



**City Commission Meeting - Budget Related**  
**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive**  
**September 30, 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.*

Meeting called to order at 5:03:48 p.m.

Pledge of Allegiance given by John Woodruff, Budget & Performance Department Director and Interim Financial Officer.

**5:05:00 p.m.**

Rafael E. Granado, City Clerk, announced items or withdrawn and read corrections into the record.

**Items Withdrawn:**

R5D-1

**SUPPLEMENTAL MATERIAL 1:**

- R5D1 Item withdrawn by Commissioner Wolfson
- R5D2 Memorandum & Ordinance
- R7D1 Memorandum & Resolutions
- R7D2 Memorandum & Resolutions

**SUPPLEMENTAL MATERIAL 2:**

R7H Resolution & Draft Agreement  
R7LO Memorandum & Resolution

**CONSENT AGENDA****8:16:14 p.m.**

Motion by Commissioner Weithorn, seconded by Commissioner Malakoff to pass the Consent Agenda. Voice-vote: 6-0; Absent: Mayor Levine

**C4 - Commission Committee Assignments**

- C4A Referral To The October 5, 2015 Finance And Citywide Projects Committee – Discussion Regarding The Entrance Of Biscayne Point.  
(Sponsored by Commissioner Jonah Wolfson)

**ACTION:** Item referred. **Juan Rodriguez to place on the committee agenda. David Martinez and Eric Carpenter to handle.**

**C6 - Commission Committee Reports**

- C6A Report Of The August 28, 2015, Finance And Citywide Projects Committee Meeting: **1.** Discussion Of The Issuance Of The Convention Center Bonds.

**ACTION:** The item was presented in accordance with Ordinance 2007-3582 Article V entitled "Finance." Section 2-278 entitled "Procedures governing the issuance of bonds" requires that prior to the adoption by the City Commission of the final resolution approving the issuance of any bonds by the City, the fiscal analysis of the proposed bonds being issued be brought before the City's Finance and Citywide Projects Committee for review and consideration.

The total cost of the Convention Center project is estimated to be \$596.4 million of which \$54.4 million are County GO Bonds, \$204.5 million are proposed Resort Tax Bonds, \$64.8 million are proposed Parking Bonds and \$308.6 million from proposed RDA Bonds. The estimated annual revenues from the project, as well as the estimated annual cost of maintaining, repairing and operating the project were also reviewed and considered.

**C7 - Resolutions**

- C7A A Resolution Setting A Public Hearing To Consider A Revocable Permit Request By Lincoln Centurion Retail, LLC., (A Delaware Limited Liability Company For Lincoln Road), Located At 643-657 Lincoln Road, To Permit A Proposed Awning That Projects Over The Public Right-Of-Way, With Dimensions Not To Exceed One Hundred Feet By Nine Feet (100' X 9') Along The Sidewalk.  
(Public Works)

**ACTION: Resolution 2015-29139 adopted.** Public Hearing scheduled for October 14, 2015. **Eric Carpenter to handle.**

**REGULAR AGENDA****R5 - Ordinances****8:02:21 p.m.**

R5A An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: Providing For The Classifications In Group VII, Comprised Of At-Will Employees Commonly Referred To As "Unclassified Employees"; Revising The Pay Range For The City Manager And The City Attorney To Reflect The 3 Percent Cost Of Living Adjustment That Went Into Effect October 1, 2014; Adjusting The Pay Range For The Assistant Director-Public Works, Auditor, Tax Auditor, Senior Auditor, Assistant Internal Auditor, Asset Manager, Assistant Director-Human Resources, Construction Manager, Management And Budget Analyst, Agenda Coordinator, Transportation Manager And Financial Analyst; Establishing The Following Newly Created Classifications: Assistant To The City Attorney, CAO Paralegal Specialist, Beach Maintenance Director, Administrative Officer-City Manager's Office, Administrative Officer-Planning Department, Assistant Emergency Management Director, Capital Projects Director For The Convention Center District, Assistant Director-Parking Services Compliance, Employee Benefits Manager, Fire Administrative Services Manager, Greenspace Division Director, Fire Inspection Supervisor, Fire Communications Manager, Procurement Contracting Analyst, Streets And Street Lighting Superintendent, Parks And Recreation Projects Coordinator, Parks And Recreation Project Supervisor, Clerk Of Boards, Emergency Management Technician, Police Accreditation Manager, Grants Management Specialist, Rapid Response Team And Excellence Program Assessor; Reclassifying From Development Coordinator To Marketing, Tourism And Development Manager; Grants Manager To Grants Officer, From City Surveyor To City Surveyor Manager, Chief Protection Analyst To Fire Protection Analyst Section Manager, From Streets, Lighting And Stormwater Superintendent To Stormwater Superintendent, Parks Superintendent To Greenspace Superintendent, From Procurement Coordinator To Procurement Contracting Officers I And II, Senior Procurement Specialist To Procurement Contracting Officer III And From Leasing Specialist To Real Estate Asset Specialist; Deleting The Following Obsolete Classifications: Affirmative Action Officer, Assistant Director-Neighborhood Services, Development And MBTV Director, Structural Engineer, Employment Supervisor, Historic Preservation Coordinator, PSCU Administrator, Quality Assurance Manager, Quality Assurance Officer, Quality Assurance Coordinator, Senior Business Manager, Housing Manager, Neighborhood Services Projects Administrator, Project Planner/Designer, Public Safety Communications Unit Director, Senior Code Compliance Administrator, Implementation Services Manager, Special Events Liaison, Police Public Information Officer, Elder Affairs Coordinator, Grants Manager, Development Coordinator And Grants Specialist, Requiring That The City Commission Be Informed Whenever An Unclassified Employee Is Hired At An Annual Salary Of \$75,000 Or More; And Providing For Repealer, Severability, And An Effective Date. **5:04 p.m. Second Reading Public Hearing**

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Human Resources)

(First Reading on September 10, 2015 - R5A)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2015-3965 adopted.** Motion made by Commissioner Grieco to approve the Ordinance; seconded by Vice-Mayor Tobin; Ballot vote: 6-0; Absent: Mayor Levine. **Sylvia Crespo-Tabak to handle.**

Vice-Mayor Tobin explained, for the audience and public, that the item is to classify different jobs and pay scales.

**5:12:54 p.m.**

R5B An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 106, Entitled "Traffic And Vehicles," By Amending Article II, Entitled "Metered Parking," By Amending Division 1, Entitled "Generally," By Amending Section 106-55, Entitled "Parking Rates, Fees, And Penalties;" By Amending Parking Meter Rates And Time Limits; Municipal Parking Garage And Preferred Parking Lot Rates And Penalties; Regulations Regarding A Facility Specific Monthly Parking Permit Program, Reserved/Restricted Commercial On-Street Permit Parking, And Valet Storage Spaces; And Amending The Regulations And Fees For Metered Parking Space Rental And Parking Space Removal; Amending The Regulations Regarding The Residential Parking Program; Amending The Exceptions To Section 106-55 To Provide For A Mobile Phone Payment Service And Eliminating The Smart Card Program; And Establishing A Residential Parking Visitor Permit; Providing For Codification, Repealer, Severability, And An Effective Date. **5:05 p.m. Second Reading Public Hearing**

(Sponsored by Commissioner Deede Weithorn)  
(Legislative Tracking: Parking)  
(First Reading on September 10, 2015 - R5B)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2015-3966 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Vice-Mayor Tobin; Ballot vote: 7-0. **Saul Frances to handle.**

Saul Frances, Parking Director, explained that at first reading there were proposed amendments, including an increase from \$3 to \$4 for on street meters in South Beach; also a phased in approach to the increases for space rental for valet, special events and construction. The projected increase is approximately \$3.5 million, with a reduction in additional revenues from the phased in approach and the increase from \$3 to \$4.

Vice-Mayor Tobin had asked Mr. Woodruff what would be the net for the increase in parking rates and the figure he was given was much higher; he asked if there is a way to reconcile the amounts.

Jimmy L. Morales, City Manager, clarified that the City Commission requested amendments at the first budget hearing, which resulted in a net increase of \$3.5 million, but that is not the overall amount.

Saul Frances, Parking Director, added that there is a net increase of \$5.7 million for the on street, going from \$3 to \$4, but there was a reduction in the phased in approach for the space rentals, so that net resulted in \$3.5 million.

Discussion held regarding increase in revenue.

Vice-Mayor Tobin stated that when parking meters are increased by 25 cents, it generates revenue of \$1 million to the City; he requested that this City Commission recognizes that revenue will be increased by \$14 million, and wants to ensure that the City does not spend the funds just because the City is generating \$14 million.

Mr. Frances clarified that the overall net increase for the on street increased, from \$3 to \$4, was \$12.8 million.

Discussion held regarding revenue generating in other areas of the City. Revenue is increasing by \$14 million.

Mr. Frances clarified that the \$678,000 is for off street meters in South Beach, but what Vice-Mayor

Tobin stated is correct.

Commissioner Weithorn stated, for the record, that although the increase in revenue is significant, the reason for the increase in rate is to change drivers' behavior, not for increase in revenue; and she thinks that they can use the money for building garages and work on mass transit and other uses, but the purpose behind the increase in rate was to change behavior and try to resolve the issue of vehicles circling around the streets; to fund garages they must raise rates. This is a deliberate move on their part to change behavior and she was happy to sponsor that item.

Vice-Mayor Tobin supports this for that particular reason and wants to ensure that the \$14 million in revenue is spent prudently.

Commissioner Malakoff asked if Miami Beach resident fees remain lower, and Mr. Frances stated that it would remain at \$1 per hour.

Commissioner Steinberg is concerned with increasing rates at \$4 in the South Beach area, as there may not be enough garages for the existing demand; it is a lot of revenue, but not such an increase that may have an adverse effect.

