

MIAMI BEACH

City Commission Meeting SUPPLEMENTAL MATERIAL 4

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
October 14, 2015

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

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

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ATTENTION ALL LOBBYISTS

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

SUPPLEMENTAL AGENDA

C7 - Resolution

- C7E A Resolution Amending Resolution No. 2015-29127 Relating To 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 Amended Resolution Correcting The Guaranteed Maximum Price (GMP) Of The Project From \$786,200 To \$806,340, And Including The Following Clarifications In Amendment No. 1 To The Development Agreement: (1) That The City's Budgeted Cost For The Project Is \$485,820 (Instead Of \$485,821), Of Which \$27,000 Is Budgeted For City's Construction Management Costs, Leaving A Balance Of \$458,820 To Be Applied Toward The Project (City's Contribution); (2) That The City Will Be Paying Each Approved Draw In Proportion To The City's Contribution To The Project; And (3) That The Developer Will Be Responsible For The Entire Scope Of The Project, Including Any Underground Utility Work, And Assuming The GMP Costs Exceeding The City's Contribution.

(Public Works)

(Revised Resolution)

R5 - Ordinances

- R5F 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. **10:25 a.m. Second Reading Public Hearing**
(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Office of the City Attorney)
(First Reading on September 2, 2015 - R5P)
(Memorandum & Ordinance)

- R5K An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, Entitled "Uses In Public Rights-Of-Way," By Amending Division 5, Entitled "Sidewalk Cafes," By Amending Subdivision II, Entitled "Permit," By Amending Section 82-381 Thereof, Entitled "Permitted Areas; Conditional Permit; City Manager's Right To Remove Sidewalk Cafes," By Requiring Display Of Prices For Food And Drink Menu Items Or Any Food And Drink Menu Specials, And Establishing A Notice Provision To Customers Regarding Any Automatic Gratuity Or Service Charge By The Operator Of The Sidewalk Café; By Amending Section 82-382 Thereof, Entitled "Application," Mandating That A Sidewalk Café Application Be Denied For Failure To Have Food And Drink Menus Which Includes Prices For Food And Drink Menu Items, Food And Drink Menu Specials, Or Notification Of Any Automatic Gratuity Or Service Charge Imposed By The Sidewalk Café Operator; By Amending Section 82-385 Thereof, Entitled "Minimum Standards, Criteria, And Conditions For Operation Of Sidewalk Cafes," By Prohibiting A Sidewalk Café To Operate Without Food And Drink Menus Which Show The Pricing For Any Food And Drink Menu Item Or Food And Drink Menu Special, And Fail To Notify Customers Of Any Automatic Gratuity Or Service Charge Imposed By The Sidewalk Café Operator; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(Sponsored by Commissioner Micky Steinberg)
(Legislative Tracking: Office of the City Attorney)
(Ordinance)

R7 - Resolutions

- R7F A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 2 To The Design-Build Agreement Between The City And Lanzo Construction Co., Florida, For Design-Build Services For Neighborhood No. 13: Palm And Hibiscus Islands Right-Of-Way Infrastructure Improvement Project, Dated September 18, 2014 (The Contract); Said Amendment Including Additional Design Services Required To Meet The Revised City Landscape Ordinance, The Home Owners Association Comments, And The City's Fire Department Analysis, In The Not-To-Exceed Amount Of \$73,240 With Previously Appropriated Funding.
(Capital Improvement Projects)
(Resolution & Agreement)

Reports and Informational Items

4. MDPD Investigation Of MBPD Officer Involved Shootings.
(Police)
(LTC No. 399-2015)

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING RESOLUTION NO. 2015-29127 RELATING TO 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 AMENDED RESOLUTION CORRECTING THE GUARANTEED MAXIMUM PRICE (GMP) OF THE PROJECT FROM \$786,200 TO \$806,340, AND INCLUDING THE FOLLOWING CLARIFICATIONS IN AMENDMENT NO. 1 TO THE DEVELOPMENT AGREEMENT: (1) THAT THE CITY'S BUDGETED COST FOR THE PROJECT IS \$485,820 (INSTEAD OF \$485,821), OF WHICH \$27,000 IS BUDGETED FOR CITY'S CONSTRUCTION MANAGEMENT COSTS, LEAVING A BALANCE OF \$458,820 TO BE APPLIED TOWARD THE PROJECT (CITY'S CONTRIBUTION); (2) THAT THE CITY WILL BE PAYING EACH APPROVED DRAW IN PROPORTION TO THE CITY'S CONTRIBUTION TO THE PROJECT; AND (3) THAT THE DEVELOPER WILL BE RESPONSIBLE FOR THE ENTIRE SCOPE OF THE PROJECT, INCLUDING ANY UNDERGROUND UTILITY WORK, AND ASSUMING THE GMP COSTS EXCEEDING THE CITY'S CONTRIBUTION.

WHEREAS, Jameck Development, Inc. (Developer), approached the City to enter into a Development Agreement for the closure of a portion of Euclid Avenue, between Lincoln Road and Lincoln Lane South, to vehicular traffic, as part of an extension of the Lincoln Road pedestrian mall, and the construction of streetscape improvements (the Improvements) in the City's right-of-way (the Project); and

WHEREAS, the Project will benefit the public in the following ways: (a) by removing delivery vehicles at the end of Euclid Avenue just south of Lincoln Road and establishing a delivery vehicle loading zone at Lincoln Lane South that will permit such vehicles to travel east or west through Lincoln Lane South instead of having to back up and turn around to exit on Euclid Avenue; (b) by providing residents and visitors with an entrance to Lincoln Road off Euclid Avenue; and (c) by creating more space for performances at the Euclid Oval; and

WHEREAS, on June 5, 2013, the Mayor and City Commission adopted Resolution No. 2013-28236, approving the Conceptual Plan and authorizing the City Manager to enter into negotiations with the Development for a Developer Agreement to design and build the Project; and

WHEREAS, on its June 11, 2014 meeting, the City Commission approved Resolution No. 2014-28628, approving the Development Agreement on first reading; and

WHEREAS, on its July 23, 2014 meeting, the City Commission approved Resolution No. 2014-28673, approving the Development Agreement on second and final reading; and

WHEREAS, after review and negotiations by the Developer, EDGE Construction, Inc. (Contractor) was selected to construct the improvements; and

WHEREAS, the Developer submitted Contractor's proposal, in the amount of \$786,200, for review by the City's Public Works' staff, and staff found the proposal to be fair and reasonable for the proposed work; and

WHEREAS, the Contractor's proposal exceeded the City's budgeted cost, in the amount of \$485,820 (City's cost), so the Developer agreed to pay for any Project costs exceeding the City's cost; and

WHEREAS, On September 2, 2015, pursuant to Resolution Number 2015-29127, the Mayor and City Commission approved Amendment No 1 to the Development Agreement, increasing the guaranteed maximum price (GMP) of the Project to \$786,200; and

WHEREAS, thereafter, the Contractor realized that the GMP amount did not include the bond insurance cost required under the Development Agreement, which therefore increased the GMP amount to \$806,340 (inclusive of the bond insurance cost); and

WHEREAS, the Administration recommends including the following clarifications (Additional Clarifications) in Amendment No. 1: (1) the approved budgeted GMP price for the Project shall reflect \$485,820, instead of \$485,821; (2) \$27,000 of the total budgeted GMP for the Project is earmarked for the City's Construction Management Costs, leaving a balance of \$458,820, to be applied toward the Project (City's Contribution); (3) the payment structure for the City's portion of each approved draw request under the Development Agreement shall be based upon the City's proportionate contribution to the Project, i.e. 56.90%; and (4) the Developer will be responsible for the entire scope of the Project, including any underground utility work, which originally was going to be performed by the City and paid from the City's Contribution; and

WHEREAS, the Administration recommends amending Resolution Number 2015-29127 to correct the Project cost from the GMP sum of \$786,200 to \$806,340, with the Developer assuming the GMP costs above the City's Contribution, and to reflect the inclusion of the Additional Clarifications in Amendment No. 1.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby amend Resolution No. 2015-29127 relating to Amendment No. 1 to the Development Agreement between the City and Jameck Development, Inc. (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 amended Resolution correcting the guaranteed maximum price (GMP) of the Project from \$786,200 to \$806,340, and including the following clarifications: (1) that the City's budgeted cost for the Project is \$485,820 (instead of \$485,821), of which \$27,000 is budgeted for City's construction management costs, leaving a balance of \$458,820 to be applied toward the Project (City's Contribution); (2) that the City will be paying each approved draw in proportion to the City's Contribution to the Project; and (3) that the Developer will be responsible for the entire scope of the Project, including any underground utility work, assuming the GMP costs exceeding the City's Contribution.

