



**City Commission Meeting  
City Hall, Commission Chambers, 3<sup>rd</sup> Floor, 1700 Convention Center Drive  
September 2, 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**

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

**AGENDA**

Meeting called to order at 8:33:00 a.m.

Inspirational Message given by Rabbi Solomon Schiff.

Pledge of Allegiance led by Fire Chief Virgilio Fernandez and Chief of Police Daniel Oates.

**ADDENDUM MATERIAL 1:**

C4I

**ADDENDUM MATERIAL 2:**

C7J R7V

**ADDENDUM MATERIAL 3:**

C4J

**SUPPLEMENTAL MATERIAL 1:**

C7E Memorandum & Resolution  
R5K Ordinance  
R5N Memorandum & Ordinance  
R5Q Memorandum & Ordinance  
R7C Revised Memorandum & Resolution  
R7D Revised Memorandum & Resolution  
R7F Memorandum & Resolution  
R7H Memorandum & Resolution  
1A Lease Agreement

**SUPPLEMENTAL MATERIAL 2:**

R2A Memorandum  
R5H Ordinance  
R7I Revised Memorandum  
R7N Updated Memorandum & Resolution  
R7P Exhibit "F"  
R7S Resolution

**SUPPLEMENTAL MATERIAL 3:**

R7M Revised Memorandum & Resolution  
R7O Attachment  
R7T Attachment

**9:04:06 a.m.**

Rafael E. Granado, City Clerk, announced items added, separated and withdrawn.

**ITEMS SEPARATED:**

C4I by Mayor Levine  
C4C by Commissioner Grieco  
C4I by Commissioner Steinberg  
C4C, C4I by Vice-Mayor Tobin  
C4J by Commissioner Weithorn

**ITEMS DEFERRED:**

R7K deferred to October 14, 2015

**ITEMS WITHDRAWN:**

R7B  
R7R

**12:01:16 p.m.**

City Manager Morales announced that the County had approved the Mid Beach trolleys.

**9:09:26 a.m.**

Rafael E. Granado, City Clerk, read the corrections and notations into the record.

**City Clerk's Note:**

Pursuant to Ordinance 2015-3954, Sec. 2-12(3), addendum agenda items C4I, C4J and C7J have been approved by the Mayor to be placed on the Commission Agenda. No additional vote is required.

Pursuant to Ordinance 2015-3954, Sec. 2-12(3), addendum agenda items R7V has not been approved by the Mayor to be placed on the Commission Agenda. A 5/7 vote is required to add the item to the Commission Agenda.

**ADDENDA**

**ACTION:** Motion made by Commissioner Grieco to add Item R7V to the Commission Agenda, seconded by Commissioner Steinberg; item added by acclamation; Absent: Commissioner Wolfson.

Vice- Mayor Tobin requested adding item R7V to the agenda, for discussion purposes. This item request that the rent received from the Convention Center Hotel be designated for flooding mitigation, to moderate utility rate increases, for pre-k for education, to mitigate traffic and for the undergrounding of utilities.

Recess for lunch at approximately 12:00 p.m.

**Presentation**

**9:30:47 a.m.**

PA1 Proclamation To Be Presented In Honor Of Hispanic Heritage Month (September 15 - October 15, 2015).

(Office of the City Manager)

**ACTION:** Proclamation presented.

Anthony Trullenque, Hispanic Affairs Committee Chair, thanked the City Commission for their support. Miami Beach celebrates 100 years, and Hispanics have influenced the culture of the City. On behalf of past, present and future, he thanked the Hispanic community as a whole. This City Commission has been good and generous in supporting Hispanic affairs. He recognized Commissioner Malakoff, Mayor Philip Levine, Vice-Mayor Tobin, Commissioner Steinberg and Commissioner Michael Grieco, for being supportive as well to Miami Beach Senior High School and the school's music program. Mr. Trullenque that the Commission for helping the school's Jazz Assemble travel to the Jazz Festival in New Orleans. This year the music the students have put together an idea that they want to make a cultural bridge and go to Cuba, share ideas with Cuban students and play jazz.

Alex Fernandez, as Hispanic American and as a member of the Hispanic Affairs Committee, thanked the City Commission for allowing them to serve and give the City Commission recommendations.

Mayor Levine read the proclamation into the record:

“During National Hispanic Heritage Month, we pause to celebrate the immeasurable contributions Hispanic individuals have made to shape and strengthen our nation and community. Whereas Hispanics represent a wide range of nationalities and background, and have overcome great obstacles to persevere and flourish in every sector of our society. Whereas with enduring values of faith, family, hard work and sacrifice, Hispanics have preserved the rich heritage of generations past while contributing to the promise of our future. Whereas Hispanics are leaders in all aspects of our community, ranging from elected appointed public officers, to leaders in business, education, cultural arts, non-profit organizations and neighborhood organizations. And Whereas this month we honor Hispanics for enriching our community's fabric and reflecting on our City's rich Hispanic heritage. Let us take pride in our unique and vibrant history and recommit to a shared future of freedom, prosperity and opportunity for all, now therefore, do I, Philip Levine, as Mayor of the City of Miami Beach, hereby proclaim from September 15, 2015 to October 15, 2015 'Hispanic Heritage Month' in the City of Miami Beach!”

Mr. Trullenque invited everyone to the Hispanic Heritage Festival and encouraged the Commission to nominate individuals for the Hispanic Heritage Awards.

### **CONSENT AGENDA**

**9:10:59 a.m.**

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

Raul J. Aguila, City Attorney, read the following language into the record explaining Robert's Rules of Order, and added that he will continue reading this at the beginning of each Commission Meeting.

Let this serve as a reminder to the City Commission of some basic Roberts Rules that they will be following today, in order to keep the agenda on track and to run an efficient, courteous and respectful meeting. 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, or their designated staff, to briefly introduce and summarize the agenda item. If it is an agenda item sponsored by a City Commissioner, the Mayor will recognize the sponsoring Commissioner first to introduce and briefly summarize the item. If the item calls for a public hearing, or if the Mayor opens up an item for public input at his discretion, 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 asks that speakers keep to their time limit as established by the Chair, keep their comments related to the item and not engage any members of the Commission or the City Administration in questions or debates. Speakers will address their comments to the Chair, and the Mayor will delegate as appropriate and necessary. At the same time, the Mayor would ask that his fellow Commissioners not engage in debate or questions directly with speakers. If any member of the City Commission wishes to question a member of the public, he must first be recognized by the Chair. At the conclusion of a public hearing, the Mayor will ask for 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 ask that the motion be made and seconded prior to opening up the floor for debate on the item. All motions must be germane to 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 City Commission. Following conclusion of the vote, the City Clerk will announce the results and will

move on to the next item of business. Finally, when a question or an agenda item is pending, it is proper for any member on this Commission to condemn the nature or likely consequences of the proposed agenda item in strong terms, but City Commissioners must avoid personalities, and under no circumstances should they attack or question the motives of another member. The measure, not the member, is the subject of debate.

### **C2 - Competitive Bid Reports**

- C2A Request For Approval To Issue A Request For Qualifications (RFQ) No. 2015-240-KB For Architectural And Engineering Design Services For The Future Community Park (Former Par 3) Project.

(Procurement/Capital Improvement Projects)

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

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

- C4A Referral To The Planning Board - Proposed Ordinance Amending Chapter 130 Of The Land Development Regulations Of The City Code Pertaining To Off-Street Loading Space Requirements.

(Sponsored by Commissioner Deede Weithorn & Joy Malakoff)  
(Legislative Tracking: Planning)

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

- C4B Referral To The Planning Board - Proposed Ordinance Amending Chapter 142 Of The Land Development Regulations Of The City Code Pertaining To Mandatory Traffic Studies For DRB And HPB Development Applications.

(Sponsored by Commissioner Micky Steinberg)  
(Legislative Tracking: Planning)

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

#### **9:18:43 a.m.**

- C4C Referral To The Planning Board - Proposed Ordinances Amending Chapter 114 And Chapter 142 Of The Land Development Regulations Of The City Code, And Chapter 6 Of The City Code, Pertaining To Alcoholic Beverage Regulations.

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

**ACTION:** Item deferred to **October 14, 2015**. Item separated by Vice-Mayor Tobin and Commissioner Grieco. Motion by Commissioner Grieco to defer the item to allow the City Commission an opportunity to further review and possibly suggest amendments; seconded by Vice-Mayor Tobin; Voice vote: 6-1; Opposed: Commissioner Malakoff. Lilia Cardillo to place on the **October 14, 2015** Commission Agenda if received. **Thomas Mooney to handle.**

Commissioner Malakoff introduced the item. In an effort to make the City Code more “user friendly,” she suggested placing all of the alcohol regulations together in Chapter 6. She added that restaurants and bars are allowed to have ambient levels of outdoor music by means of speakers, DJs, or musical instruments, but unfortunately, that is not the case. Many establishments play their music excessively loud. In order to help protect the neighborhoods, the City should require a sound study and an operational and sanitation plan for establishments that want outdoor music.

Commissioner Grieco disagreed with Commissioner Malakoff. If the item is sent to the Planning Board, it will create zoning in progress and create problems. He mentioned that based on the definition of this item, a person with a portable music player listening to music would need a permit to play the music. He suggested having this item returned to the Land Use and Development Committee.

Commissioner Weithorn agreed with Commissioner Grieco, and expressed her concern that this item will in fact hurt the hospitality business.

Commissioner Wolfson also agreed with Commissioner Grieco.

Vice-Mayor Tobin pointed out that on Page 200 of the Agenda, there was language that had been stricken-out regarding establishments having an outdoor bar counter so long as they had adequate setback. He added that the noise arguments were compelling.

Thomas Mooney, Planning Department Director, explained to Vice-Mayor Tobin that the language was relocated to another section.

Vice-Mayor Tobin stated he would vote to discuss the item further and defer.

Commissioner Steinberg agrees with moving forward, but will vote to defer.

Commissioner Wolfson stated that a Land Use Ordinance with zoning in progress must be perfect before sending the item to the Planning Board, and encouraged further discussion.

Motion by Commissioner Grieco to defer the item to the October 14, 2015 Commission Agenda to give the City Commission an opportunity to further review and possibly suggest amendments to the item; seconded by Vice-Mayor Tobin; Voice vote: 6-1; Opposed: Commissioner Malakoff.

- C4D Referral To The Planning Board - Proposed Ordinance Amending Chapter 130 Of The Land Development Regulations Of The City Code Pertaining To Electric Vehicle Charging Stations.  
(Sponsored by Commissioner Micky Steinberg)  
(Legislative Tracking: Planning)

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

- C4E Referral To The Planning Board - Proposed Ordinance Creating Chapter 133 In The Land Development Regulations Of The City Code Pertaining To Sustainability And Resiliency.  
(Sponsored by Commissioners Micky Steinberg & Michael Grieco)  
(Legislative Tracking: Planning)

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

- C4F Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding July 4<sup>th</sup> Celebration.  
(Tourism, Culture & Economic Development)

**ACTION:** Item referred. Daphne Saba to place on the committee agenda. **Max Sklar to handle.**

- C4G Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding The Convention Center Park And Veteran's Plaza.  
(Office of the City Manager)

**ACTION:** Item referred. Daphne Saba to place on the committee agenda. **Maria Hernandez to handle.**

- C4H Referral To The Sustainability And Resiliency Committee - Discussion To Improve The Resiliency Of Government Buildings And Operations To Reduce And Mitigate The Impacts Of Greenhouse Gas Emissions.  
(Sponsored by Commissioner Micky Steinberg)

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

**9:14:50 a.m.**

**ADDENDUM MATERIAL 1**

- C4I Referral To The Land Use And Development Committee - Discussion Regarding The Vacation Of A Portion Of The Alley Between Alton Road And West Avenue, Just South Of 17<sup>th</sup> Street - As Part Of A Proposed Mixed Use Project That Will Include Residential, Retail And Structured Parking, Including Public Parking.  
(Sponsored by Commissioner Joy Malakoff)

**ACTION:** Item referred to the Land Use and Development Committee (LUDC). Item separated by Mayor Levine, Vice-Mayor Tobin and Commissioners Malakoff and Steinberg. Motion made by Commissioner Malakoff to refer the item to the LUDC; seconded by Commissioner Grieco; Voice-vote: 5-2; Opposed: Mayor Levine and Commissioner Weithorn. **Thomas Mooney to place on the committee agenda and to handle.**

**REFERRAL:**

Land Use and Development Committee

Commissioner Malakoff suggested discussing the item at LUDC. She explained that the item refers to the planned construction of a building that will have a segment going over the alley located between Alton Road and West Avenue. She added that there was some confusion as to whether the alley would be closed, that is not the case, the developer must keep the alley open and improve it.

Commissioner Grieco stated that as he understood it, this is a similar situation with what is taking place with the Betsy Ross Hotel, and it is not so much an issue of vacation, but more in regards to air rights. He reiterated Commissioner Malakoff's point that this would not affect traffic flow, and that it should be referred to LUDC.

Commissioner Steinberg stated that she also separated the item because she was uncomfortable with it, but will agree to refer the item.

Alexander Heckler, Esq., speaking on behalf of the applicant, stated that they would be in agreement with the City Commission's decision, whether to refer to LUDC, or to defer until the next regular Commission meeting in October.

Vice-Mayor Tobin expressed his opposition to the item, and stated that this is currently a near F intersection. Vice-Mayor Tobin is against deferring this to October but will vote in favor of referring to LUDC.

Mayor Levine agreed with Vice-Mayor Tobin.

Motion by Commissioner Malakoff to refer the item to LUDC; seconded by Commissioner Grieco; Voice-vote: 5-2; Opposed: Mayor Levine and Commissioner Weithorn.

**9:36:24 a.m.**

**ADDENDUM MATERIAL 3**

C4J Referral To The Next Land Use And Development Committee Meeting - Proposed Amendment To Section 142-306 - Development Regulations In The CD-2 Commercial Medium Intensity District.  
(Sponsored by Commissioner Michael Grieco)

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

Commissioner Weithorn asked for clarification on the item.

Monika Entin, Esq., explained that when the Planning Department amended the Code to no longer require variances for smaller unit sizes when dealing with historic hotels and Historic Districts, it excluded or did not mention the designation of hotels outside of the Historic Districts, which would not get the benefit of a smaller unit size. Ms. Entin explained that this item would allow buildings outside of Historic Districts to receive further renovations and upkeep.

Commissioner Weithorn stated that after that explanation, she supports the item.

**C6 - Commission Committee Reports**

C6A Report Of The July 29, 2015 Land Use And Development Committee Meeting: **1.** Discussion On Possible Amendments To Chapter 6 And Chapter 142 Of The City Code. **2.** Discussion On The Collins Canal Project. **3. a)** Annual Evaluation Of Parking Impact Fee Structure. **3. b)** Discussion Regarding The Philosophy Behind Parking Impact Fees. **4.** Discussion Regarding Seawall Conditions, Encroachments Into Public Property For Private Use. **5.** Discussion Regarding The Provision Of Renewable Energy Sources In New Construction Projects. **6.** Sidewalk Café Ocean Drive Umbrellas - An Ordinance Amending Chapter 82, Entitled "Public Property," Article IV, Entitled "Uses In Public Rights-Of-Way," Division 5, Entitled "Sidewalk Cafes," Subdivision 2, Entitled "Permit," By Creating Section 82-389, Entitled "Additional Minimum Standards, Criteria, And Conditions For Operation Of Sidewalk Cafes On Ocean Drive Between 5<sup>th</sup> Street And 15<sup>th</sup> Street" To Provide Minimum Standards For Umbrellas And Awnings, Require Regular Maintenance Of Umbrellas, And Provide Prohibitions; And Providing For Repealer, Severability, Codification, And An Effective Date. **7.** Discussion Regarding Grade Elevations For New Construction. **8.** Discussion Regarding Traffic Studies. **9.** Proposed Revisions To Chapter 126 Of The Land Development Regulations Of The City Code, Pertaining To Landscaping And Minimum Standards For The Landscaping Of Private Properties And Adding A Requirement For A Tree Survey Prior To The Issuance Of A Demolition Permit. **10.** Amendment To Chapter 130 Of The Land Development Regulations To Modify Minimum Requirements For Off Street Loading Spaces. **11.** Discussion: Legal Opinion Concerning Whether A Vacancy On The Historic Preservation Board Renders The Board Improperly Constituted And Without Power To Act, And To Discuss An Amendment To Sec. 2-22(21) To Require The Mayor And City Commission To Fill Board Vacancies Within 90 Days. **12.** Discussion Regarding Amending The City Charter And City Code To Provide That Instead Of The Board Of Adjustment The Chief Special Master Shall Hear And Decide Appeals From, And Review, Any Order, Requirements, Decision Or Determination Made By An Administrative Official Charged With The Enforcement Of The Zoning Ordinance Of The City Of Miami Beach. **13.** Discussion Regarding RFP For Electric Vehicle Charging Stations For City Parking Facilities. **14.** Discussion On A Proposed Ordinance Amendment To Modify The Minimum Front And Side Setback, And Minimum Pervious Area Requirements For Single Family Homes, As Well As Simplifying The Regulations Pertaining To The Calculation Of Unit Size And Lot Coverage. **15.** Discussion Pertaining To Main Use Parking Structure Height Limits On Terminal Island. **16.** Discussion Regarding Additional Height In The Alton Road Parking District For Projects That Provide Structured Parking. **17.** Discussion Regarding Withdrawing The Proposed Ordinance Assigned File No(s). 2233, 2234, And 2235 (All Related To Alcohol Beverage Regulations) From The Planning Board's Jurisdiction.

**ACTION:**

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

**MOTION:** The item was removed from the agenda by Acclamation.

**2.** The Collins Canal Project.

**MOTION:** Continued to the November 18, 2015 meeting by Acclamation.

**3. a)** Annual Evaluation Of Parking Impact Fee Structure.

**MOTION:** Continued to the September 9, 2015 meeting by Acclamation.

**3. b)** Regarding The Philosophy Behind Parking Impact Fees.

**MOTION:** The item was removed from the agenda by Acclamation.

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

**MOTION:** Continued to the September 9, 2015 meeting by Acclamation.

5. Provision Of Renewable Energy Sources In New Construction Projects.

**MOTION:** 2-0 (ET/JM)

Recommend that the City Commission refer the Ordinance to the Planning Board with a modification that the LEED requirement applies to construction 7,000 SF and over, and that focus groups be held with construction professionals.

6. Sidewalk Café Ocean Drive Umbrellas Ordinance.

**MOTION:** Continued to the October 7, 2015 meeting by Acclamation.

7. Grade Elevations For New Construction.

**MOTION:** Continued to the October 7, 2015 meeting by Acclamation.

8. Traffic Studies.

**MOTION:** 2-0 (ET/JM)

Continue the item to the September 9, 2015 meeting and recommend that the City Commission refer the item to the Planning Board.

9. Proposed Revisions To Chapter 126 Of The LDR Of The City Code.

**MOTION:** 2-0 (ET/JM)

Continue the item to the September 9, 2015 meeting.

10. Amend Chapter 130 Of The LDR/Modify Minimum Requirements For Off Street Loading Spaces.

**MOTION:** 2-0 (ET/JM)

Recommend that the City Commission refer the proposed Ordinance to the Planning Board.

11. Legal Opinion Concerning Vacancy On The HPB.

**MOTION:** Continued to the September 9, 2015 meeting by Acclamation.

12. Amending Charter/Code To Provide Chief Special Master To Hear And Decide BOA Appeals.

**MOTION:** Continued to the September 9, 2015 meeting by Acclamation.

13. RFP For Electric Vehicle Charging Stations For City Parking Facilities.

**MOTION:** 2-0 (ET/JM)

Recommend that the City Commission refer the Ordinance to the Planning Board with an amendment establishing a minimum applicability requirement, and the amendments recommended by Commissioner Steinberg.

14. Proposed Ordinance To Modify Minimum Setback, And Pervious Area Requirements For Single Family Homes.

**MOTION:** 2-0 (ET/JM)

Continue the item to the September 9, 2015 meeting. The Administration was instructed to identify homes constructed in accordance with recently adopted regulations.

15. Main Use Parking Structure Height Limits On Terminal Island.

**MOTION:** 2-0 (ET/JM)

Continue the item to the September 9, 2015 meeting.

**16. Additional Height/Alton Road Parking District For Projects That Provide Structured Parking.**

**AFTER-ACTION:** Continued to the September 9, 2015 meeting by Acclamation.

**17. Withdrawing Proposed Ordinance Assigned File No(s): 2233, 2234, And 2235.**

**MOTION: 2-0** (ET/JM)

Prepare an overlay study for alcoholic beverage establishments along Alton Road, within the West Avenue Area and bring the study back to the Land Use and Development Committee on September 9, 2015.

**MOTION: 2-0** (JM/ET)

Recommend that the City Commission refer the draft Ordinance amendments for Chapter 114, 142, and Option A for Chapter 6, with the recommended amendments to the Planning Board.

C6B Report Of The July 22, 2015 Sustainability And Resiliency Committee: **1)** Mayor's Blue Ribbon On Flooding And Sea Level Rise Update. **2)** Sustainability Committee Update. **3a)** Discussion Regarding The Provision Of Renewable Energy Sources In New Construction Projects And Green Building Practices In New Construction Projects. **3b)** Referral Regarding The Incorporation Of Green Roofs In Future Building Projects. **4)** Referral Designating A Department Or Specific Employees To Develop And Oversee Sound And Comprehensive Policy Regarding Climate Change. **5)** Discussion Regarding The Incorporation Of Green Alleys **6)** Charging Stations For Plug-In Vehicles.

**ACTION:**

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

**MOTION:** No further action taken.

**2)** Sustainability Committee Update.

**MOTION:** No further action taken.

**3a)** Provision Of Renewable Energy Sources In New Construction Projects And Green Building Practices In New Construction Projects.

**MOTION:** Item to be discussed at the July 29, 2015 Land Use and Development Committee with an amendment to the penalties and the addition of the requested square footage data.

**3b)** Referral Regarding The Incorporation Of Green Roofs In Future Building Projects.

Item 3a and 3b have been combined as a single item.

**4)** Referral Designating A Department Or Specific Employees To Develop And Oversee Sound And Comprehensive Policy Regarding Climate Change.

**MOTION:** Item deferred to the September 9, 2015 Sustainability and Resiliency Committee to provide Vice-Mayor Tobin with the chance to discuss.

**5)** Discussion Regarding The Incorporation Of Green Alleys

**MOTION:** Amend the design review criteria to include a green alley component as a condition of approval. This motion will also include the consideration of a green alley as a part of the Lincoln Road Master Plan. Moved by Commissioner Weithorn, seconded by Commissioner Malakoff.

**6)** Charging Stations For Plug-In Vehicles.

**MOTION:** Item deferred for further discussion to the September 9, 2015 Sustainability and Resiliency Committee.

- C6C Report Of The July 31, 2015 Neighborhood/Community Affairs Committee (NCAC) Meeting: **1)** Report From Miami-Dade County Public Schools On The Status Of The Action Plan Related To Nautilus Middle School And Progress Date. **2)** Discussion Regarding The Status Of City Funds Given To The Wolfsonian-FIU Museum. **3)** Discussion Regarding Status Of Beach Chair Lock Boxes For Valuables. **4)** Discussion Regarding Bicycle Parking Locations And Adding Attractive Bike Racks Throughout The City. **5)** Discussion Regarding The Lack Of Availability Of Public Parking At 46th Street And Collins Avenue; And Discussion Regarding A Competition Swimming Pool. **6)** Discussion Regarding Amending Chapter 74 Of The Code Of The City Of Miami Beach, Entitled "Peddlers And Solicitors," By Amending Article III, Entitled "Panhandling On Public Property," To Provide Additional Areas Where Panhandling Is Prohibited; Providing For Repealer, Severability, Codification, And An Effective Date. **7)** Discussion And Update Regarding Undergrounding Of FPL Lines In The Venetian Islands And Citywide. **8)** Discussion Regarding Options For The Relocation Of The 21<sup>st</sup> Street Teen Center. **9)** Monthly Crime Statistics Report.