Discussion held.

Vice-Mayor Tobin asked if residents that do not use smartphones or computers could be given another option to solicit residential discounts.

Mr. Frances stated that Park Mobile provides an 800-telephone number.

Commissioner Grieco asked to confirm if, on second reading, the item memorialized the elimination of not for profit for the increase on space rentals, and Mr. Frances answered in the affirmative.

Commissioner Steinberg asked if they are going to have the information available so people are informed of the prices at the garages.

Mr. Frances explained that they are working with the Communications Department to create a program for this purpose.

Vice-Mayor Tobin stated to be on the lookout on the not for profit vendors. **Saul Frances to handle.**

**6:25:04 p.m.**

R5C An Ordinance Amending Appendix A, Entitled "Fee Schedule," To Chapter 110 Of The Miami Beach City Code, Entitled "Utilities," Article IV, Entitled "Fees, Charges, Rates And Billing Procedure," Division 2, Entitled "Rates, Fees And Charges," Section 110-166, Entitled "Schedule Of Water Rates And Tapping Charges," And Section 110-168, Entitled "Sanitary Sewer Service Charge," To Increase The Rate For Water Service Charges In Excess Of The Minimum Service Charge; And To Increase The Sanitary Sewer Service Charge By The Same Percentage Enacted By Miami-Dade Water And Sewer Department (WASD) Pursuant To Section 110-168; Providing For Codification, Repealer, Severability, And An Effective Date. **5:06 p.m. Second Reading Public Hearing**  
(Sponsored by Commissioner Jonah Wolfson)  
(Legislative Tracking: Public Works)  
(First Reading on September 10, 2015 - R5C)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2015-3967 adopted as amended.** See votes for amendments. **Eric Carpenter to handle.**

**MOTION 1: Approve Item As-Is**

Commissioner Wolfson moved the item as-is; seconded by Commissioner Malakoff. Ballot vote: 3-3. Motion fails. Opposed: Vice-Mayor Tobin, Commissioners Steinberg and Weithorn. Absent: Mayor Levine.

**MOTION 2: Increase the Water Rate by 4%**

Motion made by Commissioner Weithorn to increase the water rate by 4%; seconded by Vice-Mayor Tobin. Ballot vote: 5-1. Opposed: Commissioner Malakoff. Absent: Mayor Levine.

**MOTION 3: Keep Wastewater Rate as Written**

Motion made by Commissioner Malakoff to keep wastewater increase as written at a charge of \$8.23 per 1,000 gallons; seconded by Commissioner Wolfson. Ballot vote: 6-0. Absent: Mayor Levine.

Debbie Swain, Milian, Swain and Associates, stated she would address any questions the City Commission may have on the rate increases.

Jay Fink, Assistant Public Works Director, introduced the water and wastewater rate study. He stated that the rate increase is needed because of the debt service before the City Commission and added that there is a water main below Dade Boulevard, which needs to be replaced. The time to get it done is now.

[Click to view the PowerPoint presentation.](#)

Ms. Swain explained that in the study, they incorporated the debt service on nearly \$54 million capital programs, which would require a bond issue of \$50 million; this was deferred for two quarters due to the impact on rate; they had to incorporate the anticipated volume of sales and purchases, since everything is purchased from the County. She recommended an increase of 9% for wastewater, compared to the 8.9% increase in WASD rates. In 2009, the County increased the rates to 65% and with this increase, it would be 46%. The purpose for the increase is also for the deficit, which is a combination of the volume of water purchased from the County to be treated; and the County in addition has sewer rates that are differently from the seasons; so the cost would be higher.

Commissioner Weithorn asked if it is possible to vote on these issues separately: water and wastewater. The City Commission agreed with Commissioner Weithorn's request.

Ms. Swain recommended increasing the water rates by 5%, which is not very comparable with the

County, because they decreased their rate this past year, however, the decrease is far surpassed by the initial debt service to fund the capital program.

Vice-Mayor Tobin stated that there are many waterlines, which are now in very poor condition, because of their old age. This issue needs to be addressed.

Discussion held regarding sewer system rehabilitation.

Vice-Mayor Tobin asked whether the rates would go up, once this is phased in. He added that aside from everything the City is doing on the waterside, the storm side needs to be done.

Ms. Swain stated that they only have half of the debt service. If the City continues in the same path, they project that they will have another increase next year. The following year the debt service will increase again for the full year.

Discussion continued.

Commissioner Malakoff stated that they need to replace the water mains. She understands that there are wooden water mains that were discovered and they need to be replaced.

Mr. Fink stated that they will be strict on what is built and how they build it and it is included in next year's capital budget.

Ms. Swain added that they will want to know that the City Commission is willing to raise rates when necessary to be able to meet the bond obligation, such as debt service requirement and maintaining adequate balance in cash accounts. The rating agencies want to know if the City Commission is willing to raise rates when it is necessary to meet the bond obligations. The bond obligations will be things like debt service requirements and maintenance.

Vice-Mayor Tobin stated that the City has great credit.

PowerPoint presentation continued regarding the rate increases through previous years.

Vice-Mayor Tobin proposed following the City of Hialeah's example, in which they invested in their own water treatment plant, to avoid future water rate increases.

Ms. Swain stated that there are impact fees to be aware of.

Vice-Mayor Tobin stated that the impact fees perhaps need tweaking to avoid over the top rate increases.

Mr. Fink added that with the history of rate increases, the City had to ultimately raise the rates last year after several years of not adjusting the rates. It was then decided to increase the rates in tune with the County increases.

Commissioner Steinberg asked if they looked at everything possibility to avoid a rate increase. Many families need water, and these rate increases can make it very difficult for them to pay.

Ms. Swain urged the City Commission not to deplete the debt funds. She agreed that there are substantial funds, but they are needed for other projects. She still recommends increasing the water rate by 5%.

Commissioner Weithorn stated that she understands the wastewater rate increase, but she has

trouble accepting it. She is not comfortable passing on the funding to residents, and as such, she will vote against this item.

Discussion continued.

Vice-Mayor Tobin recognized Ms. Swain for her efforts and for the presentation. He stated that the City needs to raise rates first, before signing and approving any projects. They need to have the money before spending it.

Discussion held.

Commissioner Weithorn stated that the County reduced their water rates by 2.4%, and the City should be close to that figure.

Discussion continued.

Vice-Mayor Tobin stated that the budget has grown a lot since he was elected to the City Commission, and they do not want to pass on the costs to residents. He explained how the revenue was used to cover the costs during the boom years.

Mr. Fink stated that the debt is required to have the projects done.

Commissioner Weithorn proposed to adopt the million dollars of debt service, but this would only be 2/3 of 5%; therefore, she is against increasing rates more than 3.7%. The savings from the County should cover most of the benefits, and this is a more practical approach to the residents.

Discussion held.

Commissioner Malakoff suggested accepting the recommendation in order to have the funds to pay the bonds needed. They cannot use the moneys from the general funds or property taxes.

Commissioner Wolfson clarified that the point of the rate increases is that although the rate increases are politically unpopular, they are necessary, and that is why he proposed them.

Commissioner Wolfson moved the item as is; seconded by Commissioner Malakoff. Ballot vote: 3-3. Motion fails. Opposed: Vice-Mayor Tobin and Commissioners Steinberg and Weithorn. Absent: Mayor Levine.

Commissioner Steinberg expressed her concern with adopting the ordinance as is, and suggested bifurcating the item.

Vice-Mayor Tobin asked to bifurcate the item as suggested.

**MOTION TO INCREASE THE WATER RATE BY 4%:**

Motion made by Commissioner Weithorn to increase the water rate by 4% instead of 5%; seconded by Vice-Mayor Tobin. Ballot vote: 5-1. Opposed: Commissioner Malakoff. Absent: Mayor Levine. Motion carries.

Discussion held regarding delay of capital improvements as a result of increasing water rates to 4%.

City Manager Morales recommended deferring some of the projects as needed, and they will work with the high priority projects and move forward.

Discussion continued.

**MOTION TO KEEP WASTEWATER RATE AS WRITTEN**

Motion made by Commissioner Malakoff to keep wastewater increase as written, at a charge of \$8.23 per 1,000 gallons; seconded by Commissioner Wolfson. Ballot vote: 6-0. Absent: Mayor Levine.

5:06 p.m.

**SUPPLEMENTAL MATERIAL 1: Item Withdrawn by Commissioner Wolfson**

R5D 1. ~~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 On A Procurement Issue, 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. First Reading~~

(Sponsored by Commissioner Jonah Wolfson)  
(Legislative Tracking: Office of the City Attorney)

**ACTION:** Item withdrawn by Commissioner Wolfson.

5:40:43 p.m.

**SUPPLEMENTAL MATERIAL 1: Memorandum & Ordinance**

2. 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 Lobbyists On Procurement Issues," City Code Section 2-489 "Prohibited Campaign Contributions By Real Estate Developers," And City Code Section 2-490 "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 On A Procurement Issue, Real Estate Developer, Or Lobbyist On A Real Estate Development Issue; Providing For Repealer, Severability, Codification, And An Effective Date. First Reading.

(Sponsored by Commissioner Jonah Wolfson)  
(Legislative Tracking: Office of the City Attorney)

**ACTION:** Title of the Ordinance read into the record. **Ordinance tabled to October 14, 2015 meeting.** See motions below. Lilia Cardillo to place on the Commission Agenda if received. **Office of the City Attorney to handle.**

**MOTION 1:**

Motion made by Commissioner Grieco to postpone the item to the October 14, 2015 City Commission meeting for first reading; seconded by Commissioner Weithorn; Ballot vote: 4-3; Opposed: Mayor Levine and Commissioners Malakoff and Wolfson.