PASSED AND ADOPTED this 14th day of October, 2015.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

J. J. C. [Signature] 10-12-15
City Attorney Date

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MIAMI BEACH

OFFICE OF THE CITY ATTORNEY
RAUL AGUILA, CITY ATTORNEY

COMMISSION MEMORANDUM

TO: MAYOR PHILIP LEVINE
MEMBERS OF THE CITY COMMISSION
JIMMY L. MORALES, CITY MANAGER

SECOND READING

FROM: ALEKSANDR BOKSNER, FIRST ASSISTANT CITY ATTORNEY

DATE: OCTOBER 14, 2015

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, 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.

Commissioner Michael Grieco has proposed an ordinance amendment to Section 142-105(5) of the Miami Beach Code, which will require transient guest(s) or occupant(s) of a suite hotel to register at the registration desk. This registration requirement is an important public policy component that will ensure that all persons are properly granted access to, and are lawfully at, the premises of the suite hotel, thereby serving to protect other transient guest(s) and/or occupant(s). Commissioner Grieco anticipates this to be an additional level of security, since it would prohibit unpermitted individual(s) from accessing the premises of the suite hotel.

The Mayor and City Commission held a first reading of the amendment to the Ordinance on September 2, 2015, and recognized that Section 142-1105(5) was created during a period of time that did not anticipate technological advancements for hotel reservations, which are now being accomplished via various mobile devices. The Mayor and City Commission acknowledged that the proposed amended Ordinance will establish an important security requirement for current transient guests and occupants of suite hotels, and will ensure that only lawfully permitted persons have access to the suite hotel unit and common areas.

The Mayor and City Commission approved the ordinance amendment at the first reading on September 2, 2015, and transmitted the matter to the Planning Board for their review on October 9, 2015. The Planning Board held a discussion surrounding this proposed amendment, and subsequently issued their approval of the ordinance. However, the Planning Board recommended that there be further amendments, which they believe would be necessary to address this matter.

The Planning Board recommends that the Mayor and City Commission consider further amending the ordinance to:

- 1) Require the suite hotel to post signage which states that guests must register at the registration desk.
- 2) Limit the applicability of this Ordinance to suite hotels that exceed a certain room capacity.
- 3) Require the suite hotel to staff the registration desk, provided it exceeds a certain room capacity.

The City Attorney's Office will be evaluating these recommendations.

It is anticipated that there will be minimal fiscal impact surrounding the enforcement of this legislation.

RJA/AB/sc

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, 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.

WHEREAS, the reservation of hotel rooms may be accomplished through various mobile mediums and devices, based upon advancements in mobile technologies; and

WHEREAS, these mobile technological advancements have created new challenges to traditional reservations at hotels, which challenges have directly impacted the safety and security of all tenants, guests and occupants at suite hotels; and

WHEREAS, the City has determined that safe-guarding the security of those persons residing or visiting at suite hotels requires this amendment to prevent intruders, or any other persons not permitted on the premises of the suite hotel.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Chapter 142, "Zoning Districts and Regulations," Article IV, "Supplementary District Regulations," Division 3, "Supplementary Use Regulations," Section 142-1105, entitled, "suites hotel"; of the Code of the City of Miami Beach, Florida, is hereby established, as follows:

Chapter 142. Zoning Districts and Regulations

* * *

Article IV. Supplementary District Regulations

Division 3. Supplementary Use Regulations

* * *

Sec. 142-1105. Suites hotel.

When a hotel unit contains cooking facilities it shall be considered as a suite hotel unit and shall conform with the following:

- (1) The units shall only be permitted in new construction, in historic district suites hotels that have been rehabilitated in general accordance with the U.S. Secretary of the Interior's standards for rehabilitation of historic buildings as determined by the planning and zoning director, or in buildings which have been substantially rehabilitated or where the

suites hotel units are part of a request for a building permit that will result in the building being substantially rehabilitated.

- (2) Cooking facilities in units of less than 550 square feet shall be limited to one microwave oven and one five-cubic-foot refrigerator. Notwithstanding the forgoing, historic district suites hotels may have full cooking facilities in units with a minimum of 400 square feet.
- (3) The building shall be maintained and operated as a hotel.
- (4) A minimum of 20 percent of the total gross area shall be maintained as common area, however this requirement shall not apply to historic district suites hotels. This provision shall not be waived or affected through the variance procedure.
- (5) The building shall contain a registration desk and a lobby.

(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.

- (6) The building shall have central air conditioning or flush-mounted wall units; however no air conditioning equipment may face a street, bay or ocean.
- (7) The building shall not have unenclosed exterior walkways that provide access to the units; however this requirement shall not apply to historic district suites hotels.
- (8) Should the facility convert from a suites hotel to a multifamily residential building, the minimum average unit size and all other zoning requirements for the underlying district shall be met.

* * *

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2015.

ATTEST:

PHILIP LEVINE, MAYOR

RAFAEL GRANADO, CITY CLERK

Underscore denotes new language
~~Strike-through~~ denotes deleted language

(Sponsored by Commissioner Michael Grieco)

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

Delia J. ... 8/25/15

City Attorney AB Date

MIAMI BEACH

CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARINGS
OCTOBER 14, 2015

NOTICE IS HEREBY given that the following public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **October 14, 2015**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.

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 (e) Thereof To Abate Sidewalk Café Fees For Businesses North Of 63rd Street, Through And Including September 30, 2017, Providing For Repealer, Codification, Severability, And An Effective Date. *Inquiries may be directed to the Public Works Department at 305.673.7080.*

10:05 a.m.

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. *Inquiries may be directed to the Budget & Performance Improvement Department at 305.673.7510.*

10:10 a.m.

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 82, Entitled "Definitions"; Amending Section 83, Entitled "Source Of Money 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. *Inquiries may be directed to the Human Resources Department at 305.673.7524.*

10:15 a.m.

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) 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. *Inquiries may be directed to the Environment & Sustainability Department at 305.673.7470.*

10:20 a.m.

An Ordinance Amending Chapter 106 Of The Miami Beach City Code, Entitled "Traffic And Vehicles," By Amending Article II, Entitled "Metered Parking," By Amending Section 106-47, Entitled "Freight, Commercial, And Passenger Curb Loading Zones; Hours, Deliveries," By Deleting Subsection (e), (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 (h); 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. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:25 a.m.

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 (b), To Require Transient Guest(s) Or Occupant(s) To Register At The Suite Hotel; Providing For Codification, Repealer, Severability, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:30 a.m.

An Ordinance Amending Miami Beach City Code Chapter 2 "Administration," Article VII "Standards Of Conduct," Division 2 "Officers, Employees And Agency Members" By Creation Of City Code Section 2-451.1 Entitled "Prohibited Solicitation/ Acceptance Of Gifts - Providing That Commencing January 1, 2016, Members Of The City Commission Or Candidates For Said Offices Shall Be Prohibited From Either Directly Or Indirectly (Including, But Not Limited To, Through Their Staff Members Or Authorized Designees) Soliciting Or Accepting A Gift From A Vendor, Lobbyist Or A Real Estate Developer, Or Lobbyist On A Real Estate Development Issue; Providing For Limited Exception; And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:30 a.m.

