



**Presentations & Awards/Commission Meeting  
City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
July 31, 2015**

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

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

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**ATTENTION ALL LOBBYISTS**

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

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

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

Meeting called to order at 4:04:09 p.m.

Pledge of Allegiance given by City Attorney Raul J. Aguila.

**4:06:22 p.m.**

Mayor Levine apologized to the residents of the City of Miami Beach, on behalf of himself and this body. One of the goals when he became Mayor of this great City was to restore professionalism and proper decorum to this legislative body. During the last City Commission Meeting, they had an episode with many exchanges that went astray from his goal; many of them here, including himself are culpable; however, they will proceed forth in the spirit of cooperation and mutual respect. They will maintain proper

decorum and follow proper procedure in conducting City business. They owe this to the City residents. In an attempt to do this, the Mayor stated that he would adhere to the following Robert's Rules of Order:

- If you wish to make a motion or speak on an Agenda item, you will wait to be recognized by the Chair.
- Following the reading of the title of an Agenda item by the City Clerk, the Mayor will ask the City Manager or, as the case may be, the City Attorney, to briefly introduce and summarize the item. If it is an Agenda item sponsored by a City Commissioner, the Mayor will recognize the sponsoring Commissioner to introduce and briefly summarize the item.
- If the item calls for a public hearing, the Mayor will immediately open the public hearing, following the introduction of the item in order to move through the hearing, and hear as many speakers as possible, the Mayor would ask that speakers keep to their time limit; keep their comments related to the item; and not engage any member of the City Commission or the City Administration in questions or debate. Speakers will address their comments to the Chair.
- At the same time, the Mayor would also ask his fellow Commissioners not engage in debate or questions directly with speakers. At the conclusion of the public hearing, the Mayor will ask for a motion on the item and then open it up for debate on the floor.
- If an item is not a public hearing, following introduction of the item, the Mayor will first ask that a motion be made and seconded, prior to opening up the floor for debate on the item.
- At the conclusion of debate, the Mayor will call for a vote on the matter, and have the City Clerk state the motion (or the motion as amended) to the Commission.
- Following conclusion of the vote, the City Clerk will announce the results and the Mayor will move on to the next item of business.

**Direction to the City Attorney:**

Throughout the course of the meeting, the Mayor asks that the City Attorney indicate any additional procedures that may be required under Robert's Rules, in order to effectuate a timely efficient meeting.

**Direction to the City Clerk:**

When a motion is made and seconded, or where a motion is amended, the Mayor may ask the City Clerk to state the motion or the amended motion, or both, so that the Commission and the public know what is being debated and voted.

Finally, to Commissioners, the Mayor respectfully requires that in debate:

- Their remarks remain germane to the issue – meaning that they must have bearing on whether the pending motion should be adopted or not; and
- That the Commissioners refrain from making personal attacks and refrain from any form of campaign speeches.

**4:44:54 p.m.**

Rafael E. Granado, City Clerk, announced item separated C4A by Vice-Mayor Tobin and the withdrawal of R9B. He explained that there is no need to take a vote on the Addendums, since pursuant to Ordinance **2015-3954**, Sec. 2-12(3), all addendum agenda items have been approved by the Mayor to be placed on the Commission Agenda. Therefore, no vote is required.

**City Clerk's Note:**

**Ordinance 2015-3954 Sec. 2-12(3)**

Addendum agenda items - Any item not included in the agenda submitted to the Mayor and City Commission on the initial print day must be submitted by the City Clerk to the Mayor for a determination whether the item is to be placed on the Agenda as an addendum item. If the Mayor declines to place the item on the agenda as an addendum item, then the item shall be submitted to the City Commission for a vote and the item shall only be considered at the City Commission Meeting upon a finding by the City Commission, by a five-seventh (5/7th) affirmative vote.

**ADDENDUM MATERIAL 1:**

R2A

**ADDENDUM MATERIAL 2:**

R9G

**SUPPLEMENTAL MATERIAL 1:**

C7A Memorandum &amp; Resolution

**ITEMS DEFERRED:**

R9A R9B

**ITEMS SEPARATED:**

C4A by Vice-Mayor Tobin

**4:04:54 p.m.****Moment of Silence Requested by Commissioner Grieco:**

In Honor of Miami Beach Resident Dr. Kevin Berkowitz

In Honor of Jacqueline Hertz, Great Lady And Resident In Normandy Island.

Mayor Levine introduced the item and he recognized Commissioner Grieco.

Commissioner Grieco stated that these last couple of weeks they lost two outstanding members of the community. Jacqueline Hertz was a friend of the City and an amazing lady, her passing is a great loss for the community; Jacqueline and her husband Steven are in our prayers and thoughts. The community also lost Dr. Kevin Berkowitz, a 44-year-old physician who passed away suddenly early last week. Kevin was a very well known physician at Mount Sinai, a renowned podiatrist. Commissioner Grieco requested a moment of silence in their memory.

**Presentations and Awards****4:15:34 p.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.

(Sponsored by Mayor Philip Levine)

(Deferred from June 10, 2015)

**ACTION:** Presentation made.

William Talbert, President & CEO of The Greater Miami Convention & Visitors Bureau, expressed his support for item R7A regarding the Convention Center hotel. He introduced his organization's

newest publication called: "Miami Beach Center for Creative Collaboration." He gave a brief presentation on the booklet, and distributed a booklet to each member of the City Commission.

Handouts or Reference Materials:

1. Miami Beach Center for Creative Collaboration Guide from the Greater Miami Convention & Visitors Bureau.

**4:16:59 p.m.**

- PA2 Certificates Of Completion To Be Presented To The City Of Miami Beach Neighborhood Leadership Academy Graduates For Spring 2015.  
(Office of the City Manager)

**ACTION:** Certificates of Completion presented to the 2015 Leadership Academy Graduates: Adam Ganuza, Andrea Abbott, Arthur Cherry, Chantal Kahale, Daniel Nagler, Darryl Brown, David Rapuso, Ebani Thomas, Elaine Litwin, Francinelee Hand, Gail Frank, Gia Kastelic, Gustavo Briand, Jane Cherry, Janis Good, Joel Kruger, Jose Guzman, Kevin Jones, Lisa Almy, Maria Bonora, Marta Pantelides, Michelle Vazquez, Mike Pintado, Monica Tracy, Nawaz Gilani, Nicole Washington, Patricia Elizee, Phil Siebert, Ray Pantelides, Thomas Fitzpatrick, Timothy Kern, Victor Emanuel, Joseph Jorczak and Lucy Alonso.

Jimmy L. Morales, City Manager, explained that the Leadership Academy is a civic and public information program that gives residents and business owners an insight on how the City works. He stated that over 1,000 graduates have transitioned to committees, and over 40% of the City's boards are made up of Leadership Academy graduates. He recognized Caroline DeFreze for her efforts. He read the names of the graduates into the record.

Chantal Kahale, graduate of the Leadership Academy, stated that she had an amazing experience with the program, and she appreciated the support of the Mayor, City Commission, and the various City Departments. She gave a special acknowledgement to Caroline DeFreze.

**4:22:18 p.m.**

- PA3 The American Heart Association Recognizes The Miami Beach Fire Department For Achieving The 2015 Mission: Lifeline EMS Silver Level Recognition Award And Implementing Quality Improvement Measures For The Treatment Of Patients Who Experience Severe Heart Attacks.  
(Sponsored by Commissioner Joy Malakoff)

**ACTION:** Recognition given.

Commissioner Malakoff stated that the Fire Department is receiving an award from the American Heart Association. She called Jessica Lodispoto, Director of Go Red for Women, and Jeffrey Walker, Director of Quality and System Improvement of the American Heart Association (AHA) to the podium.

Jessica Lodispoto stated that the AHA is proud to present the 2015 Mission Lifeline Recognition Award for the achievements in 2014. This is the first time Miami Beach receives this award, and it attained the highest recognition of honor for the first year. The correct tools and training allow the staff to provide crucial life-saving assistance.

Frank Betancourt, Fire Division Chief, thanked the City Commission and Administration for their incredible support, which allowed their Department to work with the best tools. The Fire Department is excited to receive this award for the first time. This award reflects the hard work of

the men and women of the Miami Beach Fire Department.

**4:27:16 p.m.**

PA4 Proclamation To Be Presented To Cheryl Cook, Of The Strand Restaurant In Miami Beach, For Her Role In Creating The Cosmopolitan (Cocktail) Sometime In 1989.  
(Sponsored by Commissioner Michael Grieco)

**ACTION:** Proclamation presented.

Commissioner Grieco recognized Cheryl Cook. He stated that his friend, Jeff Donnelly, informed him of how Cheryl Cook created the Cosmopolitan Cocktail in Miami Beach. He read the following proclamation:

"Whereas Cheryl Cook was born and raised in Miami and grew up in North Miami. She moved to Miami Beach in the mid to late 80s and was hired as the Equity Stage Manager for New World Theatre, a professional Theatre Company that operated out of The Strand restaurant. Not long after, she was hired as a Bartender there as well. That is where the Cosmopolitan was born. Following the Strand, she went on to work as a Bartender at Barocco Beach at The Park Central Hotel. When Barocco moved back to New York, she worked for Tony Goldman at The Riviera Hotel, and was asked by the Hotel Designer of The Pelican Hotel to co-design the Bar and opened that Restaurant as the Bar Manager. Throughout the years, she has traveled worldwide with a Professional Dance Company as the show producer. In most recent years she has become a free-lance Event Producer, and was a Finalist in 2006 for Creative Director of The Year by Event Solutions Magazine; and, whereas while bartending at The Strand, located at 671 Washington Avenue in 1985, Cheryl noticed a big resurgence of the Martini but more specifically the coolness of holding a cocktail glass. Her keen observation lead her to notice that people would order a Martini or a Vodka Martini, but did not necessarily like it all that well, but rather they did it too be chic. So when Cheryl received a brand new product from her Absolut representative called Absolut Citron she took on the challenge to create a new "pretty" drink that could be served in a cocktail; and, whereas Cheryl went to work and whipped up a mixture of "Absolut Citron, a splash of triple sec, a drop of roses lime juice and just enough cranberry to make it oh so pretty in pink." She then served it up to her first guest Christina Solopuerto and within 45 minutes, the entire restaurant had a Cosmopolitan in front of them. This formula in Cheryl's mind was simply a Kamikaze using Absolut Citron and adding a splash of cranberry juice. The cocktail was named after the magazine Cosmopolitan, which had the styles and design she was trying to project with her new drink with a nod to Natalie Thomas, who was the maitre'd at The Strand at the time, and Voila! a new cocktail was born; and, whereas a widely publicized photo of Madonna at a Grammy party with The Cosmopolitan in hand, followed by the Cosmo's featured presence in the HBO hit Sex and the City, launched the drink into its contemporary popular culture orbit. Once The Cosmopolitan or "Cosmo" became known as Carrie Bradshaw's drink of choice, the "pretty in pink" drink created here in Miami Beach by Cheryl Cook became a cultural phenomenon, and, in the judgment of William Grimes, prominent mixologist and author of Straight Up or On The Rocks (2001): "More than a decade after first being sighted, it may well be the most universally ordered mixed drink in America. Now therefore, do we, Office of the Mayor and Commission, of the City of Miami Beach, hereby proclaim July 31<sup>st</sup>, 2015 as Cheryl Cook Day in the City of Miami Beach."

