Miami Beach resident, stated that trees in the residential areas are their vistas, just like the ocean is to the oceanfront properties; they provide beauty, shade, home for animals, and she supports initiatives to plant and replant trees.

1. Email from Bayshore Homeowners dated June 11, 2015 RE: Support for the "Urban Forest" Initiative, Item R9P Commission Meeting 6/10/2015.

10:10:48 a.m.

SUPPLEMENTAL MATERIAL 1: Ordinance

R9Q Discussion Of Proposed Ordinance To Make The Misdemeanor Acts Of Possession Of Cannabis (Marijuana) And Drug Paraphernalia Eligible For Civil Violations And Penalties Under The City Code.

(Sponsored by Mayor Philip Levine)

ACTION: Ordinance approved on first reading. Title of the Ordinance read into the record. See action with item R5S. Motion made by Commissioner Grieco, seconded by Vice-Mayor Wolfson. Ballot vote: 7-0. Second reading, public hearing scheduled for **July 8, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Office of the City Attorney to handle.**

Mayor Levine believes that they do not want to continue focusing valuable Police resources by going after people that may have small possessions of marijuana, when they can focus on areas of greater need. Additionally criminalizing someone with a small amount of marijuana can have the potential of ruining that person's life, because it closes many doors to them. Decriminalizing marijuana is something they should consider as policy at this time, to help our Police force to focus resources in the right direction.

Commissioner Malakoff does not want to see places in Miami Beach where people are smoking marijuana on the streets. She clarified that smoking marijuana is still illegal.

Commissioner Grieco stated that he is on the faculty of the Florida Medical Marijuana Training Center, and he has worked with several groups regarding the legalization of medical marijuana. In State Statute, there is no distinction made between possession and consumption. They need to make sure that this policy makes that distinction in order for the Police to do their job. He spoke to the Chief and he wants to make sure they are focusing on what the Mayor stated, which is the possession of small amounts, not for sale.

Police Chief Oates showed a sample of what a bag of 20 grams of marijuana looks like.

Commissioner Tobin stated that this gives the Police officer another tool or option, and if they choose, they can issue a civil citation; it does not make marijuana lawful, but it is a discretion issue whether to issue criminal charges.

Raul J. Aguila, City Attorney, emphasized that the City is not legalizing marijuana, but this is giving the Police Department the discretion and enforcement method where they can issue a civil citation for someone in the possession of less than 20 grams. The fiscal impact, in terms of law enforcement resources, and what it costs to make one of these arrests is large, so in the end, it saves money and does not stigmatize the small time offender.

Police Chief Oates added that they looked at the figures from 2013, 2014 and 2015 for the charge of misdemeanors of possession of marijuana; the arrest for possession of low quantities of marijuana has consistently gone down. If there is intent to sale, the Police will then charge for possession. If the marijuana is possessed in connection with an automobile, that is another consideration; and possession would be charged. His concern is that the message they are sending is that there is the potential of getting complaints about public consumption of marijuana. There is the potential that because of this action, this may lead to more quality of life complaints, which the Police may or may not respond as efficiently as they should.

Discussion held.

Commissioner Grieco stated that every time an arrest is made, an offender has to go to the station and then be transported and bonded out, after all of that, if the person takes that case to trial, every officer gets paid time and a half, if off-duty, to appear in Court, and that is money expended, which can be put back in the City.

Vice-Mayor Wolfson thinks is time to decriminalize this issue; it really is not dangerous to the community in such a low quantity. This is a good opportunity for the City to save some money, and it is the right path for a progressive City.

Mayor Levine stated that they would take public comment on second reading.

Police Chief Oates, in responding to Commissioner Weithorn's concern regarding THC intoxication, explained that blood tests are the only way to prove whether a person is intoxicated with THC.

Commissioner Weithorn asked if as a public safety officer people would not be put at risk.

Police Chief Oates added that by this action he does not believe that this will put people at risk.

Commissioner Weithorn stated that County Commissioner Heyman is also supporting similar legislation in the County.

Raul J. Aguila, City Attorney, recognized Alek Boksner, Debora Turner, Mark Fishman, Police Chief Oates, and all who worked on this item.

5:04:58 p.m.