An Ordinance Amending Miami Beach City Code Chapter 2 "Administration," Article VII "Standards Of Conduct," Division 5 "Campaign Finance Reform," Encompassing City Code Sections 2-487 "Prohibited Campaign Contributions By Vendors", City Code Section 2-488 "Prohibited Campaign Contributions By Real Estate Developers", City Code Section 2-490 "Prohibited Campaign Contributions By Lobbyists On Procurement Issues", City Code Section 2-498 "Prohibited Campaign Contributions By Real Estate Developers", And City Code Section 2-499 "Prohibited Campaign Contributions By Lobbyists On Real Estate Development Issues", By Providing That Commencing January 1, 2016, Members Of The City Commission Or Candidates For Said Offices Shall Be Prohibited From Either Directly Or Indirectly Soliciting, Accepting Or Depositing Any Campaign Contribution Regarding City Elected Office From A Vendor, Lobbyist Or A Procurement Issue, Real Estate Developer, Or Lobbyist On A Real Estate Development Issue; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33138. Copies of these items are available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33138. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

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

Rafael E. Granada, City Clerk
City of Miami Beach

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," BY AMENDING DIVISION 5, ENTITLED "SIDEWALK CAFES," BY AMENDING SUBDIVISION II, ENTITLED "PERMIT," BY AMENDING SECTION 82-381 THEREOF, ENTITLED "PERMITTED AREAS; CONDITIONAL PERMIT; CITY MANAGER'S RIGHT TO REMOVE SIDEWALK CAFES," BY REQUIRING DISPLAY OF PRICES FOR FOOD AND DRINK MENU ITEMS OR ANY FOOD AND DRINK MENU SPECIALS, AND ESTABLISHING A NOTICE PROVISION TO CUSTOMERS REGARDING ANY AUTOMATIC GRATUITY OR SERVICE CHARGE BY THE OPERATOR OF THE SIDEWALK CAFÉ; BY AMENDING SECTION 82-382 THEREOF, ENTITLED "APPLICATION," MANDATING THAT A SIDEWALK CAFÉ APPLICATION BE DENIED FOR FAILURE TO HAVE FOOD AND DRINK MENUS WHICH INCLUDES PRICES FOR FOOD AND DRINK MENU ITEMS, FOOD AND DRINK MENU SPECIALS, OR NOTIFICATION OF ANY AUTOMATIC GRATUITY OR SERVICE CHARGE IMPOSED BY THE SIDEWALK CAFÉ OPERATOR; BY AMENDING SECTION 82-385 THEREOF, ENTITLED "MINIMUM STANDARDS, CRITERIA, AND CONDITIONS FOR OPERATION OF SIDEWALK CAFES," BY PROHIBITING A SIDEWALK CAFÉ TO OPERATE WITHOUT FOOD AND DRINK MENUS WHICH SHOW THE PRICING FOR ANY FOOD AND DRINK MENU ITEM OR FOOD AND DRINK MENU SPECIAL, AND FAIL TO NOTIFY CUSTOMERS OF ANY AUTOMATIC GRATUITY OR SERVICE CHARGE IMPOSED BY THE SIDEWALK CAFÉ OPERATOR; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, a business establishment that seeks to operate a sidewalk café upon the City's property must submit a legally sufficient application for a sidewalk café permit, and ensure compliance with Sections 82-381 through 82-388 of the Miami Beach Code; and

WHEREAS, the Mayor and City Commission have determined that an additional permit and operation condition is required to prevent potential deceptive practices, and further require business establishments operating upon the City's public property to comply, in their entirety, with Article IV, Division 5 of Chapter 82; and

WHEREAS, this additional permit and operation requirement will obligate operators of sidewalk cafes to display or disclose prices for food and drink menu item(s) or display or disclose any food and drink menu special(s); and

WHEREAS, the disclosure or display of the food or drink menu item(s) price or food and drink special(s) price must be in a size and typeface, which is at least as large as the name of the menu item that is made available to the patron; and

WHEREAS, the operator of a sidewalk café will be required to provide notice to customers of any automatic gratuity or service charge that is being imposed by the operator of the sidewalk café, which notification requirement is consistent with, and mandated by, Section 509.214 of the Florida Statutes; and

WHEREAS, the City's citizens and visitors will be protected from being over-charged or deceived for those food and beverage menu item(s) purchased, and will allow a patron to recognize the cost of these item(s) before making his/her selection; and

WHEREAS, the Mayor and City Commission have established the need to enact this amendment to the sidewalk café ordinance to ensure and protect the City's citizens and visitors from undisclosed, exorbitant charges for food and drinks at sidewalk cafes, and provide notification of the gratuity or service charge imposed by the sidewalk café operator.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Section 82-381 of Subdivision II of Division 5 of Article IV of Chapter 82 of the Code of the City Miami Beach is hereby amended as follows:

**CHAPTER 82
PUBLIC PROPERTY**

* * *

ARTICLE IV. Uses in Public Rights-of-Way

* * *

DIVISION 5. Sidewalk Cafes

Subdivision II. Permit

Sec. 82-381. Permitted areas; conditional permit; city manager's right to remove sidewalk cafes.

- (a) Sidewalk cafes shall only be located where permitted by the city's zoning ordinance and land development regulations, as same may be amended from time to time.
- (b) The approval and issuance of a sidewalk cafe permit is conditional at all times.
- (c) It shall be unlawful for any person to operate a sidewalk cafe without a valid permit as required by this division.
- (d) The city manager shall have the right to immediately remove, after 24-hours written and/or verbal notice to the permittee, any sidewalk cafe furniture used in connection with a sidewalk cafe which is operating without a valid permit.
- (e) The city manager may cause the immediate removal, relocation and/or storage of all or part of a sidewalk cafe in emergency situations or for public safety considerations.
- (f) The city manager may require the temporary removal and/or relocation of all or part of a sidewalk cafe when street, sidewalk, or utility repairs, or other public construction,

necessitates such action. If such temporary removal exceeds 15 days, the city manager shall pro-rate the remaining permit fee for each additional day the sidewalk cafe (or portion thereof) is removed and apply a credit toward the following year's permit fee or, upon written request by the permittee, refund the remaining fee to the permittee.

- (g) Upon written and/or verbal notification by the city manager of a hurricane or other major weather event, or the issuance of a hurricane warning by Miami-Dade County, whichever occurs first, the permittee shall, within no more than four hours of same, remove and place indoors all tables, chairs and any other sidewalk cafe furniture located on the right-of-way. The notification by the city manager of a hurricane or other major weather event, or the issuance of a hurricane warning, shall constitute a public emergency situation as referenced in this division. The city manager may remove, relocate, and/or store any sidewalk cafe furniture found on the right-of-way that has otherwise not been removed by the permittee pursuant to this subsection. Any and all costs incurred by the city for removal, relocation and/or storage of sidewalk cafe furniture shall be the responsibility of the permittee. Sidewalk cafes will not re-open for business following a hurricane or other major weather event until notified by the city manager. Violation of this subsection (g) shall result in the issuance of an immediate \$1,000.00 fine, and/or suspension, for up to 30 days, of the sidewalk cafe permit.
- (h) A sidewalk café must display or disclose prices for food and drink menu item(s), or display or disclose those prices for any food and drink menu special(s). The displayed price for the food or drink menu item(s) or food and drink menu special(s) must be in a size (font) and typeface, which is at least as large as the name of the menu item.
- (i) A sidewalk café that automatically includes a gratuity or service charge, either in the price of the meal or drink or separately imposed for all items ordered, must be displayed on the menu and on the face of the bill. This disclosure serves to provide the customer notification that an automatic gratuity or service charge is being included by the sidewalk café operator. The disclosure of the gratuity or service charge within the menu or bill must not be smaller than 12 font.

SECTION 2. That Section 82-382 of Subdivision II of Division 5 of Article IV of Chapter 82 of the Code of the City Miami Beach is hereby amended as follows:

CHAPTER 82

PUBLIC PROPERTY

* * *

ARTICLE IV. Uses in Public Rights-of-Way

* * *

DIVISION 5. Sidewalk Cafes

Subdivision II. Permit

Sec. 82-382. Application.

- (a) A sidewalk cafe permit shall be effective for one year, from October 1 until September 30 of the following year.