Ms. Cook stated that it is amazing how a small drink can make people come together so many years later. She thanked Gary Farmer who was the bar owner of where she developed the Cosmopolitan; Danny Garcia, who championed via social media that the Cosmopolitan Cocktail deserves to be recognized by the City of Miami Beach. She also acknowledged Commissioner

Grieco and Jeff Donnelly for their help. She added that her parents met in Miami Beach during World War II while her father was stationed here and her mother worked at a local shop.

**4:32:49 p.m.**

PA5 Proclamation To Be Presented To Miami Beach Gay Pride For Their Role In Bringing Residents And Visitors Together To Celebrate Inclusion, Diversity And The Unique Spirit Of The LGBTQ Community.

(Sponsored by Commissioner Michael Grieco)

**ACTION:** Proclamation presented.

Commissioner Grieco called Ivan Cano and David Cook to come to the podium. He acknowledged TD Bank members Marlon Gutierrez, Jose Luis Paredes, and Christina Vincent.

Ivan Cano thanked the Commission and stated that it is an honor to represent Miami Beach Gay Pride. This is a community event and he acknowledged everyone including the entire community, as well as corporate and government sponsors. He called board members Steve Adkins and George Neary to join them at the podium.

Commissioner Grieco read the proclamation into the record:

“Whereas Miami Beach Gay Pride was established in 2009 to bring residents and visitors together to celebrate inclusion, diversity and the unique spirit of the LGBTQ community; and, whereas the event has grown significantly in popularity over seven short years that the 2015 Miami Beach Gay Pride entertained 130,000 people, drawing attendance not only from South Florida, but also from throughout the world, to become the largest, free LGBTQ event of the year in Miami Beach; and, whereas the Pride Parade featured a sellout number of parade entries, including more than 65 parade contingencies, 35 floats and 2,700 participants, and the Pride Festival included more than 100 booths highlighting community organizations, merchandise, and refreshments as well as a “Family Fun Zone.”; and, whereas Miami Beach Gay Pride expanded to three days for 2015 to include not only the Sunday Pride Parade and Festival, but also a Friday concert on Lummus Park with celebrity entertainers and a Saturday Beach Party and Festival with international DJs and community booths; and, whereas Miami Beach Gay Pride works throughout the year to produce free, safe, quality, mass-appeal events that are open to all and that create a truly celebratory experience for the whole community. Now therefore, do we, Office of the Mayor and Commission, of the City of Miami Beach, hereby proclaim the month of June 2015 as Miami Beach Gay Pride Month In the City of Miami Beach.”

**4:36:56 p.m.**

PA6 Certificates Of Recognition To Be Presented To Miami Beach Senior High School Students: Gabrielle Walden, 2015 Silver Knight Winner For Digital And Interactive Media; And Nick Caine, 2015 Silver Knight Honorable Mention In Social Science.

(Sponsored by Mayor Philip Levine)

**ACTION:** Certificates of Recognition presented.

Mayor Levine stated that The Miami Herald Silver Knight award is very prestigious and one of the highest awards presented. Today they recognize Gabrielle Walden for receiving this award for digital and interactive media. Gabrielle thought the school morning announcements needed an update, so she started a student-run podcast with announcements, community news, and music. In August 2014, High Tide Radio went online.

Mayor Levine also recognized Nick Caine (not present) who received an honorable mention in social science. Mayor Levine additionally stated that City Manager Morales was also a Silver Knight recipient.

Mayor Levine read the certificate for the record:

“The City of Miami Beach congratulates you for your outstanding achievement. Your hard work and dedication is an example and inspiration to our community. On behalf of the Mayor and Commission of the City of Miami Beach, it is my pleasure to recognize Gabrielle Walden for her prestigious accomplishment as the Miami-Dade County 2015 Silver Knight Winner in Digital and Interactive Media.”

#### **New Item**

**4:41:21 p.m.**

PA7 Certificate of Recognition to Carson Kievman, Director of SoBe Arts and Intelligent Systems.  
(Requested by Commissioner Steinberg)

**ACTION:** Certificate of Recognition presented to Carson Kievman.

Commissioner Steinberg recognized Mr. Kievman and thanked him for all that he does for the students and community as the Artistic Director for SoBe Arts.

Carson Kievman, Director of SoBe Arts and Intelligent Systems stated that it has been an amazing ten years serving Miami Beach, the County, and the Country. He has been in contact with all types of performers including Grammy, Pulitzer, and Academy Award Winners who are interested in helping the Miami Beach arts. He thanked the City of Miami Beach for its support and he is happy to have contributed to the culture of the area. The classes will be suspended this summer but SoBe Arts will continue performing nationwide in the future.

#### **New Item**

**4:10:58 p.m.**

PA8 Presentation To Be Presented To Sharon Ciment For 44 Years Of Being An Educator At The Hebrew Academy.  
(Requested by Vice-Mayor Tobin)

**ACTION:** Certificate of Appreciation presented to Sharon Ciment for her teaching efforts at the Rabbi Alexander S. Gross Hebrew Academy for over 44 years.

Vice-Mayor Tobin recognized Ms. Ciment for her many years of dedicated work teaching the students of the Rabbi Alexander S. Gross Hebrew Academy. He read the proclamation for the record:

“On behalf of the Mayor and Commission of the City of Miami Beach, we are proud to recognize Miami Beach resident Sharon Ciment for her 44 years as an Educator in Judaic Studies at The Rabbi Alexander S. Gross Hebrew Academy. Spanning two generations, Sharon Ciment shaped the minds, hearts and souls of thousands of her students by giving them the necessary tools and challenging them to be the best that they could be, both in and out of the classroom. With her intense passion, infectious enthusiasm and unwavering dedication, Sharon Ciment was able to teach her students by example, life’s many lessons by showing them the importance of paying it forward and raising necessary funds for many

needy causes. Sharon Ciment may have retired from teaching at The Hebrew Academy but a lasting legacy was created, and that will live on forever.”

### **CONSENT AGENDA**

**4:46:12 p.m.**

Motion made by Commissioner Grieco to approve the Consent Agenda, except for separated item C4A, seconded by Commissioner Malakoff; Voice vote: 7-0.

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

**4:46:12 p.m.**

C4A Referral To The Land Use And Development Committee Discussion Regarding Alcoholic Beverages As A Conditional Issue In Commercial Districts.

(Sponsored by Mayor Philip Levine)

**ACTION:** Item referred. Item separated by Vice-Mayor Tobin. Motion made by Commissioner Weithorn; seconded by Commissioner Grieco; Voice-vote: 7-0. **Thomas Mooney to place on the committee agenda and to handle.**

Mayor Levine stated that this item is in regards to a store that wants to serve champagne inside the clothing store. He proposed to have this item referred to the Land Use Development Committee to determine whether this will be allowed.

### **C6 - Commission Committee Reports**

C6A Report Of The July 1, 2015 Finance And Citywide Projects Committee Meeting: 1) General Fund CSL Update And Proposed Millage Rate. 2) Review Of Proposed Capital Budget. 3) FY 2015/16 General Fund Operating Budget: Potential Efficiencies/Reductions, Potential Enhancements, And Potential Revenue Enhancements. 4) Proposed Parking Rate Increases. 5) A) Discussion Regarding Parking Demand Analysis/Walker Parking Consultants; B) Discussion Regarding The Construction Of A Parking Garage At The 27<sup>th</sup> Street And Collins Avenue Parking Lot. 6) Discussion Regarding Whether Or Not To Pursue Food And Beverage Concessions For Soundscape Park, Collins Park, And The Miami Beach Botanical Garden. 7) Discussion To Amend The Living Wage Ordinance Insurance Provision In Light Of Obama Care. 8) Discussion Regarding The Requirement For City Contractors To Provide Equal Benefits For Domestic Partners. 9) Discussion Regarding A New Lease Agreement Between The City Of Miami Beach (Landlord) And SB Waxing, Inc. (Tenant) Involving The Use Of Approximately 1,291 Square Feet Of Ground Floor Retail Space Located At 1701 Meridian Avenue, Unit 3 (A/K/A 771 17<sup>th</sup> Street), Miami Beach, Florida (Premises), For An Initial Term Of Five (5) Years, With One (1) Renewal Option For An Additional Four (4) Years And Three Hundred And Sixty Four (364) Days. 10) Discussion Of A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Accepting The Recommendation Of The Finance And Citywide Projects Committee, Pursuant To Invitation To Negotiate (ITN) No. 2015-060-LR (The ITN), For The Leasing Of City-Owned Buildings And Rooftops For The Placement Of Telecommunications Equipment, And Authorize The Executive Director To Execute A Nine Year And 364 Day Lease Agreement With Crown Castle NG East, LLC (“Tenant”), Attached And Incorporated Herein As Exhibit “A,” For Tenant To Operate And Maintain Its Existing Telecommunications Hub On The

Roof Of The RDA's Parking Garage Located At 1550 Collins Avenue, With A Monthly Rent Of \$4,000.00. 11) Discussion Regarding A Potential Public-Private Partnership With 1234 Partners, LTD. For A Parking Garage On The 1200 Block Of Washington Avenue. 12) Discussion Regarding 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. 13) Discussion Regarding A Request From The Parks And Recreation Facilities Committee For A Competition Swimming Pool. 14) Discussion Regarding 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 Office of the City Attorney 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 Office of the City Attorney To Negotiate An Agreement With Amano McGann, Inc. Based Upon The Material Terms Approval In Exhibit "A" Herein (Provided That They May Make Any Non-Substantive And Non-Material Revisions And/OR Additions To The Agreement). 15) Discussion Regarding 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 5/7<sup>th</sup> Vote, The Competitive Bidding Requirements And Independent Appraisal Requirements Of Section 82-39 Of The City Code, Finding That The Public Interest Would Be Served By Waiving Such Conditions.

**ACTION:**

## 1) General Fund CSL Update And Proposed Millage Rate.

The General Fund CSL Update was adjusted from a surplus of \$234,750 (net of the recommended enhancements and efficiencies/reductions) to \$1.4 million due to an additional \$1.2 million available from the change in certified taxable values from the Property Appraiser on July 1<sup>st</sup> from 12.0 percent to 13.2 percent.