**MOTION 2:**

Vice-Mayor Tobin motioned to retain Jean Olin, Outside Counsel, to draft the best ethics ordinance possible and bring for discussion on first reading; seconded by Commissioner Wolfson. Ballot vote:

7-0. Motion passes.

Mayor Levine introduced the item, which he expects will have a lot of discussion. He asked everyone on the dais to strictly follow Roberts Rules of Order.

Commissioner Wolfson moved to approve the item; Mayor Levine seconded the motion. No vote was taken and discussion ensued.

Commissioner Wolfson stated that during the last two months there were heated debates about the topic of committee fundraising by City Commissioners. He emphasized that while that practice is ethical and legal, it does not necessarily mean that it is the best practice for the City. He believes Miami Beach can be upheld to a higher standard. This proposed ordinance targets solicitation, prohibiting Commissioners, Mayor or candidates from soliciting directly or indirectly from specific people. He urged his colleagues to cosponsor the item.

Mayor Levine asked the City Attorney to clarify the item.

Commissioner Grieco called a point of order stating that the members of the body are entitled to speak before receiving legal advice from the City Attorney.

Vice-Mayor Tobin stated that he believes that there are many loopholes in this ordinance, and he would prefer for the new City Commission, and the Commission on Ethics and Public Trust to weigh in on the legislation. He asked for information on AOMA, a corporation from North Carolina that contributed \$100,000 to the Mayor's PAC. He asked for clarification regarding unknown contributors, and where the money is coming from.

Commissioner Wolfson asked the Vice-Mayor if he would like to cosponsor the legislation.

Vice-Mayor Tobin expressed his opposition.

Discussion continued regarding AOMA, and other contributing organizations.

Mayor Levine stated that questions regarding the identification of contributing corporations will be handled by the City Attorney. **Office of the City Attorney to handle.**

Motion made by Commissioner Grieco to table the item until November, with a request that the City Commission receive a written opinion from the Ethics Commission on the enforcement policies and mechanisms that are to take place; seconded by Vice-Mayor Tobin. No vote taken.

Mayor Levine asked to hear the City Attorney's opinion on the Ethics Commission.

Commissioner Grieco called a point of order to debate and vote on his motion to table the item.

Discussion held.

Commissioner Wolfson stated that this is a good ethics ordinance, and he believes it is ironic that the former detractors of political action committee fundraising are not supporting it.

Commissioner Malakoff requested a ruling from the City Attorney, as to whether the motion to table the item takes precedent over the original motion, and whether there is debate regarding the motion to table.

Raul J. Aguila, City Attorney, explained that when there is a motion to table an item, it is an

undebatable motion. The City Commission must vote on Commissioner Grieco's motion to table before voting on Commissioner Wolfson's motion to approve the item. He added that Roberts Rules states that there is no need to debate before voting on a motion to table an item.

Mayor Levine added that this is a debate regarding Commissioner Grieco's motion to table the item. He added that the Ethics Commission has been highly involved in this process, and he had wanted the City Attorney to explain that to the City Commission. There was a lot of collaboration. The Director of the Ethics Commission had planned to be present at the October 14 City Commission meeting for the second reading of the ordinance, in order to congratulate this body on what he believes is a very good legislation. He expressed his confusion as to why Commissioner Grieco is against this item, when there has been such a good collaboration from various organizations to draft this legislation.

Commissioner Grieco stated that he has met with the Director of Ethics. He read Roberts Rules regarding the motion to table, and mentioned that he wants to move this item until after the election to not make this a political issue.

Vice-Mayor Tobin stated that he believes this is a political issue, and that the Mayor and Commissioner Wolfson had a difficult time defending their position.

Mayor Levine asked everyone not to engage in personal attacks while on the dais.

Discussion continued.

Mayor Levine stated that this item should not be tabled. A lot of effort has gone into this ordinance, and it has the approval of the Ethics Commission. He would like to see this item pass in October.

Commissioner Wolfson stated that a vote to table this motion would be a vote against a good ethics ordinance. People have been raising soft money in Miami Beach without putting their name as chairperson; he did, and has received a lot of criticism for it.

Vice-Mayor Tobin reiterated that this ordinance has loopholes, and he believes it is a bad idea to pass an ordinance with loopholes. He again asked for information on what AOMA is.

Discussion continued regarding AOMA.

Mayor Levine stated that the objective is to not have loopholes in this legislation. He believes between now and October 14, if anyone can find loopholes, they should point them out so that they can be properly addressed.

Discussion continued.

Vice-Mayor Tobin asked to let the Ethics Commission and Outside Counsel Jean Olin to work on this item. He does not see a need to rush this ordinance. He believes ethics experts should work on this item, and take their time. Voting no on this item today, is voting to have experts work on this ordinance.

Commissioner Wolfson added that this ordinance can go to the Ethics Commission between first and second reading. He suggested Vice-Mayor Tobin identify the loopholes and not obstruct good ethics laws. He invited him to co-sponsor the item.

Commissioner Malakoff referred to suggestions made by Frank Del Vecchio; which included having Commissioners and the Mayor not allowed to ask vendors and funds from PAC's for at least two

years. She believes the Ethics Commission needs to be a part of this process, and asked to vote on Commissioner Grieco's motion.

Commissioner Grieco stated that he has just had 48 hours to look at this item, so he wants to table until after the November 3 Elections, but requested to table the ordinance until the October 14, 2015 City Commission for first reading. He added that this is an important item, and there are more issues that what was pointed out by Frank Del Vecchio. The item needs to be perfected before first reading.

Mayor Levine disagreed with Commissioner Grieco, but agreed with Mr. Del Vecchio's recommendations. He reiterated that by working with the Ethics Commission, the City Commission will be able to pass this ordinance on second reading on October 14, 2015.

Discussion continued regarding the perception of fundraising improprieties.

Commissioner Wolfson stated that there is no "pay to play" scheme taking place in the City.

Commissioner Weithorn stated that she has a problem with the ordinance, and has a page filled with questions she would like to ask to Mr. Centerino. She believes she is being forced to vote on this item so she agrees to table the item until October 14, 2015.

Commissioner Steinberg is in favor of referring the item to the Commission on Ethics and tabling it for first reading until October 14, 2105.

Discussion continued.

Mr. Aguila stated that the Ethics Commission is not going to rule on the constitutionality or issues that they see with the ordinance; what they will do is indicate either support or non-support for the ordinance. If the City Commission wants to expand the ordinance, it is in the best interest of the City to hire Jean Olin, who frequently works with the Ethics Commission. He urged the City Commission to make that as part of the motion if they consider tabling the item. He added that Jean Olin drafted the City's Ethics Code.

Commissioner Weithorn asked whether there could be a special meeting called between now and October 14, 2015, if further discussion were needed on the item.

Discussion continued regarding strengthening the ethics laws and hiring Jean Olin to assist with drafting the legislation.

Discussion held regarding the motion to table.

Commissioner Steinberg asked if this item will be referred to the Ethics Commission between now and October 14, 2015.

**MOTION 1:**

Motion made by Commissioner Grieco to postpone the item to the October 14, 2015 City Commission meeting for first reading; seconded by Commissioner Weithorn; Ballot vote: 4-3; Opposed: Mayor Levine and Commissioners Malakoff and Wolfson.

**MOTION 2:**

Vice-Mayor Tobin motioned to retain Jean Olin, Outside Counsel, to draft the best ethics ordinance and bring for discussion on first reading; seconded by Commissioner Wolfson. Voice vote: 7-0. Motion passes.

Commissioner Wolfson asked why Mr. Centerino will not bring this ordinance to the Ethics Commission until the City Commission acts on the item.

Mr. Aguila explained the conversations he had with the Ethics Commission. He stated that Mr. Centerino has an issue with solicitation. His plan was to bring the ordinance to the Ethics Commission meeting on October 14, 2015, and receive a motion of support or non-support.

Vice-Mayor Tobin asked whether the extent of the Ethics Commission's assistance will be a vote for or against the item.

Mr. Aguila stated that it is his job to determine whether the item is constitutional or not, the Ethics Commission will state whether they support the legislation or not.

Discussion continued.

Vice-Mayor Tobin added that the direction for Jean Olin is to draft the most robust, ethics ordinance legally permissible, and give her the opportunity to address the loopholes. **Jean Olin to handle.**

Commissioner Weithorn added that they should have the opportunity to speak to Jean Olin themselves, in case they have questions.

Mr. Aguila explained that he will gladly make himself and Ms. Olin available to address their concerns. His recommendation is that they adopt this ordinance, but it must be done with care, because once an ordinance is added to Chapter 2 of the City Code, it can only be withdrawn through a referendum.

Discussion continued.

Mr. Aguila read Mr. Del Vecchio's memorandum. He stated that it is critical that they do campaign finance reform. The laws are different now from the last time an ordinance such as this one was adopted in 2000. He mentioned that he would like to be able to evidence that there is record support for compelling governmental interest. The Supreme Court has stated that this is a First Amendment issue, but he needs to prove compelling governmental interest to avoid quid-pro-quo.

Commissioner Grieco read Mr. Aguila's recommendation from the July City Commission Meeting.

Discussion held.

Commissioner Steinberg stated that she would happily support a strong ethics ordinance.

Discussion continued.

**8:06:44 p.m.**

R5E An Ordinance Amending Chapter 50 Of The Miami Beach City Code, Entitled "Fire Prevention And Protection," Section 50-8(h) Entitled "Fire Alarms, Regulations, Penalties, Enforcement" To Correct A Scrivener's Error Replacing "Fire Inspector" With "Fire Department" As The Entity Allowed To Issue False Alarm Citations; Providing For Repealer; Codification; Severability; And An Effective Date. **First Reading**

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

**ACTION:** Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Commissioner Grieco; Ballot vote: 6-0; Absent: Mayor Levine. Second Reading Public Hearing scheduled for [October 14, 2015](#). Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Chief Virgilio Hernandez to handle.**

City Manager Morales stated that this item is to fix a scrivener's error.