- (b) Application for a permit to operate a sidewalk cafe shall include, but not be limited to, the following information:
- (1) The name, address and telephone number of the applicant/permittee.
 - (2) The name and address of the business establishment seeking a permit to operate the sidewalk cafe (including the name and address of the restaurant).
 - (3) A copy of a valid city occupational license to operate the restaurant in front of which the proposed sidewalk cafe will be operating. The total count of chairs to be utilized for the restaurant must include the number of chairs used in conjunction with the sidewalk cafe and the number of chairs inside the restaurant, as authorized by the license.
 - (4) A copy of a valid certificate of use for the restaurant in front of which the proposed sidewalk cafe will be operating.
 - (5) Copies of current certificates of insurance in the amounts and categories required by section 82-386.
 - (6) A site plan signed and sealed by a duly licensed architect or engineer which accurately depicts the layout and dimensions of the existing sidewalk area and adjacent private property; proposed location, size and number of tables, chairs, umbrellas, and any other sidewalk cafe furniture; and location of doorways, steps, trees and/or landscaped areas, fountains, parking meters, fire hydrants, bus shelters, directory/kiosks, public benches, trash receptacles, and any other existing public fixtures, furnishings and/or other obstruction(s), within the proposed sidewalk cafe area. The sidewalk cafe site plan shall be approved by the city manager prior to the issuance of a sidewalk cafe permit and the permit shall be specifically limited to the subject area shown on the approved site plan.
 - (7) Photographs, drawings or manufacturer's brochures fully describing the appearance and dimensions of all proposed tables, chairs, umbrellas, and any other sidewalk cafe furniture related to the operation of the sidewalk cafe. Tables, chairs, umbrellas, and any and all other sidewalk cafe furniture shall be approved by the city manager prior to the issuance of a sidewalk cafe permit.
 - (8) A copy of the approved sidewalk cafe site plan, shall be maintained on the permittee's premises and shall be available for inspection by city personnel at all times.
 - (9) The annual application shall be accompanied by a non-refundable base application fee as set forth in appendix A.
 - (10) Applications shall be reviewed for compliance with applicable city, state and federal laws, and must be reviewed and approved by the city's public works department; fire department; office of risk management; finance department; planning and zoning department; and building department.
 - (11) Prior to issuance of a sidewalk cafe permit, the city's chief financial officer shall certify that there are no outstanding fines, monies, fees, taxes or other charges owed to the city by the applicant/permittee and/or the business establishment/restaurant. A sidewalk cafe permit will not be issued until all outstanding debts to the city are paid in full.
 - (12) No sidewalk cafe permit shall be issued to a restaurant whose occupational license or certificate of use is limited to take-out service and does not have inside seating.

- (13) A sidewalk cafe permit may not be transferred and/or otherwise assigned. A new owner and/or operator of a restaurant and/or business establishment with a sidewalk cafe permit will be required to apply for and obtain a new permit.
 - (14) The permit covers only the public right-of-way. Tables and chairs on private property will be governed by other applicable regulations. No outdoor seating authorized pursuant to this division shall be used for calculating seating requirements pertaining to location of, applications for, or issuance of, a liquor license; nor shall the outdoor seating be used as the basis for computing required seating for restaurants, or as grounds for claiming exemption from such requirements under the provisions of any applicable city, county, and/or state law.
 - (15) Sidewalk cafes shall comply with all applicable accessibility codes including, without limitation, the Americans with Disabilities Act (ADA), and state code provisions addressing accessibility for building construction, as same may be amended from time to time.
 - (16) A sample menu that will be used by the sidewalk cafe to display or disclose prices for food and drink menu item(s), or display or disclose those prices for any food and drink menu special(s). The sample menu must display or disclose food or drink menu item(s) or food and drink menu special(s) in a size (font) and typeface that is at least as large as the name of the menu or food item.
 - (17) An affidavit by the sidewalk café that the inclusion of an automatic gratuity or service charge, either in the price of the meal or drink or separately imposed for all items ordered, will be disclosed on the menu and the face of the bill. The affidavit shall state that the notification to the customer of an automatic gratuity or service charge is being included consistent with, and pursuant to, those requirement(s) set forth in Section 82-381(l).
- (c) Renewals. As provided in subsection 82-371(b), a permittee who has been issued more than six violations pursuant to this division within a permit year, shall be prohibited from applying for and obtaining a sidewalk cafe permit for the following two consecutive permit years.

SECTION 3. That Section 82-385 of Subdivision II of Division 5 of Article IV of Chapter 82 of the Code of the City Miami Beach is hereby amended as follows:

**CHAPTER 82
PUBLIC PROPERTY**

* * *

ARTICLE IV. Uses in Public Rights-of-Way

* * *

**DIVISION 5. Sidewalk Cafes
Subdivision II. Permit**

Sec. 82-385. Minimum standards, criteria, and conditions for operation of sidewalk cafes.

- (a) The permittee shall take any and all actions to assure that its use of the public right-of-way in no way interferes with patrons of other sidewalk cafes, or limits their free, unobstructed passage thereto.
- (b) Sidewalk cafes shall be located in such a manner that a distance of not less than five feet is maintained at all times as a clear and unobstructed five-foot pedestrian path around public amenities and areas such as, by way of example, fountains, landscaped areas (excluding city planters), and seating/shade structures. Notwithstanding the preceding, the city manager, in his reasonable judgment and discretion, and on a case-by-case basis, may approve and allow for a pedestrian path of less than five feet where an applicant/permittee's sidewalk cafe operation would be significantly impacted. In considering such cases, and in determining whether an applicant/permittee is "significantly impacted," the city manager may apply the criteria set forth in subsections 82-384 (c)(1)—(4). A five-foot pedestrian path shall also be required and established where the city manager, in his reasonable judgment and discretion, determines that the operation of a sidewalk cafe inhibits pedestrian access to an adjacent business establishment or adversely affects the visibility of an adjacent storefront.
- (c) No tables, chairs, umbrellas, or other sidewalk cafe furniture shall be permitted within ten feet of a bus bench and/or bus shelter. A distance of five feet shall be maintained from taxi stands, fire hydrants, bike racks, directory signage/kiosks, and/or other similar public street furniture and/or fixtures.
- (d) No tables, chairs, umbrellas or other sidewalk cafe furniture shall be permitted within five feet of an alley, pedestrian crosswalk, or corner curb cut.
- (e) The pedestrian path for Lincoln Road shall be a 12-foot clear path for emergency and maintenance vehicles. The exact location of the path on each block shall be determined by the city manager, in his reasonable judgment and discretion, and shall be incorporated into the sidewalk cafe site map of Lincoln Road.
- (f) No object shall be permitted around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the free use of the tables and chairs by the public, or (in the case of Lincoln Road) which would have the effect of obstructing the pedestrian path or public access between the north and south sides of Lincoln Road.
- (g) The area covered by a sidewalk cafe permit, and the sidewalk and street immediately adjacent to it, shall be maintained in a clean, neat and orderly appearance at all times by the permittee. The area of the sidewalk, curb and gutter immediately adjacent to the sidewalk cafe shall be cleared of all debris during hours of operation, and again at the close of each business day, or as may otherwise be determined by the city manager. The permittee shall be responsible for pressure cleaning the floor surface on which the sidewalk cafe is located at the close of each business day. The city shall pressure wash the right-of-way from time to time in accordance with such schedule as shall be established in the reasonable judgment and discretion of the city manager. In establishing said schedule, the city manager shall use reasonable efforts to assure that the city's pressure cleaning of the public right-of-way occurs at such times as will cause the least disruption to sidewalk cafe operations.