## 2) Review Of Proposed Capital Budget.

The Committee recommended removing the following proposed items from the 201512016 Capital Budget:

- Espanola Way Conversion to Pedestrian Mall project estimated at \$1.1 million
- The Press Room portion of the City Hall Space Plan project in the amount of \$215,000 (PAYGO fund)
- Traffic Circle at 47th Street and Meridian Ave in the amount of \$250,000 (Local Option Gas Tax - 3 Cent Gas Tax fund)
- Additional funding request of \$400,000 above the \$100,000 already funded for the Tent for North Beach Bandshell project (Quality of Life – North Beach fund)
- The Committee recommended staff continue to refine the scope of the Commission Chambers Renovation project.

## 3) FY 2015/16 General Fund Operating Budget.

The Committee recommended further reducing the millage rate an additional 0.557 mills to meet the remainder of the millage rate goal of 0.1114.

The Committee recommended accepting the recommended reductions/ efficiencies with one change listed below:

- Remove the recommended reduction in City Clerk - Central Services for \$27,100 to eliminate printing of Commission meeting agendas, Commission committee agendas, Land Use Boards agendas, and annual Budget documents

The Committee recommended accepting the proposed additions and service enhancements removing the following items listed below:

- Remove \$100,000 for the Climate Action Plan in Building-Environmental Management.
- Remove \$150,000 for the North Beach Marketing funds in Tourism, Culture, & Economic Development (funded by Resort Tax)
- Offset 50 percent (\$55,000) of the Assistant Director in Tourism, Culture, & Economic Development from Resort Tax funding.
- Offset the \$220,000 cost of the Urban Forestry Tree Preservation Program in Public Works by budgeting the fee revenue associated with the new program.
- Add \$200,000 for Out-of-Region Data Center in information Technology.
- Add \$500,000 in a reserve to offset the future cost of the Public Safety Radio project in Emergency Management/9-1-1.

The Committee also recommended staff bring back information on the Freight Loading Zone enhancement in Parking to the next meeting.

The net result of the changes above is an unallocated surplus in the General Fund of \$17,750.  
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4) Proposed Parking Rate Increases.

The Committee recommended moving this item to Commission with the aforementioned parking rate increases that have the potential to yield an additional \$19 million annually. The increased revenues would be utilized to fund the more immediate transportation initiatives and the bonding capacity for the Parking Enterprise Fund. Grand Total: \$18,983,000.00.

5) A) Discussion Regarding Parking Demand Analysis/Walker Parking Consultants;

B) Construction Of A Parking Garage At The 27<sup>th</sup> Street And Collins Avenue Parking Lot.

The Committee recommended staff continue to work on completion of the Walker Parking Supplemental Report addressing the parking demand analysis for South Beach, North Beach and Middle Beach. Staff will issue the report via Letter to Commission (LTC) and discuss it at the next Finance and Citywide Projects Committee meeting.

6) Food & Beverage Concessions For Soundscape Park, Collins Park, And The Miami Beach Botanical Garden.

The Committee recommended staff continue to work on the negotiations and bring this item back to the Finance and Citywide Projects Committee when ready.

7) Amend The Living Wage Ordinance Insurance Provision In Light Of Obama Care.

The Committee recommended take no action at this time with regard to amending the Living Wage Ordinance because of the PPACA and that staff continue to monitor the progress of the challenges to the Patient Protection and Affordable Care Act (the "PPACA"), as well as any other changes to the law that may be enacted in the near future.

8) Requirement For City Contractors To Provide Equal Benefits For Domestic Partners.

The Committee recommended that the Administration move forward with sun setting the Equal Benefits requirements from contracts and solicitations with vendors.

- 9) New Lease Agreement & SB Waxing, Inc.  
The Committee recommended moving forward with the proposed new lease increasing the Tenant's gross rental rate from \$43.64 per square feet ("PSF") to \$53.80 PSF. The stipulated terms and conditions are for a period of five (5) years, with one (1) renewal option for an additional four (4) years and three hundred and sixty four (364) days at fair market rent.
- 10) RDA Resolution For The Leasing Of City-Owned Buildings And Rooftops For The Placement Of Telecommunications Equipment.  
The Committee recommended moving forward with approving and authorizing the RDA to enter into a lease agreement between the Miami Beach Redevelopment Agency (Landlord) and pursuant to Invitation To Negotiate (ITN) No. 2015-060-LR, for the leasing of City-owned buildings and rooftops for the placement of telecommunications equipment, and authorize the Executive Director to execute a nine year and 364 day lease agreement with Crown Castle NG East, LLG for tenant to operate and maintain its existing telecommunications hub on the roof of the RDA's parking garage located at 1550 Collins Avenue, with a monthly rent of \$4,000.00.
- 11) Potential Public-Private Partnership With 1234 Partners, LTD.  
The Committee took no action as staff provided an update. Staff is scheduled to meet with the developer 1234 Partners, LTD and will report back to the Finance and Citywide Projects Committee the results of the meeting.
- 12) LUDC And Planning Board Review Of Planning Fees.  
The Committee took no action. Staff will provide an update at the next Finance and Citywide Projects Committee meeting.
- 13) Request From The Parks And Recreation Facilities Committee For A Competition Swimming Pool.  
The Committee recommended moving this item to the full Commission to contract a firm with experience in the planning, building and operation of public competitive pools to complete an in-depth feasibility and cost study. The study will assist the City in taking a thorough look at site locations, amenities, cost of construction, ongoing operational costs and a 10-year renewal and replacement plan. The recommended study may also include management scenarios such as partnerships and contracted services as well as potential funding sources.
- 14) Resolution For A Gated Revenue Control System For The City's Parking Garages  
The Committee recommended that Administration finalize negotiations on the final contract terms with Skidata, Inc. for a gated revenue control system for the City's parking garages and moving this item to the full Commission.
- 15) Transfer, Via Quit Claim Deed, To FDOT The Property Identified In Exhibit "A."  
The Committee recommended moving forward with Administrations recommendation to waive the competitive bidding requirement and independent appraisal requirement, finding that the public's interest is best served by waving such conditions. FDOT needs the property as a turning lane, and has already utilized the area as a turning lane and has maintained the area for some time for transportation purposes.

C6B Report Of The July 17, 2015 Finance And Citywide Projects Committee Meeting: 1) Finalizing Proposed FY 2015/2016 Operating Budget And Capital Budget; 2) Proposed Water And Sewer Rates. 3) Stormwater Update.

**ACTION:**

1) Finalizing Proposed FY 2015/2016 Operating Budget And Capital Budget.  
The Committee recommended moving forward with the development of the proposed operating and capital budget to the full Commission with the following changes:

Operating Budget

- Add one of two requested positions for the City Attorney Fellowship Program enhancement (\$45,000)
- Reduce Parking's Loading Zone Program enhancement from 12 to 8 positions.

Capital Budget

- Add back the Española Way Conversion to Pedestrian Mall project estimated at \$1.1 million (Quality of Life - South Beach fund)
- Removal of the Commission Chambers Renovating Project as staff continues to refine the scope.

2) Proposed Water And Sewer Rates.  
The Committee took no action.

3) Stormwater Update.  
The Committee took no action.

**C7 - Resolutions****4:44:54 p.m.****SUPPLEMENTAL MATERIAL: MEMORANDUM & RESOLUTION**

C7A A Resolution (1) Adopting The Official Election Certificate Of The Canvassing Board For The Special Mail Ballot Election Held In The City Of Miami Beach From June 29, 2015 To July 24, 2015, To Determine Whether A Majority Of The Affected Property Owners Approve The Creation Of A Special Assessment District To Be Known As The Lincoln Road Business Improvement District; And (2) Setting A public hearing On September 30, 2015 At 5:10 P.M. For The Owners Of The Property To Be Assessed Or Any Other Interested Persons To Be Heard By The City Commission As To The Propriety And Advisability Of Making Such Improvements, As To The Cost Thereof, As To The Manner Of Payment Therefore, And As To The Amount To Be Assessed Against Each Property So Improved, Following Which The City Commission Shall Meet As An Equalizing Board To Hear And Consider Any And All Complaints As To The Special Assessments And To Adjust And Equalize The Assessments On A Basis Of Justice And Right.

(Office Of The City Clerk/Office Of The City Attorney)

**ACTION: Resolution 2015-29098 adopted.** Item moved with the Consent Agenda. public hearing scheduled on **September 30, 2015 at 5:10 p.m. Office of the City Clerk and Office of the City Attorney to handle.**

**REGULAR AGENDA****7:58:02 p.m.**

R2A Request Approval To Issue An Addendum To Request For Proposals (RFP) 2015-178-WG, For Automated Teller Machine (ATM) Services At Various City-Owned Facilities, Amending The RFP Revenue Proposal Form.

(Procurement)

**ACTION: Request approved.** Motion made by Commissioner Wolfson; seconded by Commissioner Grieco; Voice vote: 5-2; Opposed: Vice-Mayor Tobin and Commissioner Weithorn. **Alex Denis to handle.**

Rafael E. Granado, City Clerk, stated that item R2A is no longer being deferred per Commissioner Wolfson's request.

Kathie G. Brooks, Assistant City Manager, explained that the City Commission approved the issuance of the RFP for ATM machines back in May. At that time, the proposal form approved stated that the annual minimum guarantee plus a revenue sharing proposal would be added together to determine the points awarded to each proposer for their revenue proposal. When they went out and held their pre-proposal conference, there were a number of concerns expressed by the potential proposers, which were taken into consideration by the Administration. Initially they thought the best way was to do it was based on minimum guarantee, but on further analysis that could significantly skew the results, because since what is important is the percentage of revenue. That is what they are recommending at this time.

**R5 - Ordinances****7:28:22 p.m.**

R5A 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.

**4:11 p.m. Second Reading public hearing**

(Sponsored by Commissioner Jonah Wolfson)

(Legislative Tracking: Planning)

(Continued from July 8, 2015 - R5C)

**ACTION:** Title of the Ordinance read into the record. **Ordinance 2015-3955 adopted.** public hearing held. Motion made by Commissioner Wolfson; seconded by Commissioner Grieco; Ballot-vote: 6-0; Absent: Vice-Mayor Tobin. **Thomas Mooney to handle.**

Mayor Levine opened the public hearing.

Thomas Mooney, Planning Department Director, explained that this is second reading public hearing approval for an Ordinance that was approved on first reading on June 10, 2015. The suggestions have been incorporated in the Ordinance. Jeff Oris did the outreach requested and they recommend approval.

Motion made by Commissioner Wolfson to approve the Ordinance; seconded by Commissioner Grieco.