### **R7- Resolutions**

**5:05:45 p.m.**

R7A1 A Resolution Adopting: 1) The Final Ad Valorem Millage Of 5.7092 Mills For General Operating Purposes, Which Is Twelve And Nine-Tenths Percent (12.9%) More Than The "Rolled-Back" Rate Of 5.0584 Mills; And 2) The Debt Service Millage Rate Of 0.2031 Mills. **5:01 p.m. Second Reading Public Hearing**

(Budget & Performance Improvement)  
(First Reading on September 10, 2015 - R7A1)

**ACTION:** Title of the Resolution read into the record. Public Hearing held. **Resolution No. 2015-29140 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Grieco. Roll Call Vote: 4-1; Opposed: Commissioner Weithorn. Absent: Vice-Mayor Tobin and Commissioner Wolfson. **John Woodruff to handle.**

Rafael E. Granado, City Clerk, read the following:

The final adopted millage rate provides funding in the proposed budget to partially offset the following:

- \$4.2 million in program and service level enhancements
- \$2.8 million for annualized costs for enhancements added during the FY 2014/15 budget process
- \$2.5 million for increases in pension costs
- \$2.2 million for 2 percent merit increases for employees to the maximum of their pay ranges
- \$2.1 million for enhancements added mid-year during FY 2014/15
- \$1.2 million for increases in leave payouts

John Woodruff, Budget & Performance Improvement Director, explained that this year's budget process started with the Strategic Training Session with the City Commission on May 29, 2015. The item was discussed at three Finance and Citywide Projects Committee meetings and during the first public hearing on September 10, 2015. Additionally, a Commission Meeting on the Sunshine was held on September 16 to further discuss budget related issues. This item, pursuant to Florida Statute, proposes to adopt the general funds millage rate. Property values have increased 13.3% citywide, and the City Commission voted to reduce the millage rate .1114 mills to meet the remaining

millage rate goal to the level of FY 2010, as property values have risen over the last five years. The impact of that millage rate reduction to homesteaded property will be a reduction in Miami Beach property taxes of \$10 per median property owner, \$23 dollars for an average property owner, and as mentioned previously, the proposed property tax levy is \$4 million more in FY 16 than it was nine years ago in FY 07.

Commissioner Weithorn asked if they rolled back, how much would the total budget be or the dollar difference.

Mr. Woodruff stated that the budget would be approximately \$15 million.

**6:59:28 p.m.**

R7A2 A Resolution Adopting Final Budgets For The General, G.O. Debt Service, RDA Ad Valorem Taxes, Enterprise, Internal Service, And Special Revenue Funds For Fiscal Year 2015/16. **5:01 p.m.**  
**Second Reading Public Hearing**

(Budget & Performance Improvement)  
(First Reading on September 10, 2015 - R7A2)

**ACTION:** Title of the Resolution read into the record. Public Hearing held. **Resolution No. 2015-29141 adopted as amended.** Motion made by Commissioner Grieco; seconded by Commissioner Malakoff. Roll Call Vote: 5-1; Opposed: Commissioner Weithorn. Absent: Mayor Levine. **John Woodruff to handle.**

**Amendment:**

Water rates increase to 4% instead of 5%

Discussion held.

Rafael E. Granado, City Clerk, informed that the items were numbered in the order that they are to be heard.

John Woodruff, Budget & Performance Improvement Director, explained that the logic behind hearing the items in that order was to try to get anything that impacted adopting the budget, and as of now, the only change seen is the water rate increase at 4% instead of 5%, and so the budget will be adopted as amended.

Commissioner Weithorn added that at the first budget hearing, she voiced her displeasure at the rate of the City's budget growth, which she finds unsustainable for the future, and added that the City should address seawalls in a bigger way than what has been done in the past, and she will vote in opposition.

Mr. Woodruff clarified that they added in the budget 10 or 11 high priority seawall projects covered from the South Pointe capital funds, and that helps start addressing an area in need that had not received funding in the last two years.

Commissioner Grieco added that seawalls are maintained and owned by properties to the east and across the street from them, and until they make efforts to either take them back, tax them or cite them, their hands are tied as a government to work on the seawalls. This discussion has been brought up at the Sustainability Committee, and he thinks that for \$7 or \$8 million there is a lot of work that can be done; it is in everyone's radar, but is complicated to get the work done.

Vice-Mayor Tobin added that this is a State road and for many years the State did not want to reconstruct that road, and they knew for the last ten years that the area kept sinking, so they need to put pressure on FDOT to reconstruct that road instead of milling and resurfacing.

Commissioner Wolfson added that as the Finance & Citywide Projects Committee Chair, this was a process where everyone exchanged ideas and meetings held were publicized, and the budget presented is based on the teamwork done, so he is in favor of the budget as proposed.

Discussion held.

Commissioner Malakoff stated that as a member of the Finance & Citywide Projects Committee, they had several meetings and a workshop, along with a first budget public hearing, and she is confident with the budget proposed today.

Vice-Mayor Tobin stated that in FY 08/09 the budget increased 2.1%; in FY 09/10 it was reduced by 3.8%. In FY 10/11 it increased 4.9% and in FY 11/12 it increased 2.9%. In FY 12/13, the budget increased 4.9%; in FY 13/14 it increased 3%; FY 14/15 the budget increased by 6.1% and in FY 15/16 it increased 7.2%. He cautioned for the future. The budget is more complicated that the public understands, and although they spent a lot of time discussing the budget, in the future it may require more time. There is an increase of \$20 million from last year to the current year. The City did not pass on any rating increases to the residents because property values went up and they had projects coming online that are paying large tax dollars.

Commissioner Grieco added that the City has experienced a large growth in property value increases, with an increase of an average of 13% last year. He agrees that this is a robust budget, but at the same time, the service increases of law and code enforcement, which residents requested, seem to be responsible. There have been trims and some efficiencies, and he is comfortable with the budget.

Commissioner Steinberg stated that moving forward the City Commission needs to “sharpen their pencils” and not continue on the road. They need to keep an eye on this.

**5:10:17 p.m.**

R7B1 A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Final Ad Valorem Millage Rate Of 1.0093 Mills For Fiscal Year (FY) 2015/16 For The Normandy Shores Local Government District, Which Is One And Four-Tenths Percent (1.4%) More Than The “Rolled-Back” Rate Of 0.9956 Mills. **5:02 p.m. Second Reading Public Hearing**

(Budget & Performance Improvement)  
(First Reading on September 10, 2015 - R7B1)

**ACTION:** Title of the Resolution read into the record. Public Hearing held. **Resolution No. 2015-29142 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Grieco. Roll Call Vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Wolfson. **John Woodruff to handle.**

Rafael E. Granado, City Clerk, read the following:

The final adopted millage rate provides funding in the proposed budget to partially offset the following:

- 24 hour security to the district
- \$10,000 for guard house upgrades

- \$3,700 for plastic poles and lines leading up to the guard gate

John Woodruff, Budget & Performance Improvement Director, stated that the Normandy Shores Homeowners Association voted on the item on July 17, and it actually is a 10.7% decrease in the millage rate, as the budget is up \$4,000.

No further discussion held.

#### 5:11:59 p.m.

R7B2 A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Final Operating Budget For Fiscal Year (FY) 2015/16. **5:02 p.m. Second Reading Public Hearing**

(Budget & Performance Improvement)  
(First Reading on September 10, 2015 - R7B2)

**ACTION:** Title of the Resolution read into the record. Public Hearing held. **Resolution No. 2015-29143 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff. Roll Call Vote: 6-0; Absent: Commissioner Wolfson. **John Woodruff to handle.**

John Woodruff, Budget & Performance Improvement Director, explained that the City's portion of the \$4,000 increase is \$1,300.

No further discussion held.

#### 7:09:01 p.m.

R7C A Resolution Adopting The Final Capital Improvement Plan For Fiscal Years (FY) 2015/16-2019/20 And Adopting The City Of Miami Beach Final Capital Budget For FY 2015/16. **5:03 p.m. Second Reading Public Hearing/Joint City Commission & Redevelopment Agency**

(Budget & Performance Improvement)  
(First Reading on September 10, 2015 - R7C)

**ACTION:** Title of the Resolution read into the record. Public Hearing held. Item heard in conjunction with RDA 1A. **Resolution No. 2015-29144 adopted as amended.** Item referred to the Finance & Citywide Projects Committee. Motion made by Commissioner Weithorn to approve the Capital Budget as is with the three amendments; seconded by Commissioner Malakoff. Roll Call Vote: 6-0; Absent: Mayor Levine. **John Woodruff to handle.**

#### **Amendments:**

- 1) Sunset Harbour Pump Station Upgrades
- 2) South Pointe Park Remediation
- 3) Renewal of Placement Projects

#### **REFERRAL & RECOMMENDATION:**

Discuss final pricing at the Finance and Citywide Projects Committee.

#### **MOTION 1:**

Motion made by Commissioner Weithorn to approve the Capital Budget as is with the three amendments; seconded by Commissioner Malakoff. Roll Call Vote: 6-0; Absent: Mayor Levine. Motion carries.

**MOTION 2:**

Motion made by Commissioner Weithorn to refer to the next Finance and Citywide Projects Committee a discussion regarding request for additional \$350,000 to complete the project for Biscayne Pointe Homeowner, discuss final price and bring item back to the City Commission in October; seconded by Commissioner Wolfson. Approved by acclamation.

Commissioner Wolfson stated that Brian Gilderman, representing the Biscayne Point Homeowner's Association have a request for an increase for the neighborhood improvement projects, in specific in the entranceway. Brian worked with Capital Improvements and a plan was designed to improve the entrance; however, for various reasons the plan did not meet the budget. He introduced Mr. Gilderman.