ADDENDUM MATERIAL 1:

R9R Discussion Regarding The City Of Miami Beach Action Plan For Special Needs Residents During A Hurricane Or Other Emergency.

(Sponsored by Commissioner Edward L. Tobin)

ACTION: Discussion held. Motion by Commissioner Tobin, seconded by Commissioner Steinberg to identify the most vulnerable in the community, in case of an emergency, and bring back a report as the action plan/progress to the **September 2, 2015** Commission Meeting. Voice Vote: 6-0; Absent: Vice-Mayor Wolfson. **Chuck Tear and Maria Ruiz to handle.**

Commissioner Tobin suggested that all the special needs individuals and elderly in the City be identified in the event of a natural disaster. We can then team them up with volunteers in the City or some employees in the City so in the event of a natural disaster or emergency, at least we have pre-identified all of people we know will need some help.

Clarisse Ferguson, Emergency Management Department, stated that there are 192 registered special needs individuals as of today with Miami-Dade County.

Commissioner Tobin requested to charge Ms. Ferguson and the Emergency Management Department with the preliminary idea of identifying the most vulnerable in the community, so that in the event of an emergency, they will get the help needed.

Ms. Ferguson stated that they would start their own database and get this started. **Chuck Tear and Maria Ruiz to handle.**

Commissioner Tobin requested that the item come back in a couple of months and let the City Commission know where the Emergency Management Department is with the project. (Item to come back to the September 2, 2015 Commission Meeting.) **Chuck Tear and Maria Ruiz to handle.**

5:09:00 p.m.

ADDENDUM MATERIAL 2:

R9S Discussion Regarding The May 27, 2015 Land Use And Development Committee Motions To: 1) Refer An Item Regarding The Repair Of The Lakeview Drive Seawall To The Full City Commission With A Favorable Recommendation; And 2) Direct The Administration To Identify The Worst Seawalls To Be Budgeted For Repair In FY 2016 And To Update The Land Use And Development Committee On The Worst Sea Walls At The July 29, 2015 Meeting.
(Sponsored by Commissioner Edward L. Tobin)

ACTION: Discussion held. See Item C6A Item 4A & 4B. **Eric Carpenter to handle.**

Commissioner Tobin requested an update.

Eric Carpenter, Public Works Department Director, introduced the item. Mr. Carpenter explained that this item was heard before the Land Use Committee on May 27, 2015. The recommendation was to bring it to the full commission for approval moving forward. Mr. Carpenter apologized that it was not done in time to get on this agenda. The Administration's plan is to bring it the next month's agenda, and the item is being brought back to the Land Use meeting of July 29, 2015 to discuss the overall seawalls.

Commissioner Tobin requested that when Mr. Carpenter comes back to discuss this issue, he identify any other areas that he feels are life safety issues that the City need to address. Eric Carpenter to handle.

5:10:25 p.m.

5:12:53 p.m.

ADDENDUM MATERIAL 3:

R9T Discussion Regarding Amending Appendix C Of Request For Proposals (RFP) 2015-178-WG For The Installation And Operation Of Citywide Automated Teller Machines At Various City-Owned Properties.
(Sponsored by Vice-Mayor Jonah Wolfson)

ACTION: Discussion held. Addendum to be done. **Alex Denis to handle.**

Vice-Mayor Wolfson explained that he was unaware, until he received an e-mail and it was explained to him, that the City required with the ATM RFP the ISO produce an FDIC insurance certificate. The issue is that the FDIC insurance certificates are not issued to ISO's. The ISOs are sponsored by a banking institution and the banking institution has the FDIC certificate; the ISOs do not have those. Therefore, it will be impossible to comply with the wording of the RFP.

Commissioner Malakoff confirmed that banks are insured by the FDIC. ISOs partner with the banks, which in turn provide them with the coverage; but the ISOs are not given the FDIC coverage by the U.S. Government.

Mr. Denis was instructed to prepare the appropriate addendum.

Staff given direction to correct this via an addendum. **Alex Denis to handle.**

Vice-Mayor Wolfson raised a second issue. The Commission wanted the ISO to show that they had at least a million dollars. Vice-Mayor Wolfson clarified that what was wanted was a million dollars in fees; not a million dollars in total pulls. Not that they pulled out a million dollars, but instead that they generate a million dollars in surcharge fees. **Alex Denis to handle.**

Handouts or Reference Materials:

1. Email from Ralph Andrade dated June 10, 2015 to Joy Malakoff RE: Amendment(s) to RFP 2015-178-WG.

New Item:

Announcement:

Joe Jimenez, Assistant City Manager, will be leaving the City and he allowed him to sit on his chair for the last time. He recognized him for the work done in the past ten years.