Discussion held regarding Conditional Use on Page 33. Mr. Mooney clarified the language for Commissioner Weithorn.

Handouts or Reference Materials:

1. Notice in The Miami Herald Ad No. 1043
2. Notice in The Miami Herald Ad No. 1045

**5:43:32 p.m.**

## R5B Ocean Terrace Overlay - Comprehensive Plan And LDR Amendments

## 1. Comprehensive Plan - Ocean Terrace Overlay

An Ordinance Amending Policy 1.2 Of The Future Land Use Element Of The Comprehensive Plan Pursuant To The Procedures In Section 163.3184(3), Florida Statutes, By Modifying The Medium Intensity Commercial Category (CD-2) And The Mixed Use Entertainment Category (MXE) To Establish The 'Ocean Terrace Overlay' In Order To Allow For An F.A.R. Of 3.0 for Residential and Hotel Uses, To Limit Commercial F.A.R. To 1.0; And To Reduce The Maximum Allowable Residential Density To Fifty Units Per Acre Within Its Boundaries; Providing For Repealer; Severability; Codification; And An Effective Date. **4:12 p.m. First Reading public hearing**

(Sponsored by Commissioner Jonah Wolfson And

Co-Sponsored by Commissioners Michael Grieco, Joy Malakoff & Deede Weithorn)

(Legislative Tracking: Planning)

(Continued from July 8, 2015 - R511)

**ACTION:** Title of the Ordinances read into the record. Item heard in conjunction with R5B-2. See also companion item R9D. Public hearing held. **Ordinance adopted on first reading.** Motion made by Commissioner Wolfson; seconded by Commissioner Malakoff; Ballot-vote: 6-1; Opposed: Commissioner Steinberg. Second reading, public hearing scheduled for **December 9, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

**City Clerk's Note:** The City will transmit the proposed Comprehensive Plan Amendment to the applicable review agencies pursuant to F.S. 163.3184(2), and set the adoption/second reading/public hearing for **December 9, 2015**.

Mayor Levine opened the public hearing.

Rafael E. Granado, City Clerk requested that the public hearings be opened for both items, R5B-1 and R5B-2 to allow the public to speak on either or both items.

Thomas Mooney, Planning Department Director, explained that one item is the Comprehensive Plan Amendment that is a companion to the substantive amendments to the Land Development Regulations. The Land Development Regulation Amendments modifies the development regulations, as it pertains to setbacks, height, to FAR (Floor Area Ratio), which is subject to voter approval, to building separation; and it modifies the permitted, conditional, and prohibited uses within this area. The area limited to, commonly referred to as the Ocean Terrace Overlay, is that area between Collins Avenue and Ocean Terrace from 73<sup>rd</sup> Street to 75<sup>th</sup> Street.

Mayor Levine asked the individuals in the audience to line up on each side, one for those wishing to speak opposing the item and others that wish to speak in support.

Neisen Kasdin, Esq., representing Ocean Terrace Holdings, stated that the vision for Ocean Terrace that Sandor Scher and his partners have is that of an upscale destination with a beautiful residential and hotel, upper commercial properties on Collins Avenue. It is being guaranteed by certain changes and concessions they have made since the beginning of this process, to wit: they have agreed to a reduction in residential density from 100 units to 50 units per acre; they have agreed and offered a reduction in the maximum allowable FAR from commercial uses to 1.0 from the 2.0 allowed today in the area. Therefore, they cannot have a large destination/retail entertainment complex; that is

also in the zoning. They have reduced the maximum size of the floor plate at the recommendation of the Planning Director for the tower portion of the building to 10,000 square feet. They have a prohibition on stores that sell packages of alcoholic beverages, and in addition, in the Ordinance and in Land Use they have proffered and executed a voluntary covenant that will restrict the development of this property in a very specific manner. They are agreeing that in the 11 parcels they intend to control, there will be a maximum of 70 residential units; which is about 46 units per acre; less than the reduced density they had proposed. They have agreed to a maximum of 220 hotel rooms, if it is accompanied by residential development. In the event the market changes and there are no residential units they will be allowed, but capped, at the existing number of hotel units which they can build on today, which is at 357. They have agreed in the covenant to a limit of 11:00 p.m. for entertainment and noise outdoors, and 2:00 a.m. for any outdoor food, beverages and activities. They have prohibition of single sale of bottles of liquor, and nothing in the Overlay Ordinance in any way usurps the power of the Historic Preservation Board with respect to approval of any project, or the Planning Board with respect to conditional use. Finally, he added that Sandor Scher has worked tirelessly to meet with every community group and interested party in North Beach, and he has accommodated and proven that their concerns will be addressed. He stated that some people, such as residents north of St. Tropez and from Park View Island, are opposed to the project, and he thinks they are probably concerned with their line of sight; so they did a line of sight study and it shows a minimal if any impact on the view. Finally, with respect to holding this up until a North Beach Master Plan is completed, he explained that this is a very specific two-block neighborhood that is in distress and needs revitalization. North Beach is a neighborhood of hundreds of blocks. A Master Planning effort for an area this large would be more of a vision than specifics and could take some time. North Beach has had a number of good planning efforts over the years; the Town Center, the North Shore Open Space, the Green Corridor, and others; but it has not yet resulted in the revitalization that everyone wants. Here you have a group of property owners that have the money, the willingness and the track record to help turnaround this critical front door of North Beach.

Mayor Levine asked for individuals from each group to give an introduction.

The following individuals spoke in support of the item:

Peggy Benua

Wendy Kallergis

Judith Bishop, is in support, but is concerned with setbacks.

Stanley Shapiro

Marguerite Ramos spoke for herself and on behalf of Carol Housen

Carolina Jones

Willie Quintana read a letter from Carol Housen

Raymond H. Bolduc, II

Ted Berman, P.E.

Jared Green read a statement on behalf of Richard Huff, Normandy Shores HOA.

Brad Benessy is in support, but is concerned about setbacks.

Mathis Cohen

Earl Stewart

The following individuals spoke in opposition:

David Golomb

Kimberlee Blecha

Kathryn Corner

Jeff Donnelly

Nancy Jones Dassell

Clotilde Luce  
Jo Manning  
Christopher Lindemann  
Paulette King  
Neil Butterfield, Biscayne Beach Neighborhood Association representative.  
Mike Bradbury  
Tinti Ye  
Beth Emerson  
Susan White  
Sara Ladeca  
Grace Dylan read a letter from Gary Leibowitz, President of Blue Condominium Association.

Sandor Scher, Ocean Terrace Holdings, thanked the community, its leaders, MBDC and the Chamber of Commerce for their overwhelming support; he is inspired by the community's energy and their desire to see this area change. He thanked the Planning Board for their unanimous support, the City's Planning and Zoning staff and the Office of the City Attorney for their work; the City Commission for working tirelessly with the community and with City staff to make sure all concerns raised, and potential issues not raised, have been addressed in both changes in the Ordinance and restrictive covenant. The proposed zoning changes will support the rebirth and revitalization of this special area in Ocean Terrace and Collins Avenue. His vision is based on bringing the area back to the quality and vibrancy of its past. It was first developed in the 40s and 50s; however, it has been neglected steadily in the last decades. They now have an opportunity to create something very special for the next 100 years that will change the way the community benefit and live in the area, and the way they are inspired by this area – that is the vision and the dream they share. They have an opportunity to make the area economically sustainable, and this vision will be a catalyst for other parts of North Beach to be improved by high quality developers. He predicted that the current condition of this area is mainly due to two reasons: one, poor ownership; and two, being the zoning. They have taken care of the ownership issue, and they are committed to this area for the long term. Regarding the misconception of increased density in the overlay, he clarified that they know that density is measured by units per acre; the overlay reduces density by 50% from 100 units per acre to 50 units per acre. Height is not a driver of density. Regarding traffic, Kimley-Horn performed studies that show that traffic impact is materially less under the overlay and what the current zoning allows. The City's analysis, done independently, also shows that the proposed land use will decrease traffic. Regarding context, as he discussed with neighbors, St. Tropez is home to 92 residences; this is home to many who have enjoyed living there for years. The people he has gotten to know are wonderful community minded people; but it is not possible to go back to the 90s. The building is here, it is 278 feet tall, and it does define the context. They have demonstrated that the maximum height in the overlay is lower than in St. Tropez, and it is within context. They worked for over a year on the zoning, and are here not just because of their commitment, but because of a ground swell of community involvement and support. The community wants to beautify the area, reduce crime, be free of buildings that have emergency orders of demolition on them, buildings that are not safe for occupancy; they want high quality, full-time jobs in North Beach, world-class hotels and beautiful residences along with a new and vibrant retail corridor along Collins Avenue. The most common comment from the community is that they waited a long time for this type of change, and they want to make sure that they move forward with this vision. He thanked everyone for their time and commitment for this process.

Mayor Levine closed the public hearing and requested a motion and a second.

Motion made by Commissioner Wolfson; seconded by Commissioner Malakoff, to approve both R5B-1 and R5B-2.

Vice-Mayor Tobin lived in North Beach for five years or so and is familiar with the neighborhood; a few years back there was aggressive homelessness in the area, and in the last 20 or 30 months, there have been two rapes, one shooting and killing on the beach about two years ago two blocks from Ocean Terrace, and someone else got killed coming out of the Bikini Bar. The area is not the best. Clotilde Luce said at prior meetings that the answer to some of the blight is not only building, but also the problem with some of these Town Center plans is that they need people to come with the capital. The good news is that the HPB will talk about the height, and they either can keep it or reduced it; the HPB can also modify the setbacks, and the board is typically strong and they are sort of the last fighters in the process. The DRB are also qualified for aesthetics. He hopes the parking lots will be preserved for residents and the Parking Director has found ways to keep parking for residents. He thought about not supporting the item, but he knows that the area needs it, and he cannot oppose out of spite, so he will vote in support.

Commissioner Wolfson has supported this from the beginning, but he wanted to point out that he is the Chairman of a PAC, which takes no role, whatsoever, for or against this development, and he stated that "perfect is the enemy of the good." What they are proposing is a vast improvement from what they have now in North Beach, with commercial retail for residents to have a place to go to. This will be a major catalyst and will move the area in the right direction. Allowing for an additional development is natural to motivate this massive investment. The prices for these buildings and properties now are outrageous, and in order to get something done, they need some sort of incentive. Therefore, he is happy to support this item and find a way to get a deal that works for both parties. The developer has to make money and the residents need to get a benefit from that.