**ACTION:**

**1)** Report From MDC Public Schools On The Status Of The Action Plan Related To Nautilus Middle School And Progress Date.

**NO ACTION TAKEN.**

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

**DIRECTION:** Come back in 6 months to present an update.

**3)** Status Of Beach Chair Lock Boxes For Valuables.

**NO ACTION TAKEN.**

**4)** Bicycle Parking Locations And Adding Attractive Bike Racks Throughout The City.

**MOTION:** By Commissioner Steinberg to continue with the inverted U-shaped bicycle racks designs. Unanimous approval.

**5)** Lack Of Availability Of Public Parking At 46th Street And Collins Avenue; And Discussion Regarding A Competition Swimming Pool.

**DIRECTION:** Vice-Mayor Tobin said to come back in September with options for both an Olympic and a competition size pool.

**6)** Amending Chapter 74 Of The Code Of The City Of Miami Beach, Entitled "Peddlers And Solicitors."

**MOTION:** By Commissioner Grieco to move in favor of the Ordinance, which prohibits panhandling in areas of the city that are critical to its economic health. Unanimous approval.

**7)** Update Regarding Undergrounding Of FPL Lines In The Venetian Islands And Citywide.

**NO ACTION TAKEN.**

**8)** Discussion Regarding Options For The Relocation Of The 21<sup>st</sup> Street Teen Center.

**MOTION:** By Commissioner Grieco to move in favor of the amended recommendation made on behalf of the teen club staff. Unanimous Approval.

**9)** Monthly Crime Statistics Report.

**NO ACTION TAKEN.**

**C7 - Resolutions**

- C7A A Resolution Approving And Authorizing The City Manager, Or His Designee, To: 1) Collaborate With Harvard University Graduate School Of Design On An Application To The National Science Foundation For The Infrastructure Management And Extreme Events Grant In The Amount Of \$250,000; 2) Submit Applications To: A) Miami-Dade County For FY 2014/15 Edward Byrne Memorial Justice Assistance Grant Program Funds In The Approximate Amount Of \$10,000 And B) The United States Conference Of Mayors For The 2015 Childhood Obesity Prevention Awards Program In The Amount \$120,000; And 3) Retroactively Approve The Submittal Of The Following Grant Applications: A) Christopher And Dana Reeve Foundation For Funding In The Approximate Amount Of \$25,000 For Adaptive Exercise Equipment For The Allison Park Project And B) Florida Department Of Environmental Protection, Florida Recreation Development Assistance Program (FRDAP) For Funding In The Approximate Amount Of \$200,000 For The Allison Park Project; And Further Authorizing The City Manager, Or His Designee, To Take All Necessary Steps And To Execute Documents In Connection With The Aforestated Grants And Funding Requests, Including, Without Limitation, Applications, Grant And Funding Agreements, And Audits.  
(Budget & Performance Improvements)

**ACTION: Resolution 2015-29105 adopted.** Patricia Walker to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.**

- C7B Reappointment Of Chief Special Master
1. A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Section 30-36 Of The Code Of The City Of Miami Beach, Concerning The Reappointment Of Enrique Zamora, Esq., To Serve As Chief Special Master, For A Term Commencing On October 24, 2015 And Ending On April 23, 2016; Provided Further That Chief Special Master Zamora Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of The City And County Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; And Further Incorporating All Other Matters Set Forth Within Chapter 30 Of The City Code, Including, Without Limitation, Sections 30-37 And 30-38 Thereof, Concerning The Compensation And Duties Of The Chief Special Master.  
(Office of the City Clerk)

**ACTION: Resolution 2015-29106 adopted. Office of the City Clerk to handle.**

2. A Resolution Approving And Reappointing, Pursuant To Section 102-356 Of The City Code, Enrique Zamora, Esq. (Chief Special Master Reappointed Pursuant To Resolution No. **2015-29016** As The City Manager's "Designee" Under Section 102-356 Of The City Code; Said Designation Commencing With Mr. Zamora's Term As Chief Special Master On October 24, 2015 And Ending On April 23, 2016.  
(Office of the City Clerk)

**ACTION: Resolution 2015-29107 adopted. Office of the City Clerk to handle.**

- C7C A Resolution Authorizing The City Of Miami Beach To Accept A Donation Of A Deco Bike From Decobike LLC., On Behalf Of The Miami Beach Police Department (MBPD), With An Approximate Value Of \$800, To Be Used In Decoy Operations To Identify And Apprehend Bicycle Thieves.  
(Police)

**ACTION: Resolution 2015-29108 adopted. Police Chief Daniel J. Oates to handle.**

- C7D A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Qualifications No. 2015-144-YG (The RFQ), For Public Information Outreach (PIO) Services On Right Of Way And Facilities Construction Projects; Authorizing The Administration To Enter Into Negotiations With HML Public Outreach, LLC., Infinite Source Communications Group, LLC., Media Relations Group, LLC., And Quest Corporation Of America, Inc., To Establish A Pool Of Consultants That Can Provide The Required PIO Services On An As Needed Basis; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Conclusion Of Successful Negotiations By The Administration.  
(Procurement/Capital Improvement Projects/Public Works)

**ACTION: Resolution 2015-29109 adopted. Alex Denis, David Martinez and Eric Carpenter to handle.**

**9:00:00 a.m.**

**SUPPLEMENTAL MATERIAL 1 – MEMORANDUM AND RESOLUTION**

- C7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Tyler Technologies, Inc., Agreement Between The City Of Miami Beach And Tyler Technologies, Inc., Dated October 10, 2014, For Replacing The City's Enterprise Resource Planning (ERP) System; Amending The ERP System 'Go-Live' Dates, As Provided In This Resolution.

(Procurement/Office of the City Manager)  
**(Memorandum & Resolution)**

**ACTION: Resolution 2015-29110 adopted. Alex Denis and Mark Taxis to handle.**

- C7F A Resolution Approving, Pursuant To Section 2-367(d) Of The Miami Beach City Code, The Sole Source Purchase Of Technical Service Support For Manual External Defibrillators And Automated External Defibrillators From Physio-Control Inc., The Sole Source Provider; And Approving And Authorizing The City Manager To Execute, In Substantial Form, The Attached Technical Service Support Agreement Between The City And Physio-Control Inc., For A Three (3) Year Term, Commencing On October 1, 2015 And Ending On September 30, 2018, For A Total Cost Of \$117,036.82, Subject To Review And Form Approval By The City Attorney's Office; And Further Authorizing The Administration, In Its Discretion, To Purchase Any Necessary Accessories And Electrodes Pursuant To Said Agreement.

(Procurement/Fire)

**ACTION: Resolution 2015-29111 adopted. Alex Denis and Fire Chief Virgilio Fernandez to handle.**

- C7G A Resolution Approving And Authorizing The Acceptance Of Sponsorships Valued At \$10,650 For The 2015 Annual Family Service Day, The 2015 Annual Veterans Day Parade, And For One Monthly Food Truck And Music Festival, As Well As An In-Kind Sponsorship Valued At \$60,000, Made To The City For A One Year Supply Of Dog Waste Bags.  
(Tourism, Culture & Economic Development)

**ACTION: Resolution 2015-29112 adopted. Max Sklar to handle.**

- C7H A Resolution Approving An Award Of \$3,350 For The City's Joint Tourism And Hospitality Scholarship Program In Partnership With Spectra Management Group And Centerplate, Inc.  
(Tourism, Culture & Economic Development)

**ACTION: Resolution 2015-29113 adopted. Max Sklar to handle.**

- C7I Request To Amend The Awarded Contracts Pursuant To Invitation To Bid (ITB) 113-2013, For Routine And Emergency Repairs For Water, Sanitary Sewer And Storm Water Pipe Break; Cured-In Place Lining For Sanitary Sewer Pipes And Storm Water Drainage Pipes; And Rehabilitation Of Sanitary Sewer Manholes And Storm Water Manholes.  
(Procurement/Public Works)

**ACTION: Request to amend approved. Resolution 2015-29114 adopted. Alex Denis and Eric Carpenter to handle.**

## **ADDENDUM MATERIAL 2**

- C7J Approval of Zyscovich Invoice for \$21,400 for Additional Services for the Washington Avenue Master Plan.  
(Sponsored by Commissioner Joy Malakoff)  
(Legislative Tracking: Office of the City Attorney)

**ACTION: Request approved. John Woodruff to handle.**

**End of Consent Agenda**

**REGULAR AGENDA****R2 - Competitive Bid Reports****09:48:14 a.m.****SUPPLEMENTAL MATERIAL 2: MEMORANDUM**

R2A Request For Approval To Authorize The Issuance Of A Request For Proposals (RFP) For The Collection And Disposal Of Residential Solid Waste, Yard Trash And Bulk Waste And The Operation Of The City's Green Waste Facility.  
(Procurement/Public Works)

**ACTION:** Request approved as amended. Moved by Commissioner Wolfson for the commencement of any contract the City enters, because of the RFP, will commence after the end of the current contract renewal with Progressive; seconded by Commissioner Malakoff. Voice-vote: 7-0. **Alex Denis and Eric Carpenter to handle.**

**AMENDMENT:**

The commencement of any contract the City enters, because of the RFP, will commence after the end of the current contract renewal with Progressive.

Jimmy L. Morales, City Manager, explained that this item is in regards to the RFP the City Commission asked for at the last meeting for the residential waste pickup provider.

Eric Carpenter, Assistant City Manager and Public Works Director, stated that the City Commission gave the direction to issue this RFP. The RFP requires approval of the City Commission prior to its issuance.

Commissioner Weithorn stated that she has a problem with the timing of this item, due to the fact that there will be new Commissioners after the November 3, 2015 Election. Commissioner Weithorn believes that this item should wait until after the new Commissioners have been elected, as she does not believe it to be fair to the newly elected Commissioners to be given a controversial issue such as trash as one of the first items they undertake.

Commissioner Grieco stated that the timing of this item does not matter, because this item will be pending whether the City Commission issues the RFP now or after the Election.

Commissioner Malakoff clarified that the franchise waste haulers are the ones who pick up the trashcans off the City streets. Regarding Progressive, the company that currently picks up the residential trash, she, as a Miami Beach resident, does not see why they are issuing this RFP, because they have been doing a good job.

Vice-Mayor Tobin echoed Commissioner Malakoff's comments. He believes it is unusual to put out a bid when a company is doing a good job.

City Manager Morales explained that during the last City Commission meeting, the Administration brought a recommendation to renew the contract, but the direction from the City Commission was to renew the Progressive contract for one year, but issue the RFP.

Commissioner Wolfson stated that the push for the RFP was to save money. The current company will not lose their contract, but it is important to see if another company will provide the same service at a lower cost.

Commissioner Malakoff agreed to a one-year renewal with the current waste removal company.

Rafael E. Andrade, Esq., explained that the reason the City is issuing this RFP now is that it is a very long process, and it is better to issue the RFP now and see if there are any other companies interested in providing this service.

Discussion held regarding renewal of the current contract.

Commissioner Wolfson motioned to approve the item.

Mitch Bierman, Esq., stated that the RFP would require terminating Progressive's contract, which would be unusual because they are doing a good job. Terminating this contract for convenience will hurt the City in the long run when trying to attract good quality vendors.

Discussion continued regarding contract renewal.

Mayor Levine stated that there is no reason to cancel the current contract for convenience.

Commissioner Wolfson moved the item adding that the commencement of any contract the City enters into, because of this RFP, will commence after the end of the current contract renewal with Progressive; seconded by Commissioner Malakoff. Voice-vote: 7-0.

Handouts or Reference Materials:

1. Lobbyists List

## **R5 - Ordinances**

**10:06:07 a.m.**

R5A Incentives For Architecturally Significant Single Family Homes  
An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," Section 142-108, "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts;" By Amending The Requirements And Procedures For The Retention Of Architecturally Significant Single-Family Homes; Providing For Codification; Repealer; Severability; And An Effective Date.

**10:00 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(First Reading on July 8, 2015 - R5K)

**ACTION:** Title of the Ordinance read into the record. **Ordinance 2015-3957 adopted.** Public Hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Ballot-vote: 7-0. **Thomas Mooney to handle.**

Mayor Levine asked Mr. Aguila if the proper procedure for second readings is to call the question first and then do the debate.

Mr. Aguila clarified that after the public hearing is opened and closed, the proper procedure is to bring the matter up to the City Commission for debate; however, the motion can be made before opening the public hearing or after the public hearing is closed.

Daniel Ciraldo stated that he believes this item is regarding the designation of adding on to properties already designated historic and this came about because a developer tried to add on to homes that were already designated historic in taking advantage of the incentive Ordinance. He thanked Commissioner Malakoff and Sheryl Gold for their concerns of this happening on their district.

Mayor Levine asked for debate, and there being none, ballot vote was taken.

**City Clerk's Note:** Commissioner Grieco was absent during the original vote, but subsequently returned and voted "Yes" on the item.

Handout or Reference Materials:

1. Notice in The Miami Herald – Ad 1060

**10:09:24 a.m.**

R5B Demolition Procedures For Pre-1942 SF Homes

An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," Section 142-108, "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts;" By Amending The Requirements And Procedures For The Issuance Of A Demolition Permit Prior To The Issuance Of A Full Building Permit For Architecturally Significant Pre-1942 Single Family Homes; Providing For Codification; Repealer; Severability; And An Effective Date. **10:05 a.m.**  
**Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(First Reading on July 8, 2015 - R5L)

**ACTION:** Title of the Ordinance read into the record. **Ordinance 2015-3958 adopted.** Public Hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Ballot-vote: 7-0. **Thomas Mooney to handle.**

Eve Boutsis, Deputy City Attorney, explained that this is to do the clarification for the Florida Building Code.

Thomas Mooney, Planning Department Director, explained that in the Summary Item Administration indicated two other sections of the Code that need to be included, as this change was inadvertently left out previously, and the clarification is included in the Memorandum. The Administration recommends its adoption.

**City Clerk's Note:** Commissioner Grieco was absent during the vote, but subsequently returned and voted "Yes" on the item.

Handout or Reference Materials:

1. Notice in The Miami Herald – Ad 1060

**10:11:10 a.m.**

- R5C Single Family Home Development Regulations For Lot Splits  
 An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending The Maximum Unit Size And Lot Coverage For All Homes On Lots Resulting From A Lot Split; Providing For Repealer; Codification; Severability; And An Effective Date. **10:10 a.m. Second Reading Public Hearing**  
 (Sponsored by Commissioner Joy Malakoff)  
 (Legislative Tracking: Planning)  
 (First Reading on July 8, 2015 - R5M)

**ACTION:** Title of the Ordinance read into the record. **Ordinance 2015-3959 adopted.** Public Hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Ballot-vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, introduced the item, which was approved at first reading in July. The Ordinance sets forth the lower lot coverage and unit size maximum on lot split applications when the new lots do not follow the lines of the original plotted lines, or when there is a proposal to demolish an architectural significant pre-1942 home.

**City Clerk's Note:** Commissioner Grieco was absent during the vote, but subsequently returned and voted "Yes" on the item.

Handout or Reference Materials:

1. Notice in The Miami Herald – Ad 1060

**10:27:07 a.m.**

- R5D CD-3 Architectural District Parking Garage Heights  
 An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 6, "CD-3 Commercial High Intensity District," By Amending Section 142-337, "Development Regulations And Area Requirements", To Clarify And Amend The Maximum Height Requirements; Providing Codification; Repealer; Severability; And An Effective Date. **10:15 a.m. Second Reading Public Hearing**  
 (Sponsored by Commissioner Joy Malakoff)  
 (Legislative Tracking: Planning)  
 (First Reading on July 8, 2015 - R5N)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2015-3960 adopted as amended.** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff to approve the Ordinance without the height increase, and add clean up language; Ballot-vote: 7-0. **Thomas Mooney to handle.**

**AMENDMENT:**

Approve without height increase  
 Accept clean up language only

**MOTION 1:**

Motion made by Commissioner Malakoff; seconded by Commissioner Grieco approving the Ordinance with the height increase; Ballot-vote: 4-3. Opposed: Mayor Levine and Commissioners Steinberg and Weithorn. **Motion failed.**

**MOTION 2:**

Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff to approve the Ordinance without the height increase, and add clean up language; Ballot-vote: 7-0. **Motion carries; item is approved.**

Thomas Mooney, Planning Department Director, explained that this is an Ordinance amendment that modifies Section 142-337. The intent of the amendment to the Ordinance is two-fold: 1) staff used this as an opportunity to clean up a Section of the Code that was convoluted; and 2) the other part of the Ordinance makes a substantive change for potential parking garages that will be located on James Avenue, between 17<sup>th</sup> Street and Lincoln Road. In this instance, there are benchmarks and thresholds that have to be met in order for a 75-foot height to be obtained. If there is not the will of the Commission to move forward with this proposed language along James Avenue, the Administration would recommend that that particular portion be stricken, but that the remainders of the Ordinance, the cleanup language, move forward to ensure clear reading.

Eve Boutsis, Deputy City Attorney, added for clarification that on June 23, 2015, the Planning Board voted unfavorably for this item by a 5-1 vote.

Discussion held.

Commissioner Malakoff described that this is not valet parking like what people expect; the public thinks that valet parking garage means that it is going to take care of all the valet services of all the hotels and clubs in the vicinity, and that is not the use. These are 250 parking spaces open to the public; one drives into the garage, the attendant gives a ticket, and the attendant drives and park the car. These are 250 parking spaces allocated specifically for the public. She wanted to clarify this, because the word "valet" can be misleading.

Daniel Ciraldo urged the City Commission to vote against the portion that increases the height for the parking garage, as it is a type of spot zoning. What happened was that the developer came and got a project through the Planning Board under zoning that should not exist, and no one caught it in the Planning Department. So rather than the developer coming back and redesigning the garage to fit within the architecturally historic district, they are here now before the Commission seeking to increase the height. Mr. Ciraldo urged a vote against the height increase.

Vice-Mayor Tobin asked Mr. Ciraldo if it were a self-service parking garage, would Mr. Ciraldo's concerns be alleviated.

Mr. Ciraldo responded that overall, the City Commission has to be careful when changing zoning for parking garages.

Mayor Levine believes the issue is the height.

Commissioner Grieco suggested showing the zoning map so they can see that within a very small surrounding area, there are similar heights, if not higher heights allowed just half a block away and in almost all directions. This is a strange carved-out zone with lower heights. Commissioner Grieco asked if there is a way to integrate a discount for Miami Beach residents, to alleviate the concern about cost imposed upon people driving up, such as showing the driver license to the parking attendant.

Monika Entin, Esq., explained that various buildings in the neighborhood have taller height requirements, so it is really this particular block in the middle that has the 50-foot requirement and it is surrounded by these higher construction heights. In regards to the discount for residents, she

distributed to the City Commission a monthly pass log that shows area employees that park in this lot at a discounted rate. There may be some incentives for residents or for area employees receiving monthly passes as well. In regards to what Commissioner Malakoff stated, she thinks it is a full-service garage and, for clarification, Ms. Entin explained that the intention of the proposed garage is to serve the public, she showed as an example that in the current 100-space parking garage, 46 of those are monthly passes, and they are monthly passes from places that are within walking distance.

Discussion held regarding parking difficulties in the area.

Monika Entin, Esq., added that drivers are circling the neighborhood until they find a parking spot. Since they offer discounted rates and a 24-hour period for their garage, they currently have people parking at hotels that are in proximity of their location. This parking garage will take off this traffic off the streets.

Mayor Levine suggested voting on the item without the height and asked for consensus.

Commissioner Grieco is concerned that if the developer does not get the height, they will not build the garage, and there is shortage of parking in the area. Commissioner Grieco added that the City needs parking in that area as a short-term solution, and the height increase is compatible with the surrounding buildings.

Discussion continued.

Ray Breslin suggested adding a residential component to the garage and looking at every individual case.

Motion No. 1 failed.

Thomas Mooney, Planning Department Director, recommended approving the remainder of the Ordinance with the exception of the height increase. They have cleaned up the language to make it clear and easy to understand.

Discussion held.

Motion No. 2 carries with clean-up language and without height increase.

Handout or Reference Materials:

1. Notice in The Miami Herald – Ad 1060
2. 1667 James Avenue Parking Lot Monthly Passes and Transient Area Parkers distributed by Monika Entin.
3. Color prints of 1667 James Avenue Proposed Garage Site, rendering and map.

**10:44:31 a.m.**

R5E Washington Avenue Zoning Incentives  
An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity District," To Establish Section 13-309, "Washington Avenue Development Regulations And Area Requirements," To Modify The Development Regulations For Properties Fronting Washington Avenue Between 6<sup>th</sup> Street And Lincoln Road; By Amending Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," To Establish Parking District 7 To Modify The Parking Requirements For The Properties Fronting Washington Avenue Between 6<sup>th</sup> Street And Lincoln; Providing For Codification; Repealer; Severability; And An Effective Date. **10:20 a.m. First Reading Public Hearing**  
(Sponsored by Commissioner Joy Malakoff)  
(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. Item referred to the Land Use and Development Committee. **Ordinance adopted on first reading as amended.** Motion made by Commissioner Weithorn to approve the item as is, with the clarification of the nightclub clause, to refer to LUDC for discussion between first and second reading and asking Bernard Zyscovich to assist with those issues; seconded by Vice-Mayor Tobin. Ballot vote: 7-0. Second reading, public hearing scheduled for **October 14, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

**AMENDMENT:**✓ **NIGHTCLUB LANGUAGE:**

Section 142-309 (4), Washington Avenue development regulations and area requirements: The maximum frontage for nightclubs and dance halls, located at the ground level shall not exceed 25 feet in width unless such a space has a certificate of use for nightclub or dance hall, or unless a valid license was issued after January 1, 2011 for the use of such space as a nightclub or dance hall.

- ✓ Refer to Land Use and Development Committee between first and second reading
- ✓ Invite Bernard Zyscovich to the committee meeting

**REFERRAL:**

Land Use and Development Committee

**MOTION NO 1:**

Vice-Mayor Tobin made a motion to approve the item as amended with 100 feet width; seconded by Commissioner Wolfson. Roll call: 2-5; Opposed: Mayor Levine and Commissioners Grieco, Malakoff, Steinberg and Weithorn. **Motion No. 1 failed.**

**MOTION NO 2:**

Motion made by Commissioner Wolfson to approve as is with the recommendations by the Blue Ribbon Panel and proposed text changes as distributed, and to refer to LUDC between first and second reading. Commissioner Malakoff added including for lots that have frontage that is greater than 300 feet of physical separation must be provided. Motion seconded by Commissioner Grieco. Commissioner Wolfson withdrew his motion. **Motion withdrawn.**

**MOTION NO 3:**

Motion made by Commissioner Weithorn to approve the item as is, with the clarification of the nightclub clause, and to refer to LUDC for discussion between first and second reading and asking Bernard Zyscovich to assist with those issues; seconded by Vice-Mayor Tobin. Ballot vote: 7-0. **Motion carries.**

Mayor Levine stated that these are recommendations from Saul Gross and the Washington Avenue Blue Ribbon Panel.

Thomas Mooney, Planning Department Director, stated that one of the recommendations pertain to zoning incentives, which have been referred to the LUDC, the Planning Board and Land Use have endorsed the proposal:

- ✓ A modification to the C-D2 Section of the Code specific to Washington Avenue from 6<sup>th</sup> Street to 16<sup>th</sup> Street, allowing for smaller hotel room unit sizes and either new hotel construction or conversions, provided that certain benchmarks for larger public spaces are provided, as well as design guidelines;
- ✓ It would allow for a height increase from five stories, 50 feet, to seven stories, 75 feet, but only for larger lot aggregations with the exception of main use parking structures, which would be limited to 55 feet regardless of the lot aggregation.
- ✓ There will be limits on entertainment uses at the first floor.
- ✓ Revised pedestal and tower setbacks.
- ✓ The parking requirements in the establishment of Parking District Number 7 as proposed would modify the parking requirements for hotel uses, office uses and sidewalk cafes. There is a proposal to sunset that in five years.