Brian Gilderman, Biscayne Homeowners and Biscayne Pointe Homeowners Association, thanked the City Commission for \$50,000 granted for improvements for the entrance. \$230,000 was left over from the GO Bonds for the water mains and landscape. Carmen Sanchez and staff in the Planning Department helped them design a beautiful entrance to correct what was built there; however, when they bid it out, they learned that to complete the project they would need an additional \$350,000.

Commissioner Wolfson asked if the funds could be allocated.

John Woodruff, Budget & Performance Improvement Director, stated that there are three amendments requested: 1) Sunset Harbour Pump Station Upgrades, 2) South Pointe Park Remediation, as bid amounts came in higher, and 3) Renewal Of Placement Projects. In lieu of doing a capital amendment, as soon the fiscal year is started, he suggested trying to build those in on the floor; in addition, the Biscayne Pointe Island entryway's \$350,000 will have to come from Pay-Go, which currently is the funding source that they try to protect as much as possible, as it has the most flexibility. As of now, there is approximately \$700,000 available.

Vice-Mayor Tobin asked if this item had been discussed at committee.

Commissioner Wolfson explained that the reason why the additional \$350,000 request to complete the project is appropriate, is that the City promised to follow through with the improvements. The project overrun is not the resident's fault.

Discussion held.

Mr. Gilderman added that the original design by CIP was liked by all, the neighborhood met and some of the associations became active and asked him to request a change.

Vice-Mayor Tobin will vote against and added that if they borrow the funds from Pay-Go that can be done at another meeting and it would not delay the project.

Discussion continued.

Commissioner Weithorn asked that if the funds come from Pay-Go what funding will be affected.

Mr. Woodruff answered that they have allocated projects that are high priority during the year from Pay-Go, since this is the last place to get funds from.

Commissioner Weithorn wishes to grant the request as they had promised, and if her colleagues are ok, she will be ok with it too, but she does not want to vote on the item and tie the City Commission's hands going forward.

City Manager Morales recommended bringing the item back as an amendment in the future, and suggested working on the number.

Discussion continued.

Commissioner Malakoff suggested getting better pricing and bringing the item back at another day.

Discussion continued regarding budget request.

Commissioner Wolfson suggested passing the budget and asked the City Manager to work with Mr. Gilderman on his request and bring it back to the next Commission Meeting in October.

Vice-Mayor Tobin requested to have documentation such as staffing review and estimated cost to get the project done. **David Martinez to handle.**

**7:36:12 p.m.**

**SUPPLEMENTAL MATERIAL 1: Memorandum and Resolution**

R7D Assessment Roll For LRBID Special Assessment District And MOU

1. A Resolution Approving, Following A Duly Noticed Public Hearing Pursuant To Sections 170.07 And 170.08, Florida Statutes, The Final Assessment Roll For The Special Assessment District Known As The Lincoln Road Business Improvement District, And Confirming Such Assessments As Legal, Valid, And Binding First Liens Upon The Property Against Which Such Assessments Are Made Until Paid. **5:10 p.m. Public Hearing**

(Office of the City Attorney)

(Sponsored by Commissioner Michael Grieco)

**ACTION:** Title of the Resolution read into the record. Public Hearing held. **Resolution No. 2015-29145 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Grieco. Voice vote: 5-0; Absent: Mayor Levine and Commissioner Wolfson. **Office of the City Attorney to handle.**

**5:01 p.m.**

Rafael E. Granado, City Clerk, read into the record, that for Item R7D-1 the Mayor and Commissioners are meeting as an Equalizing Board.

Vice-Mayor Tobin passed the gavel to Commissioner Weithorn.

Commissioner Weithorn asked Commissioner Grieco, as the sponsor of the Resolution, to introduce the item.

Commissioner Grieco stated that the Lincoln Road Business Improvement District business owners had voted on this; he stated that this is great for them in order to do physical upgrades to the Road, which will turn positive marketing. This is the property owners taxing themselves, and is not generated from taxpayer's dollars.

Rafael E. Granado, City Clerk, pointed out that the Office of the City Clerk worked with the Office of the City Attorney, and this is one of the only times where a mail-in vote has been done locally without spending money with the Department of the Elections. He recognized his staff and the staff at the Office of the City Attorney.

Commissioner Weithorn asked for a summary of the assessment roll vote.

Nick Kallergis, Assistant City Attorney, explained that the preliminary assessment roll is attached to the first resolution that was passed previously, with the amounts that each of the properties within the district would be assessed for each year for a 10-year period, if the City Commission, sitting as the Equalizing Board, were to adopt the roll as is. The public is welcome to come and speak on the item.

Alexander Heckler, Esq., thanked Commissioner Grieco and the City Commission on behalf of the business owners, who are grateful for the City to allow them to move forward. He stated that Mr. Gombinski apologizes for being unable to stay for the hearing.

Commissioner Malakoff thinks they are doing a great job and moved the item.

#### **SUPPLEMENTAL MATERIAL 1:**

**7:40:06 p.m.**

2. A Resolution Approving In Substantial Form And Authorizing The Office Of The City Manager And Office Of The City Attorney To Finalize A Memorandum Of Understanding With The Lincoln Road Business Improvement District, Inc., To Stabilize And Improve The Lincoln Road Retail Business District, Which Is Located Within A Nationally Recognized Historic District, Through Promotion, Management, Marketing, And Other Similar Services; And, If Successful, Authorizing The Mayor And City Clerk To Execute The Memorandum Of Understanding On Behalf Of The City.

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Office of the City Attorney)

**ACTION:** Title of the Resolution read into the record. Public Hearing held. **Resolution No. 2015-29146 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff. Voice vote: 5-0; Absent: Mayor Levine and Commissioner Wolfson. **Office of the City Attorney to handle.**

Commissioner Weithorn had originally asked for a Memorandum of Understanding (MOU), but this item lays out what was verbally discussed and she moved the item.

No further discussion held.

7:21:45 p.m.

7:29:19 p.m.

R7E Authorizing Issuance By RDA Of Tax Increment Revenue Bonds In Amount Not-To-Exceed \$430 Million For Specified Public Improvements; Authorizing Issuance By City Of Resort Tax Bonds In Amount Not-To-Exceed \$240 Million For Miami Beach Convention Center Improvements; And Authorizing Issuance By City Of Parking Revenue Bonds In Amount Not-To-Exceed \$80 Million For Parking System Improvements.

1. A Resolution Authorizing The Issuance By The Miami Beach Redevelopment Agency Of Not To Exceed \$430,000,000 In Aggregate Principal Of Tax Increment Revenue Bonds (City Center/Historic Convention Village), In Accordance With The Requirements Of Chapter 163, Part III, Florida Statutes, As Amended; Authorizing Officers And Employees Of The City To Take All Necessary Actions In Connection Therewith; And Providing For An Effective Date. **5:11 p.m. First Reading Public Hearing / Joint City Commission & Redevelopment Agency**

(Finance)

(First Reading on September 30, 2015 - R7E1)

**ACTION: Resolution adopted on first reading.** Item heard in conjunction with 1C. Public Hearing held. Motion by Commissioner Malakoff to adopt the Resolution on first reading; seconded by Commissioner Grieco; Voice vote: 5-0; Absent: Mayor Levine and Commissioner Wolfson. Second reading, public hearing scheduled for **October 14, 2015 at 2:00 p.m.** Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **John Woodruff to handle.**

John Woodruff, Interim Finance Director, stated that this is the first reading of the bonds to help fund the Convention Center. He made reference to Page 320 where the sources of funding is listed for a total funding of \$632,379.387, including resort tax bonds, parking bonds and RDA bonds. This is a great time to be in the market with near historically low interest rates. The second reading will be in October 14, 2015. This is to approve the one-percent Resort Tax on October 21<sup>st</sup>, and the second reading to be heard on October 28, 2015. Bonds will be priced mid-November and closing is in track in mid-December. He recognized his members of the Finance team, financial advisor, and bond counsel to answer any questions they may have.

Rafael E. Granado, City Clerk, stated for the record, that the first item that must be done first is 1C, which is the RDA portion.

**7:34:06 p.m.**

2. A Resolution Authorizing The Issuance Of Not To Exceed \$240,000,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida Resort Tax Revenue Bonds, Series 2015 For The Purpose Of Financing Improvements To The Miami Beach Convention Center; Providing For The Issuance Of Additional Bonds On A Parity Therewith; Providing For The Security And Payment Of All Bonds Issued Pursuant To This Resolution; Providing Certain Details Of The Series 2015 Bonds; Delegating Certain Matters In Connection With The Issuance Of The Series 2015 Bonds To The City Manager, Including Whether The Series 2015 Bonds Shall Not Be Secured By The Debt Service Reserve Account And Whether To Secure A Credit Facility And/Or A Reserve Account Insurance Policy, Within The Limitations And Restrictions Stated Herein; Appointing Underwriters, Paying Agent, Registrar And Disclosure Dissemination Agent; Authorizing The Negotiated Sale Of The Series 2015 Bonds And Approving The Form And Authorizing Execution Of The Bond Purchase Agreement For The Series 2015 Bonds; Approving The Form Of Preliminary Official Statement For The Series 2015 Bonds And Authorizing Execution Of The Final Official Statement For The Series 2015 Bonds; Covenanting To Provide Continuing Disclosure In Connection With The Series 2015 Bonds And Approving The Form And Authorizing Execution Of A Continuing Disclosure Agreement; Authorizing Officers And Employees Of The City To Take All Necessary Actions In Connection With The Issuance Of The Series 2015 Bonds; And Providing For An Effective Date. **5:12 p.m. First Reading Public Hearing**

(Finance)

(First Reading on September 30, 2015 - R7E2)

**ACTION: Resolution adopted on first reading.** Public Hearing held. Motion made by Commissioner Malakoff to adopt the Resolution on first reading; seconded by Commissioner Weithorn; Voice vote: 5-0; Absent: Mayor Levine and Commissioner Wolfson. Second reading, public hearing scheduled for **October 14, 2015 at 2:01 p.m.** Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **John Woodruff to handle.**

Vice-Mayor Tobin recognized John Woodruff for his efforts.