Commissioner Weithorn has had a difficult time with this project, as a resident of North Beach, as it is a big development; however, she still thinks the developer has much more work to do, such as proffer something that limits the amount of cars that construction workers bring into North Beach each day, and force them to plan to actually put them in the neighborhood by 7:30 a.m. so they do not disturb the hundreds of cars that bring children to the neighborhood. Every time she asked the developers for a concession, they have answered in a positive way. She is not sure how she will vote on the issue when the item is presented to the voters, but to not allow the residents to have a vote on something so pivotal, that will change Ocean Terrace, an area where at times she has fear because what was there the night before, it still lurking out there and she thinks residents deserve better than that. Therefore, she is in support to at least to send this to voters. She may change her mind between now and then, but certainly her friend Carolyn was a big part on her decision, since Carolyn has two small children that live across the street, and she wants Carolyn's children to have the opportunity Commissioner Weithorn had growing up on North Beach.

Commissioner Malakoff stated that she bases her decision on the developer's track record for revitalizing historic properties; Sandro has done a wonderful job. Regarding the St. Tropez, had it not been built, she would probably feel different; then the entire two blocks could have been preserved in the height and type of zoning that it had originally. Right now, it cannot be developed well without the additional height or additional FAR. The developer has done a sensitive job in the development; the density in the number of units has been reduced by 50% of what is allowable. She was concerned with criminal activity in the area, with open alcohol containers, and other issues such as entertainment establishments outdoors, and the developers agreed to have no package liquor stores, and they have met all the objections as far as being good neighborhood citizens. Therefore, she is in support, and as everyone has mentioned, this will be a catalyst that will revitalize North Beach, and it is much needed. The covenant will run with the land as agreed by the developer, so for hotel units, the cap is 357 and the height is 125 feet, so it may very well be just a hotel; that remains to be seen. However, even if it is a residential tower, it is still lower than the St. Tropez; it has a limited size of the tower, and she thinks it will be wonderful for the neighborhood.

Commissioner Grieco agreed with his colleagues, and stated that this developer has a track record in the City without comparison, especially when it comes to historic preservation and in keeping with the character of the neighborhood. He shared a presentation at Committee some time ago, regarding a massing study up in North Beach, specifically Ocean Terrace, before the property was purchased. He asked if anyone had talked to the people that allowed the buildings to be run down about the massing study, and see if they are interested in doing this; they answered no, and he asked that the presentation be stopped, because they were spinning their wheels over nothing. Now they have someone that wants to invest in the area in a responsible way. They have agreed to a number of conditions, and they keep saying yes to each one; so he is in support of sending this to the ballot and let the voters decide.

Commissioner Steinberg stated that she sees merits on both sides of the issue and respects her colleagues and people on both sides of the issue. She understands developing Ocean Terrace is needed, but she cannot support this on first reading, but although she will vote no on first read, she will vote to let the people decide and that is her own philosophical view on the issue.

Raul J. Aguila, City Attorney, stated that there are two Ordinances, and the Commission will vote on the items separately.

**R5B-1**

Motion by Commissioner Wolfson; seconded by Commissioner Malakoff; Roll call: 6-1; Opposed: Commissioner Steinberg.

**R5B-2**

Motion made by Commissioner Wolfson; seconded by Commissioner Malakoff; Roll call: 6-1; Opposed: Commissioner Steinberg.

Handouts or Reference Materials:

1. Notice in The Miami Herald Ad No. 1043
2. Notice in The Miami Herald Ad No. 1044
3. Email from Kimberlee Blecha [kimberleeb@gmail.com](mailto:kimberleeb@gmail.com) dated July 29, 2015 RE: Commission Meeting 7/31/15 requesting to be added to the Speaker's List to speak mostly in opposition, on behalf of the Biscayne Beach Neighborhood Association.
4. Email from Neil Butterfield [neilbutterfield@yahoo.com](mailto:neilbutterfield@yahoo.com) dated July 30, 2015 RE: Item R5B, requesting

- to be added to the Speaker's List to speak in opposition.
5. Email from Katie Comer [katiecomer@me.com](mailto:katiecomer@me.com) dated July 29, 2015 RE: Commission Hearing requesting to be added to the Speaker's List to speak in opposition.
  6. Email from Nancy Dassell [ndassell@lnrproperty.com](mailto:ndassell@lnrproperty.com) dated July 27, 2015 RE: #R5B Ocean Terrace Overlay Comprehensive Plan and LDR Amendments requesting to be added to the Speaker's List to speak in opposition.
  7. Email from Dr. David Golomb [sushadavid@bellsouth.net](mailto:sushadavid@bellsouth.net) dated July 27, 2015 RE: Commission Meeting 7/31/15 requesting to be added to the Speaker's List to speak in opposition.
  8. Email from Jeff Donnelly [jeffdonn@aol.com](mailto:jeffdonn@aol.com) dated July 30, 2015 RE: R5B: Ocean Terrace Overlay requesting to be added to the Speaker's List to speak in opposition.
  9. Email from Kevin Gray [kevin@kevingraydesign.com](mailto:kevin@kevingraydesign.com) dated July 29, 2015 RE: Historic Ocean Terrace requesting to be added to the Speaker's List to speak in opposition.
  10. Email from Linda M. Horkitz [lindahorkitz@atlanticbb.net](mailto:lindahorkitz@atlanticbb.net) dated July 29, 2015 RE: upzoning of Ocean Terrace area, requesting to be added to the Speaker's List to speak in opposition.
  11. Email from Christopher Lidermann [clidermann@gmail.com](mailto:clidermann@gmail.com) dated July 30, 2015 RE: Item R5B requesting to be added to the Speaker's List to speak in opposition.
  12. Email from Clotilde L. Luce [clluce@bellsouth.net](mailto:clluce@bellsouth.net) dated July 30, 2015 RE: requesting to be added to the Speaker's List to speak in opposition.
  13. Email from Jo Manning [jomanning1940@gmail.com](mailto:jomanning1940@gmail.com) dated July 30, 2015 RE: requesting to be added to the Speaker's List to speak in opposition.
  14. Email from Judith Bishop [judibish@aol.com](mailto:judibish@aol.com) dated July 30, 2015 RE: Ocean Terrace requesting to be added to the Speaker's List to speak in favor.
  15. Email from Brad Bonessi [brad.bonessi@gmail.com](mailto:brad.bonessi@gmail.com) dated July 27, 2015 RE: Commissioners meeting 4:00 pm Ocean Terrace overlay #R5B, requesting to be added to the Speaker's List to speak in favor.
  16. Email from David Custin, [custindr@davidrcustin.com](mailto:custindr@davidrcustin.com) dated July 26, 2015 RE: City Commission, Item R5B – July 31, 2015 Meeting – Ocean Terrace Overlay District Project, with attached Fact Sheet.
  17. Email from Rafael Granado dated July 30, 2015 RE: Speakers List – R5B Ocean Terrace.
  18. Email from Fatima Perez dated July 30, 2015 RE: R5B Ocean Terrace Overlay and attachment "The Secretary of the Interior Standards.doc.
  19. Email from Miami Design Preservation League [info@mdpl.org](mailto:info@mdpl.org) dated July 29, 2015 RE: MDPL Action Alert: OCEAN TERRACE UPZONING THREAT.
  20. Email from Raymond Bolduc [rbolduc@onesothebysrealty.com](mailto:rbolduc@onesothebysrealty.com) dated July 31, 2015 RE: Support for the proposed changes in the Ocean Terrace Overlay district requesting to be added to the Speaker's List to speak in favor.
  21. Email from Margueritte Ramos [margmiami@gmail.com](mailto:margmiami@gmail.com) dated July 30, 2015 RE: Ocean Terrace Overlay requesting to be added to the Speaker's List to speak in favor.
  22. Email from Theodore Berman [teddyberman@icloud.com](mailto:teddyberman@icloud.com) dated July 30, 2015 RE: Ocean Terrace Overlay District requesting to be added to the Speaker's List.
  23. Email from Orald Stewart [miamimillwrights@hotmail.com](mailto:miamimillwrights@hotmail.com) dated July 30, 2015 RE: Project expressing his support.
  24. Email from David Custin [custindr@davidrcustin.com](mailto:custindr@davidrcustin.com) dated July 30, 2015 RE: Project forwarding an email from Orald Stewart dated July 30, 2015.
  25. Email from Gary Lebowitz [garyleib@aol.com](mailto:garyleib@aol.com) dated July 31, 2015 RE: Support of the proposed changes in the Ocean Terrace Overlay District.
  26. Email from Steve Zimmer [szimmer111@hotmail.com](mailto:szimmer111@hotmail.com) dated August 1, 2015 RE: Opposing high-rise condominium buildings on Ocean Terrace.
  27. Email from William Cary [williamhcary@aol.com](mailto:williamhcary@aol.com) dated July 31, 2015 RE: Opposing the proposed upzoning of Ocean Terrace.

**5:43:32 p.m.**

2. Ocean Terrace Overlay - LDR Amendments  
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article III "Overlay Districts," Creating Division 10 "Ocean Terrace Overlay", To Modify The Applicable Setbacks And Allowable Encroachments, Increase The Allowable Height To 250 Feet For Residential Uses And 125 Feet For Hotel Uses, Increase The Allowable Floor Area To 3.0 For Residential and Hotel Uses, To Limit The Allowable Floor Area For Commercial Uses To 1.0, To Limit The Maximum Floorplate Of The Tower Portion Of New Buildings, To Provide A Minimum Building Separation For The Tower Portion Of New Buildings, To Modify The Allowable Main, Conditional, Accessory And Prohibited Uses; Providing For Repealer; Severability; Codification; And An Effective Date. **4:12 p.m. First Reading public hearing**

(Sponsored by Commissioner Jonah Wolfson And  
Co-Sponsored by Commissioners Michael Grieco, Joy Malakoff & Deede Weithorn)  
(Legislative Tracking: Planning)  
(Continued from July 8, 2015 - R511)

**ACTION:** Title of the Ordinances read into the record. Item heard in conjunction with R5B-1. See also companion item R9D. Public hearing held. **Ordinance adopted on first reading.** Motion made by Commissioner Wolfson; seconded by Commissioner Malakoff; Ballot-vote: 6-1; Opposed: Commissioner Steinberg. Second reading, public hearing scheduled for **December 9, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion accepting the Land Use and Development Committee's recommendation of this Ordinance made by Commissioner Malakoff, seconded by Commissioner Grieco; Voice Vote 6-1; Opposed: Commissioner Steinberg.

**City Clerk's Note:** The City will transmit the proposed Comprehensive Plan Amendment to the applicable review agencies pursuant to F.S. 163.3184(2), and set the adoption/second reading, public hearing for **December 9, 2015**.