The Administration has recommended that the first reading Ordinance be approved.

Michael Larkin, representing Washington Square Owner LLC, explained that Mr. Amster is distributing handouts to the City Commission. They strongly support the efforts of the Blue Ribbon Panel and the redevelopment of Washington Avenue; however, they are requesting a simple amendment. As it is currently drafted, no tower can be greater than 200 feet without a break. The intent of this regulation prohibits out of scope development next to the street. In their situation, they have an entire block, and this regulation would lead to greater massing on the street if they observe it, and as a result they are proposing additional language as follows: **Section 142-309 (6)(b) Physical Separation between Buildings:** A physical separation must be provided between buildings greater than 200 feet in length and at/or above 35 feet in height from the ground floor. For lots that have a frontage that is greater than 300 feet, a physical separation must be provided between buildings greater than 275 feet in length and at/or above 35 feet in height from the ground floor. They met with Saul Gross and they will incorporate language between first and second reading.

Saul Gross, Chair of the Washington Avenue Blue Ribbon Panel, thanked the City Commission for moving this forward in record time. He thinks this will lead to increased opportunities for people who want to buy and redevelop property on Washington Avenue. He has a change to the language proposed:

- a. They wanted to do it generally, so that any other project could similarly benefit but laying out some general principles that the Historic Preservation Board would accept.
- b. The Administration did not provide the City Commission with the Ordinance approved by the Planning Board and approved by the Blue Ribbon Panel. One provision was changed regarding “no new nightclub space having 25 feet of frontage.” This was changed to “any existing nightclub facility that lost its Certificate of Use” and that was not the intention of the Blue Ribbon Panel.

Discussion held.

Thomas Mooney, Planning Department Director, in answering Mayor Levine’s question, explained that their only concern with the language was the potential impact on uses that do not exist now, how far back in time, they can go back and are they creating a legal conforming use. They did not

want to necessarily set a precedent for that. They think that the Commission is comfortable with the language drafted, from a policy standpoint, and the Administration can tweak language between first and second reading if further concerns are brought up. The Administration's concern is that perhaps people that have not had a club for years will try to use this to reintroduce one with less than 25 feet of frontage.

Saul Gross stated that no one is voluntarily keeping their space empty. The intent was not to make business more difficult, but to promote it. What the Planning Board approved was fine, but the Administration is changing the Ordinance without telling anybody it changed it, and the changes make doing business in the area more difficult. He suggested approving his amendments as follows:

Section 142-309 (4) - Washington Avenue development regulations and area requirements: The maximum frontage for nightclubs and dance halls, located at the ground level shall not exceed 25 feet in width unless such a space has a certificate of use for nightclub or dance hall, or unless a valid license was issued after January 1, 2011 for the use of such space as a nightclub or dance hall.

Eve Boutsis, Deputy City Attorney, clarified that she will confirm what was approved, and if there were changes, she was not aware of it.

Saul Gross added that part of the Blue Ribbon Panel recommendations include:

- ✓ Continued focus on a potential garage in the center part of Washington Avenue.
- ✓ Parklets concept has been approved and they request working with Transportation and Parking to make this a reality.
- ✓ Continued funding to keep the entertainment district safe and clean and keep homeless under control.

Mayor Levine thanked Saul Gross for all the time he dedicated to this, and recognized him for his great ideas and recommendations.

Discussion continued.

Commissioner Grieco supports the nightclub amendment and agrees with Saul Gross that there are many things the City need to be doing as far as homelessness and cleanliness.

Commissioner Malakoff added that all these incentives and improving Washington Avenue, the ability to have hotel rooms of smaller sizes without providing parking, and opening sidewalk cafes without providing parking, is dependent upon getting the parklets and ensuring more people are walking and bicycling. However, in the meantime people are driving and parking, and she feels it is essential to find space on Washington Avenue to build a City garage or a public P3 garage to avoid cars circling looking for a place to park.

Commissioner Weithorn added that on the five-year parking provision, she did not find the definition of what to do when the period runs out. To clarify the legislative intent, she assumes that in this five-year window, when the parking sunsets, they have to have a project closed to completion, not a permit pulled, in order to take advantage of this. The whole purpose is to make redevelopment occur, no to stall things. She asked that they look at that between first and second readings, and make sure they develop some of the details to get the result they want.

Mr. Gross explained that the original Ordinance proposed provided that, and after the City Attorney's Office input, the Planning Board liberalized it.

Discussion continued.

Russell Galbut thanked the City Commission for pushing this forward. The Galbut family has owned property on Washington Avenue since the mid-1930s and the street is in desperate need of development. He commended the Blue Ribbon Panel, the Commission and the Mayor for getting it to this point. However, an incentive for Zoning Ordinance should be for all property owners on Washington Avenue, not just the 304 that own 200 feet in width. He proposed a small change to require 100 foot width. These lots were originally done in 50-foot wide increments. If it is made 100 feet instead of 200 feet, they can have development happening.

Graham Penn, Esq., representing Russell Galbut, specified that the proposed amendment in Sections 142-309 (1) and (2) be modified to provide that lots that are equal or greater than 100 feet be able to be developed up to 75 feet and seven stories, and that Section 142-309 (3) be modified to provide that lots equal or greater than 100 feet be subject to the revised setbacks. He added that the version in front of the Commission is a new Hotel concept for the 900 block on the East side that can be done consistent with these regulations and they believe this will not have a negative impact.

Discussion continued.

Slide show presented. Click [here](#) to view.

Saul Gross added that the idea was to increase the height for everyone from 50 to 55 feet to allow for higher retail at ground level, and still allow four floor of hotel above that. The committee and the community compromised that unless there was a larger size parcel that was 200 feet wide, it would not handle the extra height as well, and they do not want to see wall-to-wall buildings on 100-foot lots that create a wall effect, and that is why they went to 200-foot lots with the extra height. There was a fair amount of community opposition to that increased height for 75 feet; this was done only to those projects that would have more air space.

Daniel Ciraldo stated that this Ordinance originally came to Land Use and Development Committee; he believes it is a good compromise as written. He has one concern, which was brought up by the Flamingo Park Association, about the height increased being also on the west side, and he suggested reaching out to the residents before first and second reading.

Ray Breslin explained that years before people complained that nightclubs were taking over Washington Avenue and in the day the streets were dead and dirty, and that was the reason for going to the 25 foot width.

Vice-Mayor Tobin made a motion to approve the item as amended with 100 feet; seconded by Commissioner Wolfson. No vote taken.

Mayor Levine suggested passing the Ordinance as in on first reading and discussing between first and second reading.

Commissioner Malakoff explained that they do not want more concrete canyons in the City of Miami Beach; she believes it is a big mistake reducing it to 100 feet.

Discussion continued.

Commissioner Steinberg stated that there was a great deal of effort to come to a compromise, and she suggested passing the Ordinance as in on first reading.

Vice-Mayor Tobin reinstated his motion to approve the item as amended with 100 feet; seconded by Commissioner Wolfson.

Discussion held.

Commissioner Wolfson stated that there is no difference in impact between 100 and 200 feet.

Commissioner Grieco is in support of the 200 foot proposed today, as he has not seen a rendering of what 100-foot requirement would look like; he may be supportive of this on second reading but only if he sees the rendering.

Discussion continued.

Commissioner Weithorn suggested coming up with a compromise that has a maximum amount of how much space they can have and include it in the Ordinance between first and second reading.

Saul Gross suggested referring to the Land Use and Development Committee to look at it and maybe invite Bernard Zyskovich to discuss further. There is no additional FAR, they are only talking about height. Bernard did renderings at 200 feet and at 100 feet, and a lot had to do with encouraging large hotels to come to Washington Avenue.

Mayor Levine requested to pass the Ordinance as is and send to LUDC before it comes back for second reading. Mr. Aguila explained that there is a motion on the floor that needs to be voted on.

Eve Boutsis, Deputy City Attorney, Per City Attorney Aguila, stated the amendment into the record, which would be to modify City Code Section 142-309 (1) and (2) where it talks about frontage equal or greater than 200 feet to change to equal or greater than 100 feet.

**Motion No. 1:**

Vice-Mayor Tobin reinstated his motion to approve the item as amended with 100 feet in width; seconded by Commissioner Wolfson. Ballot vote: 2-5; Opposed: Mayor Levine and Commissioners Grieco, Malakoff, Steinberg and Weithorn. **Motion No. 1 failed.**

**Motion No. 2:**

Motion made by Commissioner Wolfson to approve as is, with the recommendations by the Blue Ribbon Panel and proposed text change distributed, and to refer to LUDC between first and second reading. Commissioner Malakoff added to include for lots that have frontage that is greater than 300 feet of physical separation must be provided. Motion seconded by Commissioner Grieco.

Commissioner Weithorn suggested passing only with the nightclub clarification and come back with language agreed to.

Commissioner Wolfson withdrew his motion.

**Motion No. 3:**

Motion made by Commissioner Weithorn to approve the item as is, with the clarification of the nightclub clause, and to refer to LUDC for discussion between first and second reading and asking Bernard Zyskovich to help with those issues; seconded by Vice-Mayor Tobin. Ballot vote: 7-0.

## Handout or Reference Materials:

1. Notice in The Miami Herald – Ad 1060
2. Notice in The Miami Herald – Ad 1074
3. Language distributed by Saul Gross.
4. Proposed Revisions and rendition of building distributed by Michael Larkin

**11:18:51 a.m.**

R5F An Ordinance Amending The Code Of The City Of Miami Beach By Amending Chapter 66, Entitled "Marine Structures, Facilities And Vehicles," By Amending Article II, Entitled "Restricted Wake Zones," By Amending Section 66-43, Entitled "Restricted Areas," By Amending Subsection B Thereof Regarding The Idle Speed, No Wake Zones By Adding An Idle Speed, No Wake Zone In The Area Of The Miami Beach Marina And Amending The Appendices To Section 66-43, Accordingly; Providing For Repealer, Severability, Codification, And An Effective Date.

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

(Sponsored by Mayor Philip Levine)  
(Legislative Tracking: Environment & Sustainability)  
(First Reading on July 8, 2015 - R5O)

**ACTION:** Title of the Ordinance read into the record. **Ordinance 2015-3961 adopted.** Public Hearing held. Motion made by Commissioner Weithorn; seconded by Commissioner Grieco; Ballot-vote: 6-0; Absent: Commissioner Wolfson. **Elizabeth Wheaton to handle.**

Margarita Wells, Environmental Resources Manager, stated that the Ordinance on second reading proposes to establish an idle speed No Wake Zone in the area of the Meloy Channel south of the MacArthur Causeway bridge, between the Coast Guard Island and the Miami Beach Marina. That area experiences heavy boat traffic and poses safety issues with boats going in and out of the Marina or the Coast Guard Island. There is also concern that large wakes in that particular area could cause damage to property and vessels. According to Florida Statutes, the City has the authority to establish an idle speed No Wake Zone in Area "A," which is within 500 feet of public facility used for floating purposes. The City has the authority to establish the No Wake Zone in Area "B" with the approval of Florida Fish and Wildlife. Area "B" is within a radius of 300 feet of an intersection of waterways that pose blind corners as shown in the map.

[Map](#) shown.

Debora Turner, First Assistant City Attorney, introduced officers from Marine Patrol to present testimony on the proposed No Wake Zone areas; they have extensive experience in these waterways. She introduced Officer Marrero and Officer Fleischhauer.

Officer Marrero explained that Government Cut is being dredged at this moment to be the biggest port in the world. This area south of the MacArthur Bridge becomes a funnel from Biscayne Bay from the north into the area of the Miami Beach Marina. When navigating through the area, there are many boats, jet skis, cruisers and vessels. In addition, the Miami Beach Marina has an exit and entry point from the Marina. On the west side of Malloy Channel is the Coast Guard base for this sector. That is the area where they bring in vessels that are under repair or confiscated vessels. There is a great deal of traffic there and is very hazardous for the vessels that travel there. Making this a slower speed area would enhance the safety of the boaters of the City and everyone using that waterway.

Officer Fleischhauer added that failure to make Area "B" a slow speed Zone would cause hazard in navigation due to the current high speeds and intersecting vessels in the blind spots. The entire Marine Patrol Unit is in favor of this idle No Wake Zone.

Discussion held.

Debora Turner, First Assistant City Attorney, added that there is a letter to be read into the record received from Lieutenant John Ramos with the Miami-Dade Police Special Marine Patrol Division that is supportive of this designation.

Ms. Wells read the letter into the record: "The Miami-Dade Police Department patrols the area related to the proposed Ordinance establishing the No Wake Zone. The area in question has a very high volume of boating traffic throughout the week and more on the weekends. Establishing a No Wake Zone in the area would enhance the safety of boaters travelling in and around the area, where heavy commercial shipping and ferry traffic exists just south of the proposed No Wake Zone. The Zone would force boaters to slow before approaching the area and creating more opportunity to avoid vessel collisions which have become more frequent through the area."

Mayor Levine stated that the City's Marine Patrol does an outstanding job, and they patrol so many waterways, including the bay and the intercostal all the way into the ocean, and with incredibly limited resources. He hopes in the future they can come together and create greater resources for the City's Marine Patrol.

Carolina Jones, member of the US Coast Guard Auxiliary, stated that the particular area is probably the most dangerous area for boaters in Miami Beach and Miami, and even if there is no boat traffic, when there is a certain tide you can have up to three feet waves formed, and it becomes a nightmare. She did not see the map but wants to make sure that the channel itself is also included, and that the bridge is also a No Wake Zone.

Discussion continued.

Ms. Turner added that anyone entering the waterway south of the MacArthur bridge will be entering into the No Wake Zone.

Handout or Reference Materials:

1. Notice in The Miami Herald – Ad 1060
2. Notice in The Miami Herald – Ad 1050 published August 20 and August 27, 2015.
3. Attachment B showing Areas A and B "Blind Spot" (300 ft. radius) area
4. Email from John D. Ramos, Miami-Dade Police Lieutenant, Special Patrol Bureau, Marine Patrol, dated August 24, 2015 RE: Meloy Channel - No Wake Zone.

**01:35:30 p.m.**

R5G An Ordinance Amending Chapter 46 Of The Code Of The City Of Miami Beach, Entitled "Environment," By Creating Article VI, To Be Entitled "Expanded Polystyrene Sale And Use Restrictions," To Provide Regulations For The Sale And Use Of Expanded Polystyrene Food Service Articles, And To Provide For Enforcement, Penalties, And Waivers For Financial Hardship; And Providing For Repealer, Severability, Codification, And An Effective Date. **10:30 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Michael Grieco)  
(Legislative Tracking: Environment & Sustainability)  
(First Reading on July 8, 2015 - R5P)

**ACTION:** Title of the Ordinance read into the record. **Ordinance 2015-3962 adopted as amended without exemption for non-for profit.** Public Hearing held. Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Ballot-vote: 7-0. **Elizabeth Wheaton to handle.**

**Amendment:**

Section 46-206. (c) ~~not for profit corporations~~, the school district, and county, state and Federal governmental entities.

Correction, Section 46-207. Enforcement (a) Beginning September 16 instead of 15.

Debora Turner explained the new legislation. The Ordinance puts in place the prohibition of sale or use of Polystyrene food service articles in the City. Food service providers and stores cannot offer, sale or provide food in Polystyrene food service articles. This Ordinance also puts into effect an enforcement and penalty schedules. The enforcement schedule deals with cooler enforcement. The prohibitions with regard to the sale and use of coolers, begins within 60 days; there will be a public educational period within 60 days, and it will be enforced as of [November 14, 2015](#). The rest of the Chapter dealing with other kinds of Polystyrene will go into effect September 16, 2016; before that time there will be an educational period followed by a six-month warning period; thereafter, there will be citations and violations issued.

Commissioner Grieco had an amendment he wanted to discuss; the way the Ordinance is written now, it exempts non-profits, and he has amendment language that would eliminate that exemption and only exempt school districts and other governmental entities.

Commissioner Weithorn is concerned about reaching out to hospitals and their use of prepared food pre-packaged in Polystyrene.

Commissioner Grieco is inclined to eliminate the exemption for non-profits.

Discussion held regarding Mt. Sinai Hospital being the largest user of Polystyrene in the City.

Dave Doebler, Chair of the Sustainability Committee, encouraged support of this item for the following reasons:

- 1) Polystyrene is not biocompatible. It takes hundreds of years to biodegrade.
- 2) It ends up in the waterways. He explained the harm of this material to marine life and the environment.
- 3) There is no Polystyrene program for recycling, as it is too difficult, too inefficient and too expensive to recycle.

The Sustainability Committee urged the passage of this Ordinance.

Debora Turner, First Assistant City Attorney, stated that there is a letter to be submitted into the record. There is a minor numerical correction on Page 418 of the Ordinance, subsection (d), instead of September 15, it should be September 16, as the effective date of the enforcement for the remainder of the Chapter.

Michael DeFilippi is in favor of the Ordinance and suggested ideas for enforcement. Code officers need to be properly trained. As a member of the Sustainability Committee, he looks forward to these discussions.

Handout or Reference Materials:

1. Notice in The Miami Herald – Ad 1060
2. Proposed amendment to Item R5G, Page 417 of the September 2, 2015 Commission Agenda.
3. Letter from Rachel Silverstein, Ph.D., submitted for the record, dated September 2, 2015 via E-mail to Elizabeth Wheaton RE: MB City Commission Styrofoam-Ban. Click [here](#) to view letter.

**03:01:09 p.m.**

**SUPPLEMENTAL MATERIAL 2: ORDINANCE**

R5H An Ordinance Amending Chapter 18 Of The Miami Beach City Code, Entitled “Businesses,” By Amending Article VIII, Entitled “Parking Lot,” By Amending Division I, Entitled “Generally,” By Amending Section 18-310, Entitled, “Requirements For Issuance Of License,” By Requiring A Notarized Letter Before Issuance Of Valet Parking License; By Deleting Section 18-311, Entitled, “Employers And Valet Operators Code Of Conduct,” And Creating A New Section 18-311, Entitled “Operation Of Service,” By Removing Language That Allowed The Leasing Of Municipal Spaces; By Removing Section 18-312, Entitled, “Operation Of Service;” By Deleting Section 18-313, Entitled, “Special Event Permit;” By Deleting Section 18-314, Entitled, “Enforcement, Fine Schedule, And Right Of Appeal;” By Deleting Section 18-315, Entitled, “Compliance Date;” By Amending Division 2, Entitled, “Valet Parking Permits For Use Of Public Property,” By Amending Section 18-336, Entitled, “Separate Permit Required,” Authorizing Consolidation Of Valet Parking Ramps And Identifying The Types Of Uses For Space Rental Valet Parking; By Amending Section 18-337, Entitled, “Requirements,” Which Establishes Submission Standards For A Valet Parking Operational Plan; By Deleting Section 18-339, Entitled, “Cancellation And Revocation;” And Creating A New Section 18-339, Entitled, “Private Storage Of Valet Vehicles,” Which Requires The Parking Director To Confirm Sufficient Rental Storage Capacity; By Creating A New Section 18-340, Entitled, “Employees And Valet Operators Code Of Conduct” That Establishes The Code Of Conduct Standards For Valet Operators And Their Employees; By Creating A New Section 18-341, Entitled, “Operation Of Service,” Which Requires The Identification Of Rented Spaces, Ramping, On-Call Valet Ramps, Storage And Valet Parking Street Furniture; By Creating A New Section 18-342, Entitled, “Exceptions,” That Permits Valet Service In Residential Zoned Areas; By Creating A New Section 18-343, Entitled, “Penalties And Enforcement, Fine Schedule, Right Of Appeal,” And Further Amending Division 3, Entitled, “Rentals,” By Amending Section 18-361, Entitled, “Rental And Operation Of Municipal Parking Spaces,” Which Modifies The Permissible Operations Of Public Spaces For Ramping; And The Deletion Of Section 18-362, Entitled, “Rental Of Additional Parking For Storage Of Vehicles,” Providing For Repealer, Severability, Codification, And An Effective Date. **10:35 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Parking)

(First Reading on July 8, 2015 - R5Q)

**ACTION:** Title of the Ordinance read into the record. **Ordinance 2015-3963 adopted as amended.** Public Hearing held. Motion made by Commissioner Wolfson as amended with five minutes unoccupied, and bring back if not working; seconded by Commissioner Grieco; Ballot-vote: 6-1. Opposed Vice-Mayor Malakoff. **Saul Frances to handle.**

**AMENDMENT:**

Five-minute limit in valet ramp when vehicle is unoccupied

Saul Frances, Parking Department Director, introduced the item. There was substantial outreach done between first and second reading to the industry, hotel association and Chamber of Commerce. The industry came back with significant comments that were incorporated into this proposed Ordinance. The issue of valet operators in the block that did not have 24 hour storage, what would they do; and there is a piece that allows for them to contract with a valet operator that does have 24 hour storage. The issue of distance between ramp and storage was initially 2,500 feet, they included language to give flexibility and give the City Manager authority to approve those on a case-by-case basis. Lastly, the issue of Ocean Drive, which is a unique local road, with the volume of traffic not affecting arterials or collector roads, and perhaps carving out the Ocean Drive segment from 5<sup>th</sup> to 15<sup>th</sup> from the Ordinance with respect to the reduction of ramps. He asked for direction.

Commissioner Malakoff is very concerned when Ordinances are proposed that may be anti-business; the City needs to support the hospitality businesses. Ocean Drive hotels need to have their valet operator. The same is true for hotels on Washington Avenue and Collins Avenue. For hotels, where people have luggage, she thinks valet operators should be located one per block.

Mr. Frances stated that they have passenger loading zones set up for each hotel, for guests to drop off luggage and choose if they want to valet park or not.

Discussion held.

David Kelsey spoke about fines regarding valet parking and suggested making it business and resident friendly. He urged not to adopt the Ordinance, but to instead, discuss it in a workshop forum further.

Saul Frances, Parking Department Director, explained that the Ordinance requires an operational plan, and that would require the operator to submit how many runners they are going to have on a particular day or night, or location; where storage will be (required within specific distance) etc. The point is that if they suggest having two runners on a weekend on a restaurant with 200 seats, the plan will not be approved. If the valet operator brings in a reasonable plan, they will look at that along with the Transportation Department and if they see that they are committed to their plan and can make the two minutes requirement, they will certainly work with them.

Commissioner Grieco stated that some places have on-call valet ramps, meaning that they do not actually have someone there to park the car. If there is no room on the ramps, they will take up street space and block the roads.

Commissioner Wolfson is concerned that the owner of establishments will be receiving fines. Mr. Frances reassured him that the fines are not against the establishment owner.

Discussion held.

Alfred J. Lariviere, South Florida Parking (Lariviere Parking Systems, LLC), has been a valet operator for 30 years. They are trying to make valet companies responsible for issues happening with restaurants and hotels. The City has a pay in lieu of parking fee. When the City allows restaurants to do that, the establishments do not concern themselves at all with providing parking for their guests. They are turning to the valet companies and the valet companies turn around and try to resolve the issue. The complaint is that the ramps are limited regardless of the entity they are servicing. A ramp is not two meters. He also mentioned that restaurant patrons take their time to leave their cars; they cannot pressure them to move within two minutes to get out of the car. It is also hard to find parking spaces.

Commissioner Grieco stated that there are valets who are operating where they should not. He has seen traffic backed up because of what these valet drivers are doing. They are suggesting expanding the size of ramps.

Discussion held regarding valet parking at Fogo de Chão Brazilian Steakhouse and Molino.

Saul Frances, Parking Department Director, stated that when Cibo Restaurant opened, they had an operational plan requiring an off-duty Police Officer, the specific number of runners they must have and Mr. Frances has not received any complaints from this restaurant.

Discussion continued.

Ms. Anderson, from Beachfront Parking, stated that she is a valet operator, and agrees that changes need to be made. She does not want to have a third offense, because if that happens, the ramp will be closed for ten days and affect her business. She does not want to lose customers.

Discussion continued.