**7:35:44 p.m.**

3. A Resolution Authorizing The Issuance Of Not To Exceed \$80,000,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida Parking Revenue Bonds, Series 2015, For The Principal Purpose Of Paying The Cost Of Certain Improvements To The Parking System, Pursuant To Section 209 Of Resolution No. 2010-27491 Adopted By The City On September 20, 2010; Providing That Said Series 2015 Bonds And Interest Thereon Shall Be Payable Solely As Provided In Said Resolution No. 2010-27491 And This Resolution; Providing Certain Details Of The Series 2015 Bonds; Delegating Other Details And Matters In Connection With The Issuance Of The Series 2015 Bonds, Including Whether The Series 2015 Bonds Shall Not Be Secured By The Reserve Account And Whether To Secure A Credit Facility And/Or A Reserve Account Insurance Policy, To The City Manager, Within The Limitations And Restrictions Stated Herein; Appointing Underwriters, A Bond Registrar And A Disclosure Dissemination Agent; Authorizing The Negotiated Sale Of The Series 2015 Bonds And Approving The Form Of And Authorizing The Execution Of A Bond Purchase Agreement; Authorizing And Directing The Bond Registrar To Authenticate And Deliver The Series 2015 Bonds; Approving The Form Of And Distribution Of A Preliminary Official Statement And An Official Statement And Authorizing The Execution Of The Official Statement; Providing For The Application Of The Proceeds Of The Series 2015 Bonds And Creating Certain Funds, Accounts And Subaccounts; Authorizing A Book-Entry Registration System With Respect To The Series 2015 Bonds; Covenanting To Provide Continuing Disclosure In Connection With The Series 2015 Bonds And Approving The Form Of And Authorizing The Execution And Delivery Of A Continuing Disclosure Agreement; Authorizing Officers And Employees Of The City To Take All Necessary Related Actions; And Providing For An Effective Date. **5:13 p.m. First Reading Public Hearing** (Finance)

(First Reading on September 30, 2015 - R7E3)

**ACTION: Resolution adopted on first reading.** Public Hearing held. Motion by Commissioner Weithorn to move the Resolution on first reading; seconded by Commissioner Malakoff; Voice vote: 5-0; Absent: Mayor Levine and Commissioner Wolfson. Second reading, public hearing scheduled for [October 14, 2015 at 2:02 p.m.](#) Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **John Woodruff to handle.**

**8:07:40 p.m.**

R7F Independent Contractor Agreements

1. A Resolution Authorizing The City Manager, On Behalf Of The City, To Enter Into Certain Independent Contractor Agreements For Professional And Other Services, As Required, And As The City Manager Deems In The Best Interest Of The City, Subject To And Contingent Upon The Following Parameters: 1) The City Manager Shall Only Enter Into Contracts To Provide Services Or Work Related To Vacant Budgeted Positions, As Identified In The City's Approved Fiscal Year (FY) 2015/2016 Budget; 2) The Amount Of The Fee Or Other Compensation Under Such Contract(s) Shall Not Exceed The Authorized Amount For The Respective Classification, As Set Forth In The City's Classified Or Unclassified Salary Ordinance (As The Case May Be); 3) The Term Of Any Independent Contractor Agreement Authorized Herein Shall Not Extend Beyond The End Of FY 2015/2016 (September 30, 2016); 4) At A Minimum, The City Manager Shall Require That Any Independent Contractor Agreement Entered Into Pursuant To This Resolution Shall Utilize The City's Standard Form For Independent Contractors (As Attached To This Resolution), Provided That The City Manager May Incorporate Additional Terms, Which May Be More Stringent, But Not More Lenient; 5) Requiring The City Manager To Issue A Letter To Commission Each Fiscal Quarter Commencing On January 1, 2016, Which Delineates Those Independent Contractor Agreements That Exceed \$25,000 And 6) Providing That The Authority Granted To The City Manager Pursuant To This Resolution Shall Be Brought To The City Commission For Renewal As Part Of The Annual Operating Budget Approval.

(Human Resources)

**ACTION: Resolution No. 2015-29147 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Grieco. Voice vote: 6-0; Absent: Mayor Levine. **Sylvia Crespo-Tabak to handle.**

Vice-Mayor Tobin commended Ms. Crespo-Tabak for a job well done.

Sylvia Crespo-Tabak, Human Resources Director, introduced the item, and stated that this City Commission has requested to give the City Manager authority to enter into independent contractor agreements to cover work positions that have been vacated and not going to be replaced on a permanent basis. The City Commission has asked for Human Resources to report every fiscal quarter for any contract agreement over \$25,000, but they have not had such a contract this year. They have developed a new interest in independent contractor arrangements, and they have several guidelines that need to keep taking into account when entering independent contracts. This year, with the assistance of the Procurement Director and City Attorney, those contracts will be reviewed more carefully, because the fines from the IRS may not be worth the money the City may be saving, rather than hiring temporary City employees.

**8:10:25 p.m.**

2. A Resolution Authorizing The City Manager, On Behalf Of The City, To Enter Into Certain Independent Contractor Agreements For The Following Services, As Required, And As The City Manager Deems In The Best Interest Of The City: Athletics Instruction/Coaching/Refereeing, Including But Not Limited To The Following Categories: Baseball, Softball, Soccer, Gymnastics, Cheerleading, Volleyball; Ice Skating, Hockey, Swimming, Ice Guards, Aerobics Instruction; Fitness Instruction; Arts/Music/Cultural/ Drama Instruction And Or Instrument Repair; Computer/Media Services, Including But Not Limited To Instruction And Repair; Recreational Programming And Instruction; Instruction And Therapy For Participants With Special Needs, Including But Not Limited To Education, Health And Wellness; Instruction/Tutoring, Including But Not Limited, To Education; Cotillion; Speech, Debate, Social Skills, Literacy, Math And SAT; Fitness Classes, Including But Not Limited To Aerobics, Zumba, Weight Room, Weight Loss, General Fitness Instruction, Adult, Youth, And Baby Boot Camp; Care Coordination Services; Mental Health Services; Intake (Assessment) Services; Family Group Conferencing; Mentoring Services; Behavior Modification Services; Employment Sessions; Family Functional Therapy; Family Home Visitation Services; Parenting Group Services; Alternative Suspension Services; Restorative Justice Techniques; One-On-One Shadows To Work With Youth With Special Needs; STEM (Science, Technology, Engineering And Mathematics) Activities; School Liaisons For Referral Of Care Coordination Services; Resident Project Representatives (RPR); Reporting Requirements Associated With The Patient Protection And Affordable Care Act; Actuarial Services; Community/Public Information Services; Construction Cost Estimating/Consulting Services; Video Production Services; Photography/Videography Services; Graphic Designer Services; Program Monitor Services; Cost Allocation Services; Job Audits; Step III Disciplinary Grievance Hearing Officer; Auditors; Historical Researcher; Latent Examiner Services; Medical Director And Accreditation Services/Support; Psychological And Testing Services; Organizational Development Meeting Facilitation Services; Professional Training Services, Including But Not Limited To, Application Systems Instruction, Methodologies For Application Systems Development, Sexual Harassment, Diversity And Team Building; Home Visitors For The Parent-Child Home Program; Instructors For The Mornings All-Star Programs And HUD Compliance; Application Systems Consulting Services, Including But Not Limited To, Application Systems, Architecture, Application Development Best Practices, Application Security, Applications Quality Assurance, Application Monitoring, Mobile Application Development; Consulting Services For Website And Digital Media Strategy; Web Design; Graphic Design; After-Action Services; Provided Further That The City Manager Shall Be Authorized To Negotiate, Enter Into, And Execute The Aforestated Agreements Subject To The Following Parameters: 1) The Amount Of The Fee Or Other Compensation Under Such Agreement(s) Shall Not Exceed The Authorized Amount For The Respective Services, As Set Forth In The City's Approved Fiscal Year (FY) 2015/2016 Annual Budget; 2) The Term Of Any Service Agreement Authorized Herein Shall Not Extend Beyond The End Of FY 2015/2016 (September 30, 2016); 3) At A Minimum, The City Manager Shall Require That Any Agreement Entered Into Pursuant To This Resolution Shall Utilize The City's Standard Form Independent Contractor Agreement (As Attached To This Resolution), Provided That The City Manager May Incorporate Additional Terms, Which May Be More Stringent, But Not More Lenient; And 4) Providing That The Authority Granted To The City Manager Pursuant To This Resolution Shall Be Brought To The City Commission For Renewal As Part Of The Annual Operating Budget Approval.

(Human Resources)

**ACTION: Resolution No. 2015-29148 adopted.** Motion made by Commissioner Grieco; seconded by Vice-Mayor Tobin. Voice vote: 6-0; Absent: Mayor Levine. **Sylvia Crespo-Tabak to handle.**

No discussion held.

**8:11:03 p.m.**

- R7G Canvassing Board Membership Appointments For City's November 3, 2015 General, Special (And If Needed, November 17, 2015 Runoff) Elections.  
(Office of the City Attorney)

**ACTION: Appointment made.** Motion made by Commissioner Malakoff; seconded by Vice-Mayor Tobin. Voice vote: 6-0; Absent: Mayor Levine. **Office of the City Clerk to handle.**

Raul J. Aguila, City Attorney, stated that the action required is for the Mayor to appoint a substitute Canvassing Board Member, since the Mayor, who would normally be the third member is running in the elections. A City Commissioner can be appointed, so long as he or she is not actively participating in the elections, but in his opinion, he believes that all of the City Commissioners are in some way or another participating in the elections.