- (h) Tables, chairs, umbrellas and any other sidewalk cafe furniture shall be maintained in a clean, attractive, and orderly appearance, and shall be maintained and kept in good repair at all times.
- (i) All sidewalk cafe furniture shall be of high quality, design, materials, and workmanship so as to ensure the safety and convenience of the public.
- (j) Only the sidewalk cafe furniture specifically shown on the approved sidewalk cafe site plan shall be allowed in the permit area.
- (k) All tables, chairs, umbrellas, and any other sidewalk cafe furniture shall be readily removable, and shall not be physically attached, chained, or in any other manner affixed to any public structure, street furniture, signage, and/or other public fixture, or to a curb and/or public right-of-way.
- (l) The stacking or piling up of chairs shall be prohibited on the right-of-way. On Lincoln Road Mall, tables, chairs and closed-up umbrellas may only remain on the right-of-way (within the permit area) as long as they are placed in an orderly manner. Notwithstanding the foregoing, on Lincoln Road Mall tables, chairs and closed-up umbrellas may remain on the right-of-way as long as 80 percent of the restaurants on Lincoln Road Mall are open for lunch beginning at 11:00 a.m. The city will make this determination on two separate times during each permit year. The first determination shall be made on October 1, with the second determination being made on April 1 of each year. The phrase "open for lunch" shall be defined by the serving of meals to patrons during the lunch hour. If the city determines that less than 80 percent of the restaurants on Lincoln Road Mall are open for lunch on either October 1 or April 1 of a permit year, then the following regulation shall apply to all restaurants on Lincoln Road Mall. Any and all other sidewalk cafe furniture including without limitation, rolling service stations, service carts and bussing stations, may only be maintained in the permit area during hours of operation provided however, that planters that cannot be readily removed may remain within the permit area subject to the provisions of subsection (s) hereof. On Lincoln Road Mall, rolling service stations, service carts, and bussing stations shall not be permitted to be placed within five feet of the walls, columns, or posts of the Lapidus structures, city planters, or in front of other storefronts and/or business establishments. Notwithstanding anything contained in this subsection (l), the city manager may require a permittee to store its tables, chairs and/or umbrellas off of the right-of-way if, in his reasonable judgment and discretion, the city manager determines that the sidewalk cafe permit area and immediately adjacent public right-of-way are not being adequately maintained in accordance with this division.
- (m) No storage of dishes, silverware or other similar sidewalk cafe equipment shall be allowed in the permit area, or in any other portion of the public right-of-way, or outside the structural confines of the building in which the restaurant is located, during non-business hours.
- (n) There shall be no live entertainment or speakers placed in the permit area unless expressly permitted as a special event. Conditions such as hours and days of operation and audio levels will be regulated by the city's special events office, and these may vary during the year.
- (o) One menu board and one specials board shall be permitted, per sidewalk cafe, for every 50 feet of frontage.
- (p) No food preparation, food storage, expanded polystyrene food service articles, refrigeration apparatus or equipment, or fire apparatus or equipment, shall be allowed on the right-of-way. In addition, expanded polystyrene food service articles shall not be provided to sidewalk café patrons.

- (q) No food displays shall be permitted on the public right-of-way. No advertising signs or business identification signs shall be permitted on the public right-of-way except that the restaurant name and/or its logo may be permitted on umbrellas but such logos and/or lettering may not exceed six inches in height.
- (r) Umbrellas shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than six feet eight inches above the right-of-way. Two or more umbrellas may not be clipped, zipped or otherwise fastened together in order to form a tentlike structure. Clear plastics or other materials may not be fastened, rolled or otherwise be attached to umbrella edges in order to create an enclosure.
- (s) The city manager may permit the use of planters manufactured of terra-cotta or polymer materials, with the number and size to be reviewed at time of application. Placement of planters within sidewalk cafe areas shall be five feet apart or greater. It shall be the permittee's responsibility to immediately remove planters, upon written and/or verbal notice from the city manager, in case of emergency or other circumstances as provided in this division. Maximum size of planters shall not exceed the following:
 - (1) Rectangular planters: 30 inches long, by 15 inches wide by 20 inches high.
 - (2) Round planters: 24 inches diameter by 24 inches high.
 - (3) Planters 20 inches or higher shall be on rollers or on rolling bases.
 - (4) The combination of planters and plant height should not exceed a table height of 34 inches.

Plants shall be properly maintained. Distressed plants shall be promptly replaced. Plant fertilizers which contain material that can stain the sidewalks shall not be allowed. Water drainage from any plants onto the sidewalk shall not be allowed. Potted plants shall have saucers or other suitable systems to retain seepage.

- (t) Permittees may make written request to the city manager to use city electricity for powering floor fans during the summer months. Summer months are defined as the period beginning on May 1, and ending on September 30. The city manager will make electrical outlets operable upon payment of a flat fee, which fee shall be determined, and may be adjusted from time to time, in the reasonable judgment and discretion of the city manager, for each of the calendar days during the summer months. City electrical outlets will be restricted to powering floor fans only. Using the electrical outlets for powering lights, menu board lighting, and any other electrical device is strictly prohibited. Permittees violating this restriction will have the electrical boxes deactivated and forfeit any monies paid for electrical use. Fans must be UL approved for outdoor use. Extension cords are not allowed.
- (u) No permit shall be granted on Lincoln Road in an area designated in the sidewalk cafe site map as restricted for special and cultural events; provided however, that the city manager may approve temporary use of such area(s), on a case by case basis, and only for a defined, limited time.
- (v) A sidewalk café shall be prohibited from continuing its operation until such time that it displays or discloses prices for food and drink menu item(s), or displays or discloses those prices for any food and drink menu special(s), consistent with those requirements set forth in Section 82-381(h) and 82-382(16).

(w) A sidewalk café that automatically includes a gratuity or service charge, either in the price of the meal or drink or separately imposed for all items ordered, and fails to properly notify the customer of the automatic gratuity or service charge is prohibited from operating on the City's property. The notification must be consistent with those requirements set forth in Sections 82-381(l) and 82-382(17).

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect on the 1st day of January, 2016.

PASSED AND ADOPTED this _____ day of _____, 2015.

ATTEST:

Rafael E. Granado, City Clerk

Mayor Philip Levine

(Sponsored by Commissioner Micky Steinberg)

Underline denotes additions

Double underline denotes additions after First Reading

~~Strike through~~ denotes deletions

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

Rafael E. Granado 10-12-15
City Attorney Date
AB

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 2 TO THE DESIGN-BUILD AGREEMENT BETWEEN THE CITY AND LANZO CONSTRUCTION CO., FLORIDA, FOR DESIGN-BUILD SERVICES FOR NEIGHBORHOOD NO. 13: PALM AND HIBISCUS ISLANDS RIGHT-OF-WAY INFRASTRUCTURE IMPROVEMENT PROJECT, DATED SEPTEMBER 18, 2014 (THE CONTRACT); SAID AMENDMENT INCLUDING ADDITIONAL DESIGN SERVICES REQUIRED TO MEET THE REVISED CITY LANDSCAPE ORDINANCE, THE HOME OWNERS ASSOCIATION COMMENTS, AND THE CITY'S FIRE DEPARTMENT ANALYSIS, IN THE NOT-TO-EXCEED AMOUNT OF \$73,240 WITH PREVIOUSLY APPROPRIATED FUNDING.

WHEREAS, on July 17, 2013, the City Commission adopted Resolution No.2013-28251 approving the negotiations with Lanzo Construction Co., Florida (Lanzo) pursuant to Request for Qualifications (RFQ) No. 251-2013TC, for Design-Build Services for Neighborhood No. 13: Palm and Hibiscus Islands Right-of-Way Infrastructure Improvement Project, and further authorizing the Mayor and City Clerk to execute an agreement for pre-construction services upon completion of successful negotiations; and

WHEREAS, the City negotiated Design and Pre-Construction Services with Lanzo Construction Co. in the lump sum amount of \$599,464; and

WHEREAS, on February 12, 2014, pursuant to the recommendation of the Mayor's Blue Ribbon Panel on Flooding and Sea Rise and the Flooding Mitigation Committee, the City Commission approved to amend the City's Storm Water Management Master Plan by modifying the design criteria for the tailwater elevation and adopted an elevation of 2.7 ft-NAVD for all tidal boundary conditions; and

WHEREAS, on November 19, 2014, the City Commission adopted Resolution No. 2014-28852, approving Amendment No.1, in the amount of \$251,016, which included additional design services associated with the adopted enhanced storm water criteria, and which amendment was executed by the City on December 1, 2014; and

WHEREAS, the proposed Amendment No. 2 to the Agreement, incorporating additional design services required to meet the revised city landscape ordinance, comments from Home Owners Association, the analysis from the City's Fire Department, the Public Works Department (PWD) change in criteria relating to the placement of Florida Power and Light (FPL) transformers within the City Right-of-Way, and other design criteria clarification; and

WHEREAS, City staff, along with the Design Criteria Professional (Stantec Consulting Services), has evaluated the Design-Builder cost proposal for the additional services and is in agreement that the proposal is fair and reasonable; and

WHEREAS, the Administration recommends the execution of Amendment No. 2, in the negotiated not-to-exceed amount of \$73,240, will provide additional design services, and increase the total contract sum to a not-to-exceed total of \$923,720.