Commissioner Weithorn expressed her concern that valet operators will be fined if are not moved from the ramp after two minutes; she does not want to put pressure on valet runners to drive unsafely because they are trying to meet the two minute requirement. The goal of moving the vehicle in less than two to three minutes makes sense, but for valet to receive a citation because they missed that goal concerns her.

Discussion held.

Commissioner Grieco clarified that if a car is in the valet spot ramp for more than two minutes, the valet company will be issued a fine.

Discussion continued.

Aleksandr Boksner, First Assistant City Attorney, stated that there are five specific amendments requested between first and second reading, and they have been incorporated here. In terms of the two-minute component, this is a policy decision the City Commission can make now.

Commissioner Wolfson suggested increasing the time to five minutes in the valet ramp, and monitor.

Discussion continued regarding the time limit.

Saul Frances, Parking Department Director, explained that they need cooperation from the valet industry that if they take a car from the line of traffic, and they have other cars in a full ramp for more than five minutes, they will be fined.

Discussion continued regarding five minutes increase.

Motion made by Commissioner Wolfson as amended with five minutes time limit after the vehicle is unoccupied, and bring item back to the City Commission if this is not working.

Discussion continued.

Commissioner Malakoff asked on average, how long it takes runners to take the car off the ramp and off the site.

Mr. Lariviere stated that it depends on circumstances, but it would take approximately five to seven minutes for the first group of visitors.

Commissioner Malakoff stated that for more groups of visitors they need to get more valet runners.

Discussion continued.

Vice-Mayor Tobin asked who will be enforcing valet parking time limits.

Saul Frances, Parking Department Director, stated that the Parking Department will handle and funding is included in the budget.

Vice-Mayor Tobin suggested timing the vehicle from the time the car is empty.

Commissioner Weithorn offered an amendment for the five-minute time limit to start when the car is unoccupied. Commissioner Grieco accepted the amendment.

Discussion continued.

Ken Bereski suggested that an amendment be made so that any use of bicycle facility on the roadway is grounds for immediate penalties; because there are cases where valet operators park perpendicular to the bicycle lanes. Commissioner Grieco stated that this is included, since they cannot block any lanes of traffic.

Handout or Reference Materials:

1. Notice in The Miami Herald – Ad 1061

**03:31:23 p.m.**

R5I An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article II, Entitled "City Commission," By Amending Section 2-12, Entitled "Meeting Agendas," By Amending The Requirements And Procedures Relating To City Commission Meetings And Agenda; Providing For Repealer, Severability, Codification, And An Effective Date. **10:40 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Michael Grieco)  
(Legislative Tracking: Office of the City Attorney)  
(First Reading on July 8, 2015 - R5R)

**ACTION:** Title of the Ordinance read into the record. **Ordinance 2015-3964 adopted.** Public Hearing held. Motion made by Commissioner Grieco; seconded by Commissioner Weithorn; Ballot-vote: 7-0. **Office of the City Attorney to handle.**

Handout or Reference Materials:

1. Notice in The Miami Herald – Ad 1061

**09:38:35 a.m.****09:48:57 a.m.****10:00:31 a.m.**

R5J MXE Setbacks

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

(Sponsored by Commissioner Jonah Wolfson)  
(Legislative Tracking: Planning)  
(Deferred from July 8, 2015 - R5J)

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

**MOTION 1 TO DEFER:**

Motion made by Vice-Mayor Malakoff to defer the item to October 14, 2015; seconded by Commissioner Wolfson; Ballot-vote: 3-4. Opposed: Mayor Levine, Vice-Mayor Tobin, and Commissioners Steinberg and Weithorn. **Motion failed.**

**MOTION 2 TO CALL THE QUESTION:**

Vice-Mayor Tobin called the question on the item; seconded by Commissioner Weithorn. Voice-vote: 6-1; Opposed: Mayor Levine.

**MOTION 3 TO VOTE ON THE ORDINANCE:**

Motion made to vote on the Ordinance by Vice-Mayor Tobin; seconded by Commissioner Weithorn. Ballot vote: 1-5: Opposed: Mayor Levine, Vice-Mayor Tobin, and Commissioners Steinberg, Weithorn, and Malakoff. Absent: Commissioner Grieco. **Motion failed.**

Thomas Mooney, Planning Department Director, introduced the item, which modifies the setback requirements for properties fronting Collins Avenue in the MXE District. It modifies specifically the front and non-ocean front setbacks for retail buildings that are two stories in height or lower, as well as side street elevations.

Eve Boutsis, Deputy City Attorney, asked for this item to be deferred because the underline properties are currently dealing with six lawsuits.

Mayor Levine asked the City Commission if they would like to defer the item to a later meeting.

Commissioner Malakoff stated that she believes in settlement; she does not see any point in going forward until the parties go into an agreement. She moved to defer to October 14, 2015.

Vice-Mayor Tobin explained that he does not want to delay voting on this item, regardless of litigation issues at the properties. The aesthetics of Collins Avenue is important; and retailers should not be given an exception to about other establishments throughout Collins Avenue. If a façade has to look like a hotel or have a setback, it should have what it requires.

Commissioners Wolfson and Grieco voiced their support for deferral of the item.

Commissioner Weithorn suggested killing the item.

Commissioner Malakoff motioned to defer item, Commissioner Wolfson seconded, voice vote was not approved.

Commissioner Weithorn asked a procedural question on what would happen to the item if no action was taken.

Raul J. Aguila, City Attorney, explained the process of deferring and scheduling for first reading. He stated that if an Ordinance fails on first reading, then an Ordinance based on the same proposal shall not be placed on an agenda for three months unless there is a vote to waive, pursuant to the new Ordinance being considered today (see item R5I).

Discussion held regarding the procedural rule if no action is taken on the item.

Vice-Mayor Tobin made a motion to call the question to return to the City Commission; Commissioner Weithorn seconded the motion.

Commissioner Wolfson asked the City Attorney if he could withdraw his item.

Discussion held regarding the item's withdrawal.

Raul J. Aguila, City Attorney, explained the process. Because there is a pending motion that was made by Vice-Mayor Tobin and seconded by Commissioner Weithorn, it must be voted on before any other action can take place. After that if Commissioner Wolfson wants to withdraw the item, he will need a 5/7 vote to proceed.

Rafael E. Granado, City Clerk, restated the motion made by Vice-Mayor Tobin to call the question

Voice vote to call the question passed: 6-1; Opposed by Mayor Levine. Debate is now over on this item.

Vice-Mayor Tobin motioned to vote on the item; seconded by Commissioner Weithorn. Ballot vote: 1-5: Opposed: Mayor Levine, Vice-Mayor Tobin, and Commissioners Steinberg, Weithorn, and Malakoff. Absent: Commissioner Grieco. Motion failed.

**03:32:47 p.m.**

**SUPPLEMENTAL MATERIAL 1 - ORDINANCE**

R5K An Ordinance Amending Miami Beach City Code Chapter 82, Entitled "Public Property," By Amending Article IV Thereof Entitled "Uses In Public Right-Of-Way", By Amending Section 82-383, Entitled "Permit Fee; Penalties For Late Payments; Review Of Fee; Exception," By Amending Subsection (a) Thereof To Abate Sidewalk Café Fees For Businesses North Of 63<sup>rd</sup> Street, Through And Including September 30, 2017; Providing For Repealer, Codification, Severability, And An Effective Date. **First Reading**

(Sponsored by Vice-Mayor Edward L. Tobin)

(Legislative Tracking: Public Works)

**ACTION:** Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Vice-Mayor Tobin; seconded by Commissioner Malakoff; Ballot-vote: 7-0. Second reading, public hearing scheduled for **October 14, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Eric Carpenter to handle.**

**03:33:50 p.m.**

R5L Amend Penalties For Franchise And Permit Fees Not Paid To The City By Private Waste And Specialty Contractors

An Ordinance Amending Chapter 90 Of The Code Of The City Of Miami Beach, Entitled "Solid Waste," By Amending Article IV, Entitled "Private Waste Contractors," By Amending Division 3, Entitled "Franchise," By Amending Section 90-225, Entitled "Failure To Pay Franchise Fee," To Amend The Penalties For Failure To Pay Franchise Fees; And By Amending Division 4, Entitled "Specialty Contractors," By Amending Section 90-278, Entitled "Fees And Requirements," To Amend The Penalties For The Failure To Pay Permit Fees; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Budget & Performance Improvement)

**ACTION:** Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Ballot-vote: 7-0. Second reading, public hearing scheduled for **October 14, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **James Sutter to handle.**

Motion accepting the Audit Committee's recommendation of this Ordinance made by Commissioner Weithorn, seconded by Vice-Mayor Tobin; Voice vote: 7-0.

James Sutter, Internal Auditor, introduced the item and explained that this is changing the penalties in the Ordinance for private waste contractors for not paying franchise fees. They are charged with doing audits of revenues with the companies that are supposed to remit 18% franchise fees, and if they do not remit it, there is a \$50 fee per month fixed fee and interest. The Administration wants to change that to make something similar to Resort Tax.

**03:35:39 p.m.**

R5M An Ordinance Amending Part I, Subpart B, Article IX, Related Special Acts, Of The Miami Beach City Code Entitled "Pension System For Disability And Retirement Of Members Of Police And Fire Departments"; Amending The Pension System To Comply With Applicable Provisions Of The Internal Revenue Code And Regulations Thereunder; Amending Section 62, Entitled "Definitions"; Amending Section 63, Entitled "Source Of Monies For Fund; Computation Of Liability; Use And Investment Of Fund"; Amending Section 66, Entitled "Service And Disability Benefits Generally"; Amending Section 70, Entitled "Return Of Contribution"; Amending Section 79, Entitled "Deferred Retirement Option Plan"; Amending Section 82, Entitled "Military Service"; Amending Section 83, Entitled "Limitations On Benefits;" Amending Section 84, Entitled "Distribution Limitation"; Amending Section 85, Entitled "Distribution To Retirement Plan"; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing An Effective Date. **First Reading**  
(Sponsored by Commissioner Deede Weithorn)  
(Legislative Tracking: Human Resources)

**ACTION:** Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Ballot-vote: 7-0. Second reading, public hearing scheduled for **October 14, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Sylvia Crespo-Tabak to handle.**

**03:37:32 p.m.****SUPPLEMENTAL MATERIAL 1: MEMORANDUM & ORDINANCE**

R5N An Ordinance Amending Chapter 46 Of The Code Of The City Of Miami Beach, Entitled "Environment," By Amending Article III, Entitled "Litter," By Amending Division 1, Entitled "Generally," By Amending Section 46-92 To Amend The Enforcement And Penalty Provisions For Violations Of Subsections (b), (c), (d), And (e), By Increasing Penalties For Violations Of Subsections (b), (c), (d), And (e), And Imposing Criminal Penalties For Violations Of Subsection (b) On Beaches, Parks, Marinas, Piers, Docks, And Boat Ramps; To Amend Provisions In Subsections (l) And (m) Regarding Appeals From Violations; And To Amend The Provisions In Subsection (m) Regarding Liens For Unpaid Fines; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**  
(Sponsored by Commissioner Grieco)  
(Legislative Tracking: Environment & Sustainability)

**ACTION:** Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Commissioner Grieco moved the item as is; seconded by Vice-Mayor Tobin; Ballot vote: 5-2. Opposed: Commissioners Malakoff and Weithorn. Second reading, public hearing scheduled for **October 14, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Elizabeth Wheaton to handle.**

Debora Turner, First Assistant City Attorney, introduced the item and explained the violations and fines increases for litter violations in the City. The most notable change is the fact that if any litter is done on a park or beach, City Marina, pier, dock or boat ramp, it will be now a second-degree misdemeanor and enforceable by the Police with fines up to \$500 and up to 60 days jail time. The other violations for litter in the City relate to standard litter violations, which are now going to carry \$1,000 fine, depending if it is the first, second or third offense. Other fine increased relate to carrying metal or Polystyrene onto a beach, park, boat, dock, and it has been increased from \$50 to \$100 and up to \$500 for a third subsequent offense.

Discussion held.

Vice-Mayor Malakoff knows that Commissioner Grieco is trying to clean up the beaches, and she understands the reason, but the City of Miami Beach is a tourist friendly City, and to give a criminal penalty for litter is ridiculous. These are draconian measures. The City needs to have more trashcans on in every corner and have easy places for people to dump trash; more garbage cans in front of commercial buildings and more sweeper trucks to pick up the cans left behind. There are Teen Club and high school students that need to perform community services and can be asked to pick up the litter on the beaches and the marinas. However, to put criminal penalties for littering is not the right way to do it. The lowest wage people in the City are probably the gardeners, and they use leaf blowers, and in some cases, they get leaves that go into sidewalks, but in general, they do a good job, these individuals could be hit with hefty fines if this Ordinance passes. She thinks this is going too far.

Commissioner Grieco stated that the beach is a dump; there are no signs, no "Do Not Litter" signs and people are treating the beaches like trash. Whether it is the County or the City picking up the garbage, is time to take it seriously. The way the law is now, if you litter on the beach you get \$100 fine. This is about getting a better image and giving people an incentive to put the trash where it belongs. Not supporting this and not coming up with alternative options is not helping the issue.

Commissioner Weithorn agrees with Commissioner Malakoff; they cannot legislate good behavior. They can pass this as a "feel good" Ordinance, but is not going to change behavior. This is too draconian for her taste.

Discussion continued.

Commissioner Steinberg stated that the City does not arrest residents or tourists for marijuana possession, so why arrest them for littering. However, she will support this Ordinance on first reading because she knows that there are areas in the City that can use some solution, but agrees with Commissioner Malakoff that they need further discussion.

Dave Doebler, Chair of the Sustainability Committee, and VolunteerCleanUp.org member, stated that they ran a litter prevention subcommittee, and they found out that there is no ability to enforce existing litter laws. Code Enforcement Officers when asked stated that they issued virtually zero violations for littering and the Police are not authorized to issue violations for littering. He encouraged the City Commission to attend the Floatopia event this upcoming weekend, and allow the Police Officers the opportunity to enforce the existing laws when people break the laws in front of them. His recommendation is to allow Police Officers to also issue citations on this.

Vice-Mayor Tobin is in support of making this a Municipal Ordinance violation.

Aleksandr Boksner, First Assistant City Attorney, explained fees and criminal record violation with prosecution to the State Attorney's Office; it is an offense that will show as a criminal charge if litter is done in the beaches, marina or parks.

Mayor Levine asked if someone litters accidentally, could they have a criminal record. He suggested charging fines but not criminal records.

Discussion continued.

City Manager Morales added that if a violation is issued to a tourist, they cannot enforce it once the visitor goes back home. That is the issue Commissioner Grieco is trying to address.

Mayor Levine suggested bringing it back without the criminal provision.

Mr. Boksner suggested providing alternative options available and have a second first reading.

Discussion held.

Commissioner Grieco moved the item as is; seconded by Vice-Mayor Tobin; Ballot vote: 5-2. Opposed: Commissioners Malakoff and Weithorn.

Discussion continued regarding future efforts.

City Manager Morales explained efforts being promoted.

**03:55:56 p.m.**

R50 An Ordinance Amending Chapter 106 Of The Miami Beach City Code, Entitled "Traffic And Vehicles," By Amending Article II, Entitled "Metered Parking," By Amending Division 1, Entitled "Generally," By Amending Section 106-47, Entitled "Freight, Commercial, And Passenger Curb Loading Zones; Hours, Deliveries"; By Deleting Subsection (c), (d) And (e); By Amending Subsection (b) To Require Property Owners And Businesses To Confirm Compliance With Subsection (g) For Commercial Motor Vehicles Deliveries And Services; By Prohibiting Deliveries Or Services For Commercial Motor Vehicles That Fail To Comply With Subsections (f) Through (n); By Creating A New Subsection (d) And (e), Which Limits The Authority Of The Special Master; By Amending The Enforcement And Penalty Provisions For Violations Of Subsections (b); Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading**

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

**ACTION:** Title of the Ordinance read into the record. **Ordinance adopted on first reading as amended.** Motion made by Commissioner Grieco; seconded by Vice-Mayor Tobin; Ballot-vote: 7-0. Second reading, public hearing scheduled for **October 14, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Office of the City Attorney to handle.**

**Amendments:**

- ✓ Get trucks off the road, especially in major roads,
- ✓ Issue a warning prior to \$1,000 fine,
- ✓ Exclude parcel deliveries,

Vice-Mayor Tobin asked Commissioner Grieco if he accepted an amendment to issue a warning before issuance of first violation of \$1,000.

Commissioner Grieco accepted the amendment and considered excluding parcel deliveries such as UPS and common carriers. What he is proposing is to keep the roadways clear; they have expanded the loading zones and quadruple their availability, and enforcing illegally parked vehicles in order to clear the roads, especially major roads.

Mayor Levine asked if this would affect soda drink companies.

Commissioner Grieco explained that this puts the onus on the receiver of the deliveries and he is excluding the parcel services because they are hard to monitor. He is a pro-business person and at the same time is pro having traffic move, and they need these trucks off the road. Trucks continue to stop in the middle of Alton Road and Washington Avenue, but the people receiving deliveries are now just as responsible as the truck drivers are if they are illegally parked and Code

should be able to site if possible.

Commissioner Steinberg was concerned with other businesses on the second floor and how do they know, or if the truck is delivering to the entire block. She is glad parcel deliveries are being excluded.

**04:00:55 p.m.**

R5P An Ordinance Amending Chapter 142 Of The Miami Beach City Code, Entitled "Zoning Districts And Regulations," By Amending Article IV, Entitled "Supplementary District Regulations"; By Amending Division 3, Entitled "Supplementary Use Regulations"; By Amending Subsection (5), To Require Transient Guest(s) Or Occupant(s) To Register At The Suite Hotel; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading**  
(Sponsored by Commissioner Michael Grieco)  
(Legislative Tracking: Office of the City Attorney)

**ACTION:** Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Ballot-vote: 7-0. Second reading, public hearing scheduled for **October 14, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Office of the City Attorney to handle.**

**REFERRAL TO PLANNING BOARD:**

Motion made by Commissioner Weithorn; seconded by Commissioner Grieco to refer the item to the Planning Board for review at the **October 9, 2015** meeting. Voice-vote: 7-0.

**Sec. 142-1105.** Suites hotel (5)(a): Any transient guest or occupant for a suite hotel unit must register at the registration desk. Those transient guest(s) or occupant(s) are prohibited from accessing the suite hotel unit without registration.

Aleksandr Boksner, First Assistant City Attorney, stated that this Ordinance pertains to an amendment in the Land Development Code and the requirement is essentially that any transient guest or any individual occupying a suite hotel is required to register at the desk. In answering questions, he clarified that guests have to go to the desk and register as if they are lawfully entitled to be at that specific premise, and they will no longer be able to enter any type of premises, especially if it is a high-rise building and gain access to the unit fronting, unless in fact, they confirm that they are legally on the premises themselves.

Commissioner Weithorn stated that some hotels allow guests checking in electronically and asked if this was precluded.

Mr. Boksner stated that checking in electronically is included and this amendment only pertains to suite hotels.

Discussion held regarding guests checking in electronically.

No further discussion.

04:03:58 p.m.

**SUPPLEMENTAL MATERIAL 1: MEMORANDUM & ORDINANCE**

R5Q An Ordinance Amending Chapter 90 Of The Code Of The City Of Miami Beach, Entitled "Solid Waste," By Amending Article II, Entitled "Administration," By Amending Section 90-39 Thereof, Entitled "Fine Schedule For Violations Issued And Applied To Owners, Agents, Tenants, Occupants, Operators Or Managers, Or Persons Responsible For The Violation," To Amend The Fine Schedules Therein; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Deede Weithorn)  
(Legislative Tracking: Code Enforcement)

**ACTION:** Title of the Ordinance read into the record. **Ordinance adopted on first reading as amended doubling all fines.** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Ballot-vote: 6-0; Absent: Vice-Mayor Tobin. Second reading, public hearing scheduled for **October 14, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Hernan Cardeno to handle.**

**AMENDMENT:**

Double all fines

Roberto Santos-Alborna, Assistant Director, Code Compliance, explained that part of the reason for rewriting the fine schedules, is that a number of violations under Chapter 30, subsection 39 have not been reviewed in a number of years. There are biohazard violations with fee fines of \$100 that do not have an impact. He stated that the goal is to establish a deterrent and a change in behavior.

Commissioner Weithorn explained that when somebody does not seem to care, how often Code Enforcement could cite. She suggested doubling the fees.

Mr. Santos explained that they do a sweep twice per day, so they can cite two violations per day. The fines have been compared and reviewed against other jurisdictions, and they wanted to establish fees comparable.

Commissioner Malakoff is bothered by illegal disposal of biohazard and/or hazardous waste at \$1,000 and \$2,000, which she does not think is enough.

Mr. Santos is amenable to increasing the fees; however, the fees were increased from \$100.

Discussion held regarding increasing fees.

Debora Turner, First Assistant City Attorney, stated that there is one violation for a 24-hour period.

Discussion continued regarding fines.

Mayor Levine asked for the Office of the City Attorney to come back with stiffer fines.

Discussion continued.

Commissioner Weithorn moved the item doubling the fees on everything; seconded by Commissioner Malakoff.

**R7 - Resolutions****11:28:16 a.m.****2:38:28 p.m.**

R7A A Resolution Approving, Following Second 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 Northeast Corner Of 17<sup>th</sup> Street And 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 The Greater Of Minimum Fixed Rent Or A Percentage Of The Gross Operating Revenues Of The Hotel, Among Other Rent. **11:00 a.m. Second Reading Public Hearing**

(Office of the City Manager/Office of the City Attorney)  
(First Reading on July 31, 2015 - R7A)

**ACTION:** Title of the Resolution read into the record. Public Hearing held. **Resolution 2015-29115 adopted.** Motion by Commissioner Grieco, seconded by Commissioner Malakoff. Voice-vote: 6-1; Opposed: Commissioner Wolfson. **Maria Hernandez and Office of the City Attorney to handle.**

Raul J. Aguila, City Attorney, suggested having staff introduce the item and a make presentation before opening the public hearing.

Maria Hernandez, Capital Projects Director, MBCC, introduced Jeff Sachs, Strategic Advisory Group Consultant, developer Jack Portman and team, along with Rafael Paz from the Office of the City Attorney, the Visitors Bureau, the Miami Beach Chamber of Commerce and the Hotel Association.

Michael S. Goldberg, Chairman of the Board, Miami Beach Chamber of Commerce, read the following Miami Beach Chamber of Commerce Resolution into the record: "The Board of Governors of the Miami Beach Chamber of Commerce is in support of the City of Miami Beach Resolution approving development and ground lease agreement between the City and Portman Miami Beach, LLC for the development of an 800-room Convention Center Hotel and related facilities, whereas the Miami Beach Chamber of Commerce has consistently supported efforts over the years to improve the Convention Center, and whereas the Miami Beach Chamber of Commerce has determined that the hotel will have a positive impact on the City, and whereas the City has agreed to enter into agreement with the Portman Miami Beach, LLC company to undertake development of an 800-room Convention Center Hotel and related facilities subject to receiving the voter approval, now therefore the Miami Beach Chamber of Commerce passes this Resolution in support of the City of Miami Beach Resolution approving the development and ground lease agreement between the City and Portman Miami Beach, LLC for the development of an 800-room Convention Center Hotel and related facilities passed and adopted this first day of September, 2015."

Mr. Goldberg is additionally the Chairman of the Convention Center Advisory Board, and read the following Resolution adopted by the Convention Center Advisory Board into the record: "A Resolution of the Miami Beach Convention Center Advisory Board passed unanimously in support of the Miami Beach Resolution approving development and ground lease agreement between the City and Portman Miami Beach, LLC for the development of an 800-room Convention Center Hotel and related facilities, whereas the Miami Beach advisory board supports the efforts to improve the Convention Center, and whereas the Miami Beach Convention Center Advisory Board has determined that the hotel will have a positive impact on the City, whereas the City has resolved to enter into an agreement with Portman Miami Beach LLC company to undertake the development of an 800-room Convention Center Hotel and related facilities subject to receiving further voter approval, now therefore, the Miami Beach Convention Center Advisory Board passes this Resolution in support of the City of Miami Beach Resolution approving the development and ground lease agreement between the City of Miami Beach and Portman Miami Beach, LLC for the development of an 800-room Convention Center Hotel and related facilities passed and adopted this first day of September, 2015, Michael S. Goldman, Chairman."