Vice-Mayor Tobin asked if Judge Lopez could be a candidate.

Mr. Aguila replied that in the case of a City Commissioner not being able to serve, the Chief Judge of the Circuit Court will appoint a member. The recommendation is to go with the same member who served in 2013, Mr. Jimmy McMillion.

7:40:35 p.m.

**SUPPLEMENTAL MATERIAL 2: Resolution & Draft Agreement**

- R7H A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Commission Committee; And 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)  
(Deferred from September 2, 2015 - R7K)

**ACTION: Resolution No. 2015-29149 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff. Voice vote: 4-2; Opposed: Commissioners Grieco and Wolfson; Absent: Mayor Levine. **Saul Frances to handle.**

Saul Frances, Parking Department Director, introduced the item and explained that when this item was last discussed, the City Commission gave direction for three things: 1. Return with an agreement with Skidata; 2. As a component of the agreement, address the obsolescence issue with the equipment as they have this issue with the existing provider; 3. Engage Walker Parking to perform analysis of metered vs. gated parking. He went into further detail regarding the obsolescence issue. Skidata has agreed to provide a performance bond in the amount of the equipment, if there were initial obsolescence, the equipment will be replaced. There is a straight line of depreciation for the equipment; as it depreciates, the performance run would be for that amount for the ten-year period. The City has agreed to pay the initial \$12,500. There is an estimated cost of \$25,000 per year, which is a good insurance to have.

Vice-Mayor Tobin asked how much the Walker Parking analysis cost.

Mr. Frances replied that it cost \$21,000 including travel expenses.

Vice-Mayor Tobin commended Mr. Frances for his work on the agreement.

**7:43:31 p.m.**

R71 A Resolution Approving Option A For The Proposed Design, Development, And Construction Of A Wellness Center In Allison Park; Approving The Parking Plan In Option 3; And Authorizing The City Manager And City Attorney's Office To Negotiate A Ninety-Nine (99) Year Ground Lease Agreement Between The City And The Sabrina Cohen Foundation, Inc. (The Foundation), For Approximately 5,100 Square Feet Of City-Owned Land At Allison Park For The Proposed Wellness Center, Which Final Negotiated Lease Shall, At A Minimum, Contain The Essential Terms Contained In The Term Sheet Set Forth As Exhibit "A" To This Resolution, And Which Final Negotiated Lease Shall Be Subject To Approval By The City Commission, And By A Majority Of The Voters In A City-Wide Referendum, Pursuant To Section 1.03(b) Of The City's Charter.

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Office of the City Attorney/Parks & Recreation/Public Works)

**ACTION: Resolution No. 2015-29150 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Grieco. Voice vote: 6-0; Absent: Mayor Levine. **Office of the City Attorney, John Rebar and Eric Carpenter to handle.**

- Approve conceptual Plan A
- Parking Option 3 and proposed parking regulations
- Authorize the City Manager to negotiate ground lease for the use of the City owned land for the development of the Wellness Center
- Final ground lease to be subject to approval by the City Commission and by a majority of the voters in a Citywide referendum
- Approval of ground lease to be placed on the March 15, 2016 election ballot

Commissioner Malakoff introduced the item. She stated that Sabrina Cohen has been working for several years to make the City's beautiful beaches accessible to disabled people. Ms. Cohen has had some previous experience with Allison Park, and the chosen location is the perfect place to have access for beach wheelchairs that can go into the ocean. The park will be divided into three parts: 1. Beach access for the public; 2. New accessible playground for children with all types of disabilities; and 3. Wellness Center.

Elizabeth Valera, Deputy Director of Parks and Recreation, stated that on September 2, 2015, Ms. Cohen brought three different concepts that she introduced to the City Commission. The department collectively chose option A, which has a round structure and proposed to be placed in the center of the building. The total structure will measure approximately 19,000 square feet. The recommendation is to accept option A.

Commissioner Malakoff added that the Wellness Center will be funded by the Sabrina Cohen Foundation.

Sabrina Cohen stated that the project is progressing quickly, and thanked the City Commission for their support. She is excited to get the terms of the lease negotiated and discussed so they can continue to proceed to referendum in March. She addressed the exit strategies they have for the building; one will be a staircase, and the other will be a wheelchair accessible ramp. The ramp was determined to be too steep if it wrapped around the building, so they will build a ramp 118 feet long leading to the building's second floor.

Vice-Mayor Tobin asked Ms. Cohen to briefly share her story for those present who may not know who she is.

Ms. Cohen introduced herself to the audience, and stated that she was involved in a terrible car accident during her sophomore year of high school, which left her a quadriplegic ever since. She stated that the purpose of this project is to provide services to the entire community, including anyone with special needs or temporary injuries in need of rehabilitation. The Sabrina Cohen Foundation has taken the initiative to talk to various corporate sponsors to raise money for this center. She added that anyone interested in contributing to the cause can visit the foundation's website at: [sabinacohenfoundation.com](http://sabinacohenfoundation.com). She also acknowledged Ms. Debbie Liebowitz, who has been helping her fundraise.

Vice-Mayor Tobin thanked Ms. Liebowitz for all of her efforts to better the community.

[Slide presentation shown.](#)

Commissioner Wolfson stated he is looking forward to this center being built, and believes this will take North Beach to the next level. He addressed the concerns raised by some neighbors over loss of parking.

Ms. Valera stated that Option 3 for parking would add 52 spaces, for a total of 120 spaces, by demolishing the existing restrooms, and adding new ones indoors. The showers will be relocated to the back of the building. She continued detailing changes in the area that will take place including parking changes, and moving the tree canopy.

Commissioner Malakoff asked if the restrooms and showers will be fully accessible to the public. She mentioned that adding more parking will help, and she will be in favor of it, as long as the tree canopies are preserved.

Ms. Valera stated that the tree canopies will be maintained, and the restrooms and showers will be open to the public, and managed by the City.

Ms. Cohen agreed that the plans taking place regarding parking are positive.

Discussion held regarding City's expenses regarding the construction.

Ms. Valera stated that if agreed, Option A would be adopted.

Commissioner Weithorn stated that her initial concern was having a playground without restrooms. She has no problem demolishing the current restrooms and constructing new ones indoors, if that is the better option.

Discussion continued.

Vice-Mayor Tobin stated that this will go to a referendum, and the Miami Beach residents will decide if they want the center built.

Gisela Torres, First Assistant City Attorney, clarified the terms for relocating the tree canopy and asked for direction for relocation of the trees. There are also turtle exhibits that are currently at the center of where the development will be. Those need to be relocated.

Vice-Mayor Tobin asked whether the City should take on the construction work, or reimburse the Sabrina Cohen Foundation. He asked this because he believes the cost may be substantially lower if a private entity takes on the construction effort. He reminded the City Commission that this is all subject to voter's approval.

Mr. Morales stated that if approved by the voters, this will be negotiated.

Discussion held.

**8:12:20 p.m.**

R7J A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Proposal (RFP) No. 2015-178-WG For Installation And Operation Of Citywide Automated Teller Machines (ATM) At Various City-Owned Properties And Facilities, Authorizing The Administration To Enter Into Negotiations With Communitel, Inc., As The Sole Responsive Proposer; And Further Authorizing The Mayor And City Clerk To Execute An Agreement With Communitel, Inc., Upon Conclusion Of Successful Negotiations By The Administration.  
(Procurement)

**ACTION: Resolution No. 2015-29151 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Wolfson. Voice vote: 5-1; Opposed: Commissioner Weithorn. Absent: Mayor Levine. **Max Sklar to handle.**

Max Sklar, Tourism & Economic Development Director, introduced the item. This is a contract for ATM services. The RFP was issued in May of this year. There were four proposals received by the City, three were non-responsive. The recommendation is to award Communitel and authorize the administration to negotiate the agreement and authorize the Mayor and City Clerk to execute the agreement. This contract includes ATM locations in a number of garages, the convention center, City Hall, and other City facilities that would be appropriate for an ATM.

Commissioner Tobin asked how much the transaction fee will be.

Mr. Sklar replied that the transaction fees will be capped at \$3.

**8:14:10 p.m.**

R7K A Resolution Approving And Authorizing The City Manager And City Clerk To Execute The Attached Settlement Agreement And Release Between The City Of Miami Beach And Bermello Ajamil & Partners, Inc., (BAP) In The Negotiated Amount Of \$80,000 For Extended Professional Construction Engineering And Inspection Services (CEI) For The Florida Department Of Transportation (FDOT) Roadway Improvements In The City Along Indian Creek Drive Between 26<sup>th</sup> And 41<sup>st</sup> Streets.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2015-29152 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Weithorn. Voice vote: 6-0. Absent: Mayor Levine. **David Martinez to handle.**

David Martinez, CIP Director, stated that this is a cleanup item and explained the issues that led to the extension of the project. He requested approval and authorization to the City Manager and City Clerk to execute a settlement with Bermello Ajamil & Partners, Inc.