## Handouts or Reference Materials:

1. Notice in The Miami Herald Ad No. 1043
2. Notice in The Miami Herald Ad No. 1044
3. See list of emails with R5B-1.

**7:31:18 p.m.**

R5C An Ordinance Amending Chapter 46 Of The Miami Beach City Code, Entitled "Environment," Article II, "Care And Maintenance Of Trees And Plants," Division 2, "Trees"; At Section 46-59 Entitled "Tree Work Permit Application Processing, Requirements, And Review" To Authorize The City Commission To Adopt By Resolution, A Fee Schedule Relating To Implementing The Tree Code; Providing For Repealer; Codification; Severability; And An Effective Date. **4:13 p.m.**  
**Second Reading public hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Public Works)

(First Reading on July 8, 2015 - R5S)

**ACTION:** Title of the Ordinance read into the record. See action with R7B. **Ordinance 2015-3956 adopted.** Public hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Ballot-vote: 7-0. **Eric Carpenter and Mark Williams to handle.**

Eric Carpenter, Public Works Director, explained that this is a minor amendment to the Ordinance that allows them to set the fees for the tree permits by Resolution. This is the Ordinance that gives them the flexibility; since it is a new program they put together (and there is a companion item in the Agenda that sets those permit fees by Resolution). They have also anticipated how long it takes from staff time to do the reviews and field inspection and the cost is reflected, but they want to have the flexibility if it needs the change that they can do it by Resolution.

Handouts or Reference Materials:

1. Notice in The Miami Herald Ad No. 1043

**R7 - Resolutions****4:51:09 p.m.**

R7A A Resolution Approving, Following First Reading/public hearing, A Development And Ground Lease Agreement, As Authorized, Respectively, Under Section 118-4 Of The City Code, Sections 163.3220 - 163.3243, Florida Statutes, And Section 82-37 Of The City Code, Between The City And Portman Miami Beach, LLC ("Portman"), For The Development Of An 800-Room Convention Headquarter Hotel And Related Facilities, Including Up To 95,000 Square Feet Of Conference And Ballroom Facilities, And Up To 37,400 Square Feet Of Restaurant Facilities (The "Hotel"), On An Approximately 2.65 Acre Site On The 1700 Block Of Convention Center Drive, Bounded Roughly By The Miami Beach Convention Center To The North, 17<sup>th</sup> Street To The South, The Fillmore Miami Beach At The Jackie Gleason Theater To The East, And Convention Center Drive To The West (The "Leased Property"); Delineating The Conditions For The Design, Construction, Equipping And Operation Of The Hotel On The Leased Property, With No City Funding Therefore; Providing For A 99-Year Term Of The Leased Property Once Certain Conditions Are Satisfied; Prohibiting Gambling Establishments On The Leased Property; And Providing For Annual Base Rent To The City, After The Hotel Opens, Of A Fixed Percentage Of The Gross Revenues Of The Hotel, Among Other Rent; And Further Setting The Second public hearing And Final Reading Of The Development And Ground Lease Agreement For A Time Certain. **4:10 p.m. First Reading public hearing**

(Office of the City Manager/Office of the City Attorney)

**ACTION: Resolution approved on first reading.** Title of the Resolution read into the record. Public hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Voice-vote: 6-1; Opposed: Commissioner Wolfson. Second reading, public hearing scheduled for **September 2, 2015 at 11:00 a.m.**, at Miami Beach City Hall, Commission Chambers, Third Floor, 1700 Convention Center Drive, Miami Beach, Florida. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Office of the City Manager and Office of the City Attorney to handle.**

Maria Hernandez, Convention Center Capital Projects Director, introduced the item. She explained that they have been under negotiations with Portman Holdings for several weeks, and that they have a brief presentation for the public. She added that Jack Portman is present at the City Commission meeting.

Commissioner Weithorn stated that the most important points of the deal should be highlighted before the members of the public speak.

Jeff Sachs, Strategic Advisory Group, Consultant, gave a presentation on the history of the Convention Center's renovation process. The July 28, 2015 presentation to the Planning Board is available online, and he encouraged all present to view it. Mr. Sachs went through the most important lease terms, including: no City funding, approval requirement from the Design Review Board, no gambling, lessee must contribute to Art in Public Places, 80% room blocks, etc.

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

Frank Del Vecchio stated that the Convention Center hotel will be great for business and revenue. His concern as a resident is what impact it will have on traffic. He read the traffic study, which states that traffic will decrease, because most people will walk and not use their vehicles. He concluded by saying that the hotel will offer the complete Convention Center package.

Peggy Benua, Chair of the Greater Miami Beach Hotel Association, and Wendy Kallergis, President and CEO of the Greater Miami Beach Hotel Association, expressed their support and

excitement for the new Convention Center hotel, which will bring in more conventions and fewer trade shows.

William Talbert, President & CEO of The Greater Miami Convention & Visitors Bureau, stated that they are in favor of the Convention Center hotel. This will bring medical and pharmaceutical conventions to Miami Beach, and people will be able to walk to the Convention Center rather than drive.

Gene Prescott, owner of the Alexander Hotel, expressed support.

Howard Herring, President of New World Symphony, is in favor of the hotel and is proud of the partnership they have formed with the City; it is extremely productive. They are more prominent as an institution because of this partnership. He mentioned that there are some issues such as the future role of 17<sup>th</sup> Street and the proposed light-rail transportation that they would like to discuss with the City.

Mayor Levine asked if anyone in the audience wants to speak in opposition.

David Kelsey is not opposed or in favor of the hotel, but is concerned with its proximity to the Jackie Gleason Theatre. He believes there could be a better location for the hotel, which he also suggested should be 10-stories high and not the planned 30-stories.

Mayor Levine asked to have a motion and a second.

Moved by Commissioner Malakoff; seconded by Commissioner Grieco.

Commissioner Grieco respectfully disagreed with Mr. Kelsey's comments. Commissioner Grieco believes the location is adequate, since the hotel will be buffered from all of the residential properties. Regarding the height of the building, there are 15 buildings in the City that far exceed the height of this proposed building; it will not affect anyone's view and he strongly supports this project and will vote for it today and when it goes to Referendum. He asked to add some amended language to the Resolution to include: 1) that there be no tax resort or sales rebates, if any rebates were to be requested or received, it would have to go back to the ballot and be classified as "injection of public funds" and need to pass 6/7<sup>th</sup> vote by the Commission and go back to the voters; 2) a provision that disallows nightclub in that area, between first and second reading define what a nightclub or entertainment establishment is, and 3) the concept of rebates from other hotels. He will add language from Section 4.5 to be changed to prohibit change in any sort of tax abatement.

Raul J. Aguila, City Attorney, clarified that this amendment would prohibit tax abetments, rebates, subsidies, or other similar funding for the project.

Mayor Levine asked a procedural question to City Attorney Aguila on whether they should vote at this moment to add Commissioner Grieco's amendment, to which City Attorney Aguila explained the process.

Vote on the Amendment:

Moved by Commissioner Grieco, Commissioner Wolfson seconded the motion.

Commissioner Malakoff stated that this is the first time that she is hearing about rebates or other types of funding and would like clarification of how that affects the Convention Center hotel.

Rafael Paz, First Assistant City Attorney, stated that the question is whether to vote on the amendment to add language to Sections 4.4 and 4.5 to provide any changes with regard to the no tax rebate provision to require 6/7 approval and voter referendum, whether that amendment should be accepted now, or whether to withdraw the motion and bring up on second reading.

Commissioner Malakoff prefers to discuss further with Counsel prior to adding the language to the motion to approve the hotel project with the lease that is before the City Commission.

City Attorney Aguila suggested voting on whether to approve the amendment. If it fails, they will go back to the original motion. He reminded the City Commission that there will be a second reading.

Commissioner Grieco withdrew his motion and honors his second for Commissioner Malakoff's original motion to approve as-is only on first reading.

Commissioner Malakoff read a letter from a resident who lives close to the Convention Center, Sheryl Gold, into the record: "The hotel is surely needed in order to support the newly renovated Convention Center. There are many advantages to the Portman proposal. There will be no cost to the taxpayer as there are no public funds involved, it will be wholly financed by the developer. One of the major hotel management chains will operate the hotel. The existing parking lot will turn into a major revenue source, far exceeding the current income, very far exceeding. It will help reduce traffic and congestion, one of the City's major problems, by decreasing the number of cars rented or used by convention attendees. It will help retain Art Basel and other major high profile events by providing easy access to the attached Convention Center."

Commissioner Weithorn stated that they should look at this project as an investment. They are spending half a billion dollars on the Convention Center; a great deal of the business will not commit to the City without a Convention Center hotel. She believes that people in the surrounding neighborhood recognize that. She thinks it is important to discuss impact fees not just presently, but also future fees; the City will be getting revenue from this investment. It is important to look at how the money will be used, there should be parameters on how the funds will go back to the public, and she would like a substantive explanation on this matter.

Mayor Levine suggested considering to put this on the Agenda as a discussion item.

Commissioner Wolfson stated his concern that the proposer and lessee are different companies, and as such, the City is giving a bid to a non-bidding entity. Portman Holdings, LLC is the proposer, whereas Portman Miami Beach, LLC is the awarded entity. He has read the RFP, and nowhere does it state that the City could enter a lease with a non-bidding proposer. Portman Miami Beach, LLC was not the entity the City agreed to bid with, the developer is the bidding entity. He is concerned they may be dealing with a shell company. He added that the City Code requires an appraisal, yet he does not see any indication that one has taken place. He does not believe the agreement is legally sufficient to conduct the lease.

Rafael Paz, First Assistant City Attorney, stated that in the Resolution, as contemplated in the RFP, Portman has identified a single-purpose entity: Portman Miami Beach, LLC, which was pursuant to the RFP. The lease document was issued by addendum as part of the RFP. The City requested that the proposer identify that this is a common way to hold real estate assets. Portman Holdings is an affiliate of the LLC; they released an addendum with the lease itself with a 100-page draft. The draft had an appendix to designate an LLC to hold the asset.

Discussion continued regarding Portman Miami Beach, LLC. being the lessee.

Raul J. Aguila, City Attorney, stated that the appraisal will be final by second reading of the Resolution.

Vice-Mayor Tobin thanked the Portman Company for what has been a very difficult process. he listened to hours of negotiation recordings between the City and Mr. Portman was always a gentleman who allowed the City access files. He stated that the City held a bidding process in order to get the best operator in the world to be in charge of the Convention Center hotel, and in this case, Jack Portman got the bid. He does not believe Portman Miami Beach, LLC is a shell company without assets, because it will own a \$400 million hotel. In the event of a catastrophe, the City has insurance. Regarding traffic concerns, he stated that if the City Commission commits to changing its booking policy, having conventions rather than trade shows, traffic would diminish.

Mayor Levine asked if anyone else had any comments.