Peggy Benua, General Manager of the Dream South Beach Hotel and Chair of the Greater Miami Beach Hotel Association, expressed her support of the Convention Center Hotel, and stated that her organization passed a Resolution in support many months ago.

Bill Talbert, speaking on behalf of Greater Miami Visitors Convention Bureau, stated that they strongly support the item.

David Kelsey stated that he is neither for nor against the Hotel, but he is concerned about its location and its proximity to the Fillmore. Mr. Kelsey opines that the Hotel is better located at the site of the current P-Lot.

Raul J. Aguila, City Attorney, pointed out that the City Commission requested changes on the lease and development agreement on July 31, 2015, and those changes have been incorporated into the lease and are summarized in Appendix IV on pages 706 and 708 of the Agenda Packet.

Commissioner Grieco motioned; and Commissioner Malakoff seconded. Voice-vote: 6-1; Opposed: Commissioner Wolfson.

**2:38:38 p.m.**

Raul J. Aguila, City Attorney, asked that the approval included changes referenced requested by the City Commission on First Reading, and referenced on Appendix IV. Because the Convention Center Hotel ballot question is scheduled for March 2016, they need to correspondingly change the dates on the Lease that was approved earlier in the day reference a November ballot date. He asked approval by acclamation that the motion approving the Lease contained those changes. Motion made by Commissioner Steinberg. Approved by acclamation.

Handouts or Reference Materials:

1. Notice in The Miami Herald Ad 1059 published August 20 and August 22, 2015.
2. Notice in The Miami Herald Ad 1061.
3. Resolution from the Miami Beach Chamber of Commerce in support of the Hotel.
4. Resolution signed by Michael S. Goldberg, Chairman, MBCC.

- R7B 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 City Should Lease 2.65-Acre Property At Northeast Corner Of 17th Street And Convention Center Drive To Portman Miami Beach LLC For 99 Years, Requiring, Per Resolution 2015-29115 Construction/Operation Of Privately-Funded 800-room Hotel With 300 Foot Height Limit, Connected To Convention Center Via Pedestrian Skybridge; No Gambling; And Rent To City After Hotel Opens, Including Greater Of: Minimum Rent (\$12,373,785 Over First Ten Years, Adjusted Thereafter) Or Percentage Of Hotel's Revenues Annually.  
(Office of the City Attorney/Office of the City Manager)

**ACTION:** Item withdrawn.

**City Clerk's Note:** See LTC [339-2015](#) RE: Convention Center Headquarter Hotel Referendum dated August 31, 2015.

**10:16:20 a.m.**

**SUPPLEMENTAL MATERIAL 1: REVISED MEMORANDUM & RESOLUTION**

- R7C 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 The Floor Area Ratio (FAR) For The "Ocean Terrace Overlay District," With An Underlying Zoning Designation Of "Commercial District-2" ("CD-2") And "Mixed Use Entertainment District" ("MXE"), Be Increased From A Maximum 2.0 FAR To A Maximum 3.0 FAR For Residential And Hotel Uses Only, And Allow No FAR Increase For Commercial Uses; Which Ocean Terrace Overlay District Is Located Between 73<sup>rd</sup> And 75<sup>th</sup> Streets, Collins Avenue, And Ocean Terrace?

(Sponsored by Commissioner Joy Malakoff)  
(Legislative Tracking: Office of the City Attorney)

**ACTION: Resolution 2015-29116 adopted as amended.** Motion made by Commissioner Malakoff to approve the ballot question as amended into the record; seconded by Commissioner Weithorn; Voice vote: 6-1; Opposed: Commissioner Steinberg. **Office of the City Attorney and Rafael E. Granado to handle.**

**Amendment:**

Add language defining FAR – "which regulates the overall size of a building"  
Amend ballot question as indicated below.

**1.0 Maximum FAR Increase for Residential and Hotel Uses in the Ocean Terrace Overlay District**

Shall the Floor Area Ratio (FAR) which regulates the overall size of a building, for the "Ocean Terrace Overlay District," located between 73rd and 75th Streets, Collins Avenue, and Ocean Terrace, and which has underlying zoning designations of "Commercial District-2" ("CD-2") and "Mixed Use Entertainment District" ("MXE"), be increased from a maximum of 2.0 FAR to a maximum of 3.0 FAR, which increased FAR shall be used only for residential and hotel uses only, and allow no FAR increase for commercial uses?

Commissioner Malakoff believes that this question should go on the November 3, 2015 ballot. The wording of the question has been revised due to the concerns they had received that the public will not understand what Floor Area Ratio is. She read the revised question into the record: "Shall the Floor Area Ratio (FAR) which regulates the overall size of a building, for the "Ocean Terrace Overlay District," located between 73rd and 75th Streets, Collins Avenue, and

Ocean Terrace, and which has underlying zoning designations of "Commercial District-2" ("CD-2") and "Mixed Use Entertainment District" ("MXE"), be increased from a maximum of 2.0 FAR to a maximum of 3.0 FAR, which increased FAR shall be used only for residential and hotel uses?"

Commissioner Malakoff motioned to vote on the item; Commissioner Weithorn seconded.

Commissioner Weithorn thanked Commissioner Malakoff, Raul Aguila, Eve Boutsis and Thomas Mooney for their work on this item. She expressed her concerns for the original wording of this ballot question. She believes people will now understand they are changing the building sizes.

Mayor Levine stated that this issue is for the residents of Miami Beach to decide.

Commissioner Steinberg stated that she is unsure if voters will understand the question, and asked if the square foot ratio would be included so that the voters could make a more informed decision.

Commissioner Malakoff mentioned that the Voters Guide that will be sent to all of the voters would explain each question in detail.

Commissioner Steinberg asked whether the Voters Guide would include square footage number.

Raul J. Aguila, City Attorney, in answering Commissioner Steinberg's question, stated that the City needs to be objective in the Voters' Guide; there is no project before them, and he does not want to create ambiguity by adding square footage. The square footage is a problem because of the lack of specificity in terms of project.

Eve Boutsis, Deputy City Attorney, added that even if there is a project they do not know how that is going to change or whether the FAR will increase or not.

Commissioner Steinberg suggested adding a square footage "up to."

Discussion continued regarding including square footage.

Vice-Mayor Tobin stated that both Commissioner Malakoff and the Office of the City Attorney did a great job on this item.

Commissioner Wolfson stated that if Commissioner Steinberg has a method to accurately describe square footage she should advocate for it and not rely on the Voters Guide.

Commissioner Steinberg mentioned that she wants the ballot language to be clear and include square footage. She read for the record an e-mail she received from Thomas Mooney, Planning Department Director, which included square footage: "103,600 square feet times 2.0 FAR equals 207,200 square feet of floor area."

Thomas Mooney, Planning Department Director, explained that the figures he used in the e-mail was for a hypothetical vacant block, and the total square footage someone could build with a 2.0 FAR.

Commissioner Wolfson added that if there is no proposed project or specific square footage number, it should not be included in the ballot question.

Discussion continued.

Commissioner Malakoff stated that regardless of what the developers decide to do, it still requires the approval of the Historic Preservation Board.

Handouts and Reference Materials:

1. Revised Ballot Language
2. E-mail from Margueritte Ramos <margmiami@gmail.com September 1, 2015 RE: Ocean Terrace Overlay District.

**04:26:16 p.m.**

**SUPPLEMENTAL MATERIAL 1: REVISED MEMORANDUM & RESOLUTION**

R7D 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 City Code Section 2-459 Should Be Amended To Include An Additional Exception Allowing Historic Preservation And Design Review Board Members Who Are Architects Or Landscape Architects To Lobby City Personnel And Agencies On Land Development Applications, Except The Board On Which They Serve And Related City Staff.

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Office of the City Attorney)

(On July 8, 2015, it was requested to bring this item to September 2, 2015 - R7R)

**ACTION:** Commissioner Malakoff requested deferring the item to the [December 9, 2015](#) Commission Meeting. By acclamation. Lilia Cardillo to place on the Commission Agenda if received. **Office of the City Attorney to handle.**

**10:13:01 a.m.**

R7E A Resolution Supporting "The Envelope Please" Initiative, Which Asks Hotels To Place Envelopes In Hotel Rooms To Remind Guests To Express Their Gratitude By Leaving Tips For Room Attendants, And Encouraging All Hotels In The City Of Miami Beach To Participate In The Initiative.

(Sponsored by Mayor Philip Levine)

(Legislative Tracking: Office of the City Attorney)

**ACTION: Resolution 2015-29117 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Voice vote: 7-0. **Office of the City Attorney to handle.**

Wendy Kallergis, President and CEO of the Greater Miami Beach Hotel Association, stated that her organization met with the Miami-Dade County Commission for Women and the Greater Convention Visitors Bureau, and they asked for their partnership in the initiative that would provide a card in each hotel room that would include the housekeeper's name, and would encourage better tips for their service. She stated that although this initiative was started by a women's organization, they include male housekeepers.

Mayor Levine expressed his agreement with this project and believes it is a great way to increase the quality of life for all hotel employees.

**02:48:01 p.m.**

**SUPPLEMENTAL MATERIAL 1: MEMORANDUM & RESOLUTION**

R7F A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Settlement Agreement Between The City (Owner), PKY Lincoln Place, LLC (Tenant), And 16<sup>th</sup> Street Partners, LLC (Master Subtenant), Relating To That Certain Agreement Of Lease (Ground Lease), Dated September 1, 1999, For The Lincoln Place Garage, Located At 1601 Washington Avenue.

(Office of the City Attorney/Tourism, Culture & Economic Development)

**ACTION: Resolution 2015-29118 adopted.** Motion made by Commissioner Wolfson; seconded by Commissioner Malakoff; Voice vote: 6-0; Absent: Vice-Mayor Tobin. **Office of the City Attorney and Max Sklar to handle.**

Max Sklar, Tourism, Culture & Economic Development Director, introduced the item. He explained that internal auditors looked into the lease and they have been working with the tenant to negotiate a settlement of those findings; this is a settlement agreement to mutually release each other, and the City will receive \$400,000 as part of that release. The ground lease going into the future will have an agreement for future sublease; there is the acknowledgement of parking spaces and the City is agreeing to reduce the public parking requirement during office hours on weekdays from 100 to 20 spaces, and in exchange, the public parking requirement will increase to 300 spaces on weekdays and after office hours.

Commissioner Malakoff asked what they can do in the future to avoid a similar problem with other P3 garages.

Mr. Sklar explained that as a matter of practice they now make sure that what was agreed to is being done. They are following up on this.

Discussion held.

**04:27:11 p.m.**

R7G A Resolution Approving The Extension Of Hours For Certain Alcoholic Beverage Establishments With A 5:00 a.m. Liquor License To 7:00 a.m., Under Certain Specified Conditions Pursuant To Section 6 Of The City Code, For White Party 2015 (November 27<sup>th</sup> And 28<sup>th</sup>, 2015), Winter Party Festival 2016 (March 4<sup>th</sup> And 5<sup>th</sup>, 2016), And Miami Beach Gay Pride 2016 (April 8<sup>th</sup> And 9<sup>th</sup>, 2016) As Recommended By The LGBT Advisory Committee, And Further Providing That The Extension Of Alcoholic Beverage Service Be Applied Only To Events Held In The City Of Miami Beach On The Above-Stated Dates.

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Office of the City Attorney)

**ACTION: Resolution 2015-29119 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Voice vote: 6-1; Opposed: Vice-Mayor Tobin. **Office of the City Attorney to handle.**

Michael Bath, member of the LGBT Committee, spoke in regards to extending bar hours for the biggest LGBT parties, which are the White and Winter parties.

Commissioner Grieco stated that his only reservation was if it was for outdoor afterhours, which it is not.

Commissioner Weithorn asked that these events comply with the City's alcohol Ordinance, and thanked Mr. Bath for partnering with the City.

Vice-Mayor Tobin stated that he will oppose the item to be consistent with previous votes, because he believes partying should stop after 5 a.m.

**01:49:39 p.m.**

**SUPPLEMENTAL MATERIAL 1: MEMORANDUM & RESOLUTION**

R7H A Resolution Adopting The Sixth Amendment To The Capital Budget For Fiscal Year 2014/15.

**11:05 a.m. Public Hearing**

(Budget & Performance Improvement)

**ACTION:** Public Hearing held. **Resolution 2015-29120 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Voice vote: 7-0. **John Woodruff to handle.**

John Woodruff, Budget & Performance Improvement Director, introduced the item. He stated that there are three projects impacted by this resolution. Two of the projects are on West Avenue and Sunset Harbour, this action funds the change order that was approved last October. The third project is the upsizing of under capacity water mains citywide, to cover a settlement agreement.

Handouts or Reference Materials:

1. Notice in The Miami Herald Ad 1061

**01:50:57 p.m.**

**SUPPLEMENTAL MATERIAL 2: REVISED MEMORANDUM**

R7I Approve Accessible Beach, Outdoor Recreation & Playground Facility at Allison Park

1. A Resolution Approving, In Concept, An Accessible Beach And An Accessible Outdoor Recreation And Playground Facility At Allison Park.

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Capital Improvement Projects)

**ACTION: Resolution 2015-29121 adopted.** Item heard in conjunction with R7I-2. Motion made by Commissioner Malakoff; seconded by Vice-Mayor Tobin; Voice vote: 7-0. **David Martinez to handle.**

David Martinez, CIP Department Director, introduced the item. He presented the main elements of the park, which include: an accessible beach, shaded accessible playground, shaded picnic area, exercise areas, dog wash area, ADA restroom upgrades, reconfigured parking lot layout, enhanced landscaping, and temporary storage trailer.

Bruce Howard, Landscape Architect, showed a PowerPoint presentation illustrating the concept for the 2-3 acre park with a Wellness Center.

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

Handout and Reference Materials:

1. Attachment A Office of Capital Improvement Projects – Neighborhood Number: 2 and Neighborhood Name: North Shore Topographic Survey of Allison Park at 65 Street and Collins Avenue; July 2<sup>nd</sup>, 2015.

02:01:15 p.m.

**SUPPLEMENTAL MATERIAL 2: REVISED MEMORANDUM**

2. Discussion Relating To The Location And Possible Concepts For A New Wellness Center At Allison Park.

(Sponsored by Commissioner Joy Malakoff)  
(Legislative Tracking: Capital Improvement Projects)

**ACTION:** Discussion held. Commissioner Malakoff moved to continue down this path; seconded by Commissioner Grieco. Voice-vote: 7-0. See comments with R7I-1. **John Rebar and Saul Francis to handle.**

Sabrina Cohen, founder of the Sabrina Cohen Foundation, stated that her organization has been working on their own designs and concepts for the Wellness Center and adapted gym. She introduced Jasper Nelson with O'Neil Advertisement and Board Member of the Sabrina Cohen Foundation, and Mickey Marrero from the Bercow Radell & Fernandez Firm. She presented a slide show with three options for the location of the Wellness Center. Option A is a gym building in the middle of the park; option B utilizes the central circular area for the center; and option C includes the entire Wellness Center at the southern portion of the park.

Presentation continued detailing the financial costs. Sabrina Cohen stated that the ballot should be added to the March 2016 Special Election.

Mayor Levine expressed his support for option A, and believes this is a great economic generator.

City Manager Morales stated that the area currently has a parking lot that is heavily used by residents and will have to be looked into carefully as to what impact it has if removed temporarily.

Eric Carpenter, Assistant City Manager/Public Works Director, stated that they are in very preliminary phases and will go through the due diligence to make it work for the community.

Commissioner Malakoff stated that parking was one of the issues residents brought to her attention. That particular parking lot is open from 8 am to 6 pm, during the time the Wellness Center could be open, cars should be limited to 4 hour parking. At nighttime, there are no limits, so cars can park overnight. She asked if additional parking had been looked at West on Collins Avenue.

Discussion continued.

Commissioner Malakoff moved to continue down this path; seconded by Commissioner Grieco. Voice-vote: 7-0.

Mickey Marrero detailed the steps they have taken to go forward with the park and Wellness Center, he mentioned that all the departments they have spoken to at the State level have been very helpful, and have met with very little resistance.

Barbara McDonald stated she was impressed with Ms. Cohen's accomplishments and stated the facility is incredible, but she thinks it is in the wrong place. She would prefer a wide-open serene place filled with trees and native plants. The facility should provide trained assistance for mobility purposes. North Shore Park is beautiful, and although the paths are narrow, they have the funds to be widened.

**04:29:42 p.m.**

R7J A Resolution Approving And Authorizing A Substantial Amendment To The City's Five-Year Consolidated Plan To Allocate \$271,000 Of Previously Unallocated Home Investment Partnerships (HOME) Funds From Prior Years To The London House Apartments Affordable Housing Project; Authorizing The City Manager To Recapture And Reallocate \$48,343 Of HOME Funds From The Meridian Place Apartments Affordable Housing Project To The London House Apartments Project; Issue A Notice Of A Thirty (30) Day Public Comment Period On The Proposed Substantial Amendments To The City's Five-Year Consolidated Plan; And Authorizing The City Manager To Execute Inter-Departmental Agreements For Recipients Of The Funds.

(Housing & Community Services)

**ACTION: Resolution 2015-29122 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice vote: 6-0. Absent: Commissioner Wolfson. **Maria Ruiz to handle.**

Richard Bowman, Office of Housing and Community Services, stated that in order to review and reconcile their HUD account, there are two balances that require action. The first is \$48,000 that was originally allocated to the Miami Beach Community Development Corporation for the Meridian Place Apartments. The second is a balance of \$271,000 that goes back to prior years that had never been allocated. The total amount would be \$319,000 that he is asking the City Commission to allocate to the London House redevelopment project, and save some funding that would require debt service.

**9:06:38 a.m.**

R7K A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement, Substantially In The Form Attached To This Resolution, Between The City And Skidata, Inc., Pursuant To Invitation To Negotiate (ITN) 2014-170-SW, For A Gated Revenue Control System For The City's Parking Garages, For An Initial Term Of Ten (10) Years, With Two (2) Five (5) Year Options, At The City's Sole Discretion.

(Procurement/Parking)

(On July 8, 2015, it was requested to bring the agreement for approval on September 2, 2015 - R7N)

**ACTION:** Item deferred to the **October 14, 2015** Commission Agenda. **Alex Denis and Saul Frances to handle.**

Vice-Mayor Tobin asked if there was a reason this item was being deferred, because he believed that this contract had already been approved by the City Commission.

City Manager Morales stated that the contract had not been approved because it was lacking performance measures that needed to be added.

Commissioner Grieco addressed Vice-Mayor Tobin and stated that this item is not in reference to awarding parking contracts, it is a separate issue relating to parking garage gating.

Vice-Mayor Tobin stated that he remembers the contract had resistance from many lobbyists when it was being voted on, that it was given to Skidata, Inc., and it is now being delayed.

Kathie G. Brooks, Assistant City Manager, explained that the delay is because they are still working on the set up criteria and were unable to have it done for today's meeting. Their intent is to have it ready for the October City Commission meeting.

**04:31:07 p.m.**

R7L A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Relocate The Teen Club From Its Current Location At The 21<sup>st</sup> Street Recreation Center, To The Scott Rakow Youth Center.  
(Parks & Recreation)

**ACTION: Resolution 2015-29123 adopted.** Motion made by Vice-Mayor Tobin; seconded by Commissioner Malakoff to accept the recommendation of the NCAC to relocate the Teen Club to the Scott Rakow Youth Center; Voice vote: 6-0. Absent: Commissioner Wolfson. **John Rebar to handle.**

**04:31:33 p.m.**

**SUPPLEMENTAL MATERIAL 3: REVISED MEMORANDUM & RESOLUTION**

R7M A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals No. 2015-146-YG (The RFP), For Parking Attendants For City Parking Garages; And Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, SP Plus Corporation; Should The Administration Not Be Successful In Negotiating An Agreement With SP Plus Corporation, Authorizing The Administration To Issue A New RFP; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Procurement/Parking)

**ACTION: Resolution 2015-29124 adopted.** Heard in conjunction with R7N. Motion made by Commissioner Malakoff; seconded by Vice-Mayor Tobin to accept the City Manager's recommendation; Voice vote: 6-1. Opposed: Commissioner Wolfson. **Alex Denis and Saul Frances to handle.**

Saul Frances, Parking Department Director, introduced the item. He stated that Republic Parking System was a non-responsive bidder. They are recommending awarding the RFP to SP Plus, which would then place LAZ Florida Parking as the No. 2 ranked firm. They are also recommending negotiating with the No. 2 ranked firm if unsuccessful with the No. 1 ranked firm.

Regarding R7N, Mr. Frances stated that they recommend awarding the RFP to LAZ Florida Parking, as Republic Parking System was also non-responsive in this matter, this would place SP Plus as the No. 2 ranked firm. They also recommend negotiating with the No. 2 ranked firm, if negotiations are unsuccessful with the No. 1 ranked firm.

Mayor Levine for purposes of clarification stated that the City Manager's recommendation would be to award the RFP to SP Plus in item R7M, and award the RFP to LAZ Florida Parking in item R7N.

Commissioner Malakoff stated that in reference to parking attendants, most are very friendly and courteous, but some attendants have very bad customer service skills, talk on their cell phones, and barely acknowledge people. She asks that regardless of who gets the contract, they must provide employees with good customer service training. **Alex Denis and Saul**

**Frances to handle.**

Commissioner Wolfson asked whether the City could negotiate with both SP Plus and LAZ Florida Parking to try to get the best possible deal for the City, and award both contracts to the firm that will accept the lowest price.

Raul J. Aguila, City Attorney, stated that what Commissioner Wolfson suggested is permissible, and reminded the City Commission that the City Manager's recommendation is advisory and not compulsory.

City Manager Morales stated that if the direction is to negotiate with both firms simultaneously they could do it as part of the RFP, it is not normally done, but they could do so.

Commissioner Wolfson motioned to negotiate with both providers to get the best possible deal. No Commissioner seconded.

Vice-Mayor Tobin stated that he finds it unusual that in R7N the committee originally said there was a ranking tie between the incumbent and LAZ Florida Parking, but later the committee decided to recount and the competitor prevailed, which is good in part, because the contract would be \$8,000 cheaper, but Republic Parking System has been working with the City for 14 years, and has collected over \$20,000,000. He believes the City should reach out to them and see if they are willing to match LAZ Florida Parking's deal. He mentioned that typically companies that have been performing well get renewals.

City Manager Morales explained that the City Commission had asked the Administration to place the contract out to bid. Regarding the company ranking tie, Republic Parking System was disqualified for being unresponsive, so it was appropriate at that point to rank LAZ Florida Parking as the No. 1 firm.

Discussion continued.

Raul J. Aguila, City Attorney, clarified that the RFP provides that the City Commission may select the proposal or proposals that it deems to be in the City's best interest. Upon approval by the City, negotiations among proposers will take place, so they could move ahead with Commissioner Wolfson's proposal.

Mayor Levine asked if any other Commissioners were interested in seconding Commissioner Wolfson's motion. No second received.

Commissioner Malakoff motioned to accept the City Manager's recommendation; Vice-Mayor Tobin seconded.