R10 - City Attorney Reports

R10A City Attorney's Status Report.

(Office of the City Attorney)

ACTION: Status report given.

Reports and Informational Items

1. Reports and Informational Items (see LTC 231-2015)
2. List of Projects Covered by the Cone of Silence Ordinance - LTC 216-2015.
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months From Their Referral Date.
(Office of the City Clerk)

End of Regular Agenda

Miami Beach Redevelopment Agency

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

June 10, 2015

Chairperson of the Board Philip Levine
Member of the Board Michael Grieco
Member of the Board Joy Malakoff
Member of the Board Micky Steinberg
Member of the Board Edward L. Tobin
Member of the Board Deede Weithorn
Member of the Board Jonah Wolfson
Member of the Board Miami-Dade County Commissioner Bruno A. Barreiro

Executive Director Jimmy L. Morales
Assistant Director Kathie G. Brooks
General Counsel Raul J. Aguila
Secretary Rafael E. Granado

AGENDA

Rafael E. Granado, City Clerk, announced that all members of the Redevelopment Agency are present, except for Miami-Dade County Commissioner Bruno A. Barreiro.

1. NEW BUSINESS

2:15:22 p.m.

- A** A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Accepting The Recommendation Of The City's Finance And Citywide Projects Committee, On First Reading Of This Resolution, And Approving, A Lease Agreement Between The RDA (Landlord) And Cubiche 105, LLC (Tenant), In Connection With The Use Of Suite Nos. 1-3 At The Anchor Shops, Located At 1555 Washington Avenue, Miami Beach, Florida (Premises), For A Term Of Nine (9) Years And Three Hundred And Sixty Four (364) Days From Rent Commencement, With Two (2) Renewal Options, For Five (5) Years Each; Further Waiving, The Competitive Bidding Requirement In Section 82-39(a) Of The City Code, Finding Such Waiver To Be In The Best Interest Of The City/RDA; Referring The Proposed Lease To The Planning Board, For Review And Approval, As Required Pursuant To Section 1.03(b)(4) Of The City Charter, And Setting A Public Hearing, As Required Pursuant To Section 82-37(a)(2) Of The City Code, For Second (And Final) Reading And Public Hearing. **First Reading**
(Tourism, Culture & Economic Development)

ACTION: RDA Resolution No. 614-2015 adopted on first reading. Second reading, public hearing scheduled for **July 8, 2015**. Motion made by Board Member Grieco, seconded by Board Member Malakoff; Voice vote: 7-0. Absent: Bruno E. Barreiro, Miami-Dade County Commissioner. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Max Sklar to handle.**

Max Sklar, Tourism, Culture & Economic Development Director, introduced the item. He explained that the Redevelopment Agency and the City own the Anchor Shops, which includes the retail space at 1555 Washington Avenue. They recently spoke with the new tenants that formed as a venture by the owners of Ceviche 105 and Yuca restaurants. The City and the tenants negotiated a lease agreement for ten years with a five-year renewal with annual

increases. With the two renewal options, there are certain triggers with the City Code, which requires 6/7 vote of the City Commission. The Planning analysis is included with the Agenda, if it is voted in favor, they will bring it to the Planning Board and present it to the July 8, 2015 Commission Meeting for second reading. He added that one change regarding the deposit; they will add three months to the six-month letter of credit, for a total of nine months for the term of lease, as an additional protection.

Discussion held regarding the 3% contract commission.

Vice-Mayor Wolfson suggested approving a one-year commission, but not longer than a year.

Mayor Levine stated that if they can negotiate for second reading, they could pass it on first reading. He believes that 3% commission is standing practice. He asked Max Sklar to discuss the commission negotiation with Lyle Stern. **Max Sklar to handle.**

Discussion continued.

Handout or Reference Materials:

1. Email from Rafael e. Granado dated June 4, 2015 to lour@miamidade.gov RE: City of Miami Beach Redevelopment.