Commissioner Wolfson stated, for the record, that this is a non-representative discourse, and the majority of Miami Beach residents do not share the City Commission's view. He added that they only have one bidder for the project, who has no incentive whatsoever to give the City a good deal. He concluded by stating that the traffic study was inaccurate, because the study was influenced by the City to provide positive results.

Vice-Mayor Tobin stated, for the public, that the traffic expert was retained by the City, and they selected the study to be fiduciary. The study was paid for by the City, and he doubts anyone would consider wrongdoings took place.

Commissioner Steinberg agreed in bringing back the issue of the tax rebate.

Commissioner Malakoff motioned; Commissioner Grieco seconded. Roll Call: 6-1; Opposed: Commissioner Wolfson.

Jack Portman thanked the City Commission for their support; they are happy to have the opportunity to make this civic and financial contribution. They want to be a good neighbor in the community.

Handouts or Reference Materials:

1. Notice in The Miami Herald Ad No. 1042
2. Notice in The Miami Herald Ad No. 1043

**7:33:19 p.m.**

R7B A Resolution Pursuant To Section 46-59, Of The City Code, Entitled "Tree Work Permit Application Processing, Requirements, And Review"; Creating And Adopting The Tree Code Permit Fee Schedule As Delineated In Exhibit "A"; Which Fee Schedule Implements All Fees Relating To Chapter 46, "Environment," Article II, "Care And Maintenance Of Trees And Plants," Division 2, "Trees," Sections 46-56 Through 46-90. **4:13 p.m. public hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Public Works)

**ACTION: Resolution 2015-29099 adopted.** Title of the Resolution read into the record. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Voice-vote: 7-0. **Eric Carpenter and Mark Williams to handle.**

No discussion held.

Handouts or Reference Materials:

1. Notice in The Miami Herald Ad No. 1043

**4:47:02 p.m.**

R7C A Resolution Setting 1) The Proposed Millage Rate; 2) The Required Debt Service Millage Rate; 3) The Calculated "Rolled-Back" Rate; And, 4) The Date, Time, And Place Of The First public hearing To Consider The Millage Rates And Budgets For Fiscal Year (FY) 2015/16; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes.

(Budget & Performance Improvement)

**ACTION: Resolution 2015-29100 adopted.** Title of the Resolution read into the record. Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Voice-vote: 7-0. **John Woodruff to handle.**

**City Clerk's Note:** First public hearing on the budget is set for **September 10, 2015 at 5:01 p.m.**

John Woodruff, Budget and Performance Improvement Director, introduced the item. This sets the first public hearing for September 10, 2015. It sets the millage rate included in the TRIM statement that goes out to all property owners that will be sent out by the property appraiser on August 24, 2015 and sets the ceiling for the budget process. From this point on the millage rate can go down, but it cannot be increased without sending a new trim notice. This also sets the first public hearing for September 10, 2015.

Commissioner Grieco asked for further explanation of the millage rate.

Mr. Woodruff stated that this proposed millage rate meets the millage rate goal from the FY 2011 budget process where the millage rate was increased 0.114 mills to deal with the recession and lower property values. It is a big step they have been working for the last four or five years. As a result, there will be a small decrease in property taxes in the City of Miami Beach.

**4:49:45 p.m.**

R7D A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Setting 1) The Proposed General Operating Millage Rate For The Normandy Shores Neighborhood Improvement District; 2) The Calculated Rolled-Back Rate; And, 3) The Date, Time And Place Of The First public hearing To Consider The Operating Millage Rate And Budget For Fiscal Year (FY) 2015/16; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes.

(Budget & Performance Improvement)

**ACTION: Resolution 2015-29101 adopted.** Title of the Resolution read into the record. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Voice-vote: 7-0. **John Woodruff to handle.**

**City Clerk's Note:** First public hearing on the budget is set for **September 10, 2015 at 5:01 p.m.**

John Woodruff, Budget and Performance Improvement Director, introduced the item, which sets the millage rate for the Normandy Shores District. The budget is actually \$4,000 more than last year and the millage rate is being reduced by almost 11%. The Normandy Shores Homeowners Association has approved the proposed millage rate.

**7:34:09 p.m.**

R7E A Resolution Accepting The Written Recommendation Of The City Manager (As Set Forth In The City Commission Memorandum Accompanying This Resolution) And Waiving, By 5/7<sup>th</sup> Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Approving And Authorizing The City Manager (On Behalf Of The City) And City Clerk To Execute An Agreement With Woosh Miami Beach LLC, In Connection With The Implementation, Management And Operation Of A Pilot Program For A Citywide Network Of Smart Drinking Water Stations, For An Initial Term Of Three (3) Years, With One Renewal Option Of One (1) Year, At The City's Sole Discretion; Which Agreement Shall, At A Minimum, Contain The Essential Provisions Contained In The Term Sheet Set Forth As Exhibit "A" To This Resolution; And Which Final Negotiated Agreement Shall Be Subject To Legal Review And Form Approval By The Office of the City Attorney.

(Office of the City Attorney)

**ACTION: Resolution 2015-29102 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Wolfson; Voice-vote: 7-0. **Office of the City Attorney to handle.**

Raul J. Aguila, City Attorney, stated that they are asking for a waiver of competitive bidding so the City can contract with Woosh Miami Beach, to install a pilot program of 25 smart drinking stations throughout the City in locations of the City's choosing. A Term Sheet is attached on Page 343 of the Agenda. The Term Sheet is for an initial three-year term with a one-year option from the operational rolled out date, when the first station is in effect. There is an initial City contribution of estimated \$140,000 for utility connections, and Woosh has agreed to reimburse the City that initial outlay during the first agreement year after September 1<sup>st</sup>, 2016. They also will be responsible for utilities for these water stations. He added that on the concession fees, part of the revenue are generated from advertisement and sponsorship revenue, so they want to be able to install advertising on these stations, and in order to do that, when they bring the agreement to the City Commission, based on the Term Sheet, they will need to have a Code amendment in order for them to be able to place advertisement on these water stations. The remaining revenues to the City will be based upon a percentage of operational revenues. They have the standard concession agreements requirements for the 25 stations. They are asking that the City

Commission look at the Term Sheet, and if approved, they will negotiate an agreement with Woosh, subject to the Term Sheet. The next thing then to come in front of the City Commission will be a Code amendment permitting the advertisement, as this right now is not permitted.

Motion made by Commissioner Grieco; seconded by Commissioner Wolfson.

Commissioner Steinberg thinks this is a fabulous and innovative project, great for the environment and will hopefully take plastic bottles off the streets as another alternative. Commissioner Steinberg thinks this can be a win-win; the only concern is the advertising. She feels they need to minimize advertising and suggested coming up with an alternate model so that they do not have to do the advertisement.

Gisela Torres, Senior Assistant City Attorney, explained that the revenue projections are strictly based on the operational revenues received just from the sale of the water; they do not project any earnings from advertising or sponsorship. One of the things they are asking for is direction from the City Commission as to whether they can have advertising on the screen itself, which tells how many bottles were saved; they can give you advertising of any sort, right on the screen, or there can be advertising as cumbersome as wrapping the entire water station, which is about 5' 8" in height. She asked for guidance before moving to the next step and having a Code amendment.

Mayor Levine asked what they do with the bike program as far as advertising.

Ms. Torres answered that the bike program advertises on the kiosks and on the bicycles themselves on the basket and all bicycles have City sponsorship.

Commissioner Grieco stated that this is a revenue sharing program, it helps the City and provides a service; they do it for the garbage cans, for the bikes, and now for the water stations and he is in full support. They are talking about getting people to stop using plastic bottles, to get litter off the street, to make water available to everyone, from the needy to the thirsty people. There is already a screen on there, where the advertising will be placed. This is 2015, and it is ok to have some advertising out there; more so if it benefits the City. Miami Beach is the first City in the country who they approached to do this. Commissioner Grieco feels they should allow it.

Commissioner Malakoff stated that the Code amendment would read "the City's Code would need to be amended to permit advertising on City property and reviewed by the Planning Board." She agrees Woosh is a great idea and she has no objection to advertising on touch screen, but hesitates to open up advertising on City property in general, as it would go then to parks and benches, and that is something they do not want in the City of Miami Beach.

Commissioner Weithorn explained that the bicycle advertising was done because they thought it would go away at a later date, but she will not support a program where advertising is part of the deal. She will vote no for this and any other item where there is advertising involved. In answering Mayor Levine, she stated that she is agreeable with ads onscreen.

Commissioner Wolfson agrees with Commissioner Grieco and is in support of the item.

Vice-Mayor Tobin stated that whenever they discussed advertising over the last seven years, the City Attorney reminded them that if they made any concessions for advertising that it opens up challenge to advertising everywhere in the City. Currently there are strict prohibitions that it would be difficult for someone to challenge. He is not in support of any type of advertising, although he is agreeable with advertising on the screen. He asked why they waived competitive bidding. He asked if DRB will look at the aesthetics.

City Attorney Aguila stated that this was a proposal brought to the Sustainability Committee, it was not bid out, it is the first time done in this country because of the uniqueness of the program and the technology used.

Discussion held.

Mayor Levine thinks they agree with advertising on screen.

Discussion continued.

Commissioner Grieco stated that Code amendment action is not in front of the Commission today, all they have in front for action is the Term Sheet and going into negotiations with Woosh; if they want a future conversation specifically on advertising, then they can control what is going on.

Ms. Torres asked for direction in terms of whether the advertisement will be permitted on the screen. She suggested making this subject to approval.

**7:48:03 p.m.**

R7F A Resolution Calling For A November 3, 2015 Special Election For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida, A Question Asking Whether Miami Beach City Charter Section 1.03(b)(4) Should Be Amended To Require A 4/7<sup>th</sup> Planning Board Vote And A 7/8<sup>th</sup> Vote Of The Miami Beach Redevelopment Agency To Approve The Sale, Exchange, Conveyance Or Lease Of 10 Years Or Longer Of Property Owned By The Miami Beach Redevelopment Agency.

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

**ACTION: Resolution 2015-29103 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Steinberg; Voice-vote: 7-0. **Office of the City Attorney to handle.**

Commissioner Grieco explained that during a past RDA meeting, there was an item that required a 6/7<sup>th</sup> vote, but there were eight members on the RDA. This is a clean-up item to make it a 7/8<sup>th</sup> vote for the RDA to approve the sale or lease of a property in the RDA.

Commissioner Weithorn stated that they should urge the State Legislature that they should let the public vote on sales and transfers of other sensitive properties, such as that belonging to the Housing Authority, which is not the City's role, in line of what they are doing.

**City Clerk's Note:**

Scrivener's error corrected per Debbie Turner, First Assistant City Attorney. August 27, 2015.