**SUPPLEMENTAL MATERIAL 2: UPDATED MEMORANDUM & RESOLUTION****04:31:33 p.m.**

R7N A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Proposals (RFP) No. 2015-135-WG For Parking Meter Collection Services, And Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, LAZ Florida Parking, LLC.; Should The Administration Not Be Successful In Negotiating An Agreement With LAZ Florida Parking, LLC., Authorizing The Administration To Issue A New RFP; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.  
(Procurement/Parking)

**ACTION: Resolution 2015-29125 adopted.** Heard in conjunction with R7M. Motion made by Commissioner Malakoff to accept the City Manager's recommendation; seconded by Commissioner Grieco. Voice vote: 5-2; Opposed: Vice-Mayor Tobin, and Commissioner Weithorn. **Alex Denis and Saul Frances to handle.**

## Handouts or Reference Materials:

1. Email from Ralph Andrade [ralph@mbeachconsulting.com](mailto:ralph@mbeachconsulting.com) dated August 27, 2015 RE: RFP 2015-135-WG Parking Meter Collection Services with Attachments to Commissioner Jonah Wolfson.
2. Email from Ralph Andrade [ralph@mbeachconsulting.com](mailto:ralph@mbeachconsulting.com) dated August 27, 2015 to Yusbel Gonzalez and William Garviso RE: Non-Responsive Proposal(s) Submitted in Response to RFP 2015-135-WG (Parking Meter Collection Services) & RFP 2015-146-YG (Parking Attendants for City Garages).
3. Email from Ralph Andrade [ralph@mbeachconsulting.com](mailto:ralph@mbeachconsulting.com) dated August 28, 2015 RE: RFP 2015-135-WG Parking Meter Collection Services with Attachments to Commissioner Jonah Wolfson.
4. Email from Ralph Andrade [ralph@mbeachconsulting.com](mailto:ralph@mbeachconsulting.com) dated August 27, 2015 RE: RFP 2015-135-WG Parking Meter Collection Services with Attachments to Commissioner Michael Grieco.
5. Email from Jonah Wolfson [jonahwolfson@wolfsonlawfirm.com](mailto:jonahwolfson@wolfsonlawfirm.com) dated August 28, 2015 to Jimmy Morales and Rafael Granado RE: RFP 2015-135-WG Parking Meter Collection Services with Attachments (1. Letter from Procurement Director to Wally Bice, Republic Parking System, Inc., dated August 27, 2015; 2. RFP 2015-135-WG Parking Meter Collection Services statistics by company; 3. Commission Item Summary and Memorandum for R7N 09.02.2015.
4. Email from Jimmy Morales to Commissioner Jonah Wolfson dated August 30, 2015 RE: RFP 2015-135-WG Parking Meter Collection Services.
5. Email from Ralph Andrade [ralph@mbeachconsulting.com](mailto:ralph@mbeachconsulting.com) dated August 31, 2015 RE: RFP 2015-135-WG and RFP 2015-146-YG.
6. Email from Ralph Andrade [ralph@mbeachconsulting.com](mailto:ralph@mbeachconsulting.com) to Commissioner Micky Steinberg dated August 31, 2015 RE: RFP 2015-135-WG and RFP 2015-146-YG ("Parking Attendant RFP").
7. Email from Ralph Andrade [ralph@mbeachconsulting.com](mailto:ralph@mbeachconsulting.com) to Commissioner Michael Grieco dated August 31, 2015 RE: RFP 2015-135-WG and RFP 2015-146-YG ("Parking Attendant RFP").
8. Email from Rafael E. Andrade [Ralph@mbeachconsulting.com](mailto:Ralph@mbeachconsulting.com) dated September 1, 2015 RE: RFP 2015-146-YG Parking Attendants for City Garages & RFP 2015-135-WG and Parking Meter Collection Services, to Mayor Levine.
9. Email from Ralph Andrade [ralph@mbeachconsulting.com](mailto:ralph@mbeachconsulting.com) to Jimmy Morales dated September 1, 2015 RE: RFP 2015-135-WG Parking Attendants for City Garages & and RFP 2015-146-YG Parking Meter Collection Services.
10. Email from Ralph Andrade [ralph@mbeachconsulting.com](mailto:ralph@mbeachconsulting.com) to Jimmy Morales dated August 31, 2015 with attachments RFP 2015-146-YG Parking Attendants for City Garages and RFP 2015-146-YG Parking Attendants for City Garages (Revised Rankings.pdf).

04:41:54 p.m.

**SUPPLEMENTAL MATERIAL 3: ATTACHMENT**

R70 A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Change Order No. 5 To The Design-Build Agreement With Bergeron Land Development, Inc., Dated April 30, 2014 (The Agreement), Related To The Disposal Of Soils From The West Avenue Neighborhood Project, Provide Rental Generators To Reduce Flooding And Establish Street Lighting Standards For The City, Further Increasing The Cost Of The Agreement By \$2,000,000.

(Public Works)

**ACTION: Resolution 2015-29126 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Voice vote: 5-1; Opposed: Vice-Mayor Tobin; Absent: Commissioner Wolfson. **Eric Carpenter to handle.**

Eric Carpenter, Assistant City Manager/Public Works Director, explained that they are dealing with Bergeron on the West Avenue neighborhood project. Bergeron tested the soil material before beginning excavating, and found it had high levels of arsenic; they received direction from DERM on how to deal with elevated arsenic on the roads. The result was that DERM gave instructions to reuse the materials on site under a deed restriction, as long as it had an engineer cap, or it needed to be disposed of in a lined landfill. That would be a \$1.5 million cost. Regarding the portable pumps to address some of the storm water issue until the permanent pumps are in place, they are estimating a \$200,000 cost. They are in the process of buying an additional pump so that they can alleviate the rental costs, but long term they do not need to own 20 pumps. It is a balance between purchasing and renting.

Vice-Mayor Tobin asked why it is the City's responsibility to cover the costs of the removal of arsenic soil.

Mr. Carpenter explained that this was deemed not to be DERM's responsibility. He continued that the City will pay based on the number of materials disposed in the landfill. They have staff tracking the materials dumped on site. The contract actually states that Bergeron is not responsible for materials if it is deemed contaminated and needs to be disposed of other than what would normally be taken care of a clean fill transport off site.

Discussion held.

City Manager Morales explained that this was something unforeseen, and will get expensive throughout the County.

**SUPPLEMENTAL MATERIAL 2: REVISED EXHIBIT "F"****01:45:42 p.m.**

R7P A Resolution Approving And Authorizing Amendment No. 1 To The Development Agreement Between The City And Jameck Development, Inc. (Jameck Or Developer), Dated July 23, 2014, For The Design, Development, And Construction Of Certain Streetscape Improvement In The City's Right Of Way, At The Portion Of Euclid Avenue Between Lincoln Road And Lincoln Lane South (The Project); Said Amendment Increasing The Budgeted Cost Of The Project To A Guaranteed Maximum Price (GMP) Of \$786,200, Due To Construction Cost Increases, But Without Changing The City's Financial Contribution To The Project (In The Original Approved Amount Of \$485,820); And Requiring The Developer To Pay For Any Project Costs Exceeding The City's Contribution.

(Public Works)

**ACTION: Resolution 2015-29127 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Voice vote: 6-0; Absent: Commissioner Wolfson. **Eric Carpenter to handle.**

City Manager Morales stated that there are some additional costs to the project, but not additional costs to the City. The Administration is asking for the amendment to the agreement to reflect that.

Commissioner Malakoff thanked Mr. Schlessler for all that he has done for Lincoln Road.

Melvyn Schlessler thanked the City Commission and added that this initiative will be great for Lincoln Road.

**04:48:44 p.m.**

R7Q A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Existing Joint Participation Agreement (JPA) Between The City And Florida Department Of Transportation (FDOT), Providing For Funding In The Amount Of Additional \$302,518, For Patterned Pavement Crosswalks By FDOT Highway Contractor For The Construction Within The Project Area, As Part Of The State Road 907/Alton Road Project, From 5th Street To Michigan Avenue; Further Approving And Authorizing The Mayor And City Clerk To Execute As Well A Corresponding Maintenance Memorandum Of Agreement.

(Public Works)

**ACTION: Resolution 2015-29128 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Wolfson. **Eric Carpenter to handle.**

Eric Carpenter, Assistant City Manager/Public Works Director, introduced the item, which takes the money that was allocated in the budget for stamped asphalt crosswalks on the Alton Road project, and allocating it to the Joint Participation Agreement (JPA), so the City can use FDOT's contract for the required work.

- R7R A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Request For Qualifications No. 2014-115-SR, For Professional Engineering Consulting Services Relating To The Design Of The New West Avenue Bridge Over The Collins Canal (The "RFQ"); To Withdraw This Procurement Process And Amend The Existing Contract With Gannett Fleming, Inc., Who Completed The Planning Development And Environmental Phase Of This Project; Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.  
(Public Works)

**ACTION:** Item withdrawn.

**04:59:48 p.m.**

**SUPPLEMENTAL MATERIAL 2: RESOLUTION**

- R7S Approve Amended And Restated Booking Policy Guidelines For MBCC And Establish Art Basel As A Marquee Event
1. A Resolution Approving And Accepting The Recommendation Of The Finance And Citywide Projects Committee, And Approving The Amended And Restated Booking Policy Guidelines For The Miami Beach Convention Center; And Further Repealing All Prior Booking Policies For The Miami Beach Convention Center Approved By The City Commission And As Set Forth In Resolution Nos. 98-22759, 99-23168, 99-23240, And 2001-24394 In Their Entirety.  
(Tourism, Culture & Economic Development)

**ACTION: Resolution 2015-29129 adopted.** Motion made by Vice-Mayor Tobin; seconded by Commissioner Malakoff; Voice vote: 7-0. **Max Sklar to handle.**

Max Sklar, Tourism, Culture & Economic Development, introduced Daniel Fenton, Consultant with Strategic Advisory Group, and stated that they have worked with the Convention and Visitors Bureau and Spectra, MBCC Management, to come up with the restated booking policies, which have been reviewed and approved by the Convention Center Advisory Board and by the Finance and Citywide Projects Committee. In summary, they are eliminating a grandfather clause existing in the booking policy, and replacing that with a policy focused on room night generation. They will define first priority designation, which is the highest designation; they also further define second and third priority categories as well by room night requirement, and they have an addition of Marquee Event category, which upon written recommendation of the City Manager and 5/7 vote of the City Commission will grant priority status to a high profile event that brings significant benefit and impact to the City. They require as well executing a license agreement with the Convention Center in order to be a confirmed booking. They focus on reducing moving in and out dates as well as room verification process.

05:02:35 p.m.

**SUPPLEMENTAL MATERIAL 2: RESOLUTION**

2. A Resolution Establishing Art Basel In Miami Beach As A Marquee Event Pursuant To The Miami Beach Convention Center Amended And Restated Booking Policy Guidelines.  
(Tourism, Culture & Economic Development)

**ACTION: Resolution 2015-29130 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Weithorn; Voice vote: 7-0. **Max Sklar to handle.**

Max Sklar, Tourism, Culture & Economic Development, stated that this resolution designates Art Basel as a Marquee Event.

Mayor Levine added that this resolution is to ensure that they do not make room audits and he further recognized Art Basel as amazing partners and thanked Mark Shapiro and all participants.

Mr. Sklar stated an audit was recently completed and Art Basel exceeded the requirements and in going forward, they will no longer need audits.

01:47:08 p.m.

**SUPPLEMENTAL MATERIAL 3: ATTACHMENT**

- R7T A Resolution Pursuant To Section 82-37(a)(2) Of The City Code, Setting A Public Hearing To Consider Approving, On Second Reading, The Transfer, Via An Air Rights Easement Agreement, To Betsy Ross Owner, LLC, The Property Identified In Exhibit "A," For The Construction Of Bridge Over The Ocean Court Alley Between The Carlton And The Betsy Hotels; Containing Approximately 181.66 Square Feet In Total Area; Further Waiving, By 5/7<sup>th</sup> Vote, The Competitive Bidding Requirements Of Section 82-39(b) Of The City Code, Finding That The Public Interest Would Be Served By Waiving Such Condition; Directing The Item Be Sent To The Next Finance And Citywide Projects Committee Meeting With A Copy Of The Updated Appraisal; And Directing The City's Planning Department To Prepare A Planning Analysis Pursuant To Section 82-38 Of The City Code.  
(Public Works)

**ACTION: Resolution 2015-29131 adopted.** Public Hearing scheduled for **October 14, 2015**. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice vote: 7-0. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Eric Carpenter to handle.**

City Manager Morales explained that this item is simply to set a public hearing date for the ultimate easement agreement and air right agreements.

Rafael E. Granado, City Clerk, announced that the public hearing is scheduled for October 14, 2015.

Commissioner Wolfson asked if there had been an appraisal done. He stated that there were disagreements over the appraisal.

Eric Carpenter, Assistant City Manager and Public Works Director, explained that they did an appraisal about a year ago, which came back at a value of approximately \$1.9 million for the air rights to cross over from the property known as The Betsy Ross over to The Carlton on Collins Avenue. The requestor has done their independent appraisal and the numbers are significantly

lower than that; this is similar to a deal done by the City with The Tides Hotel, and they think there needs to be a lot more discussion. This item will be referred to Finance and Citywide Projects for discussion and come back as part of a public hearing on October 14, 2015.

No further discussion held.

**5:03:33 p.m.**

R7U A Resolution Approving The Washington Avenue Storm Water Pipe Replacement Project, From 20th Street To Collins Avenue (Project), Having An Estimated Construction Cost Of \$2,500,000, Plus A \$250,000 Project Contingency, For A Grand Total Of \$2,750,000 And Further Authorizing The City Manager To Procure The Project Construction Services Utilizing The Competitively Bid National Joint Powers Alliance (NJPA) Cooperative Contract For Construction Services With The Gordian Group.

(Public Works)

**ACTION: Resolution 2015-29132 adopted.** Motion made by Vice-Mayor Tobin; seconded by Commissioner Wolfson; Voice vote: 7-0. **Eric Carpenter to handle.**

Eric Carpenter, Assistant City Manager and Public Works Director, explained that this project is the Stormwater drainage pipe; it is a large box cover that they need to install on Washington Avenue, between 20<sup>th</sup> Street and Collins Canal, in order to remove the large pipe that is cutting across the northeast corner of the future Convention Center footprint. This is a project that will be connected to one of the two large pump stations near the Convention Center. It needs to be done ahead of time to get it off the critical path for the Convention Center project. Staff went to the National Joint Powers Alliance with the Indefinite Quantity Contract and they got pricing off that contract to be able to award it and move forward in an expedited manner. This is about a \$2.5 million contract.

Vice-Mayor Tobin stated that on the national pricing, when they sent City employees in the past to Atlanta to go over general national pricing, they found the pricing in South Florida was significantly less. He added not to rely on national generic numbers, since prices can be easily off by 50%. He suggested hiring someone in-house that really knows pricing.

Eric Zichella is not sure he understands why the City would not build this into the contract with the Contract Manager already working on the Convention Center, but it appears to him that the City is tapping into this "City contract" at a national level to allow David Mancini to do the work. Mr. Zichella inquired if David Mancini put a proposal for \$2.5 million and the City accepted it without any other bids. He would love to have the opportunity to submit bids to get a contract without any competition for it. It appears to Mr. Zichella that the City is using this national contract for construction consolidation just to manage David Mancini. It does not seem fair to Mr. Zichella; it seems that the City is going outside the scope of what the City is allowed to do under Florida law. The City is not declaring an emergency, but the City is tapping into a national contract to do a construction contracting project with somebody who is being paid to do nothing essentially.

Discussion held regarding the Gordian Group.

Mr. Carpenter explained that there are multiple underground contractors that work with Gordian Group and they can get pricing from different vendors; they present the City their best pricing, and that is how the IQC (Indefinite Quantity Contract) is structured. The company that is ultimately doing the work, contracted through Gordian Group, is DMSI.

Discussion continued.

Commissioner Wolfson clarified that these are recommendations from staff, and for the public watching, Mr. Zichella may have ulterior motives because he has a client that wants to bid on this item.

Discussion continued.

Alex Denis, Procurement Director, explained the JOC (Job Order Contracting) process. He stated that the Gordian Group has a system, with practically every construction task and item needed on any site in a book, and is based on national pricing with a price for each task. They have the material and the labor to do the work, and they have the national pricing. The contractors do, (and there are only two contractors that can do this under the Gordian contract), is bid the book; which means that they bid against the price against the book. For example if the price against for a piece of block is \$1, DMSI bids \$1.18, the 18 cents on top of that covers their overhead, labor and office costs, but what Gordian does is establish the national pricing, so when the City receives pricing, they know that it is consistent with national averages. There are only two firms on the Gordian contract that do this type of work, because when Gordian bid it out, only two firms responded to the bid. He explained that previously in the City with the JOC process, one cannot bid one firm against the other; you have to bid the book. The firm who has the best price wins the award. This contract is used by everyone in the country.

Discussion continued regarding Gordian bids renewal, which occurs every two years.

Commissioner Wolfson reiterated that this was recommended by staff for expediency purposes under the circumstances, and they should follow through. It is the best thing to do.

Vice-Mayor Tobin stated that Maria Hernandez recommends this in order to keep in line with the timetable for the Convention Center, and he once again asked that the City hire an expert from the private sector to do pricing and bidding, so the City does not have to rely on a book. This position is needed.

Maria Hernandez, Project Director, Convention Center District, stated that \$2.5 million is a great deal of money, but when comparing the amount to the fact that they will spend \$1 million per day on the Convention Center, it is not that much. However, they have to make sure there is a contractor on board for that work that will not delay Clark in any way. The last thing they need is to have Clark come to them with any delays. When all is put in perspective, if this is a method that the City has to be able to execute the work on a timely basis, then it has to be done.

Second offered by Commissioner Wolfson.

Commissioner Steinberg stated that this opens up the conversation of how they handled this process for future projects.

Discussion held.

**ADDENDUM MATERIAL 2****11:37:23 a.m.**

R7V ~~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, If The Voters Approve The City's Convention Center Hotel Lease, City Shall Adopt An Ordinance Dedicating All Rent Payments Received By City To Enhance Funding (Not Replace Or Substitute For Current City Funding), In Equal Proportions Annually For The Term Of Lease, For: Mass Transit And Traffic Reduction, Pre-K Through 12 Education, Stormwater Projects (In Lieu Of Rate Increases), And Undergrounding Electric Utilities, With Any Amendment/Repeal Of Such Ordinance Subject To Voter Referendum Approval.~~

A Resolution Calling For A March 15, 2016 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether, If The Voters Approve The City's Convention Center Hotel Lease, City Shall Adopt An Ordinance Dedicating All Rent Payments Received By City To Enhance Funding (Not Replace Or Substitute For Current City Funding), In Equal Proportions Annually For The Term Of Lease, For: Mass Transit And Traffic Reduction, Pre-K Through 12 Education, Stormwater Projects (In Lieu Of Rate Increases), And Undergrounding Electric Utilities, With Any Amendment/Repeal Of Such Ordinance Subject To Voter Referendum Approval.

(Sponsored by Vice-Mayor Edward L. Tobin  
Co-Sponsored by Commissioner Grieco)

**ACTION:** Motion made by Commissioner Grieco to add Item R7V to the Commission Agenda, seconded by Commissioner Steinberg; Approved by acclamation; Absent: Commissioner Wolfson. **Resolution 2015-29133 adopted as amended.** Motion made by Vice-Mayor Tobin to approve the ballot question; seconded by Commissioner Grieco with an amendment to include language that it would require a 5/7 vote to amend the Resolution. Ballot vote: 6-1; Opposed: Commissioner Wolfson. **Rafael E. Granado to handle.**

**Amendments:**

- ✓ Ballot question to be amended or repealed by a 5/7 vote of the City Commission, except that scheduling or rescheduling of the Election date from March 2016 may be done by a simple majority of 4/7.
- ✓ Assess what the bucket distribution needs are and go out to voters every ten years; do this via enabling legislation.

Vice-Mayor Tobin explained that he has no problem if they are going to hear the Convention Center ballot in March, that this question be included as well on the March 15, 2016 ballot. Everyone has expressed different thoughts about this during the last couple of months, and he asked the City Attorney to draft language to dedicate all funds from the ground lease to go towards what the most important concerns of the voters are, and they will vote on it in such a way that it will not allow a substitution of money that the City already spends. He read the following language into the record:

*"If the voters approve City Convention Center Hotel lease, shall the City adopt an Ordinance dedicating all rent payments received by the City to enhance funding (not replace or substitute for current City funding), in equal proportions annually for the term of the lease, for: mass transit and traffic reduction, pre-k through 12 grade education, Stormwater projects (in lieu of rate increases), and the undergrounding of electric utilities, with any amendment or repeal of such Ordinance to be subject to voter referendum approval?"*

He suggested placing the ballot question in the March 2016 Election when voters vote on the Hotel.

Mayor Levine thinks it is a great idea, but believes that the ballot question should come to a vote in November or December.

Commissioner Steinberg appreciates the time Vice-Mayor Tobin took to put this together in time for this ballot initiative, and suggested passing a Resolution in the interim with the same sentiment. In addition, she suggested not saying equal distribution to each of those bucket lists, as the needs of the City will probably change, so she requested revisiting those priorities every 10 years to see the needs of the City at that time.

Mayor Levine added that he is not in favor of voting on something ahead of time, and he would rather bring back the question in November or December.

Commissioner Grieco suggested that whenever the Hotel lease is on the ballot, this should be added as a companion ballot question. As long as they are on the ballot at the same time, he is in support.

Discussion held regarding Resolution regarding future actions and recommendations.

Commissioner Malakoff likes the idea of funding those four main priorities, but she also agrees with Commissioner Steinberg in regards to the equality of share, as the needs can change five or ten years from now.

Discussion continued.

Vice-Mayor Tobin commented that the lease payment was estimated at about \$12 million over ten years, and all buckets identified (using the polls of top concerns by residents, with the exception of funding for education), are the perennials voters have been complaining for the last 20 years, including traffic and congestion.

Mayor Levine asked if Vice-Mayor Tobin wants to propose the question in a way that assuming the Hotel Lease is on the ballot in March 2016, he would want this on the ballot in March, with Commissioner Steinberg's caveat that this would not be engraved in stone for future Commissions to adjust?

Vice-Mayor Tobin included language that voters can amend the allocation.

Raul J. Aguila, City Attorney, asked for clarification. He asked if Vice-Mayor Tobin is suggesting this ballot question in March.

Vice-Mayor Tobin clarified that whenever the voters vote on the Hotel issue, they would also get to know that the funding is dedicated to the listed priorities.

Mr. Aguila stated that if they place the Hotel Lease question in the March 2016 ballot, they have until December 22, 2015 to adopt any ballot questions for the March 2016 ballot. The ballot question can also be adopted now as it is or as amended for the March ballot as well. There is no early restriction; however, the deadline for adopting this ballot question is December 22, 2015.

Discussion continued.

Commissioner Grieco is in full support of approving this ballot question now for the March 2016 Special Election. He thinks the language about it having to go back to the voters is important, because on some level it takes politics out of how this money is spent, and in this way they are locked in, future Commissions are locked in; that is how the money is spent, without lobbyists or developers changing that. They can educate people that a vote for this question impacts education, traffic and the other priorities. As a supporter of this project, he thinks this is a good collateral question and he wants to vote on this.

Mayor Levine asked if the new City Commission in December could change this Resolution.

Raul J. Aguila, City Attorney, explained that a new City Commission could amend or repeal this Resolution.

Commissioner Grieco stated that as part of this motion, he requested including language to require a 5/7 vote of the City Commission to repeal the Resolution.

Discussion held.

Raul J. Aguila, City Attorney, clarified that Commissioner Grieco is requesting that as part of the approval of the ballot question, include language requiring a 5/7 vote to amend the Resolution, and this can be done.

Motion made by Vice-Mayor Tobin to approve the ballot question; seconded by Commissioner Grieco with an amendment to include language that it would require a 5/7 vote of the City Commission to repeal the Resolution. Vice-Mayor Tobin accepted the Amendment.

Discussion continued regarding process of repealing and amending of the ballot question.

Commissioner Weithorn's concern about equal buckets is that if they have a grants opportunity or a matching grant for one of the priorities in the bucket list, why would they not want the ability among the City Commission to have flexibility, as long as it is within those buckets. Commissioner Malakoff agreed.

Vice-Mayor Tobin stated that the City spends hundreds of millions of dollars, and to say that the City will not have money to get a grant to apply matching funds because some rent money is coming into these pots, he does not think they will ever have to worry about that. The City spends in excess of \$100 million on flooding and is set to spend \$500 million. This amount of money goes to ensure that residents are not hit with Stormwater rate increases.