**5:22:21 p.m.****SUPPLEMENTAL MATERIAL 1: Memorandum & Resolution**

R7L A Resolution Accepting The Written Recommendation Of The City Manager Regarding The Existence Of A Public Emergency And, Accordingly, Waiving, By 5/7th Vote, The Competitive Bidding Requirement, Finding Further That The Best Interest Of The City Would Be Served By Such Waiver; Authorizing The City Manager Or His Designee To Negotiate Amendment No. 2, To The Design-Build Agreement Between The City And Lanzo Construction Co., Approved Pursuant To Resolution No. 2014-28765, For The Sunset Harbour Pump Station Retrofit And Drainage Improvements Project; Said Amendment, In The Not To Exceed Amount Of \$7,080,844, To Bring Purdy Avenue, West Avenue, And 18<sup>th</sup> Street To A 3.7 Feet NAVD Elevation, And To Replace The 20-Inch Water Main Along Dade Boulevard, From Alton Road To The Bridge West Of Purdy Avenue; Further Authorizing The Mayor And City Clerk To Execute The Amendment, Upon Completion Of Successful Negotiations.

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Public Works)

(On September 2, 2015, item R9N was requested to be brought back to September 30, 2015)

**ACTION: Resolution No. 2015-29153 adopted as amended.** Motion made by Commissioner Grieco; seconded by Commissioner Malakoff. Voice vote: 7-0. **Eric Carpenter to handle.**

**Direction:**

Staff to work with Lanzo to begin the proposals on the Sunset Drive improvements and come back to the City Commission.

Jay Fink, Assistant Public Works Director, stated that the department requested from Lanzo three items to be completed: 1. Raise the Streets in Sunset Harbour; 2. Replace the water main on Dade Boulevard; 3. Raising Sunset Drive. The Sunset Drive project presented problems with underground utilities; they do not have the level of design necessary to define the cost. The recommendation is to move forward with the other two projects, and get the majority of the work done.

Commissioner Grieco stated that Sunset Harbour residents have concerns regarding delays, and are therefore in support of staying with the same construction company, and he believes it is the correct move to make.

Commissioner Malakoff agreed with Commissioner Grieco about continuing and completing the project, but wants to make sure that the remaining street improvements are not going to affect Sunset Drive. She hopes it can be included to avoid water filtering through. She also stated that there are many new shops in the area, and does not want the remaining street improvements negatively affecting them.

City Manager Morales asked Mr. Fink how much time will be needed by Lanzo to determine the cost of the Sunset Drive project.

Mr. Fink stated that the level of contingency, potholing, and estimates will take approximately two months to determine.

Vice-Mayor Tobin asked if this was the third or fourth amendment to the project. He is not in favor of contractors accepting a small part of a job, which then turns out to be a much larger project. He suggested in the future, regardless of pressure, projects must be completely planned out from the beginning.

Mr. Fink appreciated Vice-Mayor Tobin's comments, and explained that the first project is all above ground. They have done everything to identify the true cost and verification. The unknown area is the street lighting. They have done what they could to identify what is unknown and what the risks are.

Vice-Mayor Tobin stated that the City needs an employee who has contracted bids of this kind. This employee will most likely have a salary comparable to the City Manager, but will save the City tens of millions of dollars.

Marilyn Freudlich, representing the neighborhood association, thanked the City Commission for what they have done so far, and stated that with the heavy rains and high tides they have not had flooding in the area. Lanzo has been a good contractor; and have been careful with their needs. If the price is right, the City should continue contracting Lanzo to finish the job.

Commissioner Malakoff offered an amendment to direct staff to work with Lanzo to at least start the ball rolling with the proposals on the Sunset Drive improvements and come back to the City Commission.

Frank Kruszewski, Sunset Harbour South Condominium Association urged the City Commission to complete the project and recognized the City for their work. He stated that Sunset Harbour has been in a constant state of renovation during the past ten years. He gave the example of a popular Greek restaurant that went out of business, because people could not get to it.

Mayor Levine stated that the system that was put in place was implemented works, and the goal is to make it Citywide.

Vice-Mayor Tobin stated not every neighborhood has the same needs.

Discussion continued.

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

**8:01:57 p.m.**

R9A Resolution To Rescind Resolution No. 2015-29124 And Discuss Simultaneous Negotiations With

LAZ Florida Parking And SP Plus Corporation For The Parking Attendants Contract.  
(Sponsored by Commissioner Jonah Wolfson)

**ACTION:** Item withdrawn.

**7:33:18 p.m.**

Vice-Mayor Tobin recognized budget staff.

John Woodruff recognized Allison Williams for keeping the bonds on track.

**End of Agenda**

## Miami Beach Redevelopment Agency

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
September 30, 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

Meeting called to order at 5:00 p.m.

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

### AGENDA

**7:30:09 p.m.**

- 1A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA) Adopting And Appropriating The Miami Beach Redevelopment Agency Capital Budget For Fiscal Year (FY) 2015/16, Subject To And Contingent Upon Issuance By The RDA Of Tax Increment Revenue Bonds (City Center/Historic Convention Village) (The "Series 2015 Bonds"), And Adopting The Capital Improvement Plan For Fiscal Years 2015/16 Through 2019/20. **Joint City Commission & Redevelopment Agency**  
(Tourism, Cultural & Economic Development)

**ACTION: RDA Resolution 617-2015 adopted.** Item heard in conjunction with Item R7C. Motion made by Board Member Weithorn, seconded by Board Member Malakoff; Voice vote: 7-0. Absent: Mayor Levine. **Max Sklar to handle.**

Max Sklar, Tourism, Cultural & Economic Development Director, explained that this item is the capital budget portion funded by the RDA, which was included with approved item R7C. It is \$310 million approximately, and includes the Convention Center project as well as the Lincoln Road Capital Improvements and remaining funding for the Bass Museum project.

**7:31:15 p.m.**

1B A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency, Adopting And Appropriating The Operating Budget For The City Center Redevelopment Area, The Anchor Shops And Parking Garage, And The Pennsylvania Avenue Shops And Parking Garage For Fiscal Year 2015/16.

(Tourism, Cultural & Economic Development)

**ACTION: RDA Resolution 618-2015 adopted.** Motion made by Board Member Barreiro, seconded by Commissioner Grieco; Voice vote: 5-0. Absent: Mayor Levine and Commissioner Wolfson.

Max Sklar, Tourism, Cultural & Economic Development Director, introduced the item, which is the operating budget for the RDA, and the Anchor and Pennsylvania Avenue garages. The operating budget for the RDA includes approximately \$4.5 million for community policing, \$5.9 million for maintenance capital projects, administrative expenses that total \$12 million and \$982,000 management fee to be allocated in general fund to pay for direct and indirect staff support for RDA. The total administrative and operative expenses are less than 3% of the total operating budget for the RDA, which is well below the 20% threshold agreement with the County. Additionally, the budget includes \$17.7 million in funding for debt services for the City's bonds.

**7:23:59 p.m.**

1C A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency Authorizing The Issuance Of Not More Than \$430,000,000 In Aggregate Principal Amount Of Miami Beach Redevelopment Agency Tax Increment Revenue Bonds (City Center/Historic Convention Village) (The "Series 2015 Bonds"), For The Purpose Of Refunding The Agency's Outstanding Prior Bonds And Financing Certain Public Improvements; Providing For The Issuance Of Additional Bonds On A Parity Therewith; Providing For The Security And Payment Of All Bonds Issued Pursuant To This Resolution; Providing Certain Details Of The Series 2015 Bonds; Delegating Certain Matters In Connection With The Issuance Of The Series 2015 Bonds To The Executive Director Of The Agency, Including Whether To Secure A Credit Facility And/Or A Reserve Account Insurance Policy, Within The Limitations And Restrictions Stated Herein; Appointing Underwriters, Paying Agent, Registrar, Escrow Agent And Disclosure Dissemination Agent; Approving The Form Of The Preliminary Official Statement For The Series 2015 Bonds And Authorizing Execution Of The Final Official Statement For The Series 2015 Bonds; Authorizing The Negotiated Sale Of The Series 2015 Bonds And Approving The Form And Authorizing Execution Of The Bond Purchase Agreement For The Series 2015 Bonds; Approving The Forms And Authorizing Execution Of Escrow Deposit Agreements For The Outstanding Prior Bonds; Covenanting To Provide Continuing Disclosure In Connection With The Series 2015 Bonds And Approving The Form And Authorizing Execution Of A Continuing Disclosure Agreement; Authorizing Officers And Employees Of The Agency To Take All Necessary Actions In Connection With The Issuance Of The Series 2015 Bonds; And Providing For An Effective Date. **5:11 p.m. First Reading Public Hearing/Joint City Commission & Redevelopment Agency**

(Finance)

**ACTION: RDA Resolution approved on first reading.** Item heard in conjunction with Item R7E-1. Public Hearing held. Motion made by Board Member Malakoff, seconded by Board Member Grieco; Voice vote: 6-0; Absent: Mayor Levine and Commissioner Wolfson. Second Reading Public Hearing scheduled for [October 14, 2015 at 2:00 p.m.](#) **John Woodruff to handle.**

Vice-Mayor Tobin recognized County Commissioner Barreiro for his dedication and support on City issues.

Commissioner Weithorn asked for the public to understand the magnitude of this item, on first reading.

John Woodruff, Interim Finance Director, explained that \$600 million worth of bonds, with the County GO bonds of \$54 million issued in 2004.

Vice-Mayor Tobin stated that the City is borrowing money through bonds and the revenue that would normally go to the County, the County has agreed for the City to retain a significant portion of that to be used for the debt service to redo the Convention Center, since the County Commissioners recognized its importance.

Mr. Woodruff explained the RDA portion of the bonds consists of at least four revenue sources, the RDA portion itself, the County's GO bond, a new resort tax to be collected as of December 1, 2015, and parking bonds to help build out the portion of the facility that is a parking garage.

Mr. Morales explained that the one percent was approved by the voters two years ago, but the City was not allowed to turn that on until the contract to build the building was signed.

Commissioner Weithorn wants the public to understand that the one percent is contingent on the action that will be taken in October. If for some reason, in October they cannot make this work, this cannot happen.

Discussion held.

Meeting adjourned at 6:16:59 p.m.