AMENDMENT NO. 2
TO THE AGREEMENT BETWEEN
CITY OF MIAMI BEACH, FLORIDA
AND
LANZO CONSTRUCTION CO., FLORIDA.,
FOR
PROGRESSIVE DESIGN-BUILD SERVICES FOR
NEIGHBORHOOD NO. 13: PALM AND HIBISCUS ISLANDS
RIGHT-OF-WAY INFRASTRUCTURE IMPROVEMENT PROJECT
DATED SEPTEMBER 18, 2014

This Amendment to the Agreement made and entered this ____ day of _____, 2015 by and between the City of Miami Beach, a Municipal Corporation existing under the laws of the State of Florida (hereinafter referred to as CITY), having its principal offices at 1700 Convention Center Drive, Miami Beach, Florida 33139, and **LANZO CONSTRUCTION CO., FLORIDA**, a Florida Corporation with its principal place of business located at 125 SE 5th Court, Deerfield Beach, Florida 33441 (Design-Builder).

RECITALS

WHEREAS, On July 17, 2013, the City Commission adopted Resolution No.2013-28251 approving the negotiations with Lanzo Construction Co. Florida (Lanzo) pursuant to Request for Qualifications (RFQ) No. 251-2013TC, for Design-Build Services for neighborhood No. 13: Palm and Hibiscus Islands Right-of-Way Infrastructure Improvement Project, further authorizing the Mayor and City Clerk to execute an agreement for pre-construction services upon completion of successful negotiations; and

WHEREAS, On February 12, 2014, the City Commission approved the recommendation by the Mayor's Blue Ribbon Panel on Flooding and Sea Rise and the Flooding Mitigation Committee to amend the City's Storm Water Management Master Plan by modifying the design criteria for the tailwater elevation and adopted an elevation of 2.7 ft-NAVD for all tidal boundary conditions; and

WHEREAS, On September 18, 2014, the City executed an agreement (Agreement) for Design and Pre-Construction Services with Lanzo Construction Co. in the lump sum amount of \$599,464; and

WHEREAS, On November 19, 2014, the City Commission adopted Resolution No. 2014-28852, approving Amendment No. 1 to the Agreement, in an amount not-to-exceed \$251,016, to include additional design services associated with the adopted enhanced storm water criteria (the Agreement and Amendment No. 1 shall be collectively referred to as the Agreement); and

WHEREAS, On October 14, 2015, the Commission approved this Amendment No. 2 to the Agreement, incorporating additional design services required to meet the revised city landscape ordinance, comments from Home Owners Association (HOA), the City's Fire Department analysis, Public Works Department (PWD) change in criteria relating to the placement of Florida Power and Light (FPL) transformers within the City Right-of-Way, and other design criteria clarification; and

WHEREAS, This Amendment No. 2 to the Agreement, increases the contract price by a no-to-exceed sum of \$73,240, and thereby increasing the total contract sum to a not-to-exceed total of \$923,720.

NOW, THEREFORE, the parties hereto, and in consideration of the mutual promises, covenants, agreements, terms, and conditions herein contained, and other good and valuable consideration, the respect and adequacy are hereby acknowledged, do agree as follows:

1. **ABOVE RECITALS**
The above recitals are true and correct and are incorporated as part of this Amendment No. 2.
2. **MODIFICATIONS**
The Agreement is amended to include "Attachment A-2", which is attached and incorporated herein.
3. **OTHER PROVISIONS.**
All other provisions of the Agreement, as amended, are unchanged.
4. **RATIFICATION.**
The CITY and DESIGN-BUILDER ratify the terms of the Agreement, as amended by this Amendment No. 2.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 2 to be executed in their names by their duly authorized officials as of the date first set forth above.

ATTEST:

CITY OF MIAMI BEACH

Rafael Granado, City Clerk

By _____
Philip Levine, Mayor

ATTEST:

**DESIGN-BUILD:
LANZO CONSTRUCTION CO., FLORIDA**

TITLE:

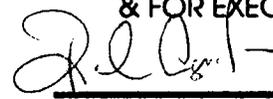
By _____
TITLE:

Print Name

Print Name

Attachment:
Attachment A-2

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

10-12-15

Date

Attachment A-2



*Delivering sustainable infrastructure solutions
for tomorrow's communities*

September 18, 2015

E-Mail (MarkTomczyk @MiamiBeachFl.gov)

City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Attention: Mark Tomczyk PE
Senior Capital Projects Coordinator

Reference: Neighborhood No. 13, Palm and Hibiscus Islands
F-430, AW-5, Additional Work Cost Presentation, \$73,240
Fire Department Policy Enforcement, Tree Ordinance Regulatory Change,
Work Requested by City during Design Pause, I Design Criteria Clarification Period, Revised

The following summarizes time and cost associated with Fire Department policy enforcement, Tree Ordinance Regulatory change, Work Requested by City during Design Pause and Design Criteria Clarification Period. Cost is summarized below. This revision to Lanzo's earlier letter and accommodates the Lanzo / City meeting of September 17th.

• Design Services (attached Wade Trim Letter of Sept. 18)		
○ Fire Department Policy Enforcement	22,758	
○ Tree Ordinance Regulatory Change	20,280	
○ Work Requested by City during Design Pause	12,184	
○ Design Criteria Clarification Period	9,660	
○ FPL Design Change	3,248	
	Subtotal	68,130
	7.5 % Mark-up	5,110
	Total	<u>73,240</u>

In addition to the Costs presented above, upcoming submittal dates were agreed upon at the September 10 meeting. Submittal date for the 90% drawings is expected on October 26, 2015, GMP (October 29), & 100% (November 9, 2015).

If I can be of assistance in your review, please call me at 954.931-6581.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Bob Beaty', is written over a horizontal line.

Bob Beaty, PE, Project Manager

Cc: F430, AW-005, Cost Presentation, 18-Sept
Miami Beach - O. Sanchez, Wade-Trim-D. Garcia, Lanzo-M. Bone



Additional Service Task	Estimated Additional Design Team Cost
Fire Department Policy Enforcement	\$ 22,758.00
Tree Ordinance Regulatory Change	\$ 20,280.00
Work Requested by City during Design Pause	\$ 12,184.00
Design Criteria Clarification Period	\$ 9,660.00
FPL Design Change	\$ 3,248.00
TOTAL	\$ 68,130.00



Design Changes to Address Fire Department Comments

Roads to be modified
 E 1 Court, E 2 Court, E 3 Court, E 4 Court
 W 1 Court, W 2 Court, W 3 Court, W 4 Court
 Palm Midway East, Palm Midway West

Wade Trim

Task Description	Principal		Project Manager		Senior Civil Engineer		Designer	Clerical	Man-hour Subtotal	Other Direct Costs	Subtotal incl. Direct Costs
	\$		\$		\$						
Miami Beach Hourly Rates	3	150.00	6	120.00	5	120.00	0	2	16	-	1,840.00
Project Management and Coordination	1		4		4		0	0	9	-	1,110.00
Fire department comments	0		1		0		0	0	1	-	120.00
Meeting with Fire department Aug 18, 2015	0		1		0		0	0	1	-	120.00
Fire department field visit Aug 19, 2015	0		3		0		0	0	9	-	1,080.00
AutoTURN analysis and documents	2		4		8		8	0	22	-	2,404.00
Water Main Redesign	2		3		8		8	0	21	-	2,284.00
Street Lighting Redesign	8		22		31		16	2	79	-	8,958.00
Subtotal											

Craig A. Smith and Associates

Task Description	Senior Civil Engineer		Senior CADD Technician		Senior CADD Associate	Senior CADD Technician	Man-hour Subtotal	Other Direct Costs	Subtotal incl. Direct Costs
	\$		\$						
Miami Beach Hourly Rates	8	120.00	16	60.00	0	0	24	-	1,920.00
Roadway Reconfiguration	20		40		0	0	60	-	4,800.00
Regrading/Hardscape	8		16		0	0	24	-	1,920.00
Subtotal									

Savino Miller

Task Description	Principal		Senior CADD Associate		Senior CADD Technician		Man-hour Subtotal	Other Direct Costs	Subtotal incl. Direct Costs
	\$		\$		\$				
Miami Beach Hourly Rates	4	150.00	21	120.00	34	60.00	59	-	5,160.00
Tree removal, protection and mitigation plans for additional vegetation impacted by the increased width of the roadway	4		21		34		59	-	5,160.00
Subtotal									