Commissioner Wolfson added that the problem with the ballot question is that if the City takes a possible revenue source, in case the Convention Center goes over budget, why take a potential revenue sources and tie them in, when they can be used to pay for construction and/or to pay for bonds, overtime and other expenses that will be incurred over the course of time. He thinks it may be smarter to allow the rent to be unencumbered to cover other costs. He would leave it unencumbered rather than trying to "fluff up" the ballot question.

Vice-Mayor Tobin stated that if residents approve this ballot question, this is the City's covenant with them. The revenue that is anticipated to be generated from the Hotel is in excess of \$25 million a year from the amount of tax revenues generated from the operation of the Hotel.

Discussion continued regarding encumbering funds.

Commissioner Steinberg offered an amendment regarding the bucket distribution to assess what the needs are and to go out to the voters every ten years as a ballot initiative. Amendment accepted by the maker of the motion.

Raul J. Aguila, City Attorney, clarified that it will be for the first ten years of the Lease.

Mayor Levine inquired if there was a desire to engage the residents over the next 60 days to get their input.

Commissioner Grieco explained that residents and business owners were surveyed and these recommendations were made based on that poll. Engagement of residents and business owners would be difficult. There is one Commissioner on the dais that is against the Hotel, and Commissioner Wolfson is arguing not to pass it because it bolsters the ability to sell the Hotel Referendum. He thinks this is a phenomenal idea and they can pass it as is.

Jerry Libbin, President and CEO, Miami Beach Chamber of Commerce, agreed with Commissioner Grieco and thinks this is a great idea; he asked the City Attorney to review what was passed when the public voted by 67% regarding the 1% to go towards the Convention Center.

Discussion continued.

Raul J. Aguila, City Attorney, asked to read the ballot question and explained that the Resolution approving the ballot question can only be amended or repealed by a 5/7 vote of the City Commission. He recommended a caveat with the exception of changing the Election date. This vote is for placement on the March 2016 ballot.

Commissioner Wolfson stated that this is an attempt to make it more likely to pass, but this is economically unwise in order to get something done.

Rafael Paz, First Assistant City Attorney, read the ballot question as amended:

*"If voters approve City's Convention Center Hotel Lease, shall City adopt an Ordinance dedicating all rent payments received by City to enhance funding not replace or substitute for current City funding in equal proportions annually for the first 10 years of the lease, for mass transit, traffic reduction, pre-k through 12 education, stormwater projects in lieu of rate increases and underground utilities, with any amendment repealed of such Ordinance subject to voter approval?"*

Vice-Mayor Tobin is concerned that when it reads for the first 10 years, the voters may think that they are only getting a commitment from the government for 10 years, and he understands that the amendment was for the City to review and evaluate every 10 years, and that should not be included in the ballot question. When they do the enabling legislation for this item, it will be included that the City Commission every ten years will review, and if things are not going correctly, they will put it out to the voters.

Discussion held regarding doing an enabling legislation to review every ten years and put it out to the voters if changes have been made.

Vice-Mayor Tobin stated that the determination of bucket lists funding priority can be made every ten years.

Raul J. Aguila, City Attorney, suggested drafting for the first ten years of the lease or for the 99-year term, and then the City Commission will adopt the enabling legislation to conform to the ballot question.

Rafael Paz, Assistant City Attorney, read the ballot question as originally written:

*“If voters approve City’s Convention Center Hotel Lease, shall City adopt an Ordinance dedicating all rent payments received by City to enhance funding not replace or substitute for current City funding in equal proportions annually for the term of lease, for mass transit and traffic reduction, pre-k through 12 education, stormwater projects in lieu of rate increases and undergrounding electric utilities, with any amendment repealed of such Ordinance subject to voter referendum approval.”*

Motion made and seconded as amended.

Raul J. Aguila, City Attorney, clarified that the motion is to approve the Resolution adopting the ballot question in March 2016, providing that the Resolution may only be amended or repealed by 5/7 vote of the City Commission except for scheduling or rescheduling of the Election date. The current request is to have the ballot question along with the Convention Center Hotel Lease on the March 2016 ballot; if it is not in the ballot in March, a repeal can be made by 5/7 vote of the City Commission.

### **R9 - New Business and Commission Requests**

**5:16:16 p.m.**

R9A Boards and Committees Appointments.  
(Office of the City Clerk)

**ACTION:** The following appointments and changes were made:

Motion to appoint Commissioner Steinberg as Commission Liaison to the Committee for Quality Education in Miami Beach. By acclamation.

#### **COMMITTEE FOR QUALITY EDUCATION IN MIAMI BEACH:**

Ivette Birba, Representative for Feinberg-Fisher K-8; 08.24.15	Term End: 06.30.16
Jessica Burns, Representative for South Pointe Elementary; 05.29.15	Term End: 06.30.16
Beverly Heller, ( <i>replaced Susan Rosenthal</i> ); 08.14.15	
Representative for North Beach Elementary PTA; 04.27.15	Term End 06.30.16
Elisa Leone, Representative for Biscayne Elementary School; 05.04.15	Term End 06.30.16
Rosa M. Neely, Representative for Treasure Island Elementary PTA; 08.10.15	Term End 06.30.16
Kayla Rynor, Representative for Miami Beach Senior High PTSA; 04.29.15	Term End 06.30.16

Commissioner Micky Steinberg (City Commission Liaison)  
Term Ending: 12.31.16 Appointed by the City Commission Term Limit: 12.31.17

#### **DISABILITY ACCESS COMMITTEE**

Susan Maroder-Rivera Term End 12.31.16 Term Limit: 12.31.19  
Reappointed by Commissioner Steinberg

#### **MARINE AND WATERFRONT PROTECTION AUTHORITY**

Daniel Kipnis Term End 12.31.16 Term Limit: 12.31.22 Appointed by Mayor Levine

**MIAMI BEACH HUMAN RIGHTS COMMITTEE**

Darren Cefalu Term End 12.31.16 Term Limit: 12.31.22 Appointed by Mayor Levine  
 David Mardini Resigned 06.16.15

**OCEAN DRIVE TASK FORCE:** Term Limit extended until 11.13.15 by Mayor Levine

**POLICE/CITIZENS RELATIONS COMMITTEE:**

Antonio M. Hernandez, Jr., Resigned 08.09.15

**PRODUCTION COMMITTEE:**

Aleksandar Stojanovic Term End 12.31.16 Term Limit 12.31.21 Reappointed by Mayor Levine  
 David Mardini Term End 12.31.16 Term Limit 12.31.22 Appointed by Mayor Levine  
 David Mardini Concluded letter 08.13.15

**TRANSPORTATION, PARKING, BICYCLE-PEDESTRIAN FACILITIES COMMITTEE:**

David Mardini Term End 12.31.16 Term Limit: 12.31.16 Appointed by Mayor Levine

**5:16:17 p.m.**

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

**ACTION:** Motion to appoint Commissioner Steinberg as Commission Liaison to the Committee for Quality Education in Miami Beach. By acclamation.

**8:33:12 a.m.**

R9B1 Dr. Stanley Sutnick Citizen's Forum.

**ACTION:** The following individuals spoke:

1. Dan Haber, Miami Beach resident, expressed his support of the relocation of the Teen Center to the Scott Rakow Youth Center.
2. Barry Miller, Landscape Architect and resident, spoke regarding the Teen Center's relocation. He addressed the Banyan Park, and stated that residents have not had a seat at the table to discuss the park. They had a meeting in March, which Commissioner Weithorn attended, where they discussed their plans of having a passive park, to be used by people of all ages, but he does not believe the plans for the park are what the neighborhood association wants.

Vice-Mayor Tobin stated that he is correct that he should have a seat at the table to discuss the park.

Jimmy L. Morales, City Manager, stated that they have conceptual drawings, the item was discussed at NCAC, some with support, others not, it is still a passive park. They will ensure that there is community outreach. The conceptual idea will go to the next phase.

3. Douglas Baumwell, Miami Beach resident, stated that artificial lighting from Police and emergency vehicles on the beach are negatively affecting his quality of life. His sleep is being disturbed by beach events and beach vehicles. Motorized vehicles are destroying the peace and quiet of beaches. He proposed to remove all artificial lighting from the beaches and to greatly reduce the amount of motorized vehicles on the beach, and relocate the annual beach polo tournament.

Commissioner Grieco explained that the City has a higher rate of robbery on the beach at night than anywhere else in the City, and it is an enormous stretch of sand that needs to be patrolled. He understands the noise issue, but there is a public safety issue that needs to be addressed.

Douglas Baumwell stated that he has met with the Chief of Police to remove strobe lights from vehicles, and he would like the strobe lights to be removed by order of the City Commission, not from a resident. He asked why there are so many bright lights on the beachwalk; he does not believe they are in compliance with the State policy.

4. Linda Van Leer, Miami Beach resident, is in support of Commissioner Malakoff's land Ordinance. She has seen her neighborhood change from historic homes being replaced by oversized houses. She requested the Commission to fast track this item.

Vice-Mayor Tobin explained that in the last Commission meeting, the lot coverage was reduced from 70% to 50%; and during that time no homes have been built in the last six to 12 months with 70% coverage.

Daniel Ciraldo stated that many homes have been built under the new Zoning Code.

Discussion held.

Thomas Mooney, Planning Department Director, stated that there are a number of homes that have been demolished and the item will be discussed at Committee.

Commissioner Malakoff will be discussing this at LUDC and at the next Commission Meeting and asked for the support of her colleagues. **Thomas Mooney to handle.**

**1:00:50 p.m.**

R9B2 Dr. Stanley Sutnick Citizen's Forum.

Vice-Mayor Tobin introduced the item.

- 1) Barbara McDonald, 6450 Collins Avenue, expressed her interest in the Sabrina Cohen facility that is being proposed, and she will speak on it when the item is called.
- 2) Carolina Jones stated that she has questions on the FAR increase on Ocean Terrace; she is in support, but wants to find out if this is being looked as a special project on itself or does it set a precedent for the rest of North Beach.

Commissioner Grieco stated that the geography of the item is unique; there is lack of investment in the area and it was hard to monitor positive foot traffic, and he will be voting for it on the ballot as well.

- 3) Ken Bereski, Miami Beach resident, stated that in July, he was biking according to the law on 16<sup>th</sup> Street approaching Alton Road, and a valet driver backed into him. He was hit; he called the non-emergency line and when the Police arrived, they refused to write a report. As a result, in trying to deal with the valet company, since there was no Police report, there was nothing they could do. He has made several attempts to ask for reports and has been ignored. He was involved in another incident while he was running and was hit by a car; the officer that responded to that call was the supervisor and this was written up. Bicyclists and pedestrians

are being hit by cars on a regular basis, and the Police refuse to write accident reports. Investigators ignored his calls. He asked that the City be aware of this and resolve the matter.

- 4) Ron Langelle, former star at the Fontainebleau, presented a gift to the City. He showed a video in honor of Frank Sinatra's birthday who would have turned 100 years old this year. Video shown.
- 5) Ray Breslin explained that Commissioner Weithorn brought forward the need to have Collins Park looked at in a holistic manner, which has never happened. The park is in terrible disrepair, there are two water features that either have stagnant water or are empty. There was to be an interactive water feature that never happened. An Art in Public Places piece was to be removed, yet nothing replaced it. He wants to know when Collins Park is going to get its just do and when the City is going to do what is supposed to do to the park.
- 6) Harvey Burstein, Miami Beach resident, representing miamiartzine.com, announced that on October 26 they will have their tenth anniversary at the Miami Beach Botanical Garden, which is a fundraiser for the Arts Trust originally started by the City. They took it over 12 years ago. It will be a fun event and he invited everyone to attend. Kiki Sanchez will be performing and others.
- 7) Larry Collin, 2570 Flamingo Dr., thanked all of the City Commissioners for their hard work.
- 8) Ray Breslin stated that in building the new Convention Center they need to see how it relates to Lincoln Road; he thinks the City has to put together a holistic approach of putting Collins Avenue in the plan. No one has come to the residents for input in regards to the Convention Center.

**1:21:01 p.m.**

Vice-Mayor Tobin adjourned the meeting for a recess at 1:21:01 p.m.

**1:29:14 p.m.**

Vice-Mayor Tobin reconvened the meeting continuing with the Sutnick Hour.

8. David New, President of Power Access and Ability Explosion, explained that this organization helps people with disabilities. This year they are kicking off by partnering with Exile Books. They have collaborated with them to create an architectural program. He introduced the curator Sara Roles Bowling.

Sara Rose Darling explained the program and stated that "Listen to the Building" is an independent publishing with issues of accessibility. They worked with the American Printing House for the Blind.

David New announced that Miami Beach at the Opera takes place October 21, 2015 at Dolce Restaurant, and to continue with the food theme, Ability Explosion is conducting an episode. For tickets or information go to [AbilityExplosion.org](http://AbilityExplosion.org).

Commissioner Weithorn thanked Mr. New for his assistance.

**Handouts or Reference Materials:**

1. Bag with EXILE books "Listen to This Building" 2015 – MACD, post cards, a sample of page in Braille and Post Card from MCAD.

2. Ability Explosion Save the Date, October 21, 2015 at 7 PM at Dolce Restaurant (abilityexplosion.org) and ABILITYExplosion pins.
3. Happy birthday Miami Beach 100 Years to you! Invitation with stamp USA 42 in memory of Frank Sinatra.

**2:36:03 p.m.**

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

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

Maria Hernandez, Capital Projects Convention Center Director, introduced the item. She stated that the City continues to be on schedule, and plans to bring a GMP amendment for approval on October 21, 2015. There will be a groundbreaking ceremony on October 22, 2015, and everyone has been invited. The GMP design package has been completed for the pricing package. There will be over 300 subcontractors and suppliers under Clark. Last Friday the Finance and Projects Committee reviewed the bonds and the City Commission will be presented with the bonds on September 30, 2015 with a second reading on October 14, 2015. In November and early December, all bonds will be priced, sold and closed; and commencement of construction will be after Art Basel in December of this year.

Max Sklar, Tourism, Culture & Economic Development Director, stated that they are constantly looking at the building operations into the future as well, and later today, they have the booking policy on the agenda, which is part of that effort. However, branding for the facility is a major effort, and the GMCVB and Spectra have teamed up and they presented a logo presentation that includes customer service, rental pricing analysis and extensive marketing efforts.

Rolando Aedor, Jr., GMCVB, presented a slide presentation. Click [here](#) to view.

Discussion held.

**2:47:34 p.m.**

County Commissioner Bruno Barreiro stated distributed a memorandum of issues raised at the last meeting. Click [here](#) to view memorandum (See RDA 1A).

**04:49:56 p.m.**

R9D Discussion On Proposed Modifications To The Flamingo Park Masterplan And The Actions Of The Historic Preservation Board.

(Office of the City Manager)

**ACTION:** Update given. **Office of the City Manager and John Rebar to handle.**

**DIRECTION:**

- ✓ Refer back to HPB
- ✓ Previously proposed skateboard park not to be located in Flamingo Park
- ✓ Find location for skate park in North Beach area
- ✓ Keep handball courts but demolish existing ones.
- ✓ If new handballs are built, erect a memorial for Robert C. Haas.
- ✓ Keep the padel courts

Thomas Mooney, Planning Department Director, explained that the memorandum summarizes the issue. This particular Master Plan was originally approved in 2009 and approved by the HPB in 2010. A number of the items in the Master Plan have been effectuated, others have not; and most recently, an item came before the HPB in July that sought to reapprove the Flamingo Park Master Plan. When HPB deliberated the item, they took actions and made recommendations that were contrary to what was presented to them. Those included the previously approved skate park and handball courts being reintroduced into the Master Plan; the existing Robert C. Haas handball court being retained and the elimination of the proposed tennis court. Because the HPB's role with regard to the Master Plan is to review the physical design of the plan, the Administration is seeking policy direction with regard to those four recommendations that they have made with regard to the programming of the park.

Commissioner Malakoff explained that the previously proposed skateboard park has already been requested not to be located in Flamingo Park by the homeowners that live nearby. However, the Blue Ribbon Panel for North Beach wants a skate park in that area and John Rebar is looking for a location. The handball courts were to be kept, but tear down the existing ones. Janet Haas is still living in Miami Beach and if they build new handballs, she requested to have a memorial for Robert C. Haas.

Commissioner Steinberg stated that she has met with people who want to bring multi-track/ dual track alternatives for the family, including skateboarding, roller-skating, bicycling but all done in a controlled environment.

Mayor Levine reminded the City Commission that they have a Master Planner.

Commissioner Weithorn suggested having Parks and Recreation Department to reach out to other Cities that have skateboard parks, and ensure that they find out what works before they take action. The track concept seems to work.

Vice-Mayor Tobin stated that the Parks and Recreation Board recommended that they do the Olympic size swimming pool where the tot lot exists now at Flamingo Park; and if they ever plan to remove the cars and trucks in the Maintenance Yard and recapture that as green space, move the tot lot into that space that is now parking, you can build the pool and utilize some of the equipment that already exists there.

Thomas Mooney, Planning Department Director, stated that the skateboard park should not be reintroduced into the Flamingo Park and that the additional handball court should not be

reintroduced, but the one that is kept should have the Hass name on it. The hard-court ball structure would be demolished. They need direction whether they want tennis or padel.

Mayor Levine directed staff to keep the padel courts.

Discussion held.

Elizabeth Valera, Deputy Director, Parks and Recreation Department, stated that at the last NCAC meeting they approved funding so they can do an assessment to find the best location for the Olympic size pool; they did research putting it in each location, (North Beach area was considered), and will wait for the assessment to make sure. A great deal of the consideration had to do with parking.

Discussion continued.

Adam Shedroff, representing the Flamingo Park Association, pointed out that the issue came in 2010 of bringing a skateboard park to Flamingo Park, and they went in front of committees and the City Commission at that time and it was rejected. They want the area to be a green park. They are concerned with noise issues and added that skateboard parks are dangerous, and they need to eventually be fenced in. This was discussed thoroughly in 2010 and rejected.

Thomas Mooney, Planning Department Director, will go back to the HPB based on the City Commission's direction.

**05:17:08 p.m.**

R9E Discussion Regarding Negotiations Between The City Of Miami Beach And Xerox State And Local Solutions, Inc., Pursuant To The Red-Light Camera Agreement, As Authorized By The Mayor And City Commission Under Resolution No. 2015-29018.  
(Police)

**ACTION:** Discussion held. Motion made by Commissioner Malakoff to continue on a month to month basis with Xerox, and in the meantime go out to get a new vendor who will indemnify the City fully of any litigations that result; seconded by Vice-Mayor Tobin; Voice vote: 6-1; Opposed: Commissioner Grieco. **Police Chief Daniel J. Oates and Office of the City Attorney to handle.**

Aleksandr Boksner, First Assistant City Attorney, explained that this item has been placed on the Agenda by the Miami Beach Police Department regarding the continuation of the Xerox Agreement with the City for Red Light Cameras. The contract ultimately terminated in May of this year and there were two amendments; it is now scheduled to terminate on September 10, 2015. Pursuant to a prior Resolution, the Office of the City Attorney and the Police Department were authorized to negotiate an amendment to that contract, and that specifically included for indemnification and hold harmless at any pending and future litigation stemming from the Red Light Camera program. There is a current Federal class action lawsuit moving forward against the City of Miami Beach, not to mention the State court class action lawsuit involving the program. Ultimately, they have declined to indemnify the City, and hold harmless and there have been additional actions set forth in the memorandum. The City Commission needs to make a decision on the options they need to proceed with.

Alex Heckler, Esq., explained that originally there were two bidders; the awarded company, Xerox, which is ACS and American Traffic Solutions (ATS), has about 90% of all Red Light County contracts in Miami-Dade County, Broward and South Florida. The recommendation was to go with

ATS and the City Commission opted for ACS. Subsequently ten cameras were set aside for their client ATS; however, this for some reason did not move forward. He requested that if they are going to go with a third party to manage this, that they be given a chance to negotiate. There was still a contract that they had not signed for some of the cameras because of policy issues not to move forward. They are requesting a seat at the table to be able to be a vendor. He is not advocating for or against Red Light cameras.

Discussion held.

Aleksandr Boksner, First Assistant City Attorney, gave background information on the companies, and explained that there are three vendors in the State of Florida: Xerox, ATS and Gotzo. Xerox has refused to indemnify the City through litigation, and the cost will be extensive due to the massive amount of data, although this is being done in-house. The case is being appealed to the 11<sup>th</sup> Circuit Federal Appeals Court regarding a decision of the Federal District Court judge.

Jimmy L. Morales, City Manager, stated that the Administration's recommendation is that if this City Commission is inclined to keep Red Light Cameras, they would probably go out for an RFP.

Mayor Levine asked Chief Oates if he was in favor of the program.

Police Chief Daniel J. Oates added that they had this policy discussion a few months ago, and there has been a reduction in traffic accidents where Red Light Cameras are used. They believe the program increases the safety of the residents and the City.

Discussion continued.

Raul J. Aguila, City Attorney, explained that the issue is that the City has currently a contract with Xerox expiring on September 10, 2015. They were directed to renegotiate certain renewal terms with Xerox, and one of the biggest issues was that they indemnify the City and hold the City harmless with regard to any lawsuit, and there is a pending lawsuit challenging the validity of Red Light Cameras; so if the City Commission decides they want Red Light Cameras, does the City stay with the existing vendor or do they go out to bid and accept proposals?

Mayor Levine added that they should put out an RFP.

Commissioner Steinberg is in support of Red Light Cameras; it modifies behavior and for all the reasons stated, she is in favor. The company they are dealing with is not willing to indemnify the City. She asked if the company will identify their portion of it.

Mr. Boksner stated that in litigation, if the City prevails, under the contract the company will have to pay.

**05:25:28 p.m.**

R9F Presentation On Beautification Of Alton Road Flyover Bridge At Eastern End Of I-395.  
(Public Works)  
(Sponsored by Commissioner Malakoff)

**ACTION:** Presentation made. **Eric Carpenter to handle.**

Commissioner Malakoff had suggested adding landscape and lighting to the flyover, then FIU got involved and they came up with some clever ideas to beautify it.

Eric Carpenter, Assistant City Manager and Public Works Director, distributed the handouts and presentation. The request was made to go and work with FIU to come up with treatment to help the aesthetics of the Alton Road flyover bridge from I-395. They came up with a plan that deals with a shelve treatment on the bridge, with girders that give it movement and flow, and a projection screen on either side of the bridge, to be used for people coming in to the City as an entrance monument. Landscape was added, but a lot of its maintenance relies on adjacent private properties, which may or may not be able to come to fruition. This was presented at NCAC in July and they recommended bringing to the City Commission with a cost estimate. Two groups are working on this, FIU and Mr. Vito DiBari, who approached the City Manager, to come up with concepts for the bridge treatment pro bono. Mr. DiBari is an international acclaimed Cityscape and innovation designer, and former executive director for the United Nations Scientific and Culture Organization. He explained the two options for selection and added that the cost estimate is between \$4 and \$6 million. He proceeded to introduce Mr. DiBari to present his concept.

Video shown.

**6:12:36 p.m.**

Vito Di Bari, DiBari Innovation Design, presented his concept and explained that the style for the entrance to Miami Beach could be designed as waves made of steel and lighting, in the same style as the Convention Center, all LED computer controlled offering a lighting show at night. The second option is over the top, is a mixed media installed on the flyover; very iconic, with a mixed media concrete with outdoor Hi-Res LED screens simulating real images flowing and no electricity would be needed at night. His company does not manufacture; they only design and give technical specifications. He thinks with installation, the cost is less than \$2 million.

Commissioner Weithorn asked if someone reached out to the County about how much the City is allowed to do and how much will it take.

Eric Carpenter stated that this is an FDOT bridge. The City would have to obtain FDOT's approval and it would be incumbent upon the City that they are not impacting their bridge in any structural manner.

Commissioner Weithorn suggested obtaining, not only the pricing and concept, but also what it would cost the City to do that exercise. Her concern is that they come up with an amazing concept and then they will not be able to implement it.