**7:23:41 p.m.**

R7G Request For Final Negotiations And Approval Of Tier 1 Final Contract Adding Economic Analysis And Recommendations For Town Center And West Lots With Dover, Kohl And Partners For Master Plan For North Beach District.

(Sponsored by Commissioner Joy Malakoff)

**ACTION:** Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Voice-vote: 7-0. Item approved as amended. **Jeff Oris to handle.**

**Direction/Amendments:**

- Master Plan Area Vision, without further community input as that has already taken place.
- Master Plan Area Vision to include the West Lots and the Town Center.
- Include economic analysis and recommendations included in Tiers 2 and 3.
- Give staff ability and flexibility to do a change order to consider additional community input; built-in as contingency.

Jeff Oris, Economic Development Director, stated that staff negotiated with Dover, Kohl and Partners, per City Commission's instructions, and they have provided three scopes of work for their consideration.

Commissioner Malakoff reviewed the plan carefully and spoke with each member of the Blue Ribbon Panel for North Beach; they had recommended Tier 3 at \$430,250; so she analyzed Tiers 1, 2 and 3 to see what the differences were and to see what the Planning Department could do. She gave examples of the different Tiers and what the Planning Department has in house. She is recommending voting on Tier 1, with two exceptions that she would like to add: 1) creating the Master Plan Area Vision without community meetings since those have already been held for over a year, and what they are really missing are the West Lots and the Town Center; they are doing the land development regulations FAR study design guidelines, but they need to include the economic analysis and recommendations that were included in Tiers 2 and 3.

Commissioner Weithorn agrees, but in the event that Ocean Terrace becomes more controversial, or if it should fail and something changes and they need to have additional community meetings, she would like to give staff the ability and flexibility to add that on and perhaps do a change order.

Kathie G. Brooks, Assistant City Manager, recommended building it in as a contingency.

Commissioner Malakoff agrees and moved the item; seconded by Commissioner Weithorn.

**R9 - New Business and Commission Requests**

- R9A Discuss Storm Water Pump Stations Policy.  
(Planning)

**ACTION:** Item deferred to the September 2, 2015 City Commission Meeting.

- R9B Presentation On The Beautification Of Alton Road Flyover Bridge At The Eastern End Of I-395.  
(Public Works)

**ACTION:** Item deferred to the September 2, 2015 City Commission Meeting.

**7:15:18 p.m.**

- R9C Discussion Concerning Waiving Remaining City Fees And Charges For The "Dwayne Have A Heart Foundation 5K/Run Walk," To Benefit The Dwayne Have A Heart Foundation, Inc.  
(Requested by Commissioner Michael Grieco)

**ACTION:** Discussion held. See action with Item R9G. **Patricia Walker to handle.**

**7:13:12 p.m.**

- R9D Request The City Attorney Prepare Ballot Language For A Vote By The City Of Miami Beach During The November 3, 2015 Election To Increase The FAR For The Proposed Ocean Terrace Overlay District.  
(Sponsored by Joy Malakoff)

**ACTION:** Request approved. See also comments and actions with R5B-1 and R5B-2. Motion made by Commissioner Malakoff; seconded by Commissioner Wolfson; Voice-vote: 7-0. **Office of the City Attorney to handle.**

Commissioner Malakoff explained that this is a request for the City Attorney to prepare ballot language for a vote by the City of Miami Beach during the November 3, 2015 Election to increase the FAR for the proposed Ocean Terrace Overlay District.

**7:49:32 p.m.**

- R9E Discussion Regarding What Rights The City Has To Take Away Mount Sinai's Grant Of 15 Million Dollars Due To Their Being Bad Corporate Citizens.  
(Sponsored by Commissioner Jonah Wolfson)

**ACTION:** Discussion held. No action taken.

Commissioner Wolfson explained that the item (Baptist Healthcare proposal to place a healthcare facility in South Beach) was approved and over, but he was against giving the money to Mount Sinai in the first place, and thought that the way Mount Sinai acted throughout the process was opposite of what a good corporate citizen would do when in the healthcare industry. He understands that it is a business, but it is a business of health. After the City promised \$15 million, Mount Sinai opposed Baptist's efforts to bring good quality healthcare to South Beach, and they did it on a basis of concerns about traffic in Miami Beach.

Vice-Mayor Tobin asked if in the last 60 days Commissioner Wolfson had spoken to any Executive Board Members at Mount Sinai Hospital about giving money or making payments for the PAC Relentless for Progress. His understanding is that Commissioner did ask, and was turned down.

Discussion held.

Mayor Levine stated that this question is not germane to the discussion and reiterated not to have any personal attacks at this point.

Discussion held and no action was taken.

**7:53:26 p.m.**

- R9F Request From The Miami-Dade County Supervisor Of Elections For Permission To Do Absentee Voter Outreach, Pursuant To Florida Statutes 101.655, To Electors Residing In Assisted Living Facilities (ALFs) And Nursing Home Facilities Located Within The City Of Miami Beach for the Upcoming November 3, 2015 Elections.  
(Office of the City Clerk)

**ACTION:** Request approved by acclamation. **Office of the City Clerk to handle.**

**DIRECTION:**

Move forward and determine the cost of this program.

Rafael E. Granado, City Clerk, stated that the Miami-Dade County Supervisor of Elections would like to reach out to electors residing in Assisted Living Facilities (ALFs) and Nursing Home Facilities to provide them with absentee ballots for the upcoming November elections. This service will have a cost, but before determining the cost, the Supervisor of Elections would like to know if this is something the City of Miami Beach would be interested in doing.

Commissioner Grieco stated that he believes this is a great idea to get more voter participation and prevent voter fraud by helping those who cannot go to the polls to vote. He believes the cost of such a service would be nominal.

City Clerk Granado stated the cost for the service is probably nominal, and the City's reply does not have to be given until October. There are only five such facilities in the City, if all of them agreed to the program, they could determine the maximum cost.

Commissioner Malakoff agreed with Commissioner Grieco that this is a great idea. It is important that this is overseen by the Supervisor of Elections, in case a person with Alzheimer's is unaware of whom they are voting for.

City Clerk Rafael E. Granado explained that there will be a minimum of two individuals from the Elections Department overseeing the process as it unfolds. There will always be at least two individuals assisting voters so as to secure that no wrongdoings take place.

Commissioner Wolfson asked for a report of the process on how the assistance will be provided.

City Clerk Granado stated that the Department of Elections would first send letters to the voters in English, Spanish and Creole, if they do not hear back, they will make telephone calls, and provide those individuals with ballots.

Discussion continued regarding the assistance that will be provided.

Direction is to move forward and investigate further.

City Clerk Granado stated that this would be the first time the Elections Department provides this service in the City of Miami Beach.

**7:15:18 p.m.**

**ADDENDUM MATERIAL 2:**

R9G Discussion To Waive The Charity Cost Per Golfer Of \$63.00, Which Includes Cart And Green Fees, For A Golf Tournament Of The Dwayne Have A Heart Foundation, Inc. To Be Held September 26, 2015.

(Sponsored by Mayor Philip Levine)

**ACTION:** Discussion held. See companion item R9C. Motion made by Commissioner Grieco, seconded by Commissioner Wolfson to waive all fees associated with these fundraising events for this cause. **Resolution 2015-29104 adopted.** Voice vote: 7-0. **Max Sklar to handle.**

Mayor Levine stated that this is a very important thing and they want to sponsor and support all fundraiser efforts.

Sergeant Chris Mitchell personally thanked everyone for their support and donations towards Dwayne's medical expenses. On the morning of May 16, his mother went to spend the weekend with his grandmother, and she heard a noise from the room where Dwayne was sleeping. When she checked on Dwayne, he was unresponsive. Dwayne's older brother Chris began performing CPR. He was rushed by Fire Rescue to Jackson South. It was later determined that Dwayne had Wolff-Parkinson-White (WPW) syndrome, which is rare and usually goes undetected. Dwayne had an arrhythmia attack and that sent him into cardiac arrest. He was down for a period of time where he sustained severe swelling to the brain. He has been in ICU fighting for a second chance at life since then. Two weeks of him being in ICU, the neurologist wrote him off saying he had 48 hours to live. He sought a second opinion from one of the top neurologists in South Florida and he said he was survivable, but the road to recovery would be long and steep. Dwayne began fighting for survival, and as of this week, they completely took Dwayne off the Life Support System. Dwayne is breathing 100% on his own, he opened his eyes, but he is still fighting. His medical expenses are through the roof. He is insured, but unfortunately, the insurance company will only

cover so much. There have been some rough days, but he thanked the entire City of Miami Beach for all the support. This is the only way his family has been able to move forward. Sergeant Mitchell thanked the Mayor, Commissioner Grieco and the entire staff.

Mayor Levine stated that they cannot do enough, and they want to come up with more ways to help; this is only one small thing; the City is behind them and they hope for the best. They will be with them through the entire journey.

Major Mark Causey stated that financially they transferred Dwayne into a place called "The Promise," in Miami Lakes, which is a 24-hour ICU on June 4. The Police Department added this facility to their Health Trust effective July 1, 2015. For the month of June, they have a bill in excess of \$100,000. This facility costs almost \$8,000 a day. The next part in Dwayne's next level of rehabilitation is to him to a rehabilitation facility. There are two such facilities, one in Orlando and one in Georgia. They travelled to Georgia and they liked the facility. Now they have to start looking at the insurance side, whether it is going to be a COBRA, which at 55% where they have to come up with the additional 45%, and they have an outstanding bill from Palmetto Hospital and from Jackson South before they moved him to The Promise. They have held several fundraising events; the first was this past Wednesday, which was a breakfast at the Police Department; they had almost 180 employees go to the Police Station itself and buy the morning breakfasts; and they also delivered to different departments in this building, at 1755 and 1701 Meridian, as well as to the EOC. It was an incredible turnout. They raised \$5,614. No one paid the amount requested; the majority of employees paid with a \$20, \$50 or a \$100 bill. It was an incredible turnout.

Mayor Levine stated that there are two upcoming events, one of which is sponsored by Commissioner Grieco.

Commissioner Grieco explained that they will be doing a 5K and since there are City fees associated with this, and usually the City Commission does not waive these type of fees, but since this is a unique situation, and he will move the item to waive any applicable fees associated with this; seconded by Commissioner Wolfson.

Commissioner Weithorn stated that given the extraordinary nature of the situation she suggested making a motion to waive all City fees for all fundraising events for this situation. They want to hear of his progress, but they should waive all fees. She offered that addendum.

Commissioner Grieco agreed and there was consensus.

Motion made by Commissioner Grieco to waive all the City fees for fundraising events; seconded by Commissioner Wolfson. Voice vote: 7-0.

### **End of Agenda**

Meeting adjourned at 7:59:53 p.m.