New City Tree Ordinance

Wade Trim

Task Description	Principal	Project Manager	Senior Civil Engineer	Designer	Clerical	Man-hour Subtotal	Subtotal	Other Direct Costs	Subtotal incl. Direct Costs
Miami Beach Hourly Rates	\$ 150.00	\$ 120.00	\$ 120.00	\$ 83.00	\$ 35.00				
Project Management and Coordination	2	16	8	0	0	26	\$ 3,180.00	\$ -	\$ 3,180.00
Subtotal	2	16	8	0	0	26	\$ 3,180.00	\$ -	\$ 3,180.00

Savino Miller

Task Description	Principal	Associate	Senior CADD Technician	Designer	Clerical	Man-hour Subtotal	Subtotal	Other Direct Costs	Subtotal incl. Direct Costs
Miami Beach Hourly Rates	\$ 150.00	\$ 120.00	\$ 60.00	\$ -	\$ -				
Response to additional CMB and HOA 60% comments, meeting with City and Mark Williams, response to Wade Trim and Lanzo's questions, prepared additional services proposals, calculated tree removals and mitigation requirements based on the different scenarios that Wade Trim provided at CMB request, and reviewed new CMB tree ordinance. Tree removal, protection and mitigation plans for additional vegetation to meet the more stringent mitigation requirements set by the recently adopted City of Miami Beach Tree Ordinance	4	32	40	0	0	76	\$ 6,840.00	\$ -	\$ 6,840.00
Subtotal	12	42	57	0	0	111	\$10,260.00	\$ -	\$ 10,260.00
	16	74	97	0	0	187	\$17,100.00	\$ -	\$ 17,100.00



Additional Work from June 19, 2015 to July 16, 2015

Wade Trim

Task Description	Principal	Project Manager	Senior Civil Engineer	Designer	Clerical	Man-hour Subtotal	Subtotal	Other Direct Costs	Subtotal incl. Direct Costs
Miami Beach Hourly Rates	\$ 150.00	\$ 120.00	\$ 120.00	\$ 83.00	\$ 35.00				
Progress meeting June 25, 2015	1	5	3	0	0	9	\$ 1,110.00	\$ -	\$ 1,110.00
Progress meeting July 16, 2105	1	5	3	0	0	9	\$ 1,110.00	\$ -	\$ 1,110.00
Additional HOA comments	1	12	6	8	0	27	\$ 2,974.00	\$ -	\$ 2,974.00
Project Management	1	16	4	0	0	21	\$ 2,550.00	\$ -	\$ 2,550.00
Subtotal	4	38	16	8	0	66	\$ 7,744.00	\$ -	\$ 7,744.00

Craig A. Smith and Associates

Task Description	Principal	Senior Civil Engineer	Senior CADD Technician	Man-hour Subtotal	Subtotal	Other Direct Costs	Subtotal incl. Direct Costs
Miami Beach Hourly Rates	\$ 150.00	\$ 120.00	\$ 60.00				
Progress meeting June 25, 2015	0	3	0	3	\$ 360.00	\$ -	\$ 360.00
Progress meeting July 16, 2105	0	0	0	0	\$ -	\$ -	\$ -
Additional HOA comments	2	16	0	18	\$ 2,220.00	\$ -	\$ 2,220.00
Subtotal	2	19	0	21	\$ 2,580.00	\$ -	\$ 2,580.00

Savino Miller

Task Description	Principal	Associate	Senior CADD Technician	Man-hour Subtotal	Subtotal	Other Direct Costs	Subtotal incl. Direct Costs
Miami Beach Hourly Rates	\$ 150.00	\$ 120.00	\$ 60.00				
Additional HOA comments	2	8	10	20	\$ 1,860.00	\$ -	\$ 1,860.00
Subtotal	2	8	10	20	\$ 1,860.00	\$ -	\$ 1,860.00



Additional Work from July 17, 2015 to August 20, 2015

Wade Trim

Task Description	Principal		Project Manager		Senior Civil Engineer		Designer	Clerical	Man-hour Subtotal	Subtotal	Other Direct Costs	Subtotal incl. Direct Costs
	\$		\$		\$							
Miami Beach Hourly Rates	2	150.00	8	120.00	3	120.00	0	0	13	\$ 1,620.00	-	\$ 1,620.00
Progress meeting July 23, 2015	0		8		0		0	0	8	\$ 960.00	-	\$ 960.00
Progress meeting Aug 6, 2015	2		8		0		0	0	10	\$ 1,260.00	-	\$ 1,260.00
Progress meeting Aug 20, 2015	2		15		4		0	0	21	\$ 2,580.00	-	\$ 2,580.00
Project Management	6		39		7		0	0	52	\$ 6,420.00	-	\$ 6,420.00
Subtotal												

Craig A. Smith and Associates

Task Description	Principal		Senior Civil Engineer		Senior CADD Technician		Designer	Clerical	Man-hour Subtotal	Subtotal	Other Direct Costs	Subtotal incl. Direct Costs
	\$		\$		\$							
Miami Beach Hourly Rates	2	150.00	0	120.00	0	60.00	0	0	2	\$ 300.00	-	\$ 300.00
Progress meeting July 23, 2015	0		3		0		0	0	3	\$ 360.00	-	\$ 360.00
Progress meeting Aug 6, 2015	0		3		0		0	0	3	\$ 360.00	-	\$ 360.00
Progress meeting Aug 20, 2015												
Evaluating swale definitions as requested, and consideration of proposed design changes	2		16		0		0	0	18	\$ 2,220.00	-	\$ 2,220.00
Regrading/Hardscape	0		0		0		0	0	0	\$ -	-	\$ -
Drainage	0		0		0		0	0	0	\$ -	-	\$ -
Subtotal	4		22		0		0	0	26	\$ 3,240.00	-	\$ 3,240.00

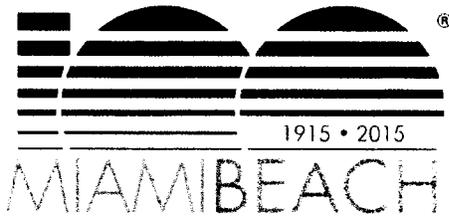


Design Changes to Address Public Works Comments to FPL Design

Wade Trim

Task Description	Principal	Project Manager	Senior Civil Engineer	Designer	Clerical	Man-hour	Subtotal	Other Direct Costs	Subtotal incl. Direct Costs
Miami Beach Hourly Rates	\$ 150.00	\$ 120.00	\$ 120.00	\$ 83.00	\$ 35.00	28	\$ 2,768.00	\$ -	\$ 2,768.00
Utility Undergrounding Redesign	0	4	8	16	0	4	\$ 480.00	\$ -	\$ 480.00
Project Management	0	4	0	0	0	4	\$ 3,248.00	\$ -	\$ 3,248.00
Subtotal	0	4	0	0	0	4	\$ 3,248.00	\$ -	\$ 3,248.00

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OFFICE OF THE CITY MANAGER

NO. LTC# 399-2015

LETTER TO COMMISSION

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: October 12, 2015

SUBJECT: MDPD INVESTIGATION OF MBPD OFFICER INVOLVED SHOOTINGS

This Letter to Commission is prepared to advise the Commission that the Miami Beach Police Department has entered into an agreement and changed Department policy to reflect that the Miami-Dade Police Department will now be the lead investigative agency in officer-involved shootings and other critical incidents occurring on Miami Beach.

The attachments to this LTC include the new MBPD policy and the exchange of letters between our Police Chief and the Director of the Miami-Dade Police Department that reflect this new agreement. The Miami-Dade Police Department will perform this duty under the terms of our already existing Mutual Aide Agreement, a service it already provides to many other cities and police departments in the county.

The Police Chief first presented this issue to the Commission in May in response to a Commission member's inquiry. At the time, the Chief advised that the MBPD was receptive to having an outside agency handle these kinds of investigations, consistent with the national trend and new industry best practice of police departments no longer investigating their own shootings/critical incidents. Both the City of Miami and the Miami-Dade Police Department recently took similar action, shifting their investigations to the Florida Department of Law Enforcement (FDLE).