Handouts or Reference Materials:

1. FIU [Presentation](#) Alton Flyover

**05:34:57 p.m.**

R9G Discussion Regarding PSA Litter Advertising On Garage Gate Arms And Wrapping Interior Of Elevators In Garages Near Beach.

(Sponsored by Commissioner Michael Grieco)

**ACTION:** Discussion held. Approved by acclamation. **Saul Frances to handle.**

Commissioner Grieco added that this item is consistent with the push to clean up the beaches and the City. He is not in favor of selling parts of the beach for advertising, but he feels that public service announcements on the gate where people park to go to the beaches can get a captive audience that is continuously being reminded to pick up after him or herself, and he wants to educate people about not littering.

Commissioner Weithorn suggested not calling this advertising because they have been warned by the Legal Department not to push advertisement; this is a PSA (Public Service Announcement).

Mayor Levine thinks this is a great idea.

**05:36:46 p.m.**

R9H Discussion Regarding Provisions For Attractive Window Wraps For Vacant Commercial Properties.

(Sponsored by Commissioner Michael Grieco)

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

Commissioner Grieco stated that there are a number of vacant commercial properties on Washington Avenue, Lincoln Road, Normandy Drive and 71<sup>st</sup> Street that have boarded up windows or have windows in very poor condition. This Ordinance would require businesses to have some attractive window wrap to help improve their appearance.

Mayor Levine stated that individual owners would still be able to put up lease signs on their windows with this Ordinance.

Commissioner Malakoff suggested adding scenic photographs to be used or pictures of Art Deco buildings. She recommended that the windows not be made opaque, so the Police may have to look into the properties. **Eric Carpenter to handle.**

Commissioner Steinberg suggested having the same requirements for residential vacant lots.

**05:38:57 p.m.**

R9I Discussion Regarding Tour Buses Misusing And Blocking The Streets In The Entertainment District And South Of Fifth.

(Sponsored by Commissioner Michael Grieco)

**ACTION:** Discussion held. Approved by acclamation for Commissioner Grieco to work with the Police Department to develop a plan. **Chief Daniel Oates to handle.**

Commissioner Grieco explained that about a year ago, Commissioner Wolfson sponsored an item that disallowed tour buses from stopping on Ocean Drive; however, there is no enforcement. He sees tour buses stopping all over the place; not only on Ocean Drive but also on South of Fifth

where there are many more buildings that are residential. What the tour buses are doing is that they are stopping on the bike lanes, blocking access to cyclist, and cyclists have veer onto the street. This is occurring on Collins Avenue as well.

Mayor Levine stated that this must be stopped.

Commissioner Grieco wants to identify this as a priority, and asked that direction be given, by acclamation if approved, for him to work with the Police Department or to come up with an action plan. Commissioner Grieco announced that he would be going out with the midnight crew Ocean Drive foot patrol on September 3, 2015.

By acclamation, Commissioner Grieco was directed to proceed to develop a plan with the Police Department for the Commission to review.

Mayor Levine stated that he and the City Commission agree with Commissioner Grieco.

**05:40:30 p.m.**

R9J Discussion Regarding The ECOMB Lease.

(Sponsored by Commissioner Michael Grieco)

**ACTION:** Discussion held. By acclamation, the City Commission has agreed to put a pause on the lease negotiations. **Max Sklar to handle.**

Commissioner Grieco stated that on July 8, 2015, ECOMB pleaded with the City Commission to get a lease renewal, and claimed to have several grandiose designs for the property, but a week after the renewal, the Director, Luiz Rodriguez, resigned.

Commissioner Wolfson suggested getting out of the lease and doing something else with the property.

Vice-Mayor Tobin asked for someone to reach out to Luiz Rodriguez, since he has done a great deal of work with ECOMB. He added that Mr. Rodriguez resigned a few years ago, but then returned.

Commissioner Malakoff stated that Mr. Rodriguez is currently out of the country and not reachable.

Vice-Mayor Tobin and Commissioner Wolfson agreed that Mr. Rodriguez has done good work with this organization.

Max Sklar, Director Of Tourism, Culture And Economic Development Department, stated that the last direction the City Commission gave the Administration was to negotiate a one-year lease, to give ECOMB time to fundraise and develop a plan.

Mayor Levine suggested putting the lease negotiations on pause.

By acclamation, the Commission authorized pausing the negotiations.

Commissioner Wolfson suggested keeping the area green space.

Vice-Mayor Tobin stated that the building has been declared historic. Commissioner Weithorn confirmed that it is a historic building.

Commissioner Grieco stated that the Jewish Museum may be interested in using the building.

**05:42:58 p.m.**

R9K Discussion Regarding Unsolicited Proposal To Convert Collins Park Garage Project To A Ground Lease And Cooperative Development.

(Sponsored by Commissioner Michael Grieco)

**ACTION:** Discussion held. **Eric Carpenter, David Martinez, Saul Frances and Max Sklar to handle.**

**DIRECTION:**

Issue an RFP with ground for retail.

Add a bonus component for workforce housing.

Do an analysis and come back to the City Commission.

City Manager Morales stated that the estimates from the cost estimators were more than double the costs. The City Commission had directed to move forward with Administration issuing a letter directing them to come up within five percent. When they met, they put on the table the idea of having a developer come and build a P3; they did receive an unsolicited proposal from an entity willing to build the garage with the Zaha Hadid design subject to their doing the parking and market rate, along with additional detail. A second group interested in doing that as well has emailed him. He asked whether or not they want to go under the unsolicited path under the State Statute, or under another direction.

Commissioner Grieco explained that the unsolicited proposal was received by a group led by two Miami Beach residents, Glenn Boyer and Seth Gadinsky, who are both well known in the community. He discussed ideas with them and with the City Manager. They crunched the numbers and he likes what they are talking about, although it may attract other proposers as well. They are trying to convert this P3 with a ground lease possibility, and the City can get a garage for approximately \$25 million.

Commissioner Malakoff believes the garage should be a City-run garage with reasonable rates for all visitors. The trouble with partnering with groups such as Boyer and Gadinsky or any other competitor, is that they will make money from retail and charge market rate for parking. She recommends having a building designed by a local architect who can provide an alternative to Zaha Hadid's design. She added that the City does not need to spend a fortune on a super garage when a standard garage with adequate lighting and screens can help it look appealing, as is the case with the garage next to the New World Symphony designed by Frank Gehry.

Mayor Levine agreed with Commissioner Malakoff's idea of reaching out to local architects to design the parking garage.

Commissioner Wolfson expressed his agreement with Commissioner Malakoff. The City should make an effort to hire an architect to design something within budget. It was well intended to get a world-class architect for the garage, but it is time to reassess and try and get the money back.

Vice-Mayor Tobin also agreed with Commissioner Malakoff, and stated that if the City did an RFI, a firm could charge less than market rate. He reminded the City Commission that the City owns

the land where the parking garage will be, and it has a dedicated fund that can only be used for parking purposes.

Commissioner Steinberg requested a competitive and open bid process for the garage.

Mayor Levine suggested doing an RFP for a public garage.

Commissioner Weithorn expressed that her concern is the maintenance cost of the garage; they can pretend all they want, but the way it is designed, it will cost more for everyone. She likes the P3 concept, so the City can control the rate, but have another entity run the retail businesses.

Ray Breslin stated that a parking garage has been needed in the area for the past five years. He added that the City needs to provide monthly parking passes.

Raul J. Aguila, City Attorney, clarified that the motion will be to issue an expedited RFP.

Commissioner Malakoff stated that there are artists that work in the neighborhood, but would also like to live there. She proposed having top floors as residential units.

Mayor Levine stated that in order to have residential units on the top floors of the garage, the height restriction would have to be changed, and he does not believe that will happen.

Discussion continued.

Mr. Aguila suggested issuing an RFP with ground for retail, and adding a bonus component for workforce housing

Discussion continued.

Commissioner Steinberg requested an analysis be done on the garage and return to the City Commission. **Eric Carpenter, David Martinez, Saul Frances and Max Sklar to handle.**

Discussion held.

Paul Mata, representing Shep Equities, LLC, stated that they own property at 220 23<sup>rd</sup> Street and they are proposing to build the garage as designated at no cost to the City, but they would like to sit down with the City and hear what they have to offer, including reasonable parking rates. They are asking to negotiate with the City.

#### Handouts or Reference Materials:

1. Letter from Shep Equities, LLC dated August 31, 2015 to City Manager Jimmy L. Morales RE: Collins Park Garage.
2. Email from Paul Mata [pfata@icloud.com](mailto:pfata@icloud.com) dated September 1, 2015 RE: Agenda R9K and attachment CMB Collins Park Garage Proposals.

**05:58:03 p.m.**

R9L Discussion Regarding Potential Air And Sea Show For Memorial Day Weekend 2017/World OutGames.

(Sponsored by Commissioner Michael Grieco)

**ACTION:** Discussion held. Approved by acclamation. **Max Sklar to handle.**

Mayor Levine expressed his support of the Air Show.

Commissioner Grieco introduced the item, and stated that he met with the organizer of what were the Ft. Lauderdale Air and Sea Show. They are currently looking for a new location, because Ft. Lauderdale could no longer provide the Police and Fire Department services that were required. He believes the Air and Sea Show could be successful in Miami Beach during Memorial Day Weekend, especially because the City already provides millions of dollars' worth of Police and Fire Department during that weekend.

Discussion held.

Max Sklar, Tourism, Culture & Economic Development Director, clarified that the show's producer is asking for the City to cover all City services costs, such as Police, Fire, Sanitation, Marine Patrol, and Lifeguards.

Mayor Levine stated that they are not making a decision yet, but they will be looking into it.

**02:18:04 p.m.**

R9M Annual Report Regarding Tennis Management.

(Sponsored by Commissioner Michael Grieco)

**ACTION:** Annual report given. **John Rebar to handle.**

Bruce Turkel, branding expert, introduced Howie Orlin, Director of the Miami Beach Tennis Management, and gave a verbal report. He explained all of the accomplishments made during the past year. Financially, they have paid \$120,000 to the City in the last year, and because they performed better than expected, there is an additional bonus of \$20,000 to Miami Beach totaling \$140,000. They also spent an additional \$120,000, not on the operating plan, but for additional improvements. The total investment to the City is \$260,000. The previous vendor never paid more than \$40,000 a year. It has been done in absolute transparency. He stated that they have heavily invested in refurbishing and maintaining the tennis courts. He listed the services they provide to the community, including programs for children, seniors, the disabled, low-income families, professional and hospitality programs. They have also included teaching and training programs to improve people's skills. They were improved by Mayor "Get It Done" Philip Levine. The people who work for the City also have the advantage to use these facilities. He enlisted the updates to the courts and added that every two years they will maintain them. He informed that over 600 children are enrolled in their after school program per month at no cost. Over 2,000 participated in summer camps at no cost; they are doing exactly what the promised to do.

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

Mayor Levine commended the Miami Beach Tennis Management team for their good work.

Discussion held.

Commissioner Wolfson stated that he is very impressed with what they have done in North Shore. They have a great vision for the future. He asked them to address the bathrooms, which make for a nicer environment.

Howie Orlin, Director of the Miami Beach Tennis Management, stated that it is a privilege to be in Miami Beach, and is pleased that the Mayor uses the facilities. He mentioned it had been a great year for them.

Handouts or Reference Materials:

1. Email from David Custin [custindr@davidrcustin.com](mailto:custindr@davidrcustin.com) dated August 28, 2015 to Mayor and City Commission RE: Item # R9M Annual Report Regarding Tennis Management (by Commissioner Grieco) with attachment (MBTM Report PPT)

**04:08:58 p.m.**

R9N Discussion Regarding Extending Lanzo's Contract In Sunset Harbour To Incorporate The Final Phase 2.

(Sponsored by Commissioner Michael Grieco)

**ACTION:** Discussion held. Bring item back to September 30, 2015 with a recommendation from the City Manager. Lilia Cardillo to place on the **September 30, 2015** Commission Agenda if received. **Eric Carpenter to handle.**

Commissioner Grieco explained that this item is to discuss the potential to extend Lanzo's contract and incorporate Phase 2 of the Sunset Harbour project. They have received lengthy petitions signed by residents and business owners of Sunset Harbor, and they are asking to move forward with this project, and have it finished as quickly as possible.

Eric Carpenter, Assistant City Manager and Public Works Director, explained that any time there is a contractor working on a relatively small neighborhood such as Sunset Harbour, one would not want to introduce a second contractor into the same neighborhood. Another possibility is to continue construction once one project has finished.

Discussion held.

Vice-Mayor Tobin asked to see the bid to know how much the project will cost.

Eric Carpenter, Assistant City Manager and Public Works Director, stated that the costs will be approximately \$7.5 million.

Commissioner Wolfson addressed the Sunset Harbour residents in the public, and they expressed their support for finishing the project as quickly as possible.

Eric Zichella, stated that Chapter 287 regulates construction as it relates to work related to the public sector, and requires that projects be relative to its scope, and if one wants to change the scope, one must rebid. He believes the way the City is handling this is unfair to the entire market, because it acts like a sole contract.

Raul J. Aguila, City Attorney, stated that this is a discussion item and there is no formal action to take. The justification for doing it may be because there is work relevant to this contract that may create an emergency situation. At the next Commission Meeting, they will propose approving a waiver of competitive bidding under the Consultants Competitive Negotiation Act, pursuant to

Florida Statute 287.055, finding that an emergency exists in the area and authorizing that the Mayor and City Commission approve the change order to this contract. From what he is hearing on the record, as justification, there is an urgency and public welfare interest to expedite the work in the neighborhood.

Commissioner Grieco clarified that he sponsored this item at the request of the Sunset Harbour residents.

Commissioner Weithorn stated that Lanzo contractors need to be competitive. They have a real advantage, and should consider offering a fair price, because otherwise she will vote to have some other company do the work.

Mayor Levine agreed with Commissioner Weithorn's statement. They must make sure that pricing is beyond competitive. Pricing and speed are the two main factors. This project needs to be done at a fair price as quickly as possible.

Discussion continued.

Vice-Mayor Tobin requested that the contractor provide itemized prices, so that they are aware that the City will be focusing on the numbers. He asked if an emergency situation is deemed in Sunset Harbour, whether another firm could be hired to finish the job, to which City Attorney Aguila stated that the City could hire another firm.

Commissioner Steinberg stated that there has been construction work in Sunset Harbour for over a decade. She believes that taking everything into consideration, the City needs to act to do what is best for the community, and they could even save some money in the project.

City Manager Morales stated that he will get a negotiated bid, and return with pricing that he believes to be competitive.

Mayor Levine asked if this item could be brought back at the September 30, 2015 Final Budget Meeting.

Click here to [view](#) resident petitions

#### Handouts or Reference Materials:

1. Email from Rafael Granado dated August 31, 2015 to Mayor's Office RE: Petitions with attached Completion of the work within the Sunset Harbour Neighborhood. Item R9N Sunset Harbour District Signatures.

#### 06:01:55 p.m.

R9O Report On The City Of Miami Beach Action Plan For Special Needs Residents During A Hurricane Or Other Emergency.

(Sponsored by Vice-Mayor Edward L. Tobin)  
(Emergency Management/Housing & Community Services)  
(Report requested on June 10, 2015 - R9R)

**ACTION:** Discussion held. **Chuck Tear and Maria Ruiz to handle.**

Charles Tear, Emergency Management Director, stated that they have looked into what the County is doing, and it is clear that the City can enhance their services and make it more appropriate locally, and they can do it within the existing budget and staff to make people safer.

Vice-Mayor Tobin stated that his assistant, Dessiree Kane, asked who is looking after the elderly and the disabled during a hurricane. He wanted to identify who the people are, so that in an emergency, they can be helped.

Handouts or Reference Materials:

1. DEM Vulnerable Population (VP) Program.

**06:03:10 p.m.**

R9P Discussion And Update Regarding Undergrounding Of FPL Lines In The Venetian Islands And Citywide.

(Sponsored by Vice-Mayor Edward L. Tobin)  
(Legislative Tracking: Public Works)  
(Item requested on July 8, 2015 - R9L)

**ACTION:** Discussion held. Update given. Item to be brought back to the City Commission in [October 14, 2015](#). Lilia Cardillo to place on the Commission Agenda if received. **Eric Carpenter to handle.**

Eric Carpenter, Assistant City Manager and Public Works Director, introduced the item. They have been working with the Neighborhood Association. They have everything they need and are working with FP&L to move forward with the process.

Vice-Mayor Tobin asked for an update to be given next month. **Eric Carpenter to handle.**

City Manager Morales mentioned that one way not slow the process is to get the conduits from FP&L and start working on their installation.

**06:04:34 p.m.**

R9Q Discussion Regarding Storm Water Pump Stations Policy.  
(Public Works)

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

Eric Carpenter, Assistant City Manager and Public Works Director, introduced the item and stated that this item came as a result of the discussion during the past few meetings about taking the pump stations to the DRB. They put together a recommendation on what would need to take place for any pump station sighting. There will be seven items that need to be satisfied to be in compliance with what they are recommending for the process.

**06:07:44 p.m.**

R9R Discussion Related To Making Sure Our City's Website Is Bilingual.  
(Sponsored by Commissioner Micky Steinberg)

**ACTION:** Discussion held. Move forward with the bilingual homepage and direction to indicate where to click for additional page translation. **Ariel Sosa to handle.**

Commissioner Steinberg stated she discussed this with Ariel Sosa, and the City is going to have a bilingual homepage. Beyond the homepage, there will be direction to indicate where to click to translate.

Ariel Sosa, IT Director, explained that they will be using 'Google Translate,' which is a service that translates websites. Miami-Dade County uses this service, as well as several other cities. Last month the City's website had 60,000 unique visitors, and less than 60 chose a different language, which is less than 1/10 of one percent. In speaking with Commissioner Steinberg, IT will make it more prevalent where one can use from one to 90 languages.

Commissioner Steinberg explained that they are currently working to make the website more user-friendly and current and that is why they are addressing this issue now to make it accessible to a wider audience.

Commissioner Malakoff explained that correct grammar usage is needed in translating. It really has to be done by someone who understands Spanish, presentation, and is current on grammar usage.

Mr. Sosa stated that this service is so popular, because it is automated and provides literal translations; however, it does not provide perfect translations, but allows the user to have a general idea of what is being presented. There are 20,000 pages in the City's website, they will focus on having a Spanish translator accurately work on the homepage, and Google Translate will provide the remaining translations.

Commissioner Weithorn stated that she asked the City Manager to have press releases written in both English and Spanish.

**02:53:04 p.m.**

R9S Discussion Regarding A Potential Tennis Event In North Beach And Other Areas Of Miami Beach.  
(Sponsored by Commissioner Micky Steinberg)

**ACTION:** Discussion held. Direction to continue having the conversations along with the Tennis Management Company. **Max Sklar to handle.**

Commissioner Steinberg stated that some people that assisted in the Centennial Event spoke to her and shared the idea of hosting tennis events for all ages in North Beach. She believes this would help revitalize the area.

Max Sklar, Tourism, Culture & Economic Development Director, added that Commissioner Steinberg is asking to bring well-known competitive tennis events to North Beach. They have heard strong interests from the International Tennis Federation (ITF) and the Association of Tennis Professionals (ATP).

Mayor Levine stated that they did a great job during the Centennial, but suggested that future tennis events should go through the City's existing Tennis Management Company.

Commissioner Malakoff agreed with the Mayor's opinion to go through Miami Beach Tennis Management instead of bringing outside management. She is pleased that they chose to focus on the North Beach area.

Commissioner Steinberg asked why this event has to go through the Miami Beach Tennis Management Company.

Mayor Levine explained that he does not believe it is fair to bring in a third party to manage tennis events, when the Miami Beach Tennis Management Company has invested so much in the area. In the spirit of cooperation, he prefers that the events go through them.

Commissioner Steinberg mentioned that the events will not just be held at Flamingo Park, but mostly at North Shore, and even on the Beach. She welcomes the Miami Beach Tennis Management Company to cooperate with them.

Lorie Needer speaking as a resident, but also as the Vice-Chair of Parks and Recreation Department, stated that she became involved in the City's affairs because of tennis. She gave an example of how different vendors cooperated with the Centennial events, and she believes they can do the same with tennis events. She added that not all of the events will be held at Miami Beach tennis facilities, but mostly will be on the beach and other locations.

Vice-Mayor Tobin thanked Ms. Needer for being involved and for her activism.

Handouts or Reference Materials:

1. Color flyer RE: DAVIS CUP – The World Cup of Tennis; Miami Beach – ITF Partnership; Driving Tourism & Revenue by Making Miami Beach a World Tennis Capital.

**06:05:47 p.m.**

R9T Status Of Franchise Utilities Undergrounding - Sunset Islands 3 And 4.  
(Capital Improvement Projects)

**ACTION:** Discussion held. Approved by acclamation to give the City Manager authority to purchase \$100,000 of materials from FP&L. **David Martinez to handle.**

Eric Carpenter, Assistant City Manager/Public Works Director, introduced the item, which gives the City Manager authority to buy the necessary conduits from FP&L.

David Martinez, CIP Director, explained that they received the documents and cost estimates for the work needed, but it will be a long process. In the meantime, he is asking for the City Commission to give the City Manager authority to purchase \$100,000 worth of materials from FP&L. **City Manager's Office to handle.**

**R10 - City Attorney Reports****12:00:00 p.m.**

R10A City Attorney's Status Report.

(Office of the City Attorney)

**ACTION:** Report given. **Office of the City Attorney to handle.****12:03:05 p.m.**

R10B Notice Of Closed Executive Session

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, September 2, 2015, In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

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

**Reports and Informational Items**

1. Reports and Informational Items (see LTC 334-2015).
2. List of Projects Covered by the Cone of Silence Ordinance - LTC No. 329-2015.  
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months From Their Referral Date.  
(Office of the City Clerk)

**End of Regular Agenda**

**Miami Beach Redevelopment Agency  
City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
September 2, 2015**

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

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

**AGENDA**

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

1. NEW BUSINESS

**02:33:21 p.m.**

**SUPPLEMENTAL MATERIAL 1: LEASE AGREEMENT**

- 1A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Accepting The Recommendations Of The Finance And Citywide Projects Committee; Waiving The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The RDA; And Approving And Authorizing The Chairperson And Secretary To Execute A Lease Agreement With Artconnection International, Inc. (Tenant), In Connection With The Use Of Suite No. 6 At The Anchor Shops, Located At 100 16<sup>th</sup> Street, Suite No. 6, Miami Beach, Florida (Premises); Said Lease Having An Initial Term Of Five (5) Years, Commencing On November 12, 2015, With Two Renewal Options (At Tenant's Option), Of Three (3) Years And One (1) Year And 364 Days, Respectively. **2:00 p.m. Public Hearing**  
(Tourism, Culture & Economic Development)

**ACTION: RDA Resolution 616-2015 adopted.** Public Hearing held. Motion made by Board Member Malakoff, seconded by Board Member Grieco; Voice vote: 8-0. **Max Sklar to handle.**

Max Sklar, Tourism, Culture & Economic Development Director, explained that the RDA currently has a lease with Artconnection with an expiration of November 2015 and no renewals. In March 2015, the City Commission approved a new lease for nine-years 364 days, without renewals with the tenant. Upon finalizing the lease term, they were reanalyzing operating expenses; the tenant has requested to renegotiate the term. The item before you is a five-year initial term with two renewal options; first at three years, second at one year 364 days, with the base rent reduced from \$65 to \$62 per square foot but operating expenses have increased to cover full operating expenses. In the lease today, they will have two market rate adjustments at the time of each renewal. The other substantive change is that what was approved in March included a personal

guarantee, and what is before this Commission today, because this tenant has been a long standing tenant with the building and the City for more than 11 years, they feel comfortable.

Handouts or Reference Materials:

1. Memorandum from County Commissioner Bruno A. Barreiro, dated September 2, 2015, RE: Follow-up on City/County Concerns Address at 7/8/15 RDA Meeting. Click [here](#) to view memorandum.

Meeting adjourned at 6:20:24 p.m.