Chief Oates advised the Commission at the May meeting that MBPD would either ask FDLE or Miami-Dade County to handle these investigations. After full discussions with all parties concerned, including the Fraternal Order of Police and the State Attorney, it was mutually decided that asking the Miami-Dade Police Department to be our lead investigative agency on officer-involved shootings/critical incidents was best for MBPD at this time. This policy will be monitored and evaluated going forward and will be revised as needed.

Chief Oates will present this item for further discussion and inquiry by Commission members at Wednesday's Commission meeting. FOP President Bobby Jenkins is also expected to be in attendance and provide comment.

Attachments

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	STANDARD OPERATING PROCEDURE	SOP #156
	CRITICAL INCIDENT INVESTIGATIONS	
	CALEA Standard(s):	

PURPOSE: To establish guidelines and procedures for the investigation of critical incidents.

SCOPE: This Standard Operating Procedure (SOP) applies to all Department employees.

POLICY: On July 8, 2015 the Miami Beach Police Department (MBPD), the Miami-Dade Police Department (Miami-Dade) and Office of The State Attorney for the Eleventh Judicial Circuit of Florida (SAO) entered into an understanding regarding criminal investigations of critical incidents as described hereafter.

PROCEDURE:

I. Predicate Events

1. The occurrence of any of the following predicate events will, upon request by the MBPD Chief of Police or his/her designee, initiate investigative and forensic involvement, assistance or coordination by MIAMI-DADE:
 - a. The shooting of a person by a MBPD law enforcement officer acting in the line of duty; or
 - b. The death of an arrestee in the care, custody or control of a MBPD law enforcement officer; or
 - c. The death of an intended arrestee during an arrest attempt by a MBPD law enforcement officer; or
 - d. Any other incident at the discretion of the MBPD Chief of Police.

II. MBPD Member On-Scene Responsibilities

1. Upon the occurrence of any of the enumerated predicate events, MBPD members on the scene shall:
 - a. Ensure procedures set forth in SOP 017 – Use of Force, SOP 152 – Body Worn Cameras and all other applicable policies and procedures are followed.
 - b. Ensure emergency medical services are provided to injured persons;
 - c. Ensure a secure crime scene perimeter is established with restricted access. Only emergency medical and essential law enforcement personnel will be permitted inside the crime scene perimeter.
 - d. Ensure the scene remains secured, that physical evidence and documentation is protected and preserved and that all law enforcement and citizen witnesses are identified and separated pending initial interview by assigned investigators.
 - e. Ensure the MBPD Staff Duty Officer is promptly notified of the incident via the Chain of Command. The Staff Duty Officer will serve as the Incident Point of Contact (IPOC) and notify the MBPD Chief of Police or his/her designee of the incident.

III. MBPD Staff Duty Officer Responsibilities

1. Upon direction from the MBPD Chief of Police or his/her designee, the MBPD Staff Duty Officer shall promptly notify MIAMI-DADE of the critical incident through its Homicide Bureau or Shift Commander and request a MIAMI-DADE Critical Incident Team be dispatched to initiate an investigation and to coordinate laboratory services at the scene. Telephone numbers are:
 - a. **Homicide Bureau – (305) 471-2400**
 - b. **Shift Commander – (305) 596-8176**
2. The Staff Duty Officer shall ensure notification of the incident is made to the following MBPD members:
 - a. Criminal Investigation Section, Major Crimes Squad;
 - b. Internal Affairs Unit; and
 - c. Fraternal Order of Police through its President or his/her designee.

IV. Investigative Responsibilities

1. Miami-Dade Police Department
 - a. Upon receipt of notification from the MBPD that any of the enumerated predicate events have occurred, MIAMI-DADE will immediately implement an investigation pursuant to its procedures governing investigations of officer-involved shootings, in-custody death incidents and/or other critical incidents.
 - b. MIAMI-DADE will be the lead agency, in consultation with the State Attorney's Office, responsible for conducting all interviews and sworn statements of witnesses and subject officers related to the predicate events outlined in Section 1 above.
 - c. MIAMI-DADE will assume operational direction of investigations and forensic assistance or coordination. MIAMI-DADE may request the assistance of MBPD personnel or personnel from the MBPD and/or other law enforcement agencies.
 - d. At the appropriate stage(s) of an investigation initiated under this process, MIAMI-DADE will forward copies of all investigative reports and investigative summaries to the State Attorney having jurisdiction over the case and to the MBPD for review. Transmittal of reports and summaries will be done so as to preserve any applicable exemptions from public disclosure and to maintain any confidentiality of information that may apply.
 - e. MIAMI-DADE will submit all final reports to the State Attorney for review. MIAMI-DADE will report the material factual findings of the investigation but will offer no recommendations or reach legal conclusions concerning whether the force used, if any, was justified.
2. Miami Beach Police Department
 - a. MBPD will conduct the investigation related to any underlying criminal activity that preceded or occurred at the same time as the predicate events outlined in Section 1 above, when applicable.
 - b. The MBPD will retain overall direction and responsibility for any internal or administrative investigations initiated in response to the occurrence of any of the enumerated predicate events.
 - c. MBPD will provide any assistance requested by MIAMI-DADE during and after the on-scene investigation. Assistance may include, but not be limited to, collection of evidence from the scene, suspects, vehicles, involved law enforcement personnel or radio communications tapes.

- d. The MBPD may issue initial press statements acknowledging an incident, reporting the status of the law enforcement officer(s) involved in the incident, and referral to the investigative process.

DO/LH/WRG/RC/DM/JAB/PS

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APPROVED BY:

Daniel J. Oates

Daniel J. Oates

Chief of Police

References to Forms: None

Effective Date: 10/12/2015
Revised Date:

SOP #156
Page 3 of 3

MIAMI BEACH
POLICE



Miami Beach Police Department, 1100 Washington Ave, Miami Beach, FL 33139, www.miamibeachfl.gov
OFFICE OF THE CHIEF OF POLICE
Tel: 305.673.7925, E-mail: danieloates@miamibeachfl.gov

July 8, 2015

Director JD Patterson
Miami Dade Police Department
9105 NW 25th Street
Miami, Florida 33172

Dear Director Patterson:

I am writing to memorialize the understanding you and I have reached regarding the Miami-Dade Police Department ("MDPD") and the City of Miami Beach Police Department ("MBPD") and those criminal investigations involving in-custody deaths, officer-involved shootings and other police-involved incidents for which the MBPD Chief of Police, or his/her designee, may request the assistance of MDPD investigators.

As we have discussed, the MDPD agrees that it will investigate any incident involving in-custody deaths, officer-involved shootings and other police-involved incidents when requested to do so by the MBPD Chief of Police, or his/her designee. The MDPD agrees to furnish all necessary personnel, equipment, facilities and other resources needed to conduct its investigation of such incidents. This shall include the cooperation of MDPD for any potential or anticipated criminal or civil proceedings arising from such an incident or investigation.

Once the MBPD Chief of Police, or his/her designee, makes such a request, the MDPD will become the lead investigative agency. MBPD will provide resources and assistance to support the investigation when requested to do so by MDPD.

Should you have any questions or concerns regarding this matter, please contact me to discuss in further detail. Otherwise, it would be helpful if you would provide written confirmation acknowledging this understanding.

Thank you for your understanding and support of this initiative and for the ongoing assistance your agency provides to the MBPD on a regular basis.

Sincerely,

Daniel J. Oates
Chief of Police



**Miami-Dade Police
Department**

Director's Office



An Internationally
Accredited
Police Service

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July 20, 2015

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Chief Daniel J. Oates
Miami Beach Police Department
1100 Washington Avenue
Miami Beach, Florida 33139

Dear Chief Oates:

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We are in receipt of your recent correspondence requesting the Miami-Dade Police Department (MDPD) assist your department with certain complex investigations such as in-custody deaths, officer-involved shootings and other police involved incidents wherein you or your designee specifically request investigative assistance.

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When such assistance is requested, MDPD will furnish all necessary personnel, equipment, facilities and other resources needed to conduct its investigation, and will participate as required in any related criminal or civil proceedings arising from such investigation. MDPD representatives will be available to meet with your staff and union leadership to answer any questions.

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We look forward to working with your agency and appreciate your offer of assistance to support our investigations as needed. Please contact me directly at 305-471-3518, should you have any additional concerns.

Sincerely,

J.D. Patterson
Director

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